

ORDINANCES AND RESOLUTIONS
OF THE
MAYOR AND CITY COUNCIL
OF BALTIMORE

PASSED AT THE ANNUAL SESSION 1999-2000

Ordinances 00-001 to 00-103

Resolutions 00-001 to 00-011

Published by

BALTIMORE CITY DEPARTMENT OF LEGISLATIVE REFERENCE

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MAYOR AND CITY COUNCIL OF BALTIMORE
DEPARTMENT OF LEGISLATIVE REFERENCE

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EXPLANATION OF SYMBOLOGY

CAPITALS indicate matter added to existing law.

[Brackets] indicate matter deleted from existing law.

Underlining indicates matter added to the bill by amendment.

~~Strike out~~ indicates matter stricken from the bill

by amendment or deleted from existing law by amendment.

Underlined italics indicate matter added to the bill by
amendment after printing for third reading.

ORDINANCES

PASSED AT THE ANNUAL SESSION

1999-2000

CITY OF BALTIMORE ORDINANCE 00-001 (Council Bill 99-002)

AN ORDINANCE CONCERNING

Zoning — General Advertising Signs

FOR the purpose of establishing a general prohibition on the issuance of permits and the construction of general advertising signs; providing standards for changes for nonconforming general advertising signs; providing that certain applications for new general advertising signs may not be granted; providing for the severability of this Ordinance; providing for a special effective date; and generally relating to the regulation of general advertising signs.

BY repealing and reordaining, with amendments
Article 30 - Zoning
Section(s) 10.0-1b
Baltimore City Code
(1983 Replacement Volume and Supplements)

BY repealing
Article 30 - Zoning
Section(s) 10.0-3c-1
Baltimore City Code
(1983 Replacement Volume and Supplements)

BY adding
Article 30 - Zoning
Section(s) 10.0-4f
Baltimore City Code
(1983 Replacement Volume and Supplements)

BY repealing and reordaining, with amendments
Article - Zoning
Section(s) 11-206, 11-423
Baltimore City Revised Code
(As enacted by Ordinance 99-547)

BY adding
Article - Zoning
Section(s) 11-506
Baltimore City Revised Code
(As enacted by Ordinance 99-547)

Recitals

General advertising signs constitute a separate and distinct use of the land on which they are placed and affect the use of adjacent streets, sidewalks, and other public places and adjacent private places open to the public.

The unregulated construction, placement, and display of signs constitute a public nuisance detrimental to the health, safety, convenience, and welfare of the residents of the City.

The Council has determined that general advertising signs endanger the public safety by distracting the attention of drivers from the roadway and may otherwise endanger the public health, safety, and welfare.

The Council has also determined that general advertising signs might also result in harm to the welfare of the City by creating visible clutter and blight and by promoting a negative aesthetic impact in the City.

The regulations contained in this Ordinance advance these significant government interests and are the least restrictive means necessary to achieve them.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That, until May 1, 2000, the Laws of Baltimore City read as follows:

Baltimore City Revised Code

Article 30 — Zoning

Chapter 10 — Sign Regulations

§ 10.0-1. General requirements.

b. *[Near expressways.] GENERAL ADVERTISING SIGNS.*

[No general advertising sign (billboards and posterboards) shall be erected, enlarged, or relocated within 100 feet, measured in straight line, between the nearest part of such sign and the nearest right-of-way line of an expressway.]

No general advertising sign (billboards and posterboards) shall be placed within 1500 feet of another general advertising sign (billboards and posterboards) on the same side of any portion of an interstate highway if the display is to be primarily viewed from the interstate highway.]

THE ERECTION, PLACEMENT, OR CONSTRUCTION OF NEW GENERAL ADVERTISING SIGNS (BILLBOARDS AND POSTERBOARDS) IS PROHIBITED, AND THE CITY MAY NOT ISSUE PERMITS FOR THESE SIGNS.

§ 10.0-3. Signs in Business and Industrial Districts.

Signs in Business and Industrial Districts shall comply with and be subject to the following provisions:

- c. The following types of non-illuminated or indirectly or directly illuminated signs, subject to the limitations prescribed for them, may be authorized by the Board as conditional uses only in the districts indicated, subject to the guides and standards set forth in Section 11.0-5a of this ordinance.

[1. General advertising signs (billboards and posterboards) in B-2, B-3, B-4, B-5, M-2, and M-3 Districts, provided:

- (a) The total area of any such sign shall not exceed 900 square feet. Also, end-to-end poster panels shall be limited to two in number, each of which shall not exceed 300 square feet in area.
- (b) No such sign, or any portion thereof, shall be located in any required yard.
- (c) No such sign shall be located in any block where 50 percent or more of the street frontage of such block on that side of the street on which the sign is proposed to be located, or the street frontage directly opposite thereto, is improved with residential uses and/or institutional uses (educational, cultural, philanthropic, charitable, religious, health, or medical).]

§ 10.0-4. Regulations applying to non-conforming signs.

Signs which do not conform to the regulations and provisions of this Chapter 10 or any requirement of this ordinance shall be subject to the following:

F. BILLBOARDS.

1. THIS SUBSECTION APPLIES TO EACH APPLICATION FOR CHANGE IN A NON-CONFORMING GENERAL ADVERTISING SIGN (BILLBOARDS AND POSTERBOARDS).
2. THE BOARD MUST FIND, AND REQUIRE AS CONDITIONS OF APPROVAL, THAT:
 - (A) THE SIGN CONFORMS TO ITS ORIGINAL APPROVALS AS GRANTED BY THE BOARD;
 - (B) NEITHER THE HEIGHT NOR SIZE OF THE SIGN MAY BE INCREASED; AND
 - (C) THE SIGN MAY NOT BE RELOCATED BY MORE THAN 10 FEET FROM ITS APPROVED LOCATION.
3. THE BOARD MAY NOT AUTHORIZE:
 - (A) INTERNALLY ILLUMINATED BOX SIGNS;
 - (B) NEON SIGNS;
 - (C) TRIVISION SIGNS; OR
 - (D) FLUCTUATING SIGNS, OTHER THAN FOR TIME OR TEMPERATURE; AND
4. THE BOARD MAY APPROVE A CHANGE IN STRUCTURE.

SECTION 2. AND BE IT FURTHER ORDAINED, That, as of May 1, 2000, the Revised Laws of Baltimore read as follows:

Baltimore City Revised Code**Article — Zoning****§ 11-206. [Signs near expressways] GENERAL ADVERTISING SIGNS.**

(a) *“Expressway” defined.*

“Expressway” means any:

- (1) interstate highway; or
- (2) other limited access highway that:
 - (i) is designed to carry high volumes of traffic; and
 - (ii) is entered and exited by way of grade-separated interchanges with connecting ramps.

(b) *Sign within 100 feet of expressway.*

No general advertising sign may be erected, enlarged, or relocated so that any part of the sign is within 100 feet, measured in a straight line, of any right-of-way line of an expressway.

(c) *Signs along interstate within 1,500 feet of the other.*

No general advertising sign may be placed within 1,500 feet of another general advertising sign that is on the same side of an interstate highway if the displays of both signs would be primarily viewed from the interstate highway.]

THE ERECTION, PLACEMENT, OR CONSTRUCTION OF NEW GENERAL ADVERTISING SIGNS (BILLBOARDS AND POSTERBOARDS) IS PROHIBITED, AND THE CITY MAY NOT ISSUE PERMITS FOR THESE SIGNS.

§ 11-423. Conditional use signs.

(a) *In general.*

The following types of non-illuminated or indirectly or directly illuminated signs may be authorized by the Board as conditional uses in the districts indicated, subject to:

- (1) the guides and standards set forth in Title 14 {“Conditional Uses”} of this article; and
- (2) the limitations set forth in this section.

[(b) *General advertising signs.*

A general advertising sign may be authorized as a conditional use in any Business or Industrial District, other than a B-1 or M-1 District, if:

- (1) the total area of the sign does not exceed 900 square feet;
- (2) end-to-end poster panels are limited to 2, neither of which exceeds 300 square feet in area;

- (3) no part of the sign is located in any required yard; and
- (4) the sign is not located in any block where 50% or more of the street frontage on the same side of the street or of the street frontage directly opposite is improved with residential uses or institutional uses (educational, cultural, philanthropic, charitable, religious, health, or medical).]

[(c)] (B) *Roof signs.*

A roof sign may be authorized as a conditional use in B-3, B-5, M-2, and M-3 Districts if:

- (1) the sign is a business or identification sign; and
- (2) the sign is located on the side of a roof structure that forms a backdrop for it.

§ 11-506. NONCONFORMING GENERAL ADVERTISING SIGNS.

(A) *IN GENERAL.*

THIS SECTION APPLIES TO EACH APPLICATION FOR CHANGE IN A NONCONFORMING GENERAL ADVERTISING SIGN.

(B) *REQUIRED CONDITIONS.*

THE BOARD MUST FIND, AND REQUIRE AS CONDITIONS OF APPROVAL, THAT:

- (1) THE SIGN CONFORMS TO ITS ORIGINAL APPROVALS AS GRANTED BY THE BOARD;
- (2) NEITHER THE HEIGHT NOR SIZE OF THE SIGN MAY BE INCREASED; AND
- (3) THE SIGN MAY NOT BE RELOCATED BY MORE THAN 10 FEET FROM ITS APPROVED LOCATION.

(C) *PROHIBITED CHANGES.*

THE BOARD MAY NOT AUTHORIZE:

- (1) INTERNALLY ILLUMINATED BOX SIGNS;
- (2) NEON SIGNS;
- (3) TRIVISION SIGNS; OR
- (4) FLUCTUATING SIGNS, OTHER THAN FOR TIME OR TEMPERATURE.

(D) *CHANGE IN STRUCTURE.*

THE BOARD MAY APPROVE A CHANGE IN STRUCTURE.

SECTION 3. AND BE IT FURTHER ORDAINED, The prohibition imposed by this Ordinance against the issuance of new permits applies to all pending applications for which, as of the effective date of this Ordinance, the Board of Municipal and Zoning Appeals has not yet held a hearing.

SECTION 4. AND BE IT FURTHER ORDAINED, That if any provision of the Ordinance or its application to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Ordinance that can be given effect without the invalid provision or application, and for this purpose the provisions of this Ordinance are declared severable.

SECTION 5. 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 6. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved March 27, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-002
(Council Bill 00-018)**

AN ORDINANCE CONCERNING

City Property — Renaming Easterwood Park to Senator Troy Brailey Park

FOR the purpose of changing the name of Easterwood Park, located at 1522 North Bentalou Street, to Senator Troy Brailey Park.

BY authority of

Article 5 - Finance, Property and Procurement
Section 20-2
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the name of Easterwood Park, located at 1522 North Bentalou Street, is changed to Senator Troy Brailey Park.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved March 29, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-003
(Council Bill 00-015)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Capital Appropriation —
Police Department — \$2,000,000**

FOR the purpose of providing a Supplementary General Fund Capital Appropriation in the amount of \$2,000,000 to the Police Department — Police Headquarters Renovation (Account # 9918-206-522), to provide funding for asbestos abatement; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Property Transfer Tax in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2000.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2000 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2000 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On January 19, 2000, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$2,000,000 shall be made available to the Police Department — Police Headquarters Renovation (Account # 9918-206-522) as a Supplementary General Fund Capital Appropriation for Fiscal Year 2000, to provide funding for asbestos abatement. The source of revenue for this appropriation is from the Property Transfer Tax in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2000.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved March 31, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-004
(Council Bill 00-016)**

AN ORDINANCE CONCERNING

**Supplementary Loan Fund Appropriation —
Department of Housing and Community Development — \$2,500,000**

FOR the purpose of providing a Supplementary Loan Fund Appropriation in the amount of \$2,500,000 to the Department of Housing and Community Development — Program 592 (9911-592-805), to provide funding for the Settlement Expense Loan Program; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents a Loan in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2000.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2000 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2000 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On January 12, 2000, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$2,500,000 shall be made available to the Department of Housing and Community Development — Program 592 (9911-592-805) as a Supplementary Loan Fund Appropriation for Fiscal Year 2000, to provide funding for the Settlement Expense Loan Program. The source of revenue for this appropriation is a General Obligation Bond (approved by the voters on November 6, 1984) in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2000.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved March 31, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-005
(Council Bill 00-017)**

AN ORDINANCE CONCERNING

Public Contracts — Debarment of Contractors

FOR the purpose of providing for the disqualification of certain persons from entering into or performing certain governmental contracts; defining certain terms; establishing certain procedures; authorizing reinstatements under certain circumstances; providing for the effect of a disqualification; imposing certain limitations; and generally relating to the disqualification of certain persons from doing business with the City.

BY repealing

Article 5 - Finance, Property, and Procurement
Section(s) 40-1 through 40-12, inclusive
Baltimore City Code
(Edition 2000)

BY adding

Article 5 - Finance, Property, and Procurement
Section(s) 40-1 through 40-27, inclusive
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Article 5, §§ 40-1 through 40-12, inclusive, of the City Code are repealed.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 5 — Finance, Property, and Procurement

Subtitle —Debarment From City Contracts

PART I. DEFINITIONS; GENERAL PROVISIONS

§ 40-1. DEFINITIONS.

(A) *IN GENERAL.*

IN THIS SUBTITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) *BOARD.*

“BOARD” MEANS THE BALTIMORE CITY BOARD OF ESTIMATES.

(C) *BUSINESS.*

“BUSINESS” MEANS ANY COMMERCIAL ACTIVITY CONDUCTED BY A PERSON.

(D) *CITY*.

“CITY” MEANS:

- (1) THE MAYOR AND CITY COUNCIL OF BALTIMORE; AND
- (2) ANY OF ITS AGENCIES, INSTRUMENTALITIES, OR UNITS.

(E) *CONTRACT*.

“CONTRACT” MEANS ANY AGREEMENT IN ANY FORM.

(F) *CONTROLLING STOCKHOLDER*.

“CONTROLLING STOCKHOLDER” MEANS A STOCKHOLDER WHO:

- (1) OWNS MORE THAN 25% OF THE VOTING STOCK OF A CORPORATION; OR
- (2) NOTWITHSTANDING THE NUMBER OF SHARES THAT THE STOCKHOLDER OWNS, HAS THE POWER TO DIRECT OR CONTROL THE DIRECTION OF THE MANAGEMENT OR POLICIES OF A CORPORATION.

(G) *CONVICTED*.

“CONVICTED” INCLUDES AN ACCEPTED PLEA OF NOLO CONTENDERE.

(H) *PERSON*.

“PERSON” MEANS:

- (1) AN INDIVIDUAL;
- (2) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR REPRESENTATIVE OF ANY KIND; OR
- (3) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY KIND.

(I) *PRINCIPAL*.

“PRINCIPAL” MEANS:

- (1) A SOLE PROPRIETOR;
- (2) A PARTNER, OFFICER, DIRECTOR, OR CONTROLLING STOCKHOLDER; OR
- (3) AN EMPLOYEE DIRECTLY INVOLVED IN THE PROCESS OF OBTAINING CONTRACTS WITH PUBLIC BODIES.

(J) *PUBLIC BODY*.

“PUBLIC BODY” MEANS:

- (1) THE UNITED STATES;
- (2) THE STATE OF MARYLAND;
- (3) THE CITY OF BALTIMORE;
- (4) ANY OTHER LOCAL GOVERNMENTAL UNIT IN THE STATE, INCLUDING A COUNTY, A MUNICIPAL CORPORATION, OR A BICOUNTY OR MULTICOUNTY GOVERNMENTAL ENTITY; AND
- (5) ANY AGENCY, INSTRUMENTALITY, OR UNIT OF THESE ENTITIES.

§ 40-2. PROBATION BEFORE JUDGMENT.

FOR PURPOSES OF THIS SUBTITLE, THE BOARD MAY TREAT THE IMPOSITION OF PROBATION BEFORE JUDGMENT AS A CONVICTION.

§ 40-3. RULES AND REGULATIONS.

THE BOARD MAY ADOPT RULES AND REGULATIONS TO CARRY OUT THIS SUBTITLE.

§ 40-4. NOTICES.

ALL NOTICES REQUIRED TO BE GIVEN UNDER THIS SUBTITLE MUST BE IN WRITING.

PART II. OFFENSES SUBJECT TO DEBARMENT

§ 40-5. AUTOMATIC DEBARMENT FOR CERTAIN BRIBERY OFFENSES.

A PERSON IS DEBARRED BY OPERATION OF LAW FROM ENTERING INTO A CONTRACT WITH THE CITY IF THE PERSON HAS BEEN CONVICTED UNDER THE LAWS OF THIS STATE OR OF THE UNITED STATES FOR BRIBERY, ATTEMPTED BRIBERY, OR CONSPIRACY TO BRIBE, COMMITTED IN FURTHERANCE OF OBTAINING A CONTRACT WITH A PUBLIC BODY.

§ 40-6. OTHER BRIBERY OFFENSES .

THE BOARD MAY DEBAR A PERSON FROM ENTERING INTO A CONTRACT WITH THE CITY, IF THE PERSON:

- (1) HAS BEEN CONVICTED UNDER THE LAWS OF THIS STATE OR OF THE UNITED STATES FOR BRIBERY, ATTEMPTED BRIBERY, OR CONSPIRACY TO BRIBE, COMMITTED OTHER THAN IN FURTHERANCE OF OBTAINING A CONTRACT WITH A PUBLIC BODY;
- (2) HAS BEEN CONVICTED UNDER THE LAWS OF ANOTHER STATE OF BRIBERY, ATTEMPTED BRIBERY, OR CONSPIRACY TO BRIBE; OR
- (3) DURING THE COURSE OF AN OFFICIAL INVESTIGATION OR OTHER PROCEEDING, HAS ADMITTED, IN WRITING OR UNDER OATH, AN ACT OR OMISSION THAT WOULD CONSTITUTE BRIBERY, ATTEMPTED BRIBERY, OR CONSPIRACY TO BRIBE UNDER THE LAWS OF THIS STATE, ANOTHER STATE, OR THE UNITED STATES.

§ 40-7. VIOLATIONS OF OTHER LAWS.*(A) JUDGMENTS.*

THE BOARD MAY DEBAR A PERSON FROM ENTERING INTO A CONTRACT WITH THE CITY IF THAT PERSON, OR A PRINCIPAL OF THAT PERSON, OR ANY OTHER PERSON SUBSTANTIALLY INVOLVED IN THAT PERSON'S CONTRACTING ACTIVITIES:

- (1) HAS BEEN CONVICTED UNDER THE LAWS OF THE CITY, THIS STATE, ANOTHER STATE, OR THE UNITED STATES OF:
 - (I) A CRIMINAL OFFENSE INCIDENT TO OBTAINING, ATTEMPTING TO OBTAIN, OR PERFORMING A PUBLIC OR PRIVATE CONTRACT; OR
 - (II) FRAUD, EMBEZZLEMENT, THEFT, FORGERY, FALSIFICATION OR DESTRUCTION OF RECORDS, OR RECEIVING STOLEN PROPERTY;
- (2) HAS BEEN CONVICTED OF A CRIMINAL VIOLATION OF AN ANTITRUST STATUTE OF THIS STATE, ANOTHER STATE, OR THE UNITED STATES;
- (3) HAS BEEN CONVICTED OF A VIOLATION OF THE RACKETEER INFLUENCED AND CORRUPT ORGANIZATION ACT OR OF THE MAIL FRAUD ACT FOR ACTS IN CONNECTION WITH THE SUBMISSION OF BIDS OR PROPOSALS FOR A PUBLIC OR PRIVATE CONTRACT;
- (4) HAS BEEN CONVICTED OF A VIOLATION OF TITLE 14 {"PREFERENCES"}, SUBTITLE 3 {"MINORITY BUSINESS PARTICIPATION"} OF THE STATE FINANCE AND PROCUREMENT ARTICLE;
- (5) HAS BEEN CONVICTED OF CONSPIRACY TO COMMIT ANY ACT OR OMISSION THAT WOULD CONSTITUTE GROUNDS FOR CONVICTION UNDER ANY OF THE LAWS OR STATUTES DESCRIBED IN PARAGRAPHS (1) THROUGH (5) OF THIS SUBSECTION; OR
- (6) HAS BEEN FOUND CIVILLY LIABLE UNDER AN ANTITRUST STATUTE OF THIS STATE, ANOTHER STATE, OR THE UNITED STATES FOR ACTS OR OMISSIONS IN CONNECTION WITH THE SUBMISSION OF BIDS OR PROPOSALS FOR A PUBLIC OR PRIVATE CONTRACT.

(B) ADMISSIONS.

THE BOARD MAY DEBAR A PERSON FROM ENTERING INTO A CONTRACT WITH THE CITY IF, DURING THE COURSE OF AN OFFICIAL INVESTIGATION OR OTHER PROCEEDING, THAT PERSON, OR A PRINCIPAL OF THAT PERSON, OR ANY OTHER PERSON SUBSTANTIALLY INVOLVED IN THAT PERSON'S CONTRACTING ACTIVITIES HAS ADMITTED, IN WRITING OR UNDER OATH, AN ACT OR OMISSION THAT CONSTITUTES GROUNDS FOR CONVICTION OR LIABILITY UNDER ANY LAW DESCRIBED IN SUBSECTION (A) OF THIS SECTION.

§ 40-8. OTHER EVENTS.

THE BOARD MAY DEBAR A PERSON FROM ENTERING INTO A CONTRACT WITH THE CITY:

- (1) IF THE BOARD FINDS THAT THE PERSON WAS ESTABLISHED OR OPERATES IN A WAY DESIGNED TO EVADE THE APPLICATION OF THIS SUBTITLE OR TO DEFEAT THE PURPOSE OF THIS SUBTITLE;

- (2) IF THE PERSON IS A PRINCIPAL, SUCCESSOR, ASSIGNEE, SUBSIDIARY, OR AFFILIATE OF A PERSON WHO IS DEBARRED OR SUSPENDED;
- (3) FOR ONE OF THE FOLLOWING VIOLATIONS OF A CONTRACT PROVISION, IF THE BOARD BELIEVES THE VIOLATION TO BE SERIOUS ENOUGH TO JUSTIFY DEBARMENT:
 - (I) THE DELIBERATE FAILURE TO PERFORM IN ACCORDANCE WITH THE SPECIFICATIONS OR WITHIN THE TIME LIMITS PROVIDED IN A CONTRACT; OR
 - (II) WITHIN THE PRECEDING 5 YEARS, THE FAILURE TO PERFORM OR THE UNSATISFACTORY PERFORMANCE IN ACCORDANCE WITH THE TERMS OF 1 OR MORE CONTRACTS, UNLESS THE FAILURE TO PERFORM OR UNSATISFACTORY PERFORMANCE WAS CAUSED BY ACTS BEYOND THE CONTROL OF THE PERSON; OR
- (4) FOR ANY OTHER CAUSE THAT THE BOARD DETERMINES TO BE SO SERIOUS AS TO AFFECT THE INTEGRITY OF THE PROCUREMENT PROCESS.

PART III. CITY SOLICITOR

§ 40-9. DESIGNATION OF REPRESENTATIVE.

THE CITY SOLICITOR MAY DESIGNATE ONE OR MORE ASSISTANT SOLICITORS TO PERFORM THE FUNCTIONS AND DUTIES ASSIGNED BY THIS SUBTITLE.

§ 40-10. REPORTS TO BOARD.

THE CITY SOLICITOR SHALL PROMPTLY REPORT TO THE BOARD ANY INFORMATION THAT INDICATES A BASIS FOR INSTITUTING DEBARMENT PROCEEDINGS UNDER THIS SUBTITLE.

§ 40-11. INVESTIGATIONS — IN GENERAL.

THE CITY SOLICITOR SHALL INVESTIGATE THE MATTERS TO BE DETERMINED BY THE BOARD IN ANY HEARING HELD UNDER THIS SUBTITLE.

§ 40-12. INVESTIGATIONS — INVESTIGATIVE DEMAND.

(A) *SCOPE OF SECTION.*

THIS SECTION APPLIES WHENEVER THE CITY SOLICITOR REASONABLY BELIEVES THAT A PERSON MAY HAVE INFORMATION OR MAY POSSESS OR HAVE CUSTODY OF OR CONTROL OVER ANY POTENTIAL EVIDENCE, WHEREVER SITUATED, THAT THE CITY SOLICITOR BELIEVES IS RELEVANT TO AN INVESTIGATION UNDER THIS SUBTITLE.

(B) *SERVICE OF DEMAND.*

BEFORE MAKING ANY RECOMMENDATION TO THE BOARD, THE CITY SOLICITOR MAY SERVE ON A PERSON DESCRIBED IN SUBSECTION (A) OF THIS SECTION A WRITTEN INVESTIGATIVE DEMAND THAT REQUIRES THE PERSON TO DO ONE OR MORE OF THE FOLLOWING:

- (1) BE EXAMINED UNDER OATH;
- (2) ANSWER WRITTEN INTERROGATORIES; OR

- (3) PRODUCE DOCUMENTARY MATERIAL FOR INSPECTION AND COPYING.

(C) *CONTENTS OF DEMAND.*

THE DEMAND OF THE CITY SOLICITOR SHALL:

- (1) STATE THE MATTER UNDER INVESTIGATION;
- (2) DESCRIBE THE DOCUMENTARY MATERIAL TO BE PRODUCED WITH SUFFICIENT SPECIFICITY TO INDICATE FAIRLY THE MATERIAL DEMANDED;
- (3) CONTAIN A COPY OF THE WRITTEN INTERROGATORIES TO BE ANSWERED;
- (4) SPECIFY THE PLACE FOR TAKING TESTIMONY AND FOR PRODUCING DOCUMENTARY MATERIALS; AND
- (5) PRESCRIBE A REASONABLE TIME OF NOT LESS THAN 3 DAYS AFTER THE DEMAND IS SERVED WITHIN WHICH THE PERSON MUST COMPLY WITH THE DEMAND.

(D) *ENFORCEMENT.*

IF THE PERSON FAILS TO COMPLY WITH THE DEMAND, THE CITY SOLICITOR MAY APPLY TO A COURT OF APPROPRIATE JURISDICTION FOR AN ORDER REQUIRING COMPLIANCE.

§ 40-13. PRELIMINARY RECOMMENDATIONS.

ON COMPLETING THE INVESTIGATION OF A PERSON, THE CITY SOLICITOR MAY RECOMMEND TO THE BOARD WHETHER THE BOARD SHOULD:

- (1) INSTITUTE DEBARMENT PROCEEDINGS AGAINST THE PERSON; AND
- (2) SUSPEND THE PERSON PENDING A FINAL DECISION.

§ 40-14. PARTICIPATION IN PROCEEDINGS.

AS A PARTY TO ANY PROCEEDING BROUGHT UNDER THIS SUBTITLE, THE CITY SOLICITOR MAY:

- (1) PRESENT TO THE BOARD THE EVIDENCE THAT THE CITY SOLICITOR CONSIDERS APPROPRIATE; AND
- (2) RECOMMEND TO THE BOARD:
 - (I) WHETHER THE BOARD SHOULD DEBAR THE PERSON; AND
 - (II) THE APPROPRIATE TIME PERIOD FOR THE DEBARMENT.

*PART IV. DEBARMENT PROCEDURES***§ 40-15. REPORTS.***(A) UNITS TO REPORT TO BOARD.*

EACH AGENCY, INSTRUMENTALITY, AND UNIT OF THE CITY SHALL PROMPTLY REPORT TO THE BOARD ANY INFORMATION THAT INDICATES A CAUSE FOR DEBARMENT UNDER:

- (1) § 40-5 {"AUTOMATIC DEBARMENT FOR CERTAIN BRIBERY OFFENSES"};
- (2) § 40-6 {"OTHER BRIBERY OFFENSES"};
- (3) § 40-7 {"VIOLATIONS OF OTHER LAWS"};OR
- (4) § 40-8 {"OTHER EVENTS"}.

(B) BOARD TO SEEK COPIES OF STATE REPORTS.

THE BOARD SHALL SEEK TO OBTAIN FROM THE STATE BOARD OF PUBLIC WORKS TIMELY COPIES OF REPORTS MADE TO THE STATE BOARD UNDER § 16-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

§ 40-16. NOTICE AND OPPORTUNITY FOR HEARING — AUTOMATIC DEBARMENTS .*(A) SCOPE OF SECTION.*

THIS SECTION APPLIES IF:

- (1) A PERSON IS CONVICTED OF AN OFFENSE DESCRIBED IN § 40-5 {"AUTOMATIC DEBARMENT FOR CERTAIN BRIBERY OFFENSES"} OF THIS SUBTITLE; AND
- (2) THAT PERSON OR A BUSINESS IN WHICH THAT PERSON IS A PRINCIPAL IS SEEKING A CONTRACT WITH THE CITY.

(B) NOTICE OF DEBARMENT.

WHEN THE BOARD LEARNS OF THE CONVICTION, THE BOARD SHALL:

- (1) NOTIFY THE PERSON OF THE PERSON'S AUTOMATIC DEBARMENT UNDER § 40-5 OF THIS SUBTITLE; AND
- (2) GIVE THE PERSON REASONABLE OPPORTUNITY TO BE HEARD ON WHETHER THE STATED BASIS FOR DEBARMENT EXISTS.

§ 40-17. NOTICE AND OPPORTUNITY FOR HEARING — OTHER DEBARMENTS.*(A) SCOPE OF SECTION.*

THIS SECTION APPLIES IF:

- (1) A PERSON IS SUBJECT TO DEBARMENT UNDER § 40-6 {"OTHER BRIBERY OFFENSES"}, § 40-7 {"VIOLATIONS OF OTHER LAWS"}, OR § 40-8 {"OTHER EVENTS"} OF THIS SUBTITLE; AND
- (2) THAT PERSON OR A BUSINESS IN WHICH THAT PERSON IS A PRINCIPAL IS SEEKING OR IS PERFORMING UNDER A CONTRACT WITH THE CITY.

(B) *NOTICE OF PROPOSED DEBARMENT.*

- (1) WHEN THE BOARD RECEIVES INFORMATION THAT INDICATES A BASIS FOR DEBARRING A PERSON UNDER § 40-6, § 40-7, OR § 40-8 OF THIS SUBTITLE, THE BOARD MAY INSTITUTE DEBARMENT PROCEEDINGS BY NOTICE TO THAT PERSON.
- (2) THE NOTICE SHALL STATE:
 - (I) THE GROUNDS FOR THE DEBARMENT;
 - (II) THE PERSON'S RIGHT TO A HEARING BEFORE THE BOARD; AND
 - (III) THAT THE RIGHT TO A HEARING IS WAIVED UNLESS THE PERSON FILES A REQUEST FOR HEARING AS REQUIRED BY SUBSECTION (C) OF THIS SECTION.

(C) *REQUEST FOR HEARING.*

A REQUEST FOR A HEARING MUST BE:

- (1) IN WRITING; AND
- (2) FILED WITH THE BOARD WITHIN 30 DAYS AFTER THE PERSON RECEIVED THE NOTICE.

(D) *DEBARMENT ON FAILURE TO REQUEST HEARING.*

IF THE PERSON FAILS TO FILE A REQUEST FOR HEARING AS REQUIRED BY SUBSECTION (C) OF THIS SECTION, THE PERSON:

- (1) WAIVES THE RIGHT TO A HEARING; AND
- (2) IS DEBARRED.

§ 40-18. SUSPENSION PENDING DECISION.

(A) *PERSONS.*

PENDING A FINAL DECISION ON A DEBARMENT, THE BOARD MAY SUSPEND ANY PERSON AGAINST WHOM DEBARMENT PROCEEDINGS HAVE BEEN INSTITUTED UNDER THIS SUBTITLE.

(B) *BUSINESSES.*

A BUSINESS IS SUSPENDED TO THE SAME EXTENT THAT A PERSON IS SUSPENDED UNDER THIS SECTION IF:

- (1) THE SUSPENDED PERSON'S DEBARMENT WOULD CAUSE THE DEBARMENT OF THE BUSINESS UNDER § 40-20 {"DEBARMENT OF BUSINESSES"} OF THIS SUBTITLE; AND

(2) THE BOARD NOTIFIES THE BUSINESS OF ITS SUSPENSION UNDER THIS SUBSECTION.

(C) *MODIFICATION OR TERMINATION.*

- (1) A PERSON OR BUSINESS SUSPENDED UNDER THIS SECTION MAY PETITION THE BOARD TO MODIFY OR TERMINATE THE SUSPENSION.
- (2) IN ITS SOLE DISCRETION, THE BOARD MAY CONDUCT A HEARING ON THE PETITION.
- (3) IN CONSIDERING THE PETITION, THE BOARD SHALL DETERMINE WHETHER THE INTEGRITY OF THE CONTRACTING PROCESS AND THE BEST INTERESTS OF THE CITY WOULD BE SERVED BY CONTINUING, MODIFYING, OR TERMINATING THE SUSPENSION.
- (4) THE BOARD SHALL GIVE THE PETITIONER NOTICE OF THE BOARD'S DECISION.

§ 40-19. HEARING AND DECISION.

(A) *HEARING.*

- (1) WITHIN 90 DAYS AFTER RECEIPT OF A REQUEST FOR A HEARING, THE BOARD SHALL:
 - (I) CONDUCT A HEARING; AND
 - (II) DECIDE WHETHER THE PERSON SHOULD BE DEBARRED.
- (2) THE TIME FOR HEARING AND DECISION MAY BE EXTENDED BY THE BOARD FOR GOOD CAUSE SHOWN.

(B) *FACTORS TO BE CONSIDERED.*

IN A PROCEEDING UNDER § 40-6, § 40-7, OR § 40-8 OF THIS SUBTITLE, THE BOARD SHALL:

- (1) DETERMINE WHETHER THE INTEGRITY OF THE CONTRACTING PROCESS AND THE BEST INTERESTS OF THE CITY WOULD BE SERVED BY DEBARRING THE PERSON FROM ENTERING INTO OR PERFORMING CONTRACTS WITH THE CITY; AND
- (2) FOR THAT PURPOSE, CONSIDER ALL RELEVANT FACTORS, INCLUDING:
 - (I) THE NATURE AND SERIOUSNESS OF THE ACT THAT CAUSED THE PERSON TO BE SUBJECT TO DEBARMENT;
 - (II) THE TIME THE ACT OCCURRED;
 - (III) WHETHER AND TO WHAT EXTENT THE PERSON COOPERATED WITH AUTHORITIES INVESTIGATING THE MATTER;
 - (IV) THE CONDITIONS UNDER WHICH THE PERSON COOPERATED; AND
 - (V) THE CONDUCT OF THE PERSON SINCE THE ACT OCCURRED.

(C) *DECISION.*

(1) THE BOARD SHALL NOTIFY THE PERSON OF THE BOARD'S DECISION.

(2) THE NOTICE SHALL:

(I) STATE WHETHER THE PERSON IS DEBARRED FOR THE ACT IN QUESTION; AND

(II) IF THE PERSON IS DEBARRED, STATE THE PERIOD OF DEBARMENT.

§ 40-20. DEBARMENT OF BUSINESSES.

(A) *GROUND.*

A BUSINESS IS DEBARRED FROM ENTERING INTO OR PERFORMING UNDER A CONTRACT WITH THE CITY IF THE BOARD DEBARS ANY PRINCIPAL IN THAT BUSINESS.

(B) *SCOPE OF DEBARMENT.*

A BUSINESS DEBARRED UNDER SUBSECTION (A) OF THIS SECTION IS DEBARRED TO THE SAME EXTENT AS THE DEBARRED PRINCIPAL.

(C) *DURATION.*

A BUSINESS REMAINS DEBARRED UNDER THIS SECTION:

(1) AS LONG AS THE DEBARRED PERSON REMAINS WITH THE BUSINESS IN ANY PRINCIPAL CAPACITY; OR

(2) UNTIL THE DEBARMENT IS REMOVED IN ACCORDANCE WITH THIS SUBTITLE.

(D) *NOTICE.*

THE BOARD SHALL NOTIFY A BUSINESS OF ANY DEBARMENT OF THE BUSINESS UNDER THIS SECTION.

PART V. REINSTATEMENTS

§ 40-21. AUTOMATIC REINSTATEMENT.

IF THE CONVICTION THAT WAS THE BASIS FOR A DEBARMENT OR SUSPENSION IS REVERSED OR OTHERWISE VOIDED, THE DEBARMENT OR SUSPENSION TERMINATES AUTOMATICALLY.

§ 40-22. PETITIONS FOR REINSTATEMENT.

(A) *IN GENERAL.*

A PERSON DEBARRED UNDER THIS SUBTITLE MAY PETITION THE BOARD FOR REMOVAL OF THE DEBARMENT AS PROVIDED IN THIS SECTION.

(B) *BRIBERY OFFENSES.*

(1) FOR A PERSON DEBARRED UNDER § 40-5 OR § 40-6 OF THIS SUBTITLE, THE PETITION MAY BE FILED AT ANY TIME AFTER EXPIRATION OF 5 YEARS FROM:

- (1) THE DATE OF THE DEBARMENT; OR
- (2) IN THE CASE OF AN AUTOMATIC DEBARMENT UNDER § 40-5, THE DATE OF THE BOARD'S NOTICE UNDER § 40-16 {"NOTICE AND OPPORTUNITY FOR HEARING — AUTOMATIC DEBARMENTS"}.

(C) *OTHER CAUSES.*

FOR A PERSON DEBARRED UNDER § 40-7 OR § 40-8 OF THIS SUBTITLE, THE PETITION MAY BE FILED AT ANY TIME AFTER EXPIRATION OF THE EARLIER OF:

- (1) ONE-HALF OF THE PERIOD OF DEBARMENT; OR
- (2) 5 YEARS FROM THE DATE OF THE DEBARMENT.

§ 40-23. REINSTATEMENT HEARING AND DECISION.

(A) *HEARING.*

(1) WITHIN 90 DAYS AFTER RECEIPT OF A PETITION, THE BOARD SHALL:

- (I) CONDUCT A HEARING; AND
- (II) DECIDE WHETHER THE DEBARMENT SHOULD BE REMOVED.

(2) THE TIME FOR HEARING AND DECISION MAY BE EXTENDED BY THE BOARD FOR GOOD CAUSE SHOWN.

(B) *FACTORS TO BE CONSIDERED.*

IN DECIDING WHETHER THE DEBARMENT SHOULD BE REMOVED, THE BOARD SHALL:

- (1) DETERMINE WHETHER THE INTEGRITY OF THE CONTRACTING PROCESS AND THE BEST INTERESTS OF THE CITY WOULD BE SERVED BY CONTINUING THE DEBARMENT; AND
- (2) FOR THAT PURPOSE, CONSIDER ALL RELEVANT FACTORS, INCLUDING THOSE LISTED IN § 40-19(B) {"HEARING AND DECISION: FACTORS TO BE CONSIDERED"}.

(C) *DECISION.*

(1) THE BOARD SHALL NOTIFY THE PETITIONER OF THE BOARD'S DECISION.

(2) THE NOTICE SHALL STATE:

- (I) WHETHER THE DEBARMENT IS REMOVED OR CONTINUED; AND

- (II) IF CONTINUED, HOW LONG THE PETITIONER MUST WAIT BEFORE AGAIN PETITIONING FOR REINSTATEMENT.

PART VI. EFFECT AND ENFORCEMENT OF DEBARMENT

§ 40-24. EFFECT OF DEBARMENT OR SUSPENSION.

A PERSON OR BUSINESS THAT IS DEBARRED OR SUSPENDED UNDER THIS SUBTITLE MAY NOT, AT ANY TIME DURING THE PERIOD OF DEBARMENT OR SUSPENSION, BE CONSIDERED FOR THE AWARD OF, BE AWARDED, OR PERFORM, DIRECTLY OR INDIRECTLY, A CONTRACT WITH THE CITY .

§ 40-25. ROSTER OF DEBARRED AND SUSPENDED PERSONS AND BUSINESSES.

(A) *IN GENERAL.*

THE BOARD SHALL KEEP A ROSTER OF ALL PERSONS AND BUSINESSES DEBARRED OR SUSPENDED UNDER THIS SUBTITLE.

(B) *PUBLIC RECORD.*

THE ROSTER IS A PUBLIC RECORD.

§ 40-26. AFFIDAVITS OF QUALIFICATION.

(A) *IN GENERAL.*

ON SUBMITTING A BID, PROPOSAL, OR OTHER OFFER OR REQUEST FOR A CONTRACT WITH THE CITY, A PERSON MUST SUBMIT AN AFFIDAVIT AS PROVIDED IN THIS SECTION.

(B) *OFFENSES.*

THE AFFIDAVIT SHALL STATE WHETHER, TO THE BEST OF THE PERSON'S KNOWLEDGE, THE PERSON OR ANY PRINCIPAL IN THE PERSON'S BUSINESS:

- (1) HAS BEEN CONVICTED OF BRIBERY, ATTEMPTED BRIBERY, OR CONSPIRACY TO BRIBE UNDER THE LAWS OF THIS STATE, ANY OTHER STATE, OR THE UNITED STATES;
- (2) HAS BEEN CONVICTED OF ANY OFFENSE DESCRIBED IN § 40-7 OF THIS SUBTITLE;
- (3) HAS BEEN FOUND CIVILLY LIABLE UNDER AN ANTITRUST STATUTE AS DESCRIBED IN § 40-7 OF THIS SUBTITLE; OR
- (4) IS A PRINCIPAL, SUCCESSOR, ASSIGNEE, SUBSIDIARY, OR AFFILIATE OF A PERSON WHO IS DEBARRED OR SUSPENDED.

(C) *SUBCONTRACTOR AND SUPPLIERS.*

THE AFFIDAVIT ALSO SHALL CONTAIN THE PERSON'S AFFIRMATION THAT, IN PERFORMING THE CONTRACT WITH THE CITY, IT WILL NOT KNOWINGLY CONTRACT WITH A PERSON OR BUSINESS DEBARRED OR SUSPENDED UNDER THIS SUBTITLE TO PROVIDE, DIRECTLY OR INDIRECTLY, SUPPLIES, ARCHITECTURAL SERVICES, CONSTRUCTION OR CONSTRUCTION-RELATED SERVICES, LEASES OF REAL PROPERTY, OR ANY OTHER GOODS OR SERVICES.

(D) *UPDATING PRIOR AFFIDAVIT.*

THE REQUIREMENTS OF THIS SECTION ARE SATISFIED IF THE AFFIDAVIT:

- (1) INCORPORATES BY REFERENCE THE STATEMENTS CONTAINED IN AN AFFIDAVIT FILED WITH THE CITY WITHIN THE PREVIOUS YEAR; AND
- (2) STATES THAT THOSE STATEMENTS REMAIN ACCURATE.

§ 40-27. LIMITATIONS OF ACTIONS.

(A) *IN GENERAL.*

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, DEBARMENT PROCEEDINGS UNDER THIS TITLE MUST BE INSTITUTED WITHIN 5 YEARS AFTER:

- (1) THE CONVICTION OR JUDGMENT THAT CONSTITUTES CAUSE FOR DEBARMENT HAS BECOME FINAL;
- (2) THE ADMISSION THAT CONSTITUTES CAUSE FOR DEBARMENT HAS BEEN MADE; OR
- (3) THE OCCURRENCE OF ANY OTHER EVENT THAT CONSTITUTES A CAUSE FOR DEBARMENT.

(B) *EXTENSION OF TIME.*

DEBARMENT PROCEEDINGS MAY BE BROUGHT AFTER THE PERIOD SET FORTH IN SUBSECTION (A) OF THIS SECTION IF THEY ARE INSTITUTED WITHIN 1 YEAR OF WHEN THE BOARD DISCOVERED OR, BY THE EXERCISE OF ORDINARY DILIGENCE, SHOULD HAVE DISCOVERED THE GROUNDS FOR DEBARMENT.

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 on the 30th day after the date it is enacted.

Approved March 31, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-006
(Council Bill 00-034)**

AN ORDINANCE CONCERNING

**Supplementary State Grant Operating Appropriation —
Mayoralty-Related — \$571,002**

FOR the purpose of providing a Supplementary State Grant Operating Appropriation in the amount of \$571,002 to the Mayoralty-Related — Program 224 (Mayor's Office of Criminal Justice), to provide funding for the Hot Spots Program (Phase II); and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Governor's Office of Crime Control and Prevention in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2000.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2000 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2000 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On February 9, 2000, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$571,002 shall be made available to the Mayoralty-Related — Program 224 (Mayor's Office of Criminal Justice) as a Supplementary State Grant Operating Appropriation for Fiscal Year 2000, to provide funds for Hot Spots Program (Phase II). The source of revenue for this appropriation is from the Governor's Office of Crime Control and Prevention, in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2000.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved March 31, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-007
(Council Bill 00-056)**

AN ORDINANCE CONCERNING

Supplementary General Fund Operating Appropriation — City Council — \$215,000

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$215,000 to the City Council — (City Legislation), for an information technology restructuring project; and providing for a special effective date.

BY authority of
Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Fiscal 1999 fund balance in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2000.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2000 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2000 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On March 1, 2000, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$215,000 shall be made available to the City Council — (City Legislation) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2000, to provide funding for an information technology project. The source of revenue for this appropriation is funds from the Fiscal 1999 fund balance, in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2000.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved March 31, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-008
(Council Bill 99-004)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use Open Off-Street Parking Area —
1610-1614 Druid Hill Avenue**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of an open off-street parking area, other than accessory, for the parking of 4 or more automobiles on the properties known as 1610-1614 Druid Hill Avenue, as outlined in red on the accompanying plat.

BY authority of

Article 30 - Zoning
Section(s) 4.8-1d-3 and 11.0-6d
Baltimore City Code
(1983 Replacement Volume and Supplements)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of an open off-street parking area, other than accessory, for the parking of 4 or more automobiles on the properties known as 1610-1614 Druid Hill Avenue, as outlined in red on the plat accompanying this Ordinance, in accordance with Article 30, §§ 4.8-1d-3 and 11.0-6d of the Baltimore City Code, subject to the ~~condition that~~ following conditions:

1. the property must be developed in accordance with the Landscaping Plan, as approved by the Planning Department;
2. the property must be developed in accordance with the Site Plan, as approved by the Site Plan Review Committee;
3. any changes to the plan must be approved by the Planning Department;
4. the maximum height of the fence is 8 feet; and
5. the parking area ~~complies~~ must comply with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved April 13, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-009
(Council Bill 00-013)**

AN ORDINANCE CONCERNING

**Zoning — Health-Care Facilities —
Conditional Use Substance Abuse Treatment Center —
2117-2121 Maryland Avenue**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a substance abuse treatment center on the properties known as 2117-2121 Maryland Avenue, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning

Section(s) 6-309(1) and 14-102

and

Article - Health

Section 3-102

Baltimore City Code

(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of a substance abuse treatment center on the property known as 2117-2121 Maryland Avenue, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 6-309(1) and 14-102 and Health Code § 3-102 of the Baltimore City Code, subject to the ~~condition that~~ following conditions:

1. off-street parking for a minimum of 8 vehicles must be provided on the paved area at the rear of the property;
2. the maximum number of clients enrolled on site is 600 full-time equivalents as calculated on a 5-day, 40-hour work week; as calculated, if a patient only comes for treatment once a week, that counts as 1/5th of an equivalent, and this cap does not limit the hours of operation for the facility;
3. the outdoor "smoking area" is limited to the rear of the property and may not be on the public right-of-way;
4. any improvements to the building, including signage, must adhere to the design guidelines set forth in the Charles-North Revitalization Area Urban Renewal Plan; and
5. the treatment center ~~complies~~ must comply with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved April 13, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-010
(Council Bill 00-025)**

AN ORDINANCE CONCERNING

Streets and Highways — Streetscape Plans

FOR the purpose of providing for the development, approval, and implementation of streetscape plans in certain areas of the City; establishing procedures for the assessment and collection of costs; defining certain terms; correcting, clarifying, and conforming related provisions governing footways; and generally relating to the grading, paving, repaving, and repairing of footways and to the treatment of footways, sidewalks, curbs, gutters, and landscaping within certain areas.

BY adding

Article 26 - Surveys, Streets, and Highways
Subtitle 10A
Baltimore City Code
(Edition 2000)

BY repealing and reordaining

Article 26 - Surveys, Streets, and Highways
Subtitles 9, 10, and 11
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 26. Surveys, Streets, and Highways

Subtitle 9. Footways — In General

§ 9-1. General standards.

(a) Width and location.

- (1) [All footways] EVERY FOOTWAY installed along any [of the] paved or unpaved [streets] STREET, [lanes] LANE, or [alleys] ALLEY of the City [shall] MUST be of [such] THE width and IN THE location [as] THAT the Director of Public Works [shall direct] DIRECTS in each instance[.]. IN NO EVENT, HOWEVER, MAY the width[, however, to] be [not] less than 4 feet.
- (2) [Any or all of] WHEREVER REQUIRED BY THE DIRECTOR OF PUBLIC WORKS, the streets, lanes, [or] AND alleys[,], of the City [shall] MUST be paved to the building line, to the full width of the sidewalk reservation[, if such paving is deemed requisite by the Director of Public Works].

(b) Penalties.

[In case of refusal or neglect by] IF the proprietor [or proprietors] of any lot[, or lots of ground] REFUSES OR NEGLECTS to comply with [the requirements of] this section, the owner [or owners of said

lots of ground] OF THE LOT [shall be] IS subject to a fine of \$10 for each [and every] day [such] THE neglect or refusal [shall continue] CONTINUES, to be recovered as other fines and forfeitures are recoverable.

§ 9-2. [Required] TEMPORARY FOOTWAY REQUIRED when digging up sidewalk.

(a) *[Temporary footway required] IN GENERAL.*

(1) Whenever any sidewalk [shall be] IS dug or torn up by any person or corporation, [the said] THAT person or corporation [so digging up or tearing up the sidewalk shall, within 2 days from the time of the beginning of digging away or tearing up the sidewalk,] MUST construct [over said sidewalk so dug or torn up,] a substantial footway OVER THE SIDEWALK SO DUG OR TORN UP.

(2) THE FOOTWAY MUST:

- (I) BE CONSTRUCTED WITHIN 2 DAYS FROM THE START OF THE DIGGING OR TEARING UP;
- (II) [not less than three] BE AT LEAST 3 feet wide, with proper guards on the side for the use of the public[,]; AND
- (II) [which shall] be maintained until [said] THE sidewalk is restored and repaved in a proper manner.

(B) *WORK UNDER STREETScape PLAN.*

IF THE WORK IS DONE IN AN AREA SUBJECT TO A STREETScape PLAN APPROVED IN ACCORDANCE WITH SUBTITLE 10A OF THIS ARTICLE:

- (1) THE WORK PERFORMED AND THE TEMPORARY FOOTWAY MUST CONFORM TO ALL PROVISIONS OF THE PLAN THAT GOVERN TEMPORARY FOOTWAYS; AND
- (2) ALL RESTORATION AND REPAIR MUST BE PERFORMED IN ACCORDANCE WITH THE STREETScape PLAN.

[(b)] (C) *Penalties.*

Every person or corporation who refuses or neglects to comply with this section [shall be] IS liable to a penalty of \$10 for each [and every] day [which shall elapse] THAT PASSES [until] WITHOUT a footway [shall be constructed] BEING IN PLACE as [herein provided] REQUIRED BY THIS SECTION.

§ 9-3. Director's authority.

(A) *IN GENERAL.*

The Director of Public Works [shall have] HAS full power:

- (1) to grade and regulate the footways in all paved streets, lanes, and alleys in the City [of Baltimore], and all streets, lanes, and alleys [hereafter] to be paved, repaved, or repaired, to the grade of ½ of an inch ascent (as nearly as practicable in each case) for every 1 foot in width of [such footways] THE FOOTWAY, from the top of the curb or gutter to the line of the street, lane, or alley [in which such footway may be paved, repaved, or repaired,]; and

- (2) to require that all drainage across [said] footways be carried underground and through the curb to the gutter.

(B) *WORK UNDER STREETScape PLAN.*

IN ADDITION, THE DIRECTOR OF PUBLIC WORKS MAY IMPLEMENT A STREETScape PLAN APPROVED IN ACCORDANCE WITH SUBTITLE 10A OF THIS ARTICLE TO THE SAME EXTENT AND WITH THE SAME AUTHORITY AS OTHER REPAIRS AND WORK DESCRIBED IN SUBTITLE 10 OF THIS ARTICLE.

Subtitle 10. Footways — Along Paved Streets

§ 10-1. Notice to property owners.

(a) *[In general] SCOPE.*

[Whenever] THIS SECTION APPLIES WHENEVER the Director of Public Works [of Baltimore City shall find]:

- (1) FINDS THAT any footway, IN WHOLE or [portion thereof,] IN PART, of any paved street, lane, or alley of the City[,]:
 - (I) IS not properly graded and paved[, or];
 - (II) IS in bad repair [or];
 - (III) IS otherwise in a defective condition[.]; OR
 - (IV) IS INCONSISTENT WITH A STREETScape PLAN APPROVED IN ACCORDANCE WITH SUBTITLE 10A OF THIS ARTICLE; and
- (2) [shall] DETERMINES, in his OR HER judgment, [determine] that the [same] FOOTWAY:
 - (I) needs grading, paving, repaving, or repairing[.]; OR
 - (II) OTHERWISE NEEDS TO BE BROUGHT INTO COMPLIANCE WITH THE APPROVED STREETScape PLAN.

(B) *NOTICE.*

- (1) [the said] THE Director [shall] MUST:

- (I) serve [a written or printed notice on] each [and every] person whose property binds or abuts [upon said] ON THE footway [or portion thereof,] WITH A WRITTEN NOTICE of [his] THE DIRECTOR'S intention to IMPROVE, grade, pave, repave, or repair [the same,] IT; and
- (II) [will] give all persons interested an opportunity 5 days after the date of [said] notice to show cause, if any, why the [said] footway[, or portion thereof] should not be IMPROVED, graded, paved, repaved, or repaired.

[(b) *Posting.*]

- (2) If the owner of any property cannot be found by the Director of Public Works, [he shall] THE DIRECTOR MUST cause [said] THE notice to be conspicuously posted [upon] ON the premises[, the footway of which is found by said Director of Public Works to be in need of grading, paving, repaving, or repairing].

(c) *Service alternatives.*

- (1) The Director of Public Works [shall] MUST cause THE notice [of the order] provided for in [subsection (a) of] this section to be given to the proprietor [or proprietors] of [the] EACH lot [or lots] adjacent to which a footway is required to be [filled up, dug down] IMPROVED, GRADED, paved, repaved, or repaired [in manner following, that is to say,].
- (2) FOR THIS PURPOSE, [the said order, or] a copy [thereof] OF THE ORDER may BE:
- (i) [be] left at any house on [such] THE lot;
 - (ii) served personally on the proprietor [or proprietors,] or ON his, her, or [their] ITS tenant, agent, or guardian;
 - (iii) left at his, her, or [their] ITS residence;
 - (iv) published in 1 or more newspapers of the City; or
 - (v) posted or set up on the premises.

[(2)] (3) Notice GIVEN in any of [which said modes] THESE WAYS [shall be deemed sufficient] SUFFICES for the purposes of this section and §§ 11-1 and 17-4 of this article.

§ 10-2. Appeal of proposed work.

(A) *APPEAL TO BMZA.*

WITHIN 2 DAYS FROM THE DATE OF THE HEARING BY THE DIRECTOR OF PUBLIC WORKS, [Any] ANY person dissatisfied with the DIRECTOR'S decision [of the Director of Public Works with reference to] ON the [necessity of] NEED FOR IMPROVING, grading, paving, repaving, or repairing any footway[, or portion thereof,] may [within 2 days from the date of said hearing by the Director of Public Works,] appeal to the Board of Municipal and Zoning Appeals [of Baltimore City,].

(B) *BMZA'S DECISION FINAL.*

[which] THAT Board [shall] MUST hear [said] THE appeal, and its decision[shall be] IS final [as to the necessity of grading, paving, repaving or repairing said footway or portion thereof].

§ 10-3. By whom work to be done.

(a) *Director.*

If [there shall be] no appeal IS TAKEN from the DIRECTOR'S decision [of the Director of Public Works,] or if, after appeal, [his] THE DIRECTOR'S decision [shall be] IS affirmed by [said] THE Board of Municipal and Zoning Appeals, [then said] THE Director [shall] MUST THEN have the [said]

footway[, or said portion thereof, so in need of grading, paving, repaving or repairing,] properly IMPROVED, graded, paved, repaved, or repaired.

(b) *Owner.*

[Provided that the owner of the property shall have the option of having said footway or portion thereof graded paved, repaved, or repaired with cement or other materials approved by said Director in accordance with the provisions of this subtitle, within 15 days after said notice or within 15 days after the decision of the Board of Municipal and Zoning Appeals in case there is an appeal to said Board.] HOWEVER, WITHIN 15 DAYS AFTER THE NOTICE OR, IF AN APPEAL IS TAKEN, WITHIN 15 DAYS AFTER THE DECISION OF THE BOARD OF MUNICIPAL AND ZONING APPEALS, THE OWNER OF THE PROPERTY HAS THE OPTION OF HAVING THE FOOTWAY IMPROVED, GRADED, PAVED, REPAVED, OR REPAIRED.

§ 10-4. Manner of work.

[(a) *In general.*

(1) Said work shall be done:

- (i) under the supervision of the Director of Public Works; and
- (ii) in accordance with his specifications therefore.

(2) All footway work shall be done in a sufficient and substantial manner in accordance with the specifications of the Director of Public Works for the material or materials selected by the Director of Public Works for the paving, repaving, or repairing of said footway.

(3) All such paving, repaving, or repairing shall be done in the manner usually followed in modern improved sidewalk paving.

(b) *Work by Director.*

All footways paved or repaved by the said Director shall be paved with cement or such other paving material or materials as may be designated by the Director of Public Works in each instance.]

ALL WORK BY THE DIRECTOR OR A PROPERTY OWNER MUST BE DONE AS FOLLOWS:

- (1) WHERE NO STREETSCAPE PLAN IS IN EFFECT, WITH MATERIALS APPROVED BY THE DIRECTOR;
- (2) WHERE A STREETSCAPE PLAN IS IN EFFECT, STRICTLY IN ACCORDANCE WITH THE STREETSCAPE PLAN; AND
- (3) IN ALL CASES:
 - (I) UNDER THE SUPERVISION AND IN ACCORDANCE WITH THE SPECIFICATIONS OF THE DIRECTOR OF PUBLIC WORKS; AND
 - (II) IN A SUFFICIENT AND SUBSTANTIAL MANNER, CONSISTENT WITH MODERN TECHNIQUES FOR IMPROVING, PAVING, REPAVING, OR REPAIRING FOOTWAYS.

§ 10-5. Assessments of costs.*(a) Record.*

[Upon the completion of the] WHEN work [of grading, paving, repaving, or repairing any footway, or part thereof, as provided in] UNDER this subtitle IS COMPLETED, the Director of Public Works [shall] MUST determine and record in his OR HER office:

- (1) the fact that [such grading, paving, repaving, and repairing] THE WORK has been done;
- (2) the date [when same] THE WORK was completed;
- (3) the total expense of doing the work, including [the expense] EXPENSES reasonably incurred [by the Director of Public Works in ascertaining] TO ASCERTAIN the names of [the owners of the property] abutting PROPERTY OWNERS [upon the footway so graded, paved, repaved or repaired];
- (4) the names of [said] THE abutting property owners[, with];
- (5) the [respective areas] SCOPE of the work done at each property for which [such] THE property or [the] ITS owner [thereof] is to be assessed; and
- [(5)] (6) the total amount proposed to be assessed against each of [said] THE abutting properties and [the] THEIR owners [thereof for said work].

(b) Publication of notice.

- (1) [Thereupon the said] THE Director of Public Works [shall] MUST THEN publish a notice in 2 of the daily newspapers of Baltimore City[:].
- (2) THE NOTICE MUST:
 - [(1)] (I) [stating] STATE that [such] THE footway has been IMPROVED, graded, paved, repaved, or repaired, as the case may be;
 - [(2)] (II) [giving] GIVE the location [thereof] OF THE FOOTWAY; and
 - [(3)] (III) [stating] STATE that, WITHIN 10 DAYS OF THE NOTICE, the [Department] DIRECTOR of Public Works will hear any owner of property abutting [thereon] ON THE FOOTWAY in reference to his, HER, OR ITS liability for [the whole] ALL or part of the cost of [such] THE work[, within 10 days after publication of said notice].

(c) Issuance of assessment.

- (1) [The Department] WITHIN 10 DAYS OF THE NOTICE, THE DIRECTOR of Public Works [shall] MUST hear any [such] AGGRIEVED owner who [may desire] WANTS to be heard [within said 10 days and,].
- (2) [after the expiration of said] AFTER THE 10 days HAVE EXPIRED, [shall] THE DIRECTOR OF PUBLIC WORKS MUST assess the entire cost incurred by the [Department of Public Works] DIRECTOR in doing [said] THE work, together with the expense of [said] THE notice by publication, [upon] ON

all owners of property abutting [upon said] ON THE footway [upon which said work was done], in proportion to the amount of work done at each [of said properties] PROPERTY.

§ 10-6. Damage caused by City trees.

(a) *City responsible.*

[In the event that] IF the damage to [the] A footway [referred to in this subtitle] was clearly [occasioned] CAUSED by trees owned by the City, then the Mayor and City Council of Baltimore [shall be] IS responsible for the cost of the necessary IMPROVING, grading, paving, repaving, or repairing.

(b) *Dispute resolution.*

The question of [such] responsibility may be determined at the hearing and ANY appeal taken by the property owner, as authorized in this subtitle.

(c) *Appropriation limitation.*

In any fiscal year, the CITY's obligation [of the City] under [the provisions of] this section [shall] MAY not exceed the amount appropriated [for such] IN THAT fiscal year for [the] THESE purposes [herein set forth].

§ 10-7. Deferred payments.

(a) *In general.*

Whenever any footway [or part thereof shall be] IS IMPROVED, graded, paved, repaved, or repaired, the Director of Public Works may [provide a statement of assessments that the] AUTHORIZE payment of the ASSESSED amount [so assessed], [provided] IF it is for more than \$100, [may] TO BE MADE, at the option of the [owners of the respective lots of ground assessed] PROPERTY OWNER [be made: (1)], in equal annual payments, [(2)] plus interest on the unpaid balance [of said amount].

(B) *INTEREST AND TERM — GENERAL.*

EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION:

- (1) INTEREST ACCRUES AT THE RATE THAT [as said] THE Director of Public Works, with the concurrence of the Board of Estimates, [may deem] DETERMINES TO BE just and proper[.]; AND
- (3) [over such definite period of time as] THE NUMBER OF YEARS OVER WHICH INSTALLMENTS MAY BE PAID IS AS SET BY the Director of Public Works [shall determine], not to exceed 5 years from the date of the [delivery of the statement aforesaid] ASSESSMENT REPORT to the Director of Finance.

(C) *INTEREST AND TERM — WORK UNDER STREETScape PLAN.*

FOR WORK DONE UNDER A STREETScape PLAN APPROVED IN ACCORDANCE WITH SUBTITLE 10A OF THIS ARTICLE:

- (1) INTEREST ACCRUES AT THE RATE SPECIFIED IN THE PLAN; AND

- (2) THE NUMBER OF YEARS OVER WHICH INSTALLMENTS MAY BE PAID IS AS SPECIFIED IN THE PLAN, NOT TO EXCEED 10 YEARS FROM THE DATE OF THE ASSESSMENT REPORT TO THE DIRECTOR OF FINANCE.

[(b)] (D) *Continuing lien.*

The assessments [so made shall be and] continue AS liens on the respective lots of ground from the date [of completion of the contract or portion thereof for the grading, paving, repaving, or repairing of such footway, or part thereof,] THE WORK WAS COMPLETED until paid.

§ 10-8. Appeals.

(a) *Owner may appeal.*

[The] WITHIN 30 DAYS OF THE MAILING OF A NOTICE OF ASSESSMENT, THE owner of [any] THE property [upon] ON which [any such] THE assessment [in question] is levied may[, within 30 days of the mailing to him of notice of such assessment, bring such] APPEAL THE assessment to the Board of Municipal and Zoning Appeals [for review by it, in accordance with the provisions of the City Charter as amended], [and] with THE right of FURTHER appeal to the Circuit Court for Baltimore City, as provided in [said] THE CITY Charter.

(b) *Relation back.*

[In the event such] IF, ON APPEAL, AN assessment is sustained in whole or in part [by the said Board, court, or jury], the lien [shall relate] RELATES back to the time [of completing] the work WAS COMPLETED.

§ 10-9. Collections.

(a) *Director of Finance to collect.*

After the [expiration of said 30 days] 30-DAY APPEAL PERIOD HAS EXPIRED, the Director of Public Works [shall] MUST report the assessments [so] made to the Director of Finance, who [shall] MUST proceed to collect [the same] THEM in the same manner [as] THAT REAL ESTATE taxes [upon real estate] are collected.

(b) *When payable; election to defer.*

- (1) [Said] ALL assessments[: (i) shall be] ARE due [and payable] as soon as reported to the Director of Finance[: and].

- (2) [(ii)] ASSESSMENTS may be paid:

- (I) PURSUANT TO AN ELECTION TO BE MADE BEFORE THE INTEREST DATE, in deferred payments as provided in § 10-7 of this subtitle[:]; OR

- (II) [(2) This election, with the 1st installment, must be made prior to the interest date and may also be paid] in full, without interest, at any time prior to 30 days after the 1st of the month succeeding the date of [such] THE report to the Director of Finance[: and,].

- (3) [unless] UNLESS paid [within that] ON time, [shall thereafter] ALL ASSESSMENTS bear interest FROM THE DATE DUE until paid in full.

(c) *Assessment as lien.*

[Said] THE assessments [shall be] ARE liens [upon] ON the property[, the owners of which are so assessed,] from the date [of the completion of] the work [for which such assessments are made] IS COMPLETED, subject, as to any party who [may have] HAS appealed, to the final [determination of the Board of Municipal and Zoning Appeals or the court or jury upon such] DECISION ON appeal.

(d) *Remedies.*

(1) The Director of Finance:

(i) [shall have] HAS the same remedies for the collection of [said] assessments, interest, and penalties as [are] THOSE provided by law [or ordinance] for the collection of ordinary taxes [upon] ON real estate; and

(ii) may use these remedies [upon] ON default of any 1 annual payment.

(2) [Said] A default [shall cause the whole] CAUSES ALL of the [remainder of the] amount [so] assessed and yet unpaid to be due and [owing] PAYABLE.

§ 10-10. Recovery by suit.

In addition to the remedy provided in § 10-9 of this subtitle, the [Mayor and the City Council of Baltimore is hereby authorized to] CITY MAY recover, by suit or action at law from the owner of any property abutting [upon] ON any footway [which may be] THAT HAS BEEN IMPROVED, graded, paved, repaved, or repaired by the Director of Public Works[, in pursuance of] UNDER this subtitle, the cost of the work [upon said] DONE ON THE footway.

§ 10-11. Anticipation of collections.

[The] WITH THE MAYOR'S APPROVAL, THE Director of Public Works [is authorized, with the approbation of the Mayor, to] MAY draw on the City Comptroller, in anticipation of the [collection] COLLECTIONS from abutting property owners, for [such sum or sums of] THE money [as may be necessary] NEEDED to IMPROVE, grade, pave, repave, or repair any footway [as hereinabove provided] UNDER THIS SUBTITLE.

SUBTITLE 10A. FOOTWAYS—STREETSCAPE PLANS

§ 10A-1. DEFINITIONS.

(A) *IN GENERAL.*

IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) *STREETSCAPE PLAN.*

“STREETSCAPE PLAN” MEANS A PLAN FOR THE CONSISTENT TREATMENT OF FOOTWAYS, SIDEWALKS, CURBS, GUTTERS, AND LANDSCAPING WITHIN ALL OR ANY PART OF A MANAGEMENT DISTRICT CREATED UNDER AUTHORITY OF THE CITY CHARTER.

(C) *IMPROVED.*

“IMPROVED” OR ANY OF ITS VARIATIONS:

- (1) MEANS THE IMPLEMENTATION OF THE FOOTWAY, SIDEWALK, CURB, GUTTER, OR LANDSCAPING STANDARDS, GUIDELINES, TREATMENTS, AND MATERIALS CONTAINED IN AN APPROVED STREETSCAPE PLAN; AND
- (2) INCLUDES ALL COSTS OF REPAIRING OR REPLACING THE ELEMENTS OF A STREETSCAPE PLAN.

§ 10A-2. REQUIRED ELEMENTS OF PLAN.

(A) *SCOPE.*

EACH STREETSCAPE PLAN MUST ADDRESS THE REPAIR, REPLACEMENT, BEAUTIFICATION, ENHANCEMENT, TREATMENT, AND FUTURE MAINTENANCE OF ALL SIDEWALKS, CURBS, GUTTERS, AND LANDSCAPING WITHIN THE AFFECTED AREA.

(B) *CONTENTS.*

EACH STREETSCAPE PLAN MUST CONTAIN:

- (1) STANDARDS AND GUIDELINES FOR ALL MATERIALS AND WORK;
- (2) A PROPOSED IMPLEMENTATION SCHEDULE;
- (3) AN ESTIMATE OF THE COSTS TO BE INCURRED IN IMPLEMENTING THE PLAN; AND
- (4) AN ESTIMATED ALLOCATION AND ASSESSMENT OF COSTS TO PROPERTY OWNERS.

§ 10A-3. COSTS.

(A) *IN GENERAL.*

EACH STREETSCAPE PLAN MUST PROVIDE BOTH AN ANNUAL AND LONG-TERM BUDGET FOR THE ANTICIPATED COSTS OF THE PLAN.

(B) *LIMITED IMPOSITION ON OWNERS.*

A STREETSCAPE PLAN MAY NOT IMPOSE COSTS ON A PROPERTY OWNER THAT EXCEED THE ESTIMATED OBLIGATION THE PROPERTY OWNER WOULD INCUR UNDER ITS REPAIR OBLIGATIONS IN THE ABSENCE OF A STREETSCAPE PLAN.

(C) *ALTERNATIVE FINANCING.*

A STREETSCAPE PLAN:

- (1) NEED NOT BE LIMITED TO COSTS IMPOSED DIRECTLY ON EACH ABUTTING PROPERTY OWNER;
- (2) MAY INCLUDE OR PROVIDE FOR:
 - (I) A DEFERRED PAYMENT ARRANGEMENT OF THE KIND AUTHORIZED IN § 10-7 OF THIS ARTICLE; AND
 - (II) CONTRIBUTIONS FROM ANY PUBLIC OR PRIVATE ENTITY OR BODY; AND

- (3) MAY CONTAIN ELEMENTS THAT ARE TO BE IMPLEMENTED ONLY IF CONTRIBUTIONS ARE OBTAINED OR PROVIDED FROM PUBLIC OR PRIVATE ENTITIES OR BODIES.

(D) *MAINTENANCE AND REPAIR.*

EVERY STREETScape PLAN MUST CONSIDER AND ADDRESS THE COSTS AND ALLOCATION OF RESPONSIBILITY FOR REGULAR MAINTENANCE AND REPAIR.

§ 10A-4. APPROVAL OF PLAN.

(A) *IN GENERAL.*

NO STREETScape PLAN MAY BE SUBMITTED TO THE DIRECTOR OF PUBLIC WORKS OR TO THE AFFECTED PROPERTY OWNERS UNLESS THE BOARD OF DIRECTORS OF THE MANAGEMENT DISTRICT, AFTER HOLDING A PUBLIC HEARING ON IT, APPROVES THE PLAN.

(B) *OPPORTUNITY TO PROTEST.*

- (1) NO STREETScape PLAN MAY BE IMPLEMENTED UNTIL THE PROPERTY OWNERS AFFECTED BY THE STREETScape PLAN HAVE BEEN GIVEN AN OPPORTUNITY TO PROTEST THE STREETScape PLAN.
- (2) THE DIRECTOR OF PUBLIC WORKS MUST ESTABLISH A PROTEST PERIOD FOR THIS PURPOSE, WITH PROCEDURES GENERALLY SIMILAR TO THOSE SET FORTH IN SECTION 11 OF ORDINANCE 92-057.
- (3) THE STREETScape PLAN MAY NOT BE SUBMITTED TO THE DIRECTOR OF PUBLIC WORKS FOR APPROVAL IF, BY THE END OF THE PROTEST PERIOD, PROTESTS HAVE BEEN RECEIVED FROM MORE THAN 40% OF THE PROPERTY OWNERS, EITHER AS TO NUMBER OR ASSESSABLE VALUES.

(C) *APPROVAL NOT APPEALABLE.*

THE APPROVAL OF A STREETScape PLAN IS NOT SUBJECT TO THE APPEAL RIGHTS SET FORTH IN SUBTITLE 10 OF THIS ARTICLE.

§ 10A-5. IMPLEMENTATION OF PLAN.

(A) *DIRECTOR TO IMPLEMENT.*

ON APPROVAL BY THE DIRECTOR OF PUBLIC WORKS OF A STREETScape PLAN, THE DIRECTOR MUST IMPLEMENT THE PLAN IN ACCORDANCE WITH ITS TERMS, WORKING WHERE APPROPRIATE WITH THE AUTHORITY FOR THE MANAGEMENT DISTRICT.

(B) *NOTICE AND APPEAL RIGHTS.*

- (1) WORK DESIGNATED UNDER THE PLAN TO BE DONE BY THE DIRECTOR OF PUBLIC WORKS MAY PROCEED WITHOUT REGARD TO THE NOTICE AND PROCEDURES OF SUBTITLE 10 OF THIS ARTICLE.
- (2) WORK DESIGNATED UNDER THE PLAN TO BE DONE BY PROPERTY OWNERS MAY ONLY BE DONE BY THE DIRECTOR IN ACCORDANCE WITH THE NOTICE AND APPEAL RIGHTS OF SUBTITLE 10 OF THIS ARTICLE.

§ 10A-6. OWNERS NOT RELIEVED OF MAINTENANCE OBLIGATIONS.

APPROVAL OF A STREETSCAPE PLAN DOES NOT DIMINISH THE OBLIGATIONS OF ADJOINING PROPERTY OWNERS TO SWEEP, CLEAN, AND MAINTAIN IN GOOD ORDER FOOTWAYS AND SIDEWALKS ADJACENT TO THEIR PROPERTIES.

Subtitle 11. Footways — Along Unpaved Streets**§ 11-1. Work done by property owners.****(A) SCOPE.**

[The Director of Public Works is hereby authorized and directed,] THIS SECTION APPLIES whenever any unpaved street, lane, avenue, or alley [in the City of Baltimore,]:

- (1) IS used as a public thoroughfare[,]; AND
- (2) EITHER:
 - (I) is without a proper footway; or
 - (II) the footway along [said] THE street, lane, avenue, or alley is out of repair or in a bad, unsafe, [and] OR dangerous condition.

(B) DIRECTOR TO NOTIFY OWNERS.

[to] THE DIRECTOR OF PUBLIC WORKS MUST notify the [owner] OWNERS of the [lot] LOTS binding or abutting [upon such] ON THE unpaved street, lane, avenue, or alley in the same manner [as] THAT notice is [now] required to be given [to the owner of lots binding or abutting or paved streets where the footways binding or abutting on such lots are required to be repaved or repaired,] UNDER SUBTITLE 10 OF THIS ARTICLE.

(C) TENOR OF NOTICE.

[requiring said] THE NOTICE MUST REQUIRE THE owner AS FOLLOWS:

- (1) IN AN AREA WHERE NO STREETSCAPE PLAN IS IN EFFECT, to construct a footway out of cinders, crushed stone, wood, or other suitable material [along such unpaved street, lane, avenue, or alley,] or TO repair or put in good condition any ALREADY-EXISTING footway [already constructed or existing along said street, lane, avenue, or alley] within 5 days from the time [of giving said] THE notice IS GIVEN; AND
- (2) IN AN AREA SUBJECT TO A STREETSCAPE PLAN APPROVED IN ACCORDANCE WITH SUBTITLE 10A OF THIS ARTICLE, TO CONSTRUCT A FOOTWAY OR TO REPAIR OR PUT IN GOOD CONDITION AN ALREADY-EXISTING FOOTWAY STRICTLY IN ACCORDANCE WITH THE STREETSCAPE PLAN.

§ 11-2. Work done by City; assessments.**(a) City to do work.**

[Upon] ON the failure of [any] THE owner [or owners] of [a] ANY lot [or lots] binding or abutting [upon] ON any unpaved street, lane, avenue, or alley [of the City of Baltimore,] to comply with [the] A

notice [provided for in] GIVEN UNDER § 11-1 of this article, the Director of Public Works [is hereby authorized and directed] MUST:

- (1) [to] construct [such] THE footways and make [any and all] THE NECESSARY IMPROVEMENTS, repairs, and grading [necessary to be done with the force under him in his department]; and
- (2) [to] charge the cost [thereof, which said cost shall be a debt against the property binding or abutting on the footways so constructed, graded, or repaired,] OF THAT WORK to the owner [or owners] to whom [such] notice [shall have been] WAS given.

(b) *Collections.*

These costs ARE A DEBT AGAINST THE PROPERTY, AND [shall be given into the hands of] THE DIRECTOR OF PUBLIC WORKS MUST REFER THEM TO the Director of Finance, to be collected [by him] as the other claims of the City are collected.

§ 11-3. Grades.

The Director of Public Works [is hereby authorized to have such] MAY CAUSE ALL footways [as he may construct,] THAT THE DIRECTOR CONSTRUCTS or [as may be] THAT OTHERWISE ARE constructed in [compliance] ACCORDANCE with the provisions of this subtitle, brought to proper grades, either by excavating where too high or filling in where too low.

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 on the 30th day after the date it is enacted.

Approved May 4, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-011
(Council Bill 00-035)**

AN ORDINANCE CONCERNING

Housing Code — Fees

FOR the purpose of revising the fee schedule for certain licenses issued under the Housing Code; eliminating the maximum fee for a license; clarifying certain language; and providing for a special effective date.

BY repealing and reordaining, with amendments

Article 13 - Housing and Urban Renewal
Section(s) 1103(b),(c), and (d)
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 13 — Housing and Urban Renewal

Housing Code of Baltimore City

§ 1103. License fees.

(b) *Rooming house license.*

[An] FOR A ROOMING HOUSE LICENSE, THE annual fee [of \$15] IS \$25 per rooming unit [shall be charged for rooming house licenses, with a maximum fee of \$10,000 per license].

(c) *Multiple-dwelling license.*

[An] FOR A MULTIPLE-DWELLING LICENSE, THE annual fee [of \$25] IS \$35 per dwelling unit [shall be charged for multiple-dwelling licenses, with a maximum fee of \$10,000 per license].

(d) *Combination of uses.*

Where a building is used for a combination of uses, THE ANNUAL FEE SHALL BE COMPUTED BY APPLYING THE APPLICABLE RATE SPECIFIED IN THIS SECTION FOR EACH USE [a license fee shall be charged for each such use at the rate of \$15 per rooming unit and \$25 per dwelling unit, with a maximum fee of \$10,000 per license].

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 July 1, 2000.

Approved May 4, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-012
(Council Bill 00-036)**

AN ORDINANCE CONCERNING

**City of Baltimore and the Housing Authority of Baltimore City —
Amendatory Agreement**

FOR the purpose of authorizing and approving the execution of an amendment to the Cooperation Agreement between the Mayor and City Council of Baltimore and the Housing Authority of Baltimore City, dated March 29, 1950; and providing for a special effective date.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council do hereby approve and authorize the execution on behalf of the City by the Mayor of an Amendatory Agreement to the Cooperation Agreement, between the Mayor and City Council of Baltimore and the Housing Authority of Baltimore City, dated March 29, 1950, as approved by Ordinance No. 1077, approved March 20, 1950 ("Cooperation Agreement"), and as further amended and extended from time to time to include additional low-rent housing projects, said Amendatory Agreement to read as follows:

This Amendatory Agreement made and entered into this ____ day of _____, 2000, by and between the Mayor and City Council of Baltimore (hereinafter referred to as the "City") and the Housing Authority of Baltimore City (hereinafter referred to as "HABC").

WHEREAS, In accordance with Article 44A, § 1-301 of the Annotated Code of Maryland (1998 Replacement Vol.) ("Art. 44A"), the HABC has entered into one or more contracts with the U.S. Department of Housing and Community Development ("HUD") for loans and annual contributions in connection with the development and/or administration of low-rent housing, all pursuant to the United States Housing Act of 1937 (as amended) (hereinafter called the "Act"); and

WHEREAS, The City, by Ordinance No. 1077, approved March 29, 1950, entered into a Cooperation Agreement with HABC authorizing HABC's low-rent housing program, within the limitation of 10,000 dwelling units to be located within the corporate limits of Baltimore City and agreed to assist and cooperate with HABC in such undertaking all in compliance with the Act; and

WHEREAS, Ordinance No. 1077, the Cooperation Agreement approved March 29, 1950, was further amended and extended from time to time to include additional low-rent housing projects; and

WHEREAS, Ordinance No. 416, approved July 15, 1952, amended the Cooperation Agreement to include Murphy Homes and Emerson Julian Gardens Projects; and

WHEREAS, HABC has been awarded funding from HUD for the complete revitalization of Murphy Homes and Emerson Julian Gardens to be now known as Heritage Crossing; and

WHEREAS, The Act now authorizes the HABC to own, operate, assist or otherwise participate in one or more mixed-finance projects as more specifically defined at § 35 of the Act; and

WHEREAS, Heritage Crossing is a mixed-financed project as that term is defined at § 35 of the Act to be developed as a housing project for persons of eligible income by an entity in which HABC has an ownership interest, all in accordance with § 1-302(a)(7) of Art. 44A; and

WHEREAS, Pursuant to § 1-104(a)(2) of Art. 44A, any HABC property and any property used as housing for persons of eligible income that is owned by an entity related to the Housing Authority of Baltimore are exempt from all taxes and special assessments and in lieu thereof, HABC or an entity related to the Housing Authority of Baltimore City "shall make payments to the City in such amount, if any, as may be set by mutual agreement; . . . provided, however, that the sum to be paid to the local government shall not exceed an amount equal to the regular taxes levied upon similar property;" and

WHEREAS, Heritage Crossing will consist of 75 dwelling units, among other things not here relevant, to be occupied by persons of eligible income; and

WHEREAS, HABC or the entity related to the Housing Authority of Baltimore City is desirous of making certain Payments in Lieu of Taxes to the City for the aforesaid 75 dwelling units, and the City is desirous of cooperating with the HABC and HUD by furnishing or causing to be furnished to the housing project,

Heritage Crossing, and the qualified tenants thereof, certain public services all in conformity with § 5(e) and § 6 of the Act.

NOW, THEREFORE, FOR AND IN CONSIDERATION of the mutual covenants hereinafter set forth, the City and HABC do agree as follows:

1. That, notwithstanding any limitations or restrictions set forth in Sections 1 and 3A of the Cooperation Agreement, the Mayor and City Council does approve and authorize the extension of the Cooperation Agreement, in all its applicable terms, covenants, and conditions to a low-rent, mixed-finance housing project, comprising not more than 75 low-rent dwelling units to be occupied by persons of eligible income. The housing project shall be developed on the site formerly known as Murphy Homes and Emerson Julian Gardens and now known as Heritage Crossing by an entity in which the HABC has an ownership interest.
2. In all other respects, the Cooperation Agreement, as amended, shall continue and remain in full force and effect.

IN WITNESS WHEREOF, The City and the Authority have respectively signed this Agreement and caused their seals to be affixed and attested as of the day and year first above written.

Attest:

Mayor and City Council of Baltimore

By _____
Mayor

Attest:

Housing Authority of Baltimore City

Approved as to form and legal sufficiency this _____ day of _____, two thousand.

City Solicitor

Submitted to and Approved by the Board of Estimates this _____ day of _____, two thousand.

SECTION 2. AND BE IF FURTHER ORDAINED, That the foregoing Amendatory Agreement shall be and become binding upon the Mayor and City Council of Baltimore upon its execution on behalf of said Mayor and City Council of Baltimore by the Mayor, and upon its execution on behalf of the Housing Authority of Baltimore City by the Chair of said Housing Authority, after the approval thereof as to form and legal sufficiency by the City Solicitor of Baltimore and the approval thereof by the Board of Estimates of Baltimore, duly endorsed in spaces provided therefor on said Agreement.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved May 4, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-013
(Council Bill 00-045)**

AN ORDINANCE CONCERNING

**City Property — Naming the Board of Estimates Board Room
to be the Hyman Aaron Pressman Board Room**

FOR the purpose of naming the Board of Estimates Board Room, located at Room 215, City Hall, to be the Hyman Aaron Pressman Board Room.

BY authority of

Article 1 - Mayor, City Council, and Municipal Agencies
Section 229
Baltimore City Code
(1983 Replacement Volume and Supplements)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Board of Estimates Board Room, located at Room 215, City Hall, is named the Hyman Aaron Pressman Board Room.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved May 4, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-014
(Council Bill 00-055)**

AN ORDINANCE CONCERNING

**Issuance of Revenue Obligations for Wastewater Projects —
Maximum Aggregate Principal Amount**

FOR the purpose of increasing the maximum aggregate principal amount of Revenue Obligations that the Mayor and City Council of Baltimore is authorized to issue under Ordinance 90-496, as last amended by Ordinance 95-610, from \$160,000,000 to \$240,000,000; and providing for a special effective date.

BY repealing and reordaining, with amendments
Ordinance 90-496, as amended by Ordinance 95-610
Sections(s) 2.A

Recitals

Ordinance 90-496 authorizes the City to issue from time to time its Revenue Obligations to finance Wastewater Facilities within the geographical limits of the City's wastewater system. As most recently amended by Ordinance 95-610, the maximum aggregate principal amount of Revenue Obligations authorized to be issued under Ordinance 90-496 is \$160,000,000.

Certain recent events have occurred that affect the aggregate principal amount of Revenue Obligations that may be required to finance Wastewater Facilities, including (without limitation) an increase in the number of Wastewater Facilities that the City may desire to finance with the proceeds of the sale of Revenue Obligations.

Accordingly, the City desires to amend Ordinance 90-496 to increase to \$240,000,000 the aggregate principal amount of its Revenue Obligations that may be issued under that Ordinance.

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

Ordinance 90-496, as last amended by Ordinance 95-610

SEC. 2 AND BE IT FURTHER ORDAINED, That:

- A. The issuance, sale and delivery of an aggregate principal amount of Revenue Obligations not exceeding [One Hundred Sixty Million Dollars (\$160,000,000)] TWO HUNDRED FORTY MILLION DOLLARS (\$240,000,000) is hereby authorized for the general public purposes of financing or refinancing the cost of the Financed Facilities and repaying the City for amounts expended on Financed Facilities in anticipation of the issuance of the Revenue Obligations. This maximum amount may consist of (i) Revenue Notes, (ii) Revenue Bonds, (iii) Refunding Revenue Notes, (iv) Refunding Revenue Bonds, and (v) any combination of items (i) to (iv), inclusive, above. Any Refunding Obligations issued hereunder to refund any Revenue Obligations previously issued hereunder shall replace that portion of the authorized amount of Revenue Obligations previously issued and shall not be deemed to reduce the maximum authorized amount of Revenue Obligations permitted to be issued hereunder. In addition, (i) the payment of the principal of any Revenue Obligations previously issued, whether at maturity, upon redemption or otherwise, (ii) the purchase and cancellation of any Revenue Obligations or (iii) the provision for the payment of the principal of any Revenue Obligations in a manner which makes such Revenue Obligations no longer outstanding in accordance with the terms of the Administrative Resolution shall restore the principal amount of Revenue Obligations authorized to be issued hereunder by an amount equal to the principal amount of Revenue Obligations so paid, purchased and cancelled or otherwise provided for. The amount of any Credit Facility and any Revenue Obligation issued to evidence the indebtedness for borrowed money or the liability for such Credit Facility, shall not be deemed to reduce the maximum authorized amount of Revenue Obligations permitted to be issued hereunder. In connection with the issuance of capital appreciation Revenue Obligations, compound interest Revenue Obligations or similar types of Revenue Obligations, the principal amount of such Revenue Obligations issued pursuant to this Ordinance, for purposes of determining the remaining authorized amount of Revenue

Obligations permitted to be issued hereunder, shall be the principal amount of such Revenue Obligations outstanding on the date of issuance thereof.

SECTION 2. AND BE IT FURTHER ORDAINED, That Ordinance 90-496, as amended by this Ordinance, continues in full force and effect.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved May 18, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-015
(Council Bill 00-057)**

AN ORDINANCE CONCERNING

**Issuance of Revenue Obligations for Water Projects —
Maximum Aggregate Principal Amount**

FOR the purpose of increasing the maximum aggregate principal amount of Revenue Obligations that the Mayor and City Council of Baltimore is authorized to issue under Ordinance 90-495, as last amended by Ordinance 98-275, from \$190,000,000 to \$295,000,000; and providing for a special effective date.

BY repealing and reordaining, with amendments

Ordinance 90-495, as amended by Ordinance 98-275
Section(s) 2.A

Recitals

Ordinance 90-495 authorizes the City to issue from time to time its Revenue Obligations to finance Water Facilities within the geographical limits of the City's water system. As most recently amended by Ordinance 98-275, the maximum aggregate principal amount of Revenue Obligations authorized to be issued under Ordinance 90-495 is \$190,000,000.

Certain recent events have occurred that affect the aggregate principal amount of Revenue Obligations that may be required to finance Water Facilities, including (without limitation) an increase in the number of Water Facilities that the City may desire to finance with the proceeds of the sale of Revenue Obligations.

Accordingly, the City desires to amend Ordinance 90-495 to increase to \$295,000,000 the aggregate principal amount of its Revenue Obligations that may be issued under that Ordinance.

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

Ordinance 90-495, as last amended by Ordinance 98-275

SEC. 2. AND BE IT FURTHER ORDAINED, That:

A. The issuance, sale and delivery of an aggregate principal amount of Revenue Obligations not exceeding [One Hundred Ninety Million Dollars (\$190,000,000)] Two HUNDRED NINETY-FIVE MILLION DOLLARS (\$295,000,000) is hereby authorized for the general public purposes of financing or refinancing the cost of the Financed Facilities and repaying the City for amounts expended on Financed Facilities in anticipation of the issuance of the Revenue Obligations. This maximum amount may consist of (i) Revenue Notes, (ii) Revenue Bonds, (iii) Refunding Revenue Notes, (iv) Refunding Revenue Bonds, and (v) any combination of items (i) to (iv), inclusive, above. Any Refunding Obligations issued hereunder to refund any Revenue Obligations previously issued hereunder shall replace that portion of the authorized amount of Revenue Obligations previously issued and shall not be deemed to reduce the maximum authorized amount of Revenue Obligations permitted to be issued hereunder. In addition, (i) the payment of the principal of any Revenue Obligations previously issued, whether at maturity, upon redemption or otherwise, (ii) the purchase and cancellation of any Revenue Obligations or (iii) the provision for the payment of the principal of any Revenue Obligations in a manner which makes such Revenue Obligation no longer outstanding in accordance with the terms of the Administrative Resolution shall restore the principal amount of Revenue Obligations authorized to be issued hereunder by an amount equal to the principal amount of Revenue Obligations so paid, purchased and cancelled or otherwise provided for. The amount of any Credit Facility and any Revenue Obligation issued to evidence the indebtedness for borrowed money or the liability for such Credit Facility, shall not be deemed to reduce the maximum authorized amount of Revenue Obligations permitted to be issued hereunder. In connection with the issuance of capital appreciation Revenue Obligations, compound interest Revenue Obligations or similar types of Revenue Obligations, the principal amount of such Revenue Obligations issued pursuant to this Ordinance, for purposes of determining the remaining authorized amount of Revenue Obligations permitted to be issued hereunder, shall be the principal amount of such Revenue Obligations outstanding on the date of issuance thereof.

SECTION 2. AND BE IT FURTHER ORDAINED, That Ordinance 90-495, as amended by this Ordinance, continues in full force and effect.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved May 18, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-016
(Council Bill 99-003)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use Housing for the Elderly —
607 Pennsylvania Avenue**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of housing for the elderly on the property known as 607 Pennsylvania Avenue, as outlined in red on the accompanying plat.

BY authority of

Article 30 - Zoning
Section(s) 4.9-1d-5 and 11.0-6d
Baltimore City Code
(1983 Replacement Volume and Supplements)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of housing for the elderly on the property known as 607 Pennsylvania Avenue, as outlined in red on the plat accompanying this Ordinance, in accordance with Article 30, §§ 4.9-1d-5 and 11.0-6d of the Baltimore City Code, subject to the ~~condition that~~ following conditions:

1. the maximum number of dwelling units for the elderly is 47;
2. the property must be developed in accordance with the Landscaping Plan, as approved by the Planning Department;
3. the property must be developed in accordance with the Site Plan, as approved by the Site Plan Review Committee;
4. any changes in the Site Plan or Landscaping Plan are subject to approval by the Planning Department;
5. the Commission for Historical and Architectural Preservation has final approval of the architectural elevations; and
6. the housing for the elderly ~~complies~~ must comply with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved May 31, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-017
(Council Bill 00-024)**

AN ORDINANCE CONCERNING

Sale of Property — 1414 Key Highway

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, subject to certain conditions, at either public or private sale, all its interest in certain property that is located at 1414 Key Highway and is no longer needed for public use; and providing for a special effective date.

BY authority of

Article V - Comptroller
Section 5(b)
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That, in accordance with Article V, § 5(b) of the City Charter, the Comptroller of Baltimore City may sell, at either public or private sale, all the interest of the Mayor and City Council of Baltimore in the property located at 1414 Key Highway, containing 1.21 acres, more or less, this property being no longer needed for public use. The sale of this property is subject to the following conditions:

1. if the existing structure is razed, plans for new construction must be approved by the Planning Commission; and
2. any new curb cuts or driveways located along Key Highway must be approved by the Planning Commission.

SECTION 2. AND BE IT FURTHER ORDAINED, That no deed may pass under this Ordinance unless the deed has been approved by the City Solicitor.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved May 31, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-018
(Council Bill 00-042)**

AN ORDINANCE CONCERNING

Sale of Property — 4801 Liberty Heights Avenue

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain property located at 4801 Liberty Heights Avenue, Block 8295, Lot 12, and no longer needed for public use; and providing for a special effective date.

BY authority of

Article V - Comptroller
Section 5(b)
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That, in accordance with Article V, § 5(b) of the City Charter, the City Comptroller may sell, at either public or private sale, all the interest of the Mayor and City Council of Baltimore in the property located at 4801 Liberty Heights Avenue, Block 8295, Lot 12, and more particularly described as follows:

4801 Liberty Heights Avenue, Block 8295, Lot 12, containing 2.78 acres (121,088 square feet), more or less, improved by a two-and-one-half story masonry structure built as an elementary school,

this property being no longer needed for public use.

