

**ORDINANCES AND RESOLUTIONS**  
**OF THE**  
**MAYOR AND CITY COUNCIL**  
**OF BALTIMORE**

**PASSED AT THE ANNUAL SESSION 2001-2002**

**Ordinances 01-266 to 02-449**

**Resolutions 01-023 to 02-037**

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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Department of Legislative Reference

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

2001-2002

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### ENROLLED

CITY OF BALTIMORE  
ORDINANCE 01-266  
(Council Bill 01-376)

### AN ORDINANCE CONCERNING

### **Supplementary Capital Fund Appropriation — Department of Housing and Community Development — \$3,000,000**

FOR the purpose of providing a Supplementary Capital Fund Appropriation in the amount of \$3,000,000 to the Department of Housing and Community Development (Account #9965-580-034), to provide appropriations for the 200 St. Paul Place Garage; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates  
Section 8(b)(3) (2) and (c)  
Baltimore City Charter  
(1996 Edition)

### Recitals

The revenue appropriated by this Ordinance represents funds a grant from the Smart Growth Economic Development Infrastructure Fund through the Maryland Economic Development Corporation (MEDCO) 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 2001.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2001 was formulated.

~~This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2001 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.~~

On February 28, 2001, 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 Department of Housing and Community Development (Account #9965-580-034) as a Supplementary Capital Fund Appropriation for Fiscal Year 2001, to provide appropriations for the 200 St. Paul Place Garage. The source of revenue for this appropriation is a grant from the Smart Growth Economic Development Infrastructure Fund through the Maryland Economic Development Corporation (MEDCO) 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 2001.

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

Approved December 7, 2001

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 01-267  
(Council Bill 01-519)**

**AN ORDINANCE CONCERNING**

**Sale of Property — Memorial Stadium, 1000 East 33<sup>rd</sup> Street**

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 1000 East 33<sup>rd</sup> Street (Ward 09, Section 021, Block 3986C, Lot 001) 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 1000 East 33<sup>rd</sup> Street, containing ± 32.385 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 December 7, 2001

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 01-268  
(Council Bill 01-588)**

**AN ORDINANCE CONCERNING**

**Zoning — Conditional Use — Amending Ordinance 01-235**

FOR the purpose of amending Ordinance 01-235 to correct an error in the address of the housing for the elderly and in the maximum number of permitted units; and providing for a special effective date.

BY repealing and reordaining, with amendments

Ordinance 01-235

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 01-235**

**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 1700-1720 Edmondson Avenue, [604-610] 602-610 North Mount Street (Block 0109, Lots 1-5), 612 North Mount Street (k/a Block 0109, Lot 6A), and 613-621 North Fulton Street (Block 0109, Lots 41-45), as outlined in red on the amended plat accompanying this Ordinance, in accordance with Zoning Code §§ 5-204(4) and 14-102 of the Baltimore City Code, subject to the following conditions:

1. the maximum number of units is [64] 94;
2. the Site Plan, dated May 22, 2001, the Landscaping Plan, dated March 30, 2001, and the Exterior Elevations Plan, dated March 30, 2001, submitted in connection with this Ordinance, are made a part of this Ordinance, and no change may be made to the plans without the prior approval of the Planning Department;
3. accessory uses allowed are those listed in Zoning Code § 5-202 (2)(i), but cocktail lounges are prohibited;
4. consolidation of lots does not constitute a change in conditional use;
5. an access door that leads to the accessory shops from Fulton Street for the use of the public, as well as a secure access for the residents leading to the interior of the building, are allowed; and
6. the housing for the elderly 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.

Approved December 7, 2001

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 01-269  
(Council Bill 01-543)**

**AN ORDINANCE CONCERNING**

**Zoning — Conditional Use Convalescent, Nursing, and  
Rest Home (Assisted Living) — 2906 ~~Reuckert~~ Rueckert 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 2906 ~~Rueckert~~ Rueckert Avenue, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning  
Section(s) 4-704 and 14-102(2)  
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 2906 ~~Rueckert~~ Rueckert Avenue, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 4-704 and 14-102(2) of the Baltimore City Code, subject to the ~~condition that the~~ following conditions:

1. The maximum number of residents is 12.
2. There may be no more than 2 people per sleeping room.
3. The minimum age for resident-clients is 50 years.
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. 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 December 13, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE  
ORDINANCE 01-270  
(Council Bill 01-552)**

**AN ORDINANCE CONCERNING**

**Zoning — Conditional Use Convalescent, Nursing, and  
Rest Home (Assisted Living) — 3216 Taylor Avenue**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a convalescent, nursing, and rest home (assisted ~~Living~~ living) on the property known as 3216 Taylor Avenue, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning  
Section(s) 4-604 and 14-102(2)  
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~~ living) on the property known as 3216 Taylor Avenue, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 4-604 and 14-102(2) of the Baltimore City Code, subject to the ~~condition that the~~ following conditions:

1. The maximum number of residents is 15.
2. There may be no more than 2 people per sleeping room.
3. The minimum age for resident-clients is 50 years.
4. 24-hour supervision must be provided.
5. Sleeping rooms for clients may not be in the basement.
6. There may be no exterior sign on the facility other than a nameplate no larger than 6 inches wide by 6 inches high.
7. The convalescent, nursing, and rest home (assisted ~~Living~~ 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 December 13, 2001

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 01-271  
(Council Bill 00-194)**

**AN ORDINANCE CONCERNING**

**Parking Tax — Computation**

~~FOR the purpose of modifying the rate and method of computing the tax imposed on the privilege of parking motor vehicles in parking lots and garages; requiring the Department of Finance to make certain reports; and generally relating to the parking tax.~~

~~BY repealing and reordaining, with amendments~~

~~Article 28 - Taxes  
Section(s) 22-3  
Baltimore City Code  
(Edition 2000)~~

**Recitals**

~~The current system for computing the City's parking tax is cumbersome, inefficient, and difficult to audit.~~

~~The Mayor and City Council desires to simplify that system and, at the same time, enhance the City's ability to properly audit the imposition and collection of this tax.~~

**Parking Facilities –  
Licensing and Regulation – Parking Tax**

FOR the purpose of providing for the licensing and regulation of certain parking lots, garages, and other parking facilities; modifying the rate and method of computing the parking tax; defining and redefining certain terms; providing for the administration and enforcement of these licensing, regulation, and taxation provisions; correcting, clarifying, and conforming certain language; providing for special effective dates; and generally relating to the licensing and regulation of parking facilities and to the tax imposed on the privilege of parking.

BY repealing and reordaining, with amendments

Article 15 - Licensing and Regulation  
Sections 12-1 through 12-7, inclusive, to be under  
the amended subtitle designation "Subtitle 12. Parking Facilities"  
Baltimore City Code  
(Edition 2000)



BY repealing and reordaining, with amendments

Article 28 - Taxes

Sections 22-1 through 22-10, inclusive

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 22 - Parking Tax**

**§ 22-3. Rate of tax.**

~~[(a) *In general.*]~~

The rate of the tax is [as follows:

- ~~(1) where parking charge made on hourly or daily basis — \$0.60 for each 24-hour period or fraction of a 24-hour period~~
- ~~(2) where parking charge made on weekly basis — \$3.25 per week~~
- ~~(3) where parking charge made on monthly basis — \$13 per month~~

~~(b) *Other periods.*~~

~~Where the parking charge is for a period other than daily, weekly, or monthly, the tax is computed by multiplying the daily, weekly, or monthly rate specified in paragraph (2) by the total number of days, weeks, or months in the particular period of time involved.~~

~~(c) *No adjustment for weekends or holidays.*~~

~~Neither the weekly tax nor the monthly tax shall be increased or decreased on account of Saturdays, Sundays, or holidays falling within the weekly or monthly period, whether or not the motor vehicle is actually parked in or on the parking lot or garage on those days] 15.4% OF THE GROSS RECEIPTS DERIVED FROM ALL PARKING CHARGES OR FEES, WHETHER THE CHARGE IS MADE ON AN HOURLY, DAILY, WEEKLY, MONTHLY, OR OTHER BASIS.~~

**SECTION 2. AND BE IT FURTHER ORDAINED,** That on or before September 30, 2001, the Director of Finance shall report to the Board of Estimates and to the City Council her or his assessment of the efficiency and accuracy of the method enacted by this Ordinance for computing the parking tax.

**Baltimore City Code**

**Article 15. Licensing and Regulation**

**Subtitle 12. [Open-Air Garages] PARKING FACILITIES**

**§ 12-1. [“Open-air garage” defined] DEFINITIONS.****(A) IN GENERAL.**

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

**(B) PARKING FACILITY.**

[An “open-air garage”, as used within the terms of this subtitle:

- (1) shall mean an open air place of storage for hire;
- (2) shall include the gross area of the space used; and
- (3) shall not exempt any space for office use, ramps or driveways, car washing or greasing, or any other space used in connection with the operation of the open-air garage.]

“PARKING FACILITY” MEANS ANY:

- (1) GARAGE, STRUCTURE, OR PART OF A STRUCTURE FOR THE PARKING, STORAGE, HOUSING, OR KEEPING OF 3 OR MORE MOTOR VEHICLES IN EXCHANGE FOR A FEE OR OTHER CONSIDERATION; OR
- (2) PARKING LOT OR OUTDOOR AREA OR SPACE FOR THE PARKING, STORAGE, HOUSING, OR KEEPING OF 3 OR MORE MOTOR VEHICLES IN EXCHANGE FOR A FEE OR OTHER CONSIDERATION.

**(C) PERSON.**

“PERSON” MEANS:

- (1) AN INDIVIDUAL;
- (2) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR REPRESENTATIVE OF ANY KIND;
- (3) A PARTNERSHIP, FIRM, ASSOCIATION, LIMITED LIABILITY COMPANY, CORPORATION, OR OTHER ENTITY OF ANY KIND; AND
- (4) A GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR UNIT OF A GOVERNMENTAL ENTITY.

**§ 12-2. License required; fee.****(a) In general.**

- (1) No person[, firm, or corporation shall keep an open-air garage] MAY OPERATE A PARKING FACILITY in the City of Baltimore [for the parking of motor vehicles for which a charge is made until he or it shall have] UNLESS THE PERSON HAS first obtained an annual license [therefor] FOR THE FACILITY and [shall pay an] HAS PAID THE annual [license] fee FOR THE LICENSE [of \$6 for every 100 square feet, or portion thereof of the space used for garage purposes].
- (2) THE TERM OF A LICENSE IS FROM MAY 1 OF EACH YEAR THROUGH APRIL 30 OF THE NEXT YEAR.

(B) FEE.

- (1) THE ANNUAL FEE FOR A PARKING FACILITY LICENSE IS \$5.10 FOR EVERY 100 SQUARE FEET (OR FRACTION OF 100 SQUARE FEET) OF THE GROSS AREA USED FOR PARKING FACILITY PURPOSES, INCLUDING ALL PARKING SPACES, OFFICES, RAMPS, DRIVEWAYS, AISLES, TOILETS, CAR WASHING, GREASING, OR OTHER FACILITIES USED IN CONNECTION WITH THE OPERATION OF THE PARKING FACILITY.

[(b) Computing space.

Beginning as of January 1, 1958, in computing the area of the space used for garage purposes, there shall be deducted from the total space a uniform allowance of 15% of the total space as an allowance for offices, ramps, aisles, toilets, and other facilities.]

[(c) Proration.]

- (2) [(1)] For [any such] A license issued after [March 31] JULY 31 and before [July 1 of the license year] NOVEMBER 1, the [charge shall be  $\frac{3}{4}$ ] FEE IS 75% of that prescribed for the entire year.
- (3) [(2)] [If the] FOR A license [is] issued after [June 30] OCTOBER 31 and before [October 1] FEBRUARY 1, the [charge shall be] FEE IS 50% of that prescribed for the entire year.
- (4) [(3)] [If the] FOR A license [is] issued after [September 30] JANUARY 31, the [charge shall be  $\frac{1}{4}$ ] FEE IS 25% of that prescribed for the entire year.

(C) [(d)] Partial-year license.

- (1) Any person[, firm, or corporation] desiring to [keep an open-air garage] OPERATE A PARKING FACILITY for an aggregate of [not to exceed] NO MORE THAN 6 months in any 1 [calendar] LICENSE year may obtain a special partial-year license[.].
- (2) [upon the payment of] THE FEE FOR a PARTIAL-YEAR license [fee in a sum equal to] IS 1/12 of the [charge specified for an] annual license fee [covering the entire year] for each [monthly period] MONTH or fraction [thereof] OF A MONTH that the [open-air garage] PARKING FACILITY is [to be or is] in operation.

**§ 12-3. Transfer of licenses.**

[Licenses] EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A LICENSE issued under [the provisions of] this subtitle [shall be] IS transferable during the [period for which the license is valid] LICENSE YEAR.

**§ 12-4. TAX ARREARAGE BARS RENEWAL OR TRANSFER.**

A LICENSE MAY NOT BE ISSUED TO, RENEWED BY, OR TRANSFERRED FROM OR TO ANY PERSON FROM WHOM TAXES, INTEREST, OR PENALTIES ARE DUE AND UNPAID UNDER CITY CODE ARTICLE 28, SUBTITLE 22.

**§ 12-5. [§ 12-4.] Refund on acquisition, etc., by City.**

[Whenever] If the [Mayor and] City [Council of Baltimore] acquires title to or control of A PARKING FACILITY[,], or terminates an existing lease covering any property used as [an open-air garage] A PARKING FACILITY, and the owner, lessee, or operator [thereof] OF THE PARKING FACILITY is thereby [caused] REQUIRED to terminate [his or its] THE operation of [said open-air garage] THE FACILITY, then the owner,

lessee, or operator [of said open-air garage shall be] IS entitled to a refund of that portion of the license fee paid for the unexpired term of [said] THE license.

**§ 12-6. [§ 12-5.] Rules and regulations.**

(A) AUTHORIZED.

The Director of Finance [is hereby authorized and empowered to prescribe,] MAY adopt[, promulgate, and enforce such] rules and regulations [as in his judgment are necessary] for the administration and enforcement of this subtitle.

(B) FILING.

A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE MUST BE FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY BECOME EFFECTIVE.

**§ 12-7. [§ 12-6.] Cars left in street.**

(a) Prohibited conduct.

[It shall be unlawful for any] EXCEPT AS SPECIFICALLY AUTHORIZED IN SUBSECTION (B) OF THIS SECTION, NO person[, firm, or corporation having a permit from the City or a license from the State for the maintenance or operation of an open-air garage or parking lot for the storage or parking of motor vehicles, when a charge is made for such storage, or parking, to] OPERATING OR EMPLOYED BY A PARKING FACILITY MAY store, [or to] park, or place [any such] A motor vehicle left for storage or parking[, on any street, alley, or highway in the City [of Baltimore,].

(B) EXCEPTION.

(1) [except for] SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO THE PARKING OR PLACEMENT OF A VEHICLE ON A STREET, ALLEY, OR HIGHWAY IF IT IS PARKED OR PLACED THERE ONLY FOR A sufficient time to permit the removal of another car from the parking [lot,] FACILITY.

(2) [but this] THIS exception [shall] DOES not apply [to the hours] between 7 a.m. and 10 a.m. [nor to the hours] OR between 4 p.m. and 6 p.m.

[(b) Penalties.

Any person, firm, or corporation violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$10 for each such violation.]

**[§ 12-7. No implied repeals.**

Nothing in this subtitle shall be construed to repeal any ordinance ordained for the public safety.]

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

**Baltimore City Code****Article 28. Taxes****Subtitle 22. Parking Tax****§ 22-1. Definitions.****(a) In general.**

[For the purposes of] IN this subtitle, the following terms [are defined as herein set forth] HAVE THE MEANINGS INDICATED.

**[(b) City.**

“City” means the Mayor and City Council of Baltimore.]

**(B) [(c)] Director.**

“Director” means the CITY Director of Finance [of the City].

**[(d) Facility.**

“Facility” means any parking lot or garage.]

**(C) GARAGE.**

“GARAGE” MEANS ANY STRUCTURE OR PART OF A STRUCTURE FOR THE PARKING OF 3 OR MORE MOTOR VEHICLES IN EXCHANGE FOR A FEE OR OTHER CONSIDERATION.

**(D) [(e)] Motor vehicle.**

“Motor vehicle” means:

(1) any self-propelled vehicle; AND

(2) ANY OTHER VEHICLE REQUIRED TO BE REGISTERED UNDER THE LAWS OF THIS STATE OR OF ANY OTHER STATE.

**(E) [(f)] Operator.**

“Operator” means any [individual, partnership, association, corporation, or other legal entity] PERSON who controls, conducts, or operates a parking lot or garage [which offers off-street parking accommodations for a fee].

**[(g) Garage.**

“Garage” means any building or other structure in which 3 or more motor vehicles may be parked, stored, housed, or kept for a charge or fee.]

(F) [(h)] Parking.

“Parking” means [the] ANY parking, storing, housing, or keeping of a motor vehicle, WHETHER SELF-SERVICE, VALET-SERVICE, LONG-TERM, SHORT-TIME, TICKETED, METERED, FOR SPECIAL EVENTS ONLY, OR OTHERWISE.

(G) [(i)] Parking lot.

“Parking lot” means any outdoor area or space [where three] FOR THE PARKING OF 3 or more motor vehicles [may be parked, stored, housed, or kept] IN EXCHANGE for a [charge or] fee OR OTHER CONSIDERATION.

(H) PERSON.

“PERSON” MEANS:

- (1) AN INDIVIDUAL;
- (2) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR REPRESENTATIVE OF ANY KIND;
- (3) A PARTNERSHIP, FIRM, ASSOCIATION, LIMITED LIABILITY COMPANY, CORPORATION, OR OTHER ENTITY OF ANY KIND; AND
- (4) A GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR UNIT OF A GOVERNMENTAL ENTITY.

(I) [(j)] Transaction.

“Transaction” means the parking[, storing, housing or keeping] of a motor vehicle on a parking lot or IN A garage[, in the City of Baltimore,] IN EXCHANGE for a [charge or] fee OR OTHER CONSIDERATION.

**§ 22-2. Tax imposed.**

(A) IN GENERAL.

A tax is levied and imposed on the privilege of parking a motor vehicle [in or] on any parking lot or IN ANY garage in the City [of Baltimore] IN EXCHANGE FOR A FEE OR OTHER CONSIDERATION PAID BY THE PARKER OR BY ANOTHER ON THE PARKER’S BEHALF.

(B) ULTIMATE LIABILITY.

THE ULTIMATE LIABILITY FOR PAYMENT OF THE TAX IS ON THE PERSON WHO SEEKS THE PRIVILEGE OF OCCUPYING A SPACE ON A PARKING LOT OR IN A GARAGE.

**§ 22-3. Rate of tax.**

[(a)] In general.

The rate of the tax is as follows:

- (1) where parking charge made on hourly or daily basis — \$0.60 for each 24-hour period or fraction of a 24-hour period

(2) where parking charge made on weekly basis — \$3.25 per week

(3) where parking charge made on monthly basis — \$13 per month

(b) Other periods.

Where the parking charge is for a period other than daily, weekly, or monthly, the tax is computed by multiplying the daily, weekly, or monthly rate specified in paragraph (2) by the total number of days, weeks, or months in the particular period of time involved.

(c) No adjustment for weekends or holidays.

Neither the weekly tax nor the monthly tax shall be increased or decreased on account of Saturdays, Sundays, or holidays falling within the weekly or monthly period, whether or not the motor vehicle is actually parked in or on the parking lot or garage on those days.]

(A) EFFECTIVE JULY 1, 2002.

(1) IN GENERAL.

FOR THE PERIOD JULY 1, 2002, THROUGH JUNE 30, 2003, THE RATE OF THE TAX IS AS STATED IN THIS SUBSECTION.

(2) HOURLY, DAILY, OR WEEKLY.

FOR PARKING ON AN HOURLY, DAILY, OR WEEKLY BASIS, THE TAX IS 11% OF THE FEE OR OTHER CONSIDERATION RECEIVED, DIRECTLY OR INDIRECTLY, FOR OR IN CONNECTION WITH THAT PARKING.

(3) MONTHLY OR LONGER.

FOR PARKING ON A MONTHLY OR LONGER BASIS, THE TAX IS \$14 A MONTH.

(B) EFFECTIVE JULY 1, 2003.

(1) IN GENERAL.

EFFECTIVE JULY 1, 2003, THE RATE OF THE TAX IS AS STATED IN THIS SUBSECTION.

(2) HOURLY, DAILY, OR WEEKLY.

FOR PARKING ON AN HOURLY, DAILY, OR WEEKLY BASIS, THE TAX IS 12% OF THE FEE OR OTHER CONSIDERATION RECEIVED, DIRECTLY OR INDIRECTLY, FOR OR IN CONNECTION WITH THAT PARKING.

(3) MONTHLY OR LONGER.

FOR PARKING ON A MONTHLY OR LONGER BASIS, THE TAX IS \$15 A MONTH

**§ 22-4. Exceptions.****(a) Exemption for [apartment tenants] RESIDENCE PARKING.**

[This] THE tax IMPOSED BY THIS SUBTITLE [shall] DOES not apply to residential parking [of apartment] BY:

- (1) [tenants] THE TENANT OF A SINGLE-FAMILY DWELLING, MULTI-FAMILY DWELLING, OR APARTMENT DWELLING, [where] IF [an arrangement for such tenant] THE parking is provided FOR in the [apartment] lease or in a separate [writing] AGREEMENT between the landlord and THE tenant, whether the parking [charge be payable] FEE OR OTHER CONSIDERATION IS PAID to the landlord or to the operator of the parking lot or garage; OR
- (2) THE OWNER OR OCCUPANT OF A CONDOMINIUM UNIT, IF THE PARKING IS PROVIDED FOR IN AN AGREEMENT BETWEEN THE CONDOMINIUM ASSOCIATION AND THE OWNER OR OCCUPANT, WHETHER THE PARKING FEE OR OTHER CONSIDERATION IS PAID TO THE CONDOMINIUM ASSOCIATION OR TO THE OPERATOR OF THE PARKING LOT OR GARAGE.

**(B) PUBLICLY OWNED METERS.**

THE TAX IMPOSED BY THIS SUBTITLE DOES NOT APPLY TO PUBLICLY OWNED METERED PARKING SPACES.

**(C) [(b)] Reduction for nonprofits.**

Nonprofit parking lot [providers] OPERATORS whose monthly parking [charge] FEE is less than or equal to the monthly parking tax may [appeal] APPLY to the Board of Estimates for a reduction of their tax burden.

**§ 22-5. Collection and remittance.****(a) Operator to collect.**

- (1) The OPERATOR OF THE PARKING LOT OR GARAGE MUST COLLECT THE tax imposed by this subtitle FROM THE PERSON SEEKING THE PRIVILEGE OF PARKING.
- (2) THE OPERATOR MUST COLLECT THE TAX [shall be collected by the operator of the parking lot or garage] at the SAME time [of,] THAT THE OPERATOR COLLECTS [and in addition to, whatever other charges are made] THE FEE OR OTHER CONSIDERATION CHARGED for [the] parking [of the motor vehicle], whether [such charge] THAT FEE OR OTHER CONSIDERATION is [made] CHARGED on an hourly, daily, weekly, monthly, or other basis.

**(b) Remittance to Director.**

[Not later than] THE TAX IMPOSED BY THIS SUBTITLE MUST BE REMITTED TO THE DIRECTOR ON OR BEFORE the 25<sup>th</sup> day of [each calendar] THE month[, the operator of every parking lot or garage shall remit to the Director of Finance the receipts from the tax for the preceding calendar] FOLLOWING THE month IN WHICH THE TRANSACTION OCCURRED.



(c) Reports.

(1) Each [monthly] remittance [will] MUST be accompanied by [such reports] A REPORT OF ALL TRANSACTIONS FOR THE MONTH.

(2) THE REPORT MUST:

(i) [as may be prescribed by] BE IN THE FORM the Director [of Finance] REQUIRES[, on forms];

(ii) [ identifying] IDENTIFY, for each [facility] PARKING LOT AND GARAGE, [the] ITS name, address, account number, capacity, parking [charges,] fees[,] or rate schedule, AND number and type of transactions; and

(iii) [such] CONTAIN ANY other information [as may be necessary or convenient to fully collect the tax imposed by this subtitle] THE DIRECTOR REQUIRES.

**§ 22-6. Interest and civil penalties.**

[Whenever] IF an operator fails to [collect and/or] remit [to the Director of Finance] the tax imposed by this subtitle [within the time limited therefor] WHEN DUE, the operator [shall be assessed by] MUST PAY the Director [of Finance], IN ADDITION TO THE TAX DUE.;

[(1) the amount of tax due;]

(1) [(2) plus] interest at the rate of 1% [per] FOR EACH month or [any] fraction [thereof] OF A MONTH THAT THE TAX IS OVERDUE; and

(2) [(3)] a penalty of 10% of the AMOUNT OF THE tax due.

**§ 22-7. Records.**

(a) [Operators to keep] IN GENERAL.

Every operator of a parking lot or garage MUST:

(1) [shall] keep complete and accurate records of all motor vehicles parked on an hourly, daily, weekly, monthly, or other basis [on his parking lot or garage], together with the amount of tax collected from all transactions; [and]

(2) [shall] keep all claim checks and [such] other pertinent records [and documents] as [are] necessary to determine the amount of tax due; AND

(3) MAKE THESE RECORDS AVAILABLE, AT ALL TIMES, DURING BUSINESS HOURS, FOR INSPECTION AND AUDIT BY THE DIRECTOR OF FINANCE OR OTHER AUTHORIZED AGENT, EMPLOYEE, OR REPRESENTATIVE OF THE CITY.

(b) [Inspections] ANNUAL REPORTS.

[Such records and other pertinent data shall be open at all times during business hours for inspection and examination by the Director of Finance or other duly authorized representatives, agents, or employees of the City.]

- (1) WITHIN 120 DAYS AFTER THE END OF AN OPERATOR'S FISCAL YEAR, THE OPERATOR MUST FILE A FINANCIAL REPORT FOR THAT FISCAL YEAR WITH THE CITY AUDITOR AND THE DIRECTOR OF FINANCE.
- (2) THE REPORT MUST BE:
  - (I) PREPARED IN ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES, CONSISTENTLY APPLIED; AND
  - (II) CERTIFIED BY A PUBLIC ACCOUNTANT.
- (3) THE REPORT MUST INCLUDE:
  - (I) BALANCE SHEETS;
  - (II) STATEMENTS OF OPERATION; AND
  - (III) STATEMENTS OF CHANGES IN FINANCIAL POSITION AND OWNERS' EQUITY.
- (4) IF THE OPERATOR IS REQUIRED BY ITS LENDERS OR INVESTORS TO OBTAIN AN AUDITED AND CERTIFIED ANNUAL REPORT. THE OPERATOR MUST FURNISH A COPY OF THAT REPORT TO THE CITY AUDITOR AND THE DIRECTOR OF FINANCE WITHIN 30 DAYS OF ITS RECEIPT BY THE OPERATOR.

(c) [Failure] SETTING RATE ON FAILURE to comply.

[Whenever] IF any operator fails to keep records from which the tax imposed by this subtitle [may] CAN be accurately computed, the Director of Finance may COMPUTE THE AMOUNT OF TAX DUE BY [make use of] USING a factor developed by surveying other operators of a similar type, or otherwise[, compute the amount of tax due, and this]. THE DIRECTOR'S computation [shall be] IS prima facie correct.

**§ 22-8. [Administration of subtitle] RULES AND REGULATIONS.**

(A) AUTHORIZED.

[In addition to the powers granted to the] THE Director of Finance [in connection with the collection of the tax imposed by this subtitle, the Director is hereby authorized and empowered: (1) to make,] MAY adopt[, and amend such] rules and regulations as [may be deemed] necessary or [proper] APPROPRIATE to:

- (1) [(i) to fully collect] GOVERN THE PAYMENT, COLLECTION, AND ACCOUNTING OF the tax IMPOSED BY THIS SUBTITLE; [and]
- (2) [(ii) to] define any terms used in connection with the imposition and collection of the tax;

- (3) [(2) to] PROVIDE FOR THE compromise OF disputed claims [in connection with the tax] and, for good and sufficient cause shown, [to waive] THE WAIVER OF interest and [penalty] PENALTIES;
- (4) PROVIDE FOR THE REFUND OF ANY TAX, INTEREST, OR PENALTY ERRONEOUSLY OR ILLEGALLY PAID; AND
- (5) OTHERWISE ADMINISTER, ENFORCE, AND CARRY OUT THIS SUBTITLE.

(B) FILING.

A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE MUST BE FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY BECOME EFFECTIVE.

**§ 22-9. DELEGATION.**

(A) AUTHORIZED.

[(3) to] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE DIRECTOR OF FINANCE MAY delegate any of [the] HIS OR HER powers, duties, and functions [in connection with the collection of the tax and the enforcement of the provisions relating thereto] UNDER THIS SUBTITLE to:

- (1) any [other] agent, representative, or employee of the [Director] DEPARTMENT OF FINANCE;
- (2) [or the] ANY OTHER AGENCY OR UNIT OF City GOVERNMENT[.]; OR
- (3) THE BALTIMORE CITY PARKING AUTHORITY.

(B) WRITING AND FILING.

- (1) A DELEGATION UNDER THIS SECTION MUST BE MADE IN WRITING.
- (2) FOR A DELEGATION UNDER SUBSECTION (A)(2) OR (3) OF THIS SECTION, A COPY OF THE WRITING MUST BE FILED WITH THE BOARD OF ESTIMATES BEFORE IT BECOMES EFFECTIVE.

(C) EXCEPTION.

[provided, however, that all] RULES AND regulations [promulgated] under this subtitle [shall be issued] MAY ONLY BE ADOPTED by the Director OF FINANCE]; and

- (4) to extend, for good cause shown, the time for remitting any tax required to be paid for such period of time as may be deemed reasonable].

**§ 22-10. {Reserved}**

**[§ 22-10. Criminal penalties.]**

**§ 22-11. PROHIBITED CONDUCT.**

The operator of [every] A parking lot or garage [who shall] MAY NOT:

- (1) fail, neglect, or refuse to collect OR REMIT the tax IMPOSED BY THIS SUBTITLE;

[(2) fail, neglect, or refuse to remit the tax required by this subtitle or by the rules and regulations of the Director effective thereunder;]

(2) [(3)] make any incomplete, false, or fraudulent return;

(3) FAIL TO KEEP COMPLETE AND ACCURATE RECORDS;

(4) refuse to permit the Director or [any duly] authorized agent, [or] employee, OR REPRESENTATIVE to [examine] INSPECT AND AUDIT THE OPERATOR'S [books,] records[, and papers relating to the tax]; or

(5) fail to fully comply with any [or all rules or regulations promulgated by the Director pursuant to the authority contained herein, or to keep complete and proper records as required,] RULE OR REGULATION ADOPTED UNDER THIS SUBTITLE.

**§ 22-12. CRIMINAL PENALTIES.**

ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE OR OF A RULE OR REGULATION ADOPTED UNDER THIS SUBTITLE [shall be] IS guilty of a misdemeanor and, ON CONVICTION, [shall be fined] IS SUBJECT TO A FINE OF not more than \$1,000 or [imprisoned] TO IMPRISONMENT FOR not more than 6 months[, ] or TO both[, ] FINE AND IMPRISONMENT for each offense.

**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 30<sup>th</sup> day after the date it is enacted.~~

**SECTION 4. AND BE IT FURTHER ORDAINED,** That Section 1 of this Ordinance takes effect on the 30<sup>th</sup> day after the date it is enacted.

**SECTION 5. AND BE IT FURTHER ORDAINED,** That Section 2 of this Ordinance takes effect on July 1, 2002.

Approved December 19, 2001

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 01-272  
(Council Bill 01-405)**

**AN ORDINANCE CONCERNING**

**Urban Renewal — Market Center —  
Amendment 13**

FOR the purpose of amending the Urban Renewal Plan for Market Center to authorize the acquisition by purchase or by condemnation of certain properties for urban renewal purposes, delete certain development areas, create new disposition lots, and revise an exhibit attached to the Plan to reflect changes in the Plan;

providing for a development and building preservation standard; 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 Market Center was originally approved by the Mayor and City Council of Baltimore by Ordinance 77-579 and last amended by Ordinance 99-423.

An amendment to the Urban Renewal Plan for Market Center is necessary to authorize the acquisition by purchase or by condemnation of certain properties for urban renewal purposes, create new disposition lots, and revise an exhibit attached to the Plan to reflect the changes in the Plan.

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 Market Center are approved:

- (1) On page 11, in Section E. Provisions Applicable to All Land to be Acquired, 5(b), after “VV Mixed B-4-2 Rehabilitate buildings for mixed use.” insert:

“D MIXED B-4-2 REHABILITATE AND/OR REDEVELOPMENT FOR MIXED USE.

F MIXED B-4-2 REHABILITATE BUILDINGS FOR MIXED USE.

FF1 MIXED B-4-1 REHABILITATE AND/OR REDEVELOPMENT FOR MIXED USE.

HH1 MIXED B-4-1 REHABILITATE AND/OR REDEVELOPMENT FOR MIXED USE.

P1 MIXED B-4-2 REHABILITATE AND/OR REDEVELOPMENT FOR MIXED USE.

WW MIXED B-4-2 REHABILITATE AND/OR REDEVELOPMENT FOR MIXED USE.”

- (2) On page 12, in F. Provisions Applicable to Land Not to be Acquired, at the end of the paragraph, insert a new paragraph to read as follows:

“ALL DEVELOPMENT AND BUILDING PRESERVATION STANDARDS AS A RESULT OF RENOVATIONS AND REDEVELOPMENT OF PROPERTIES IN MARKET CENTER MUST CONFORM TO THE MEMORANDUM OF AGREEMENT (MOA) FOR HISTORIC PRESERVATION SIGNED BY THE MAYOR AND APPROVED BY THE BOARD OF ESTIMATES FOR BALTIMORE CITY ON JANUARY 27, 2001, AND THE WEST SIDE STRATEGIC PLAN ADOPTED IN FEBRUARY 2001, FOR THE MARKET CENTER AREA.”

- (3) On page 13, in F. Provisions Applicable to Land Not to be Acquired, 2. Development Areas, delete Development Area Lot # 1, in its entirety, from the list of development areas, and, on page 15, delete Development Area Lot # 29, in its entirety, from the list of development areas.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That it is necessary to acquire, by purchase or by condemnation, for urban renewal purposes, the fee simple interest or any lesser interest in and to the following properties or portions of them, together with all right, title, interest, and estate that the owner or owners of those property interests may have in all streets, alleys, ways or lanes, public or private, both abutting the whole area described or contained within the perimeter of that area, situate in Baltimore City, Maryland, and described as follows:

405 West Baltimore Street  
407 West Baltimore Street  
409 West Baltimore Street  
411 West Baltimore Street  
413 West Baltimore Street  
415 West Baltimore Street  
417 West Baltimore Street  
418 West Baltimore Street  
419 West Baltimore Street  
420 West Baltimore Street  
421 West Baltimore Street  
423 West Baltimore Street

106 North Eutaw Street  
108 North Eutaw Street  
110 North Eutaw Street  
735 North Eutaw Street

121 North Greene Street

303 West Madison Street  
305 West Madison Street  
307 West Madison Street  
311 West Madison Street  
313 West Madison Street  
315-17 West Madison Street  
319 West Madison Street  
321-27 West Madison Street

3' alley north of Lot 1/2 and Lot 43/47 and 2'8" alley east of Lot 37 in Block 521

**SECTION 3. AND BE IT FURTHER ORDAINED,** That Exhibit 2, Property Acquisition - Land Disposition - Development Areas, revised to reflect changes in the Plan, dated February 2, 2001, is approved.

**SECTION 4. AND BE IT FURTHER ORDAINED,** That the Urban Renewal Plan for Market Center, as amended by this Ordinance and identified as "Urban Renewal Plan, Market Center, revised to include Amendment 13, dated February 2, 2001", is approved. The Department of Planning shall file a copy of the amended Urban Renewal Plan with the Department of Legislative Reference as a permanent public record, available for public inspection and information.

**SECTION 5. 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 6. 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 7. 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 8. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is enacted.

Approved December 19, 2001

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 01-273  
(Council Bill 01-468)**

**AN ORDINANCE CONCERNING**

**Youth Baseball — Protective Gear**

FOR the purpose of prohibiting an individual under a certain age from participating in certain baseball games or practice sessions unless he or she is wearing certain protective gear; defining certain terms; providing for the issuance of a warning; and generally relating to the use of protective gear by participants in youth baseball.

BY adding

Article - Health  
Section(s) 18-102  
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**

**Subtitle 18. Miscellaneous Regulations**

**§ 18-102. PROTECTIVE BASEBALL GEAR.**

(A) *DEFINITIONS.*

(1) *IN GENERAL.*

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

(2) *“APPROVED PROTECTIVE GEAR”.*

“APPROVED PROTECTIVE GEAR” MEANS PROTECTIVE EYE, HEAD, AND BODY EQUIPMENT THAT MEETS OR EXCEEDS STANDARDS SET BY ANY OF THE FOLLOWING FOR USE IN YOUTH BASEBALL:

(I) THE AMERICAN NATIONAL STANDARDS INSTITUTE;

(II) THE AMERICAN SOCIETY OF TESTING AND MEASUREMENTS;

(III) THE SNELL MEMORIAL FOUNDATION; OR

(IV) ANY OTHER ORGANIZATION THAT THE HEALTH COMMISSIONER DESIGNATES FOR THIS PURPOSE.

(3) *“YOUTH BASEBALL”.*

“YOUTH BASEBALL” MEANS ANY BASEBALL GAME OR PRACTICE SESSION HELD UNDER THE AUSPICES OF:

(I) LITTLE LEAGUE BASEBALL; OR

(II) ANY OTHER ORGANIZATION OF 2 OR MORE TEAMS.

(B) *PROTECTIVE GEAR REQUIRED.*

NO INDIVIDUAL UNDER THE AGE OF 16 MAY PARTICIPATE IN YOUTH BASEBALL, AT ANY POSITION, UNLESS SHE OR HE IS WEARING APPROVED PROTECTIVE GEAR OF THE TYPE THE COMMISSIONER DESIGNATES AS APPROPRIATE FOR THAT POSITION.

(C) *RULES AND REGULATIONS.*

IN THE RULES AND REGULATIONS ADOPTED UNDER § 2-106 {“RULES AND REGULATIONS”} OF THIS ARTICLE, THE HEALTH COMMISSIONER MUST INCLUDE PROVISIONS, CONSISTENT WITH THIS SECTION, THAT DESIGNATE:

(1) THE TYPES OF PROTECTIVE GEAR THAT ARE APPROPRIATE FOR EACH PLAYING POSITION; AND



- (2) THE ORGANIZATIONS WHOSE STANDARDS MAY BE USED FOR DETERMINING WHETHER EQUIPMENT IS APPROVED PROTECTIVE GEAR FOR PURPOSES OF THIS SECTION.

(D) *ENFORCEMENT.*

THIS SECTION IS ENFORCED BY THE ISSUANCE OF A WARNING THAT:

- (1) INFORMS THE OFFENDER OF THE REQUIREMENTS OF THIS SECTION; AND
- (2) CONTAINS EDUCATIONAL MATERIALS ABOUT APPROVED PROTECTIVE GEAR FOR YOUTH BASEBALL.

**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 December 19, 2001

MARTIN O'MALLEY, Mayor

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**ENROLLED**

**CITY OF BALTIMORE  
ORDINANCE 01-274  
(Council Bill 01-495)**

**AN ORDINANCE CONCERNING**

**Urban Renewal — Charles/25th Streets — Renewal Area  
Designation and Urban Renewal Plan**

FOR the purpose of establishing the Charles/25th ~~Streets~~ Urban Renewal Area; approving a Renewal Plan for the Charles/25th ~~Streets~~ Area; establishing permitted land uses; providing for review of all plans by the Department of Housing and Community Development for new construction or exterior rehabilitation and establishing a plan review process; establishing notable properties and contributing structures worthy of special recognition and attention; establishing a demolition review process and standards for the demolition of notable and contributing structures and for other structures; authorizing the acquisition of property by purchase or by condemnation for urban renewal purposes; providing standards for creating disposition lots; approving certain design standards and controls and restrictions applicable to all land and property within the renewal area; providing for the term of the Plan; establishing procedures for amending the Plan; approving certain exhibits and appendices to the Plan; providing certain definitions; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing that where the provisions of this Ordinance may conflict with any other ordinance, code, or regulation, the provision that establishes the higher standard prevails.

BY authority of

Article 13 - Housing and Urban Renewal  
Section 2-6  
Baltimore City Code  
(Edition 2000)

### **Recitals**

The basic goals for the Charles/25th ~~Streets~~ Urban Renewal Plan are to:

- (1) create a mixed-use community that provides a variety of places for residential, business, and retail uses, increases social and employment opportunities, and capitalizes on the area's potential as the center of an urban village;
- (2) create a vital center for the community by establishing a critical mass of active uses within the existing and newly developed buildings on the streets that surround the intersection of Charles and 25th Streets;
- (3) maintain and protect the existing architectural and historic fabric of the community;
- (4) use the distinguished, historic architecture of the district as a theme to build an identifying image that will attract growth and development;
- (5) ensure an active pedestrian friendly environment that encourages foot traffic along the sidewalks;
- (6) encourage urban accessibility by providing sufficient parking while encouraging shared uses and promoting transit; and
- (7) develop mechanisms for improved maintenance of the structures and properties within the district.

The objectives of this Urban Renewal Plan are linked to the Charles Village Master Plan, the Main Street Program, and future development. These include:

- (1) emphasize a pedestrian scale through use controls and design, parking, and landscaping standards;
- (2) increase the amount of public and green space and focus on increasing the quality of public spaces;
- (3) set standards to insure that the design of new structures and the rehabilitation of existing structures will be consistent with the scale and architectural design of the neighborhood's collection of historic buildings by:
  - (i) establishing a process that incorporates a Community Review Panel to review the designs for new development and the renovation of existing structures;
  - (ii) identifying historically or architecturally significant structures that because they constitute a significant City and neighborhood resource should be preserved; and

- (iii) encouraging the retention of significant existing structures by creating a review process that allows time for the exploration of options other than demolition and links the final approval of the demolition permit to the quality of the building's proposed replacement.

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the area known as Charles/25th Streets Urban Renewal Area, as more particularly described in Section 2, is established.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That the Urban Renewal Plan for the Charles/25th Streets Urban Renewal Area is adopted to read as follows:

**Urban Renewal Plan  
Charles/25<sup>th</sup> Streets**

**A. Project Description**

**1. Project Boundaries:**

Beginning for the same at the intersection of East 22nd Street and the west side of Hargrove Street; thence binding from this point of beginning and binding on the north side of East 22nd Street and West 22nd Street westerly to intersect the east side of Mace Street;

thence binding on the east side of Mace Street northerly to intersect the south side of West 23rd Street; thence binding on the south side of West 23rd Street westerly to the west side of Mace Street; thence binding on the west side of Mace Street northerly to intersect the north side of West 24th Street; thence binding on the north side of West 24th Street easterly to intersect the west side of Maryland Avenue; thence binding on the west side of Maryland Avenue northerly to intersect the south side of West 25th Street; thence binding on the south side of West 25th Street westerly to intersect the west side of North Howard Street; thence binding on the west side of North Howard Street northerly to intersect the north side of the 10/13 foot alley north of West 25th Street, extended; thence binding on the north side of this alley easterly to intersect the west side of Mace Street; thence binding on the west side of Mace Street northerly to intersect the southern property line of Lot 55/56, Block 3635 extended; thence binding on the property line easterly to intersect the west side of the 10-foot alley west of Maryland Avenue; thence binding on the west side of this alley northerly to intersect the south side of the 10-foot alley south of West 26<sup>th</sup> Street; thence binding westerly along this alley to the eastern side of Mace Street; thence binding southerly along Mace Street to the northern property line of Lot 68/69, Block 3635 extended; thence binding westerly along this property line to intersect the east side of the 10-foot alley east of North Howard Street; thence binding southerly along this alley to the northern property line of Lot 29, Block 3635; thence binding on the this property line westerly to intersect the west side of North Howard Street; thence binding on the west and southwest side of North Howard Street northerly and northwesterly to the south side of West 26th Street; thence binding on the south and southeast side of West 26th Street westerly and southwestly to intersect the southwest side of the 9 foot 6 inch / 9 foot 11 inch alley northeast of Huntington Avenue, extended; thence binding on the southwest side of this alley northwesterly to the north west side of the 10 foot alley northwest of West 26th Street, extended; thence binding on the northwest side of this 10 foot alley northeasterly to intersect the west side of North Howard Street; thence binding on the west side of North Howard Street northerly to intersect the north side of West 27th Street the intersection of the property line between Lot 18/20 and Lot 21 of Block 3635; thence binding westerly along this line and this line extended to intersect the west side of Howard Street; thence binding northerly along the west side of Howard Street to intersect the 3-foot alley north of West 26<sup>th</sup> Street extended; thence binding on the north side of the 3-foot alley extended and the north side of the alley itself easterly to intersect the west side of the 10-foot alley east of North Howard Street; thence binding on the west side of this 10-foot alley northerly to intersect the north side of the 10-foot alley south of West 27<sup>th</sup> Street; thence binding along the north side of this 10-foot alley

easterly to the west side of Mace Street; thence binding along the west side of Mace Street and Mace Street extended northerly to intersect the north side of West 27<sup>th</sup> Street;

thence binding on the north side of West 27th Street and East 27th Street easterly to intersect the east side of the 10 foot alley east of North Charles Street, extended; thence binding on the east side of this alley southerly to intersect the north side of the 10 foot alley south of East 27th Street, extended; thence binding on the north side of this alley easterly to intersect the west side of Lovegrove Street; thence binding on the west side of Lovegrove Street northerly to intersect the north side of East 27th Street; thence binding on the north side of West 27th Street to intersect the east side of St. Paul Street;

thence binding on the east side of St. Paul Street southerly to intersect the northern property line of lot 34/block 3839; thence binding on this property line and property line extended to intersect the eastern side of Hargrove alley; thence binding on the east side of Hargrove Alley southerly to the north side of East 26th Street; thence binding on the north side of East 26th Street easterly to intersect the east side of Hunter Street; thence binding on the east side of Hunter Street southerly to the north side of East 25th Street; thence binding on the north side of East 25th Street westerly to the west side of Hargrove Alley; thence binding on the west side of Hargrove Alley southerly to the point of beginning.

## 2. Introduction and Goals for the Plan

- a. This Plan for the future of the Charles/25th Street area has been developed in response to community discussions concerning how this century-old neighborhood can retain its pleasing architectural character and scale while also attracting vital new investment. Previously, there was no formal "blueprint" to guide the area's future. By blending historically significant structures with architecturally sympathetic new development, the aims to create a charming, pedestrian-friendly Village Center emanating from the hub of Charles and 25th Streets. Its implementation, guided by this Plan and a community review panel comprised of residents and representatives of area business and community organizations, will result not only in a cohesive and attractive community appearance, but also will set the stage for the neighborhood's economic and social revitalization, with a broadened range of employment opportunities, facilities, and services.
- b. These seven goals are at the center of this Plan:
  - (1) create a mixed-use community that provides a variety of places for residential, business, and retail uses, increases social and employment opportunities, and capitalizes on the area's potential as the center of an urban village;
  - (2) create a vital center for the community by establishing a critical mass of active uses within the existing and newly developed buildings on the streets that surround the intersection of Charles and 25th Streets;
  - (3) maintain and protect the existing architectural and historic fabric of the community (The detailed design goals that are a part of this Plan are located at the beginning of Appendix A in this Plan.);
  - (4) use the distinguished, historic architecture of the district as a theme to build an identifying image that will attract growth and development;
  - (5) ensure an active pedestrian friendly environment that encourages foot traffic along the sidewalks;

- (6) encourage urban accessibility by providing sufficient parking while encouraging shared uses and promoting transit; and
  - (7) develop mechanisms for improved maintenance of the structures and properties within the district.
- c. In this document:
- (1) The Charles/25th Urban Renewal Plan will be referred to as the “Plan”, or the “Urban Renewal Plan”;
  - (2) the Mayor and City Council of Baltimore will be referred to as the “City”;
  - (3) the Baltimore City Department of Housing and Community Development will be referred to as “DHCD”;
  - (4) the Commissioner of the Baltimore City Department of Housing and Community Development will be referred to as the “Commissioner”; and
  - (5) the Charles Village Community Benefits District (or its designee) will be referred to as “CVCBD”.

### 3. Plan Objectives

The objectives of this Urban Renewal Plan are linked to the Charles Village Master Plan, the Main Street program, and future development. These include:

- (1) emphasizing a pedestrian scale through use controls and design, parking, and landscaping standards;
- (2) increasing the amount of public and green space and focus on increasing the quality of public spaces; and
- (3) setting standards to insure that the design of new structures and the rehabilitation of existing structures will be consistent with the scale and architectural design of the neighborhood’s collection of historic buildings by:
  - (i) establishing a process that incorporates a Community Review Panel to review the designs for new development and the renovation of existing structures;
  - (ii) identifying historically or architecturally significant structures that because they constitute a significant City and neighborhood resource should be preserved; and
  - (iii) encouraging the retention of significant existing structures by creating a review process that allows time for the exploration of options other than demolition and links the final approval of the demolition permit to the quality of the building’s proposed replacement. As part of the process, the Community Review Panel will review and recommend to the Commissioner the approval or denial of demolition permits to ensure that the demolition is in conformance with the goals and objectives of this Plan.

## B. Land Use Provisions

Only the use categories shown on the Land Use Plan/Zoning, Exhibit A, are permitted within the project area. These are Neighborhood Business, Community Business, Community Commercial, Office-Residential, Residential, and Industrial. In addition, certain existing uses will be permitted to continue, subject to the provisions governing nonconforming uses in this Plan.

### 1. Neighborhood Business: serves nearby residences with convenience retail uses and services.

- a. In the area designated Neighborhood Business on the Land Use Plan, permitted uses are limited to those authorized by the Baltimore City Zoning Code as permitted uses for a B-1 District. However, the following B-1 uses that are permitted in the Zoning Code are conditional uses that require Board of Municipal and Zoning Appeals approval under this Plan:

- (1) Day care facilities as follows: day nurseries and nursery schools; school-age child care centers
- (2) Radio and television antennas that are free-standing or that extend more than 25 feet above the building on which they are mounted – but not including microwave antennas (satellite dishes)

- b. In the area designated Neighborhood Business on the Land Use Plan, accessory uses are limited to those authorized by the Baltimore City Zoning Code as accessory uses for a B-1 District. However, the following B-1 uses that are accessory uses in the Zoning Code are conditional uses that require Board of Municipal and Zoning Appeals approval under this Plan:

Animal facilities as follows:

- (1) dog and cat kennels: private, operated and maintained in conformance with the Health Code of Baltimore City.
- (2) facilities that house pets and wild animals, as permitted under the Health Code of Baltimore City

- c. In the area designated Neighborhood Business on the Land Use Plan, conditional uses are limited to those authorized by the Baltimore City Zoning Code as conditional uses for a B-1 District. However, the following B-1 uses that are conditional uses in the Zoning Code are prohibited in this Plan:

Community Correction Centers  
 Helistops  
 Parole and probation field offices  
 Poultry- and rabbit-killing establishments  
 Substance abuse treatment centers - prohibited within 1,000 feet of an existing substance abuse treatment facility  
 Travel trailers, recreational vehicles, and similar camping equipment: parking or storage

### 2. Community Business: accommodates the needs of a larger consumer population than a Neighborhood Business District.

- a. In the area designated Community Business on the Land Use Plan, permitted uses are limited to those authorized by the Baltimore City Zoning Code as permitted uses for a B-2 District.