SECTION 2. AND BE IT FURTHER ORDAINED, That no deed may pass under this Ordinance unless the deed has been approved by the City Solicitor.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 7, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-019
(Council Bill 00-043)**

AN ORDINANCE CONCERNING

Lead-Paint Abatement — “No Occupancy” Notice

FOR the purpose of providing for the posting of certain premises that have outstanding notices or orders to ~~abate treat~~ lead paint violations; prohibiting certain premises from being reoccupied pending abatement of ~~lead paint violations these notices or orders~~; prohibiting persons from tampering with posted notices; ~~imposing certain penalties~~; and generally relating to enforcement procedures for the abatement of lead paint.

BY repealing and reordaining, with amendments

Article 32 - Building Code
Section(s) 3402.8
Baltimore City Code
(1997 Building Code Edition)

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 32 — Building Code

Chapter 34 —Existing Structures

§ 3402.0 General Requirements

3402.8 Lead-based paint: Lead-paint abatement shall comply with the requirements of the Baltimore City Health Department.

3402.8.1 UNOCCUPIED DWELLING UNIT — SCOPE: THE PROVISIONS OF §§3402.8.1 THROUGH ~~3402.8.4~~ 3402.8.5 APPLY TO ANY DWELLING UNIT THAT:

- A. IS THE SUBJECT OF A NOTICE OR ORDER FOR THE ~~ABATEMENT~~ TREATMENT OF LEAD PAINT; AND
- B. EITHER:
 - 1. IS UNOCCUPIED WHEN THE NOTICE OR ORDER IS SERVED; OR
 - 2. BECOMES UNOCCUPIED WHILE THE NOTICE OR ORDER IS STILL OUTSTANDING.

3402.8.2 UNOCCUPIED DWELLING UNIT — POSTING PROPERTY: IF A DWELLING UNIT IS OR BECOMES UNOCCUPIED, THE HEALTH COMMISSIONER IMMEDIATELY SHALL POST 1 OR MORE ~~PROMINENT PUBLIC NOTICES ON OR AROUND~~ IN, ON, OR AROUND THE DWELLING UNIT STATING THAT THE DWELLING UNIT MAY NOT BE REOCCUPIED UNTIL ~~ALL THE LEAD PAINT VIOLATIONS HAVE~~ NOTICE OR ORDER HAS BEEN ABATED.

3402.8.3 UNOCCUPIED DWELLING UNIT — REOCCUPANCY PROHIBITED: IF A DWELLING UNIT IS OR BECOMES UNOCCUPIED, THE DWELLING UNIT MAY NOT BE REOCCUPIED UNTIL:

- A. ~~ALL THE LEAD PAINT VIOLATIONS HAVE~~ NOTICE OR ORDER HAS BEEN ABATED; AND
- B. THE HEALTH COMMISSIONER HAS GIVEN WRITTEN APPROVAL OF REOCCUPANCY.

3402.8.4 UNOCCUPIED DWELLING UNIT — REMOVING NOTICE, ETC., PROHIBITED: ~~NO UNTIL THE HEALTH COMMISSIONER HAS GIVE WRITTEN APPROVAL OF REOCCUPANCY, NO PERSON MAY REMOVE, DEFACE, OR OTHERWISE TAMPER WITH ANY NOTICE THAT HAS BEEN POSTED UNDER THIS SECTION.~~

3402.8.5 UNOCCUPIED DWELLING UNIT — UNAUTHORIZED REOCCUPANCY: IF A DWELLING UNIT IS REOCCUPIED IN VIOLATION OF § 3402.8.2:

- A. EACH DAY THAT AN UNAUTHORIZED OCCUPANCY CONTINUES IS A SEPARATE OFFENSE; AND
- B. THE OWNER AND OPERATOR OF THE UNIT ARE SUBJECT TO THE FOLLOWING PENALTIES:
 - 1. IN A CRIMINAL PROSECUTION, A CRIMINAL FINE OF UP TO \$1,000 FOR EACH OFFENSE; AND
 - 2. IN AN ACTION SEEKING EQUITABLE RELIEF, A CIVIL FINE OF UP TO \$1,000 FOR EACH OFFENSE.

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 on the 30th day after the date it is enacted.

Approved June 7, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-020
(Council Bill 00-044)**

AN ORDINANCE CONCERNING

Lead Poisoning — Screening

FOR the purpose of requiring a parent or guardian to have children tested for lead poisoning; requiring certain health care providers to order testing for lead poisoning; requiring medical laboratories to report the results of tests for lead poisoning; requiring certain child care facilities to report information received on whether a child has been tested for lead poisoning; establishing certain exceptions; requiring the Commissioner to maintain a registry of screening history for children residing in the City; imposing certain civil ~~and criminal~~ penalties; and generally relating to the screening of children who reside in the City for lead poisoning.

BY adding

Article - Health
Section(s) 4-601 through 4-609, inclusive, to Title 4,
to be under the new subtitle, "Subtitle 6. Screening for Lead Poisoning"
Baltimore City Revised Code
(Edition 2000)

BY renumbering

Article - Health
Title 4, Subtitle 6, Section(s) 4-601 through 4-603, respectively,
to be Title 4, Subtitle 9, Section(s) 4-901 through 4-903, respectively
Baltimore City Revised Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article - Health
Section(s) 4-511(c)
Baltimore City Revised Code
(Edition 2000)

~~BY adding~~

~~Article - Health
Section(s) 4-904
Baltimore City Revised Code
(Edition 2000)~~

By adding

Article 1 - Mayor, City Council, and Municipal Agencies
 Section(s) ~~4-14~~ 40-14(e)(7)(§4-601)
 Baltimore City Revised Code

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 4. Disease Control

SUBTITLE 6. SCREENING FOR LEAD POISONING

PART I. SCREENING REQUIRED

§ 4-601. PARENTAL RESPONSIBILITY.

EXCEPT AS SPECIFIED IN ~~§ 4-602~~ § 4-603 {“EXCEPTIONS”} OF THIS SUBTITLE, EVERY PARENT AND GUARDIAN MUST PROVIDE FOR THE TIMELY AND APPROPRIATE TESTING FOR LEAD POISONING OF HIS OR HER MINOR CHILDREN ~~FOR LEAD POISONING~~, AS SPECIFIED BY THE COMMISSIONER’S RULES AND REGULATIONS.

§ 4-602. PROVIDER’S RESPONSIBILITY.

EXCEPT AS SPECIFIED IN § 4-603 {“EXCEPTIONS”} OF THIS SUBTITLE, EVERY PEDIATRIC AND PRIMARY CARE HEALTH PROVIDER MUST ORDER THE TIMELY AND APPROPRIATE TESTING FOR LEAD POISONING OF HIS OR HER MINOR PATIENTS, AS SPECIFIED BY THE COMMISSIONER’S RULES AND REGULATIONS.

§ 4-602 § 4-603. EXCEPTIONS.

THIS PART I DOES NOT APPLY TO ANY CHILD WHOSE PARENT OR GUARDIAN, IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE STATE SECRETARY OF HEALTH AND MENTAL HYGIENE, OBJECTS TO TESTING ON THE GROUND THAT IT CONFLICTS WITH THE PARENT’S OR GUARDIAN’S BONA FIDE RELIGIOUS BELIEFS AND PRACTICES.

§ 4-603 § 4-604. ENFORCEMENT.

(A) *SEPARATE OFFENSES.*

IN ENFORCING ~~§ 4-601 {“PARENTAL RESPONSIBILITY”}~~ THIS PART I, EACH CHILD WHO IS NOT PROPERLY TESTED AS REQUIRED IS CONSIDERED A SEPARATE ~~OFFENSE~~ VIOLATION.

(B) ~~ENFORCEMENT BY CITATION~~ CIVIL PENALTIES — PARENTS AND GUARDIANS.

~~(1) IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE,~~ § 4-601 {“PARENTAL RESPONSIBILITY”} OF THIS SUBTITLE MAY BE ENFORCED BY ISSUANCE OF AN ENVIRONMENTAL CITATION UNDER ARTICLE 1, SUBTITLE 40 {“ENVIRONMENTAL CONTROL BOARD”} OF THE CITY CODE.

~~(2) THE ISSUANCE OF AN ENVIRONMENTAL CITATION TO ENFORCE § 4-601 OF THIS SUBTITLE DOES NOT PRECLUDE PURSUING ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.~~

(C) CIVIL PENALTIES — PROVIDERS.

ANY PROVIDER WHO VIOLATES ANY PROVISION OF § 4-602 {"PROVIDER'S RESPONSIBILITY"} OF THIS SUBTITLE OR OF A RULE OR REGULATION ADOPTED UNDER IT IS SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN \$100 FOR EACH VIOLATION.

(D) SUBTITLE 9 INAPPLICABLE.

SUBTITLE 9 {"PENALTIES"} OF THIS TITLE DOES NOT APPLY TO VIOLATIONS OF THIS PART I.

~~§§ 4-604 TO § 4-605. {RESERVED}~~

PART II. REGISTRY; REPORTS

§ 4-606. COMMISSIONER TO ESTABLISH REGISTRY.

THE COMMISSIONER OF HEALTH IS DIRECTED TO ADOPT RULES AND REGULATIONS TO IMPLEMENT A REGISTRY OF SCREENING HISTORY FOR CHILDREN RESIDING IN THE CITY.

§ 4-607. REPORTS BY ~~HEALTH CARE PROVIDERS~~ MEDICAL LABORATORIES.

(A) *DUTY TO REPORT.*

~~EACH PEDIATRIC, FAMILY, AND GENERAL HEALTH CARE PROVIDER~~ MEDICAL LABORATORY MUST REPORT TO THE COMMISSIONER WHENEVER THAT ~~PROVIDER~~ LABORATORY TESTS FOR LEAD POISONING ANY CHILD WHO IS LESS THAN 7 YEARS OLD AND WHO RESIDES IN THE CITY.

(B) *WHEN TO REPORT.*

THE REPORT MUST:

- (1) BE MADE WITHIN 14 DAYS AFTER THE TEST ~~RESULTS ARE RECEIVED BY THE HEALTH CARE PROVIDER~~ IS CONDUCTED; AND
- (2) CONTAIN THE INFORMATION THAT THE COMMISSIONER REQUIRES, AS SPECIFIED BY THE COMMISSIONER'S RULES AND REGULATIONS.

§ 4-608. REPORTS BY CHILD CARE FACILITIES.

(A) *"CHILD CARE FACILITY" DEFINED.*

- (1) IN THIS SECTION, "CHILD CARE FACILITY" MEANS ANY FACILITY THAT:
 - (I) PROVIDES FOR THE CARE, CUSTODY, OR CONTROL OF A MINOR CHILD; AND
 - (II) IS REQUIRED TO BE LICENSED BY OR REGISTERED WITH THE STATE FOR THAT PURPOSE.

(2) SUBJECT TO THE CRITERIA CONTAINED IN PARAGRAPH (1) OF THIS SUBSECTION, "CHILD CARE FACILITY" INCLUDES ANY:

- (I) CHILD CARE CENTER;
- (II) CHILD CARE HOME;
- (III) CHILD CARE INSTITUTION;
- (IV) FAMILY DAY CARE HOME;
- (V) NON-PUBLIC NURSERY SCHOOL; OR
- (VI) NON-PUBLIC KINDERGARTEN.

(B) *DUTY TO REPORT.*

EACH CHILD CARE FACILITY MUST REPORT TO THE COMMISSIONER WHENEVER THAT FACILITY RECEIVES A STATE HEALTH INVENTORY OR OTHER REPORT THAT CONTAINS INFORMATION ON WHETHER A CHILD WHO RESIDES IN THE CITY HAS BEEN TESTED FOR LEAD POISONING.

(C) *WHEN TO REPORT.*

THE REPORT MUST:

- (1) BE MADE WITHIN 14 DAYS AFTER THE STATE HEALTH INVENTORY OR OTHER REPORT IS RECEIVED BY THE FACILITY; AND
- (2) CONTAIN THE INFORMATION THAT THE COMMISSIONER REQUIRES, AS SPECIFIED BY THE COMMISSIONER'S RULES AND REGULATIONS.

§ 4-609. CIVIL PENALTIES: ~~\$1,000~~ \$100.

(A) *FINE.*

ANY PERSON WHO VIOLATES ANY PROVISION OF THIS PART II OR OF A RULE OR REGULATION ADOPTED UNDER IT IS SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN ~~\$1,000~~ \$100 FOR EACH VIOLATION.

(C) *SUBTITLE 9 INAPPLICABLE.*

SUBTITLE 9 {"PENALTIES"} OF THIS TITLE DOES NOT APPLY TO VIOLATIONS OF THIS PART II.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Title 4, Subtitle 6, Section(s) 4-601 through 4-603, respectively, of Article - Health, are renumbered to be Title 4, Subtitle 9, Section(s) 4-901 through 4-903, respectively.

SECTION 3. AND BE IT FURTHER ORDAINED, That the Laws of Baltimore read as follows:

Baltimore City Revised Code

Article - Health

§ 4-511. Civil penalties: \$1,000.

(c) *Subtitle [6] 9 inapplicable.*

Subtitle [6] 9 {“Penalties”} of this title does not apply to violations of this Part III.

~~§ 4-904. FAILURE TO SCREEN: \$100.~~

~~THE PENALTY FOR A VIOLATION OF § 4-601 {“PARENTAL RESPONSIBILITY”} OF THIS TITLE IS A FINE OF NOT MORE THAN \$100 FOR EACH OFFENSE.~~

Baltimore City Code

Article 1. Mayor, City Council, and Municipal Agencies

§ 40-14. Violations to which subtitle applies.

(e) *Provisions and penalties enumerated.*

(7) *Health Code*

TITLE 4: DISEASE CONTROL

SUBTITLE 6: SCREENING FOR LEAD POISONING

§ 4-601. PARENTAL RESPONSIBILITY \$100

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 the 30th day after the date it is enacted.

Approved June 7, 2000

MARTIN O’MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-021
(Council Bill 00-094)**

AN ORDINANCE CONCERNING

**Supplementary Special Grant Operating Appropriation —
State’s Attorney’s Office — \$145,147**

FOR the purpose of providing a Supplementary Special Grant Operating Appropriation in the amount of \$145,147 to the State's Attorney's Office — Program 115 (Prosecution of Criminals), to provide funding for the Homicide Reduction Initiative; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Great Baltimore Committee through the Safe and Sound campaign in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2000.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2000 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2000 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On April 5, 2000, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$145,147 shall be made available to the State's Attorney's Office — Program 115 (Prosecution of Criminals) as a Supplementary Special Grant Operating Appropriation for Fiscal Year 2000, to provide funding for the Homicide Reduction Initiative. The source of revenue for this appropriation is from the Greater Baltimore Committee through the Safe and Sound campaign, in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2000.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 7, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-022
(Council Bill 00-095)**

AN ORDINANCE CONCERNING

Supplementary State Grant Operating Appropriation — State's Attorney's Office — \$700,000

FOR the purpose of providing a Supplementary State Grant Operating Appropriation in the amount of \$700,000 to the State's Attorney's Office — Program 115 (Prosecution of Criminals), to provide funding for the Handgun Initiative Program Expansion (HIPE); and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Governor's Office of Crime Control and Prevention in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2000.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2000 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2000 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On April 5, 2000, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$700,000 shall be made available to the State's Attorney's Office — Program 115 (Prosecution of Criminals) as a Supplementary State Grant Operating Appropriation for Fiscal Year 2000, to provide funding for the Handgun Initiative Program Expansion (HIPE). The source of revenue for this appropriation is from the Governor's Office of Crime Control and Prevention, in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2000.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 7, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-023
(Council Bill 00-101)**

AN ORDINANCE CONCERNING

**City Property — Naming the Lakeland Community Park
Baseball Field to be the John Benson Humphrey Baseball Field**

FOR the purpose of naming the baseball field located in Lakeland Community Park, at 2761 Wegworth Avenue, to be the John Benson Humphrey Baseball Field.

BY authority of

Article 5 - Finance, Property, and Procurement
Section 20-2
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the baseball field located in Lakeland Community Park, at 2761 Wegworth Avenue (Block 74706, Lots 9 and 10), is named the John Benson Humphrey Baseball Field.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved June 7, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-024
(Council Bill 00-110)**

AN ORDINANCE CONCERNING

Animal Control — Dog and Cat Licensing

FOR the purpose of extending licensing requirements and other provisions governing dogs to encompass cats; specifying when a dog or cat license must be obtained; requiring proof of rabies vaccination for a license; modifying the annual termination date of a license; providing for different license classes based on whether an animal has been altered and certain other criteria; requiring certain facilities to keep and permit inspection of certain records for all dogs or cats they sell or give away; precluding persons from obtaining licenses for certain periods under certain circumstances; specifying when fees and costs for impoundment must be paid; correcting, clarifying, and conforming certain provisions; and generally relating to the licensing, care, control, and regulation of animals.

BY adding

Article - Health
Section(s) 10-101(a-1), 10-202, 10-215
Baltimore City Revised Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article - Health
Section(s) 10-101(k), 10-201 through 10-206, 10-219, 10-220,
10-224, 10-301(c), 10-308(e), (f), 10-309
Baltimore City Revised Code
(Edition 2000)

BY renumbering

Article - Health
Section(s) 10-216
to be Section(s) 10-217
Baltimore City Revised 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 Revised Code

Article — Health

Title 10. Animal Control and Protection

Subtitle 1. Definitions; General Provisions

§ 10-101. Definitions.

(A-1) *ALTER.*

“ALTER” MEANS TO SURGICALLY OR CHEMICALLY RENDER AN ANIMAL INCAPABLE OF REPRODUCING.

(k) *Keeper.*

“Keeper” means any PERSON:

- (I) WHO HAS LEGAL TITLE TO, A PROPERTY INTEREST IN, OR PERMANENT CUSTODY OF ANY ANIMAL REGULATED BY THIS SUBTITLE; OR
- (II) [custodian or caretaker] who, [even if not an owner] FOR 3 DAYS OR MORE, has TEMPORARY custody of, KEEPS, possesses, [harbors,] regularly feeds, or exercises control over any animal.

Subtitle 2. Licensing

Part I. Dog AND CAT Licenses

§ 10-201. License required.

(A) *IN GENERAL.*

The [owner or] keeper of any dog OR CAT [that is older than 4 months] must obtain and annually renew a license for that dog OR CAT, as provided in this Part I.

(B) *WHEN TO BE OBTAINED.*

THE LICENSE MUST BE OBTAINED WITHIN 10 DAYS OF THE FOLLOWING, WHICHEVER IS LATER:

- (1) WHEN THE DOG OR CAT BECOMES 4 MONTHS OLD; OR
- (2) WHEN THE DOG OR CAT WAS ACQUIRED BY THE OWNER, WHETHER OR NOT THE PREVIOUS OWNER HAS A LICENSE FOR THE ANIMAL.

§ 10-202. LICENSE CLASSES; ANNUAL FEES.

(A) *CLASSES.*

THE COMMISSIONER MUST PROVIDE FOR THE FOLLOWING 2 CLASSES OF LICENSES:

(1) CLASS A LICENSES, FOR:

- (I) DOGS AND CATS THAT HAVE BEEN ALTERED;
- (II) DOGS AND CATS THAT HAVE NOT BEEN ALTERED, BUT FOR WHICH A LICENSED VETERINARIAN CERTIFIES IN WRITING THAT, BECAUSE OF AGE OR BAD HEALTH, THE ANIMAL SHOULD NOT BE ALTERED; AND
- (III) SEEING EYE AND OTHER DISABILITY ASSISTANCE DOGS, WHETHER OR NOT ALTERED.

(2) CLASS B LICENSES, FOR ALL OTHER DOGS AND CATS.

(B) *FEES.*

(1) THE ANNUAL LICENSE FEE IS AS SET BY THE COMMISSIONER, SUBJECT TO THE FOLLOWING LIMITATIONS:

- (I) CLASS A LICENSES — NOT TO EXCEED \$10.
- (II) CLASS B LICENSES — 3 TIMES THE AMOUNT SET FOR A CLASS A LICENSE.

(2) FOR OWNERS 65 YEARS OLD OR OLDER, THE ANNUAL FEE FOR EACH LICENSE CLASS IS 50% OF THE ANNUAL FEE SET FOR THAT CLASS.

§ [10-202] 10-203. Applications.

The application for a [dog] license must:

- (1) be in the form that the Commissioner of Health requires;
- (2) be accompanied by the required fee; and
- (3) contain:
 - (i) the name and address of THE applicant,
 - (ii) a description of the dog OR CAT;
 - (iii) proof of a still-current rabies vaccination; and
 - (iv) any other information that the Commissioner requires.

§ [10-203] 10-204. Issuance of licenses and tags.

(a) *In general.*

- (1) On approval of the application and receipt of the required fee, the Bureau must issue the [dog] license.
- (2) Together with the license, the Bureau must issue an identification tag that is:

- (i) durably constructed;
- (ii) designed so that it can be conveniently fastened or riveted to [the dog's] A WELL-FITTED collar or harness; and
- (iii) stamped with the year of its issuance and an identifying number.

(b) *From animal shelter.*

For an unlicensed dog OR CAT that is reclaimed or adopted from an animal shelter, the animal shelter must:

- (1) require a license application and the required fee to be submitted to it; and
- (2) issue the license and identification tag for that dog OR CAT.

§ [10-204] 10-205. Term.

Unless sooner suspended or revoked, a dog OR CAT license expires [on June 30 of each year] ANNUALLY ON THE ANNIVERSARY OF ITS ISSUANCE.

§ [10-205] 10-206. Records; replacements.

(a) *Public record of identifying numbers.*

The Commissioner must:

- (1) keep a record of the identifying numbers of all [dog] licenses issued; and
- (2) make this record available to the public and other City agencies.

(b) *Replacements.*

If a license or an identification tag is lost or destroyed, a replacement must be obtained and the required fee paid.

§ [10-206] 10-207. Prohibited conduct.

No person may:

- (1) fail to obtain a license as required by this Part I;
- (2) permit any dog OR CAT for which the person is required to obtain a license to be outdoors at any time unless it is wearing a valid identification tag issued under this [section] SUBTITLE;
- (3) use any license or identification tag for any dog OR CAT other than the one for which it was issued;
- (4) use any license or identification tag that was issued to a previous [owner or] keeper of the dog OR CAT; or

- (5) remove any identification tag from any dog OR CAT without the consent of [the dog's owner or] ITS owner or keeper.

Part II. Facility Licenses

§ 10-215. DOG AND CAT RECORDS.

(A) *REQUIRED RECORDS.*

EVERY FACILITY THAT SELLS OR GIVES AWAY ANY DOG OR CAT MUST KEEP A RECORD OF:

- (1) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE PERSON TO WHOM THE DOG OR CAT WAS SOLD OR GIVEN; AND
- (2) THE BREED, COLOR, SEX, AND AGE OF THE DOG OR CAT.

(B) *RETENTION AND INSPECTION.*

THE FACILITY MUST:

- (1) RETAIN THESE RECORDS FOR AT LEAST 2 YEARS; AND
- (2) MAKE THEM AVAILABLE FOR INSPECTION BY THE BUREAU OF ANIMAL CONTROL DURING NORMAL BUSINESS HOURS.

§ [10-215] 10-216. Prohibited conduct.

No person may operate any facility subject to this Part II in violation of:

- (1) any condition imposed on the facility's license; or
- (2) any provision of this title or of a rule or regulation adopted under this title.

Part III. Denials, Suspensions, and Revocations

§ 10-219. Grounds for denial, suspension, or revocation.

Subject to the hearing provisions of Title 2, Subtitle 3 {"Administrative Hearings"} of this article, the Commissioner of Health may deny, suspend, or revoke any dog OR CAT license or ANY facility license issued under this subtitle if the applicant or licensee:

- (1) has withheld or falsified any information on an application.
- (2) AT ANY TIME, has been convicted of cruelty to animals;
- (3) DURING THE PRECEDING YEAR, HAS FAILED TO RECLAIM AN IMPOUNDED ANIMAL WITHIN THE TIME REQUIRED BY § 10-308 OF THIS TITLE;
- (4) DURING THE PRECEDING YEAR, HAS SURRENDERED AN ANIMAL AFTER RECEIVING A VIOLATION NOTICE OR CITATION; or

[(3)] (5) within [a] ANY 12-month period, has committed 3 or more violations of this title for which the applicant or licensee:

- (i) has been convicted; or
- (ii) received environmental citations that have been disposed of other than by a decision of “not guilty”.

§ 10-220. Additional grounds for suspension or revocation — in general.

Subject to the hearing provisions of Title 2, Subtitle 3 {“Administrative Hearings”} of this article, the Commissioner also may suspend or revoke any dog OR CAT license or ANY facility license issued under this subtitle if the licensee neglects, refuses, or otherwise fails to comply with any provision of:

- (1) this title;
- (2) a rule or regulation adopted under this title; or
- (3) any other law governing the keeping and protection of animals.

§ 10-224. Reapplication after denial or revocation.

Any person who is denied a dog OR CAT license or A facility license under this subtitle or has had a license revoked under this subtitle may not reapply for 1 year.

Subtitle 3. General Care and Control

§ 10-301. Rabies — vaccinations.

(c) *Unlicensed dog OR CAT presumed unvaccinated.*

Any unlicensed dog OR CAT that is older than 4 months is presumed to be unvaccinated. This presumption can be rebutted only by a current rabies vaccination certificate signed by a veterinarian or issued by an approved government agency.

§ 10-308. Impounding unrestrained animals.

(e) *Owner responsible for charges.*

(1) [To reclaim an impounded animal, the] THE owner or keeper OF AN IMPOUNDED ANIMAL must pay:

[(1)] (I) the fee set for each day the animal has been impounded; and

[(2)] (II) all other costs incurred in maintaining the animal, including BOARDING, inoculations, and [boarding] ALTERING.

(2) THE OWNER OR KEEPER MUST PAY THESE FEES AND COSTS:

(I) WHEN RECLAIMING THE ANIMAL; OR

(II) IF THE ANIMAL IS NOT RECLAIMED, WITHIN 10 DAYS OF RECEIVING A BILL FOR THEM.

(f) *Unclaimed animals.*

Any animal that is not reclaimed within [5 days] THE TIME SPECIFIED IN SUBSECTION (B) OF THIS SECTION:

- (1) becomes the property of the Mayor and City Council of Baltimore; and
- (2) must be:
 - (i) placed for adoption in a suitable home; or
 - (ii) humanely killed.

§ 10-309. [Neutering or spaying] ALTERING unclaimed dogs or cats.

The Commissioner may [neuter or spay] CAUSE any unclaimed dog or cat TO BE ALTERED before its release for adoption or otherwise.

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 on the 30th day after the date it is enacted.

Approved June 7, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-025
(Council Bill 00-012)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use Convalescent, Nursing, and Rest Home —
6702 Park Heights Avenue — Amending Ordinance 99-545**

FOR the purpose of amending Ordinance 99-545, which authorized the establishment, maintenance, and operation of a convalescent, nursing, and rest home on the property known as 6702 Park Heights Avenue, to correct the statement of a certain condition; and providing for a special effective date.

BY repealing and reordaining, with amendments

Ordinance 99-545

Section(s) 1

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

Ordinance 99-545

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of a convalescent, nursing, and rest home on the property known as 6702 Park Heights Avenue, as outlined in red on the plat accompanying this Ordinance, in accordance with Article 30, §§ 4.4-1d-1 and 11.0-6d of the Baltimore City Code, subject to the following conditions:

1. the maximum number of resident-clients is 9;
2. the minimum age for resident-clients is 60 years;
3. there may be no more than 2 persons per sleeping room;
4. 24-hour supervision must be provided;
5. the property must be well-maintained;
6. there may be no deliveries to the rear of the property — all deliveries must be to the front, on Park Heights Avenue;
7. the facility may not accept new clients who require a [Level 3 or greater] level of care GREATER THAN LEVEL 3 as designated by the Department of Health and Mental Hygiene;
8. any exterior changes or modifications require approval of the Planning Commission;
9. there may be no exterior sign on the facility other than a nameplate no larger than 6 inches wide by 6 inches high, and the nameplate may not be illuminated; and
10. the home must comply with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted, retroactive to the effective date of Ordinance 99-545.

Approved June 8, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-026
(Council Bill 00-143)**

AN ORDINANCE CONCERNING

Ordinance of Estimates For The Fiscal Year Ending June 30, 2001

FOR the purpose of providing the appropriations estimated to be needed by each agency of the City of Baltimore for operating programs and capital projects during the fiscal 2001 year.

BY authority of
Article VI - Board of Estimates
Section 3 et seq.
Baltimore City Charter (1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the following amounts or so much thereof as shall be sufficient are hereby appropriated subject to the provisions hereinafter set forth for the purpose of carrying out the programs included in the operating budget and the projects listed in the capital budget from the amounts estimated to be available in the designated funds during the fiscal year ending June 30, 2001.

A. Operating Budget

Board of Elections

180	Voter Registration and Conduct of Elections		
	General Fund Appropriation	\$	2,629,520

City Council

100	City Legislation		
	General Fund Appropriation	\$	3,461,681

Community Relations Commission

156	Development of Intergroup Relations		
	General Fund Appropriation	\$	899,750
	Federal Fund Appropriation	\$	49,735

Comptroller

130	Executive Direction and Control		
	General Fund Appropriation	\$	556,731
131	Audits		
	General Fund Appropriation	\$	3,131,712
132	Real Estate Acquisition and Management		
	General Fund Appropriation	\$	528,550
135	Insurance on City Facilities		
	General Fund Appropriation	\$	64,445

Council Services

103	Council Services		
	General Fund Appropriation	\$	440,314

Courts: Circuit Court

110	Circuit Court		
	General Fund Appropriation	\$	8,208,644
	Federal Fund Appropriation	\$	600,220
	State Fund Appropriation	\$	2,329,065

Courts: Orphans' Court

112	Orphans' Court		
	General Fund Appropriation	\$	371,177

Employees' Retirement Systems

152 Administration	
Special Fund Appropriation	\$ 3,430,165

Enoch Pratt Free Library

450 Administrative and Technical Services	
General Fund Appropriation	\$ 5,327,545
State Fund Appropriation	\$ 292,546
Special Fund Appropriation	\$ 385,829
452 Extension Services	
General Fund Appropriation	\$ 8,367,887
Special Fund Appropriation	\$ 400,373
453 State Library Resource Center	
General Fund Appropriation	\$ 5,134,292
State Fund Appropriation	\$ 6,785,996

Finance

140 Administrative Direction and Control	
General Fund Appropriation	\$ 744,944
141 Budget and Management Research	
General Fund Appropriation	\$ 1,107,745
142 Accounting and Payroll Services	
General Fund Appropriation	\$ 2,529,451
Loan and Guarantee Fund Appropriation	\$ 3,400,235
144 Purchasing	
General Fund Appropriation	\$ 2,601,860
147 Information Technology Services	
General Fund Appropriation	\$ 4,457,242
150 Treasury Management	
General Fund Appropriation	\$ 1,855,314

Fire

210 Administrative Direction and Control	
General Fund Appropriation	\$ 2,078,721
211 Training	
General Fund Appropriation	\$ 954,544
212 Fire Suppression	
General Fund Appropriation	\$ 74,554,229
Federal Fund Appropriation	\$ 300,000
213 Fire Marshal	
General Fund Appropriation	\$ 2,263,544

214	Support Services		
	General Fund Appropriation	\$	6,122,145
	State Fund Appropriation	\$	1,018,000
215	Fire Alarm and Communications		
	General Fund Appropriation	\$	3,741,526
	State Fund Appropriation	\$	20,000
219	Non-actuarial Retirement Benefits		
	General Fund Appropriation	\$	350,000
319	Ambulance Service		
	General Fund Appropriation	\$	7,254,839
	State Fund Appropriation	\$	40,000
	Special Fund Appropriation	\$	4,003,789
Health			
240	Animal Control		
	General Fund Appropriation	\$	1,635,455
	Special Fund Appropriation	\$	174,944
300	Administrative Direction and Control		
	General Fund Appropriation	\$	3,002,881
	State Fund Appropriation	\$	43,173
302	Environmental Health		
	General Fund Appropriation	\$	2,122,881
	Federal Fund Appropriation	\$	1,515,886
	State Fund Appropriation	\$	372,361
303	Special Purpose Grants		
	Special Fund Appropriation	\$	2,000,000
304	Communicable Disease		
	General Fund Appropriation	\$	3,386,866
	Federal Fund Appropriation	\$	25,504,114
	State Fund Appropriation	\$	287,869
	Special Fund Appropriation	\$	59,999
305	Maternal and Infant Services		
	General Fund Appropriation	\$	819,186
	Federal Fund Appropriation	\$	4,930,723
	State Fund Appropriation	\$	380,838
306	General Nursing Services		
	General Fund Appropriation	\$	1,245,559
	Federal Fund Appropriation	\$	63,000
	State Fund Appropriation	\$	5,340,365
307	Mental Health Services		
	General Fund Appropriation	\$	1,564,524

	Federal Fund Appropriation	\$	21,016,132
	State Fund Appropriation	\$	5,044,470
308	Child, Adolescent and Family Health		
	General Fund Appropriation	\$	634,530
	Federal Fund Appropriation	\$	9,175,693
	State Fund Appropriation	\$	1,281,719
	Special Fund Appropriation	\$	211,276
310	School Health Services		
	General Fund Appropriation	\$	3,996,868
	Federal Fund Appropriation	\$	6,595,853
	State Fund Appropriation	\$	182,430
	Special Fund Appropriation	\$	6,852,891
311	Health Services for the Aging		
	General Fund Appropriation	\$	326,017
	Federal Fund Appropriation	\$	30,594,180
	State Fund Appropriation	\$	1,179,822
Housing and Community Development			
119	Neighborhood Service Centers		
	General Fund Appropriation	\$	121,286
	Federal Fund Appropriation	\$	2,595,320
	State Fund Appropriation	\$	2,513,138
177	Administrative Direction and Control		
	General Fund Appropriation	\$	2,731,124
	Federal Fund Appropriation	\$	1,535,354
	State Fund Appropriation	\$	40,000
	Special Fund Appropriation	\$	518,798
184	Energy Assistance and Emergency Food		
	State Fund Appropriation	\$	7,416,621
260	Construction and Building Inspection		
	General Fund Appropriation	\$	2,757,655
	Federal Fund Appropriation	\$	1,463,917
	Special Fund Appropriation	\$	1,000,000
357	Services for Homeless Persons		
	General Fund Appropriation	\$	50,746
	Federal Fund Appropriation	\$	26,283,936
	State Fund Appropriation	\$	2,872,602
570	Preservation of Historic Places		
	General Fund Appropriation	\$	305,855
	Federal Fund Appropriation	\$	322,208
582	Finance and Development		
	General Fund Appropriation	\$	1,215,809
	Federal Fund Appropriation	\$	2,368,343

583	Neighborhood Services		
	General Fund Appropriation	\$	4,693,617
	Federal Fund Appropriation	\$	1,861,726
	State Fund Appropriation	\$	68,000
	Special Fund Appropriation	\$	2,900,000
585	Baltimore Development Corporation		
	General Fund Appropriation	\$	2,810,265
	Federal Fund Appropriation	\$	400,000
	Special Fund Appropriation	\$	110,000
592	Special Housing Grants		
	Federal Fund Appropriation	\$	598,474
	State Fund Appropriation	\$	750,380
593	Community Support Projects		
	General Fund Appropriation	\$	600,000
	Federal Fund Appropriation	\$	8,881,471
597	Weatherization		
	State Fund Appropriation	\$	864,907
604	Child Care Centers		
	Federal Fund Appropriation	\$	1,445,038
605	Head Start		
	Federal Fund Appropriation	\$	20,395,449
606	Arts and Education		
	State Fund Appropriation	\$	78,610
Law			
175	Legal Services		
	General Fund Appropriation	\$	4,089,322
Legislative Reference			
106	Legislative Reference Services		
	General Fund Appropriation	\$	496,955
	Special Fund Appropriation	\$	11,400
107	Archives and Records Management		
	General Fund Appropriation	\$	226,315
Liquor License Board			
250	Liquor Control		
	General Fund Appropriation	\$	1,455,554
Mayorality			
125	Executive Direction and Control		
	General Fund Appropriation	\$	3,286,331

127	Office of State Relations		
	General Fund Appropriation	\$	412,041
350	Office for Children, Youth and Families		
	General Fund Appropriation	\$	381,164
	State Fund Appropriation	\$	2,271,511
	Special Fund Appropriation	\$	26,626
353	Office of Community Projects		
	General Fund Appropriation	\$	188,058
599	Office of International Programs		
	General Fund Appropriation	\$	205,280
M-R: Art and Culture			
492	Promotion of Art and Culture		
	General Fund Appropriation	\$	562,395
	Federal Fund Appropriation	\$	5,000
	State Fund Appropriation	\$	54,888
	Special Fund Appropriation	\$	345,752
493	Art and Culture Grants		
	General Fund Appropriation	\$	3,193,815
M-R: Cable and Communications			
572	Cable and Communications Coordination		
	General Fund Appropriation	\$	277,258
	Special Fund Appropriation	\$	70,131
M-R: Civic Promotion			
590	Civic Promotion		
	General Fund Appropriation	\$	8,415,908
M-R: Commission on Aging and Retirement Education			
324	Aging and Retirement Education		
	General Fund Appropriation	\$	677,687
	Motor Vehicle Appropriation	\$	325,000
	Federal Fund Appropriation	\$	6,586,680
	State Fund Appropriation	\$	4,752,125
	Special Fund Appropriation	\$	270,629
M-R: Conditional Purchase Agreement			
129	Conditional Purchase Agreement Payments		
	General Fund Appropriation	\$	16,164,644
	Loan and Guarantee Fund Appropriation	\$	710,870
	Special Fund Appropriation	\$	8,009
M-R: Contingent Fund			
121	Contingent Fund		
	General Fund Appropriation	\$	750,000

M-R: Convention Complex

531	Convention Center Operations		
	General Fund Appropriation	\$	10,123,035
	State Fund Appropriation	\$	3,446,000
	Convention Center Bond Redemption	\$	4,635,133
540	Baltimore Arena Operations		
	General Fund Appropriation	\$	450,000

M-R: Debt Service

123	General Debt Service		
	General Fund Appropriation	\$	51,653,659
	Motor Vehicle Appropriation	\$	3,426,633

M-R: Educational Grants

446	Educational Grants		
	General Fund Appropriation	\$	917,006

M-R: Environmental Control Board

117	Environmental Control		
	General Fund Appropriation	\$	301,473

M-R: Health and Welfare Grants

385	Health and Welfare Grants		
	General Fund Appropriation	\$	78,709

M-R: Labor Commissioner

128	Labor Relations		
	General Fund Appropriation	\$	507,125
	Federal Fund Appropriation	\$	150,000
	State Fund Appropriation	\$	150,000

M-R: Local Share to City Schools

352	Local Share to City Schools		
	General Fund Appropriation	\$	200,336,029

M-R: Miscellaneous General Expenses

122	Miscellaneous General Expenses		
	General Fund Appropriation	\$	10,582,349
	Motor Vehicle Appropriation	\$	3,654,000

M-R: Office of Criminal Justice

224	Office of Criminal Justice		
	General Fund Appropriation	\$	599,051
	Federal Fund Appropriation	\$	1,925,296
	State Fund Appropriation	\$	50,000
	Special Fund Appropriation	\$	315,000

M-R: Office of Employment Development

630	Administration (Title I)		
	General Fund Appropriation	\$	259,101

631	Job Training Partnership (Titles II/III)		
	Federal Fund Appropriation	\$	16,642,170
633	Youth Initiatives		
	Federal Fund Appropriation	\$	5,947,424
639	Special Services		
	General Fund Appropriation	\$	934,028
	Federal Fund Appropriation	\$	16,432,429
	State Fund Appropriation	\$	3,378,817
M-R: Retirees' Benefits			
351	Retirees' Benefits		
	General Fund Appropriation	\$	57,721,243
M-R: Self-insurance Fund			
126	Contribution to Self-insurance Fund		
	General Fund Appropriation	\$	22,234,356
	Motor Vehicle Appropriation	\$	6,483,451
Municipal and Zoning Appeals			
185	Zoning, Tax and Other Appeals		
	General Fund Appropriation	\$	334,696
Museum of Art			
489	Operation of Museum of Art		
	General Fund Appropriation	\$	3,000,000
Personnel			
160	Personnel Administration		
	General Fund Appropriation	\$	1,791,733
167	Occupational Medicine and Safety		
	General Fund Appropriation	\$	558,052
Planning			
187	City Planning		
	General Fund Appropriation	\$	1,134,209
	Motor Vehicle Appropriation	\$	743,479
	Federal Fund Appropriation	\$	649,558
	State Fund Appropriation	\$	45,000
Police			
200	Administrative Direction and Control		
	General Fund Appropriation	\$	14,080,124
201	Field Operations Bureau		
	General Fund Appropriation	\$	136,025,108
	Federal Fund Appropriation	\$	7,310,584
	State Fund Appropriation	\$	7,337,527

202	Investigations		
	General Fund Appropriation	\$	24,785,121
	Federal Fund Appropriation	\$	79,660
	Special Fund Appropriation	\$	910,000
203	Traffic		
	Motor Vehicle Appropriation	\$	9,891,942
	State Fund Appropriation	\$	23,000
204	Services Bureau		
	General Fund Appropriation	\$	24,340,228
	Special Fund Appropriation	\$	1,898,552
205	Non-actuarial Retirement Benefits		
	General Fund Appropriation	\$	6,336,094
207	Research and Development		
	General Fund Appropriation	\$	5,182,456

Public Works

190	Departmental Administration		
	General Fund Appropriation	\$	149,758
	Motor Vehicle Appropriation	\$	1,139,388
191	Permits		
	General Fund Appropriation	\$	(84,172)
	Motor Vehicle Appropriation	\$	824,644
193	Building Maintenance		
	General Fund Appropriation	\$	19,800,413
195	Towing		
	General Fund Appropriation	\$	345,424
	Motor Vehicle Appropriation	\$	5,182,423
	State Fund Appropriation	\$	20,222
198	Engineering/Construction Management		
	General Fund Appropriation	\$	63,669
	Motor Vehicle Appropriation	\$	1,321,669
230	Bureau Administration		
	Motor Vehicle Appropriation	\$	7,680,310
231	Traffic Engineering		
	Motor Vehicle Appropriation	\$	4,019,370
232	Parking Management		
	Federal Fund Appropriation	\$	167,821
	Parking Management Fund Appropriation	\$	3,778,747

233	Signs & Markings		
	Motor Vehicle Appropriation	\$	3,859,851
	State Fund Appropriation	\$	17,000
235	Parking Enforcement		
	Parking Management Fund Appropriation	\$	5,024,253
239	Traffic Computer & Communications		
	Motor Vehicle Appropriation	\$	2,552,209
500	Street Lighting		
	Motor Vehicle Appropriation	\$	15,936,549
501	Highway Maintenance		
	General Fund Appropriation	\$	2,811,951
	Motor Vehicle Appropriation	\$	29,009,177
503	Highway Engineering		
	General Fund Appropriation	\$	78,305
	Motor Vehicle Appropriation	\$	1,444,225
505	Park and Street Trees		
	Motor Vehicle Appropriation	\$	2,252,539
	State Fund Appropriation	\$	10,000
513	Solid Waste Maintenance		
	General Fund Appropriation	\$	329,722
	Motor Vehicle Appropriation	\$	24,861,969
515	Solid Waste Collection		
	General Fund Appropriation	\$	14,103,638
	Motor Vehicle Appropriation	\$	1,619,510
	Special Fund Appropriation	\$	1,148,797
516	Solid Waste Disposal		
	General Fund Appropriation	\$	15,555,048
	Motor Vehicle Appropriation	\$	1,364,003
518	Storm Water Maintenance		
	Motor Vehicle Appropriation	\$	3,634,659
544	Sanitary Maintenance		
	Waste Water Utility Fund Appropriation	\$	11,036,801
546	Water Maintenance		
	Water Utility Fund Appropriation	\$	23,725,718
548	Conduits		
	General Fund Appropriation	\$	2,011,621
550	Waste Water Facilities		
	Waste Water Utility Fund Appropriation	\$	77,784,046

552	Water Facilities		
	Water Utility Fund Appropriation	\$	24,617,756
553	Water Engineering		
	Water Utility Fund Appropriation	\$	8,795,709
554	Waste Water Engineering		
	Waste Water Utility Fund Appropriation	\$	13,462,791
555	Environmental Services		
	Waste Water Utility Fund Appropriation	\$	2,945,163
	Water Utility Fund Appropriation	\$	648,606
560	Facilities Engineering		
	Waste Water Utility Fund Appropriation	\$	616,025
	Water Utility Fund Appropriation	\$	277,068
561	Utility Billing		
	Water Utility Fund Appropriation	\$	7,487,739
565	Utility Debt Service		
	Waste Water Utility Fund Appropriation	\$	12,480,174
	Water Utility Fund Appropriation	\$	13,475,404
580	Parking Enterprise Facilities		
	Parking Enterprise Fund Appropriation	\$	14,843,000
Recreation and Parks			
471	Administrative Direction and Control		
	General Fund Appropriation	\$	1,957,518
	State Fund Appropriation	\$	128,367
473	Municipal Concerts and Other Musical Events		
	General Fund Appropriation	\$	60,536
478	General Park Services		
	General Fund Appropriation	\$	2,541,208
	State Fund Appropriation	\$	1,197,422
479	Special Facilities		
	General Fund Appropriation	\$	1,264,966
	State Fund Appropriation	\$	122,843
	Special Fund Appropriation	\$	125,295
480	Regular Recreational Services		
	General Fund Appropriation	\$	10,329,493
	Federal Fund Appropriation	\$	6,306
	State Fund Appropriation	\$	365,226
	Special Fund Appropriation	\$	12,630

482	Supplementary Recreational Services		
	State Fund Appropriation	\$	1,623,413
	Special Fund Appropriation	\$	1,027,264
Sheriff			
118	Sheriff Services		
	General Fund Appropriation	\$	7,280,074
Social Services			
365	Public Assistance		
	General Fund Appropriation	\$	293,684
State's Attorney			
115	Prosecution of Criminals		
	General Fund Appropriation	\$	16,502,303
	Federal Fund Appropriation	\$	1,419,559
	State Fund Appropriation	\$	2,444,431
	Special Fund Appropriation	\$	196,573
Wage Commission			
165	Wage Enforcement		
	General Fund Appropriation	\$	491,523
War Memorial Commission			
487	Operation of War Memorial Building		
	General Fund Appropriation	\$	294,130

Internal Service Fund Authorization

Comptroller, Department of

130 Executive Direction and Control

An internal service fund is hereby authorized to provide for the administration of the Municipal Telephone Exchange and the Municipal Post Office, the cost of which is to be recovered from using agencies.

133 Municipal Telephone Exchange

An internal service fund is hereby authorized to provide for operation of a Municipal Telephone Exchange, the costs of which are to be recovered from using agencies.

136 Municipal Post Office

An internal service fund is hereby authorized to provide for operation of a Municipal Post Office, the costs of which are to be recovered from using agencies.

Finance, Department of

142 Bureau of Accounting and Payroll Services

An internal service fund is hereby authorized to provide for accounting services of the Mobile Equipment Program, the costs of which are to be recovered from using agencies.

144 Purchasing

An internal service fund is hereby authorized to provide for operation of a Municipal Reproduction and Printing Service, the costs of which are to be recovered from using agencies.

An internal service fund is hereby authorized to provide for Centralized Automotive Parts Warehousing and Inventory, the costs of which are to be recovered from using agencies.

145 Risk Management Services

An internal service fund is hereby authorized to provide for the operation of the Risk Management Office, the costs of which are to be recovered from the Self-Insurance Fund.

Law, Department of**175 Legal Services**

An internal service fund is hereby authorized to provide for a Self-Insurance Program covering Automotive Equipment, Police Animal Liability, Employee Liability and the administration of Workers' Compensation claims, the costs of which are to be recovered from the Self-Insurance Fund.

Personnel, Department of**160 Personnel Administration**

An internal service fund is hereby authorized to provide for the operation of the Unemployment Insurance function, the costs of which are to be recovered from contributions from various fund sources.

161 Vision Care Program

An internal service fund is hereby authorized to provide for the operation of an Employee Vision Care Program, the costs of which are to be recovered from contributions from various fund sources.

Public Works, Department of**189 Fleet Management**

An internal service fund is hereby authorized to provide for operation of a Central Automotive and Mechanical Repair Service, the costs of which are to be recovered from using agencies.

500 Street Lighting

An internal service fund is hereby authorized to provide for operation of a City-owned Two-way Radio System, the costs of which are to be recovered from using agencies.

B. Capital Budget

SECTION 2. AND BE IT FURTHER ORDAINED, That the Capital Improvement Appropriations herein made are for the following Construction Projects provided that the appropriations will be placed in Construction Reserve accounts at the beginning of the fiscal year and transferred by the Board of Estimates to Construction Accounts as project funds are needed.

Baltimore Development Corporation**601-200 West Baltimore Industrial & Commercial**

General Obligation Bond Appropriation	\$	500,000
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601-573 Fayette/Lombard Street Corridor

General Obligation Bond Appropriation	\$ 500,000
Other Federal Fund Appropriation	\$ 1,000,000
Other Private Fund And Grant Appropriation	\$ 1,000,000

601-860 Industrial and Commercial Financing

General Obligation Bond Appropriation	\$ 4,000,000
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601-869 BDC Database Development

General Fund Appropriation	\$ 500,000
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601-875 Business and Technology Initiatives

General Obligation Bond Appropriation	\$ 500,000
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601-876 Industrial Park Development

General Obligation Bond Appropriation	\$ 1,000,000
Other Federal Fund Appropriation	\$ 3,000,000

603-700 Hippodrome

Other State Fund Appropriation	\$ 1,500,000
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603-825 West Side Downtown

General Obligation Bond Appropriation	\$ 9,500,000
Other Fund Appropriation	\$ 5,000,000

Baltimore City Public Schools**417-201 Systemic Improvements (Fiscal Year 2001)**

General Obligation Bond Appropriation	\$ 6,949,000
State School Grant Appropriation	\$ 4,769,000

418-001 Miscellaneous Equipment - Various Schools

Certificate Of Participation Appropriation	\$ 927,000
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418-007 Cecil Elementary/Middle School #7

Certificate Of Participation Appropriation	\$ 500,000
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418-012 Lakeland Elementary/Middle School #12

Certificate Of Participation Appropriation	\$ 573,000
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418-019 Lexington Terrace Elementary School #19

General Obligation Bond Appropriation	\$ 1,352,000
General Fund Appropriation	\$ 900,000
Other Federal Fund Appropriation	\$ 4,000,000
State School Grant Appropriation	\$ 8,648,000

418-020 School Construction - Asbestos Removal

General Obligation Bond Appropriation	\$ 260,000
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418-050 Abbottston Elementary/Stadium School #50/15

General Obligation Bond Appropriation	\$ 1,250,000
State School Grant Appropriation	\$ 1,875,000

418-144 James Mosher Elementary School #144

General Obligation Bond Appropriation	\$ 417,000
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418-237 Highlandtown Elementary School #237

General Obligation Bond Appropriation	\$ 272,000
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418-410 Mergenthaler Vocational High School #410

General Obligation Bond Appropriation	\$ 1,500,000
State School Grant Appropriation	\$ 5,000,000

418-457 Laurence G. Paquin School #457

Other Private Fund And Grant Appropriation	\$ 125,000
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Department of Finance**146-026 Information Technology Board Strategic Plan**

General Fund Appropriation	\$ 2,000,000
Waste Water Utility Fund Appropriation	\$ 300,000
Water Utility Fund Appropriation	\$ 300,000
City Motor Vehicle Fund Appropriation	\$ 500,000

146-027 ERP Software

General Fund Appropriation	\$ 1,500,000
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146-028 Legacy Enhancements

General Fund Appropriation	\$ 250,000
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Fire Department**208-019 Engine Company 53 - Replacement**

General Fund Appropriation	\$ 945,000
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Department of Housing and Community Development**588-112 Northern Scattered Acquisition/Rehab**

Community Development Block Grant Appropriation	\$ 100,000
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588-199 Pimlico - Renaissance

Community Development Block Grant Appropriation	\$ 100,000
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588-201 Coldspring Newtown Public Improvements

General Fund Appropriation	\$ 225,000
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588-202 Park Heights - Community Development

General Fund Appropriation	\$ 500,000
Other State Fund Appropriation	\$ 250,000

588-283 Pimlico Race Track Impact Program

State Race Track Grant Appropriation	\$	652,000
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588-336 Sandtown 600 - 108 Loan

Community Development Block Grant Appropriation	\$	7,095,000
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588-337 Sandtown Edi/Hz

Community Development Block Grant Appropriation	\$	500,000
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588-343 Avenue Market Area Improvements

General Obligation Bond Appropriation	\$	200,000
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588-393 Pauline Fauntleroy Park

Community Development Block Grant Appropriation	\$	100,000
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588-401 Cherry Hill Revitalization

General Obligation Bond Appropriation	\$	300,000
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588-409 Washington Village Empowerment Zone

General Obligation Bond Appropriation	\$	100,000
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588-412 Operation Reachout Southwest (Orosw)

General Obligation Bond Appropriation	\$	100,000
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588-519 HEBCAC 108

Community Development Block Grant Appropriation	\$	1,790,000
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588-616 Nehemiah III - 108

Community Development Block Grant Appropriation	\$	500,000
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588-619 Remington Revitalization

Community Development Block Grant Appropriation	\$	100,000
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588-700 Hippodrome

General Obligation Bond Appropriation	\$	2,000,000
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588-715 HOPWA

Other Federal Fund Appropriation	\$	500,000
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588-802 City Housing Assistance Program Loans

Community Development Block Grant Appropriation	\$	400,000
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588-803 Deferred Loan Program

Community Development Block Grant Appropriation	\$	500,000
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588-804 Intervention Buying

General Obligation Bond Appropriation	\$	250,000
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Other State Fund Appropriation	\$	1,000,000
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588-805 Settlement Expense Loan Program

General Obligation Bond Deappropriation	\$	(3,000,000)
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588-810 Direct Homeownership Assistance Program	
General Obligation Bond Appropriation	\$ 1,000,000
588-817 Annual Home Sale	
General Obligation Bond Appropriation	\$ 350,000
588-818 City Corridors Upgrade	
General Fund Appropriation	\$ 700,000
588-825 Vacant Lot Restoration/Land Management	
General Obligation Bond Appropriation	\$ 200,000
588-828 Live-Near-Your-Work	
General Obligation Bond Appropriation	\$ 350,000
Other State Fund Appropriation	\$ 350,000
588-838 Business Assistance Group	
General Obligation Bond Appropriation	\$ 500,000
588-842 Spicer's Run	
General Obligation Bond Appropriation	\$ 1,000,000
588-848 Home Program	
General Obligation Bond Appropriation	\$ 2,000,000
Other Federal Fund Appropriation	\$ 7,358,000
588-849 Public Housing Redevelopment	
General Obligation Bond Appropriation	\$ 1,500,000
588-852 Rental Rehabilitation	
Other Federal Fund Appropriation	\$ 100,000
588-853 Vacant House Demolition	
General Obligation Bond Appropriation	\$ 1,500,000
Community Development Block Grant Appropriation	\$ 500,000
Other State Fund Appropriation	\$ 2,000,000
588-854 Mainstreet Program	
Other State Fund Appropriation	\$ 500,000
588-880 Public Housing 108 (Lafayette & Lexington)	
Community Development Block Grant Appropriation	\$ 1,200,000
588-881 Public Housing II 108 (Flag & Murphy)	
Community Development Block Grant Appropriation	\$ 500,000
588-887 Emergency Acquisition Fund	
General Obligation Bond Appropriation	\$ 350,000
588-888 Hardship Home Repair for the Elderly	
Community Development Block Grant Appropriation	\$ 150,000

588-893 Neighborhood Services and Improvement

General Obligation Bond Appropriation	\$ 1,000,000
Other Federal Fund Appropriation	\$ 2,500,000
Sale Of City Real Property Appropriation	\$ 500,000
Urban Development Action Grant Repayment Appropriation	\$ 650,000

588-894 Neighborhood Incentive Program

General Obligation Bond Appropriation	\$ 300,000
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588-895 Geographic Information System Mapping

Community Development Block Grant Appropriation	\$ 50,000
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588-901 Great Blacks In Wax Museum

Other State Fund Appropriation	\$ 750,000
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Enoch Pratt Free Library**457-200 Library Facilities - Modernization**

General Obligation Bond Appropriation	\$ 1,000,000
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Mayoralty**127-115 Walters Art Gallery - 1974 Bldg. Renovation**

Other Private Fund And Grant Appropriation	\$ 445,000
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127-135 Walters Art Gallery - Garage/Lot Development

Other State Fund Appropriation	\$ 1,000,000
Other Private Fund And Grant Appropriation	\$ 499,000

127-146 Center Stage Theater - Renovations

General Obligation Bond Appropriation	\$ 500,000
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127-147 Meyerhoff Symphony Hall - Renovations

General Obligation Bond Appropriation	\$ 1,000,000
Other State Fund Appropriation	\$ 1,000,000

127-149 Maryland Historical Society - Renovation

General Obligation Bond Appropriation	\$ 500,000
Other State Fund Appropriation	\$ 1,000,000

127-150 Living Classroom - Maritime Park

General Obligation Bond Appropriation	\$ 1,000,000
Other State Fund Appropriation	\$ 1,500,000

127-306 State Attorney Information Technology Project

General Fund Appropriation	\$ 1,000,000
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129-030 City Council Information Technology Project

General Fund Appropriation	\$ 276,000
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183-003 Voting Machine Storage Facility

General Fund Appropriation	\$	255,000
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483-050 Baltimore Zoo Renovation

Other State Fund Appropriation	\$	1,500,000
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Other Private Fund And Grant Appropriation	\$	6,425,000
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529-038 Aquarium Major Building Expansion

Other Private Fund And Grant Appropriation	\$	1,600,000
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529-040 Aquarium Ray Tray Habitat Exhibit

Other Private Fund And Grant Appropriation	\$	366,000
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529-048 Aquarium Changing Exhibit #3 - Seahorses

Other Private Fund And Grant Appropriation	\$	240,000
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529-049 Aquarium Changing Exhibit #4

Other Private Fund And Grant Appropriation	\$	60,000
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529-057 Pier 3 HVAC Renovation

Other Private Fund And Grant Appropriation	\$	822,000
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529-058 Seal Pool Improvements

Other Private Fund And Grant Appropriation	\$	250,000
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529-101 Columbus Center

Other Private Fund And Grant Appropriation	\$	3,000,000
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529-102 Pier 3 Utilities

Other Private Fund And Grant Appropriation	\$	140,000
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529-103 Pier 3 Level 4 Renovation

Other Private Fund And Grant Appropriation	\$	61,000
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529-104 Pier 3, Level 1 Renovation

Other Private Fund And Grant Appropriation	\$	100,000
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529-107 New Elevator-Pier 3

Other Private Fund And Grant Appropriation	\$	60,000
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541-019 Baltimore Arena - Emergency Repairs

General Fund Appropriation	\$	325,000
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Museum of Art**488-009 Museum of Art - Roof Replacement**

General Obligation Bond Appropriation	\$	613,000
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Other State Fund Appropriation	\$	300,000
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Other Private Fund And Grant Appropriation	\$	175,000
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488-019 Museum of Art - System Improvements

General Obligation Bond Appropriation	\$	387,000
Other State Fund Appropriation	\$	322,000

488-020 Museum of Art - Entrance Reconfiguration

Other State Fund Appropriation	\$	934,000
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488-022 Museum of Art - Arts Of Africa Renovations

Other State Fund Appropriation	\$	200,000
Other Private Fund And Grant Appropriation	\$	300,000

Off-Street Parking Commission**580-026 Water Street/Lombard Street Parking Garage**

General Obligation Bond Appropriation	\$	3,000,000
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580-027 South Caroline Street Parking Garage

General Obligation Bond Appropriation	\$	2,000,000
Parking Revenue Bond Appropriation	\$	4,000,000

580-028 Central and Bank Parking Garage

Parking Revenue Bond Appropriation	\$	2,000,000
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Department of Planning**188-002 Capital Program Automated System - Install**

General Fund Appropriation	\$	150,000
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188-006 NPP

General Fund Appropriation	\$	300,000
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188-007 Zoning Code Revision

General Fund Appropriation	\$	200,000
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Police Department**206-300 Police Athletic League (PAL) Centers**

General Obligation Bond Appropriation	\$	1,000,000
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Department of Public Works**197-052 City Hall - Renovation**

General Fund Appropriation	\$	200,000
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197-141 Lafayette Square Building Improvements

General Fund Appropriation	\$	225,000
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197-802 Comprehensive Plan for City Buildings

General Fund Appropriation	\$	250,000
Waste Water Utility Fund Appropriation	\$	250,000

Water Utility Fund Appropriation	\$ 250,000
City Motor Vehicle Fund Appropriation	\$ 250,000
504-100 Footway Paving Construction Reserve	
City Motor Vehicle Fund Appropriation	\$ 100,000
Other Fund Appropriation	\$ 1,250,000
504-200 Alley Paving Construction Reserve	
City Motor Vehicle Fund Appropriation	\$ 900,000
Other Fund Appropriation	\$ 900,000
507-001 Federal Aid Construction Reserve	
Lease Income Appropriation	\$ 375,000
507-300 Lombard Street	
City Motor Vehicle Fund Deappropriation	\$ (290,000)
507-312 Bridge Cleaning and Painting	
Federal Highway Transportation Fund Appropriation	\$ 2,800,000
City Motor Vehicle Fund Appropriation	\$ 580,000
507-313 Enhancement Construction Reserve	
Federal Transportation Enhancement Grant Appropriation	\$ 1,000,000
Other Fund Appropriation	\$ 1,000,000
507-405 I-83 Resurfacing	
City Motor Vehicle Fund Deappropriation	\$ (206,000)
507-428 Jones Falls/Penn Station Trail Access	
Federal Highway Transportation Fund Appropriation	\$ 1,576,000
State Open Space Grant Appropriation	\$ 50,000
City Motor Vehicle Fund Appropriation	\$ 304,000
507-436 Locust Point Access Road	
Other State Fund Appropriation	\$ 5,000,000
City Motor Vehicle Fund Appropriation	\$ 5,000,000
Other Private Fund And Grant Appropriation	\$ 5,500,000
507-439 Key Highway Bulkhead and Promenade	
Federal Transportation Enhancement Grant Appropriation	\$ 2,778,000
Other State Fund Appropriation	\$ 2,000,000
City Motor Vehicle Fund Appropriation	\$ 2,778,000
507-752 Bridge Inspection Program	
Federal Highway Transportation Fund Appropriation	\$ 960,000
City Motor Vehicle Fund Appropriation	\$ 240,000
507-900 Federal Aid Resurfacing/Reconstruction	
City Motor Vehicle Fund Deappropriation	\$ (900,000)

508-067 MSU Area Street Enhancements

City Motor Vehicle Fund Appropriation	\$	750,000
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508-185 Central Avenue Reconstruction

City Motor Vehicle Fund Appropriation	\$	4,000,000
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508-207 Pier 6 Bulkhead Reconstruction

City Motor Vehicle Fund Appropriation	\$	854,000
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508-214 Mt Vernon Cultural Dist Street Improvements

City Motor Vehicle Fund Appropriation	\$	500,000
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508-443 Market Place Street Improvements

City Motor Vehicle Fund Appropriation	\$	1,500,000
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508-489 Housing & Community Development Streets

City Motor Vehicle Fund Appropriation	\$	500,000
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508-555 Lancaster St. and Bulkhead Reconstruction

City Motor Vehicle Fund Appropriation	\$	2,000,000
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508-800 Downtown Streetscape Program

City Motor Vehicle Fund Appropriation	\$	2,000,000
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508-820 West Side Corridor Feasibility Study

Federal Highway Transportation Fund Appropriation	\$	400,000
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City Motor Vehicle Fund Appropriation	\$	100,000
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508-910 Pier 6 Columbus Center Bulkhead

City Motor Vehicle Fund Deappropriation	\$	(854,000)
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508-918 Howard Street Widening Study

City Motor Vehicle Fund Appropriation	\$	100,000
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508-985 Inner Harbor East

City Motor Vehicle Fund Appropriation	\$	2,000,000
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509-840 Broadway Median Rehabilitation

City Motor Vehicle Fund Appropriation	\$	500,000
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510-005 Downtown Street Lighting

City Motor Vehicle Fund Appropriation	\$	100,000
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512-008 Traffic Signal Computer Replacement

Federal Highway Transportation Fund Appropriation	\$	3,493,000
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City Motor Vehicle Fund Appropriation	\$	642,000
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514-200 Local Street Resurfacing Program

City Motor Vehicle Fund Appropriation	\$	9,004,000
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514-613 Roland Avenue Street Improvements

Federal Transportation Enhancement Grant Appropriation	\$	120,000
City Motor Vehicle Fund Appropriation	\$	120,000

514-624 Cherry Hill Area Streets

City Motor Vehicle Fund Appropriation	\$	400,000
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514-631 Howard Street - Antique Row

City Motor Vehicle Fund Appropriation	\$	130,000
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517-082 Street Cleaning Transfer Station - Eastside

City Motor Vehicle Fund Appropriation	\$	400,000
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517-350 Western District Yard - Renovation

General Fund Appropriation	\$	200,000
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517-353 Street Cleaning Facility - Improvements

General Fund Appropriation	\$	600,000
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520-037 Wilmington Avenue Culvert

City Motor Vehicle Fund Appropriation	\$	431,000
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520-099 Small Storm Drain Repairs

City Motor Vehicle Fund Appropriation	\$	855,000
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520-439 On Call Storm Drain Design/Engin. Service

City Motor Vehicle Fund Appropriation	\$	500,000
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520-445 Arch Street Storm Drain Improvement

City Motor Vehicle Fund Appropriation	\$	1,544,000
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525-136 Real-Time Stream Flooding Model

City Motor Vehicle Fund Appropriation	\$	120,000
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525-138 Western Run-Street Impact Mitigation

City Motor Vehicle Fund Appropriation	\$	100,000
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525-140 Pollution Control-Waterways Study

City Motor Vehicle Fund Appropriation	\$	100,000
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525-643 Underground Storage Tank Removal

Waste Water Utility Fund Appropriation	\$	275,000
Water Utility Fund Appropriation	\$	275,000

551-144 Mapping Program

Waste Water Utility Fund Appropriation	\$	300,000
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551-233 Waste Water System - Annual Improvements

Waste Water Revenue Bond Appropriation	\$	650,000
County Grant Appropriation	\$	650,000

551-338 Pumping Stations Rehabilitation

Waste Water Revenue Bond Appropriation	\$ 1,540,000
County Grant Appropriation	\$ 660,000

551-401 Sewer Replacement Projects

Waste Water Revenue Bond Appropriation	\$ 4,000,000
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551-402 Combined Sewer Separation Program

Waste Water Revenue Bond Appropriation	\$ 2,000,000
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551-403 Small Sewer Extensions And Improvements

Waste Water Revenue Bond Appropriation	\$ 750,000
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551-404 Infiltration/Inflow Correction Program

Waste Water Revenue Bond Appropriation	\$ 2,000,000
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551-405 Herring Run Sewershed Conveyance System

Waste Water Revenue Bond Appropriation	\$ 2,163,000
County Grant Appropriation	\$ 382,000

551-406 Lower Jones Falls Sewershed - Improvements

Waste Water Revenue Bond Appropriation	\$ 500,000
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551-407 Gwynns Falls Sewershed Conveyance System

Waste Water Revenue Bond Appropriation	\$ 900,000
County Grant Appropriation	\$ 600,000

551-408 High Level Sewershed Conveyance System

Waste Water Revenue Bond Appropriation	\$ 750,000
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551-409 Upper Jones Falls Conveyance System

Waste Water Revenue Bond Appropriation	\$ 1,351,000
County Grant Appropriation	\$ 579,000

551-440 Hawkins Point Sewerage Study

Waste Water Revenue Bond Appropriation	\$ 500,000
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551-530 Public Works-Geographic Information System

Waste Water Utility Fund Appropriation	\$ 125,000
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551-545 Patapsco Truck Scales and Septage Station

Waste Water Revenue Bond Appropriation	\$ 563,000
County Grant Appropriation	\$ 1,197,000

551-555 Back River Electrical Distribution Improv.

Waste Water Revenue Bond Appropriation	\$ 1,310,000
County Grant Appropriation	\$ 1,310,000

551-560 Back River Gravity Thickener Renovation

Waste Water Revenue Bond Appropriation	\$ 269,000
County Grant Appropriation	\$ 269,000

551-562 Chlorine System Improvements

Waste Water Revenue Bond Appropriation	\$ 250,000
County Grant Appropriation	\$ 250,000

551-563 Blower Building Renovations

Waste Water Revenue Bond Appropriation	\$ 250,000
County Grant Appropriation	\$ 250,000

551-567 Odor Control at Patapsco Treatment Plant

Waste Water Revenue Bond Appropriation	\$ 240,000
County Grant Appropriation	\$ 510,000

551-568 Electrical Improvements at Patapsco WWTP

Waste Water Revenue Bond Appropriation	\$ 96,000
County Grant Appropriation	\$ 204,000

551-569 On Call Sanitary Engineering Service

Waste Water Revenue Bond Appropriation	\$ 500,000
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551-570 Patapsco Fine Screens Influent Channel

Waste Water Revenue Bond Appropriation	\$ 184,000
County Grant Appropriation	\$ 391,000

551-572 Patapsco WWTP CO2 Stripping

Waste Water Revenue Bond Appropriation	\$ 64,000
County Grant Appropriation	\$ 136,000

551-901 Miscellaneous Mechanical Improvements

Waste Water Revenue Bond Appropriation	\$ 96,000
County Grant Appropriation	\$ 204,000

557-031 Water Supply System - Improvements

Water Revenue Bond Appropriation	\$ 500,000
County Grant Appropriation	\$ 200,000

557-070 Watershed Road and Facility Maintenance

Water Revenue Bond Appropriation	\$ 854,000
County Grant Appropriation	\$ 546,000

557-099 Mapping Program - Water Supply System

Water Utility Fund Appropriation	\$ 300,000
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557-100 Water Infrastructure Rehabilitation

Water Revenue Bond Appropriation	\$ 5,000,000
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557-101 Water Mains - Installation

Water Revenue Bond Appropriation	\$ 1,000,000
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557-128 Water Meter Conversion and Installation

Water Revenue Bond Appropriation	\$ 1,000,000
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557-130 Water System Cathodic Protection

Water Revenue Bond Appropriation	\$	160,000
County Grant Appropriation	\$	40,000

557-133 Meter Replacement Program

Water Revenue Bond Appropriation	\$	1,500,000
County Grant Appropriation	\$	1,500,000

557-149 Loch Raven Dam - Rehabilitation

Water Revenue Bond Appropriation	\$	6,100,000
County Grant Appropriation	\$	3,832,000

557-150 Ashburton Filtration Plant - Renovation

Water Revenue Bond Appropriation	\$	18,020,000
County Grant Appropriation	\$	10,583,000

557-158 Earthen Dam Improvement Program

Water Revenue Bond Appropriation	\$	525,000
County Grant Appropriation	\$	250,000

557-300 Water Facilities - Annual Improvements

Water Revenue Bond Appropriation	\$	630,000
County Grant Appropriation	\$	370,000

557-400 Valve and Hydrant Replacement-Annual

Water Revenue Bond Appropriation	\$	1,000,000
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557-630 Public Works - Geographic Information System

Water Utility Fund Appropriation	\$	125,000
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557-689 On-Call Water Engineering Services

Water Revenue Bond Appropriation	\$	500,000
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557-690 Liberty Dam Restoration

Water Revenue Bond Appropriation	\$	252,000
County Grant Appropriation	\$	148,000

557-702 Water Facilities Data Acquisition

Water Revenue Bond Appropriation	\$	1,134,000
County Grant Appropriation	\$	666,000

557-704 Water Facility Protection Improvements

Water Revenue Bond Appropriation	\$	378,000
County Grant Appropriation	\$	222,000

557-707 Alternate Water Resource Development

Water Revenue Bond Appropriation	\$	315,000
County Grant Appropriation	\$	185,000

563-001 Conduit Construction Reserve

Other Fund Appropriation	\$	400,000
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563-513 Conduit Occupancy Evaluation

Other Fund Appropriation	\$	500,000
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Department of Recreation and Parks**474-264 Street Tree Planting Program**

City Motor Vehicle Fund Appropriation	\$	100,000
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474-519 Gwynns Falls Trail Phase II

City Motor Vehicle Fund Appropriation	\$	248,000
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474-522 Druid Hill Park Conservatory - Palm House

General Obligation Bond Appropriation	\$	500,000
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474-523 Gwynns Fall Trail Phase III

Federal Transportation Enhancement Grant Appropriation	\$	1,400,000
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474-566 Druid Hill Park Conservatory - Exhibit Space

State Open Space Grant Appropriation	\$	500,000
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474-601 Patterson Park Boat Lake Reconstruction

General Obligation Bond Appropriation	\$	500,000
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474-603 Park Plazas, Fountains and Medians

General Fund Appropriation	\$	50,000
State Open Space Matching Grant Appropriation	\$	150,000

474-607 Baltimore Playlot Program - FY 2001

General Obligation Bond Appropriation	\$	1,000,000
State Open Space Matching Grant Appropriation	\$	500,000
Other State Fund Appropriation	\$	200,000

474-608 Parks Rehabilitation Program - FY 2001

State Open Space Grant Appropriation	\$	450,000
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474-609 Basketball & Tennis Courts Repaving - FY 2001

General Fund Appropriation	\$	100,000
State Open Space Matching Grant Appropriation	\$	300,000

474-610 Park Buildings Modernization - FY 2001

General Fund Appropriation	\$	125,000
State Open Space Matching Grant Appropriation	\$	500,000

474-611 Urban Parks Recreation and Recovery - FY 2001

Other Federal Fund Appropriation	\$	300,000
State Open Space Matching Grant Appropriation	\$	605,000

SECTION 3. AND BE IT FURTHER ORDAINED, That the amounts set forth in Section 2 above designated deappropriations and enclosed in parentheses shall revert to the surpluses of the respective funds and be available for appropriation by this or subsequent ordinances.

SECTION 4. AND BE IT FURTHER ORDAINED, That:

(a) The City reasonably expects to reimburse the expenditures described in Subsection (b) of this Section with the proceeds of one or more obligations (as such term is used in Treas. Reg. Section 1.150-1(b) to be incurred by the City (or any entity controlled by the City within the meaning of Treas. Reg. Section 1.150-1). The City intends that this Section of this Ordinance of Estimates (as this Ordinance of Estimates may be amended from time to time) shall serve as a declaration of the City's reasonable intention to reimburse expenditures as required by Treas. Reg. Section 1.150-2 and any successor regulation.

(b) The City intends that this declaration will cover all reimbursement of expenditures for capital projects or programs approved in the capital budget contained in this Ordinance of Estimates to the extent that the City has appropriated in this Ordinance of Estimates to pay the cost thereof from one or more obligations to be issued by the City (or any entity controlled by the City within the meaning of Treas. Reg. Section 1.150-1). The term "obligation" (as such term is defined in Treas. Reg. Section 1.150(b) and as used in this Section) includes general obligation bonds and notes, revenue bonds and notes, leases, conditional purchase agreements and other obligations of the City (or any entity controlled by the City within the meaning of Treas. Reg. Section 1.150-1).

(c) The maximum anticipated debt expected to be incurred by the City to reimburse the cost of each capital project or program in this Ordinance of Estimates is the applicable appropriation listed in this Ordinance of Estimates from the proceeds of one or more obligations, as such appropriations may be increased or decreased.

SECTION 5. The foregoing appropriations in summary consist of:

<u>Fund</u>	<u>Operating</u>	<u>Capital</u>		<u>Total</u>
General	\$ 894,988,000	\$ 11,776,000		\$ 906,764,000
Motor Vehicle	131,227,000	38,000,000		169,227,000
Federal	225,819,259	46,870,000		272,689,259
State	66,640,704	45,305,000		111,945,704
Waste Water Utility	118,325,000	1,250,000		119,575,000
Water Utility	79,028,000	1,250,000		80,278,000
Loan and Guarantee Enterprise	4,111,105	0		4,111,105
Parking Enterprise	14,843,000	0		14,843,000
Parking Management	8,803,000	0		8,803,000
Special	28,414,722	125,671,000	*	154,085,722
Convention Center Bond	4,635,133	0		4,635,133
General Obligation Bonds	0	51,000,000		51,000,000
	\$1,576,834,923	\$321,122,000		\$1,897,956,923

*Consisting of:		
County.....	\$	26,134,000

Revenue Bonds and Notes	\$	65,794,000
M&CC Real Property Account.	\$	500,000
Other Fund Sources	\$	33,243,000

Approved June 9, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-027
(Council Bill 00-075)**

AN ORDINANCE CONCERNING

Baltimore City Landmark List — Northern District Police Station

FOR the purpose of designating Northern District Police Station, 3355 Keswick Road, as a historical landmark.

BY adding

Article 6 - Historical and Architectural Preservation
Section(s) 12-1, to be under the new subtitle "Landmark List — 2000s"
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 6 — Historical and Architectural Preservation

SUBTITLE 12. LANDMARK LIST — 2000S

§ 12-1. NORTHERN DISTRICT POLICE STATION

NORTHERN DISTRICT POLICE STATION, 3355 KESWICK ROAD.

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 on the 30th day after the date it is enacted.

Approved June 12, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-028
(Council Bill 00-076)**

AN ORDINANCE CONCERNING

**Baltimore City Landmark List — Samuel Coleridge Taylor
Elementary School #122**

FOR the purpose of designating Samuel Coleridge Taylor Elementary School #122, 501 West Preston Street, as a historical landmark.

BY adding

Article 6 - Historical and Architectural Preservation
Section(s) 12-1, to be under the new subtitle “Landmark List — 2000s”
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 6 — Historical and Architectural Preservation

SUBTITLE 12. LANDMARK LIST — 2000S

§ 12-1. SAMUEL COLERIDGE TAYLOR ELEMENTARY SCHOOL #122.

SAMUEL COLERIDGE TAYLOR ELEMENTARY SCHOOL #122, 501 WEST PRESTON STREET.

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 on the 30th day after the date it is enacted.

Approved June 12, 2000

MARTIN O’MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-029
(Council Bill 00-083)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Capital Appropriation —
Police Department — \$3,000,000**

FOR the purpose of providing a Supplementary General Fund Capital Appropriation in the amount of \$3,000,000 to the Police Department — Police Headquarters Renovation (Account # 9918-206-522), to provide funding to complete the renovation construction; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Fiscal 1999 General Fund Balance, in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2000.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2000 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2000 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On March 29, 2000, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$3,000,000 shall be made available to the Police Department — Police Headquarters Renovation (Account # 9918-206-522) as a Supplementary General Fund Capital Appropriation for Fiscal Year 2000, to provide funding to complete the renovation construction. The source of revenue for this appropriation is from the Fiscal 1999 General Fund Balance, in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2000.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 12, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-030
(Council Bill 00-087)**

AN ORDINANCE CONCERNING

Increased Fines — Sanitation and Health Code Violations

FOR the purpose of increasing the penalties imposed for violations of certain provisions of the Health and Sanitation Codes.

BY repealing and reordaining, with amendments

Article 1 - Mayor, City Council and Municipal Agencies

Section(s) 40-14(e)(4), (7)(Title 7, Subtitle 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 1 — Mayor, City Council and Municipal Agencies

§ 40-14. Violations to which this subtitle applies.

(e) *Provisions and penalties enumerated.*

(4) **Article 23. Sanitation**

§ 2-2. Garbage and mixed refuse; receptacles [\$50] \$60

§ 2-3. Garbage and mixed refuse; handling [\$50] \$60

§ 4-1 or § 4-2. Receptacles on collection days [\$50] \$60

(7) **Health Code**

Title 7: Waste Control

Subtitle 6: Prohibited Disposal

Less than 25 lbs. in 24-hour period [\$100] \$150

25 lbs. or more in 24-hour period [\$200] \$250

SECTION 2. AND BE IT FURTHER ORDAINED, That representatives of the Environmental Control Board and of the Departments of Finance, Public Works, Health, and Housing and Community Development appear quarterly before the City Council's Taxation Committee and report on (i) the number of citations issued for violations of the provisions affected by this Ordinance and (ii) the disposition of those citations.

SECTION 2 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 3 4. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved June 12, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-031
(Council Bill 00-088)**

AN ORDINANCE CONCERNING

Sale of Property — 111 Scott Street, Block 0255, Lot 017

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain property located at 111 Scott Street, Block 0255, Lot 017 and no longer needed for public use; and providing for a special effective date.

BY authority of

Article V - Comptroller
Section 5(b)
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That, in accordance with Article V, § 5(b) of the City Charter, the City Comptroller may sell, at either public or private sale, all the interest of the Mayor and City Council of Baltimore in the property located at 111 Scott Street, Block 0255, Lot 017, and more particularly described as follows:

The subject parcel (Block 0255, Lot 017), unimproved lot located along the east side of Scott Street at Lemmon Street,

containing 775 square feet, more or less, this property being no longer needed for public use.

SECTION 2. AND BE IT FURTHER ORDAINED, That no deed may pass under this Ordinance unless the deed has been approved by the City Solicitor.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 12, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-032
(Council Bill 00-096)**

AN ORDINANCE CONCERNING

**Acquisition of Property — Parcels of Land to Be Acquired for
Off-Street Parking Facility Comprising 205/207 Water Street,
210 East Lombard Street, 212 East Lombard Street,
Lot 1b of Ward 4 Section 11 Block 662, and a Portion of
31 South Calvert Street**

FOR the purpose of authorizing the Mayor and City Council of Baltimore to acquire, by purchase or condemnation, the fee simple or other interests in certain property located at 205/207 Water Street, 210 East Lombard Street, 212 East Lombard Street, Lot 1B of Ward 4 Section 11 Block 662, and a portion of 31 South Calvert Street, and needed for the construction and operation of a feasible and sufficient off-street parking facility for the public storing and parking of self-propelled vehicles; and providing for a special effective date.

BY authority of
Article I - General Provisions
Section 4
and
Article II - General Powers
Sections 2 and 20
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That it is necessary to acquire, for public parking purposes, the fee simple or other interests that the Director of Public Works considers needed or sufficient in the land and improvements located at 205/207 Water Street, 210 East Lombard Street, 212 East Lombard Street, Lot 1B of Ward 4 Section 11 Block 662, and a portion of 31 South Calvert Street, and more particularly described as follows:

Beginning for Parcel No. 1 at a point on the north side of Lombard Street, 90 feet wide, distant 56.4 feet, more or less, easterly measured along the north side of said Lombard Street from the east side of Calvert Street, varying in width, and running thence by a line drawn parallel with and distant 10.0 feet westerly measured at right angles from the eastern outline of Lot 2A, as shown on a Plat entitled "Final Subdivision, Lot 2, Financial District" dated March 31, 1982, and recorded among the Plat Records of Baltimore City in Plat Pocket Folder C.W.M., Jr. No. 2809 on May 5, 1982, North 03° 21' 00" West 104.13 feet to intersect the south side of Water Street, 49.5 feet wide; thence binding on the south side of said Water Street, North 86° 23' 00" East 10.00 feet to the eastern outline of said Lot 2A; thence binding on the eastern outline of said Lot 2A, South 03° 21' 00" East 104.25 feet to intersect the north side of said Lombard Street, and thence binding on the north side of said Lombard Street, South 87° 03' 55" West 10.00 feet to the place of beginning.

Containing 1,041.88 square feet of land.

Beginning for Parcel No. 2 at the point formed by the intersection of the north side of Lombard Street, 90 feet wide, and the western outline of Parcel 'A', as shown on a Plat entitled "Resubdivision Plat Lot 20, 21, and 2B - Lombard Street 'Herget Harbor Building' Parcel 'A' and Parcel 'B' " dated December 14, 1982, and recorded among the Plat Records of Baltimore City in Plat Pocket Folder S.E.B. No. 2845 on January 26, 1983, said point of beginning being distant 66.4 feet, more or less, easterly measured along the north side of said Lombard Street from the east side of Calvert Street, varying in width, and running thence binding on the western outline of said Parcel 'A', North 03° 21' 00" West 104.25 feet to intersect the south side of Water Street, 49.5 feet wide; thence binding on the south side of said Water Street, North 86° 23' 00" East 97.74 feet to intersect the west side of Hunter Street, 20 feet wide; thence binding on the west side of said Hunter Street, South 03° 27' 09" East 105.41 feet to intersect the north side of said Lombard Street, and thence binding on the north side of said Lombard Street, South 87° 03' 55" West 97.92 feet to the place of beginning.

Containing 10,254.75 square feet or 0.2354 acre of land, more or less.

All courses and distances in the above descriptions are referred to the true meridian as adopted by the Baltimore Survey Control System.

Beginning for Parcel No. 3 at the point formed by the intersection of the north side of Lombard Street, 90 feet wide, and the east side of Hunter Street, 20 feet wide, and running thence binding on the east side of said Hunter Street, Northerly 105.5 feet, more or less, to intersect the south side of Water Street, 49.5 feet wide; thence binding on the south side of said Water Street, Easterly 53.2 feet, more or less, to the beginning of the last line of the parcel of land conveyed by Two Twelve Limited Partnership to Hunter Street Joint Venture by deed dated April 2, 1981, and recorded among the Land Records of Baltimore City in Liber C.W.M., Jr. No. 4033, Folio 12; thence binding on the last line of said deed, Southerly 106.0 feet, more or less, to intersect the north side of said Lombard Street, and thence binding on the north side of said Lombard Street, Westerly 53.1 feet, more or less, to the place of beginning.

Containing 5,621 square feet of land, more or less.

Together with all right, title, interest and estate that the owner of that property has in all streets, alleys, ways or lanes, public or private, contained within or abutting the property.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Department of Real Estate, or any other person or agency that the Board of Estimates designates, may negotiate and acquire on behalf of the Mayor and City Council of Baltimore the fee simple or other interests in the land and improvements described in this Ordinance as needed or sufficient for the purposes described in this Ordinance. If the Department of Real Estate, or the person or agency otherwise designated by the Board of Estimates, is unable to agree with the owner on the purchase price for the property, it shall promptly notify the City Solicitor, who shall institute the necessary legal proceedings to acquire by condemnation the fee simple or other interests needed or sufficient for the purposes described in this Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That the off-street parking facility must receive Final Design Approval from the Planning Commission.

SECTION 3 4. AND BE IT FURTHER ORDAINED, That proceedings for the acquisition by condemnation of the property described in this Ordinance and all rights of all parties interested or affected shall be in accordance with Title 12 of the Real Property Article of the Maryland Code.

SECTION 4 5. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 12, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-033
(Council Bill 00-111)**

AN ORDINANCE CONCERNING

Food Service Facilities — Fees

FOR the purpose of modifying the annual license fees, late fees, and reinspection fees charged to certain food service facilities; and generally relating to the licensing and regulation of food service facilities.

BY repealing and reordaining, with amendments

Article - Health
Section(s) 6-403, 6-406, 6-604(d)
Baltimore City Revised 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 Revised Code

Article — Health

§ 6-403. Annual license fees.

Except as specified in § 6-404 {“Reduced fee for certain tax exempt entities”} and § 6-405 {“Waived fee for certain day care centers”} of this subtitle, the following annual license fee is imposed for each location of a food service facility:

(1) Wholesalers	[\$ 450] \$500
(2) Caterers	[450] 550
(3) High priority facilities	[350] 450
(4) Moderate priority facilities	[250] 350
(5) Low priority facilities	[150] 185
(6) Temporary facilities	50
(7) Vending machines	[8] 10

§ 6-406. Late fees.

Any licensee who is required to pay a license and who fails to renew the license within 5 days of its expiration must pay an additional fee of [\$20] \$25 for each day after the expiration date that the license remains unrenewed.

§ 6-604. Reinstatement of suspended licenses.

(d) *Reinspection fees.*

- (1) The fee for a reinspection performed during regular working hours is [\$75] \$100.
- (2) The fee for a reinspection performed during weekend or evening hours is [\$150] \$300.

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 on the 30th day after the date it is enacted.

Approved June 12, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-034
(Council Bill 00-145)**

AN ORDINANCE CONCERNING

Bond Issue — Asbestos Loan — \$1,000,000

FOR the purpose of authorizing the Mayor and City Council of Baltimore (pursuant to Resolution I of 2000 approved by the members of the General Assembly of Maryland representing Baltimore City) to issue and sell its certificates of indebtedness in an aggregate principal amount not exceeding \$1,000,000, the proceeds derived from the sale thereof to be used for the cost of issuance, including the expense of engraving, printing, advertising, attorneys' fees, and all other incidental expenses connected therewith, and the remainder of such proceeds to be used to pay the costs of asbestos removal, encapsulation, management, containment and abatement in existing buildings, structures and facilities owned or controlled by the Mayor and City Council of Baltimore, including but not limited to health, fire, urban services, multi-purpose, recreation, schools, office buildings and library facilities, to be or now being used for or in connection with the operations, functions and activities of the Mayor and City Council of Baltimore; the payment of any and all costs and expenses incurred for or in connection with doing any or all of the things herein mentioned, including, but not limited to, the costs and expenses of securing administrative, appraisal, economic analysis, engineering, planning, designing, architectural, surveying, and other professional services; and for doing any and all things necessary, proper or expedient in connection with or pertaining to any or all of the matters or things hereinbefore mentioned; authorizing the issuance of refunding bonds; conferring and imposing upon the Board of Finance of Baltimore City certain powers and duties; authorizing the submission of this Ordinance to the legal voters of the City of Baltimore, for their approval or disapproval, at the General Election to be held in Baltimore City on Tuesday, the 7th day of November, 2000; and providing for the expenditure of the proceeds of sale of said certificates of indebtedness in accordance with the provisions of the Charter of the Mayor and City Council of Baltimore, and by the municipal agency designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

WHEREAS, By Resolution I of 2000 approved by the members of the General Assembly of Maryland representing Baltimore City, the Mayor and City Council of Baltimore is authorized to create a debt and to issue and sell its certificates of indebtedness (hereinafter called "bonds") as evidence thereof, in an aggregate principal amount not exceeding \$1,000,000 in the manner and upon the terms set forth in the bonds, not exceeding the par value of the bonds, to be used in connection with asbestos removal, encapsulation, management, containment and abatement as authorized by said Resolution; and

WHEREAS, Funds are now needed for said purposes; now, therefore,

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council of Baltimore, acting by and through the Board of Finance of said municipality, be and it is hereby authorized and empowered to issue bonds of the Mayor and City Council of Baltimore in an aggregate principal amount not exceeding \$1,000,000, from time to time, as may be needed or required for the purposes

hereinafter named and said bonds shall be sold by the Board of Finance from time to time and at such times as shall be requisite, and the proceeds derived from the sale of said bonds shall be used for the purposes hereinafter named, provided that this Ordinance shall not become effective unless it shall be approved by a majority of the votes of the legal voters of Baltimore City cast at the time and place hereinafter designated by this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That:

(a) The bonds shall be issued in denominations of not less than \$500 each, but may be in sums of \$500, or any suitable multiple thereof.

(b) The bonds authorized to be issued and sold under the provisions of this Ordinance may be issued to mature on such dates and in such amounts as the Board of Finance may determine; provided that the entire principal amount represented thereby shall be discharged not more than 40 years from the date of issuance of the bonds.

(c) The bonds, when issued, shall bear interest at such rate or rates as may be determined by the Board of Finance, which rate or rates may be fixed or variable or as determined by a method approved by the Board of Finance, and such interest shall be payable at such time or times as may be determined by the Board of Finance.

SECTION 3. AND BE IT FURTHER ORDAINED, That a majority of the Board of Finance of the Mayor and City Council of Baltimore be, and they are hereby, authorized to pass a resolution or resolutions, from time to time, to determine and set forth any or all of the following:

(a) The amount of debt to be incurred by the Mayor and City Council of Baltimore at any particular time, and from time to time, under and pursuant to the provisions of this Ordinance; the date or dates when any bonds representing said debt, or any part thereof, are to mature, and the amount or amounts of said debt, or any part thereof, which shall mature upon the aforesaid date or dates; and the date or dates in each year, during the entire period of time when any of said bonds are outstanding, when interest on any of said bonds shall be payable;

(b) The form or forms of the bonds representing the debt, or any part thereof, authorized to be issued under the provisions of this Ordinance at any particular time; and

(c) If the bonds are to be sold at public sale, the time, place, manner and medium of advertisement of the readiness of the Board of Finance, acting for and on behalf of the Mayor and City Council of Baltimore, to receive bids for the purchase of the bonds authorized to be issued hereunder or any part thereof; the form, terms and conditions of such bids; the time, place and manner of awarding bonds so bid for, including the right whenever any of the bonds authorized by this Ordinance are offered for sale and sold at the same time as other bonds of the City, to establish the conditions for bids and awards and to award all of the bonds on an all or none basis; and the time, place, terms and manner of settlement for the bonds so bid for.

SECTION 4. AND BE IT FURTHER ORDAINED, That:

(a) All premiums resulting from the sale of any of the bonds issued and sold pursuant to the provisions of this Ordinance shall be applied first to defray the cost of issuance thereof and the balance, if any, shall be applied to the payment of interest on any of said bonds becoming due and payable during the fiscal year in which said bonds are issued and sold or during the next succeeding fiscal year.

(b) The debt authorized by the provisions of this Ordinance, and the bonds issued and sold pursuant thereto and their transfer, and the principal and interest payable thereon (including any profit made in the sale

thereof), shall be and remain exempt from any and all State, county and municipal taxation in the State of Maryland.

(c) All bonds issued and sold pursuant to the provisions of this Ordinance may be sold at public sale by the solicitation of competitive bids or at private (negotiated) sale without advertisement or solicitation of competitive bids, for a price or prices which may be at, above or below par value of the bonds, as determined by resolution of the Board of Finance of the Mayor and City Council of Baltimore. If the Board of Finance determines to sell the bonds at public sale, the bonds shall be sold to the highest responsible bidder or bidders therefor after due notice of such sale, but the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, shall have the right to reject any or all bids therefor for any reason.

SECTION 5. AND BE IT FURTHER ORDAINED, That until all of the interest on and principal of any bonds issued pursuant to the provisions of this Ordinance have been paid in full, the Mayor and City Council of Baltimore shall levy and impose an annual tax on each \$100 of assessable property in the City of Baltimore at a rate sufficient to produce revenue to pay all interest on and principal of all bonds theretofore issued and outstanding or authorized to be issued and outstanding, payable in the next succeeding year.