However, the following B-2 uses that are permitted in the Zoning Code are conditional uses that require Board of Municipal and Zoning Appeals approval under this Plan:

- Check cashing agencies
- Clubs and lodges: private nonprofit
- Rooming houses - up to 10 units
- Hotels and motels
- Liquor stores: package goods
- Parking, open off-street areas and off-street garages, other than accessory, for the parking of 4 or more automobiles
- Physical culture and health services: gymnasiums, reducing salons, public baths
- Radio and television antennas that are free-standing or that extend more than 25 feet above the building on which they are mounted — but not including microwave antennas (satellite dishes)
- Skating rinks
- Taverns — but not including live entertainment or dancing

- b. Additionally, the following B-2 permitted uses that are permitted in the Zoning Code are prohibited in this Plan:

- Blood donor centers
- Fraternity and sorority houses: off-campus
- Rooming houses with ~~11 or more units~~ a maximum of 10 units would require a conditional use, by ordinance, and those with 11 or more units are prohibited

- c. In the area designated Community Business on the Land Use Plan, accessory uses are limited to those authorized by the Baltimore City Zoning Code as accessory uses for a B-2 District. However, the following B-2 uses that are accessory uses in the Zoning Code are conditional uses that require Board of Municipal and Zoning Appeals approval in this Plan:

Animal facilities as follows:

- (1) dog and cat kennels: private, operated and maintained in conformance with the Health Code of Baltimore City.
- (2) facilities that house pets and wild animals, as permitted under the Health Code of Baltimore City

- d. In the area designated Community Business on the Land Use Plan, conditional uses are limited to those authorized by the Baltimore City Zoning Code as conditional uses for a B-2 District. However, the following B-2 uses that are conditional uses in the Zoning Code are prohibited in this Plan:

- Amusement arcades in shopping or commercial recreation centers over 20,000 square feet
- Automobile accessory stores — including related repair and installation services
- Community correction centers
- Drug stores and pharmacies: drive-in — but not including the sale of alcoholic beverages or tobacco products
- Firearm sales — when in a business establishment permitted in a business district
- Garages, other than accessory, for storage, repair, and servicing of motor vehicles, not over 1½ tons capacity — but not including body repair, painting, or engine rebuilding
- Gasoline service stations
- Helistops

~~Homes~~ ~~Nonprofit homes~~ Homes for the rehabilitation of non-bedridden alcoholics and for the care and custody of homeless persons - permitted for facilities with a maximum of 6 8 beds, and those with 7 9 or more beds are prohibited

Parole and probation field offices

Pawnshops

Poultry- and rabbit-killing establishments

Restaurants: drive-in — but not including pick-up drives with window service

Substance abuse treatment centers - prohibited within 1,000 feet of an existing substance abuse treatment facility

Travel trailers, recreational vehicles, and similar camping equipment: parking or storage

3. Community Commercial: accommodates more intensive commercial uses.

- a. In the area designated Community Commercial on the Land Use Plan, permitted uses are limited to those authorized by the Baltimore City Zoning Code as permitted uses for a B-3 District. However, the following B-3 uses that are permitted in the Zoning Code are conditional uses that require Board of Municipal and Zoning Appeals approval under this Plan:

Animal hospitals

Auto painting shops

Building and lumber material sales establishments with shops and yards

Bus and transit passenger stations and terminals

Carpets and rug: cleaning establishments

Check cashing agencies

Clubs and lodges: private nonprofit

Contractor and construction shops and yards

Hospitals

Hotels and motels

Liquor stores: package goods

Massage therapists' offices

Meat markets — including sale of meats and meat products to restaurants, hotels, clubs, and similar establishments

Physical culture and health services: gymnasiums, reducing salons, public baths

Radio and television antennas that are free-standing or that extend more than 25 feet above the building on which they are mounted — but not including microwave antennas (satellite dishes)

Repeater, transformer, pumping, booster, switching, conditioning, and regulating stations, and similar installations

Restaurants and lunch rooms — including live entertainment and dancing

Rooming houses - up to 10 units

Sign painting shops

Skating rinks

Taverns — including live entertainment or dancing

Trailers: sales and rental

Warehousing and wholesale establishments, and storage

- b. Additionally, the following B-3 uses that are permitted uses in the Zoning Code are prohibited in this Plan:

Blood donor centers

Fraternity and sorority houses: off-campus

Highway maintenance shops and yards

Milk and dairy products: processing and distribution



Mobile home: sales  
 Model home and garage displays  
 Moving and storage establishments  
 Palmists  
 Rooming houses with ~~11 or more units~~ a maximum of 10 units would require a conditional use, by ordinance, and those with 11 or more units are prohibited  
 Stables for horses  
 Warehousing and wholesale establishments, and storage

- c. In the area designated Community Commercial on the Land Use Plan, conditional uses are limited to those authorized by the Baltimore City Zoning Code as conditional uses for a B-3 District. However, the following B-3 uses that are conditional uses in the Zoning Code are prohibited in this Plan:

After-hours establishments  
 Amusement arcades  
 Amusement parks and permanent carnivals  
 Community correction centers  
 Firearm sales — when in a business establishment permitted in a Business District  
 Garages, other than accessory, for storage, repair, and servicing of motor vehicles not over 1½-tons capacity — including body repair, painting, and engine building  
 Garages, other than accessory, for storage, repair, and servicing of motor vehicles over 1½-tons capacity — not including body repair, painting, and engine rebuilding  
 Gasoline service stations  
 Helistops  
~~Homes Nonprofit homes~~ Homes for the rehabilitation of non-bedridden alcoholics and for the care and custody of homeless persons - permitted for facilities with a maximum of 6 8 beds, and those with 7 9 or more beds are prohibited  
 Parole and probation field offices  
 Pawnshops  
 Poultry- and rabbit-killing establishments  
 Recycling collection stations  
 Substance abuse treatment centers - prohibited within 1,000 feet of an existing substance abuse treatment facility  
 Tattoo parlors  
 Travel trailers, recreational vehicles, and similar camping equipment: parking or storage

4. Office-Residential: encourages a mixture of residential and office uses in blocks of existing row house buildings.

- a. In the area designated Office-Residential on the Land Use Plan, permitted uses are limited to those authorized by the Baltimore City Zoning Code as permitted uses for an O-R District. However, the following O-R uses that are permitted in the Zoning Code are conditional uses that require Board of Municipal and Zoning Appeals approval under this Plan:

Rooming houses — but with no more than 10 rooming units in each structure

- b. In the area designated Office-Residential on the Land Use Plan, accessory uses are limited to those authorized by the Baltimore City Zoning Code as accessory uses for an O-R District. However, the following O-R uses that are accessory uses in the Zoning Code are conditional uses that require Board of Municipal and Zoning Appeals approval under this Plan:

Animal facilities as follows:

- (1) dog and cat kennels: private, operated and maintained in conformance with the Health Code of Baltimore City.
  - (2) facilities that house pets and wild animals, as permitted under the Health Code of Baltimore City.
- c. In the area designated Office-Residential on the Land Use Plan, conditional uses are limited to those authorized by the Baltimore City Zoning Code as conditional uses for an O-R District. However, the following O-R uses that are conditional uses in the Zoning Code are prohibited in this Plan:

Community correction centers

Fraternity and sorority houses: off-campus

Helistops

~~Nonprofit homes~~ Homes for the rehabilitation of non-bedridden alcoholics and for the care and custody of homeless persons - permitted for facilities with a maximum of 6 8 beds, and those with 7 9 or more beds are prohibited

Parole and probation field offices

Rooming houses with ~~11 or more units~~ a maximum of 10 units would require a conditional use, by ordinance, and those with 11 or more units are prohibited

Substance abuse treatment centers - prohibited within 1,000 feet of an existing substance abuse treatment facility

Travel trailers, recreational vehicles, and similar camping equipment: parking or storage

5. Residential: allows a row house density of up to 58 units per acre and an efficiency apartment unit density of up to ~~79~~ 87 units per acre.

- a. In the area designated Residential on the Land Use Plan, permitted uses are limited to those authorized by the Baltimore City Zoning Code as permitted uses for an R-8 District. However, the following R-8 uses that are permitted in the Zoning Code are conditional uses that require Board of Municipal and Zoning Appeals approval under this Plan:

Clubs and lodges: nonprofit

Hospitals

- b. In the area designated Residential on the Land Use Plan, accessory uses are limited to those authorized by the Baltimore City Zoning Code as accessory uses for an R-8 District. However, the following R-8 uses that are accessory uses in the Zoning Code are conditional uses that require Board of Municipal and Zoning Appeals approval under this Plan:

Animal facilities as follows:

- (1) dog and cat kennels: private, operated and maintained in conformance with the Health Code of Baltimore City.
  - (2) facilities that house pets and wild animals, as permitted under the Health Code of Baltimore City.
- c. In the area designated Residential on the Land Use Plan, conditional uses are limited to those authorized by the Baltimore City Zoning Code as conditional uses for an R-8 District. However, the following R-8 uses that are conditional uses in the Zoning Code are prohibited in this Plan:

Boats and boat trailers: parking or storage  
Cemeteries, including accessory crematoriums and mausoleums  
Community corrections centers  
Fraternity and sorority houses: off-campus  
Helistops  
~~Nonprofit homes~~ Homes for the rehabilitation of non-bedridden alcoholics and for the care and custody of homeless persons - permitted for facilities with a maximum of 6 8 beds, and those with 7 9 or more beds are prohibited  
Rooming houses with a maximum of 10 units would require a conditional use, by ordinance, and those with 11 or more units are prohibited  
Substance abuse treatment centers - prohibited within 1,000 feet of an existing substance abuse treatment facility  
Travel trailers, recreational vehicles, and similar camping equipment: parking or storage.

6. Industrial: allows light industrial uses that are compatible with adjoining business or residential districts.
- a. In the area designated Industrial on the Land Use Plan, permitted uses are limited to those authorized by the Baltimore City Zoning Code as permitted uses for an M-1 District. However, the following M-1 uses that are permitted in the Zoning Code are conditional uses that require Board of Municipal and Zoning Appeals approval under this Plan:

Beverages: manufacturing  
 Bottling works  
 Carpet and rug cleaning establishments  
 Clothing and other finished products: manufacturing  
 Contractor and construction shops  
 Cosmetics: manufacturing  
 Die casting  
 Dry cleaning establishments  
 Fences: manufacturing  
 Fermented fruits and vegetable products: processing  
 Food products: manufacturing and processing  
 Ink: manufacturing  
 Inked products: manufacturing  
 Laboratories: research and testing  
 Laboratory apparatus: manufacturing  
 Linen, towel, diaper, and similar supply establishments  
 Mail order distribution centers  
 Massage therapists' offices  
 Milk and dairy products: processing and distribution  
 Perfumes: manufacturing  
 Pharmaceuticals: manufacturing  
 Photography film: manufacturing and processing  
 Public transportation uses, as follows:  
     (i) Bus and transit passenger stations and terminals  
     (ii) Garages and lots for bus and transit vehicles  
 Public utility service centers  
 Radio and television antennas that are free-standing or that extend more than 25 feet above the building on which they are mounted — but not including microwave antennas (satellite dishes)  
 Recording studios  
 Spices: manufacturing and processing

Tool, die, or pattern-making shops  
Umbrellas: manufacturing

- b. Additionally, the following M-1 uses that are permitted in the Zoning Code are prohibited in this Plan:

Adhesive products: manufacturing  
Automotive parts: manufacturing  
Carpets: manufacturing  
Cotton processing  
Dyeing establishments  
Electroplating  
Flammable liquids: manufacturing and storage  
Galvanizing  
Gases, noncombustible and non-toxic: manufacturing and storage  
Glass products: manufacturing from previously prepared materials  
Hardware and tools: manufacturing  
Ice, natural and dry: manufacturing  
Leather products: manufacturing  
Luggage: manufacturing  
Machine shops  
Machine tools, light: manufacturing  
Machinery and machines, household, business, and office: manufacturing  
Malting  
Matches: manufacturing  
Mattresses: manufacturing  
Metal finishing  
Metal products and machinery, medium and light: manufacturing  
Mirrors: manufacturing  
Paper products: manufacturing from previously prepared materials  
Plastic products: manufacturing from previously prepared materials  
Polish: manufacturing  
Rubber products: manufacturing or processing from previously prepared materials  
Serums, toxins, and viruses: manufacturing and processing  
Silverware, plate and sterling: manufacturing  
Starch: manufacturing  
Textile mill products: manufacturing and fabrication  
Tobacco products: manufacturing  
Toiletries: manufacturing  
Undertaking establishments and funeral parlors  
Warehousing and storage  
Wax and wax products: manufacturing  
Window blinds, shades, awnings: manufacturing  
Wire: manufacturing

- c. In the area designated Industrial on the Land Use Plan, accessory uses are limited to those authorized by the Baltimore City Zoning Code as accessory uses for an M-1 District. However, the following M-1 uses that are accessory uses in the Zoning Code are conditional uses that require Board of Municipal and Zoning Appeals approval under this Plan:

Animal facilities as follows:

- (1) dog and cat kennels: private, operated and maintained in conformance with the Health Code of Baltimore City.
  - (2) facilities that house pets and wild animals, as permitted under the Health Code of Baltimore City.
- d. In the area designated Industrial on the Land Use Plan, conditional uses are limited to those authorized by the Baltimore City Zoning Code as conditional uses for an M-1 District. However, the following M-1 uses that are conditional uses in the Zoning Code are prohibited in this Plan:

Atomic reactors  
 Community correction centers  
 Helistops  
 Marinas: dry storage (boatels)  
 Marinas: industrial (boat repair facilities)  
 Marinas: recreational  
 Mining, gravel, sand or other raw materials  
 Recycling collection stations  
 Textile mill products: processing and sorting  
 Substance abuse treatment centers - prohibited within 1,000 feet of an existing substance abuse treatment facility

#### 7. Nonconforming Use

A nonconforming use as defined in the Baltimore City Zoning Code is any lawfully existing use of a structure or land that is not permitted in the use regulations of the district in which the structure or land is located. A nonconforming use can continue to operate within an urban renewal area that prohibits it, but cannot move within the lot or structure or expand without authorization from the Board of Municipal and Zoning Appeals. If a nonconforming use has moved from a lot or structure for longer than 12 months, it can only be replaced by a permitted use. If a nonconforming use has been inactive and not in continuous operation for 12 months, that use may not be reestablished and can only be replaced by a permitted use. For more detailed information about nonconforming use regulations see Title 13 of the Zoning Code of Baltimore City.

#### 8. Noncomplying Structure

A noncomplying structure as defined in the Baltimore City Zoning Code is any lawfully existing structure that does not comply with the bulk regulations of the district in which the structure is located. A noncomplying structure will be permitted to continue after the ordinance is passed. It may be maintained or repaired. If a noncomplying structure is destroyed or damaged by fire, it may be repaired or reconstructed with the same square feet as before if a building permit for the work is obtained and the work is started and diligently pursued within 1 year of the destruction or damage. For more detailed information about noncomplying structure regulations see Title 13 of the Zoning Code of Baltimore City.

### C. Types of Renewal Actions that will be Used to Achieve the Plan Objectives

#### 1. Creation of a Community Review Panel

The Charles Village Community Benefits District shall facilitate the creation of a Community Review Panel. All members of the panel who are appointed by the neighborhood organizations and the Benefits

District (the members are from the CVCA, the Old Goucher Community Association, the CVCBD, and the Old Goucher Business Partnership) are defined as the initial panel members. It is the responsibility of these initial panel members to establish a process for selecting the at-large members who will fill the remaining slots on the Panel. All of the members will then create the guidelines for operating the Panel. The Community Review Panel will then be responsible for conducting the community review process. Its guidelines will be made available to anyone who requests a copy.

The Community Review Panel must review and recommend approval or denial of permit applications for exterior rehabilitation and new development to ensure that the goals and objectives of this Urban Renewal Plan are incorporated in the proposed plans. The Community Review Panel must also review demolition permit applications to determine whether the proposed demolition is in conformance with the goals and objectives of this Plan.

- a. Members of the Community Review Panel are responsible for conveying information about the work and decisions of the Panel to the organizations they represent.
- b. Membership of the Panel must include:
  - (1) ~~1~~ 2 representative from the ~~South Charles Village~~ Old Goucher Community Association (or its designee);
  - (2) 1 representative from the Charles Village Civic Association (or its designee);
  - (3) 1 representative from the ~~South Charles Village~~ Old Goucher Business Partnership (or its designee);
  - (4) 1 representative from the CVCBD (or its designee), who must live or work within this Urban Renewal Area;
  - (5) 1 representative from a business in the ~~area~~ district that is located west of Charles Street or on the west side of Charles Street;
  - (6) 1 representative from a ~~church or non-profit organization~~ business in the district that is located east of Charles Street or on the east side of Charles Street;
  - (7) 1 representative from a ~~Korean merchants~~ non-profit organization in the district — the non-profit organization must be a 501c(3) organization as defined by the IRS;
  - (8) 1 non-voting member who is an architect;
  - (9) 1 non-voting member from the Baltimore City Commission for Historical and Architectural Preservation; and
  - (10) 1 non-voting member from the Baltimore City Department of Planning
  - ~~(11) 1 representative from Peabody Heights Resident Homeowners Alliance, Inc.~~
- c. Quorum for the Community Review Panel shall be ~~4~~ 5 voting members. A tie vote must be counted as a failure of the motion.
- d. All Community Review Panel meetings must be open to the public.

## 2. Plan Review

To ensure that development is consistent with the requirements and objectives of this Urban Renewal Plan, all plans and specifications for new construction (including parking lots) and exterior rehabilitation for any property must be submitted for approval to the Department of Housing and Community Development. The plan review process begins with a building permit application to DHCD:

- a. The Department of Housing and Community Development must forward permit applications for all new construction and for all renovations that include significant exterior changes that are visible from a public street to the Community Review Panel in care of the CVCBD.
- b. In addition to material given to DHCD, developers or property owners are responsible for providing the following information to the CVCBD for the use of the Community Review Panel:
  - (1) for renovations that change existing building façades that are visible from a public street:
    - (i) photographs of the existing façades and neighboring buildings;
    - (ii) elevations of the façades showing the proposed changes;
    - (iii) additional drawings or renderings as needed to explain the proposed changes; and
    - (iv) color chips and samples of proposed materials.
  - (2) for projects that include new structures or new building additions that are visible from a public street:
    - (i) the items listed above;
    - (ii) elevations of all of the façades;
    - (iii) a complete set of floor plans;
    - (iv) a site plan showing adjacent properties and structures; and
    - (v) a small study model.
  - (3) The site plans and drawings must be drawn to a standard architectural or engineering scale. Photographs and renderings must show enough of the blocks and buildings around the project so that the Community Review Panel can determine how successfully the project fits in with the nearby parts of the neighborhood.
- c. The Panel will be given ~~30~~ a maximum of 45 days from the date of the receipt of the required information from the owner or developer to respond with a recommendation for approval or disapproval of the permit to DHCD. The Panel must forward its written recommendation to the applicant, the Department of Planning, and the Department of Housing and Community Development. If the Community Review Panel recommends disapproval, a written explanation will be provided detailing how the proposal did not comply with the Urban Renewal Design Standards. Approved plans and drawings will be stamped by the Community Review Panel before they are forwarded to the Department of Housing and Community Development.

- d. All property owners and developers are encouraged to bring their conceptual and preliminary designs to the Community Review Panel through the CVCBD to begin a dialog with the community before the plans are finalized for the City permits. An early presentation of the plans will often help the proposal proceed smoothly through the approval process without major and costly last minute changes to the plans. Preliminary presentations may expedite the process but do not change the formal approval process outlined above.
- e. If the project plans undergo substantial change before the permits are approved by DHCD, the revised plans must be submitted to the Community Review Panel for additional review. The Panel will have 30 days from the receipt of the new required information to review the amended plans prior to responding again in writing to the Department of Housing and Community Development.
- f. If a development project located within the boundaries of this plan is referred by the Planning Department or DHCD to the City's Design Advisory Panel for design review, the project must also be referred to this Community Review Panel for review. The Community Review Panel will, within the time specified for its comments, forward its recommendations to the Commissioner so that its views, along with those of the Design Advisory Panel, can be considered in the Commissioner's decisions.
- g. After the receipt of the decision of the Community Review Panel or after the time frame for the Community Review Panel decision established in this document has elapsed, DHCD will approve or disapprove the permit. DHCD must, to the best of its ability, base its decision on whether the proposed project is consistent with the objectives of this Urban Renewal Plan and take into consideration the opinion of the Community Review Panel. The Commissioner of DHCD retains the final right to approve or disapprove all plans and permits.

### 3. Establishment of Notable and Contributing Structures

This urban renewal plan creates special designations for buildings that are considered particularly historically or architecturally valuable and buildings that are considered important in contributing to the character of the neighborhood.

- a. Notable Structures are historically or architecturally significant structures. These are considered significant enough that their continued existence is essential to historical character and integrity of the neighborhood.

Buildings that are selected to be Notable Structures are identified on Exhibit B. They include:

- (1) the buildings within the boundaries of this Plan that are identified as Designated Structures in the Charles Village Abell National Historic District and the Old Goucher College National Historic District:

2300 Maryland Avenue	Goucher- Fensal Hall
2301 Maryland Avenue	Goucher- Folkvang Hall
2301 (rear) Maryland Avenue	Goucher- City Girl's Center
2303 Maryland Avenue	Goucher- Trudheim Hall
2307 Maryland Avenue	Goucher- Dunnock Hall
2317-2323 Maryland Avenue	Goucher- Ford Hall
2229 North Charles Street	Goucher- President's House
2300 North Charles Street	Nobel House (Goucher - Glitner Hall)
2301 North Charles Street	CVCBD Office (Goucher - Foster Hall)
2327 North Charles Street	Nobel House (Goucher - Mardal Hall)



2200 St. Paul Street	Lovely Lane Church (also a City Historic Landmark)
2220 St. Paul Street	Hearing and Speech (Goucher - Goucher Hall)
2233 St. Paul Street	Goucher- Midgard Hall
2300 St. Paul Street	Maryland Geological Survey (Goucher - Bennett Hall and Annex)
2313 St. Paul Street	Alpha Phi Alpha headquarters (Dr. Goucher's House) (also a City Historic Landmark)
2401 St. Paul Street	Antioch Church (Goucher- Catherine Hooper Hall)
1 East 24 <sup>th</sup> Street	Goucher- Alumnae Lodge
101 West 24 <sup>th</sup> Street	Goucher- Vingolf Hall

(2) additional buildings selected by community representatives:

2601 N. Howard Street	Census Building
2443-45 North Charles Street	Copy Cat
2317 St. Paul Street	Whitman Requardt (Federal Land Bank)
2521 St. Paul Street	Village Learning Center (Enoch Pratt Free Library, Branch #6)
100 East 23 <sup>rd</sup> Street	Hooper Mansion

- b. Contributing Structures are buildings that, as a group, contribute to the overall historic character and integrity of the neighborhood.

Buildings identified as Contributing Structures are shown on Exhibit B. They include:

- (1) buildings within the boundaries of this Plan that are identified as Contributing Structures in the Charles Village Abell National Historic District and the Old Goucher College National Historic District;
- (2) buildings that are outside of the boundaries of the historic districts but meet the criteria for Contributing Structures used in the adjacent Charles Village Abell National Historic District. These include:
  - (i) all the buildings on the north side of the 100 block of West 25<sup>th</sup> Street;
  - (ii) all the buildings on the south side of the 100 block of West 27<sup>th</sup> that are west of Morton Street; and

(3) additional buildings selected by community representatives:

2436-48 N. Charles Street	the Beachfield
2432-38 St. Paul Street and	Astor Court
35-37 E. 25 <sup>th</sup> Street	

- c. Other Structures are buildings that do not significantly contribute to the overall historic character and integrity of the urban renewal area.

Other Structures are all the structures within the Urban Renewal area that are left clear on Exhibit B. They include:

the buildings within the boundaries of this Plan that are identified as Non-contributing Structures in the Charles Village Abell National Historic District and the Old Goucher College National Historic District and have not been selected by neighborhood residents to be Notable or Contributing Structures.

#### 4. Demolition Review

This section establishes criteria and a process to review applications for demolition permits for buildings within this urban renewal area. The review process is based on three classifications of buildings that rank each building's contribution to the essential historical character and integrity of the neighborhood.

This process is intended to encourage the preservation, maintenance, improvement, and continued use of Notable and Contributing Structures that are deemed of significant importance to the overall well being and quality of the neighborhood. By establishing a waiting period, this Plan allows the City, interested persons, historical societies, or other entities to have the opportunity to acquire, to explore the use of Historic Tax Credits, or to identify other resources that can be used for preservation of these structures.

- a. All applications for demolition permits must be submitted to DHCD for review. Applications must be accompanied by:
  - (1) a building permit application for the proposed new development along with a complete set of plans and documentation of a financing commitment. Documentation of the ability to complete the replacement project must include at least one of the following: a performance bond, a letter of credit, a trust for completion of improvements, or a letter of commitment from a financial institution; and
  - (2) renderings of any proposed building façades including signage, awnings, architectural details, and building construction materials.
- b. Demolition requests must be forwarded by DHCD to the Community Review Panel in care of the Charles Village Community Benefits District.

#### 5. Demolition Requests for Notable Structures

- a. These buildings must not be demolished unless either of the following apply:
  - (1) The Commissioner finds that health and safety concerns make the buildings unsafe; or
  - (2) The Commissioner of DHCD, after receiving the advice of the Community Review Panel, is satisfied that a renovation plan cannot be developed for the structure to earn an economic return on its value, as determined by a qualified appraiser and by standard practices of economic analysis. A detailed list of the documentation that must be provided to DHCD and the Community Review Panel so that they are able to make this determination is included in the Commission for Historical and Architectural Preservation's document, "Demolition Application Procedure".
- b. If the Commissioner finds that the building is unsafe, the application for the demolition must be approved without delay. Otherwise, demolition applications for Notable buildings must be reviewed and undergo a 12-month waiting period beginning on the date the application is submitted. A sign indicating application for demolition must be prominently posted on the front of the building within 10 days of submitting an application. The applicant or interested party

must place 2 advertisements in a general circulation daily paper. The first would be published within 15 days of the posting of a sign; the second would be published 60 days before the 12-month waiting period expires.

- c. During the 12-month waiting period, the Community Review Panel must hold a minimum of 2 community meetings. At the end of the waiting period, the Community Review Panel must send its recommendation to the Commissioner of the Department of Housing and Community Development. If the Community Review Panel recommends disapproval of demolition, a written explanation of the reasons for the disapproval must be given to DHCD and the applicant.

6. Demolition Requests for Contributing Structures

- a. These buildings must not be demolished unless any one of the following apply:
  - (1) The Commissioner finds that health and safety concerns make the buildings unsafe; or
  - (2) The Commissioner of DHCD, after receiving the advice of the Community Review Panel, is satisfied that a renovation plan cannot be developed for the structure to earn an economic return on its value, as determined by a qualified appraiser and by standard practices of economic analysis. A detailed list of the documentation that must be provided to DHCD and the Community Review Panel so that they are able to make this determination is included in the Commission for Historical and Architectural Preservation's document, "Demolition Application Procedure"; or
  - (3) The Commissioner of DHCD, after receiving the advice of the Community Review Panel, is satisfied that the proposed use and design for the replacement structure has been funded, fits in with the surrounding neighborhood, and fulfills the goals and objectives of this Plan.
- b. If the Commissioner finds that the building is unsafe, the application for the demolition must be approved without delay. Otherwise, demolition applications for Contributing Structures must be reviewed and undergo a 60-day waiting period beginning on the date the application is submitted. During the 60-day waiting period, the Community Review Panel must hold a minimum of one community meeting. At the end of the waiting period, the Community Review Panel must send its recommendation to the Commissioner of the Department of Housing and Community Development. If the Community Review Panel recommends disapproval of demolition, a written explanation of the reasons for the disapproval must be given to DHCD and the applicant.

7. Demolition Requests for Other Structures

- a. These buildings are not subject to a waiting period or review by the Community Review Panel. However, the Commissioner must forward to CVCBD copies of demolition permit applications for these buildings for the Community Review Panel's information.
- b. The Commissioner of the Department of Housing and Community Development must not approve a request for demolition of a Notable or Contributing Structure before receiving evidence that there has been a complete community review process by the Community Review Panel and finding that the proposed replacement project is consistent with the objectives and Design Standards of the Urban Renewal Plan. If the Commissioner of DHCD finds that the proposed plans for the replacement of a Contributing Structure are inconsistent with the Urban Renewal Plan, he must deny the permit. The Commissioner of DHCD retains the final right to approve or disapprove all plans and permits.

#### 8. Acquisition of Properties

- a. Properties designated for acquisition are shown on Exhibit C, Property Acquisition. They may be acquired for any of the following purposes:
  - (1) to allow the Department of Housing and Community Development to purchase properties so that they can be offered for redevelopment that meets the objectives of this Plan;
  - (2) to purchase a group of properties to create a consolidated development parcel so that it can be offered for redevelopment that meets the objectives of the Plan;
  - (3) to facilitate rehabilitation of especially blighted properties; and
  - (4) to be used for public facilities.
- b. Structures on the properties that are acquired may be demolished for redevelopment or retained to be rehabilitated.

#### 9. Disposition of Properties

- a. Properties designated for disposition are shown on Exhibit D, Property Disposition. After DHCD has acquired a property, the agency is required to take one of the following steps:
  - (1) offer the land for redevelopment of projects that meet the objectives of this Plan;
  - (2) sell or lease the property;
  - (3) rehabilitate the structure for sale; or
  - (4) land bank the property for future development.
- b. Prior to the disposition of any property, DHCD must notify the Charles Village Community Benefits District and provide as much nonproprietary information as possible regarding the disposition and its impact on the Urban Renewal Plan. The Charles Village Community Benefits District will have the opportunity to make recommendations to DHCD concerning the appropriate disposition and restrictions to be placed on the property.

#### 10. Other Remedies for Non-compliance

In addition to, and not in place of, the remedy of acquisition by purchase or condemnation of non-complying properties, DHCD may correct code violations and place a lien against the property in accordance with the provisions of Section 303 of the Housing Code of Baltimore City.

#### 11. Provisions for Public Improvements

It is the intent of this Urban Renewal Plan to provide public improvements within the public rights-of-way to enhance and improve the pedestrian environment and to complement and encourage private renovation. These improvements may include, but are not limited to, street and utility improvements, public pedestrian walkways, lighting, landscaping, and street furniture.

D. General Development and Redevelopment Controls

1. Design Standards

- a. Design standards is a broad term that applies to the construction or rehabilitation of structures and to the site plans, parking layouts and landscape treatment of the properties located in the area of the Plan.
- b. The Community Review Panel will use these standards to guide and inform their review process. The design standards for this Plan are located in Appendix A of this document.

2. Maintenance Standards

- a. Maintenance standards apply to all of the properties located in the area of the Plan.
- b. The maintenance standards for this Plan are located in Appendix B of this document.

E. Interpretation

In the event of any question regarding the meaning of these standards and controls or other provisions of the Urban Renewal Plan, the interpretation by the Department of Housing and Community Development is final and binding, provided that the interpretation is not unreasonable or arbitrary.

F. Term of the Plan

This Urban Renewal Plan becomes effective 30 days after it is signed into law. The Renewal Plan, as it may be amended from time to time, will remain in full force and effect for a period of 40 years from the date of original adoption of this Plan by ordinance of the Mayor and City Council of Baltimore.

G. Procedures for Amending the Plan

This Urban Renewal Plan may be amended from time to time. Proposed amendments received or recommended by the Department of Housing and Community Development must be submitted by DHCD to the Charles Village Community Benefits District for their review and comment. CVCBD must distribute copies of the amendments to each of the neighborhood organizations that are affected by the Plan. Any written comments and recommendations by CVCBD and the neighborhood organizations must be submitted to the Department of Housing and Community Development within 30 days from the date the proposed amendments were received by CVCBD. The Charles Village Community Benefits District must receive written notices of the time and place of the Planning Commission and City Council hearings at least 10 days before each hearing is scheduled.

No change may be made to this Renewal Plan unless that change is approved by an ordinance of the Mayor and City Council.

H. Other Provisions Necessary to Meet Requirements of State and Local Laws

All appropriate provisions of the Zoning Code of Baltimore City apply to properties within the Project Area.

The sign controls and height restrictions contained in the Renewal Plan, as well as the Design Standards and Maintenance Standards contained in the Appendix, are over and above the codes and ordinances of the City of Baltimore.

**I. Severability**

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.

**J. Applicability**

If a provision of this Ordinance is in conflict with a provision of any zoning, building, electrical, plumbing, health, fire, or safety law or regulation, the provision that establishes the higher standard for the protection of the public health and safety prevails.

**Appendix A****Design Standards****Provisions****Justification**

These design goals and standards must be used by the Department of Housing and Community Development and the Community Review Panel to determine the suitability for approval of all permits submitted for new construction, rehabilitation, or change in use for any property within the district. These standards apply to all land use categories within the district. These design standards are over and above the standards in the codes and other ordinances of the City of Baltimore.

**Construction Standards**

Nothing in these provisions may be construed to permit any construction, alteration, change, repair, use, or sign or any other matter otherwise forbidden, or controlled by any other public law except as specifically noted. All work performed in compliance with the Renewal Plan must be done in a workmanlike manner and according to accepted standards of the building trades. Material used in new construction and in making repairs must be of a quality suitable for the purpose and of a kind normally used to accomplish the required repairs.

**Creative and Innovative Design**

These provisions are not intended to discourage creative and innovative design as long as the design proposal is in harmony with the broad intent of this Renewal Plan. Creative and innovative project designs may be submitted to the Department for review and, at the sole discretion of the Commissioner, approval of these designs, including exceptions to these provisions, may be granted.

**Design Goals**

- (1) Retain the historical and architectural integrity of existing structures. If demolition is necessary for new development, encourage the preservation of the front walls of the existing buildings on the site.
- (2) Encourage rehabilitation projects to be consistent with the Secretary of the Interior Standards for rehabilitation.
- (3) Ensure that new construction meets or exceeds minimum design standards, adds to the urban quality of Charles Village, and is compatible with the historic architectural character of the neighborhood.

- (4) Reflect the existing development pattern of the neighborhood in new development projects.
- (5) Ensure that new development is compatible with existing residential areas.
- (6) Ensure that signs are well designed and add to the existing character of Charles Village.
- (7) Retain a continuous green strip along the street curb when possible by:
  - (i) increasing green space throughout the neighborhood wherever possible; and
  - (ii) continuing an urban edge by maintaining a consistent building setback along the sidewalks facing public streets.
- (8) Encourage pedestrian use of the commercial district by activating street frontages and reducing pedestrian conflicts with vehicular traffic.

A Standards for the Rehabilitation of Existing Buildings

1. General

- a. Every effort should be made to retain and restore existing cornices. Cornices are an essential part of the design of many of the neighborhood's original buildings.
- b. Whenever possible, the primary entrances for rehabilitated buildings must be located on and face a public street.
- c. To maximize the accessibility to buildings by the disabled, an appropriate entrance must be incorporated as part of the main entrance wherever possible.
- d. Major additions or areas of major change to existing buildings undergoing renovation must follow the Standards for the Development of New Buildings that are part of this ordinance.

2. Walls

- a. Brick and natural stone walls must be pointed when necessary. Masonry surfaces may not be cleaned using sandblasting.
- b. Unpainted brick or stone walls must not be painted, unless they are located on a block face where two-thirds or more of the existing masonry building faces are already painted.
- c. Loose materials should be removed from painted masonry walls before they are repainted. The color of the new paint should be compatible with the color of neighborhood buildings. ~~The trim adjacent to painted masonry walls must be painted with the same or compatible colors.~~
- d. New building materials used on walls facing public streets must be compatible with those of the existing structures. The materials must be brick, pre-cast concrete, stone, or wood. New or replacement cornices may be constructed from fiberglass or other similar materials suitable for exterior use.
- e. Stucco and exterior insulation and finish systems may not be used on public street facades unless they are parts of architectural elements that do not exceed 10% of the area of the façade. These materials may be used on the backs of buildings and on the sides that do not face public streets.

- f. Unused elements on the front of a building, such as abandoned sign brackets, unused mechanical equipment, or empty electrical conduits, must be removed.
- g. New mechanical equipment (with the exception of window air conditioners) may not project through the front wall of a building without approval by the Department of Housing and Community Development.

3. Windows

- a. Whenever possible, existing windows should be preserved and kept operable.
- b. Windows facing public streets must not be filled, boarded up, or covered by signs.
- c. Windows above the first floor that are in an unused part of a building must remain intact, but may be covered on the interior. The covering must consist of a solid surface, such as plywood painted a dark color or another dark panel material.
- d. Windows not facing public streets may be closed up only if permission is received by DHCD and the Fire Department. Windows that are approved for closing must be completely removed from the building and replaced with a material that has been approved by the Department of Housing and Community Development prior to installation.
- e. Shutters may be used on buildings only if architecturally appropriate. Shutters must be mounted using one of two techniques: mounted with hinges and a metal latch or fastened directly to the wall as if they were permanently opened. The Department of Housing and Community Development will make the final determination on the appropriateness of shutter material, design, size, placement, and mounting system.
- f. Windows that face public streets or are part of an entrance must be glazed with clear glass. These windows may not be glazed with any type of sheet plastic or constructed of glass block.
- g. Not more than 25% of the area of any window may be obstructed by signs, store furniture, casework, and shelving.
- h. Replacement windows must be sized to fit within the existing masonry openings. The use of infill panels to make new windows large enough for existing masonry openings will not be permitted. Existing masonry openings must not be enlarged to fit new windows unless the area and proportions of the enlargement are appropriate for the architectural style of the building.
- i. The use of replacement windows that meet the Secretary of the Interior Standards for historic areas is encouraged. Windows that are otherwise consistent with the Plan but do not meet these criteria will be permitted; however, the property then may not be eligible for historic tax credits.
- j. If vinyl replacement windows are selected, the shape and number of the glass panes and the profile of the vinyl parts must be compatible with the windows in the surrounding neighborhood, and the vinyl material itself must not be a stark or bright white, but a softer white, cream, or darker color.



#### 4. Storefronts

- a. Original storefronts should be retained and restored so that, to the fullest extent possible, they retain the character of the original storefront and harmonize with the design of the rest of building. The design for new storefronts must be compatible with the design of original storefronts within the neighborhood and with the design of the building they are part of.
- b. Materials used on storefronts should be consistent and compatible with the original materials used on storefronts throughout the neighborhood. Materials that are not typical of the original materials used on the neighborhood storefronts, such as formstone, pierced concrete block, aluminum siding, exposed plywood, or wood shakes should not be used.
- c. If an occupant uses adjoining buildings, the adjacent storefronts should be designed to be compatible with each other.
- d. New display windows, entrances, signs, lighting, and security protection must be compatible with the design, character, and scale of the existing building. All show window elements must be located below the building's second floor windows.

#### B. Standards for the Development of New Buildings

##### 1. General

- a. New buildings should enhance and retain the neighborhood's building edge. In order to achieve this goal, new buildings must be built out to the existing property lines facing public streets except that:
  - (1) the front façade may be set back to match the average of the building setbacks within 200 feet of either side of the front property line or to match the setback of the building on either of the adjacent parcels. The area on the street side of this setback must be used to widen the public sidewalk space or provide for an area of outdoor dining;
  - (2) 25% of each façade may be setback 6 feet or less to enhance landscaping opportunities or allow for a special entrance design; or
  - (3) if a building is demolished, the entire front façade of the replacement building may be set back to match the setback of the demolished building.
- b. ~~The~~ For buildings located in the B-1, B-2, B-3, and O-R zoning categories, the building height at the property lines facing public streets must be a minimum of 32 feet and maximum of 56 feet. Ground floors must be a minimum of 12 feet high, except for parking structures that are not required to include first floor retail. For buildings located in the R-8 and M-1 zoning categories, the building height at the property lines must be a minimum of 25 feet and a maximum of 38 feet. Height limitations do not apply to mechanical equipment, elevator penthouses, architectural roof treatment, or gables.
- c. The first floor of building façades facing public streets must have a combined window area of 33-75% of the total wall area of the first floor. The upper floors of building facades along all public streets must have a combined window area of 15-25% of the total wall area above the first floor.
- d. The walls of buildings facing public streets must be faced with brick, stone, architectural pre-cast concrete, or other materials that are compatible with existing materials in the neighborhood. Trim materials may include wood, molded millwork, precast stone, or fiberglass cornices. The walls of

a building not facing a public street must be finished with brick, concrete block, stucco, exterior insulation and finish systems, or siding.

- e. Whenever possible, the primary entrances for new buildings must be located on and face a public street.

C. Additional Standards for All New and Rehabilitated Buildings

1. Awnings

- a. Awnings made from shiny plastic, plastic coated, or plastic appearing materials are prohibited.
- b. Awning fabric must be flameproof.
- c. Awnings may not project more than 7 feet from the wall of a building. The maximum height for any part of an awning is 13 feet above the sidewalk. The top of the awning must also be at least 1 inch below the windows of the floor above. The bottom of the awning must have a clearance of at least 8 feet above the sidewalk.
- d. The bottom of the awning may not be covered with fabric or any other material to create an enclosed volume.
- e. Signs painted on, applied to, or sewn into awnings are permitted. The areas of these signs added together with the areas of the other signs on the building must be less than the maximum area of signs that are allowed on the building.
- f. Awning colors, design, and signs must be submitted to the Department of Housing and Community Development. The Department will forward the information to the Community Review Panel to determine if the colors and design are compatible with the building façade and other nearby awnings and architectural elements.

2. Security Screens and Grilles

- a. Security screens and grilles may be used only:
  - (1) when windows are accessible from the ground (less than 9 feet above the ground);
  - (2) when windows are accessible from fire escapes;
  - (3) when windows are accessible from roofs; or
  - (4) when windows cannot be seen from a public street.
- b. Enclosures and coverings for security grilles and screens must be as inconspicuous as possible and designed to blend in with the rest of the building.
- c. Security screens and grilles must be made of a dark material or painted a dark color.
- d. Security screens and grilles in front of show windows must be opened or removed when a business is open.
- e. New fixed security grilles and screens for storefront windows must be located on the inside of the windows.

f. Exterior components of security systems should be as inconspicuous as possible.

3. Antennas

a. Accessory rooftop structures such as antennas, satellite dishes, other communications equipment, HVAC, or other operating equipment must be placed as inconspicuously as possible.

b. Design standards for antennas are as follows:

(1) Antennas may not exceed 15 feet in height by 6 feet in width.

(2) Height is measured from the roof or the ground to the top of the antenna.

(3) Appropriate screening must be provided to prevent visibility from adjacent properties.

(4) Antennas must be designed to accommodate co-location.

4. Roof Decks

Roof decks and railings must be placed so that they are not visible from adjacent public streets that face the fronts of buildings.

D. Standards for Signs in Business and Manufacturing Zoning Districts

All new signs in Business and Manufacturing Zoning Districts must be in accordance with the Zoning Code of Baltimore City and, as appropriate, subject to minor privilege requirements. In addition the following provisions apply:

1. General

a. The maximum area of all the signs on the front of a building in square feet must be less than the width of the front façade in linear feet times 1.5. For example, if the front of a building is 20 feet wide, the total area of all the signs on the front of the building may not exceed 30 square feet.

b. The front wall and the side wall of corner properties may have signs on each wall. The maximum area of the signs in square feet on each wall must be less than the length of that wall in linear feet.

c. Signs may not cover architectural details, windows, or cornices of buildings.

d. Wood, metal, or plastic signs that are coated or painted are permitted.

e. Internally lit box signs are not permitted.

f. Internally lit or back lit individual letter signs are permitted.

g. The use of logos, symbols, or freestanding letters is encouraged.

h. The design for all permanent signs must be submitted to the Department of Housing and Community Development for approval. The submission must include a scale drawing showing the sign and its location, size, material, and methods for mounting and lighting. The Department will forward the information to the Community Review Panel to determine if the designs for the signs are compatible with the objectives of this Urban Renewal Ordinance.

2. Flat signs

- a. The sign must be placed parallel to the building and may not extend more than 12 inches from the building's wall. The bottom of the sign must be 8 feet or higher above the ground.
- b. For multi-story buildings, the top of the sign for first-floor tenants must be below the bottom of the second-story windows.
- c. Flat signs may not cover architectural details, windows, or cornices of buildings.

3. Projecting Signs

- a. One projecting sign is permitted for each street level business within the urban renewal boundaries. Also, an additional projecting sign is permitted for each building in the district to list upper floor businesses in that building.
- b. The type of the sign and its location must be harmonious in scale, color, and style with the building.
- c. Signs may be double faced.
- d. Signs must be mounted perpendicular to the building and must not extend more than 4 feet from the wall. The bottom of the sign must have a clearance of at least 9 feet above the sidewalk. The top of the sign must not extend above the bottom of the second floor window sills or be more than 14 feet above the ground, whichever is lower.
- e. The maximum area of any projecting sign is 12 square feet on each side. The areas of these signs added together with the areas of the other signs on the building must be less than the maximum area of signs that are allowed on the building.

4. Signs for Upper Story Tenants

- a. Each commercial tenant that occupies an upper floor of a building may have a listing on the building's directory sign or, if the directory sign does not exist, may have a flat or painted sign.
- b. Flat or painted signs for upper story tenants are limited to a maximum of 5 square feet each and may not project more than 4 inches from the building. The areas of these signs added together with the areas of the other signs on the building must be less than the maximum area of signs that are allowed on the building.

5. Freestanding Signs

- a. One freestanding sign is allowed in an open side or front yard for each lot line of a parcel that faces a public street. The maximum height of a freestanding sign is 5 feet; the maximum area for each side of the sign is 20 square feet.
- b. Internally lit, freestanding box signs are not permitted.
- c. The freestanding sign panel may:
  - (1) extend directly to the ground;

- (2) be supported by a thin slab or wall that extends to the ground, with both ends of the slab or wall extending at least to the ends of the sign panel; or
- (3) be supported by dark colored poles or posts that extend to the ground, and the outside edge of the poles or posts must be aligned with the ends of the sign panel.

6. Other Signs

- a. New rooftop signs, billboards, and other general advertising signs are not permitted.
- b. Signs that are painted on a building and signs that are made of individually cut-out letters attached directly to a building are permitted. The areas of these signs added together with the areas of the other signs on the building must be less than the maximum area of signs that are allowed on the building.
- c. Signs painted on, applied to, or sewn into awnings are permitted. The areas of these signs added together with the areas of the other signs on the building must be less than the maximum area of signs that are allowed on the building.
- d. Signs painted or etched on display windows are permitted. The areas of these signs added together with the areas of the other signs on the building must be less than the maximum area of signs that are allowed on the building.
- e. The total area of all the signs, posters, placards, and graphic displays located in a display window must not take up more than 25% of the area of that window.
- f. Flashing or moving signs other than barber poles, time and temperature signs less than 4 square feet in area, or existing flashing neon signs are not permitted.

E. Standards for Signs in Residential and Office-Residential Zoning Districts

All new signs in Residential and Office-Residential Zoning Districts must be in accordance with the Zoning Code of Baltimore City and subject to the requirements for a minor privilege. In addition the following provisions apply:

1. General

- a. The maximum area and the permitted number of signs are the same as in the Zoning Code:
  - (1) for R-8, one identification sign up to 18 square feet in area if not illuminated or 12 square feet if directly illuminated; and
  - (2) for O-R, one identification sign up to 36 square feet in area if not illuminated or 24 square feet if directly illuminated.
- b. Signs may not cover architectural details, windows, or cornices of buildings.
- c. Wood, metal, or plastic signs that are coated or painted are permitted.
- d. Internally lit box signs are not permitted.

- e. The use of logos, symbols, or freestanding letters is encouraged.
  - f. The design for all permanent signs must be submitted to the Department of Housing and Community Development for approval. The submission must include a scale drawing showing the sign and its location, size, material, and methods for mounting and lighting. The Department will forward the information to the Community Review Panel to determine if the designs for the signs are compatible with the objectives of this Urban Renewal Plan.
2. Flat signs
- a. The sign must be placed parallel to the building and may not extend more than 12 inches from the building's wall. The bottom of the sign must be 8 feet or higher above the ground.
  - b. Flat signs may not cover architectural details, windows, or cornices of buildings.
3. Projecting Signs
- a. The type of the sign and its location must be harmonious in scale, color, and style with the building.
  - b. Signs may be double faced.
  - c. Signs must be mounted perpendicular to the building and must not extend more than 4 feet from the wall. The bottom of the sign must have a clearance of at least 9 feet above the sidewalk. The top of the sign must not extend above the bottom of the second floor window sills or be more than 14 feet above the ground, whichever is lower.
  - d. The maximum area of any projecting sign is 12 square feet on each side.
4. Freestanding Signs
- a. One freestanding sign is allowed in an open side or front yard for each lot line of a parcel that faces a public street. The maximum height of a freestanding sign is 5 feet; the maximum area for each side of the sign is 16 square feet.
  - b. Internally lit, freestanding box signs are not permitted.
  - c. The freestanding sign panel may:
    - (1) extend directly to the ground;
    - (2) be supported by a thin slab or wall that extends to the ground, with both ends of the slab or wall extending at least to the ends of the sign panel; or
    - (3) be supported by dark colored poles or posts that extend to the ground, and the outside edge of the poles or posts must be aligned with the ends of the sign panel.
5. Other Signs
- a. Signs that are painted on a building and signs that are made of individually cut-out letters attached directly to a building are permitted. The areas of these signs added together with the areas of the other signs on the building must be less than the maximum area of signs that are allowed on the building.

- b. Signs painted or etched on display windows are permitted. The areas of these signs added together with the areas of the other signs on the building must be less than the maximum area of signs that are allowed on the building.
- c. The total area of all the signs, posters, placards, and graphic displays located in a display window must not take up more than 25% of the area of that window.

F. Standards for Lighting

1. General

- a. Light fixture styles should be compatible with the design of the building.
- b. Light fixtures with exposed fluorescent, quartz, mercury vapor, or regular incandescent light bulbs are not permitted on the fronts or sides of buildings facing public streets. Light fixtures with exposed low-wattage, decorative light bulbs are permitted.
- c. The following types of lighting fixtures on the fronts or sides of buildings facing public streets are permitted:
  - (1) Recessed down lights that are installed in a box-like structure. The fixture must be the same length as the architectural element or sign that it lights. The box may also be designed to angle the light towards a display window or adjacent wall.
  - (2) Light boxes with fluorescent lights that are hidden behind a plastic or metal grille.
  - (3) Gooseneck incandescent fixtures— fixtures with porcelain enamel reflectors on bent metal arms that are designed to prevent glare at the pedestrian level.
- d. Internally lit or back lit individual letter signs are permitted.
- e. Internally lit box signs are not permitted.
- f. Security lighting should be provided, whenever possible, to serve both pedestrians and vehicles.
- g. Unshielded, specialized security lighting fixtures are not allowed on the fronts of buildings. Other shielded, architecturally appropriate fixtures on the fronts of buildings that increase pedestrian security are encouraged.
- h. Security lighting should be provided, whenever possible, along the sides of buildings not facing streets, in the rear of buildings, and in adjacent loading and parking areas. This lighting may be provided by specialized security lighting fixtures.
- i. All lighting must be oriented or shielded so that residences are not directly exposed to the source of the glare.

G. Standards for Site Plans

1. General

- a. In commercial parts of the neighborhood, sidewalks should be at least 10 feet in clear width to encourage pedestrian use. The use of even wider sidewalks in commercial areas for outdoor table service, as allowed by the Zoning Code, is encouraged.
- b. Vending machines set up outside of buildings must be located so they are not visible from public streets.
- c. No new outdoor public pay phones are permitted. Existing, legally established outdoor public pay phones may remain.
- d. Loading docks and service areas must be located so they do not face public streets.
- e. Dumpsters or other private trash containers must be screened. Masonry enclosures with opaque gates are encouraged. The dumpsters or trash containers must not be located in the front or sides of buildings facing public streets.
- f. Barbed or razor wire fencing is not allowed anywhere within the district.

2. Landscaping

- a. When buildings are set back from the property lines along major streets, the land area between the edge of the sidewalk and the building must be well landscaped.
- b. Other appropriate sidewalk landscaping may include planting in properly located containers provided that they are maintained and replanted seasonally.
- c. Street trees must be included along all City streets wherever possible. Tree pits should be a minimum of 4 feet by 6 feet, or 4 feet by 8 feet in size if possible. If sidewalks are wide enough, tree pits may be wider than 4 feet and set back from the street curb. Loose set cobblestones may be set within the tree pit to help prevent compaction of the soil and to provide a surface for getting in and out of cars parked next to the curb.
- d. Parking lots with more than 8 spaces must incorporate one deciduous tree within the area of the lot design for every 2,500 square feet of parking lot pavement.
- e. Chain link fences are not allowed along edges of building lots facing public streets unless they are black coated and incorporated within a hedge. Wood, painted or coated aluminum, cast iron, and steel fences are acceptable.
- f. Metal or plastic slats threaded through chain link fences or fabric attached to chain link fences are not allowed.

3. Parking Lots and Structures

- a. Parking lots may not be placed in the front of a building. They are, however, acceptable on the side of a building provided there is adequate screening so that the view of cars is shielded from public streets.



- b. The edges of the parking lot screening should extend out to the sidewalk property line to maintain the continuous line of building faces along the street.
- c. All parking lots facing public streets must be screened along the streets with walls, screen fences, or screening landscaping.
- d. Solid masonry or wood walls that are used to screen parking lots along public streets must be between 2 feet 6 inches and 3 feet 6 inches high.
- e. Fences which do not completely block views that are used to screen parking lots must be a minimum of 4 feet high and maximum of 5 feet high, with 20-40% of the fence being solid material.
- f. Hedges are allowed for screening parking lots, but they must have a black coated chain link or metal picket fence behind or inside them. The hedge must hide the fence from the public sidewalk. The hedge must be maintained at a minimum of 2 feet 6 inches and a maximum of 3 feet 6 inches high.
- g. Chain link fences are not allowed along edges of parking lots facing public streets unless they are black coated and incorporated within a hedge. Wood, painted aluminum, cast iron, and steel fences are acceptable.
- h. Chain link fences are allowed along edges of parking lots that do not face public streets.
- i. Wheel blocks must be provided in parking lots to protect adjacent walls and fences from damage.
- j. Lighting must be oriented or shielded so that residences are not directly exposed to the source of the glare.
- k. Above-ground parking structures that are adjacent to public streets must include ground-level retail, business, or office space. No parking structures may exceed a height of 56 feet.

#### H. Review of Plans

The Department will be concerned with all aspects of the designs affecting exterior appearance and in particular with the following:

- a. Materials and colors to be used on all visible exterior areas of the building(s) and on signs;
- b. Design of show windows, marquees, and entrance areas, including proposed materials and types of security devices;
- c. Design of signs, methods of illumination, colors, materials, methods of attachment; and
- d. Design of awnings and canopies, colors, materials, and methods of attachment.

#### I. Compliance

No work, alterations, or improvements may be undertaken after enactment of the Ordinance approving this Plan that do not conform with the requirements of this Plan. However, the Commissioner may waive compliance with one or more of these standards if the waiver is determined by the Department not to adversely affect the Design Goals contained in this Plan. Nothing in this Renewal Plan may be construed

to permit any sign, construction, alteration, change, repair, use, or any other matter otherwise forbidden or restricted or controlled by any other public law.

## **Appendix B**

### **Maintenance Standards**

#### **A. Provisions**

##### **1. Justification**

These maintenance goals and standards will be used by the Department of Housing and Community Development to reduce and prevent the recurrence of deteriorated conditions within the district. These standards apply to all land use categories. These maintenance standards include existing maintenance standards that are in the codes and ordinances of the City of Baltimore and additional higher standards that are established as part of this ordinance.

##### **a. Standards for the Maintenance of Occupied Structures**

- (1) Businesses and residents must keep their properties free of trash.
- (2) Support mechanisms for signs and exterior electrical, plumbing, and mechanical equipment must be kept in good repair.
- (3) All windows must be tight fitting and have sash of proper size and design. Sash with rotten wood, broken joints, or loose mullions or muntins must be replaced. All broken and missing windows and glass block must be replaced with glass or approved plastic glazing. All exposed wood must be repaired or painted.
- (4) All trash must be placed in covered receptacles.
- (5) Properties with flaking paint must be repainted or repaired within 30 days of being cited.
- (6) Graffiti must be removed within 60 days of being cited.
- (7) All fences and barriers must be maintained on a regular basis. Owners must repair or remove damaged fences within 90 days. Landscape barriers must be trimmed on a regular basis, and dead or damaged shrubbery must be replaced as needed.
- (8) Defective structural and decorative elements on building walls that face primary and side streets must be repaired so that they closely resemble the original materials and design of the building. Damaged, sagging, or otherwise deteriorated storefronts, show windows, or entrances must be repaired or replaced.
- (9) Cornices and windows above the first floor must be kept structurally sound and in good condition. Wood that is rotten or weak must be repaired or replaced in a way that matches the original design and construction as closely as possible. All exposed wood must be painted or stained or protected through other acceptable methods.
- (10) Rear and interior side walls must be kept neat and repaired.

(11) Rear walls must be painted or stuccoed to cover up existing patched and in-filled areas.

(12) Chimneys, elevator housing, and other roof-top structures must be kept clean and repaired. Roofs must be kept clean and free of trash and debris.

b. Standards for the Maintenance of Vacant Structures and Properties

(1) Grass and weeds must not exceed 8 inches in height. All other landscaping and shrubbery must be maintained on a regular basis.

(2) All windows must be tight fitting and have sash of proper size and design. Sashes with rotten wood, broken joints, or loose mullions or muntins must be replaced. All broken and missing windows and glass block must be replaced with glass or approved plastic glazing. All exposed wood must be repaired or painted.

(3) Broken windows or other forms of vandalism must be repaired within a 5-day period.

(4) Trash must be removed on a weekly basis and must be kept in a secured receptacle.

(5) Trash must be made available for regular pick-ups.

(6) Buildings must be maintained to give the appearance that they are occupied.

B. Compliance

1. These maintenance standards are enforced by the Department of Housing and Community Development. Complaints about violations of these standards may be made to the Department by any individual or organization. Issues identified and complaints collected by the Charles Village Community Benefits District will be coordinated and prioritized by the Benefits District before they are transmitted to DHCD for enforcement.
2. Structural repairs must be made within 60 days from the receipt of a violation notice from the Department of Housing and Community Development.
3. All maintenance and non-structural repairs must be made within 45 days from the receipt of a violation notice from the Department of Housing and Community Development.
4. Vandalized properties must be secured within a 5-day period. Property owners who require additional time to make a repair must notify the Department of Housing and Community Development either in writing or by telephone and provide an extension of the completion date.

**SECTION 3. AND BE IT FURTHER ORDAINED,** That the following exhibits, entitled:

- (1) Exhibit A, "Land Use Plan/Zoning", dated ~~June 18~~ December 6, 2001;
- (2) Exhibit B, "Notable and Contributing Structures", dated ~~June 18~~ December 6, 2001;
- (3) Exhibit C, "Property Acquisition", dated ~~June 18~~ December 6, 2001; and
- (4) Exhibit D, "Property Disposition", dated ~~June 18~~ December 6, 2001, are approved.

**SECTION 4. AND BE IT FURTHER ORDAINED,** That if the 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 5. 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 6. 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 7. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day after the date it is enacted.

Approved December 19, 2001

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 01-275  
(Council Bill 01-498)**

**AN ORDINANCE CONCERNING**

**Urban Renewal — Jonestown —  
Amendment 6**

FOR the purpose of amending the Urban Renewal Plan for Jonestown to provide for Planned Unit Development standards and controls; authorizing the acquisition by purchase or by condemnation of certain properties for urban renewal purposes; creating new disposition lots; revising exhibits to reflect the changes in the Plan; 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 Jonestown was originally approved by the Mayor and City Council of Baltimore by Ordinance 78-939 and last amended by Ordinance 01-153.

An amendment to the Urban Renewal Plan for Jonestown is necessary to provide for Planned Unit Development standards and controls and to authorize the acquisition by purchase or by condemnation of certain properties for urban renewal purposes.

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 Jonestown are approved:

In the Plan, on page 9, after B.2.b.(3) (4)(c), add new subsection c. to read as follows:

“C. PUD STANDARDS AND CONTROLS

TO THE EXTENT THERE EXISTS ANY CONFLICT BETWEEN THE PROVISIONS OF THIS RENEWAL PLAN AND THE STANDARDS AND CONTROLS OF ANY PLANNED UNIT DEVELOPMENT LEGISLATION APPROVED BY THE MAYOR AND CITY COUNCIL (“PUD”), THE STANDARDS AND CONTROLS OF THE PUD, INCLUDING, WITHOUT LIMITATION, THOSE AFFECTING USE, PARKING, ACCESS, AESTHETIC CONTROLS, SETBACKS, SPECIFIC LOT CONTROLS, AND BULK REGULATIONS, CONTROL.”.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That the Urban Renewal Plan for Jonestown, as amended by this Ordinance and identified as “Urban Renewal Plan, Jonestown, revised to include Amendment 6, dated \_\_\_\_\_”, is approved. The Department of Planning shall file a copy of the amended Urban Renewal Plan with the Department of Legislative Reference as a permanent public record, available for public inspection and information.

**SECTION 3. AND BE IT FURTHER ORDAINED,** That it is necessary to acquire by purchase or by condemnation, for urban renewal purposes, the fee simple interest or any lesser interest in and to the following properties or portions thereof, together with all right, title, interest, and estate that the owner or owners of the property interests may have, in all streets, alleys, ways or lanes, public or private, both abutting the whole area described and/or contained within the perimeter of the area, situate in Baltimore, Maryland, and described as follows:

1141 East Lombard Street  
1143 East Lombard Street  
1147 East Lombard Street  
1149 East Lombard Street

**SECTION 4. AND BE IT FURTHER ORDAINED,** That the revised exhibits to the amended Urban Renewal Plan are approved as follows:

- (a) Exhibit 1, Land Use Plan, dated June 13, 2001;
- (b) Exhibit 2, Property Acquisition, dated June 13, 2001;
- (c) Exhibit 3, Land Disposition, dated June 13, 2001; and
- (d) Exhibit 4, Zoning Districts, dated June 13, 2001.

**SECTION 5. 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 6. 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 7. 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 8. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is enacted.

Approved December 19, 2001

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 01-276  
(Council Bill 01-504)**

**AN ORDINANCE CONCERNING**

**Metropolitan District of Baltimore County —  
Extension 141**

FOR the purpose of consenting to and approving a petition to extend the Metropolitan District of Baltimore County to a certain tract of land; and providing for a special effective date.

BY authority of  
Chapter 539  
Acts of the General Assembly of 1924  
and  
Chapter 515  
Acts of the General Assembly of 1955

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the Mayor and City Council of Baltimore consents to and approves the petition to extend the Metropolitan District of Baltimore County to a tract of land, consisting of approximately 137.644 acres, located in the 4C3 Election District of Baltimore County in the vicinity of the south side of Nicodemus Road west of Franklin Boulevard and I-795 and east of Berrymans Lane, as more particularly shown on the plat labeled Extension 141 and filed with the Department of Public Works of Baltimore County.

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

Approved December 19, 2001

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 01-277  
(Council Bill 01-522)**

**AN ORDINANCE CONCERNING**

**Zoning — Conditional Use Convalescent, Nursing, and  
Rest Home (Assisted Living) — 3820 West Coldspring Lane**

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 3820 West Coldspring Lane, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning  
Section(s) 4-804 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 3820 West Coldspring Lane, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 4-804 and 14-102 of the Baltimore City Code, subject to the condition that the following conditions:

1. The maximum number of residents is 7, including any resident manager.
2. There may be no more than 2 people per sleeping room.
3. Sleeping rooms for clients may not be in the basement nor on the second or third floors. The third floor may be used only for a dwelling unit. The first and second floors constitute the assisted living unit.
4. The minimum age for resident-clients is 50 years.
5. 24-hour supervision must be provided.
6. There may be no exterior sign on the facility other than a nameplate no larger than 6 inches wide by 6 inches high.
7. A fire suppression sprinkling system must be installed in the building.
8. 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 December 19, 2001

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 01-278  
(Council Bill 01-547)**

**AN ORDINANCE CONCERNING**

**Planned Unit Development — Amendment 1 —  
801 Key Highway**

FOR the purpose of approving a certain amendment to the Development Plan of the 801 Key Highway Planned Unit Development; and providing for a special effective date.

BY authority of

Article - Zoning  
Title 9, Subtitles 1 and 4  
Baltimore City Revised Code  
(Edition 2000)

**Recitals**

By Ordinance 00-133, the Mayor and City Council approved the application of L.I. Square Corporation to have certain property located at 801 Key Highway, consisting of 5.566 acres, more or less, designated as a Business Planned Unit Development and approved the Development Plan submitted by the applicant.

L.I. Square Corporation wishes to amend the Development Plan, as previously approved by the Mayor and City Council, to revise a certain permitted use.

On May 16, 2001, representatives of L.I. Square Corporation met with the Department of Planning for a preliminary conference to explain the scope and nature of the proposed amendment to the Development Plan.

The representatives of L.I. Square Corporation have applied to the Baltimore City Council for approval of this amendment, and they have submitted an amendment to the 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 Laws of Baltimore City read as follows:

**Ordinance 00-133**

**SECTION 2. AND BE IT FURTHER ORDAINED,** That in accordance with the provisions of Title 9, Subtitles 1 and 4, the following uses are permitted within the Planned Unit Development:

- (a) hotel, with a minimum of [800] 500 parking spaces and a maximum of 235 hotel rooms;

**SECTION 2. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council approves the amendment to the Development Plan submitted by the Developer, as attached to and made part of this Ordinance, including the "Cover Sheet/Context Map", dated June 4, 2001.

**SECTION 3. 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 4. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is enacted.

Approved December 19, 2001

Martin O'Malley, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 01-279  
(Council Bill 01-564)**

**AN ORDINANCE CONCERNING**

**City Streets — Closing — Certain Streets and Alleys**

FOR the purpose of condemning and closing certain streets and alleys lying within the area bounded by Preston Street, Chester Street, Biddle Street, and Washington Street, as shown on Plat 314-A-15E 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 area bounded by Preston Street, Chester Street, Biddle Street, and Washington Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the south side of Preston Street, 66 feet wide, and the west side of Chatham Street, 40 feet wide, and running thence binding on the south side of said Preston Street, Easterly 40.0 feet, to intersect the east side of said Chatham Street; thence binding on the east side of said Chatham Street, Southerly 222.0 feet, more or less, to intersect the north side of an alley, 20 feet wide, laid out in the rear of the properties known as Nos. 2000 through 2028 E. Biddle Street; thence binding on the north side of said alley, Westerly 40.0 feet, to intersect the west side of said Chatham Street, and thence binding on the west side of said Chatham Street, Northerly 222.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the west side of Chester Street, 70 feet wide, and the south side of Mura Street, 30 feet wide, and running thence binding on the south side of said Mura Street, Westerly 185.0 feet, more or less, to intersect the east side of an alley, 11 feet wide, laid out in the rear of the properties known as Nos. 1201 through 1223 Chatham Street; thence binding on the east side of said alley, Northerly 30.0 feet, to intersect the north side of said Mura Street; thence binding on the north side of said Mura Street, Easterly 185.0 feet, more or less, to intersect the west side of said Chester Street, and thence binding on the west side of said Chester Street, Southerly 30.0 feet to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the north side of an alley, 20 feet wide, laid out 80 feet north of Biddle Street, 66 feet wide, and the west side of an alley, 11 feet wide, laid out in the rear of the properties known as Nos. 1201 through 1223 Chatham Street, said point of beginning being distant easterly 63.0 feet, more or less, measured along the north side of said 20-foot alley from the east side of Chatham Street, 40 feet wide, and running thence binding on the west side of said 11-foot alley, Northerly 138.0 feet, more or less, to intersect the south side of an alley, 10 feet wide, laid out in the rear of the properties known as Nos. 2021 through 2037 E. Preston Street; thence binding on the south side of said 10-foot alley, Easterly 11.0 feet, more or less, to intersect the east side of said 11-foot alley; thence binding on the east side of said 11-foot alley, Southerly 138.0 feet, more or less, to intersect the north side of said 20-foot alley, and thence binding on the north side of said 20-foot alley, Westerly 11.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 4 at the point formed by the intersection of the south side of an alley, 10 feet wide, laid out 70 feet north of Biddle Street, 66 feet wide, and the east side of an alley, 4 feet wide, laid out in the rear of the properties known as Nos. 1200 through 1208 N. Chester Street, said point of beginning being distant northerly 70.0 feet, more or less, measured along the east side of said 4-foot alley from the north side of said Biddle Street, and running thence binding on the south side of said 10-foot alley, Westerly 110.0 feet, more or less, to intersect the line of the west outline of the property known as No. 2023 Mura Street, if projected southerly; thence binding reversely on said line so projected, Northerly 10.0 feet, to intersect the north side of said 10-foot alley; thence binding on the north side of said 10-foot alley, Easterly 110.0 feet, more or less, to the easternmost extremity of said 10-foot alley, and thence binding on the easternmost extremity of said 10-foot alley, Southerly 10.0 feet to the place of beginning.

Beginning for Parcel No. 5 at the point formed by the intersection of the south side of Mura Street, 30 feet wide and the east side of an alley, 10 feet wide, laid out in the rear of the properties known as Nos. 1210 through 1218 N. Chester Street, said point of beginning being distant westerly 75.0 feet, more or less, measured along the south side of said Mura Street from the west side of Chester Street, 70 feet wide, and running thence binding on the east side of said 10-foot alley, Southerly 60.0 feet, more or less, to intersect the north side of an alley, 10 feet wide, laid out 70 feet north of Biddle Street, 66 feet wide; thence binding on the north side of last said 10-foot alley, Westerly 10.0 feet, to intersect the west side of

the 10-foot alley mentioned firstly herein; thence binding on the west side of the 10-foot alley mentioned firstly herein, Northerly 60.0 feet, more or less, to intersect the south side of said Mura Street, and thence binding on the south side of said Mura Street, Easterly 10.0 feet, to the place of beginning.

Beginning for Parcel No. 6 at the point formed by the intersection of the north side of Mura Street, 30 feet wide, and the east side of an alley, 10 feet wide, laid out in the rear of the properties known as Nos. 1220/1222 and 1230 N. Chester Street, said point of beginning being distant westerly 75.0 feet, more or less, measured along the north side of said Mura Street from the west side of Chester Street, 70 feet wide, and running thence binding on the north side of said Mura Street, Westerly 10.0 feet to intersect the west side of said 10-foot alley; thence binding on the west side of said 10-foot alley, Northerly 67.0 feet, more or less, to intersect the south side of an alley, 10 feet wide, laid out 75 feet south of Preston Street, 66 feet wide; thence binding on the south side of last said 10-foot alley, Easterly 10.0 feet, to intersect the east side of the 10-foot alley mentioned firstly herein, and thence binding on the east side of the 10-foot alley mentioned firstly herein, Southerly 67.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 7 at the point formed by the intersection of the east side of Washington Street, 70 feet wide, and the north side of an alley, 9 feet wide, laid out contiguous to and north of the north outline of No. 1215 N. Washington Street, said point of beginning being distant southerly 132.0 feet, more or less, measured along the east side of said Washington Street from the south side of Preston Street, 66 feet wide, and running thence binding on the north side of said 9-foot alley, Easterly 64.0 feet, more or less, to the easternmost extremity of said 9-foot alley; thence binding on the easternmost extremity of said 9-foot alley, Southerly 9.0 feet, more or less, to intersect the south side of said 9-foot alley; thence binding on the south side of said 9-foot alley, Westerly 64.0 feet, more or less, to intersect the east side of said Washington Street, and thence binding on the east side of said Washington Street, Northerly 9.0 feet, more or less, to the place of beginning.

As delineated on Plat 314-A-15E, prepared by the Survey Control Section and filed on December 15, 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 the streets and alleys 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 December 19, 2001

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 01-280  
(Council Bill 01-565)**

**AN ORDINANCE CONCERNING**

**City Streets — Opening — Certain Streets and Alleys**

FOR the purpose of condemning and opening certain streets and alleys, lying within the area bounded by Preston Street, Chester Street, Biddle Street, and Washington Street, as shown on Plat 314-A-15D 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 area bounded by Preston Street, Chester Street, Biddle Street, and Washington Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the south side of Preston Street, 66 feet wide, and the west side of Chatham Street, 40 feet wide, and running thence binding on the south side of said Preston Street, Easterly 40.0 feet, to intersect the east side of said Chatham Street; thence binding on the east side of said Chatham Street, Southerly 222.0 feet, more or less, to intersect the north side of an alley, 20 feet wide, laid out in the rear of the properties known as Nos. 2000 through 2028 E. Biddle Street; thence binding on the north side of said alley, Westerly 40.0 feet, to intersect the west side of said Chatham Street, and thence binding on the west side of said Chatham Street, Northerly 222.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the west side of Chester Street, 70 feet wide, and the south side of Mura Street, 30 feet wide, and running thence binding on the south side of said Mura Street, Westerly 185.0 feet, more or less, to intersect the east side of an alley, 11 feet wide,

laid out in the rear of the properties known as Nos. 1201 through 1223 Chatham Street; thence binding on the east side of said alley, Northerly 30.0 feet, to intersect the north side of said Mura Street; thence binding on the north side of said Mura Street, Easterly 185.0 feet, more or less, to intersect the west side of said Chester Street, and thence binding on the west side of said Chester Street, Southerly 30.0 feet to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the north side of an alley, 20 feet wide, laid out 80 feet north of Biddle Street, 66 feet wide, and the west side of an alley, 11 feet wide, laid out in the rear of the properties known as Nos. 1201 through 1223 Chatham Street, said point of beginning being distant easterly 63.0 feet, more or less, measured along the north side of said 20-foot alley from the east side of Chatham Street, 40 feet wide, and running thence binding on the west side of said 11-foot alley, Northerly 138.0 feet, more or less, to intersect the south side of an alley, 10 feet wide, laid out in the rear of the properties known as Nos. 2021 through 2037 E. Preston Street; thence binding on the south side of said 10-foot alley, Easterly 11.0 feet, more or less, to intersect the east side of said 11-foot alley; thence binding on the east side of said 11-foot alley, Southerly 138.0 feet, more or less, to intersect the north side of said 20-foot alley, and thence binding on the north side of said 20-foot alley, Westerly 11.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 4 at the point formed by the intersection of the south side of an alley, 10 feet wide, laid out 70 feet north of Biddle Street, 66 feet wide, and the east side of an alley, 4 feet wide, laid out in the rear of the properties known as Nos. 1200 through 1208 N. Chester Street, said point of beginning being distant northerly 70.0 feet, more or less, measured along the east side of said 4-foot alley from the north side of said Biddle Street, and running thence binding on the south side of said 10-foot alley, Westerly 110.0 feet, more or less, to intersect the line of the west outline of the property known as No. 2023 Mura Street, if projected southerly; thence binding reversely on said line so projected, Northerly 10.0 feet, to intersect the north side of said 10-foot alley; thence binding on the north side of said 10-foot alley, Easterly 110.0 feet, more or less, to the easternmost extremity of said 10-foot alley, and thence binding on the easternmost extremity of said 10-foot alley, Southerly 10.0 feet to the place of beginning.

Beginning for Parcel No. 5 at the point formed by the intersection of the south side of Mura Street, 30 feet wide and the east side of an alley, 10 feet wide, laid out in the rear of the properties known as Nos. 1210 through 1218 N. Chester Street, said point of beginning being distant westerly 75.0 feet, more or less, measured along the south side of said Mura Street from the west side of Chester Street, 70 feet wide, and running thence binding on the east side of said 10-foot alley, Southerly 60.0 feet, more or less, to intersect the north side of an alley, 10 feet wide, laid out 70 feet north of Biddle Street, 66 feet wide; thence binding on the north side of last said 10-foot alley, Westerly 10.0 feet, to intersect the west side of the 10-foot alley mentioned firstly herein; thence binding on the west side of the 10-foot alley mentioned firstly herein, Northerly 60.0 feet, more or less, to intersect the south side of said Mura Street, and thence binding on the south side of said Mura Street, Easterly 10.0 feet, to the place of beginning.

Beginning for Parcel No. 6 at the point formed by the intersection of the north side of Mura Street, 30 feet wide, and the east side of an alley, 10 feet wide, laid out in the rear of the properties known as Nos. 1220/1222 and 1230 N. Chester Street, said point of beginning being distant westerly 75.0 feet, more or less, measured along the north side of said Mura Street from the west side of Chester Street, 70 feet wide, and running thence binding on the north side of said Mura Street, Westerly 10.0 feet to intersect the west side of said 10-foot alley; thence binding on the west side of said 10-foot alley, Northerly 67.0 feet, more or less, to intersect the south side of an alley, 10 feet wide, laid out 75 feet south of Preston Street, 66 feet wide; thence binding on the south side of last said 10-foot alley, Easterly 10.0 feet, to intersect the east side of the 10-foot alley mentioned firstly herein, and thence binding on the east side of the 10-foot alley mentioned firstly herein, Southerly 67.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 7 at the point formed by the intersection of the east side of Washington Street, 70 feet wide, and the north side of an alley, 9 feet wide, laid out contiguous to and north of the

north outline of No. 1215 N. Washington Street, said point of beginning being distant southerly 132.0 feet, more or less, measured along the east side of said Washington Street from the south side of Preston Street, 66 feet wide, and running thence binding on the north side of said 9-foot alley, Easterly 64.0 feet, more or less, to the easternmost extremity of said 9-foot alley; thence binding on the easternmost extremity of said 9-foot alley, Southerly 9.0 feet, more or less, to intersect the south side of said 9-foot alley; thence binding on the south side of said 9-foot alley, Westerly 64.0 feet, more or less, to intersect the east side of said Washington Street, and thence binding on the east side of said Washington Street, Northerly 9.0 feet, more or less, to the place of beginning.

As delineated on Plat 314-A-15D, prepared by the Survey Control Section and filed on December 15, 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 the streets and alleys 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 December 19, 2001

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 01-281  
(Council Bill 01-582)**

**AN ORDINANCE CONCERNING**

**Metropolitan District of Baltimore County —  
Extension 143**

FOR the purpose of consenting to and approving a petition to extend the Metropolitan District of Baltimore County to a certain tract of land; and providing for a special effective date.

BY authority of

Chapter 539

Acts of the General Assembly of 1924

and

Chapter 515

Acts of the General Assembly of 1955

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That the Mayor and City Council of Baltimore consents to and approves the petition to extend the Metropolitan District of Baltimore County to a tract of land, consisting of approximately 9.3103 acres, located in the 2C3 Election District of Baltimore County in the vicinity of ~~1250~~ 2150 feet north of Lyons Mill Road and 1900 feet ~~west~~ east of Deer Park and Dolfield Roads, as more particularly shown on the plat labeled Extension 143 and filed with the Department of Public Works of Baltimore County.

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

Approved December 19, 2001

Martin O'Malley, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 01-282  
(Council Bill 01-584)**

**AN ORDINANCE CONCERNING**

**City Streets — Opening —  
Hunter Street, Monument Street, and Guilford Avenue**

FOR the purpose of condemning and opening (1) Hunter Street, extending from Monument Street northerly to Madison Street, (2) Monument Street extending from Hunter Street easterly to Guilford Avenue, and (3) Guilford Avenue extending from Madison Street southerly 386.3 feet, more or less, to the south side of Monument Street, as shown on Plat 314-A-13 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) Hunter Street, extending from Monument Street northerly to Madison Street, (2) Monument Street extending from Hunter Street easterly to Guilford Avenue, and (3) Guilford Avenue extending from Madison Street southerly 386.3 feet, more or less, to the south side of Monument Street, and more particularly described as follows:

Beginning for Parcel No.1 at the point formed by the intersection of the north side of Monument Street, 66 feet wide, and the west side of Hunter Street, 40 feet wide, and running thence binding on the west side of said Hunter Street, Northerly 320 feet, more or less, to intersect the south side of Madison Street, 66 feet wide; thence binding on the south side of said Madison Street, Easterly 40.0 feet to intersect the east side of said Hunter Street; thence binding on the east side of said Hunter Street, Southerly 320 feet, more or less, to intersect the north side of said Monument Street, and thence binding on the north side of said Monument Street, Westerly 40.0 feet to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the north side of Monument Street, 66 feet wide, and the east side of Hunter Street, 40 feet wide, and running thence binding on the north side of said Monument Street, Easterly 170.0 feet to intersect the west side of Guilford Avenue, 60 feet wide; thence binding on the west side of said Guilford Avenue, Southerly 66.0 feet to intersect the south side of said Monument Street; thence binding on the south side of said Monument Street, Westerly

170.0 feet to intersect the line of the east side of said Hunter Street, if projected southerly, and thence binding reversely on said line so projected, Northerly 66.0 feet to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the west side of Guilford Avenue, 60 feet wide, and the south side of Madison Street, 66 feet wide, and running thence binding on the south side of said Madison Street, Easterly 60.0 feet to intersect the east side of said Guilford Avenue; thence binding on the east side of said Guilford Avenue, Southerly 386.3 feet, more or less, to the intersect the south side of Monument Street, 66 feet wide; thence binding on the south side of said Monument Street, Westerly 60.0 feet to intersect the west side of said Guilford Avenue, and thence binding on the west side of said Guilford Avenue, Northerly 386.3 feet, more or less, to the place of beginning.

As delineated on Plat 314-A-13, prepared by the Survey Control Section and filed on September 1, 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) Hunter Street, extending from Monument Street northerly to Madison Street, (2) Monument Street extending from Hunter Street easterly to Guilford Avenue, and (3) Guilford Avenue extending from Madison Street southerly 386.3 feet, more or less, to the south side of Monument 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 December 19, 2001

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 01-283  
(Council Bill 01-585)**

**AN ORDINANCE CONCERNING**

**City Streets — Closing —  
Hunter Street, a Portion of Monument Street,  
and a Portion of Guilford Avenue**

FOR the purpose of condemning and closing (1) Hunter Street, extending from Monument Street northerly to Madison Street, (2) a 2.67 foot wide portion of Monument Street contiguous to the north side thereof, extending from Hunter Street easterly to Guilford Avenue, and (3) a varying in width portion of Guilford Avenue contiguous to the west side thereof, extending from Madison Street southerly 323 feet, more or less, as shown on Plat 314-A-13A 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) Hunter Street, extending from Monument Street northerly to Madison Street, (2) a 2.67 foot wide portion of Monument Street contiguous to the north side thereof, extending from Hunter Street easterly to Guilford Avenue, and (3) a varying in width portion of Guilford Avenue contiguous to the west side thereof, extending from Madison Street southerly 323 feet, more or less, and more particularly described as follows:

Beginning for Parcel No.1 at the point formed by the intersection of the north side of Monument Street, 66 feet wide, and the west side of Hunter Street, 40 feet wide, and running thence binding on the west side of said Hunter Street, Northerly 320 feet, more or less, to intersect the south side of Madison Street, 66 feet wide; thence binding on the south side of said Madison Street, Easterly 40.0 feet to intersect the east side of said Hunter Street; thence binding on the east side of said Hunter Street, Southerly 320 feet, more or less, to intersect the north side of said Monument Street, and thence binding on the north side of said Monument Street, Westerly 40.0 feet to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the north side of Monument Street, 66 feet wide, and the east side of Hunter Street, 40 feet wide, and running thence binding on the north side of said Monument Street, North 87° 09' 02" East 170.00 feet to intersect the west side of Guilford Avenue, 60 feet wide; thence binding on the west side of said Guilford Avenue, South 03° 04' 18" East 2.63 feet; thence by a non-tangent arc curving to the right with a radius of 18.00 feet the distance of 1.23 feet which arc is subtended by a chord bearing South 85° 12' 02.5" West 1.23 feet; thence by a straight line, South 87° 09' 02" West 168.77 feet to intersect the line of the east side of said Hunter Street, if projected southerly, and thence binding reversely on said line so projected, North 03° 04' 18" West 2.67 feet to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the south side of Madison Street, 66 feet wide, and the west side of Guilford Avenue, 60 feet wide, and running thence binding on the south side of said Madison Street, North 87° 11' 38" East 5.03 feet; thence by a tangent arc curving to the right with a radius of 10.00 feet the distance of 14.85 feet which arc is subtended by a chord bearing South 50° 17' 13" East 13.52 feet; thence by straight lines the two following courses and distances; namely, South 07° 46' 04" East 22.02 feet and South 03° 05' 26" East 273.84 feet; thence by a tangent arc curving to the right with a radius of 18.00 feet the distance of 27.13 feet which arc is subtended by a chord bearing South 40° 04' 48.5" West 24.63 feet to intersect the west side of said Guilford Avenue, and thence binding on the west side of said Guilford Avenue, North 03° 04' 18" West 322.96 feet to the place of beginning.

As delineated on Plat 314-A-13A, prepared by the Survey Control Section and filed on September 1, 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) Hunter Street, extending from Monument Street northerly to Madison Street, (2) a 2.67 foot wide portion of Monument Street contiguous to the north side thereof, extending from Hunter Street easterly to Guilford Avenue, and (3) a varying in width portion of Guilford Avenue contiguous to the west side thereof, extending from Madison Street southerly 323 feet, more or less, 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 December 19, 2001

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 01-284  
(Council Bill 01-587)**

**AN ORDINANCE CONCERNING**

**Planned Unit Development — Designation —  
The Home Depot, Inc./Reisterstown Road Plaza**

FOR the purpose of approving the application of The Home Depot, Inc., the ground lessee, subject to certain contingencies, of approximately 9.51 acres within the Reisterstown Road Plaza, to have that portion of the Reisterstown Road Plaza designated a Business Planned Unit Development; approving the Development Plan submitted by the applicant; waiving certain requirements; and providing for a special effective date.

BY authority of  
Article - Zoning  
Title 9, Subtitles 1 and 4  
Baltimore City Revised Code  
(Edition 2000)

### Recitals

Reisterstown Plaza Associates is the owner of the Reisterstown Road Plaza, located at 6512 Reisterstown Road, consisting of 50.0563 acres.

The Home Depot, Inc., is the ground lessee, subject to certain contingencies, of property located within the Reisterstown Road Plaza, consisting of 9.51 acres, more or less.

Ordinance 85-498 approved the application of the Hecht Company, Continental Realty, Inc., and the Hechinger Company to have a portion of the Reisterstown Road Plaza, located at the northwest corner of the intersection of Reisterstown Road and Patterson Avenue, consisting of 6.87 acres, more or less (the "Hechinger Parcel"), designated as a Business Planned Unit Development and approved the Development Plan submitted by the applicants.

Council Bill 01-0474 amends the Business Planned Unit Development created by Ordinance 85-498 and designates 13.4 acres, more or less, of the Reisterstown Road Plaza as a Business Planned Unit Development.

The Home Depot, Inc., seeks a Planned Unit Development designation for 9.51 acres, more or less, within the Reisterstown Road Plaza. The Planned Unit Development designation sought by Reisterstown Road Plaza Associates in Council Bill No. 01-0474 is mutually exclusive from the Planned Unit Development designation sought by The Home Depot, Inc. The Planned Unit Development designations will not overlap.

On September 12, 2001, representatives of The Home Depot, Inc., 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 The Home Depot, Inc., have now 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 The Home Depot, Inc., the ground lessee, subject to certain contingencies, of approximately 9.51 acres, more or less, within the Reisterstown Road Plaza, as outlined on the accompanying Development Plan entitled "Exhibit A", and consisting of the following sheets:

Sheet One, "Existing Conditions", dated ~~September~~ November 19, 2001;

Sheet Two, "Development Plan", dated ~~September~~ November 19, 2001;

Sheet Three, "Forest Conservation Plan", dated ~~September~~ November 19, 2001; and

Sheet Four, "Elevations Plan", dated ~~September~~ November 19, 2001;

to designate the property a Business Planned Unit Development under Title 9, Subtitles 1 and 4 of the Baltimore City Zoning Code.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That in accordance with the provisions of Title 9, Subtitles 1 and 4, the following uses are permitted within the Business Planned Unit Development:

- (a) All uses as allowed in the B-2 Zoning District.
- (b) In addition to retail, the following wholesale operations will be allowed:

1. hardware stores;
  2. garden, supply, tool, and seed stores;
  3. building and lumber sales; and
  4. lumber yards. The lumber yards must have internal storage.
- (c) Business, servicing, processing, and storage uses not located within enclosed structures are allowed as follows:
1. outside garden centers;
  2. outside seasonal sales area, not to exceed 7,000 square feet;
  3. outside machinery: sales, rental, service, storage; and
  4. outdoor building material storage.

**SECTION 3. AND BE IT FURTHER ORDAINED,** That permission is granted for the establishment, maintenance, and operation of an outdoor sales and storage area to be utilized by The Home Depot, Inc., as shown on the Development Plan, on the condition that the use and occupancy permits for the area may not be issued until the Baltimore City Department of Planning is satisfied that the work specified on the Development Plan has been substantially completed.

**SECTION 4. AND BE IT FURTHER ORDAINED,** That the outdoor screening wall for the outdoor garden center is to be a low masonry wall with piers and a metal screening fence. The materials being stored within this area may be stacked no higher than the screening wall.

**SECTION 5. AND BE IT FURTHER ORDAINED,** That the lighting for the parking lot will be “shoe-box” fixture, no higher than 25 feet.

**SECTION 4 6. AND BE IT FURTHER ORDAINED,** That the minimum yard requirements are not applicable to specific lots created within the Business Planned Unit Development, but must otherwise be in compliance with the plans approved by the Planning Commission.

**SECTION 5 7. AND BE IT FURTHER ORDAINED,** That the maximum height of the building on the property and floor area requirements must be as set forth on the Development Plan.

**SECTION 6 8. AND BE IT FURTHER ORDAINED,** That the Development Plan submitted by The Home Depot, Inc., is approved.

**SECTION 7 9. AND BE IT FURTHER ORDAINED,** That all plans for the construction of permanent improvements on the property are subject to final design approval by the Planning Commission to insure that the plans are consistent with the Development Plan and this Ordinance.

**SECTION 8 10. 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 9 11. 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 10 12. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is enacted.

Approved December 19, 2001

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-285  
(Council Bill 00-248)**

**AN ORDINANCE CONCERNING**

**Dirt Bikes, Unregistered Motorcycles, and Similar Vehicles —  
Disposition on Forfeiture**

FOR the purpose of authorizing certain forfeited vehicles to be ~~donated for export~~ exported abroad; correcting and conforming certain definitions and other related provisions; and generally relating to dirt bikes, unregistered motorcycles, and similar vehicles.

BY repealing and reordaining, with amendments

Article 19 - Police Ordinances  
Section(s) 40-17(c)  
Baltimore City Code  
(Edition 2000)

BY repealing and reordaining, with amendments

Article 31 - Transit and Traffic  
Section(s) 31-58  
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 40. Dirt Bikes, Unregistered Motorcycles, and Similar Vehicles****§ 40-17. Order of forfeiture.***(c) Disposition of forfeited vehicle.*

Any vehicle that has been ordered forfeited to the City MAY BE:

- (1) [may be] sold as provided in City Code Article 31, Subtitle 31, Part 5;
- (2) ~~DONATED TO 1 OR MORE CHARITABLE ORGANIZATIONS~~ TRANSFERRED TO A CHARITABLE ORGANIZATION FOR EXPORT ABROAD, AS PROVIDED IN CITY CODE ARTICLE 31, § 31-58(C); or
- (3) [(2) may be] destroyed.

**Article 31. Transit and Traffic****Subtitle 31. Clear Streets and Impoundment****§ 31-58. Auction sales — [minibikes and off-road motorcycles] DIRT BIKES, UNREGISTERED MOTORCYCLES, ETC.***(a) Definitions.**(1) In general.*

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

*(2) Abandoned vehicle.*

“Abandoned vehicle” has the meaning stated in § 25-201(b) of the State Transportation Article.

*(3) [Minibike] DIRT BIKE.*

“[Minibike] DIRT BIKE” has the meaning stated in Article 19, § 40-1 of the City Code.

*(4) [Off-the-road] UNREGISTERED motorcycle OR SIMILAR VEHICLE.*

“[Off-the-road] UNREGISTERED motorcycle OR SIMILAR VEHICLE” has the meaning stated in Article 19, § 40-1 of the City Code.

*(b) Bidders must be licensed.*

Bidders for [minibikes and off-the-road] DIRT BIKES OR FOR UNREGISTERED motorcycles OR SIMILAR VEHICLES, other than abandoned vehicles, must be licensed, bonded motorcycle dealers, licensed automotive dismantlers or recyclers, or licensed scrap processors.

*(C) EXPORT ABROAD.*

- (1) THE PURPOSE OF THIS SUBSECTION IS TO ENSURE THAT DIRT BIKES AND UNREGISTERED MOTORCYCLES OR SIMILAR VEHICLES THAT HAVE BEEN FORFEITED UNDER CITY CODE ARTICLE

19, SUBTITLE 40, CAN BE PUT TO GOOD USE WITHOUT BEING RETURNED TO THE STREETS OF THE CITY.

(2) FORFEITED DIRT BIKES AND UNREGISTERED MOTORCYCLES OR SIMILAR VEHICLES MAY BE TRANSFERRED TO 1 OR MORE CHARITABLE ORGANIZATIONS FOR EXPORT ABROAD TO PROVIDE RELIEF TO IMPOVERISHED AREAS WITH CRITICAL TRANSPORTATION NEEDS.

(3) THE PROCEDURES USED FOR TRANSFERS UNDER THIS SUBSECTION MUST:

(I) ACCORD WITH THE CITY CHARTER PROVISIONS THAT GOVERN THE DISPOSITION OF SURPLUS PROPERTY;

(II) ENSURE THAT ALL INTERESTED CHARITABLE ORGANIZATIONS HAVE AN OPPORTUNITY SUBMIT PROPOSALS FOR THE VEHICLES;

(III) ENSURE THAT THE SELECTED ORGANIZATION HAS THE ABILITY TO TAKE CONTROL OF THE VEHICLES AND EXPORT THEM; AND

(IV) REQUIRE THE SELECTED ORGANIZATION TO ENTER INTO A WRITTEN AGREEMENT WITH THE CITY THAT DELINEATES THE PARTIES' RESPECTIVE RESPONSIBILITIES.

**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 February 15, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-286  
(Council Bill 00-319)**

**AN ORDINANCE CONCERNING**

**Zoning — Conditional Use Convalescent, Nursing, and  
Rest Home (Assisted Living) — 227 South Wolfe Street**

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 227 South Wolfe Street, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning  
Section(s) 4-1104 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 227 South Wolfe Street, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 4-1104 and 14-102 of the Baltimore City Code, subject to the ~~condition that the~~ following conditions:

1. The maximum number of residents is 8, including 5 resident-clients plus the resident manager and family.
2. There may be no more than 2 clients per sleeping room.
3. Sleeping rooms for clients may not be in the basement or on the third floor.
4. The minimum age for resident-clients is 50 years.
5. 24-hour supervision must be provided.
6. There may be no exterior sign on the facility other than a nameplate no larger than 6 inches wide by 6 inches high.
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 after the date it is enacted.

Approved February 15, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-287  
(Council Bill 01-562)**

**AN ORDINANCE CONCERNING**

**Sale of Property — The Former Beds of Certain Streets and Alleys**

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in and to a certain parcel of land known as the former beds of Chatham Street, Mura Street, an 11-foot alley, 3 10-foot alleys, and a 9-foot alley 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 parcel of land known as the former beds of Chatham Street, Mura Street, an 11-foot alley, 3 10-foot alleys, and a 9-foot alley, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the south side of Preston Street, 66 feet wide, and the west side of the former bed of Chatham Street, 40 feet wide, as condemned and closed, and running thence binding on the south side of said Preston Street, Easterly 40.0 feet, to intersect the east side of the former bed of said Chatham Street; thence binding on the east side of the former bed of said Chatham Street, Southerly 222.0 feet, more or less, to intersect the north side of an alley, 20 feet wide, laid out in the rear of the properties known as Nos. 2000 through 2028 E. Biddle Street; thence binding on the north side of said alley, Westerly 40.0 feet, to intersect the west side of the former bed of said Chatham Street, and thence binding on the west side of the former bed of said Chatham Street, Northerly 222.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the west side of Chester Street, 70 feet wide, and the south side of the former bed of Mura Street, 30 feet wide, as condemned and closed, and running thence binding on the south side of the former bed of said Mura Street, Westerly 185.0 feet, more or less, to intersect the east side of the former bed of an alley, 11 feet wide, laid out in the rear of the properties known as Nos. 1201 through 1223 Chatham Street; thence binding on the east side of the former bed of said alley, Northerly 30.0 feet, to intersect the north side of the former bed of said Mura Street; thence binding on the north side of the former bed of said Mura Street, Easterly 185.0 feet, more or less, to intersect the west side of said Chester Street, and thence binding on the west side of said Chester Street, Southerly 30.0 feet to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the north side of an alley, 20 feet wide, laid out 80 feet north of Biddle Street, 66 feet wide, and the west side of the former bed of an alley, 11 feet wide, as condemned and closed, laid out in the rear of the properties known as Nos. 1201 through 1223 Chatham Street, said point of beginning being distant easterly 63.0 feet, more or less, measured along the north side of said 20 foot alley from the east side of the former bed of Chatham Street, 40 feet wide, and running thence binding on the west side of the former bed of said 11-foot alley, Northerly 138.0 feet, more or less, to intersect the south side of an alley, 10 feet wide, laid out in the rear of the properties known as Nos. 2021 through 2037 E. Preston Street; thence binding on the south side of said 10-foot alley, Easterly 11.0 feet, more or less, to intersect the east side of the former bed of said 11-foot alley; thence binding on the east side of the former bed of said 11-foot alley, Southerly 138.0 feet, more or less, to intersect the north side of said 20-foot alley, and thence binding on the north side of said 20-foot alley, Westerly 11.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 4 at the point formed by the intersection of the south side of the former bed of an alley, 10 feet wide, as condemned and closed, laid out 70 feet north of Biddle Street, 66 feet wide, and the east side of an alley, 4 feet wide, laid out in the rear of the properties known as Nos. 1200 through 1208 N. Chester Street, said point of beginning being distant northerly 70.0 feet, more or less, measured along the east side of said 4-foot alley from the north side of said Biddle Street, and running thence binding on the south side of the former bed of said 10-foot alley, Westerly 110.0 feet, more or less, to intersect the line of the west outline of the property known as No. 2023 Mura Street, if projected

southerly; thence binding reversely on said line so projected, Northerly 10.0 feet, to intersect the north side of the former bed of said 10-foot alley; thence binding on the north side of the former bed of said 10-foot alley, Easterly 110.0 feet, more or less, to the easternmost extremity of the former bed of said 10-foot alley, and thence binding on the easternmost extremity of the former bed of said 10-foot alley, Southerly 10.0 feet to the place of beginning.

Beginning for Parcel No. 5 at the point formed by the intersection of the south side of the former bed of Mura Street, 30 feet wide, as condemned and closed, and the east side of the former bed of an alley, 10 feet wide, as condemned and closed, laid out in the rear of the properties known as Nos. 1210 through 1218 N. Chester Street, said point of beginning being distant westerly 75.0 feet, more or less, measured along the south side of the former bed of said Mura Street from the west side of Chester Street, 70 feet wide, and running thence binding on the east side of the former bed of said 10-foot alley, Southerly 60.0 feet, more or less, to intersect the north side of the former bed of an alley, 10 feet wide, laid out 70 feet north of Biddle Street, 66 feet wide; thence binding on the north side of the former bed of last said 10-foot alley, Westerly 10.0 feet, to intersect the west side of the former bed of the 10-foot alley mentioned firstly herein; thence binding on the west side of the former bed of the 10-foot alley mentioned firstly herein, Northerly 60.0 feet, more or less, to intersect the south side of the former bed of said Mura Street, and thence binding on the south side of the former bed of said Mura Street, Easterly 10.0 feet, to the place of beginning.

Beginning for Parcel No. 6 at the point formed by the intersection of the north side of the former bed of Mura Street, 30 feet wide, as condemned and closed, and the east side of the former bed of an alley, 10 feet wide, as condemned and closed, laid out in the rear of the properties known as Nos. 1220/1222 and 1230 N. Chester Street, said point of beginning being distant westerly 75.0 feet, more or less, measured along the north side of the former bed of said Mura Street from the west side of Chester Street, 70 feet wide, and running thence binding on the north side of the former bed of said Mura Street, Westerly 10.0 feet to intersect the west side of the former bed of said 10-foot alley; thence binding on the west side of the former bed of said 10-foot alley, Northerly 67.0 feet, more or less, to intersect the south side of an alley, 10 feet wide, laid out 75 feet south of Preston Street, 66 feet wide; thence binding on the south side of last said 10-foot alley, Easterly 10.0 feet, to intersect the east side of the former bed of the 10-foot alley mentioned firstly herein, and thence binding on the east side of the former bed of the 10-foot alley mentioned firstly herein, Southerly 67.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 7 at the point formed by the intersection of the east side of Washington Street, 70 feet wide, and the north side of the former bed of an alley, 9 feet wide, as condemned and closed, laid out contiguous to and north of the north outline of No. 1215 N. Washington Street, said point of beginning being distant southerly 132.0 feet, more or less, measured along the east side of said Washington Street from the south side of Preston Street, 66 feet wide, and running thence binding on the north side of the former bed of said 9-foot alley, Easterly 64.0 feet, more or less, to the easternmost extremity of the former bed of said 9-foot alley; thence binding on the easternmost extremity of the former bed of said 9-foot alley, Southerly 9.0 feet, more or less, to intersect the south side of the former bed of said 9-foot alley; thence binding on the south side of the former bed of said 9-foot alley, Westerly 64.0 feet, more or less, to intersect the east side of said Washington Street, and thence binding on the east side of said Washington Street, Northerly 9.0 feet, more or less, to the place of beginning,

subject to a full width Perpetual Easement for all Municipal Utilities and Services, not to be abandoned, over the entire hereinabove described parcels of land, 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 February 15, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-288  
(Council Bill 01-563)**

**AN ORDINANCE CONCERNING**

**Sale of Property — 906 Washington Boulevard**

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 906 Washington Boulevard 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 906 Washington Boulevard (Ward 21, Section 02, Block 847A, Lot 26), in the Washington Village Urban Renewal Area, containing 6,211.5 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 February 15, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-289  
(Council Bill 01-586)**

**AN ORDINANCE CONCERNING**

**Sale of Property — Hunter Street, a Portion of Monument Street,  
and a Portion of Guilford 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 known as (1) the former bed of Hunter Street, extending from Monument Street northerly to Madison Street, (2) the former bed of a 2.67 foot wide portion of Monument Street contiguous to the north side thereof, extending from Hunter Street easterly to Guilford Avenue, and (3) the former bed of a varying in width portion of Guilford Avenue contiguous to the west side thereof, extending from Madison Street southerly 323 feet, more or less 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 known as (1) the former bed of Hunter Street, extending from Monument Street northerly to Madison Street, (2) the former bed of a 2.67 foot wide portion of Monument Street contiguous to the north side thereof, extending from Hunter Street easterly to Guilford Avenue, and (3) the former bed of a varying in width portion of Guilford Avenue contiguous to the west side thereof, extending from Madison Street southerly 323 feet, more or less, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the north side of Monument Street, 66 feet wide, and the west side of the former bed of Hunter Street, 40 feet wide, as condemned and closed, and running thence binding on the west side of the former bed of said Hunter Street, Northerly 320 feet, more or less, to intersect the south side of Madison Street, 66 feet wide; thence binding on the south side of said Madison Street, Easterly 40.0 feet to intersect the east side of the former bed of said Hunter Street; thence binding on the east side of the former bed of said Hunter Street, Southerly 320 feet, more or less, to intersect the north side of said Monument Street, and thence binding on the north side of said Monument Street, Westerly 40.0 feet to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the north side of Monument Street, 66 feet wide, and the east side of the former bed of Hunter Street, 40 feet wide, as condemned and closed, and running thence binding on the north side of said Monument Street, North 87° 09' 02" East 170.00 feet to intersect the west side of Guilford Avenue, 60 feet wide; thence binding on the west side of said Guilford Avenue, South 03° 04' 18" East 2.63 feet to intersect the north side of Monument Street, as now laid out, varying in width; thence binding on the north side of last said Monument Street, by a non-tangent arc curving to the right with a radius of 18.00 feet the distance of 1.23 feet which arc is subtended by a chord bearing South 85° 12' 02.5" West 1.23 feet to intersect the north side of Monument Street, as now laid out, 63.33 feet wide; thence binding on the north side of last said Monument Street, South 87° 09' 02" West 168.77 feet to intersect the line of the east side of the former bed of said Hunter Street, if projected southerly, and thence binding reversely on said line, so projected, North 03° 04' 18" West 2.67 feet to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the south side of Madison Street, 66 feet wide and the west side of Guilford Avenue, 60 feet wide, and running thence binding on the south side of said Madison Street, North 87° 11' 38" East 5.03 feet to intersect the southwest side of Guilford Avenue, as now laid out varying in width; thence binding on the southwest, west, and northwest sides of last said Guilford Avenue the four following courses and distances; namely, by a tangent arc curving to the right with a radius of 10.00 feet the distance of 14.85 feet which arc is subtended by a chord bearing South 50° 17' 13" East 13.52 feet, South 07° 46' 04" East 22.02 feet, South 03° 05' 26" East 273.84 feet

and by a tangent arc curving to the right with a radius of 18.00 feet the distance of 27.13 feet which arc is subtended by a chord bearing South 40° 04' 48.5" West 24.63 feet to intersect the west side of Guilford Avenue, as formerly laid out 60 feet wide, and thence binding on the west side of Guilford Avenue, as formerly laid out 60 feet wide, North 03° 04' 18" West 322.96 feet to the place of beginning,

this property being no longer needed for public use.