SECTION 6. AND BE IT FURTHER ORDAINED, That this Ordinance shall be submitted to the legal voters of the City of Baltimore, for their approval or disapproval, at the General Election to be held in Baltimore City, on Tuesday, the 7th day of November, 2000.

SECTION 7. AND BE IT FURTHER ORDAINED, That prior to the date of the election hereinbefore mentioned, notice shall be given to the public of the amount of money which the Mayor and City Council of Baltimore is authorized to borrow, and the general purposes for which such borrowed funds may be expended, under the terms and provisions of this Ordinance, and the time when the election hereinbefore mentioned is to be held; and such public notice shall be given in such manner and by such means or through such media and at such time or times as may be determined, from time to time, by a majority of the Board of Finance.

SECTION 8. AND BE IT FURTHER ORDAINED, That the actual cash proceeds derived from the sale of the bonds authorized to be issued under the provisions of this Ordinance shall be used exclusively for the following purposes, to wit:

(a) So much thereof as may be necessary, in addition to the premium realized from the sale, if any, for the cost of issuance, including the expense of engraving, printing, advertising, attorneys' fees, and all other incidental expenses connected therewith (which may include the proportion of the compensation of employees and general administrative expenses of the Department of Finance reasonably allocated to the issuance of the bonds); and

(b) The remainder of such proceeds shall be used to pay the costs of asbestos removal, encapsulation, management, containment and abatement in existing buildings, structures, and facilities owned or controlled by the Mayor and City Council of Baltimore, including but not limited to health, fire, urban services, multi-purpose, recreation, schools, office buildings and library facilities, to be or now being used for or in connection with the operation, functions and activities of the Mayor and City Council of Baltimore; the payment of any and all costs and expenses incurred for or in connection with doing any or all of the things herein mentioned, including, but not limited to, the costs and expenses of securing administrative, appraisal, economic analysis, engineering, planning, designing, architectural, surveying, and other professional services; and for doing any and all things necessary, proper or expedient in connection with or pertaining to any or all of the matters or things hereinbefore mentioned.

SECTION 9. AND BE IT FURTHER ORDAINED, That:

(a) The Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, is hereby authorized and empowered to issue its bonds for the purpose of refunding any bonds authorized to

be issued under the provisions of this Ordinance by payment at maturity or the purchase or redemption of bonds in advance of maturity. The validity of any refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the bonds being refunded. Such refunding bonds may be issued by the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, for the purpose of providing it with funds to pay any of its outstanding bonds authorized to be issued under the provisions of this Ordinance at maturity, to purchase in the open market any of its outstanding bonds authorized to be issued under the provisions of this Ordinance prior to their maturity, to redeem prior to their maturity any outstanding bonds which are, by their terms, redeemable, to pay interest on any outstanding bonds prior to their payment at maturity or purchase or redemption in advance of maturity, or to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds authorized to be issued under the provisions of this Ordinance.

(b) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued for the public purpose of:

(1) Realizing savings to Baltimore City in the aggregate cost of debt service on either a direct comparison or present value basis; or

(2) Debt restructuring that:

(i) In the aggregate effects such a reduction in the cost of debt service; or

(ii) Is determined by the Board of Finance of the Mayor and City Council of Baltimore to be in the best interests of Baltimore City, to be consistent with Baltimore City's long-term financial plan, and to realize a financial objective of Baltimore City including, improving the relationship of debt service to a source of payment such as taxes, assessments, or other charges.

(c) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued in whatever principal amount shall be required to achieve the purpose for the issuance of the refunding bonds, which amount may be in excess of the principal amount of the bonds refunded or the maximum principal amount of bonds authorized to be issued under Section 1 of this Ordinance.

(d) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued to mature on such dates and in such amounts as the Board of Finance may determine; provided that the entire principal amount represented by the refunding bonds shall be discharged not more than 40 years from the date of issuance of the bonds being refunded.

(e) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be sold at public sale by the solicitation of competitive bids or at private (negotiated) sale without advertisement or solicitation of competitive bids, for a price or prices which may be at, above or below the par value of the refunding bonds, as determined by resolution of the Board of Finance of the Mayor and City Council of Baltimore. If the Board of Finance determines to sell the refunding bonds at public sale, the refunding bonds shall be sold to the highest responsible bidder or bidders therefor after due notice of such sale, but the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, shall have the right to reject any or all bids therefor for any reason.

(f) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance shall bear interest at such rate or rates as may be determined by the Board of Finance of the Mayor and City Council of Baltimore, which rate or rates may be fixed or variable or as determined by a method approved by the Board of Finance, and such interest shall be payable at such time or times as may be determined by the Board of Finance.

(g) The proceeds of the sale of any refunding bonds authorized to be issued and sold under the provisions of this Ordinance, after the payment of issuance costs relating thereto, shall be set aside by the Mayor and City Council of Baltimore as a separate trust fund to be used solely for the purposes stated in this Section 9.

(h) Except as otherwise provided in this Section 9, the powers granted in, the limitations and obligations imposed by, and the procedures specified in this Ordinance with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds.

(i) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance shall not be subject to any debt policy limitation that may from time to time be established by the Mayor and City Council of Baltimore.

SECTION 10. AND BE IT FURTHER ORDAINED, That the expenditure of the proceeds derived from the sale of the bonds authorized to be issued under the provisions of this Ordinance shall be in accordance with the provisions of the Charter of the Mayor and City Council of Baltimore, and by the municipal agency designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

Approved June 12, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-035
(Council Bill 00-146)**

AN ORDINANCE CONCERNING

Bond Issue — Baltimore Zoo Loan — \$3,000,000

FOR the purpose of authorizing the Mayor and City Council of Baltimore (pursuant to Resolution VIII of 2000 approved by the members of the General Assembly of Maryland representing Baltimore City) to issue and sell its certificates of indebtedness in an aggregate principal amount not exceeding \$3,000,000, the proceeds derived from the sale thereof to be used for the cost of issuance, including the expense of engraving, printing, advertising, attorneys' fees, and all other incidental expenses connected therewith, and the remainder of such proceeds to be used for the acquisition, by purchase, condemnation, or any other legal means, of land or property, or any rights therein, in the City of Baltimore, and for constructing and erecting, on said land or property, or on any land or property, new buildings, structures and other auxiliary facilities, and for the renovation, alternation, construction, reconstruction, installation, improvement and repair of existing buildings, structures and facilities to be or now being used in connection with the operations, functions, and activities of the Baltimore Zoo; and to equip all facilities authorized to be constructed, renovated, altered or improved by the provisions hereof; the payment of any and all costs and expenses incurred for or in connection with doing any or all of the things herein mentioned, including, but not limited to, the costs and expenses of securing administrative, appraisal, economic analysis, engineering, planning, designing, architectural, surveying, and other professional services; and for doing any and all things necessary, proper or expedient in connection with or pertaining to any or all of the matters or things hereinbefore mentioned; authorizing the issuance of refunding bonds; conferring and imposing upon the Board of Finance of Baltimore City certain powers and duties; authorizing the submission of this Ordinance to the legal voters of the City of Baltimore, for their approval or disapproval, at the General Election to be held in Baltimore City on Tuesday, the 7th day of

November, 2000; and providing for the expenditure of the proceeds of sale of said certificates of indebtedness in accordance with the provisions of the Charter of the Mayor and City Council of Baltimore, and by the municipal agency designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

WHEREAS, By Resolution VIII of 2000 approved by the members of the General Assembly of Maryland representing Baltimore City, the Mayor and City Council of Baltimore is authorized to create a debt and to issue and sell its certificates of indebtedness (hereinafter called "bonds") as evidence thereof, in an aggregate principal amount not exceeding \$3,000,000 in the manner and upon the terms set forth in the bonds, not exceeding the par value of the bonds, to be used in connection with the operations, functions, and activities of the Baltimore Zoo as authorized by said Resolution; and

WHEREAS, Funds are now needed for said purposes; now, therefore,

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council of Baltimore, acting by and through the Board of Finance of said municipality, be and it is hereby authorized and empowered to issue bonds of the Mayor and City Council of Baltimore in an aggregate principal amount not exceeding \$3,000,000, from time to time, as may be needed or required for the purposes hereinafter named and said bonds shall be sold by the Board of Finance from time to time and at such times as shall be requisite, and the proceeds derived from the sale of said bonds shall be used for the purposes hereinafter named, provided that this Ordinance shall not become effective unless it shall be approved by a majority of the votes of the legal voters of Baltimore City cast at the time and place hereinafter designated by this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That:

(a) The bonds shall be issued in denominations of not less than \$500 each, but may be in sums of \$500, or any suitable multiple thereof.

(b) The bonds authorized to be issued and sold under the provisions of this Ordinance may be issued to mature on such dates and in such amounts as the Board of Finance may determine; provided that the entire principal amount represented thereby shall be discharged not more than 40 years from the date of issuance of the bonds.

(c) The bonds, when issued, shall bear interest at such rate or rates as may be determined by the Board of Finance, which rate or rates may be fixed or variable or as determined by a method approved by the Board of Finance, and such interest shall be payable at such time or times as may be determined by the Board of Finance.

SECTION 3. AND BE IT FURTHER ORDAINED, That a majority of the Board of Finance of the Mayor and City Council of Baltimore be, and they are hereby, authorized to pass a resolution or resolutions, from time to time, to determine and set forth any or all of the following:

(a) The amount of debt to be incurred by the Mayor and City Council of Baltimore at any particular time, and from time to time, under and pursuant to the provisions of this Ordinance; the date or dates when any bonds representing said debt, or any part thereof, are to mature, and the amount or amounts of said debt, or any part thereof, which shall mature upon the aforesaid date or dates; and the date or dates in each year, during the entire period of time when any of said bonds are outstanding, when interest on any of said bonds shall be payable;

(b) The form or forms of the bonds representing the debt, or any part thereof, authorized to be issued under the provisions of this Ordinance at any particular time; and

(c) If the bonds are to be sold at public sale, the time, place, manner and medium of advertisement of the readiness of the Board of Finance, acting for and on behalf of the Mayor and City Council of Baltimore, to receive bids for the purchase of the bonds authorized to be issued hereunder or any part thereof; the form, terms and conditions of such bids; the time, place and manner of awarding bonds so bid for, including the right whenever any of the bonds authorized by this Ordinance are offered for sale and sold at the same time as other bonds of the City, to establish the conditions for bids and awards and to award all of the bonds on an all or none basis; and the time, place, terms and manner of settlement for the bonds so bid for.

SECTION 4. AND BE IT FURTHER ORDAINED, That:

(a) All premiums resulting from the sale of any of the bonds issued and sold pursuant to the provisions of this Ordinance shall be applied first to defray the cost of issuance thereof and the balance, if any, shall be applied to the payment of interest on any of said bonds becoming due and payable during the fiscal year in which said bonds are issued and sold or during the next succeeding fiscal year.

(b) The debt authorized by the provisions of this Ordinance, and the bonds issued and sold pursuant thereto and their transfer, and the principal and interest payable thereon (including any profit made in the sale thereof), shall be and remain exempt from any and all State, county and municipal taxation in the State of Maryland.

(c) All bonds issued and sold pursuant to the provisions of this Ordinance may be sold at public sale by the solicitation of competitive bids or at private (negotiated) sale without advertisement or solicitation of competitive bids, for a price or prices which may be at, above or below par value of the bonds, as determined by resolution of the Board of Finance of the Mayor and City Council of Baltimore. If the Board of Finance determines to sell the bonds at public sale, the bonds shall be sold to the highest responsible bidder or bidders therefor after due notice of such sale, but the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, shall have the right to reject any or all bids therefor for any reason.

SECTION 5. AND BE IT FURTHER ORDAINED, That until all of the interest on and principal of any bonds issued pursuant to the provisions of this Ordinance have been paid in full, the Mayor and City Council of Baltimore shall levy and impose an annual tax on each \$100 of assessable property in the City of Baltimore at a rate sufficient to produce revenue to pay all interest on and principal of all bonds theretofore issued and outstanding or authorized to be issued and outstanding, payable in the next succeeding year.

SECTION 6. AND BE IT FURTHER ORDAINED, That this Ordinance shall be submitted to the legal voters of the City of Baltimore, for their approval or disapproval, at the General Election to be held in Baltimore City, on Tuesday, the 7th day of November, 2000.

SECTION 7. AND BE IT FURTHER ORDAINED, That prior to the date of the election hereinbefore mentioned, notice shall be given to the public of the amount of money which the Mayor and City Council of Baltimore is authorized to borrow, and the general purposes for which such borrowed funds may be expended, under the terms and provisions of this Ordinance, and the time when the election hereinbefore mentioned is to be held; and such public notice shall be given in such manner and by such means or through such media and at such time or times as may be determined, from time to time, by a majority of the Board of Finance.

SECTION 8. AND BE IT FURTHER ORDAINED, That the actual cash proceeds derived from the sale of the bonds authorized to be issued under the provisions of this Ordinance shall be used exclusively for the following purposes, to wit:

(a) So much thereof as may be necessary, in addition to the premium realized from the sale, if any, for the cost of issuance, including the expense of engraving, printing, advertising, attorneys' fees, and all other incidental expenses connected therewith (which may include the proportion of the compensation of employees

and general administrative expenses of the Department of Finance reasonably allocated to the issuance of the bonds); and

(b) The remainder of such proceeds shall be used for the acquisition, by purchase, condemnation or any other legal means, of land or property, or any rights therein, in the City of Baltimore, and for constructing and erecting, on said land or property or on any land or property, new buildings, structures and other auxiliary facilities and for the renovation, alteration, construction, reconstruction, installation, improvement and repair of existing buildings, structures and facilities to be or now being used for or in connection with the operations, functions and activities of the Baltimore Zoo; and to equip all buildings authorized to be constructed, renovated, altered or improved under the provisions hereof; the payment of any and all costs and expenses incurred for or in connection with doing any or all of the things herein mentioned, including, but not limited to, the costs and expenses of securing administrative, appraisal, economic analysis, engineering, planning, designing, architectural, surveying, and other professional services; and for doing any and all things necessary, proper or expedient in connection with or pertaining to any or all of the matters or things hereinbefore mentioned.

SECTION 9. AND BE IT FURTHER ORDAINED, That:

(a) The Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, is hereby authorized and empowered to issue its bonds for the purpose of refunding any bonds authorized to be issued under the provisions of this Ordinance by payment at maturity or the purchase or redemption of bonds in advance of maturity. The validity of any refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the bonds being refunded. Such refunding bonds may be issued by the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, for the purpose of providing it with funds to pay any of its outstanding bonds authorized to be issued under the provisions of this Ordinance at maturity, to purchase in the open market any of its outstanding bonds authorized to be issued under the provisions of this Ordinance prior to their maturity, to redeem prior to their maturity any outstanding bonds which are, by their terms, redeemable, to pay interest on any outstanding bonds prior to their payment at maturity or purchase or redemption in advance of maturity, or to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds authorized to be issued under the provisions of this Ordinance.

(b) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued for the public purpose of:

(1) Realizing savings to Baltimore City in the aggregate cost of debt service on either a direct comparison or present value basis; or

(2) Debt restructuring that:

(i) In the aggregate effects such a reduction in the cost of debt service; or

(ii) Is determined by the Board of Finance of the Mayor and City Council of Baltimore to be in the best interests of Baltimore City, to be consistent with Baltimore City's long-term financial plan, and to realize a financial objective of Baltimore City including, improving the relationship of debt service to a source of payment such as taxes, assessments, or other charges.

(c) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued in whatever principal amount shall be required to achieve the purpose for the issuance of the refunding bonds, which amount may be in excess of the principal amount of the bonds refunded or the maximum principal amount of bonds authorized to be issued under Section 1 of this Ordinance.

(d) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued to mature on such dates and in such amounts as the Board of Finance may determine; provided that the entire principal amount represented by the refunding bonds shall be discharged not more than 40 years from the date of issuance of the bonds being refunded.

(e) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be sold at public sale by the solicitation of competitive bids or at private (negotiated) sale without advertisement or solicitation of competitive bids, for a price or prices which may be at, above or below the par value of the refunding bonds, as determined by resolution of the Board of Finance of the Mayor and City Council of Baltimore. If the Board of Finance determines to sell the refunding bonds at public sale, the refunding bonds shall be sold to the highest responsible bidder or bidders therefor after due notice of such sale, but the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, shall have the right to reject any or all bids therefor for any reason.

(f) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance shall bear interest at such rate or rates as may be determined by the Board of Finance of the Mayor and City Council of Baltimore, which rate or rates may be fixed or variable or as determined by a method approved by the Board of Finance, and such interest shall be payable at such time or times as may be determined by the Board of Finance.

(g) The proceeds of the sale of any refunding bonds authorized to be issued and sold under the provisions of this Ordinance, after the payment of issuance costs relating thereto, shall be set aside by the Mayor and City Council of Baltimore as a separate trust fund to be used solely for the purposes stated in this Section 9.

(h) Except as otherwise provided in this Section 9, the powers granted in, the limitations and obligations imposed by, and the procedures specified in this Ordinance with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds.

(i) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance shall not be subject to any debt policy limitation that may from time to time be established by the Mayor and City Council of Baltimore.

SECTION 10. AND BE IT FURTHER ORDAINED, That the expenditure of the proceeds derived from the sale of the bonds authorized to be issued under the provisions of this Ordinance shall be in accordance with the provisions of the Charter of the Mayor and City Council of Baltimore, and by the municipal agency designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

Approved June 12, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-036
(Council Bill 00-149)**

AN ORDINANCE CONCERNING

Bond Issue — Enoch Pratt Library Loan — \$7,500,000

FOR the purpose of authorizing the Mayor and City Council of Baltimore (pursuant to Resolution V of 2000 approved by the members of the General Assembly of Maryland representing Baltimore City) to issue and sell its certificates of indebtedness in an aggregate principal amount not exceeding \$7,500,000, the proceeds derived from the sale thereof to be used for the cost of issuance, including the expense of engraving, printing, advertising, attorneys' fees, and all other incidental expenses connected therewith, and the remainder of such proceeds to be used for the acquisition, by purchase, condemnation, or any other legal means, of land or property, or any rights therein, in the City of Baltimore, and for constructing and erecting, on said land or property, or on any land or property, new buildings, structures and other auxiliary facilities, and for the renovation, alternation, construction, reconstruction, installation, improvement and repair of existing buildings, structures and facilities to be or now being used in connection with the operations, functions, and activities of the Enoch Pratt Library; and to equip all facilities authorized to be constructed, renovated, altered or improved by the provisions hereof; the payment of any and all costs and expenses incurred for or in connection with doing any or all of the things herein mentioned, including, but not limited to, the costs and expenses of securing administrative, appraisal, economic analysis, engineering, planning, designing, architectural, surveying, and other professional services; and for doing any and all things necessary, proper or expedient in connection with or pertaining to any or all of the matters or things hereinbefore mentioned; authorizing the issuance of refunding bonds; conferring and imposing upon the Board of Finance of Baltimore City certain powers and duties; authorizing the submission of this Ordinance to the legal voters of the City of Baltimore, for their approval or disapproval, at the General Election to be held in Baltimore City on Tuesday, the 7th day of November, 2000; and providing for the expenditure of the proceeds of sale of said certificates of indebtedness in accordance with the provisions of the Charter of the Mayor and City Council of Baltimore, and by the municipal agency designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

WHEREAS, By Resolution V of 2000 approved by the members of the General Assembly of Maryland representing Baltimore City, the Mayor and City Council of Baltimore is authorized to create a debt and to issue and sell its certificates of indebtedness (hereinafter called "bonds") as evidence thereof, in an aggregate principal amount not exceeding \$7,500,000 in the manner and upon the terms set forth in the bonds, not exceeding the par value of the bonds, to be used in connection with the operations, functions, and activities of the Enoch Pratt Library as authorized by said Resolution; and

WHEREAS, Funds are now needed for said purposes; now, therefore,

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council of Baltimore, acting by and through the Board of Finance of said municipality, be and it is hereby authorized and empowered to issue bonds of the Mayor and City Council of Baltimore in an aggregate principal amount not exceeding \$7,500,000, from time to time, as may be needed or required for the purposes hereinafter named and said bonds shall be sold by the Board of Finance from time to time and at such times as shall be requisite, and the proceeds derived from the sale of said bonds shall be used for the purposes hereinafter named, provided that this Ordinance shall not become effective unless it shall be approved by a majority of the votes of the legal voters of Baltimore City cast at the time and place hereinafter designated by this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That:

(a) The bonds shall be issued in denominations of not less than \$500 each, but may be in sums of \$500, or any suitable multiple thereof.

(b) The bonds authorized to be issued and sold under the provisions of this Ordinance may be issued to mature on such dates and in such amounts as the Board of Finance may determine; provided that the entire principal amount represented thereby shall be discharged not more than 40 years from the date of issuance of the bonds.

(c) The bonds, when issued, shall bear interest at such rate or rates as may be determined by the Board of Finance, which rate or rates may be fixed or variable or as determined by a method approved by the Board of Finance, and such interest shall be payable at such time or times as may be determined by the Board of Finance.

SECTION 3. AND BE IT FURTHER ORDAINED, That a majority of the Board of Finance of the Mayor and City Council of Baltimore be, and they are hereby, authorized to pass a resolution or resolutions, from time to time, to determine and set forth any or all of the following:

(a) The amount of debt to be incurred by the Mayor and City Council of Baltimore at any particular time, and from time to time, under and pursuant to the provisions of this Ordinance; the date or dates when any bonds representing said debt, or any part thereof, are to mature, and the amount or amounts of said debt, or any part thereof, which shall mature upon the aforesaid date or dates; and the date or dates in each year, during the entire period of time when any of said bonds are outstanding, when interest on any of said bonds shall be payable;

(b) The form or forms of the bonds representing the debt, or any part thereof, authorized to be issued under the provisions of this Ordinance at any particular time; and

(c) If the bonds are to be sold at public sale, the time, place, manner and medium of advertisement of the readiness of the Board of Finance, acting for and on behalf of the Mayor and City Council of Baltimore, to receive bids for the purchase of the bonds authorized to be issued hereunder or any part thereof; the form, terms and conditions of such bids; the time, place and manner of awarding bonds so bid for, including the right whenever any of the bonds authorized by this Ordinance are offered for sale and sold at the same time as other bonds of the City, to establish the conditions for bids and awards and to award all of the bonds on an all or none basis; and the time, place, terms and manner of settlement for the bonds so bid for.

SECTION 4. AND BE IT FURTHER ORDAINED, That:

(a) All premiums resulting from the sale of any of the bonds issued and sold pursuant to the provisions of this Ordinance shall be applied first to defray the cost of issuance thereof and the balance, if any, shall be applied to the payment of interest on any of said bonds becoming due and payable during the fiscal year in which said bonds are issued and sold or during the next succeeding fiscal year.

(b) The debt authorized by the provisions of this Ordinance, and the bonds issued and sold pursuant thereto and their transfer, and the principal and interest payable thereon (including any profit made in the sale thereof), shall be and remain exempt from any and all State, county and municipal taxation in the State of Maryland.

(c) All bonds issued and sold pursuant to the provisions of this Ordinance may be sold at public sale by the solicitation of competitive bids or at private (negotiated) sale without advertisement or solicitation of competitive bids, for a price or prices which may be at, above or below par value of the bonds, as determined by resolution of the Board of Finance of the Mayor and City Council of Baltimore. If the Board of Finance determines to sell the bonds at public sale, the bonds shall be sold to the highest responsible bidder or bidders therefor after due notice of such sale, but the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, shall have the right to reject any or all bids therefor for any reason.

SECTION 5. AND BE IT FURTHER ORDAINED, That until all of the interest on and principal of any bonds issued pursuant to the provisions of this Ordinance have been paid in full, the Mayor and City Council of Baltimore shall levy and impose an annual tax on each \$100 of assessable property in the City of Baltimore at a rate sufficient to produce revenue to pay all interest on and principal of all bonds theretofore issued and outstanding or authorized to be issued and outstanding, payable in the next succeeding year.

SECTION 6. AND BE IT FURTHER ORDAINED, That this Ordinance shall be submitted to the legal voters of the City of Baltimore, for their approval or disapproval, at the General Election to be held in Baltimore City, on Tuesday, the 7th day of November, 2000.

SECTION 7. AND BE IT FURTHER ORDAINED, That prior to the date of the election hereinbefore mentioned, notice shall be given to the public of the amount of money which the Mayor and City Council of Baltimore is authorized to borrow, and the general purposes for which such borrowed funds may be expended, under the terms and provisions of this Ordinance, and the time when the election hereinbefore mentioned is to be held; and such public notice shall be given in such manner and by such means or through such media and at such time or times as may be determined, from time to time, by a majority of the Board of Finance.

SECTION 8. AND BE IT FURTHER ORDAINED, That the actual cash proceeds derived from the sale of the bonds authorized to be issued under the provisions of this Ordinance shall be used exclusively for the following purposes, to wit:

(a) So much thereof as may be necessary, in addition to the premium realized from the sale, if any, for the cost of issuance, including the expense of engraving, printing, advertising, attorneys' fees, and all other incidental expenses connected therewith (which may include the proportion of the compensation of employees and general administrative expenses of the Department of Finance reasonably allocated to the issuance of the bonds); and

(b) The remainder of such proceeds shall be used for the acquisition, by purchase, condemnation or any other legal means, of land or property, or any rights therein, in the City of Baltimore, and for constructing and erecting, on said land or property or on any land or property new buildings, structures and other auxiliary facilities and for the renovation, alteration, construction, reconstruction, installation, improvement and repair of existing buildings, structures and facilities to be or now being used for or in connection with the operations, functions and activities of the Enoch Pratt Library; and to equip all buildings authorized to be constructed, renovated, altered or improved under the provisions hereof; the payment of any and all costs and expenses incurred for or in connection with doing any or all of the things herein mentioned, including, but not limited to, the costs and expenses of securing administrative, appraisal, economic analysis, engineering, planning, designing, architectural, surveying, and other professional services; and for doing any and all things necessary, proper or expedient in connection with or pertaining to any or all of the matters or things hereinbefore mentioned.

SECTION 9. AND BE IT FURTHER ORDAINED, That:

(a) The Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, is hereby authorized and empowered to issue its bonds for the purpose of refunding any bonds authorized to be issued under the provisions of this Ordinance by payment at maturity or the purchase or redemption of bonds in advance of maturity. The validity of any refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the bonds being refunded. Such refunding bonds may be issued by the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, for the purpose of providing it with funds to pay any of its outstanding bonds authorized to be issued under the provisions of this Ordinance at maturity, to purchase in the open market any of its outstanding bonds authorized to be issued under the provisions of this Ordinance prior to their maturity, to redeem prior to their maturity any outstanding bonds which are, by their terms, redeemable, to pay interest on any outstanding bonds prior to their payment at maturity or purchase or redemption in advance of maturity, or to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds authorized to be issued under the provisions of this Ordinance.

(b) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued for the public purpose of:

(1) Realizing savings to Baltimore City in the aggregate cost of debt service on either a direct comparison or present value basis; or

(2) Debt restructuring that:

(i) In the aggregate effects such a reduction in the cost of debt service; or

(ii) Is determined by the Board of Finance of the Mayor and City Council of Baltimore to be in the best interests of Baltimore City, to be consistent with Baltimore City's long-term financial plan, and to realize a financial objective of Baltimore City including, improving the relationship of debt service to a source of payment such as taxes, assessments, or other charges.

(c) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued in whatever principal amount shall be required to achieve the purpose for the issuance of the refunding bonds, which amount may be in excess of the principal amount of the bonds refunded or the maximum principal amount of bonds authorized to be issued under Section 1 of this Ordinance.

(d) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued to mature on such dates and in such amounts as the Board of Finance may determine; provided that the entire principal amount represented by the refunding bonds shall be discharged not more than 40 years from the date of issuance of the bonds being refunded.

(e) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be sold at public sale by the solicitation of competitive bids or at private (negotiated) sale without advertisement or solicitation of competitive bids, for a price or prices which may be at, above or below the par value of the refunding bonds, as determined by resolution of the Board of Finance of the Mayor and City Council of Baltimore. If the Board of Finance determines to sell the refunding bonds at public sale, the refunding bonds shall be sold to the highest responsible bidder or bidders therefor after due notice of such sale, but the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, shall have the right to reject any or all bids therefor for any reason.

(f) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance shall bear interest at such rate or rates as may be determined by the Board of Finance of the Mayor and City Council of Baltimore, which rate or rates may be fixed or variable or as determined by a method approved by the Board of Finance, and such interest shall be payable at such time or times as may be determined by the Board of Finance.

(g) The proceeds of the sale of any refunding bonds authorized to be issued and sold under the provisions of this Ordinance, after the payment of issuance costs relating thereto, shall be set aside by the Mayor and City Council of Baltimore as a separate trust fund to be used solely for the purposes stated in this Section 9.

(h) Except as otherwise provided in this Section 9, the powers granted in, the limitations and obligations imposed by, and the procedures specified in this Ordinance with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds.

(i) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance shall not be subject to any debt policy limitation that may from time to time be established by the Mayor and City Council of Baltimore.

SECTION 10. AND BE IT FURTHER ORDAINED, That the expenditure of the proceeds derived from the sale of the bonds authorized to be issued under the provisions of this Ordinance shall be in accordance with the

provisions of the Charter of the Mayor and City Council of Baltimore, and by the municipal agency designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

Approved June 12, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-037
(Council Bill 00-150)**

AN ORDINANCE CONCERNING

Bond Issue — Living Classrooms Loan — \$2,000,000

FOR the purpose of authorizing the Mayor and City Council of Baltimore (pursuant to Resolution VII of 2000 approved by the members of the General Assembly of Maryland representing Baltimore City) to issue and sell its certificates of indebtedness in an aggregate principal amount not exceeding \$2,000,000, the proceeds derived from the sale thereof to be used for the cost of issuance, including the expense of engraving, printing, advertising, attorneys' fees, and all other incidental expenses connected therewith, and the remainder of such proceeds to be used for the acquisition, by purchase, condemnation, or any other legal means, of land or property, or any rights therein, in the City of Baltimore, and for constructing and erecting, on said land or property, or on any land or property, new buildings, structures and other auxiliary facilities, and for the renovation, alternation, construction, reconstruction, installation, improvement and repair of existing buildings, structures and facilities, including but not limited to, the re-creation of a historic, working marine railway and shipyard, and the restoration of traditional Chesapeake Bay vessels, to be or now being used in connection with the operations, functions, and activities of the Living Classrooms Foundation; and to equip all facilities authorized to be constructed, renovated, altered or improved by the provisions hereof; the payment of any and all costs and expenses incurred for or in connection with doing any or all of the things herein mentioned, including, but not limited to, the costs and expenses of securing administrative, appraisal, economic analysis, engineering, planning, designing, architectural, surveying, and other professional services; and for doing any and all things necessary, proper or expedient in connection with or pertaining to any or all of the matters or things hereinbefore mentioned; authorizing the issuance of refunding bonds; conferring and imposing upon the Board of Finance of Baltimore City certain powers and duties; authorizing the submission of this Ordinance to the legal voters of the City of Baltimore, for their approval or disapproval, at the General Election to be held in Baltimore City on Tuesday, the 7th day of November, 2000; and providing for the expenditure of the proceeds of sale of said certificates of indebtedness in accordance with the provisions of the Charter of the Mayor and City Council of Baltimore, and by the municipal agency designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

WHEREAS, By Resolution VII of 2000 approved by the members of the General Assembly of Maryland representing Baltimore City, the Mayor and City Council of Baltimore is authorized to create a debt and to issue and sell its certificates of indebtedness (hereinafter called "bonds") as evidence thereof, in an aggregate principal amount not exceeding \$2,000,000 in the manner and upon the terms set forth in the bonds, not exceeding the par value of the bonds, to be used in connection with the operations, functions, and activities of the Living Classrooms Foundation as authorized by said Resolution; and

WHEREAS, Funds are now needed for said purposes; now, therefore,

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council of Baltimore, acting by and through the Board of Finance of said municipality, be and it is hereby authorized and empowered to issue bonds of the Mayor and City Council of Baltimore in an aggregate principal amount not exceeding \$2,000,000, from time to time, as may be needed or required for the purposes hereinafter named and said bonds shall be sold by the Board of Finance from time to time and at such times as shall be requisite, and the proceeds derived from the sale of said bonds shall be used for the purposes hereinafter named, provided that this Ordinance shall not become effective unless it shall be approved by a majority of the votes of the legal voters of Baltimore City cast at the time and place hereinafter designated by this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That:

(a) The bonds shall be issued in denominations of not less than \$500 each, but may be in sums of \$500, or any suitable multiple thereof.

(b) The bonds authorized to be issued and sold under the provisions of this Ordinance may be issued to mature on such dates and in such amounts as the Board of Finance may determine; provided that the entire principal amount represented thereby shall be discharged not more than 40 years from the date of issuance of the bonds.

(c) The bonds, when issued, shall bear interest at such rate or rates as may be determined by the Board of Finance, which rate or rates may be fixed or variable or as determined by a method approved by the Board of Finance, and such interest shall be payable at such time or times as may be determined by the Board of Finance.

SECTION 3. AND BE IT FURTHER ORDAINED, That a majority of the Board of Finance of the Mayor and City Council of Baltimore be, and they are hereby, authorized to pass a resolution or resolutions, from time to time, to determine and set forth any or all of the following:

(a) The amount of debt to be incurred by the Mayor and City Council of Baltimore at any particular time, and from time to time, under and pursuant to the provisions of this Ordinance; the date or dates when any bonds representing said debt, or any part thereof, are to mature, and the amount or amounts of said debt, or any part thereof, which shall mature upon the aforesaid date or dates; and the date or dates in each year, during the entire period of time when any of said bonds are outstanding, when interest on any of said bonds shall be payable;

(b) The form or forms of the bonds representing the debt, or any part thereof, authorized to be issued under the provisions of this Ordinance at any particular time; and

(c) If the bonds are to be sold at public sale, the time, place, manner and medium of advertisement of the readiness of the Board of Finance, acting for and on behalf of the Mayor and City Council of Baltimore, to receive bids for the purchase of the bonds authorized to be issued hereunder or any part thereof; the form, terms and conditions of such bids; the time, place and manner of awarding bonds so bid for, including the right whenever any of the bonds authorized by this Ordinance are offered for sale and sold at the same time as other bonds of the City, to establish the conditions for bids and awards and to award all of the bonds on an all or none basis; and the time, place, terms and manner of settlement for the bonds so bid for.

SECTION 4. AND BE IT FURTHER ORDAINED, That:

(a) All premiums resulting from the sale of any of the bonds issued and sold pursuant to the provisions of this Ordinance shall be applied first to defray the cost of issuance thereof and the balance, if any, shall be applied to the payment of interest on any of said bonds becoming due and payable during the fiscal year in which said bonds are issued and sold or during the next succeeding fiscal year.

(b) The debt authorized by the provisions of this Ordinance, and the bonds issued and sold pursuant thereto and their transfer, and the principal and interest payable thereon (including any profit made in the sale thereof), shall be and remain exempt from any and all State, county and municipal taxation in the State of Maryland.

(c) All bonds issued and sold pursuant to the provisions of this Ordinance may be sold at public sale by the solicitation of competitive bids or at private (negotiated) sale without advertisement or solicitation of competitive bids, for a price or prices which may be at, above or below par value of the bonds, as determined by resolution of the Board of Finance of the Mayor and City Council of Baltimore. If the Board of Finance determines to sell the bonds at public sale, the bonds shall be sold to the highest responsible bidder or bidders therefor after due notice of such sale, but the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, shall have the right to reject any or all bids therefor for any reason.

SECTION 5. AND BE IT FURTHER ORDAINED, That until all of the interest on and principal of any bonds issued pursuant to the provisions of this Ordinance have been paid in full, the Mayor and City Council of Baltimore shall levy and impose an annual tax on each \$100 of assessable property in the City of Baltimore at a rate sufficient to produce revenue to pay all interest on and principal of all bonds theretofore issued and outstanding or authorized to be issued and outstanding, payable in the next succeeding year.

SECTION 6. AND BE IT FURTHER ORDAINED, That this Ordinance shall be submitted to the legal voters of the City of Baltimore, for their approval or disapproval, at the General Election to be held in Baltimore City, on Tuesday, the 7th day of November, 2000.

SECTION 7. AND BE IT FURTHER ORDAINED, That prior to the date of the election hereinbefore mentioned, notice shall be given to the public of the amount of money which the Mayor and City Council of Baltimore is authorized to borrow, and the general purposes for which such borrowed funds may be expended, under the terms and provisions of this Ordinance, and the time when the election hereinbefore mentioned is to be held; and such public notice shall be given in such manner and by such means or through such media and at such time or times as may be determined, from time to time, by a majority of the Board of Finance.

SECTION 8. AND BE IT FURTHER ORDAINED, That the actual cash proceeds derived from the sale of the bonds authorized to be issued under the provisions of this Ordinance shall be used exclusively for the following purposes, to wit:

(a) So much thereof as may be necessary, in addition to the premium realized from the sale, if any, for the cost of issuance, including the expense of engraving, printing, advertising, attorneys' fees, and all other incidental expenses connected therewith (which may include the proportion of the compensation of employees and general administrative expenses of the Department of Finance reasonably allocated to the issuance of the bonds); and

(b) The remainder of such proceeds shall be used for the acquisition, by purchase, condemnation or any other legal means, of land or property, or any rights therein, in the City of Baltimore, and for constructing and erecting, on said land or property or on any land or property new buildings, structures and other auxiliary facilities and for the renovation, alteration, construction, reconstruction, installation, improvement and repair of existing buildings, structures and facilities, including but not limited to, the re-creation of a historic, working marine railway and shipyard, and the restoration of traditional Chesapeake Bay vessels, to be or now being used for or in connection with the operations, functions and activities of the Living Classrooms Foundation; and to equip all buildings authorized to be constructed, renovated, altered or improved under the provisions hereof; the payment of any and all costs and expenses incurred for or in connection with doing any or all of the things herein mentioned, including, but not limited to, the costs and expenses of securing administrative, appraisal, economic analysis, engineering, planning, designing, architectural, surveying, and other professional services; and for doing any and all things necessary, proper or expedient in connection with or pertaining to any or all of the matters or things hereinbefore mentioned.

SECTION 9. AND BE IT FURTHER ORDAINED, That:

(a) The Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, is hereby authorized and empowered to issue its bonds for the purpose of refunding any bonds authorized to be issued under the provisions of this Ordinance by payment at maturity or the purchase or redemption of bonds in advance of maturity. The validity of any refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the bonds being refunded. Such refunding bonds may be issued by the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, for the purpose of providing it with funds to pay any of its outstanding bonds authorized to be issued under the provisions of this Ordinance at maturity, to purchase in the open market any of its outstanding bonds authorized to be issued under the provisions of this Ordinance prior to their maturity, to redeem prior to their maturity any outstanding bonds which are, by their terms, redeemable, to pay interest on any outstanding bonds prior to their payment at maturity or purchase or redemption in advance of maturity, or to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds authorized to be issued under the provisions of this Ordinance.

(b) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued for the public purpose of:

(1) Realizing savings to Baltimore City in the aggregate cost of debt service on either a direct comparison or present value basis; or

(2) Debt restructuring that:

(i) In the aggregate effects such a reduction in the cost of debt service; or

(ii) Is determined by the Board of Finance of the Mayor and City Council of Baltimore to be in the best interests of Baltimore City, to be consistent with Baltimore City's long-term financial plan, and to realize a financial objective of Baltimore City including, improving the relationship of debt service to a source of payment such as taxes, assessments, or other charges.

(c) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued in whatever principal amount shall be required to achieve the purpose for the issuance of the refunding bonds, which amount may be in excess of the principal amount of the bonds refunded or the maximum principal amount of bonds authorized to be issued under Section 1 of this Ordinance.

(d) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued to mature on such dates and in such amounts as the Board of Finance may determine; provided that the entire principal amount represented by the refunding bonds shall be discharged not more than 40 years from the date of issuance of the bonds being refunded.

(e) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be sold at public sale by the solicitation of competitive bids or at private (negotiated) sale without advertisement or solicitation of competitive bids, for a price or prices which may be at, above or below the par value of the refunding bonds, as determined by resolution of the Board of Finance of the Mayor and City Council of Baltimore. If the Board of Finance determines to sell the refunding bonds at public sale, the refunding bonds shall be sold to the highest responsible bidder or bidders therefor after due notice of such sale, but the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, shall have the right to reject any or all bids therefor for any reason.

(f) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance shall bear interest at such rate or rates as may be determined by the Board of Finance of the Mayor and City Council of Baltimore, which rate or rates may be fixed or variable or as determined by a method approved by

the Board of Finance, and such interest shall be payable at such time or times as may be determined by the Board of Finance.

(g) The proceeds of the sale of any refunding bonds authorized to be issued and sold under the provisions of this Ordinance, after the payment of issuance costs relating thereto, shall be set aside by the Mayor and City Council of Baltimore as a separate trust fund to be used solely for the purposes stated in this Section 9.

(h) Except as otherwise provided in this Section 9, the powers granted in, the limitations and obligations imposed by, and the procedures specified in this Ordinance with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds.

(i) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance shall not be subject to any debt policy limitation that may from time to time be established by the Mayor and City Council of Baltimore.

SECTION 10. AND BE IT FURTHER ORDAINED, That the expenditure of the proceeds derived from the sale of the bonds authorized to be issued under the provisions of this Ordinance shall be in accordance with the provisions of the Charter of the Mayor and City Council of Baltimore, and by the municipal agency designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

Approved June 12, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-038
(Council Bill 00-151)**

AN ORDINANCE CONCERNING

Bond Issue — Maryland Science Center Loan — \$2,500,000

FOR the purpose of authorizing the Mayor and City Council of Baltimore (pursuant to Resolution IX of 2000 approved by the members of the General Assembly of Maryland representing Baltimore City) to issue and sell its certificates of indebtedness in an aggregate principal amount not exceeding \$2,500,000, the proceeds derived from the sale thereof to be used for the cost of issuance, including the expense of engraving, printing, advertising, attorneys' fees, and all other incidental expenses connected therewith, and the remainder of such proceeds to be used for the acquisition, by purchase, condemnation, or any other legal means, of land or property, or any rights therein, in the City of Baltimore, and for constructing and erecting, on said land or property, or on any land or property, new buildings, structures and other auxiliary facilities, and for the renovation, alternation, construction, reconstruction, installation, improvement and repair of existing buildings, structures and facilities to be or now being used in connection with the operations, functions, and activities of the Maryland Science Center; and to equip all facilities authorized to be constructed, renovated, altered or improved by the provisions hereof; the payment of any and all costs and expenses incurred for or in connection with doing any or all of the things herein mentioned, including, but not limited to, the costs and expenses of securing administrative, appraisal, economic analysis, engineering, planning, designing, architectural, surveying, and other professional services; and for doing any and all things necessary, proper or expedient in connection with or pertaining to any or all of the matters or things hereinbefore mentioned; authorizing the issuance of

refunding bonds; conferring and imposing upon the Board of Finance of Baltimore City certain powers and duties; authorizing the submission of this Ordinance to the legal voters of the City of Baltimore, for their approval or disapproval, at the General Election to be held in Baltimore City on Tuesday, the 7th day of November, 2000; and providing for the expenditure of the proceeds of sale of said certificates of indebtedness in accordance with the provisions of the Charter of the Mayor and City Council of Baltimore, and by the municipal agency designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

Whereas, By Resolution IX of 2000, approved by the members of the General Assembly of Maryland representing Baltimore City, the Mayor and City Council of Baltimore is authorized to create a debt and to issue and sell its certificates of indebtedness (hereinafter called "bonds") as evidence thereof, in an aggregate principal amount not exceeding \$2,500,000 in the manner and upon the terms set forth in the bonds, not exceeding the par value of the bonds, to be used in connection with the operations, functions, and activities of the Maryland Science Center as authorized by said Resolution; and

WHEREAS, Funds are now needed for said purposes; now, therefore,

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council of Baltimore, acting by and through the Board of Finance of said municipality, be and it is hereby authorized and empowered to issue bonds of the Mayor and City Council of Baltimore in an aggregate principal amount not exceeding \$2, 500,000, from time to time, as may be needed or required for the purposes hereinafter named and said bonds shall be sold by the Board of Finance from time to time and at such times as shall be requisite, and the proceeds derived from the sale of said bonds shall be used for the purposes hereinafter named, provided that this Ordinance shall not become effective unless it shall be approved by a majority of the votes of the legal voters of Baltimore City cast at the time and place hereinafter designated by this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That:

(a) The bonds shall be issued in denominations of not less than \$500 each, but may be in sums of \$500, or any suitable multiple thereof.

(b) The bonds authorized to be issued and sold under the provisions of this Ordinance may be issued to mature on such dates and in such amounts as the Board of Finance may determine; provided that the entire principal amount represented thereby shall be discharged not more than 40 years from the date of issuance of the bonds.

(c) The bonds, when issued, shall bear interest at such rate or rates as may be determined by the Board of Finance, which rate or rates may be fixed or variable or as determined by a method approved by the Board of Finance, and such interest shall be payable at such time or times as may be determined by the Board of Finance.

SECTION 3. AND BE IT FURTHER ORDAINED, That a majority of the Board of Finance of the Mayor and City Council of Baltimore be, and they are hereby, authorized to pass a resolution or resolutions, from time to time, to determine and set forth any or all of the following:

(a) The amount of debt to be incurred by the Mayor and City Council of Baltimore at any particular time, and from time to time, under and pursuant to the provisions of this Ordinance; the date or dates when any bonds representing said debt, or any part thereof, are to mature, and the amount or amounts of said debt, or any part thereof, which shall mature upon the aforesaid date or dates; and the date or dates in each year, during the entire period of time when any of said bonds are outstanding, when interest on any of said bonds shall be payable;

(b) The form or forms of the bonds representing the debt, or any part thereof, authorized to be issued under the provisions of this Ordinance at any particular time; and

(c) If the bonds are to be sold at public sale, the time, place, manner and medium of advertisement of the readiness of the Board of Finance, acting for and on behalf of the Mayor and City Council of Baltimore, to receive bids for the purchase of the bonds authorized to be issued hereunder or any part thereof; the form, terms and conditions of such bids; the time, place and manner of awarding bonds so bid for, including the right whenever any of the bonds authorized by this Ordinance are offered for sale and sold at the same time as other bonds of the City, to establish the conditions for bids and awards and to award all of the bonds on an all or none basis; and the time, place, terms and manner of settlement for the bonds so bid for.

SECTION 4. AND BE IT FURTHER ORDAINED, That:

(a) All premiums resulting from the sale of any of the bonds issued and sold pursuant to the provisions of this Ordinance shall be applied first to defray the cost of issuance thereof and the balance, if any, shall be applied to the payment of interest on any of said bonds becoming due and payable during the fiscal year in which said bonds are issued and sold or during the next succeeding fiscal year.

(b) The debt authorized by the provisions of this Ordinance, and the bonds issued and sold pursuant thereto and their transfer, and the principal and interest payable thereon (including any profit made in the sale thereof), shall be and remain exempt from any and all State, county, and municipal taxation in the State of Maryland.

(c) All bonds issued and sold pursuant to the provisions of this Ordinance may be sold at public sale by the solicitation of competitive bids or at private (negotiated) sale without advertisement or solicitation of competitive bids, for a price or prices which may be at, above or below par value of the bonds, as determined by resolution of the Board of Finance of the Mayor and City Council of Baltimore. If the Board of Finance determines to sell the bonds at public sale, the bonds shall be sold to the highest responsible bidder or bidders therefor after due notice of such sale, but the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, shall have the right to reject any or all bids therefor for any reason.

SECTION 5. AND BE IT FURTHER ORDAINED, That until all of the interest on and principal of any bonds issued pursuant to the provisions of this Ordinance have been paid in full, the Mayor and City Council of Baltimore shall levy and impose an annual tax on each \$100 of assessable property in the City of Baltimore at a rate sufficient to produce revenue to pay all interest on and principal of all bonds theretofore issued and outstanding or authorized to be issued and outstanding, payable in the next succeeding year.

SECTION 6. AND BE IT FURTHER ORDAINED, That this Ordinance shall be submitted to the legal voters of the City of Baltimore, for their approval or disapproval, at the General Election to be held in Baltimore City, on Tuesday, the 7th day of November, 2000.

SECTION 7. AND BE IT FURTHER ORDAINED, That prior to the date of the election hereinbefore mentioned, notice shall be given to the public of the amount of money which the Mayor and City Council of Baltimore is authorized to borrow, and the general purposes for which such borrowed funds may be expended, under the terms and provisions of this Ordinance, and the time when the election hereinbefore mentioned is to be held; and such public notice shall be given in such manner and by such means or through such media and at such time or times as may be determined, from time to time, by a majority of the Board of Finance.

SECTION 8. AND BE IT FURTHER ORDAINED, That the actual cash proceeds derived from the sale of the bonds authorized to be issued under the provisions of this Ordinance shall be used exclusively for the following purposes, to wit:

(a) So much thereof as may be necessary, in addition to the premium realized from the sale, if any, for the cost of issuance, including the expense of engraving, printing, advertising, attorneys' fees, and all other incidental expenses connected therewith (which may include the proportion of the compensation of employees and general administrative expenses of the Department of Finance reasonably allocated to the issuance of the bonds); and

(b) The remainder of such proceeds shall be used for the acquisition, by purchase, condemnation or any other legal means, of land or property, or any rights therein, in the City of Baltimore, and for constructing and erecting, on said land or property or on any land or property, new buildings, structures and other auxiliary facilities and for the renovation, alteration, construction, reconstruction, installation, improvement and repair of existing buildings, structures and facilities to be or now being used for or in connection with the operations, functions and activities of the Maryland Science Center; and to equip all buildings authorized to be constructed, renovated, altered or improved under the provisions hereof; the payment of any and all costs and expenses incurred for or in connection with doing any or all of the things herein mentioned, including, but not limited to, the costs and expenses of securing administrative, appraisal, economic analysis, engineering, planning, designing, architectural, surveying, and other professional services; and for doing any and all things necessary, proper or expedient in connection with or pertaining to any or all of the matters or things hereinbefore mentioned.

SECTION 9. AND BE IT FURTHER ORDAINED, That:

(a) The Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, is hereby authorized and empowered to issue its bonds for the purpose of refunding any bonds authorized to be issued under the provisions of this Ordinance by payment at maturity or the purchase or redemption of bonds in advance of maturity. The validity of any refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the bonds being refunded. Such refunding bonds may be issued by the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, for the purpose of providing it with funds to pay any of its outstanding bonds authorized to be issued under the provisions of this Ordinance at maturity, to purchase in the open market any of its outstanding bonds authorized to be issued under the provisions of this Ordinance prior to their maturity, to redeem prior to their maturity any outstanding bonds which are, by their terms, redeemable, to pay interest on any outstanding bonds prior to their payment at maturity or purchase or redemption in advance of maturity, or to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds authorized to be issued under the provisions of this Ordinance.

(b) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued for the public purpose of:

(1) Realizing savings to Baltimore City in the aggregate cost of debt service on either a direct comparison or present value basis; or

(2) Debt restructuring that:

(i) In the aggregate effects such a reduction in the cost of debt service; or

(ii) Is determined by the Board of Finance of the Mayor and City Council of Baltimore to be in the best interests of Baltimore City, to be consistent with Baltimore City's long-term financial plan, and to realize a financial objective of Baltimore City including, improving the relationship of debt service to a source of payment such as taxes, assessments, or other charges.

(c) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued in whatever principal amount shall be required to achieve the purpose for the issuance of the

refunding bonds, which amount may be in excess of the principal amount of the bonds refunded or the maximum principal amount of bonds authorized to be issued under Section 1 of this Ordinance.

(d) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued to mature on such dates and in such amounts as the Board of Finance may determine; provided that the entire principal amount represented by the refunding bonds shall be discharged not more than 40 years from the date of issuance of the bonds being refunded.

(e) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be sold at public sale by the solicitation of competitive bids or at private (negotiated) sale without advertisement or solicitation of competitive bids, for a price or prices which may be at, above or below the par value of the refunding bonds, as determined by resolution of the Board of Finance of the Mayor and City Council of Baltimore. If the Board of Finance determines to sell the refunding bonds at public sale, the refunding bonds shall be sold to the highest responsible bidder or bidders therefor after due notice of such sale, but the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, shall have the right to reject any or all bids therefor for any reason.

(f) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance shall bear interest at such rate or rates as may be determined by the Board of Finance of the Mayor and City Council of Baltimore, which rate or rates may be fixed or variable or as determined by a method approved by the Board of Finance, and such interest shall be payable at such time or times as may be determined by the Board of Finance.

(g) The proceeds of the sale of any refunding bonds authorized to be issued and sold under the provisions of this Ordinance, after the payment of issuance costs relating thereto, shall be set aside by the Mayor and City Council of Baltimore as a separate trust fund to be used solely for the purposes stated in this Section 9.

(h) Except as otherwise provided in this Section 9, the powers granted in, the limitations and obligations imposed by, and the procedures specified in this Ordinance with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds.

(i) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance shall not be subject to any debt policy limitation that may from time to time be established by the Mayor and City Council of Baltimore.

SECTION 10. AND BE IT FURTHER ORDAINED, That the expenditure of the proceeds derived from the sale of the bonds authorized to be issued under the provisions of this Ordinance shall be in accordance with the provisions of the Charter of the Mayor and City Council of Baltimore, and by the municipal agency designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

Approved June 12, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-039
(Council Bill 00-152)**

AN ORDINANCE CONCERNING

Bond Issue — National Aquarium in Baltimore — \$1,000,000

FOR the purpose of authorizing the Mayor and City Council of Baltimore (pursuant to Resolution X of 2000 approved by the members of the General Assembly of Maryland representing Baltimore City) to issue and sell its certificates of indebtedness in an aggregate principal amount not exceeding \$1,000,000, the proceeds derived from the sale thereof to be used for the cost of issuance, including the expense of engraving, printing, advertising, attorneys' fees, and all other incidental expenses connected therewith, and the remainder of such proceeds to be used for the acquisition, by purchase, condemnation, or any other legal means, of land or property, or any rights therein, in the City of Baltimore, and for constructing and erecting, on said land or property, or on any land or property, new buildings, structures and other auxiliary facilities, and for the renovation, alternation, construction, reconstruction, installation, improvement and repair of existing buildings, structures and facilities to be or now being used in connection with the operations, functions, and activities of the National Aquarium in Baltimore; and to equip all facilities authorized to be constructed, renovated, altered or improved by the provisions hereof; the payment of any and all costs and expenses incurred for or in connection with doing any or all of the things herein mentioned, including, but not limited to, the costs and expenses of securing administrative, appraisal, economic analysis, engineering, planning, designing, architectural, surveying, and other professional services; and for doing any and all things necessary, proper or expedient in connection with or pertaining to any or all of the matters or things hereinbefore mentioned; authorizing the issuance of refunding bonds; conferring and imposing upon the Board of Finance of Baltimore City certain powers and duties; authorizing the submission of this Ordinance to the legal voters of the City of Baltimore, for their approval or disapproval, at the General Election to be held in Baltimore City on Tuesday, the 7th day of November, 2000; and providing for the expenditure of the proceeds of sale of said certificates of indebtedness in accordance with the provisions of the Charter of the Mayor and City Council of Baltimore, and by the municipal agency designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

WHEREAS, By Resolution X of 2000 approved by the members of the General Assembly of Maryland representing Baltimore City, the Mayor and City Council of Baltimore is authorized to create a debt and to issue and sell its certificates of indebtedness (hereinafter called "bonds") as evidence thereof, in an aggregate principal amount not exceeding \$1,000,000 in the manner and upon the terms set forth in the bonds, not exceeding the par value of the bonds, to be used in connection with the operations, functions, and activities of the National Aquarium in Baltimore as authorized by said Resolution; and

WHEREAS, Funds are now needed for said purposes; now, therefore,

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council of Baltimore, acting by and through the Board of Finance of said municipality, be and it is hereby authorized and empowered to issue bonds of the Mayor and City Council of Baltimore in an aggregate principal amount not exceeding \$1,000,000, from time to time, as may be needed or required for the purposes hereinafter named and said bonds shall be sold by the Board of Finance from time to time and at such times as shall be requisite, and the proceeds derived from the sale of said bonds shall be used for the purposes hereinafter named, provided that this Ordinance shall not become effective unless it shall be approved by a majority of the votes of the legal voters of Baltimore City cast at the time and place hereinafter designated by this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That:

(a) The bonds shall be issued in denominations of not less than \$500 each, but may be in sums of \$500, or any suitable multiple thereof.

(b) The bonds authorized to be issued and sold under the provisions of this Ordinance may be issued to mature on such dates and in such amounts as the Board of Finance may determine; provided that the entire principal amount represented thereby shall be discharged not more than 40 years from the date of issuance of the bonds.

(c) The bonds, when issued, shall bear interest at such rate or rates as may be determined by the Board of Finance, which rate or rates may be fixed or variable or as determined by a method approved by the Board of Finance, and such interest shall be payable at such time or times as may be determined by the Board of Finance.

SECTION 3. AND BE IT FURTHER ORDAINED, That a majority of the Board of Finance of the Mayor and City Council of Baltimore be, and they are hereby, authorized to pass a resolution or resolutions, from time to time, to determine and set forth any or all of the following:

(a) The amount of debt to be incurred by the Mayor and City Council of Baltimore at any particular time, and from time to time, under and pursuant to the provisions of this Ordinance; the date or dates when any bonds representing said debt, or any part thereof, are to mature, and the amount or amounts of said debt, or any part thereof, which shall mature upon the aforesaid date or dates; and the date or dates in each year, during the entire period of time when any of said bonds are outstanding, when interest on any of said bonds shall be payable;

(b) The form or forms of the bonds representing the debt, or any part thereof, authorized to be issued under the provisions of this Ordinance at any particular time; and

(c) If the bonds are to be sold at public sale, the time, place, manner and medium of advertisement of the readiness of the Board of Finance, acting for and on behalf of the Mayor and City Council of Baltimore, to receive bids for the purchase of the bonds authorized to be issued hereunder or any part thereof; the form, terms and conditions of such bids; the time, place and manner of awarding bonds so bid for, including the right whenever any of the bonds authorized by this Ordinance are offered for sale and sold at the same time as other bonds of the City, to establish the conditions for bids and awards and to award all of the bonds on an all or none basis; and the time, place, terms and manner of settlement for the bonds so bid for.

SECTION 4. AND BE IT FURTHER ORDAINED, That:

(a) All premiums resulting from the sale of any of the bonds issued and sold pursuant to the provisions of this Ordinance shall be applied first to defray the cost of issuance thereof and the balance, if any, shall be applied to the payment of interest on any of said bonds becoming due and payable during the fiscal year in which said bonds are issued and sold or during the next succeeding fiscal year.

(b) The debt authorized by the provisions of this Ordinance, and the bonds issued and sold pursuant thereto and their transfer, and the principal and interest payable thereon (including any profit made in the sale thereof), shall be and remain exempt from any and all State, county and municipal taxation in the State of Maryland.

(c) All bonds issued and sold pursuant to the provisions of this Ordinance may be sold at public sale by the solicitation of competitive bids or at private (negotiated) sale without advertisement or solicitation of competitive bids, for a price or prices which may be at, above or below par value of the bonds, as determined by resolution of the Board of Finance of the Mayor and City Council of Baltimore. If the Board of Finance determines to sell the bonds at public sale, the bonds shall be sold to the highest responsible bidder or bidders

therefor after due notice of such sale, but the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, shall have the right to reject any or all bids therefor for any reason.

SECTION 5. AND BE IT FURTHER ORDAINED, That until all of the interest on and principal of any bonds issued pursuant to the provisions of this Ordinance have been paid in full, the Mayor and City Council of Baltimore shall levy and impose an annual tax on each \$100 of assessable property in the City of Baltimore at a rate sufficient to produce revenue to pay all interest on and principal of all bonds theretofore issued and outstanding or authorized to be issued and outstanding, payable in the next succeeding year.

SECTION 6. AND BE IT FURTHER ORDAINED, That this Ordinance shall be submitted to the legal voters of the City of Baltimore, for their approval or disapproval, at the General Election to be held in Baltimore City, on Tuesday, the 7th day of November, 2000.

SECTION 7. AND BE IT FURTHER ORDAINED, That prior to the date of the election hereinbefore mentioned, notice shall be given to the public of the amount of money which the Mayor and City Council of Baltimore is authorized to borrow, and the general purposes for which such borrowed funds may be expended, under the terms and provisions of this Ordinance, and the time when the election hereinbefore mentioned is to be held; and such public notice shall be given in such manner and by such means or through such media and at such time or times as may be determined, from time to time, by a majority of the Board of Finance.

SECTION 8. AND BE IT FURTHER ORDAINED, That the actual cash proceeds derived from the sale of the bonds authorized to be issued under the provisions of this Ordinance shall be used exclusively for the following purposes, to wit:

(a) So much thereof as may be necessary, in addition to the premium realized from the sale, if any, for the cost of issuance, including the expense of engraving, printing, advertising, attorneys' fees, and all other incidental expenses connected therewith (which may include the proportion of the compensation of employees and general administrative expenses of the Department of Finance reasonably allocated to the issuance of the bonds); and

(b) The remainder of such proceeds shall be used for the acquisition, by purchase, condemnation or any other legal means, of land or property, or any rights therein, in the City of Baltimore, and for constructing and erecting, on said land or property or on any land or property, new buildings, structures and other auxiliary facilities and for the renovation, alteration, construction, reconstruction, installation, improvement and repair of existing buildings, structures and facilities to be or now being used for or in connection with the operations, functions and activities of the National Aquarium in Baltimore; and to equip all buildings authorized to be constructed, renovated, altered or improved under the provisions hereof; the payment of any and all costs and expenses incurred for or in connection with doing any or all of the things herein mentioned, including, but not limited to, the costs and expenses of securing administrative, appraisal, economic analysis, engineering, planning, designing, architectural, surveying, and other professional services; and for doing any and all things necessary, proper or expedient in connection with or pertaining to any or all of the matters or things hereinbefore mentioned.

SECTION 9. AND BE IT FURTHER ORDAINED, That:

(a) The Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, is hereby authorized and empowered to issue its bonds for the purpose of refunding any bonds authorized to be issued under the provisions of this Ordinance by payment at maturity or the purchase or redemption of bonds in advance of maturity. The validity of any refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the bonds being refunded. Such refunding bonds may be issued by the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, for the purpose of providing it with funds to pay any of its outstanding bonds authorized to be issued under the provisions of this Ordinance at maturity, to purchase in the open market any of its outstanding bonds authorized to be issued

under the provisions of this Ordinance prior to their maturity, to redeem prior to their maturity any outstanding bonds which are, by their terms, redeemable, to pay interest on any outstanding bonds prior to their payment at maturity or purchase or redemption in advance of maturity, or to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds authorized to be issued under the provisions of this Ordinance.

(b) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued for the public purpose of:

(1) Realizing savings to Baltimore City in the aggregate cost of debt service on either a direct comparison or present value basis; or

(2) Debt restructuring that:

(i) In the aggregate effects such a reduction in the cost of debt service; or

(ii) Is determined by the Board of Finance of the Mayor and City Council of Baltimore to be in the best interests of Baltimore City, to be consistent with Baltimore City's long-term financial plan, and to realize a financial objective of Baltimore City including, improving the relationship of debt service to a source of payment such as taxes, assessments, or other charges.

(c) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued in whatever principal amount shall be required to achieve the purpose for the issuance of the refunding bonds, which amount may be in excess of the principal amount of the bonds refunded or the maximum principal amount of bonds authorized to be issued under Section 1 of this Ordinance.

(d) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued to mature on such dates and in such amounts as the Board of Finance may determine; provided that the entire principal amount represented by the refunding bonds shall be discharged not more than 40 years from the date of issuance of the bonds being refunded.

(e) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be sold at public sale by the solicitation of competitive bids or at private (negotiated) sale without advertisement or solicitation of competitive bids, for a price or prices which may be at, above or below the par value of the refunding bonds, as determined by resolution of the Board of Finance of the Mayor and City Council of Baltimore. If the Board of Finance determines to sell the refunding bonds at public sale, the refunding bonds shall be sold to the highest responsible bidder or bidders therefor after due notice of such sale, but the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, shall have the right to reject any or all bids therefor for any reason.

(f) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance shall bear interest at such rate or rates as may be determined by the Board of Finance of the Mayor and City Council of Baltimore, which rate or rates may be fixed or variable or as determined by a method approved by the Board of Finance, and such interest shall be payable at such time or times as may be determined by the Board of Finance.

(g) The proceeds of the sale of any refunding bonds authorized to be issued and sold under the provisions of this Ordinance, after the payment of issuance costs relating thereto, shall be set aside by the Mayor and City Council of Baltimore as a separate trust fund to be used solely for the purposes stated in this Section 9.

(h) Except as otherwise provided in this Section 9, the powers granted in, the limitations and obligations imposed by, and the procedures specified in this Ordinance with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds.

(i) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance shall not be subject to any debt policy limitation that may from time to time be established by the Mayor and City Council of Baltimore.

SECTION 10. AND BE IT FURTHER ORDAINED, That the expenditure of the proceeds derived from the sale of the bonds authorized to be issued under the provisions of this Ordinance shall be in accordance with the provisions of the Charter of the Mayor and City Council of Baltimore, and by the municipal agency designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

Approved June 12, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-040
(Council Bill 00-159)**

AN ORDINANCE CONCERNING

Dirt Bikes, Unregistered Motorcycles, and Similar Vehicles

FOR the purpose of prohibiting the operation of certain dirt bikes, off-road motorcycles, unregistered motorcycles, and similar vehicles; providing for the seizure and forfeiture of certain vehicles; defining certain terms; imposing certain penalties; clarifying certain language; and generally relating to dirt bikes, off-road motorcycles, unregistered motorcycles, and similar vehicles.

BY repealing

Article 19 - Police Ordinances
Section(s) 40-1 through 40-41, inclusive, and the subtitle
“Subtitle 40. Minibikes, Off-Road Motorcycles,
and Unlicensed Motorcycles”
Baltimore City Code
(Edition 2000)

BY adding

Article 19 - Police Ordinances
Section(s) 40-1 through 40-21, inclusive, to be under
the new “Subtitle 40. Dirt Bikes, Unregistered Motorcycles, and Similar Vehicles”
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section(s) 40-1 through 40-41, inclusive, and the subtitle “Subtitle 40. Minibikes, Off-Road Motorcycles, and Unlicensed Motorcycles” of City Code Article 19 - Police Ordinances, are repealed.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 19 - Police Ordinances

**SUBTITLE 40 - DIRT BIKES, UNREGISTERED MOTORCYCLES,
AND SIMILAR VEHICLES**

§ 40-1. DEFINITIONS.

(A) *IN GENERAL.*

IN THIS SUBTITLE, THE FOLLOWING WORDS HAVE THE MEANING INDICATED.

(B) *DIRT BIKE.*

(1) “DIRT BIKE” MEANS ANY MOTORCYCLE OR SIMILAR VEHICLE THAT IS NOT REGISTERED UNDER THE MARYLAND VEHICLE LAW.

(2) “DIRT BIKE” INCLUDES:

(I) A MINIBIKE;

(II) AN ALL-TERRAIN VEHICLE OF EITHER THE 3- OR 4-WHEEL VARIETY; AND

(III) ANY OTHER MOTORCYCLE OR SIMILAR VEHICLE THAT IS NOT ELIGIBLE FOR REGISTRATION UNDER THE MARYLAND VEHICLE LAW.

(C) *MINIBIKE.*

“MINIBIKE” MEANS A MOTOR VEHICLE THAT:

(1) HAS A SADDLE FOR THE USE OF THE RIDER;

(2) IS DESIGNED TO TRAVEL ON NOT MORE THAN 3 WHEELS IN CONTACT WITH THE GROUND;

(3) IS NOT ELIGIBLE FOR REGISTRATION UNDER THE MARYLAND VEHICLE LAW; AND

(4) HAS:

(I) A 10-INCH (254 MM) OR LESS NOMINAL WHEEL-RIM DIAMETER;

(II) 40 INCHES OR LESS WHEEL BASE;

(III) 25 INCHES OR LESS SEAT HEIGHT, MEASURED AT THE LOWEST POINT ON THE TOP OF THE SEAT CUSHION WITHOUT RIDER; OR

(IV) A PROPELLING ENGINE WITH PISTON DISPLACEMENT OF 50 CC OR LESS.

(D) *MOTORCYCLE OR SIMILAR VEHICLE.*

(1) “MOTORCYCLE OR SIMILAR VEHICLE” MEANS A MOTOR VEHICLE THAT IS DESIGNED TO TRAVEL ON NOT MORE THAN 3 WHEELS IN CONTACT WITH GROUND.

(2) "MOTORCYCLE OR SIMILAR VEHICLE" INCLUDES:

- (I) A MINIBIKE;
- (II) A MOTOR SCOOTER; AND
- (III) A BICYCLE WITH MOTOR ATTACHED.

(E) *UNREGISTERED MOTORCYCLE OR SIMILAR VEHICLE.*

"UNREGISTERED MOTORCYCLE OR SIMILAR VEHICLE" MEANS A MOTORCYCLE OR SIMILAR VEHICLE THAT:

- (1) IS ELIGIBLE FOR REGISTRATION UNDER THE MARYLAND VEHICLE LAW; BUT
- (2) IS NOT IN FACT REGISTERED.

§ 40-2. EXCLUSIONS FROM SUBTITLE.

(A) *IN GENERAL.*

THIS SUBTITLE DOES NOT APPLY TO ANY OF THE FOLLOWING WHILE BEING USED FOR THEIR DESIGNED PURPOSES:

- (1) TRACTORS;
- (2) SNOWBLOWERS;
- (3) LAWN MOWERS;
- (4) WHEEL CHAIRS; OR
- (5) GOLF CARTS.

(B) *GOVERNMENT VEHICLES.*

THIS SUBTITLE DOES NOT APPLY TO ANY VEHICLE OWNED AND OPERATED BY AN AGENCY OR INSTRUMENTALITY OF FEDERAL, STATE, CITY, OR OTHER LOCAL GOVERNMENT.

§ 40-3. RULES AND REGULATIONS.

(A) *COMMISSIONER MAY ADOPT.*

THE POLICE COMMISSIONER MAY ADOPT RULES AND REGULATIONS TO CARRY OUT THIS SUBTITLE.

(B) *FILING WITH LEGISLATIVE REFERENCE.*

A COPY OF ALL RULES AND REGULATIONS MUST BE FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

§§ 40-4 TO 40-5. {RESERVED}

§ 40-6. PROHIBITED CONDUCT — RIDING OR DRIVING.

NO PERSON MAY DRIVE OR RIDE ANY DIRT BIKE OR ANY UNREGISTERED MOTORCYCLE OR SIMILAR VEHICLE ON ANY PUBLIC OR PRIVATE PROPERTY IN BALTIMORE CITY

§ 40-7. PROHIBITED CONDUCT — PERMITTING ANOTHER TO RIDE OR DRIVE.

NO OWNER OR OTHER PERSON IN CONTROL OR CUSTODY OF A DIRT BIKE OR AN UNREGISTERED MOTORCYCLE OR SIMILAR VEHICLE MAY PERMIT IT TO BE DRIVEN OR RIDDEN BY ANY OTHER PERSON ON ANY PUBLIC OR PRIVATE PROPERTY IN BALTIMORE CITY.

§ 40-8. PROHIBITED CONDUCT — PARENTS AND GUARDIANS.

NO PARENT OR GUARDIAN OF A MINOR MAY KNOWINGLY PERMIT THE MINOR TO VIOLATE ANY PROVISION OF § 40-6 OR § 40-7 OF THIS SUBTITLE.

§§ 40-9 TO 40-10. {RESERVED}**§ 40-11. SEIZURE AND FORFEITURE AUTHORIZED.****(A) GROUND FOR SEIZURE.**

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A DIRT BIKE OR AN UNREGISTERED MOTORCYCLE OR SIMILAR VEHICLE IS SUBJECT TO SEIZURE AND FORFEITURE IF IT IS USED IN VIOLATION OF THIS SUBTITLE.

(B) DEFENSE.

A DIRT BIKE OR AN UNREGISTERED MOTORCYCLE OR SIMILAR VEHICLE MAY NOT BE FORFEITED UNDER THIS SUBTITLE SOLELY BECAUSE OF AN ACT OR OMISSION COMMITTED OR OMITTED BY A PERSON OTHER THAN THE VEHICLE'S OWNER WHILE THAT VEHICLE WAS UNLAWFULLY IN THAT OTHER PERSON'S POSSESSION, IN VIOLATION OF THE CRIMINAL LAWS OF THE UNITED STATES, THIS STATE, OR THIS CITY.

§ 40-12. SEIZURE BY POLICE.**(A) WHEN WARRANT NOT NEEDED.**

A POLICE OFFICER NEED NOT HAVE A WARRANT TO SEIZE A DIRT BIKE OR AN UNREGISTERED MOTORCYCLE OR SIMILAR VEHICLE IF:

- (1) THE POLICE OFFICER HAS PROBABLE CAUSE TO BELIEVE THE VEHICLE HAS BEEN USED IN VIOLATION OF THIS SUBTITLE; AND
- (2) A WARRANT IS NOT CONSTITUTIONALLY REQUIRED UNDER THE CIRCUMSTANCES.

(B) REMOVAL OF VEHICLE.

WHENEVER A POLICE OFFICER SEIZES A VEHICLE UNDER THIS SUBTITLE, THE POLICE OFFICER MAY CAUSE IT TO BE MOVED TO A PLACE DESIGNATED BY THE POLICE COMMISSIONER.

(C) *VEHICLE NOT REPLEVIABLE.*

A VEHICLE SEIZED UNDER THIS SUBTITLE IS NOT REPLEVIABLE AND REMAINS IN THE CUSTODY OF THE POLICE DEPARTMENT, SUBJECT ONLY TO THE ORDERS AND DECREES OF THE COURT OR OFFICIAL WITH JURISDICTION OVER IT.

§ 40-13. REFERRAL TO SOLICITOR.

(A) *POLICE TO REFER CASE.*

PROMPTLY AFTER SEIZURE, THE POLICE DEPARTMENT SHALL NOTIFY THE CITY SOLICITOR IN WRITING OF THE FACTS AND CIRCUMSTANCES SUPPORTING THE SEIZURE.

(B) *SOLICITOR'S REVIEW.*

- (1) ON RECEIVING THE REPORT, THE SOLICITOR SHALL CONDUCT AN INDEPENDENT REVIEW OF THE FACTS AND CIRCUMSTANCES SURROUNDING THE SEIZURE.
- (2) IF THE SOLICITOR FINDS SUFFICIENT EVIDENCE THAT THE VEHICLE WAS USED IN VIOLATION OF THIS SUBTITLE, THE SOLICITOR SHALL NOTIFY THE VEHICLE'S OWNER, BY REGISTERED OR CERTIFIED MAIL, OF THE SEIZURE AND OF THE CITY'S INTENT TO INSTITUTE FORFEITURE PROCEEDINGS.
- (3) IF, ON THE OTHER HAND, THE SOLICITOR FINDS THAT THERE IS INSUFFICIENT EVIDENCE TO PROVE VIOLATION, THE SOLICITOR SHALL SURRENDER THE VEHICLE TO THE OWNER ON THE OWNER'S REQUEST.

§ 40-14. FORFEITURE PETITION; NOTICE.

(A) *FILING; COPIES TO PARTIES IN INTEREST.*

IF THE SOLICITOR DETERMINES THAT THE VEHICLE SHOULD BE FORFEITED, THE SOLICITOR SHALL, WITHIN 90 DAYS AFTER THE SEIZURE OF THE VEHICLE:

- (1) PETITION THE CIRCUIT COURT FOR BALTIMORE CITY IN THE NAME OF THE CITY AGAINST THE VEHICLE, AS DESIGNATED BY MAKE, MODEL, YEAR, AND MOTOR OR SERIAL NUMBER; AND
- (2) AT THE SAME TIME, SEND COPIES OF THE PETITION BY REGISTERED OR CERTIFIED MAIL TO THE OWNER AND ANY KNOWN SECURED PARTY.

(B) *CONTENTS.*

THE PETITION FOR FORFEITURE SHALL CONTAIN:

- (1) THE NAME OF THE REGISTERED OWNERS OF THE VEHICLE;
- (2) THE NAME OF ANY SECURED PARTY WHOSE INTEREST APPEARS AMONG THE RECORDS MAINTAINED BY THE CLERK OF THE CIRCUIT COURT FOR BALTIMORE CITY;
- (3) A STATEMENT OF THE FACTS AND CIRCUMSTANCES SURROUNDING THE SEIZURE OF THE VEHICLE;
- (4) A STATEMENT OF THE SPECIFIC GROUNDS FOR FORFEITURE; AND

(5) A REQUEST THAT THE VEHICLE BE FORFEITED TO THE CITY.

(C) *PUBLICATION OF NOTICE.*

(1) WITHIN 7 DAYS OF THE PETITION'S FILING, THE SOLICITOR SHALL PUBLISH NOTICE OF THE SEIZURE AND FORFEITURE PROCEEDING IN 1 OR MORE NEWSPAPERS PUBLISHED IN THE CITY.

(2) THE NOTICE SHALL:

(I) STATE THE SUBSTANCE AND OBJECT OF THE FORFEITURE PETITION; AND

(II) STATE THAT ANY PERSON CLAIMING AN INTEREST IN THE SEIZED VEHICLE MUST FILE A DEFENSE TO THE PETITION WITHIN 15 DAYS OF THE DATE OF THE NOTICE.

§ 40-15. ANSWER TO PETITION.

(A) *WHEN TO BE MADE.*

ANY DEFENSE TO THE PETITION MUST BE FILED WITHIN 15 DAYS AFTER PUBLICATION OF THE NOTICE.

(B) *HOW TO BE MADE.*

(1) ALL DEFENSES TO A PETITION FOR FORFEITURE MUST BE MADE BY ANSWER.

(2) THE ANSWER MUST:

(I) COMPLY WITH THE MARYLAND RULES OF PROCEDURE AS TO FORM AND CONTENTS;

(II) BE DIVIDED INTO NUMBERED PARAGRAPHS, EACH CONTAINING A SEPARATE AND DISTINCTIVE AVERMENT; AND

(III) RESPOND TO EACH MATERIAL ALLEGATION CONTAINED IN THE PETITION, SPECIFICALLY ADMITTING, DENYING, OR EXPLAINING THE FACTS ALLEGED, UNLESS THE RESPONDENT IS WITHOUT KNOWLEDGE OR AN ADMISSION OR EXPLANATION WOULD TEND TO INCRIMINATE THE RESPONDENT, IN EITHER OF WHICH EVENTS THE RESPONDENT MUST SO STATE AND THAT STATEMENT WILL OPERATE AS A DENIAL.

(C) *EFFECT.*

(1) EVERY ALLEGATION IN THE PETITION THAT IS NOT DENIED IN THE ANSWER IS CONSIDERED ADMITTED, EXCEPT AS TO PERSONS UNKNOWN.

(2) NEW OR AFFIRMATIVE MATTER ALLEGED IN THE ANSWER IS CONSIDERED DENIED OR AVOIDED BY THE PETITIONER WITHOUT THE NEED OF ANY REPLICATION, UNLESS THE COURT ORDERS OTHERWISE.

§ 40-16. EARLY RETRIEVAL BY OWNER.

(A) *APPRAISAL OF VEHICLE.*

(1) IF THE OWNER OF THE SEIZED VEHICLE WANTS TO REPOSSESS IT BEFORE THE PETITION IS DECIDED, THE CLERK OF THE CIRCUIT COURT SHALL HAVE AN APPRAISAL MADE.

(2) THE APPRAISAL SHALL BE IN WRITING, UNDER OATH, TO THE CLERK OF THE CIRCUIT COURT.

(B) *OWNER TO SUBMIT BOND.*

~~WHEN THE APPRAISAL IS FILED, THE OWNER MAY POST BOND, PAYABLE TO THE CITY, IN AN AMOUNT EQUAL TO THE APPRAISED VALUE OF THE VEHICLE, PLUS COURT COSTS THAT MAY ACCRUE, WITH SECURITY TO BE APPROVED BY THE CLERK, AND CONDITIONED FOR PERFORMANCE ON THE FINAL JUDGMENT OF THE CIRCUIT COURT.~~

(1) WHEN THE APPRAISAL IS FILED, THE OWNER MAY POST A BOND, PAYABLE TO THE CITY, IN AN AMOUNT EQUAL TO:

(I) ALL COURT COSTS THAT MAY ACCRUE; PLUS

(II) THE GREATER OF:

(A) THE APPRAISED VALUE OF THE VEHICLE; OR

(B) \$500.

(2) THE BOND SHALL HAVE SECURITY APPROVED BY THE CLERK AND BE CONDITIONED FOR PERFORMANCE ON THE FINAL JUDGMENT OF THE CIRCUIT COURT.

(C) *JUDGMENT ON BOND.*

IF THE COURT DIRECTS THAT THE VEHICLE BE FORFEITED, JUDGMENT MAY BE ENTERED AGAINST THE OBLIGORS ON THE BOND, WITHOUT FURTHER OR OTHER PROCEEDING, TO BE DISCHARGED BY THE PAYMENT OF THE APPRAISED VALUE OF THE VEHICLE AND COURT COSTS, ON WHICH JUDGMENT EXECUTION MAY BE ISSUED.

§ 40-17. ORDER OF FORFEITURE.

(A) *IN GENERAL.*

- (1) IF THE COURT DETERMINES THAT THE VEHICLE SHOULD BE FORFEITED, THE COURT SHALL ORDER THE VEHICLE FORFEITED TO THE CITY.
- (2) IF, HOWEVER, THE COURT DETERMINES THAT THE VEHICLE IS SUBJECT TO A BONA FIDE RECORDED SECURITY INTEREST CREATED WITHOUT THE KNOWLEDGE THAT THE VEHICLE WAS BEING OR WAS TO BE USED IN VIOLATION OF THIS SUBTITLE, THE COURT SHALL ORDER THAT THE VEHICLE BE RELEASED WITHIN 5 DAYS TO THE SECURED PARTY OF RECORD.

(B) *DISPOSITION OF VEHICLE SUBJECT TO SECURITY INTEREST.*

- (1) THE SECURED PARTY SHALL SELL THE VEHICLE IN A COMMERCIALY REASONABLE MANNER.
- (2) ANY SALE ORDERED UNDER THIS SECTION MUST BE MADE FOR CASH AND MUST VEST IN THE PURCHASER A CLEAR AND ABSOLUTE TITLE TO THE VEHICLE.
- (3) THE PROCEEDS OF THE SALE SHALL BE APPLIED AS FOLLOWS:
 - (I) TO THE COURT COSTS OF THE FORFEITURE PROCEEDINGS;

(II) TO THE BALANCE DUE TO THE SECURED PARTY, INCLUDING ALL REASONABLE COSTS INCIDENT TO THE SALE;

(III) TO PAYMENT OF ALL OTHER EXPENSES OF THE PROCEEDINGS FOR FORFEITURE, INCLUDING EXPENSES OF SEIZURE, MAINTENANCE, OR CUSTODY; AND

(IV) TO THE GENERAL FUNDS OF THE CITY.

(C) *DISPOSITION OF FORFEITED VEHICLE.*

ANY VEHICLE THAT HAS BEEN ORDERED FORFEITED TO THE CITY:

(1) MAY BE SOLD AS PROVIDED IN CITY CODE ARTICLE 31, SUBTITLE 31, PART 5; OR

(2) MAY BE DESTROYED.

(D) *PROCEEDS OF BOND.*

THE PROCEEDS OF ANY BOND POSTED TO REGAIN POSSESSION OF THE VEHICLE SHALL BE APPLIED AS PROVIDED FOR PROCEEDS OF SALE UNDER SUBSECTION (B)(3)(IV) OF THIS SECTION.

§ 40-18. ORDER OF RELEASE.

IF, AFTER A FULL HEARING, THE COURT DETERMINES THAT THE VEHICLE SHOULD NOT BE FORFEITED, THE COURT SHALL ORDER THE VEHICLE RELEASED.

§§ 40-19 TO 40-20. {RESERVED}

§ 40-21. PENALTIES.

ANY PERSON WHO VIOLATES ANY PROVISION OF §§ 40-6 THROUGH 40-10 OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE NOT MORE THAN \$1,000 FOR EACH OFFENSE.

SECTION 3. AND BE IT FURTHER ORDAINED, That all provisions of this Ordinance are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any person or circumstances is invalid, the remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision.

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 the 30th day after the date it is enacted.

Approved June 12, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-041
(Council Bill 00-162)**

AN ORDINANCE CONCERNING

Bond Issue — Maryland Historical Society Loan — \$1,500,000

FOR the purpose of authorizing the Mayor and City Council of Baltimore (pursuant to Resolution XI of 2000 approved by the members of the General Assembly of Maryland representing Baltimore City) to issue and sell its certificates of indebtedness in an aggregate principal amount not exceeding \$1,500,000, the proceeds derived from the sale thereof to be used for the cost of issuance, including the expense of engraving, printing, advertising, attorneys' fees, and all other incidental expenses connected therewith, and the remainder of such proceeds to be used for the acquisition, by purchase, condemnation, or any other legal means, of land or property, or any rights therein, in the City of Baltimore, and for constructing and erecting, on said land or property, or on any land or property, new buildings, structures and other auxiliary facilities, and for the renovation, alternation, construction, reconstruction, installation, improvement and repair of existing buildings, structures and facilities to be or now being used in connection with the operations, functions, and activities of the Maryland Historical Society; and to equip all facilities authorized to be constructed, renovated, altered or improved by the provisions hereof; the payment of any and all costs and expenses incurred for or in connection with doing any or all of the things herein mentioned, including, but not limited to, the costs and expenses of securing administrative, appraisal, economic analysis, engineering, planning, designing, architectural, surveying, and other professional services; and for doing any and all things necessary, proper or expedient in connection with or pertaining to any or all of the matters or things hereinbefore mentioned; authorizing the issuance of refunding bonds; conferring and imposing upon the Board of Finance of Baltimore City certain powers and duties; authorizing the submission of this Ordinance to the legal voters of the City of Baltimore, for their approval or disapproval, at the General Election to be held in Baltimore City on Tuesday, the 7th day of November, 2000 and providing for the expenditure of the proceeds of sale of said certificates of indebtedness in accordance with the provisions of the Charter of the Mayor and City Council of Baltimore, and by the municipal agency designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

WHEREAS, By Resolution XI of 2000 approved by the members of the General Assembly of Maryland representing Baltimore City, the Mayor and City Council of Baltimore is authorized to create a debt and to issue and sell its certificates of indebtedness (hereinafter called "bonds") as evidence thereof, in an aggregate principal amount not exceeding \$1,500,000 in the manner and upon the terms set forth in the bonds, not exceeding the par value of the bonds, to be used in connection with the operations, functions, and activities of the Maryland Historical Society as authorized by said Resolution; and

WHEREAS, Funds are now needed for said purposes; now, therefore,

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council of Baltimore, acting by and through the Board of Finance of said municipality, be and it is hereby authorized and empowered to issue bonds of the Mayor and City Council of Baltimore in an aggregate principal amount not exceeding \$1,500,000, from time to time, as may be needed or required for the purposes hereinafter named and said bonds shall be sold by the Board of Finance from time to time and at such times as shall be requisite, and the proceeds derived from the sale of said bonds shall be used for the purposes hereinafter named, provided that this Ordinance shall not become effective unless it shall be approved by a majority of the votes of the legal voters of Baltimore City cast at the time and place hereinafter designated by this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That:

(a) The bonds shall be issued in denominations of not less than \$500 each, but may be in sums of \$500, or any suitable multiple thereof.

(b) The bonds authorized to be issued and sold under the provisions of this Ordinance may be issued to mature on such dates and in such amounts as the Board of Finance may determine; provided that the entire principal amount represented thereby shall be discharged not more than 40 years from the date of issuance of the bonds.

(c) The bonds, when issued, shall bear interest at such rate or rates as may be determined by the Board of Finance, which rate or rates may be fixed or variable or as determined by a method approved by the Board of Finance, and such interest shall be payable at such time or times as may be determined by the Board of Finance.

SECTION 3. AND BE IT FURTHER ORDAINED, That a majority of the Board of Finance of the Mayor and City Council of Baltimore be, and they are hereby, authorized to pass a resolution or resolutions, from time to time, to determine and set forth any or all of the following:

(a) The amount of debt to be incurred by the Mayor and City Council of Baltimore at any particular time, and from time to time, under and pursuant to the provisions of this Ordinance; the date or dates when any bonds representing said debt, or any part thereof, are to mature, and the amount or amounts of said debt, or any part thereof, which shall mature upon the aforesaid date or dates; and the date or dates in each year, during the entire period of time when any of said bonds are outstanding, when interest on any of said bonds shall be payable;

(b) The form or forms of the bonds representing the debt, or any part thereof, authorized to be issued under the provisions of this Ordinance at any particular time; and

(c) If the bonds are to be sold at public sale, the time, place, manner and medium of advertisement of the readiness of the Board of Finance, acting for and on behalf of the Mayor and City Council of Baltimore, to receive bids for the purchase of the bonds authorized to be issued hereunder or any part thereof; the form, terms and conditions of such bids; the time, place and manner of awarding bonds so bid for, including the right whenever any of the bonds authorized by this Ordinance are offered for sale and sold at the same time as other bonds of the City, to establish the conditions for bids and awards and to award all of the bonds on an all or none basis; and the time, place, terms and manner of settlement for the bonds so bid for.

SECTION 4. AND BE IT FURTHER ORDAINED, That:

(a) All premiums resulting from the sale of any of the bonds issued and sold pursuant to the provisions of this Ordinance shall be applied first to defray the cost of issuance thereof and the balance, if any, shall be applied to the payment of interest on any of said bonds becoming due and payable during the fiscal year in which said bonds are issued and sold or during the next succeeding fiscal year.

(b) The debt authorized by the provisions of this Ordinance, and the bonds issued and sold pursuant thereto and their transfer, and the principal and interest payable thereon (including any profit made in the sale thereof), shall be and remain exempt from any and all State, county and municipal taxation in the State of Maryland.

(c) All bonds issued and sold pursuant to the provisions of this Ordinance may be sold at public sale by the solicitation of competitive bids or at private (negotiated) sale without advertisement or solicitation of competitive bids, for a price or prices which may be at, above or below par value of the bonds, as determined by resolution of the Board of Finance of the Mayor and City Council of Baltimore. If the Board of Finance determines to sell the bonds at public sale, the bonds shall be sold to the highest responsible bidder or bidders

therefor after due notice of such sale, but the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, shall have the right to reject any or all bids therefor for any reason.

SECTION 5. AND BE IT FURTHER ORDAINED, That until all of the interest on and principal of any bonds issued pursuant to the provisions of this Ordinance have been paid in full, the Mayor and City Council of Baltimore shall levy and impose an annual tax on each \$100 of assessable property in the City of Baltimore at a rate sufficient to produce revenue to pay all interest on and principal of all bonds theretofore issued and outstanding or authorized to be issued and outstanding, payable in the next succeeding year.

SECTION 6. AND BE IT FURTHER ORDAINED, That this Ordinance shall be submitted to the legal voters of the City of Baltimore, for their approval or disapproval, at the General Election to be held in Baltimore City, on Tuesday, the 7th day of November, 2000.

SECTION 7. AND BE IT FURTHER ORDAINED, That prior to the date of the election hereinbefore mentioned, notice shall be given to the public of the amount of money which the Mayor and City Council of Baltimore is authorized to borrow, and the general purposes for which such borrowed funds may be expended, under the terms and provisions of this Ordinance, and the time when the election hereinbefore mentioned is to be held; and such public notice shall be given in such manner and by such means or through such media and at such time or times as may be determined, from time to time, by a majority of the Board of Finance.

SECTION 8. AND BE IT FURTHER ORDAINED, That the actual cash proceeds derived from the sale of the bonds authorized to be issued under the provisions of this Ordinance shall be used exclusively for the following purposes, to wit:

(a) So much thereof as may be necessary, in addition to the premium realized from the sale, if any, for the cost of issuance, including the expense of engraving, printing, advertising, attorneys' fees, and all other incidental expenses connected therewith (which may include the proportion of the compensation of employees and general administrative expenses of the Department of Finance reasonably allocated to the issuance of the bonds); and

(b) The remainder of such proceeds shall be used for the acquisition, by purchase, condemnation or any other legal means, of land or property, or any rights therein, in the City of Baltimore, and for constructing and erecting, on said land or property or on any land or property new buildings, structures and other auxiliary facilities and for the renovation, alteration, construction, reconstruction, installation, improvement and repair of existing buildings, structures and facilities to be or now being used for or in connection with the operations, functions and activities of the Maryland Historical Society; and to equip all buildings authorized to be constructed, renovated, altered or improved under the provisions hereof; the payment of any and all costs and expenses incurred for or in connection with doing any or all of the things herein mentioned, including, but not limited to, the costs and expenses of securing administrative, appraisal, economic analysis, engineering, planning, designing, architectural, surveying, and other professional services; and for doing any and all things necessary, proper or expedient in connection with or pertaining to any or all of the matters or things hereinbefore mentioned.

SECTION 9. AND BE IT FURTHER ORDAINED, That:

(a) The Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, is hereby authorized and empowered to issue its bonds for the purpose of refunding any bonds authorized to be issued under the provisions of this Ordinance by payment at maturity or the purchase or redemption of bonds in advance of maturity. The validity of any refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the bonds being refunded. Such refunding bonds may be issued by the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, for the purpose of providing it with funds to pay any of its outstanding bonds authorized to be issued under the provisions of this Ordinance at maturity, to purchase in the open market any of its outstanding bonds authorized to be issued

under the provisions of this Ordinance prior to their maturity, to redeem prior to their maturity any outstanding bonds which are, by their terms, redeemable, to pay interest on any outstanding bonds prior to their payment at maturity or purchase or redemption in advance of maturity, or to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds authorized to be issued under the provisions of this Ordinance.

(b) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued for the public purpose of:

(1) Realizing savings to Baltimore City in the aggregate cost of debt service on either a direct comparison or present value basis; or

(2) Debt restructuring that:

(i) In the aggregate effects such a reduction in the cost of debt service; or

(ii) Is determined by the Board of Finance of the Mayor and City Council of Baltimore to be in the best interests of Baltimore City, to be consistent with Baltimore City's long-term financial plan, and to realize a financial objective of Baltimore City including, improving the relationship of debt service to a source of payment such as taxes, assessments, or other charges.