Subject to a full width Perpetual Easement for all Municipal Utilities and Services, not to be abandoned, over the entire hereinabove described parcel of land.

**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 February 15, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-290  
(Council Bill 01-595)**

**AN ORDINANCE CONCERNING**

**Sale of Property — 43 South Carey Street**

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 43 South Carey Street 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 43 South Carey Street, and more particularly described as follows:

the R-8 zoned site is located in the Poppleton Community — Ward 13, Section 7, Block 233, Lot 25, containing 3,200 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 February 15, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-291  
(Council Bill 01-598)**

**AN ORDINANCE CONCERNING**

**Supplementary General Fund Capital Appropriation —  
Department of Public Works — \$1,300,000**

FOR the purpose of providing a Supplementary General Fund Capital Appropriation in the amount of \$1,300,000 to the Department of Public Works — (Account #9948-517-542), to provide funding for construction of Cell 6, Phase II at the Quarantine Road Landfill; 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 2001 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 2002.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2002 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2002 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On October 31, 2001, 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 \$1,300,000 shall be made available to the Department of Public Works — (Account #9948-517-542) as a Supplementary General Fund Capital Appropriation for Fiscal Year 2002, to provide funding for construction of Cell 6, Phase II at the Quarantine Road Landfill. The source of revenue for this appropriation is the Fiscal 2001 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 2002.

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

Approved February 15, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-292  
(Council Bill 01-605)**

**AN ORDINANCE CONCERNING**

**Supplementary State Grant Operating Appropriation —  
Mayor's Office of Criminal Justice — \$101,250**

FOR the purpose of providing a Supplementary State Grant Operating Appropriation in the amount of \$101,250 to the Mayor's Office of Criminal Justice — Program 224 (Mayor's Office of Criminal Justice), to provide grant funding for an Early Disposition Court Coordinator; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates  
Section 8(b)(2) and (c)  
Baltimore City Charter  
(1996 Edition)

**Recitals**

The revenue appropriated by this Ordinance represents State Grants from the Governor's Office on 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 2002.

The grants could not have been expected with reasonable certainty when the Ordinance of Estimates for Fiscal Year 2002 was formulated.

On November 14, 2001, 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 \$101,250 shall be made available to the Mayor's Office of Criminal Justice — Program 224 (Mayor's Office of Criminal Justice) as a Supplementary State Grant Operating Appropriation for Fiscal Year 2002, to provide grant funding for an Early Disposition Court Coordinator. The source of revenue for this appropriation is State Grants from the Baltimore City Governor's Office on 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 2002.

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

Approved February 15, 2002

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE  
ORDINANCE 02-293  
(Council Bill 01-606)**

**AN ORDINANCE CONCERNING**

**Supplementary Federal Fund Operating Appropriation —  
Mayor's Office of Criminal Justice — \$205,000**

FOR the purpose of providing a Supplementary Federal Fund Operating Appropriation in the amount of \$205,000 to the Mayor's Office of Criminal Justice — Program 224 (Mayor's Office of Criminal Justice), to provide grant funding for the Aftercare Transition Program; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates  
Section 8(b)(2) and (c)  
Baltimore City Charter  
(1996 Edition)

**Recitals**

The revenue appropriated by this Ordinance represents a State grant from the Division of Corrections 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 2002.

That grant could not have been expected with reasonable certainty when the Ordinance of Estimates for Fiscal Year 2002 was formulated.

On November 14, 2001, 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 \$205,000 shall be made available to the Mayor's Office of Criminal Justice — Program 224 (Mayor's Office of Criminal Justice) as a Supplementary Federal Fund Operating Appropriation for Fiscal Year 2002, to provide grant funding for the Aftercare Transition Program. The source of revenue for this appropriation is a State grant from the Division of Corrections, 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 2002.

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

Approved February 15, 2002

MARTIN O'MALLEY, Mayor



**CITY OF BALTIMORE  
ORDINANCE 02-294  
(Council Bill 01-609)**

**AN ORDINANCE CONCERNING**

**Supplementary Federal Fund Operating Appropriation —  
Mayor's Office of Criminal Justice — \$1,500,000**

FOR the purpose of providing a Supplementary Federal Fund Operating Appropriation in the amount of \$1,500,000 to the Mayor's Office of Criminal Justice — Program 224 (Mayor's Office of Criminal Justice), to provide grant funding for the TAMAR'S Children Project; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates  
Section 8(b)(2) and (c)  
Baltimore City Charter  
(1996 Edition)

**Recitals**

The revenue appropriated by this Ordinance represents a grant from the Federal Grant through the State Department of Health and Mental Hygiene 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 2002.

That grant could not have been expected with reasonable certainty when the Ordinance of Estimates for Fiscal Year 2002 was formulated.

On November 14, 2001, 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 \$1,500,000 shall be made available to the Mayor's Office of Criminal Justice — Program 224 (Mayor's Office of Criminal Justice) as a Supplementary Federal Fund Operating Appropriation for Fiscal Year 2002, to provide grant funding for the TAMAR'S Children Project. The source of revenue for this appropriation is a grant from the Federal Grant through the State Department of Health and Mental Hygiene, 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 2002.

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

Approved February 15, 2002

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE  
ORDINANCE 02-295  
(Council Bill 01-610)**

**AN ORDINANCE CONCERNING**

**Supplementary General Fund Capital Appropriation —  
Department of Public Works — \$2,529,977**

FOR the purpose of providing a Supplementary General Fund Capital Appropriation in the amount of \$2,529,977 to the Department of Public Works (Account #9916-197-134) , to provide funding for the Asbestos Management 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 funds from the asbestos settlement proceeds 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 2002.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2002 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2002 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On November 14, 2001, 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 \$2,529,977 shall be made available to the Department of Public Works (Account #9916-197-134) as a Supplementary General Fund Capital Appropriation for Fiscal Year 2002, to provide funding for the Asbestos Management Program. The source of revenue for this appropriation is the asbestos settlement proceeds 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 2002.

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

Approved February 15, 2002

MARTIN O'MALLEY, Mayor

**ENROLLED****CITY OF BALTIMORE  
ORDINANCE 02-296  
(Council Bill 00-305)****AN ORDINANCE CONCERNING****Urban Renewal — Carroll Camden — Renewal Area  
Designation and Urban Renewal Area**

FOR the purpose of designating as a “Renewal Area” an area situated in Baltimore City, Maryland known as Carroll Camden, bounded generally by I-395 and the eastern pierhead line of the Middle Branch Patapsco River on the east, the northern boundary of the Middle Branch Urban Renewal Area and I-95 on the south, Washington Boulevard and South Paca Street on the west, and Camden Street on the north; approving a renewal plan for the Carroll Camden area; establishing permitted land uses; providing for the review by the Department of Housing and Community Development of all plans for new construction, exterior rehabilitation, demolition, or any exterior change of any kind; authorizing the acquisition by purchase or by condemnation of certain properties for urban renewal purposes; recommending the closing of certain streets and alleys; providing that the procedures for the closing of the streets and alleys will be regulated by applicable laws and regulations; creating new disposition lots with appropriate standards and controls; adding certain proposed zoning district changes; approving certain regulations, controls, and restrictions for certain uses within the project area; creating exhibits attached to the Plan to reflect the proposed changes; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing that where the provisions of this Ordinance may conflict with any other ordinance, code, or regulation, the provision that establishes the higher standard shall prevail; 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 Carroll Camden incorporates and replaces the Camden Industrial Park Urban Renewal Plan originally approved by the Mayor and City Council of Baltimore by Ordinance 60-410, approved July 6, 1960, and last amended by Ordinance 70-799, approved June 1, 1970.

The basic goals of the City of Baltimore for Carroll Camden are to:

- (1) develop an orderly system of land use controls that prevents the establishment or expansion of incompatible land uses;
- (2) capitalize on the strategic location, infrastructure, and well-defined economic development environment for businesses that serve the region;
- (3) coordinate infrastructure, land use planning, and streetscape improvements to create an entrance “gateway” into the City that can become a natural extension of the downtown area;

- (4) improve access to interstate highways, passenger and freight rail service, and traffic circulation within the boundaries of Carroll Camden;
- (5) facilitate and enhance the growth and viability of existing industrial businesses;
- (6) promote and encourage new business activity in under-utilized properties and land;
- (7) enhance the image of the area through the establishment of design standards and streetscape improvements;
- (8) maximize employment retention and development opportunities;
- (9) acquire and dispose of properties for redevelopment purposes;
- (10) rehabilitate the existing buildings wherever feasible, to retain the industrial character, and to ensure that infill developments are compatible with the character intended for the area; and
- (11) increase the number of parking spaces available to the public while discouraging the demolition of buildings for the purpose of constructing non-accessory off-street parking lots.

Under Article 13 of the Baltimore City Code, the Department of Housing and Community Development is authorized to prepare and administer renewal plans in renewal areas.

The Department of Housing and Community Development has prepared a Renewal Plan for Carroll Camden, consisting of a cover page, a table of contents, 13 pages of text, one Appendix, and four Exhibits "1" through "4".

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That it is found and determined that the area proposed as Carroll Camden, as more particularly described below, may benefit through the exercise of the functions and powers vested in the Department of Housing and Community Development:

Beginning for the same at a point formed by the intersection of the east side of South Eutaw Street and the north side of Camden Street; thence binding on the north side of said Camden Street westerly 385 feet, more or less; ~~thence north~~ to the intersection formed ~~of by~~ the east side of ~~said South~~ Paca Street and the north side of ~~said~~ Camden Street; thence binding on the east side of ~~said South~~ Paca Street northerly to a point formed by the intersection of the east side of South Paca Street and the ~~south~~ northwest side of Washington Boulevard extended; thence southwesterly to a point formed by the centerline of Russell Street and the ~~west~~ northwest side of Washington Boulevard; thence southerly binding on the center line of Russell Street to a point formed by the intersection of Russell Street and the ~~southwest side~~ centerline of Martin Luther King, Jr. Boulevard;

thence westerly along the centerline of Martin Luther King, Jr. Boulevard to a point formed by the west side of South Paca Street extended; thence binding on the west side of South Paca Street extended southwesterly to intersect the north side of West Ostend Street; thence binding on the north side of West Ostend Street northwesterly to intersect the west side of Scott Street northerly to intersect the northeastern boundary of Lot 62, Block 820; thence binding on the northeastern boundary of said Lot 62, Block 820 northwesterly to intersect the southeast side of Wicomico Street; thence binding on the southeast side of Wicomico Street northeasterly to intersect the extension of the southwest side of ~~the~~ Foundry Court; thence binding on the extension of Foundry Court northwesterly to intersect the southeast side of the first 10-foot alley; thence binding on the southeast side of said alley southwesterly to intersect the northeast side of West Ostend Street; thence binding on the northeast side of West Ostend Street northwesterly to intersect the northwest side of Nanticoke Street; thence binding on the northwest side of Nanticoke Street

southwesterly to intersect the southwest side of the first 15-foot alley between Block 789, Lot 31/32 and Block 789, Lot 70;

thence binding on the southwest side of said 15 foot alley northwesterly to intersect the southeast side of Cleveland Street; thence binding on the southeast side of Cleveland Street southwesterly to intersect the northeast side of Bayard Street; thence binding on the northeast side of Bayard Street northwesterly to intersect the northwest side of Carroll Street; thence binding on the northwest side of Carroll Street southwesterly to intersect the southwest side of Bush Street; thence binding on the southwest side of Bush Street northwesterly to intersect the northwest side of Washington Boulevard; thence binding on the northwest side of Washington Boulevard southwesterly to intersect the southwest side of South Monroe Street; thence binding on the southwest side of South Monroe Street westerly to intersect the northwest boundary of Lot 1A, Block 731; thence binding on the northwest boundary of Lot 1A, Block 731 southwesterly to intersect the southwest side of the B&O Railroad Right-of-Way; thence binding on the southwest side of the B&O Railroad northwesterly to the northwest side of Lot 1A, Block 731 734; thence binding on the northwest side of Lot 1, Block 734 to intersect the southwest side of Lot 1, Block 734; thence binding on the southwest side of Lot 1, Block 734 to intersect ~~and~~ the northwest side of Washington Boulevard; thence binding southwesterly on the northwest side of Washington Boulevard to intersect the southern boundary of I-95; thence binding easterly along the southern boundary of I-95 to the northwest corner of Lot 21/23, Block 828;

thence binding on the north boundary of Lot 21/23, Block 828 to intersect the west side of Annapolis Road; thence binding on the west side of Annapolis Road southerly to intersect the south side of Clare Street; thence binding on the south side of Clare Street to intersect the west side of the first 10-foot alley; thence binding on the west side of said 10-foot alley to intersect the southeast side of Lot 21/22, Block 7419-C; thence binding on the south side of Lot 21/22, Block 7419-C northwest to intersect with the west side of Annapolis Road; thence binding on the west side of Annapolis Road southerly to intersect with the south side of Eyon Street; thence binding on the south side of Eyon Street easterly to intersect with the west side of the B&O Railroad; thence binding on the west side of the B&O Railroad southerly to intersect with the northwest boundary of Lot 1, Block 7611; thence binding on the northern boundary of Lot 1, Block 7611 easterly to intersect with the western pierhead line of the Middle Branch of the Patapsco River, established by the United States Government in 1915; thence binding on said pierhead line northerly along the waters of the Middle Branch of the Patapsco River to the south side of the Western Maryland Railroad; thence binding along said Western Maryland Railroad easterly to intersect with the eastern pierhead line; thence binding on the eastern pierhead line northerly to intersect the southeast side of I-395; thence binding along the ~~southeast side of I-395 northerly to the intersection with South Howard Street~~; thence binding on the west side of South Howard Street northerly to intersect with the north side of Camden Street; thence binding on the north side of Camden Street westerly to the point of the beginning; southeast side of I-395 northerly to intersect with the north side of Henrietta Street extended; thence binding on the north side of Henrietta Street extended westerly to intersect with the east side of Eutaw Street; thence binding on the east side of Eutaw Street northerly to the point of the beginning.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That the Urban Renewal Plan, identified as “Urban Renewal Plan, Carroll Camden”, including Exhibit 1, Land Acquisition; Exhibit 2, Land Disposition; Exhibit 3, Land Use Plan; and Exhibit 4, Zoning Districts, dated ~~November 17, 2000~~, are as revised January 11, 2002, is approved, and 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 and make the same available for public inspection and information.

**SECTION 3. AND BE IT FURTHER ORDAINED,** That it is necessary to acquire by purchase or by condemnation, for urban renewal purposes, the fee simple interest or any lesser interest in and to certain properties or portions thereof, together with all rights, title, interest, and estate that the owner of those property interests may have in all streets, alleys, ways or lanes, public or private, both abutting the whole area

described and contained within the perimeter of this area, situate in Baltimore City, Maryland, and described as follows:

1500 Bayard Street

2110 Haines Street  
2119-49 Haines Street

1433 Hamburg Street  
1441 Hamburg Street  
1443 Hamburg Street  
1445 Hamburg Street  
1447 Hamburg Street  
1449 Hamburg Street

2102 Oler Street

779-81 West Ostend Street  
801 West Ostend Street  
803 West Ostend Street  
805 West Ostend Street  
807 West Ostend Street  
809 West Ostend Street  
811 West Ostend Street  
813 West Ostend Street  
815 West Ostend Street  
817 West Ostend Street  
819 West Ostend Street  
821 West Ostend Street  
823 West Ostend Street  
825 West Ostend Street  
827 West Ostend Street  
829 West Ostend Street  
831 West Ostend Street  
833 West Ostend Street  
835 West Ostend Street  
837 West Ostend Street  
839 West Ostend Street  
841 West Ostend Street  
843 West Ostend Street  
845 West Ostend Street  
847 West Ostend Street  
849 West Ostend Street  
851 West Ostend Street  
853 West Ostend Street  
855 West Ostend Street  
857-75 West Ostend Street

1501 Russell Street  
1525 Russell Street  
1557 Russell Street

1411-25 Warner Street  
 1501-25 Warner Street  
 1601-17 Warner Street  
 1629-31 Warner Street  
 1633-43 Warner Street  
 1645-1725 Warner Street

1201-1301 Wicomico Street  
 1434-38 Wicomico Street

2104 Worcester Street

1600 Block of South Eutaw Street between Worcester and Oler Streets

10' Alleys in the 800 Block West Ostend Street, Block 818

2100 Block of Oler Street between South Eutaw and Warner Streets

2100 Block of Worcester Street between South Eutaw and Warner Streets

15' Alley and two 8' Alleys between Lots 28/29 and 30/30A in Block 807

**SECTION 4. AND BE IT FURTHER ORDAINED,** That it may be necessary to acquire by purchase or by condemnation for urban renewal purposes the fee simple interest or any lesser interest in and to such remaining properties or portions thereof in Carroll Camden not specifically designated for acquisition on Exhibit I, Land Acquisition, as may be deemed necessary and proper by the Commissioner to effect the proper implementation of the project. These may include:

- (a) any property in the project area containing a non-salvageable structure, i.e., a structure, which in the opinion of the Commissioner, cannot be economically rehabilitated.
- (b) any property the owner of which is unable or unwilling to comply or conform to the codes and ordinances of Baltimore City within 12 months from the date of written notice of the required improvements. The Department, after due consideration that the property owner has failed to achieve substantial conformity with the codes and ordinances of Baltimore City, may acquire such property pursuant to the Eminent Domain law of this State as if the property had originally been planned for acquisition after 90 days written notice to the owner. The Department preserves the right to acquire any such non-complying property for a period of 2 years from the date of the written 90 days notice by the Department.

**SECTION 5. AND BE IT FURTHER ORDAINED,** That it may be necessary to acquire by purchase or condemnation the fee simple interest, or any lesser interest in and to such of the remaining properties not specifically designated for acquisition on the Land Acquisition exhibit in order to carry out rehabilitation by the Department or for resale. These properties are being acquired because rehabilitation on a structure-by-structure basis is infeasible, and assemblage of a group of properties is required to carry out the objectives set forth in the Renewal Plan.

**SECTION 6. AND BE IT FURTHER ORDAINED,** That upon acquisition of the properties mentioned in Section 3 of this Ordinance, the Department of Housing and Community Development will either:

- (1) demolish the structure or structures thereon and dispose of land for redevelopment uses in accordance with the Renewal Plan;

- (2) sell or lease the property subject to rehabilitation in conformance with the codes and ordinances of Baltimore City and the Design and Rehabilitation Standards set forth in the Renewal Plan; or
- (3) rehabilitate the property in conformance with the codes and ordinances of Baltimore City and the Design and Rehabilitation Standards set forth in the Renewal Plan and dispose of property in accordance with applicable regulations. If sale cannot be consummated by the time rehabilitation is accomplished, the property may be rented pending continuing sale efforts.

**SECTION 7. AND BE IT FURTHER ORDAINED,** That the Department of Real Estate, Office of the Comptroller, or such person and in such manner as the Board of Estimates, in the exercise of the power vested in it by Article V, Section 5, of the Baltimore City Charter, may hereafter from time to time designate, is authorized to acquire on behalf of the Mayor and City Council of Baltimore and for the purposes described in this Ordinance, the fee simple interest or any lesser interest in and to the properties or portions thereof hereinabove mentioned. If the Division or person is unable to agree with the owner or owners on the purchase price for those properties or portions thereof, it or they shall forthwith notify the City Solicitor of Baltimore City who then shall institute in the name of the Mayor and City Council of Baltimore the necessary legal proceedings to acquire by condemnation the fee simple interest or any lesser interest in and to those properties or portions thereof.

**SECTION 8. AND BE IT FURTHER ORDAINED,** That it is recommended that certain streets and alleys be closed in connection with development on disposition lots, as set forth in the Urban Renewal Plan on Exhibit 2, Land Disposition, dated ~~November 17, 2000~~ as revised January 11, 2002.

**SECTION 9. AND BE IT FURTHER ORDAINED,** That the proceedings of the Department of Public Works, with reference to the closing of those streets and alleys and the proceedings and rights of all parties interested or affected thereby, shall be regulated by and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect that have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

**SECTION 10. AND BE IT FURTHER ORDAINED,** That over and above the codes and ordinances of the City of Baltimore, the following standards, Appendix A of the Urban Renewal Plan, are applied to all non-residential properties within the Project Area, whether occupied or vacant.

1. General Provisions

- a. No buildings, structures, or parking areas may be constructed over an easement within the Project Area without the prior consent of the Commissioner of the Department of Housing and Community Development and the Director of the Department of Public Works.
- b. All storage lots and outdoor storage of any equipment and supplies must be maintained in good condition. Screening must seek to minimize the adverse visual impact of storage activities. The amount and nature of the screening may be determined by the nature of the storage area and surrounding land uses, but should consider the need for adequate security and surveillance.
- c. No waste material, refuse, or garbage is permitted to remain outside buildings except as permitted by Baltimore City regulations regarding containers for garbage; the area for such containers must be properly screened from adjacent properties and public streets and alleys.
- d. All land not covered by structures, paved parking, loading or related service areas, paved areas for pedestrian circulation, or decorative surface treatments must be provided with landscape treatment. Landscape treatment encompasses the planting of any, all, or a



combination of the following: trees, shrubs, ground cover, grass, and flowers. The amount of landscape treatment should serve to improve the utility of the site, enhance building design, and soften and relieve the environmental and visual impact of the development. All screening and landscaping must be maintained in good condition.

- e. All new buildings must provide a street side hose bib to provide water for sidewalk cleaning and to aid in landscape and streetscape maintenance.
- f. No noxious trade or activity may be carried on within the Project Area, nor shall anything be done therein that may be or become an annoyance or a nuisance to the Project Area by reason of unsightliness or the excessive emissions of odors, dust, fumes, smoke, noise, glare, or heat. The uses must comply with the Performance Standards of Title 12 of the Baltimore City Zoning Code.

2. Bulk Regulations

- a. All uses must comply with the Bulk Regulations as contained in Title 7 of the Baltimore City Zoning Code, except as otherwise specified in the Disposition Lot Controls.

- b. Front Yards

The setback areas abutting street right-of-ways, with the exception of driveways, sidewalks, and other walkways, must be exclusively for the planting and growing of trees, shrubs, lawn, and other ground cover material. These areas may not be used for, nor considered in, computing the parking and loading space requirements.

- c. Lot Coverage and Floor Area Ratio

- (1) The Floor Area Ratio (FAR) may not exceed 3.0.
- (2) For property fronting Russell Street and Warner Street, parking, circulation, loading, and services areas must be provided within the development lot; and where the parking is provided in a parking structure within the lot, a premium of 2.0 may be added to the basic floor area ratio.

- d. Building Heights

- (1) Buildings may generally be not more than 75 feet in height, except for architectural elements or mechanical equipment enclosures as approved by the Department.
- (2) Additions and alterations to an existing building must be compatible with the height and form of the existing building.
- (3) Variations to these height limits may be permitted under special circumstances. Consideration may be given to the impact of such variations on their immediate surroundings and the intended character of the Project Area.

- e. Ingress and Egress

No additional vehicular access points may be added to Russell Street.

f. Front, Side and Rear Yards

- (1) Where a front, side, or rear yard exists or is created through the demolition of structures, the open areas must be treated in a manner consistent with the following standards:
  - (a) Enclosures of Yards: A yard may be enclosed along side and rear property lines by a solid masonry wall or metal grille fence or durable fencing, compatible with the architecture and walls of the building. Solid doors or gates may be used to the extent necessary for access and delivery. Use of barbed wire or broken glass on top of walls and plain galvanized fencing are not permitted along Russell, Warner, Bayard, Wicomico Streets, and Washington Boulevard.
  - (b) Provision of Parking Area: A yard may be used as a parking or loading area providing that it is properly screened, paved, illuminated, and maintained. The owner of the building is responsible for maintenance of the parking area in a neat and clean manner. No storage of trash containers is allowed in this area except when housed in permanent enclosures of acceptable design. Storage of trash containers is not allowed in the front yard.
- (2) Ancillary Structures: Attached or freestanding structures in the rear of the principal structure, which are structurally deficient, must be properly repaired or demolished. Yards and areaways must be kept free of trash, debris, or any other element, which is not a permanent part of the building or a functional element of its mechanical or electrical system.

g. Off-Street Parking

- (1) Except as otherwise specified in the Disposition Lot Controls, parking spaces must be provided as required by the Baltimore City Zoning Code, or in such lesser amount as may be authorized by the Board of Municipal and Zoning Appeals as a Special Exception or Variance. In addition to these requirements, off-street parking areas must be visually screened from public streets and adjacent properties as provided for herein.
- (2) All required parking spaces must be provided with the proper ingress and egress to a public street or alley.
- (3) All parking facilities must be effectively screened. When fronting on public streets and adjacent properties, screening may consist of a solid masonry wall or combination masonry wall and metal grille fence, not less than 4 feet in height or as specified in the Zoning Code. Screening must be maintained in good condition and must be designed and placed so as not to obstruct vehicle sight distances at entrances and exits.
- (4) All exterior (surface) parking areas must be paved with a hard, dust-free surface, properly illuminated, and maintained in a neat and clean manner.
- (5) A sign, not exceeding six square feet in area, may be used to identify and control parking areas.
- (6) Permits for stadium event parking lots will be issued for one year only and will be subject to review by the Department prior to issuance for subsequent years.

h. Off-Street Loading Requirements

- (1) A minimum of 1 off-street loading facility must be provided unless a lesser amount is approved by the Department.
- (2) The off-street facilities must be located so that they do not interfere with accessory parking areas and means of ingress and egress.
- (3) No exterior loading dock or similar structure may be located on any side of a building that faces Russell, Warner, Bayard, Wicomico Streets, and Washington Boulevard, if 2 or more sides of a lot on which the building is located are contiguous to dedicated roadways. Loading docks may face a dedicated roadway other than Russell, Warner, Bayard, Wicomico Streets, and Washington Boulevard; if such provisions are not feasible, appropriate screening is required.
- (4) All loading and maneuvering of service vehicles and all other related service activities must be accommodated entirely within the lot lines.
- (5) All off-street loading facilities must be effectively screened from view from public streets, walks, and rights-of-way. Screening may consist of a masonry wall or durable fence, or combination thereof, not less than 6 feet in height. No plain galvanized fencing may be used; vinyl clad fencing may be used. In lieu of such a wall or fence, a compact evergreen hedge of not less than 5 feet in height at the time of original planting may be used.
- (6) Screening and landscaping must be maintained in good condition and must be designed so as not to obstruct vehicle site distances at entrances and exits.
- (7) A sign, not exceeding 6 square feet in area, may be used to identify and control loading.

i. Refuse Storage

All outdoor refuse storage areas and dumpsters on private property must be screened from the view of adjacent properties and public rights-of-way, and no dumpsters or rubbish containers may be exposed at the fronts of buildings. Screening may consist of a masonry wall or durable fence, or combination not less than 6 feet in height. Trash storage areas must be maintained in a neat and clean manner at all times.

j. Floodplain Standards and Controls

- (1) Avoid placement of parking in the floodplain. If parking must be placed in the floodplain, prevent cars from entering the floodwaters with bollards.
- (2) All construction in floodplain zones must comply with floodplain regulations.
- (3) Where properties are considered a repetitive loss (properties that since 1978 have made two or more flood damage claims totaling \$1000 or more in a ten-year period) by the Federal Emergency Management Agency (FEMA), the preference is to demolish the structures on this site. New construction can meet floodplain regulations in 2 ways:
  - (a) a continuous foundation up to 2 feet above grade around the exterior of the building,
  - or;

(b) elevate the entire site using fill.

~~(4) Land Use Restrictions - Uses that pose significant pollution risk to streams during a flood are prohibited:~~

~~Materials recovery facilities, waste disposal/landfills, junk or scrap storage and yards, radioactive waste handling, incinerators, commercial or municipal, recycling collection stations, transfer stations, landfills, hazardous material handling and storage, solid or hazardous waste collection or disposal facilities, sand or gravel operations, cement plants and chemical plants~~

k. Critical Area Standards and Controls

(1) All lots within the Critical Area boundaries (1,000 feet from the shoreline) are subject to the Baltimore Critical Area Management Program (CAMP) administered by the Baltimore City Department of Planning and required by the State of Maryland. The purpose is as follows:

(a) to improve the water quality of the Chesapeake Bay; and

(b) to conserve and protect wildlife habitat along the shoreline of the Chesapeake Bay.

(2) All redevelopment projects in the Critical Area shall adhere to the requirements of the 2000 Maryland Department of Environment Stormwater Manual and shall include:

(a) a reduction in impervious area by at least 20%;

(b) the implementation of stormwater management practices; or

(c) a combination of both (a) and (b) to result in an improvement to water quality;

(d) manage rooftop runoff through storage (e.g. green rooftops, cisterns, etc.), reuse, and/or redirection to pervious surface for stormwater management;

(e) use alternative paving materials for parking or pathways;

(f) provide long term management plans for natural areas, public spaces, and stormwater management facilities;

(g) use open space, including reduction of building footprints, preservation of natural areas, and innovative building techniques to reduce the amount of new impervious surface; and

(h) integrate new paths, open spaces, and architecture with the existing community.

(3) All lots on or bordering Warner Street are adjacent to the Middle Branch Habitat Protection Area. It is strongly recommended that in these areas 20% of the stormwater pollutants are removed rather than the 10% required by law.

(a) East side of Warner Street

(1) no development should occur in the Habitat Protection Area/Buffer;

(2) a regional, heavily vegetated stormwater management treatment facility adjacent to the Buffer area is recommended to conserve development area; and

(3) it is recommended that no stormwater-offset fees will be acceptable in this area in lieu of constructing a stormwater management system.

(4) Westport (Block 7612, Lot 2)

This area is designated as a Resource Protection Area, a restrictive overlay of the Critical Area. Only public development may occur for park enhancements, etc. This area should be re-vegetated with native trees and shrubs.

3. Architectural Design and Rehabilitation

a. General

- (1) Except as otherwise specified in the Disposition Lot Controls, the following apply to all properties whether vacant or occupied.
- (2) All buildings must be designed to relate to grade conditions, with a minimum of grading and exposed foundation walls.
- (3) Building materials, texture and color range must be compatible with other buildings in the Project Area.
- (4) Redeveloped and new buildings must reflect the historic industrial character of the Project Area through use of brick, metal, heavy timber, large doors, multi-paned industrial glazing, and skylights.
- (5) All exterior building walls must be constructed primarily of brick or other architectural masonry material. Concrete block may not be used on exterior building walls or screening walls for properties fronting Russell, Warner, Bayard, Wicomico Streets, and Washington Boulevard.
- (6) Properties fronting Russell, Warner, Bayard, Wicomico, Ostend Streets, and Washington Boulevard, and along the Gwynns Falls Trail, should encourage ground floor uses compatible with public and pedestrian activity.
- (7) Property fronting the Patapsco River Middle Branch must provide waterfront access through public easements or buildings or elevated structures, where feasible.

b. Building Fronts and Sides Abutting Streets

- (1) All defective structural and decorative elements of building fronts and sides abutting streets must be repaired or replaced in a workmanlike manner to match as closely as possible the original materials and construction of that building. All damaged, sagging, or otherwise deteriorated building fronts, windows, and entrances must be repaired or replaced.
- (2) Enclosures and housing for security grilles and screens must be as inconspicuous as possible and compatible with other elements of the façade. Metal enclosures must be painted to match trim unless they are incorporated in the sign structure. All exposed

portions of the grill, screen, or enclosure that are normally painted and all portions, which require painting to preserve, protect, or renovate the surface, must be painted.

- (3) Solid metal grilles and screens may not be used on any side of a building that faces Russell, Warner, Bayard, Wicomico, Ostend Streets, and Washington Boulevard. Mesh grilles and screens may be used.
- (4) All screens and grilles protecting entrances and windows must be constructed so they can be opened or removed. Such screens and grilles must be opened during the normal business hours of that business.
- (5) Adjoining buildings used by the same occupant must be rehabilitated in a unified and harmonious manner and in a manner consistent with the original construction techniques where feasible.

c. Exterior Walls (front, side and rear)

- (1) All exterior walls that have not been wholly or partially resurfaced or built over must be repaired and cleaned or painted in a workmanlike manner. Brick or concrete block walls must be cleaned, repaired, and repointed where necessary. All other surfaces must be cleaned and repaired and must have a continuous and even finish with no visible patching.
- (2) Masonry walls must be treated in the following manner:
  - (a) Natural stone must be cleaned, repaired, and mortar joints pointed where necessary.
  - (b) Brick walls must be either preserved in their natural state or painted a color compatible with neighboring structures.
  - (c) Brick may be cleaned and then sealed; if the brick has been previously painted, it may be sealed to remove all loose material and repainted with one color.
  - (d) Painted masonry walls must have loose material removed and be painted a single color except for trim, which may be another color. Surfaces must be painted with products and employing application methods that will prevent early deterioration.
  - (e) Patched walls must match the existing adjacent surfaces as to materials, color, bond, and joining.
  - (f) No new formstone finishes are permitted. Existing formstone applied over brick may be removed and the brick cleaned and painted and then sealed; or existing formstone must be repaired and painted in a manner approved by the Department.
  - (g) Any facade materials applied must be painted or otherwise treated in a manner harmonious to the rest of the structure as approved by the Department.
- (3) Wood siding material, in sound condition and permissible under the Baltimore City Building Code, must be repaired, cleaned, stripped, and painted. Real or simulated wood shakes are not considered to be compatible with the Project Area, and new applications of these materials are not permitted.

- (4) Metal siding, which is undamaged, structurally sound, and permissible under the Baltimore City Building Code, must be kept clean, in a good state of repair, or painted a color compatible with the colors of the neighboring structures. The metal must be of sufficient gauge, thickness, and finish quality to prevent denting, scratching, and discoloration through normal wear and tear. No new siding is permitted.
- (5) Existing miscellaneous elements on the building fronts, such as empty electrical or other conduits, unused sign brackets, etc., must be removed and the building repaired as necessary.
- (6) No new mechanical equipment, such as exhaust fans, vents, and air conditioning units, is allowed to project through building fronts or sides facing Russell, Warner, Bayard, Wicomico, Ostend Streets, and Washington Boulevard, unless suitably concealed.
- (7) Metal gutters and downspouts must be repaired or replaced as necessary and must be neatly located and securely installed. Gutters and downspouts must be painted to harmonize with the building colors.
- (8) Rear and side walls, where visible from the street, must be repaired and painted to present a neat appearance. Rear walls must be painted to cover evenly all miscellaneous patched and filled areas or be stuccoed to present an even and uniform surface. Rear and side walls, where visible from any street, must be finished or painted so as to harmonize with the front of the building.

d. Roofs

- (1) Any new mechanical equipment placed on a roof must be located so as to be hidden from view from Russell, Warner, Bayard, Wicomico, Ostend Streets, and Washington Boulevard, and to be as inconspicuous as possible. New equipment must be screened with suitable elements of a permanent nature and finished so as to harmonize with the rest of the building. Where such screening is unfeasible, equipment must be installed in a neat, presentable manner, and must be painted in such a manner as to minimize its visibility.
- (2) Chimneys, elevator penthouses, or any other auxiliary structures on the roofs must be repaired and cleaned. Any construction visible from the street or from other buildings must be finished so as to be harmonious with other visible buildings walls.
- (3) Telecommunication, television, and radio antennae must be located so as to be hidden from view and as inconspicuous as possible.
- (4) Roofs must be kept free of trash, debris, or any other element, which is not a permanent part of the building or a functioning element of its mechanical or electrical system.

e. Windows

- (1) Windows not in the front or side of the building must be kept properly repaired or, with Fire Department approval, may be closed, in which case sills, lintels, and frames must be removed and the opening properly closed to match the material, design, and finish of the adjacent wall.
- (2) All windows must be tight-fitting and have sashes of proper size and design. Sashes with rotten wood, broken joints, or loose mullions or muntins must be replaced. All

broken and missing windows and glass blocks must be replaced with glass or approved plastic glazing. All exposed wood must be repaired and painted.

- (3) Window openings in ground and upper floors of buildings, with fronts or visible sides on Russell, Warner, Bayard, Wicomico Streets, and Washington Boulevard, may not be filled or boarded up. Windows in unused areas of the upper floors may be backed by a solid surface on the inside of the glass. Windowpanes may not be painted.
- (4) All of the windows in a single façade must be of matching or harmonious design. All window openings must remain the same height and width as originally built. Where infeasible, openings may be infilled at the top, bottom, or sides to match the design of the facade. The following additional requirements apply for all new windows:
  - (a) All windows must have frames, sash, and mullions of a material, design, and color appropriate to the architecture of the building and the historic industrial character of the area.
  - (b) All windows, frames, and mullions must be kept in good repair and properly painted.
  - (c) Ornamental windows and grilles may be incorporated as a decorative or security device.
  - (d) The lintels over windows must be preserved, replaced, or restored. Brick arch work and stone lintels must be restored.
  - (e) Window sills must be preserved, replaced, and restored to match the original design of the building.
  - (f) Installation of exhaust fans, vents, and air conditioning units in front windows is not allowed; however, where there is no other alternative, the unit may be permitted if it is painted in a color that makes it as inconspicuous as possible or is otherwise suitably screened.
- (5) The use of exterior shutters is not permitted where shutters would be inharmonious with the architecture of the building.

f. Signs

All signs must be in accordance with the Zoning Code of Baltimore City. In addition, the following provisions apply:

- (1) Except as otherwise specified in the specific Disposition Lot Controls, no sign may extend above the roof line or parapet wall of the building to which it is attached; no sign may project more than 12 inches from the building to which it is attached. Roof top signs are not permitted. Flashing or moving signs are not permitted.
- (2) No freestanding sign may be constructed on Russell, Warner, Bayard, and Ostend Streets. A free-standing sign, not exceeding 4 feet in height and 60 square feet in area, may be constructed or installed near the intersection of the primary driveway and major public street.
- (3) A building sign may not exceed 1 square foot in area for each 600 square feet of total site area. However, no sign identifying a building occupied by a single user may exceed 100



square feet; no sign identifying individual tenants in a multi-tenant building may exceed 25 square feet. All building signs must be mounted flat against the surface of the building to which it is attached.

- (4) Painted signs on building surfaces or use of separate cutout letters are permitted in accordance with the above limits for flat signs.
- (5) No private signs are permitted except as herein provided or as otherwise authorized by the Department for temporary purposes not exceeding 30 days.
- (6) Size, shape, letter style(s), colors, and method of installation of all signs must be compatible with the architecture of the building and the neighboring structures. Design of signs by graphic designers is encouraged.
- (7) Materials employed for construction of signs must be durable and weather-resistant, must be fabricated and installed by qualified and experienced mechanics, and must be maintained in good repair.
- (8) Flags and banners may be displayed on a temporary and permanent basis, subject to obtaining the necessary minor privilege, so long as the banner material is not faded, torn, or frayed, and the poles are well maintained. Banners may be displayed only from buildings at least 2 stories high and may not be less than 10 feet above the sidewalk. All banner poles along one street should be set at the same angle from the horizontal plane. Banners may project up to one-third the width of the sidewalk, but not more than 5 feet, whichever is greater. Provision for flags and banners must otherwise conform to the provisions of City ordinances.
- (9) Super graphics or murals are a special form of outdoor art and may not contain advertising. The application should be appropriate to the use, activity, or theme of a building or place. Such super graphics or murals must be designed by graphic artists, artists, or designers.
- (10) The Department may permit free-standing signs and sign kiosks on the sites where buildings are set back from their property lines, on the submission and approval of the site plans and sign design drawings.
- (11) Roof top signs, signs above the parapet of a building, or other outdoor advertising signs painted or mounted on any structure are not generally permitted. All existing rooftop and façade mounted sign brackets and hardware must be removed. In special circumstances, certain special signs (such as those incorporating weather information) or signs announcing the name of a building are permitted. Such signs must be individually fabricated or carved letters or designed as an integral part of the building. Properties adjacent to I-395 with a top finished elevation below I-395 will be allowed a single tenant rooftop identification sign not to exceed a height of 10' and a length of 30' and subject to design review and approval by the Department of Housing and Community Development.
- (12) All signs not conforming to the above regulations must be removed within 2 years from the date the Renewal Plan was originally approved. Future minor privilege permits for signs may be issued only for those signs meeting project design criteria.

g. Existing Passageways

- (1) All existing passageways fronting on any street or alley providing public access must comply with all of the provisions of the Renewal Plan, especially maintenance and repair of exterior walls.
- (2) They must be kept structurally intact and free from hazards to the general public.
- (3) They must be kept free of debris by the abutting owner(s).
- (4) All masonry surfaces must be repaired and cleaned or painted to present a neat, fresh, and uniform appearance.
- (5) Provision for metal security gates at each end of such passageways is the responsibility of the occupants of buildings immediately adjacent. These gates must be provided with a lock. Non-metal gates and non-metal locks are not permitted. It is the responsibility of first floor occupants of buildings, immediately adjacent to both sides of such passageways, to lock gates after normal business hours. Passageways must be provided with sufficient lighting if gates are to be left unlocked during normal business hours of darkness. When security gates are "open," they must be fixed to the wall by a metal latch.

h. Streetscape Standards

Russell Street, as the terminus of the Baltimore-Washington Parkway, serves as a major gateway into the City and Central Business District. Warner Street currently provides access to the stadium and serves as a local access route. Bayard Street connects Carroll Park, Washington Village, and the Middle Branch. The Gwynns Falls Trail is planned to use Bayard Street as a route between these points.

All reconstruction of sidewalks, as a result of renovations and redevelopment of properties fronting Russell Street, Bayard Street and Warner Street, must conform to the Downtown Baltimore City Streetscape Design Guidelines established in November 1998, by the City for the Downtown area, and must be compatible in materials, color, and design with the Stadium Area streetscape.

4. Period of Compliance

No work, alterations, or improvements may be undertaken after enactment of the Ordinance approving the Renewal Plan, which do not conform to the requirements herein. However, the Commissioner may waive compliance with one or more of these standards if such waiver is determined not to adversely affect the Design and Rehabilitation Standards. Nothing herein may be construed to permit any sign, construction, alteration, change, repair, use, or any other matter otherwise forbidden or restricted or controlled by any other public law.

5. Review of Rehabilitation Plans

- a. It is the responsibility of the Department to supervise that part of the Renewal Plan dealing with design, code enforcement, and inspection.
- b. Designs for all improvements, modifications, repairs, rehabilitation or painting concerning the exterior of the existing buildings, their yards, or their show windows, and for all signs, and new construction must be submitted to the Department, and written approval by the

Department is required before proceeding with the work. It is the responsibility of the property owner or an authorized agent to secure all the necessary permits in order to undertake the proposed work.

- c. The Department is concerned with all aspects of design affecting exterior appearance, and in particular with the following:
  - (1) colors to be used on buildings and signs;
  - (2) design of windows and entrance area, including choice of materials and types of security devices;
  - (3) design of signs, methods of illumination, colors, materials, methods of suspension;
  - (4) condition of rear yard spaces and location of signs;
  - (5) all exterior materials and colors;
  - (6) compatibility of new construction as to scale, color, materials and signing; and
  - (7) all landscaping elements, designs, and materials;

**SECTION 11. AND BE IT FURTHER ORDAINED,** That all plans for new construction (including parking lots), exterior rehabilitation, demolition, or any exterior change of any kind (including signs and lighting) must be submitted to the Department of Housing and Community Development for review to determine if such plans are consistent with the objectives and requirements of the Renewal Plan.

**SECTION 12. AND BE IT FURTHER ORDAINED,** That the creation of certain disposition lots for future development, all as shown on Exhibit 2, Land Disposition, dated ~~November 17, 2000~~ as revised January 11, 2002, is approved.

**SECTION 13. AND BE IT FURTHER ORDAINED,** That proposed zoning changes as contained in Exhibit 4, Zoning Districts, dated ~~November 17, 2000~~ as revised January 11, 2002, are approved.

**SECTION 14. AND BE IT FURTHER ORDAINED,** That Exhibit 1, Land Acquisition, and Exhibit 3, Land Use Plan, dated ~~November 17, 2000~~ as revised January 11, 2002, are approved.

**SECTION 15. AND BE IT FURTHER ORDAINED,** That the Land Use Provisions for industrial uses, as contained in Sections D.1.c., d., e., f., and g. of the Renewal Plan, prohibits the following uses and facilities within the Project Area:

Light Industrial

In the area designated as Light Industrial on the Land Use Plan, the uses ~~permitted~~ allowed are those ~~permitted~~ as listed under the M-1 category of the Baltimore City Zoning Code, except for:

auditoriums; atomic reactors; community correction centers; flammable liquids – manufacturing and storage; helistops; hotels and motels; mining, gravel, sand or other raw materials; public utilities - telephone exchanges, radio and television antennas and towers, including microwave antennas/satellite dishes, when freestanding or when they extend higher than 25 feet above the building on which they are mounted; and recycling collection stations.

General Industrial A

In the area designated as General Industrial A on the Land Use Plan, the uses ~~permitted~~ allowed are those as listed under the M-2 category of the Baltimore City Zoning Code, except for:

abrasives-manufacturing; acids-manufacturing; alcohol distillation; ammonia-manufacturing; asbestos products-manufacturing; atomic reactors; auditoriums; boiler works; bricks-manufacturing; cellulose-manufacturing; cement-manufacturing; charcoal-manufacturing; charcoal products-processing; chemical and allied products-manufacturing; cinder and cinder blocks-manufacturing; coal-distillation; coal yards; community correction centers; concrete, concrete products-manufacturing; detergents-manufacturing; flammable liquids-manufacturing and storage; foundries, ferrous and non-ferrous; garages-storage, repair, servicing; gas-manufacturing and storage; glue and sizing-manufacturing; grain elevators and grain storage; grain milling; graphite, graphite products-manufacturing; grease and tallow-manufacturing and processing; gypsum, other forms of plaster base-manufacturing; hair, feathers, and felt-processing and derivative products; heliports, helistops; hides-processing; highway maintenance shops and yards; insecticides - manufacturing; leather-tanning; metal products and machinery, heavy-manufacturing; metals, ferrous and non-ferrous-manufactured from raw material; metals-smelting and refining; metals-stamping and extrusion; mining, gravel, sand, or other raw materials; motor freight terminals; oils and fats, animal and vegetable-manufacturing and processing; ore reduction; packing houses; paints, pigments, enamels, japans, lacquers, shellac, whiting, putty, wood filler, turpentine, and varnishes-manufacturing; paper-manufacturing; parking facilities, off-street, other than accessory-open areas for four or more automobiles; parking facilities, off-street, other than accessory-open areas for four or more motor vehicles; penal and correctional institutions; pesticides and fungicides-manufacturing and processing; petroleum distribution pumping or valve substations; petroleum products-manufacturing and processing; petroleum, related industries-refining; plastics-manufacturing and reclaiming; public utilities-telephone exchanges; pulp-manufacturing; radio and television antennas and towers, including microwave antennas/satellite dishes, when freestanding or when they extend higher than 25 feet above the building on which they are mounted; recreational facilities: outdoor; recyclable materials recovery facilities-with outdoor storage; recycling collection stations; restaurants and lunch rooms-including live entertainment and dancing; rock crushing; roofing materials-manufacturing; sawmills, planing mills; service and housing centers; stables for horses; solvents-distillation; shops; stone cutting; taverns-including live entertainment and dancing; tires and tire products-open storage within 200' of a residential district; and waste disposal (except garbage) for land fill and land reclamation.

General Industrial B

In the area designated as General Industrial B on the Land Use Plan, the uses ~~permitted~~ allowed are those as listed under the M-2 category of the Baltimore City Zoning Code, prohibited uses in General Industrial A, and the following:

automobile service stations; car washes; gasoline service stations; moving and storage establishments; ~~public utilities-repeater, transformer, pumping, booster, switching, conditioning, regulating stations, also known as telecommunications facility, telecommunications switching center, data center or tech hotel~~; steel fabricating shops; and warehousing and storage. Restaurants ~~with live entertainment and dancing and taverns with live entertainment and dancing are permitted~~ and lunch rooms - including live entertainment and dancing and taverns - including live entertainment and dancing are allowed with the Board of Municipal and Zoning Appeals' approval.

### General Industrial C

In the area designated as General Industrial C on the Land Use Plan, the uses ~~permitted~~ allowed are those as listed under the M-2 category of the Baltimore City Zoning Code, except for prohibited uses in General Industrial A, and the following:

automobile service stations; car washes; gasoline service stations; moving and storage establishments; ~~public utilities-repeater, transformer, pumping, booster, switching, conditioning, regulating stations, also known as telecommunications facility, telecommunications switching center, data center or tech hotel; steel fabricating shops; and warehousing and storage~~ and steel fabricating shops.

### Heavy Industrial

In the area designated as Heavy Industrial on the Land Use Plan, the uses ~~permitted~~ allowed are those as listed under the M-3 category of the Baltimore City Zoning Code, except for:

abattoirs; abrasives-manufacturing; acids-manufacturing; alcohol distillation; ammonia-manufacturing; arsenals; asbestos products-manufacturing; asphaltic mix plants; atomic reactors; auditoriums; automobile dismantling or scrapping; bituminous products: processing; cement-manufacturing; charcoal-manufacturing; charcoal products: processing; chemicals and allied products-manufacturing; cinder and cinder blocks-manufacturing; coal distillation; concrete products-manufacturing; detergents-manufacturing; explosives-manufacturing and storage; fertilizer-manufacturing and processing; flammable liquids-manufacturing and storage; gases, combustible or toxic—manufacturing and storage; glue and sizing-manufacturing; hazardous material handling and storage; insecticides-manufacturing; junk or scrap storage and yards; mining, gravel, sand or other raw materials; offices-business and professional, other than accessory; penal and correctional institutions; pesticides and fungicides-manufacturing and processing; radioactive waste handling; radio and television antennas and towers, including microwave antennas /satellite dishes, when freestanding or when they extend higher than 25 feet above the building on which they are mounted; recyclable materials recovery facilities—with outdoor storage; rock crushing; recycling collection stations; restaurants, lunch rooms, including live entertainment and dancing; stables for horses; tar—manufacturing; taverns, including live entertainment and dancing; tire manufacturing-including open storage; tires and tire products-open storage within 200' of a residential district; and waste disposal (except garbage) for landfill and land reclamation.

**SECTION 16. AND BE IT FURTHER ORDAINED,** That if the Urban Renewal Plan approved by this Ordinance does not 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 Urban Renewal Plan approved by this Ordinance is exempted from them.

**SECTION 17. 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 18. AND BE IT FURTHER ORDAINED,** That in any case where a provision of this Ordinance concerns the same subject matter as an existing 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 promotion

and 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 19. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is enacted.

Approved March 6, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-297  
(Council Bill 01-348)**

**AN ORDINANCE CONCERNING**

**Zoning — Conditional Use Parking, Open Off-Street Area —  
4108 Pinkney Road**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a parking, open off-street area, on the property known as 4108 Pinkney Road, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning  
Section(s) 7-208(2) and 14-102(2)  
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 parking, open off-street area, on the property known as 4108 Pinkney Road, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 7-208(2) and 14-102(2) of the Baltimore City Code, subject to the ~~condition that the~~ following conditions:

1. The fencing may be a maximum of 6 feet and must be chain link coated in black vinyl.
2. The 2 required handicapped parking spaces may be located on this site or in the Church's main parking lot, located at 4100 Pinkney Road.
3. Storage of materials, automobile parts, or unlicensed vehicles is prohibited on this site.
4. Motor vehicle repair is prohibited on this site.
5. The Site Plan, dated February 7, 2002, is made a part of this Ordinance. No change may be made to the Site Plan without the prior approval of the Planning Department.
6. The parking, open off-street 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 March 6, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-298  
(Council Bill 01-499)**

**AN ORDINANCE CONCERNING**

**Rezoning — 11-29 and 100-112 South Exeter Street; 923, 925-931, and  
1001-1007 East Baltimore Street; 912-916, 1001-1023, and 1025-1035 Watson Street;  
1000-1042 and 1129-1181 East Lombard Street; 1046-1066 and 1125-1153 Granby  
Street; 104-114 and 124 South Central Avenue; 1142-1156 Pratt Street;  
1001-1007 Horseradish Lane; and 36 Lloyd Street**

FOR the purpose of changing the zoning for the following properties: the property known as 36 Lloyd Street and the portion of the properties known as 1025-1035 Watson Street, 1000-1042 East Lombard Street, and 1001-1007 Horseradish Lane, as outlined in yellow on the accompanying plat, from the B-3-3 Zoning District to the B-2-3 Zoning District; for the properties known as 11-29 South Exeter Street, the portion of the property known as 923 East Baltimore Street, the properties known as 925-931 and 1001-1007 East Baltimore Street, 912-916 and 1001-1023 Watson Street, the portion of the properties known as 1025-1035 Watson Street, the portion of the properties known as 1000-1042 East Lombard Street, and the portion of the properties known as 1001-1007 Horseradish Lane, as outlined in pink on the accompanying plat, from the B-3-3 Zoning District to the R-8 Zoning District; for the properties known as 100-112 South Exeter Street, as outlined in orange on the accompanying plat, from the B-2-3 Zoning District to the R-8 Zoning District; for the properties known as 1129-1181 East Lombard Street, the portion of the properties known as 1046-1066 Granby Street, and 104-114 South Central Avenue, as outlined in blue on the accompanying plat, from the M-2 Zoning District to the B-2-3 Zoning District; the portion of the properties known as 1046-1066 Granby Street, the properties known as 1125-1153 Granby Street, the portion of the properties known as 104-114 South Central Avenue, the properties known as 124 South Central Avenue, and 1142-1156 Pratt Street, as outlined in green on the accompanying plat, from the M-2 Zoning District to the R-8 Zoning District; and providing for a special effective date.

BY amending

Article - Zoning  
Zoning District Maps  
Sheet(s) 54  
Baltimore City Revised Code  
(Edition 2000)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That Sheet 54 of the Zoning District Maps is amended by changing from the B-3-3 Zoning District to the B-2-3 Zoning District the property known as 36 Lloyd Street and the portion of the properties known as 1025-1035 Watson Street, 1000-1042 East Lombard Street, and 1000-1007 Horseradish Lane, as outlined in yellow on the plat accompanying this Ordinance; by changing from the B-3-3 Zoning District to the R-8 Zoning District the properties known as 11-29 South Exeter Street, the portion of the property known as 923 East Baltimore Street, the properties known as 925-931 and 1001-1007 East Baltimore Street, 912-916 and 1001-1023 Watson Street, the portion of the properties known as 1025-1035 Watson Street, the portion of the properties known as 1000-1042 East Lombard Street, and the portion of the properties known as 1001-1007 Horseradish Lane, as outlined in pink on the plat accompanying this Ordinance; by changing from the B-2-3 Zoning District to the R-8 Zoning District the properties known as 110-112 South Exeter Street, as outlined in orange on the plat accompanying this Ordinance; by changing from the M-2 Zoning District to the B-2-3 Zoning District the properties known as 1129-1181 East Lombard Street, the portion of the properties known as 1046-1066 Granby Street, and 104-114 South Central Avenue, as outlined in blue on the plat accompanying this Ordinance; by changing from the M-2 Zoning District to the R-8 Zoning District the portion of the properties known as 1046-1066 Granby Street, the properties known as 1125-1153 Granby Street, the portion of the properties known as 104-114 South Central Avenue, the property known as 124 South Central Avenue, and 1142-1156 Pratt Street, as outlined in green 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 March 6, 2002

MARTIN O'MALLEY, Mayor

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**ENROLLED**

**CITY OF BALTIMORE  
ORDINANCE 02-299  
(Council Bill 01-500)**

**Planned Unit Development — Designation —  
Flag House Court Hope VI**

FOR the purpose of approving the application of the Housing Authority of Baltimore City and Flag House Courts, LLC, who are either the developer, contract purchaser, potential owner, or owner of certain properties located at 923, 925-931, 1001, 1003, 1005, 1007, ~~1119-1123~~, 1133, 1135-1153, 1155, 1157, and 1159 East Baltimore Street; 912-~~918~~ 916, 920-928, 1000, 1001-1003, 1005-1017, 1019-1023, 1025-1033, 1035, ~~1120, 1124-1126~~, 1134, and 1136-1140 Watson Street; 900-924, 1000, 1001-1003, 1002-1004, 1005, 1006-1008, 1007, 1010-1018, 1011, 1013, 1020-1026, 1023, 1028-1042, 1101-1117, 1119-1121, 1129-1137, 1139, 1141-1149, 1151, 1155, 1157-1163, and 1165-1181 East Lombard Street; 1046-



1066, 1068, 1070, 1149, and 1151-1153 Granby Street; 900-1040, 1142-1154, and 1156 East Pratt Street, 11-13, 15-21, 23-29, 101, 103, and 100-112 South Exeter Street; 1001, 1005, and 1007 Horseradish Lane, 36 Lloyd Street, 104-108, 110-114, and 124 South Central Avenue; and 103-109 Broad Court, to have the properties consisting of 22.3 acres, more or less, designated a Residential Planned Unit Development; and approving the Development Plan submitted by the applicants; ~~and providing for a special effective date.~~

BY authority of

Article - Zoning  
Title 9, Subtitles 1 and 2  
Baltimore City Revised Code  
(Edition 2000)

### Recitals

The Housing Authority of Baltimore City and Flag House Courts, LLC, are either the developer, contract purchaser, potential owner, or owner of the properties shown on the accompanying Development Plan, consisting of 22.3 acres, more or less.

Flag House Courts, LLC, will develop the properties for dwelling units, a community center, and other business uses.

On June 5, 2001, representatives of the applicants met with the Department of Planning for a Pre-Petition conference, to explain the scope and nature of existing and proposed development on the properties and to institute proceedings to have the properties designated a Residential Planned Unit Development.

The representatives of the applicants have now applied to the Baltimore City Council for designation of the properties as a Residential Planned Unit Development, and they have submitted a Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 2 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 the Housing Authority of Baltimore City and Flag House Courts, LLC, for designation of the properties known as ~~923, 925-931, 1001, 1003, 1005, 1007, 1119-1123, 1133, 1135-1153, 1155, 1157, and 1159 East Baltimore Street; 912-918 916, 920-928, 1000, 1001-1003, 1005-1017, 1019-1023, 1025-1033, 1035, 1120, 1124-1126, 1134, and 1136-1140 Watson Street; 900-924, 1000, 1001-1003, 1002-1004, 1005, 1006-1008, 1007, 1010-1018, 1011, 1013, 1020-1026, 1023, 1028-1042, 1101-1117, 1119-1121, 1129-1137, 1139, 1141-1149, 1151, 1155, 1157-1163, and 1165-1181 East Lombard Street; 1046-1066, 1068, 1070, 1149, and 1151-1153 Granby Street; 900-1040, 1142-1154, and 1156 East Pratt Street, 11-13, 15-21, 23-29, 101, 103, and 100-112 South Exeter Street; 1001, 1005, and 1007 Horseradish Lane, 36 Lloyd Street, 104-108, 110-114, and 124 South Central Avenue; and 103-109 Broad Court, consisting of 22.3 acres, more or less, as outlined on the accompanying Development Plan entitled "Flag House Court Hope VI", dated June 14, 2001, as revised, to designate the properties a Residential Planned Development under Title 9, Subtitles 1 and 2 of the Baltimore City Zoning Code.~~

**SECTION 2. AND BE IT FURTHER ORDAINED,** That the Development Plan, entitled "Flag House Court Hope VI", submitted by the applicants, consisting of (1) Sheet 1, "Existing Conditions", dated June 14, 2001, and revised January 9, 2002, ~~and~~ (2) Sheet 2, "Proposed Conditions, dated June 14, 2001, and revised January 9, 2002, (3) Sheet 3, "Building Elevations", dated October 1, 2001 and consisting of 7 pages, (4) Sheet 4, "Exterior Facade Materials Plan", dated January 4, 2002, and (5) Sheet 5, "Preliminary Forest Conservation Plan", dated October 18, 2001, as revised January 9, 2002, is approved.

**SECTION 3. AND BE IT FURTHER ORDAINED,** That the following uses are permitted in Area A of the Development Plan, subject to the following limitations:

- (a) A maximum of 329 dwelling units to be located in single-family, attached rowhouse structures and multi-family structures. One off-street parking space must be provided per dwelling unit. A single-family structure that is constructed may not be converted to a multi-family structure.
- (b) There may be a maximum of 9 multi-family structures.
- (c) Day nurseries and nursery schools (day care centers) are prohibited for a period of 10 years after the date of enactment of this Ordinance. Family day care is allowed, existing day nurseries and nursery schools (day care centers) will be considered non-conforming uses, and the day nursery proposed in Area D of the Development Plan is allowed.
- ~~(d)~~ (c) The maximum size of the retail component of any use may be no larger than 6,000 square feet, which size does not include storage or preparation area.

**SECTION 4. AND BE IT FURTHER ORDAINED,** That the following uses are permitted in Area B of the Development Plan, subject to the following limitations:

All permitted, accessory, and conditional uses allowed in the B-2 Zoning District, except for the following uses that are not ~~permitted~~ allowed:

amusement devices; auction rooms; auto accessory stores with or without repair and installation; blood donor centers; check cashing ~~agencies~~; clubs and lodges, private, non-profit; community correction centers; firearms sales; fraternity and sorority houses; off campus; garages, other than accessory, for storage, repair, and servicing of motor vehicles, not over 1½ tons; helistops; homes for the rehabilitation of non-bedridden alcoholics and for the care and custody of homeless persons; hotels and motels with over 20 rooms; liquor stores; package goods; massage salons; parole and probation field offices; pawn shops; restaurants drive-in, but not including pick-up drives with window service; ~~small~~ electrical appliances (~~beeper sales~~); substance abuse treatment centers; and taverns.

**SECTION 5. AND BE IT FURTHER ORDAINED,** That the following uses are permitted in Area C of the Development Plan, subject to the following limitations:

- (a) those uses permitted in Area B of the Development Plan.
- (b) a maximum of 9 dwelling units to be located in single-family, attached rowhouse structures and multi-family structures. One off-street parking space must be provided per dwelling unit. A single-family structure that is constructed may not be converted to a multi-family structure.
- (c) the following uses are not permitted:
  - apartment hotels; athletic fields; bowling establishments; bus and transit turnarounds and passenger shelters; business and office machines: sales, rental and service; clothes pressing establishments; day care facilities; department stores; electrical and household appliance repair stores; exterminators' shops; foster homes for children; furniture stores – including upholstering when conducted as an accessory use; furrier shops – including accessory storage and conditioning of furs; hotels and motels; multi-purpose neighborhood centers; parks and playgrounds; radio and television sales and service; radio and television towers that extend no more than 25 feet above the building on which they are mounted – but not including microwave antennas (satellite dishes); recreation buildings and community centers; rooming houses; schools: elementary and secondary; schools: business colleges, community colleges, colleges and universities; second hand stores and rummage shops; sewing machines: sales

and service – household appliances only; swimming pools; taxidermist shops; telegraph offices; tennis and lacrosse clubs; trading stamp redemption centers.

**SECTION 6. AND BE IT FURTHER ORDAINED,** That the following uses are permitted in Area D of the Development Plan, subject to the following limitations:

- a. all permitted, accessory, and conditional uses allowed in the R-8 Zoning District.
- b. automatic teller machines; barber shops; beauty shops; business schools and studios; candy and ice cream shops; carry out food shops; gift and card shops; commercial schools; dance and music schools and studios; multi-purpose neighborhood centers; newsstands; offices: business, governmental and professional – other than accessory; recreation buildings and community centers; trade schools; trade schools, industrial.

**SECTION 7. AND BE IT FURTHER ORDAINED,** That the following uses are permitted in Area E of the Development Plan, subject to the following limitations:

- a. those permitted in Area B.
- b. auto accessory stores with or without repair installation; display rooms and exhibit rooms; drug stores and pharmacies, drive in – but not including the sale of alcoholic beverages or tobacco products.

**SECTION 8. AND BE IT FURTHER ORDAINED,** That the following uses are permitted in Area F of the Development Plan, subject to the following limitations:

- a. all permitted, accessory, and conditional uses allowed in the R-8 Zoning District for residentially zoned properties.
- ~~b. those uses permitted in Area B for commercially zoned properties.~~
- (c) ~~(b)~~ parking, open off-street areas, other than accessory for the parking of 4 or more motor vehicles.

**SECTION 9. AND BE IT FURTHER ORDAINED,** That the following design guidelines must be adhered to:

- a. The approved architectural building elevation drawings for the townhouses are attached. The final siting for each house type will be done as part of the Final Subdivision and Development Plan approval.
- b. The approved Preliminary Forest Conservation Plan is attached. The intent is to show the overall number and location of trees.
- c. The Final Approval of the Forest Conservation/Landscape Plan will be done as part of the Final Subdivision and Development Plan Approval.

~~**SECTION 9 10. AND BE IT FURTHER ORDAINED,** That if the Planned Unit Development approved by this Ordinance in any way fails to meet the statutory requirements for the preparation, adoption, and approval of a planned unit development, those requirements are waived, and the Planned Unit Development approved by this Ordinance is exempted from them.~~

**SECTION 10 11 10. AND BE IT FURTHER ORDAINED,** That all plans for the construction of permanent improvements on the properties within the Planned Unit Development must be reviewed by the Planning

Commission to insure that the plans are consistent with the Development Plan and this Ordinance. The Planning Commission has Final Design Approval.

**SECTION ~~11~~ 12 11. 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 ~~12~~ 13 12. AND BE IT FURTHER ORDAINED**, That on acquisition of the properties by the Housing Authority of Baltimore City, the properties shall be included as part of the Planned Unit Development.

**SECTION ~~13~~ 14. AND BE IT FURTHER ORDAINED**, That the boundaries of the Areas may be changed. Final location of the boundaries may be approved by the Planning Commission either by (1) a final approved Subdivision Plan and Development Plan, or (2) Final Design Approval.

**SECTION ~~14~~ 15 13. 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 ~~15~~ 16 14. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the 30<sup>th</sup> day after the date it is enacted.

Approved March 6, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-300  
(Council Bill 01-501)**

**AN ORDINANCE CONCERNING**

**Planned Unit Development — Designation —  
Montgomery Park Business Center**

FOR the purpose of approving the application of ~~Carroll Park~~ Washington-Monroe, LLC, who is either the developer, contract purchaser, tenant, potential owner, or owner of certain properties located at 1735, 1769, 1800, 1801, 1900, and 2000-2100 Washington Boulevard ~~and a portion of the property known as Ward 21, Section 4, Block 731, Lot 1,~~ to have these properties designated an Industrial Planned Unit Development; approving the Development Plan submitted by the applicant; 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

~~Carroll Park~~ Washington-Monroe, LLC, is either the developer, contract purchaser, tenant, potential owner, or owner of the properties located at 1735, 1769, 1800, 1801, 1900, and 2000-2100 Washington Boulevard and a portion of the property known as Ward 21, Section 4, Block 731, Lot 1, consisting of ~~61.312~~ 57.512 acres, more or less.

~~Carroll Park~~ Washington-Monroe, LLC, will develop the properties for industrial and business uses.

On May 30, 2001, representatives of the applicant met with the Department of Planning for a Pre-Petition conference, to explain the scope and nature of existing and proposed development on the properties and to institute proceedings to have the properties designated an Industrial Planned Unit Development.

The representatives of the applicant have now applied to the Baltimore City Council for designation of the properties as an Industrial Planned Unit Development, and they have submitted a 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 application of ~~Carroll Park~~ Washington-Monroe, LLC, the developer, contract purchaser, tenant, potential owner, or owner of the properties located at 1735, 1769, 1800, 1801, 1900, and 2000-2100 Washington Boulevard and a portion of the property known as Ward 21, Section 4, Block 731, Lot 1, consisting of ~~61.312~~ 57.512 acres, more or less, as outlined on the accompanying Development Plan entitled "Montgomery Park Business Center", dated June 13, 2001, as revised January 22, 2002, to designate the properties an Industrial Planned Unit Development under Title 9, Subtitles 1 and 5 of the Baltimore City Zoning Code.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That the Development Plan submitted by ~~Carroll Park~~ Washington-Monroe, LLC, and consisting of Sheet 1, "Existing Conditions", dated June 13, 2001, as revised January 22, 2002, and Sheet 2, "Proposed Conditions", dated June 13, 2001, as revised January 22, 2002, and Sheet 3, "Proposed Signage", dated January 22, 2002, is approved.

**SECTION 3. AND BE IT FURTHER ORDAINED,** That the following uses are permitted in Areas A and B of the Development Plan, subject to the following limitations:

- (a) all permitted, accessory, and conditional uses in the M-2 Zoning District, except for the following uses that are not permitted:

atomic reactors; concrete and concrete products: manufacturing; electroplating; fermented fruits and vegetable products: processing; flammable liquids: manufacturing and storage; galvanizing; gases, non-combustible and nontoxic: manufacturing and storage; mining: gravel, sand, and other raw materials; rock crushing; salt: manufacturing and processing; saw mills and planing mills; serums, toxins, and viruses: manufacturing and processing; stables for horses; starch: manufacturing; tire manufacturing; waste disposal.

- (b) The following additional uses are permitted in Area A:

~~art and school supply stores; auditoriums; bakery shops; barber shops; beauty shops; biotech companies; books and magazine stores and similar establishments (Class A); camera and photographic supply stores; candy and ice cream stores; cartage and express facilities; employment agencies; florist shops; food stores, grocery stores, and delicatessens; gift and card shops; jewelry stores, including watch repair; laboratories: medical and dental; mail order houses; meeting hall; office supply stores; offices: business, governmental and professional, other than accessory; outdoor table service when accessory to a restaurant;~~

~~photographic printing and development establishments; physical culture and health services; gymnasiums, reducing salons, and public baths; record, tape, CD, and sheet music stores; secretarial and telephone answering services; sign painting shops; tailor or dressmaking shops; telecommunications hotels; travel bureaus; video movies; sales and rental.~~

1. The uses that are permitted in Area A, in addition to those in Section 3(a), include:

auditoriums used primarily as an accessory use to the complex; bio-tech companies; laboratories; medical and dental; mail order houses; meeting halls used primarily as an accessory use to the complex; offices; business, governmental and professional; physical culture and health services; gymnasiums, reducing salons and public baths; secretarial and telephone answering services; telecommunications hotels; and travel bureaus.

2. The retail uses that are permitted in Area A, subject to the limitation that the uses may not exceed 90,000 square feet of net leasable area, include:

art and school supply stores; bakery shops; barber shops; beauty shops; book and magazine stores and similar establishments (Class A); camera and photographic supply stores; candy and ice cream stores; cartage and express facilities; florist shops; food stores and grocery stores; delicatessens; gift and card shops; jewelry stores, including watch repair; photographic printing and development establishments; record, tape, CD and sheet music stores; tailor or dressmaking shops; video movies; sales and rental.

(c) The following additional uses are permitted in Area B:

~~day nurseries, group day care centers and nursery schools; drug stores and pharmacies; drive in; dry cleaning establishments; drive-in; hotel with extended stay dwelling units, including kitchens, not to exceed 160 units; parking, open off-street areas and off-street garages, other than accessory, for the parking of 4 or more motor vehicles; photographic printing and development establishments; drive-in.~~

(d) The proposed parking garage in Area B will be constructed to accommodate the increased intensity of use on Area C of the Development Plan only if Area C is developed for big box retail uses as defined in Section 4(d), and 200,000 square feet of retail is developed and occupied. The proposed parking garage may be constructed prior to the occurrence of the condition set forth in this paragraph.

(e) The following additional uses are permitted in Areas A and B, subject to Final Design Approval by the Planning Commission:

radio, television, microwave antennae; satellite dishes when mounted on a building; outdoor table service as an accessory use.

**SECTION 4. AND BE IT FURTHER ORDAINED,** That the following uses are permitted in Area C of the Development Plan, subject to the following limitations:

(a) ~~all permitted, accessory, and conditional uses allowed in the M-2 Zoning District.~~

(a) abrasives-manufacturing; acids-manufacturing; alcohol distillation; ammonia-manufacturing; auditoriums; boiler works; bricks-manufacturing; cellulose manufacturing; cement-manufacturing; charcoal-manufacturing; charcoal products-processing; chemical and allied products manufacturing; cinder and cinder blocks-manufacturing; coal distillation; coal yards;

concrete, concrete products-manufacturing; detergents-manufacturing; flammable liquids-manufacturing and storage; garages-storage, repair, servicing; glue and sizing-manufacturing; graphite, graphite products-manufacturing; gypsum, other forms of plaster base-manufacturing; heliports, helistops; insecticides-manufacturing; metal products and machinery, heavy-manufacturing; metals, ferrous and non-ferrous manufactured from raw material; metals-stamping and extrusion; motor freight terminals; paints, pigments, enamels, japans, lacquers, shellac, whiting, putty, wood filler, turpentine, and varnishes-manufacturing; parking facilities, off-street, other than accessory open areas for four or more automobiles; parking facilities, off-street, other than accessory-open areas for four or more motor vehicles; petroleum products-manufacturing and processing; petroleum, related industries-refining; plastics manufacturing and reclaiming; public utilities-telephone exchanges; radio and television antennas and towers, including microwave antennas/satellite dishes, when freestanding or when they extend higher than 25 feet above the building on which they are mounted; restaurants and lunch rooms; rock crushing; roof materials-manufacturing; sawmills, planing mills; service and housing centers; shops; stone cutting.

- (b) recreation buildings and community centers.
- (c) the aggregate net leasable area for retail in the existing building in Area C may not exceed 300,000 square feet.
- (d) a minimum tenant size of 50,000 square feet for the following uses shall be permitted in Area C:
  - department stores; electrical and household appliance stores; garden supply, tool and seed and hardware stores with outdoor sales and storage; pet stores (collectively, referred to as "big box retail uses").
- (e) up to ~~60,000~~ 50,000 square feet of permitted, accessory, and conditional uses allowed in the B-2 Zoning District are permitted in Area C ~~with a maximum single tenant size of 10,000 square feet, with not more than 7 users each occupying 4,000 square feet or less, nor more than 3 users each occupying more than 4,000 square feet and less than 8,000 square feet, and the remaining users each occupying no less than 8,000 square feet.~~
- (f) The off-street parking requirements for the retail uses in Area C shall be 4 spaces for each 1,000 square feet. The remaining uses in Area C shall provide off-street parking in accordance with the requirements of the Zoning Code.

**SECTION 5. ~~AND BE IT FURTHER ORDAINED,~~** That the following use is permitted in Area D of the Development Plan, subject to the following limitation:

~~Parking, open off-street area, other than accessory, for the parking of four or more motor vehicles.~~

**SECTION 6 ~~5.~~ AND BE IT FURTHER ORDAINED,** That the following uses are permitted in Area E of the Development Plan, subject to the following limitations:

- ~~(a) all permitted, accessory, and conditional uses allowed in the M-2 Zoning District;~~
- (a) ammonia-manufacturing; auditoriums; boiler works; charcoal-manufacturing; charcoal products-processing; chemical and allied products manufacturing; cinder and cinder blocks-manufacturing; concrete, concrete products-manufacturing; detergents-manufacturing; flammable liquids-manufacturing and storage; garages-storage, repair, servicing; graphite, graphite products-manufacturing; metal products and machinery, heavy-manufacturing; metals, ferrous and non-ferrous manufactured from raw material; metals-stamping and extrusion; parking facilities, off-

street, other than accessory open areas for four or more automobiles; parking facilities, off-street, other than accessory open areas for four or more motor vehicles; petroleum products-manufacturing and processing; petroleum, related industries-refining; plastics manufacturing and reclaiming; public utilities-telephone exchanges; radio and television antennas and towers, including microwave antennas/satellite dishes, when freestanding or when they extend higher than 25 feet above the building on which they are mounted; restaurants and lunch rooms; roofing materials-manufacturing; sawmills, planing mills; service and housing centers; shops; stone cutting;

- (b) bakery: with or without drive-in;
- (c) drug stores and pharmacies: with or without drive-in;
- (d) dry cleaning establishments: with or without drive-in;
- (e) gasoline service stations with convenience store;
- (f) motor vehicles: rental;
- (g) photographic printing and development establishments: with or without drive-in;
- (h) restaurants: drive-in — including pick up drives with window service; and
- (i) restaurants: drive-in — not including pickup drives with window service.

The property located at 1769 Washington Boulevard shall be subject to the provisions of the Planned Unit Development approved by this Ordinance only if there is an agreement between the owner of 1769 Washington Boulevard and Washington-Monroe, LLC, or its assigns.

**SECTION 6. AND BE IT FURTHER ORDAINED,** That the following uses are permitted in Areas A, B, or C of the Development Plan, subject to the following limitations:

Day nurseries, group day care centers for adults and children with a maximum of day care slots not to exceed 280 and building square footage not to exceed 22,000 square feet, and nursery schools; provided that there may be only one such use in Areas A, B, or C.

**SECTION 7. AND BE IT FURTHER ORDAINED,** That the following signs are permitted within the Planned Unit Development approved by this Ordinance, provided that the signs are subject to Final Design Approval by the Planning Commission:

- (a) 1 rooftop project identification sign, with a maximum of 1,125 square feet.
- (b) 2 rooftop tenant identification signs, each with a maximum of 550 square feet, provided each tenant occupies a minimum of 100,000 square feet within the Planned Unit Development.
- (c) 2 monumental signs measuring a maximum of 6 feet high by 12 feet in length, with locations as shown on Sheet 3, "Proposed Signage".
- (d) 4 freestanding signs, 1 at each of the vehicular entrances to Areas A, B, and C. Each sign may be no more than 25 feet high and 80 square feet in area (counting only 1 side of the sign); provided, however, that the freestanding sign in Area C may be 140 square feet if Area C has at least 1 big box retail use.



(e) 1 freestanding sign per street frontage of each lot in Area E. Each sign may be no more than 25 feet high and 80 square feet in area (counting only 1 side of the sign). The existing signs on 1769 Washington Boulevard are permitted but are subject to the provisions of this Ordinance if the signs are structurally changed.

(f) signage on buildings must be below the top of the second story of the building, except the hotel building in Area B may have an identification sign above this level and on the building.

(g) general advertising signs are prohibited within the Planned Unit Development.

**SECTION 8. AND BE IT FURTHER ORDAINED,** That the properties within the Planned Unit Development may be subdivided subject to the approval of the Planning Commission and without the requirement of the approval of the Board of Municipal and Zoning Appeals for variances.

**SECTION 9. AND BE IT FURTHER ORDAINED,** That the property along Washington Boulevard designated as “Dedicated ROW to Baltimore City for road widening” on Sheet 2, “Proposed Conditions”, is to be dedicated to the City for a left turn lane. The City will be granted an easement for the Greenway Trail over the property along the north side of Washington Boulevard designated as “Proposed Greenway” on Sheet 2, “Proposed Conditions”.

~~**SECTION 7. AND BE IT FURTHER ORDAINED,** That if the Planned Unit Development approved by this Ordinance in any way fails to meet the statutory requirements for the preparation, adoption, and approval of a planned unit development, those requirements are waived, and the Planned Unit Development approved by this Ordinance is exempted from them.~~

**SECTION 8 10. AND BE IT FURTHER ORDAINED,** That all plans for the construction of permanent improvements on the properties within the Planned Unit Development must be reviewed by the Planning Commission to ensure that the plans are consistent with the Development Plan and this Ordinance. The Planning Commission has Final Design Approval.

**SECTION 9 11. 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 10. AND BE IT FURTHER ORDAINED,** That the boundaries of the Areas may be changed. Final location of the boundaries may be approved by the Planning Commission either by (1) a final approved Subdivision Plan and Development Plan; or (2) final design approval.~~

~~**SECTION 11 12. 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 12 13. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is enacted.~~

Approved March 6, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-301  
(Council Bill 01-523)**

**AN ORDINANCE CONCERNING**

**Zoning — Conditional Use Convalescent, Nursing, and  
Rest Home (Assisted Living) — 1139 Scott Street**

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 1139 Scott Street, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning  
Section(s) 4-1204 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 1139 Scott Street, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 4-1204 and 14-102 of the Baltimore City Code, subject to the ~~condition that the~~ following conditions:

1. The maximum number of residents is 8, including a resident manager.
2. There may be no more than 2 persons per sleeping room.
3. Sleeping rooms for clients may not be in the basement.
4. The minimum age for resident-clients is 50 years.
5. 24-hour supervision must be provided.
6. There may be no exterior sign on the facility other than a nameplate no larger than 6 inches wide by 6 inches high.
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 March 6, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-302  
(Council Bill 01-535)**

**AN ORDINANCE CONCERNING**

**Zoning — Liquefied Petroleum Gas**

FOR the purpose of adding the distribution or storage of certain amounts of liquefied petroleum gas (butane or propane) to the list of conditional uses that, in the M-2 and M-3 districts, require approval by ordinance and prohibiting this use in all other districts.

BY repealing and reordaining, without amendment

Article - Zoning  
Section(s) 7-206(43), 7-306(1), 7-308(1), 7-406(1) and (63), 7-408(1)  
Baltimore City Revised Code  
(Edition 2000)

BY repealing and reordaining, with amendments

Article - Zoning  
Section(s) 7-307(3) and (7)(ii), 7-406(62) and (65)  
Baltimore City Revised Code  
(Edition 2000)

BY adding

Article - Zoning  
Section(s) 7-308(1a), 7-408(3a)  
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 — Zoning**

**§ 7-206. Permitted uses.**

In an M-1 District, permitted uses are as follows, subject to compliance with the performance standards set forth in Title 12 {“Performance Standards”} of this article:

(43) Gases, non-combustible and non-toxic: manufacturing and storage.

**§ 7-306. Permitted uses.**

In an M-2 District, permitted uses are as follows:

- (1) As in an M-1 District, except that they need not comply with the performance standards in Title 12 {"Performance Standards"} of this article.

**§ 7-307. Conditional uses — Board approval required.**

In an M-2 District, conditional uses that require Board approval are as follows:

- (3) Gases, combustible or toxic: manufacturing and storage — BUT NOT INCLUDING DISTRIBUTION OR STORAGE OF 30,000 GALLONS OR MORE OF LIQUEFIED PETROLEUM GAS (BUTANE OR PROPANE).
- (7) Public utility services and transportation uses, as follows:
  - (ii) Petroleum distribution pumping or valve substations and rights-of-way — BUT NOT INCLUDING DISTRIBUTION OR STORAGE OF 30,000 GALLONS OR MORE OF LIQUEFIED PETROLEUM GAS (BUTANE OR PROPANE).

**§ 7-308. Conditional uses — Ordinance required.**

In an M-2 District, conditional uses that require approval by ordinance are as follows:

- (1) As in an M-1 District (unless it is a permitted use under § 7-306), except that they need not comply with the performance standards in Title 12 {"Performance Standards"} of this article.
- (1A) LIQUEFIED PETROLEUM GAS (BUTANE OR PROPANE): DISTRIBUTION OR STORAGE OF 30,000 GALLONS OR MORE.

**§ 7-406. Permitted uses.**

In an M-3 District, permitted uses are as follows:

- (1) As in an M-2 District.
- (62) Petroleum products: manufacturing and processing — BUT NOT INCLUDING DISTRIBUTION OR STORAGE OF 30,000 GALLONS OR MORE OF LIQUEFIED PETROLEUM GAS (BUTANE OR PROPANE).
- (63) Petroleum and related industries: refining.
- (65) Public utility services and transportation uses, as follows:
  - (i) Gas manufacturing and storage — BUT NOT INCLUDING DISTRIBUTION OR STORAGE OF 30,000 GALLONS OR MORE OF LIQUEFIED PETROLEUM GAS (BUTANE OR PROPANE).
  - (ii) Petroleum distribution pumping or valve substations and rights-of-way — BUT NOT INCLUDING DISTRIBUTION OR STORAGE OF 30,000 GALLONS OR MORE OF LIQUEFIED PETROLEUM GAS (BUTANE OR PROPANE).

**§ 7-408. Conditional uses — Ordinance required.**

In an M-3 District, conditional uses that require approval by ordinance are as follows:

(1) As in an M-1 District (unless it is a permitted use under § 7-406), except that they need not comply with the performance standards in Title 12 {"Performance Standards"} of this article.

(3A) LIQUEFIED PETROLEUM GAS (BUTANE OR PROPANE): DISTRIBUTION OR STORAGE OF 30,000 GALLONS OR MORE.

**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 March 6, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-303  
(Council Bill 01-589)**

**AN ORDINANCE CONCERNING**

**Zoning — Conditional Use Convalescent, Nursing, and  
Rest Home (Assisted Living) — 5411 Old Walther 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 5411 Old Walther Avenue, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning  
Section(s) 4-604 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 5411 Old Walther Avenue, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 4-604 and 14-102 of the Baltimore City Code, subject to the ~~condition that the~~ following conditions:

1. The maximum number of residents is 8, including a resident manager.
2. There may be no more than 2 persons per sleeping room.
3. Sleeping rooms for clients may not be in the basement.
4. The minimum age for resident-clients is 50 years.
5. 24-hour supervision must be provided.

6. There may be no exterior sign on the facility other than a nameplate no larger than 6 inches wide by 6 inches high.
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 March 6, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-304  
(Council Bill 02-607)**

**AN ORDINANCE CONCERNING**

**Supplementary Federal Fund Operating Appropriation —  
Mayor's Office of Criminal Justice — \$4,427,592**

FOR the purpose of providing a Supplementary Federal Fund Operating Appropriation in the amount of \$4,427,592 to the Mayor's Office of Criminal Justice — Program 224 (Mayor's Office of Criminal Justice), to provide appropriations for the Local Law Enforcement Block Grant, Round VI; and providing for a special effective date.

BY authority of  
Article VI - Board of Estimates  
Section 8(b)(2) and (c)  
Baltimore City Charter  
(1996 Edition)

**Recitals**

The revenue appropriated by this Ordinance represents a grant from the U.S. Department of Justice - Bureau of Justice Assistance (\$3,984,833) and the Fiscal 2001 Fund Balance (\$442,759) 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 2002.

That grant could not have been expected with reasonable certainty when the Ordinance of Estimates for Fiscal Year 2002 was formulated.

On November 14, 2001, 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 \$4,427,592 shall be made available to the Mayor's Office of Criminal Justice — Program 224 (Mayor's Office of Criminal Justice) as a Supplementary Federal Fund Operating Appropriation for Fiscal Year 2002, to provide appropriations for the Local Law Enforcement Block Grant, Round VI. The source of revenue for this appropriation is a grant from the U.S. Department of Justice - Bureau of Justice Assistance (\$3,984,833) and the Fiscal 2001 Fund Balance (\$442,759), 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 2002.

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

Approved March 6, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-305  
(Council Bill 01-608)**

**AN ORDINANCE CONCERNING**

**Supplementary Federal Fund Operating Appropriation —  
Mayor's Office of Criminal Justice — \$1,131,716.89**

FOR the purpose of providing a Supplementary Federal Fund Operating Appropriation in the amount of \$1,131,716.89 to the Mayor's Office of Criminal Justice — Program 224 (Mayor's Office of Criminal Justice), to extend programming for the Local Law Enforcement Block Grants I through V; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates  
Section 8(b)(2) and (c)  
Baltimore City Charter  
(1996 Edition)

**Recitals**

The revenue appropriated by this Ordinance represents interest from the Local Law Enforcement Block Grants I through V 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 2002.

That grant could not have been expected with reasonable certainty when the Ordinance of Estimates for Fiscal Year 2002 was formulated.

On November 14, 2001, 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 \$1,131,716.89 shall be made available to the Mayor's Office of Criminal Justice — Program 224 (Mayor's Office of Criminal Justice) as a Supplementary Federal Fund Operating Appropriation for Fiscal Year 2002, to extend

programming for the Local Law Enforcement Block Grants I through V. The source of revenue for this appropriation is from the Local Law Enforcement Block Grant interest earnings, 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 2002.

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

Approved March 6, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-306  
(Council Bill 01-611)**

**AN ORDINANCE CONCERNING**

**City Streets — Closing —  
A Portion of Kingsley Street**

FOR the purpose of condemning and closing a portion of Kingsley Street, extending from Caton Avenue, Easterly 100.0 feet, more or less, to a 10-foot alley, as shown on Plat 341-A-30 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 a portion of Kingsley Street, extending from Caton Avenue, Easterly 100.0 feet, more or less, and more particularly described as follows:

Beginning for Parcel No.1 at the point formed by the intersection of the east side of Caton Avenue, 56 feet wide, and the north side of Kingsley Street, 44 feet wide, and running thence binding on the north side of said Kingsley Street, Easterly 100.0 feet, more or less, to intersect the west side of a 10-foot alley laid out in the rear of the properties known as Nos. 405 through 425/431 S. Caton Avenue; thence binding on the line of the west side of said 10-foot alley, if projected southerly, Southerly 3.9 feet, more or less, to intersect the line of the south face of the south wall of the one story brick building situate on the property known as No. 425/431 S. Caton Avenue, if projected Easterly, and thence binding in part reversely on last said line, so projected, in part on the south face of the south wall of said one-story brick building, and in all, Westerly 100.1 feet, more or less, to the place of beginning.

As delineated on Plat 341-A-30, prepared by the Survey Control Section and filed on July 20, 2001, 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 a portion of Kingsley 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 March 6, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-307  
(Council Bill 01-622)**

**AN ORDINANCE CONCERNING**

**Rezoning — 4007 Falls Road**

FOR the purpose of changing the zoning for the property known as 4007 Falls Road, as outlined in red on the accompanying plat, from the B-1-2 Zoning District to the B-3-2 Zoning District.

BY amending

Article - Zoning  
Zoning District Maps  
Sheet(s) 24  
Baltimore City Revised Code  
(Edition 2000)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That Sheet 24 of the Zoning District Maps is amended by changing from the B-1-2 Zoning District to the B-3-2 Zoning District the property known as 4007 Falls Road, 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 March 6, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-308  
(Council Bill 01-637)**

**AN ORDINANCE CONCERNING**

**Zoning — Conditional Use Parking, Open Off-Street Area —  
912, 930, and 934 Brooks Lane and Lot 30, Block 3463D**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a conditional use parking, open off-street area, for the parking of 4 or more automobiles, on the properties known as 912, 930, and 934 Brooks Lane and Lot 30, Block 3463D, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning  
Section(s) 4-1004(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 a conditional use parking, open off-street area, for the parking of 4 or more automobiles, on the properties known as 912, 930, and 934 Brooks Lane and Lot 30, Block 3463D, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning

Code §§ 4-1004(4) and 14-102 of the Baltimore City Code, subject to the ~~condition that the~~ following conditions:

1. Consolidation of the properties as outlined in red on the accompanying plat does not constitute a change in the conditional use as authorized by this Ordinance.
2. The Site Plan and Landscape Plan, dated January 31, 2002, are made a part of this Ordinance. No change may be made to the Site Plan and Landscape Plan without the prior approval of the Planning Department.
3. The conditional use parking, open off-street 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 March 6, 2002

MARTIN O'MALLEY, Mayor

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**ENROLLED**

**CITY OF BALTIMORE  
ORDINANCE 02-309  
(Council Bill 01-375)**

**AN ORDINANCE CONCERNING**

**Commission on Homelessness**

FOR the purpose of abolishing the Homeless Relief Advisory Board and establishing the Baltimore City Commission on Homelessness; providing for the appointment and tenure of Commission members; establishing certain qualification for those members; providing for officers and staff; requiring the development of a strategic plan and annual goals and strategies; requiring certain reports; imposing certain other duties; repealing certain superseded provisions; correcting, clarifying, and conforming certain language; and generally relating the improvement of efforts to benefit the homeless and prevent homelessness.

BY repealing and reordaining, with amendments  
Article 1 - Mayor, City Council, and Municipal Agencies  
Section 24-3  
Baltimore City Code  
(Edition 2000)

**BY repealing**

Article 1 - Mayor, City Council, and Municipal Agencies  
Section 24-4  
Baltimore City Code  
(Edition 2000)

**BY repealing and reordaining, with amendments**

Article 1 - Mayor, City Council, and Municipal Agencies  
Section(s) 25-1 through 25-4, to be under the amended subtitle  
designation "Subtitle 25. Commission on Homelessness"  
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 24. Overnight Shelters**

**§ 24-3. Annual assessments.**

[Within 30 days after October 1, 1994, and at least once] ON OR BEFORE OCTOBER 31 OF each year [thereafter], the Office of Homeless Services shall publish an assessment of:

- (1) the number of homeless persons in the City who desire overnight shelter; and
- (2) [an assessment of] current shelter availability and adequacy.

**[§ 24-4. Plan required.**

**(a) In general.**

Within 30 days after the publication of any assessment required by § 24-3, the Mayor's Office of Homeless Services shall publish a plan to decrease the number of homeless persons during the succeeding 12 months.

**(b) Priority.**

The highest priority shall be to provide adequate shelter for persons whose most recent place of residence was Baltimore City and who are willing to comply with duly enacted rules and regulations governing the use of shelter facilities.]

**Subtitle 25. [Homeless Relief Advisory Board] COMMISSION ON HOMELESSNESS**

**§ 25-1. [Board] COMMISSION created.**

There is a Baltimore City [Homeless Relief Advisory Board] COMMISSION ON HOMELESSNESS.

**§ 25-2. Appointment[, composition,] and [expenses] QUALIFICATIONS.**(a) *[Appointment] COMPOSITION.*

The [Board] COMMISSION comprises THE FOLLOWING 13 members: [appointed by the Mayor in accordance with Article IV, § 6 of the City Charter.]

[(b) *Composition.*]

- (1) 1 member [must be appointed from among the members] APPOINTED BY THE PRESIDENT of the City Council ~~FROM AMONG THE COUNCIL'S MEMBERS~~ [.] ;

- (2) [1 member each must be appointed to represent] THE HEAD OF EACH OF the following City agencies OR THAT OFFICIAL'S DESIGNEE:

- (i) [the] Health Department;
- (ii) [the] Department of Housing and Community Development;
- (iii) [the] Department of Social Services; AND
- (iv) [the] BALTIMORE Police Department; {and}
- ~~(v) [the City Jail] BALTIMORE CITY PUBLIC SCHOOL SYSTEM; AND~~
- ~~(vi) OFFICE OF EMPLOYMENT DEVELOPMENT[.]; AND~~

- (3) [7] ~~6~~ 8 members [must be] appointed BY THE MAYOR IN ACCORDANCE WITH ARTICLE IV, § 6 OF THE CITY CHARTER, AS FOLLOWS:

(I) 1 MEMBER WHO IS HOMELESS OR FORMERLY HOMELESS; AND

(II) 7 MEMBERS to represent [private agencies selected by the Mayor from coalitions on homeless,] nonprofit service and shelter providers, community[, service[, and civic groups, [and] charitable and religious organizations, FOUNDATIONS, AND BUSINESS ORGANIZATIONS.

(B) [(c) *Residency*] *QUALIFICATIONS.*

- (1) [All members] EACH MEMBER of the [Board] COMMISSION must be [residents] A RESIDENT of OR EMPLOYED IN Baltimore City.

- (2) OF THE MEMBERS APPOINTED UNDER SUBSECTION (A)(3)(II) OF THIS SECTION:

- (I) AT LEAST 1 MUST BE A REPRESENTATIVE OF THE BALTIMORE MENTAL HEALTH SYSTEMS; AND
- (II) AT LEAST 1 MUST BE A REPRESENTATIVE OF THE BALTIMORE SUBSTANCE ABUSE SYSTEMS.

[(d) *Compensation and expenses.*

Members serve without compensation, but are entitled to reimbursement for necessary expenses.]

**§ 25-3. TENURE; REMOVAL.****(A) *TENURE.***

- (1) THE TERM OF A MEMBER APPOINTED UNDER SUBSECTION (A)(3) OF THIS SECTION EXPIRES AT THE END OF THE MAYOR'S TERM OF OFFICE.
- (2) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

**(B) *REMOVAL.***

- (1) THE PRESIDENT OF THE CITY COUNCIL MAY REMOVE AT WILL THE MEMBER APPOINTED UNDER SUBSECTION (A)(1) OF THIS SECTION.
- (2) THE MAYOR MAY REMOVE AT WILL ANY MEMBER APPOINTED UNDER SUBSECTION (A)(3) OF THIS SECTION.

**§ 25-4 [25-3]. Officers[; rules].****(a) [*Officers*] *CHAIR.***

- (1) The Mayor [appoints] DESIGNATES the [chairperson] CHAIR of the [Board] COMMISSION FROM AMONG ITS MEMBERS.
- (2) AS REQUIRED BY ARTICLE IV, § 6 OF THE CITY CHARTER, THE CHAIR MUST BE A RESIDENT AND REGISTERED VOTER OF BALTIMORE CITY.

**(B) *OTHERS.***

[(2)] The [Board] COMMISSION may elect [the] A VICE-CHAIR AND other officers [it considers appropriate to carry out its responsibilities] FROM AMONG ITS MEMBERS.

**§ 25-5. COMPENSATION; STAFF.****(A) *COMPENSATION.***

MEMBERS OF THE COMMISSION:

- (1) SERVE WITHOUT COMPENSATION; BUT
- (2) ARE ENTITLED TO REIMBURSEMENT OF REASONABLE EXPENSES INCURRED, AS PROVIDED IN THE ORDINANCE OF ESTIMATES.

**(B) *STAFF.***

- (1) STAFF FOR THE COMMISSION IS TO BE PROVIDED BY THE OFFICE OF HOMELESS SERVICES.
- (2) THE OFFICE OF HOMELESS SERVICES IS RESPONSIBLE FOR IMPLEMENTING THE COMMISSION'S POLICY INITIATIVES.

**§ 25-6. RULES.**

[(b) *Rules.*]

The [Board] COMMISSION may adopt rules to govern its activities.

**§ 25-7 [25-4]. ~~Duties~~ STRATEGIC PLAN.**

[The Board's duties are:

- (1) to assess the needs of the homeless in the City, including the need for emergency and transitional housing, case management, and support services;
- (2) to make appropriate recommendations on the disposition of funds available for homeless relief, including taxes collected through the Building Code Permit Tax, as accounted for in the Homeless Relief Assistance Account in the General Fund;
- (3) to coordinate public and private sector efforts on behalf of the homeless;
- (4) to present an annual report to the Mayor, the City Council, and the public on the problems of the homeless;
- (5) to develop policies and plan programs relating to homeless relief within the City and neighboring jurisdictions;
- (6) to advise the Mayor, City Council, and Board of Estimates on the appropriation of City funds to benefit the homeless; and
- (7) to encourage other public and private efforts to prevent homelessness and to ameliorate its consequences.]

**(A) ~~STRATEGIC PLAN~~ PLAN REQUIRED.**

~~(+)~~ THE COMMISSION MUST DEVELOP, ADOPT, AND, AS NECESSARY OR APPROPRIATE FROM TIME TO TIME, AMEND A STRATEGIC PLAN TO END HOMELESSNESS.

**(B) MINIMUM CONTENTS.**

~~(2)~~ THE STRATEGIC PLAN MUST INCLUDE, AT A MINIMUM:

- (1) TIMELINES FOR IMPLEMENTING FEASIBLE RECOMMENDATIONS OF THE MARCH 2001 REPORT OF THE BALTIMORE CITY TASK FORCE ON HOMELESSNESS;
- (2) ~~(+)~~ A DESCRIPTION OF THE HOMELESS POPULATION IN THE CITY;
- (3) ~~(+)~~ CURRENT EFFORTS TO PROVIDE COMPREHENSIVE SERVICES;
- (4) ~~(+)~~ A NEEDS-ASSESSMENT OF SERVICES AND POLICIES NEEDED TO END HOMELESSNESS;
- (5) ~~(+)~~ IDENTIFICATION OF BEST PRACTICES; AND
- (6) ~~(+)~~ FUNDING NEEDS AND STRATEGIES.

~~(B) ANNUAL GOALS AND STRATEGIES.~~

**§ 25-8. ANNUAL GOALS AND STRATEGIES.**

THE COMMISSION MUST ANNUALLY DEVELOP GOALS AND STRATEGIES TO ADDRESS THE NEEDS OF THE HOMELESS.

~~(C) REPORTS.~~

**§ 25-9. PERIODIC REPORTS.**

(A) REPORTS REQUIRED.

(+) THE COMMISSION MUST PREPARE PROGRESS REPORTS, QUARTERLY AND ANNUALLY, ON THE GOALS IDENTIFIED IN ITS ANNUAL GOALS AND STRATEGIES.

(B) MINIMUM CONTENTS.

THESE REPORTS MUST INCLUDE INFORMATION ON:

(1) THE HOMELESS POPULATION AND THOSE AT RISK OF BECOMING HOMELESS;

(2) THE HOMELESS SERVICES SYSTEM IN THE CITY; AND

(3) PROGRESS IN IMPLEMENTING THE STRATEGIC PLAN.

(C) DISTRIBUTION.

(=) THESE REPORTS MUST BE:

(1) (+) PRESENTED TO THE MAYOR, THE HOUSING COMMISSIONER, AND THE CITY COUNCIL; AND

(2) (+) MADE AVAILABLE TO THE PUBLIC.

~~(D) OTHER DUTIES.~~

**§ 25-10. OTHER DUTIES.**

THE COMMISSION ALSO IS RESPONSIBLE TO:

(1) COORDINATE PUBLIC AND PRIVATE SECTOR EFFORTS ON BEHALF OF THE HOMELESS;

(2) DEVELOP AND IMPLEMENT STRATEGIES TO INCREASE FUNDING FOR SERVICES THAT BENEFIT THE HOMELESS AND PREVENT HOMELESSNESS; AND

~~(3) MAKE APPROPRIATE RECOMMENDATIONS ON THE DISPOSITION OF FUNDS AVAILABLE FOR HOMELESS RELIEF~~

(3) IN CONJUNCTION WITH THE HOUSING COMMISSIONER, PROVIDE OVERSIGHT OF FUNDS AVAILABLE FOR HOMELESS RELIEF; AND

(4) ENSURE THAT THE ADEQUACY AND QUALITY OF HOMELESS SERVICES IN BALTIMORE CITY ARE REGULARLY EVALUATED.



**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 March 20, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-310  
(Council Bill 01-590)**

**AN ORDINANCE CONCERNING**

**Rezoning — 2711 Foster Avenue and 719-739 South Streeper Street  
(Lot #24 of Block 1859)**

FOR the purpose of changing the zoning for the ~~property properties~~ known as 2711 Foster Avenue and 719-739 South Streeper Street (Lot #24 of Block 1859), as outlined in red on the accompanying amended plat, from the B-2-2 Zoning District to the R-8 Zoning District.

BY amending

Article - Zoning  
Zoning District Maps  
Sheet(s) 58 and 68  
Baltimore City Revised Code  
(Edition 2000)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That Sheet 58 of the Zoning District Maps is amended by changing from the B-2-2 Zoning District to the R-8 Zoning District the ~~property properties~~ known as 2711 Foster Avenue and 719-739 South Streeper Street (Lot #24 of Block 1859), as outlined in red on the amended plat, dated February 20, 2002, 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 March 20, 2002

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE  
ORDINANCE 02-311  
(Council Bill 01-591)**

**AN ORDINANCE CONCERNING**

**Rezoning — 947 - 951 Fell Street**

FOR the purpose of changing the zoning for the properties known as 947- 951 Fell Street, as outlined in red on the accompanying plat, from the M-3 Zoning District to the B-2-2 Zoning District.

BY amending

Article - Zoning  
Zoning District Maps  
Sheet(s) 67  
Baltimore City Revised Code  
(Edition 2000)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That Sheet 67 of the Zoning District Maps is amended by changing from the M-3 Zoning District to the B-2-2 Zoning District the properties known as 947- 951 Fell Street, 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 March 20, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-312  
(Council Bill 01-592)**

**AN ORDINANCE CONCERNING**

**Rezoning — 935 South Wolfe Street**

FOR the purpose of changing the zoning for the property known as 935 South Wolfe Street, as outlined in red on the accompanying plat, from the M-3 Zoning District to the B-2-2 Zoning District.

BY amending

Article - Zoning  
Zoning District Maps  
Sheet(s) 67  
Baltimore City Revised Code  
(Edition 2000)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That Sheet 67 of the Zoning District Maps is amended by changing from the M-3 Zoning District to the B-2-2 Zoning District the property known as 935 South Wolfe Street, 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 March 20, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-313  
(Council Bill 01-603)**

**AN ORDINANCE CONCERNING**

**Rezoning — 1417 Thames Street**

FOR the purpose of changing the zoning for the property known as 1417 Thames Street, as outlined in red on the accompanying plat, from the M-3 Zoning District to the B-2-2 Zoning District.