(c) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued in whatever principal amount shall be required to achieve the purpose for the issuance of the refunding bonds, which amount may be in excess of the principal amount of the bonds refunded or the maximum principal amount of bonds authorized to be issued under Section 1 of this Ordinance.

(d) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued to mature on such dates and in such amounts as the Board of Finance may determine; provided that the entire principal amount represented by the refunding bonds shall be discharged not more than 40 years from the date of issuance of the bonds being refunded.

(e) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be sold at public sale by the solicitation of competitive bids or at private (negotiated) sale without advertisement or solicitation of competitive bids, for a price or prices which may be at, above or below the par value of the refunding bonds, as determined by resolution of the Board of Finance of the Mayor and City Council of Baltimore. If the Board of Finance determines to sell the refunding bonds at public sale, the refunding bonds shall be sold to the highest responsible bidder or bidders therefor after due notice of such sale, but the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, shall have the right to reject any or all bids therefor for any reason.

(f) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance shall bear interest at such rate or rates as may be determined by the Board of Finance of the Mayor and City Council of Baltimore, which rate or rates may be fixed or variable or as determined by a method approved by the Board of Finance, and such interest shall be payable at such time or times as may be determined by the Board of Finance.

(g) The proceeds of the sale of any refunding bonds authorized to be issued and sold under the provisions of this Ordinance, after the payment of issuance costs relating thereto, shall be set aside by the Mayor and City Council of Baltimore as a separate trust fund to be used solely for the purposes stated in this Section 9.

(h) Except as otherwise provided in this Section 9, the powers granted in, the limitations and obligations imposed by, and the procedures specified in this Ordinance with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds.

(i) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance shall not be subject to any debt policy limitation that may from time to time be established by the Mayor and City Council of Baltimore.

SECTION 10. AND BE IT FURTHER ORDAINED, That the expenditure of the proceeds derived from the sale of the bonds authorized to be issued under the provisions of this Ordinance shall be in accordance with the provisions of the Charter of the Mayor and City Council of Baltimore, and by the municipal agency designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

Approved June 12, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-042
(Council Bill 00-166)**

AN ORDINANCE CONCERNING

**Supplementary Motor Vehicle Fund Operating Appropriation —
Department of Public Works — \$2,000,000**

FOR the purpose of providing a Supplementary Motor Vehicle Fund Operating Appropriation in the amount of \$2,000,000 to the Department of Public Works — Program 501 (Highway Maintenance), for additional operating expenses; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents State Highway User Revenues in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2000.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2000 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2000 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On May 17, 2000, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$2,000,000 shall be made available to the Department of Public Works — Program 501 (Highway Maintenance) as a Supplementary Motor Vehicle Fund Operating Appropriation for Fiscal Year 2000, for additional operating expenses. The source of revenue for this appropriation is State Highway User Revenues in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2000.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 12, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-043
(Council Bill 00-167)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Department of Public Works — \$1,000,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$1,000,000 to the Department of Public Works — Program 515 (Solid Waste Collection), for additional operating expenses; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Property Transfer Tax (\$700,000) and Recordation Tax (\$300,000) in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2000.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2000 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2000 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On May 17, 2000, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$1,000,000 shall be made available to the Department of Public Works — Program 515 (Solid Waste Collection) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2000, for additional operating expenses. The source of revenue for this appropriation is funds from the Property Transfer Tax (\$700,000)

and Recordation Tax (\$300,000) in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2000.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 12, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-044
(Council Bill 00-169)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Department of Public Works — \$1,600,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$1,600,000 to the Department of Public Works — Program 193 (Building Maintenance), for additional operating expenses; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Income Tax (\$440,000) and Net Parking revenues (\$1,160,000) in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2000.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2000 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2000 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On May 17, 2000, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$1,600,000 shall be made available to the Department of Public Works — Program 193 (Building Maintenance) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2000, for additional operating expenses. The source of revenue for this appropriation is funds from the Income Tax (\$440,000) and Net Parking revenues (\$1,160,000) in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2000.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 12, 2000

Martin O'Malley, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-045
(Council Bill 00-171)**

AN ORDINANCE CONCERNING

**Motor Vehicle Fund Operating Appropriation Transfer —
MR-General Debt Service (Program 123) to
Department of Public Works (Program 501) — \$2,000,000**

FOR the purpose of transferring a Motor Vehicle Fund Operating Appropriation MR-General Debt Service (Program 123) in the amount of \$2,000,000 to the Department of Public Works — Program 501 (Highway Maintenance), for additional operating expenses; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 9(a)(2)
Baltimore City Charter
(1996 Edition)

Recitals

Article VI, Section 9(a)(2) of the Charter of Baltimore City provides that upon recommendation of the Board of Estimates, the City Council by ordinance may authorize the transfer of an appropriation contained in the Ordinance of Estimates from one municipal agency to another municipal agency.

The sum of \$2,000,000 was appropriated in the MR-General Debt Service (Program 123) in the Fiscal 2000 Ordinance of Estimates, and that \$2,000,000 is not needed for the purpose for which it was appropriated and therefore is available for transfer to another agency.

On May 17, 2000, the Board of Estimates recommended the transfer authorized by this Ordinance.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the sum of \$2,000,000 contained in the Fiscal 2000 Ordinance of Estimates as a Motor Vehicle Fund Operating Appropriation from MR-General Debt Service (Program 123) is transferred to the Department of Public Works – Program 501 (Highway Maintenance).

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 12, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-046
(Council Bill 00-172)**

AN ORDINANCE CONCERNING

**Supplementary Motor Vehicle Fund Operating Appropriation —
Department of Public Works — \$1,000,000**

FOR the purpose of providing a Supplementary Motor Vehicle Fund Operating Appropriation in the amount of \$1,000,000 to the Department of Public Works — Program 231 (Traffic Engineering), for additional operating expenses; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents Red Light Fines in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2000.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2000 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2000 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On May 17, 2000, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$1,000,000 shall be made available to the Department of Public Works — Program 231 (Traffic Engineering) as a Supplementary Motor Vehicle Fund Operating Appropriation for Fiscal Year 2000, for additional operating expenses. The source of revenue for this appropriation is Red Light Fines in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2000.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 12, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-047
(Council Bill 00-173)**

AN ORDINANCE CONCERNING

**Supplementary Motor Vehicle Fund Operating Appropriation —
Department of Public Works — \$850,000**

FOR the purpose of providing a Supplementary Motor Vehicle Fund Operating Appropriation in the amount of \$850,000 to the Department of Public Works — Program 513 (Solid Waste Maintenance), for additional operating expenses; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents Red Light Fines in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2000.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2000 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2000 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On May 17, 2000, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$850,000 shall be made available to the Department of Public Works — Program 513 (Solid Waste Maintenance) as a Supplementary Motor Vehicle Fund Operating Appropriation for Fiscal Year 2000, for additional operating expenses. The source of revenue for this appropriation is Red Light Fines in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2000.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 12, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-048
(Council Bill 00-144)**

AN ORDINANCE CONCERNING

Annual Property Tax — Fiscal Year 2001

FOR the purpose of providing a tax for the use of the Mayor and City Council of Baltimore for the period July 1, 2000, through June 30, 2001.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That for the period July 1, 2000, through June 30, 2001, a tax of \$5.82 is levied and imposed on every \$100 of assessed or assessable value of property in the City of Baltimore (except property that is exempt by law from this rate) for the use of the Mayor and City Council of Baltimore, and this tax shall be paid and collected in the manner prescribed by law.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 13, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-049
(Council Bill 00-181)**

AN ORDINANCE CONCERNING

Fire and Police Employees' Retirement System

FOR the purpose of providing an increased benefit for members who retire before a certain date; providing for a special election for line-of-duty death benefits for members of the Deferred Retirement Option Plan; defining "break in service"; specifying a period within which active members may transfer certain prior service credits; increasing the accrual rates for intermediate and full DROP retirement benefits; shortening the eligibility period for a full DROP retirement benefit; providing active employees with a reduction in certain future contributions; providing for a special funding source; extending the time period for the allocation of excess earnings used by the City of Baltimore and the Fire and Police Employees' Retirement System plan participants; increasing the balances in the minimum stabilization funds according to a specific schedule; clarifying, correcting, and conforming certain language; providing for a special effective date; and generally relating to the Fire and Police Employees' Retirement System.

BY adding

Article 22 - Retirement Systems
Section(s) 30(19), 32(i)(7), 34(x) 36A(g)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 22 - Retirement Systems

Section(s) ~~36B(f) and (g)~~ 36(j)(6) to (8) and (11) to (14), 36B(f), (g), and (k)

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 22 - Retirement Systems

Subtitle - Fire and Police Employees' Retirement System

§ 30. Definitions.

The following words and phrases as used in this subtitle, unless a different meaning is plainly required by the context, shall have the following meaning:

(19) "BREAK IN SERVICE" IS THE PERIOD OF TIME BETWEEN THE DATE WHEN A MEMBER TERMINATES EMPLOYMENT COVERED BY A FORMER SYSTEM, AS DEFINED IN § 32(1)(1)(B) OF THIS SUBTITLE, AND THE DATE THE MEMBER BEGINS CITY EMPLOYMENT IN A POSITION COVERED BY THIS SYSTEM.

§ 32. Service creditable.

(i) *Transfers of service.*

~~(7) Transfers for service between July 1 and December 31, 2000:~~

~~(A) This paragraph (7) applies to members who retire after December 31, 2000, and have incurred a break in service of more than 180 days but less than 366 days.~~

~~(B) A member described in subparagraph (A) may elect to transfer service from a former system into this system by:~~

~~(i) on or before December 31, 2000, submitting a completed application to transfer that service to this system;~~

~~(ii) purchasing the former service under the applicable provisions of paragraph (2)(B) or (C) of this subsection; and~~

~~(iii) complying with all requirements of paragraph (2)(A), (D), and (E) of this subsection, except that the payment for the transferred service must be completed before the earlier of:~~

~~1. 10 years from the date this system receives the member's application to transfer service; or~~

~~2. the member's retirement date.~~

(7) SPECIAL RULE FOR MEMBERS AS OF JUNE 30, 2000.

(A) AN EMPLOYEE WHO BECOMES A MEMBER OF THIS SYSTEM ON OR BEFORE JUNE 30, 2000, MAY TRANSFER SERVICE PREVIOUSLY ACQUIRED IN A FORMER SYSTEM IF:

- (I) THE MEMBER HAS INCURRED A BREAK IN SERVICE OF LESS THAN 366 DAYS BEFORE BEGINNING EMPLOYMENT COVERED BY THIS SYSTEM;
- (II) THE MEMBER FILES AN APPLICATION WITH THIS SYSTEM TO TRANSFER THAT SERVICE ON OR BEFORE DECEMBER 31, 2000;
- (III) THE MEMBER'S FORMER SYSTEM PROVIDES VERIFICATION TO THIS SYSTEM OF THE MEMBER'S TRANSFERRED SERVICE; AND
- (IV) ON TRANSFERRING CREDIT FROM THE MEMBER'S FORMER SYSTEM, THE MEMBER NO LONGER WOULD BE ELIGIBLE TO RECEIVE A PRESENT OR FUTURE BENEFIT FROM THE FORMER SYSTEM FOR THE SERVICE TRANSFERRED.

(B) A MEMBER DESCRIBED IN SUBPARAGRAPH (A) MAY ELECT TO TRANSFER SERVICE FROM A FORMER SYSTEM INTO THIS SYSTEM BY:

- (I) PURCHASING THE FORMER SERVICE UNDER THE APPLICABLE PROVISIONS OF PARAGRAPH (2)(B) OR (C) OF THIS SUBSECTION; AND
- (II) COMPLYING WITH ALL REQUIREMENTS OF PARAGRAPH (2)(D) AND (E) OF THIS SUBSECTION, EXCEPT THAT THE PAYMENT FOR THE TRANSFERRED SERVICE MUST BE COMPLETED BEFORE THE EARLIER OF:
 - 1. 10 YEARS FROM THE DATE THIS SYSTEM RECEIVES THE MEMBER'S APPLICATION TO TRANSFER SERVICE; OR
 - 2. THE MEMBER'S RETIREMENT DATE.

§ 34. Benefits.

~~(X) INCREASE FOR MEMBERS RETIRING ON OR BEFORE JUNE 30, 2000.~~

~~MEMBERS WHO RETIRE ON OR BEFORE JUNE 30, 2000, SHALL RECEIVE A 1% INCREASE IN THEIR PENSION BENEFITS. THIS INCREASE SHALL BE EFFECTIVE JULY 1, 2000 AND PAYABLE BEGINNING WITH THE FIRST FULL PAY PERIOD AFTER JULY 1, 2000.~~

§ 36. Method of financing.

(j) Interest and earnings.

- (6) [Commencing] BEGINNING with the June 30, 1996, valuation date, any excess earnings or deficit earnings of the system as of the June 30 valuation date not allocated by the Board of Trustees under paragraphs (1) - (4) [hereinafter] "unallocated earnings") shall be applied as follows:
 - (i) 1/3 of the unallocated earnings shall be credited or charged to the Benefit Improvement Fund for the exclusive purpose of funding [future] benefit improvements for members and beneficiaries of the system;

- (ii) 2/3 of unallocated earnings shall be credited or charged to the Employer Reserve Fund for the exclusive purpose of reducing the required annual contributions of the City to the system.
- (7) (i) Effective with unallocated earnings as of June 30, 1997, the first \$10-million of unallocated earnings credited to the Benefit Improvement Fund shall not be available for funding the cost of benefit improvements and the first \$20-million of unallocated earnings credited to the Employer Reserve Fund shall not be available for reducing the City's annual contributions, but shall instead become permanent, minimum stabilization fund balances [which shall be] restricted in use only for application against future earnings deficits of the system.
- (ii) BEGINNING JUNE 30, 2000, UNALLOCATED EARNINGS SHALL FIRST BE APPLIED TO INCREASE THE MINIMUM STABILIZATION FUND BALANCES FOR THE BENEFIT IMPROVEMENT FUND AND THE EMPLOYER RESERVE FUND, ACCORDING TO THE FOLLOWING SCHEDULE. IF THE UNALLOCATED EARNINGS ARE INSUFFICIENT TO INCREASE THE BALANCES AS SPECIFIED, THE UNALLOCATED EARNINGS IN SUBSEQUENT YEARS SHALL FIRST BE APPLIED TO MEET THE REQUIREMENTS OF THIS SCHEDULE.

MINIMUM STABILIZATION FUND BALANCE INCREASES
(IN MILLIONS)

<u>JUNE 30</u>	<u>BENEFIT IMPROVEMENT FUND</u>	<u>EMPLOYER RESERVE FUND</u>	<u>CUM.TOTAL</u>
<u>1999*</u>	<u>\$10.0</u>	<u>\$ 20.0</u>	<u>\$30.0</u>
<u>2000</u>	<u>15.0</u>	<u>30.0</u>	<u>75.0</u>
<u>2001</u>	<u>3.0</u>	<u>6.0</u>	<u>84.0</u>
<u>2002</u>	<u>3.0</u>	<u>6.0</u>	<u>93.0</u>
<u>2003</u>	<u>2.3</u>	<u>4.7</u>	<u>100.0</u>

*ACTUAL BALANCES AS OF JUNE 30, 1999

- (iii) Future earnings deficits shall be applied in the same 1/3 -2/3 ratio as excess earnings, provided that such deficits first be charged against the minimum stabilization fund balances in each of the Benefit Improvement Fund and the Employer Reserve Fund. Any remaining deficits shall then be charged against the unrestricted portions of the Benefit Improvement Fund and the Employer Reserve Fund. In the event that future deficits are applied against these minimum stabilization fund balances, such balances must be replenished before any additional unallocated earnings are credited to the unrestricted portions of the Benefit Improvement Fund and the Employer Reserve Fund.
- (8) Excess earnings credited to the Benefit Improvement Fund shall be used to fund retirement laws [newly enacted by the Mayor and City Council to provide] PROVIDING benefits for members and beneficiaries of the system [("future benefits")]. The cost of [future] THESE benefits shall be calculated by the system's actuary and shall be charged against the Benefit Improvement Fund by using an actuarial present value method of costing in conjunction with actuarial assumptions and methods in place as of the effective date of [that] THE ordinance CREATING OR IMPROVING THE BENEFITS, AS MODIFIED IF NECESSARY TO REFLECT CHANGES IN EXPECTED EXPERIENCE TO THE PLAN ON ACCOUNT OF THE ORDINANCE.
- (11) Unallocated excess earnings shall be credited or deficit earnings shall be charged against the Benefit Improvement Fund and the Employer Reserve Fund [only] through the June 30, [2000] 2005, valuation date.

(12) Any balance in the Benefit Improvement Fund or the Employer Reserve Fund at June 30, [2000] 2005, whether positive or negative, shall be combined with the minimum stabilization fund balance in each respective fund as of June 30, [2000] 2005, to produce a "combined balance" for each respective fund.

(13) Any positive combined balance in the Benefit Improvement Fund or the Employer Reserve Fund at June 30, [2000] 2005, shall continue to earn interest at the rate of 8.25% per annum, compounded annually, and may be used, respectively, to fund [future] benefits or to reduce the City's annual contribution until the balance in each [respective] fund is reduced to zero.

(14) Any negative combined balance in the Benefit Improvement Fund or the Employer Reserve Fund at June 30, [2000] 2005, shall be applied by the Board of Trustees in accordance with an appropriate asset valuation method, as recommended by the system's actuary.

§ 36A. Post-retirement benefit increases to certain retirees and beneficiaries.

(G) INCREASE FOR CERTAIN RETIREES AND BENEFICIARIES AS OF JUNE 30, 2000.

RETIRED MEMBERS AND BENEFICIARIES OF RETIRED MEMBERS WHO RETIRED ON OR BEFORE JUNE 30, 2000, AND ANY SURVIVING BENEFICIARY OF A MEMBER WHO BEGAN RECEIVING PERIODICALLY PAID BENEFITS FROM THIS SYSTEM ON OR BEFORE JUNE 30, 2000, WILL RECEIVE A 1% INCREASE IN THEIR PERIODIC BENEFITS. THIS INCREASE WILL BE EFFECTIVE JUNE 30, 2000, AND PAYABLE BEGINNING WITH THE FIRST FULL PAY PERIOD THAT FOLLOWS.

§ 36B. Deferred Retirement Option Plan.

(f) Intermediate DROP retirement benefit.

Notwithstanding § 34(b) of this subtitle, any member who resumes earning credit for service following the [conclusion] END of a DROP participation period and WHO retires or terminates service less than [5 years thereafter] 18 MONTHS LATER, shall receive[, upon] ON retirement[,] an "intermediate DROP retirement benefit" equal to:

- (1) the amount described in subsection (e)(1);
- (2) [3%] 3.5% of the member's "average final compensation" (as defined in § 30(11) of this subtitle) for each year of service credit, not to exceed [5 years] 18 MONTHS, earned by the member through continuous employment immediately following the [conclusion] END of the DROP participation period. For purposes of this subsection (f)(2) and consistent with the 1st paragraph of subsection (c)(1), "average final compensation" [shall include] INCLUDES compensation earned during the DROP participation period[.];
- (3) 2% of the member's "average final compensation"[.] for each year of service not already included in the calculation of the member's service retirement allowance under paragraph (1) or (2) of this subsection (f); and
- (4) the sum of paragraphs (2) and (3) of subsection (e), payable pursuant to the MEMBER'S election [of the member] under subsection (n).

For purposes of calculating this "intermediate DROP retirement benefit", partial years of service credit [shall be] ARE prorated.

(g) *Full DROP retirement benefit.*

Notwithstanding § 34(b) of this subtitle, any member who resumes earning credit for service following the [conclusion] END of a DROP participation period and WHO retires or terminates service [5] 18 or more [years thereafter] MONTHS LATER, shall receive[, upon] ON retirement[, a] a “full DROP retirement benefit” equal to:

- (1) the full service retirement allowance, as of the member’s actual date of retirement, available to the member under § 34(b) of this subtitle, excluding from the calculation of this retirement allowance the member’s service while a participant in the DROP;
- (2) [1%] 1.5% of the member’s “average final compensation” (AS DEFINED IN § 30(11) OF THIS SUBTITLE) for each year of service credit, not to exceed ~~5~~ 4 years, earned by the member through continuous employment immediately following the [conclusion] END of the DROP participation period; and
- (3) the sum of paragraphs (2) and (3) of subsection (e) payable pursuant to the MEMBER’S election [of the member] under subsection (m).

For purposes of calculating this “full DROP retirement benefit”, partial years of service credit [shall be] ARE prorated.

(k) [Special] LINE-OF-DUTY death benefit.

[Notwithstanding § 34(i) of this subtitle, upon proper proof of death and determination by a hearing examiner that a member has died in service arising out of and in the course of the actual performance of duty, without willful negligence on his or her part, during, at the conclusion of, or following a DROP participation period, the recipient of the special death benefit that is payable under the member’s death may elect to receive either:

- (1) the ordinary death benefit payable upon the death of a member under subsection (j); or
- (2) the special death benefit payable under § 34(i) in lieu of any DROP benefits provided by this § 36B (including any balance in the member’s DROP account and Annuity Savings fund subaccount), as though the member had never participated in the DROP.]

(1) SCOPE OF SUBSECTION.

THIS SUBSECTION APPLIES ONLY TO AN INDIVIDUAL:

(A) WHO DIES WHILE A MEMBER OF THIS SYSTEM, DURING, AT THE CONCLUSION OF, OR FOLLOWING A DROP PARTICIPATION PERIOD; AND

(B) WHOSE DEATH HAS BEEN DETERMINED BY A HEARING EXAMINER, AS PROVIDED IN § 33(L) OF THIS SUBTITLE, TO HAVE ARISEN:

(I) OUT OF AND IN THE COURSE OF THE ACTUAL PERFORMANCE OF DUTY; AND

(II) WITHOUT WILLFUL NEGLIGENCE ON THE PART OF THE MEMBER.

(2) LINE-OF-DUTY DEATH BENEFIT.

ON THE RECEIPT OF A WRITTEN APPLICATION, PROPER PROOF OF DEATH, AND AN AWARD BY A HEARING EXAMINER OF A LINE-OF-DUTY DEATH BENEFIT AS PROVIDED FOR IN PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD OF TRUSTEES SHALL PAY EITHER:

(A) THE ORDINARY DEATH BENEFIT PAYABLE ON THE DEATH OF A MEMBER UNDER SUBSECTION (J) OF THIS SECTION; OR

(B) THE LINE-OF-DUTY DEATH BENEFIT PAYABLE UNDER § 34(I) IN LIEU OF ANY DROP BENEFITS PROVIDED BY THIS SECTION, INCLUDING ANY BALANCE IN THE MEMBER'S DROP ACCOUNT AND ANNUITY SAVINGS FUND SUBACCOUNT, AS THOUGH THE MEMBER HAD NEVER PARTICIPATED IN THE DROP.

(3) SPECIAL ELECTION RULE.

THE ELECTION TO RECEIVE A LINE-OF-DUTY DEATH BENEFIT UNDER EITHER PARAGRAPH (2)(I) OR (II) OF THIS SUBSECTION SHALL BE MADE:

(A) BY THE MEMBER'S SURVIVING SPOUSE;

(B) IF THERE IS NO SURVIVING SPOUSE, BY THE LEGAL GUARDIAN OF THE MEMBER'S MINOR CHILD OR CHILDREN;

(C) IF THERE IS NO SURVIVING SPOUSE OR MINOR CHILDREN, BY EITHER OR BOTH OF THE MEMBER'S SURVIVING DEPENDENT PARENTS WHO ARE DESIGNATED BENEFICIARIES;

(D) IF THERE IS NO SURVIVING SPOUSE OR MINOR CHILDREN AND IF THE DECEASED MEMBER DID NOT DESIGNATE A SURVIVING PARENT AS BENEFICIARY, BY EITHER OR BOTH OF THE MEMBER'S SURVIVING DEPENDENT PARENTS (AS THAT TERM IS DEFINED IN § 34(I)(2)(B)); OR

(E) IF THERE IS NO SURVIVING SPOUSE, MINOR CHILDREN, OR DEPENDENT PARENTS, BY THE MEMBER'S DESIGNATED BENEFICIARY OR BENEFICIARIES.

SECTION 2. AND BE IT FURTHER ORDAINED, That, notwithstanding § 36(h) or any other provision of Article 22 to the contrary, for any member in service who is an employee of the Baltimore City Police Department or the Baltimore City Fire Department on June 30, 2000, the amount of contributions that otherwise would have been required under Article 22, starting with the first payroll date after June 30, 2000, and continuing for the next 25 payroll periods, shall be reduced by an amount equal to \$10 for each payroll period. The contribution of an employee may not be reduced below zero dollars as a result of this reduction. Any reduction in employee contributions funded through net unallocated excess earnings, including the amount funded by the June 30, 1999, excess earnings shall, for benefit purposes, be treated as regular member contributions.

SECTION 3. AND BE IT FURTHER ORDAINED, That the excess earnings as of June 30, 1999, allocated to the Benefit Improvement Fund of the Fire and Police Employees' Retirement System shall be applied, as necessary, to fund the benefits provided to the Fire and Police Employees' Retirement System members under this Ordinance.

SECTION 34. 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 45. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 22, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-050
(Council Bill 00-029)**

AN ORDINANCE CONCERNING

Retirement Systems

FOR the purpose of correcting an obsolete reference to the officer who may be designated to represent the Police Commissioner on the Fire and Police Employees' Retirement System Board of Trustees; and providing for a special effective date.

BY repealing and reordaining, with amendments

Article 22 - Retirement Systems
Section(s) 33(b)(6)(i)
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 22— Retirement Systems

Subtitle — Fire and Police Employees' Retirement System

§ 33. Administration.

(b) *Members.*

The Board consists of 9 trustees, as follows:

- (6) (i) If the Police Commissioner does not attend any meeting of the Board of Trustees, the Commissioner may be represented by a [Chief] DEPUTY COMMISSIONER of the Police Department who has administrative responsibilities, as designated by the Commissioner. This representative has the power to act in the Commissioner's place.

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 on the date it is enacted.

Approved June 26, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-051
(Council Bill 00-031)**

AN ORDINANCE CONCERNING

**Zoning — Health-Care Facilities —
Conditional Use Substance Abuse Treatment Center —
1849 West Pratt Street**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of substance abuse treatment center on the property known as 1849 West Pratt Street, as outlined in red on the accompanying plat.

BY authority of

Article 30 - Zoning
Section(s) 6-409 (1) and 14-102
and
Article - Health
Section 3-102
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of a substance abuse treatment center on the property known as 1849 West Pratt Street, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 6-409(1) and 14-102 and Health Code § 3-102 of the Baltimore City Code, subject to the ~~condition that~~ following conditions:

1. the maximum number of clients enrolled on site is 35 full-time equivalents as calculated on a 5-day, 40-hour work week; as calculated, if a client only comes for treatment once a week, that counts as 1/5th of an equivalent;
2. there may be no exterior sign on the facility other than a nameplate no larger than 6 inches wide by 6 inches high;
3. the outdoor "smoking area" is limited to the rear of the property and may not be on the public right-of-way;
4. no one may reside on the premises, but the facility may operate 24 hours a day; and
5. the substance abuse treatment center ~~complies~~ must comply with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved June 26, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-052
(Council Bill 00-054)**

AN ORDINANCE CONCERNING

Employees' Retirement System — Regular Interest for Valuation

FOR the purpose of reducing the regular interest rate for valuation purposes in the Employees' Retirement System; correcting and clarifying certain language; providing for the retroactive application of these changes; and providing for a special effective date.

BY repealing and reordaining, with amendments

Article 22 - Retirement Systems
Section(s) 1(9)
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 22 — Retirement Systems

Subtitle — Employees' Retirement System

§ 1. Definitions.

- (9) "Regular interest" for the Annuity Savings Fund [shall mean] MEANS interest at [5½% per annum] 5.5% PER YEAR, compounded annually. "Regular interest" for the Annuity Reserve Fund and the Pension Reserve Fund [shall mean] MEANS interest at 7% [per annum] PER YEAR, compounded annually. For valuation purposes, "regular interest" [shall mean 8¼%] MEANS 8% [prior to commencement of] BEFORE benefit payments COMMENCE and [6 -8/10%] 6.8% after [commencement of] benefit payments COMMENCE. "Regular interest" for the purpose of determining actuarial equivalents [shall mean] MEANS interest at [4½% per annum] 4.5% PER YEAR, compounded annually.

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 shall be construed retroactively and shall be applied to and interpreted to affect all fiscal years beginning on or after July 1, 1998.

SECTION 4. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 26, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-053
(Council Bill 00-085)**

AN ORDINANCE CONCERNING

**Acquisition of Property — Rights-of-Way for Public Utilities
Through the Properties Known as 2900 Liberty Heights Avenue and
3006 Druid Park Drive**

FOR the purpose of authorizing the Mayor and City Council of Baltimore to acquire, by purchase or condemnation, the fee simple or other interests in certain property located 2900 Liberty Heights Avenue and 3006 Druid Park Drive, and needed for a right-of-way for Municipal Utilities and Services - Water Contract No. 7611 - Hillen/Ashburton Bypass Main as shown on plats thereof numbered R.W.20-35910 and R.W.20-35912 and filed in the office of the Director of Department of Public Works; and providing for a special effective date.

BY authority of
Article I - General Provisions
Section 4
and
Article II - General Powers
Sections 2 and 45
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That it is necessary to acquire, for the purpose of creating the Hillen/Ashburton Bypass Main (Water Contract No. 7611), the fee simple or other interests that the Director of Public Works considers needed or sufficient in the land and improvements located at 2900 Liberty Heights Avenue and 3006 Druid Park Drive and more particularly described as follows:

Beginning for Right of Way for Municipal Utilities and Services No. 1 at a point on the northeast side of Liberty Heights Avenue, 100 feet wide, distant 36.31 feet northwesterly measured along the northeast side of said Liberty Heights Avenue from the northwest side of Druid Park Drive, 80 feet wide, having a coordinate value of West 13,686.475 feet and North 8,947.983 feet, and running thence binding on the northeast side of said Liberty Heights Avenue, North 69° 08' 00" West 60.02 feet; thence by straight lines through the property now or formerly owned by Back to the Bible Apostolic Faith Church, Inc. the three

following courses and distances; namely, North 19° 13' 50" East 173.31 feet, North 41° 43' 50" East 172.57 feet and North 64° 13' 50" East 386.12 feet to intersect the eighth line of the parcel of land conveyed by the Resolution Trust Corporation, Receiver to Back to the Bible Apostolic Faith Church, Inc. by deed dated October 24, 1994 and recorded among the Land Records of Baltimore City in Liber S.E.B. No. 4543, folio 238; thence binding on part of the eighth line of said deed, South 24° 10' 28" East 60.02 feet, and thence by straight lines through said property now or formerly owned by Back to the Bible Apostolic Faith Church, Inc. the three following courses and distances; namely, South 64° 13' 50" West 372.52 feet, South 41° 43' 50" West 148.70 feet and South 19° 13' 50" West 163.09 feet to the place of beginning.

Beginning for Right of Way Municipal Utilities and Services No. 2 at a point on the northwest side of Druid Park Drive, 80 feet wide, having a coordinate value of West 13,192.014 feet and North 9,369.616 feet, and running thence by straight lines through the property now or formerly owned by Elizabeth C. Fischer Et al the two following courses and distances; namely, North 30° 02' 20" West 7.51 feet and South 64° 13' 50" West 2.81 feet to intersect the eighth line of a parcel of land conveyed by the Resolution Trust Corporation, Receiver to Back to the Bible Apostolic Faith Church, Inc. by deed dated October 24, 1994 and recorded among the Land Records of Baltimore City in Liber S.E.B. No. 4543, folio 238; thence binding reversely on part of the eighth line of said deed, North 24° 10' 28" West 60.02 feet; thence by straight lines through said property now or formerly by Elizabeth C. Fischer Et al the three following courses and distances; namely, North 64° 13' 50" East 32.96 feet, South 72° 54' 15" East 35.00 feet and South 30° 02' 20" East 45.49 feet to intersect the northwest side of said Druid Park Drive, and thence binding on the northwest side of said Druid Park Drive, South 65° 49' 32" West 60.32 feet to the place of beginning.

Beginning for the Right of Way for Municipal Utilities and Services No. 2 at a point on the northwest side of Druid Park Drive, 80 feet wide, having a coordinate value of West 13,195.277 feet and North 9,368.147 feet, this point of beginning being the end of the eighth line of the parcel of land conveyed by the Resolution Trust Corporation, Receiver to Back to the Bible Apostolic Faith Church, Inc., by deed dated October 24, 1994, and recorded among the Land Records of Baltimore City in Liber S.E.B. No. 4543, folio 238, and running thence binding reversely on part of the eighth line of that deed, North 24° 10' 28" West 43.26 feet; thence by a straight line through the property now or formerly owned by Elizabeth C. Fischer, et al., South 72° 54' 36" East 65.59 feet to intersect the northwest side of Druid Park Drive, and thence binding on the northwest side of Druid Park Drive, South 65° 49' 32" West 49.31 feet to the place of beginning.

All courses, distances and coordinates in the above descriptions are referred to the true meridian as adopted by the Baltimore Survey Control System.

Including all property, rights, interests, easements and/or franchises necessary for said Public Utility Rights of Way and the construction and maintenance of said Hillen/Ashburton Bypass Main (Water Contract No. 7611) and/or other municipal utilities and services in said Public Utility Rights of Way, the location and course of said Public Utility Rights of Way being shown on plats thereof numbered R.W.20-35910 and R.W.20-35912 prepared by the Survey Control Section and filed in the office of the Director of the Department of Public Works on November 13, 1997 as revised through ~~September 20, 1999~~ June 7, 2000.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Department of Real Estate, or any other person or agency that the Board of Estimates designates, may negotiate and acquire on behalf of the Mayor and City Council of Baltimore, the fee simple or other interests in the land and improvements described in this Ordinance as needed or sufficient for the purposes described in this Ordinance. If the Department of Real Estate, or the person or agency otherwise designated by the Board of Estimates, is unable to agree with the owner on the purchase price for the property, it shall promptly notify the City Solicitor, who shall institute the necessary legal proceedings to acquire by condemnation the fee simple or other interests needed or sufficient for the purposes described in this Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That the proceedings for the acquisition by condemnation of the property described in this Ordinance and all rights of all parties interested or affected shall be in accordance with Title 12 of The Real Property Article of the Maryland Code.

SECTION 4. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 26, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-054
(Council Bill 00-102)**

AN ORDINANCE CONCERNING

**Rezoning — ~~2306, 2310, 2312, 2314, and 2316~~ West Patapsco
Avenue and ~~3100, 3104, and 3110~~ Hollins Ferry Road**

FOR the purpose of changing the zoning for the properties known as 2306, 2310, 2312, 2314, and 2316 West Patapsco Avenue ~~and~~, 3100 and 3104 Hollins Ferry Road, and Block 7531/Lots 011, 012, 013, 014, 015, 016 and 017 (fronting unopened Frank Avenue right-of-way), as outlined in red on the accompanying plat, from the R-6 Zoning District to the B-2-1 Zoning District ~~and~~, for the property properties known as 3110 Hollins Ferry Road, 2301 West Patapsco Avenue, and 3210, 3212, and 3214 Hollins Ferry Road, as outlined in ~~red~~ blue on the accompanying plat, from the B-3-1 Zoning District to the B-2-1 Zoning District, and for the properties known as 3216, 3218, and 3220 Hollins Ferry Road, as outlined in green on the accompanying plat, from the R-4 Zoning District to the B-2-1 Zoning District.

BY amending

Article - Zoning
Zoning District Maps
Sheet(s) 84
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 84 of the Zoning District Maps is amended by changing from the R-6 Zoning District to the B-2-1 Zoning District the properties known as 2306, 2310, 2312, 2314, and 2316 West Patapsco Avenue ~~and~~, 3100 and 3104 Hollins Ferry Road, and Block 7531/Lots 011, 012, 013, 014, 015, 016 and 017 (fronting unopened Frank Avenue right-of-way), as outlined in red on the plat accompanying this Ordinance, ~~and~~ by changing from the B-3-1 Zoning District to the B-2-1 Zoning District the property properties known as 3110 Hollins Ferry Road, 2301 West Patapsco Avenue, and 3210, 3212, and 3214 Hollins Ferry Road, as outlined in ~~red~~ blue on the plat accompanying this Ordinance, and by changing from the R-4 Zoning District to the B-2-1 Zoning District the properties known as 3216, 3218, and 3220 Hollins Ferry Road, as outlined in green on the accompanying plat.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission,

the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved June 26, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-055
(Council Bill 00-103)**

AN ORDINANCE CONCERNING

**Planned Unit Development — Designation —
West Patapsco Avenue and Hollins Ferry Road**

FOR the purpose of approving the application of Phillips Edison & Company, contract purchaser of certain properties located at 2306, 2310, 2312, 2314, and 2316 West Patapsco Avenue ~~and~~ 3100 and 3104 Hollins Ferry Road, and Block 7531/Lots 011, 012, 013, 014, 015, 016, and 017, and Taco Bell of Baltimore, Inc., owner of certain property located at 3110 Hollins Ferry Road, to have those properties designated a Business Planned Unit Development; and approving the Development Plan submitted by the applicant.

BY authority of

Article - Zoning
Title 9, Subtitles 1 and 4
Baltimore City Revised Code
(Edition 2000)

Recitals

Phillips Edison & Company is the contract purchaser of properties located at 2306, 2310, 2312, 2314, and 2316 West Patapsco Avenue ~~and~~ 3100 and 3104 Hollins Ferry Road, and Block 7531/Lots 011, 012, 013, 014, 015, 016, and 017, and Taco Bell of Baltimore, Inc. is the owner of property located at 3110 Hollins Ferry Road, consisting of 2.59 acres, more or less.

Phillips Edison proposes to construct a drug store and pharmacy, drive-in (Walgreens), and Taco Bell intends to redevelop its property in the near future with a drive-in restaurant, including pick-up drive with window service.

On February 14, 2000, representatives of Phillips Edison and Taco Bell met with the Department of Planning for a preliminary conference, to explain the scope and nature of existing and proposed development on the property and to institute proceedings to have the property designated a Business Planned Unit Development.

The representatives of Phillips Edison and Taco Bell have applied to the Baltimore City Council for designation of the property as a Business Planned Unit Development, and they have submitted a Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 4 of the Baltimore City Zoning Code,.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council approves the application of Phillips Edison & Company, contract purchaser of the properties located at 2306, 2310, 2312, 2314, and 2316 West Patapsco Avenue ~~and~~, 3100 and 3104 Hollins Ferry Road, and Block 7531/Lots 011, 012, 013, 014, 015, 016, and 017, and Taco Bell of Baltimore, Inc., owner of the property located at 3110 Hollins Ferry Road, consisting of 2.59 acres, more or less, as outlined on the accompanying Development Plan consisting of ~~4~~ 5 sheets entitled "Context Map", "Proposed Conditions Plan - Phase I", "Proposed Conditions Plan - Phase II", ~~and~~ "Free Standing Signage", and "Walgreen's Elevations", dated ~~March~~ May 23, 2000, to designate the properties a Business Planned Development under Title 9, Subtitles 1 and 4 of the Baltimore City Zoning Code.

SECTION 2. AND BE IT FURTHER ORDAINED, That a drug store and pharmacy, drive-in, and a drive-in restaurant, including pick-up drive with window service, are authorized as a conditional use.

SECTION 3. AND BE IT FURTHER ORDAINED, That the Development Plan submitted by Phillips Edison & Company is approved.

SECTION 4. AND BE IT FURTHER ORDAINED, That all plans for the construction of permanent improvements on the property must be reviewed by the Planning Commission to insure that the plans are consistent with the Development Plan and this Ordinance.

SECTION 5. AND BE IT FURTHER ORDAINED, That the Planning Department may determine what constitutes minor or major modifications to the Plan. Minor modifications require approval by the Planning Commission. Major modifications require approval by Ordinance.

SECTION 6. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying Development Plan and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the Development Plan; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 7. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved June 26, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-056
(Council Bill 00-115)**

AN ORDINANCE CONCERNING

City Streets — Closing — Slemmers Alley

FOR the purpose of condemning and closing Slemmers Alley, extending from Pratt Street southeasterly to Stiles Street, as shown on Plat 346-A-36A in the Office of the Department of Public Works; and providing for a special effective date.

BY authority of

Article I - General Provisions

Section 4

and

Article II - General Powers

Sections 2, 34, 35

Baltimore City Charter

(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Department of Public Works shall proceed to condemn and close Slemmers Alley, extending from Pratt Street southeasterly to Stiles Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the southwest side of Slemmers Alley, 10 feet wide, and the southeast side of Pratt Street, 49.5 feet wide, said point of beginning being distant 100 feet, more or less, Northeasterly measured along the southeast side of said Pratt Street from the northeast side of President Street, varying in width, and running thence binding on the southeast side of said Pratt Street, Northeasterly 10.0 feet, more or less, to intersect the northeast side of said Slemmers Alley; thence binding on the northeast side of said Slemmers Alley, Southeasterly 203 feet, more or less, to intersect the northwest side of Stiles Street, 49.5 feet wide; thence binding on the northwest side of Stiles Street, Southwesterly 10.0 feet, more or less, to intersect the southwest side of said Slemmers Alley; and thence binding on the southwest side of Slemmers Alley, Northwesterly 203 feet, more or less, to the place of beginning.

As delineated on Plat 346-A-36A, prepared by the Survey Control Section and filed on February 24, 2000, in the Office of the Department of Public Works.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and closing of Slemmers Alley and the rights of all interested parties shall be regulated by and in accordance with all applicable provisions of state and local law and with all applicable rules and regulations adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SECTION 3. AND BE IT FURTHER ORDAINED, That after the closing under this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore continue to be the property of the Mayor and City Council, in fee simple, until their use has been abandoned by the Mayor and City Council. If any person wants to remove, alter, or interfere with them, that person must first obtain permission from the Mayor and City Council and, in the application for this permission, must agree to pay all costs and expenses, of every kind, arising out of the removal, alteration, or interference.

SECTION 4. AND BE IT FURTHER ORDAINED, That no building or structure of any kind (including but not limited to railroad tracks) may be constructed or erected in or on any part of the street closed under this Ordinance until all subsurface structures and appurtenances owned by the Mayor and City Council of Baltimore have been abandoned by the Mayor and City Council or, at the expense of the person seeking to erect the building or structure, have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City.

SECTION 5. AND BE IT FURTHER ORDAINED, That after the closing under this Ordinance, all subsurface structures and appurtenances owned by any person other than the Mayor and City Council of Baltimore shall be removed by and at the expense of their owners, promptly upon notice to do so from the Director of Public Works.

SECTION 6. AND BE IT FURTHER ORDAINED, That at all times after the closing under this Ordinance, the Mayor and City Council of Baltimore, acting by or through its authorized representatives, shall have access to the subject property and to all subsurface structures and appurtenances used by the Mayor and City Council, for the purpose of inspecting, maintaining, repairing, altering, relocating, or replacing any of them, without need to obtain permission from or pay compensation to the owner of the property.

SECTION 7. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 26, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-057
(Council Bill 00-120)**

AN ORDINANCE CONCERNING

**Planned Unit Development — Amendment —
Port Covington**

FOR the purpose of expanding the allowed uses in and approving certain amendments to the Development Plan of the Port Covington Planned Unit Development; and providing for a special effective date.

BY authority of

Article - Zoning
Title 9, Subtitles 1 and 5
Baltimore City Revised Code
(Edition 2000)

Recitals

By Ordinance 90-425, the Mayor and City Council approved the application of Western Maryland Railway Company to have certain property located in Baltimore City and bounded generally by Light Street on the west, the Middle Branch of the Patapsco River on the south, the Maryland Port Administration Long Line Facility Basin on the east, and Cromwell Street on the north, consisting of 68 acres, more or less, together with certain piers and riparian areas, including certain portions of the property that were subject to leases, designated as an Industrial Planned Unit Development and approved the Development Plan submitted by the applicant, as amended by a Minor PUD Amendment dated March 3, 1997 (collectively, the "Existing PUD").

The existing conditions at the property are shown on the Existing Conditions Plan (Amended), appended to this Ordinance as Sheet 1 of 3, dated May 25, 2000.

Starwood Ceruzzi, LLC ("Starwood"), Contract Purchaser, wishes to amend the Development Plan, as previously approved by the Mayor and City Council, to develop the portion of the Property designated "Area I" in the Existing PUD as a "power center", which development requires amendment of the Existing PUD.

On April 7, 2000, representatives of Starwood met with the Department of Planning for a preliminary conference, to explain the scope and nature of the proposed amendments to the Development Plan.

The representatives of Starwood have applied to the Baltimore City Council for approval of these amendments, and they have submitted amendments to the Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 5 of the Baltimore City Zoning Code.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council approves the amendments to the Development Plan submitted by the Developer, as attached to and made part of this Ordinance, including the adoption of ~~a Development Concept for Area I (Amended) an~~ Area I Master Plan and an Area I Schematic Landscape Plan, dated May 25, 2000, appended to this Ordinance as Sheet 2 of ~~2~~ 3 and Sheet 3 of 3, respectively (collectively, the “Area I Revised Development Plan”).

SECTION 2. AND BE IT FURTHER ORDAINED, That the Area I Revised Development Plan attached to this Ordinance is approved.

SECTION 3. AND BE IT FURTHER ORDAINED, That, notwithstanding the provisions of Section 3 of the Existing PUD:

- a. In accordance with the provisions of Zoning Code § 9-502, all uses permitted in the underlying M-1 District are allowed within Area I.
- b. In accordance with the provisions of Zoning Code § 9-503, all uses permitted in a B-2 District are allowed within Area I, except those uses specifically prohibited in subsection 3(e) of this Section.
- c. In accordance with the provisions of Zoning Code §§ 9-502 and 9-503, all uses conditional in the B-1, B-2, ~~B-3~~, and M-1, ~~M-2~~, and ~~M-3~~ Districts are conditionally allowed in Area I, subject to the requirements and provisions of Zoning Code Title 14, except those uses specifically prohibited in subsection 3(e) of this Section.
- d. In addition, the following uses are allowed in Area I:

Automobile accessory stores, including repair and installation services, if accessory;

Building and lumber material sales establishments with shops and yards;

Computer centers, including retail sales and service;

Department stores;

Drug stores and pharmacies, if accessory;

Dry cleaning and laundry establishments;

Greenhouses, if accessory;

Hardware stores;

Lumber yards;

Machinery sales and rental – household, business, office;

Motor vehicle rental establishments;

Musical instrument sales and repair;

Office supply stores;

Open off-street parking areas;

Outdoor table service when accessory to a restaurant use;

Parcel collection and delivery stores;

Photographic printing and developing establishments;

Plumbing, heating, and electrical equipment showrooms and shops;

Police substations;

Recreational facilities, indoor and outdoor;

Restaurants and carry out food shops, without live music and dancing;

Restaurants and carry out food shops, ~~including without~~ live music and dancing, and including drive-in restaurants with pick-up windows, only within Sub-Area D on the Area I Revised Development Plan;

Sporting and athletic good stores;

Telephone stores;

Tire and battery retailers, if accessory; and

Wholesale establishments.

- e. Notwithstanding subsection (a) through (d) of this Section, the following uses are prohibited in Area I:

Adult entertainment businesses;

Amusement arcades;

Apartment hotels;

Automobile service stations;

Bed and breakfast establishments;

Bingo halls;

Blood donor centers;

Bowling establishments;

Check cashing agencies;

Community colleges, colleges, business colleges, and universities;

Day care facilities;

Distribution facilities/warehouses;

Drug stores, except as an accessory use;

Dwellings;

Fraternity and sorority houses;

Gambling activities related to any game not authorized by the Maryland State Lottery;

Helistops;

Hotels and motels;

Housing for the elderly;

Massage salons;

Physical culture and health services - gymnasiums, reducing salons, and public baths;

Pool halls and billiard parlors;

Poultry and rabbit killing establishments;

Private clubs and lodges;

Rooming and boarding houses;

Schools, elementary and secondary;

Skating rinks;

Swimming pools;

Taverns;

Tennis and lacrosse clubs; and

Theaters.

SECTION 4. AND BE IT FURTHER ORDAINED, That the square footage of the buildings located within the sub-areas shown on the Area I Revised Development Plan shall be as follows:

- a. Sub-Area A – at least 80,000 square feet, with individual users each occupying no less than 40,000 square feet;
- b. Sub-Area B – at least 80,000 square feet, with individual users each occupying no less than 40,000 square feet;
- c. Sub-Area C – at least 120,000 square feet, including (i) 60,000 square feet, with individual users each occupying no less than 20,000 square feet and (ii) 60,000 square feet, with no more than

seven users each occupying 4,000 square feet or less, nor more than three users each occupying more than 4,000 but less than 8,000 square feet, and the remaining users each occupying no less than 8,000 square feet; and

- d. Sub-Area D – at most 20,000 square feet.

SECTION 5. AND BE IT FURTHER ORDAINED, That the property is permitted to have 1 indirectly or directly illuminated free-standing sign located on the Cromwell Street side of the property, and 1 directly illuminated sign connected to the pumping station shown on the Area I Revised Development Plan. The signage on the pumping station is intended to be a mural or architectural feature. The signage, including free-standing signs, signs on buildings, and directional signage, must receive Final Design Approval by the Planning Commission.

SECTION 6. AND BE IT FURTHER ORDAINED, That the sale of alcoholic beverages within Area I is prohibited, except:

- a. as an accessory use to a restaurant (other than drive-in) permitted in Area I under this Ordinance; and
- b. as an accessory use to a 20,000 square foot or greater user permitted under this Ordinance but now prohibited from having a liquor license under Article 2B, § 9-102(a-1) of the Maryland Code, if that State law is amended to remove the prohibition and if a subsequent ordinance amending this Ordinance is passed. An amendatory ordinance shall consider and attempt to mitigate the negative effect on the commercial competitiveness of a user affected by the prohibition of this Section 6, if that prohibition were to continue after the State law is amended.

SECTION 7. AND BE IT FURTHER ORDAINED, That the maximum above-grade building height of all buildings in Area I is 60 feet.

SECTION 5 8. AND BE IT FURTHER ORDAINED, That all plans for the construction of permanent improvements on the property must be reviewed by the Planning Commission to insure that the plans are consistent with the Development Plan and this Ordinance.

SECTION 6 9. AND BE IT FURTHER ORDAINED, That the Planning Department may determine what constitutes minor or major modifications to the Plan. Minor modifications require approval by the Planning Commission. Major modifications require approval by Ordinance.

SECTION 7 10. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying amended Development Plan and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the amended Development Plan; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the amended Development Plan; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the amended Development Plan to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 8 11. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 26, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-058
(Council Bill 00-132)**

AN ORDINANCE CONCERNING

Body Armor — Regulation of Transfer, Possession, Etc.

FOR the purposes of regulating the transfer or possession of body armor; requiring certain background checks and certain findings to be made before body armor may be sold or otherwise transferred to or possessed by persons; prohibiting the transfer of body armor to minors; establishing certain exceptions; defining certain terms; imposing certain penalties; and generally relating to the sale, transfer, use, or possession of body armor.

BY adding

Article 19 - Police Ordinances
Section(s) 3-1 through 3-7, inclusive, to be under the new
“Subtitle 3. Body Armor”
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 19 - Police Ordinances

SUBTITLE 3 - BODY ARMOR

§ 3-1. DEFINITIONS.

(A) *IN GENERAL.*

IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) *AMMUNITION.*

“AMMUNITION” MEANS ANY CARTRIDGE, SHELL, OR OTHER DEVICE THAT CONTAINS EXPLOSIVE OR INCENDIARY MATERIAL AND IS DESIGNED OR INTENDED FOR USE IN FIREARM.

(C) *BODY ARMOR.*

“BODY ARMOR” MEANS ANY MATERIAL OR OBJECT THAT IS DESIGNED TO COVER OR BE WORN ON ANY PART OF THE BODY TO PREVENT, DEFLECT, OR SLOW DOWN THE PENETRATION OF AMMUNITION.

(D) *FIREARM.*

“FIREARM” INCLUDES ANY PISTOL, REVOLVER, RIFLE, SHOTGUN, SHORT-BARRELED RIFLE, SHORT-BARRELED SHOTGUN, OR OTHER FIREARM.

(E) *MINOR*.

“MINOR” MEANS ANY PERSON UNDER THE AGE OF 18.

§ 3-2. PROHIBITED CONDUCT.

(A) *POSSESSION*.

NO PERSON MAY POSSESS ANY BODY ARMOR UNLESS THE PERSON IS:

- (1) AN ADULT; AND
- (2) EXPRESSLY AUTHORIZED UNDER THIS SUBTITLE TO DO SO.

(B) *TRANSFER*.

NO PERSON MAY SELL, GIVE, OR OTHERWISE TRANSFER, OR ATTEMPT TO SELL, GIVE, OR OTHERWISE TRANSFER ANY BODY ARMOR TO:

- (1) ANY MINOR; OR
- (2) EXCEPT AS EXPRESSLY AUTHORIZED IN THIS SUBTITLE, ANY OTHER PERSON.

§ 3-3. EXCEPTIONS.

THIS SUBTITLE DOES NOT APPLY TO OR PREVENT THE POSSESSION OF BODY ARMOR BY OR THE SALE OR OTHER TRANSFER OF BODY ARMOR TO:

- (1) A FEDERAL, STATE, CITY, OR COUNTY LAW ENFORCEMENT AGENCY OR OFFICER;
- (2) A SHERIFF, DEPUTY SHERIFF, OR OTHER EMPLOYEE DESIGNATED BY THE SHERIFF;
- (3) PUBLIC SAFETY OFFICERS, INCLUDING FIRE AND EMERGENCY MEDICAL SERVICES;
- (4) A STATE’S ATTORNEY, DEPUTY STATE’S ATTORNEY, ASSISTANT STATE’S ATTORNEY, OR OTHER EMPLOYEE DESIGNATED BY THE STATE’S ATTORNEY;
- (5) SPECIAL POLICE OFFICERS COMMISSIONED BY THE STATE;
- (6) CORRECTIONAL OFFICERS;
- (7) LICENSED PRIVATE DETECTIVES;
- (8) CERTIFIED SECURITY GUARDS; AND
- (9) ANY OTHER CLASS OF PUBLIC SAFETY PERSONNEL DESIGNATED BY THE POLICE COMMISSIONER.

§ 3-4. AUTHORIZED POSSESSION, TRANSFER, ETC.

THE POSSESSION OF BODY ARMOR BY AND THE SALE OR OTHER TRANSFER OF BODY ARMOR TO ANY PERSON IS AUTHORIZED ONLY IF:

- (1) THE PERSON IS ONE OF THOSE EXCEPTED UNDER § 3-3 OF THIS SUBTITLE; OR

(2) AFTER A BACKGROUND CHECK, THE POLICE COMMISSIONER CERTIFIES THAT THE PERSON:

(I) IS NOT A MINOR; AND

(II) HAS NOT BEEN PREVIOUSLY CONVICTED OF:

1. ANY FELONY;
2. ANY OFFENSE COMMITTED WITH OR WHILE POSSESSING A FIREARM; OR
3. ANY OFFENSE INVOLVING THE POSSESSION, USE, OR DISTRIBUTION OF A CONTROLLED DANGEROUS SUBSTANCE.

§ 3-5. IDENTIFICATION REQUIRED.

NO PERSON MAY SELL, GIVE, OR OTHERWISE TRANSFER OR ATTEMPT TO SELL, GIVE, OR OTHERWISE TRANSFER ANY BODY ARMOR TO ANY INDIVIDUAL WITHOUT FIRST VERIFYING THAT THE INDIVIDUAL IS AUTHORIZED UNDER THIS SUBTITLE TO OBTAIN BODY ARMOR.

§ 3-6. RULES AND REGULATIONS; FEES.

(A) *IN GENERAL.*

THE POLICE COMMISSIONER MAY ADOPT RULES AND REGULATIONS TO CARRY OUT THIS SUBTITLE.

(B) *FEES.*

THE POLICE COMMISSIONER MAY ESTABLISH AND IMPOSE REASONABLE FEES FOR UNDERTAKING A BACKGROUND CHECK UNDER THIS SUBTITLE.

§ 3-7. PENALTIES.

ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE OR OF A RULE OR REGULATION ADOPTED UNDER THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF \$1,000 OR IMPRISONMENT FOR 1 YEAR OR BOTH.

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 on the 30th day after the date it is enacted.

Approved June 26, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-059
(Council Bill 00-147)**

AN ORDINANCE CONCERNING

Bond Issue — Community Development Loan — \$26,000,000

FOR the purpose of authorizing the Mayor and City Council of Baltimore (pursuant to Resolution III of 2000 approved by the members of the General Assembly of Maryland representing Baltimore City) to issue and sell its certificates of indebtedness in an aggregate principal amount not exceeding \$26,000,000, the proceeds derived from the sale thereof to be used for the cost of issuance, including the expense of engraving, printing, advertising, attorneys' fees, and all other incidental expenses connected therewith, and the remainder of such proceeds to be used for or in connection with planning, developing, executing, and making operative the community development program of the Mayor and City Council of Baltimore, including, but not limited to, the acquisition, by purchase, lease, condemnation or any other legal means, of land or property, or any right, interest, franchise, easement or privilege therein, in the City of Baltimore; the payment of any and all costs and expenses incurred in connection with or incidental to the acquisition and management of said land or property, including any and all rights or interest therein hereinbefore mentioned; the payment of any and all costs and expenses incurred for or in connection with relocating and moving persons or other legal entities displaced by the acquisition of said land or property, or any of the rights or interest therein hereinbefore mentioned; the development, or redevelopment, including, but not limited to, the comprehensive renovation or rehabilitation of any land or property, or any rights or interests therein hereinbefore mentioned, in the City of Baltimore, and the disposition of land and property for such purposes; the elimination of unhealthful, unsanitary or unsafe conditions, lessening density, eliminating obsolete or other uses detrimental to the public welfare or otherwise removing or preventing the spread of blight or deterioration in the City of Baltimore; the demolition, removal, relocation, renovation or alteration of land, buildings, streets, highways, alleys, utilities or services, and other structures or improvements, and for the construction, reconstruction, installation, relocation or repair of buildings, streets, highways, alleys, utilities or services, and other structures or improvements; the payment of any and all costs and expenses incurred for or in connection with doing any or all of the things herein mentioned, including, but not limited to, the costs and expenses of securing administrative, appraisal, economic analysis, engineering, planning, designing, architectural, surveying, and other professional services; and for doing any and all things necessary, proper or expedient in connection with or pertaining to any or all of the matters or things hereinbefore mentioned; authorizing the issuance of refunding bonds; conferring and imposing upon the Board of Finance of Baltimore City certain powers and duties; authorizing the submission of this Ordinance to the legal voters of the City of Baltimore, for their approval or disapproval, at the General Election to be held in Baltimore City on Tuesday, the 7th day of November, 2000; and providing for the expenditure of the proceeds of sale of said certificates of indebtedness in accordance with the provisions of the Charter of the Mayor and City Council of Baltimore, and by the municipal agency designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

WHEREAS, By Resolution III of 2000 approved by the members of the General Assembly of Maryland representing Baltimore City, the Mayor and City Council of Baltimore is authorized to create a debt and to issue and sell its certificates of indebtedness (hereinafter called "bonds") as evidence thereof, in an aggregate principal amount not exceeding \$26,000,000 in the manner and upon the terms set forth in the bonds, not exceeding the par value of the bonds, to be used in connection with the community development program of the Mayor and City Council of Baltimore as authorized by said Resolution; and

WHEREAS, Funds are now needed for said purposes; now, therefore,

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council of Baltimore, acting by and through the Board of Finance of said municipality, be and it is hereby authorized and empowered to issue bonds of the Mayor and City Council of Baltimore in an aggregate principal amount not exceeding \$26,000,000, from time to time, as may be needed or required for the purposes hereinafter named and said bonds shall be sold by the Board of Finance from time to time and at such times as shall be requisite, and the proceeds derived from the sale of said bonds shall be used for the purposes hereinafter named, provided that this Ordinance shall not become effective unless it shall be approved by a majority of the votes of the legal voters of Baltimore City cast at the time and place hereinafter designated by this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That:

(a) The bonds shall be issued in denominations of not less than \$500 each, but may be in sums of \$500, or any suitable multiple thereof.

(b) The bonds authorized to be issued and sold under the provisions of this Ordinance may be issued to mature on such dates and in such amounts as the Board of Finance may determine; provided that the entire principal amount represented thereby shall be discharged not more than 40 years from the date of issuance of the bonds.

(c) The bonds, when issued, shall bear interest at such rate or rates as may be determined by the Board of Finance, which rate or rates may be fixed or variable or as determined by a method approved by the Board of Finance, and such interest shall be payable at such time or times as may be determined by the Board of Finance.

SECTION 3. AND BE IT FURTHER ORDAINED, That a majority of the Board of Finance of the Mayor and City Council of Baltimore be, and they are hereby, authorized to pass a resolution or resolutions, from time to time, to determine and set forth any or all of the following:

(a) The amount of debt to be incurred by the Mayor and City Council of Baltimore at any particular time, and from time to time, under and pursuant to the provisions of this Ordinance; the date or dates when any bonds representing said debt, or any part thereof, are to mature, and the amount or amounts of said debt, or any part thereof, which shall mature upon the aforesaid date or dates; and the date or dates in each year, during the entire period of time when any of said bonds are outstanding, when interest on any of said bonds shall be payable;

(b) The form or forms of the bonds representing the debt, or any part thereof, authorized to be issued under the provisions of this Ordinance at any particular time; and

(c) If the bonds are to be sold at public sale, the time, place, manner and medium of advertisement of the readiness of the Board of Finance, acting for and on behalf of the Mayor and City Council of Baltimore, to receive bids for the purchase of the bonds authorized to be issued hereunder or any part thereof; the form, terms and conditions of such bids; the time, place and manner of awarding bonds so bid for, including the right whenever any of the bonds authorized by this Ordinance are offered for sale and sold at the same time as other bonds of the City, to establish the conditions for bids and awards and to award all of the bonds on an all or none basis; and the time, place, terms and manner of settlement for the bonds so bid for.

SECTION 4. AND BE IT FURTHER ORDAINED, That:

(a) All premiums resulting from the sale of any of the bonds issued and sold pursuant to the provisions of this Ordinance shall be applied first to defray the cost of issuance thereof and the balance, if any, shall be applied to the payment of interest on any of said bonds becoming due and payable during the fiscal year in which said bonds are issued and sold or during the next succeeding fiscal year.

(b) The debt authorized by the provisions of this Ordinance, and the bonds issued and sold pursuant thereto and their transfer, and the principal and interest payable thereon (including any profit made in the sale thereof), shall be and remain exempt from any and all State, county and municipal taxation in the State of Maryland.

(c) All bonds issued and sold pursuant to the provisions of this Ordinance may be sold at public sale by the solicitation of competitive bids or at private (negotiated) sale without advertisement or solicitation of competitive bids, for a price or prices which may be at, above or below par value of the bonds, as determined by resolution of the Board of Finance of the Mayor and City Council of Baltimore. If the Board of Finance determines to sell the bonds at public sale, the bonds shall be sold to the highest responsible bidder or bidders therefor after due notice of such sale, but the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, shall have the right to reject any or all bids therefor for any reason.

SECTION 5. AND BE IT FURTHER ORDAINED, That until all of the interest on and principal of any bonds issued pursuant to the provisions of this Ordinance have been paid in full, the Mayor and City Council of Baltimore shall levy and impose an annual tax on each \$100 of assessable property in the City of Baltimore at a rate sufficient to produce revenue to pay all interest on and principal of all bonds theretofore issued and outstanding or authorized to be issued and outstanding, payable in the next succeeding year.

SECTION 6. AND BE IT FURTHER ORDAINED, That this Ordinance shall be submitted to the legal voters of the City of Baltimore, for their approval or disapproval, at the General Election to be held in Baltimore City, on Tuesday, the 7th day of November, 2000.

SECTION 7. AND BE IT FURTHER ORDAINED, That prior to the date of the election hereinbefore mentioned, notice shall be given to the public of the amount of money which the Mayor and City Council of Baltimore is authorized to borrow, and the general purposes for which such borrowed funds may be expended, under the terms and provisions of this Ordinance, and the time when the election hereinbefore mentioned is to be held; and such public notice shall be given in such manner and by such means or through such media and at such time or times as may be determined, from time to time, by a majority of the Board of Finance.

SECTION 8. AND BE IT FURTHER ORDAINED, That the actual cash proceeds derived from the sale of the bonds authorized to be issued under the provisions of this Ordinance shall be used exclusively for the following purposes, to wit:

(a) So much thereof as may be necessary, in addition to the premium realized from the sale, if any, for the cost of issuance, including the expense of engraving, printing, advertising, attorneys' fees, and all other incidental expenses connected therewith (which may include the proportion of the compensation of employees and general administrative expenses of the Department of Finance reasonably allocated to the issuance of the bonds); and

(b) The remainder of such proceeds shall be used for or in connection with planning, developing, executing and making operative the community development program of the Mayor and City Council of Baltimore, including, but not limited to:

(i) The acquisition, by purchase, lease, condemnation, or any other legal means, of land or property, or any right, interest, franchise, easement or privilege therein, in the City of Baltimore;

(ii) The payment of any and all costs and expenses incurred in connection with or incidental to the acquisition and management of said land or property, including any and all rights or interest therein hereinbefore mentioned;

(iii) The payment of any and all costs and expenses incurred for or in connection with relocating and moving persons or other legal entities displaced by the acquisition of said land or property, or any of the rights or interests therein hereinbefore mentioned;

(iv) The development or redevelopment, including, but not limited to, the comprehensive renovation or rehabilitation of any land or property, or any rights or interests therein hereinbefore mentioned, in the City of Baltimore, and the disposition of land and property for such purposes;

(v) The elimination of unhealthful, unsanitary or unsafe conditions, lessening density, eliminating obsolete or other uses detrimental to the public welfare or otherwise removing or preventing the spread of blight or deterioration in the City of Baltimore;

(vi) The demolition, removal, relocation, renovation or alteration of land, buildings, streets, highways, alleys, utilities or services, and other structures or improvements, and for the construction, reconstruction, installation, relocation or repair of buildings, streets, highways, alleys, utilities or services, and other structures or improvements;

(vii) The payment of any and all costs and expenses incurred for or in connection with doing any or all of the things herein mentioned, including, but not limited to, the costs and expenses of securing administrative, appraisal, economic analysis, engineering, planning, designing, architectural, surveying, and other professional services; and

(viii) Doing any and all things necessary, proper or expedient in connection with or pertaining to any or all of the matters or things hereinbefore mentioned.

All such land or property shall be acquired, developed, redeveloped, renovated, rehabilitated, altered, improved, held or disposed of, as provided by law.

SECTION 9. AND BE IT FURTHER ORDAINED, That:

(a) The Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, is hereby authorized and empowered to issue its bonds for the purpose of refunding any bonds authorized to be issued under the provisions of this Ordinance by payment at maturity or the purchase or redemption of bonds in advance of maturity. The validity of any refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the bonds being refunded. Such refunding bonds may be issued by the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, for the purpose of providing it with funds to pay any of its outstanding bonds authorized to be issued under the provisions of this Ordinance at maturity, to purchase in the open market any of its outstanding bonds authorized to be issued under the provisions of this Ordinance prior to their maturity, to redeem prior to their maturity any outstanding bonds which are, by their terms, redeemable, to pay interest on any outstanding bonds prior to their payment at maturity or purchase or redemption in advance of maturity, or to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds authorized to be issued under the provisions of this Ordinance.

(b) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued for the public purpose of:

(1) Realizing savings to Baltimore City in the aggregate cost of debt service on either a direct comparison or present value basis; or

(2) Debt restructuring that:

(i) In the aggregate effects such a reduction in the cost of debt service; or

(ii) Is determined by the Board of Finance of the Mayor and City Council of Baltimore to be in the best interests of Baltimore City, to be consistent with Baltimore City's long-term financial plan, and to realize a financial objective of Baltimore City including, improving the relationship of debt service to a source of payment such as taxes, assessments, or other charges.

(c) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued in whatever principal amount shall be required to achieve the purpose for the issuance of the refunding bonds, which amount may be in excess of the principal amount of the bonds refunded or the maximum principal amount of bonds authorized to be issued under Section 1 of this Ordinance.

(d) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued to mature on such dates and in such amounts as the Board of Finance may determine; provided that the entire principal amount represented by the refunding bonds shall be discharged not more than 40 years from the date of issuance of the bonds being refunded.

(e) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be sold at public sale by the solicitation of competitive bids or at private (negotiated) sale without advertisement or solicitation of competitive bids, for a price or prices which may be at, above or below the par value of the refunding bonds, as determined by resolution of the Board of Finance of the Mayor and City Council of Baltimore. If the Board of Finance determines to sell the refunding bonds at public sale, the refunding bonds shall be sold to the highest responsible bidder or bidders therefor after due notice of such sale, but the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, shall have the right to reject any or all bids therefor for any reason.

(f) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance shall bear interest at such rate or rates as may be determined by the Board of Finance of the Mayor and City Council of Baltimore, which rate or rates may be fixed or variable or as determined by a method approved by the Board of Finance, and such interest shall be payable at such time or times as may be determined by the Board of Finance.

(g) The proceeds of the sale of any refunding bonds authorized to be issued and sold under the provisions of this Ordinance, after the payment of issuance costs relating thereto, shall be set aside by the Mayor and City Council of Baltimore as a separate trust fund to be used solely for the purposes stated in this Section 9.

(h) Except as otherwise provided in this Section 9, the powers granted in, the limitations and obligations imposed by, and the procedures specified in this Ordinance with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds.

(i) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance shall not be subject to any debt policy limitation that may from time to time be established by the Mayor and City Council of Baltimore.

SECTION 10. AND BE IT FURTHER ORDAINED, That the expenditure of the proceeds derived from the sale of the bonds authorized to be issued under the provisions of this Ordinance shall be in accordance with the provisions of the Charter of the Mayor and City Council of Baltimore, and by the municipal agency designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

Approved June 26, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-060
(Council Bill 00-148)**

AN ORDINANCE CONCERNING

Bond Issue — Economic Development Loan — \$18,500,000

FOR the purpose of authorizing the Mayor and City Council of Baltimore (pursuant to Resolution IV of 2000 approved by the members of the General Assembly of Maryland representing Baltimore City) to issue and sell its certificates of indebtedness in an aggregate principal amount not exceeding \$18,500,000, the proceeds derived from the sale thereof to be used for the cost of issuance, including the expense of engraving, printing, advertising, attorneys' fees, and all other incidental expenses connected therewith, and the remainder of such proceeds to be used for or in connection with planning, developing, executing, and making operative the commercial and industrial economic development program of the Mayor and City Council of Baltimore, including, but not limited to, the acquisition, by purchase, lease, condemnation or any other legal means, of land or property, or any right, interest, franchise, easement or privilege therein, in the City of Baltimore; the payment of any and all costs and expenses incurred in connection with or incidental to the acquisition and management of said land or property, including any and all rights or interests therein hereinbefore mentioned; the payment of any and all costs and expenses incurred for or in connection with relocating and moving persons or other legal entities displaced by the acquisition of said land or property, or any of the rights or interests therein hereinbefore mentioned; the development, or redevelopment, including, but not limited to, the comprehensive renovation or rehabilitation of any land or property, or any rights or interests therein hereinbefore mentioned, in the City of Baltimore, and the disposition of land and property for such purposes; the elimination of unhealthful, unsanitary or unsafe conditions, lessening density, eliminating obsolete or other uses detrimental to the public welfare or otherwise removing or preventing the spread of blight or deterioration in the City of Baltimore; the demolition, removal, relocation, renovation or alteration of land, buildings, streets, highways, alleys, utilities or services, and other structures or improvements, and for the construction, reconstruction, installation, relocation or repair of buildings, streets, highways, alleys, utilities or services, and other structures or improvements; the payment of any and all costs and expenses incurred for or in connection with doing any or all of the things herein mentioned, including, but not limited to, the costs and expenses of securing administrative, appraisal, economic analysis, engineering, planning, designing, architectural, surveying, and other professional services; authorizing the making of loans and grants to persons and other legal entities; and for doing any and all things necessary, proper or expedient in connection with or pertaining to any or all of the matters or things hereinbefore mentioned; authorizing the issuance of refunding bonds; conferring and imposing upon the Board of Finance of Baltimore City certain powers and duties; authorizing the submission of this Ordinance to the legal voters of the City of Baltimore, for their approval or disapproval, at the General Election to be held in Baltimore City on Tuesday, the 7th day of November, 2000; and providing for the expenditure of the proceeds of sale of said certificates of indebtedness in accordance with the provisions of the Charter of the Mayor and City Council of Baltimore, and by the municipal agency designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

WHEREAS, By Resolution IV of 2000 approved by the members of the General Assembly of Maryland representing Baltimore City, the Mayor and City Council of Baltimore is authorized to create a debt and to issue and sell its certificates of indebtedness (hereinafter called "bonds") as evidence thereof, in an aggregate principal amount not exceeding \$18,500,000 in the manner and upon the terms set forth in the bonds, not exceeding the par value of the bonds, to be used in connection with the economic development program of the Mayor and City Council of Baltimore as authorized by said Resolution; and

WHEREAS, Funds are now needed for said purposes; now, therefore,

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council of Baltimore, acting by and through the Board of Finance of said municipality, be and it is hereby authorized and empowered to issue bonds of the Mayor and City Council of Baltimore in an aggregate principal amount not exceeding \$18,500,000, from time to time, as may be needed or required for the purposes hereinafter named and said bonds shall be sold by the Board of Finance from time to time and at such times as shall be requisite, and the proceeds derived from the sale of said bonds shall be used for the purposes hereinafter named, provided that this Ordinance shall not become effective unless it shall be approved by a majority of the votes of the legal voters of Baltimore City cast at the time and place hereinafter designated by this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That:

(a) The bonds shall be issued in denominations of not less than \$500 each, but may be in sums of \$500, or any suitable multiple thereof.

(b) The bonds authorized to be issued and sold under the provisions of this Ordinance may be issued to mature on such dates and in such amounts as the Board of Finance may determine; provided that the entire principal amount represented thereby shall be discharged not more than 40 years from the date of issuance of the bonds.

(c) The bonds, when issued, shall bear interest at such rate or rates as may be determined by the Board of Finance, which rate or rates may be fixed or variable or as determined by a method approved by the Board of Finance, and such interest shall be payable at such time or times as may be determined by the Board of Finance.

SECTION 3. AND BE IT FURTHER ORDAINED, That a majority of the Board of Finance of the Mayor and City Council of Baltimore be, and they are hereby, authorized to pass a resolution or resolutions, from time to time, to determine and set forth any or all of the following:

(a) The amount of debt to be incurred by the Mayor and City Council of Baltimore at any particular time, and from time to time, under and pursuant to the provisions of this Ordinance; the date or dates when any bonds representing said debt, or any part thereof, are to mature, and the amount or amounts of said debt, or any part thereof, which shall mature upon the aforesaid date or dates; and the date or dates in each year, during the entire period of time when any of said bonds are outstanding, when interest on any of said bonds shall be payable;

(b) The form or forms of the bonds representing the debt, or any part thereof, authorized to be issued under the provisions of this Ordinance at any particular time; and

(c) If the bonds are to be sold at public sale, the time, place, manner and medium of advertisement of the readiness of the Board of Finance, acting for and on behalf of the Mayor and City Council of Baltimore, to receive bids for the purchase of the bonds authorized to be issued hereunder or any part thereof; the form, terms and conditions of such bids; the time, place and manner of awarding bonds so bid for, including the right whenever any of the bonds authorized by this Ordinance are offered for sale and sold at the same time as other bonds of the City, to establish the conditions for bids and awards and to award all of the bonds on an all or none basis; and the time, place, terms and manner of settlement for the bonds so bid for.

SECTION 4. AND BE IT FURTHER ORDAINED, That:

(a) All premiums resulting from the sale of any of the bonds issued and sold pursuant to the provisions of this Ordinance shall be applied first to defray the cost of issuance thereof and the balance, if any, shall be applied to the payment of interest on any of said bonds becoming due and payable during the fiscal year in which said bonds are issued and sold or during the next succeeding fiscal year.

(b) The debt authorized by the provisions of this Ordinance, and the bonds issued and sold pursuant thereto and their transfer, and the principal and interest payable thereon (including any profit made in the sale thereof), shall be and remain exempt from any and all State, county and municipal taxation in the State of Maryland.

(c) All bonds issued and sold pursuant to the provisions of this Ordinance may be sold at public sale by the solicitation of competitive bids or at private (negotiated) sale without advertisement or solicitation of competitive bids, for a price or prices which may be at, above or below par value of the bonds, as determined by resolution of the Board of Finance of the Mayor and City Council of Baltimore. If the Board of Finance determines to sell the bonds at public sale, the bonds shall be sold to the highest responsible bidder or bidders therefor after due notice of such sale, but the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, shall have the right to reject any or all bids therefor for any reason.

SECTION 5. AND BE IT FURTHER ORDAINED, That until all of the interest on and principal of any bonds issued pursuant to the provisions of this Ordinance have been paid in full, the Mayor and City Council of Baltimore shall levy and impose an annual tax on each \$100 of assessable property in the City of Baltimore at a rate sufficient to produce revenue to pay all interest on and principal of all bonds theretofore issued and outstanding or authorized to be issued and outstanding, payable in the next succeeding year.

SECTION 6. AND BE IT FURTHER ORDAINED, That this Ordinance shall be submitted to the legal voters of the City of Baltimore, for their approval or disapproval, at the General Election to be held in Baltimore City, on Tuesday, the 7th day of November, 2000.

SECTION 7. AND BE IT FURTHER ORDAINED, That prior to the date of the election hereinbefore mentioned, notice shall be given to the public of the amount of money which the Mayor and City Council of Baltimore is authorized to borrow, and the general purposes for which such borrowed funds may be expended, under the terms and provisions of this Ordinance, and the time when the election hereinbefore mentioned is to be held; and such public notice shall be given in such manner and by such means or through such media and at such time or times as may be determined, from time to time, by a majority of the Board of Finance.

SECTION 8. AND BE IT FURTHER ORDAINED, That the actual cash proceeds derived from the sale of the bonds authorized to be issued under the provisions of this Ordinance shall be used exclusively for the following purposes, to wit:

(a) So much thereof as may be necessary, in addition to the premium realized from the sale, if any, for the cost of issuance, including the expense of engraving, printing, advertising, attorneys' fees, and all other incidental expenses connected therewith (which may include the proportion of the compensation of employees and general administrative expenses of the Department of Finance reasonably allocated to the issuance of the bonds); and

(b) The remainder of such proceeds shall be used for or in connection with planning, developing, executing and making operative the economic development program of the Mayor and City Council of Baltimore, including, but not limited to:

(i) The acquisition, by purchase, lease, condemnation, or any other legal means, of land or property, or any right, interest, franchise, easement or privilege therein, in the City of Baltimore;

(ii) The payment of any and all costs and expenses incurred in connection with or incidental to the acquisition and management of said land or property, including any and all rights or interest therein hereinbefore mentioned;

(iii) The payment of any and all costs and expenses incurred for or in connection with relocating and moving persons or other legal entities displaced by the acquisition of said land or property, or any of the rights or interests therein hereinbefore mentioned;

(iv) The development or redevelopment, including, but not limited to, the comprehensive renovation or rehabilitation of any land or property, or any rights or interests therein hereinbefore mentioned, in the City of Baltimore, and the disposition of land and property for such purposes;

(v) The elimination of unhealthful, unsanitary or unsafe conditions, lessening density, eliminating obsolete or other uses detrimental to the public welfare or otherwise removing or preventing the spread of blight or deterioration in the City of Baltimore;

(vi) The demolition, removal, relocation, renovation or alteration of land, buildings, streets, highways, alleys, utilities or services, and other structures or improvements, and for the construction, reconstruction, installation, relocation or repair of buildings, streets, highways, alleys, utilities or services, and other structures or improvements;

(vii) The payment of any and all costs and expenses incurred for or in connection with doing any or all of the things herein mentioned, including, but not limited to, the costs and expenses of securing administrative, appraisal, economic analysis, engineering, planning, designing, architectural, surveying, and other professional services;

(viii) The making of loans and grants to persons and other legal entities engaged in the acquisition, development, redevelopment, rehabilitation and disposition of land and property, including any right, interest, franchise, easement or privilege therein in the City of Baltimore; and

(ix) Doing any and all things necessary, proper or expedient in connection with or pertaining to any or all of the matters or things hereinbefore mentioned.

All such land or property shall be acquired, developed, redeveloped, renovated, rehabilitated, altered, improved, held or disposed of, as provided by law.

SECTION 9. AND BE IT FURTHER ORDAINED, That:

(a) The Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, is hereby authorized and empowered to issue its bonds for the purpose of refunding any bonds authorized to be issued under the provisions of this Ordinance by payment at maturity or the purchase or redemption of bonds in advance of maturity. The validity of any refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the bonds being refunded. Such refunding bonds may be issued by the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, for the purpose of providing it with funds to pay any of its outstanding bonds authorized to be issued under the provisions of this Ordinance at maturity, to purchase in the open market any of its outstanding bonds authorized to be issued under the provisions of this Ordinance prior to their maturity, to redeem prior to their maturity any outstanding bonds which are, by their terms, redeemable, to pay interest on any outstanding bonds prior to their payment at maturity or purchase or redemption in advance of maturity, or to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds authorized to be issued under the provisions of this Ordinance.

(b) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued for the public purpose of:

(1) Realizing savings to Baltimore City in the aggregate cost of debt service on either a direct comparison or present value basis; or

(2) Debt restructuring that:

(i) In the aggregate effects such a reduction in the cost of debt service; or

(ii) Is determined by the Board of Finance of the Mayor and City Council of Baltimore to be in the best interests of Baltimore City, to be consistent with Baltimore City's long-term financial plan, and to realize a financial objective of Baltimore City including, improving the relationship of debt service to a source of payment such as taxes, assessments, or other charges.

(c) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued in whatever principal amount shall be required to achieve the purpose for the issuance of the refunding bonds, which amount may be in excess of the principal amount of the bonds refunded or the maximum principal amount of bonds authorized to be issued under Section 1 of this Ordinance.

(d) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued to mature on such dates and in such amounts as the Board of Finance may determine; provided that the entire principal amount represented by the refunding bonds shall be discharged not more than 40 years from the date of issuance of the bonds being refunded.

(e) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be sold at public sale by the solicitation of competitive bids or at private (negotiated) sale without advertisement or solicitation of competitive bids, for a price or prices which may be at, above or below the par value of the refunding bonds, as determined by resolution of the Board of Finance of the Mayor and City Council of Baltimore. If the Board of Finance determines to sell the refunding bonds at public sale, the refunding bonds shall be sold to the highest responsible bidder or bidders therefor after due notice of such sale, but the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, shall have the right to reject any or all bids therefor for any reason.

(f) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance shall bear interest at such rate or rates as may be determined by the Board of Finance of the Mayor and City Council of Baltimore, which rate or rates may be fixed or variable or as determined by a method approved by the Board of Finance, and such interest shall be payable at such time or times as may be determined by the Board of Finance.

(g) The proceeds of the sale of any refunding bonds authorized to be issued and sold under the provisions of this Ordinance, after the payment of issuance costs relating thereto, shall be set aside by the Mayor and City Council of Baltimore as a separate trust fund to be used solely for the purposes stated in this Section 9.

(h) Except as otherwise provided in this Section 9, the powers granted in, the limitations and obligations imposed by, and the procedures specified in this Ordinance with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds.

(i) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance shall not be subject to any debt policy limitation that may from time to time be established by the Mayor and City Council of Baltimore.

SECTION 10. AND BE IT FURTHER ORDAINED, That the expenditure of the proceeds derived from the sale of the bonds authorized to be issued under the provisions of this Ordinance shall be in accordance with the

provisions of the Charter of the Mayor and City Council of Baltimore, and by the municipal agency designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

Approved June 26, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-061
(Council Bill 00-153)**

AN ORDINANCE CONCERNING

Bond Issue — Recreation and Parks Loan — \$3,000,000

FOR the purpose of authorizing the Mayor and City Council of Baltimore (pursuant to Resolution VI of 2000 approved by the members of the General Assembly of Maryland representing Baltimore City) to issue and sell its certificates of indebtedness in an aggregate principal amount not exceeding \$3,000,000, the proceeds derived from the sale thereof to be used for the cost of issuance, including the expense of engraving, printing, advertising, attorneys' fees, and all other incidental expenses connected therewith, and the remainder of such proceeds to be used for the acquisition, construction, reconstruction, installation, erection, protection, extension, enlargement, renovation or modernization of, and additions to, public park or recreational land, property, buildings, structures or facilities; and for the acquisition and installation of equipment for any and all existing facilities or new facilities authorized to be acquired, constructed, reconstructed, erected, protected, extended, enlarged, renovated, modernized, improved or added to by the provisions hereof; the payment of any and all costs and expenses incurred for or in connection with doing any or all of the things herein mentioned, including, but not limited to, the costs and expenses of securing administrative, appraisal, economic analysis, engineering, planning, designing, architectural, surveying, and other professional services; and for doing any and all things necessary, proper or expedient in connection with or pertaining to any or all of the matters or things hereinbefore mentioned; authorizing the issuance of refunding bonds; conferring and imposing upon the Board of Finance of Baltimore City certain powers and duties; authorizing the submission of this Ordinance to the legal voters of the City of Baltimore, for their approval or disapproval, at the General Election to be held in Baltimore City on Tuesday, the 7th day of November, 2000; and providing for the expenditure of the proceeds of sale of said certificates of indebtedness in accordance with the provisions of the Charter of the Mayor and City Council of Baltimore, and by the municipal agency designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

WHEREAS, By Resolution VI of 2000 approved by the members of the General Assembly of Maryland representing Baltimore City, the Mayor and City Council of Baltimore is authorized to create a debt and to issue and sell its certificates of indebtedness (hereinafter called "bonds") as evidence thereof, in an aggregate principal amount not exceeding \$3,000,000 in the manner and upon the terms set forth in the bonds, not exceeding the par value of the bonds, to be used for recreation and parks purposes as authorized by said Resolution; and

WHEREAS, Funds are now needed for said purposes; now, therefore,

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council of Baltimore, acting by and through the Board of Finance of said municipality, be and it is hereby authorized and empowered to issue bonds of the Mayor and City Council of Baltimore in an aggregate principal amount not exceeding \$3,000,000, from time to time, as may be needed or required for the purposes

hereinafter named and said bonds shall be sold by the Board of Finance from time to time and at such times as shall be requisite, and the proceeds derived from the sale of said bonds shall be used for the purposes hereinafter named, provided that this Ordinance shall not become effective unless it shall be approved by a majority of the votes of the legal voters of Baltimore City cast at the time and place hereinafter designated by this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That:

(a) The bonds shall be issued in denominations of not less than \$500 each, but may be in sums of \$500, or any suitable multiple thereof.

(b) The bonds authorized to be issued and sold under the provisions of this Ordinance may be issued to mature on such dates and in such amounts as the Board of Finance may determine; provided that the entire principal amount represented thereby shall be discharged not more than 40 years from the date of issuance of the bonds.

(c) The bonds, when issued, shall bear interest at such rate or rates as may be determined by the Board of Finance, which rate or rates may be fixed or variable or as determined by a method approved by the Board of Finance, and such interest shall be payable at such time or times as may be determined by the Board of Finance.

SECTION 3. AND BE IT FURTHER ORDAINED, That a majority of the Board of Finance of the Mayor and City Council of Baltimore be, and they are hereby, authorized to pass a resolution or resolutions, from time to time, to determine and set forth any or all of the following:

(a) The amount of debt to be incurred by the Mayor and City Council of Baltimore at any particular time, and from time to time, under and pursuant to the provisions of this Ordinance; the date or dates when any bonds representing said debt, or any part thereof, are to mature, and the amount or amounts of said debt, or any part thereof, which shall mature upon the aforesaid date or dates; and the date or dates in each year, during the entire period of time when any of said bonds are outstanding, when interest on any of said bonds shall be payable;

(b) The form or forms of the bonds representing the debt, or any part thereof, authorized to be issued under the provisions of this Ordinance at any particular time; and

(c) If the bonds are to be sold at public sale, the time, place, manner and medium of advertisement of the readiness of the Board of Finance, acting for and on behalf of the Mayor and City Council of Baltimore, to receive bids for the purchase of the bonds authorized to be issued hereunder or any part thereof; the form, terms and conditions of such bids; the time, place and manner of awarding bonds so bid for, including the right whenever any of the bonds authorized by this Ordinance are offered for sale and sold at the same time as other bonds of the City, to establish the conditions for bids and awards and to award all of the bonds on an all or none basis; and the time, place, terms and manner of settlement for the bonds so bid for.

SECTION 4. AND BE IT FURTHER ORDAINED, That:

(a) All premiums resulting from the sale of any of the bonds issued and sold pursuant to the provisions of this Ordinance shall be applied first to defray the cost of issuance thereof and the balance, if any, shall be applied to the payment of interest on any of said bonds becoming due and payable during the fiscal year in which said bonds are issued and sold or during the next succeeding fiscal year.

(b) The debt authorized by the provisions of this Ordinance, and the bonds issued and sold pursuant thereto and their transfer, and the principal and interest payable thereon (including any profit made in the sale

thereof), shall be and remain exempt from any and all State, county and municipal taxation in the State of Maryland.

(c) All bonds issued and sold pursuant to the provisions of this Ordinance may be sold at public sale by the solicitation of competitive bids or at private (negotiated) sale without advertisement or solicitation of competitive bids, for a price or prices which may be at, above or below par value of the bonds, as determined by resolution of the Board of Finance of the Mayor and City Council of Baltimore. If the Board of Finance determines to sell the bonds at public sale, the bonds shall be sold to the highest responsible bidder or bidders therefor after due notice of such sale, but the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, shall have the right to reject any or all bids therefor for any reason.

SECTION 5. AND BE IT FURTHER ORDAINED, That until all of the interest on and principal of any bonds issued pursuant to the provisions of this Ordinance have been paid in full, the Mayor and City Council of Baltimore shall levy and impose an annual tax on each \$100 of assessable property in the City of Baltimore at a rate sufficient to produce revenue to pay all interest on and principal of all bonds theretofore issued and outstanding or authorized to be issued and outstanding, payable in the next succeeding year.

SECTION 6. AND BE IT FURTHER ORDAINED, That this Ordinance shall be submitted to the legal voters of the City of Baltimore, for their approval or disapproval, at the General Election to be held in Baltimore City, on Tuesday, the 7th day of November, 2000.

SECTION 7. AND BE IT FURTHER ORDAINED, That prior to the date of the election hereinbefore mentioned, notice shall be given to the public of the amount of money which the Mayor and City Council of Baltimore is authorized to borrow, and the general purposes for which such borrowed funds may be expended, under the terms and provisions of this Ordinance, and the time when the election hereinbefore mentioned is to be held; and such public notice shall be given in such manner and by such means or through such media and at such time or times as may be determined, from time to time, by a majority of the Board of Finance.

SECTION 8. AND BE IT FURTHER ORDAINED, That the actual cash proceeds derived from the sale of the bonds authorized to be issued under the provisions of this Ordinance shall be used exclusively for the following purposes, to wit:

(a) So much thereof as may be necessary, in addition to the premium realized from the sale, if any, for the cost of issuance, including the expense of engraving, printing, advertising, attorneys' fees, and all other incidental expenses connected therewith (which may include the proportion of the compensation of employees and general administrative expenses of the Department of Finance reasonably allocated to the issuance of the bonds);

(b) The remainder of such proceeds shall be used for the acquisition, construction, reconstruction, installation, erection, protection, extension, enlargement, renovation or modernization of, and additions to, public park or recreational land, property, buildings, structures or facilities; and for the acquisition and installation of equipment for any and all existing facilities or new facilities authorized to be acquired, constructed, reconstructed, erected, extended, enlarged, renovated, modernized, improved or added to by the provisions hereof; the payment of any and all costs and expenses incurred for or in connection with doing any or all of the things herein mentioned, including, but not limited to, the costs and expenses of securing administrative, appraisal, economic analysis, engineering, planning, designing, architectural, surveying, and other professional services; and for doing any and all things necessary, proper or expedient in connection with or pertaining to any or all of the matters or things hereinbefore mentioned.

SECTION 9. AND BE IT FURTHER ORDAINED, That:

(a) The Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, is hereby authorized and empowered to issue its bonds for the purpose of refunding any bonds authorized to

be issued under the provisions of this Ordinance by payment at maturity or the purchase or redemption of bonds in advance of maturity. The validity of any refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the bonds being refunded. Such refunding bonds may be issued by the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, for the purpose of providing it with funds to pay any of its outstanding bonds authorized to be issued under the provisions of this Ordinance at maturity, to purchase in the open market any of its outstanding bonds authorized to be issued under the provisions of this Ordinance prior to their maturity, to redeem prior to their maturity any outstanding bonds which are, by their terms, redeemable, to pay interest on any outstanding bonds prior to their payment at maturity or purchase or redemption in advance of maturity, or to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds authorized to be issued under the provisions of this Ordinance.

(b) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued for the public purpose of:

(1) Realizing savings to Baltimore City in the aggregate cost of debt service on either a direct comparison or present value basis; or

(2) Debt restructuring that:

(i) In the aggregate effects such a reduction in the cost of debt service; or

(ii) Is determined by the Board of Finance of the Mayor and City Council of Baltimore to be in the best interests of Baltimore City, to be consistent with Baltimore City's long-term financial plan, and to realize a financial objective of Baltimore City including, improving the relationship of debt service to a source of payment such as taxes, assessments, or other charges.

(c) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued in whatever principal amount shall be required to achieve the purpose for the issuance of the refunding bonds, which amount may be in excess of the principal amount of the bonds refunded or the maximum principal amount of bonds authorized to be issued under Section 1 of this Ordinance.

(d) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued to mature on such dates and in such amounts as the Board of Finance may determine; provided that the entire principal amount represented by the refunding bonds shall be discharged not more than 40 years from the date of issuance of the bonds being refunded.

(e) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be sold at public sale by the solicitation of competitive bids or at private (negotiated) sale without advertisement or solicitation of competitive bids, for a price or prices which may be at, above or below the par value of the refunding bonds, as determined by resolution of the Board of Finance of the Mayor and City Council of Baltimore. If the Board of Finance determines to sell the refunding bonds at public sale, the refunding bonds shall be sold to the highest responsible bidder or bidders therefor after due notice of such sale, but the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, shall have the right to reject any or all bids therefor for any reason.