BY amending

Article - Zoning  
Zoning District Maps  
Sheet(s) 67  
Baltimore City Revised Code  
(Edition 2000)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That Sheet 67 of the Zoning District Maps is amended by changing from the M-3 Zoning District to the B-2-2 Zoning District the property known as 1417 Thames Street, 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 March 20, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-314  
(Council Bill 01-620)**

**AN ORDINANCE CONCERNING**

**Baltimore City Landmark List — Patricia Grace Thomas Inn/  
Sankofa CDC/Museum on the National Roadway**

FOR the purpose of designating Patricia Grace Thomas Inn/Sankofa CDC/Museum on the National Roadway, 5002 Frederick Avenue, as a historical landmark.

BY adding

Article 6 - Historical and Architectural Preservation  
Section(s) 12-5  
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**

**§ 12-5. PATRICIA GRACE THOMAS INN/SANKOFA CDC/MUSEUM ON THE NATIONAL ROADWAY.**

PATRICIA GRACE THOMAS INN/SANKOFA CDC/MUSEUM ON THE NATIONAL ROADWAY, 5002 FREDERICK AVENUE.

**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 March 20, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-315  
(Council Bill 01-621)**

**AN ORDINANCE CONCERNING**

**Baltimore City Landmark List — Walters Bath House and Engine House # 10**

FOR the purpose of designating Engine House # 10, 906 Washington Boulevard, to the Baltimore City Landmark List.

BY repealing and reordaining, with amendments

Article 6 - Historical and Architectural Preservation  
Section(s) 10-25  
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 10. Landmark List — 1980's**

**§ 10-25. Walters Bath House AND ENGINE HOUSE # 10.**

Walters Bath House AND ENGINE HOUSE # 10, 906 Washington Boulevard, the property being further described as follows:

Beginning for the same at the point formed by the intersection of the north side of Washington Boulevard and the west side of Callendar Street and running thence binding on the north side of said Washington Boulevard, Westerly [39] 61.5 feet, more or less, to intersect the line of the west face of the west wall of the building situate on the ADJACENT lot [now being described if projected southerly]; thence binding [in part reversely on the line so projected,] in part on the west face of the west wall of said building, in part on the line of the west face of the west wall of said building if projected northerly and in all, Northerly 101 feet, more or less, to intersect the south side of Clifford Street; thence binding on the south side of said Clifford Street, Easterly [39] 61.5 feet, more or less, to the west side of said Callendar Street and thence binding on the west side of said Callendar Street, Southerly 101 feet, more or less, to the place of beginning, THE PROPERTY BEING FURTHER DESCRIBED AS BLOCK 0847A, LOT 026.

**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 March 20, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-316  
(Council Bill 01-633)**

**AN ORDINANCE CONCERNING**

**Planned Unit Development — Designation —  
Union Wharf**

FOR the purpose of approving the application of Union Wharf, LLC, owner of 901 and 915 South Wolfe Street (collectively, the "Property"), to have the Property consisting of 3.73 acres, more or less, designated a Business Planned Unit Development; and approving the Development Plan submitted by the applicant; and providing for a special effective date.

BY authority of

Article - Zoning  
Title 9, Subtitles 1 and 4  
Baltimore City Revised Code  
(Edition 2000)

**Recitals**

Union Wharf, LLC, is the owner of the fee simple interest in the properties known as 901 and 915 South Wolfe Street (collectively, the "Property"), consisting of 3.73 acres, more or less.

The owner proposes to develop the Property to be used as a mixed use development, consisting of business and residential uses.

On June 1, 2001, representatives of Union Wharf, LLC, met with the Department of Planning for a Pre-Petition 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 Union Wharf, LLC, have now 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 Union Wharf, LLC, fee simple owner of the properties known as 901 and 915 South Wolfe Street, consisting of 3.73 acres, more or less, as outlined on the accompanying Development Plan entitled "Union Wharf", dated December 6, 2001, to designate the property 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 in accordance with the provisions of Title 9, Subtitles 1 and 4, the following uses are ~~permitted~~ allowed within the Planned Unit Development:

- (a) all permitted, accessory, and conditional uses allowed in the B-2 Zoning District; ~~and~~
- ~~(b) marinas, subject to amendment of the Master Marina Plan by the Planning Commission; laboratories - medical and dental; laboratories - research and testing; computer centers - sales and repair; microwave antennas and satellite dishes; public utility uses, including antenna towers and microwave relay towers and installation for communications transmission or receiving; automobile rental and service as an accessory use to an off-street parking garage; outdoor table service when accessory to a restaurant or carry-out food shop; and a maximum of 271 dwelling units;~~
- (b) laboratories - medical and dental; laboratories - research and testing; computer centers - sales and repair; automobile rental as an accessory use to an off-street parking garage; and a maximum of 271 dwelling units;
- (c) marinas are permitted, subject to an amendment of the Marina Master Plan by the Planning Commission;
- (d) the following uses are permitted, subject to approval by the Planning Commission: microwave antennas and satellite dishes; public utility uses, including antenna towers and microwave relay towers and installation for communications and transmissions or receiving, but not including cell phone towers; and outdoor table service when accessory to a restaurant or carry-out food shop; and
- (e) all land uses must comply with the Fells Point Urban Renewal Plan.

**SECTION 3. AND BE IT FURTHER ORDAINED,** That the following use is not allowed within the Planned Unit Development:

Roof signs.

**SECTION 3 4. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council approves the accompanying Development Plan consisting of:

- (a) Sheet 1, "Existing Conditions Plan", dated December 6, 2001 and revised February 6, 2002;
- (b) Sheet 2, "Proposed Conditions Plan", dated December 6, 2001 and revised February 6, 2002;
- (c) Sheet 3, "Proposed Landscaping Plan", dated December 6, 2001 and revised February 6, 2002;
- (d) Sheet 4, "Wolfe Street Elevation and Thames Street Elevation", dated December 6, 2001 and revised February 6, 2002;
- (e) Sheet 5, "Promenade Elevation and Access Road Elevation", dated December 6, 2001 and revised February 6, 2002; and
- (f) Sheet 6, "Peninsula Building Elevations (North and South)", dated December 6, 2001 and revised February 6, 2002-; and
- (g) Sheet 7, "Roof Elevation Plan", dated February 6, 2002.

**SECTION 45. AND BE IT FURTHER ORDAINED**, That the Development Plan submitted by Union Wharf, LLC, is approved.

**SECTION 56. 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 67. AND BE IT FURTHER ORDAINED**, That all plans for the construction of permanent improvements on the property are subject to final design approval by the Planning Commission to insure that the plans are consistent with the Development Plan and this Ordinance.

**SECTION 78. 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 89. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the date it is enacted.

Approved March 20, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-317  
(Council Bill 01-634)**

**AN ORDINANCE CONCERNING**

**Rezoning — 901 and 915 South Wolfe Street**

FOR the purpose of changing the zoning for the properties known as 901 and 915 South Wolfe Street, as outlined in red on the accompanying plat, from the M-3 Zoning District to the B-2-2 Zoning District.

BY amending

Article - Zoning  
Zoning District Maps  
Sheet(s) 67  
Baltimore City Revised Code  
(Edition 2000)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That Sheet 67 of the Zoning District Maps is amended by changing from the M-3 Zoning District to the B-2-2 Zoning District the properties known as 901 and 915 South Wolfe Street, 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 March 20, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-318  
(Council Bill 02-663)**

**AN ORDINANCE CONCERNING**

**Metropolitan District of Baltimore County —  
Extension 142**

FOR the purpose of consenting to and approving a petition to extend the Metropolitan District of Baltimore County to a certain tract of land; and providing for a special effective date.

BY authority of  
Chapter 539  
Acts of the General Assembly of 1924  
and  
Chapter 515  
Acts of the General Assembly of 1955

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the Mayor and City Council of Baltimore consents to and approves the petition to extend the Metropolitan District of Baltimore County to a tract of land, consisting of approximately 12.075 acres, located in the 4C3 Election District of Baltimore County in the vicinity of Red Run Boulevard and West Cherry Hill Court, northwest along West Cherry Hill Court and from southwest of the intersection crossing the Delight Meadows Road right-of-way, southeast to Red Run Phase 4 sewer, as more particularly shown on the plat labeled Extension 142 and filed with the Department of Public Works of Baltimore County.

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

Approved March 20, 2002

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE  
ORDINANCE 02-319  
(Council Bill 00-304)**

**AN ORDINANCE CONCERNING**

**Rezoning — Carroll Camden Urban Renewal Area**

FOR the purpose of changing the zoning for certain properties in the Carroll Camden Urban Renewal Area, as outlined in red on the accompanying plats, from the M-3 Zoning District to the M-2-3 Zoning District, as outlined in blue on the accompanying plats, from the M-2-2 Zoning District to the M-1-2 Zoning District, and as outlined in yellow on the accompanying plats, from the M-2-2 Zoning District to the M-2-3 Zoning District.

BY amending

Article - Zoning  
Zoning District Maps  
Sheet(s) 64, 65, and 75  
Baltimore City Revised Code  
(Edition 2000)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That Sheets 64, 65, and 75 of the Zoning District Maps are amended by changing the zoning for the following properties, all as outlined on the plats accompanying this Ordinance:

Properties to be rezoned from the M-3 Zoning District to the M-2-3 Zoning District, as outlined in red:

510 Alluvion Street

~~1915-21 Annapolis Road~~  
2103 Annapolis Road

1500 Bayard Street  
1800 Bayard Street  
1801 Bayard Street  
1809 Bayard Street  
1811 Bayard Street  
1900-08 Bayard Street

1415 Bush Street  
1511 Bush Street  
1513 Bush Street  
1515 Bush Street  
1517 Bush Street  
1519 Bush Street  
1521 Bush Street  
1523 Bush Street  
1525 Bush Street  
1527 Bush Street  
1529 Bush Street  
1531 Bush Street  
1533 Bush Street

1535 Bush Street  
1537 Bush Street  
1539 Bush Street  
1601-17 Bush Street  
1620 Bush Street  
1925-29 Bush Street

2804 Clare Street  
2821 Clare Street

2000-10 Haines Street  
2100 Haines Street  
2110 Haines Street  
2119-49 Haines Street

1433 Hamburg Street  
1441 Hamburg Street  
1443 Hamburg Street  
1445 Hamburg Street  
1447 Hamburg Street  
1449 Hamburg Street  
1455 Hamburg Street

1301-03 South Howard Street

1999 Kloman Street  
2000-06 Kloman Street  
2001-31 Kloman Street  
2003 Kloman Street  
2096 Kloman Street  
2099 Kloman Street  
2100-20 Kloman Street  
2101-21 Kloman Street  
2200 Kloman Street  
2201 -21 Kloman Street  
2250 Kloman Street

2102 Oler Street

611 West Ostend Street  
701 West Ostend Street  
779-81 West Ostend Street  
801 West Ostend Street  
803 West Ostend Street  
805 West Ostend Street  
807 West Ostend Street  
809 West Ostend Street  
811 West Ostend Street  
813 West Ostend Street  
815 West Ostend Street  
817 West Ostend Street  
819 West Ostend Street  
821 West Ostend Street

823 West Ostend Street  
825 West Ostend Street  
827 West Ostend Street  
829 West Ostend Street  
831 West Ostend Street  
833 West Ostend Street  
835 West Ostend Street  
837 West Ostend Street  
839 West Ostend Street  
841 West Ostend Street  
843 West Ostend Street  
845 West Ostend Street  
847 West Ostend Street  
849 West Ostend Street  
851 West Ostend Street  
853 West Ostend Street  
855 West Ostend Street  
857-75 West Ostend Street

1401-23 Ridgely Street  
1450 Ridgely Street  
1451 Ridgely Street  
1500-10 Ridgely Street  
1501 Ridgely Street  
1525 Ridgely Street  
1527 Ridgely Street  
1529 Ridgely Street  
1531 Ridgely Street  
1541-43 Ridgely Street  
1547-67 Ridgely Street  
1552-64 Ridgely Street  
1566 Ridgely Street  
1568 Ridgely Street  
1569-71 Ridgely Street  
1573 Ridgely Street  
1575 Ridgely Street  
1577 Ridgely Street

1600-20 Ridgely Street  
1601-09 Ridgely Street  
1611-19 Ridgely Street  
~~1621-31 Ridgely Street~~  
~~1645-53 Ridgely Street~~

1300-1308 Russell Street  
1310-20 Russell Street  
1400 Russell Street  
1405 Russell Street  
1415 Russell Street  
1500 Russell Street  
1501-21 Russell Street  
1525 Russell Street  
1530 Russell Street

1540 Russell Street  
1551 Russell Street  
1701-25 Russell Street  
1712 Russell Street  
1748-60 Russell Street

211 Stockholm Street  
215 Stockholm Street  
301 Stockholm Street  
515 Stockholm Street

1300-12 Warner Street  
1301 Warner Street  
1400-54 Warner Street  
1411-25 Warner Street  
1501-25 Warner Street  
1601-17 Warner Street  
1629-31 Warner Street  
1633-43 Warner Street  
1645-1725 Warner Street

1201-1301 Wicomico Street  
1434-38 Wicomico Street  
1448 Wicomico Street  
1450 Wicomico Street  
1452 Wicomico Street  
1454 Wicomico Street  
1456 Wicomico Street  
1458 Wicomico Street

1800 Worcester Street  
1803 Worcester Street  
1810 Worcester Street  
1820 Worcester Street  
1822 Worcester Street  
1830 Worcester Street  
2104 Worcester Street

Rear SWS Haines Street, Rear 2100 Haines Street

WS Kloman Street, SWC Western Maryland RR Right-of-Way

NS Wenburn Street, 103-10 feet East of Cedley Street

Properties to be rezoned from the M-2-2 District to the M-1-2 District as outlined in blue:

1327-41 Bayard Street  
1401 Bayard Street  
1415 Bayard Street

1300 West Hamburg Street

1025 West Ostend Street

Properties to be rezoned from the M-2-2 District to the M-2-3 District as outlined in yellow:

1000-1104 Russell Street

601 West West Street

610 West West Street

616 West West Street

**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 1, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-320  
(Council Bill 01-583)**

**AN ORDINANCE CONCERNING**

**Acquisition of Property — Cold Spring Lane**

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 pieces or parcels of land situate in Baltimore City, for highway purposes, namely for the opening, widening, grading, construction, and maintenance of Cold Spring Lane, extending from Callaway Avenue northeasterly to Wabash Avenue, the location and course being shown on a plat numbered 347-A-53 filed 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 and 34  
Baltimore City Charter  
(1996 Edition)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That it is necessary to acquire, by purchase or condemnation, for public highway purposes, namely, for the opening, widening, grading, construction, and maintenance of Cold Spring Lane, extending from Callaway Avenue northeasterly

to Wabash Avenue, the fee simple or other interests that the Director of Public Works considers needed or sufficient in the land and improvements located in Baltimore City, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the northwest side of Cold Spring Lane, 50 feet wide and the northeast side of Callaway Avenue, 50 feet wide, said point of beginning having a coordinate value of West 17,209.407 feet and North 13,902.859 feet, and running thence binding on the northeast side of said Callaway Avenue, North 33° 34' 30" West 3.01 feet to intersect the northwest side of Cold Spring Lane, as widened from its former width of 50 feet to a width of 56 feet; thence binding on the northwest side of last said Cold Spring Lane, North 63° 32' 27" East 238.88 feet to the northwest side of Cold Spring Lane, as realigned and widened from its former width of 50 feet to a varying width; thence binding on the northwest side of last said Cold Spring Lane the two following courses and distances; namely, North 59° 43' 55" East 52.40 feet and North 62° 27' 37" East 80.59 feet to the northwest side of Cold Spring Lane, as widened from its former width of 50 feet to a width of 66 feet; thence binding on the northwest side of last said Cold Spring Lane, North 63° 32' 27" East 338.93 feet to intersect the northwest side of Wabash Avenue, as realigned to a varying width; thence binding on the northwest side of said Wabash Avenue, by a non-tangent line curving to the left with a radius of 24.00 feet the distance of 38.75 feet which arc is subtended by a chord bearing North 17° 17' 29" East 34.67 feet to intersect the southwest side of Wabash Avenue, 100 feet wide; thence binding on the southwest side of last said Wabash Avenue, South 34° 39' 10" East 5.68 feet to the northwest side of Wabash Avenue, varying width; thence binding on the northwest side of last said Wabash Avenue by a tangent line curving to the right with a radius of 24.00 feet the distance of 41.13 feet which arc is subtended by a chord bearing South 14° 26' 38.5" West 36.28 feet to intersect the northwest side of Cold Spring Lane, mentioned firstly herein, and thence binding on the northwest side of Cold Spring Lane, mentioned firstly herein, South 63° 32' 27" West 711.32 feet to the place of beginning.

Beginning for Parcel No. 2 at a point on the southwest side of Wabash Avenue, 100 feet wide, distant South 34° 39' 10" East 9.13 feet, measured along the southwest side of said Wabash Avenue from the southwest side of Cold Spring Lane, varying in width, having a coordinate value of West 16,504.020 feet and North 14,168.810 feet, and running thence binding on the southwest side of Cold Spring Lane, as realigned and widened to a varying width, by a non-tangent line curving to the left with a radius of 24.00 feet the distance of 31.83 feet, which arc is subtended by a chord bearing North 78° 27' 58" West 29.55 feet to the southeast side of Cold Spring Lane, as widened from its former width of 50 feet to a width of 66 feet; thence binding on the southeast side of said Cold Spring Lane, South 63° 32' 27" West 346.05 feet to the southeast side of Cold Spring Lane, as realigned and widened from its former width of 50 feet to a varying width; thence binding on the southeast side of last said Cold Spring Lane the two following courses and distances; namely, South 64° 28' 02" West 80.99 feet and South 66° 59' 36" West 61.29 feet to the southeast side of Cold Spring Lane, as widened from its former width of 50 feet to a width of 56 feet; thence binding on the southeast side of last said Cold Spring Lane, South 63° 32' 27" West 223.5 feet to intersect the northeast side of Callaway Avenue, 66 feet wide; thence binding on the northeast side of said Callaway Avenue, Northwesterly 3.0 feet, more or less, to intersect the southeast side of Cold Spring Lane, 50 feet wide; thence binding on the southeast side of last said Cold Spring Lane, North 63° 32' 27" East 713.9 feet to the southwest side of Cold Spring Lane, mentioned firstly herein; thence binding on the southwest side of Cold Spring Lane, mentioned firstly herein, by a tangent line curving to the right with a radius of 20.00 feet the distance of 28.56 feet, which arc is subtended by a chord bearing South 75° 33' 21" East 26.19 feet to intersect the southwest side of said Wabash Avenue, and thence binding on the southwest side of said Wabash Avenue, South 34° 39' 10" East 9.13 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.

As delineated on a plat numbered 347-A-53, prepared by the Survey Control Section and filed on the 26th day of April 2000 in the office of the Department of Public Works.

Together with all right, title, interest and estate that the owner of that property has in all streets, alley, ways or lanes, public and 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 April 1, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-321  
(Council Bill 01-643)**

**AN ORDINANCE CONCERNING**

**Zoning — Conditional Use ~~Open Off-Street Parking Area~~ Garage,  
for 4 or more automobiles — 307 South Washington Avenue Street  
and 308 South Castle Street**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a conditional use ~~open off-street parking area~~ garage, for 4 or more automobiles, on the property known as 307 South Washington Avenue Street and 308 South Castle Street, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning  
Section(s) 4-1104 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 conditional use ~~open off-street parking area~~ garage, for 4 or more automobiles, on the property known as 307 South Washington Avenue Street and 308 South Castle Street, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 4-1104 and 14-102 of the Baltimore City Code, subject to the ~~condition that the~~ following conditions:

1. Subdivision or consolidations do not constitute a change in conditional use.



2. Motor vehicle repair is prohibited on this site.
3. Parking in the garage is for residential purposes only.
4. The conditional use ~~open off-street parking area~~ garage, for 4 or more automobiles, ~~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 1, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-322  
(Council Bill 01-646)**

**AN ORDINANCE CONCERNING**

**Tobacco Products – Distribution to Minors**

FOR the purpose of prohibiting the distribution of tobacco products to minors; defining certain terms; establishing certain exceptions; imposing certain criminal and civil penalties; and generally relating to tobacco products.

BY adding

Article - Health

Section(s) 12-501 through 12-507, inclusive, to be under the new subtitle,  
“Subtitle 5. Distribution to Minors”

Baltimore City Revised Code  
(Edition 2000)

BY adding

Article 1 - Mayor, City Council, and Municipal Agencies

Section(s) 40-14(e)(7)(Title 12, Subtitle 5)

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 12. Tobacco Products**

**SUBTITLE 5. DISTRIBUTION TO MINORS**

**§ 12-501. DEFINITIONS.**

(A) *IN GENERAL.*

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

(B) *DISTRIBUTE.*

“DISTRIBUTE” MEANS TO:

- (1) GIVE AWAY, SELL, DELIVER, DISPENSE, OR ISSUE;
- (2) OFFER TO GIVE AWAY, SELL, DELIVER, DISPENSE, OR ISSUE; OR
- (3) CAUSE OR HIRE ANY PERSON TO:
  - (I) GIVE AWAY, SELL, DELIVER, DISPENSE, OR ISSUE; OR
  - (II) OFFER TO GIVE AWAY, SELL, DELIVER, DISPENSE, OR ISSUE.

(C) *TOBACCO PRODUCT.*

(1) *IN GENERAL.*

“TOBACCO PRODUCT” MEANS ANY SUBSTANCE THAT CONTAINS TOBACCO.

(2) *INCLUSIONS.*

“TOBACCO PRODUCT” INCLUDES ANY:

- (I) CIGARETTE;
- (II) CIGAR;
- (III) BIDI;
- (IV) PIPE OR OTHER SMOKING TOBACCO; OR
- (V) CHEWING TOBACCO, SPIT TOBACCO, SNUFF, OR OTHER SMOKELESS TOBACCO.

**§ 12-502. UNLAWFUL DISTRIBUTION.****(A) *PERSONS IN BUSINESS.***

A PERSON ENGAGED IN THE BUSINESS OF SELLING OR OTHERWISE DISTRIBUTING TOBACCO PRODUCTS FOR COMMERCIAL PURPOSES MAY NOT:

- (1) DISTRIBUTE ANY TOBACCO PRODUCT TO A MINOR, UNLESS THE MINOR IS ACTING SOLELY AS THE AGENT OF AN EMPLOYER ENGAGED IN THE BUSINESS OF DISTRIBUTING TOBACCO PRODUCTS;
- (2) DISTRIBUTE ANY CIGARETTE ROLLING PAPER TO A MINOR; OR
- (3) DISTRIBUTE TO A MINOR ANY COUPON REDEEMABLE FOR ANY TOBACCO PRODUCT.

**(B) *OTHERS.***

A PERSON NOT DESCRIBED IN SUBSECTION (A) OF THIS SECTION MAY NOT:

- (1) BUY FOR OR SELL TO A MINOR ANY TOBACCO PRODUCT; OR
- (2) BUY FOR OR SELL OR DELIVER TO A MINOR ANY CIGARETTE ROLLING PAPER.

**§ 12-503. EXCEPTIONS.****(A) *PUBLISHED COUPON.***

THIS SUBTITLE DOES NOT APPLY TO THE DISTRIBUTION OF A COUPON THAT IS:

- (1) CONTAINED IN A NEWSPAPER, MAGAZINE, OR OTHER TYPE OF PUBLICATION IN WHICH THE COUPON IS INCIDENTAL TO THE PRIMARY PURPOSE OF THE PUBLICATION; OR
- (2) SENT THROUGH THE MAIL.

**(B) *IDENTIFICATION AS ADULT.***

A PERSON HAS NOT VIOLATED THIS SUBTITLE IF:

- (1) THE PERSON EXAMINED A BUYER'S OR RECIPIENT'S DRIVER'S LICENSE OR OTHER IDENTIFICATION ISSUED BY AN EMPLOYER, GOVERNMENTAL ENTITY, OR INSTITUTION OF HIGHER EDUCATION; AND
- (2) THE LICENSE OR OTHER IDENTIFICATION IDENTIFIED THE BUYER OR RECIPIENT AS BEING AT LEAST 18 YEARS OLD.

**§§ 12-504 TO 12-505. {RESERVED}**

**§ 12-506. ENFORCEMENT BY CITATION.***(A) IN GENERAL.*

IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE, THIS SUBTITLE MAY BE ENFORCED BY ISSUANCE OF AN ENVIRONMENTAL CITATION AS AUTHORIZED BY CITY CODE ARTICLE 1, SUBTITLE 40 {"ENVIRONMENTAL CONTROL BOARD"}.

*(B) PROCESS NOT EXCLUSIVE.*

THE ISSUANCE OF AN ENVIRONMENTAL CITATION TO ENFORCE THIS SUBTITLE DOES NOT PRECLUDE PURSUING ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

**§ 12-507. CRIMINAL PENALTIES: \$1,000.**

ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 FOR EACH OFFENSE.

**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 12: Tobacco Products

Subtitle 1: Smoking in City Buildings and Vehicles	\$ 25
Subtitle 2: Sale of Unpackaged Cigarettes	\$150
Subtitle 4: Placement of Tobacco Products	\$500
SUBTITLE 5: DISTRIBUTION TO MINORS	\$500

**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 April 1, 2002

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE  
ORDINANCE 02-323  
(Council Bill 01-352)**

**AN ORDINANCE CONCERNING**

**Fighting-Breed Dogs—Licensing and Regulation**

FOR the purpose of specially licensing and regulating certain fighting breeds; defining certain terms; imposing certain qualifications for owning, keeping, or possessing any fighting-breed dog; providing for the impoundment of fighting-breed dogs under certain circumstances; imposing certain penalties; increasing certain penalties as they relate to attack dogs and vicious dogs; clarifying certain language; providing for a special effective date; and generally relating to animal control and protection:

BY repealing and reordaining, with amendments

Article - Health

Section(s) 10-101(i), 10-104, 10-202, 10-203, and 10-1102(e)

Baltimore City Revised Code  
(Edition 2000)

BY adding

Article - Health

Section(s) 10-101(i-1) and 10-208

Baltimore City Revised Code  
(Edition 2000)

BY repealing and reordaining, without amendments

Article - Health

Section(s) 10-207 and 10-1102(a)

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:**

(i) *Dangerous animal:*

“Dangerous animal” means any animal that:

- (1) has bitten or attacked a human being or another animal without provocation; [or]
- (2) presents a physical threat to human beings or to other animals due to a disposition or propensity to cause injury or to behave in a way that could reasonably be expected to cause injury, regardless of whether its behavior is hostile; OR

~~(3) IS A FIGHTING-BREED DOG, AS DEFINED IN THIS SECTION.~~

~~(1-1) FIGHTING-BREED DOG.~~

~~"FIGHTING-BREED DOG" MEANS:~~

~~(1) ANY OF THE FOLLOWING DOGS:~~

~~(i) STAFFORDSHIRE BULL TERRIER;~~

~~(ii) AMERICAN STAFFORDSHIRE TERRIER;~~

~~(iii) AMERICAN PIT BULL TERRIER; AND~~

~~(iv) AMERICAN BULLDOG;~~

~~(2) ANY DOG OF MIXED BREED THAT EXHIBITS THE PHYSICAL CHARACTERISTICS OF ONE OF THE BREEDS LISTED IN ITEM (1) OF THIS SUBSECTION MORE THAN OF ANY OTHER BREED; AND~~

~~(3) ANY OTHER BREED OR MIXED BREED OF DOG THAT THE HEALTH COMMISSIONER:~~

~~(i) DETERMINES TO BE, BECAUSE OF TRAINING OR BREEDING PRACTICES, POTENTIALLY AS DANGEROUS AS A BREED LISTED IN ITEM (1) OF THIS SUBSECTION; AND~~

~~(ii) SO DESIGNATES IN A RULE OR REGULATION ADOPTED UNDER THIS TITLE.~~

**~~§ 10-104. Rules and regulations.~~**

~~(A) IN GENERAL.~~

~~The rules and regulations that the HEALTH Commissioner adopts under § 2-106 of this article may include provisions:~~

~~(1) for the issuance of permits and licenses under this title;~~

~~(2) requiring the humane care of all animals;~~

~~(3) governing the general care and control of animals; and~~

~~(4) governing the operation of facilities subject to this title.~~

~~(B) FIGHTING BREEDS.~~

~~THESE RULES AND REGULATIONS ALSO MAY:~~

~~(1) DESIGNATE BREEDS OR MIXED BREED OF DOGS TO BE REGULATED AS FIGHTING BREEDS IN ACCORDANCE WITH § 10-101(1-1)(3) OF THIS SUBTITLE; AND~~

~~(2) REQUIRE EACH FIGHTING-BREED DOG:~~

~~(i) TO HAVE A MICROCHIP, CONTAINING THE INFORMATION THE COMMISSIONER SPECIFIES, SURGICALLY IMPLANTED IN THE DOG; OR~~

~~(H) TO BEAR SOME OTHER FORM OF SPECIAL IDENTIFICATION.~~

**~~§ 10-202. License classes; annual fees.~~**

~~(a) Classes.~~

The HEALTH Commissioner must provide for the following [2] classes of licenses:

~~(1) Class A Licenses, for:~~

- ~~(i) dogs (OTHER THAN FIGHTING-BREED DOGS) and cats that have been altered;~~
- ~~(ii) dogs (OTHER THAN FIGHTING-BREED 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 (OTHER THAN FIGHTING-BREED DOGS) and cats.~~

~~(3) CLASS C LICENSES, FOR ALL FIGHTING-BREED DOGS.~~

~~(b) Fees.~~

~~(1) The annual license fee is as [set by the Commissioner, subject to the following limitations] FOLLOWS:~~

- ~~(i) Class A Licenses — AS SET BY THE COMMISSIONER, BUT not to exceed \$10.~~
- ~~(ii) Class B AND CLASS C 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] A CLASS A OR CLASS B LICENSE is 50% of the annual fee set for that class.~~

**~~§ 10-203. Applications; QUALIFICATIONS.~~**

~~(A) IN GENERAL.~~

The application for a license must:

- ~~(1) be in the form that the HEALTH 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 HEALTH Commissioner requires.~~

~~(B) FIGHTING BREEDS:~~

~~FOR A CLASS C LICENSE, THE APPLICATION MUST ALSO CONTAIN PROOF SATISFACTORY TO THE HEALTH COMMISSIONER THAT:~~

~~(1) THE OWNER OF THE FIGHTING-BREED DOG IS AT LEAST 21 YEARS OLD; AND~~

~~(2) EITHER:~~

~~(i) THE FIGHTING-BREED DOG HAS BEEN ALTERED; OR~~

~~(ii) A LICENSED VETERINARIAN HAS CERTIFIED IN WRITING THAT, BECAUSE OF AGE OR BAD HEALTH, THE FIGHTING-BREED DOG SHOULD NOT BE ALTERED.~~

**~~§ 10-207. Prohibited conduct — IN GENERAL.~~**

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 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 keeper of the dog or cat; or~~

~~(5) remove any identification tag from any dog or cat without the consent of its owner or keeper.~~

**~~§ 10-208. PROHIBITED CONDUCT — FIGHTING BREEDS:~~**

~~(A) IN GENERAL:~~

~~(1) NO PERSON MAY KEEP OR POSSESS ANY FIGHTING-BREED DOG UNLESS:~~

~~(i) THE PERSON IS AT LEAST 21 YEARS OLD;~~

~~(ii) THE DOG IS LICENSED AS REQUIRED BY THIS SUBTITLE;~~

~~(iii) THE DOG BEARS THE MICROCHIP OR OTHER SPECIAL IDENTIFICATION REQUIRED BY THE HEALTH COMMISSIONER'S RULES AND REGULATIONS; AND~~

~~(iv) EXCEPT AS OTHERWISE SPECIFIED IN THE SUBTITLE, THE DOG HAS BEEN ALTERED.~~

~~(2) NO PERSON MAY:~~

~~(i) USE ANY MICROCHIP OR OTHER SPECIAL IDENTIFICATION FOR ANY FIGHTING-BREED DOG OTHER THAN THE ONE TO WHICH THE IDENTIFICATION APPLIES;~~

~~(ii) REMOVE ANY MICROCHIP OR OTHER SPECIAL IDENTIFICATION FROM ANY FIGHTING-BREED DOG EXCEPT AS AUTHORIZED BY THE COMMISSIONER'S RULES AND REGULATIONS; OR~~



~~(III) OTHERWISE KEEP OR POSSESS ANY FIGHTING-BREED DOG IN VIOLATION OF ANY PROVISION OF THIS TITLE OR OF THE COMMISSIONER'S RULES AND REGULATIONS.~~

~~(B) SEIZURE:~~

~~(1) IN THE CASE OF A VIOLATION OF ANY PROVISION OF THIS SECTION, THE BUREAU MUST PROMPTLY SEIZE AND IMPOUND THE FIGHTING-BREED DOG.~~

~~(2) WITHIN 5 BUSINESS DAYS AFTER THE DOG IS SEIZED, THE OWNER OR KEEPER MAY APPLY IN WRITING TO THE COMMISSIONER FOR A HEARING TO REGAIN POSSESSION OF IT.~~

~~(3) IF NO TIMELY APPLICATION FOR A HEARING IS MADE OR IF, AFTER A HEARING, THE COMMISSIONER FINDS THAT THE FIGHTING-BREED DOG OR ITS OWNER OR KEEPER WAS IN VIOLATION OF THIS SECTION, THE COMMISSIONER MAY ISSUE AN ORDER FOR ANY OF THE FOLLOWING ACTIONS:~~

~~(I) DIRECTING THE BUREAU TO IMMEDIATELY KILL THE DOG IN THE MOST HUMANE WAY POSSIBLE;~~

~~(II) REQUIRING THE OWNER OR KEEPER TO PAY ALL COSTS OF IMPOUNDMENT;~~

~~(III) REQUIRING THE OWNER OR KEEPER TO UNDERTAKE ANY OTHER CORRECTIVE ACTION; AND~~

~~(IV) REFERRING THE MATTER TO THE STATE'S ATTORNEY FOR PROSECUTION.~~

~~(4) A PARTY AGGRIEVED BY AN ORDER ISSUED UNDER THIS SECTION MAY APPEAL THAT ORDER TO THE CIRCUIT COURT FOR BALTIMORE CITY IN ACCORDANCE WITH THE MARYLAND RULES OF CIVIL PROCEDURE.~~

**§ 10-1102. Penalties.**

~~(a) In general:~~

~~(1) Any person who violates any provision of this title or of a rule or regulation adopted under this title is guilty of a misdemeanor and, on conviction, is subject to the penalties specified in this section.~~

~~(2) Each day that a violation continues is a separate offense.~~

~~(c) FIGHTING BREEDS, [Attack] ATTACK dogs, and vicious dogs: \$1,000 and [6] 12 months:~~

~~For a violation of § 10-208 {"PROHIBITED CONDUCT — FIGHTING BREEDS"}, § 10-601 {"Attack dogs"}, or § 10-702 {"[Vicious dogs] KEEPING VICIOUS DOG PROHIBITED"}, the penalty is a fine of not more than \$1,000 or imprisonment for not more than [6] 12 months or both fine and imprisonment for each offense.~~

**Animal Control — Dog and Cat Regulation**

FOR the purpose of modifying the classes of dog and cat licenses; providing for the impoundment and disposition of dogs, cats, and other animals under certain circumstances; providing for the spaying or neutering of dogs and cats under certain circumstances; providing for the implantation in dogs and cats of microchips under certain circumstances; clarifying certain provisions; providing for a special effective date; and generally relating to the licensing and regulation of dogs and cats.

BY repealing and reordaining, with amendments

Article - Health

Section(s) 10-202, 10-207, 10-308

Baltimore City Revised Code

(Edition 2000)

BY adding

Article - Health

Section(s) 10-309

Baltimore City Revised Code

(Edition 2000)

BY renumbering

Article - Health

Section(s) 10-309

to be

Section(s) 10-310

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 2. Licensing**

**§ 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; AND

(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 LICENSE FOR DISABILITY SERVICE ANIMALS, WHETHER OR NOT ALTERED.

(3) [(2) Class B] CLASS C 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] AS FOLLOWS:

(i) Class A Licenses — [not to exceed] \$10.

(II) CLASS B LICENSES – NO FEE.

(III) [(ii) Class B] CLASS C Licenses — [3 times the amount set for a Class A License] \$30.

(2) For owners 65 years old or older, the annual fee for [each] A license [class] is 50% of the [annual] fee [set for that class] SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION.

**§ 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 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 keeper of the dog or cat; [or]
- (5) remove any identification tag from any dog or cat without the consent of its owner or keeper;
- (6) USE ANY MICROCHIP REQUIRED UNDER THIS SUBTITLE FOR ANY DOG OR CAT OTHER THAN THE ONE TO WHICH THE MICROCHIP APPLIES; OR
- (7) EXCEPT AS AUTHORIZED BY THE COMMISSIONER, REMOVE FROM ANY DOG OR CAT ANY MICROCHIP REQUIRED UNDER THIS SUBTITLE.

**Subtitle 3. General Care and Control****§ 10-308. Impounding [unrestrained] animals – IN GENERAL.**(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO:

- (1) ANY DOG OR CAT THAT IS UNLICENSED, NOT WEARING A VALID IDENTIFICATION TAG WHILE OUTDOORS, OR OTHERWISE IN VIOLATION OF § 10-207 {“PROHIBITED CONDUCT”} OF THIS SUBTITLE; AND
- (2) ANY ANIMAL THAT IS NOT RESTRAINED AS REQUIRED BY § 10-307 {“RESTRAINTS REQUIRED”} OF THIS SUBTITLE OR OTHERWISE BY LAW.

(B) [(a)] Seizure of animal.

- (1) [Animals that are not restrained as required by law] ANY ANI MAL DESCRIBED IN SUBSECTION (A) OF THIS SECTION may be seized by THE BUREAU OR BY any police officer, humane officer, designated employee of the Department, or other person contracting with the City to do so.
- (2) For this purpose, these persons may pursue [unrestrained animals] THE ANIMAL onto [City-owned property, vacant property, and unenclosed] ANY PUBLIC OR private property.

(C) [(b)] Impoundment.

- (1) An animal seized under [subsection (a) of] this section must be taken to an animal shelter and impounded there in a humane manner.
- (2) IF THE OWNER OR KEEPER OF THE ANIMAL CAN BE IDENTIFIED, THE ANIMAL SHELTER MUST IMMEDIATELY NOTIFY THE OWNER OR KEEPER BY TELEPHONE OR MAIL.
- (3) [(2)] An impounded animal must be kept for at least 5 days, unless sooner reclaimed by its owner or keeper.

[(c)] Notice to owner or keeper.

If the owner or keeper of an impounded animal can be identified, the animal shelter must immediately notify the owner or keeper by telephone or mail.]

[(d)] Assessment during impoundment.

- (1) During the impoundment of any dog, the Bureau must assess the dog to determine whether it is a vicious dog.
- (2) If the Bureau reasonably believes that the dog is a vicious dog, the Bureau must:
  - (i) submit a written investigation report to the Vicious Dog Hearing Board; and
  - (ii) retain the dog pending a hearing under Subtitle 7 {"Vicious Dogs"} of this title.]

(D) [(e)] Owner responsible for charges.

- (1) The owner or keeper of an impounded animal must pay:
  - (i) the fee set for each day the animal has been impounded; and
  - (ii) all other costs incurred in maintaining the animal, including boarding[, AND inoculations[, and 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.

(E) [(f)] Unclaimed animals.Any animal that is not reclaimed within the time specified in subsection [(b)] (C) 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. IMPOUNDING ANIMALS – DOGS AND CATS.**(A) SCOPE OF SECTION.THIS SECTIONS APPLIES TO ANY DOG OR CAT THAT HAS BEEN IMPOUNDED UNDER §10-308 OF THIS SUBTITLE OR UNDER ANY OTHER PROVISION OF LAW.(B) ASSESSMENT OF DOG.

- (1) DURING THE IMPOUNDMENT OF ANY DOG, THE BUREAU MUST ASSESS THE DOG TO DETERMINE WHETHER IT IS A VICIOUS DOG.
- (2) IF THE BUREAU REASONABLY BELIEVES THAT THE DOG IS A VICIOUS DOG, THE BUREAU MUST:
  - (I) SUBMIT A WRITTEN INVESTIGATION REPORT TO THE VICIOUS DOG HEARING BOARD; AND
  - (II) RETAIN THE DOG PENDING A HEARING UNDER SUBTITLE 7 {“VICIOUS DOGS”} OF THIS TITLE.

(C) CONDITIONS FOR RETURN TO OWNER.

- (1) ON A FIRST OR SUBSEQUENT IMPOUNDMENT OF A DOG OR CAT, THE COMMISSIONER MAY REQUIRE THAT, AS A CONDITION FOR THE ANIMAL’S RETURN TO ITS OWNER OR KEEPER:
  - (I) A MICROCHIP, CONTAINING THE INFORMATION THE COMMISSIONER SPECIFIES, BE SURGICALLY IMPLANTED IN THE ANIMAL; AND
  - (II) THE OWNER OR KEEPER AGREE TO KEEP THE INFORMATION CURRENT, AS DIRECTED BY THE COMMISSIONER.
- (2) ON A SECOND OR SUBSEQUENT IMPOUNDMENT, THE COMMISSIONER MAY REQUIRE THAT, AS A CONDITION OF THE ANIMAL’S RETURN TO ITS OWNER OR KEEPER, THE ANIMAL BE ALTERED.
- (3) THE COSTS INCURRED IN THESE PROCEDURES MUST BE PAID BY THE OWNER OR KEEPER WHEN RECLAIMING THE ANIMAL.

**[§ 10-309] § 10-310. Altering unclaimed dogs or cats.**The Commissioner may 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 90th day after the date it is enacted.

Approved April 11, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-324  
(Council Bill 01-573)**

**AN ORDINANCE CONCERNING**

**Zoning — Conditional Use Substance Abuse Treatment Center —  
2501 West Lexington 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 2501 West Lexington Street, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning  
Section(s) 7-208 (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 a substance abuse treatment center on the property known as 2501 West Lexington Street, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 7-208 (4) and 14-102 of the Baltimore City Code, subject to the ~~condition~~ that the following conditions:

1. The maximum number of resident clients is 50.
2. The maximum number of outpatient clients on the site at one time is 25.
3. Methadone maintenance is prohibited.
4. A minimum of 33 parking spaces must be provided.
5. The landscaping, screening, and site plans are subject to the approval of the Planning Department.
6. 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 April 11, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-325  
(Council Bill 01-578)**

**AN ORDINANCE CONCERNING**

**Zoning — Conditional Use — Amending Ordinance 97-177**

FOR the purpose of amending Ordinance 97-177 to expand the boundaries of the nursing home (hospice) at 824-832 North Eutaw Street to include the properties known as 834-838 North Eutaw Street and 831-837 Martin Luther King, Jr. Boulevard, as outlined in red on the accompanying plat; and generally relating to the conditional use, as approved by Ordinance 97-177.

BY repealing and reordaining, with amendments

Ordinance 97-177

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 97-177**

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted to expand the boundaries of the nursing home (hospice) located at [828-830] 824-832 North Eutaw Street, previously authorized by Ordinance 81-546 AND BY ORDINANCE 97-177, to include the properties known as [824-826 and 832] 834-838 North Eutaw Street AND 831-837 MARTIN LUTHER KING, JR. BOULEVARD, as outlined in red on the plat accompanying this Ordinance, in accordance with [Article 30] ZONING CODE, §§ [6.2-1d] 6-309 and [11.0-6d] 14-102(2) of the Baltimore City Code, subject to the following conditions:

1. [the] THE maximum residential density for the facility is [27] 32 persons, including [25] 30 patients ([4] 8 in 824-826 North Eutaw Street, 12 in 828-830 North Eutaw Street, and [5]12 in 832-834 North Eutaw Street) and 2 resident managers (1 in 824-826 North Eutaw Street and 1 in 832-834 North Eutaw Street)[;].

2. [each] EACH resident must have a private room[;].
3. 836 AND 838 NORTH EUTAW STREET SHALL BE ACCESSORY OFFICES FOR THE HOSPICE.
4. 831 THROUGH 837 MARTIN LUTHER KING, JR. BOULEVARD SHALL BE USED FOR PRIVATE OPEN SPACE.
5. CONSOLIDATION OF LOTS OR CLOSINGS OF ALLEYS DOES NOT CONSTITUTE A CHANGE IN CONDITIONAL USE.
6. ANY CHANGE TO THE EXTERIOR OF THE BUILDING AND THE SCREENING FENCE/WALL FOR THE OPEN SPACE IS SUBJECT TO APPROVAL BY THE PLANNING DEPARTMENT.
- [3.] 7. [parking] PARKING for the hospice staff and visitors shall be on the [22] 40-space parking lot owned by and adjacent to Mount Calvary Episcopal Church[; and].
- [4.] 8. [the] THE nursing home (hospice) 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 30th day after the date it is enacted.

Approved April 11, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-326  
(Council Bill 02-657)**

**AN ORDINANCE CONCERNING**

**Zoning — Conditional Use Parking, Open Off-Street Area —  
1115-1125 Whatcoat Street, a Portion of 1127 Whatcoat Street,  
a Portion of Lot 72, and Lots 72A, 72B, and a Portion of Lot 72C/F (Block 55A)**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a conditional use parking, open off-street area on the properties known as 1115-1125 Whatcoat Street, a portion of 1127 Whatcoat Street, a portion of Lot 72, and Lots 72A, 72B, and a portion of Lot 72C/F (Block 55A), as outlined in red on the accompanying plat.

BY authority of

Article - Zoning  
Section(s) 4-1104 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 conditional use parking, open off-street area on the properties known as 1115-1125 Whatcoat Street, a portion of 1127 Whatcoat Street, a portion of Lot 72,



and Lots 72A, 72B, and a portion of Lot 72C/F (Block 55A), as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 4-1104 and 14-102 of the Baltimore City Code, subject to the ~~condition that the~~ following conditions:

1. The Parking Lot Plan, dated February 8, 2002, is made a part of this Ordinance. No change may be made to the Parking Lot Plan without the prior approval of the Planning Department.
2. Consolidation of the properties as outlined in red on the accompanying plat does not constitute a change in the conditional use as authorized by this Ordinance.
3. The parking, open off-street 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 11, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-327  
(Council Bill 02-662)**

**AN ORDINANCE CONCERNING**

**Supplementary General Fund Capital Appropriation —  
Department of Public Works — \$1,100,000**

FOR the purpose of providing a Supplementary General Fund Capital Appropriation in the amount of \$1,100,000 to the Department of Public Works (Account #9916-194-815), to provide funding for the rehabilitation of elevators in the Charles L. Benton Building; 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 Prior Year's Special Reserve 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 2002.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2002 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2002 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On January 23, 2002, 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 Department of Public Works (Account #9916-194-815) as a Supplementary General Fund Capital Appropriation for Fiscal Year 2002, to provide funding for the rehabilitation of elevators in the Charles L. Benton Building. The source of revenue for this appropriation is the Prior Year's Special Reserve 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 2002.

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

Approved April 11, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-328  
(Council Bill 02-704)**

**AN ORDINANCE CONCERNING**

**Supplementary General Fund Capital Appropriation —  
Office of Transportation — \$175,000**

FOR the purpose of providing a Supplementary General Fund Capital Appropriation in the amount of \$175,000 to the Office of Transportation — (Account #9950-508-740), to provide funding for security improvements at the vehicle storage facility on Pulaski Highway; 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 Impounding Cars - Storage 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 2002.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2002 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2002 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On February 27, 2002, 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 \$175,000 shall be made available to the Office of Transportation — (Account #9950-508-740) as a Supplementary General Fund Capital Appropriation for Fiscal Year 2002, to provide funding for security improvements at the vehicle storage facility on Pulaski Highway. The source of revenue for this appropriation is Impounding Cars - Storage 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 2002.

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

Approved April 11, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-329  
(Council Bill 01-426)**

**AN ORDINANCE CONCERNING**

**Burglar Alarms — Registration and Regulation**

FOR the purpose of changing the persons responsible for false alarm fees; increasing certain fees for commercial users; providing for late fees; authorizing the waiver of a fee under certain circumstances; providing for the imposition of fines on contractors and monitors for disproportionate false alarms; requiring monitors to report the activation of an unregistered system; requiring monitors to verify certain alarm signals before requesting a police response; clarifying the definition of "alarm system" and "contractor" certain definitions; specifying certain matters to be included in the Police Commissioner's rules and regulations; authorizing the Police Commissioner to suspend alarm response services under certain circumstances; prohibiting the use of certain automatic dialing devices; shortening the time that an audible alarm may sound continuously without being considered a public nuisance alarm; and generally relating to the regulation of alarm systems, alarm system contractors, alarm system monitors, and alarm system users.

BY repealing and reordaining, without amendments

Article 1 - Mayor, City Council, and Municipal Agencies  
Section(s) 40-14(e)(3)(§8-12)  
Baltimore City Code  
(Edition 2000)

BY repealing and reordaining, with amendments

Article 19 - Police Ordinances  
Section(s) 6-1(e) and 6-4  
Baltimore City Code  
(Edition 2000)

BY repealing and reordaining, without amendments

Article 19 - Police Ordinances  
Section(s) 6-2  
Baltimore City Code  
(Edition 2000)

~~BY repealing and reordaining, without amendments~~

~~Article 19 - Police Ordinances~~  
~~Section(s) 8-1(e) and (f), 8-2(c), 8-4, 8-5~~  
~~Baltimore City Code~~  
~~(Edition 2000)~~

~~BY repealing~~

~~Article 19 - Police Ordinances~~  
~~Section(s) 8-1(h)~~  
~~Baltimore City Code~~  
~~(Edition 2000)~~

BY repealing and reordaining, with amendments

Article 19 - Police Ordinances  
Section(s) 8-1(b), (d), and (i), 8-2(b), 8-3, 8-6(a), 8-7, 8-8, and 8-10  
Section(s) 8-1 through 8-10, inclusive  
Baltimore City Code  
(Edition 2000)

BY renumbering

~~Article 19 - Police Ordinances~~  
~~Section(s) 8-10 through 8-12, inclusive,~~  
~~to be Section(s) 8-11 through 8-13, inclusive~~  
~~Baltimore City Code~~  
~~(Edition 2000)~~

BY adding

Article 19 - Police Ordinances  
Section(s) 8-10  
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.*

(3) **Article 19. Police Ordinances**

§ 8-12. Burglar alarms: Penalties

Users	\$250
Contractors, Monitors, Others	\$500

**Article 19. Police Ordinances**

**Subtitle 6. Burglar Alarms — Public Nuisance Alarms**

**§ 6-1. Definitions.**

(e) Public nuisance alarm.

(1) “Public nuisance alarm” means an audible alarm system that[:

(i) begins to sound between 10:00 p.m. and 6:00 a.m. and sounds continuously for more than 2 hours; or

(ii) begins to sound between 6:00 a.m. and 10:00 p.m. and] sounds continuously for more than [4 hours] 15 MINUTES.

(2) “Public nuisance alarm” does not include an audible alarm system installed in a motor vehicle.

**§ 6-2. Public nuisance alarm prohibited.**

A person may not allow a public nuisance alarm to be maintained on any property owned or occupied by that person.

**§ 6-4. Penalties.**

A person who violates § 6-2 of this subtitle is guilty of a misdemeanor and, on conviction, [may be fined] IS SUBJECT TO A FINE OF not less than \$50 and not more than \$500 for each offense.

**Subtitle 8. Burglar Alarms — Registration and Regulation****§ 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 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:

- (I) TELEPHONE LINES USED TO CARRY ALARM SIGNALS; OR
- (II) any device installed in a vehicle, as defined in the Maryland Vehicle Law.

**(c) Commissioner.**

“Commissioner” means the Police Commissioner of Baltimore City or the Commissioner’s designee.

**(d) Contractor.**

“Contractor” means any person engaged in the business of installing, maintaining, altering, inspecting, administering, SELLING, or servicing alarm systems.

**(e) False alarm.**

(1) “False alarm” means any alarm system signal:

- (i) that results in a police response to the 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 CANCELLED BY THE MONITOR BEFORE A RESPONDING POLICE OFFICER ARRIVES AT THE ALARM LOCATION; OR

(II) an alarm signal that occurs within 30 days of the original installation of the alarm system.