(f) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance shall bear interest at such rate or rates as may be determined by the Board of Finance of the Mayor and City Council of Baltimore, which rate or rates may be fixed or variable or as determined by a method approved by the Board of Finance, and such interest shall be payable at such time or times as may be determined by the Board of Finance.

(g) The proceeds of the sale of any refunding bonds authorized to be issued and sold under the provisions of this Ordinance, after the payment of issuance costs relating thereto, shall be set aside by the Mayor and City Council of Baltimore as a separate trust fund to be used solely for the purposes stated in this Section 9.

(h) Except as otherwise provided in this Section 9, the powers granted in, the limitations and obligations imposed by, and the procedures specified in this Ordinance with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds.

(i) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance shall not be subject to any debt policy limitation that may from time to time be established by the Mayor and City Council of Baltimore.

SECTION 10. AND BE IT FURTHER ORDAINED, That the expenditure of the proceeds derived from the sale of the bonds authorized to be issued under the provisions of this Ordinance shall be in accordance with the provisions of the Charter of the Mayor and City Council of Baltimore, and by the municipal agency designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

Approved June 26, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-062
(Council Bill 00-154)**

AN ORDINANCE CONCERNING

Bond Issue — School Loan — \$24,000,000

FOR the purpose of authorizing the Mayor and City Council of Baltimore pursuant to Resolution II of 2000 approved by the members of the General Assembly of Maryland representing Baltimore City) to issue and sell its certificates of indebtedness in an aggregate principal amount not exceeding \$24,000,000, the proceeds derived from the sale thereof to be used for the cost of issuance, including the expense of engraving, printing, advertising, attorneys' fees, and all other incidental expenses connected therewith, and the remainder of such proceeds to be used for the acquisition, by purchase, lease, condemnation, or any other legal means, of land or property, or any rights therein, in the City of Baltimore, and constructing and erecting on said land or property, or on any land or property now or hereafter owned by the Mayor and City Council of Baltimore, new school buildings, athletic and other auxiliary facilities, and for additions and improvements to, or the modernization or reconstruction of, including the inspection, removal, encapsulation, management, containment and abatement of asbestos from, existing school buildings or facilities, and for equipment for any and all new or existing facilities authorized to be constructed, erected, added to, improved, modernized or reconstructed by the provisions hereof; the payment of any and all costs and expenses incurred for or in connection with doing any or all of the things herein mentioned, including, but not limited to, the costs and expenses of securing administrative, appraisal, economic analysis, engineering, planning, designing, architectural, surveying, and other professional services, including, without limitation, services relating to planning for future projects of the same general character which may be constructed out of future loans; and for doing any and all things necessary, proper or expedient in connection with or pertaining to any or all of the matters or things hereinbefore mentioned; authorizing the issuance of refunding bonds; conferring certain powers upon the Board of School Commissioners of Baltimore City; imposing certain conditions in connection with the

expenditure of the proceeds derived from the sale of said certificates of indebtedness; conferring and imposing upon the Board of Finance of Baltimore City certain powers and duties; authorizing the submission of this Ordinance to the legal voters of the City of Baltimore, for their approval or disapproval, at the Municipal Election to be held in Baltimore City on Tuesday, the 7th day of November, 2000; and providing for the expenditure of the proceeds of sale of said certificates of indebtedness in accordance with the provisions of the Charter of the Mayor and City Council of Baltimore, and by the municipal agency designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

WHEREAS, By Resolution II of 2000 approved by the members of the General Assembly of Maryland representing Baltimore City, the Mayor and City Council of Baltimore is authorized to create a debt and to issue and sell its certificates of indebtedness (hereinafter called "bonds") as evidence thereof, in an aggregate principal amount not exceeding \$24,000,000 in the manner and upon the terms set forth in the bonds, not exceeding the par value of the bonds, to be used for school purposes as authorized by said Resolution; and

WHEREAS, Funds are now needed for said purposes; now, therefore,

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council of Baltimore, acting by and through the Board of Finance of said municipality, be and it is hereby authorized and empowered to issue bonds of the Mayor and City Council of Baltimore in an aggregate principal amount not exceeding \$24,000,000, from time to time, as may be needed or required for the purposes hereinafter named and said bonds shall be sold by the Board of Finance from time to time and at such times as shall be requisite, and the proceeds derived from the sale of said bonds shall be used for the purposes hereinafter named, provided that this Ordinance shall not become effective unless it shall be approved by a majority of the votes of the legal voters of Baltimore City cast at the time and place hereinafter designated by this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That:

(a) The bonds shall be issued in denominations of not less than \$500 each, but may be in sums of \$500, or any suitable multiple thereof.

(b) The bonds authorized to be issued and sold under the provisions of this Ordinance may be issued to mature on such dates and in such amounts as the Board of Finance may determine; provided that the entire principal amount represented thereby shall be discharged not more than 40 years from the date of issuance of the bonds.

(c) The bonds, when issued, shall bear interest at such rate or rates as may be determined by the Board of Finance, which rate or rates may be fixed or variable or as determined by a method approved by the Board of Finance, and such interest shall be payable at such time or times as may be determined by the Board of Finance.

SECTION 3. AND BE IT FURTHER ORDAINED, That a majority of the Board of Finance of the Mayor and City Council of Baltimore be, and they are hereby, authorized to pass a resolution or resolutions, from time to time, to determine and set forth any or all of the following:

(a) The amount of debt to be incurred by the Mayor and City Council of Baltimore at any particular time, and from time to time, under and pursuant to the provisions of this Ordinance; the date or dates when any bonds representing said debt, or any part thereof, are to mature, and the amount or amounts of said debt, or any part thereof, which shall mature upon the aforesaid date or dates; and the date or dates in each year, during the entire period of time when any of said bonds are outstanding, when interest on any of said bonds shall be payable;

(b) The form or forms of the bonds representing the debt, or any part thereof, authorized to be issued under the provisions of this Ordinance at any particular time; and

(c) If the bonds are to be sold at public sale, the time, place, manner and medium of advertisement of the readiness of the Board of Finance, acting for and on behalf of the Mayor and City Council of Baltimore, to receive bids for the purchase of the bonds authorized to be issued hereunder or any part thereof; the form, terms and conditions of such bids; the time, place and manner of awarding bonds so bid for, including the right whenever any of the bonds authorized by this Ordinance are offered for sale and sold at the same time as other bonds of the City, to establish the conditions for bids and awards and to award all of the bonds on an all or none basis; and the time, place, terms and manner of settlement for the bonds so bid for.

SECTION 4. AND BE IT FURTHER ORDAINED, That:

(a) All premiums resulting from the sale of any of the bonds issued and sold pursuant to the provisions of this Ordinance shall be applied first to defray the cost of issuance thereof and the balance, if any, shall be applied to the payment of interest on any of said bonds becoming due and payable during the fiscal year in which said bonds are issued and sold or during the next succeeding fiscal year.

(b) The debt authorized by the provisions of this Ordinance, and the bonds issued and sold pursuant thereto and their transfer, and the principal and interest payable thereon (including any profit made in the sale thereof), shall be and remain exempt from any and all State, county and municipal taxation in the State of Maryland.

(c) All bonds issued and sold pursuant to the provisions of this Ordinance may be sold at public sale by the solicitation of competitive bids or at private (negotiated) sale without advertisement or solicitation of competitive bids, for a price or prices which may be at, above or below par value of the bonds, as determined by resolution of the Board of Finance of the Mayor and City Council of Baltimore. If the Board of Finance determines to sell the bonds at public sale, the bonds shall be sold to the highest responsible bidder or bidders therefor after due notice of such sale, but the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, shall have the right to reject any or all bids therefor for any reason.

SECTION 5. AND BE IT FURTHER ORDAINED, That until all of the interest on and principal of any bonds issued pursuant to the provisions of this Ordinance have been paid in full, the Mayor and City Council of Baltimore shall levy and impose an annual tax on each \$100 of assessable property in the City of Baltimore at a rate sufficient to produce revenue to pay all interest on and principal of all bonds theretofore issued and outstanding or authorized to be issued and outstanding, payable in the next succeeding year.

SECTION 6. AND BE IT FURTHER ORDAINED, That this Ordinance shall be submitted to the legal voters of the City of Baltimore, for their approval or disapproval, at the General Election to be held in Baltimore City, on Tuesday, the 7th day of November, 2000.

SECTION 7. AND BE IT FURTHER ORDAINED, That prior to the date of the election hereinbefore mentioned, notice shall be given to the public of the amount of money which the Mayor and City Council of Baltimore is authorized to borrow, and the general purposes for which such borrowed funds may be expended, under the terms and provisions of this Ordinance, and the time when the election hereinbefore mentioned is to be held; and such public notice shall be given in such manner and by such means or through such media and at such time or times as may be determined, from time to time, by a majority of the Board of Finance.

SECTION 8. AND BE IT FURTHER ORDAINED, That the actual cash proceeds derived from the sale of the bonds authorized to be issued under the provisions of this Ordinance shall be used exclusively for the following purposes, to wit:

(a) So much thereof as may be necessary, in addition to the premium realized from the sale, if any, for the cost of issuance, including the expense of engraving, printing, advertising, attorneys' fees, and all other incidental expenses connected therewith (which may include the proportion of the compensation of employees and general administrative expenses of the Department of Finance reasonably allocated to the issuance of the bonds);

(b) The remainder of such proceeds shall be used for the acquisition, by purchase, lease, condemnation or any other legal means, of land or property, or any rights therein, in the City of Baltimore, and constructing and erecting on said land or property, or on any land or property now or hereafter owned by the Mayor and City Council of Baltimore, new school buildings, athletic and other auxiliary facilities, and for additions and improvements to, or the modernization or reconstruction of, including the inspection, removal, encapsulation, management, containment and abatement of asbestos from existing school buildings or facilities, and for equipment for any and all new or existing facilities authorized to be constructed, erected, added to, improved, modernized or reconstructed by the provisions hereof; the payment of any and all costs and expenses incurred for or in connection with doing any or all of the things herein mentioned, including, but not limited to, the costs and expenses of securing administrative, appraisal, economic analysis, engineering, planning, designing, architectural, surveying, and other professional services, including, without limitation, services relating to planning for future projects of the same general character which may be constructed out of future loans; and for doing any and all things necessary, proper or expedient in connection with or pertaining to any or all of the matters or things hereinbefore mentioned.

SECTION 9. AND BE IT FURTHER ORDAINED, That:

(a) The Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, is hereby authorized and empowered to issue its bonds for the purpose of refunding any bonds authorized to be issued under the provisions of this Ordinance by payment at maturity or the purchase or redemption of bonds in advance of maturity. The validity of any refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the bonds being refunded. Such refunding bonds may be issued by the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, for the purpose of providing it with funds to pay any of its outstanding bonds authorized to be issued under the provisions of this Ordinance at maturity, to purchase in the open market any of its outstanding bonds authorized to be issued under the provisions of this Ordinance prior to their maturity, to redeem prior to their maturity any outstanding bonds which are, by their terms, redeemable, to pay interest on any outstanding bonds prior to their payment at maturity or purchase or redemption in advance of maturity, or to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds authorized to be issued under the provisions of this Ordinance.

(b) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued for the public purpose of:

(1) Realizing savings to Baltimore City in the aggregate cost of debt service on either a direct comparison or present value basis; or

(2) Debt restructuring that:

(i) In the aggregate effects such a reduction in the cost of debt service; or

(ii) Is determined by the Board of Finance of the Mayor and City Council of Baltimore to be in the best interests of Baltimore City, to be consistent with Baltimore City's long-term financial plan, and to realize a financial objective of Baltimore City including, improving the relationship of debt service to a source of payment such as taxes, assessments, or other charges.

(c) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued in whatever principal amount shall be required to achieve the purpose for the issuance of the refunding bonds, which amount may be in excess of the principal amount of the bonds refunded or the maximum principal amount of bonds authorized to be issued under Section 1 of this Ordinance.

(d) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued to mature on such dates and in such amounts as the Board of Finance may determine; provided that the entire principal amount represented by the refunding bonds shall be discharged not more than 40 years from the date of issuance of the bonds being refunded.

(e) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be sold at public sale by the solicitation of competitive bids or at private (negotiated) sale without advertisement or solicitation of competitive bids, for a price or prices which may be at, above or below the par value of the refunding bonds, as determined by resolution of the Board of Finance of the Mayor and City Council of Baltimore. If the Board of Finance determines to sell the refunding bonds at public sale, the refunding bonds shall be sold to the highest responsible bidder or bidders therefor after due notice of such sale, but the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, shall have the right to reject any or all bids therefor for any reason.

(f) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance shall bear interest at such rate or rates as may be determined by the Board of Finance of the Mayor and City Council of Baltimore, which rate or rates may be fixed or variable or as determined by a method approved by the Board of Finance, and such interest shall be payable at such time or times as may be determined by the Board of Finance.

(g) The proceeds of the sale of any refunding bonds authorized to be issued and sold under the provisions of this Ordinance, after the payment of issuance costs relating thereto, shall be set aside by the Mayor and City Council of Baltimore as a separate trust fund to be used solely for the purposes stated in this Section 9.

(h) Except as otherwise provided in this Section 9, the powers granted in, the limitations and obligations imposed by, and the procedures specified in this Ordinance with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds.

(i) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance shall not be subject to any debt policy limitation that may from time to time be established by the Mayor and City Council of Baltimore.

SECTION 10. AND BE IT FURTHER ORDAINED, That in the expenditure of the proceeds of sale of said bonds, the Mayor and City Council of Baltimore shall observe the following conditions:

(a) Subject to the provisions of the Charter of Baltimore City relating to the Planning Commission, the New Baltimore City Board of School Commissioners, shall have the authority to select sites for the construction of any new school buildings hereby authorized;

(b) All plans and specifications for the construction or reconstruction of school buildings, or for additions or improvement to school buildings, to be financed out of the proceeds derived from the sale of the bonds herein authorized to be issued, shall be subject to the approval of the New Baltimore City Board of School Commissioners prior to the final acceptance of such plans and specifications, and the endorsement of approval by the New Board of such plans and specifications shall be made thereon, and shall also be recorded by the New Board in its official minutes;

(c) All changes in approved plans and specifications which may be found necessary and expedient during the course of construction shall also be subject to the approval of the New Baltimore City Board of School Commissioners, and shall also be recorded by the New Board in its official minutes; and

(d) No part of the proceeds derived from the sale of the bonds hereby authorized to be issued shall be expended without the approval of the New Baltimore City Board of School Commissioners.

Approved June 26, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-063
(Council Bill 00-163)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
MR-Miscellaneous General Expenses — \$900,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$900,000 to the MR-Miscellaneous General Expenses — Program 122 (Misc. General Expenses), for additional operating expenses; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the 1999 Fund Balance in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2000.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2000 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2000 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On May 17, 2000, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$900,000 shall be made available to the MR-Miscellaneous General Expenses — Program 122 (Misc. General Expenses) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2000, to provide funding for additional operating expenses. The source of revenue for this appropriation is funds from the 1999 Fund Balance, in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2000.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 26, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-064
(Council Bill 00-164)**

AN ORDINANCE CONCERNING

**Supplementary State Grant Operating Appropriation —
Mayoralty — \$2,500,000**

FOR the purpose of providing a Supplementary State Grant Operating Appropriation in the amount of \$2,500,000 to the Mayoralty — Program 350 (Office for Children, Youth, and Families), for expansion of Safe and Sound/Family League of Baltimore City, Inc., Family Support Strategy; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents a State Grant from the Baltimore City Department of Social Services in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2000.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2000 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2000 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On May 17, 2000, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$2,500,000 shall be made available to the Mayoralty — Program 350 (Office for Children, Youth, and Families) as a Supplementary State Grant Operating Appropriation for Fiscal Year 2000, to provide funds for expansion of Safe and Sound/Family League of Baltimore City, Inc., Family Support Strategy. The source of revenue for this appropriation is a State Grant from the Baltimore City Department of Social Services in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2000.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 26, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-065
Council Bill 00-165**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Fire Department — \$1,000,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$1,000,000 to the Fire Department — Program 212 (Fire Suppression), for additional operating expenses; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from Property Transfer Tax in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2000.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2000 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2000 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On May 17, 2000, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$1,000,000 shall be made available to the Fire Department — Program 212 (Fire Suppression) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2000, to provide funding for additional operating expenses. The source of revenue for this appropriation is from Property Transfer Tax, in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2000.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 26, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-066
(Council Bill 00-168)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
MR-Retirees' Benefits — \$1,100,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$1,100,000 to the MR-Retirees' Benefits — Program 351 (Retirees' Benefits), for additional operating expenses; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Recordation Tax in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2000.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2000 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2000 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On May 17, 2000, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$1,100,000 shall be made available to the MR-Retirees' Benefits — Program 352 (Retirees' Benefits) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2000, for additional operating expenses. The source of revenue for this appropriation is funds from the Recordation Tax, in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2000.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 26, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-067
(Council Bill 00-170)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Police Department — \$2,300,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$2,300,000 to the Police Department — Program 204 (Police Services Bureau), for additional operating expenses; and providing for a special effective date.

BY authority of
Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Income Tax (\$100,000) and Interest Earnings (\$2,200,000) in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2000.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2000 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2000 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On May 17, 2000, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$2,300,000 shall be made available to the Police Department — Program 204 (Police Services Bureau) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2000, for additional operating expenses. The source of revenue for this appropriation is funds from the Income Tax (\$100,000) and Interest Earnings (\$2,200,000), in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2000.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 26, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-068
Council Bill 00-119**

AN ORDINANCE CONCERNING

**Zoning — Parking Lot District — Conditional Use
Parking Lot —Light and Charles Streets**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of an open off-street parking area on the property known as 414-432 Light Street and 429 South Charles Street, as outlined in red on the accompanying plat.

BY authority of
Article - Zoning
Title 10, Subtitle 5
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of an open off-street parking area on the property known as 414-432 Light Street and 429 S. Charles Street, as outlined in red on the plat accompanying this Ordinance, in accordance with Title 10, Subtitle 5 of the Baltimore City Zoning Code, subject to the condition that the parking area complies with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That the permission granted by this Ordinance applies to the period that extends from the expiration of Ordinance 96-078 through and including December 31, 2002; and, at the end of that period, with no further action by the Mayor and City Council, this permission will be abrogated and of no further effect.

SECTION 3. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 4. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved July 21, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-069
(Council Bill 00-124)**

AN ORDINANCE CONCERNING

Burglar Alarms — Registration and Regulation

FOR the purpose of requiring certain registrations to install, maintain, alter, inspect, administer, ~~sell~~, service, inspect, ~~or monitor, or use certain~~ alarm systems; requiring the registration of alarm system users; providing for fees for registrations, renewals, and reinstatements; providing for certain appeals; providing for the imposition of certain fees for false alarms; requiring alarm system monitors to periodically report certain information; requiring persons who sell or lease alarm systems to provide certain notices to users and to report certain information; defining certain terms; imposing certain penalties; providing for a special effective date; and generally relating to the regulation of alarm systems, alarm system contractors, alarm system monitors, and alarm system users.

BY repealing and reordaining, with amendments

Article 1 - Mayor, City Council, and Municipal Agencies
Section(s) 40-14(e)(2)(3)
Baltimore City Code
(Edition 2000)

BY adding

~~Article 15 - Licensing and Regulation~~
~~Section(s) 5-1 through 5-11, inclusive, to be under the new subtitle~~
~~“Subtitle 5. Burglar Alarms”~~
~~Article 19 - Police Ordinances~~
~~Section(s) 8-1 through 8-12, inclusive, to be under the new subtitle~~
~~“Subtitle 8. Burglar Alarms — Registration and Regulation”~~
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

§ 40-14. Violations to which subtitle applies.

(e) *Provisions and penalties enumerated.*

~~(2) **Article 15. Licensing and Regulation**~~

~~**SUBTITLE 5. BURGLAR ALARMS**~~

CONTRACTORS AND MONITORS	\$500
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USERS	\$250
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§ 16-8(b). Truck peddler - trash receptacles required	\$100
<u>(3) Article 19. Police Ordinances</u>	
<u>§ 7-2. Vehicle alarms: Prohibited devices</u>	<u>\$100</u>
<u>§ 8-12 . BURGLAR ALARMS: PENALTIES</u>	
<u>USERS</u>	<u>\$250</u>
<u>CONTRACTORS, MONITORS, OTHERS</u>	<u>\$500</u>
<u>§ 14-2 or § 14-3. Drinking in public places</u>	<u>\$ 50</u>
<u>§ 41-2. Outdoor telephones: Prohibited placement</u>	<u>\$500</u>
<u>§ 45-2. Signs on public property: Posting prohibited</u>	<u>\$100</u>
<u>§ 45-3. Signs on public property:</u> <u>Removal of illegal signs</u>	<u>\$100</u>
<u>§ 48-2. Resale of tickets near sports facilities</u>	<u>\$ 50</u>
<u>§ 50-2. Obstructing street, etc., or gutter</u>	<u>\$ 50</u>
<u>§ 50-3. Merchandise projecting from building</u>	<u>\$ 50</u>
<u>§ 50-46 or § 50-47. Snow - cleaning required</u>	<u>\$ 50</u>

Article 15 — Licensing and Regulation

~~SUBTITLE 5. BURGLAR ALARMS~~

Article 19. Police Ordinances

SUBTITLE 8. BURGLAR ALARMS — REGISTRATION AND REGULATION

~~§ 5-1~~ § 8-1. DEFINITIONS.

(A) *IN GENERAL.*

IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) *ALARM SYSTEM.*

(1) “ALARM SYSTEM” MEANS A DEVICE OR SERIES OF DEVICES THAT EMITS, TRANSMITS, OR RELAYS:

- (I) AN AUDIBLE, VISUAL, OR ELECTRONIC ALARM SIGNAL THAT IS ELECTRONICALLY PROGRAMMED TO CAUSE CONTACT WITH OR SUMMON ~~CITY~~ POLICE; OR

(II) AN AUDIBLE OR VISUAL ALARM SIGNAL THAT IS INTENDED TO ELICIT A POLICE RESPONSE AT THE ALARM SYSTEM USER'S PROPERTY WHEN ACTIVATED.

(2) "ALARM SYSTEM" DOES NOT INCLUDE ANY DEVICE INSTALLED IN A VEHICLE, AS DEFINED IN THE MARYLAND VEHICLE LAW.

~~(C) ALARM SYSTEM CONTRACTOR:~~

~~"ALARM SYSTEM CONTRACTOR" MEANS ANY PERSON ENGAGED IN THE BUSINESS OF INSTALLING, MAINTAINING, ALTERING, INSPECTING, ADMINISTERING, SELLING, OR SERVICING ALARM SYSTEMS.~~

~~(D) ALARM SYSTEM MONITOR:~~

~~"ALARM SYSTEM MONITOR" MEANS ANY PERSON ENGAGED IN THE BUSINESS OF MONITORING ALARM SYSTEMS FOR THE PURPOSE OF REPORTING AN ALARM SYSTEM'S ACTIVATION TO THE POLICE DEPARTMENT.~~

~~(E) ALARM SYSTEM USER:~~

~~"ALARM SYSTEM USER" MEANS AN OWNER OR LESSEE OF AN ALARM SYSTEM.~~

~~(F) (C) COMMISSIONER.~~

~~"COMMISSIONER" MEANS THE POLICE COMMISSIONER OF BALTIMORE CITY OR THE COMMISSIONER'S DESIGNEE.~~

~~(G) DIRECTOR:~~

~~"DIRECTOR" MEANS THE DIRECTOR OF FINANCE OR THE DIRECTOR'S DESIGNEE.~~

~~(D) CONTRACTOR.~~

~~"CONTRACTOR" MEANS ANY PERSON ENGAGED IN THE BUSINESS OF INSTALLING, MAINTAINING, ALTERING, INSPECTING, ADMINISTERING, OR SERVICING ALARM SYSTEMS.~~

~~(H) (E) FALSE ALARM.~~

(1) "FALSE ALARM" MEANS ANY ALARM SYSTEM SIGNAL:

(I) THAT RESULTS IN A POLICE RESPONSE TO THE ~~ALARM SYSTEM~~ USER'S PROPERTY; AND

(II) FOR WHICH NO EVIDENCE IS FOUND, AFTER REASONABLE INVESTIGATION, OF ANY CRIMINAL ACTIVITY, PROPERTY DAMAGE, OR MEDICAL EMERGENCY THAT WOULD JUSTIFY A POLICE RESPONSE.

(2) "FALSE ALARM" DOES NOT INCLUDE:

~~(I) AN ALARM SIGNAL THAT IS CANCELED BY THE ALARM SYSTEM MONITOR OR THE ALARM SYSTEM USER BEFORE A RESPONDING POLICE OFFICER ARRIVES AT THE ALARM LOCATION; OR~~

~~(H) AN ALARM SIGNAL THAT OCCURS WITHIN 30 DAYS OF THE ORIGINAL INSTALLATION OF THE ALARM SYSTEM.~~

(F) MONITOR.

“MONITOR” MEANS ANY PERSON ENGAGED IN THE BUSINESS OF MONITORING ALARM SYSTEMS FOR THE PURPOSE OF REPORTING AN ALARM SYSTEM’S ACTIVATION TO THE POLICE DEPARTMENT.

(†) (G) PERSON.(†) ~~IN GENERAL.~~

“PERSON” MEANS:

(†) (1) AN INDIVIDUAL;

(†) (2) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR REPRESENTATIVE OF ANY KIND; OR

(†) (3) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY KIND.

(2) ~~EXCLUSIONS.~~

“PERSON” DOES NOT INCLUDE, UNLESS OTHERWISE EXPRESSLY PROVIDED, A GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR UNIT OF A GOVERNMENTAL ENTITY.

(H) UNMONITORED SYSTEM.

“UNMONITORED SYSTEM” MEANS ANY ALARM SYSTEM FOR WHICH THE USER DOES NOT EMPLOY A MONITOR.

(I) USER.

(1) “USER” MEANS, EXCEPT AS SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION:

(I) THE OWNER OR LESSEE OF ANY ALARM SYSTEM;

(II) THE OWNER OR LESSEE OF ANY DWELLING UNIT, PLACE OF BUSINESS, OR OTHER PREMISES THAT HAS BEEN EQUIPPED WITH AN ALARM SYSTEM; OR

(III) ANY OTHER PERSON THAT USES AN ALARM SYSTEM.

(2) “USER” DOES NOT INCLUDE THE OWNER OR MANAGER OF A MULTI-TENANT BUILDING WITH RESPECT TO ANY ALARM SYSTEM THAT IS USED SOLELY BY A TENANT OF THAT BUILDING.

§ 5-2 § 8-2. REGULATIONS.

(A) ~~BY DIRECTOR~~ COMMISSIONER TO ADOPT.

(†) ~~IN CONSULTATION WITH THE COMMISSIONER, THE DIRECTOR~~ THE COMMISSIONER SHALL ADOPT AND ENFORCE RULES AND REGULATIONS TO CARRY OUT ~~THE DIRECTOR’S RESPONSIBILITIES~~ UNDER THIS SUBTITLE.

(2) (B) SCOPE.

THE ~~DIRECTOR’S~~ COMMISSIONER’S RULES AND REGULATIONS ~~MAY~~ SHALL INCLUDE:

- (~~†~~) (1) THE FORM OF APPLICATION FOR AND REQUIRED INFORMATION TO BE GIVEN FOR REGISTRATIONS, ~~AND~~ RENEWALS OF REGISTRATION, AND REPORTS REQUIRED UNDER THIS SUBTITLE;
- (~~††~~) (2) SUBJECT TO THE APPROVAL OF THE BOARD OF ESTIMATES, REASONABLE FEES FOR REGISTRATIONS, RENEWALS OF REGISTRATION, AND REINSTATEMENTS OF REVOKED REGISTRATION UNDER THIS SUBTITLE;
- (~~†††~~) ~~PROCEDURES FOR THE OPERATION OF ALARM SYSTEM CONTRACTORS AND ALARM SYSTEM MONITORS;~~
- (~~††††~~) (3) CRITERIA FOR REVOKING ANY REGISTRATION REQUIRED BY THIS SUBTITLE, WHICH CRITERIA MAY INCLUDE:
 - (I) THE FAILURE TO PAY ANY FINE IMPOSED UNDER THIS SUBTITLE; OR
 - (II) ANY OTHER VIOLATION OF THIS SUBTITLE OR OF ANY RULE OR REGULATION ADOPTED UNDER IT; ~~AND~~
- (~~†††††~~) (4) CRITERIA FOR REINSTATING REGISTRATION AFTER REVOCATION;:
- (5) PROCEDURES FOR FILING AND HEARING ADMINISTRATIVE APPEALS UNDER THIS SUBTITLE; AND
- (B) ~~By Commissioner.~~
- (1) ~~IN CONSULTATION WITH THE DIRECTOR, THE COMMISSIONER SHALL ADOPT AND ENFORCE RULES AND REGULATIONS TO CARRY OUT THE COMMISSIONER'S RESPONSIBILITIES UNDER THIS SUBTITLE.~~
- (2) ~~THE COMMISSIONER'S RULES AND REGULATIONS MAY INCLUDE:~~
- (~~†~~) (6) PROCEDURES FOR POLICE RESPONSES TO AN ALARM LOCATION; ~~AND~~
- (~~††~~) ~~PROVISIONS FOR THE ESTABLISHMENT OF AN ALARM REDUCTION SCHOOL.~~
- (C) *FILING.*

A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE MUST BE FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

~~§ 5-3~~ § 8-3. REGISTRATION — ~~ALARM SYSTEM CONTRACTORS.~~

(A) *REGISTRATION REQUIRED.*

AN ALARM SYSTEM CONTRACTOR MUST REGISTER WITH THE ~~DIRECTOR~~ COMMISSIONER BEFORE UNDERTAKING TO INSTALL, MAINTAIN, ALTER, INSPECT, ADMINISTER, ~~SELL~~, OR SERVICE ANY ALARM SYSTEM IN BALTIMORE CITY.

(B) ~~TERM AND RENEWAL.~~

- (1) ~~UNLESS RENEWED AS PROVIDED IN THIS SUBSECTION, THE REGISTRATION OF AN ALARM SYSTEM CONTRACTOR EXPIRES ON THE 3RD ANNIVERSARY OF ITS EFFECTIVE DATE.~~

- ~~(2) BEFORE A REGISTRATION EXPIRES, THE ALARM SYSTEM CONTRACTOR PERIODICALLY MAY RENEW IT FOR AN ADDITIONAL 3-YEAR TERM.~~

~~(c) VIOLATIONS.~~

FOR PURPOSES OF THE PENALTIES IMPOSED BY THIS SUBTITLE, EACH EVENT THAT VIOLATES THIS SECTION CONSTITUTES A SEPARATE OFFENSE.

~~§ 5-4~~ § 8-4. REGISTRATION — ~~ALARM SYSTEM~~ MONITORS.

(A) *REGISTRATION REQUIRED.*

AN ALARM SYSTEM MONITOR MUST REGISTER WITH THE ~~DIRECTOR~~ COMMISSIONER BEFORE UNDERTAKING TO MONITOR ANY ALARM SYSTEM IN BALTIMORE CITY.

(B) ~~TERM AND RENEWAL.~~

- ~~(1) UNLESS RENEWED AS PROVIDED IN THIS SUBSECTION, THE REGISTRATION OF AN ALARM SYSTEM MONITOR EXPIRES ON THE 3RD ANNIVERSARY OF ITS EFFECTIVE DATE.~~

- ~~(2) BEFORE A REGISTRATION EXPIRES, THE ALARM SYSTEM MONITOR PERIODICALLY MAY RENEW IT FOR AN ADDITIONAL 3-YEAR TERM.~~

~~(c) VIOLATIONS.~~

FOR PURPOSES OF THE PENALTIES IMPOSED BY THIS SUBTITLE, EACH CONTRACT BY AN UNREGISTERED ALARM SYSTEM MONITOR ON BEHALF OF AN ALARM SYSTEM USER CONSTITUTES A SEPARATE OFFENSE.

~~§ 5-5~~ § 8-5. REGISTRATION — ~~ALARM SYSTEM~~ USERS.

(A) ~~REGISTRATION REQUIRED — BY USER.~~

AN ALARM SYSTEM USER MUST REGISTER WITH THE ~~DIRECTOR~~ COMMISSIONER BEFORE THE USER'S ALARM SYSTEM CAUSES CONTACT WITH POLICE OR RESULTS IN A POLICE RESPONSE AT THE USER'S PROPERTY.

(B) ~~REGISTRATION REQUIRED — BY CONTRACTORS AND MONITORS.~~

- ~~(1) AN ALARM SYSTEM CONTRACTOR AND AN ALARM SYSTEM MONITOR MUST REGISTER WITH THE DIRECTOR EACH ALARM SYSTEM USER WITH WHOM THE CONTRACTOR OR MONITOR CONTRACTS. THIS REGISTRATION MUST BE COMPLETED BEFORE THE USER'S ALARM SYSTEM CAUSES CONTACT WITH POLICE OR RESULTS IN A POLICE RESPONSE AT THE USER'S PROPERTY.~~

- ~~(2) AN ALARM SYSTEM CONTRACTOR AND AN ALARM SYSTEM IS NOT RESPONSIBLE FOR RENEWING A USER'S REGISTRATION.~~

~~(c) TERM AND RENEWAL.~~

- ~~(1) UNLESS RENEWED AS PROVIDED IN THIS SUBSECTION, THE REGISTRATION OF A USER EXPIRES ON THE 3RD ANNIVERSARY OF ITS EFFECTIVE DATE.~~

- ~~(2) BEFORE A REGISTRATION EXPIRES, THE USER PERIODICALLY MAY RENEW IT FOR AN ADDITIONAL 3-YEAR TERM.~~

~~(D)~~ VIOLATIONS.

FOR PURPOSES OF THE PENALTIES IMPOSED BY THIS SUBTITLE, EACH EVENT THAT VIOLATES THIS SECTION CONSTITUTES A SEPARATE OFFENSE.

§ 8-6. NOTICES AND REPORTS.

(A) NOTICE TO USER.

- (1) ANY PERSON WHO SELLS OR LEASES ALARM SYSTEMS MUST POST CONSPICUOUSLY IN THAT PERSON'S PLACE OF BUSINESS NOTICE OF A USER'S OBLIGATION TO REGISTER UNDER THIS SUBTITLE.
- (2) IF A SALE OR LEASE TRANSACTION OCCURS OUTSIDE THE PERSON'S PLACE OF BUSINESS, OR IF THE PERSON DOES NOT MAINTAIN A PLACE OF BUSINESS IN A COMMERCIAL ESTABLISHMENT, THIS NOTICE MUST BE PROVIDED TO THE USER, IN WRITING, BEFORE THE USER TAKES POSSESSION OF THE SYSTEM.
- (3) THE WORDING, SIZE, AND PLACEMENT OF THE NOTICE MUST BE AS THE COMMISSIONER DIRECTS.

(B) REPORTS TO COMMISSIONER — UNMONITORED SYSTEMS.

- (1) IF THE PERSON SELLING OR LEASING AN ALARM SYSTEM IS NOT UNDER CONTRACT TO MONITOR THAT SYSTEM, THE PERSON MUST REPORT THE TRANSACTION TO THE COMMISSIONER.
- (2) THIS REPORT MUST:
 - (I) BE MADE WITHIN 10 DAYS OF THE SALE OR LEASE; AND
 - (II) CONTAIN:
 - (A) THE USER'S NAME, ADDRESS, AND TELEPHONE NUMBER;
 - (B) THE MAKE AND MODEL OF THE SYSTEM; AND
 - (C) ANY OTHER INFORMATION THAT THE COMMISSIONER REQUIRES.

(C) REPORTS TO COMMISSIONER — MONITORED SYSTEMS.

- (1) EACH MONITOR DOING BUSINESS IN THE CITY MUST PROVIDE THE COMMISSIONER WITH AN ANNUAL REPORT OF ALL USERS IN THE CITY TO WHOM THE MONITOR IS THEN PROVIDING SERVICES.
- (2) THIS REPORT MUST:
 - (I) BE MADE AT THE TIME THE COMMISSIONER REQUIRES; AND
 - (II) CONTAIN:
 - (A) EACH USER'S NAME, ADDRESS, AND TELEPHONE NUMBER; AND
 - (B) ANY OTHER INFORMATION THAT THE COMMISSIONER REQUIRES.

§ 5-6 § 8-7. UNREGISTERED USERS.**(A) *PROHIBITED CONDUCT.***

~~(1)~~ IT IS UNLAWFUL FOR THE ALARM SYSTEM OF ANY UNREGISTERED ~~ALARM SYSTEM~~ USER TO CAUSE CONTACT WITH OR SUMMON CITY POLICE.

~~(2)~~ (B) *VIOLATIONS.*

FOR PURPOSES OF THE PENALTIES IMPOSED BY THIS SUBTITLE, EACH EVENT THAT CAUSES CONTACT WITH OR SUMMONS POLICE CONSTITUTES A SEPARATE OFFENSE.

~~(B) *MONITOR TO REPORT ACTIVATION.*~~

~~ANY ALARM MONITOR WHO DETECTS AN ALARM SYSTEM ACTIVATION FROM AN UNREGISTERED ALARM SYSTEM USER OR LOCATION SHALL:~~

~~(1) REPORT THE ACTIVATION TO THE POLICE DEPARTMENT IN THE NORMAL MANNER; AND~~

~~(2) REPORT THE UNREGISTERED USER OR LOCATION TO THE DIRECTOR, IN THE MANNER THE DIRECTOR REQUIRES.~~

§ 5-7 § 8-8. FALSE ALARMS — FEES.**(A) *PERSONS RESPONSIBLE.***

THE PERSON RESPONSIBLE FOR PAYMENT TO THE CITY OF THE FALSE ALARM FEES IMPOSED UNDER THIS SECTION IS:

(1) FOR AN UNMONITORED SYSTEM, THE USER; AND

(2) IN ALL OTHER CASES, THE CONTRACTOR OR MONITOR, AS THE CASE MAY BE, WITH WHOM THE USER HAS CONTRACTED FOR MONITORING SERVICES.

~~(A)~~(B) *FEE SCHEDULE.*

~~EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AFTER~~ AFTER 2 FALSE ALARMS IN ANY 12-MONTH PERIOD, AN ALARM SYSTEM USER IS LIABLE FOR A FALSE ALARM FEE IS IMPOSED FOR EACH FALSE ALARM, BASED ON THE FOLLOWING SCHEDULE:

FALSE ALARMS WITHIN 12-MONTH PERIOD	FEE
1ST & 2ND	\$ 0
3 RD	\$ 50
4 TH	100
5 TH	150
6 TH	200
7 TH	250
8 TH	300
9 TH	400
10 TH	500
11 TH	600

12 TH	700
13 TH	800
14 TH AND ABOVE	1,000

~~(B) WAIVER:~~~~(1) THE COMMISSIONER SHALL WAIVE 1 FALSE ALARM FEE IF:~~

~~(i) THE ALARM SYSTEM USER COMPLETES AN ALARM REDUCTION SCHOOL SPONSORED BY THE COMMISSIONER; OR~~

~~(ii) THE ALARM SYSTEM USER:~~

~~1. HAS THE ALARM SYSTEM INSPECTED BY A REGISTERED ALARM SYSTEM CONTRACTOR OR AN ALARM SYSTEM MONITOR; AND~~

~~2. OBTAINS FROM THE CONTRACTOR OR MONITOR A CERTIFICATION THAT THE ALARM SYSTEM HAS BEEN INSPECTED AND IS FUNCTIONING PROPERLY.~~

~~(2) IF A FALSE ALARM FEE IS WAIVED UNDER THIS SUBSECTION AND THE ALARM SYSTEM USER IS SUBJECT TO A SUBSEQUENT FALSE ALARM FEE, THAT SUBSEQUENT FEE WILL BE ASSESSED AS IF THE PREVIOUS FEE HAD NOT BEEN WAIVED.~~

~~(C) FEE AS LIEN:~~

~~ANY UNPAID FEE:~~

~~(1) BECOMES A LIEN ON THE PROPERTY OF THE USER IN THE SAME MANNER AS TAXES; AND~~

~~(2) MAY BE COLLECTED IN THE SAME MANNER AS PROVIDED FOR THE COLLECTION OF TAXES.~~

~~(D) REVOCATION OF REGISTRATION:~~

~~IF AN ALARM SYSTEM USER DOES NOT RECEIVE A REAL PROPERTY TAX BILL, THEN 2 UNPAID FEES ARE GROUNDS FOR REVOCATION OF THE USER'S REGISTRATION.~~

(C) CHARGE TO USER — IN GENERAL.

(1) A CONTRACTOR OR MONITOR WHO PAYS A FEE UNDER THIS SECTION MAY CHARGE THE FEE BACK TO THE USER AS PROVIDED IN THIS SUBSECTION.

(2) TO CHARGE THE FEE BACK TO THE USER, THE CONTRACTOR OR MONITOR MUST:

(i) CLEARLY IDENTIFY THE FEE ON AN INVOICE TO THE USER;

(ii) PROVIDE THE USER WITH A COPY OF ALL DOCUMENTS RECEIVED FROM THE CITY THAT RELATE TO THE FALSE ALARM FOR WHICH THE FEE WAS IMPOSED; AND

(iii) PROVIDE THE USER WITH A NOTICE OF THE USER'S RIGHT TO APPEAL UNDER THIS SUBTITLE.

- (3) THE NOTICE REQUIRED BY PARAGRAPH (2)(III) OF THIS SUBSECTION MUST BE IN THE FORM PREPARED BY THE COMMISSIONER AND MADE AVAILABLE TO CONTRACTORS AND MONITORS REGISTERED UNDER THIS SUBTITLE.

(D) CHARGE TO USER — REFUNDS.

- (1) A CONTRACTOR OR MONITOR MAY APPLY TO THE DIRECTOR OF FINANCE FOR A REFUND OF A FEE PAID BY THE CONTRACTOR OR MONITOR UNDER THIS SECTION IF:

- (I) THE CONTRACTOR OR MONITOR IS UNABLE TO COLLECT THE FEE FROM THE USER;
- (II) THE CONTRACTOR OR MONITOR HAS CANCELED ITS CONTRACT WITH THE USER; AND
- (III) IN ACCORD WITH ITS STANDARD BUSINESS POLICIES, THE CONTRACTOR OR MONITOR HAS CHARGED OFF THE USER'S ACCOUNT RECEIVABLE AS WORTHLESS.

- (2) BEFORE AVAILING ITSELF OF THIS PRIVILEGE, A CONTRACTOR OR MONITOR MUST PROVIDE THE DIRECTOR OF FINANCE WITH A WRITTEN STATEMENT OF ITS POLICIES GOVERNING:

- (I) CANCELLATION OF SERVICES FOR NONPAYMENT; AND
- (II) THE DETERMINATION OF WORTHLESS ACCOUNTS.

§ 5-8 § 8-9. INJUNCTIVE RELIEF.

(A) *IN GENERAL.*

IF AN ALARM SYSTEM USER HAS 5 FALSE ALARMS IN ANY 12-MONTH PERIOD, THE COMMISSIONER MAY PETITION THE COURT FOR INJUNCTIVE RELIEF.

(B) *SCOPE.*

THE RELIEF SOUGHT MAY INCLUDE AN ORDER TO:

- (1) REQUIRE THE USER TO REPAIR THE ALARM SYSTEM; ~~OR~~
- (2) REQUIRE THE ~~ALARM SYSTEM~~ USER, MONITOR, ~~OR~~ CONTRACTOR, OR OTHER QUALIFIED PERSON TO DISCONNECT THE ALARM SYSTEM; ~~OR~~
- (3) REQUIRE THE MONITOR OR CONTRACTOR TO DISCONTINUE ITS SERVICES TO THE USER.

§ 5-9 § 8-10. ADMINISTRATIVE AND JUDICIAL REVIEW.

(A) *APPEAL OF FALSE ALARM FEE.*

- (1) ~~AN ALARM SYSTEM USER~~ A CONTRACTOR, MONITOR, OR USER AGAINST WHOM THE COMMISSIONER HAS ASSESSED A FALSE ALARM FEE OR A USER TO WHOM A CONTRACTOR OR MONITOR HAS CHARGED A FEE PAID BY THE CONTRACTOR OR MONITOR MAY APPEAL THE ASSESSMENT OF A FALSE ALARM FEE IN WRITING TO THE COMMISSIONER BOARD OF MUNICIPAL AND ZONING APPEALS.

- (2) ~~ON GOOD CAUSE SHOWN BY THE USER, THE COMMISSIONER MAY WAIVE THE FEE.~~

- ~~(3) IF THE FEE IS WAIVED UNDER THIS SUBSECTION AND THE ALARM SYSTEM USER IS SUBJECT TO A SUBSEQUENT FALSE ALARM FEE, THAT SUBSEQUENT FEE WILL BE ASSESSED AS IF THE PREVIOUS FEE HAD NOT BEEN WAIVED.~~

(B) *APPEAL OF REVOCATION.*

- (1) ANY PERSON WHOSE REGISTRATION HAS BEEN REVOKED UNDER THIS SUBTITLE MAY APPEAL ~~THE REVOCATION~~ IN WRITING TO THE ~~DIRECTOR~~ BOARD OF MUNICIPAL AND ZONING APPEALS.
- (2) ON GOOD CAUSE SHOWN, THE ~~DIRECTOR~~ BOARD MAY RESCIND THE REVOCATION.

(C) *JUDICIAL REVIEW.*

ANY DECISION OF THE ~~COMMISSIONER OR THE DIRECTOR~~ BOARD OF MUNICIPAL AND ZONING APPEALS UNDER THIS SECTION MAY BE APPEALED TO COURT, AS PROVIDED IN THE MARYLAND RULES.

~~§ 5-10~~ **§ 8-11. CIVIL CITATION.**

(A) *AUTHORIZATION.*

ANY PERSON WHO VIOLATES A PROVISION OF THIS SUBTITLE MAY BE ISSUED AN ENVIRONMENTAL CITATION AS AUTHORIZED BY CITY CODE ARTICLE 1, SUBTITLE 40 {"ENVIRONMENTAL CONTROL BOARD"}.

(B) *REMEDY NOT EXCLUSIVE.*

THE ISSUANCE OF AN ENVIRONMENTAL CITATION TO ENFORCE THIS SECTION DOES NOT PRECLUDE PURSUING ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

~~§ 5-11~~ **§ 8-12. CRIMINAL PENALTIES.**

~~(A) CONTRACTORS AND MONITORS.~~

- ~~(1) ANY PERSON WHO ACTS AS AN ALARM SYSTEM CONTRACTOR OR AN ALARM SYSTEM MONITOR WITHOUT BEING REGISTERED UNDER THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF \$1,000 FOR EACH OFFENSE.~~
- ~~(2) ANY ALARM SYSTEM CONTRACTOR OR ALARM SYSTEM MONITOR THAT VIOLATES ANY PROVISION OF THIS SUBTITLE OR OF A RULE OR REGULATION ADOPTED UNDER THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF \$1,000 FOR EACH OFFENSE.~~

~~(B) UNREGISTERED USER.~~

~~ANY UNREGISTERED ALARM SYSTEM USER WHOSE ALARM SYSTEM CAUSES CONTACT WITH OR SUMMONS CITY POLICE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF \$500 FOR EACH OFFENSE.~~

(A) *USERS.*

ANY UNREGISTERED USER OF AN UNMONITORED SYSTEM THAT CAUSES CONTACT WITH OR SUMMONS CITY POLICE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF \$500 FOR EACH OFFENSE.

(B) OTHERS.

ANY CONTRACTOR, MONITOR, OR OTHER PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE OR OF A RULE OR REGULATION ADOPTED UNDER THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF \$1,000 FOR EACH OFFENSE.

SECTION 2. AND BE IT FURTHER ORDAINED, That the provisions of this Ordinance are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any person or circumstances is invalid, the remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision.

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 ~~Article 15, § 5-2~~ Article 19, § 8-2, as enacted by the Ordinance, takes effect on the ~~30th~~ 90th day after the date on which this Ordinance is enacted, and the rest of this Ordinance takes effect ~~on the 90th day~~ 6 months after the date on which this Ordinance is enacted.

Approved July 21, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-070
(Council Bill 00-141)**

AN ORDINANCE CONCERNING

**Zoning — Parking Lot District — Conditional Use
Parking Lot — 2301 Ocala Avenue**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of an open off-street parking area, other than accessory, for the parking of 4 or more automobiles on the property known as 2301 Ocala Avenue, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning
Section(s) 4-1004 (4), 10-405(25), and 14-102
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of an open off-street parking area, other than accessory, for the parking of 4 or more automobiles on the property known as 2301 Ocala Avenue, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Article §§ 4-1004 (4), 10-405(25), and 14-102 of the Baltimore City Code, subject to the ~~condition that~~ following conditions:

1. the parking lot must conform to the Revised Site Plan, dated May 25, 2000, which is attached to this Ordinance;

2. any changes to the Revised Site Plan must be approved by the Planning Commission; and
3. the parking area ~~complies~~ must comply with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved July 21, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-071
(Council Bill 00-086)**

AN ORDINANCE CONCERNING

Baltimore City Parking Authority

FOR the purpose of establishing the Baltimore City Parking Authority; providing for the Authority's powers, duties, and limitations; providing for a Board of Directors, for the selection and term of the Board's members, and for the powers and duties of the Board; defining certain terms; requiring the Authority, its Board, and its employees to comply with certain provisions of law; delegating certain authority to the Board of Estimates; requiring periodic review of this Ordinance; providing for its automatic termination under certain circumstances; providing for a special effective date; and generally relating to the establishment and operation of the Baltimore City Parking Authority.

BY adding

Article 31 - Transit and Traffic
Section(s) 13-1 through ~~13-14~~ 13-15, inclusive to be under
the new "Subtitle 13. Parking Authority of Baltimore City"
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 8 - Ethics
Section(s) 2-1(d), (r), (s), 5-1(b)
Baltimore City Code
(Edition 2000)

BY adding

Article 8 - Ethics
Section(s) 5-2(23a)
Baltimore City Code
(Edition 2000)

Recitals

The availability of secure and proximate parking in an appropriate proportion to other means of mobility is critical to all forms of development in an urban environment.

Several studies in recent years have demonstrated that a substantial demand exists for parking in portions of the City, with a particularly high demand in the downtown area and other areas of the City.

To address in a comprehensive manner the pressing need to efficiently use existing parking resources and the need for additional parking and other means of mobility, the City must establish an entity with the power to engage in planning, development, management, and operation of on-street and off-street parking, with the goal of reducing the demand for existing and future parking facilities.

The continued rejuvenation of the City is jeopardized by the lack of a comprehensive system of parking planning, development, and management.

By Chapter 76 ~~{S.B. 536/H.B. 732}~~, Laws of Maryland 2000, the City has been granted authority to create a parking authority under the State Parking Authorities Act, Article 41, Title 14, Subtitle 3 of the Maryland Code.

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 31 — Transit and Traffic

SUBTITLE 13. BALTIMORE CITY PARKING AUTHORITY

§ 13-1. DEFINITIONS.

(A) *IN GENERAL.*

IN THIS SUBTITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) *ACQUIRE.*

“ACQUIRE” MEANS TO OBTAIN BY GIFT, PURCHASE, LEASE, DEVISE, OR OTHER LEGAL MEANS.

(C) *AUTHORITY.*

“AUTHORITY” MEANS THE BALTIMORE CITY PARKING AUTHORITY.

(D) *BOARD.*

“BOARD” MEANS THE BOARD OF DIRECTORS OF THE AUTHORITY.

(E) *BORROWINGS.*

(1) “BORROWINGS” MEANS THE FINANCING OF CAPITAL NEEDS BY THE AUTHORITY THROUGH REVENUE BONDS OR ANY OTHER FORM OF FINANCING AUTHORIZED BY LAW.

(2) “BORROWINGS” INCLUDES:

(I) REVENUE BONDS OR NOTES;

(II) OBLIGATIONS ISSUED IN ANTICIPATION OF REVENUE BONDS OR NOTES;

(III) CERTIFICATES OF PARTICIPATION;

(IV) CONDITIONAL PURCHASE AGREEMENTS;

(V) PURCHASE MONEY INSTRUMENTS; AND

(VI) ANY OTHER INSTRUMENT DELIVERED BY THE AUTHORITY TO EVIDENCE A BORROWING OF FUNDS.

(F) *CONTRACT.*

“CONTRACT” MEANS ANY ~~ORAL OR~~ WRITTEN NOTE, BOND, MORTGAGE, INDENTURE, LEASE, SUBLEASE, LICENSE, CONTRACT, AGREEMENT, INSTRUMENT, FINANCIAL ARRANGEMENT, OBLIGATION, OR OTHER LEGALLY BINDING COMMITMENT.

(G) *DEMAND MANAGEMENT STRATEGIES.*

“DEMAND MANAGEMENT STRATEGIES” MEANS MEASURES USED TO CONTROL AND REDUCE THE DEMAND FOR EXISTING AND NEW PARKING FACILITIES.

~~(G)~~ (H) *DEVELOP.*

“DEVELOP”, WHEN USED IN CONNECTION WITH A PARKING PROJECT, MEANS TO PLAN, DESIGN, CONSTRUCT, IMPROVE, EXPAND, RENOVATE, REHABILITATE, EQUIP, FURNISH, OR CONVERT PROPERTY TO CREATE A PARKING PROJECT, EITHER DIRECTLY BY THE AUTHORITY OR THROUGH THE USE OF OTHER PERSONS.

~~(H)~~ (I) *ENABLING ACT.*

“ENABLING ACT” MEANS THE STATE PARKING AUTHORITIES ACT, CODIFIED AT ARTICLE 41, TITLE 14, SUBTITLE 3 OF THE MARYLAND CODE, AS AMENDED FROM TIME TO TIME.

~~(I)~~ (J) *OPERATE.*

“OPERATE”, WHEN USED IN CONNECTION WITH A PARKING PROJECT, MEANS TO MAINTAIN, MANAGE, REPAIR, IMPROVE, EXPAND, ALTER, MODIFY, REGULATE, OR OTHERWISE CONTROL THE OPERATION OF THE PARKING PROJECT, EITHER DIRECTLY BY THE AUTHORITY OR THROUGH THE USE OF OTHER PERSONS.

~~(J)~~ (K) *PARKING PROJECT.*

“PARKING PROJECT” MEANS ALL OR PART OF ANY PROPERTY IN THE CITY THAT THE AUTHORITY IS AUTHORIZED TO ACQUIRE, DEVELOP, OR OPERATE UNDER THE ENABLING ACT AND THIS SUBTITLE.

~~(K)~~ (L) *PERSON.*

“PERSON” INCLUDES:

- (1) AN INDIVIDUAL;
- (2) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR REPRESENTATIVE OF ANY KIND;
- (3) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY KIND; AND
- (4) A GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR UNIT OF A GOVERNMENTAL ENTITY.

~~(J)~~ (M) *PROPERTY.*

“PROPERTY” INCLUDES:

- (1) ANY REAL OR PERSONAL PROPERTY, TANGIBLE OR INTANGIBLE; AND
- (2) ANY INTEREST IN REAL OR PERSONAL PROPERTY, INCLUDING ANY FRANCHISE, LICENSE, OR EASEMENT.

~~(M)~~ (N) *PUBLIC BONDS.*

“PUBLIC BONDS” MEANS ANY BORROWING EVIDENCED BY THE ISSUANCE OF BONDS, NOTES, CERTIFICATES, OR OTHER INSTRUMENTS THAT ARE SOLD OR STRUCTURED FOR SALE TO RETAIL PURCHASERS OF MUNICIPAL OR PUBLIC OBLIGATIONS AND THAT ARE TYPICALLY ACCOMPANIED BY THE PREPARATION OF A PROSPECTUS, OFFERING STATEMENT, OR SIMILAR DISCLOSURE DOCUMENT.

§ 13-2. CONSTRUCTION.

THIS SUBTITLE AND THE POWERS GRANTED UNDER IT MUST BE BROADLY INTERPRETED TO ALLOW THE AUTHORITY TO ACHIEVE THE PURPOSES OF:

- (1) THE ENABLING ACT; AND
- (2) THIS SUBTITLE.

§ 13-3. AUTHORITY ESTABLISHED; PURPOSES.

(A) *AUTHORITY ESTABLISHED.*

THERE IS A BALTIMORE CITY PARKING AUTHORITY, ESTABLISHED UNDER THE ENABLING ACT AS A BODY CORPORATE AND POLITIC.

(B) *CORPORATE POWERS.*

THE AUTHORITY MAY:

- (1) SUE AND BE SUED; AND

(2) ADOPT, USE, AND ALTER AT WILL A CORPORATE SEAL.

(C) *PURPOSES.*

THE AUTHORITY IS CREATED FOR THE PURPOSES SET FORTH IN THE ENABLING ACT.

§ 13-4. GENERAL POWERS.

(A) *IN GENERAL.*

- (1) THE AUTHORITY MAY EXERCISE ANY OF THE FOLLOWING POWERS, EITHER SINGLY OR IN ANY COMBINATION, IN EACH INSTANCE TO THE EXTENT THE BOARD DETERMINES IS NECESSARY OR CONVENIENT TO ACHIEVE THE PURPOSES OF THE AUTHORITY.
- (2) THE POWERS ENUMERATED IN THIS SECTION ARE IN ADDITION TO ANY OTHER POWERS OR AUTHORIZATIONS SPECIFICALLY GRANTED TO THE AUTHORITY BY LAW.

(B) *ACQUISITION OF PROPERTY.*

THE AUTHORITY MAY ACQUIRE PROPERTY:

- (1) TO DEVELOP PARKING PROJECTS; OR
- (2) OTHERWISE AS NECESSARY OR DESIRABLE FOR CARRYING OUT ITS PURPOSES.

(C) *ACQUISITION OF PROJECTS.*

THE AUTHORITY MAY ACQUIRE ALREADY-EXISTING PARKING PROJECTS.

(D) FUNDING, DEVELOPMENT, OR CONSTRUCTION OF PROJECTS.

- (1) THE AUTHORITY MAY FUND, DEVELOP, OR CONSTRUCT PARKING PROJECTS.
- (2) THE FINAL DESIGN OF ANY PARKING STRUCTURE THAT THE AUTHORITY FUNDS, DEVELOPS, OR CONSTRUCTS IS SUBJECT TO THE APPROVAL OF THE PLANNING COMMISSION.

~~(D)~~ (E) OPERATION OF PROJECTS.

THE AUTHORITY MAY OPERATE THE PARKING PROJECTS THAT IT ACQUIRES OR DEVELOPS.

~~(E)~~ (F) USE OF PROJECTS

THE AUTHORITY MAY:

- (1) CONTRACT WITH ANY PERSON FOR THE USE, BY PERSONS OTHER THAN THE AUTHORITY, OF ALL OR PART OF ANY PARKING PROJECT; AND
- (2) SUBJECT TO THE APPROVAL OF THE BOARD OF ESTIMATES, SET THE RATES, TOLLS, RENTS, FEES, CHARGES, OR OTHER FINANCIAL OR NON-FINANCIAL IMPOSITIONS FOR THAT USE ANY PARKING PROJECT.

~~(F)~~ (G) DISPOSITION OF PROPERTY.

TO THE EXTENT PERMITTED BY THE ENABLING ACT, THE AUTHORITY MAY SELL OR OTHERWISE TRANSFER TO THE CITY OR OTHER PERSONS ITS INTEREST IN ANY PROPERTY OR PARKING PROJECT.

~~(G)~~ (H) *CONTRACTS.*:-

(1) THE AUTHORITY MAY ENTER INTO CONTRACTS NECESSARY OR CONVENIENT TO THE EXERCISE OF ITS POWERS.

(2) THE AUTHORITY'S CONTRACTS :

(I) ARE SUBJECT TO THE APPROVAL OF THE BOARD OF ESTIMATES; BUT

(II) ARE NOT OTHERWISE SUBJECT TO ARTICLE VI, § 11 OF THE CITY CHARTER.

~~(H)~~ (I) *RESEARCH AND STUDIES.*

THE AUTHORITY MAY:

(1) CONDUCT RESEARCH AND STUDIES RELATING TO PARKING AND DEMAND MANAGEMENT STRATEGIES, INCLUDING THE PREPARATION OF SHORT-TERM OR LONG-TERMS PLANS; AND

(2) CONTRACT WITH PERSONS TO ASSIST IN THESE STUDIES AND PLANS.

~~(I)~~ (J) *GRANTS.*

THE AUTHORITY MAY ACCEPT GRANTS FROM ANY GOVERNMENTAL ENTITY, INCLUDING THE STATE AND THE CITY, OR ANY POLITICAL SUBDIVISION OF THE STATE, AND FROM ANY OTHER PERSON.

~~(J)~~ (K) *BYLAWS.*

THE AUTHORITY MAY ADOPT BYLAWS FOR THE MANAGEMENT AND REGULATION OF ITS AFFAIRS.

~~(K)~~ (L) *RULES AND REGULATIONS.*

(1) SUBJECT TO THE APPROVAL OF THE BOARD OF ESTIMATES, THE AUTHORITY MAY ADOPT RULES AND REGULATIONS GOVERNING THE OPERATION AND USE OF ITS PARKING PROJECTS.

(2) A COPY OF ALL RULES AND REGULATIONS MUST BE FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

~~(L)~~ (M) *GENERAL.*

THE AUTHORITY MAY DO ALL OTHER ACTS AND THINGS NECESSARY OR CONVENIENT TO CARRY OUT THE POWERS GRANTED BY THIS SUBTITLE OR BY ANY OTHER LAW.

~~(M)~~ (N) *EXEMPTIONS.*

TO THE EXTENT NOT SPECIFICALLY MADE SUBJECT TO LAWS AND PROCEDURES THAT OTHERWISE APPLY TO UNITS OF THE CITY GOVERNMENT, THE AUTHORITY IS EXEMPT FROM THOSE LAWS AND PROCEDURES.

§ 13-5. MANAGEMENT OF CITY OPERATIONS.**(A) SCOPE.**

THE FUNCTIONS AUTHORIZED BY THIS SECTION MAY BE EXERCISED AS NECESSARY OR APPROPRIATE TO IMPROVE EFFICIENCY AND MAXIMIZE REVENUES, SUBJECT, HOWEVER, TO THE LIMITATIONS OF APPLICABLE STATE AND LOCAL LAWS AND EXISTING CONTRACTUAL OBLIGATIONS OF THE CITY.

(B) IN GENERAL.

SUBJECT TO THE LIMITATIONS SPECIFIED IN SUBSECTION (A) OF THIS SECTION, THE CITY AND THE AUTHORITY MAY CONTRACT FOR THE AUTHORITY'S UNDERTAKING ANY 1 OR MORE OF THE FOLLOWING FUNCTIONS:

- (1) OPERATION OF 1 OR MORE PARKING PROJECTS OWNED OR CONTROLLED BY THE CITY;
- (2) INSTALLATION AND MAINTENANCE OF CITY PARKING METERS;
- (3) ENFORCEMENT OF CITY PARKING ORDINANCES AND REGULATIONS; AND
- (4) OTHERWISE MANAGING PART OR ALL OF THE CITY'S PARKING OPERATIONS.

(C) MANAGEMENT AND OPERATIONS PLAN AND REPORT.

- (1) AT LEAST 45 DAYS BEFORE IT ASSUMES ANY NEW FUNCTION OR ANY NEW PART OF A FUNCTION UNDER THIS SECTION, THE AUTHORITY MUST SUBMIT A WRITTEN MANAGEMENT AND OPERATIONS PLAN TO THE CITY COUNCIL AND THE BOARD OF ESTIMATES.
- (2) AS LONG AS THE AUTHORITY IS PERFORMING ANY FUNCTION UNDER THIS SECTION, THE AUTHORITY MUST SUBMIT AN ANNUAL WRITTEN REPORT TO THE CITY COUNCIL AND THE BOARD OF ESTIMATES ON ITS MANAGEMENT AND OPERATIONS UNDER THIS SECTION.

§ 13-5 § 13-6. LIMITATIONS.**(A) IN GENERAL.**

THE AUTHORITY IS NOT AN AGENCY OF THE MAYOR AND CITY COUNCIL OF BALTIMORE, AND ITS OFFICERS AND EMPLOYEES ARE NOT AGENTS OR EMPLOYEES OF THE MAYOR AND CITY COUNCIL OF BALTIMORE.

(B) IN PARTICULAR.

THE AUTHORITY:

- (1) MAY NOT PLEDGE THE FULL FAITH AND CREDIT OF THE CITY OR OTHERWISE OBLIGATE THE CITY TO ANY BORROWING OR CONTRACT;
- (2) ~~DOES~~ DOES NOT HAVE ANY TAXING AUTHORITY;
- (3) MAY NOT EXERCISE THE POWER OF EMINENT DOMAIN; AND
- (4) MAY NOT ISSUE ANY PUBLIC BONDS.

(C) *CITY TO BE HELD HARMLESS.*

THE AUTHORITY MUST INDEMNIFY AND HOLD HARMLESS THE MAYOR AND CITY COUNCIL OF BALTIMORE AND ITS OFFICERS, AGENTS, AND EMPLOYEES AGAINST ALL ACTS, CONDITIONS, DAMAGES, SUITS, CLAIMS, AND LIABILITIES ARISING OUT OF OR IN CONNECTION WITH ANY ACTIVITIES OF THE AUTHORITY OR OF ITS BOARD, EXECUTIVE DIRECTOR, OFFICERS, AGENTS, OR EMPLOYEES.

§ 13-6 § 13-7. BOARD OF DIRECTORS — IN GENERAL.(A) *ESTABLISHED.*

(1) THE POWERS OF THE AUTHORITY ARE EXERCISED BY A BOARD OF DIRECTORS.

(2) THE BOARD CONSISTS OF 5 MEMBERS, ~~TO BE~~ OF WHICH:

(I) 4 ARE APPOINTED BY THE MAYOR AND CONFIRMED BY THE CITY COUNCIL; AND

(II) 1 IS A MEMBER OF THE CITY COUNCIL APPOINTED BY THE CITY COUNCIL PRESIDENT.

(B) *QUALIFICATIONS.*

(1) EACH MEMBER OF THE BOARD MUST BE:

(+) (I) A RESIDENT OF BALTIMORE CITY; AND

(-) (II) A PERSON OF ABILITY, EXPERIENCE, AND INTEGRITY.

(2) AT LEAST 1 MEMBER OF THE BOARD MUST HAVE MASS TRANSIT INVOLVEMENT.

(C) *TERM.*

(1) THE TERM OF A MEMBER IS 3 YEARS.

(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR THE MEMBERS FIRST APPOINTED TO THE BOARD.

(D) *VACANCIES.*

(1) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL HIS OR HER SUCCESSOR IS APPOINTED AND QUALIFIES.

(2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL HIS OR HER SUCCESSOR IS APPOINTED AND QUALIFIES.

(3) MEMBERS MAY BE APPOINTED TO SUCCEED THEMSELVES. HOWEVER, A MEMBER MAY NOT SERVE MORE THAN 2 CONSECUTIVE FULL TERMS.

(E) *REMOVAL.*

THE MAYOR OR CITY COUNCIL PRESIDENT, AS THE CASE MAY BE, MAY REMOVE AT WILL ANY MEMBER OF THE BOARD ~~AT WILL~~ APPOINTED BY HIM OR HER.

(F) *COMPENSATION; EXPENSES.*

- (1) A MEMBER MAY NOT RECEIVE COMPENSATION.
- (2) THE BOARD MAY ESTABLISH RULES GOVERNING PAYMENT OF OR REIMBURSEMENT FOR EXPENSES INCURRED BY A MEMBER IN THE DISCHARGE OF HIS OR HER DUTIES.

~~§ 13-7~~ § 13-8. BOARD OF DIRECTORS — OFFICERS; STAFF; DELEGATION.

(A) *OFFICERS..*

- (1) THE MAYOR DESIGNATES THE CHAIR OF THE BOARD.
- (2) FROM AMONG ITS MEMBERS, THE BOARD MUST SELECT A TREASURER, A SECRETARY, AND ANY OTHER OFFICERS THAT THE BOARD DETERMINES.

(B) *STAFF.*

- (1) THE BOARD MUST SELECT AN EXECUTIVE DIRECTOR, AS PROVIDED IN ~~§ 13-9~~ § 13-10 OF THIS SUBTITLE.
- (2) THE BOARD MAY:
 - (I) EMPLOY ATTORNEYS, ACCOUNTANTS, TECHNICAL EXPERTS, AGENTS, AND EMPLOYEES, PERMANENT OR TEMPORARY, AS THE BOARD REQUIRES;
 - (II) DETERMINE THEIR QUALIFICATIONS AND DUTIES; AND
 - (III) FIX THEIR COMPENSATION.

(C) *DELEGATION.*

THE BOARD MAY DELEGATE TO ONE OR MORE OF ITS AGENTS OR EMPLOYEES ANY OF THE BOARD'S POWERS THAT THE BOARD CONSIDERS NECESSARY TO CARRY OUT THIS SUBTITLE.

(D) *NO PERSONAL LIABILITY.*

NO MEMBER OF THE BOARD MAY BE HELD PERSONALLY LIABLE FOR THE OBLIGATIONS OF THE AUTHORITY, AND THE RIGHTS OF CREDITORS MAY BE EXERCISED SOLELY AGAINST THE AUTHORITY.

~~§ 13-8~~ § 13-9. BOARD OF DIRECTORS — QUORUM; OPEN MEETINGS; PUBLIC RECORDS.

(A) *QUORUM.*

THREE MEMBERS OF THE BOARD CONSTITUTE A QUORUM.

(B) *OPEN MEETINGS.*

ALL MEETINGS OF THE BOARD MUST BE CONDUCTED IN ACCORDANCE WITH THE STATE OPEN MEETINGS ACT.

(C) *PUBLIC RECORDS.*

ALL RECORDS OF THE AUTHORITY MUST BE OPEN TO PUBLIC INSPECTION IN ACCORDANCE WITH THE STATE PUBLIC INFORMATION ACT.

~~§ 13-9~~ § 13-10. EXECUTIVE DIRECTOR.

(A) *CHIEF ADMINISTRATIVE OFFICER.*

THE EXECUTIVE DIRECTOR IS THE CHIEF ADMINISTRATIVE OFFICER OF THE AUTHORITY.

(B) *QUALIFICATIONS; TENURE.*

- (1) THE EXECUTIVE DIRECTOR MAY NOT BE A MEMBER OF THE BOARD.
- (2) THE EXECUTIVE DIRECTOR SERVES AT THE PLEASURE OF THE BOARD.
- (3) ANY EMPLOYMENT CONTRACT WITH THE EXECUTIVE DIRECTOR MAY NOT EXCEED 3 YEARS, BUT MAY BE RENEWED UP TO 3 YEARS AT A TIME BY AGREEMENT BETWEEN THE BOARD AND THE EXECUTIVE DIRECTOR.

(C) *DUTIES.*

IN ADDITION TO ANY OTHER RIGHTS, POWERS, AND DUTIES GRANTED BY THE BOARD, THE EXECUTIVE DIRECTOR:

- (1) SUPERVISES AND MANAGES THE DAY-TO-DAY OPERATIONS OF THE AUTHORITY AND ITS EMPLOYEES AND CONTRACTORS;
- (2) PREPARES THE AUTHORITY'S ~~ANNUAL FINANCIAL PLAN~~ VARIOUS PLANS AND REPORTS FOR REVIEW AND APPROVAL BY THE BOARD;
- (3) IMPLEMENTS THE APPROVED FINANCIAL PLAN AND ARRANGES FOR THE COLLECTION, DEPOSIT, AND DISBURSEMENT OF ALL CHARGES AND REVENUES OF THE AUTHORITY; AND
- (4) ESTABLISHES THE PROCEDURES AND PROCESSES NEEDED TO PERFORM THE FUNCTIONS CALLED FOR UNDER THE FINANCIAL PLAN.

~~§ 13-10~~ § 13-11. FINANCIAL PLAN; ANNUAL REPORT.

(A) *FISCAL YEAR.*

THE AUTHORITY'S FISCAL YEAR IS THE SAME AS THE CITY'S FISCAL YEAR.

(B) *ANNUAL PLAN REQUIRED.*

- (1) ANNUALLY, THE BOARD OF DIRECTORS MUST DEVELOP AND, SUBJECT TO THE APPROVAL OF THE BOARD OF ESTIMATES, ADOPT A FINANCIAL PLAN FOR THE ENSUING FISCAL YEAR.
- (2) THE FINANCIAL PLAN FOR EACH FISCAL YEAR:
 - (I) MUST CONTAIN THE AUTHORITY'S PROPOSED PLAN FOR BOTH OPERATIONS AND CAPITAL EXPENDITURES IN THAT FISCAL YEAR; AND

- (II) MAY INCLUDE A NARRATIVE OF INITIATIVES TO BE UNDERTAKEN BY THE AUTHORITY IN ITS EFFORT TO DEVELOP PARKING PROJECTS AND DEMAND MANAGEMENT STRATEGIES.

(C) *SUBMISSION OF PROPOSED PLAN TO BOARD OF ESTIMATES.*

AT LEAST 2 MONTHS BEFORE THE START OF A NEW FISCAL YEAR, THE BOARD OF DIRECTORS MUST SUBMIT ITS PROPOSED FINANCIAL PLAN AND ALL BACKGROUND MATERIAL TO THE BOARD OF ESTIMATES FOR ITS REVIEW AND APPROVAL.

(D) *ANNUAL REPORT.*

WITHIN 6 MONTHS AFTER THE END OF EACH FISCAL YEAR, THE AUTHORITY MUST PUBLISH AND MAKE AVAILABLE TO THE PUBLIC AN ANNUAL REPORT THAT SUMMARIZES, IN A NON-TECHNICAL, READABLE FORMAT:

- (1) THE AUTHORITY'S ACTIVITIES DURING THE PRECEDING FISCAL YEAR; ~~AND~~
- (2) THE AUTHORITY'S FUTURE PLANS ; AND
- (3) THE AUTHORITY'S CONSIDERATION AND USE OF DEMAND MANAGEMENT STRATEGIES AND THE EFFECTIVENESS OF THOSE STRATEGIES IN REDUCING THE NEED FOR NEW PARKING.

~~§ 13-11~~ § 13-12. DEPOSIT OF FUNDS; AUDITS AND EXAMINATIONS; FINANCIAL STATEMENT.

(A) *DEPOSITS.*

THE AUTHORITY'S TREASURER MUST DEPOSIT AND INVEST ALL MONEYS RECEIVED BY THE AUTHORITY IN ONE OR MORE FINANCIAL INSTITUTIONS, CONSISTENT WITH THE REQUIREMENTS OF STATE CODE ARTICLE 95, § 22F { "LOCAL GOVERNMENT INVESTMENT GUIDELINES" }.

(B) *AUDITS.*

(1) THE AUTHORITY MUST:

- (I) MAINTAIN ADEQUATE BOOKS AND RECORDS; AND
- (II) WITHIN 90 DAYS AFTER THE END OF EACH FISCAL YEAR, PREPARE AUDITED FINANCIAL STATEMENTS IN ACCORDANCE WITH GENERALLY ACCEPTED GOVERNMENTAL ~~AUDITING~~ ACCOUNTING PRINCIPLES.

- (2) A COPY OF THE AUDITED FINANCIAL STATEMENTS MUST BE DELIVERED TO THE MAYOR, THE PRESIDENT OF THE CITY COUNCIL, AND THE BOARD OF ESTIMATES.

(C) *EXAMINATION BY BOARD OF ESTIMATES.*

THE BOARD OF ESTIMATES MAY EXAMINE, AT ANY TIME, THE AUTHORITY'S BOOKS, ACCOUNTS, AND RECORDS.

~~§ 13-12~~ § 13-13. TAX EXEMPTION.

TO THE FULLEST EXTENT PERMITTED UNDER THE ENABLING ACT, ALL OF THE AUTHORITY'S PROPERTY IS EXEMPT FROM TAXATION OF EVERY KIND AND NATURE WHATSOEVER.

§13-13 § 13-14. BORROWING.**(A) *IN GENERAL.***

- (1) SUBJECT TO THE REQUIREMENTS OF THIS SECTION, THE AUTHORITY MAY ENGAGE IN BORROWINGS IN FURTHERANCE OF ITS PURPOSES AND POWERS.
- (2) NO BORROWING MAY INVOLVE THE ISSUANCE BY THE AUTHORITY OF ANY PUBLIC BONDS.

(B) *SECURITY FOR A BORROWING.*

THE AUTHORITY MAY SECURE ANY BORROWING TO THE FULLEST EXTENT PERMITTED BY THE ENABLING ACT.

(C) *REQUIRED APPROVALS.*

- (1) EACH BORROWING MUST BE APPROVED BY RESOLUTION OF THE AUTHORITY'S BOARD OF DIRECTORS IN ACCORDANCE WITH THE PROCEDURES IN THE ENABLING ACT FOR THE APPROVAL OF REVENUE BONDS.
- (2) EACH BORROWING MUST ALSO BE APPROVED BY THE BOARD OF ESTIMATES AND THE BOARD OF FINANCE, WHICH APPROVAL MUST SPECIFY ALL MATERIAL MATTERS WITH RESPECT TO THE BORROWING (E.G., ISSUE DATE, MATURITY, INTEREST RATE, TERMS, FORM, DENOMINATIONS, MANNER OF EXECUTION, PLACE OF PAYMENT, REDEMPTION, REFUNDING, AND SECURITY PROVIDED).

§13-14 § 13-15. COMPLIANCE WITH ~~BUILDING PERMIT AND OTHER~~ CITY LAWS AND REGULATIONS.**(A) *BUILDING, ZONING, AND SIMILAR REQUIREMENTS.***

ANY PARKING PROJECT DEVELOPED BY THE AUTHORITY MUST BE BUILT UNDER THE LAWS, RULES, AND REGULATIONS OF THE CITY. THE AUTHORITY MUST OBTAIN ALL BUILDING, ZONING, AND OTHER SIMILAR PERMITS, WHERE REQUIRED, AND MUST PAY ALL APPLICABLE PERMIT FEES.

(B) *HISTORICAL AND ARCHITECTURAL PRESERVATION.*

FOR ANY PARKING PROJECT ON OR PROPOSED FOR A SITE THAT IS IN AN HISTORICAL AND ARCHITECTURAL PRESERVATION DISTRICT OR THAT IS ON A LANDMARK LIST OR SPECIAL LIST, THE AUTHORITY MUST COMPLY WITH ALL REQUIREMENTS OF CITY CODE ARTICLE 6 {"HISTORICAL AND ARCHITECTURAL PRESERVATION"}.

(C) *MINORITY AND SMALL BUSINESS OPPORTUNITY PROGRAM.*

THE AUTHORITY IS SUBJECT TO AND MUST COMPLY WITH THE CITY'S MINORITY AND SMALL BUSINESS OPPORTUNITY PROGRAM.

Article 8 — Ethics**Title 2 — Definitions**

§ 2-1. Definitions.(d) *Board member.*

- (1) "Board member" means a member of a board, commission, council, or any other administrative body of the City.
- (2) "Board member" includes:
 - (I) a member of the Board of Liquor License Commissioners for Baltimore City; AND
 - (II) A MEMBER OF THE BOARD OF DIRECTORS OF THE BALTIMORE CITY PARKING AUTHORITY.

(r) *Municipal employee.*

- (1) "Municipal employee" means any employee of the City who is not an elected official or municipal officer.
- (2) "Municipal employee" includes:
 - (I) an employee of the Board of Liquor License Commissioners for Baltimore City; AND
 - (II) AN EMPLOYEE OF THE BALTIMORE CITY PARKING AUTHORITY.

(s) *Municipal officer.*

- (1) "Municipal officer" means:
 - (i) the head of any department or bureau; and
 - (ii) any other person who exercises authority comparable to that of the head of a department or bureau.
- (2) "Municipal officer" includes:
 - (I) the Executive Secretary of the Board of Liquor License Commissioners for Baltimore City; AND
 - (II) THE EXECUTIVE DIRECTOR OF THE BALTIMORE CITY PARKING AUTHORITY.

Title 5 — Financial Disclosure**§ 5-1. Definitions.**(b) *Salaried employee.*

- (1) "Salaried employee" means any person who, except as specified in paragraph (2) of this subsection, [is employed by] RECEIVES COMPENSATION AS AN EMPLOYEE OF:
 - (I) the City; [or by]
 - (II) the Board of Liquor License Commissioners for Baltimore City; OR

(III) THE BALTIMORE CITY PARKING AUTHORITY [and receives compensation for that employment].

(2) "Salaried employee" does not include any person employed in a secretarial, clerical, or custodial capacity.

§ 5-2. Statement makers.

(a) *Persons required to file.*

The following persons are required to file financial disclosure statements provided for in this subtitle, unless required by state law to file with the State:

(23A) MEMBERS OF THE BOARD OF DIRECTORS OF THE BALTIMORE CITY PARKING AUTHORITY, THE AUTHORITY'S EXECUTIVE DIRECTOR, AND ALL SALARIED EMPLOYEES OF THE AUTHORITY.

SECTION 2. AND BE IT FURTHER ORDAINED, That, ~~of:~~

(a) Of the members first appointed by the Mayor to the Authority's Board of Directors:

- (1) 1 shall be appointed for a term ending June 30, 2001;
- (2) 2 shall be appointed for a term ending June 30, 2002; and
- (3) ~~2~~ 1 shall be appointed for a term ending June 30, 2003.

(b) The member first appointed by the City Council President shall be appointed for a term ending June 30, 2003.

SECTION 3. AND BE IT FURTHER ORDAINED, That the requirements of this Ordinance for the adoption of an annual financial plan shall first apply for Fiscal Year 2002. Until then, the Authority may operate in accordance with the terms and conditions imposed on any funds that the City makes available to the Authority.

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 the Mayor and City Council periodically shall review the operations and effectiveness of the Authority and the desirability of continuing the Authority's existence. To that end, this Ordinance is effective only through June 30, 2006. At the end of that period, unless this Ordinance has been expressly reauthorized and extended by the Mayor and City Council, this Ordinance automatically, with no further action by the Mayor and City Council, will be abrogated and of no further effect.

SECTION 5 6. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on ~~the date it is enacted~~ October 1, 2000.

Approved July 24, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-072
(Council Bill 00-077)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use Convalescent, Nursing,
and Rest Home (Assisted Living) — 3104 Walbrook Avenue**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a convalescent, nursing, and rest home (assisted living) on the property known as 3104 Walbrook Avenue, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning
Section(s) 4-904(1) and 14-102
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of a convalescent, nursing, and rest home (assisted living) on the property known as 3104 Walbrook Avenue, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 4-904(1) and 14-102 of the Baltimore City Code, subject to the ~~condition that~~ following conditions:

1. the maximum number of resident-clients is 5;
2. the minimum age for resident-clients is 60 years;
3. there may be no more than 2 persons per sleeping room;
4. 24-hour supervision must be provided;
5. there may be no exterior sign on the facility other than a nameplate no larger than 6 inches wide by 6 inches high;
6. sleeping rooms for resident-clients may not be on the third floor nor in the basement; and
7. the convalescent, nursing, and rest home (assisted living) ~~complies~~ must comply with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved October 20, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-073
(Council Bill 00-098)**

AN ORDINANCE CONCERNING

Animal Control — Vicious Dogs

FOR the purpose of expanding the provisions governing vicious dogs to encompass a dog that bites, attacks, or attempts to bite or attack another animal, subject to certain exceptions; and generally relating to animal control and the regulation of dangerous animals.

BY repealing and reordaining, with amendments

Article - Health
Section(s) 10-101(q)
Baltimore City Revised 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 Revised Code

Article — Health

Title 10. Animal Control and Protection

§ 10-101. Definitions.

(q) *Vicious dog.*

(1) *In general.*

“Vicious dog” means any dog that:

- (i) has bitten or attacked [any] A human being OR ANOTHER ANIMAL; or
- (ii) has attempted to bite or attack [any] A human being OR ANOTHER ANIMAL and was prevented from doing so only because it was restrained by a leash, fence, or other means.

(2) *Exclusions — [person instigating attack] INSTIGATION BY OTHER.*

“Vicious dog” does not include a dog that has bitten or attacked [someone] or HAS attempted to bite or attack [someone] if the injury, damage, or threat was sustained by one who:

- (i) at the time was committing a willful trespass or other tort on the premises occupied by the owner or keeper of the dog;
 - (ii) was tormenting, abusing, or assaulting the dog;
 - (iii) in the past has been observed or reported to have tormented, abused, or assaulted the dog; or
 - (iv) was committing or attempting to commit a crime.
- (3) *Exclusions — dog protecting young or in pain.*

“Vicious dog” does not include a dog that has bitten or attacked [someone] or HAS attempted to attack or bite [someone] if the dog was:

- (i) protecting or defending ITSELF, its young, or another animal; or
- (ii) responding to pain or injury.

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 on the 30th day after the date it is enacted.

Approved October 20, 2000

MARTIN O’MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-074
(Council Bill 00-117)**

AN ORDINANCE CONCERNING

**Zoning — Health-Care Facilities —
Conditional Use Substance Abuse Treatment Center —
1501 Division Street**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a substance abuse treatment center on the property known as 1501 Division Street, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning
Section(s) 6-309(1) and 14-102
and
Article - Health
Section 3-102
Baltimore Revised City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of a substance abuse treatment center on the property known as 1501 Division Street, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 6-309(1) and 14-102 and Health Code § 3-102, subject to the ~~condition that~~ following conditions:

1. the maximum number of clients enrolled on site is 150 full-time equivalents as calculated on a 5-day, 40-hour work week; as calculated, if a patient only comes for treatment once a week, that counts as 1/5th of an equivalent, and this cap does not limit the hours of operation for the facility;
2. the outdoor “smoking area” is limited to the rear of the property and may not be on the public right-of-way;
3. any improvements to the building, including signage, must adhere to the design guidelines set forth in the Upton Urban Renewal Plan; and
4. the substance abuse treatment center ~~complies~~ must comply with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved October 20, 2000

MARTIN O'MALLEY, Mayor

ENROLLED

**CITY OF BALTIMORE
ORDINANCE 00-075
(Council Bill 00-126)**

AN ORDINANCE CONCERNING

Recyclable Debris — Disposal

FOR the purpose of requiring certain recyclable debris to be ~~made~~ immediately ~~transported to a licensed recycling firm that specializes in material recovery available~~ transported to recyclers for export; requiring that evidence of contracts and arrangements for this disposition accompany an application for a demolition permit; clarifying the applicability of certain penalties to violations of certain permits; generally relating to the disposition of recyclable debris; and providing for a special effective date.

BY repealing and reordaining, without amendments

Article 32 - Building Code
Section(s) 116.4
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 32 - Building Code
Section(s) 116.5
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 32 - Building Code
Section(s) 3310.10
Baltimore City Code
(Edition 2000)

BY adding

Article 32 - Building Code
Section(s) 3310.15.8
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 32 — Building Code

Chapter 1 — Administration

116.4 Criminal penalties: If any person violates a provision of this Code, or fails to comply with any requirement of this Code or of an order, requirement, decision, or notice issued under this Code, or who constructs, alters, adds to, repairs, rehabilitates, razes, moves, locates, uses, occupies, or maintains any building, structure, premises, land, or equipment in violation of an approved plan or directive of the Building Code Official or of a permit or certificate issued under this Code, that person is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$500 for each violation.

116.4.1 Every day a separate offense: Every day that a violation continues is a separate offense. Proof that a violation exists on any date after issuance of a violation notice is prima facie evidence that the violation has continued unabated throughout the intervening period.

116.5 Civil penalties: In civil proceedings instituted under this Code:

- a. a violation for which equitable relief is sought under § 116.3 is subject to a civil fine of not more than \$500,
- b. in an equitable action under § 116.3, the defendant is liable for all costs of enforcement, including attorneys' fees, incurred by the Building Code Official,

- c. judgment may be sought for outstanding liens incurred on land and improvements under § 122.0, and
- d. in the case of a person who razes a building or structure without the proper permit OR IN VIOLATION OF THE TERMS OF A PERMIT, the offender is subject to a civil fine of 15¢ for each cubic foot of the building or structure before the razing.

Chapter 33 —Site Work, Demolition, and Construction

3310.10 Razing contractors — Permit requirements: Every application for a permit to raze any building or structure shall:

- a. contain the name and license number of the contractor who will perform the razing operations, [and]
- b. except as provided in § 3310.10.1, be accompanied by a certificate of insurance stating that the contractor is insured, as required by § 3310.8, by a public liability insurance policy covering all operations to be carried on at the particular location for which the permit is sought, AND
- c. BE ACCOMPANIED BY EVIDENCE SATISFACTORY AN AFFIDAVIT TO THE BUILDING CODE OFFICIAL THAT ALL CONTRACTS AND OTHER ARRANGEMENTS NEEDED TO COMPLY WITH § 3310.15.8 HAVE BEEN MADE.

~~**3310.15.8 DISPOSITION OF RECYCLABLE DEBRIS:** WHENEVER RECYCLABLE DEBRIS TO BE CLEARED FROM A SITE EXCEEDS 5 TONS, AT LEAST 30% OF THAT DEBRIS SHALL BE IMMEDIATELY TRANSPORTED TO A GENERAL LICENSED RECYCLING FIRM THAT SPECIALIZES IN MATERIAL RECOVERY.~~

3310.15.8 DISPOSITION OF RECYCLABLE DEBRIS: WHENEVER RECYCLABLE DEBRIS TO BE CLEARED FROM A SITE EXCEEDS 5 TONS, AT LEAST 30% OF THAT RECYCLABLE DEBRIS SHALL BE MADE IMMEDIATELY AVAILABLE TO IDENTIFIED RECYCLERS TRANSPORTED TO A LICENSED RECYCLING FIRM FOR EXPORT OUT OF THE CITY.

3310.15.8.1 “RECYCLABLE DEBRIS” DEFINED: IN THIS SECTION:

- A. “RECYCLABLE DEBRIS” MEANS, EXCEPT AS SPECIFIED IN PARAGRAPH B, MATERIALS THAT:
 - 1. IF NOT RECYCLED, WOULD BECOME SOLID WASTE FOR DISPOSAL IN A SOLID WASTE ACCEPTANCE FACILITY; AND
 - 2. MAY BE COLLECTED, SEPARATED, OR PROCESSED AND RETURNED TO THE MARKETPLACE IN THE FORM OF RAW MATERIALS OR PRODUCTS.
- B. “RECYCLABLE DEBRIS” DOES NOT INCLUDE MATERIALS THAT ARE:
 - 1. DERIVED SOLELY FROM THE DEMOLITION OF A 1- OR 2-FAMILY DWELLING; AND
 - 2. DISPOSED OF AT THE CITY’S QUARANTINE LANDFILL.

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 on the date it is enacted.

Approved October 20, 2000

MARTIN O'MALLEY, Mayor

ENROLLED

**CITY OF BALTIMORE
ORDINANCE 00-076
(Council Bill 00-176)**

AN ORDINANCE CONCERNING

Franchise — Bridgeway over Roland Avenue

FOR the purpose of granting a franchise to Gilman School, Incorporated, and Roland Park Country School Incorporated to construct, use, and maintain a bridgeway above and across Roland Avenue, the center of the bridge to be located 620 feet north of the centerline intersection of Roland Avenue and Deepdene Road and being a minimum of ~~14~~ 16 feet above *the travel lanes of Roland Avenue and a minimum of 14 feet above the parking lanes of* Roland Avenue, subject to certain terms, conditions, and reservations; and providing for a special effective date.

BY authority of

Article VIII - Franchises
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That a franchise or right is granted to Gilman School, Incorporated and Roland Park Country School Incorporated, its tenants, successors, and assigns (collectively, the "Grantee") to construct, use, and maintain, at Grantee's own cost and expense, and subject to the terms and conditions of this Ordinance, a bridgeway connecting Gilman School campus and the Roland Park Country Day School campus above and across Roland Avenue, and more particularly described as follows:

The Roland Park Country and Gilman Schools are located at 5204 and 5407 Roland Avenue, respectively, between Northern Parkway and Deepdene Road. The Schools propose to construct a new pedestrian bridge across Roland Avenue, measuring approximately ~~8'-0"~~ 13'-0" wide by 120'-0" long, with a minimum vertical clearance of ~~14'-0"~~ 16'-0" over the *travel lanes of Roland Avenue roadway, and a minimum clearance of 14'-0" over the parking lanes of Roland Avenue roadway, for an allowed width of 11 feet measured from the east and the west curb lanes of Roland Avenue.* Approximately ~~105~~ 100 feet of the bridgeway will cross over the roadway. Roland Avenue currently bisects the Schools' campuses with Roland Park Country School located on the west side of Roland Avenue and Gilman School on the east side. The purpose of the bridge is to increase safety for the students, who must daily cross Roland Avenue, which is a busy secondary road. Bryn Mawr, Gilman, and Roland Park Country Schools have an extensive class sharing arrangement that require the students to cross Roland Avenue. The bridge will be a be a single span steel tied arch structure supported by concrete abutments faced with stone with framed concrete stairs at each end. The centerline location of the bridge is approximately 620 feet north of the centerline intersection of Deepdene Road and Roland Avenue. All abutments supporting the bridge will be constructed out of the public right-of-way for Roland Avenue.

SECTION 2. AND BE IT FURTHER ORDAINED, That as a condition of the franchise:

- (a) signs may not be constructed, placed, or attached on or to the bridgeway; and**
- (b) the Planning Commission has Final Design Approval for the bridgeway.**

SECTION 2 3. AND BE IT FURTHER ORDAINED, That to become effective, the franchise or right granted by this Ordinance (the "Franchise") must be executed and enjoyed by the Grantee within 6 months after the effective date of this Ordinance.

SECTION 3 4. AND BE IT FURTHER ORDAINED, That as compensation for the Franchise, the Grantee shall pay to the Mayor and City Council of Baltimore a franchise charge of \$7,312.50 a year, subject to increase or decrease as provided in Section 5 of this Ordinance. The franchise charge must be paid annually, at least 30 days before the initial and each renewal term of the Franchise.

SECTION 4 5. AND BE IT FURTHER ORDAINED, That:

(a) The initial term of the Franchise is 1 year, commencing on the effective date of this Ordinance. Unless sooner terminated as provided in this Ordinance, the Franchise will automatically renew, without any action by either the Mayor and City Council of Baltimore or the Grantee, for 24 consecutive 1-year renewal terms. Except as otherwise provided in this Ordinance, each renewal term will be on the same terms and conditions as the initial term. The maximum duration for which the Franchise may operate, including the initial and all renewal terms, is 25 years.

(b) Either the Mayor and City Council of Baltimore, acting by and through the Director of Public Works, or the Grantee may cancel the Franchise as at the end of the initial or any renewal term by giving written notice of cancellation to the other at least 90 days before the end of that term.