(F) *HOLD-UP ALARM.*

“HOLD-UP ALARM” MEANS A SILENT ALARM SYSTEM THAT IS MANUALLY ACTIVATED TO SIGNAL A ROBBERY IN PROGRESS.

(F) (G) *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.

(H) *PANIC ALARM.*

“PANIC ALARM” MEANS AN ALARM SYSTEM THAT IS ACTIVATED BY AN INDIVIDUAL ON OR NEAR THE PREMISES TO ALERT OTHERS THAT A ROBBERY OR OTHER CRIME IS IN PROGRESS.

[(g)] (I) *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.

## (H) [Unmonitored system.

“Unmonitored system” means any alarm system for which the user does not employ a monitor.

(i)] (J) *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.

**§ 8-2. Rules and regulations.**(a) *Commissioner to adopt.*

The Commissioner [shall] MUST adopt and enforce rules and regulations to carry out this subtitle.

(b) *Scope.*

The Commissioner’s rules and regulations shall include:

- (1) the form of application for and required information to be given for registrations, renewals of registration, NOTIFICATIONS, 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;
- (3) criteria for revoking any registration required by this subtitle, which criteria may include:
  - (i) the failure to pay any fine, FALSE ALARM FEE, OR OTHER FEE imposed under this subtitle; or
  - (ii) any other violation of this subtitle or of any rule or regulation adopted under it;
- (4) criteria for reinstating registration after revocation;
- (5) procedures for filing and hearing administrative appeals under this subtitle; and
- (6) procedures for police responses to an alarm location.

(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.

**§ 8-3. Registration — Contractors.**

(a) *Registration required.*

An alarm system contractor must register with the Commissioner before undertaking to install, maintain, alter, inspect, administer, SELL, or service any alarm system in Baltimore City.

(b) *Violations.*

For purposes of the penalties imposed by this subtitle, each event that violates this section constitutes a separate offense.

**§ 8-4. Registration — Monitors.**

(a) *Registration required.*

An alarm system monitor must register with the Commissioner before undertaking to monitor any alarm system in Baltimore City.

(b) *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.



**§ 8-5. Registration — Users.***(a) Registration required.*

An alarm system user must register with the Commissioner before the user's alarm system causes contact with police or results in a police response at the user's property.

*(b) 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] COMPLY WITH THE RULES AND REGULATIONS ADOPTED BY the Commissioner [directs] UNDER THIS SUBTITLE.

*(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.

**§ 8-7. Unregistered users.**

(a) *Prohibited conduct.*

- (1) It is unlawful for the alarm system of any unregistered user to cause contact with or summon City police.

[(b) *Violations.*]

- (2) 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 MUST:

- (1) REPORT THE ACTIVATION TO THE POLICE DEPARTMENT IN THE NORMAL MANNER;  
AND
- (2) REPORT THE UNREGISTERED USER OR LOCATION TO THE ~~DIRECTOR~~ COMMISSIONER,  
IN THE MANNER THE ~~DIRECTOR~~ COMMISSIONER REQUIRES.

**§ 8-8. False alarm fees.**

(a) *[Persons] USER responsible.*

- (1) The [person] USER OF AN ALARM SYSTEM IS responsible for payment to the City of the false alarm fees imposed under this section [is:
- (I) for an unmonitored system, the user; and
- (II) in all other cases, the contractor or monitor, as the case may be, with whom the user has contracted for monitoring services].

(2) FOR PURPOSES OF THIS SECTION, 2 OR MORE FALSE ALARMS THAT OCCUR WITHIN THE SAME CALENDAR DAY AS A RESULT OF A SINGLE EVENT ARE CONSIDERED A SINGLE FALSE ALARM.

(b) *Fee Schedule.*

After 2 false alarms in any 12-month period, a false alarm fee is imposed for each false alarm, based on the following schedule:

**False alarms within  
12-month period**

**Fee**

3<sup>rd</sup>  
4<sup>th</sup>

\$ 50  
100

5 <sup>th</sup>	150
6 <sup>th</sup>	200
7 <sup>th</sup>	250
8 <sup>th</sup>	300
9 <sup>th</sup>	400
10 <sup>th</sup>	500
11 <sup>th</sup>	600
12 <sup>th</sup>	700
13 <sup>th</sup>	800
14 <sup>th</sup> and above	1,000
12 <sup>TH</sup>	
NONCOMMERCIAL USERS	700
COMMERCIAL USERS	2,000
13 <sup>TH</sup>	
NONCOMMERCIAL USERS	800
COMMERCIAL USERS	2,000
14 <sup>TH</sup> AND ABOVE	
NONCOMMERCIAL USERS	1,000
COMMERCIAL USERS	2,000

~~(B)~~ (C) WAIVER.

- (1) THE COMMISSIONER MUST WAIVE 1 FALSE ALARM FEE IF THE ALARM SYSTEM USER:
  - (I) HAS THE ALARM SYSTEM INSPECTED BY A REGISTERED CONTRACTOR OR MONITOR; AND
  - (II) 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 USER IS SUBJECT TO A SUBSEQUENT FALSE ALARM FEE, THAT SUBSEQUENT FEE WILL BE ASSESSED AS IF THE PREVIOUS FEE HAD NOT BEEN WAIVED.

(D) LATE FEE.

- (1) THE COMMISSIONER MAY ASSESS A LATE FEE OF \$25 FOR ANY FALSE ALARM FEE THAT IS NOT PAID:
  - (I) WITHIN 30 DAYS OF THE COMMISSIONER'S NOTICE THAT THE FALSE ALARM FEE HAS BEEN IMPOSED; OR
  - (II) IF A TIMELY APPEAL HAS BEEN MADE, WITHIN 30 DAYS OF THE FINAL DECISION IN THAT APPEAL.
- (2) IF THE FALSE ALARM OR LATE FEE IS NOT PAID WITHIN 10 BUSINESS DAYS OF THE COMMISSIONER'S NOTICE THAT THE LATE FEE HAS BEEN IMPOSED, THE COMMISSIONER MAY PLACE THE USER'S ALARM SYSTEM ON NO-RESPONSE STATUS, AS PROVIDED IN § 8-9 OF THIS SUBTITLE.

(E) WARNING OF NO-RESPONSE STATUS.

- (1) AFTER A 10<sup>TH</sup> FALSE ALARM WITHIN ANY 12-MONTH PERIOD, THE COMMISSIONER MUST SEND A WARNING NOTICE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE USER, WITH A COPY BY REGULAR MAIL TO THE MONITOR.

(2) THE NOTICE MUST STATE THAT:

(I) A 10<sup>TH</sup> FALSE ALARM HAS OCCURRED;

(II) IF 5 MORE FALSE ALARMS OCCUR WITHIN THE SAME 12-MONTH PERIOD, THE USER'S ALARM SYSTEM WILL BE PLACED ON NO-RESPONSE STATUS, AS PROVIDED IN § 8-9 OF THIS SUBTITLE; AND

(III) REINSTATEMENT MAY ONLY BE OBTAINED ON WRITTEN APPLICATION TO THE COMMISSIONER.

*[(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.]

**[§ 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;
- (2) require the user, monitor, contractor, or other qualified person to disconnect the alarm system; or
- (3) require the monitor or contractor to discontinue its services to the user.]

**§ 8-10. DISPROPORTIONATE FALSE ALARMS.**(A) ~~IN GENERAL.~~

- ~~(1) THE COMMISSIONER SHALL KEEP A LOG OF THE NUMBER OF FALSE ALARMS ATTRIBUTABLE TO ALARM SYSTEMS UNDER CONTRACT WITH A REGISTERED CONTRACTOR OR REGISTERED MONITOR.~~
- ~~(2) IF THE COMMISSIONER FINDS THAT, IN ANY 12-MONTH PERIOD, A DISPROPORTIONATE NUMBER OF FALSE ALARMS IS ATTRIBUTABLE TO THE ALARM SYSTEMS OF A SPECIFIC CONTRACTOR OR MONITOR, THE COMMISSIONER MAY ASSESS THAT CONTRACTOR OR MONITOR WITH A FINE OF \$1,000 FOR EACH EXCESSIVE FALSE ALARM.~~

(B) ~~DETERMINING DISPROPORTIONALITY.~~

~~FOR PURPOSES OF THIS SECTION, DISPROPORTIONALITY IS TO BE BASED ON A CONTRACTOR'S OR MONITOR'S RELATIVE MARKET SHARE, IN ACCORDANCE WITH THE RULES AND REGULATIONS ADOPTED BY THE COMMISSIONER UNDER THIS SUBTITLE.~~

**§ 8-9. NO-RESPONSE STATUS.**(A) "NO-RESPONSE STATUS" DEFINED.

IN THIS SECTION, "NO-RESPONSE STATUS" MEANS THAT, EXCEPT FOR A HOLD-UP ALARM OR A PANIC ALARM, POLICE WILL NOT BE DISPATCHED TO INVESTIGATE AN ALARM SIGNAL

(B) WHEN REQUIRED.

- (1) AN ALARM SYSTEM WILL BE PLACED ON NO-RESPONSE STATUS IF, AFTER A WARNING NOTICE HAS BEEN SENT IN ACCORD WITH § 8-8(E) OF THIS SUBTITLE, THE ALARM SYSTEM HAS HAD 15 OR MORE FALSE ALARMS IN ANY 12-MONTH PERIOD.
- (2) THE COMMISSIONER MAY REINSTATE THE ALARM SYSTEM ONLY IF:
  - (I) THE USER APPLIES IN WRITING FOR REINSTATEMENT; AND
  - (II) THE COMMISSIONER FINDS THAT THE ALARM SYSTEM HAS BEEN REPAIRED, UPGRADED, OR REPLACED AND THE CAUSE OF THE FALSE ALARMS CORRECTED.

(C) WHEN AUTHORIZED.

THE COMMISSIONER MAY PLACE AN ALARM SYSTEM ON NO-RESPONSE STATUS IF:

- (1) THE ALARM SYSTEM USER HAS MADE ANY FALSE STATEMENT OF MATERIAL FACT IN THE USER'S REGISTRATION APPLICATION;
- (2) THE USER'S REGISTRATION IS REVOKED; OR
- (3) THE USER FAILS TO PAY TIMELY ANY FEE IMPOSED UNDER § 8-8 OF THIS SUBTITLE.

**§ 8-10. AUTOMATIC DIALERS PROHIBITED.**

NO CONTRACTOR, MONITOR, OR USER MAY INSTALL, OPERATE, OR MAINTAIN ANY DEVICE THAT, ON ACTIVATION OF AN ALARM SYSTEM, AUTOMATICALLY SENDS A PRE-RECORDED MESSAGE OR A CODED SIGNAL TO THE POLICE DEPARTMENT OR OTHER CITY OFFICE.

**§ 8-11. VERIFICATION OF ALARM SIGNAL.**

(A) SCOPE.

THIS SECTION DOES NOT APPLY TO A HOLD-UP ALARM OR PANIC ALARM.

(B) MONITOR TO ATTEMPT TO VERIFY.

BEFORE REQUESTING A POLICE RESPONSE TO AN ALARM SIGNAL, A MONITOR MUST ATTEMPT TO CONTACT THE ALARM SYSTEM SITE, BY TELEPHONE, ELECTRONICALLY, OR VISUALLY, TO VERIFY THE NEED FOR A POLICE RESPONSE.

**§§ 8-12 TO 8-15. {RESERVED}**

**§ 8-11 § 8-16 [§ 8-10]. Administrative and judicial review.**

*(a) Appeal of false alarm fee.*

- (1) 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] UNDER § 8-8 {"FALSE ALARM FEES"} OF THIS SUBTITLE may appeal in writing to the Board of Municipal and Zoning Appeals.

- (2) ON GOOD CAUSE SHOWN, THE BOARD MAY WAIVE THE FEE.

- ~~(3) IF THE FEE IS WAIVED UNDER THIS SUBSECTION AND THE 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] A person whose registration has been revoked under this subtitle may appeal in writing to the Board of Municipal and Zoning Appeals.
- (2) On good cause shown, the Board may rescind the revocation.

~~(C) APPEAL OF FINE:~~

~~(1) A CONTRACTOR OR MONITOR AGAINST WHOM THE COMMISSIONER HAS ASSESSED A FINE UNDER § 8-10 {"DISPROPORTIONATE FALSE ALARMS"} MAY APPEAL IN WRITING TO THE BOARD OF MUNICIPAL AND ZONING APPEALS.~~

~~(2) ON GOOD CAUSE SHOWN, THE BOARD MAY REDUCE THE FINE.~~

~~(D) (c) Judicial review.~~

Any decision of the Board of Municipal and Zoning Appeals under this section may be appealed to court, as provided in the Maryland Rules.

**~~§ 8-12~~ § 8-17 [§ 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.

**~~§ 8-13~~ § 8-18 [§ 8-12]. Criminal penalties.****(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 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 April 16, 2002

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE  
ORDINANCE 02-330  
(Council Bill 01-604)**

**AN ORDINANCE CONCERNING**

**Zoning — Health-Care Facilities — Conditional Use  
Substance Abuse Treatment Center — 2007-2009 Druid Hill Avenue**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a conditional use substance abuse treatment center on the property known as 2007-2009 Druid Hill Avenue, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning  
Section(s) 4-1204 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 conditional use substance abuse treatment center on the property known as 2007-2009 Druid Hill Avenue, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 4-1204 and 14-102 and Health Code § 3-102 of the Baltimore City Code, subject to the condition that the following conditions:

1. Methadone maintenance may be a part of this facility's treatment program.
2. The maximum number of clients enrolled in the substance abuse program at this health facility is 100.
3. Consolidation of properties does not constitute a change in conditional use.
4. The clients' waiting area must be inside the building. If clients come prior to the operation of the program, the building must be opened to accommodate indoor waiting.
5. The conditional use 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 April 16, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-331  
(Council Bill 02-685)**

**AN ORDINANCE CONCERNING**

**Revenue Obligations — Water Projects**

FOR the purpose of increasing the maximum aggregate principal amount of revenue obligations that may be issued by the City to finance or refinance water facilities and, in that connection, amending and restating Ordinance 90-495, as amended; authorizing the Board of Finance to specify, prescribe, determine, provide for, approve, and amend the form, terms, provisions, manner or method of issuing and selling, the time or times of issuance, and all other details of the revenue obligations and any other matters necessary or desirable in connection with the authorization, issuance, sale, and payment of these revenue obligations; providing for a special effective date; and generally relating to the issuance and payment of revenue obligations.

BY amending and restating  
Ordinance 90-495  
In its entirety  
(As amended)

BY authority of  
Article II - General Powers  
Section (50)  
Baltimore City Charter  
  
Article 31 - Debt - Public  
Section 12  
Annotated Code of Maryland

**Recitals**

Ordinance 90-495 authorizes the City to issue from time to time its revenue obligations to finance water facilities within the geographic limits of the City's water system. As most recently amended, the maximum aggregate principal amount of revenue obligations authorized to be issued is \$295,000,000.

Certain events have affected the aggregate principal amount of revenue obligations that may be needed to finance water facilities.

It is in the best interest of the City to amend and restate Ordinance 90-495 to increase the aggregate principal amount of revenue obligations that may be issued and to authorize the Board of Finance to specify, prescribe, determine, provide for, approve, and amend, from time to time, the form, terms,

provisions, manner or method of issuing and selling the revenue obligations (including negotiated as well as competitive bid sales), time or times of issuance, security for the revenue obligations, and all other details of the revenue obligations and other matters necessary or desirable in connection with the authorization, issuance, sale, and payment of the revenue obligations and to do all things necessary, proper, or expedient in connection with the issuance and sale of the revenue obligations.

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That Ordinance 90-495, as last amended by Ordinance 00-015, is amended and restated to read as follows:

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That, in addition to any other terms defined elsewhere in this Ordinance, the following terms have the meanings indicated:

(a) *1990 Resolution.*

“1990 Resolution” means the Mayor and City Council of Baltimore Water Projects Resolution adopted by the Board of Finance June 6, 1990, pursuant to Ordinance 90-495, as amended, restated, and supplemented from time to time.

(b) *Administrative Resolution.*

“Administrative resolution” means, collectively:

- (1) the 1990 Resolution; and
- (2) any other resolution or resolutions adopted by the Board of Finance under this Ordinance.

(c) *Capital receipts.*

“Capital receipts” means all receipts deposited in the Water Capital Fund or any other fund for capital projects designated under the Administrative Resolution, including revenues, receipts from federal grants, State of Maryland grants, county grants (including contributions for service), private grants, State of Maryland loans, City general obligation loan funds, proceeds of the revenue obligations, and all other receipts dedicated to particular capital projects of the water utility.

(d) *Costs of issuance.*

“Costs of issuance” means the costs of issuing any series of revenue obligations, including costs of engraving, printing, and advertising, attorneys fees, underwriting discount, placement fees, consultants fees, bond insurance fees, rating agency fees, initial fees for letters of credit or lines of credit, initial fees of the Trustee, and all other incidental expenses.

(e) *Credit facility.*

“Credit facility” means any liquidity facility, letter of credit, bond insurance policy, bond purchase agreement, guaranty, line of credit, surety bond, or similar credit or liquidity facility securing any revenue obligation or other indebtedness of the City.

(f) *Enabling Laws.*

“Enabling Laws” means:

- (1) City Charter Article II, § (50); and
- (2) State Code Article 31, § 12.

(g) *Financed facilities.*

“Financed facilities” means water utility capital projects that are financed with proceeds of revenue obligations and are either:

- (1) appropriated in any past or the current Ordinance of Estimates (as of the date of issuance of any series of revenue obligations);
- (2) included, from time to time, in the City’s 6-year capital program (or comparable document, from time to time);
- (3) contained in any supplemental appropriation approved from time to time by the Mayor and City Council; or
- (4) the subjects of transfer from existing appropriations in the Ordinance of Estimates, as approved from time to time by the Board of Estimates.

(h) *Includes; including.*

“Includes” or “including” means by way of illustration and not by way of limitation.

(i) *Indebtedness.*

“Indebtedness” means any indebtedness or liability for borrowed money, any installment sale obligation, or any obligation under any financing lease, sale leaseback, or similar transaction capitalized under generally accepted accounting principles that, by law or contract, the City may be obligated to pay from the Water Operating Fund.

(j) *Liquidity facility.*

“Liquidity facility” means a written commitment to provide money to purchase or retire any indebtedness if:

- (1) on the date of the commitment’s delivery, the unsecured indebtedness of the provider of the commitment is rated by any two rating agencies in one of the two highest rating categories; and
- (2) as of any particular date of determination, not more than 10% of any amount realized under the commitment for the payment of the principal or the purchase or redemption price of the indebtedness (exclusive of amounts realized for the payment of accrued interest on the indebtedness) is required to be repaid by the City within the next 12 months.

(k) *Operating revenues.*

“Operating revenues” means all income, revenue, receipts, and other money deposited in the Water Operating Fund, including revenues of the water utility arising from rates and charges established by the City, all amounts derived by the City from the ownership and operation of the

water utility, all accounts, general intangibles, and contract or other rights to receive them, and the proceeds of any of these, but exclusive of capital receipts.

(l) *Refunding revenue bond.*

“Refunding revenue bond” means any bond issued under this Ordinance as a refunding, renewal, or refinancing bond, including any parity bond issued under any ordinance supplemental to this Ordinance.

(m) *Refunding revenue note.*

“Refunding revenue note” means any note or other indebtedness issued under this Ordinance as a refunding, renewal, or refinancing note or indebtedness, including any parity note issued under any ordinance supplemental to this Ordinance.

(n) *Refunding obligations.*

“Refunding obligations” means refunding revenue notes and refunding revenue bonds, collectively.

(o) *Revenue bond.*

“Revenue bond” means any revenue bond issued under this Ordinance, including any parity revenue bond issued under any ordinance supplemental to this Ordinance.

(p) *Revenue note.*

“Revenue note” means any revenue note or other indebtedness issued under this Ordinance, including any parity revenue note or indebtedness issued under any ordinance supplemental to this Ordinance.

(q) *Revenue obligations.*

“Revenue obligations” means revenue notes, revenue bonds, refunding revenue notes, and refunding revenue bonds, collectively.

(r) *Trustee.*

“Trustee” means:

- (1) the bank, trust company, or national banking association appointed under the Administrative Resolution as trustee for any revenue obligations; and
- (2) its successors and any other entity that is substituted in its place in accordance with the Administrative Resolution.

(s) *Water Capital Fund.*

“Water Capital Fund” means the fund of the City to which capital receipts are credited.

(t) *Water facilities.*

“Water facilities” means all water facilities of the City, including financed facilities.

(u) *Water Operating Fund.*

“Water Operating Fund” means the fund of the City to which operating revenues are credited.

(v) *Water utility.*

“Water utility” means the water utility operated under City Charter Article VI, § 18.

SECTION 2. AND BE IT FURTHER ORDAINED, That:

- (a) Revenue obligations may be issued from time to time in an aggregate principal amount not to exceed \$333,000,000 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.
- (b) These revenue obligations may comprise any combination of (i) revenue notes, (ii) revenue bonds, (iii) refunding revenue notes, and (iv) refunding revenue bonds.
- (c) Refunding obligations issued under this Ordinance to refund any revenue obligations previously issued under this Ordinance replace that portion of the authorized amount previously issued and does not reduce the maximum authorized amount of revenue obligations permitted to be issued under this Ordinance.
- (d) (1) Paragraph (2) of this subsection (d) applies whenever:
  - (i) the principal of any revenue obligations previously issued is paid, whether at maturity, on redemption, or otherwise;
  - (ii) any revenue obligations are purchased and cancelled; or
  - (iii) payment of the principal of any revenue obligations is provided for in a manner that makes the revenue obligations no longer outstanding under the terms of the Administrative Resolution.
- (2) In a situation described in paragraph (1) of this subsection, the principal amount of revenue obligations authorized to be issued under this Ordinance is reduced by an amount equal to the principal amount of revenue obligations paid, purchased and cancelled, or otherwise provided for.
- (e) The amount of any credit facility and of any revenue obligation issued to evidence the indebtedness for borrowed money or the liability for that credit facility does not reduce the maximum authorized amount of revenue obligations permitted to be issued under this Ordinance.
- (f) In connection with the issuance of capital appreciation revenue obligations, compound interest revenue obligations, or similar types of revenue obligations, the principal amount of those revenue obligations, for purposes of determining the remaining authorized amount permitted to be issued, is the principal amount outstanding on the date of their issuance.

SECTION 3. AND BE IT FURTHER ORDAINED, That:

- (a) The revenue notes, revenue bonds, or refunding obligations, as the case may be, may be issued in one or more series from time to time.

- (b) Unless otherwise specified in the Administrative Resolution, each series shall be identified by a year and a letter designation. Thus, for example, the first series in the year 2002 (if more than one series of notes or bonds is issued in the year 2002) shall be designated "Revenue Notes (Water Projects), Series 2002-A"; "Revenue Bonds (Water Projects), Series 2002-A"; "Refunding Revenue Notes (Water Projects), Series 2002-A"; or "Refunding Revenue Bonds (Water Projects), Series 2002-A".
- (c) The aggregate principal amount of revenue obligations to be issued at any one time shall be determined by the Board of Finance in the Administrative Resolution.

SECTION 4. AND BE IT FURTHER ORDAINED, That:

- (a) The net proceeds from the sale of revenue notes or revenue bonds, as the case may be, shall be used and applied for the public purposes of:
  - (1) refinancing the City's outstanding revenue bonds and revenue notes that were issued to finance or refinance capital improvements for water facilities of the City;
  - (2) financing, in whole or in part, the cost of the financed facilities (either directly or by repayment to the City, as provided in this Ordinance);
  - (3) funding capitalized interest on any series of revenue notes or revenue bonds, to the extent the Board of Finance considers necessary and in accordance with any time limit established by law on this funding;
  - (4) paying the costs of issuance of any series of revenue notes or revenue bonds; and
  - (5) funding any reserve funds, including reserves for the revenue notes or revenue bonds and operating reserves (to the extent provided by the Board of Finance), created under this Ordinance and the Administrative Resolution.
- (b) The net proceeds from the sale of refunding obligations shall be used and applied for the public purposes of:
  - (1) refinancing, restructuring, refunding, or renewing, in whole or in part, from time to time, any outstanding revenue notes, revenue bonds, refunding obligations, or other indebtedness, including the payment of any redemption premium on them;
  - (2) paying any redemption premium in connection with obligations being refinanced or refunded from the proceeds of the refunding obligations;
  - (3) paying the costs of issuance of any series of refunding obligations; and
  - (4) funding any reserve funds for the Refunding Obligations, including reserves for the payment of the refunding obligations and operating reserves (to the extent provided by the Board of Finance), created under this Ordinance and the Administrative Resolution.

SECTION 5. AND BE IT FURTHER ORDAINED, That:

- (a) The City finds and determines that the Board of Finance, being primarily responsible for the issuance and sale of the City's certificates of indebtedness, has the expertise and experience necessary to be primarily responsible for the determination of matters set forth in this Ordinance to be within its jurisdiction.

- (b) The market for revenue obligations of the City may change from time to time, and it is in the City's best interest to continue the Board of Finance's exercise of its broad authority and flexibility in connection with the issuance of revenue obligations.

SECTION 6. AND BE IT FURTHER ORDAINED, That:

- (a) Before delivery of any series of revenue obligations, the Board of Finance shall adopt an Administrative Resolution.
- (b) The Administrative Resolution shall prescribe, subject to the Enabling Laws:
  - (1) the principal amount of revenue obligations to be issued as a series at any one time;
  - (2) the date of issue of the series of revenue obligations;
  - (3) the interest rate or rates to be borne by the series of revenue obligations or the method by which the interest rate or rates is computed, including limitations on the interest rate or rates beyond which further approvals of the Board of Finance are required;
  - (4) the time periods and method of payment of interest on the series of revenue obligations;
  - (5) the redemption provisions, if any, for the series of revenue obligations;
  - (6) the maturity or maturities of the series of revenue obligations;
  - (7) the denomination or denominations of any revenue obligations;
  - (8) the form, use of registration, and mechanics for payment of the revenue obligations; and
  - (9) any other terms necessary or desirable to carry out this Ordinance, including other matters determined by the Board of Finance under Section 17.

SECTION 7. AND BE IT FURTHER ORDAINED, That the Board of Finance may determine whether a particular issue or series of revenue obligations shall be sold by competitive bidding or by private negotiations. That determination shall be set forth in the Administrative Resolution for the issue or series to which it applies.

SECTION 8. AND BE IT FURTHER ORDAINED, That:

- (a) The Board of Finance may adopt a master administrative resolution that establishes procedures to facilitate the prompt determination and approval of one or more of the matters set forth in this Ordinance.
- (b) These procedures may include telephonic approval and subsequent telegraphic, electronic, or written confirmation of one or more matters by a designated officer of the City, subject to safeguards and guidelines prescribed in the master administrative resolution.

SECTION 9. AND BE IT FURTHER ORDAINED, That the Board of Finance may:

- (1) establish procedures whereby a variable or floating rate or rates can be utilized for any series of revenue obligations;

- (2) establish any necessary relations with a commercial bank or other appropriate institution to facilitate the payment of revenue obligations, including the use of general or standby letters of credit, lines of credit, bond insurance, demand features, loan agreements, credit facilities, liquidity facilities, backup loan arrangements, or notes or similar arrangements; and
- (3) determine that the City should enter into a contract or agreement, payable from operating revenues, intended to place revenue obligations on the interest rate, currency, cash flow, or other basis desired by the Board of Finance, including any interest rate swap agreement, currency swap agreement, forward payment conversion agreement, or futures contract, any contract providing for payments based on levels of, or changes in, interest rates, currency exchange rates, or stock or other indices, any contract to exchange cash flows or a series of payments, or any contract, including an interest rate floor or cap, or an option, put, or call, to hedge payment, currency, rate, spread, or similar exposure, on the terms and provisions that the Board of Finance considers necessary or desirable.

SECTION 10. AND BE IT FURTHER ORDAINED, That:

- (a) The principal of, premium (if any) on, interest on, and purchase price of revenue obligations and, to the extent provided in the Administrative Resolution, the amounts owed to the provider of any credit facility securing any revenue obligations:
  - (1) do not constitute, within the meaning of any constitutional or charter provision or otherwise, an indebtedness of the City or any other political subdivision of the State of Maryland or a charge against the general credit or taxing powers of the City; and
  - (2) may be paid solely from the following, in the order and manner that the Board of Finance prescribes in the Administrative Resolution:
    - (i) operating revenues;
    - (ii) amounts in any funds pledged under the Administrative Resolution to the payment of the revenue obligations, including any reserve fund established by the Board of Finance for payment of the principal of, premium (if any) on, and interest on the revenue obligations and any investment earnings on those funds (to the extent provided by the Board of Finance);
    - (iii) unexpended proceeds of the revenue obligations, including investment earnings on those proceeds (to the extent provided by the Board of Finance); and
    - (iv) other amounts legally available for these purposes.
- (b) The issuance of revenue obligations does not constitute (directly, indirectly, or contingently) an obligation, moral or otherwise, of the State of Maryland, of the City, or of any other political subdivision of the State, to levy or pledge any form of taxation whatever for their payment.

SECTION 11. AND BE IT FURTHER ORDAINED, That:

- (a) From the proceeds of the revenue obligations, from other funds of the water utility, or from any other sources, the Board of Finance may establish one or more reserve funds for the revenue obligations, including debt service reserve funds, which may be pledged to the payment of the principal of, premium (if any) on, interest on, and purchase price of one or more series of revenue obligations in the event that the operating revenues for any year are insufficient to pay these items for that year.



- (b) This section does not preclude the establishment of other reserve funds, the amounts in which are not pledged to payment of revenue obligations, in connection with the revenue obligations or any subordinate obligations of the water utility, including a renewal and replacement fund, a rate stabilization fund, a residual fund, and an operating reserve fund.

SECTION 12. AND BE IT FURTHER ORDAINED, That the City covenants that it will pay the principal of, the premium (if any) on, and the interest on any revenue notes or refunding revenue notes in the nature of bond anticipation notes from the first proceeds of refunding revenue bonds issued under this Ordinance when, and as soon as, the reason for deferring their issuance no longer exists and, in any event, in sufficient time to permit the revenue obligations to be paid at maturity or extended maturity.

SECTION 13. AND BE IT FURTHER ORDAINED, That:

- (a) All revenue obligations and other agreements of the City under this Ordinance shall be executed in the name of the City and on its behalf by the Mayor and the Director of Finance, by manual or facsimile signatures. The corporate seal of the City shall be printed or imprinted on the revenue obligations and attested by the Custodian or Alternate Custodian of the City Seal, by manual or facsimile signature.
- (b) If the Board of Finance finds that the nature of a transaction so requires, the Board may establish in the Administrative Resolution a procedure whereby the Trustee, a responsible trust company, or other authorized trustee, issuing agent, or paying agent maintains an inventory of blank revenue obligations that have been previously imprinted and signed and are available for delivery to purchasers under conditions that require prompt action and delivery.
- (c) If any official whose signature appears on any series of revenue obligations ceases to be an official before the delivery of the revenue obligations, or if any official whose signature appears on any series of revenue obligations became an official after the date of issue, the revenue obligations of that series are nonetheless valid and legally binding limited obligations of the City in accordance with their terms.

SECTION 14. AND BE IT FURTHER ORDAINED, That:

- (a) The proceeds from the sale of revenue obligations shall be paid to the Director of Finance for deposit, investment, and disbursement in accordance with the Enabling Laws, this Ordinance, and the Administrative Resolution.
- (b) On presentation of the appropriate vouchers, as provided in the Administrative Resolution, the Trustee or the City shall pay from the proceeds of each series of revenue obligations all costs of issuance. Nothing prevents the City from paying any underwriting discount or placement fee payable in connection with any series of revenue obligations by the underwriters' or placement agents' deduction of an amount equal to the discount or placement fee from the offering price of the series of revenue obligations.
- (c) The Trustee shall credit to a special account established under the Administrative Resolution the amount, if any, of the proceeds of each series of revenue obligations designated as capitalized interest on that series of revenue obligations.
- (d) Before the proceeds of any series of revenue obligations are expended, all or any part of the proceeds may be invested by the Trustee, in accordance with the Administrative Resolution and within any limitation and in the manner provided by law.

- (e) On presentation to the Trustee or the City of appropriate requests, as provided in the Administrative Resolution, the Trustee shall make payments from the proceeds of any series of revenue obligations for any of the purposes specified in this Ordinance and in the Administrative Resolution.
- (f) If the funds derived from the sale of the revenue notes or revenue bonds exceed the amount needed (i) to refund any outstanding obligations of the City to be refunded under the Administrative Resolution and (ii) to finance the financed facilities, the funds so borrowed and not expended for the public improvements authorized by this Ordinance shall be applied as determined by the Board of Finance, under the terms and conditions set forth in the Administrative Resolution, including to fund reserve fund deficiencies, if any, to pay principal of or interest on revenue obligations, to redeem or purchase revenue obligations, or to pay for other capital projects of the water utility within any limitation provided by law.

SECTION 15. AND BE IT FURTHER ORDAINED, That:

- (a) The Board of Finance may take the actions and make the commitments on behalf of the City described in this Section 15.
- (b) The Board of Finance may determine and set forth the form, terms, provisions (including redemption provisions and sinking fund requirements, if any), manner or method of issuing and selling the revenue obligations (including negotiated or competitive bid sale), time or times of issuance, security for the revenue obligations, and all other details and other matters necessary or desirable in connection with the authorization, issuance, sale, and payment of the revenue obligations.
- (c) In conjunction with the prospective underwriters or placement agents, if any, for the revenue obligations, the Board of Finance may prepare and distribute preliminary and final official statements or placement memoranda or circulars as the Board of Finance considers necessary or desirable. All preliminary official statements or placement memoranda or circulars shall be clearly marked to indicate that they are subject to completion and amendment.
- (d) (1) The Board of Finance may determine the dates, times, and places for submission of an underwriting or placement agreement or purchase contract by the underwriters or placement agents for the revenue obligations or purchasers of the revenue obligations.  
(2) The underwriting or placement agreement or purchase contract shall specify:
  - (i) the interest rate or rates proposed to be paid on the revenue obligations or the method by which the interest rate or rates shall be computed;
  - (ii) the price at which the revenue obligations are to be sold to the underwriters, placement agents, or purchasers; and
  - (iii) any other matters that the underwriters, placement agents, or purchasers and the Board of Finance consider necessary or desirable to effect the sale and delivery of the revenue obligations.
- (e) The Board of Finance may determine the interest rate or rates to be paid by the City on the revenue obligations or the method by which the interest rate or rates is computed in accordance with the proposed underwriting or placement agreement or purchase contract submitted by the underwriters or placement agents for the revenue obligations or purchasers of the revenue obligations.

- (f) The Board of Finance, as it considers necessary or desirable, may appoint one or more banks with trust powers, or trust companies, as Trustee, registrar, or paying agent for the revenue obligations.
- (g) (1) The Board of Finance may approve the form of trust agreements (which may be the Administrative Resolution) between the City and the Trustee.
  - (2) The trust agreements may:
    - (i) pledge or assign all or any part of the security of the revenue obligations, consistent with the covenants contained in this Ordinance and the Administrative Resolution;
    - (ii) contain reasonable and proper provisions for the protection and enforcement of the rights and remedies of the holders of revenue obligations;
    - (iii) set forth the rights and remedies of the holders of revenue obligations and the Trustee;
    - (iv) restrict the individual right of action by the holders of revenue obligations;
    - (v) provide for the issuance of additional revenue obligations subordinate to, or on a parity with, revenue obligations previously issued under the trust agreement or the Administrative Resolution, consistent with this Ordinance and the provisions of the trust agreement or the Administrative Resolution; and
    - (vi) contain whatever other provisions the Board of Finance considers reasonable and proper for the security of the holders of revenue obligations.
- (h) The Board of Finance may amend, restate, or supplement the Administrative Resolution in accordance with the Enabling Laws, this Ordinance, and the Administrative Resolution.

SECTION 16. AND BE IT FURTHER ORDAINED, That the Board of Finance may perform any and all actions that it considers necessary or desirable to effect the issuance and sale of the revenue obligations in accordance with this Ordinance and the underwriting or placement agreements or purchase contracts for the revenue obligations.

SECTION 17. AND BE IT FURTHER ORDAINED, That, before any revenue obligations are sold, the Board of Finance may determine by administrative resolution:

- (1) the provisions of the trust agreement between the City and the Trustee;
- (2) the manner of execution, authentication, registration, and transfer of the revenue obligations;
- (3) provisions for authentication and delivery of the revenue obligations;
- (4) the terms of any private insurance, public insurance, or other security for the revenue obligations;
- (5) provisions for creating, holding, and disbursing any funds and accounts to be held by the Trustee or the Director of Finance;
- (6) provisions for applying the operating revenues;
- (7) provisions for the security for and investment of money held by the Trustee or the Director of Finance;

- (8) the procedures for redeeming the revenue obligations;
- (9) remedies for holders of revenue obligations in the event of default;
- (10) the duties, rights, and immunities of the Trustee;
- (11) the manner of executing instruments by holders of revenue obligations and the method of proving ownership of revenue obligations;
- (12) provisions for modifying the trust agreement;
- (13) provisions for the defeasance of revenue obligations;
- (14) the forms of the revenue obligations (including book-entry or certificated bonds) and of the Trustee's authentication certificate; and
- (15) any other matters in connection with the authorization, issuance, security, sale, payment, and refunding of the revenue obligations that the Board of Finance considers appropriate.

SECTION 18. AND BE IT FURTHER ORDAINED, That any resolution adopted under this Ordinance is considered to be administrative.

SECTION 19. AND BE IT FURTHER ORDAINED, That nothing in this Ordinance precludes a consolidation or other combination of the water utility and the wastewater utility or any budgetary restructuring or interfund reorganization of these utilities, so long as it is determined, in accordance with procedures set forth in the Administrative Resolution, that the consolidation or combination will not impair the security for the revenue obligations.

SECTION 20. AND BE IT FURTHER ORDAINED, That nothing in this Ordinance precludes a pledge, with respect to the revenue obligations, of revenues of and amounts held by the water utility, including the operating revenues, under different or alternative formulations than that provided in this Ordinance and the Administrative Resolution.

SECTION 21. AND BE IT FURTHER ORDAINED, That:

- (a) The Mayor and City Council may amend or supplement this Ordinance from time to time as necessary or desirable to increase the authorized amount of revenue obligations and for any other purpose, as long as the action is otherwise consistent with the terms of this Ordinance, the Administrative Resolution, and the revenue obligations.
- (b) The Administrative Resolution shall provide that no additional revenue obligations may be issued under this Ordinance unless:
  - (1) no event of default exists on the date that the additional revenue obligations are issued; and
  - (2) there is a determination, under the Administrative Resolution, that the rate requirements prescribed by the Administrative Resolution will be met on the date that the additional revenue obligations are issued.

SECTION 22. AND BE IT FURTHER ORDAINED, That if the Board of Finance fails to take any action or act on any matter delegated to it or authorized to be implemented by it, the action or matter may be taken or acted on or implemented by a resolution of the Mayor and City Council.

SECTION 23. AND BE IT FURTHER ORDAINED, That:

- (a) Revenue obligations may be issued under this Ordinance with the expectation that interest on the revenue obligations will be exempt from federal income taxation ("tax-exempt obligations").
- (b) The Administrative Resolution under which tax-exempt obligations are issued shall prescribe covenants and matters that the Board of Finance considers necessary or desirable to assure that the revenue obligations will not be considered "arbitrage bonds" within the meaning of § 148 of the Internal Revenue Code and its regulations and to assure holders of the revenue obligations that interest on them will be and remain exempt from federal income taxation.
- (c) The Mayor, the Director of Finance, and the Chief of the Bureau of Treasury Management shall prepare or cause to be prepared and shall execute any certification, opinion, or other document that may be required to maintain the exemption of interest on tax-exempt obligations from federal income taxation.

SECTION 24. AND BE IT FURTHER ORDAINED, That the covenants contained in this Ordinance are for the benefit of the holders of the revenue obligations from time to time and are enforceable by those holders, subject to any limitations set forth in the Administrative Resolution.

SECTION 25. AND BE IT FURTHER ORDAINED, That the provisions of this Ordinance are severable. If any provision, sentence, clause, section, or other part of this Ordinance is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, that illegality, invalidity, unconstitutionality, or inapplicability does not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is the intent of the Mayor and City Council that this Ordinance would have been adopted even if the illegal, invalid, unconstitutional, or inapplicable provision, sentence, clause, section, or other part had not been included in this Ordinance, and as if the person or circumstances to which this Ordinance or part are inapplicable had been specifically exempted.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That the Board of Finance may amend, restate, or supplement the 1990 Resolution, in accordance with that Resolution's provisions governing amendments, to accomplish any of the purposes set forth in this Ordinance and to specify, prescribe, determine, provide for, approve, and amend, from time to time, the form, terms, provisions, manner, or method of issuing and selling the revenue obligations (including negotiated or competitive bid sale), time or times of issuance, security for the revenue obligations, and all other details and other matters necessary or desirable in connection with the authorization, issuance, sale, and payment of the revenue obligations and to do all things necessary, proper, or expedient in connection with the issuance and sale of those revenue obligations.

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

Approved April 16, 2002

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE  
ORDINANCE 02-332  
(Council Bill 02-686)**

**AN ORDINANCE CONCERNING**

**Revenue Obligations — Wastewater Projects**

FOR the purpose of increasing the maximum aggregate principal amount of revenue obligations that may be issued by the City to finance or refinance wastewater facilities and, in that connection, amending and restating Ordinance 90-496, as amended; authorizing the Board of Finance to specify, prescribe, determine, provide for, approve, and amend the form, terms, provisions, manner or method of issuing and selling, the time or times of issuance, and all other details of the revenue obligations and any other matters necessary or desirable in connection with the authorization, issuance, sale, and payment of these revenue obligations; providing for a special effective date; and generally relating to the issuance and payment of revenue obligations.

BY amending and restating  
Ordinance 90-496  
In its entirety  
(As amended)

BY authority of  
Article II - General Powers  
Section (50)  
Baltimore City Charter  
  
Article 31 - Debt - Public  
Section 12  
Annotated Code of Maryland

**Recitals**

Ordinance 90-496 authorizes the City to issue from time to time its revenue obligations to finance wastewater facilities within the geographic limits of the City's wastewater system. As most recently amended, the maximum aggregate principal amount of revenue obligations authorized to be issued is \$240,000,000.

Certain events have affected the aggregate principal amount of revenue obligations that may be needed to finance wastewater facilities.

It is in the best interest of the City to amend and restate Ordinance 90-496 to increase the aggregate principal amount of revenue obligations that may be issued and to authorize the Board of Finance to specify, prescribe, determine, provide for, approve, and amend, from time to time, the form, terms, provisions, manner or method of issuing and selling the revenue obligations (including negotiated as well as competitive bid sales), time or times of issuance, security for the revenue obligations, and all other details of the revenue obligations and other matters necessary or desirable in connection with the authorization, issuance, sale, and payment of the revenue obligations and to do all things necessary, proper, or expedient in connection with the issuance and sale of the revenue obligations.

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That Ordinance 90-496, as last amended by Ordinance 00-014, is amended and restated to read as follows:

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That, in addition to any other terms defined elsewhere in this Ordinance, the following terms have the meanings indicated:

(a) *1990 Resolution.*

“1990 Resolution” means the Mayor and City Council of Baltimore Wastewater Projects Resolution adopted by the Board of Finance June 6, 1990, pursuant to Ordinance 90-496, as amended, restated, and supplemented from time to time.

(b) *Administrative Resolution.*

“Administrative resolution” means, collectively:

- (1) the 1990 Resolution; and
- (2) any other resolution or resolutions adopted by the Board of Finance under this Ordinance.

(c) *Capital receipts.*

“Capital receipts” means all receipts deposited in the Wastewater Capital Fund or any other fund for capital projects designated under the Administrative Resolution, including revenues, receipts from federal grants, State of Maryland grants, county grants (including contributions for service), private grants, State of Maryland loans, City general obligation loan funds, proceeds of the revenue obligations, and all other receipts dedicated to particular capital projects of the wastewater utility.

(d) *Costs of issuance.*

“Costs of issuance” means the costs of issuing any series of revenue obligations, including costs of engraving, printing, and advertising, attorneys fees, underwriting discount, placement fees, consultants fees, bond insurance fees, rating agency fees, initial fees for letters of credit or lines of credit, initial fees of the Trustee, and all other incidental expenses.

(e) *Credit facility.*

“Credit facility” means any liquidity facility, letter of credit, bond insurance policy, bond purchase agreement, guaranty, line of credit, surety bond, or similar credit or liquidity facility securing any revenue obligation or other indebtedness of the City.

(f) *Enabling Laws.*

“Enabling Laws” means:

- (1) City Charter Article II, § (50); and
- (2) State Code Article 31, § 12.

(g) *Financed facilities.*

“Financed facilities” means wastewater utility capital projects that are financed with proceeds of revenue obligations and are either:

- (1) appropriated in any past or the current Ordinance of Estimates (as of the date of issuance of any series of revenue obligations);
- (2) included, from time to time, in the City's 6-year capital program (or comparable document, from time to time);
- (3) contained in any supplemental appropriation approved from time to time by the Mayor and City Council; or
- (4) the subjects of transfer from existing appropriations in the Ordinance of Estimates, as approved from time to time by the Board of Estimates.

(h) *Includes; including.*

"Includes" or "including" means by way of illustration and not by way of limitation.

(i) *Indebtedness.*

"Indebtedness" means any indebtedness or liability for borrowed money, any installment sale obligation, or any obligation under any financing lease, sale leaseback, or similar transaction capitalized under generally accepted accounting principles that, by law or contract, the City may be obligated to pay from the Wastewater Operating Fund.

(j) *Liquidity facility.*

"Liquidity facility" means a written commitment to provide money to purchase or retire any indebtedness if:

- (1) on the date of the commitment's delivery, the unsecured indebtedness of the provider of the commitment is rated by any two rating agencies in one of the two highest rating categories; and
- (2) as of any particular date of determination, not more than 10% of any amount realized under the commitment for the payment of the principal or the purchase or redemption price of the indebtedness (exclusive of amounts realized for the payment of accrued interest on the indebtedness) is required to be repaid by the City within the next 12 months.

(k) *Operating revenues.*

"Operating revenues" means all income, revenue, receipts, and other money deposited in the Wastewater Operating Fund, including revenues of the wastewater utility arising from rates and charges established by the City, all amounts derived by the City from the ownership and operation of the wastewater utility, all accounts, general intangibles, and contract or other rights to receive them, and the proceeds of any of these, but exclusive of capital receipts.

(l) *Refunding revenue bond.*

"Refunding revenue bond" means any bond issued under this Ordinance as a refunding, renewal, or refinancing bond, including any parity bond issued under any ordinance supplemental to this Ordinance.



(m) *Refunding revenue note.*

“Refunding revenue note” means any note or other indebtedness issued under this Ordinance as a refunding, renewal, or refinancing note or indebtedness, including any parity note issued under any ordinance supplemental to this Ordinance.

(n) *Refunding obligations.*

“Refunding obligations” means refunding revenue notes and refunding revenue bonds, collectively.

(o) *Revenue bond.*

“Revenue bond” means any revenue bond issued under this Ordinance, including any parity revenue bond issued under any ordinance supplemental to this Ordinance.

(p) *Revenue note.*

“Revenue note” means any revenue note or other indebtedness issued under this Ordinance, including any parity revenue note or indebtedness issued under any ordinance supplemental to this Ordinance.

(q) *Revenue obligations.*

“Revenue obligations” means revenue notes, revenue bonds, refunding revenue notes, and refunding revenue bonds, collectively.

(r) *Trustee.*

“Trustee” means:

- (1) the bank, trust company, or national banking association appointed under the Administrative Resolution as trustee for any revenue obligations; and
- (2) its successors and any other entity that is substituted in its place in accordance with the Administrative Resolution.

(s) *Wastewater Capital Fund.*

“Wastewater Capital Fund” means the fund of the City to which capital receipts are credited.

(t) *Wastewater facilities.*

“Wastewater facilities” means all wastewater facilities of the City, including financed facilities.

(u) *Wastewater Operating Fund.*

“Wastewater Operating Fund” means the fund of the City to which operating revenues are credited.

(v) *Wastewater utility.*

“Wastewater utility” means the wastewater utility operated under City Charter Article VI, § 18.

## SECTION 2. AND BE IT FURTHER ORDAINED, That:

- (a) Revenue obligations may be issued from time to time in an aggregate principal amount not to exceed \$543,000,000 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.
- (b) These revenue obligations may comprise any combination of (i) revenue notes, (ii) revenue bonds, (iii) refunding revenue notes, and (iv) refunding revenue bonds.
- (c) Refunding obligations issued under this Ordinance to refund any revenue obligations previously issued under this Ordinance replace that portion of the authorized amount previously issued and does not reduce the maximum authorized amount of revenue obligations permitted to be issued under this Ordinance.
- (d) (1) Paragraph (2) of this subsection (d) applies whenever:
  - (i) the principal of any revenue obligations previously issued is paid, whether at maturity, on redemption, or otherwise;
  - (ii) any revenue obligations are purchased and cancelled; or
  - (iii) payment of the principal of any revenue obligations is provided for in a manner that makes the revenue obligations no longer outstanding under the terms of the Administrative Resolution.
- (2) In a situation described in paragraph (1) of this subsection, the principal amount of revenue obligations authorized to be issued under this Ordinance is reduced by an amount equal to the principal amount of revenue obligations paid, purchased and cancelled, or otherwise provided for.
- (e) The amount of any credit facility and of any revenue obligation issued to evidence the indebtedness for borrowed money or the liability for that credit facility does not reduce the maximum authorized amount of revenue obligations permitted to be issued under this Ordinance.
- (f) In connection with the issuance of capital appreciation revenue obligations, compound interest revenue obligations, or similar types of revenue obligations the principal amount of those revenue obligations, for purposes of determining the remaining authorized amount permitted to be issued, is the principal amount outstanding on the date of their issuance.

## SECTION 3. AND BE IT FURTHER ORDAINED, That:

- (a) The revenue notes, revenue bonds, or refunding obligations, as the case may be, may be issued in one or more series from time to time.
- (b) Unless otherwise specified in the Administrative Resolution, each series shall be identified by a year and a letter designation. Thus, for example, the first series in the year 2002 (if more than one series of notes or bonds is issued in the year 2002) shall be designated "Revenue Notes (Wastewater Projects), Series 2002-A"; "Revenue Bonds (Wastewater Projects), Series 2002-A"; "Refunding Revenue Notes (Wastewater Projects), Series 2002-A"; or "Refunding Revenue Bonds (Wastewater Projects), Series 2002-A".

- (c) The aggregate principal amount of revenue obligations to be issued at any one time shall be determined by the Board of Finance in the Administrative Resolution.

SECTION 4. AND BE IT FURTHER ORDAINED, That:

- (a) The net proceeds from the sale of revenue notes or revenue bonds, as the case may be, shall be used and applied for the public purposes of:
  - (1) refinancing the City's outstanding revenue bonds and revenue notes that were issued to finance or refinance capital improvements for wastewater facilities of the City;
  - (2) financing, in whole or in part, the cost of the financed facilities (either directly or by repayment to the City, as provided in this Ordinance);
  - (3) funding capitalized interest on any series of revenue notes or revenue bonds, to the extent the Board of Finance considers necessary and in accordance with any time limit established by law on this funding;
  - (4) paying the costs of issuance of any series of revenue notes or revenue bonds; and
  - (5) funding any reserve funds, including reserves for the revenue notes or revenue bonds and operating reserves (to the extent provided by the Board of Finance), created under this Ordinance and the Administrative Resolution.
- (b) The net proceeds from the sale of refunding obligations shall be used and applied for the public purposes of:
  - (1) refinancing, restructuring, refunding, or renewing, in whole or in part, from time to time, any outstanding revenue notes, revenue bonds, refunding obligations, or other indebtedness, including the payment of any redemption premium on them;
  - (2) paying any redemption premium in connection with obligations being refinanced or refunded from the proceeds of the refunding obligations;
  - (3) paying the costs of issuance of any series of refunding obligations; and
  - (4) funding any reserve funds for the Refunding Obligations, including reserves for the payment of the refunding obligations and operating reserves (to the extent provided by the Board of Finance), created under this Ordinance and the Administrative Resolution.