SECTION 5 6. AND BE IT FURTHER ORDAINED, That the Mayor and City Council of Baltimore, acting by and through the Board of Estimates, may increase or decrease the annual franchise charge by giving written notice of the increase or decrease to the Grantee at least 150 days before the end of the original or renewal term immediately preceding the renewal term to which the increase or decrease will first apply. The new franchise charge will apply to all subsequent annual renewal terms, unless again increased or decreased in accordance with this section.

SECTION 6 7. AND BE IT FURTHER ORDAINED, That the Mayor and City Council of Baltimore expressly reserves the right at all times to exercise, in the interest of the public, full municipal superintendence, regulation, and control over and in respect to all matters connected with the Franchise and not inconsistent with the terms of this Ordinance.

SECTION 7 8. AND BE IT FURTHER ORDAINED, That the Grantee, at its own cost and expense, shall maintain in good condition and in compliance with all applicable laws and regulations of Baltimore City, all structures for which the Franchise is granted. The maintenance of these structures shall be at all times subject to the regulation and control of the Commissioner of Housing and Community Development and the Director of Public Works. If any structure for which the Franchise is granted must be readjusted, relocated, protected, or supported to accommodate a public improvement, the Grantee shall pay all costs and expenses in connection with the readjustment, relocation, protection, or support.

SECTION 8 9. AND BE IT FURTHER ORDAINED, That at the option of the Mayor and City Council of Baltimore, acting by and through the Director of Public Works, the Grantee's failure to comply with any term or condition of this Ordinance constitutes a forfeiture of the Franchise. Immediately on written notice to the Grantee of the exercise of this option, the Franchise terminates. Once so terminated, only an ordinance of the Mayor and City Council of Baltimore may waive the forfeiture or otherwise reinstate the Franchise.

SECTION 9 10. AND BE IT FURTHER ORDAINED, That at any time and without prior notice, the Mayor of Baltimore City may revoke the Franchise if, in the Mayor's judgment, the public interest, welfare, safety, or convenience so requires. Immediately on written notice to the Grantee of the exercise of this right, the Franchise terminates.

SECTION 10 11. AND BE IT FURTHER ORDAINED, That on cancellation, expiration, forfeiture, revocation, or other termination of the Franchise for any reason, the Grantee shall remove all structures for which the Franchise is granted. The removal of these structures shall be (i) undertaken at the cost and expense of the Grantee, without any compensation from the Mayor and City Council of Baltimore, (ii) made in a manner satisfactory to the Commissioner of Housing and Community Development and the Director of Public Works, and (iii) completed within the time specified in writing by the Director of Public Works.

SECTION 11 12. AND BE IT FURTHER ORDAINED, That the Grantee is liable for and shall indemnify and save harmless the Mayor and City Council of Baltimore against all suits, losses, costs, claims, damages, or expenses to which the Mayor and City Council of Baltimore is at any time subjected on account of, or in any way resulting from, (i) the presence, construction, use, operation, maintenance, alteration, repair, location, relocation, or removal of any of the structures for which the Franchise is granted, or (ii) any failure of the Grantee, its officers, employees, or agents, to perform promptly and properly any duty or obligation imposed on the Grantee by this Ordinance.

SECTION 12 13. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved October 20, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-077
(Council Bill 00-113)**

AN ORDINANCE CONCERNING

**City Streets — Opening — Certain Streets Lying Within
The Market Center West Urban Renewal Project**

FOR the purpose of condemning and opening (1) Baltimore Street, extending from Greene Street Easterly to Paca Street, and (2) Paca Street, extending from Fayette Street Southerly to Baltimore Street, lying within the Department of Housing and Community Development's Market Center West Urban Renewal Project, as shown on Plat 347-A-52 in the Office of the Department of Public Works; and providing for a special effective date.

BY authority of

Article I - General Provisions
Section 4

and

Article II - General Powers
Sections 2, 34, and 35
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Department of Public Works shall proceed to condemn and open (1) Baltimore Street, extending from Greene Street Easterly to Paca Street, and (2) Paca Street, extending from Fayette Street Southerly to Baltimore Street, lying within the Department of Housing and Community Development's Market Center West Urban Renewal Project, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the east side of Greene Street, 66 feet wide, and the north side of Baltimore Street, 100 feet wide, and running thence binding on the north side of said Baltimore Street, Easterly 294.6 feet to intersect the west side of Paca Street, 110 feet wide; thence binding on the west side of said Paca Street, Southerly 100.0 feet to intersect the south side of said Baltimore Street; thence binding on the south side of said Baltimore Street, Westerly 295.0 feet to intersect the east side of said Greene Street, and thence binding on the east side of said Greene Street, Northerly 100.0 feet to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the west side of Paca Street, 110 feet wide, and the south side of Fayette Street, 66 feet wide, and running thence binding on the south side of said Fayette Street, Easterly 110.0 feet to intersect the east side of said Paca Street; thence binding on the east side of said Paca Street, Southerly 330.0 feet, more or less, to intersect the north side of Baltimore Street, 66 feet wide; thence binding on the line of the north side of said Baltimore Street, if projected westerly, Westerly 110.0 feet to intersect the west side of said Paca Street, and thence binding on the west side of said Paca Street, Northerly 330.4 feet, more or less, to the place of beginning.

As delineated on Plat 347-A-52, prepared by the Survey Control Section and filed on March 24, 2000, in the Office of the Department of Public Works.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and opening of (1) Baltimore Street, extending from Greene Street Easterly to Paca Street and (2) Paca Street, extending from Fayette Street Southerly to Baltimore Street, lying within the Department of Housing and Community Development's Market Center West Urban Renewal Project, and the rights of all interested parties shall be regulated by and in accordance with all applicable provisions of state and local law and with all applicable rules and regulations adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved November 3, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-078
(Council Bill 00-114)**

AN ORDINANCE CONCERNING

**City Streets — Closing — Certain Streets Lying Within
The Market Center West Urban Renewal Project**

FOR the purpose of condemning and closing (1) a portion of Baltimore Street extending from Greene Street Easterly to Paca Street, and (2) a portion of Paca Street, extending from Fayette Street Southerly to Baltimore Street, and lying within the Department of Housing and Community Development's Market

Center West Urban Renewal Project, as shown on Plat 347-A-52A in the Office of the Department of Public Works; and providing for a special effective date.

BY authority of

Article I - General Provisions
Section 4

and

Article II - General Powers
Sections 2, 34, 35
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Department of Public Works shall proceed to condemn and close (1) a portion of Baltimore Street, extending from Greene Street Easterly to Paca Street and (2) a portion of Paca Street, extending from Fayette Street Southerly to Baltimore Street, and lying within the Department of Housing and Community Development's Market Center West Urban Renewal Project, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the north side of Baltimore Street, 100 feet wide, and the east side of Greene Street, 66 feet wide, and running thence binding on the north side of said Baltimore Street, Easterly 294.6 feet to intersect the west side of Paca Street, 110 feet wide; thence binding on the west side of said Paca Street, Southerly 34.5 feet to a line drawn parallel and distant 34.5 feet southerly measured at right angles from the north side of said Baltimore Street; thence binding on said line so drawn, Westerly 294.7 feet to intersect the east side of said Greene Street, and thence binding on the east side of said Greene Street, Northerly 34.5 feet to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the north side of Baltimore Street, 100 feet wide, and the west side of Paca Street, 110 feet wide, and running thence binding on the west side of said Paca Street, Northerly 296.4 feet to intersect the south side of Fayette Street, 66 feet wide; thence binding on the south side of said Fayette Street, Easterly 30.0 feet to a line drawn parallel and distant 30.0 feet easterly measured at right angles from the west side of said Paca Street; thence binding on said line so drawn, Southerly 296.4 feet to intersect the north side of said Baltimore Street, and thence binding on the north side of said Baltimore Street, Westerly 30.0 feet to the place of beginning.

As delineated on Plat numbered 347-A-52A prepared by the Survey Control Section and filed on March 24, 2000, in the Office of the Department of Public Works.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and closing of (1) a portion of Baltimore Street, extending from Greene Street Easterly to Paca Street and (2) a portion of Paca Street, extending from Fayette Street Southerly and lying within the Department of Housing and Community Development's Market Center West Urban Renewal Project and the rights of all interested parties shall be regulated by and in accordance with all applicable provisions of state and local law and with all applicable rules and regulations adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SECTION 3. AND BE IT FURTHER ORDAINED, That after the closing under this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore continue to be the property of the Mayor and City Council, in fee simple, until their use has been abandoned by the Mayor and City Council. If any person wants to remove, alter, or interfere with them, that person must first obtain permission from the Mayor and City Council and, in the application for this permission, must agree to pay all costs and expenses, of every kind, arising out of the removal, alteration, or interference.

SECTION 4. AND BE IT FURTHER ORDAINED, That no building or structure of any kind (including but not limited to railroad tracks) may be constructed or erected in or on any part of the street closed under this Ordinance until all subsurface structures and appurtenances owned by the Mayor and City Council of Baltimore have been abandoned by the Mayor and City Council or, at the expense of the person seeking to erect the building or structure, have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City.

SECTION 5. AND BE IT FURTHER ORDAINED, That after the closing under this Ordinance, all subsurface structures and appurtenances owned by any person other than the Mayor and City Council of Baltimore shall be removed by and at the expense of their owners, promptly upon notice to do so from the Director of Public Works.

SECTION 6. AND BE IT FURTHER ORDAINED, That at all times after the closing under this Ordinance, the Mayor and City Council of Baltimore, acting by or through its authorized representatives, shall have access to the subject property and to all subsurface structures and appurtenances used by the Mayor and City Council, for the purpose of inspecting, maintaining, repairing, altering, relocating, or replacing any of them, without need to obtain permission from or pay compensation to the owner of the property.

SECTION 7. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved November 3, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-079
(Council Bill 00-179)**

AN ORDINANCE CONCERNING

**Zoning — Health-Care Facilities — Conditional Use
Convalescent, Nursing, and Rest Home — 5404 Belair Road**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a convalescent, nursing and rest home on the property known as 5404 Belair Road, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning
Section(s) 6-309 (3) and 14-102

and

Article - Health
Section 3-102
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of a convalescent, nursing, and rest home on the property known as 5404 Belair Road, as outlined in red on the plat accompanying this Ordinance, in

accordance with Article - Zoning, §§ 6-309(3) and 14-102 and Article - Health, § 3-102 of the Baltimore City Code, subject to the ~~condition that~~ following conditions:

1. the maximum number of resident-clients is 11;
2. the minimum age for resident-clients is 60 years;
3. there may be no more than 2 persons per sleeping room;
4. 24-hour supervision must be provided;
5. there may be no exterior sign on the facility other than a nameplate no larger than 6 inches wide by 6 inches high;
6. sleeping rooms for resident-clients may not be in the basement; and
7. the convalescent, nursing, and rest home ~~complies~~ must comply with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved November 3, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-080
(Council Bill 00-187)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use Drive-in Restaurant —
5700 Belair Road**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a drive-in restaurant on the property known as 5700 Belair Road, as outlined in red on the accompanying plat; and providing for a special effective date.

BY authority of

Article - Zoning
Section(s) 6-409(4) and 14-102
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of drive-in restaurant on the property known as 5700 Belair Road, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 6-409(4) and 14-102 of the Baltimore City Code, subject to the ~~condition that~~ following conditions:

1. there may be 1 free-standing identification sign that is no more than 25 feet in height nor more than 80 square feet in area;
2. the restaurant must conform to the Site Plan, dated September 13, 2000, to the Final Landscape Plan, dated October 18, 2000, and to the Revised Plat, dated October 23, 2000;
3. any proposed revisions to the plans must be approved by the Planning Commission; and
4. the drive-in restaurant ~~complies~~ must comply with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on ~~the 30th day after~~ the date it is enacted.

Approved November 3, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-081
(Council Bill 00-193)**

AN ORDINANCE CONCERNING

Acquisition of Property — 704 Cathedral Street

FOR the purpose of authorizing the Mayor and City Council of Baltimore to acquire, by purchase or condemnation, the fee simple or other interests in certain property located 704 Cathedral Street, and needed for expansion of the Baltimore School for the Arts; and providing for a special effective date.

BY authority of
Article I - General Provisions
Section 4
and
Article II - General Powers
Sections 2 and 15
Baltimore City Charter
(1996 Edition)

Public Local Laws of Baltimore City
Section 21-16
(1979 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That it is necessary to acquire, for development purposes, the fee simple or other interests that the Commissioner of Housing and Community Development considers needed or sufficient in the land and improvements located at 704 Cathedral Street, and more particularly described as follows:

Ward 11, Section 10, Block 523, Lot 3

Together with all right, title, interest, and estate that the owner of that property has in all streets, alleys, ways, or lanes, public or private, contained within or abutting the property.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Department of Real Estate, or any other person or agency that the Board of Estimates designates, may negotiate and acquire on behalf of the Mayor and City Council of Baltimore the fee simple or other interests in the land and improvements described in this Ordinance as needed or sufficient for the purposes described in this Ordinance. If the Department of Real Estate, or the person or agency otherwise designated by the Board of Estimates, is unable to agree with the owner on the purchase price for the property, it shall promptly notify the City Solicitor, who shall institute the necessary legal proceedings to acquire by condemnation the fee simple or other interests needed or sufficient for the purposes described in this Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That proceedings for the acquisition by condemnation of the property described in this Ordinance and all rights of all parties interested or affected shall be in accordance with Title 12 of the Real Property Article of the Maryland Code.

SECTION 4. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved November 3, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-082
(Council Bill 00-204)**

AN ORDINANCE CONCERNING

**City Streets — Closing —
Veronica Avenue**

FOR the purpose of condemning and closing Veronica Avenue, extending from Cherry Hill Road Northeasterly 324 feet, more or less, as shown on Plat 314-A-9 in the Office of the Department of Public Works; and providing for a special effective date.

BY authority of
Article I - General Provisions
Section 4
and

Article II - General Powers
Sections 2, 34, 35
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Department of Public Works shall proceed to condemn and close Veronica Avenue, extending from Cherry Hill Road Northeasterly 324 feet, more or less, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the northeast side of Cherry Hill Road, 80 feet wide, and the northwest side of Veronica Avenue, 40 feet wide, and running thence binding on the northwest side of said Veronica Avenue, the two following courses and distances; namely, North 24° 24' 45" East 84.00 feet and by a line curving to the right with a radius of 220.00 feet the distance of 241.70 feet which arc is subtended by a chord bearing North 55° 53' 10" East 229.73 feet; thence by straight lines through the bed of said Veronica Avenue, the two following courses and distances; namely, South 24° 24' 45" West 20.93 feet and South 65° 35' 15" East 57.93 feet to intersect the southeast side of said Veronica Avenue; thence binding on the southeast side of said Veronica Avenue the two following courses and distances; namely, by a line curving to the left with a radius of 180.00 feet the distance of 240.22 feet which arc is subtended by a chord bearing South 62° 38' 40" West 222.78 feet and South 24° 24' 45" West 84.00 feet to intersect the northeast side of said Cherry Hill Road, and thence binding on the northeast side of said Cherry Hill Road, North 65° 35' 15" West 40.00 feet to the place of beginning.

As delineated on Plat 314-A-9, prepared by the Survey Control Section and filed on May 26, 2000, in the Office of the Department of Public Works.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and closing of Veronica Avenue and the rights of all interested parties shall be regulated by and in accordance with all applicable provisions of state and local law and with all applicable rules and regulations adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SECTION 3. AND BE IT FURTHER ORDAINED, That after the closing under this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore continue to be the property of the Mayor and City Council, in fee simple, until their use has been abandoned by the Mayor and City Council. If any person wants to remove, alter, or interfere with them, that person must first obtain permission from the Mayor and City Council and, in the application for this permission, must agree to pay all costs and expenses, of every kind, arising out of the removal, alteration, or interference.

SECTION 4. AND BE IT FURTHER ORDAINED, That no building or structure of any kind (including but not limited to railroad tracks) may be constructed or erected in or on any part of the street closed under this Ordinance until all subsurface structures and appurtenances owned by the Mayor and City Council of Baltimore have been abandoned by the Mayor and City Council or, at the expense of the person seeking to erect the building or structure, have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City.

SECTION 5. AND BE IT FURTHER ORDAINED, That after the closing under this Ordinance, all subsurface structures and appurtenances owned by any person other than the Mayor and City Council of Baltimore shall be removed by and at the expense of their owners, promptly upon notice to do so from the Director of Public Works.

SECTION 6. AND BE IT FURTHER ORDAINED, That at all times after the closing under this Ordinance, the Mayor and City Council of Baltimore, acting by or through its authorized representatives, shall have access to the subject property and to all subsurface structures and appurtenances used by the Mayor and City Council,

for the purpose of inspecting, maintaining, repairing, altering, relocating, or replacing any of them, without need to obtain permission from or pay compensation to the owner of the property.

SECTION 7. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved November 3, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-083
(Council Bill 00-205)**

AN ORDINANCE CONCERNING

**City Streets — Opening —
Hunter Street**

FOR the purpose of condemning and opening Hunter Street, extending from Water Street Southerly 105.5 feet, more or less, to Lombard Street and lying within the Financial District Urban Renewal Project, as shown on Plat 314-A-8 in the Office of the Department of Public Works; and providing for a special effective date.

BY authority of

Article I - General Provisions
Section 4

and

Article II - General Powers
Sections 2, 34, and 35
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Department of Public Works shall proceed to condemn and open Hunter Street, extending from Water Street Southerly 105.5 feet, more or less, to Lombard Street and lying within the Financial District Urban Renewal Project, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the south side of Water Street, 49.5 feet wide and the west side of Hunter Street, 20 feet wide, and running thence binding on the south side of Water Street, Easterly 20.0 feet to the east side of said Hunter Street; thence binding on the east side of said Hunter Street, Southerly 105.5 feet to intersect the north side of Lombard Street, 90 feet wide; thence binding in the north side of said Lombard Street, Westerly 20.0 feet to the west said of said Hunter Street, and thence binding on the west side of said Hunter Street, Northerly 105.4 feet, to the place of beginning.

As delineated on Plat 314-A-8, prepared by the Survey Control Section and filed on May 24, 2000, in the Office of the Department of Public Works.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and opening of Hunter Street, extending from Water Street Southerly 105.5 feet, more or less, to Lombard Street and lying

within the Financial District Urban Renewal Project and the rights of all interested parties shall be regulated by and in accordance with all applicable provisions of state and local law and with all applicable rules and regulations adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved November 3, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-084
(Council Bill 00-206)**

AN ORDINANCE CONCERNING

**City Streets — Closing —
Hunter Street**

FOR the purpose of condemning and closing Hunter Street, extending from Water Street Southerly 105.5 feet, more or less, to Lombard Street and lying within the Financial District Urban Renewal Project, as shown on Plat 314-A-8A in the Office of the Department of Public Works; and providing for a special effective date.

BY authority of

Article I - General Provisions

Section 4

and

Article II - General Powers

Sections 2, 34, 35

Baltimore City Charter

(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Department of Public Works shall proceed to condemn and close Hunter Street, extending from Water Street Southerly 105.5 feet, more or less, to Lombard Street and lying within the Financial District Urban Renewal Project, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the south side of Water Street, 49.5 feet wide and the west side of Hunter Street, 20 feet wide, and running thence binding on the south side of Water Street, Easterly 20.0 feet to the east side of said Hunter Street; thence binding on the east side of said Hunter Street, Southerly 105.5 feet to intersect the north side of Lombard Street, 90 feet wide; thence binding in the north side of said Lombard Street, Westerly 20.0 feet to the west said of said Hunter Street, and thence binding on the west side of said Hunter Street, Northerly 105.4 feet, to the place of beginning.

As delineated on Plat 314-8A, prepared by the Survey Control Section and filed on May 24, 2000, in the Office of the Department of Public Works.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and closing of Hunter Street, extending from Water Street Southerly 105.5 feet, more or less, to Lombard Street and lying within the Financial District Urban Renewal Project, and the rights of all interested parties shall be regulated by and in accordance with all applicable provisions of state and local law and with all applicable rules and regulations adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SECTION 3. AND BE IT FURTHER ORDAINED, That after the closing under this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore continue to be the property of the Mayor and City Council, in fee simple, until their use has been abandoned by the Mayor and City Council. If any person wants to remove, alter, or interfere with them, that person must first obtain permission from the Mayor and City Council and, in the application for this permission, must agree to pay all costs and expenses, of every kind, arising out of the removal, alteration, or interference.

SECTION 4. AND BE IT FURTHER ORDAINED, That no building or structure of any kind (including but not limited to railroad tracks) may be constructed or erected in or on any part of the street closed under this Ordinance until all subsurface structures and appurtenances owned by the Mayor and City Council of Baltimore have been abandoned by the Mayor and City Council or, at the expense of the person seeking to erect the building or structure, have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City.

SECTION 5. AND BE IT FURTHER ORDAINED, That after the closing under this Ordinance, all subsurface structures and appurtenances owned by any person other than the Mayor and City Council of Baltimore shall be removed by and at the expense of their owners, promptly upon notice to do so from the Director of Public Works.

SECTION 6. AND BE IT FURTHER ORDAINED, That at all times after the closing under this Ordinance, the Mayor and City Council of Baltimore, acting by or through its authorized representatives, shall have access to the subject property and to all subsurface structures and appurtenances used by the Mayor and City Council, for the purpose of inspecting, maintaining, repairing, altering, relocating, or replacing any of them, without need to obtain permission from or pay compensation to the owner of the property.

SECTION 7. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved November 3, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-085
(Council Bill 00-207)**

AN ORDINANCE CONCERNING

**City Streets — Opening —
Certain Streets and Alleys Lying Within the Oldtown
Urban Renewal Project**

FOR the purpose of condemning and opening certain streets and alleys lying within the Oldtown Urban Renewal Project area bounded by Ensor Street, Forrest Street, and Orleans Street, as shown on Plat 314-A-1D in the Office of the Department of Public Works; and providing for a special effective date.

BY authority of

Article I - General Provisions
Section 4

and

Article II - General Powers
Sections 2, 34, and 35
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Department of Public Works shall proceed to condemn and open certain streets and alleys lying within the Oldtown Urban Renewal Project area bounded by Ensor Street, Forrest Street, and Orleans Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the southeast side of Ensor Street, 80 feet wide and the southwest side of Forrest Street, 45 feet wide, and running thence binding in part on the southeast side of said Ensor Street, in part on the southeast side of Ensor Street, varying in width, and in all, Northeasterly by a line curving to the left with a radius of 327.00 the distance of 52.00 feet to the northeast side of said Forrest Street; thence binding in part on the northeast side of said Forrest Street, in part on the northeast side of Forrest Street, as realigned and widened, varying in width, and in all, Southeasterly 158.3 feet, more or less, to intersect the line of the northwest outline of the property known as No. 450 Oldtown Mall, if projected northeasterly; thence binding in part reversely on said line so projected, in part on the northwest outline of said property known as No. 450 Oldtown Mall, and in all, on the southeasternmost extremity of last said Forrest Street, Southwesterly 88.2 feet, more or less, to intersect the northeast outline of the property known as No. 444 Oldtown Mall; thence binding in part on last said outline, in part on the line of last said outline, if projected northwesterly, and in all, on the southwest side of last said Forrest Street, Northwesterly 42.9 feet, more or less, to the northwest side of last said Forrest Street; thence binding on the northwest and west sides of last said Forrest Street, the two following courses and distances; namely, North 39° 24' 16" East 25.0 feet, more or less, and by a line curving to the left with a radius of 25.00 feet the distance of 35.07 feet which arc is subtended by a chord bearing North 00° 46' 49.5" West 32.26 feet to the southwest side of Forrest Street, mentioned firstly herein, and thence binding on the southwest side of Forrest Street, mentioned firstly herein, North 40° 57' 55" West 64.37 feet to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the northeast side of East Street, 60 feet wide and the northwest side of an alley, varying in width, laid out in the rear of the properties known as Nos. 426 through 444 Oldtown Mall, said point of beginning being distant 24.1 feet southeasterly measured along the northeast side of said East Street from the southeast side of Ensor Street, 80 feet wide, and running thence binding on the northwest side of said alley, North 39° 24' 16" East 156.2 feet, more or less, to intersect the southwest side of Forrest Street, varying in width; thence binding on the southwest side of said Forrest Street, Southeasterly 20.1 feet, more or less, to the west outline of the property known as No. 444 Oldtown Mall; thence binding on the southeast and northeast sides of said alley and on the rear outlines of the properties known as Nos. 426 through 444 Oldtown Mall, there situate, the five following courses and distances; namely, Southwesterly 52.4 feet, more or less, Southeasterly 4.4 feet, more or less, Southwesterly 61.8 feet, more or less, Southeasterly 9.7 feet, more or less, and Southwesterly 43.2 feet, more or less, to intersect the northeast side of said East Street and thence binding on the northeast side of said East Street, Northwesterly 26.8 feet, more or less, to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the southeast side of Ensor Street, 80 feet wide, and the southwest side of East Street, 60 feet wide, and running thence binding

on the southeast side of said Ensor Street, Northeasterly 65.5 feet, more or less, to the northeast side of said East Street; thence binding on the northeast side of said East Street, Southeasterly 64.3 feet, more or less, to the southeasternmost extremity of said East Street; thence binding on the southeasternmost extremity of said East Street and on the northwest outline of Oldtown Mall, there situate, Southwesterly 60.8 feet, more or less, to the southwest side of said East Street, and thence binding on the southwest side of said East Street, Northwesterly 38.6 feet, more or less, to the place of beginning.

Beginning for Parcel No. 4 at the point formed by the intersection of the west side of Forrest Street, as laid out east of the former Belair Market, 60 feet wide and the southeast side of Forrest Street, as laid out southeast of the former Belair Market, varying in width, said point of beginning being distant Northerly 37.6 feet measured along the west side of Forrest Street, mentioned firstly herein, from the northwest side of Orleans Street, varying in width, and running thence binding on the south side of last said Forrest Street, Westerly 69.7 feet to the southwest side of last said Forrest Street; thence binding in part on the southwest side of last said Forrest Street, in part on the southwest side of Forrest Street, 45 feet wide, and in all, Northwesterly 231.9 feet, more or less, to the northwesternmost extremity of last said Forrest Street; thence binding on the northwesternmost extremity of last said Forrest Street, and on the southeast outline of Oldtown Mall, there situate, Northeasterly 45 feet, more or less, to the northeast side of last said Forrest Street; thence binding on the northeast side of last said Forrest Street, Southeasterly 213.6 feet, more or less, to the northwest side of said Forrest Street, varying in width; thence binding on the northwest side of said Forrest Street, varying in width, Northeasterly 60.7 feet to intersect the west side of Forrest Street, mentioned firstly herein, and thence binding on the west side of Forrest Street, mentioned firstly herein, Southerly 85.5 feet to the place of beginning.

Beginning for Parcel No. 5 at the point formed by the intersection of the southeast side of a 20 foot alley, laid out in the rear of the property known as No. 449/457 Oldtown Mall and the northeast side of East Street, 50 feet wide, and running thence binding on the northeast side of said East Street, Northwesterly 21.6 feet to the northwest side of said 20 foot alley; thence binding on the northwest side of said 20 foot alley, Northeasterly 89.8 feet to the southwest side of an alley, varying in width, laid out in the rear of the properties known as Nos. 449/457 through 469 Oldtown Mall; thence binding on the southwest and the northwest sides of last said alley the four following courses and distances; namely, Northwesterly 32.6 feet, more or less, Northeasterly 7.4 feet, more or less, Northwesterly 5.7 feet, more or less, and Northeasterly 97.1 feet, more or less, to intersect the southwest side of Forrest Street, 45 feet wide; thence binding on the southwest side of said Forrest Street, Southeasterly 92.7 feet, more or less, to intersect the south side of last said alley; thence binding on the south side of last said alley, Westerly by a line curving to the left with a radius of 30.00 feet the distance of 51.3 feet, and thence binding in part on the southeast side of last said alley, in part on the southeast side of said 20 foot alley, and in all, Southwesterly 163.8 feet to the place of beginning.

Beginning for Parcel No. 6 at the point formed by the intersection of the northwest side of Orleans Street, varying in width and the west side of East Street, 50 feet wide, and running thence binding on the west side of said East Street, Northerly 71.5 feet to the southwest side of said East Street; thence binding on the southwest side of said East Street, Northwesterly 44.5 feet, more or less, to the northwesternmost extremity of said East Street; thence binding on the northwesternmost extremity of said East Street and on the southeast outline of Oldtown Mall, there situate, Northeasterly 51 feet, more or less, to the northeast side of said East Street; thence binding on the northeast and east sides of said East Street, the three following courses and distances; namely, Southeasterly 52.6 feet, more or less, Southeasterly 21.6 feet, and Southerly 60.2 feet to the northeast side of East Street, varying in width; thence binding on the northeast side of last said East Street, Southeasterly 14.9 feet to intersect the northwest side of said Orleans Street, and thence binding on the northwest side of said Orleans Street the two following courses and distances; namely, Westerly

by a line curving to the left with a radius of 1341.25 feet the distance of 35.1 feet and Westerly by a line curving to the right with a radius of 1321.25 feet the distance of 26.5 feet to the place of beginning.

As delineated on Plat 314-A-1D, prepared by the Survey Control Section and filed on May 26, 2000, in the Office of the Department of Public Works.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and opening of certain streets and alleys lying within the Oldtown Urban Renewal Project area bounded by Ensor Street, Forrest Street, and Orleans Street and the rights of all interested parties shall be regulated by and in accordance with all applicable provisions of state and local law and with all applicable rules and regulations adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved November 3, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-086
(Council Bill 00-208)**

AN ORDINANCE CONCERNING

**City Streets — Closing —
Certain Streets and Alleys Lying Within the Oldtown
Urban Renewal Project**

FOR the purpose of condemning and closing certain streets and alleys lying within the Oldtown Urban Renewal Project area bounded by Ensor Street, Forrest Street, and Orleans Street, as shown on Plat 314-A-1E in the Office of the Department of Public Works; and providing for a special effective date.

BY authority of

Article I - General Provisions
Section 4

and

Article II - General Powers
Sections 2, 34, 35
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Department of Public Works shall proceed to condemn and close certain streets and alleys lying within the Oldtown Urban Renewal Project area bounded by Ensor Street, Forrest Street, and Orleans Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the southeast side of Ensor Street, 80 feet wide and the southwest side of Forrest Street, 45 feet wide, and running thence binding in part on the southeast side of said Ensor Street, in part on the southeast side of Ensor Street, varying

in width, and in all, Northeasterly by a line curving to the left with a radius of 327.00 the distance of 52.00 feet to the northeast side of said Forrest Street; thence binding in part on the northeast side of said Forrest Street, in part on the northeast side of Forrest Street, as realigned and widened, varying in width, and in all, Southeasterly 158.3 feet, more or less, to intersect the line of the northwest outline of the property known as No. 450 Oldtown Mall, if projected northeasterly; thence binding in part reversely on said line so projected, in part on the northwest outline of said property known as No. 450 Oldtown Mall, and in all, on the southeasternmost extremity of last said Forrest Street, Southwesterly 88.2 feet, more or less, to intersect the northeast outline of the property known as No. 444 Oldtown Mall; thence binding in part on last said outline, in part on the line of last said outline, if projected northwesterly, and in all, on the southwest side of last said Forrest Street, Northwesterly 42.9 feet, more or less, to the northwest side of last said Forrest Street; thence binding on the northwest and west sides of last said Forrest Street, the two following courses and distances; namely, North 39° 24' 16" East 25.0 feet, more or less, and by a line curving to the left with a radius of 25.00 feet the distance of 35.07 feet which arc is subtended by a chord bearing North 00° 46' 49.5" West 32.26 feet to the southwest side of Forrest Street, mentioned firstly herein, and thence binding on the southwest side of Forrest Street, mentioned firstly herein, North 40° 57' 55" West 64.37 feet to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the northeast side of East Street, 60 feet wide and the northwest side of an alley, varying in width, laid out in the rear of the properties known as Nos. 426 through 444 Oldtown Mall, said point of beginning being distant 24.1 feet southeasterly measured along the northeast side of said East Street from the southeast side of Ensor Street, 80 feet wide, and running thence binding on the northwest side of said alley, North 39° 24' 16" East 156.2 feet, more or less, to intersect the southwest side of Forrest Street, varying in width; thence binding on the southwest side of said Forrest Street, Southeasterly 20.1 feet, more or less, to the west outline of the property known as No. 444 Oldtown Mall; thence binding on the southeast and northeast sides of said alley and on the rear outlines of the properties known as Nos. 426 through 444 Oldtown Mall, there situate, the five following courses and distances; namely, Southwesterly 52.4 feet, more or less, Southeasterly 4.4 feet, more or less, Southwesterly 61.8 feet, more or less, Southeasterly 9.7 feet, more or less, and Southwesterly 43.2 feet, more or less, to intersect the northeast side of said East Street and thence binding on the northeast side of said East Street, Northwesterly 26.8 feet, more or less, to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the southeast side of Ensor Street, 80 feet wide, and the southwest side of East Street, 60 feet wide, and running thence binding on the southeast side of said Ensor Street, Northeasterly 65.5 feet, more or less, to the northeast side of said East Street; thence binding on the northeast side of said East Street, Southeasterly 64.3 feet, more or less, to the southeasternmost extremity of said East Street; thence binding on the southeasternmost extremity of said East Street and on the northwest outline of Oldtown Mall, there situate, Southwesterly 60.8 feet, more or less, to the southwest side of said East Street, and thence binding on the southwest side of said East Street, Northwesterly 38.6 feet, more or less, to the place of beginning.

Beginning for Parcel No. 4 at the point formed by the intersection of the west side of Forrest Street, as laid out east of the former Belair Market, 60 feet wide and the southeast side of Forrest Street, as laid out southeast of the former Belair Market, varying in width, said point of beginning being distant Northerly 37.6 feet measured along the west side of Forrest Street, mentioned firstly herein, from the northwest side of Orleans Street, varying in width, and running thence binding on the south side of last said Forrest Street, Westerly 69.7 feet to the southwest side of last said Forrest Street; thence binding in part on the southwest side of last said Forrest Street, in part on the southwest side of Forrest Street, 45 feet wide, and in all, Northwesterly 231.9 feet, more or less, to the northwesternmost extremity of last said Forrest Street; thence binding on the northwesternmost extremity of last said Forrest Street, and on the southeast outline of Oldtown Mall, there situate,

Northeasterly 45 feet, more or less, to the northeast side of last said Forrest Street; thence binding on the northeast side of last said Forrest Street, Southeasterly 213.6 feet, more or less, to the northwest side of said Forrest Street, varying in width; thence binding on the northwest side of said Forrest Street, varying in width, Northeasterly 60.7 feet to intersect the west side of Forrest Street, mentioned firstly herein, and thence binding on the west side of Forrest Street, mentioned firstly herein, Southerly 85.5 feet to the place of beginning.

Beginning for Parcel No. 5 at the point formed by the intersection of the southeast side of a 20 foot alley, laid out in the rear of the property known as No. 449/457 Oldtown Mall and the northeast side of East Street, 50 feet wide, and running thence binding on the northeast side of said East Street, Northwesterly 21.6 feet to the northwest side of said 20 foot alley; thence binding on the northwest side of said 20 foot alley, Northeasterly 89.8 feet to the southwest side of an alley, varying in width, laid out in the rear of the properties known as Nos. 449/457 through 469 Oldtown Mall; thence binding on the southwest and the northwest sides of last said alley the four following courses and distances; namely, Northwesterly 32.6 feet, more or less, Northeasterly 7.4 feet, more or less, Northwesterly 5.7 feet, more or less, and Northeasterly 97.1 feet, more or less, to intersect the southwest side of Forrest Street, 45 feet wide; thence binding on the southwest side of said Forrest Street, Southeasterly 92.7 feet, more or less, to intersect the south side of last said alley; thence binding on the south side of last said alley, Westerly by a line curving to the left with a radius of 30.00 feet the distance of 51.3 feet, and thence binding in part on the southeast side of last said alley, in part on the southeast side of said 20 foot alley, and in all, Southwesterly 163.8 feet to the place of beginning.

Beginning for Parcel No. 6 at the point formed by the intersection of the northwest side of Orleans Street, varying in width and the west side of East Street, 50 feet wide, and running thence binding on the west side of said East Street, Northerly 71.5 feet to the southwest side of said East Street; thence binding on the southwest side of said East Street, Northwesterly 44.5 feet, more or less, to the northwesternmost extremity of said East Street; thence binding on the northwesternmost extremity of said East Street and on the southeast outline of Oldtown Mall, there situate, Northeasterly 51 feet, more or less, to the northeast side of said East Street; thence binding on the northeast and east sides of said East Street, the three following courses and distances; namely, Southeasterly 52.6 feet, more or less, Southeasterly 21.6 feet, and Southerly 60.2 feet to the northeast side of East Street, varying in width; thence binding on the northeast side of last said East Street, Southeasterly 14.9 feet to intersect the northwest side of said Orleans Street, and thence binding on the northwest side of said Orleans Street the two following courses and distances; namely, Westerly by a line curving to the left with a radius of 1341.25 feet the distance of 35.1 feet and Westerly by a line curving to the right with a radius of 1321.25 feet the distance of 26.5 feet to the place of beginning.

As delineated on Plat 314-A-1E, prepared by the Survey Control Section and filed on May 26, 2000, in the Office of the Department of Public Works.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and closing of certain streets and alleys lying within the Oldtown Urban Renewal Project area bounded by Ensor Street, Forrest Street, and Orleans Street and the rights of all interested parties shall be regulated by and in accordance with all applicable provisions of state and local law and with all applicable rules and regulations adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SECTION 3. AND BE IT FURTHER ORDAINED, That after the closing under this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore continue to be the property of the Mayor and City Council, in fee simple, until their use has been abandoned by the Mayor and City Council. If any person wants to remove, alter, or interfere with them, that person must first obtain

permission from the Mayor and City Council and, in the application for this permission, must agree to pay all costs and expenses, of every kind, arising out of the removal, alteration, or interference.

SECTION 4. AND BE IT FURTHER ORDAINED, That no building or structure of any kind (including but not limited to railroad tracks) may be constructed or erected in or on any part of the street closed under this Ordinance until all subsurface structures and appurtenances owned by the Mayor and City Council of Baltimore have been abandoned by the Mayor and City Council or, at the expense of the person seeking to erect the building or structure, have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City.

SECTION 5. AND BE IT FURTHER ORDAINED, That after the closing under this Ordinance, all subsurface structures and appurtenances owned by any person other than the Mayor and City Council of Baltimore shall be removed by and at the expense of their owners, promptly upon notice to do so from the Director of Public Works.

SECTION 6. AND BE IT FURTHER ORDAINED, That at all times after the closing under this Ordinance, the Mayor and City Council of Baltimore, acting by or through its authorized representatives, shall have access to the subject property and to all subsurface structures and appurtenances used by the Mayor and City Council, for the purpose of inspecting, maintaining, repairing, altering, relocating, or replacing any of them, without need to obtain permission from or pay compensation to the owner of the property.

SECTION 7. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved November 3, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-087
(Council Bill 00-209)**

AN ORDINANCE CONCERNING

**City Streets — Opening — Certain Streets and Alleys
or Portions Thereof Lying in the Vicinity of the
Former George B. Murphy Housing Project**

FOR the purpose of condemning and opening certain streets and alleys or portions thereof lying in the vicinity of the former George B. Murphy Housing Project, as shown on Plat 345-A-16 in the Office of the Department of Public Works; and providing for a special effective date.

BY authority of

Article I - General Provisions

Section 4

and

Article II - General Powers

Sections 2, 34, and 35

Baltimore City Charter

(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Department of Public Works shall proceed to condemn and open certain streets and alleys or portions thereof lying in the vicinity of the former George B. Murphy Housing Project, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the north side of George Street, 56 feet wide and the east side of Brune Street, 50 feet wide, and running thence binding in part on the north side of said George Street, in part on the line of the north side of said George Street, if projected easterly, and in all, Easterly 802.7 feet, more or less, to intersect the northwest side of Martin Luther King, Jr. Boulevard, as shown on a plat entitled "Subdivision of Plat 7 of Heritage Park" dated June 1999, varying in width; thence binding on the northwest side of said Martin Luther King, Jr. Boulevard, Southwesterly by a line curving to the left with a radius of 594.46 feet the distance of 68.5 feet, more or less, to intersect the line of the south side of said George Street, if projected easterly; thence binding in part reversely on the line of the south side of said George Street, so projected, in part on the south side of said George Street, and in all, Westerly 763.1 feet, more or less, to intersect the line of the east side of said Brune Street, if projected southerly, and thence binding reversely on the line of the east side of said Brune Street, so projected, Northerly 56.00 feet to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the northeast side of Myrtle Avenue, varying in width and the north side of George Street, 56 feet wide, and running thence binding on the north side of said George Street, Westerly 138.6 feet, more or less, to intersect the west side of said Myrtle Avenue; thence binding on the west side of said Myrtle Avenue, Northeasterly by a line curving to the left with a radius of 23.00 feet the distance of 52.7 feet, more or less, to the southwest side of Myrtle Avenue, 66 feet wide; thence binding on the southwest side of last said Myrtle Avenue, Northwesterly 419.3 feet, more or less; thence by a straight line drawn at a right angle to the southwest side of last said Myrtle Avenue, Northeasterly 66.00 feet to intersect the northeast side of last said Myrtle Avenue, and thence binding in part on the northeast side of last said Myrtle Avenue, in part on the northeast side of Myrtle Avenue, mentioned firstly herein, and in all, Southeasterly 528.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the south side of Harlem Avenue, 66 feet wide and the east side of Brune Street, 50 feet wide, and running thence binding on the line of the east side of said Brune Street, if projected northerly, Northerly 66.00 feet to intersect the north side of said Harlem Avenue; thence binding on the north side of said Harlem Avenue, Easterly 119.3 feet, more or less, to intersect the southwest side of Myrtle Avenue, 66 feet wide; thence binding on the southwest side of said Myrtle Avenue, Southeasterly 87.5 feet, more or less, to intersect the south side of said Harlem Avenue, and thence binding on the south side of said Harlem Avenue, Westerly 176.8 feet, more or less, to the place of beginning.

Beginning for Parcel No. 4 at the point formed by the intersection of the west side of Martin Luther King, Jr. Boulevard, varying in width and the south side of George Street, 56 feet wide, and running thence binding on the line of the south side of said George Street, if projected easterly, Easterly 76.5 feet; thence Southwesterly by a line curving to the left with a radius of 594.46 feet the distance of 191.6 feet, more or less, to intersect the west side of said Martin Luther King, Jr. Boulevard, and thence binding on the west side of said Martin Luther King, Jr. Boulevard, Northerly 176.2 feet, more or less, to the place of beginning.

Beginning for Parcel No. 5 at the point formed by the intersection of the north side of George Street, 56 feet wide and the northwest side of Martin Luther King, Jr. Boulevard, varying in width, and running thence binding on the northwest and north sides of said Martin Luther King, Jr. Boulevard, the three following courses and distances; namely, Northeasterly 38.95 feet, Northeasterly 19.44 feet, and Easterly 19.6 feet, more or less, to a bend in the northwest side of said Martin Luther King, Jr. Boulevard; thence by lines the two following courses and distances; namely, Southwesterly

8.4 feet, more or less, and Southwesterly by a line curving to the left with a radius of 594.46 feet the distance of 29.7 feet, more or less, to intersect the line of the north side of said George Street, if projected easterly, and thence binding reversely on said line, so projected, Westerly 30.5 feet, more or less, to the place of beginning.

Beginning for Parcel No. 6 at the point formed by the intersection of the northwest side of Martin Luther King, Jr. Boulevard, varying in width and the southwest side of Argyle Avenue, 60 feet wide, and running thence binding on the southwest side of said Argyle Avenue, Northwesterly 28.2 feet, more or less; thence by a straight line drawn at a right angle to the southwest side of said Argyle Avenue, Northeasterly 66.00 feet to intersect the northeast side of said Argyle Avenue; thence binding on the northeast side of said Argyle Avenue, Southeasterly 25.6 feet, more or less, to intersect the northwest side of said Martin Luther King, Jr. Boulevard, and thence binding on the northwest side of said Martin Luther King, Jr. Boulevard, Southwesterly 60.1 feet, more or less, to the place of beginning.

Beginning for Parcel No. 7 at the point formed by the intersection of the southwest side of Shields Place, 20 feet wide and the southeast side of a 4 foot alley, laid out in the rear of the property known as No. 648 W. Hoffman Street, said point of beginning being distant Northwesterly 51.3 feet, more or less, measured along the southwest side of said Shields Place from the northwest side of Hoffman Street, 40 feet wide, and running thence binding on the southeast side of said 4 foot alley, Southwesterly 60.0, feet more or less, to the southwesternmost extremity of said 4 foot alley; thence binding on the southwesternmost extremity of said 4 foot alley, Northwesterly 4.0 feet, more or less, to intersect the northwest side of said 4 foot alley; thence binding on the northwest side of said 4 foot alley, Northeasterly 60.0 feet, more or less, to intersect the southwest side of said Shields Place, and thence binding on the southwest side of said Shields Place, Southeasterly 4.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 8 at the point formed by the intersection of north side of Franklin Street, 66 feet wide, and the east side of an alley, varying in width from 4 feet to 3 feet, laid out in the rear of the properties known as Nos. 500/502 through 508/510 N. Fremont Avenue, said point of beginning being distant Westerly 75.5 feet, more or less, measured along the north side of said Franklin Street from the southwest side of Fremont Avenue, 66 feet wide, and running thence binding on the north side of said Franklin Street, Westerly 4.0 feet, more or less, to intersect the west side of said alley; thence binding on the west side of said alley, the two following courses and distances; namely, Northerly 44.6 feet, more or less, and Northerly 30.4 feet, more or less, to intersect the south side of a 10 foot alley laid out in the rear of the properties known as Nos. 902 through 920 W. Franklin Street; thence binding on the south side of said 10 foot alley, Easterly 3.0 feet, more or less, to intersect the east side of said alley, mentioned firstly herein, and thence binding on the east side of said alley, mentioned firstly herein, the two following courses and distances; namely, Southerly 37.2 feet, more or less, and Southerly 37.9 feet, more or less, to the place of beginning.

As delineated on Plat 345-A-16, prepared by the Survey Control Section and filed on May 31, 2000, in the Office of the Department of Public Works.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and opening of certain streets and alleys or portions thereof lying in the vicinity of the former George B. Murphy Housing Project and the rights of all interested parties shall be regulated by and in accordance with all applicable provisions of state and local law and with all applicable rules and regulations adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved November 3, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-088
(Council Bill 00-210)**

AN ORDINANCE CONCERNING

**City Streets — Closing — Certain Streets and Alleys or
Portions Thereof Lying in the Vicinity of the
Former George B. Murphy Housing Project**

FOR the purpose of condemning and closing certain streets and alleys or portions thereof lying in the vicinity of the former George B. Murphy Housing Project, as shown on Plat 345-A-16A in the Office of the Department of Public Works; and providing for a special effective date.

BY authority of

Article I - General Provisions
Section 4

and

Article II - General Powers
Sections 2, 34, 35
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Department of Public Works shall proceed to condemn and close certain streets and alleys or portions thereof lying in the vicinity of the former George B. Murphy Housing Project, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the north side of George Street, 56 feet wide and the east side of Brune Street, 50 feet wide, and running thence binding in part on the north side of said George Street, in part on the line of the north side of said George Street, if projected easterly, and in all, Easterly 802.7 feet, more or less, to intersect the northwest side of Martin Luther King, Jr. Boulevard, as shown on a plat entitled "Subdivision of Plat 7 of Heritage Park" dated June 1999, varying in width; thence binding on the northwest side of said Martin Luther King, Jr. Boulevard, Southwesterly by a line curving to the left with a radius of 594.46 feet the distance of 68.5 feet, more or less, to intersect the line of the south side of said George Street, if projected easterly; thence binding in part reversely on the line of the south side of said George Street, so projected, in part on the south side of said George Street, and in all, Westerly 763.1 feet, more or less, to intersect the line of the east side of said Brune Street, if projected southerly, and thence binding reversely on the line of the east side of said Brune Street, so projected, Northerly 56.00 feet to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the northeast side of Myrtle Avenue, varying in width and the north side of George Street, 56 feet wide, and running thence binding on the north side of said George Street, Westerly 138.6 feet, more or less, to intersect the

west side of said Myrtle Avenue; thence binding on the west side of said Myrtle Avenue, Northeasterly by a line curving to the left with a radius of 23.00 feet the distance of 52.7 feet, more or less, to the southwest side of Myrtle Avenue, 66 feet wide; thence binding on the southwest side of last said Myrtle Avenue, Northwesterly 419.3 feet, more or less; thence by a straight line drawn at a right angle to the southwest side of last said Myrtle Avenue, Northeasterly 66.00 feet to intersect the northeast side of last said Myrtle Avenue, and thence binding in part on the northeast side of last said Myrtle Avenue, in part on the northeast side of Myrtle Avenue, mentioned firstly herein, and in all, Southeasterly 528.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the south side of Harlem Avenue, 66 feet wide and the east side of Brune Street, 50 feet wide, and running thence binding on the line of the east side of said Brune Street, if projected northerly, Northerly 66.00 feet to intersect the north side of said Harlem Avenue; thence binding on the north side of said Harlem Avenue, Easterly 119.3 feet, more or less, to intersect the southwest side of Myrtle Avenue, 66 feet wide; thence binding on the southwest side of said Myrtle Avenue, Southeasterly 87.5 feet, more or less, to intersect the south side of said Harlem Avenue, and thence binding on the south side of said Harlem Avenue, Westerly 176.8 feet, more or less, to the place of beginning.

Beginning for Parcel No. 4 at the point formed by the intersection of the west side of Martin Luther King, Jr. Boulevard, varying in width and the south side of George Street, 56 feet wide, and running thence binding on the line of the south side of said George Street, if projected easterly, Easterly 76.5 feet; thence Southwesterly by a line curving to the left with a radius of 594.46 feet the distance of 191.6 feet, more or less, to intersect the west side of said Martin Luther King, Jr. Boulevard, and thence binding on the west side of said Martin Luther King, Jr. Boulevard, Northerly 176.2 feet, more or less, to the place of beginning.

Beginning for Parcel No. 5 at the point formed by the intersection of the north side of George Street, 56 feet wide and the northwest side of Martin Luther King, Jr. Boulevard, varying in width, and running thence binding on the northwest and north sides of said Martin Luther King, Jr. Boulevard, the three following courses and distances; namely, Northeasterly 38.95 feet, Northeasterly 19.44 feet, and Easterly 19.6 feet, more or less, to a bend in the northwest side of said Martin Luther King, Jr. Boulevard; thence by lines the two following courses and distances; namely, Southwesterly 8.4 feet, more or less, and Southwesterly by a line curving to the left with a radius of 594.46 feet the distance of 29.7 feet, more or less, to intersect the line of the north side of said George Street, if projected easterly, and thence binding reversely on said line, so projected, Westerly 30.5 feet, more or less, to the place of beginning.

Beginning for Parcel No. 6 at the point formed by the intersection of the northwest side of Martin Luther King, Jr. Boulevard, varying in width and the southwest side of Argyle Avenue, 60 feet wide, and running thence binding on the southwest side of said Argyle Avenue, Northwesterly 28.2 feet, more or less; thence by a straight line drawn at a right angle to the southwest side of said Argyle Avenue, Northeasterly 66.00 feet to intersect the northeast side of said Argyle Avenue; thence binding on the northeast side of said Argyle Avenue, Southeasterly 25.6 feet, more or less, to intersect the northwest side of said Martin Luther King, Jr. Boulevard, and thence binding on the northwest side of said Martin Luther King, Jr. Boulevard, Southwesterly 60.1 feet, more or less, to the place of beginning.

Beginning for Parcel No. 7 at the point formed by the intersection of the southwest side of Shields Place, 20 feet wide and the southeast side of a 4 foot alley, laid out in the rear of the property known as No. 648 W. Hoffman Street, said point of beginning being distant Northwesterly 51.3 feet, more or less, measured along the southwest side of said Shields Place from the northwest side of Hoffman Street, 40 feet wide, and running thence binding on the southeast side of said 4 foot alley, Southwesterly 60.0, feet more or less, to the southwesternmost extremity of said 4 foot alley; thence

binding on the southwesternmost extremity of said 4 foot alley, Northwesterly 4.0 feet, more or less, to intersect the northwest side of said 4 foot alley; thence binding on the northwest side of said 4 foot alley, Northeasterly 60.0 feet, more or less, to intersect the southwest side of said Shields Place, and thence binding on the southwest side of said Shields Place, Southeasterly 4.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 8 at the point formed by the intersection of north side of Franklin Street, 66 feet wide, and the east side of an alley, varying in width from 4 feet to 3 feet, laid out in the rear of the properties known as Nos. 500/502 through 508/510 N. Fremont Avenue, said point of beginning being distant Westerly 75.5 feet, more or less, measured along the north side of said Franklin Street from the southwest side of Fremont Avenue, 66 feet wide, and running thence binding on the north side of said Franklin Street, Westerly 4.0 feet, more or less, to intersect the west side of said alley; thence binding on the west side of said alley, the two following courses and distances; namely, Northerly 44.6 feet, more or less, and Northerly 30.4 feet, more or less, to intersect the south side of a 10 foot alley laid out in the rear of the properties known as Nos. 902 through 920 W. Franklin Street; thence binding on the south side of said 10 foot alley, Easterly 3.0 feet, more or less, to intersect the east side of said alley, mentioned firstly herein, and thence binding on the east side of said alley, mentioned firstly herein, the two following courses and distances; namely, Southerly 37.2 feet, more or less, and Southerly 37.9 feet, more or less, to the place of beginning.

As delineated on Plat 345-A-16A, prepared by the Survey Control Section and filed on May 31, 2000 in the Office of the Department of Public Works.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and closing of certain streets and alleys or portions thereof lying in the vicinity of the former George B. Murphy Housing Project and the rights of all interested parties shall be regulated by and in accordance with all applicable provisions of state and local law and with all applicable rules and regulations adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SECTION 3. AND BE IT FURTHER ORDAINED, That after the closing under this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore continue to be the property of the Mayor and City Council, in fee simple, until their use has been abandoned by the Mayor and City Council. If any person wants to remove, alter, or interfere with them, that person must first obtain permission from the Mayor and City Council and, in the application for this permission, must agree to pay all costs and expenses, of every kind, arising out of the removal, alteration, or interference.

SECTION 4. AND BE IT FURTHER ORDAINED, That no building or structure of any kind (including but not limited to railroad tracks) may be constructed or erected in or on any part of the street closed under this Ordinance until all subsurface structures and appurtenances owned by the Mayor and City Council of Baltimore have been abandoned by the Mayor and City Council or, at the expense of the person seeking to erect the building or structure, have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City.

SECTION 5. AND BE IT FURTHER ORDAINED, That after the closing under this Ordinance, all subsurface structures and appurtenances owned by any person other than the Mayor and City Council of Baltimore shall be removed by and at the expense of their owners, promptly upon notice to do so from the Director of Public Works.

SECTION 6. AND BE IT FURTHER ORDAINED, That at all times after the closing under this Ordinance, the Mayor and City Council of Baltimore, acting by or through its authorized representatives, shall have access to the subject property and to all subsurface structures and appurtenances used by the Mayor and City Council, for the purpose of inspecting, maintaining, repairing, altering, relocating, or replacing any of them, without need to obtain permission from or pay compensation to the owner of the property.

SECTION 7. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved November 3, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-089
(Council Bill 00-213)**

AN ORDINANCE CONCERNING

**Urban Renewal — Hampden Business Area —
Amendment 2**

FOR the purpose of amending the Urban Renewal Plan for Hampden Business Area to amend Exhibits 1 and 4 to reflect the change in zoning, upon approval by separate ordinance, for 3601-3611 Elm Avenue; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date.

BY authority of
Article 13 - Housing and Urban Renewal
Section 2-6
Baltimore City Code
(Edition 2000)

Recitals

The Urban Renewal Plan for Hampden Business Area was originally approved by the Mayor and City Council of Baltimore by Ordinance 77-285 and last amended by Ordinance 98-261.

An amendment to the Urban Renewal Plan for Hampden Business Area is necessary to amend Exhibits 1 and 4 of the Urban Renewal Plan, to reflect the change in the zoning, upon approval by separate ordinance, of 3601-3611 Elm Avenue.

Under Article 13, § 2-6 of the Baltimore City Code, no substantial change may be made in any approved renewal plan unless the change is approved in the same manner as that required for the approval of a renewal plan.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the following changes in the Urban Renewal Plan for Hampden Business Area are approved:

- (1) Upon approval of rezoning by separate ordinance, for the property known as 3601-3611 Elm Avenue, amend Exhibit 1, "Land Use Plan", to reflect the change in zoning from the Neighborhood Business District to the Community Business District.
- (2) Upon approval of rezoning by separate ordinance, amend Exhibit 4, "Zoning Districts", to reflect the change of zoning for the property known as 3601-3611 Elm Avenue, from the B-1-2 Zoning District to the B-2-2 Zoning District.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Urban Renewal Plan for Hampden Business Area, as amended by this Ordinance and identified as “Urban Renewal Plan, Hampden, revised to include Amendment 2, dated ____”, is approved. The Clerk of the City Council 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.

SECTION 3. AND BE IT FURTHER ORDAINED, That if the amended Urban Renewal Plan approved by this Ordinance in any way fails to meet the statutory requirements for the content of a renewal plan or for the procedures for the preparation, adoption, and approval of a renewal plan, those requirements are waived and the amended Urban Renewal Plan approved by this Ordinance is exempted from them.

SECTION 4. 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 5. AND BE IT FURTHER ORDAINED, That if a provision of this Ordinance concerns the same subject as a provision of any zoning, building, electrical, plumbing, health, fire, or safety law or regulation, the applicable provisions shall be construed to give effect to each. However, if the provisions are found to be in irreconcilable conflict, the one that establishes the higher standard for the protection of the public health and safety prevails. If a provision of this Ordinance is found to be in conflict with an existing provision of any other law or regulation that establishes a lower standard for the protection of the public health and safety, the provision of this Ordinance prevails and the other conflicting provision is repealed to the extent of the conflict.

SECTION 6. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved November 3, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-090
(Council Bill 00-230)**

AN ORDINANCE CONCERNING

Illumination of Little Italy

FOR the purpose of creating a certain exception to the requirement that all wires be removed from above the streets and placed underground in conduits; clarifying, conforming, and correcting certain language; and providing for a special effective date.

BY repealing and reordaining, with amendments

Article 26 - Surveys, Streets, and Highways

Section(s) 23-7

Baltimore City Code

(Edition 2000)

Recitals

Today in Baltimore, there is a vibrant community known as Little Italy that attracts tourists and visitors to our City, who come to dine, participate in festivals, and who want to experience an exciting urban environment.

Little Italy is well-known, outside of Baltimore, as a destination to visit because of its excellent restaurants, outdoor summer film festival, and other annual festivals, such as the Festival of St. Gabriel, the Festival of St. Anthony, and the Taste of Little Italy Festival, and it is a major attraction for conventioners and other tourists. The health of this community is important to our City's economic development efforts.

In New York City's Little Italy, one of the elements that contributes to make this an important tourist destination is the attractive lights that are hung across streets and along streets. The lights add to the pleasurable experience of visiting this community.

Baltimore's Little Italy would like to be able to hang attractive streets lights that would add to the general ambience and attract more visitors to the community, but there presently exists a law that precludes this from happening.

In the 1890's, a City law was enacted that required that all wires be removed from above the streets, that no wires be allowed to cross over any street, lane, or alley from house to house, and that these wires be placed underground.

The Little Italy Restaurant Association, the Little Italy Community Organization, and the Little Italy Owner-Residents Association request that this law be changed, so that our City's Little Italy may also have the same kind of illumination that makes visiting New York's Little Italy such a pleasurable experience.

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 26 - Surveys, Streets, and Highways

Subtitle - Underground Conduits for Wires

§ 23-7. Mandatory relocation of wires.

(a) Department may order removal.

The Department of Public Works [is hereby empowered and directed] SHALL:

- (1) [to] require all wires to be removed from above the streets (no wires being allowed to cross over any street, lane, or alley from house to house) and placed underground in [said] conduits (the trolley wires of the street railway companies excepted) [in such streets or districts and at such times and in such manner and on such notice] as may be prescribed by the Department; and
- (2) [to] use [such drastic or summary] methods as, [may] in the judgment of the Department, [become expedient or] ARE necessary to [fulfill the requirements of the laws and ordinances of the Mayor and City Council of Baltimore, which have been or which may hereafter be passed, requiring] COMPLY WITH THE CITY LAWS THAT REQUIRE telegraph, telephone, electric light, feed and other (except trolley) wires to be placed underground.

(b) *Owners and operators to comply.*

All corporations or individuals owning or operating overhead lines within the City of Baltimore [are hereby directed to] SHALL place their wires underground in accordance with Chapter 200, Laws of Maryland 1892, when ordered [so] to do so by the Department of Public Works[in such streets or districts at such time and in such manner as may be prescribed by the Department].

(c) *EXCEPTION.*

NOTHING IN THIS SECTION PROHIBITS THE COMMUNITY KNOWN AS LITTLE ITALY, WHOSE BOUNDARIES ARE DESCRIBED IN ARTICLE 31, § 10-13(A) OF THE CITY CODE, FROM USING OVERHEAD WIRES FOR PURPOSES OF ILLUMINATION, SUBJECT TO THE FOLLOWING CONDITIONS:

- (1) plans for the placement and removal of the decorative lighting must be submitted to and approved by the Director of Public Works; and
- (2) ALL COSTS ASSOCIATED WITH THE LIGHTING, INCLUDING THE PURCHASE, MAINTENANCE, REPAIR, ELECTRICITY, REMOVAL, AND INSURANCE, ARE THE RESPONSIBILITY OF THE LITTLE ITALY COMMUNITY.

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 on the date it is enacted.

Approved November 3, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-091
(Council Bill 00-019)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use ~~Housing for the Elderly~~ Convalescent,
Nursing, and Rest Home (Assisted Living) —
4513-4515 Bowleys Lane**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of housing for the elderly a convalescent, nursing, and rest home (assisted living) on the property known as 4513-4515 Bowleys Lane, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning
Section(s) 6-209 (2) and 14-102
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of housing for the elderly a convalescent, nursing,

and rest home (assisted living) on the property known as 4513-4515 Bowleys Lane, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 6-209 (2) and 14-102 of the Baltimore City Code, subject to the ~~condition that~~ following conditions:

1. the maximum number of resident-clients is 16;
2. the minimum age for resident-clients is 60 years;
3. there may be no more than 2 persons per sleeping room;
4. 24-hour supervision must be provided;
5. there may be no exterior sign on the facility other than a nameplate no larger than 6 inches wide by 6 inches high;
6. sleeping rooms for clients may not be in the basement; and
7. the ~~housing for the elderly~~ ~~complies~~ convalescent, nursing, and rest home (assisted living) must comply with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved November 17, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-092
(Council Bill 00-127)**

AN ORDINANCE CONCERNING

Rezoning — 4513-4515 Bowleys Lane

FOR the purpose of changing the zoning for the property known as 4513-4515 Bowleys Lane, as outlined in red on the accompanying plat, from the B-1-1 Zoning District to the R-6 Zoning District.

BY amending

Article 30 - Zoning
Zoning District Maps
Sheet(s) 39
Baltimore City Code

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 39 of the Zoning District Maps is amended by changing from the B-1-1 Zoning District to the R-6 Zoning District the property known as 4513-4515 Bowleys Lane, as outlined in red on the plat accompanying this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved November 17, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-093
(Council Bill 00-178)**

AN ORDINANCE CONCERNING

**Planned Unit Development — Correction —
4221 Shannon Drive**

FOR the purpose of correcting an error in the description of prohibited storage; providing for a special effective date; and generally relating to the Planned Unit Development for 4221 Shannon Drive, as approved by Ordinance 99-573.

BY repealing and reordaining, with amendments

Ordinance 99-573

Section(s) 3

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

Ordinance 99-573

SECTION 3. AND BE IT FURTHER ORDAINED, That storage for only electrical equipment, materials, trailers, and containers used in connection with Enterprise Electric's use at 4204 Shannon Drive is permitted; storage of any OTHER materials is prohibited. Trailers and large containers must be located at the rear of the storage yard, and any items located at the front of the storage yard may not be visible from Shannon Drive.

SECTION 2. AND BE IT FURTHER ORDAINED, That in order to give notice to the agencies that administer the City Zoning Ordinance, the Director of Finance shall transmit a copy of this Ordinance to the Board of

Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted, retroactive to the effective date of Ordinance 99-573.

Approved November 17, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-094
(Council Bill 00-104)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use ~~Housing for the Elderly~~
Convalescent, Nursing, and Rest Home (Assisted Living) —
3009 Evergreen Avenue**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of housing for the elderly a convalescent, nursing, and rest home (assisted living) on the property known as 3009 Evergreen Avenue, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning
Section(s) 4-704 and 14-102
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of housing for the elderly a convalescent, nursing, and rest home (assisted living) on the property known as 3009 Evergreen Avenue, as outlined in red on the plat accompanying this Ordinance, in accordance with Baltimore City Zoning Code §§ 4-704 and 14-102, subject to the ~~condition that~~ following conditions:

1. the maximum number of resident clients is 12;
2. the minimum age for resident-clients is 60 years;
3. there may be no more than 2 persons per sleeping room;
4. 24-hour supervision must be provided;
5. there may be no exterior sign on the facility other than a nameplate no larger than 6 inches wide by 6 inches high;
6. sleeping rooms for clients may not be in the basement; and
7. the ~~housing for the elderly~~ convalescent, nursing, and rest home (assisted living) must comply with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved November 22, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-095
(Council Bill 00-182)**

AN ORDINANCE CONCERNING

**City Property — Naming the Fire Station, located at
801 East 25th Street to be the Chief Herman Williams, Jr.
Fire Station**

FOR the purpose of naming the fire station located at 801 East 25th Street to be the Chief Herman Williams, Jr. Fire Station.

BY authority of

Article 5 - Finance, Property, and Procurement
Section 20-2
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the fire station located at 801 East 25th Street is named the Chief Herman Williams, Jr. Fire Station.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved November 22, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-096
(Council Bill 00-201)**

AN ORDINANCE CONCERNING

Sale of Property — 3355 Keswick Road

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain property that is located at 3355 Keswick Road (Ward 13, Section 12, Block 3670A and Lot 21) and is no longer needed for public use; and providing for a special effective date.

BY authority of

Article V - Comptroller
Section 5(b)
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That, in accordance with Article V, § 5(b) of the City Charter, the Comptroller of Baltimore City may sell, at either public or private sale, all the interest of the Mayor and City Council of Baltimore in the property located at 3355 Keswick Road (Ward 13, Section 12, Block 3670A and Lot 21), containing 0.25 acres, more or less, this property being no longer needed for public use.

SECTION 2. AND BE IT FURTHER ORDAINED, That no deed may pass under this Ordinance unless the deed has been approved by the City Solicitor.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved November 22, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-097
(Council Bill 00-219)**

AN ORDINANCE CONCERNING

**Property Tax Credit — Newly Constructed Dwellings —
Reinstatement**

FOR the purpose of reinstating and extending until a certain date the property tax credit for newly constructed dwellings; making the reinstatement and extension retroactive to a certain date; and providing for a special effective date.

BY repealing and reordaining, with amendments

Article 28 - Taxes
Section(s) 10-5(j)
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 28 - Taxes

Subtitle 10 - Credits

§ 10-5. Newly constructed dwellings.

(j) *Termination of program.*

- (1) After June 30, [2000] 2002, additional owners of newly constructed dwellings may not be granted a credit under this section.
- (2) This subsection does not apply to an owner's continuing receipt of a credit as allowed in subsection (d) with respect to a property for which a tax credit under this section was received for a taxable year ending on or before June 30, [2000] 2002.

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 be construed retroactively and applied and interpreted to affect all taxable years beginning on or after July 1, 2000.

SECTION 4. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved November 22, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-098
(Council Bill 00-211)**

AN ORDINANCE CONCERNING

Minority and ~~Small~~ Women's Business Opportunity

FOR the purpose of making certain findings and affirming certain policies; establishing governing law as necessary and appropriate under those findings; providing for a new Minority and ~~Small~~ Women's Business Opportunity Program; imposing certain requirements; defining certain terms; providing certain exceptions; providing for the automatic termination of this Ordinance; and generally relating to equal business opportunity in the City's contracting program.

BY repealing

Article 5 - Finance, Property, and Procurement

Sections 28-1 through 28-19, inclusive, ~~and the~~

~~subtitle designation "Minority and Women's Business Enterprises"~~

Baltimore City Code

(Edition 2000)

BY adding

Article 5 - Finance, Property, and Procurement
Sections 28-1 through ~~28-21~~ 28-98, inclusive, to be under the new
subtitle designation "Minority and Small Business Opportunity"
Baltimore City Code
(Edition 2000)

Recitals

In response to the United States Supreme Court decision in *City of Richmond v. J.A. Croson Company*, the City of Baltimore appointed an independent task force to review and make an assessment of the constitutional validity of its Minority Business Enterprise (MBE) and Women's Business Enterprise (WBE) Program that was established under Ordinance 86-790. The study was completed in 1990 and a report was issued ("1990 Millemann Report") after the task force spent over 600 hours compiling data and examining the basic constitutional structure of Ordinance 86-790. The report revealed evidence of race- and gender-based discrimination against minority and women's business enterprises in the construction, professional design, and service industries in the City and also in the Washington Metropolitan Area and other portions of the State of Maryland involving private contractors who have received City contract awards.

In 1990, as a result of the findings and recommendations of the 1990 Millemann Report, Ordinance 90-610 was enacted. Ordinance 90-610 modified and continued the City's MBE and WBE program in accordance with the recommendations of the 1990 Millemann Report

In 1999, the City hired consultants to perform a second generation study to examine whether previously identified patterns of discrimination against minority- and women-owned business enterprises continued to persist and presently affected City procurement and to determine whether race- and gender-neutral programs, in and of themselves, would be sufficient to remedy the ongoing effects of identified discrimination in the award of construction, architectural and engineering, service, and commodity contracts by the City. This study, completed in 2000 (the "2000 Disparity Study"), included:

- (1) a rigorous examination of over 14,000 City contracting and purchasing records and contract files;
- (2) an in-depth review of the city's contracting, purchasing, and remedial policies, procedures, and practices;
- (3) an examination of City contracting to determine whether there exists a history or pattern of behavior demonstrating that the City has declined or refused to award contracts or subcontracts for purchases of goods and services to minorities and that such decisions by the City cannot be explained by any legitimate reason;
- (4) an examination of City contracting to determine whether the City has been a passive participant in a system of racial exclusion practiced by local businesses;
- (5) a statistical analysis of the disparity between utilization and availability of MBE and WBE companies, controlling for such factors as firm size, age, and bonding capacity, as well as race/gender factors;
- (6) a review of firms, identified by name, address, and types of services, that were qualified, willing, and able to conduct business with the City;
- (7) input from personal interviews and analysis of 403 responses to a mail survey of minority and majority vendors;

- (8) personal interviews with City staff, and with 63 owners of businesses representing subcontractors, prime contractors, business leaders; and
- (9) identification and examination of specific problems that affect both minority vendors and other firms in their attempts to obtain City contracts, subcontracts, and purchase orders.

The 2000 Study produced evidence of a substantial disparity in the utilization of minority- and women-owned businesses in the construction, commodity, architectural and engineering, and services industries in the Baltimore City market area. The consultants who conducted the 2000 Disparity Study also evaluated the existing MBE/WBE Program under Ordinance 90-610 and recommended the creation of a new program that includes race- and gender-neutral and race- and gender-specific goals. The 2000 Disparity Study concluded, among other things, that:

- (1) while the City has made gains, there remain significant disparities between the availability of minority- and women-owned businesses and the utilization of these businesses to perform contracts in the construction, commodity, architectural and engineering, and service industries;
- (2) the previously identified patterns of discrimination against MBEs and WBEs persist in the relevant market area; and
- (3) efforts by the City to increase participation in public contracting through the use of race- and gender-neutral remedial assistance programs have not succeeded in eliminating the past patterns of discrimination against minority- and women-owned enterprises and the City should create an annual goals program for these targeted groups; and
- ~~(4) a need exists in the City's contracting program for the establishment of a Small Business Enterprise program as another race-neutral means of remedying the identified disparity.~~

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Article 5, §§ 28-1 through 28-19, inclusive, ~~and the subtitle designation "Minority and Women's Business Enterprises"~~, are repealed.

SECTION 2. AND BE IT ORDAINED, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 5 - Finance, Property, and Procurement

~~SUBTITLE 28 - MINORITY AND SMALL BUSINESS OPPORTUNITY~~

~~§ 28-1. LEGISLATIVE FINDINGS, ETC.~~

~~(A) FINDINGS:~~

- ~~(1) THE MAYOR AND CITY COUNCIL MAKES THE FOLLOWING FINDINGS, ON FULL CONSIDERATION OF:~~
 - ~~(i) THE EXTENSIVE FINDINGS MADE BY AN INDEPENDENT TASK FORCE PRIOR TO THE ENACTMENT OF ORDINANCE 90-610;~~
 - ~~(ii) THE EVIDENCE OF SIGNIFICANT LEVELS OF UTILIZATION DISPARITY IDENTIFIED BY THE 2000 DISPARITY STUDY;~~

~~(III) HEARINGS HELD BY THE CITY COUNCIL; AND~~

~~(IV) ALL OTHER RELEVANT FACTS.~~

~~(2) PAST DISCRIMINATION IN THE CITY'S CONTRACTING PROCESS BY PRIME CONTRACTORS AGAINST MINORITY AND WOMEN'S BUSINESS ENTERPRISES HAS RESULTED IN SIGNIFICANT UNDERUTILIZATION OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES IN CONTRACTS AWARDED BY THE CITY OF BALTIMORE. AS DETERMINED BY THE 2000 DISPARITY STUDY, THIS DISPARITY HAS BEEN PERSISTENT, PERVASIVE, AND STATISTICALLY SIGNIFICANT BASED ON AVAILABLE VENDOR DATA.~~

~~(3) THIS DISCRIMINATION HAS OCCURRED IN THE MAJOR CITY CONTRACTING MARKETS (CONSTRUCTION, COMMODITIES, ARCHITECTURAL AND ENGINEERING, AND SERVICES), WITH THE EFFECT OF SIGNIFICANT UNDERUTILIZATION OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES.~~

~~(4) THE PROVISIONS OF THIS SUBTITLE ARE NECESSARY TO OVERCOME THE EFFECTS OF PAST DISCRIMINATION AND TO PREVENT ONGOING DISCRIMINATION IN THE CITY'S CONTRACTING PROCESS, WHILE ASSURING THAT HIGH QUALITY GOODS AND SERVICES ARE OBTAINED THROUGH THE COMPETITIVE BIDDING PROCESS.~~

~~(5) A GENERAL GOAL OF THIS SUBTITLE IS TO PROVIDE A NARROWLY TAILORED REMEDY TO PAST DISCRIMINATION, A GOAL THAT IS ADVANCED BY:~~

~~(I) CREATING A RACE- AND GENDER-NEUTRAL PROGRAM THAT INCLUDES RACE- AND GENDER-SPECIFIC GOALS;~~

~~(II) SETTING SMALL BUSINESS ENTERPRISE, MINORITY BUSINESS ENTERPRISE, AND WOMEN'S BUSINESS ENTERPRISE GOALS THAT ARE FLEXIBLE AND RATIONALLY RELATED TO THE DISPARITY IDENTIFIED IN THE CITY'S CONTRACTING MARKETS;~~

~~(III) INSTITUTING RACE- AND GENDER-NEUTRAL REMEDIES IN CONJUNCTION WITH THE MBE/WBE PROGRAM;~~

~~(IV) SETTING SEPARATE ANNUAL GOALS FOR DIFFERENT CATEGORIES OF CONTRACTS;~~

~~(V) SETTING GOALS ON A CONTRACT-BY-CONTRACT BASIS;~~

~~(VI) PROVIDING CRIMINAL PENALTIES FOR FRAUDULENT MISUSE OF THIS SUBTITLE;~~

~~(VII) REQUIRING REGULAR REVIEW OF THE NECESSITY FOR THE PROVISIONS OF THIS SUBTITLE;~~

~~(VIII) LIMITING THOSE SMALL, MINORITY, AND WOMEN'S BUSINESSES THAT QUALIFY UNDER THIS SUBTITLE TO THOSE THAT DO BUSINESS IN THE CITY'S CONTRACTING MARKETS;~~

~~(IX) REQUIRING REGULAR REVIEW OF THE CATEGORIES INCLUDED IN THE DEFINITION OF MINORITY GROUP MEMBERS; AND~~

~~(X) PROVIDING FOR POST-BID SUBMISSION OF REQUIRED INFORMATION ABOUT MINORITY AND WOMEN'S BUSINESS ENTERPRISES AS WELL AS OTHER SUBCONTRACTORS.~~

~~(B) POLICY:~~

~~IT IS THE POLICY OF THE CITY OF BALTIMORE TO PROMOTE EQUAL BUSINESS OPPORTUNITY IN THE CITY'S CONTRACTING PROCESS BY ENCOURAGING FULL AND EQUITABLE PARTICIPATION BY SMALL, MINORITY, AND WOMEN'S BUSINESS ENTERPRISES IN THE PROVISION OF GOODS AND SERVICES TO THE CITY ON A CONTRACTUAL BASIS.~~

~~(C) APPLICATION AND CONSTRUCTION:~~

~~THE PROVISIONS OF THIS SUBTITLE:~~

- ~~(1) APPLY TO ALL CONTRACTS AWARDED BY THE CITY, EXCEPT AS OTHERWISE SPECIFICALLY EXEMPTED FROM THIS SUBTITLE; AND~~
- ~~(2) ARE TO BE LIBERALLY CONSTRUED TO ACCOMPLISH ITS POLICIES AND PURPOSES.~~

~~§ 28-2. DEFINITIONS:~~

~~(A) IN GENERAL:~~

~~IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED UNLESS THE CONTEXT CLEARLY REQUIRES A DIFFERENT MEANING:~~

~~(B) AFRICAN AMERICAN:~~

~~"AFRICAN AMERICAN" MEANS A U.S. CITIZEN OR LAWFULLY ADMITTED PERMANENT RESIDENT HAVING AN ORIGIN IN ANY OF THE BLACK RACIAL GROUPS OF AFRICA.~~

~~(C) ASIAN AMERICAN:~~

~~"ASIAN AMERICAN" MEANS A U.S. CITIZEN OR LAWFULLY ADMITTED PERMANENT RESIDENT WHO ORIGINATES FROM THE FAR EAST, SOUTHEAST ASIA, THE INDIAN SUBCONTINENT, OR THE PACIFIC ISLANDS.~~

~~(D) BALTIMORE CITY MARKET AREA (BCMA):~~

~~"BALTIMORE CITY MARKET AREA" OR "BCMA" MEANS THE RELEVANT GEOGRAPHIC REGIONS FOR EACH BUSINESS CATEGORY AS DETERMINED BY THE 2000 STUDY AND AS DEFINED IN § 28-5 OF THIS SUBTITLE.~~

~~(E) BIDDER:~~

~~"BIDDER" MEANS ONE WHO SUBMITS A BID TO THE CITY IN RESPONSE TO AN INVITATION TO BID OR TO A REQUEST FOR PROPOSALS.~~

~~(F) BUSINESS ENTERPRISE:~~

~~"BUSINESS ENTERPRISE" MEANS A CORPORATION, LIMITED LIABILITY COMPANY, PARTNERSHIP, INDIVIDUAL, SOLE PROPRIETORSHIP, JOINT STOCK COMPANY, JOINT VENTURE, PROFESSIONAL ASSOCIATION, OR ANY OTHER LEGAL ENTITY OPERATED FOR PROFIT THAT IS PROPERLY LICENSED, AS APPLICABLE, AND OTHERWISE AUTHORIZED TO DO BUSINESS IN THE STATE OF MARYLAND.~~

~~(G) CERTIFIED BUSINESS ENTERPRISE:~~

~~“CERTIFIED BUSINESS ENTERPRISE” MEANS A SMALL BUSINESS ENTERPRISE, MINORITY BUSINESS ENTERPRISE, OR WOMEN’S BUSINESS ENTERPRISE THAT HAS MET THE CRITERIA FOR CERTIFICATION ESTABLISHED BY THIS SUBTITLE AND HAS BEEN CERTIFIED BY THE MINORITY AND SMALL BUSINESS OPPORTUNITY OFFICE.~~

~~(H) CHIEF:~~

~~“CHIEF” MEANS THE CHIEF OF THE MINORITY AND SMALL BUSINESS OPPORTUNITY OFFICE.~~

~~(I) CONTRACTING AGENCY:~~

~~“CONTRACTING AGENCY” MEANS THE CITY AGENCY, DEPARTMENT, OR AUTHORIZED REPRESENTATIVE THAT ISSUES INVITATIONS TO BID OR REQUESTS FOR PROPOSALS.~~

~~(J) CONTRACTOR:~~

~~“CONTRACTOR” MEANS THE PERSON, FIRM, OR LEGAL ENTITY WITH WHICH THE CITY HAS ENTERED INTO AN AGREEMENT.~~

~~(K) COMMERCIALLY USEFUL FUNCTION:~~

~~“COMMERCIALLY USEFUL FUNCTION” MEANS THE PERFORMANCE OF REAL AND ACTUAL SERVICES IN THE DISCHARGE OF ANY CONTRACTUAL ENDEAVOR. THE BUSINESS ENTERPRISE MUST PERFORM A DISTINCT ELEMENT OF WORK FOR WHICH THE BUSINESS HAS THE SKILL AND EXPERTISE, AS WELL AS THE RESPONSIBILITY OF ACTUALLY PERFORMING, MANAGING, AND SUPERVISING THE WORK.~~

~~(L) CONSTRUCTION:~~

~~“CONSTRUCTION” MEANS BUILDING, ALTERING, REPAIRING, IMPROVING, OR DEMOLISHING ANY STRUCTURE, BUILDING, OR OTHER IMPROVEMENT TO REAL PROPERTY, INCLUDING:~~

- ~~(1) BUILDING CONSTRUCTION;~~
- ~~(2) HEAVY CONSTRUCTION (ROAD CONSTRUCTION AND BRIDGE CONSTRUCTION); AND~~
- ~~(3) SPECIALTY TRADES CONSTRUCTION (E.G., CARPENTRY, ELECTRICAL, AND PLUMBING).~~

~~(M) CONTROL:~~

~~(1) “CONTROL”, FOR PURPOSES OF DETERMINING WHETHER A BUSINESS IS A MINORITY BUSINESS ENTERPRISE OR WOMEN’S BUSINESS ENTERPRISE, MEANS THAT THE MINORITY GROUP MEMBER OWNERS OR WOMEN OWNERS:~~

- ~~(1) POSSESS AND EXERCISE THE LEGAL AUTHORITY AND POWER TO MANAGE BUSINESS ASSETS, GOODWILL, AND DAILY OPERATIONS OF THE BUSINESS; AND~~
- ~~(2) ACTIVELY AND CONTINUOUSLY EXERCISE THIS MANAGERIAL AUTHORITY AND POWER IN DETERMINING THE POLICIES AND DIRECTING THE OPERATIONS OF THE BUSINESS.~~

- ~~(2) IF OWNERS WHO ARE NOT MINORITY GROUP MEMBERS OR WOMEN ARE RESPONSIBLE FOR THE OPERATION OF THE BUSINESS OUT OF PROPORTION TO THEIR MINORITY OWNERSHIP INTEREST, THEN THE BUSINESS IS NOT CONTROLLED BY MINORITY GROUP MEMBERS OR WOMEN.~~

~~(N) *HISPANIC AMERICAN.*~~

~~"HISPANIC AMERICAN" MEANS A U.S. CITIZEN OR LAWFULLY ADMITTED PERMANENT RESIDENT OF MEXICAN, PUERTO RICAN, CUBAN, CENTRAL OR SOUTH AMERICAN, OR OTHER SPANISH OR PORTUGUESE CULTURE OR ORIGIN REGARDLESS OF RACE.~~

~~(O) *JOINT VENTURE.*~~

~~"JOINT VENTURE" MEANS AN ASSOCIATION BETWEEN BUSINESS ENTERPRISES THAT PROVIDES FOR THE SHARING OF ECONOMIC INTEREST.~~

~~(P) *LOCAL.*~~

~~"LOCAL" MEANS THAT THE PRINCIPAL OPERATING OFFICE OF THE BUSINESS ENTERPRISE IS PHYSICALLY LOCATED WITHIN BALTIMORE CITY.~~

~~(Q) *MANUFACTURER.*~~

~~"MANUFACTURER" MEANS A BUSINESS ENTERPRISE THAT:~~

- ~~(1) PRODUCES GOODS FROM RAW MATERIALS OR SUBSTANTIALLY ALTERS OR FABRICATES THEM BEFORE RESALE; AND~~
- ~~(2) ASSUMES THE ACTUAL AND CONTRACTUAL RESPONSIBILITY FOR PROVIDING THE MATERIALS AND SUPPLIES.~~

~~(R) *MINORITY BUSINESS ENTERPRISE (MBE).*~~

~~"MINORITY BUSINESS ENTERPRISE" OR "MBE" MEANS A BUSINESS ENTERPRISE:~~

- ~~(1) THAT IS OWNED, OPERATED, AND CONTROLLED BY 1 OR MORE MINORITY GROUP MEMBERS WHO HAVE AT LEAST 51% OWNERSHIP;~~
- ~~(2) IN WHICH THE MINORITY GROUP MEMBERS HAVE OPERATIONAL AND MANAGERIAL CONTROL, INTEREST IN CAPITAL, AND EARNINGS COMMENSURATE WITH THEIR PERCENTAGE OF OWNERSHIP; AND~~
- ~~(3) THAT IS LOCATED IN THE BALTIMORE CITY MARKET AREA.~~

~~(S) *MINORITY GROUP MEMBER.*~~

~~"MINORITY GROUP MEMBER" MEANS A MEMBER OF A MINORITY GROUP, SUCH AS AFRICAN AMERICAN, HISPANIC AMERICAN, ASIAN AMERICAN, OR NATIVE AMERICAN, FOR WHICH A UTILIZATION DISPARITY HAS BEEN IDENTIFIED.~~

~~(T) *NATIVE AMERICAN.*~~

~~"NATIVE AMERICAN" MEANS A U.S. CITIZEN OR LAWFULLY ADMITTED PERMANENT RESIDENT WHO ORIGINATES FROM ANY OF THE ORIGINAL PEOPLES OF NORTH AMERICA AND WHO MAINTAINS~~

~~CULTURAL IDENTIFICATION THROUGH TRIBAL AFFILIATION OR OTHER SUITABLE AUTHORITY IN THE COMMUNITY.~~

~~(U) OWNED:~~

~~“OWNED”, FOR PURPOSES OF DETERMINING WHETHER A BUSINESS IS A MINORITY BUSINESS ENTERPRISE OR WOMEN’S BUSINESS ENTERPRISE, MEANS THAT:~~

- ~~(1) THE MINORITY GROUP MEMBER OR FEMALE OWNER, AS THE CONTEXT REQUIRES, POSSESSES AN OWNERSHIP INTEREST OF AT LEAST 51% OF THE BUSINESS;~~
- ~~(2) THIS OWNERSHIP IS REAL AND CONTINUING AND GOES BEYOND THE MERE INDICIA OF OWNERSHIP REFLECTED IN THE OWNERSHIP DOCUMENTS; AND~~
- ~~(3) THE MINORITY GROUP MEMBER OR WOMAN OWNER ENJOYS THE CUSTOMARY INCIDENTS OF OWNERSHIP AND SHARES IN THE RISKS AND PROFITS COMMENSURATE WITH HIS OR HER OWNERSHIP INTERESTS, AS DEMONSTRATED BY AN EXAMINATION OF THE SUBSTANCE, RATHER THAN THE FORM OF OWNERSHIP ARRANGEMENTS.~~

~~(V) PUBLIC WORKS:~~

~~“PUBLIC WORKS” MEANS THE CONSTRUCTION, REPAIR, RENOVATION, OR MAINTENANCE OF ANY PROPERTY OWNED BY THE CITY OF BALTIMORE OR FINANCED, IN WHOLE OR IN PART, BY THE CITY OF BALTIMORE.~~

~~(W) PURCHASING:~~

~~“PURCHASING” MEANS THE BUYING, RENTING, LEASING, OR OTHERWISE OBTAINING OR ACQUIRING ANY SUPPLIES, MATERIALS, EQUIPMENT, OR SERVICES.~~

~~(X) SEGMENTATION:~~

~~“SEGMENTATION” MEANS THE SUBDIVISION OF A CONTRACT TO PROVIDE MBES, WBEs, AND SBEs WITH A REASONABLE CONTRACTING OPPORTUNITY.~~

~~(Y) SMALL BUSINESS ENTERPRISE (SBE):~~

~~“SMALL BUSINESS ENTERPRISE” OR “SBE” MEANS A BUSINESS ENTERPRISE THAT:~~

- ~~(1) IS AN INDEPENDENT AND CONTINUING ENTERPRISE FOR PROFIT;~~
- ~~(2) PERFORMS A COMMERCIALY USEFUL FUNCTION;~~
- ~~(3) MEETS THE SIZE AND INCOME CRITERIA ESTABLISHED ANNUALLY BY THE CITY; AND~~
- ~~(4) IS LOCATED IN THE BALTIMORE CITY MARKET AREA.~~

~~(Z) SMALL LOCAL BUSINESS ENTERPRISE (SLBE):~~

~~“SMALL LOCAL BUSINESS ENTERPRISE” OR “SLBE” MEANS A BUSINESS ENTERPRISE THAT:~~

- ~~(1) IS AN INDEPENDENT AND CONTINUING ENTERPRISE FOR PROFIT;~~

~~(2) PERFORMS A COMMERCIALLY USEFUL FUNCTION;~~

~~(3) MEETS THE SIZE AND INCOME CRITERIA ESTABLISHED ANNUALLY BY THE CITY; AND~~

~~(2) IS LOCATED WITHIN THE LIMITS OF BALTIMORE CITY.~~

~~(AA) MINORITY AND SMALL BUSINESS OPPORTUNITY OFFICE (MSBOO):~~

~~“MINORITY AND SMALL BUSINESS OPPORTUNITY OFFICE” OR “MSBOO” MEANS THE SECTION IN THE DEPARTMENT OF LAW THAT IS RESPONSIBLE FOR THE OVERALL ADMINISTRATION OF THIS SUBTITLE.~~

~~(BB) SOLE PROPRIETORSHIP:~~

~~“SOLE PROPRIETORSHIP” MEANS A BUSINESS ENTERPRISE THAT IS 100% OWNED, OPERATED, AND CONTROLLED BY 1 PERSON.~~

~~(CC) SUBCONTRACTOR:~~

~~“SUBCONTRACTOR” MEANS A BUSINESS ENTERPRISE THAT HAS A DIRECT CONTRACT WITH A CONTRACTOR FOR THE PERFORMANCE OF A PART OF THE WORK ON A CONTRACT.~~

~~(DD) SUPPLIER:~~

~~“SUPPLIER” MEANS A BUSINESS ENTERPRISE THAT:~~

~~(1) FURNISHES NEEDED ITEMS TO A CONTRACTOR;~~

~~(2) PERFORMS A COMMERCIALLY USEFUL FUNCTION IN THE SUPPLY PROCESS; AND~~

~~(3) EITHER:~~

~~(1) IS INVOLVED IN THE MANUFACTURE OR DISTRIBUTION OF THE SUPPLIES OR MATERIALS; OR~~

~~(2) OTHERWISE WAREHOUSES AND SHIPS THE SUPPLIES.~~

~~(EE) WOMEN’S BUSINESS ENTERPRISE (WBE):~~

~~“WOMEN’S BUSINESS ENTERPRISE” OR “WBE” MEANS A BUSINESS ENTERPRISE:~~

~~(1) THAT IS OWNED, OPERATED, AND CONTROLLED BY 1 OR MORE NON-HISPANIC, WHITE WOMEN WHO HAVE 51% OWNERSHIP;~~

~~(2) IN WHICH THE WOMEN HAVE OPERATIONAL AND MANAGERIAL CONTROL, INTEREST IN CAPITAL, AND EARNINGS COMMENSURATE WITH THEIR PERCENTAGE OF OWNERSHIP; AND~~

~~(3) THAT IS DOING BUSINESS WITHIN THE BALTIMORE CITY MARKET AREA.~~

~~§ 28-3. PROGRAM GOALS:~~**~~(A) ANNUAL PARTICIPATION GOALS:~~**

- ~~(1) THE BOARD OF ESTIMATES SHALL, ON AN ANNUAL BASIS, ESTABLISH PARTICIPATION GOALS FOR SMALL BUSINESS ENTERPRISES, MINORITY BUSINESS ENTERPRISES, AND WOMEN'S BUSINESS ENTERPRISES IN EACH AREA OF CONTRACTING AND PROCUREMENT.~~
- ~~(2) THE ANNUAL PARTICIPATION GOALS SHALL BE ESTABLISHED BASED ON, BUT NOT LIMITED TO:~~
 - ~~(i) THE PRESENT AVAILABILITY OF QUALIFIED SBES, MBES, AND WBES;~~
 - ~~(ii) THE UTILIZATION OF QUALIFIED SBES, MBES, AND WBES ON PAST CONTRACTS AWARDED BY THE CITY;~~
 - ~~(iii) A FORECAST OF ELIGIBLE CONTRACTS TO BE AWARDED WITHIN THE FISCAL YEAR; AND~~
 - ~~(iv) REVIEW AND ANALYSIS OF THE REPORTS GENERATED BY THE MINORITY AND SMALL BUSINESS OPPORTUNITY OFFICE IN ACCORDANCE WITH THIS SUBTITLE.~~

~~(B) FLEXIBILITY OF GOALS:~~

- ~~(1) ANNUAL PARTICIPATION GOALS ARE NOT AND MAY NOT BE QUOTAS.~~
- ~~(2) ON INDIVIDUAL CONTRACTS OR PROJECTS, ANNUAL GOALS MAY BE INAPPLICABLE OR MAY BE ADJUSTED DEPENDING ON:~~
 - ~~(1) THE AVAILABILITY OF QUALIFIED SBES, MBES, AND WBES;~~
 - ~~(2) THE NATURE OF THE PROJECT;~~
 - ~~(3) THE ADVERSE IMPACT ON NON-SBES, -MBES, AND -WBES;~~
 - ~~(4) THE GOOD FAITH EFFORTS OF CONTRACTORS; AND~~
 - ~~(5) OTHER FACTORS, AS DETERMINED BY THE MINORITY AND SMALL BUSINESS OPPORTUNITY OFFICE.~~

~~(C) BASIS FOR ANNUAL GOALS:~~

- ~~(1) THE ANNUAL GOALS SHALL BE DIRECTLY RELATED TO THE AVAILABILITY OF QUALIFIED SBES, MBES, AND WBES AND THE IDENTIFIED DISPARITY IN THE UTILIZATION OF MBES AND WBES.~~
- ~~(2) THE ANNUAL GOAL FOR A SBES, WBES, OR MBES MAY BE NO HIGHER THAN THE PERCENTAGE OF AVAILABILITY OF SBES, WBES, OR MBES.~~
- ~~(3) THE ANNUAL GOALS FOR SBES SHALL BE DIRECTLY RELATED TO THE EXTENT OF UTILIZATION OF MBES AND WBES.~~

~~(D) ANNUAL GOALS:~~

~~THE ANNUAL PARTICIPATION GOALS SHALL BE AS FOLLOWS:~~

~~(1) COMMODITIES~~

SBE	9%
AFRICAN AMERICAN MBE	6%
HISPANIC AMERICAN MBE	1%
ASIAN AMERICAN MBE	0%
NATIVE AMERICAN MBE	1%
WBE	0%

~~(2) CONSTRUCTION~~

SBE	19%
AFRICAN AMERICAN MBE	14%
HISPANIC AMERICAN MBE	0%
ASIAN AMERICAN MBE	0%
NATIVE AMERICAN MBE	1%
WBE	5%

~~(3) ARCHITECTURAL AND ENGINEERING~~

SBE	24%
AFRICAN AMERICAN MBE	1%
HISPANIC AMERICAN MBE	1%
ASIAN AMERICAN MBE	0%
NATIVE AMERICAN MBE	0%
WBE	5%

~~(4) SERVICES~~

SBE	17%
AFRICAN AMERICAN MBE	0%
HISPANIC AMERICAN MBE	1%
ASIAN AMERICAN MBE	1%
NATIVE AMERICAN MBE	1%
WBE	0%

~~(E) ANNUAL REVIEW~~

~~THE ANNUAL PARTICIPATION GOALS FOR EACH PROCUREMENT AND CONTRACTING AREA SHALL BE IN EFFECT FOR A PERIOD OF 5 YEARS, SUBJECT TO ANNUAL REVIEW TO BE CONDUCTED BY THE MINORITY AND SMALL BUSINESS OPPORTUNITY OFFICE.~~

~~(F) CONSIDERATION:~~

~~THE ANNUAL GOALS WILL BE TAKEN INTO CONSIDERATION WHEN THE MINORITY AND SMALL BUSINESS OPPORTUNITY OFFICE SETS GOALS ON INDIVIDUAL CONTRACTS.~~

~~§ 28-4. CONTRACT PARTICIPATION GOALS:~~~~(A) IN GENERAL:~~

~~(1) THE APPLICABILITY OF ANNUAL PARTICIPATION GOALS TO ANY SPECIFIC CONTRACT SHALL BE EVALUATED BY THE MINORITY AND SMALL BUSINESS OPPORTUNITY OFFICE. IF THE ANNUAL~~

GOAL IS NOT APPROPRIATE FOR A SPECIFIC CONTRACT, THE MSBOO SHALL SET AN APPROPRIATE GOAL FOR THE CONTRACT.

~~(2) IN DETERMINING THE GOAL ON A CONTRACT-BY-CONTRACT BASIS, THE MSBOO SHALL CONSIDER:~~

~~(i) THE AVAILABILITY IN VARIOUS INDUSTRY CLASSIFICATIONS AND PROFESSIONS OF SBES, MBES, AND WBES THAT ARE QUALIFIED AND WILLING TO PROVIDE GOODS, EXPERTISE, AND SERVICES ON THE PARTICULAR CONTRACT, AS IDENTIFIED IN THE OFFICE OF CONTRACT COMPLIANCE DATABASE;~~

~~(ii) THE LEVEL OF UTILIZATION OF THESE FIRMS IN PAST CONTRACTS AWARDED BY THE CITY;~~

~~(iii) THE CONTRACT SPECIFICATIONS; AND~~

~~(iv) ANY OTHER RELEVANT FACTORS.~~

~~(B) MINIMUM AVAILABILITY:~~

~~FOR A GOAL TO BE APPLICABLE TO A CONTRACT, AT LEAST 2 SBES, MBES, OR WBES MUST BE AVAILABLE FOR THAT GOAL.~~

~~(C) CONSULTATION:~~

~~IN ESTABLISHING GOALS ON EACH CONTRACT, THE MSBOO SHALL CONSULT WITH THE CONTRACTING AGENCY, THE CITY PURCHASING AGENT, OR BOTH.~~

~~(D) PUBLICATION OF GOALS:~~

~~THE CONTRACT GOALS SHALL BE CLEARLY PUBLISHED AS PART OF THE CONTRACT SPECIFICATIONS IN THE NOTIFICATION OF BID OR REQUEST FOR PROPOSALS.~~

~~(E) APPLICABILITY:~~

~~THE CONTRACT GOALS SHALL APPLY TO THE INITIAL CONTRACT AWARD AMOUNTS AND ALL SUBSEQUENT CONTRACT MODIFICATIONS AND CHANGE ORDERS THAT SERVE TO INCREASE THE DOLLAR VALUE OF THE INITIAL CONTRACT TO THE EXTENT THAT THE MODIFICATIONS OR CHANGE ORDERS ARE APPLICABLE TO SBE, MBE, OR WBE PARTICIPATION.~~

~~(F) ANNUAL REVIEW:~~

~~(1) ANNUALLY, THE MSBOO SHALL REVIEW SBE, MBE, AND WBE PARTICIPATION ON ALL CONTRACTS AND PROCUREMENT TO EVALUATE THE RESULTS OF THIS SUBTITLE.~~

~~(2) THE REPORT SHALL BE SUBMITTED TO THE BOARD OF ESTIMATES.~~

§ 28-5. BALTIMORE CITY MARKET AREA

~~THE BALTIMORE CITY MARKET AREA FOR EACH BUSINESS CATEGORY IS AS FOLLOWS (ALL LOCATIONS BEING MARYLAND EXCEPT AS SPECIFIED):~~

~~(1) CONSTRUCTION CONTRACTS:~~

~~BALTIMORE CITY
BALTIMORE COUNTY
HOWARD COUNTY:~~

~~(2) ARCHITECTURAL AND ENGINEERING CONTRACTS:~~

~~BALTIMORE CITY
BALTIMORE COUNTY
ANNE ARUNDEL COUNTY:~~

~~(3) SERVICE CONTRACTS:~~

~~BALTIMORE CITY
BALTIMORE COUNTY
ANNE ARUNDEL COUNTY:~~

~~(4) COMMODITY CONTRACTS:~~

~~BALTIMORE CITY
BALTIMORE COUNTY
ANNE ARUNDEL COUNTY
HOWARD COUNTY
MONTGOMERY COUNTY
PRINCE GEORGE'S COUNTY
COOK COUNTY, ILLINOIS
MECKLENBURG COUNTY, NORTH CAROLINA
ALLEGHENY COUNTY, PENNSYLVANIA
PHILADELPHIA, PENNSYLVANIA
FULTON COUNTY, GEORGIA
HARRIS COUNTY, TEXAS:~~

~~§ 28-6. STANDARDS FOR MEASURING PARTICIPATION:~~~~(A) IN GENERAL:~~

~~SBE, MBE, AND WBE PARTICIPATION MUST BE COUNTED TOWARD MEETING CONTRACT GOALS IN ACCORDANCE WITH THE FOLLOWING PROVISIONS:~~

~~(B) COMMERCIALLY USEFUL FUNCTION:~~

- ~~(1) THE BIDDER MAY COUNT TOWARD THE CONTRACT GOALS ONLY EXPENDITURES TO CERTIFIED BUSINESS ENTERPRISES THAT PERFORM COMMERCIALLY USEFUL FUNCTIONS IN THE EXECUTION OF THE CONTRACT.~~
- ~~(2) TO DETERMINE WHETHER A CERTIFIED BUSINESS ENTERPRISE IS PERFORMING A COMMERCIALLY USEFUL FUNCTION, THE CITY MUST EVALUATE THE AMOUNT OF WORK SUBCONTRACTED, INDUSTRY PRACTICES, AND OTHER RELEVANT FACTORS.~~

~~(C) JOINT VENTURES:~~

- ~~(1) A BIDDER MAY COUNT TOWARD THE CONTRACT GOAL THE PORTION OF ITS EXPENDITURE TO A JOINT VENTURE THAT IS EQUAL TO THE PERCENTAGE OF CERTIFIED BUSINESS ENTERPRISE'S PARTICIPATION IN THE JOINT VENTURE.~~
- ~~(2) THE SBE, WBE, OR MBE MEMBER OF THE JOINT VENTURE MUST HAVE AN INTEREST IN THE CONTROL, MANAGEMENT, AND OPERATION OF THE JOINT VENTURE COMMENSURATE WITH ITS PERCENTAGE OF OWNERSHIP.~~
- ~~(3) THE CERTIFIED BUSINESS ENTERPRISE THAT IS A MEMBER OF THE JOINT VENTURE MUST BE RESPONSIBLE FOR A CLEARLY DEFINED PORTION OF THE WORK TO BE PERFORMED, EQUAL TO ITS SHARE IN THE OWNERSHIP, CONTROL, AND MANAGEMENT OF THE JOINT VENTURE.~~

~~(D) SBE, MBE, OR WBE MANUFACTURERS:~~

~~A BIDDER MAY COUNT TOWARDS THE CONTRACT GOAL ITS ENTIRE EXPENDITURE TO A CERTIFIED BUSINESS ENTERPRISE MANUFACTURER.~~

~~(E) SBE, MBE, OR WBE SUPPLIERS:~~

- ~~(1) IF A BIDDER USES 1 OR MORE SUPPLIERS TO SATISFY A CONTRACT GOAL, IN WHOLE OR IN PART, THE CERTIFIED BUSINESS ENTERPRISE SUPPLIER PARTICIPATION MAY BE CREDITED TOWARDS THE APPLICABLE GOAL AS PROVIDED IN THIS SUBSECTION.~~
- ~~(2) A BIDDER MAY COUNT 100% OF ITS EXPENDITURE TO A CERTIFIED BUSINESS ENTERPRISE SUPPLIER WHO MANUFACTURES THE GOODS SUPPLIED.~~
- ~~(3) A BIDDER MAY COUNT 100% OF ITS EXPENDITURE TO A CERTIFIED BUSINESS ENTERPRISE SUPPLIER WHO IS A WHOLESALE WAREHOUSING THE GOODS SUPPLIED OR WHO IS A MANUFACTURER'S REPRESENTATIVE, BUT ONLY 25 % OF THE APPLICABLE CONTRACT GOAL MAY BE ATTAINED BY EXPENDITURES TO CERTIFIED BUSINESS ENTERPRISES THAT ARE NON-MANUFACTURING SUPPLIERS.~~
- ~~(4) FOR CONTRACTS WHERE AN EXTRAORDINARILY LARGE PROPORTION OF THE CONTRACT PRICE IS FOR EQUIPMENT OR SUPPLIES:
 - ~~(i) A LOWER PROJECT GOAL MAY BE SET THAN OTHERWISE WOULD BE REQUIRED;~~
 - ~~(ii) THE 25% LIMIT FOR SUPPLIERS MAY BE INCREASED; OR~~
 - ~~(iii) A COMBINATION OF THESE TWO METHODS MAY BE USED.~~~~

~~(F) SBE, MBE, OR WBE INSURANCE COMPANIES OR TRAVEL AGENTS:~~

- ~~(1) A BIDDER MAY COUNT TOWARDS THE CONTRACT GOALS ONLY 15% OF ITS EXPENDITURE TO A CERTIFIED BUSINESS ENTERPRISE INSURANCE COMPANY OR TRAVEL AGENT.~~
- ~~(2) THIS PARTICIPATION MAY BE CREDITED ONLY IF THE INSURANCE COMPANY OR TRAVEL AGENT PERFORMS A COMMERCIALY USEFUL FUNCTION IN THE EXECUTION OF THE CONTRACT.~~

~~(G) *SBE, MBE, OR WBE FINANCIAL INSTITUTIONS:*~~

- ~~(1) A BIDDER MAY COUNT TOWARDS THE CONTRACT GOALS ONLY THE FEES CHARGED AND EARNED BY A CERTIFIED BUSINESS ENTERPRISE FINANCIAL INSTITUTION.~~
- ~~(2) THIS PARTICIPATION MAY BE CREDITED ONLY IF THE FINANCIAL INSTITUTION PERFORMS A COMMERCIALLY USEFUL FUNCTION IN THE EXECUTION OF THE CONTRACT.~~

~~(H) *SUBCONTRACTING BY SBE, MBE, OR WBE*~~

- ~~(1) A BIDDER MAY NOT COUNT TOWARD ITS CONTRACT GOAL ANY AGREEMENTS WITH CERTIFIED BUSINESS ENTERPRISE SUBCONTRACTORS WHO INTEND TO SUBCONTRACT MORE THAN 10% OF THE DOLLAR AMOUNT OF THE SERVICES TO BE PERFORMED UNDER THE AGREEMENT BETWEEN THE BIDDER AND THE CERTIFIED BUSINESS ENTERPRISE.~~
- ~~(2) THIS SUBSECTION DOES NOT APPLY TO A SUBCONTRACTOR'S CONTRACTS FOR THE PURCHASE OF MATERIALS, EQUIPMENT, OR SUPPLIES AS AN INCIDENT TO THE PERFORMANCE OF SERVICES UNDER ITS CONTRACT.~~

~~§ 28-7. NON-AFFILIATION:~~

~~(A) *AFFILIATION DISALLOWED:*~~

~~A BIDDER IS PRECLUDED FROM USING A CERTIFIED BUSINESS ENTERPRISE TO MEET A CONTRACT GOAL IF THE BIDDER HAS A FINANCIAL INTEREST IN, HAS AN INTEREST IN THE OWNERSHIP OR CONTROL OF, OR IS SIGNIFICANTLY INVOLVED IN THE OPERATION OF THE CERTIFIED BUSINESS ENTERPRISE.~~

~~(B) *MSBOO CRITERIA TO BE FOLLOWED:*~~

~~IN ORDER FOR A BIDDER TO USE A CERTIFIED BUSINESS ENTERPRISE TO MEET A CONTRACT GOAL, THE NON-AFFILIATION CRITERIA ESTABLISHED BY THE MINORITY AND SMALL BUSINESS OPPORTUNITY OFFICE MUST BE MET.~~

~~§ 28-8. SLBE PROGRAM GOALS, CRITERIA, ETC.~~

~~(A) *ESTABLISHMENT OF GOALS:*~~

- ~~(1) WITH THE ADVICE OF THE MINORITY AND SMALL BUSINESS OPPORTUNITY OFFICE AND CITY CONTRACTING AGENCIES AND SUBJECT TO THE APPROVAL OF THE BOARD OF ESTIMATES, THE MAYOR MAY ESTABLISH ANNUAL GOALS FOR THE UTILIZATION OF SMALL LOCAL BUSINESS ENTERPRISES.~~

~~(2) THESE GOALS:~~

- ~~(i) SHALL BE EXPRESSED IN TERMS OF A PERCENTAGE OF THE TOTAL DOLLAR VALUE OF ALL CONTRACTS TO BE AWARDED BY THE CITY DURING A FISCAL YEAR; AND~~
- ~~(ii) MAY BE ESTABLISHED SEPARATELY FOR CATEGORIES OF CONTRACTING, SUCH AS CONSTRUCTION, COMMODITIES, ARCHITECTURAL AND ENGINEERING, AND SERVICE CONTRACTS, AS WELL AS ANY OTHER CATEGORIES THAT THE MAYOR DETERMINES APPROPRIATE.~~

~~(B) TERMS:~~

- ~~(1) THE MAYOR MAY ESTABLISH AN ANNUAL PERCENTAGE GOAL FOR SLBE PARTICIPATION.~~
- ~~(2) THE MAYOR MAY ESTABLISH A THRESHOLD DOLLAR AMOUNT, OVER WHICH A CONTRACT GOAL FOR SLBE PARTICIPATION WILL APPLY.~~

~~(C) CRITERIA:~~

~~IN DETERMINING WHETHER TO SET SLBE PARTICIPATION GOALS, THE MAYOR MUST CONSIDER:~~

- ~~(1) THE AVAILABILITY OF CERTIFIED SLBES IN VARIOUS INDUSTRY CLASSIFICATIONS; AND~~
- ~~(2) ANY OTHER RELEVANT FACTORS.~~

~~(D) NON-AFFILIATION:~~

- ~~(1) A BIDDER IS PRECLUDED FROM USING AN SLBE TO MEET AN SLBE GOAL IF THE BIDDER HAS A FINANCIAL INTEREST IN, HAS AN INTEREST IN THE OWNERSHIP OR CONTROL OF, OR IS SIGNIFICANTLY INVOLVED IN THE OPERATION OF THE SLBE~~
- ~~(2) IN ORDER FOR A BIDDER TO USE AN SLBE TO MEET AN SLBE GOAL, THE NON-AFFILIATION CRITERIA ESTABLISHED BY THE MINORITY AND SMALL BUSINESS OPPORTUNITY OFFICE MUST BE MET.~~

~~§ 28-9. UTILIZATION REQUIREMENTS:~~~~(A) CONTRACTS BETWEEN \$1,000 - \$4,999:~~

- ~~(1) THE FOLLOWING STANDARDS AND PROCEDURES APPLY TO EVERY CONTRACT FOR WHICH THE ESTIMATED COST IS FROM \$1,000 TO \$4,999:~~
- ~~(2) THE CONTRACTING AGENCY MUST SOLICIT BIDS FROM CERTIFIED BUSINESS ENTERPRISES THAT ARE CERTIFIED TO SUPPLY THE REQUIRED MATERIALS, EQUIPMENT, SUPPLIES, OR SERVICES.~~
- ~~(3) THE MSBOO MUST PROVIDE THE CONTRACTING AGENCY WITH A LIST OF CERTIFIED BUSINESS ENTERPRISES QUALIFIED TO PROVIDE EACH OF THE COMMODITIES THAT THE CONTRACTING AGENCY INDICATES ARE REQUIRED BY THE CITY.~~
- ~~(4) IF NO QUALIFIED CERTIFIED BUSINESS ENTERPRISE IS AVAILABLE:~~
 - ~~(i) THE CONTRACTING AGENCY MUST SO NOTIFY THE MSBOO BEFORE THE SOLICITATION OF BIDS; AND~~
 - ~~(ii) THE MSBOO MUST ATTEMPT TO IDENTIFY QUALIFIED BUSINESSES AND, IF SUCCESSFUL, NOTIFY THE CONTRACTING AGENCY OF THEIR AVAILABILITY.~~
- ~~(5) THE CONTRACTING AGENCY MUST PROVIDE CERTIFIED BUSINESS ENTERPRISES EVERY PRACTICAL OPPORTUNITY TO SUBMIT BIDS.~~

~~(b) CONTRACTS BETWEEN \$5,000 - \$25,000:~~

- ~~(1) THE FOLLOWING PROCEDURES APPLY TO EVERY CONTRACT FOR WHICH THE ESTIMATED COST IS BETWEEN \$5,000 AND \$25,000:~~
- ~~(2) BEFORE THE SOLICITATION OF BIDS OR PROPOSALS FOR THE CONTRACT:~~
 - ~~(i) THE CONTRACTING AGENCY MUST FURNISH THE MSBOO WITH AN INFORMATIONAL COPY OF ALL BID CONDITIONS AND REQUESTS FOR PROPOSALS; AND~~
 - ~~(ii) THE MSBOO MAY RECOMMEND TO THE CONTRACTING AGENCY CERTIFIED BUSINESS ENTERPRISES THAT CAN BE SOLICITED DIRECTLY TO SUBMIT BIDS.~~

~~(c) CONTRACTS EXCEEDING \$25,000:~~

- ~~(1) THE FOLLOWING PROCEDURES APPLY TO EVERY CONTRACT FOR WHICH THE ESTIMATED COST EXCEEDS \$25,000:~~
- ~~(2) IN ADDITION TO ANY OTHER APPLICABLE REQUIREMENTS, THE BID CONDITIONS AND REQUESTS FOR PROPOSALS MUST REQUIRE BIDDERS TO INCLUDE IN THEIR BID OR PROPOSAL A CERTIFIED BUSINESS ENTERPRISE UTILIZATION AFFIDAVIT IN WHICH THE BIDDER MAKES A COMMITMENT TO UTILIZE CERTIFIED BUSINESS ENTERPRISES IN A PERCENTAGE THAT EQUALS OR EXCEEDS THE APPLICABLE CONTRACT GOAL. ANY BID OR PROPOSAL THAT DOES NOT INCLUDE THE UTILIZATION AFFIDAVIT IS NONRESPONSIVE.~~
- ~~(3) (i) WITHIN 7 DAYS AFTER THE BIDS ARE DUE, BIDDERS MUST SUBMIT TO THE CITY SPECIFIED DOCUMENTATION, INCLUDING EXECUTED STATEMENTS OF INTENT, THAT IDENTIFY THE PARTICULAR CERTIFIED BUSINESS ENTERPRISES AND OTHER SUBCONTRACTORS TO BE UTILIZED IN PERFORMING THE CONTRACT, SPECIFYING FOR EACH THE DOLLAR VALUE OF THE PARTICIPATION, THE SCOPE OF WORK TO BE PERFORMED, AND ANY OTHER INFORMATION REQUIRED TO DETERMINE WHETHER THE CONTRACT GOALS HAVE BEEN SATISFIED.~~
 - ~~(ii) DURING THE 7 DAY PERIOD AFTER BIDS HAVE BEEN SUBMITTED AND BEFORE SUBMISSION OF THE REQUIRED INFORMATION ON SUBCONTRACTOR PARTICIPATION, THE BIDS MUST REMAIN SEALED. THEY MAY BE OPENED ONLY AFTER THE 7-DAY PERIOD HAS EXPIRED. ANY BID OR PROPOSAL THAT IS NOT SUPPLEMENTED WITHIN THE 7-DAY PERIOD BY THE REQUIRED INFORMATION ON SUBCONTRACTOR PARTICIPATION IS NONRESPONSIVE.~~
- ~~(4) DURING THE TERM OF THE CONTRACT, ANY UNJUSTIFIED FAILURE TO COMPLY WITH THE LEVELS OF CERTIFIED BUSINESS ENTERPRISE PARTICIPATION IDENTIFIED IN THE BID OR PROPOSAL IS A MATERIAL BREACH OF CONTRACT.~~

~~(d) LEASES AND CONCESSIONS:~~

- ~~(1) THE FOLLOWING PROCEDURES APPLY TO EVERY LEASE IN WHICH THE CITY IS THE LESSEE AND EVERY CONTRACT FOR A CONCESSION:~~
- ~~(2) CITY AGENCIES MUST SOLICIT PROPOSALS FROM MINORITY, WOMEN'S, AND SMALL BUSINESS ENTERPRISES QUALIFIED TO ENTER INTO LEASES OR CONCESSION CONTRACTS:~~
- ~~(3) IF, AFTER INVESTIGATION, A CONTRACTING AGENCY DETERMINES THAT NO QUALIFIED CERTIFIED BUSINESS ENTERPRISE IS AVAILABLE:~~

- ~~(i) THE CONTRACTING AGENCY MUST SO NOTIFY THE MSBOO BEFORE SIGNING A LEASE OR AWARDING A CONCESSION CONTRACT, UNLESS THE MSBOO HAS WAIVED NOTIFICATION BASED ON THE KNOWN UNAVAILABILITY OF QUALIFIED BUSINESSES TO PERFORM A PARTICULAR CONTRACT; AND~~
 - ~~(ii) THE MSBOO MAY ATTEMPT TO IDENTIFY QUALIFIED CERTIFIED BUSINESS ENTERPRISES AND, IF SUCCESSFUL, MUST NOTIFY THE CONTRACTING AGENCY OF THEIR AVAILABILITY.~~
- ~~(4) THE CONTRACTING AGENCY MUST PROVIDE THE MINORITY, WOMEN'S, AND SMALL BUSINESS ENTERPRISES EVERY PRACTICAL OPPORTUNITY TO SUBMIT BIDS OR PROPOSALS.~~
- ~~(5) ALL REQUESTS FOR CONCESSION PROPOSALS MUST REQUIRE CONCESSIONAIRES TO MAKE EVERY GOOD FAITH EFFORT TO UTILIZE MINORITY, WOMEN'S, AND SMALL BUSINESS ENTERPRISES AS SUBCONTRACTORS AND SUPPLIERS, WHENEVER POSSIBLE, IF SUBCONTRACTORS ARE USED. CONCESSION PROPOSERS MUST BE REQUIRED TO SUBMIT THEIR PROJECTED UTILIZATION OF MINORITY, WOMEN'S, AND SMALL BUSINESS ENTERPRISES ALONG WITH A DESCRIPTION OF THE EFFORTS MADE TO UTILIZE THOSE BUSINESSES.~~
- ~~(E) OTHER CONTRACTS:~~
 - ~~(1) ALL CITY AGENCIES, COMMISSIONS, AND BOARDS, IN THE DEPOSIT OF FUNDS AND PERFORMANCE OF THEIR OTHER OFFICIAL DUTIES, MUST MAKE EVERY GOOD FAITH EFFORT TO EQUITABLY UTILIZE THE SERVICES OF MINORITY, WOMEN'S, AND SMALL BUSINESS ENTERPRISES.~~
 - ~~(2) THE SERVICES TO WHICH THIS SUBSECTION APPLIES INCLUDE, BUT ARE NOT LIMITED TO:~~
 - ~~(i) THE FINANCIAL SERVICES OF BANKS, SAVINGS AND LOAN COMPANIES, INSURANCE COMPANIES, AND OTHER COMMERCIAL FINANCIAL INSTITUTIONS;~~
 - ~~(ii) ARRANGEMENTS FOR TRAVEL AND ACCOMMODATIONS WHEN TRAVELING ON OFFICIAL CITY BUSINESS; AND~~
 - ~~(iii) LEGAL SERVICES.~~
 - ~~(3) ALL CITY AGENCIES MUST SUBMIT TO THE MSBOO, ON AN ANNUAL BASIS, A WRITTEN REPORT ON THE EFFORTS MADE UNDER THIS SUBSECTION.~~
 - ~~(4) THE CITY FINANCE DEPARTMENT, CITY COMPTROLLER, AND RETIREMENT BOARDS MUST REPORT ANNUALLY TO THE MAYOR AND CITY COUNCIL ON THEIR UTILIZATION OF FINANCIAL INSTITUTIONS THAT ARE MINORITY, WOMEN'S, OR SMALL BUSINESS ENTERPRISES.~~
- ~~(F) GENERAL:~~
 - ~~(1) IN ADDITION TO ANY OTHER APPLICABLE REQUIREMENTS, THE FOLLOWING REQUIREMENTS APPLY TO ALL CONTRACTS AWARDED BY THE CITY.~~
 - ~~(2) BID CONDITIONS, REQUESTS FOR PROPOSALS, AND ALL OTHER SPECIFICATIONS FOR CONTRACTS AWARDED BY THE CITY MUST REQUIRE THAT WHERE A CONTRACT GOAL IS APPLICABLE, THE BIDDER OR PROPOSER, BEFORE THE OPENING OF BIDS OR PROPOSALS, MUST MAKE EVERY EFFORT TO MEET THE CONTRACT GOAL. THESE SPECIFICATIONS MUST REQUIRE THE BIDDER TO KEEP RECORDS OF ITS EFFORTS, ADEQUATE TO PERMIT A DETERMINATION OF COMPLIANCE WITH THE SPECIFICATIONS.~~

- ~~(3) EACH CONTRACT MUST INCORPORATE THIS SUBTITLE BY REFERENCE AND PROVIDE THAT THE FAILURE OF ANY BIDDER, CONTRACTOR, OR SUBCONTRACTOR TO COMPLY WITH THIS SUBTITLE IS A MATERIAL BREACH OF CONTRACT.~~
- ~~(4) EACH CONTRACT MUST REQUIRE THAT, DURING ITS TERM, THE CONTRACTOR WILL:~~
 - ~~(i) FULFILL THE CERTIFIED BUSINESS ENTERPRISE PARTICIPATION COMMITMENTS SUBMITTED WITH THE BIDS OR PROPOSALS;~~
 - ~~(ii) CONTINUE TO MAKE EVERY EFFORT TO UTILIZE SMALL, MINORITY, AND WOMEN'S BUSINESS ENTERPRISES; AND~~
 - ~~(iii) MAINTAIN RECORDS REASONABLY NECESSARY FOR MONITORING COMPLIANCE WITH THIS SUBTITLE.~~
- ~~(5) WHENEVER CONTRACT ALTERNATIVES, AMENDMENTS, OR EXTRA WORK ORDERS, WHETHER MADE INDIVIDUALLY OR IN THE AGGREGATE, INCREASE THE TOTAL VALUE OF THE CONTRACT BY MORE THAN 10% OF THE ORIGINAL DOLLAR VALUE, THE CONTRACTOR MUST COMPLY WITH THE PROVISIONS OF THIS SUBTITLE WITH RESPECT TO THE ALTERNATE, AMENDMENT, OR EXTRA WORK ORDER.~~

~~§ 28-10. THIRD PARTY CONTRACTS.~~

~~EVERY CONTRACT OR OTHER AGREEMENT BETWEEN THE CITY OF BALTIMORE AND ANY GOVERNMENTAL AGENCY, QUASI-GOVERNMENTAL AGENCY, CORPORATION, OR CONTRACTOR, UNDER WHICH THE AGENCY, CORPORATION, OR CONTRACTOR RECEIVES ANY FISCAL ASSISTANCE FROM OR THROUGH THE CITY FOR THE PURPOSE OF CONTRACTING WITH BUSINESSES TO PERFORM REAL ESTATE DEVELOPMENT, RENOVATION, MAINTENANCE, OR OTHER SERVICES MUST REQUIRE THE AGENCY, CORPORATION, OR CONTRACTOR TO COMPLY WITH THIS SUBTITLE IN AWARDED AND ADMINISTERING THAT CONTRACT OR AGREEMENT.~~

~~§ 28-11. WAIVERS OF CONTRACT GOALS.~~

~~(A) PRE-AWARD REQUEST BY BIDDER.~~

- ~~(1) IF A BIDDER IS UNABLE TO COMPLY WITH THE CONTRACT GOAL, THE BIDDER MAY SUBMIT A REQUEST FOR A WAIVER AT THE TIME OF BID OPENING.~~
- ~~(2) THE REQUEST FOR A WAIVER MUST INCLUDE DOCUMENTATION THAT DEMONSTRATES A GOOD FAITH EFFORT TO COMPLY WITH THE GOAL REQUIREMENTS.~~

~~(B) POST-AWARD REQUEST BY CONTRACTOR.~~

- ~~(1) IF, AFTER AWARD OF A CONTRACT, THE CONTRACTOR IS UNABLE TO MEET ANY CONTRACT GOAL BY UTILIZING THE CERTIFIED BUSINESS ENTERPRISES SPECIFIED AT BID OPENING, THE CONTRACTOR MUST SEEK A SUBSTITUTE CERTIFIED BUSINESS ENTERPRISE TO FULFILL ITS COMMITMENT. THE SUBSTITUTION MUST BE APPROVED BY THE MSBOO.~~
- ~~(2) IF, AFTER REASONABLE GOOD FAITH EFFORTS, THE CONTRACTOR IS UNABLE TO FIND A SUBSTITUTE, A POST-AWARD WAIVER MAY BE REQUESTED.~~
- ~~(3) THE REQUEST MUST DOCUMENT THE REASONS FOR THE CONTRACTOR'S INABILITY TO MEET THE CONTRACT GOAL.~~

~~(C) PRE-SOLICITATION REQUEST BY CONTRACTING AGENCY:~~

- ~~(1) A CONTRACTING AGENCY MAY REQUEST THAT THE MSBOO WAIVE OR REDUCE THE CONTRACT GOALS BY SUBMITTING THE REASONS FOR THE REQUEST IN WRITING BEFORE BIDS OR PROPOSALS ARE SOLICITED:~~
- ~~(2) THE MSBOO MAY GRANT THE WAIVER OR REDUCTION IF THE MSBOO DETERMINES THAT:~~
 - ~~(I) THE REASONABLE AND NECESSARY REQUIREMENTS OF THE CONTRACT RENDER SUBCONTRACTING OR OTHER PARTICIPATION OF BUSINESSES OTHER THAN THE BIDDER OR PROPOSER INFEASIBLE; OR~~
 - ~~(II) AT LEAST 2 QUALIFIED CERTIFIED BUSINESS ENTERPRISES CAPABLE OF PROVIDING THE GOODS OR SERVICES REQUIRED BY THE CONTRACT ARE UNAVAILABLE IN THE BALTIMORE CITY MARKET AREA DESPITE EVERY FEASIBLE ATTEMPT TO LOCATE THEM.~~
- ~~(3) ANY REDUCTION IN THE CONTRACT GOAL GRANTED BY THE MSBOO MUST SPECIFY THE AMOUNT TO WHICH THE GOAL HAS BEEN REDUCED:~~
- ~~(4) WHENEVER THE MSBOO DENIES A REQUEST TO WAIVE OR REDUCE A GOAL, THE CONTRACTING AGENCY MAY APPEAL THAT DENIAL TO THE BOARD OF ESTIMATES, WHOSE DECISION ON THE REQUEST IS FINAL.~~

~~(D) WAIVER BY CONTRACTING AGENCY:~~

~~A CONTRACTING AGENCY MAY WAIVE THE UTILIZATION REQUIREMENTS OF THIS SUBTITLE FOR A SPECIFIC CONTRACT UNDER THE FOLLOWING CIRCUMSTANCES:~~

- ~~(1) WHENEVER THE CONTRACTING AGENCY FINDS, WITH THE ADVICE OF THE MSBOO, THAT NEEDED GOODS OR SERVICES ARE AVAILABLE ONLY FROM A SOLE SOURCE AND THE PROSPECTIVE CONTRACTOR IS NOT CURRENTLY DISQUALIFIED FROM DOING BUSINESS WITH THE CITY; OR~~
- ~~(2) IF THE CONTRACTING AGENCY CERTIFIES IN WRITING TO THE MSBOO THAT:~~
 - ~~(I) AN EMERGENCY EXISTS THAT REQUIRES GOODS OR SERVICES TO BE PROVIDED WITH SUCH AN IMMEDIACY THAT IT IS UNABLE TO COMPLY WITH THE REQUIREMENTS OF THIS SUBTITLE; AND~~
 - ~~(II) THE PROSPECTIVE CONTRACTOR WILL MAKE EVERY GOOD FAITH EFFORT TO SUBCONTRACT TO SMALL BUSINESS ENTERPRISES, MINORITY BUSINESS ENTERPRISES, AND WOMEN'S BUSINESS ENTERPRISES IF SUBCONTRACTING IS UTILIZED.~~

~~§ 28-12. MINORITY AND SMALL BUSINESS OPPORTUNITY OFFICE.~~

~~(A) MSBOO ESTABLISHED:~~

~~THERE IS A MINORITY AND SMALL BUSINESS OPPORTUNITY OFFICE IN THE DEPARTMENT OF LAW, TO BE ADMINISTERED AND CONTROLLED BY THE CHIEF OF THE MINORITY AND SMALL BUSINESS OPPORTUNITY OFFICE, WHO REPORTS DIRECTLY TO THE CITY SOLICITOR.~~

~~(B) FUNCTION AND DUTIES:~~~~(1) THE MINORITY AND SMALL BUSINESS OPPORTUNITY OFFICE IS RESPONSIBLE FOR THE OVERALL ADMINISTRATION OF THIS SUBTITLE.~~~~(2) ITS DUTIES AND RESPONSIBILITIES INCLUDE:~~~~(i) DEVELOPING AND, WITH THE APPROVAL OF THE BOARD OF ESTIMATES, ADOPTING RULES AND REGULATIONS TO CARRY OUT THIS SUBTITLE;~~~~(ii) CERTIFICATION OF SBES, SLBES, MBES, AND WBES;~~~~(iii) DEVELOPING AND DISTRIBUTING A DIRECTORY OF CERTIFIED BUSINESS ENTERPRISES;~~~~(iv) PROVIDING INFORMATION AND NEEDED ASSISTANCE TO MBES, WBES, SBES, AND SLBES TO INCREASE THEIR ABILITY TO COMPETE EFFECTIVELY FOR THE AWARD OF CITY CONTRACTS;~~~~(v) INVESTIGATING ALLEGED VIOLATIONS OF THIS SUBTITLE AND MAKING WRITTEN RECOMMENDATIONS FOR REMEDIAL ACTION WHEN APPROPRIATE;~~~~(vi) DEVELOPING AND DISTRIBUTING ALL NECESSARY FORMS, APPLICATIONS, AND DOCUMENTS NECESSARY TO COMPLY WITH THIS SUBTITLE;~~~~(vii) MAINTAINING STATISTICS ON AND REVIEWING REGULARLY THE PROGRESS OF AGENCIES TOWARDS ACHIEVING THE ANNUAL GOALS FOR THE UTILIZATION OF SMALL, SMALL LOCAL, MINORITY, AND WOMEN'S BUSINESS ENTERPRISES;~~~~(viii) RECOMMENDING TO APPROPRIATE CITY OFFICIALS METHODS TO FURTHER THE POLICIES AND GOALS OF THIS SUBTITLE;~~~~(ix) MONITORING CONTRACTORS THROUGHOUT THE DURATION OF THEIR CONTRACTS TO ENSURE THAT ALL EFFORTS ARE MADE TO COMPLY WITH THIS SUBTITLE; AND~~~~(x) CERTIFYING COMPLIANCE WITH THIS SUBTITLE BEFORE CONTRACTS ARE SUBMITTED TO THE BOARD OF ESTIMATES FOR AWARD.~~**~~§ 28-13. CONTRACTING AGENCY'S DUTIES AND RESPONSIBILITIES:~~**~~(A) ADHERENCE TO PROCEDURES, ETC:~~~~EVERY CONTRACTING AGENCY MUST ENSURE THAT REQUESTS FOR BIDS OR PROPOSALS EMANATING FROM THE AGENCY ADHERE TO THE REQUIREMENTS OF THIS SUBTITLE.~~~~(B) RESPONSIBILITY FOR ACHIEVING GOALS:~~~~THE AGENCY HEAD OR DESIGNEE MUST:~~~~(i) ASSUME PRIMARY RESPONSIBILITY FOR ACHIEVING THE GOALS OF THIS PROGRAM; AND~~~~(ii) ON A CONTINUING BASIS, REVIEW ALL ASPECTS OF THE PROGRAM'S OPERATIONS TO ASSURE THAT THE PURPOSE IS BEING ATTAINED.~~

~~(C) REQUIRED ACTIONS:~~

- ~~(1) EACH CONTRACTING AGENCY MUST TAKE THE FOLLOWING ACTIONS TO ENSURE THAT SBEs, MBEs, AND WBES HAVE MAXIMUM OPPORTUNITY TO PARTICIPATE ON CITY CONTRACTS:~~
- ~~(2) ADVERTISEMENTS FOR BIDS MUST APPEAR IN MINORITY-OWNED MEDIA NO LESS THAN 10 DAYS BEFORE BIDS ARE DUE FOR SPECIFIC CONTRACTING OPPORTUNITIES:~~
- ~~(3) A WRITTEN NOTIFICATION MUST BE SENT TO SMALL, MINORITY, AND WOMEN'S BUSINESS TRADE ASSOCIATIONS AND CONTRACTOR'S ASSOCIATIONS ABOUT THE AVAILABILITIES OF CONTRACTING OPPORTUNITIES NO LESS THAN 10 DAYS BEFORE BIDS ARE DUE:~~
- ~~(4) ALL CONTRACT SOLICITATIONS MUST INCLUDE THE SBE/MBE/WBE POLICY AND ANY RELATED MATERIALS REQUIRED BY THE BID DOCUMENTS;~~
- ~~(5) ALL CONTRACTING OPPORTUNITIES MUST BE EVALUATED IN AN EFFORT TO DIVIDE THE TOTAL REQUIREMENTS OF A CONTRACT TO PROVIDE REASONABLE OPPORTUNITIES FOR SMALL, MINORITY, AND WOMEN'S BUSINESS ENTERPRISES:~~
- ~~(6) PROCEDURES MUST BE ESTABLISHED TO ENSURE THAT:~~
 - ~~(i) ALL CONTRACTORS WHO SUBMIT CORRECT INVOICES ARE PAID WITHIN 30 DAYS; AND~~
 - ~~(ii) ALL SUBCONTRACTORS ARE PAID WITHIN 7 DAYS AFTER THE CITY PAYS THE GENERAL CONTRACTOR:~~
- ~~(7) GUIDELINES MUST BE ESTABLISHED TO ENSURE THAT A NOTICE TO PROCEED IS NOT ISSUED UNTIL THE CONTRACTING AGENCY HAS RECEIVED COPIES OF EXECUTED AGREEMENTS FULFILLING THE CONTRACTOR'S SBE, MBE, AND WBE COMMITMENTS SPECIFIED IN ITS BID AT TIME OF AWARD:~~
- ~~(8) ALL REQUIRED STATISTICS AND DOCUMENTATION MUST BE SUBMITTED TO THE MSBOO AS REQUESTED:~~

~~§ 28-14. BIDDER'S DUTIES AND RESPONSIBILITIES:~~

~~(A) COMMITMENT:~~

- ~~(1) TO HAVE ITS BID DECLARED RESPONSIVE, A BIDDER MUST:~~
 - ~~(i) COMMIT IN ITS BID TO UTILIZE CERTIFIED BUSINESS ENTERPRISE IN AN AMOUNT THAT EQUALS OR EXCEEDS THE CONTRACT GOALS (EXCLUSIVE OF RETAIL SALES TAX COLLECTED SEPARATELY BY THE CONTRACTOR FROM THE CITY IN ACCORDANCE WITH THE EXISTING LAWS OF THE STATE OF MARYLAND.); AND~~
 - ~~(ii) COMPLETE THE INFORMATION AND UTILIZATION COMMITMENT FORM AND IDENTIFY IN THE FORM THE BIDDER'S COMMITMENT TO UTILIZE CERTIFIED BUSINESS ENTERPRISES IN AN AMOUNT THAT EQUALS OR EXCEEDS THE CONTRACT GOALS:~~
- ~~(2) ANY FAILURE TO COMPLETE AND SIGN THE COMMITMENT FORM OR OTHERWISE COMPLY WITH THIS SECTION RENDERS THE BID NONRESPONSIVE:~~

~~(B) BIDDING ON ALTERNATES:~~

~~IN BIDDING ON ALTERNATES, BIDDERS SHOULD BE AWARE THAT THE CONTRACT GOALS MUST BE COMMITTED FOR THE TOTAL DOLLAR AMOUNT OF THE AWARD MADE, WHICH INCLUDES ANY ALTERNATES INCLUDED IN THE BID PROPOSAL.~~

~~(C) VERIFYING CERTIFICATION:~~

~~EACH BIDDER IS RESPONSIBLE FOR VERIFYING THAT ALL SBES, MBES, AND WBES TO BE USED HAVE BEEN CERTIFIED BY THE MSBOO BEFORE BID OPENING.~~

~~(D) CONTRACT SUPPLEMENTS, CHANGE ORDERS, ETC:~~

~~WHENEVER ADDITIONAL CONTRACT SUPPLEMENTS, EXTRA WORK ORDERS, OR CHANGE ORDERS ARE MADE THAT, WHETHER INDIVIDUALLY OR IN THE AGGREGATE, INCREASE THE TOTAL DOLLAR VALUE OF THE ORIGINAL CONTRACT BY MORE THAN 10%, THE CONTRACTOR MUST INCREASE ITS CERTIFIED BUSINESS UTILIZATION AS APPLICABLE TO INSURE THAT THE AMOUNTS SUBCONTRACTED ARE CONSISTENT WITH THE CONTRACT GOALS.~~

~~(E) MSBOO APPROVAL REQUIRED:~~

~~A BIDDER MAY NOT BE AWARDED A CONTRACT UNLESS THE MSBOO HAS APPROVED THE BIDDER'S PLAN TO MEET THE CONTRACT GOALS.~~

~~(F) DOCUMENTATION OF SUBCONTRACTORS:~~

~~(1) IN ITS DOCUMENTATION THAT IDENTIFIES ALL SUBCONTRACTORS TO BE UTILIZED, THE BIDDER MUST SPECIFY:~~

~~(I) THE NAME OF EACH SUBCONTRACTOR TO WHOM IT INTENDS TO AWARD A SUBCONTRACT;~~

~~(II) WHETHER THAT SUBCONTRACTOR IS:~~

~~(A) A SMALL BUSINESS ENTERPRISE;~~

~~(B) A MINORITY BUSINESS ENTERPRISE;~~

~~(C) A WOMEN'S BUSINESS ENTERPRISE; OR~~

~~(D) OTHER;~~

~~(III) THE DOLLAR VALUE OF EACH SUBCONTRACT; AND~~

~~(IV) THE SCOPE OF THE WORK TO BE PERFORMED UNDER THAT SUBCONTRACT.~~

~~(2) THE BIDDER MUST ALSO INCLUDE COPIES OF SIGNED LETTERS OF INTENT OR SIGNED AGREEMENTS WITH EACH OF THE SUBCONTRACTORS.~~

~~(G) WAIVER REQUESTS:~~

~~IF THE BIDDER IS UNABLE TO ACHIEVE A CONTRACT GOAL, THE BIDDER MAY REQUEST AN EXCEPTION.~~

~~(H) CONTRACTS, REPORTS, AND DOCUMENTATION:~~

- ~~(1) THE Awardee OF A CONTRACT MUST SUBMIT COPIES OF SIGNED AGREEMENTS WITH THE CERTIFIED BUSINESS ENTERPRISES BEING UTILIZED TO ACHIEVE THE CONTRACT GOALS.~~
- ~~(2) THE Awardee OF A CONTRACT MUST SUBMIT REPORTS AND DOCUMENTATION, AS REQUIRED BY THE MSBOO, VERIFYING PAYMENTS TO THE CERTIFIED BUSINESS ENTERPRISES BEING USED TO ACHIEVE THE CONTRACT GOALS.~~

~~(I) ANNUAL REPORT ON OTHER MINORITY SUBCONTRACTING:~~

~~TO BE CONSIDERED RESPONSIBLE, A BIDDER MUST DISCLOSE ANNUALLY, AS REQUIRED BY THE CITY, INFORMATION THAT DEMONSTRATES THE EXTENT TO WHICH IT HAS AWARDED SUBCONTRACTS TO SMALL, MINORITY, AND WOMEN'S BUSINESS ENTERPRISES UNDER CONTRACTS THAT ARE NOT AFFECTED BY THIS SUBTITLES.~~

~~(J) PROMPT PAYMENT TO SUBCONTRACTORS:~~

- ~~(1) A CONTRACTOR MUST PAY ITS SUBCONTRACTORS IN A TIMELY FASHION FOR SATISFACTORY WORK.~~
- ~~(2) A PAYMENT IS TIMELY IF IT IS MAILED, DELIVERED, OR TRANSFERRED TO A SUBCONTRACTOR NO LATER THAN 7 DAYS AFTER THE CONTRACTOR RECEIVES PAYMENT FROM THE CITY.~~
- ~~(3) BEGINNING WITH THE SECOND PAY REQUEST FROM A CONTRACTOR TO THE CITY, THE CONTRACTOR MUST PROVIDE THE CITY WITH EVIDENCE THAT ALL SUBCONTRACTORS HAVE BEEN PAID OUT OF THE PROCEEDS OF THE PRIOR PAYMENT, UNLESS A BONA FIDE DISPUTE, DOCUMENTED IN WRITING, EXISTS BETWEEN THE CONTRACTOR AND THE UNPAID SUBCONTRACTOR.~~

§ 28-15. CERTIFICATION:

~~(A) REQUIRED BEFORE BID OPENING:~~

- ~~(1) FOR THE PURPOSES OF DETERMINING COMPLIANCE WITH CONTRACT GOALS, A BUSINESS ENTERPRISE MAY BE COUNTED AS AN SBE, MBE, OR WBE ONLY IF IT HAS BEEN SO CERTIFIED BY THE MSBOO BEFORE BID OPENING.~~
- ~~(2) IF A BUSINESS LISTED IN A BIDDER'S INFORMATION AND UTILIZATION COMMITMENT FORM HAS NOT BEEN CERTIFIED, THE AMOUNT OF PARTICIPATION WILL BE DEDUCTED FROM THE TOTAL SBE, MBE, OR WBE UTILIZATION IN DETERMINING WHETHER THE BIDDER IS RESPONSIVE.~~

~~(B) MBEs — MINORITY GROUP ELIGIBILITY:~~

- ~~(1) FOR A BUSINESS ENTERPRISE TO BE ELIGIBLE FOR CERTIFICATION AS A MINORITY BUSINESS ENTERPRISE, THE MINORITY GROUP MEMBERS WHO OWN AND CONTROL THE BUSINESS ENTERPRISE MUST BE FROM 1 OR MORE MINORITY GROUPS FOR WHICH A UTILIZATION DISPARITY HAS BEEN IDENTIFIED.~~
- ~~(2) ANNUALLY, THE MSBOO MUST REVIEW THE RELEVANT DATA AND DETERMINE WHICH MINORITY GROUPS ARE ELIGIBLE.~~

~~(C) MBEs AND WBEs — GENERAL CRITERIA:~~

- ~~(1) TO BE ELIGIBLE FOR CERTIFICATION AS A MINORITY BUSINESS ENTERPRISE OR WOMEN'S BUSINESS ENTERPRISE, THE BUSINESS ENTERPRISE MUST:~~
 - ~~(I) BE AN INDEPENDENT, OPERATING BUSINESS;~~
 - ~~(II) HAVE BEEN IN OPERATION FOR AT LEAST 12 MONTHS BEFORE APPLYING FOR CERTIFICATION;~~
 - ~~(III) HAVE BEEN MINORITY- OR WOMEN- OWNED FOR AT LEAST 12 MONTHS BEFORE APPLYING FOR CERTIFICATION; AND~~
 - ~~(IV) HAVE AN OPERATING OFFICE IN THE BALTIMORE CITY MARKET AREA FOR AT LEAST 6 MONTHS BEFORE APPLYING FOR CERTIFICATION.~~
- ~~(2) TO DETERMINE WHETHER THE BUSINESS ENTERPRISE HAS THE REQUIRED OPERATING OFFICE, THE MSBOO WILL CONSIDER THE OFFICE ARRANGEMENTS, INDUSTRY PRACTICES, AND OTHER RELEVANT FACTORS.~~

~~(D) MBEs AND WBEs — CONTROL:~~

- ~~(1) THE OWNERSHIP AND CONTROL BY MINORITIES OR WOMEN MUST BE:~~
 - ~~(I) REAL AND SUBSTANTIAL; AND~~
 - ~~(II) INDICATED BY THE CUSTOMARY INCIDENTS OF OWNERSHIP, AS DEMONSTRATED BY AN EXAMINATION OF THE SUBSTANCE RATHER THAN THE FORM OF OWNERSHIP AND OPERATING ARRANGEMENTS.~~
- ~~(2) THE MINORITY OR WOMEN OWNERS MUST POSSESS THE POWER:~~
 - ~~(I) TO DIRECT OR CAUSE THE DIRECTION OF THE MANAGEMENT AND POLICIES OF THE BUSINESS ENTERPRISE; AND~~
 - ~~(II) TO MAKE DAY-TO-DAY DECISIONS, AS WELL AS DECISIONS ON MATTERS OF MANAGEMENT, POLICY, AND OPERATIONS.~~
- ~~(3) THE BUSINESS ENTERPRISE MAY NOT BE SUBJECT TO ANY FORMAL OR INFORMAL RESTRICTIONS THAT LIMIT THE CUSTOMARY DISCRETION OF THE MINORITY OR WOMEN OWNERS. THERE MAY NOT BE ANY RESTRICTION, WHETHER BY PARTNERSHIP AGREEMENT, CHARTER REQUIREMENTS, OR OTHER ARRANGEMENT, THAT PREVENTS THE MINORITY OR WOMEN OWNERS FROM MAKING BUSINESS DECISIONS WITHOUT THE COOPERATION OR VOTE OF ANY OWNER WHO IS NOT A MINORITY OR A WOMAN.~~
- ~~(4) THE OPERATING ARRANGEMENTS AND THE OWNERSHIP AND CONTROL BY THE MINORITY GROUP MEMBERS MUST HAVE BEEN IN OPERATION FOR AT LEAST 12 MONTHS BEFORE APPLYING FOR CERTIFICATION.~~

~~(E) MBEs AND WBEs — SIZE STANDARDS:~~

- ~~(1) WITH THE ADVICE OF THE MSBOO, THE BOARD OF ESTIMATES MUST ESTABLISH A MAXIMUM SIZE STANDARD FOR MINORITY AND WOMEN'S BUSINESS ENTERPRISES.~~

- ~~(2) A BUSINESS ENTERPRISE MAY NOT BE CERTIFIED AS AN MBE OR WBE OR, ONCE CERTIFIED, HAVE ITS CERTIFICATION RENEWED IF, ON THE EFFECTIVE DATE OF THE APPLICATION OR RENEWAL, THE MBE OR WBE EXCEEDS THE SIZE STANDARD ESTABLISHED BY THE BOARD OF ESTIMATES UNDER THIS SUBSECTION~~

~~(F) *SBEs* — GENERAL CRITERIA:~~

- ~~(1) TO BE ELIGIBLE FOR CERTIFICATION AS A SMALL BUSINESS ENTERPRISE, THE ENTERPRISE MUST:~~

- ~~(i) BE AN INDEPENDENT, OPERATING BUSINESS;~~
- ~~(ii) HAVE BEEN IN OPERATION FOR AT LEAST 12 MONTHS BEFORE APPLYING FOR CERTIFICATION;~~
- ~~(iii) MEET THE SIZE AND INCOME CRITERIA ESTABLISHED BY THE MAYOR AND APPROVED BY THE BOARD OF ESTIMATES;~~
- ~~(iv) HAVE AN OPERATING OFFICE IN THE BALTIMORE CITY MARKET AREA FOR AT LEAST 6 MONTHS BEFORE APPLYING FOR CERTIFICATION.~~

- ~~(2) TO DETERMINE WHETHER THE BUSINESS ENTERPRISE HAS THE REQUIRED OPERATING OFFICE, THE MSBOO WILL CONSIDER THE OFFICE ARRANGEMENTS, INDUSTRY PRACTICES, AND OTHER RELEVANT FACTORS.~~

~~(G) *SLBE* — GENERAL CRITERIA:~~

- ~~(1) TO BE ELIGIBLE FOR CERTIFICATION AS A SMALL LOCAL BUSINESS ENTERPRISE, THE ENTERPRISE MUST:~~

- ~~(i) BE AN INDEPENDENT, OPERATING BUSINESS;~~
- ~~(ii) HAVE BEEN IN OPERATION FOR AT LEAST 12 MONTHS BEFORE APPLYING FOR CERTIFICATION;~~
- ~~(iii) MEET THE SIZE AND INCOME CRITERIA ESTABLISHED BY THE MAYOR AND APPROVED BY THE BOARD OF ESTIMATES; AND~~
- ~~(iv) HAVE AN OPERATING OFFICE IN BALTIMORE CITY FOR AT LEAST 6 MONTHS BEFORE APPLYING FOR CERTIFICATION.~~

- ~~(2) TO DETERMINE WHETHER THE BUSINESS ENTERPRISE HAS THE REQUIRED OPERATING OFFICE, THE MSBOO WILL CONSIDER THE OFFICE ARRANGEMENTS, INDUSTRY PRACTICES, AND OTHER RELEVANT FACTORS.~~

~~(H) *SETTING SIZE STANDARDS:*~~

- ~~(1) THE MAYOR AND THE BOARD OF ESTIMATES SHALL ESTABLISH SIZE STANDARDS FOR MBES, WBES, SBES, AND SLBES.~~
- ~~(2) THERE SHALL BE SEPARATE SIZE STANDARDS FOR SEPARATE BUSINESS CATEGORIES.~~
- ~~(3) THE MAYOR AND THE BOARD OF ESTIMATES SHALL REVIEW THE SIZE STANDARDS ANNUALLY.~~

~~(i) CERTIFICATION INVESTIGATIONS:~~

~~(1) THE MSBOO MAY INVESTIGATE A BUSINESS ENTERPRISE'S OWNERSHIP, MANAGEMENT, QUALIFICATIONS, AND OTHER RELEVANT MATTERS BEYOND FORMAL DOCUMENTATION:~~

~~(i) AT THE INITIAL CERTIFICATION; AND~~

~~(ii) DURING CERTIFICATION OR RECERTIFICATION.~~

~~(2) TO THE EXTENT REASONABLY NECESSARY TO ENSURE COMPLIANCE, THESE INVESTIGATIONS MAY INCLUDE, BUT ARE NOT LIMITED TO:~~

~~(i) PERSONAL INTERVIEWS WITH PERSONS HAVING KNOWLEDGE OR RELEVANT INFORMATION RELATING TO A BUSINESS ENTERPRISE'S ELIGIBILITY, CERTIFICATION, OR DECERTIFICATION;~~

~~(ii) PERSONAL INTERVIEWS WITH BIDDERS, CONTRACTORS, VENDORS, OR SUPPLIERS INVOLVED IN A JOINT VENTURE OR CONTRACTUAL RELATIONSHIP WITH THE BUSINESS ENTERPRISE;~~

~~(iii) REVIEWING RECORDS PERTAINING TO CERTIFICATION; AND~~

~~(iv) CONDUCTING RANDOM, ON-SITE VISITS, AUDITS, OR RELEVANT INQUIRIES.~~

~~(j) DECERTIFICATION:~~

~~THE MSBOO MAY DECERTIFY A BUSINESS THAT IT DETERMINES NO LONGER MEETS THE CERTIFICATION CRITERIA:~~

~~(k) CERTIFICATION APPEALS:~~

~~(1) ALL ADVERSE CERTIFICATION DETERMINATIONS MADE BY THE MSBOO SHALL BE MADE IN WRITING AND SHALL INCLUDE THE REASONS FOR THE DETERMINATION. THE NOTICE SHALL BE SENT TO THE AFFECTED BUSINESS ENTERPRISE AND THE BUSINESS ENTERPRISE IS ENTITLED TO SEEK ADMINISTRATIVE REVIEW AS PROVIDED IN THIS SUBSECTION~~

~~(2) (i) ON CERTIFICATION, RECERTIFICATION, OR DECERTIFICATION AN AGGRIEVED APPLICANT HAS A RIGHT TO PROTEST.~~

~~(ii) AN AGGRIEVED APPLICANT MAY SUBMIT A PROTEST IN WRITING TO THE CHIEF WITHIN 7 DAYS OF THE RECEIPT OF THE ADVERSE DECISION NOTICE. THE PROTEST MUST INCLUDE THE REASONS AND FACTUAL GROUNDS OF THE PROTEST WITH ANY SUPPORTING DOCUMENTS.~~

~~(iii) WITHIN 15 DAYS OF RECEIPT OF THE PROTEST, THE CHIEF SHALL REVIEW THE PROTEST AND ALL RELEVANT SUPPORTING DOCUMENTS AND RENDER A DECISION NOTICE IN WRITING THAT INCLUDES THE REASONS FOR THE DECISION.~~

~~(3) AFTER ALL DEPARTMENTAL REMEDIES HAVE BEEN EXHAUSTED, THE AGGRIEVED APPLICANT MAY REQUEST A HEARING BEFORE A PANEL OF INDEPENDENT HEARING OFFICERS WHO SHALL BE RETAINED BY THE CITY SOLICITOR. THE HEARING OFFICERS MUST BE KNOWLEDGEABLE OF BALTIMORE CITY PROCUREMENT LAWS AND PROCEDURES, INCLUDING THIS SUBTITLE.~~

~~§ 28-16. MONITORING, REPORTING, AND COMPLIANCE.~~**~~(A) MSBOO TO MONITOR COMPLIANCE.~~**

~~DURING THE TERM OF A CONTRACT SUBJECT TO THIS SUBTITLE, THE MSBOO MUST MONITOR CONTINUED COMPLIANCE WITH THE REQUIREMENTS OF THIS SUBTITLE.~~

~~(B) NONCOMPLIANCE BY CONTRACTOR OR SUBCONTRACTOR.~~

~~(1) IF THE MSBOO FINDS CAUSE TO BELIEVE THAT A CONTRACTOR OR SUBCONTRACTOR HAS FAILED TO COMPLY WITH ANY OF THE REQUIREMENTS OF THIS SUBTITLE OR WITH ANY CONTRACT PROVISIONS RELATING TO UTILIZATION UNDER THIS SUBTITLE, THE MSBOO MUST SO NOTIFY THE CONTRACTING AGENCY AND THE CONTRACTOR.~~

~~(2) THE MSBOO MUST ATTEMPT TO RESOLVE THE NONCOMPLIANCE THROUGH CONCILIATION.~~

~~(3) IF THE NONCOMPLIANCE CANNOT BE RESOLVED:~~

~~(i) THE MSBOO AND THE CONTRACTING AGENCY MUST SUBMIT WRITTEN FINDINGS AND RECOMMENDATIONS TO THE BOARD OF ESTIMATES; AND~~

~~(ii) IF THE BOARD OF ESTIMATES CONCURS WITH THE MSBOO'S FINDING, IT MAY IMPOSE SANCTIONS IN ACCORDANCE WITH § 28-17 OF THIS SUBTITLE.~~

~~(C) NONCOMPLIANCE BY AGENCY.~~

~~(1) IF, AFTER INVESTIGATION, THE MSBOO FINDS THAT A CONTRACTING AGENCY HAS FAILED TO COMPLY WITH THE PROVISIONS OF THIS SUBTITLE, THE MSBOO MUST:~~

~~(i) SEND THE AGENCY A WRITTEN FINDING THAT SPECIFIES THE NATURE OF THE NONCOMPLIANCE; AND~~

~~(ii) ATTEMPT TO RESOLVE THE NONCOMPLIANCE THROUGH CONFERENCE AND CONCILIATION.~~

~~(2) IF THE NONCOMPLIANCE CANNOT BE RESOLVED:~~

~~(i) THE MSBOO MUST SUBMIT ITS WRITTEN FINDINGS AND RECOMMENDATIONS TO THE BOARD OF ESTIMATES; AND~~

~~(ii) THE BOARD OF ESTIMATES MAY TAKE APPROPRIATE ACTION TO SECURE COMPLIANCE.~~

~~(D) MSBOO MAY REQUIRE REPORTS, ETC.~~

~~THE MSBOO MAY REQUIRE CONTRACTORS, BIDDERS, CONTRACTING AGENCIES, AND THE HEAD OF ANY CITY AGENCY TO SUBMIT ANY REPORTS, DOCUMENTS, OR OTHER INFORMATION REASONABLY NECESSARY TO DETERMINE COMPLIANCE WITH THIS SUBTITLE.~~

~~(E) AGENCIES TO KEEP RECORDS.~~

~~(1) A CONTRACTING AGENCY MUST KEEP ACCURATE RECORDS FOR EACH CONTRACT IT AWARDS.~~

~~(2) THESE RECORDS MUST INCLUDE:~~

~~(I) DOLLAR VALUE OF CONTRACT;~~

~~(II) NATURE OF GOODS OR SERVICES TO BE PROVIDED;~~

~~(III) NAME OF CONTRACTOR;~~

~~(IV) EFFORTS EMPLOYED TO SOLICIT BIDS FROM CERTIFIED SMALL, MINORITY, AND WOMEN'S BUSINESS ENTERPRISES.; AND~~

~~(V) ALL SUBCONTRACTS AWARDED BY CONTRACTOR, IDENTIFYING FOR EACH:~~

~~(A) DOLLAR VALUE;~~

~~(B) NATURE OF GOODS OR SERVICES PROVIDED; AND~~

~~(C) NAME OF SUBCONTRACTOR.~~

~~(F) ANNUAL REPORT:~~

~~(1) THE MSBOO MUST SUBMIT AN ANNUAL REPORT TO THE MAYOR AND THE CITY COUNCIL ON THE CITY'S PROGRESS TOWARD THE UTILIZATION GOALS ESTABLISHED UNDER THIS SUBTITLE.~~

~~(2) THE REPORT MUST INCLUDE:~~

~~(I) ANY PROBLEMS; AND~~

~~(II) SPECIFIC RECOMMENDATIONS FOR IMPROVING THE CITY'S PERFORMANCE.~~

~~§ 28-17. PROHIBITIONS; SANCTION.~~

~~(A) ADMINISTRATIVE PENALTIES:~~

~~A CONTRACTOR WHO FAILS TO COMPLY WITH ANY PROVISION OF THIS SUBTITLE IS SUBJECT TO ANY OR ALL OF THE FOLLOWING PENALTIES:~~

~~(1) SUSPENSION OF CONTRACT;~~

~~(2) WITHHOLDING OF FUNDS;~~

~~(3) RESCISSION OF CONTRACT BASED ON MATERIAL BREACH;~~

~~(4) REFUSAL TO ACCEPT A PROPOSAL;~~

~~(5) DISQUALIFICATION OF A BIDDER, CONTRACTOR, OR OTHER BUSINESS FROM ELIGIBILITY FOR PROVIDING GOODS OR SERVICES TO THE CITY FOR A PERIOD NOT TO EXCEED 2 YEARS; AND~~

~~(6) PAYMENT OF LIQUIDATED DAMAGES.~~

~~(B) PROHIBITED CONDUCT:~~

~~IT IS A VIOLATION OF THIS SUBTITLE TO:~~

- ~~(1) FRAUDULENTLY OBTAIN, RETAIN, ATTEMPT TO OBTAIN OR RETAIN, OR AID ANOTHER IN FRAUDULENTLY OBTAINING, RETAINING, OR ATTEMPTING TO OBTAIN OR RETAIN CERTIFICATION UNDER THIS SUBTITLE AS A SMALL, MINORITY, OR WOMEN'S BUSINESS ENTERPRISE;~~
- ~~(2) IN ANY MATTER ADMINISTERED UNDER THIS SUBTITLE, WILLFULLY FALSIFY, CONCEAL, OR COVER UP BY A TRICK, SCHEME, OR DEVICE A MATERIAL FACT OR MAKE ANY FALSE WRITING OR DOCUMENT KNOWING THAT IT CONTAINS ANY FALSE, FICTITIOUS, OR FRAUDULENT STATEMENT OR ENTRY;~~
- ~~(3) WILLFULLY OBSTRUCT, IMPEDE, OR ATTEMPT TO OBSTRUCT OR IMPEDE AN AUTHORIZED OFFICIAL OR EMPLOYEE WHO IS INVESTIGATING THE QUALIFICATIONS OF A BUSINESS ENTERPRISE THAT HAS REQUESTED CERTIFICATION UNDER THIS SUBTITLE;~~
- ~~(4) FRAUDULENTLY OBTAIN, ATTEMPT TO OBTAIN, OR AID ANOTHER IN FRAUDULENTLY OBTAINING OR ATTEMPTING TO OBTAIN PUBLIC MONEY TO WHICH THE PERSON IS NOT ENTITLED UNDER THIS SUBTITLE; OR~~
- ~~(5) MAKE A FALSE STATEMENT TO ANY PERSON OR ENTITY THAT ANOTHER PERSON OR ENTITY IS OR IS NOT CERTIFIED UNDER THIS SUBTITLE AS A SMALL, MINORITY, OR WOMEN'S ENTERPRISE.~~

~~(E) CRIMINAL PENALTIES:~~

ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO IMPRISONMENT FOR NOT MORE THAN 1 YEAR, TO A FINE OF NOT MORE THAN \$1,000, OR TO BOTH IMPRISONMENT AND FINE.

~~§ 28-18. MINORITY AND SMALL BUSINESS ADVISORY COMMITTEE.~~

~~(A) COMMITTEE ESTABLISHED:~~

- ~~(1) THERE IS A MINORITY AND SMALL BUSINESS OPPORTUNITY ADVISORY COMMITTEE.~~
- ~~(2) THE COMMITTEE IS AN ADVISORY GROUP ONLY, ESTABLISHED TO:~~
 - ~~(i) ASSIST THE MAYOR AND CITY COUNCIL IN REVIEWING THE CONTINUING PROGRAMS OF CONTRACTORS AND SUBCONTRACTORS CONCERNING SMALL, MINORITY, AND WOMEN'S BUSINESS PARTICIPATION; AND~~
 - ~~(ii) MAKE RECOMMENDATIONS TO THE MAYOR AND CITY COUNCIL CONCERNING THOSE PROGRAMS.~~

~~(B) MEMBERS; TERM:~~

- ~~(1) THE COMMITTEE CONSISTS OF 9 MEMBERS.~~
- ~~(2) OF THESE:~~
 - ~~(i) THE MAYOR APPOINTS THE CHAIR AND 3 MEMBERS; AND~~
 - ~~(ii) THE CITY COUNCIL APPOINTS 5 MEMBERS.~~
- ~~(3) COMMITTEE MEMBERS SERVE 2-YEAR TERMS.~~

- ~~(4) THE MEMBERSHIP OF THE COMMITTEE MUST INCLUDE REPRESENTATIVES OF THE CITY, CONTRACTORS, TRADE ASSOCIATIONS, AND PRIVATE NONPROFIT AND PROFIT-MAKING ORGANIZATIONS CONCERNED WITH SMALL, MINORITY, AND WOMEN'S BUSINESS ENTERPRISES.~~

~~§ 28-19. BOARD OF ESTIMATES' AUTHORITY.~~

- ~~(A) AUTHORITY OF BOARD NOT ABROGATED.~~

~~NOTHING IN THIS SUBTITLE ABROGATES THE AUTHORITY OF THE BOARD OF ESTIMATES TO AWARD CONTRACTS UNDER ARTICLE VI, §11 OF THE CITY CHARTER.~~

- ~~(B) BOARD MAY WAIVE MINOR DEFECTS.~~

~~AT ITS DISCRETION, THE BOARD OF ESTIMATES MAY WAIVE MINOR DEFECTS AND ERRORS IN A BIDDER'S SBE, MBE, OR WBE SUBMISSION.~~

~~§ 28-20. SHORT TITLE.~~

~~THIS SUBTITLE SHALL BE KNOWN AS "THE BALTIMORE CITY MINORITY AND SMALL BUSINESS OPPORTUNITY ORDINANCE".~~

~~§ 28-21. AUTOMATIC TERMINATION.~~

~~THIS SUBTITLE AUTOMATICALLY EXPIRES ON JUNE 30, 2005, UNLESS THE CITY COUNCIL, AFTER CAUSING AN APPROPRIATE STUDY TO BE UNDERTAKEN, CONDUCTING PUBLIC HEARINGS, AND HEARING TESTIMONIAL EVIDENCE, FINDS THAT THE PURPOSES IDENTIFIED IN THIS SUBTITLE HAVE NOT YET BEEN ACHIEVED, IN WHICH CASE THIS SUBTITLE MAY BE EXTENDED FOR 5 ADDITIONAL YEARS.~~

Subtitle 28 - Minority and Women's Business Opportunity

PART I. DEFINITIONS; GENERAL PROVISIONS

§ 28-1. DEFINITIONS — A TO H.

- (A) IN GENERAL.

IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED UNLESS THE CONTEXT CLEARLY REQUIRES A DIFFERENT MEANING.

- (B) AFRICAN AMERICAN.

"AFRICAN AMERICAN" MEANS A U.S. CITIZEN OR LAWFULLY ADMITTED PERMANENT RESIDENT WHO ORIGINATES FROM ANY OF THE BLACK RACIAL GROUPS OF AFRICA.

- (C) ASIAN AMERICAN.

"ASIAN AMERICAN" MEANS A U.S. CITIZEN OR LAWFULLY ADMITTED PERMANENT RESIDENT WHO ORIGINATES FROM THE FAR EAST, SOUTHEAST ASIA, THE INDIAN SUBCONTINENT, OR THE PACIFIC ISLANDS.

(D) BALTIMORE CITY MARKET AREA.

“BALTIMORE CITY MARKET AREA” MEANS THE FOLLOWING GEOGRAPHIC REGIONS OF MARYLAND FOR THE INDICATED BUSINESS CATEGORY:

(1) CONSTRUCTION CONTRACTS:

BALTIMORE CITY
BALTIMORE COUNTY
HOWARD COUNTY.

(2) ARCHITECTURAL AND ENGINEERING CONTRACTS:

BALTIMORE CITY
BALTIMORE COUNTY
ANNE ARUNDEL COUNTY.

(3) SERVICE CONTRACTS:

BALTIMORE CITY
BALTIMORE COUNTY
ANNE ARUNDEL COUNTY.

(4) COMMODITY CONTRACTS:

BALTIMORE CITY
BALTIMORE COUNTY
ANNE ARUNDEL COUNTY
HOWARD COUNTY
MONTGOMERY COUNTY
PRINCE GEORGE’S COUNTY.

(E) BID.

“BID” MEANS A RESPONSE TO :

(1) AN INVITATION TO BID; OR

(2) A REQUEST FOR PROPOSALS.

(F) BUSINESS ENTERPRISE.

“BUSINESS ENTERPRISE” MEANS A CORPORATION, LIMITED LIABILITY COMPANY, PARTNERSHIP, INDIVIDUAL, SOLE PROPRIETORSHIP, JOINT STOCK COMPANY, JOINT VENTURE, PROFESSIONAL ASSOCIATION, OR ANY OTHER LEGAL ENTITY OPERATED FOR PROFIT THAT IS PROPERLY LICENSED AND OTHERWISE AUTHORIZED TO DO BUSINESS IN THE STATE OF MARYLAND.

(G) CERTIFIED BUSINESS ENTERPRISE.

“CERTIFIED BUSINESS ENTERPRISE” MEANS A MINORITY OR WOMEN’S BUSINESS ENTERPRISE THAT HAS BEEN CERTIFIED BY THE MINORITY AND WOMEN’S BUSINESS OPPORTUNITY OFFICE AS MEETING THE CRITERIA FOR CERTIFICATION UNDER THIS SUBTITLE.

(H) CHIEF.

“CHIEF” MEANS THE CHIEF OF THE MINORITY AND WOMEN’S BUSINESS OPPORTUNITY OFFICE.

(I) CONSTRUCTION.

(1) “CONSTRUCTION” MEANS BUILDING, ALTERING, REPAIRING, IMPROVING, OR DEMOLISHING ANY STRUCTURE, BUILDING, OR OTHER IMPROVEMENT TO REAL PROPERTY.

(2) “CONSTRUCTION” INCLUDES:

(I) BUILDING CONSTRUCTION;

(II) HEAVY CONSTRUCTION (ROAD CONSTRUCTION AND BRIDGE CONSTRUCTION); AND

(III) SPECIALTY TRADES CONSTRUCTION (E.G., CARPENTRY, ELECTRICAL, AND PLUMBING).

(J) CONTRACTING AGENCY.

“CONTRACTING AGENCY” MEANS THE CITY AGENCY, DEPARTMENT, OR AUTHORIZED REPRESENTATIVE THAT ISSUES INVITATIONS TO BID OR REQUESTS FOR PROPOSALS.

(K) CONTRACTOR.

“CONTRACTOR” MEANS THE PERSON, FIRM, OR LEGAL ENTITY WITH WHICH THE CITY HAS ENTERED INTO AN AGREEMENT.

(L) CONTROL.

(1) “CONTROL”, FOR PURPOSES OF DETERMINING WHETHER A BUSINESS IS A MINORITY BUSINESS ENTERPRISE OR WOMEN’S BUSINESS ENTERPRISE, MEANS THAT THE MINORITY GROUP MEMBER OWNERS OR WOMEN OWNERS:

(I) POSSESS AND EXERCISE THE LEGAL AUTHORITY AND POWER TO MANAGE BUSINESS ASSETS, GOODWILL, AND DAILY OPERATIONS OF THE BUSINESS; AND

(II) ACTIVELY AND CONTINUOUSLY EXERCISE THIS MANAGERIAL AUTHORITY AND POWER IN DETERMINING THE POLICIES AND DIRECTING THE OPERATIONS OF THE BUSINESS.

(2) IF OWNERS WHO ARE NOT MINORITY GROUP MEMBERS OR WOMEN ARE RESPONSIBLE FOR THE OPERATION OF THE BUSINESS OUT OF PROPORTION TO THEIR OWNERSHIP INTEREST, THEN THE BUSINESS IS NOT CONTROLLED BY MINORITY GROUP MEMBERS OR WOMEN.

(M) HISPANIC AMERICAN.

“HISPANIC AMERICAN” MEANS A U.S. CITIZEN OR LAWFULLY ADMITTED PERMANENT RESIDENT OF MEXICAN, PUERTO RICAN, CUBAN, CENTRAL AMERICAN, SOUTH AMERICAN, OR OTHER SPANISH OR PORTUGUESE CULTURE OR ORIGIN, REGARDLESS OF RACE.

§ 28-2. DEFINITIONS — I TO Z.**(A) INCLUDES; INCLUDING.**

“INCLUDES” OR “INCLUDING” MEANS BY WAY OF ILLUSTRATION AND NOT BY WAY OF LIMITATION.

(B) JOINT VENTURE.

“JOINT VENTURE” MEANS AN ASSOCIATION BETWEEN BUSINESS ENTERPRISES THAT PROVIDES FOR THE SHARING OF ECONOMIC INTEREST.

(C) MANUFACTURER.

“MANUFACTURER” MEANS A BUSINESS ENTERPRISE THAT:

- (1) PRODUCES GOODS FROM RAW MATERIALS OR SUBSTANTIALLY ALTERS OR FABRICATES THEM BEFORE RESALE; AND
- (2) ASSUMES THE ACTUAL AND CONTRACTUAL RESPONSIBILITY FOR PROVIDING THE MATERIALS AND SUPPLIES.

(D) MINORITY BUSINESS ENTERPRISE (MBE).

“MINORITY BUSINESS ENTERPRISE” OR “MBE” MEANS A BUSINESS ENTERPRISE:

- (1) THAT IS OWNED, OPERATED, AND CONTROLLED BY 1 OR MORE MINORITY GROUP MEMBERS WHO HAVE AT LEAST 51% OWNERSHIP;
- (2) IN WHICH THE MINORITY GROUP MEMBERS HAVE OPERATIONAL AND MANAGERIAL CONTROL, INTEREST IN CAPITAL, AND EARNINGS COMMENSURATE WITH THEIR PERCENTAGE OF OWNERSHIP; AND
- (3) THAT IS LOCATED IN THE BALTIMORE CITY MARKET AREA.

(E) MINORITY GROUP MEMBER.

“MINORITY GROUP MEMBER” MEANS A MEMBER OF A MINORITY GROUP, SUCH AS AFRICAN AMERICAN, HISPANIC AMERICAN, ASIAN AMERICAN, OR NATIVE AMERICAN, FOR WHICH A UTILIZATION DISPARITY HAS BEEN IDENTIFIED.

(F) NATIVE AMERICAN.

“NATIVE AMERICAN” MEANS A U.S. CITIZEN OR LAWFULLY ADMITTED PERMANENT RESIDENT WHO ORIGINATES FROM ANY OF THE ORIGINAL PEOPLES OF NORTH AMERICA AND WHO MAINTAINS CULTURAL IDENTIFICATION THROUGH TRIBAL AFFILIATION OR OTHER SUITABLE AUTHORITY IN THE COMMUNITY.

(G) OFFICE.

“OFFICE” MEANS THE MINORITY AND WOMEN’S BUSINESS OPPORTUNITY OFFICE.

(H) OWNED.

“OWNED”, FOR PURPOSES OF DETERMINING WHETHER A BUSINESS IS A MINORITY BUSINESS ENTERPRISE OR WOMEN’S BUSINESS ENTERPRISE, MEANS THAT:

- (1) THE MINORITY GROUP MEMBER OR FEMALE OWNER, AS THE CONTEXT REQUIRES, POSSESSES AN OWNERSHIP INTEREST OF AT LEAST 51% OF THE BUSINESS;
- (2) THIS OWNERSHIP IS REAL AND CONTINUING AND GOES BEYOND THE MERE INDICIA OF OWNERSHIP REFLECTED IN THE OWNERSHIP DOCUMENTS; AND
- (3) THE MINORITY GROUP MEMBER OR WOMAN OWNER ENJOYS THE CUSTOMARY INCIDENTS OF OWNERSHIP AND SHARES IN THE RISKS AND PROFITS COMMENSURATE WITH HIS OR HER OWNERSHIP INTERESTS, AS DEMONSTRATED BY AN EXAMINATION OF THE SUBSTANCE, RATHER THAN THE FORM OF OWNERSHIP ARRANGEMENTS.

(I) PURCHASING.

“PURCHASING” MEANS THE BUYING, RENTING, LEASING, OR OTHERWISE OBTAINING OR ACQUIRING ANY SUPPLIES, MATERIALS, EQUIPMENT, OR SERVICES.

(J) SOLE PROPRIETORSHIP.

“SOLE PROPRIETORSHIP” MEANS A BUSINESS ENTERPRISE THAT IS 100% OWNED, OPERATED, AND CONTROLLED BY 1 INDIVIDUAL.

(K) SUBCONTRACTOR.

“SUBCONTRACTOR” MEANS A BUSINESS ENTERPRISE THAT HAS A DIRECT CONTRACT WITH A CONTRACTOR TO PERFORM PART OF THE WORK ON A CONTRACT.

(L) SUPPLIER.

“SUPPLIER” MEANS A BUSINESS ENTERPRISE THAT:

- (1) FURNISHES NEEDED ITEMS TO A CONTRACTOR; AND
- (2) EITHER:
 - (I) IS INVOLVED IN THE MANUFACTURE OR DISTRIBUTION OF THE SUPPLIES OR MATERIALS; OR
 - (II) OTHERWISE WAREHOUSES AND SHIPS THE SUPPLIES.

(M) WOMEN’S BUSINESS ENTERPRISE (WBE).

“WOMEN’S BUSINESS ENTERPRISE” OR “WBE” MEANS A BUSINESS ENTERPRISE:

- (1) THAT IS OWNED, OPERATED, AND CONTROLLED BY 1 OR MORE WOMEN WHO HAVE 51% OWNERSHIP;
- (2) IN WHICH THE WOMEN HAVE OPERATIONAL AND MANAGERIAL CONTROL, INTEREST IN CAPITAL, AND EARNINGS COMMENSURATE WITH THEIR PERCENTAGE OF OWNERSHIP; AND

(3) THAT IS LOCATED IN THE BALTIMORE CITY MARKET AREA.

§ 28-3. LEGISLATIVE FINDINGS AND POLICY.

(A) FINDINGS.

(1) THE MAYOR AND CITY COUNCIL MAKES THE FINDINGS CONTAINED IN THIS SUBSECTION, ON FULL CONSIDERATION OF:

(I) THE EXTENSIVE FINDINGS MADE BY AN INDEPENDENT TASK FORCE PRIOR TO THE ENACTMENT OF ORDINANCE 90-610;

(II) THE EVIDENCE OF SIGNIFICANT LEVELS OF UTILIZATION DISPARITY IDENTIFIED BY THE 2000 DISPARITY STUDY;

(III) HEARINGS HELD BY THE CITY COUNCIL; AND

(IV) ALL OTHER RELEVANT FACTS.

(2) PAST DISCRIMINATION IN THE CITY'S CONTRACTING PROCESS BY PRIME CONTRACTORS AGAINST MINORITY AND WOMEN'S BUSINESS ENTERPRISES HAS RESULTED IN SIGNIFICANT UNDERUTILIZATION OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES IN CONTRACTS AWARDED BY THE CITY OF BALTIMORE. AS DETERMINED BY THE 2000 DISPARITY STUDY, THIS DISPARITY HAS BEEN PERSISTENT, PERVASIVE, AND STATISTICALLY SIGNIFICANT BASED ON AVAILABLE VENDOR DATA.

(3) THIS DISCRIMINATION HAS OCCURRED IN THE MAJOR CITY CONTRACTING MARKETS (CONSTRUCTION, COMMODITIES, ARCHITECTURAL AND ENGINEERING, AND SERVICES), WITH THE EFFECT OF SIGNIFICANT UNDERUTILIZATION OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES.

(4) THE PROVISIONS OF THIS SUBTITLE ARE NECESSARY TO OVERCOME THE EFFECTS OF PAST DISCRIMINATION AND TO PREVENT ONGOING DISCRIMINATION IN THE CITY'S CONTRACTING PROCESS, WHILE ASSURING THAT HIGH QUALITY GOODS AND SERVICES ARE OBTAINED THROUGH THE COMPETITIVE BIDDING PROCESS.

(5) A GENERAL GOAL OF THIS SUBTITLE IS TO PROVIDE A NARROWLY TAILORED REMEDY TO PAST DISCRIMINATION, A GOAL THAT IS ADVANCED BY:

(I) SETTING MINORITY AND WOMEN'S BUSINESS ENTERPRISE GOALS THAT ARE FLEXIBLE AND RATIONALLY RELATED TO THE DISPARITY IDENTIFIED IN THE CITY'S CONTRACTING MARKETS;

(II) INSTITUTING RACE- AND GENDER-NEUTRAL REMEDIES IN CONJUNCTION WITH THE MBE/WBE PROGRAM;

(III) SETTING SEPARATE ANNUAL GOALS FOR DIFFERENT CATEGORIES OF CONTRACTS;

(IV) SETTING GOALS ON A CONTRACT-BY-CONTRACT BASIS;

(V) PROVIDING CRIMINAL PENALTIES FOR FRAUDULENT MISUSE OF THIS SUBTITLE;

(VI) REQUIRING REGULAR REVIEW OF THE NECESSITY FOR THIS SUBTITLE;

(VII) LIMITING THOSE MINORITY AND WOMEN’S BUSINESSES THAT QUALIFY UNDER THIS SUBTITLE TO THOSE LOCATED IN THE BALTIMORE CITY MARKET AREA;

(VIII) REQUIRING REGULAR REVIEW OF THE CATEGORIES INCLUDED IN THE DEFINITION OF MINORITY GROUP MEMBERS; AND

(IX) PROVIDING FOR POST-BID SUBMISSION OF REQUIRED INFORMATION ABOUT MINORITY AND WOMEN’S BUSINESS ENTERPRISES AS WELL AS OTHER SUBCONTRACTORS.

(B) *POLICY.*

IT IS THE POLICY OF THE CITY OF BALTIMORE TO PROMOTE EQUAL BUSINESS OPPORTUNITY IN THE CITY’S CONTRACTING PROCESS BY ENCOURAGING FULL AND EQUITABLE PARTICIPATION BY MINORITY AND WOMEN’S BUSINESS ENTERPRISES IN THE PROVISION OF GOODS AND SERVICES TO THE CITY ON A CONTRACTUAL BASIS.

§ 28-4. SCOPE OF SUBTITLE.

(A) *IN GENERAL.*

THIS SUBTITLE APPLIES TO ALL CONTRACTS AWARDED BY THE CITY.

(B) *THIRD-PARTY CONTRACTS.*

EVERY CONTRACT OR OTHER AGREEMENT BETWEEN THE CITY OF BALTIMORE AND ANY GOVERNMENTAL AGENCY, QUASI-GOVERNMENTAL AGENCY, CORPORATION, DEVELOPER, OR CONTRACTOR, UNDER WHICH THE AGENCY, CORPORATION, DEVELOPER, OR CONTRACTOR RECEIVES ANY FISCAL ASSISTANCE FROM OR THROUGH THE CITY FOR THE PURPOSE OF CONTRACTING WITH BUSINESSES TO PERFORM REAL ESTATE DEVELOPMENT, RENOVATION, MAINTENANCE, OR OTHER SERVICES MUST REQUIRE THE AGENCY, CORPORATION, DEVELOPER, OR CONTRACTOR TO COMPLY WITH THIS SUBTITLE IN AWARDING AND ADMINISTERING THAT CONTRACT OR AGREEMENT.

§ 28-5. RULES OF CONSTRUCTION.

(A) *LIBERAL CONSTRUCTION.*

THE PROVISIONS OF THIS SUBTITLE ARE TO BE LIBERALLY CONSTRUED TO ACCOMPLISH ITS POLICIES AND PURPOSES.

(B) *MANDATORY, PROHIBITORY, AND PERMISSIVE TERMS.*

(1) *MANDATORY TERMS.*

“MUST” AND “SHALL” ARE EACH MANDATORY TERMS USED TO EXPRESS A REQUIREMENT OR TO IMPOSE A DUTY.

(2) *PROHIBITORY TERMS.*

“MUST NOT”, “MAY NOT”, AND “NO ... MAY” ARE EACH MANDATORY NEGATIVE TERMS USED TO ESTABLISH A PROHIBITION.

(3) PERMISSIVE TERMS.

“MAY” IS PERMISSIVE.

(C) NUMBER.

THE SINGULAR INCLUDES THE PLURAL AND VICE VERSA.

(D) SEVERABILITY.

(1) ALL PROVISIONS OF THIS SUBTITLE ARE SEVERABLE.

(2) IF A COURT DETERMINES THAT A WORD, PHRASE, CLAUSE, SENTENCE, PARAGRAPH, SUBSECTION, SECTION, OR OTHER PROVISION IS INVALID OR THAT THE APPLICATION OF ANY PART OF THE PROVISION TO ANY PERSON OR CIRCUMSTANCES IS INVALID, THE REMAINING PROVISIONS AND THE APPLICATION OF THOSE PROVISIONS TO OTHER PERSONS OR CIRCUMSTANCES REMAIN IN FULL FORCE AND EFFECT TO THE MAXIMUM EXTENT PRACTICABLE.

(E) TIME COMPUTATIONS.

(1) COMPUTATION OF TIME AFTER AN ACT, EVENT, OR DEFAULT.

(i) IN COMPUTING ANY PERIOD OF TIME PRESCRIBED BY THIS SUBTITLE, THE DAY OF THE ACT, EVENT, OR DEFAULT AFTER WHICH THE DESIGNATED PERIOD OF TIME BEGINS TO RUN IS NOT INCLUDED.

(ii) IF THE PERIOD OF TIME ALLOWED IS MORE THAN 7 DAYS, INTERMEDIATE SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS ARE COUNTED.

(iii) IF THE PERIOD OF TIME ALLOWED IS 7 DAYS OR LESS, INTERMEDIATE SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS ARE NOT COUNTED.

(iv) THE LAST DAY OF THE PERIOD SO COMPUTED IS INCLUDED UNLESS IT IS A SATURDAY, SUNDAY, OR LEGAL HOLIDAY, IN WHICH EVENT THE PERIOD RUNS UNTIL THE END OF THE NEXT DAY THAT IS NOT A SATURDAY, SUNDAY, OR LEGAL HOLIDAY.

(2) COMPUTATION OF TIME BEFORE A DAY, ACT, OR EVENT.

(i) IN DETERMINING THE LATEST DAY FOR PERFORMING AN ACT THAT IS REQUIRED BY THIS SUBTITLE TO BE PERFORMED A PRESCRIBED NUMBER OF DAYS BEFORE A CERTAIN DAY, ACT, OR EVENT, ALL DAYS PRECEDING THAT DAY, INCLUDING INTERVENING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, ARE COUNTED IN THE NUMBER OF DAYS SO PRESCRIBED.

(ii) THE LATEST DAY IS INCLUDED IN THE DETERMINATION UNLESS IT IS A SATURDAY, SUNDAY, OR LEGAL HOLIDAY, IN WHICH EVENT THE LATEST DAY IS THE FIRST PRECEDING DAY THAT IS NOT A SATURDAY, SUNDAY, OR LEGAL HOLIDAY.

§ 28-6. AUTOMATIC TERMINATION.

THIS SUBTITLE AUTOMATICALLY EXPIRES ON JUNE 30, 2005, UNLESS THE CITY COUNCIL, AFTER CAUSING AN APPROPRIATE STUDY TO BE UNDERTAKEN, CONDUCTING PUBLIC HEARINGS, AND HEARING TESTIMONIAL EVIDENCE, FINDS THAT THE PURPOSES IDENTIFIED IN THIS SUBTITLE HAVE NOT YET BEEN ACHIEVED, IN WHICH CASE THIS SUBTITLE MAY BE EXTENDED FOR 5 MORE YEARS.

§ 28-7. SHORT TITLE.

THIS SUBTITLE MAY BE CITED AS THE “MINORITY AND WOMEN’S BUSINESS PROGRAM”.

§§ 28-8 TO 28-10. {RESERVED}**PART II. ADMINISTRATION****§ 28-11. BUSINESS OPPORTUNITY OFFICE ESTABLISHED.****(A) IN GENERAL.**

THERE IS A MINORITY AND WOMEN’S BUSINESS OPPORTUNITY OFFICE IN THE DEPARTMENT OF LAW.

(B) CHIEF TO ADMINISTER.

THE OFFICE IS ADMINISTERED AND CONTROLLED BY THE CHIEF OF THE MINORITY AND WOMEN’S BUSINESS OPPORTUNITY OFFICE, WHO REPORTS DIRECTLY TO THE CITY SOLICITOR.

§ 28-12. GENERAL FUNCTIONS AND DUTIES OF OFFICE.**(A) IN GENERAL.**

THE MINORITY AND WOMEN’S BUSINESS OPPORTUNITY OFFICE IS RESPONSIBLE FOR THE ADMINISTRATION OF THIS SUBTITLE.

(B) SPECIFIC DUTIES.

THE OFFICE’S DUTIES INCLUDE:

- (I) CERTIFICATION OF MBES, WBES, AND SLBES;
- (II) MAINTAINING A DIRECTORY OF CERTIFIED BUSINESS ENTERPRISES;
- (III) PROVIDING INFORMATION AND NEEDED ASSISTANCE TO MBES, WBES, AND SLBES TO INCREASE THEIR ABILITY TO COMPETE EFFECTIVELY FOR THE AWARD OF CITY CONTRACTS;
- (IV) INVESTIGATING ALLEGED VIOLATIONS OF THIS SUBTITLE AND, WHEN APPROPRIATE, MAKING WRITTEN RECOMMENDATIONS FOR REMEDIAL ACTION;
- (V) DEVELOPING AND DISTRIBUTING ALL NECESSARY FORMS, APPLICATIONS, AND DOCUMENTS NECESSARY TO COMPLY WITH THIS SUBTITLE;
- (VI) MAINTAINING STATISTICS ON AND REVIEWING REGULARLY THE PROGRESS OF AGENCIES TOWARDS ACHIEVING THE ANNUAL GOALS FOR THE UTILIZATION OF MINORITY AND WOMEN’S BUSINESS ENTERPRISES;
- (VII) RECOMMENDING TO APPROPRIATE CITY OFFICIALS METHODS TO FURTHER THE POLICIES AND GOALS OF THIS SUBTITLE;
- (VIII) MONITORING CONTRACTORS THROUGHOUT THE DURATION OF THEIR CONTRACTS TO ENSURE THAT ALL EFFORTS ARE MADE TO COMPLY WITH THIS SUBTITLE; AND

(IX) CERTIFYING COMPLIANCE WITH THIS SUBTITLE BEFORE CONTRACTS ARE SUBMITTED TO THE BOARD OF ESTIMATES FOR AWARD.

§ 28-13. RULES AND REGULATIONS.

(A) IN GENERAL.

THE OFFICE MAY ADOPT RULES AND REGULATIONS TO CARRY OUT THIS SUBTITLE.

(B) FILING WITH LEGISLATIVE REFERENCE.

A COPY OF ALL RULES AND REGULATIONS MUST BE FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

§ 28-14. BOARD OF ESTIMATES' AUTHORITY.

(A) AUTHORITY OF BOARD NOT ABROGATED.

NOTHING IN THIS SUBTITLE ABROGATES THE AUTHORITY OF THE BOARD OF ESTIMATES TO AWARD CONTRACTS UNDER ARTICLE VI, § 11 OF THE CITY CHARTER.

(B) BOARD MAY WAIVE MINOR DEFECTS.

AT ITS DISCRETION, THE BOARD OF ESTIMATES MAY WAIVE MINOR DEFECTS AND ERRORS IN A BIDDER'S MBE OR WBE SUBMISSION.

§ 28-15. {RESERVED}

PART III. ANNUAL PARTICIPATION GOALS

§ 28-16. ESTABLISHMENT.

ON AN ANNUAL BASIS, THE BOARD OF ESTIMATES, WITH THE ADVICE OF THE MINORITY AND WOMEN'S BUSINESS OPPORTUNITY OFFICE, MUST ESTABLISH PARTICIPATION GOALS FOR MINORITY BUSINESS ENTERPRISES AND FOR WOMEN'S BUSINESS ENTERPRISES IN EACH AREA OF CONTRACTING AND PROCUREMENT.

§ 28-17. CRITERIA.

(A) IN GENERAL.

THE ANNUAL PARTICIPATION GOALS MUST BE BASED ON, BUT NOT LIMITED TO:

- (1) THE PRESENT AVAILABILITY OF QUALIFIED MBES AND WBES;
- (2) THE UTILIZATION OF QUALIFIED MBES AND WBES ON PAST CONTRACTS AWARDED BY THE CITY;
- (3) A FORECAST OF ELIGIBLE CONTRACTS TO BE AWARDED WITHIN THE FISCAL YEAR; AND
- (4) REVIEW AND ANALYSIS OF THE REPORTS GENERATED BY THE MINORITY AND WOMEN'S BUSINESS OPPORTUNITY OFFICE UNDER THIS SUBTITLE.

(B) LIMITATIONS.

- (1) THE ANNUAL GOALS MUST BE DIRECTLY RELATED TO THE AVAILABILITY OF QUALIFIED MBES AND WBES AND THE IDENTIFIED DISPARITY IN THE UTILIZATION OF MBES AND WBES.
- (2) THE ANNUAL GOAL FOR MBES OR WBES MAY BE NO HIGHER THAN THE PERCENTAGE OF AVAILABILITY OF MBES OR WBES.

§ 28-18. PURPOSE.

(A) IN GENERAL.

THE PURPOSE OF THE ANNUAL GOALS IS TO AID THE CITY IN ITS ANNUAL EVALUATION OF THE PROGRAM'S EFFECTIVENESS.

(B) GOALS, NOT QUOTAS.

ANNUAL PARTICIPATION GOALS ARE NOT AND MAY NOT BE QUOTAS.

§ 28-19. COUNCIL REVIEW.

(A) SUBMISSION TO COUNCIL.

BEFORE THE ANNUAL PARTICIPATION GOALS TAKE EFFECT, THE BOARD OF ESTIMATES MUST PRESENT THEM TO THE CITY COUNCIL FOR ITS CONSIDERATION.

(B) COUNCIL ACTION.

THE CITY COUNCIL MAY:

- (1) ACCEPT THE GOALS SET BY THE BOARD OF ESTIMATES; OR
- (2) ADOPT DIFFERENT GOALS IN ACCORDANCE WITH THE CRITERIA REQUIRED BY THIS PART III.

(C) COUNCIL INACTION.

IF THE CITY COUNCIL DOES NOT ACT WITHIN 30 DAYS AFTER THE BOARD'S GOALS ARE PRESENTED TO IT, THE BOARD'S GOALS AUTOMATICALLY TAKE EFFECT.

§ 28-20. {RESERVED}

PART IV. CONTRACT PARTICIPATION GOALS

§ 28-21. ESTABLISHMENT.

THE MINORITY AND WOMEN'S BUSINESS OPPORTUNITY OFFICE MUST ESTABLISH APPROPRIATE MBE AND WBE PARTICIPATION GOALS ON EACH SPECIFIC CONTRACT, AS PROVIDED IN THIS PART IV.

§ 28-22. CONSIDERATIONS.

(A) IN GENERAL.

IN SETTING THE GOALS ON A CONTRACT, THE OFFICE MUST CONSIDER:

- (1) THE AVAILABILITY IN VARIOUS INDUSTRY CLASSIFICATIONS AND PROFESSIONS OF MBES AND WBES THAT ARE QUALIFIED AND WILLING TO PROVIDE GOODS, EXPERTISE, AND SERVICES ON THE PARTICULAR CONTRACT;
- (2) THE LEVEL OF UTILIZATION OF THESE FIRMS IN PAST CONTRACTS AWARDED BY THE CITY;
- (3) THE CONTRACT SPECIFICATIONS;
- (4) THE ADVERSE IMPACT ON NON-MBES AND -WBES; AND
- (5) ANY OTHER RELEVANT FACTORS.

(B) MINIMUM AVAILABILITY.

FOR A GOAL TO BE APPLICABLE TO A CONTRACT, AT LEAST 2 MBES OR WBES MUST BE AVAILABLE FOR THAT GOAL.

(C) CONSULTATION.

IN ESTABLISHING GOALS ON EACH CONTRACT, THE OFFICE MUST CONSULT WITH THE CONTRACTING AGENCY, THE CITY PURCHASING AGENT, OR BOTH.

§ 28-23. PUBLICATION.

THE CONTRACT GOALS MUST BE CLEARLY PUBLISHED AS PART OF THE CONTRACT SPECIFICATIONS IN THE INVITATION TO BID OR REQUEST FOR PROPOSALS.

§ 28-24. APPLICABILITY TO ALTERNATES, MODIFICATIONS, ETC.

THE CONTRACT GOALS APPLY TO THE INITIAL CONTRACT AMOUNTS, TO ANY ALTERNATES, AND TO ALL SUBSEQUENT AMENDMENTS, SUPPLEMENTS, EXTRA WORK ORDERS, CHANGE ORDERS, OR OTHER MODIFICATIONS THAT, WHETHER INDIVIDUALLY OR IN THE AGGREGATE, INCREASE THE DOLLAR VALUE OF THE CONTRACT BY MORE THAN 10%.

§ 28-25. OFFICE REVIEW AND REPORT.

(A) OFFICE TO EVALUATE.

ANNUALLY, THE OFFICE MUST REVIEW MBE AND WBE PARTICIPATION ON ALL CONTRACTS AND PROCUREMENT TO EVALUATE THE EFFECT OF THE PROGRAM.

(B) REPORT TO BOARD OF ESTIMATES.

THE OFFICE MUST REPORT ITS FINDINGS TO THE BOARD OF ESTIMATES.

§§ 28-26 TO 28-30. {RESERVED}

PART V. STANDARDS

§ 28-31. IN GENERAL.

MBE AND WBE PARTICIPATION TOWARD MEETING CONTRACT GOALS MUST BE COUNTED IN ACCORDANCE WITH THIS PART V.

§ 28-32. COMMERCIALLY USEFUL FUNCTION.**(A) "COMMERCIALLY USEFUL FUNCTION." DEFINED**

IN THIS SECTION, "COMMERCIALLY USEFUL FUNCTION" MEANS THE PERFORMANCE BY A BUSINESS ENTERPRISE OF REAL AND DISTINCT WORK FOR WHICH THE BUSINESS ENTERPRISE HAS THE SKILL, EXPERTISE, AND ACTUAL RESPONSIBILITY TO PERFORM, MANAGE, AND SUPERVISE.

(B) REQUIREMENT.

THE BIDDER MAY COUNT TOWARD THE CONTRACT GOALS ONLY EXPENDITURES TO CERTIFIED BUSINESS ENTERPRISES THAT PERFORM COMMERCIALLY USEFUL FUNCTIONS IN THE EXECUTION OF THE CONTRACT.

(C) DETERMINATION.

TO DETERMINE WHETHER A CERTIFIED BUSINESS ENTERPRISE IS PERFORMING A COMMERCIALLY USEFUL FUNCTION, THE CITY MUST EVALUATE THE AMOUNT OF WORK SUBCONTRACTED, INDUSTRY PRACTICES, AND OTHER RELEVANT FACTORS.

§ 28-33. JOINT VENTURES.**(A) PERCENTAGE OF PARTICIPATION.**

A BIDDER MAY COUNT TOWARD THE CONTRACT GOAL THE PORTION OF ITS EXPENDITURE TO A JOINT VENTURE THAT IS EQUAL TO THE PERCENTAGE OF A CERTIFIED BUSINESS ENTERPRISE'S PARTICIPATION IN THE JOINT VENTURE.

(B) NATURE AND EXTENT OF INTEREST.

THE MBE OR WBE MEMBER OF THE JOINT VENTURE MUST HAVE AN INTEREST IN THE CONTROL, MANAGEMENT, AND OPERATION OF THE JOINT VENTURE COMMENSURATE WITH THE MEMBER'S PERCENTAGE OF OWNERSHIP.

(C) SHARE OF WORK RESPONSIBILITY.

THE CERTIFIED BUSINESS ENTERPRISE THAT IS A MEMBER OF THE JOINT VENTURE MUST BE RESPONSIBLE FOR A CLEARLY DEFINED PORTION OF THE WORK TO BE PERFORMED, EQUAL TO ITS SHARE IN THE OWNERSHIP, CONTROL, AND MANAGEMENT OF THE JOINT VENTURE.

§ 28-34. SUBCONTRACTING BY MBE OR WBE.**(A) LIMITATION.**

A BIDDER MAY NOT COUNT TOWARD ITS CONTRACT GOAL ANY AGREEMENTS WITH CERTIFIED BUSINESS ENTERPRISE SUBCONTRACTORS WHO INTEND TO SUBCONTRACT MORE THAN 10% OF THE DOLLAR AMOUNT OF THE SERVICES TO BE PERFORMED UNDER THE AGREEMENT BETWEEN THE BIDDER AND THE CERTIFIED BUSINESS ENTERPRISE.

(B) EXCEPTION FOR SUPPLIES, ETC.

THIS SECTION DOES NOT APPLY TO A SUBCONTRACTOR'S CONTRACTS FOR THE PURCHASE OF MATERIALS, EQUIPMENT, OR SUPPLIES AS AN INCIDENT TO THE PERFORMANCE OF SERVICES UNDER ITS CONTRACT.

§ 28-35. {RESERVED}

§ 28-36. MANUFACTURERS.

A BIDDER MAY COUNT TOWARDS THE CONTRACT GOAL ITS ENTIRE EXPENDITURE TO A CERTIFIED BUSINESS ENTERPRISE MANUFACTURER.

§ 28-37. SUPPLIERS.

(A) IN GENERAL.

IF A BIDDER USES 1 OR MORE SUPPLIERS TO SATISFY A CONTRACT GOAL, IN WHOLE OR IN PART, THE CERTIFIED BUSINESS ENTERPRISE SUPPLIER PARTICIPATION MAY BE CREDITED TOWARDS THE APPLICABLE GOAL, AS PROVIDED IN THIS SECTION.

(B) SUPPLIER-MANUFACTURERS.

A BIDDER MAY COUNT 100% OF ITS EXPENDITURE TO A CERTIFIED BUSINESS ENTERPRISE SUPPLIER WHO MANUFACTURES THE GOODS SUPPLIED.

(C) OTHERS.

(1) A BIDDER MAY COUNT 100% OF ITS EXPENDITURE TO A CERTIFIED BUSINESS ENTERPRISE SUPPLIER WHO IS:

(I) A WHOLESALE WAREHOUSING THE GOODS SUPPLIED; OR

(II) A MANUFACTURER'S REPRESENTATIVE.

(2) HOWEVER, ONLY 25% OF THE APPLICABLE CONTRACT GOAL MAY BE ATTAINED BY EXPENDITURES TO CERTIFIED BUSINESS ENTERPRISES THAT ARE NON-MANUFACTURING SUPPLIERS.

(D) ADJUSTMENT FOR EXTRAORDINARY PROPORTION.

FOR CONTRACTS WHERE AN EXTRAORDINARILY LARGE PROPORTION OF THE CONTRACT PRICE IS FOR EQUIPMENT OR SUPPLIES:

(1) A LOWER PROJECT GOAL MAY BE SET THAN OTHERWISE WOULD BE REQUIRED;

(2) THE 25% LIMIT FOR SUPPLIERS MAY BE INCREASED; OR

(3) A COMBINATION OF THESE TWO METHODS MAY BE USED.

§ 28-38. INSURANCE COMPANIES; TRAVEL AGENTS.

A BIDDER MAY COUNT TOWARDS THE CONTRACT GOALS ONLY 15% OF ITS EXPENDITURE TO A CERTIFIED BUSINESS ENTERPRISE INSURANCE COMPANY OR TRAVEL AGENT.

§ 28-39. FINANCIAL INSTITUTIONS.

A BIDDER MAY COUNT TOWARDS THE CONTRACT GOALS ONLY THE FEES CHARGED AND EARNED BY A CERTIFIED BUSINESS ENTERPRISE FINANCIAL INSTITUTION.

§ 28-40. {RESERVED}**§ 28-41. NON-AFFILIATION.****(A) AFFILIATION DISALLOWED.**

A BIDDER IS PRECLUDED FROM USING A CERTIFIED BUSINESS ENTERPRISE TO MEET A CONTRACT GOAL IF THE BIDDER HAS A FINANCIAL INTEREST IN, HAS AN INTEREST IN THE OWNERSHIP OR CONTROL OF, OR IS SIGNIFICANTLY INVOLVED IN THE OPERATION OF THE CERTIFIED BUSINESS ENTERPRISE.

(B) OFFICE CRITERIA TO BE MET.

IN ORDER FOR A BIDDER TO USE A CERTIFIED BUSINESS ENTERPRISE TO MEET A CONTRACT GOAL, THE NON-AFFILIATION CRITERIA ESTABLISHED BY THE MINORITY AND WOMEN'S BUSINESS OPPORTUNITY OFFICE MUST BE MET.

§§ 28-42 TO 28-45. {RESERVED}**PART VI. UTILIZATION REQUIREMENTS****§ 28-46. CONTRACTS BETWEEN \$1,000 - \$4,999.****(A) IN GENERAL.**

THE FOLLOWING STANDARDS AND PROCEDURES APPLY TO EVERY CONTRACT FOR WHICH THE ESTIMATED COST IS \$1,000 OR MORE AND LESS THAN \$5,000.

(B) OFFICE TO PROVIDE LIST OF CERTIFIED ENTERPRISES.

THE OFFICE MUST PROVIDE THE CONTRACTING AGENCY WITH A LIST OF CERTIFIED BUSINESS ENTERPRISES QUALIFIED TO PROVIDE EACH OF THE MATERIALS, EQUIPMENT, SUPPLIES, OR SERVICES THAT THE CONTRACTING AGENCY INDICATES ARE REQUIRED BY THE CITY.

(C) AGENCIES TO SOLICIT CERTIFIED ENTERPRISES.

THE CONTRACTING AGENCY MUST SOLICIT BIDS FROM CERTIFIED BUSINESS ENTERPRISES THAT ARE CERTIFIED TO SUPPLY THE REQUIRED MATERIALS, EQUIPMENT, SUPPLIES, OR SERVICES.

(D) WHEN CERTIFIED ENTERPRISES UNAVAILABLE.

IF NO QUALIFIED CERTIFIED BUSINESS ENTERPRISE IS AVAILABLE:

- (1) THE CONTRACTING AGENCY MUST SO NOTIFY THE OFFICE BEFORE THE SOLICITATION OF BIDS;
AND
- (2) THE OFFICE MUST ATTEMPT TO IDENTIFY QUALIFIED BUSINESSES AND, IF SUCCESSFUL, NOTIFY THE CONTRACTING AGENCY OF THEIR AVAILABILITY.

(E) OPPORTUNITY TO BID.

THE CONTRACTING AGENCY MUST PROVIDE CERTIFIED BUSINESS ENTERPRISES EVERY PRACTICAL OPPORTUNITY TO SUBMIT BIDS.

§ 28-47. CONTRACTS BETWEEN \$5,000 - \$24,999.

(A) IN GENERAL.

THE FOLLOWING STANDARDS AND PROCEDURES APPLY TO EVERY CONTRACT FOR WHICH THE ESTIMATED COST IS \$5,000 OR MORE AND LESS THAN \$25,000.

(B) AGENCY TO PROVIDE OFFICE WITH BID DOCUMENTS.

BEFORE THE SOLICITATION OF BIDS, THE CONTRACTING AGENCY MUST FURNISH THE OFFICE WITH AN INFORMATIONAL COPY OF ALL BID CONDITIONS AND REQUESTS FOR PROPOSALS.

(C) OFFICE MAY RECOMMEND CERTIFIED ENTERPRISES.

THE OFFICE MAY RECOMMEND TO THE CONTRACTING AGENCY CERTIFIED BUSINESS ENTERPRISES THAT CAN BE SOLICITED DIRECTLY TO SUBMIT BIDS.

§ 28-48. CONTRACTS OF \$25,000 OR MORE.

(A) IN GENERAL.

THE FOLLOWING STANDARDS AND PROCEDURES APPLY TO EVERY CONTRACT FOR WHICH THE ESTIMATED COST IS \$25,000 OR MORE.

(B) PARTICIPATION AFFIDAVIT REQUIRED.

(1) IN ADDITION TO ANY OTHER APPLICABLE REQUIREMENTS, THE BID CONDITIONS AND REQUESTS FOR PROPOSALS MUST REQUIRE EACH BIDDER TO INCLUDE IN ITS BID A CERTIFIED BUSINESS ENTERPRISE PARTICIPATION AFFIDAVIT IN WHICH THE BIDDER COMMITS TO UTILIZE CERTIFIED BUSINESS ENTERPRISES IN A PERCENTAGE THAT EQUALS OR EXCEEDS THE APPLICABLE CONTRACT GOAL.

(2) ANY BID THAT DOES NOT INCLUDE THE CERTIFIED BUSINESS PARTICIPATION AFFIDAVIT IS NONRESPONSIVE.

(C) PARTICIPATION AFFIDAVIT REQUIREMENTS.

(1) PRIOR TO BID OPENING, BIDDERS MUST SUBMIT TO THE CITY THE CERTIFIED BUSINESS ENTERPRISE PARTICIPATION STATEMENT, INCLUDING EXECUTED STATEMENTS OF INTENT, THAT SPECIFY:

(I) THE NAME OF EACH CERTIFIED BUSINESS ENTERPRISE TO WHOM THE BIDDER INTENDS TO AWARD A SUBCONTRACT;

(II) WHETHER THAT SUBCONTRACTOR IS:

(A) A MINORITY BUSINESS ENTERPRISE; OR

(B) A WOMEN'S BUSINESS ENTERPRISE.

(III) THE DOLLAR VALUE OF EACH SUBCONTRACT;

(IV) THE SCOPE OF THE WORK TO BE PERFORMED UNDER THAT SUBCONTRACT; AND

(V) ANY OTHER INFORMATION THE OFFICE REQUIRES TO DETERMINE WHETHER THE CONTRACT GOALS HAVE BEEN SATISFIED.

(D) VERIFYING CERTIFICATION.

EACH BIDDER IS RESPONSIBLE FOR VERIFYING THAT ALL MBES AND WBES TO BE USED HAVE BEEN CERTIFIED BY THE OFFICE BEFORE BID OPENING.

(E) MAINTAINING LEVELS DURING CONTRACT TERM.

DURING THE TERM OF THE CONTRACT, ANY UNJUSTIFIED FAILURE TO COMPLY WITH THE LEVELS OF CERTIFIED BUSINESS ENTERPRISE PARTICIPATION IDENTIFIED IN THE BID IS A MATERIAL BREACH OF CONTRACT.

(F) REPORT FOR FINAL PAYMENT.

(1) BEFORE FINAL PAYMENT MAY BE MADE UNDER THE CONTRACT, THE CONTRACTOR MUST SUBMIT A LIST OF ALL SUBCONTRACTORS UTILIZED ON THE CONTRACT, BOTH MBE/WBE AND NON-MBE/WBE.

(2) THE LIST MUST INCLUDE, AS TO EACH SUBCONTRACTOR:

(I) ITS NAME;

(II) THE TOTAL AMOUNT PAID TO IT; AND

(III) ITS OWNER'S RACE/ETHNICITY AND SEX.

§ 28-49. LEASES AND CONCESSIONS.

(A) IN GENERAL.

THE FOLLOWING STANDARDS AND PROCEDURES APPLY TO:

(1) EVERY LEASE IN WHICH THE CITY IS THE LESSEE; AND

(2) EVERY CONTRACT FOR A CONCESSION.

(B) AGENCY TO SOLICIT CERTIFIED ENTERPRISES.

CITY AGENCIES MUST SOLICIT BIDS FROM CERTIFIED BUSINESS ENTERPRISES THAT ARE CERTIFIED TO ENTER INTO LEASES OR CONCESSION CONTRACTS.

(C) WHEN QUALIFIED ENTERPRISES UNAVAILABLE.

IF, AFTER INVESTIGATION, A CONTRACTING AGENCY DETERMINES THAT NO QUALIFIED CERTIFIED BUSINESS ENTERPRISE IS AVAILABLE:

- (1) THE CONTRACTING AGENCY MUST SO NOTIFY THE OFFICE BEFORE SIGNING A LEASE OR AWARDING A CONCESSION CONTRACT, UNLESS THE OFFICE HAS WAIVED NOTIFICATION BASED ON THE KNOWN UNAVAILABILITY OF QUALIFIED CERTIFIED BUSINESSES TO PERFORM A PARTICULAR CONTRACT; AND
- (2) THE OFFICE MAY ATTEMPT TO IDENTIFY QUALIFIED CERTIFIED BUSINESS ENTERPRISES AND, IF SUCCESSFUL, MUST NOTIFY THE CONTRACTING AGENCY OF THEIR AVAILABILITY.

(D) OPPORTUNITY TO BID.

THE CONTRACTING AGENCY MUST PROVIDE THE MINORITY AND WOMEN'S BUSINESS ENTERPRISES EVERY PRACTICAL OPPORTUNITY TO SUBMIT BIDS.

(E) CONCESSION SUBCONTRACTORS AND SUPPLIERS.

- (1) ALL REQUESTS FOR CONCESSION BIDS MUST REQUIRE CONCESSIONAIRES TO MAKE EVERY GOOD FAITH EFFORT TO UTILIZE MINORITY AND WOMEN'S BUSINESS ENTERPRISES AS SUBCONTRACTORS AND SUPPLIERS, WHENEVER POSSIBLE, IF SUBCONTRACTORS ARE USED.
- (2) CONCESSION BIDDERS MUST BE REQUIRED TO SUBMIT THEIR PROJECTED UTILIZATION OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES ALONG WITH A DESCRIPTION OF THE EFFORTS MADE TO UTILIZE THOSE BUSINESSES.

§ 28-50. OTHER SERVICES.

(A) EFFORTS REQUIRED.

ALL CITY AGENCIES, COMMISSIONS, AND BOARDS, IN THE DEPOSIT OF FUNDS AND PERFORMANCE OF THEIR OTHER OFFICIAL DUTIES, MUST MAKE EVERY GOOD FAITH EFFORT TO EQUITABLY UTILIZE THE SERVICES OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES.

(B) SCOPE.

THE SERVICES TO WHICH THIS SECTION APPLIES INCLUDE, BUT ARE NOT LIMITED TO:

- (1) THE FINANCIAL SERVICES OF BANKS, SAVINGS AND LOAN COMPANIES, INSURANCE COMPANIES, AND OTHER COMMERCIAL FINANCIAL INSTITUTIONS;
- (2) ARRANGEMENTS FOR TRAVEL AND ACCOMMODATIONS WHEN TRAVELING ON OFFICIAL CITY BUSINESS; AND
- (3) LEGAL SERVICES.

(C) ANNUAL REPORTS.

- (1) ALL CITY AGENCIES MUST SUBMIT TO THE OFFICE, ON AN ANNUAL BASIS, A WRITTEN REPORT ON THE EFFORTS MADE UNDER THIS SUBSECTION.
- (2) THE CITY FINANCE DEPARTMENT, CITY COMPTROLLER, AND RETIREMENT BOARDS MUST REPORT ANNUALLY TO THE MAYOR AND CITY COUNCIL ON THEIR UTILIZATION OF FINANCIAL INSTITUTIONS THAT ARE MINORITY OR WOMEN'S BUSINESS ENTERPRISES.

§28-51. {RESERVED}

§ 28-52. ALL CONTRACTS — IN GENERAL.

IN ADDITION TO ANY OTHER APPLICABLE REQUIREMENTS, THE FOLLOWING REQUIREMENTS APPLY TO ALL CONTRACTS AWARDED BY THE CITY.

§ 28-53. ALL CONTRACTS — BID SPECIFICATIONS.

BID CONDITIONS, REQUESTS FOR PROPOSALS, AND ALL OTHER SPECIFICATIONS FOR CONTRACTS AWARDED BY THE CITY MUST REQUIRE THAT, WHERE A CONTRACT GOAL IS APPLICABLE, THE BIDDER MUST:

- (1) MAKE EVERY EFFORT BEFORE THE OPENING OF BIDS TO MEET THE CONTRACT GOAL; AND
- (2) KEEP RECORDS OF ITS EFFORTS, ADEQUATE TO PERMIT A DETERMINATION OF COMPLIANCE WITH THIS SUBTITLE.

§ 28-54. ALL CONTRACTS — CONTRACT SPECIFICATIONS.

EACH CONTRACT MUST:

- (1) INCORPORATE THIS SUBTITLE BY REFERENCE;
- (2) PROVIDE THAT THE FAILURE OF ANY BIDDER, CONTRACTOR, OR SUBCONTRACTOR TO COMPLY WITH THIS SUBTITLE IS A MATERIAL BREACH OF CONTRACT; AND
- (3) REQUIRE THAT, DURING ITS TERM, THE CONTRACTOR WILL:
 - (I) FULFILL PROGRAM COMMITMENTS SUBMITTED WITH THE BIDS;
 - (II) CONTINUE TO MAKE EVERY EFFORT TO UTILIZE MINORITY AND WOMEN'S BUSINESS ENTERPRISES; AND
 - (III) MAINTAIN RECORDS REASONABLY NECESSARY FOR MONITORING COMPLIANCE WITH THIS SUBTITLE.

§ 28-55. ALL CONTRACTS — PAYMENTS TO SUBCONTRACTORS.**(A) IN GENERAL.**

A CONTRACTOR MUST PAY ITS SUBCONTRACTORS IN A TIMELY FASHION FOR SATISFACTORY WORK.

(B) WHEN PAYMENT CONSIDERED TIMELY.

A PAYMENT IS TIMELY IF IT IS MAILED, DELIVERED, OR TRANSFERRED TO A SUBCONTRACTOR NO LATER THAN 7 DAYS AFTER THE CONTRACTOR RECEIVES PAYMENT FROM THE CITY.

(C) EVIDENCE OF COMPLIANCE.

BEGINNING WITH THE SECOND PAY REQUEST FROM A CONTRACTOR TO THE CITY, THE CONTRACTOR MUST PROVIDE THE CITY WITH EVIDENCE THAT ALL SUBCONTRACTORS HAVE BEEN PAID OUT OF THE PROCEEDS OF THE PRIOR PAYMENT, UNLESS A BONA FIDE DISPUTE, DOCUMENTED IN WRITING, EXISTS BETWEEN THE CONTRACTOR AND THE UNPAID SUBCONTRACTOR.

§ 28-56. ALL CONTRACTS — REPORTS AND DOCUMENTATION.

AS A CONDITION OF EACH CONTRACT, THE AWARDEE OF THE CONTRACT MUST SUBMIT THE FOLLOWING WHEN REQUESTED BY THE OFFICE:

- (1) COPIES OF SIGNED AGREEMENTS WITH THE BUSINESS ENTERPRISES BEING UTILIZED TO ACHIEVE THE CONTRACT GOALS;
- (2) REPORTS AND DOCUMENTATION VERIFYING PAYMENTS TO THE BUSINESS ENTERPRISES BEING USED TO ACHIEVE THE CONTRACT GOALS; AND
- (3) REPORTS AND DOCUMENTATION ON THE EXTENT TO WHICH THE CONTRACTOR HAS AWARDED SUBCONTRACTS TO MINORITY AND WOMEN'S BUSINESS ENTERPRISES UNDER CONTRACTS NOT AFFECTED BY THIS SUBTITLE.

§§ 28-57 TO 28-60. {RESERVED}**PART VII. WAIVERS****§ 28-61. AGENCY'S PRE-SOLICITATION REQUEST.****(A) IN GENERAL.**

A CONTRACTING AGENCY MAY REQUEST THAT THE OFFICE WAIVE OR REDUCE THE CONTRACT GOALS BY SUBMITTING THE REASONS FOR THE REQUEST IN WRITING BEFORE BIDS ARE SOLICITED.

(B) CRITERIA FOR GRANTING.

THE OFFICE MAY GRANT THE WAIVER OR REDUCTION IF THE OFFICE DETERMINES THAT:

- (1) THE REASONABLE AND NECESSARY REQUIREMENTS OF THE CONTRACT RENDER SUBCONTRACTING OR OTHER PARTICIPATION OF BUSINESSES OTHER THAN THE BIDDER INFEASIBLE; OR
- (2) AT LEAST 2 QUALIFIED CERTIFIED BUSINESS ENTERPRISES CAPABLE OF PROVIDING THE GOODS OR SERVICES REQUIRED BY THE CONTRACT ARE UNAVAILABLE IN THE BALTIMORE CITY MARKET AREA DESPITE EVERY FEASIBLE ATTEMPT TO LOCATE THEM.

(C) AMOUNT TO BE SPECIFIED.

ANY REDUCTION GRANTED BY THE OFFICE MUST SPECIFY THE AMOUNT TO WHICH THE GOAL HAS BEEN REDUCED.

(D) APPEAL OF DENIAL.

- (1) WHENEVER THE OFFICE DENIES A REQUEST TO WAIVE OR REDUCE A GOAL, THE CONTRACTING AGENCY MAY APPEAL THAT DENIAL TO THE BOARD OF ESTIMATES.
- (2) THE BOARD'S DECISION ON THE REQUEST IS FINAL.

§ 28-62. BIDDER'S PRE-AWARD REQUEST.**(A) IN GENERAL.**

IF A BIDDER IS UNABLE TO COMPLY WITH THE CONTRACT GOAL, THE BIDDER MAY SUBMIT A REQUEST FOR A WAIVER AT THE TIME OF BID OPENING.

(B) DOCUMENTATION OF EFFORTS.

THE REQUEST FOR A WAIVER MUST INCLUDE DOCUMENTATION THAT DEMONSTRATES A GOOD FAITH EFFORT TO COMPLY WITH THE GOAL REQUIREMENTS.

§ 28-63. CONTRACTOR'S POST-AWARD REQUEST.**(A) EFFORT TO SUBSTITUTE REQUIRED.**

(1) IF, AFTER AWARD OF A CONTRACT, THE CONTRACTOR IS UNABLE TO MEET ANY CONTRACT GOAL BY UTILIZING THE CERTIFIED BUSINESS ENTERPRISES SPECIFIED AT BID OPENING, THE CONTRACTOR MUST SEEK A SUBSTITUTE CERTIFIED BUSINESS ENTERPRISE TO FULFILL ITS COMMITMENT.

(2) THE SUBSTITUTION MUST BE APPROVED BY THE OFFICE.

(B) REQUEST FOR WAIVER.

IF, AFTER REASONABLE GOOD FAITH EFFORTS, THE CONTRACTOR IS UNABLE TO FIND A SUBSTITUTE, THE CONTRACTOR MAY REQUEST A POST-AWARD WAIVER.

(C) DOCUMENTATION OF REASONS.

THE REQUEST MUST DOCUMENT THE REASONS FOR THE CONTRACTOR'S INABILITY TO MEET THE CONTRACT GOAL.

§ 28-64. WAIVER BY AGENCY.**(A) IN GENERAL.**

A CONTRACTING AGENCY MAY WAIVE THE UTILIZATION REQUIREMENTS FOR A SPECIFIC CONTRACT AS PROVIDED IN THIS SECTION.

(B) SOLE SOURCE.

THE AGENCY MAY WAIVE THE UTILIZATION REQUIREMENTS IF, WITH THE ADVICE OF THE OFFICE, IT FINDS THAT:

(1) NEEDED GOODS OR SERVICES ARE AVAILABLE ONLY FROM A SOLE SOURCE; AND

(2) THE PROSPECTIVE CONTRACTOR IS NOT CURRENTLY DISQUALIFIED FROM DOING BUSINESS WITH THE CITY.

(C) EMERGENCY.

THE AGENCY MAY WAIVE THE UTILIZATION REQUIREMENTS IF IT CERTIFIES IN WRITING TO THE OFFICE THAT:

- (1) AN EMERGENCY EXISTS THAT REQUIRES GOODS OR SERVICES TO BE PROVIDED WITH SUCH AN IMMEDIACY THAT THE AGENCY IS UNABLE TO COMPLY WITH THIS SUBTITLE; AND
- (2) THE PROSPECTIVE CONTRACTOR WILL MAKE EVERY GOOD FAITH EFFORT TO SUBCONTRACT TO MINORITY AND WOMEN'S BUSINESS ENTERPRISES IF SUBCONTRACTING IS UTILIZED.

§ 28-65. {RESERVED}

PART VIII. AGENCY'S DUTIES

§ 28-66. IN GENERAL.

EACH CONTRACTING AGENCY MUST TAKE THE FOLLOWING ACTIONS TO ENSURE THAT MBES AND WBES HAVE MAXIMUM OPPORTUNITY TO PARTICIPATE ON CITY CONTRACTS.

§ 28-67. ADHERENCE TO BID PROCEDURES, ETC.

EVERY CONTRACTING AGENCY MUST ENSURE THAT INVITATIONS TO BID OR REQUESTS FOR PROPOSALS EMANATING FROM THE AGENCY COMPLY WITH THIS SUBTITLE.

§ 28-68. RESPONSIBILITY FOR ACHIEVING GOALS.

EACH AGENCY HEAD OR DESIGNEE MUST:

- (1) ASSUME PRIMARY RESPONSIBILITY FOR ACHIEVING THE GOALS OF THE PROGRAM; AND
- (2) ON A CONTINUING BASIS, REVIEW ALL ASPECTS OF THE PROGRAM'S OPERATIONS TO ASSURE THAT THE PURPOSE IS BEING ATTAINED.

§ 28-69. ADVERTISEMENTS, NOTICES, ETC.

(A) MEDIA ADVERTISEMENTS.

ADVERTISEMENTS FOR BIDS MUST APPEAR IN MINORITY-OWNED MEDIA NO LESS THAN 10 DAYS BEFORE BIDS ARE DUE FOR SPECIFIC CONTRACTING OPPORTUNITIES.

(B) NOTICES TO TRADE ASSOCIATIONS.

A WRITTEN NOTIFICATION OF CONTRACTING OPPORTUNITIES MUST BE SENT TO MINORITY AND WOMEN'S BUSINESS TRADE ASSOCIATIONS AND CONTRACTOR'S ASSOCIATIONS NO LESS THAN 10 DAYS BEFORE BIDS ARE DUE.

(C) SOLICITATION MATERIALS.

ALL CONTRACT SOLICITATIONS MUST INCLUDE THE MBE/WBE POLICY AND ANY RELATED MATERIALS REQUIRED BY THE BID DOCUMENTS.

§ 28-70. CONTRACT DIVISION.

ALL CONTRACTING OPPORTUNITIES MUST BE EVALUATED IN AN EFFORT TO DIVIDE THE TOTAL REQUIREMENTS OF A CONTRACT TO PROVIDE REASONABLE OPPORTUNITIES FOR PARTICIPATION BY MINORITY AND WOMEN'S BUSINESS ENTERPRISES.

§ 28-71. PAYMENT PROCEDURES.

EACH CONTRACTING AGENCY MUST ESTABLISH PROCEDURES TO ENSURE THAT:

- (1) ALL CONTRACTORS WHO SUBMIT CORRECT INVOICES ARE PAID WITHIN 30 DAYS; AND
- (2) ALL SUBCONTRACTORS ARE PAID WITHIN 7 DAYS AFTER THE CITY PAYS THE GENERAL CONTRACTOR.

§ 28-72. CONDITIONING NOTICE TO PROCEED.

EACH CONTRACTING AGENCY MUST ESTABLISH GUIDELINES TO ENSURE THAT A NOTICE TO PROCEED IS NOT ISSUED UNTIL THE CONTRACTING AGENCY HAS RECEIVED COPIES OF ALL DOCUMENTS NEEDED TO EVIDENCE THE CONTRACTOR'S FULFILLMENT OF ITS COMMITMENTS UNDER THIS SUBTITLE.

§ 28-73. DOCUMENTATION.

EACH CONTRACTING AGENCY MUST SUBMIT TO THE OFFICE ALL STATISTICS AND DOCUMENTATION THAT THE OFFICE REQUESTS.

§§ 28-74 TO 28-75. {RESERVED}**PART IX. CERTIFICATION****§ 28-76. REQUIRED BEFORE BID OPENING.****(A) IN GENERAL.**

FOR THE PURPOSES OF DETERMINING COMPLIANCE WITH CONTRACT GOALS, A BUSINESS ENTERPRISE MAY BE COUNTED AS AN MBE OR WBE ONLY IF IT HAS BEEN SO CERTIFIED BY THE OFFICE BEFORE BID OPENING.

(B) EFFECT ON PARTICIPATION AMOUNT.

IF A BUSINESS LISTED IN A BIDDER'S INFORMATION AND UTILIZATION COMMITMENT FORM HAS NOT BEEN CERTIFIED, THE AMOUNT OF PARTICIPATION WILL BE DEDUCTED FROM THE TOTAL MBE OR WBE UTILIZATION IN DETERMINING WHETHER THE BIDDER IS RESPONSIVE.

§ 28-77. MBES — MINORITY GROUP ELIGIBILITY.**(A) IN GENERAL.**

FOR A BUSINESS ENTERPRISE TO BE ELIGIBLE FOR CERTIFICATION AS A MINORITY BUSINESS ENTERPRISE, THE MINORITY GROUP MEMBERS WHO OWN AND CONTROL THE BUSINESS ENTERPRISE MUST BE FROM 1 OR MORE MINORITY GROUPS FOR WHICH A UTILIZATION DISPARITY HAS BEEN IDENTIFIED.

(B) ANNUAL REVIEW.

ANNUALLY, THE OFFICE MUST REVIEW THE RELEVANT DATA AND DETERMINE WHICH MINORITY GROUPS ARE ELIGIBLE.

§ 28-78. MBEs AND WBEs — GENERAL CRITERIA.**(A) GENERAL ELIGIBILITY REQUIREMENTS.**

TO BE ELIGIBLE FOR CERTIFICATION AS A MINORITY BUSINESS ENTERPRISE OR WOMEN'S BUSINESS ENTERPRISE, THE BUSINESS ENTERPRISE MUST:

- (1) BE AN INDEPENDENT, OPERATING BUSINESS;
- (2) HAVE BEEN IN OPERATION FOR AT LEAST 12 MONTHS BEFORE APPLYING FOR CERTIFICATION;
- (3) HAVE BEEN MINORITY- OR WOMEN-OWNED FOR AT LEAST 12 MONTHS BEFORE APPLYING FOR CERTIFICATION; AND
- (4) HAVE AN OPERATING OFFICE IN THE BALTIMORE CITY MARKET AREA.

(B) OPERATING OFFICE.

TO DETERMINE WHETHER THE BUSINESS ENTERPRISE HAS THE REQUIRED OPERATING OFFICE, THE OFFICE WILL CONSIDER THE OFFICE ARRANGEMENTS, INDUSTRY PRACTICES, AND OTHER RELEVANT FACTORS.

§ 28-79. MBEs AND WBEs — CONTROL.**(A) IN GENERAL.****(1) THE OWNERSHIP AND CONTROL BY MINORITIES OR WOMEN MUST BE:**

- (I) REAL AND SUBSTANTIAL; AND
- (II) INDICATED BY THE CUSTOMARY INCIDENTS OF OWNERSHIP, AS DEMONSTRATED BY AN EXAMINATION OF THE SUBSTANCE RATHER THAN THE FORM OF OWNERSHIP AND OPERATING ARRANGEMENTS.

(2) THE MINORITY OR WOMEN OWNERS MUST POSSESS THE POWER:

- (I) TO DIRECT OR CAUSE THE DIRECTION OF THE MANAGEMENT AND POLICIES OF THE BUSINESS ENTERPRISE; AND
- (II) TO MAKE DAY-TO-DAY DECISIONS, AS WELL AS DECISIONS ON MATTERS OF MANAGEMENT, POLICY, AND OPERATIONS.

(B) RESTRICTIONS PRECLUDED.

- (1) THE BUSINESS ENTERPRISE MAY NOT BE SUBJECT TO ANY FORMAL OR INFORMAL RESTRICTIONS THAT LIMIT THE CUSTOMARY DISCRETION OF THE MINORITY OR WOMEN OWNERS.
- (2) THERE MAY NOT BE ANY RESTRICTION, WHETHER BY PARTNERSHIP AGREEMENT, CHARTER REQUIREMENTS, OR OTHER ARRANGEMENT, THAT PREVENTS THE MINORITY OR WOMEN OWNERS FROM MAKING BUSINESS DECISIONS WITHOUT THE COOPERATION OR VOTE OF ANY OWNER WHO IS NOT A MINORITY OR A WOMAN.

(C) 12-MONTH PREREQUISITE.

THE OPERATING ARRANGEMENTS AND THE OWNERSHIP AND CONTROL BY THE MINORITY GROUP MEMBERS MUST HAVE BEEN IN OPERATION FOR AT LEAST 12 MONTHS BEFORE APPLYING FOR CERTIFICATION.

§ 28-80. MBEs AND WBES -- SIZE STANDARDS; "GRADUATION".

(A) BOARD TO SET STANDARDS.

- (1) WITH THE ADVICE OF THE OFFICE, THE BOARD OF ESTIMATES MUST ESTABLISH A MAXIMUM SIZE STANDARD FOR MINORITY AND WOMEN'S BUSINESS ENTERPRISES.
- (2) THERE MUST BE SEPARATE SIZE STANDARDS FOR SEPARATE BUSINESS CATEGORIES.
- (3) THE BOARD OF ESTIMATES MUST REVIEW THE SIZE STANDARDS ANNUALLY

(B) CERTIFICATION CONTINGENT.

A BUSINESS ENTERPRISE MAY NOT BE CERTIFIED AS AN MBE OR WBE OR, ONCE CERTIFIED, HAVE ITS CERTIFICATION RENEWED IF, ON THE EFFECTIVE DATE OF THE APPLICATION OR RENEWAL, THE MBE OR WBE EXCEEDS THE SIZE STANDARD ESTABLISHED BY THE BOARD OF ESTIMATES UNDER THIS SUBSECTION.

§ 28-81. CERTIFICATION INVESTIGATIONS.

(A) IN GENERAL.

THE OFFICE MAY INVESTIGATE A BUSINESS ENTERPRISE'S OWNERSHIP, MANAGEMENT, QUALIFICATIONS, AND OTHER RELEVANT MATTERS BEYOND FORMAL DOCUMENTATION:

- (1) AT THE INITIAL CERTIFICATION; AND
- (2) DURING CERTIFICATION OR RECERTIFICATION.

(B) SCOPE.

TO THE EXTENT REASONABLY NECESSARY TO ENSURE COMPLIANCE, THESE INVESTIGATIONS MAY INCLUDE, BUT ARE NOT LIMITED TO:

- (1) PERSONAL INTERVIEWS WITH PERSONS HAVING KNOWLEDGE OR RELEVANT INFORMATION RELATING TO A BUSINESS ENTERPRISE'S ELIGIBILITY, CERTIFICATION, OR DECERTIFICATION;
- (2) PERSONAL INTERVIEWS WITH BIDDERS, CONTRACTORS, VENDORS, OR SUPPLIERS INVOLVED IN A JOINT VENTURE OR CONTRACTUAL RELATIONSHIP WITH THE BUSINESS ENTERPRISE;
- (3) REVIEWING RECORDS PERTAINING TO CERTIFICATION; AND
- (4) CONDUCTING RANDOM, ON-SITE VISITS, AUDITS, OR RELEVANT INQUIRIES.

§ 28-82. DECERTIFICATION.

THE OFFICE MAY DECERTIFY A BUSINESS THAT IT DETERMINES NO LONGER MEETS THE CERTIFICATION CRITERIA.

§ 28-83. CERTIFICATION APPEALS.**(A) OFFICE DETERMINATIONS.**

ALL ADVERSE CERTIFICATION DETERMINATIONS BY THE OFFICE MUST:

- (1) BE IN WRITING;
- (2) INCLUDE THE REASONS FOR THE DETERMINATION; AND
- (3) BE SENT TO THE AFFECTED BUSINESS ENTERPRISE.

(B) APPEAL.

- (1) AN AGGRIEVED PARTY HAS A RIGHT TO PROTEST AN ADVERSE CERTIFICATION DETERMINATION AND SEEK ADMINISTRATIVE REVIEW.
- (2) TO OBTAIN ADMINISTRATIVE REVIEW, THE AGGRIEVED PARTY MUST SUBMIT A WRITTEN PROTEST TO THE CHIEF WITHIN 7 DAYS OF RECEIPT OF THE ADVERSE DETERMINATION.
- (3) THE PROTEST MUST SPECIFY THE REASONS AND FACTUAL GROUNDS OF THE PROTEST AND BE ACCOMPANIED BY ANY SUPPORTING DOCUMENTS.

(C) ACTION BY CHIEF.

WITHIN 15 DAYS OF RECEIPT OF THE PROTEST, THE CHIEF MUST:

- (1) REVIEW THE PROTEST AND ALL RELEVANT SUPPORTING DOCUMENTS; AND
- (2) RENDER A WRITTEN DECISION THAT INCLUDES THE REASONS FOR THE DECISION.

(D) HEARING.

- (1) AFTER ALL DEPARTMENTAL REMEDIES HAVE BEEN EXHAUSTED, THE AGGRIEVED APPLICANT MAY REQUEST A HEARING BEFORE A PANEL OF INDEPENDENT HEARING OFFICERS, WITH 1 MEMBER OF THE PANEL BEING APPOINTED BY THE PRESIDENT OF THE CITY COUNCIL AND THE OTHER MEMBERS OF THE PANEL BEING APPOINTED BY THE CITY SOLICITOR.
- (2) THE HEARING OFFICER MUST BE KNOWLEDGEABLE OF BALTIMORE CITY PROCUREMENT LAWS AND PROCEDURES, INCLUDING THIS SUBTITLE.

§§ 28-84 TO 28-85. {RESERVED}

PART X. ENFORCEMENT

§ 28-86. OFFICE TO MONITOR COMPLIANCE.

DURING THE TERM OF A CONTRACT SUBJECT TO THIS SUBTITLE, THE OFFICE MUST MONITOR CONTINUED COMPLIANCE WITH THIS SUBTITLE.

§ 28-87. NONCOMPLIANCE - CONTRACTOR OR SUBCONTRACTOR.

(A) NOTICE AND ATTEMPT TO RESOLVE.

IF THE OFFICE FINDS CAUSE TO BELIEVE THAT A CONTRACTOR OR SUBCONTRACTOR HAS FAILED TO COMPLY WITH ANY REQUIREMENT OF THIS SUBTITLE OR WITH ANY CONTRACT PROVISION RELATING TO UTILIZATION UNDER THIS SUBTITLE, THE OFFICE MUST:

- (1) SO NOTIFY THE CONTRACTING AGENCY AND THE CONTRACTOR; AND
- (2) ATTEMPT TO RESOLVE THE NONCOMPLIANCE THROUGH CONCILIATION.

(B) REFERRAL TO BOARD OF ESTIMATES.

- (1) IF THE NONCOMPLIANCE CANNOT BE RESOLVED, THE OFFICE AND THE CONTRACTING AGENCY MUST SUBMIT WRITTEN FINDINGS AND RECOMMENDATIONS TO THE BOARD OF ESTIMATES.
- (2) THE BOARD OF ESTIMATES MAY IMPOSE SANCTIONS IN ACCORDANCE WITH PART XI OF THIS SUBTITLE.

§ 28-88. NONCOMPLIANCE - AGENCY.

(A) NOTICE AND ATTEMPT TO RESOLVE.

IF, AFTER INVESTIGATION, THE OFFICE FINDS THAT A CONTRACTING AGENCY HAS FAILED TO COMPLY WITH A PROVISION OF THIS SUBTITLE, THE OFFICE MUST:

- (1) SEND THE AGENCY A WRITTEN FINDING THAT SPECIFIES THE NATURE OF THE NONCOMPLIANCE; AND
- (2) ATTEMPT TO RESOLVE THE NONCOMPLIANCE THROUGH CONFERENCE AND CONCILIATION.

(B) REFERRAL TO BOARD OF ESTIMATES.

- (1) IF THE NONCOMPLIANCE CANNOT BE RESOLVED, THE OFFICE MUST SUBMIT ITS WRITTEN FINDINGS AND RECOMMENDATIONS TO THE BOARD OF ESTIMATES.
- (2) THE BOARD OF ESTIMATES MAY TAKE APPROPRIATE ACTION TO SECURE COMPLIANCE.

§ 28-89. OFFICE MAY REQUIRE REPORTS, ETC.

THE OFFICE MAY REQUIRE CONTRACTORS, BIDDERS, CONTRACTING AGENCIES, AND THE HEAD OF ANY CITY AGENCY TO SUBMIT ANY REPORTS, DOCUMENTS, OR OTHER INFORMATION REASONABLY NECESSARY TO DETERMINE COMPLIANCE WITH THIS SUBTITLE.

§ 28-90. AGENCIES TO KEEP RECORDS.**(A) RECORDS REQUIRED.**

A CONTRACTING AGENCY MUST KEEP ACCURATE RECORDS FOR EACH CONTRACT IT AWARDS.

(B) CONTENTS.

THESE RECORDS MUST INCLUDE:

- (1) DOLLAR VALUE OF CONTRACT;
- (2) NATURE OF GOODS OR SERVICES TO BE PROVIDED;
- (3) NAME OF CONTRACTOR;
- (4) EFFORTS EMPLOYED TO SOLICIT BIDS FROM CERTIFIED MINORITY AND WOMEN'S BUSINESS ENTERPRISES; AND
- (5) ALL SUBCONTRACTS AWARDED BY THE CONTRACTOR, IDENTIFYING FOR EACH:
 - (I) DOLLAR VALUE;
 - (II) NATURE OF GOODS OR SERVICES PROVIDED;
 - (III) NAME OF SUBCONTRACTOR; AND
 - (IV) RACE/ETHNICITY AND SEX OF SUBCONTRACTOR'S OWNER.

§ 28-91. ANNUAL REPORT.**(A) REPORT REQUIRED.**

THE OFFICE MUST SUBMIT AN ANNUAL REPORT TO THE MAYOR AND THE CITY COUNCIL ON THE CITY'S PROGRESS TOWARD THE UTILIZATION GOALS ESTABLISHED UNDER THIS SUBTITLE.

(B) CONTENTS.

THE REPORT MUST INCLUDE:

- (1) ANY PROBLEMS; AND
- (2) SPECIFIC RECOMMENDATIONS FOR IMPROVING THE CITY'S PERFORMANCE.

§§ 28-92 TO 28-95. {RESERVED}**PART XI. PENALTIES****§ 28-96. ADMINISTRATIVE PENALTIES.**

A CONTRACTOR WHO FAILS TO COMPLY WITH ANY PROVISION OF THIS SUBTITLE IS SUBJECT TO ANY OR ALL OF THE FOLLOWING PENALTIES:

- (1) SUSPENSION OF CONTRACT;

- (2) WITHHOLDING OF FUNDS;
- (3) RESCISSION OF CONTRACT BASED ON MATERIAL BREACH;
- (4) REFUSAL TO ACCEPT A BID;
- (5) DISQUALIFICATION OF A BIDDER, CONTRACTOR, OR OTHER BUSINESS FROM ELIGIBILITY FOR PROVIDING GOODS OR SERVICES TO THE CITY FOR A PERIOD NOT TO EXCEED 2 YEARS; AND
- (6) PAYMENT OF LIQUIDATED DAMAGES.

§ 28-97. {RESERVED}

§ 28-98. CRIMINAL PENALTIES.

(A) PROHIBITED CONDUCT.

NO PERSON MAY:

- (1) FRAUDULENTLY OBTAIN, RETAIN, ATTEMPT TO OBTAIN OR RETAIN, OR AID ANOTHER IN FRAUDULENTLY OBTAINING, RETAINING, OR ATTEMPTING TO OBTAIN OR RETAIN CERTIFICATION UNDER THIS SUBTITLE;
- (2) IN ANY MATTER ADMINISTERED UNDER THIS SUBTITLE, WILLFULLY FALSIFY, CONCEAL, OR COVER UP BY A TRICK, SCHEME, OR DEVICE A MATERIAL FACT OR MAKE ANY FALSE WRITING OR DOCUMENT KNOWING THAT IT CONTAINS ANY FALSE, FICTITIOUS, OR FRAUDULENT STATEMENT OR ENTRY;
- (3) WILLFULLY OBSTRUCT, IMPEDE, OR ATTEMPT TO OBSTRUCT OR IMPEDE AN AUTHORIZED OFFICIAL OR EMPLOYEE WHO IS INVESTIGATING THE QUALIFICATIONS OF A BUSINESS ENTERPRISE THAT HAS REQUESTED CERTIFICATION UNDER THIS SUBTITLE;
- (4) FRAUDULENTLY OBTAIN, ATTEMPT TO OBTAIN, OR AID ANOTHER IN FRAUDULENTLY OBTAINING OR ATTEMPTING TO OBTAIN PUBLIC MONEY TO WHICH THE PERSON IS NOT ENTITLED UNDER THIS SUBTITLE; OR
- (5) MAKE A FALSE STATEMENT TO ANY PERSON OR ENTITY THAT ANOTHER PERSON OR ENTITY IS OR IS NOT CERTIFIED UNDER THIS SUBTITLE.

(B) PENALTIES.

ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO IMPRISONMENT FOR NOT MORE THAN 1 YEAR, TO A FINE OF NOT MORE THAN \$1,000, OR TO BOTH IMPRISONMENT AND FINE.

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 on the 30th day after the date it is enacted.

Approved November 28, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-099
(Council Bill 00-046)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use Convalescent, Nursing, and Rest Home —
2309 Chelsea Terrace**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a convalescent, nursing, and rest home on the property known as 2309 Chelsea Terrace, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning
Section(s) 4-704 and 14-102
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of a convalescent, nursing, and rest home on the property known as 2309 Chelsea Terrace, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 4-704 and 14-102 of the Baltimore City Code, subject to the ~~condition that~~ following conditions:

1. the maximum number of resident-clients is 15;
2. the minimum age of resident-clients is 60 years, but any current resident-client at the site, under the age of 60 years, may remain; however, the home may not accept new resident-clients under the age of 60;
3. there may be no more than 2 persons per sleeping room;
4. 24-hour supervision must be provided;
5. there may be no exterior sign on the facility other than a nameplate no larger than 6 inches wide by 6 inches high; and
6. the home ~~complies~~ must comply with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor

approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved December 4, 2002

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-100
(Council Bill 00-121)**

AN ORDINANCE CONCERNING

**Planned Unit Development — Amendment 2 —
Mt. Washington Mill**

FOR the purpose of approving certain amendments to the Development Plan of the Mt. Washington Mill Planned Unit Development.

BY authority of
Article - Zoning
Title 9
Baltimore City Revised Code
(Edition 2000)

Recitals

By Ordinance 92-077, as amended by Ordinance 94-456, the Mayor and City Council approved the application of Washingtonville Limited Partnership to have certain property, consisting of 7 acres, more or less, designated as a Planned Unit Development and approved the Development Plan submitted by the applicant.

Washingtonville Limited Partnership wishes to amend the Development Plan, as previously approved by the Mayor and City Council, to revise certain permitted uses.

On December 3, 1999, representatives of the Washingtonville Partnership met with the Department of Planning for a preliminary conference, to explain the scope and nature of the proposed amendments to the Development Plan.

The representatives of the Washingtonville Partnership have applied to the Baltimore City Council for approval of these amendments, and they have submitted amendments to the Development Plan intended to satisfy the requirements of Title 9 of the Baltimore City Zoning Code.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council approves the amendments to the Development Plan submitted by the Developer, as contained in the Amended Sheet 1 (Plan Index, dated March 22, 2000), Amended Sheet 2 (Existing Conditions, dated

March 22, 2000), and Amended Sheet 6 (Development Plan dated March 22, 2000), attached to this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That Section 3(b)(1) of Ordinance 92-077, as amended by Ordinance 94-456, is amended to read as follows:

[(1)] (I) In addition, the following uses specified in [Chapter 6 of the Zoning Ordinance] TITLE 6 OF THE ZONING CODE OF BALTIMORE CITY as permitted uses in the Business Zoning Districts, together with all accessory uses incidental to them, are specifically authorized as permitted uses in the Planned Unit Development: art and school supply stores; art needlework shops; bakeries (including sale of bakery products to restaurants, hotels, clubs, and similar establishments); blueprinting and photostating establishments; [book and magazine stores and similar establishments (Class A)] BOOK STORE: GENERAL; business and office machine sales, rental, and service; camera and photographic supply stores; catering establishments (off premises), food; communication systems sales and service; electrical and household appliance repair stores; financial institutions; florist shops; food stores (excluding convenience stores); GARDEN SUPPLY STORES; gift and card shops; ICE CREAM STORES; interior decorating shops (including upholstering, etc., when conducted as an accessory use); junior colleges, colleges, business colleges, and universities (Maryland Institute College of Art, including their continuing education program); libraries and galleries; LIQUOR STORE AS DESCRIBED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH; medical and dental clinics; musical instruments sales and repairs; offices (business, governmental, and professional); office supply stores; optician sales; orthopedic and medical appliance stores; pharmacies; photocopying services; photographers; photographic printing and developing establishments; picture framing shops; processing, cleaning, servicing, testing, or repairs of materials, goods, or products; production and repair of clothing (custom manufacturing and alterations), art and art craft, dentures, and optical lenses; radio and television stations and studios; recording studios; restaurants and lunch rooms (but not including live entertainment or dancing); schools, commercial; schools, trade; schools and studios (music, dance, and business); secretarial and telephone answering services; security sales, brokerages, and exchanges; stationery stores; tailor or dressmaking shops, for custom work or repairs; ticket agencies; tobacco shops; travel bureaus; wearing apparel shops.

(II) A 2,250 square foot high quality liquor store is permitted in the Engine House, with a maximum of 20% of the display area utilized for hard liquor display and the remainder being used for display of wine and beer or storage. Alcohol may be sold for off-premise consumption with the following restrictions:

1. NO SALES OF SINGLE CANS AND MINIATURES;
2. no sales of chemically-fortified wines;
3. no sales of malt beverages greater than 22% alcohol by volume; and
4. no Sunday sales other than that permitted under authority of the Baltimore City Liquor Board.

SECTION 3. AND BE IT FURTHER ORDAINED, That Section 4 of Ordinance 92-077, as amended by Ordinance 94-456, is amended to read as follows:

Section 4. And be it further ordained, That all retail uses authorized under Section 3(b) of the Ordinance shall be limited to the following locations in the Mt. Washington Mill Planned Unit Development: first floor of Old Office Building; first floor of Carpenter Shop; Dye House; Engine House; Link Building (to be constructed); Boiler House; Forge Building; first and second floor of

Wheel House (3 story portion of Stone Mill at western end) [and] Byrne Building, AND 1405 AND 1407 FORGE AVENUE BUILDINGS.

SECTION 4. AND BE IT FURTHER ORDAINED, That Section 5(b)(2) of Ordinance 92-077, as amended by Ordinance 94-456, is amended to read as follows:

(b) Limit on Retail and School Uses

(2) The net leasable area in the Planned Unit Development for all retail uses authorized under Section 3(b) of this Ordinance shall not exceed [6,000] ~~12,000~~ 13,500 square feet for all retail uses other than a food store and a maximum net leasable area of 24,500 square feet for a food store in the forge building; however, should the Old Forge Building be occupied by a food store, such use shall be the exclusive use and no office space other than office space incidental to the operation of that food store will be permitted. If the food store does not occupy the Old Forge Building the permitted office use of the building shall revert to that originally authorized by the Ordinance.

SECTION 5. AND BE IT FURTHER ORDAINED, That new Section 6 be added to Ordinance 92-077, as amended by Ordinance 94-456, to read as follows:

SECTION 6. AND BE IT FURTHER ORDAINED, THAT THE LAND USES OF THE MT. WASHINGTON PLANNED UNIT DEVELOPMENT ARE SUBJECT TO THE FOLLOWING CONDITIONS:

- (1) THE GUARD HOUSE MAY NOT BE USED FOR RETAIL USES;
- (2) THE EXPANSION OR RE-ESTABLISHMENT OF THE EXISTING DIALYSIS CENTER IS PROHIBITED. IF THE DIALYSIS CENTER IS CLOSED AND NOT RE-ESTABLISHED WITHIN 3 MONTHS, THE USE IS NO LONGER PERMITTED;
- (3) NO OVERNIGHT PARKING OF VEHICLES IS PERMITTED;
- (4) NO LONG TERM PARKING, OF 12 HOURS OR MORE, IS PERMITTED FOR LIGHT RAIL USAGE; AND
- (5) THE FOLLOWING USES ARE PROHIBITED:
 - (A) CHILD AND ADULT DAY CARE CENTERS;
 - (B) NURSING HOME, REST HOME, AND CONVALESCENT CENTERS; AND
 - (C) HOTEL, MOTELS, AND BED AND BREAKFAST ESTABLISHMENTS.

and, in Ordinance 92-077, as amended by Ordinance 94-456, renumber Sections "6", "7", "8", "9", "10", and "11", respectively, to be Sections "7", "8", "9", "10", "11", and "12", respectively.

SECTION 5 6. AND BE IT FURTHER ORDAINED, That all plans for the construction of permanent improvements on the property must be reviewed by the Planning Commission to insure that the plans are consistent with the Development Plan and this Ordinance.

SECTION 6 7. AND BE IT FURTHER ORDAINED, That the Planning Department may determine what constitutes minor or major modifications to the Plan. Minor modifications require approval by the Planning Commission. Major modifications require approval by Ordinance.

SECTION 7 8. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying amended Development Plan and in order to give notice to the agencies that administer the City Zoning

Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the amended Development Plan; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the amended Development Plan; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the amended Development Plan to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 8 9. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved December 4, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-101
(Council Bill 00-188)**

AN ORDINANCE CONCERNING

**Zoning — Health-Care Facilities —
Conditional Use Substance Abuse Treatment Center —
1851 West Pratt Street**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a substance abuse treatment center on the property known as 1851 West Pratt Street, as outlined in red on the accompanying plat.

BY authority of
Article 30 - Zoning
Section(s) 6-409 (1) and 14-102
and
Article - Health
Section 3-102
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of a substance abuse treatment center on the property known as 1851 West Pratt Street, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 6-409(1) and 14-102 and Health Code § 3-102, subject to the ~~condition that~~ following conditions:

1. the maximum number of clients enrolled on site is 35 full-time equivalents as calculated on a 5-day, 40-hour work week; as calculated, if a patient only comes for treatment once a week, that counts as 1/5th of an equivalent, and this cap does not limit the hours of operation for the facility;
2. there may be no exterior sign on the facility other than a nameplate no larger than 6 inches wide by 6 inches high;

3. the outdoor "smoking area" is limited to the rear of the property and may not be on the public right-of-way (sidewalk or street);
4. no one may reside on the premises, but the facility may operate 24 hours a day;
5. the creation of doorways in the party wall between 1949 and 1851 West Pratt Street or the consolidation of the lots does not constitute a change in conditional use;
6. the Center may not dispense medication; and
7. the substance abuse treatment center complies with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved December 4, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-102
(Council Bill 00-212)**

AN ORDINANCE CONCERNING

Rezoning — 3601-3611 Elm ~~Street~~ Avenue

FOR the purpose of changing the zoning for the property known as 3601-3611 Elm ~~Street~~ Avenue, as outlined in red on the accompanying plat, from the B-1-2 Zoning District to the B-2-2 Zoning District.

BY amending

Article 30 - Zoning
Zoning District Maps
Sheet(s) 25
Baltimore City Code

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 25 of the Zoning District Maps is amended by changing from the B-1-2 Zoning District to the B-2-2 Zoning District the property known as 3601-3611 Elm ~~Street~~ Avenue, as outlined in red on the plat accompanying this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved December 4, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-103
(Council Bill 00-220)**

AN ORDINANCE CONCERNING

Property Tax Credit — Historic Restoration and Rehabilitation

FOR the purpose of ~~repealing~~ extending the application deadlines for an historic property tax credit; ~~and authorizing participation by properties also eligible for a certain other credit, subject to a reduction; providing for a special effective date; and generally relating to property tax credits for historic restoration and rehabilitation.~~

BY repealing and reordaining, with amendments

Article 28 - Taxes

Section(s) ~~10-8(m)~~ 10-8(d), (i), and (m)

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 28 - Taxes

Subtitle 10 - Credits

§ 10-8. Historic restorations and rehabilitations.

(d) Amount of credit.

- (1) [Except as provided in] SUBJECT TO THE LIMITATIONS IMPOSED BY PARAGRAPH (2) OF THIS SUBSECTION AND BY subsection (g) of this section, the property tax credit granted under this section shall equal the difference between:

- (I) [(1)] the property tax that, but for the tax credit, would be payable after the completion of the eligible improvements; and
- (II) [(2)] the property tax that would be payable if the eligible improvements were not made.
- (2) THE CREDIT CALCULATED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE REDUCED BY THE AMOUNT OF THE CREDIT, IF ANY, FOR WHICH THE PROPERTY IS ELIGIBLE UNDER THE MARYLAND ENTERPRISE ZONE TAX CREDIT PROGRAM.

(i) No tax subsidy duplication allowed.

[The] EXCEPT FOR THE MARYLAND STATE ENTERPRISE ZONE TAX CREDIT PROGRAM, THE historic property tax credit does not apply to any property for which any other tax subsidy from the City, whether in the form of a tax credit, payment in lieu of taxes, or otherwise, is being received or has been applied for.

{(m) Termination of program.

- [(1) Applications for the credit for projects exceeding \$3.5 million in development costs will not be accepted after September 3, 2000.
- (2) Applications for projects other than those exceeding \$3.5 million in development costs will not be accepted after January 3, 2001.]

APPLICATIONS FOR THE CREDIT MAY NOT BE ACCEPTED AFTER JANUARY 3, 2006.

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 on the date it is enacted.
Approved December 4, 2000

MARTIN O'MALLEY, Mayor

RESOLUTIONS
PASSED AT THE ANNUAL SESSION
1999-2000

CITY OF BALTIMORE
RESOLUTION 00-001
(Council Bill 00-039)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

Let's Bring Back the City Fair!

FOR the purpose of forming a committee of various City Agencies, representatives of the Baltimore business community, members of church and civic groups, and residents of Baltimore City's multi-cultural neighborhoods to work together to develop a plan to revive the Baltimore City Fair in the year 2001; and providing for a special effective date.

Recitals

In 1970, the first Fair, held in Charles Center, was considered something of a civic miracle because it attracted people of all racial and ethnic backgrounds to the center of a city suffering from the reputation of a place to be avoided, left to those who could not escape, the old and the poor. The Fair caused people to venture into the very center of the cauldron of racial tensions that had exploded in the 1968 riot, after the assassination of Martin Luther King, Jr.

The Fair was a huge success in fulfilling its original mission of celebrating neighborhoods and urban living and of bringing people back downtown. The City Fair was one of the most important instruments in creating a less forbidding atmosphere that encouraged people to come back downtown to shop and to play. It is credited with providing visionaries the seeds of hope and inspiration that developed the Inner Harbor.

When the Fair officially folded its tents in 1992, organizers called the Fair a victim of its own success. It was said to have achieved its purpose of returning downtown Baltimore to a place where people congregated. The Baltimore City Fair succeeded, where other more erudite efforts failed, to intertwine community factions, to soften the lines between neighborhood turfs, and to bridge the communication gap between blacks and whites. What was unique about the City Fair was its "people-ness".

The conveniences of the computer age render direct communication between people practically obsolete— we get our news from the TV instead of the next-door-neighbor, we watch movies from the convenience of our home instead of in popcorn-strewn theaters, and we meet, court, and even find life-mates over the internet, instead of the good old-fashioned "diner and a movie" dating ritual.

In the recent election, the people of the City of Baltimore demonstrated a sense of renewed commitment to the overall well-being of our City. This commitment is blind to color, gender, and ethnicity. Baltimore City welcomes the dawning of the new millennium with a revitalized spirit of hope, a determined sense of cohesiveness, a celebration of a shared heritage of good times and bad, and a faith that valuable lessons have been learned from our past.

A touch of "people-ness" is just what we need to celebrate the renewal of spirit in Baltimore's "patchwork quilt" of neighborhoods. Let's bring back the times of Baltimore neighborhoods showing-off their innovative ways of enjoying and facing the challenges of life in the City. Let's bring back the nostalgic days of homemade booths, simple rides, and handmade treasures. Let's bring back all that stuff — the stuff you could

pretty much count on to be just about the same as it was last year. The stuff that creates memories of a pleasant September day in downtown Baltimore. The stuff that is, as they say on TV, "priceless".

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That a committee of various City agencies, representatives of the Baltimore business community, members of church and civic groups, and residents of Baltimore City's multi-cultural neighborhoods be formed to work together to develop a plan to revive the Baltimore City Fair in the year 2001.

SECTION 2. AND BE IT FURTHER RESOLVED, That the Department of Housing and Community Development, the Department of Planning, the Downtown Partnership, Communities listed in the Community Directory, the Greater Baltimore Committee, the President's Roundtable, the Baltimore Chamber of Commerce, the Baltimore Office of Promotion, the Baltimore Area Convention and Visitors Association, the Department of Public Works, and the Interdenominational Council of Churches be requested to take part in the committee's activities.

SECTION 3. AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to those requested to participate.

SECTION 4. AND BE IT FURTHER RESOLVED, That this Resolution takes effect on the date it is enacted.

Approved March 31, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
RESOLUTION 00-002
(Council Bill 00-048)**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

**Reducing the Mass Transit Administration's
Farebox Recovery Requirement**

FOR the purpose of advising the Governor, the Secretary of the Maryland Department of Transportation, and the Chairs of the Baltimore City Senate and House Delegations to the 2000 Maryland General Assembly of the Mayor and City Council's support for House Bill 1248 and Senate Bill 811, which reduces the Mass Transit Administration's farebox recovery requirement for Baltimore City's Mass Transit Bus, Light Rail, and Metro systems from 50% to 40%; and providing for a special effective date.

Recitals

Under current law, the Baltimore City Mass Transit Bus, Light Rail, and Metro systems must provide the Maryland Transportation Authority with 50% of their operating revenues.

While the national average for farebox recovery is 35%, the Maryland General Assembly has continued to hold the Baltimore City Mass Transit Administration to a 50% requirement.

This extraordinarily high and burdensome requirement has deprived the Mass Transit Administration of the funds necessary to provide additional services to meet the transportation needs of the citizens of Baltimore.

As a result, while fewer than 7% of all welfare recipients have access to an automobile, more than 35% of all new entry-level jobs in the Baltimore region are inaccessible by public transportation.

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Governor, the Secretary of the Maryland Department of Transportation, and the Chairs of the Baltimore City Senate and House Delegations to the 2000 Maryland General Assembly are advised of the Mayor and City Council's support for House Bill 1248 and Senate Bill 811, which reduces the Mass Transit Administration's farebox recovery requirement for Baltimore City's Mass Transit Bus, Light Rail, and Metro systems from 50% to 40%.

SECTION 2. AND BE IT FURTHER RESOLVED, That this Resolution takes effect on the date it is enacted.

Approved February 29, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
RESOLUTION 00-003
(Council Bill 00-160)**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

**Patterson Park Community Development Corporation —
Maryland Home Financing Program**

FOR the purpose of approving the development of certain housing in neighborhoods surrounding Patterson Park.

Recitals

The Mayor and City Council of Baltimore recognizes that a significant need exists in Baltimore for quality housing for families of limited income.

Patterson Park Community Development Corporation proposes to rehabilitate approximately 30 single-family rowhouse units.

For this purpose, Patterson Park Community Development Corporation has requested the State Community Development Administration to provide, pursuant to its authority under State Code Article 83B, Title 2, Subtitle 6, the permanent financing for \$2 million in mortgages.

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council endorses and approves the Patterson Park Community Development Corporation's proposed rehabilitation project.

SECTION 2. AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Secretary of the Maryland Department of Housing and Community Development.

Approved May 31, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
RESOLUTION 00-004
(Council Bill 00-191)**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

Demolition of Memorial Stadium — Stadium Place

FOR the purpose of requesting that the Maryland Stadium Authority immediately proceed with the demolition and clean-up of Memorial Stadium.

Recitals

The General Assembly has appropriated funds to the Maryland Stadium Authority for the demolition and clean-up of Memorial Stadium. The Maryland Stadium Authority, previously uncertain of the City's plans for the stadium site, has not aggressively proceeded with the demolition. As a result of this uncertainty, the deadline for the initial phase of the proposed development, originally designated for January 2001, has been extended to July 2001, and perhaps beyond.

The Govans Ecumenical Development Corporation, and Presbyterian Homes Inc., (Stadium Place, Inc.), the YMCA of Central Maryland, and the Humphry Company, with assistance from the Baltimore Commission on Aging and Retirement Education, have proposed to develop a comprehensive seniors housing, and community development center called Stadium Place.

Intended as a tribute to the World War II generation, Stadium Place will be an attractive and affordable state-of-the-art community for veterans, their widows, widowers, and other seniors. The development will include housing, a nursing home and assisted living facility, medical and dental offices, recreational facilities, a restaurant, an adult day care facility, professional offices, a computer training center, a new YMCA, and more.

The community surrounding this proposed development currently lacks many of the amenities that are incorporated in the Stadium Place development plan. Stadium Place has the potential to enhance the attractiveness of the surrounding neighborhoods, stimulate business activity, create opportunities for minority owned businesses, and has involve the local community in the development process.

The City of Baltimore has entered into an Exclusive Negotiating Priority Contract with the developer, Stadium Place, Inc. for the property. The City of Baltimore and Stadium Place, Inc. has introduced legislation before the Baltimore City Council requesting that the property be designated as a Residential Planned Unit Development and that Stadium Place, Inc's., Development Plan be approved.

The Commissioner of the Department of Housing and Community Development, realizing the need for affordable senior housing and many of the other community enhancing amenities, supports the Stadium Place project.

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and the City Council of Baltimore requests that the Maryland Stadium Authority immediately proceed with the demolition and clean-up of Memorial Stadium.

SECTION 2. AND BE IT FURTHER RESOLVED, That this Resolution takes effect on the date it is enacted.

Approved June 6, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
RESOLUTION 00-005
(Council Bill 00-192)**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

Union Representation at the University of Maryland Medical Center

FOR the purpose of supporting the employees of the University of Maryland Medical Center in their efforts to be represented by their union; urging the Center to agree to a fair and fast election; and providing for a special effective date.

Recitals

The University of Maryland Medical Center is located in the City of Baltimore, and several thousand of its employees are residents of the City of Baltimore.

The Center receives tens of millions of tax dollars from federal, state, and local government sources.

Caregivers at the Center need a collective voice to help them improve healthcare and achieve economic justice in their jobs.

The majority of the Center's employees have chosen to join Local 1199 E-DC, Service Employees International Union.

A fast and fair election is the American way.

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council supports the employees of the University of Maryland Medical Center in their efforts to be represented by their union.

SECTION 2. AND BE IT FURTHER RESOLVED, That the Mayor and City Council urges the University of Maryland Medical Center to agree to a fast and fair election for its employees.

SECTION 3. AND BE IT FURTHER RESOLVED, That this Resolution takes effect on the date it is enacted.

Approved June 6, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
RESOLUTION 00-006
(Council Bill 00-100)**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

Ceremonial Street Name Change — Honoring Rosie Keene

FOR the purpose of ceremoniously changing the name of the 1400 Block of East Preston Street to Rosie Keene Way.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That in recognition of Rosie Elena Stewart Keene, the name of the 1400 Block of East Preston Street is ceremoniously changed to Rosie Keene Way.

AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to Rosie Keene.

Approved June 7, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
RESOLUTION 00-007
(Council Bill 00-123)**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

Ceremonial Street Name Change — Honoring Enolia McMillan

FOR the purpose of ceremoniously changing the name of the unit block of West 26th Street to Enolia McMillan Way.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That in recognition of Enolia McMillan, the name of the unit block of West 26th Street is ceremoniously changed to Enolia McMillan Way.

AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to Enolia McMillan.

Approved June 7, 2000

Martin O'Malley, Mayor

**CITY OF BALTIMORE
RESOLUTION 00-008
(Council Bill 00-161)**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

**Operating Budget for the New Baltimore City Board of School
Commissioners for the Fiscal Year Ending June 30, 2001**

FOR the purpose of approving the budget estimated to be needed for the New Baltimore City Board of School Commissioners for operating programs during Fiscal 2001; providing for certification of the approved budget to the State Superintendent of Schools; and providing for a special effective date.

BY authority of
Article - Education
Section(s) 5-102
Annotated Code of Maryland
(1997 Replacement Volume and Supplement)

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the following amounts or so much thereof as shall be sufficient are hereby approved from the amounts estimated to be available in the designated funds during the fiscal year ending June 30, 2001.

Operating Budget

Baltimore City Public Schools

728 New Board of School Commissioners		
Education Fund Appropriation	\$	615,576
State Fund Appropriation	\$	6,000
729 Office of the Chief Executive Officer		
Education Fund Appropriation	\$	1,468,947
731 Academic Support		
Education Fund Appropriation	\$	749,151
Federal Fund Appropriation	\$	112,009
State Fund Appropriation	\$	50,000
732 Curriculum		
Education Fund Appropriation	\$	4,824,461
Federal Fund Appropriation	\$	3,357,445
State Fund Appropriation	\$	1,475,971
Special Fund Appropriation	\$	219,426
741 Office of Area Executive Officers		
Education Fund Appropriation	\$	1,128,315
Federal Fund Appropriation	\$	1,140,775
State Fund Appropriation	\$	1,680,875
Special Fund Appropriation	\$	2,493,958
743 General Instruction		
Education Fund Appropriation	\$252,672,143	
Federal Fund Appropriation	\$	44,579,080
State Fund Appropriation	\$	87,278,705
Special Fund Appropriation	\$	3,162,951
744 School-Based Guidance Services		
Education Fund Appropriation	\$	7,896,810
Federal Fund Appropriation	\$	1,018,133
State Fund Appropriation	\$	1,460,079
Special Fund Appropriation	\$	14,802
745 School Based Staff Development		
Education Fund Appropriation	\$	424,972
Federal Fund Appropriation	\$	285,566
State Fund Appropriation	\$	70,413
Special Fund Appropriation	\$	69,060
746 School Social Work Services		
Education Fund Appropriation	\$	7,574,843
Federal Fund Appropriation	\$	373,832

State Fund Appropriation	\$	743,879
Special Fund Appropriation	\$	312,743
747 School Psychological Services		
Education Fund Appropriation	\$	6,705,976
Federal Fund Appropriation	\$	110,218
State Fund Appropriation	\$	603,598
Special Fund Appropriation	\$	182,944
751 Special Education Support Services		
Education Fund Appropriation	\$	6,013,932
Federal Fund Appropriation	\$	2,924,812
State Fund Appropriation	\$	235,679
Special Fund Appropriation	\$	2,434,958
752 Office of Special Education Monitoring and Compliance		
Education Fund Appropriation	\$	377,004
Federal Fund Appropriation	\$	606,571
State Fund Appropriation	\$	4,435
753 Compensatory Programs		
Education Fund Appropriation	\$	16,126
Federal Fund Appropriation	\$	1,922,473
State Fund Appropriation	\$	386,725
754 Career and Technology Instruction		
Education Fund Appropriation	\$	13,970,419
Federal Fund Appropriation	\$	2,658,887
State Fund Appropriation	\$	1,739,708
755 Adult/Alternative Instruction		
Education Fund Appropriation	\$	11,738,128
Federal Fund Appropriation	\$	256,933
State Fund Appropriation	\$	2,067,032
756 Special Instruction		
Education Fund Appropriation	\$	159,383,332
Federal Fund Appropriation	\$	8,816,628
State Fund Appropriation	\$	6,919,159
Special Fund Appropriation	\$	17,578,317
757 Special Career and Technology Instruction		
Education Fund Appropriation	\$	5,338,055
Federal Fund Appropriation	\$	106,534
State Fund Appropriation	\$	347,425
758 Gifted and Talented Education		
Education Fund Appropriation	\$	2,116,521
Federal Fund Appropriation	\$	27,827
State Fund Appropriation	\$	1,087,922
761 Student Transportation		
Education Fund Appropriation	\$	16,694,779
State Fund Appropriation	\$	10,227,825

762 Food Services		
Education Fund Appropriation	\$	12,900
Federal Fund Appropriation	\$	24,399,105
State Fund Appropriation	\$	1,200,000
Special Fund Appropriation	\$	4,000,000
763 Fiscal Management		
Education Fund Appropriation	\$	2,203,200
Federal Fund Appropriation	\$	625,129
State Fund Appropriation	\$	524,084
Special Fund Appropriation	\$	946,626
764 School-Based Transportation Services		
Education Fund Appropriation	\$	692,100
Federal Fund Appropriation	\$	420,813
State Fund Appropriation	\$	79,901
Special Fund Appropriation	\$	40,000
765 Materials		
Education Fund Appropriation	\$	976,220
Federal Fund Appropriation	\$	313,826
State Fund Appropriation	\$	82,989
766 School-Controlled Operations & Maintenance		
Education Fund Appropriation	\$	19,357,008
Federal Fund Appropriation	\$	11,000
State Fund Appropriation	\$	18,163
767 Facilities		
Education Fund Appropriation	\$	52,305,591
State Fund Appropriation	\$	1,641,186
768 School Police Force		
Education Fund Appropriation	\$	5,003,490
Federal Fund Appropriation	\$	325,184
769 Personnel Services		
Education Fund Appropriation	\$	3,017,079
Federal Fund Appropriation	\$	602,810
State Fund Appropriation	\$	1,224,578
Special Fund Appropriation	\$	50,000
780 Administrative Support		
Education Fund Appropriation	\$	1,582,338
Special Fund Appropriation	\$	114,707
781 Planning and Student Placement		
Education Fund Appropriation	\$	471,518
Federal Fund Appropriation	\$	149,606
State Fund Appropriation	\$	42,056
782 Research and Evaluation		
Education Fund Appropriation	\$	619,878

Federal Fund Appropriation	\$	437,639
State Fund Appropriation	\$	355,720
783 Management Information Systems		
Education Fund Appropriation	\$	8,502,346
Federal Fund Appropriation	\$	1,832,958
State Fund Appropriation	\$	7,324,081
Special Fund Appropriation	\$	28,779
784 Staff Development		
Education Fund Appropriation	\$	1,074,091
Federal Fund Appropriation	\$	963,717
State Fund Appropriation	\$	1,988,947
Special Fund Appropriation	\$	312,600

SECTION 2. The foregoing amounts in summary consist of:

<u>Fund</u> <u>Amount</u>	
Education	\$595,527,249
Federal	98,379,510
State	130,867,135
Special	<u>31,961,871</u>
 Total	 \$856,735,765

SECTION 3. AND BE IT FURTHER RESOLVED, That when enacted, this Resolution shall be certified to the State Superintendent of Schools.

SECTION 4. AND BE IT FURTHER RESOLVED, That this Resolution takes effect July 1, 2000.

Approved June 12, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
RESOLUTION 00-009
(Council Bill 00-053)**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

**In Support of House Bill 782/Senate Bill 447 —
Election Dates for Baltimore City**

FOR the purpose of expressing strong support for House Bill 782/Senate Bill 447 (“ Elections - Baltimore City - Election Dates”), which would alter the primary and general election dates for certain municipal offices in Baltimore City; and providing for a special effective date.

Recitals

On November 2, 1999, the voters of Baltimore City approved a Charter amendment, which provided for the general election of the Mayor, the Comptroller, and the President and Members of the City Council in 2004 and in each succeeding fourth year, thus making the election of these municipal offices coincide with the year that the President of the United States is elected.

In the State of Maryland, Baltimore City has the authority to determine the length of term of office for the Mayor, the Comptroller, and the President and Members of the City Council, but the dates of the primary and general elections for these municipal offices are determined by State law. That law currently provides that, "in Baltimore City, there shall be a primary election for municipal offices on the second Tuesday following the first Monday in September in the year following the election of the Governor", and it also provides that, "in Baltimore City, there shall be a general election in the year following the election of the Governor".

Prior to 1998, Article 33, § 5-2(b), Annotated Code of Maryland, provided that "The day for holding primary elections for municipal offices in Baltimore City shall be on the second Tuesday after the first Monday in September of the year in which the municipal elections in the City of Baltimore are to be held", but this language was changed by the enactment of Chapter 585, Acts of 1998.

The language of this current law needs to be changed to what was in effect prior to 1998. Otherwise, the primary election for the Mayor, the Comptroller, and the President and Members of the City Council will next be held in September 2003, for municipal officers whose terms would only begin in December 2004, some 14 months later.

House Bill 782/Senate Bill 447 ("Elections - Baltimore City - Election Dates") would amend the State law so that the primary election would be held in September and the general election would be held in November of the same year the President of the United States is elected, thus reconciling State law with Baltimore City's Charter. It is in the best interest of the public and Baltimore City government that this amendment be adopted.

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council of Baltimore expresses strong support for House Bill 782/Senate Bill 447 ("Elections - Baltimore City - Election Dates"), which would alter the primary and general election dates for certain municipal offices in Baltimore City.

SECTION 2. AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Chair of the House Commerce and Government Matters Committee, the Chair of the Senate Economic and Environmental Affairs Committee, all members of the Baltimore City Delegation to the General Assembly, the Mayor's Office of State Relations, and the Mayor's Office of Council Relations.

SECTION 3. AND BE IT FURTHER RESOLVED, That this Resolution takes effect on the date it is enacted.

Approved February 29, 2000

Martin O'Malley, Mayor

**CITY OF BALTIMORE
RESOLUTION 00-010
(Council Bill 00-185)**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

**Charter Amendment —
Development Commission — Military Spending**

FOR the purpose of abolishing the Development Commission and related provisions dealing with federal military spending; and submitting this amendment to the qualified voters of the City for adoption or rejection.

BY proposing to repeal

Article VII - Executive Departments
Section(s) 12(e), 111 through 113, inclusive, and the
subtitle designation "Development Commission"
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

Powers and Duties of the Department

§ 12. Department of Finance - taxes, receipts, checks.

[(e) *Federal military spending.*

More federal funds should be made available to the Mayor and City Council of Baltimore for local jobs and programs — in quality education, transportation, energy-efficient housing, improved health care, and other essential services. This should be accomplished by reducing the amount of our tax dollars spent on nuclear and conventional weapons systems and programs of foreign military intervention. The Department of Finance shall cause to be published every two years in at least one prominent Baltimore newspaper: (1) the above appeal to the federal government to cut military spending and (2) a detailed statement of the taxes paid per person and in total by the citizens of Baltimore City to the federal government that are allocated to military spending.]

[Development Commission]

[§ 111. Development Commission: purpose.

The purpose of the Development Commission shall be to ensure that the Mayor and citizens of Baltimore City are fully informed about the impact on the City of federal military spending, and to advise the Mayor, City Council, and the public on economic policies and practices that will increase the number of civilian-oriented jobs.

§ 112. Development Commission: established; organization.

There shall be a Development Commission consisting of seven persons, appointed by the Mayor in the manner prescribed in Section 6 of Article IV, who shall hold office as therein provided, and who shall be selected to reflect the diversity of the City's population.

The terms of each member shall be coterminous with the Mayor's term of office. Chairpersons shall be elected by the members of the Commission for a term of 2 years. The members of the Development Commission shall serve without compensation. The Commission shall meet as often as necessary but at least once each quarter.

Resources from the City, including information from other City agencies, shall be made available to the Commission to ensure that the duties assigned herein may be carried out.

§ 113. Development Commission: powers and duties.

The Commission shall:

- (a) define "military spending" and provide the formula to be used by the Department of Finance for the annual statement required by Section 12(e) of Article VII, ensuring that the formula is as complete and accurate as possible in its assessment of Baltimore citizens' tax dollars allocated to military spending;
- (b) notify annually the President of the United States and other elected officials as the Commission deems appropriate, of the Department of Finance statement;
- (c) hold an annual public hearing on the Saturday before the April 15 tax deadline, on the impact of the proposed federal budget on the people of Baltimore City, giving particular attention to the relationship between military appropriations and social services, education, housing, transportation, and health appropriations;
- (d) make recommendations to the Mayor, City Council, and the public regarding economic policies and practices with respect to:
 - (i) converting to peaceful production, industries that are dependent on military contracts
 - (ii) minimizing the number of plant closings in the City and the region, and
 - (iii) increasing the number of jobs in Baltimore while reducing the proportion of jobs dependent on military contracts;
- (e) submit annually to the Mayor and City Council a written report which includes: a summary of its activities during the past year, and an evaluation of the implementation of its previous recommendations; and
- (f) when appropriate, consider the Greater Baltimore region as a whole in the Commission's deliberations and recommendations, and work cooperatively with adjacent Maryland subdivisions.]

SECTION 2. 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 following form:

CHARTER AMENDMENT

**Abolishing the Development Commission of Baltimore City and
related provisions dealing with federal military spending**

FOR CHARTER AMENDMENT

AGAINST CHARTER AMENDMENT

Approved June 26, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
RESOLUTION 00-011
(Council Bill 00-196)**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

**Baltimore City Public School System —
Public School Facility Revenue Bonds, Series 2000A — Approval**

FOR the purpose of approving the issuance by the New Baltimore City Board of School Commissioners of its revenue bonds, designated "Public School Facility Revenue Bonds, Series 2000A", subject to certain conditions; requiring certain statements, disclosures, and reports; and providing for a special effective date.

Recitals

Education Article § 4-306.1 et seq. authorizes the New Baltimore City Board of School Commissioners, subject to certain conditions, to issue its bonds for certain public ~~scholl~~ school purposes.

These bonds would not pledge the full faith and credit of or otherwise create or constitute a debt of the City, the State, or any political subdivision of the State.

One of the conditions imposed on the Board's issuance of any bonds is that the Mayor and City Council first adopt a resolution approving that issuance.

The Board proposes to issue its revenue bonds, designated "Public School Facility Revenue Bonds, Series 2000A", in an aggregate principal amount of not more than ~~\$23,000,000~~ \$25,000,000, for the purposes of financing the acquisition, construction, reconstruction, equipping, or renovation of public school facilities, including but not limited to the acquisition and construction of internal Internet connections.

The Mayor and City Council finds that the issuance of bonds for these purposes is necessary and desirable for improving public school facilities and educational services in the City.

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council approves the issuance by the New Baltimore City Board of School Commissioners of "Public School Facility Revenue Bonds, Series 2000A", in an aggregate principal amount of not more than ~~\$23,000,000~~ \$25,000,000, ~~solely~~ for the purposes of financing the acquisition, construction, reconstruction,

equipping, or renovation of public school facilities, including but not limited to the acquisition and construction of internal Internet connections.

SECTION 2. AND BE IT FURTHER RESOLVED, That the proceeds of the bonds may be used only for the purposes specified in Section 1 of this Resolution, as part of the Baltimore City Public School System's Facility Planning and School Construction Program.

SECTION 3. AND BE IT FURTHER RESOLVED, That the bonds issued by the Board may not pledge the full faith and credit of or otherwise create or constitute a debt of the City, the State, or any political subdivision of the State.

SECTION 4. AND BE IT FURTHER RESOLVED, That throughout the term of the bonds, the New Baltimore City Board of School Commissioners shall send to the Director of Finance:

- (a) within 210 days after the end of each fiscal year, audited financial statements for that year; and
- (b) within 30 days of its filing, a copy of the annual disclosure filed under Securities and Exchange Commission Rule 15c2-12(b)(5)(i).

SECTION 5. AND BE IT FURTHER RESOLVED, That on each of the first 3 annual anniversaries of the issuance of the bonds, the New Baltimore City Board of School Commissioners shall send to the Board of Estimates a written report on:

- (a) expenditures of the bond proceeds made to date; and
- (b) plans for future expenditures of the bond proceeds.

SECTION 6. AND BE IT FURTHER RESOLVED, That, on the enactment of this Resolution, the Director of Finance forward a copy of this Resolution to the New Baltimore City Board of School Commissioners.

SECTION 7. AND BE IT FURTHER RESOLVED, That this Resolution takes effect on the date it is enacted.

Approved July 21, 2000

MARTIN O'MALLEY, Mayor

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Article 19, §§ 8-1 through 8-12 inclusive, to be under the new subtitle “Subtitle 8. Burglar Alarms - Registration and Regulation”	00-069	194
Article 19, §§ 40-1 through 40-21, inclusive, to be under the new “Subtitle 40. Dirt Bikes, Unregistered Motorcycles, and Similar Vehicles”	00-040	127
Article 22, §§ 30(19), 32(i)(7), 36A(g)	00-049	145
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Article 31, §§ 13-1 through 13-15, inclusive, to be under the new “Subtitle 13. Parking Authority of Baltimore City”	00-071	206
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Article - Health, §§ 4-601 through 4-609, inclusive, to be under the new subtitle, “Subtitle 6. Screening for Lead Poisoning”	00-020	50
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