SECTION 5. AND BE IT FURTHER ORDAINED, That:

- (a) The City finds and determines that the Board of Finance, being primarily responsible for the issuance and sale of the City's certificates of indebtedness, has the expertise and experience necessary to be primarily responsible for the determination of matters set forth in this Ordinance to be within its jurisdiction.
- (b) The market for revenue obligations of the City may change from time to time, and it is in the City's best interest to continue the Board of Finance's exercise of its broad authority and flexibility in connection with the issuance of revenue obligations.

SECTION 6. AND BE IT FURTHER ORDAINED, That:

- (a) Before delivery of any series of revenue obligations, the Board of Finance shall adopt an Administrative Resolution.
- (b) The Administrative Resolution shall prescribe, subject to the Enabling Laws:
  - (1) the principal amount of revenue obligations to be issued as a series at any one time;
  - (2) the date of issue of the series of revenue obligations;
  - (3) the interest rate or rates to be borne by the series of revenue obligations or the method by which the interest rate or rates is computed, including limitations on the interest rate or rates beyond which further approvals of the Board of Finance are required;
  - (4) the time periods and method of payment of interest on the series of revenue obligations;
  - (5) the redemption provisions, if any, for the series of revenue obligations;
  - (6) the maturity or maturities of the series of revenue obligations;
  - (7) the denomination or denominations of any revenue obligations;
  - (8) the form, use of registration, and mechanics for payment of the revenue obligations; and
  - (9) any other terms necessary or desirable to carry out this Ordinance, including other matters determined by the Board of Finance under Section 17.

SECTION 7. AND BE IT FURTHER ORDAINED, That the Board of Finance may determine whether a particular issue or series of revenue obligations shall be sold by competitive bidding or by private negotiations. That determination shall be set forth in the Administrative Resolution for the issue or series to which it applies.

SECTION 8. AND BE IT FURTHER ORDAINED, That:

- (a) The Board of Finance may adopt a master administrative resolution that establishes procedures to facilitate the prompt determination and approval of one or more of the matters set forth in this Ordinance.
- (b) These procedures may include telephonic approval and subsequent telegraphic, electronic, or written confirmation of one or more matters by a designated officer of the City, subject to safeguards and guidelines prescribed in the master administrative resolution.

SECTION 9. AND BE IT FURTHER ORDAINED, That the Board of Finance may:

- (1) establish procedures whereby a variable or floating rate or rates can be utilized for any series of revenue obligations;
- (2) establish any necessary relations with a commercial bank or other appropriate institution to facilitate the payment of revenue obligations, including the use of general or standby letters of credit, lines of credit, bond insurance, demand features, loan agreements, credit facilities, liquidity facilities, backup loan arrangements, or notes or similar arrangements; and
- (3) determine that the City should enter into a contract or agreement, payable from operating revenues, intended to place revenue obligations on the interest rate, currency, cash flow, or other

basis desired by the Board of Finance, including any interest rate swap agreement, currency swap agreement, forward payment conversion agreement, or futures contract, any contract providing for payments based on levels of, or changes in, interest rates, currency exchange rates, or stock or other indices, any contract to exchange cash flows or a series of payments, or any contract, including an interest rate floor or cap, or an option, put, or call, to hedge payment, currency, rate, spread, or similar exposure, on the terms and provisions that the Board of Finance considers necessary or desirable.

SECTION 10. AND BE IT FURTHER ORDAINED, That:

- (a) The principal of, premium (if any) on, interest on, and purchase price of revenue obligations and, to the extent provided in the Administrative Resolution, the amounts owed to the provider of any credit facility securing any revenue obligations:
  - (1) do not constitute, within the meaning of any constitutional or charter provision or otherwise, an indebtedness of the City or any other political subdivision of the State of Maryland or a charge against the general credit or taxing powers of the City; and
  - (2) may be paid solely from the following, in the order and manner that the Board of Finance prescribes in the Administrative Resolution:
    - (i) operating revenues;
    - (ii) amounts in any funds pledged under the Administrative Resolution to the payment of the revenue obligations, including any reserve fund established by the Board of Finance for payment of the principal of, premium (if any) on, and interest on the revenue obligations and any investment earnings on those funds (to the extent provided by the Board of Finance);
    - (iii) unexpended proceeds of the revenue obligations, including investment earnings on those proceeds (to the extent provided by the Board of Finance); and
    - (iv) other amounts legally available for these purposes.
- (b) The issuance of revenue obligations does not constitute (directly, indirectly, or contingently) an obligation, moral or otherwise, of the State of Maryland, of the City, or of any other political subdivision of the State, to levy or pledge any form of taxation whatever for their payment.

SECTION 11. AND BE IT FURTHER ORDAINED, That:

- (a) From the proceeds of the revenue obligations, from other funds of the wastewater utility, or from any other sources, the Board of Finance may establish one or more reserve funds for the revenue obligations, including debt service reserve funds, which may be pledged to the payment of the principal of, premium (if any) on, interest on, and purchase price of one or more series of revenue obligations in the event that the operating revenues for any year are insufficient to pay these items for that year.
- (b) This section does not preclude the establishment of other reserve funds, the amounts in which are not pledged to payment of revenue obligations, in connection with the revenue obligations or any subordinate obligations of the wastewater utility, including a renewal and replacement fund, a rate stabilization fund, a residual fund, and an operating reserve fund.

SECTION 12. AND BE IT FURTHER ORDAINED, That the City covenants that it will pay the principal of, the premium (if any) on, and the interest on any revenue notes or refunding revenue notes in the nature of bond anticipation notes from the first proceeds of refunding revenue bonds issued under this Ordinance when, and as soon as, the reason for deferring their issuance no longer exists and, in any event, in sufficient time to permit the revenue obligations to be paid at maturity or extended maturity.

SECTION 13. AND BE IT FURTHER ORDAINED, That:

- (a) All revenue obligations and other agreements of the City under this Ordinance shall be executed in the name of the City and on its behalf by the Mayor and the Director of Finance, by manual or facsimile signatures. The corporate seal of the City shall be printed or imprinted on the revenue obligations and attested by the Custodian or Alternate Custodian of the City Seal, by manual or facsimile signature.
- (b) If the Board of Finance finds that the nature of a transaction so requires, the Board may establish in the Administrative Resolution a procedure whereby the Trustee, a responsible trust company, or other authorized trustee, issuing agent, or paying agent maintains an inventory of blank revenue obligations that have been previously imprinted and signed and are available for delivery to purchasers under conditions that require prompt action and delivery.
- (c) If any official whose signature appears on any series of revenue obligations ceases to be an official before the delivery of the revenue obligations, or if any official whose signature appears on any series of revenue obligations became an official after the date of issue, the revenue obligations of that series are nonetheless valid and legally binding limited obligations of the City in accordance with their terms.

SECTION 14. AND BE IT FURTHER ORDAINED, That:

- (a) The proceeds from the sale of revenue obligations shall be paid to the Director of Finance for deposit, investment, and disbursement in accordance with the Enabling Laws, this Ordinance, and the Administrative Resolution.
- (b) On presentation of the appropriate vouchers, as provided in the Administrative Resolution, the Trustee or the City shall pay from the proceeds of each series of revenue obligations all costs of issuance. Nothing prevents the City from paying any underwriting discount or placement fee payable in connection with any series of revenue obligations by the underwriters' or placement agents' deduction of an amount equal to the discount or placement fee from the offering price of the series of revenue obligations.
- (c) The Trustee shall credit to a special account established under the Administrative Resolution the amount, if any, of the proceeds of each series of revenue obligations designated as capitalized interest on that series of revenue obligations.
- (d) Before the proceeds of any series of revenue obligations are expended, all or any part of the proceeds may be invested by the Trustee, in accordance with the Administrative Resolution and within any limitation and in the manner provided by law.
- (e) On presentation to the Trustee or the City of appropriate requests, as provided in the Administrative Resolution, the Trustee shall make payments from the proceeds of any series of revenue obligations for any of the purposes specified in this Ordinance and in the Administrative Resolution.

- (f) If the funds derived from the sale of the revenue notes or revenue bonds exceed the amount needed (i) to refund any outstanding obligations of the City to be refunded under the Administrative Resolution and (ii) to finance the financed facilities, the funds so borrowed and not expended for the public improvements authorized by this Ordinance shall be applied as determined by the Board of Finance, under the terms and conditions set forth in the Administrative Resolution, including to fund reserve fund deficiencies, if any, to pay principal of or interest on revenue obligations, to redeem or purchase revenue obligations, or to pay for other capital projects of the wastewater utility within any limitation provided by law.

SECTION 15. AND BE IT FURTHER ORDAINED, That:

- (a) The Board of Finance may take the actions and make the commitments on behalf of the City described in this Section 15.
- (b) The Board of Finance may determine and set forth the form, terms, provisions (including redemption provisions and sinking fund requirements, if any), manner or method of issuing and selling the revenue obligations (including negotiated or competitive bid sale), time or times of issuance, and security for the revenue obligations, and all other details and other matters necessary or desirable in connection with the authorization, issuance, sale, and payment of the revenue obligations.
- (c) In conjunction with the prospective underwriters or placement agents, if any, for the revenue obligations, the Board of Finance may prepare and distribute preliminary and final official statements or placement memoranda or circulars as the Board of Finance considers necessary or desirable. All preliminary official statements or placement memoranda or circulars shall be clearly marked to indicate that they are subject to completion and amendment.
- (d) (1) The Board of Finance may determine the dates, times, and places for submission of an underwriting or placement agreement or purchase contract by the underwriters or placement agents for the revenue obligations or purchasers of the revenue obligations.  
(2) The underwriting or placement agreement or purchase contract shall specify:
  - (i) the interest rate or rates proposed to be paid on the revenue obligations or the method by which the interest rate or rates shall be computed;
  - (ii) the price at which the revenue obligations are to be sold to the underwriters, placement agents, or purchasers; and
  - (iii) any other matters that the underwriters, placement agents, or purchasers and the Board of Finance consider necessary or desirable to effect the sale and delivery of the revenue obligations.
- (e) The Board of Finance may determine the interest rate or rates to be paid by the City on the revenue obligations or the method by which the interest rate or rates is computed in accordance with the proposed underwriting or placement agreement or purchase contract submitted by the underwriters or placement agents for the revenue obligations or purchasers of the revenue obligations.
- (f) The Board of Finance, as it considers necessary or desirable, may appoint one or more banks with trust powers, or trust companies, as Trustee, registrar, or paying agent for the revenue obligations.

- (g) (1) The Board of Finance may approve the form of trust agreements (which may be the Administrative Resolution) between the City and the Trustee.
- (2) The trust agreements may:
  - (i) pledge or assign all or any part of the security of the revenue obligations, consistent with the covenants contained in this Ordinance and the Administrative Resolution;
  - (ii) contain reasonable and proper provisions for the protection and enforcement of the rights and remedies of the holders of revenue obligations;
  - (iii) set forth the rights and remedies of the holders of revenue obligations and the Trustee;
  - (iv) restrict the individual right of action by the holders of revenue obligations;
  - (v) provide for the issuance of additional revenue obligations subordinate to, or on a parity with, revenue obligations previously issued under the trust agreement or the Administrative Resolution, consistent with this Ordinance and the provisions of the trust agreement or the Administrative Resolution; and
  - (vi) contain whatever other provisions the Board of Finance considers reasonable and proper for the security of the holders of revenue obligations.
- (h) The Board of Finance may amend, restate, or supplement the Administrative Resolution in accordance with the Enabling Laws, this Ordinance, and the Administrative Resolution.

SECTION 16. AND BE IT FURTHER ORDAINED, That the Board of Finance may perform any and all actions that it considers necessary or desirable to effect the issuance and sale of the revenue obligations in accordance with this Ordinance and the underwriting or placement agreements or purchase contracts for the revenue obligations.

SECTION 17. AND BE IT FURTHER ORDAINED, That, before any revenue obligations are sold, the Board of Finance may determine by administrative resolution:

- (1) the provisions of the trust agreement between the City and the Trustee;
- (2) the manner of execution, authentication, registration, and transfer of the revenue obligations;
- (3) provisions for authentication and delivery of the revenue obligations;
- (4) the terms of any private insurance, public insurance, or other security for the revenue obligations;
- (5) provisions for creating, holding, and disbursing any funds and accounts to be held by the Trustee or the Director of Finance;
- (6) provisions for applying the operating revenues;
- (7) provisions for the security for and investment of money held by the Trustee or the Director of Finance;
- (8) the procedures for redeeming the revenue obligations;



- (9) remedies for holders of revenue obligations in the event of default;
- (10) the duties, rights, and immunities of the Trustee;
- (11) the manner of executing instruments by holders of revenue obligations and the method of proving ownership of revenue obligations;
- (12) provisions for modifying the trust agreement;
- (13) provisions for the defeasance of revenue obligations;
- (14) the forms of the revenue obligations (including book-entry or certificated bonds) and of the Trustee's authentication certificate; and
- (15) any other matters in connection with the authorization, issuance, security, sale, payment, and refunding of the revenue obligations that the Board of Finance considers appropriate.

SECTION 18. AND BE IT FURTHER ORDAINED, That any resolution adopted under this Ordinance is considered to be administrative.

SECTION 19. AND BE IT FURTHER ORDAINED, That nothing in this Ordinance precludes a consolidation or other combination of the wastewater utility and the water utility or any budgetary restructuring or interfund reorganization of these utilities, so long as it is determined, in accordance with procedures set forth in the Administrative Resolution, that the consolidation or combination will not impair the security for the revenue obligations.

SECTION 20. AND BE IT FURTHER ORDAINED, That nothing in this Ordinance precludes a pledge, with respect to the revenue obligations, of revenues of and amounts held by the wastewater utility, including the operating revenues, under different or alternative formulations than that provided in this Ordinance and the Administrative Resolution.

SECTION 21. AND BE IT FURTHER ORDAINED, That:

- (a) The Mayor and City Council may amend or supplement this Ordinance from time to time as necessary or desirable to increase the authorized amount of revenue obligations and for any other purpose, as long as the action is otherwise consistent with the terms of this Ordinance, the Administrative Resolution, and the revenue obligations.
- (b) The Administrative Resolution shall provide that no additional revenue obligations may be issued under this Ordinance unless:
  - (1) no event of default exists on the date that the additional revenue obligations are issued; and
  - (2) there is a determination, under the Administrative Resolution, that the rate requirements prescribed by the Administrative Resolution will be met on the date that the additional revenue obligations are issued.

SECTION 22. AND BE IT FURTHER ORDAINED, That if the Board of Finance fails to take any action or act on any matter delegated to it or authorized to be implemented by it, the action or matter may be taken or acted on or implemented by a resolution of the Mayor and City Council.

SECTION 23. AND BE IT FURTHER ORDAINED, That:

- (a) Revenue obligations may be issued under this Ordinance with the expectation that interest on the revenue obligations will be exempt from federal income taxation ("tax-exempt obligations").
- (b) The Administrative Resolution under which tax-exempt obligations are issued shall prescribe covenants and matters that the Board of Finance considers necessary or desirable to assure that the revenue obligations will not be considered "arbitrage bonds" within the meaning of § 148 of the Internal Revenue Code and its regulations and to assure holders of the revenue obligations that interest on them will be and remain exempt from federal income taxation.
- (c) The Mayor, the Director of Finance, and the Chief of the Bureau of Treasury Management shall prepare or cause to be prepared and shall execute any certification, opinion, or other document that may be required to maintain the exemption of interest on tax-exempt obligations from federal income taxation.

SECTION 24. AND BE IT FURTHER ORDAINED, That the covenants contained in this Ordinance are for the benefit of the holders of the revenue obligations from time to time and are enforceable by those holders, subject to any limitations set forth in the Administrative Resolution.

SECTION 25. AND BE IT FURTHER ORDAINED, That the provisions of this Ordinance are severable. If any provision, sentence, clause, section, or other part of this Ordinance is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, that illegality, invalidity, unconstitutionality, or inapplicability does not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is the intent of the Mayor and City Council that this Ordinance would have been adopted even if the illegal, invalid, unconstitutional, or inapplicable provision, sentence, clause, section, or other part had not been included in this Ordinance, and as if the person or circumstances to which this Ordinance or part are inapplicable had been specifically exempted.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That the Board of Finance may amend, restate, or supplement the 1990 Resolution, in accordance with that Resolution's provisions governing amendments, to accomplish any of the purposes set forth in this Ordinance and to specify, prescribe, determine, provide for, approve, and amend, from time to time, the form, terms, provisions, manner, or method of issuing and selling the revenue obligations (including negotiated or competitive bid sale), time or times of issuance, and security for the revenue obligations, and all other details and other matters necessary or desirable in connection with the authorization, issuance, sale, and payment of the revenue obligations and to do all things necessary, proper, or expedient in connection with the issuance and sale of those revenue obligations.

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

Approved April 16, 2002

MARTIN O'MALLEY, Mayor

**ENROLLED****CITY OF BALTIMORE  
ORDINANCE 02-333  
(Council Bill 01-433)****AN ORDINANCE CONCERNING****Zoning — Conditional Use Housing for the Elderly —  
a Portion of 4400 North Rogers Avenue and a Portion of Lot 1,  
Block 4286A to be known as 4601 West Northern Parkway**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of housing for the elderly on a portion of the property known as 4400 North Rogers Avenue and a portion of Lot 1, Block 4286A to be known as 4601 West Northern Parkway, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning  
Section(s) 4-703 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 on a portion of the property known as 4400 North Rogers Avenue and a portion of Lot 1, Block 4286A to be known as 4601 West Northern Parkway, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 4-703 and 14-102 of the Baltimore City Code, subject to the ~~condition that the~~ following conditions:

- (1) The maximum number of dwelling units is 68.
- (2) The Site Plan and the Elevations Plans, dated March 21, 2002, are made a part of this Ordinance. No change may be made to the Site Plan and Elevations Plans without the prior approval of the Planning Department.
- (3) The Forest Conservation/Landscaping/Lighting Plan, dated April 2, 2002, is made a part of this Ordinance. No change may be made to the Forest Conservation/ Landscaping/Lighting Plan without the prior approval of the Planning Department.
- (4) Subdivision or consolidation of lots does not constitute a change in the conditional use as authorized by this Ordinance.
- (5) The developer is required to fund the design and installation of a traffic signal at the entrance to this facility should the Office of Transportation determine that one is needed.
- (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 1, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-334  
(Council Bill 01-631)**

**AN ORDINANCE CONCERNING**

**Urban Renewal — Inner Harbor East —  
Amendment 10**

FOR the purpose of amending certain provisions of the Urban Renewal Plan for Inner Harbor East; amending certain exhibits to reflect changes in the Plan; 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 Inner Harbor East was originally approved by the Mayor and City Council of Baltimore by Ordinance 71-1188 and last amended by Ordinance 00-123.

An amendment to the Urban Renewal Plan for Inner Harbor East is necessary to amend certain provisions of the Urban Renewal Plan and to add certain exhibits to reflect the changes in the Plan.

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 Inner Harbor East are approved:

(1) On page 11, amend G.14.a. to read as follows:

a. (i) Development Areas Q, Q2, [Q3,] Q4 and Q5:

It is the objective of this Plan that within these Development Areas, the following development program shall be [obtained] OUTLINED.

Primary Office: No more than [500,000] ~~800,000~~ 750,000 square feet in three buildings, except that additional first floor scattered site office will be permitted when integrated into street level retail areas.

Residential: A minimum of [800] ~~450~~ 520 residential units.

Retail: A minimum of 80,000 square feet.

Hotel: No more than [350] 420 rooms.

The size and configuration of these Development Areas shall generally be as illustrated on Exhibit B.

(II) DEVELOPMENT AREA Q3:

IT IS THE OBJECTIVE OF THIS PLAN THAT WITHIN THIS DEVELOPMENT AREA, THE FOLLOWING DEVELOPMENT PROGRAM SHALL BE OUTLINED:

A MINIMUM OF 275,000 SQUARE FEET IN THE AGGREGATE OF PRIMARY OFFICE SPACE, RESIDENTIAL AND/OR GROUND FLOOR RETAIL; PROVIDED THAT A MAXIMUM OF 250 HOTEL ROOMS MAY BE DEVELOPED SO LONG AS SUCH DEVELOPMENT IS COMPLETED AS PART OF AN OVERALL DEVELOPMENT PLAN FOR THIS DEVELOPMENT AREA THAT INCLUDES THE FOREGOING OFFICE, RESIDENTIAL, AND/OR RETAIL SPACE.

THE SIZE AND CONFIGURATION OF THE DEVELOPMENT AREA SHALL GENERALLY BE AS ILLUSTRATED ON EXHIBIT B.

(2) On page 11 of the Plan, amend G.14.c. to read as follows:

c. Development Area Q:

The maximum permitted [building] height on Development Area Q [is 180.0 feet above grade with the exception of that part of the Development Area which lies within 80.0 feet of Fleet Street or within 130.0 feet of Exeter Street, where the maximum permitted building height is 150.0 feet above grade] SHALL NOT EXCEED THE HEIGHTS SET FORTH IN ANY APPLICABLE PUD.

(3) On page 12 of the Plan, amend G.14.e. to read as follows:

e. Development Area Q3:

The maximum permitted building height on Development Area Q3 is 180.00 feet above grade [with the exception of that part of the Development Area which lies within 60.0 feet of Lancaster Street, where the maximum permitted height is reduced to 80.0 feet above grade].

(4) On page 12 of the Plan, amend Section G.14.f. to read as follows:

f. Development Area Q4:

The maximum permitted [building] height on Development Area Q4 SHALL NOT EXCEED THE HEIGHTS SET FORTH IN ANY APPLICABLE PUD [is 180.0 feet above grade with the exception of:

- (1) that part of the Development Area which lies within 60.0 feet of Lancaster Street, where the maximum permitted building height is 60.0 feet above grade; and
- (2) other parts of the Development Area which lie within 60.0 feet of the eastern boundary of the Development Area, where the maximum permitted building height is 120.0 feet above grade].

(4) (5) Amend Exhibits A, B, C, and D to reflect the changes in the Plan.

(5) (6) On page 14 of the Plan, amend Appendix A, Section 6, second paragraph to read as follows:

~~Roof top signs, signs on the facade above the area one inch below the second floor window sills, flashing signs, or moving signs, except barber poles shall [not be permitted] BE SUBJECT TO PLANNING COMMISSION APPROVAL.~~

ROOF TOP SIGNS AND SIGNS ON THE FACADE LOCATED ABOVE THE AREA ONE INCH BELOW THE SECOND FLOOR WINDOW SILLS SHALL BE SUBJECT TO PLANNING COMMISSION APPROVAL. FLASHING SIGNS OR MOVING SIGNS, EXCEPT BARBER POLES, SHALL NOT BE PERMITTED.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That the parcel designated as Area J2 on Exhibit B shall be redesignated as a portion of the parcel designated as Area Q on Exhibit B, and the use category for the parcel originally designated as Area J2 shall be Residential/Commercial.

**SECTION 3. AND BE IT FURTHER ORDAINED,** That the Urban Renewal Plan for Inner Harbor East, as amended by this Ordinance and identified as "Urban Renewal Plan, Inner Harbor East, revised to include Amendment 10, dated December 6, 2001", is approved. The Department of Planning shall file a copy of the amended Urban Renewal Plan with the Department of Legislative Reference as a permanent public record, available for public inspection and information.

**SECTION 4. 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 5. 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 6. 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 7. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is enacted.

Approved May 1, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-335  
(Council Bill 01-630)**

**AN ORDINANCE CONCERNING**

**Sale of Property — 4101 Hillen Road  
(Turner Armory at Morgan State University)**

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 4101 Hillen Road, Block 5387, Lots 3 and 3A, 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 4101 Hillen Road, Baltimore, Maryland 21239, and more particularly described as follows:

The subject parcel, Block 5387, Lots 3 and 3A, is an improved lot. The site is located at the northeast corner of Hillen Road and Argonne Drive in the Northwood area of Baltimore City,

containing 94,786 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 May 16, 2002

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE  
ORDINANCE 02-336  
(Council Bill 02-650)**

**AN ORDINANCE CONCERNING**

**Harborview Lot #2 — Development District**

FOR the purpose of designating a “development district” to be known as the “Harborview Lot #2 Development District”; providing for and determining various matters in connection with the establishment of the development district; creating a special, tax increment fund for the development district; allocating certain property taxes to that fund; making certain findings and determinations; providing for a special effective date; and generally relating to the designation and operation of the development district, the establishment and use of the tax increment fund, and the issuance and payment of special obligation bonds issued in connection with the development district.

BY authority of

Article II - General Powers  
Section (62)  
Baltimore City Charter  
(1996 Edition)

**Recitals**

The Tax Increment Financing Act, Article II, Section (62) of the Baltimore City Charter (the “Act”) authorizes the Mayor and City Council of Baltimore to establish a “development district” (as defined in the Act) and a special, tax increment fund into which the revenues and receipts from the real property taxes representing the levy on the “tax increment” (as defined in the Act) for the development district are deposited, for the purpose of providing funds for the development of the development district.

The Act also authorizes the City, subject to certain requirements, to borrow money by issuing and selling bonds for the purpose of financing and refinancing the development of an industrial, commercial, or residential area in Baltimore City. The Act provides, however, that no bonds may be issued by the City until an ordinance is enacted that (i) designates an area or areas within the City as a “development district” and (ii) provides that, until the bonds have been fully paid, the property taxes on real property within the development district shall be divided as provided in the Act.

The Mayor and City Council wishes to establish a development district within the City and to establish a tax increment fund for that development district for the purpose of providing funds for the development of public promenade, bulkhead, and other related public infrastructure improvements relating to the development of approximately 86 townhomes in the development district.

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That for the purposes of this Ordinance, the following terms have the meanings indicated:

- (a) “Act” means the Tax Increment Financing Act, as codified in Article II, Section (62) of the Baltimore City Charter.
- (b) “Assessable base” means the total assessable base of all real property in the Development District subject to taxation, as determined by the Supervisor of Assessments.



- (c) (1) "Assessment ratio" means any real property tax assessment ratio, however designated or calculated, that is used or applied under applicable general law in determining the assessable base.
- (2) "Assessment ratio" includes the assessment percentage provided under § 8-103(c) of the State Tax-Property Article, as amended, replaced, or supplemented from time to time.
- (d) "Bond" means any bond, note, or other similar instrument issued by the Mayor and City Council of Baltimore under the Act.
- (e) "Development District" means the area in the City designated in Section 3 of this Ordinance as a development district under the Act.
- (f) "Infrastructure improvements" means:
  - (1) the construction, in accordance with all required City approvals, of the following (all sizes approximate):
    - (i) a 20-foot wide public promenade (including a 12-foot hard paved surface consisting of a 2-foot wide concrete edge and 10 feet of brick/pavers on the water side), an 8-foot wide landscaped area behind the promenade (including planter walls, paved areas for ingress and egress, and seating), and related amenities (including lighting, benches, and trash receptacles);
    - (ii) a 12-foot wide handicapped-accessible concrete framed ramp on pile foundations to connect the newly constructed promenade to the existing promenade on an adjacent parcel; and
    - (iii) a paved access path connecting Key Highway to the newly constructed promenade;
  - (2) (i) the demolition of the existing platforms and bulkheading within the Development District; and
  - (ii) the construction of new sheetpile bulkheading along the waters' edge, including related tiebacks and backfill; and
  - (3) other related public infrastructure improvements that are necessary for the completion of these infrastructure improvements for their intended public purposes.
- (7) "Original assessable base" means the assessable base as of January 1, 2001.
- (8) "Original full cash value" means the dollar amount that is determined by dividing the original assessable base by the assessment ratio used to determine the original assessable base.
- (i) "Original taxable value" means, for any tax year, the dollar amount that is the lesser of:
  - (1) the product of the original full cash value times the assessment ratio applicable to that tax year; or
  - (2) the original assessable base.

- (j) "Tax increment" means, for any tax year, the amount by which the assessable base as of January 1 preceding that tax year exceeds the original taxable value, divided by the assessment ratio used to determine the original taxable value.
- (k) "Tax Increment Fund" means the special fund established by Section 4 of this Ordinance.
- (l) "Tax year" means the period from July 1 of a calendar year through June 30 of the next calendar year.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council of Baltimore finds and determines that the establishment of the Harborview Lot #2 Development District, the creation of a Tax Increment Fund for that District, and the issuance of bonds from time to time, all for the purpose of providing funds for the financing of infrastructure improvements, accomplishes the purposes of the Act, serves public purposes, including the direct and indirect enhancement of the taxable base of the City and the facilitation of planned improvements to the Inner Harbor area, and generally promotes the health, welfare, and safety of the residents of the State of Maryland and of the City of Baltimore.

**SECTION 3. AND BE IT FURTHER ORDAINED,** That the area consisting of the property designated as Ward 24, Section 13, Block 1922, Lots 002, 002A, and 002B, together with the adjoining roads, highways, alleys, rights-of-way, and other similar property forming the contiguous area shown on the map attached to this Ordinance as Exhibit 1 and made a part of this Ordinance, is designated as a development district to be known as the "Harborview Lot #2 Development District".

**SECTION 4. AND BE IT FURTHER ORDAINED,** That a special fund is established for the Development District, to be known as the "Harborview Lot #2 Development District Tax Increment Fund". The Director of Finance and other officers and employees of the City shall take all necessary steps to establish the Tax Increment Fund as a separate fund to be held by or for the account of the City.

**SECTION 5. AND BE IT FURTHER ORDAINED,** That:

- (a) For each tax year that begins after the effective date of this Ordinance, the Director of Finance shall divide the property taxes on real property within the Development District so that:
  - (1) the portion of the taxes that would be produced by the rate at which taxes are levied each year by the City on the original taxable value shall be allocated to and, when collected, paid into the funds of the City in the same manner as taxes levied and collected by the City on all other property are paid; and
  - (2) the portion of the taxes representing the levy on the tax increment that would normally be paid to the City shall be paid into the Tax Increment Fund, to be applied in accordance with the provisions of the Act.
- (b) The City acknowledges that neither the rate at which taxes are levied on real property within the Development District nor the manner of assessment of the value of real property within the Development District may vary from the rate or manner of assessment that otherwise would have applied if the Development District were not designated and the Tax Increment Fund not created.

**SECTION 6. AND BE IT FURTHER ORDAINED,** That:

- (a) If no bonds are outstanding with respect to the Development District, money in the Tax Increment Fund may be:
  - (1) used for any other purposes described in the Act;

- (2) accumulated for payment of debt service on bonds to be subsequently issued under the Act;
  - (3) used to pay or reimburse the City for debt service that the City is obligated to pay or has paid (whether as a general or limited obligation of the City) on bonds issued by the City or by the State of Maryland or any agency, department, or political subdivision of the State, the proceeds of which have been used for any of the purposes specified in the Act; or
  - (4) paid to the City to provide funds to be used for any legal purpose.
- (b) In each case, the use must be approved by appropriate action of the Board of Estimates, which action may generally specify the purpose for which the Tax Increment Fund may be used and the maximum amount that may be applied for that purpose, without specifying the actual amounts to be applied.

**SECTION 7. AND BE IT FURTHER ORDAINED, That:**

- (1) If any bonds are outstanding with respect to the Development District, money in the Tax Increment Fund may be used in any fiscal year as provided in Section 6 of this Ordinance and in the indenture authorizing the issuance of the bonds, but only to the extent that:
  - (1) the amount in the Tax Increment Fund exceeds the debt service payable on the bonds in that fiscal year and is not otherwise restricted so as to prohibit its use; and
  - (2) the use is not prohibited by the ordinance authorizing the issuance of the bonds.
- (b) In each case, the use must be approved by appropriate action of the Board of Estimates, which action may generally specify the purpose for which the Tax Increment Fund may be used and the maximum amount that may be applied for that purpose, without specifying the actual amounts to be applied.

**SECTION 8. AND BE IT FURTHER ORDAINED,** That the Director of Finance may do all acts and things and execute all documents and certificates relating to the Development District and the Tax Increment Fund.

**SECTION 9. AND BE IT FURTHER ORDAINED,** That any approvals, authorizations, or activities provided in this Ordinance do not constitute and may not be deemed to constitute or imply that the City Council, the Mayor, or any department, office, or agency of the City has given or will give any approval, authorization, or consent to any action or activity within or required for the development of the Development District, including any land use approval, requirements for the provision of public utilities or services, or any other administrative, judicial, quasi-judicial, or legislative approval, authorization, or consent.

**SECTION 10. AND BE IT FURTHER ORDAINED,** That this Ordinance may be amended by a subsequent ordinance of the Mayor and City Council of Baltimore, which ordinance may enlarge or reduce the Development District. However, no ordinance may be effective to reduce the size of the Development District so long as there are any outstanding bonds secured by the Tax Increment Fund, unless the ordinance authorizing the issuance of the bonds permits the City to reduce the area constituting the Development District, the holders of the bonds or an authorized representative on their behalf consents to the reduction, or the indenture authorizing the issuance of the bonds permits the reduction.

**SECTION 11. AND BE IT FURTHER ORDAINED,** That the provisions of this Ordinance are severable. If any provision, sentence, clause, section, or other part of this Ordinance is held or determined to be illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, that illegality, invalidity, unconstitutionality, or inapplicability does not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is the intent of the Mayor and City Council that this Ordinance would have been passed even if the illegal, invalid, unconstitutional, or inapplicable provision, sentence, clause, section, or other part had not been included in this Ordinance, and as

if the person or circumstances to which this Ordinance or part are inapplicable had been specifically exempted.

**SECTION 12. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is enacted.

**TABLE OF EXHIBITS**

**Exhibit 1. Map of Development District**

Approved May 16, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-337  
(Council Bill 02-651)**

**AN ORDINANCE CONCERNING**

**Harborview Lot #2 — Special Taxing District**

FOR the purpose of designating a “special taxing district” to be known as the “Harborview Lot #2 Special Taxing District”; providing for and determining various matters in connection with the establishment of the special taxing district; creating a special fund for the special taxing district; providing for the levy of a special tax on all taxable real property located in the special taxing district; providing for a special effective date; and generally relating to the designation and operation of the special taxing district, the establishment and use of the special fund, and the issuance and payment of bonds issued in connection with the special taxing district.

BY authority of  
Article II - General Powers  
Section (62A)  
Baltimore City Charter  
(1996 Edition)

**Recitals**

The Special Taxing District Act, Article II, Section (62A) of the Baltimore City Charter (the “Act”) authorizes the Mayor and City Council of Baltimore to establish a “special taxing district” (as defined in the Act) and a special fund into which the special taxes levied in the special taxing district are deposited, for the purpose of providing financing, refinancing, or reimbursement for the cost of infrastructure improvements.

The Act also authorizes the City, subject to certain requirements, to borrow money by issuing and selling bonds for the purpose of providing financing, refinancing, or reimbursement for the cost of the infrastructure improvements.

In accordance with the Act, the City has received a request to designate and create the Harborview Lot #2 Special Taxing District from both (i) the owners of at least two-thirds of the assessed valuation of the real property located in the proposed special taxing district; and (ii) at least two-thirds of the owners of the real property located in the proposed special taxing district.

The Act provides that no bonds may be issued by the City until an ordinance is enacted that (i) designates an area or areas as a “special taxing district”; (ii) creates a special fund for the special taxing district; and (iii) provides for the levy of an ad valorem or special tax on all real property in the special taxing district at a rate or amount designed to provide adequate revenues to pay the principal of, interest on, and redemption premium, if any, on the bonds, to replenish any debt service reserve fund, and for any other purpose related to the ongoing expenses of or security for the bonds.

The Mayor and City Council wishes to establish a special taxing district within the City, establish a special fund for the special taxing district, and provide for the levy of a special tax on all taxable real property in the special taxing district for the purpose of providing financing for public promenade, bulkhead, and other related public infrastructure improvements relating to the development of approximately 86 townhomes in the special taxing district.

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That for the purposes of this Ordinance, the following terms have the meanings indicated:

- (a) “Act” means the Special Taxing District Act, as codified in Article II, Section (62A) of the Baltimore City Charter.
- (b) “Bond” means any bond, note, or other similar instrument issued by the Mayor and City Council of Baltimore under the Act.
- (c) “Infrastructure improvements” means:
  - (1) the construction, in accordance with all required City approvals, of the following (all sizes approximate):
    - (i) a 20-foot wide public promenade (including a 12-foot hard paved surface consisting of a 2-foot wide concrete edge and 10 feet of brick/pavers on the water side), an 8-foot wide landscaped area behind the promenade (including planter walls, paved areas for ingress and egress, and seating), and related amenities (including lighting, benches, and trash receptacles);
    - (ii) a 12-foot wide handicapped-accessible concrete framed ramp on pile foundations to connect the newly constructed promenade to the existing promenade on an adjacent parcel; and
    - (iii) a paved access path connecting Key Highway to the newly constructed promenade;
  - (2) (i) the demolition of the existing platforms and bulkheading within the Development District; and
  - (ii) the construction of new sheetpile bulkheading along the waters’ edge, including related tiebacks and backfill; and
  - (3) other related public infrastructure improvements that are necessary for the completion of these infrastructure improvements for their intended public purposes.
- (d) “Special Tax Fund” means the special fund established by Section 4 of this Ordinance.
- (e) “Special Taxing District” means the area in the City designated in Section 3 of this Ordinance as a special taxing district under the Act.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council of Baltimore finds and determines that the establishment of the Harborview Lot #2 Special Taxing District, the creation of the Special Tax Fund for that District, and the issuance of bonds from time to time, all for the purpose of providing funds for the financing of the infrastructure improvements, accomplishes the purposes of the Act, serves public purposes, including the direct and indirect enhancement of the taxable base of the City and the facilitation of planned improvements to the Inner Harbor area, and generally promotes the health, welfare, and safety of the residents of the State of Maryland and of the City of Baltimore.

**SECTION 3. AND BE IT FURTHER ORDAINED,** That the area consisting of the property designated as Ward 24, Section 13, Block 1922, Lots 002, 002A, and 002B, together with the adjoining roads, highways, alleys, rights-of-way and other similar property forming the contiguous area shown on the map attached to this Ordinance as Exhibit 1 and made a part of this Ordinance, is designated as a special taxing district to be known as the "Harborview Lot #2 Special Taxing District".

**SECTION 4. AND BE IT FURTHER ORDAINED,** That a special fund is established for the Special Taxing District, to be known as the "Harborview Lot #2 Special Tax Fund". The Director of Finance shall deposit in the Special Tax Fund all special taxes levied and collected in accordance with Section 5 of this Ordinance. The Director of Finance and other officers and employees of the City shall take all necessary steps in order to establish the Special Tax Fund as a separate fund to be held by or for the account of the City.

**SECTION 5. AND BE IT FURTHER ORDAINED,** That:

- (a) A special tax is levied on all real property in the Special Taxing District, unless exempted by the provisions of this Ordinance or otherwise by law, for the purposes, to the extent, and in the manner set forth in the Rate and Method of Apportionment of Special Taxes, attached to this Ordinance as Exhibit 2 and made a part of this Ordinance.
- (b) The revenues and receipts from the special tax, the Special Tax Fund, and any other fund into which all or any of these revenues and receipts are deposited after they have been appropriated by the City are pledged to the payment of the principal of and interest on the bonds. These revenues, receipts, and funds are not, however, irrevocably pledged to the payment of the principal of and interest on the bonds, and the obligation to pay this principal and interest is subject to annual appropriation by the City.
- (c) Special taxes levied in the Special Taxing District may not be accelerated by reason of bond default. The maximum special taxes applicable to any individual property may not be increased in the event that other property owners become delinquent in the payment of the special taxes.

**SECTION 6. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council of Baltimore finds as follows:

- (a) The construction of the infrastructure improvements will create a public benefit and special benefits to the properties in the Special Taxing District.
- (b) The special taxes levied under this Ordinance are levied in an amount that does not exceed the special benefit that the properties within the Special Taxing District will receive from the infrastructure improvements, as shown by the Special Tax Allocation Report attached to this Ordinance as Exhibit 3 and made a part of this Ordinance.
- (c) The special taxes levied on each property in the Special Taxing District are a fair allocation of the cost of the infrastructure improvements to each property in the Special Taxing District, as shown by the Special Tax Allocation Report.

**SECTION 7. AND BE IT FURTHER ORDAINED,** That the Director of Finance may do all acts and things and execute all documents and certificates relating to the Special Taxing District and the Special Tax Fund.

**SECTION 8. AND BE IT FURTHER ORDAINED,** That any approvals, authorizations, or activities provided in this Ordinance do not constitute and may not be deemed to constitute or imply that the City Council, the Mayor, or any department, office, or agency of the City has given or will give any approval, authorization, or consent to any action or activity within or required for the development of the Special Taxing District, including any land use approval, requirements for the provision of public utilities or services, or any other administrative, judicial, quasi-judicial, or legislative approval, authorization, or consent.

**SECTION 9. AND BE IT FURTHER ORDAINED,** That this Ordinance may be amended by a subsequent ordinance of the Mayor and City Council of Baltimore, which ordinance may enlarge or reduce the Special Taxing District, on receipt of a request from both (i) the owners of at least two-thirds of the assessed valuation of the real property located in the proposed special taxing district; and (ii) at least two-thirds of the owners of the real property located in the proposed special taxing district. However, no ordinance may be effective to reduce the size of the Special Taxing District so long as there are any outstanding bonds secured by the Special Tax Fund, unless the ordinance authorizing the issuance of the bonds permits the City to reduce the area constituting the Special Taxing District, the holders of the bonds or an authorized representative on their behalf consents to the reduction, or the indenture authorizing the bonds permits the reduction.

**SECTION 10. AND BE IT FURTHER ORDAINED,** That the provisions of this Ordinance are severable. If any provision, sentence, clause, section, or other part of this Ordinance is held or determined to be illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, that illegality, invalidity, unconstitutionality, or inapplicability does not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is the intent of the Mayor and City Council that this Ordinance would have been passed even if the illegal, invalid, unconstitutional, or inapplicable provision, sentence, clause, section, or other part had not been included in this Ordinance, and as if the person or circumstances to which this Ordinance or part are inapplicable had been specifically exempted.

**SECTION 11. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is enacted.

**TABLE OF EXHIBITS**

Exhibit 1. Map of Special Taxing District

Exhibit 2. Rate and Method of Apportionment of Special Taxes (Corrected April 4, 2002)

Exhibit 3. Special Tax Allocation Report (January 8, 2002)

Approved May 16, 2002

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE  
ORDINANCE 02-338  
(Council Bill 02-652)**

**AN ORDINANCE CONCERNING**

**Harborview Lot #2 — Special Obligation Bonds**

FOR the purpose of providing for the issuance of special obligation bonds in an amount not exceeding \$8,500,000, for the purpose of financing certain public infrastructure improvements; providing for the method and sources of payment for these special obligation bonds; authorizing the Board of Finance to specify, prescribe, determine, provide for, and approve the details, forms, documents, or procedures in connection with these special obligation bonds and any other matters necessary or desirable in connection with the authorization, issuance, sale, and payment of these special obligation bonds; providing for a special effective date; and generally relating to the issuance and payment of special obligation bonds.

BY authority of

Article II - General Powers  
Sections (62) and (62A)  
Baltimore City Charter  
(1996 Edition)

**Recitals**

Article II, Section (62) of the Baltimore City Charter (the “Tax Increment Act”) authorizes the Mayor and City Council of Baltimore to establish a “development district” (as defined in the Tax Increment Act) and a special, tax increment fund into which the revenues and receipts from the real property taxes representing the levy on the “tax increment” (as defined in the Tax Increment Act) for the development district are deposited, for the purpose of providing funds for the development of the development district.

Pursuant to an Ordinance enacted prior to or simultaneously with this Ordinance (the “Development District Ordinance”), the City has:

- (i) designated the Harborview Lot #2 Development District (the “Development District”);
- (ii) created the Harborview Lot #2 Development District Tax Increment Fund;
- (iii) provided that, until special obligation bonds issued with respect to the Development District have been fully paid, the property taxes on real property in the Development District shall be divided as provided in the Tax Increment Act; and
- (iv) made certain other findings and determinations with respect to the Development District.

Article II, Section (62A) of the Baltimore City Charter (the “Special Taxing District Act”) authorizes the City to establish a “special taxing district” (as defined in the Special Taxing District Act) and a special fund into which the special taxes levied in the special taxing district are deposited, for the purpose of providing financing, refinancing, or reimbursement for the cost of infrastructure improvements.

Pursuant to an Ordinance enacted prior to or simultaneously with this Ordinance (the “Special Taxing District Ordinance”), the City has:

- (i) designated the Harborview Lot #2 Special Taxing District (the “Special Taxing District”);



- (ii) created the Harborview Lot #2 Special Taxing District Special Fund;
- (iii) authorized the levy of a special tax on all real property within the Special Taxing District; and
- (iv) made certain other findings and determinations with respect to the Special Taxing District.

The Tax Increment Act authorizes the City, subject to certain requirements, to borrow money by issuing and selling bonds for the purpose of financing and refinancing the development of an industrial, commercial, or residential area in Baltimore City.

The Special Taxing District Act authorizes the City, subject to certain requirements, to borrow money by issuing and selling bonds for the purpose of providing financing, refinancing, or reimbursement for the cost of infrastructure improvements.

The City wishes to authorize the issuance of special obligation bonds to provide funds for the development of public promenade, bulkhead, and other related public infrastructure improvements in the Development District and the Special Taxing District.

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That for the purposes of this Ordinance, the following terms have the meanings indicated:

- (a) “Acts” means the Tax Increment Act and the Special Taxing District Act.
- (b) “Bond” means any bond, note, or other similar instrument issued by the Mayor and City Council of Baltimore under the Acts, including the bonds authorized by this Ordinance.
- (c) “City expenses” means:
  - (1) the fees and expenses of any fiscal agent or trustee that the City employs in connection with the bonds;
  - (2) the expenses of the City in carrying out its duties under the indenture, including:
    - (i) the expenses incurred in levying and collecting the special tax;
    - (ii) the expenses incurred in complying with arbitrage rebate requirements and obligated person disclosure requirements associated with applicable federal and state securities law, including the costs of any employees of the City and fees of any professionals that the City retains to provide these services; and
    - (iii) all other costs and expenses of the City and the bond trustee incurred in connection with the discharge of their duties under the indenture, including legal expenses associated with those duties, and in any way related to the administration of the Special Taxing District.
- (d) “Development District” means the Harborview Lot #2 Development District.
- (e) “Includes” or “including” means by way of illustration and not by way of limitation.
- (f) “Indenture” means the indenture under which the bonds are issued.
- (g) “Infrastructure improvements” means:

- (1) the construction, in accordance with all required City approvals, of the following (all sizes approximate):
    - (i) a 20-foot wide public promenade (including a 12-foot hard paved surface consisting of a 2-foot wide concrete edge and 10 feet of brick/pavers on the water side), an 8-foot wide landscaped area behind the promenade (including planter walls, paved areas for ingress and egress, and seating), and related amenities (including lighting, benches, and trash receptacles);
    - (ii) a 12-foot wide handicapped-accessible concrete framed ramp on pile foundations to connect the newly constructed promenade to the existing promenade on an adjacent parcel; and
    - (iii) a paved access path connecting Key Highway to the newly constructed promenade;
  - (2)
    - (i) the demolition of the existing platforms and bulkheading within the Development District; and
    - (ii) the construction of new sheetpile bulkheading along the waters' edge, including related tiebacks and backfill; and
  - (3) other related public infrastructure improvements that are necessary for the completion of these infrastructure improvements for their intended public purposes.
- (h) "Rate and Method" means the Rate and Method of Apportionment of the Special Taxes, attached to the Special Taxing District Ordinance as Exhibit 2.
- (i) "Special tax" means the special tax authorized by the Special Taxing District Ordinance to be levied and collected in the Special Taxing District.
- (j) "Special Tax Fund" means the Harborview Lot #2 Special Tax Fund.
- (k) "Special tax revenues" means the revenues and receipts from the special tax, including amounts deposited in the Special Tax Fund and any other fund into which all or any of these revenues and receipts are deposited after they are appropriated by the Mayor and City Council of Baltimore.
- (l) "Special Taxing District" means the Harborview Lot #2 Special Taxing District.
- (m) "Special Taxing District Act" means Article II, Section (62A) of the Baltimore City Charter.
- (n) "Special Taxing District Ordinance" means the Ordinance of the Mayor and City Council designating the Special Taxing District.
- (o) "Tax increment" means, for any tax year, the amount by which the assessable base (as defined in the Tax Increment Ordinance) as of January 1 preceding that tax year exceeds the original taxable value (as defined in the Tax Increment Ordinance), divided by the assessment ratio (as defined in the Tax Increment Ordinance) used to determine the original taxable value.
- (p) "Tax Increment Act" means Article II, Section (62) of the Baltimore City Charter.
- (q) "Tax Increment Fund" means the Harborview Lot #2 Development District Tax Increment Fund.

- (r) "Tax Increment Ordinance" means the Ordinance of the Mayor and City Council designating the Development District.
- (s) "Tax increment revenues" means the revenues and receipts from the taxes representing the levy on the tax increment that would normally be paid to the City, including amounts deposited in the Tax Increment Fund or any other fund into which all or any part of these revenues and receipts are deposited after they are appropriated by the Mayor and City Council of Baltimore.
- (t) "Tax year" means the period from July 1 of a calendar year through June 30 of the next calendar year.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council of Baltimore finds and determines that the issuance of bonds from time to time for the purpose of financing the infrastructure improvements:

- (1) accomplishes the purposes of the Acts;
- (2) serves public purposes, including the direct and indirect enhancement of the taxable base of the City and the facilitation of planned improvements to the Inner Harbor area; and
- (3) generally promotes the health, welfare, and safety of the residents of the State of Maryland and of the City of Baltimore.

**SECTION 3. AND BE IT FURTHER ORDAINED,** That:

- (a) Bonds may be issued from time to time, in one or more series, in an aggregate principal amount not to exceed \$8,500,000.
- (b) The proceeds of the bonds may be utilized solely for the following purposes, as the Board of Finance determines under Section 9 of this Ordinance:
  - (1) to finance the costs of the infrastructure improvements;
  - (2) to establish a debt service reserve fund for the bonds;
  - (3) to fund capitalized interest on the bonds; and
  - (4) to pay costs and expenses of issuing the bonds.
- (c) The bonds may be issued pursuant to the provisions of an indenture at any time or from time to time in one or more issues or series. Each issue or series of the bonds shall be identified by the year of issue or by some other designation.

**SECTION 4. AND BE IT FURTHER ORDAINED,** That:

- (a) The tax increment revenues are pledged to the payment of the principal of and interest on the bonds. However, the tax increment revenues are not irrevocably pledged to the payment of the principal of and interest on the bonds, and the obligation to pay the principal of and interest on the Bonds from the tax increment revenues is subject to annual appropriation by the City.
- (b) The tax increment revenues may also be pledged by the City to the payment of additional bonds issued under the Tax Increment Act relating to the Development District, subject to the provisions of the indenture.

- (c) If any bonds are outstanding, the tax increment revenues may not be used for the purposes set forth in Section 6 of the Tax Increment Ordinance unless the amount in the Tax Increment Fund exceeds:
  - (1) the debt service payable on the bonds in that fiscal year and any debt service payable on the bonds in any prior fiscal year that remains unpaid;
  - (2) the amount required to replenish any debt service reserve fund established for the bonds; and
  - (3) the amount of City expenses due and payable and to become due and payable in that fiscal year.

**SECTION 5. AND BE IT FURTHER ORDAINED, That:**

- (a) Provision may be made for municipal bond insurance or any other type of financial guaranty of the bonds.
- (b) The bonds may be secured, as Board of Finance determines under Section 9 of this Ordinance, through:
  - (1) the establishment of debt service reserve funds;
  - (2) the establishment of additional sinking funds; or
  - (3) the pledge of other assets and revenues toward payment of the principal and interest on the bonds.
- (c) The bonds are special obligations of the City. They do not constitute a general obligation debt of the City or a pledge of the City's full faith and credit or taxing power.

**SECTION 6. AND BE IT FURTHER ORDAINED, That the bonds will be payable:**

- (1) first, from capitalized interest and any other available amount in the funds and accounts created by the indenture;
- (2) second, from the tax increment revenues, subject to annual appropriation by the City; and
- (3) third, to the extent the tax increment revenues are not enough to pay debt service on the bonds, to replenish any debt service fund for the bonds, and to pay City expenses, from the special tax revenues, subject to annual appropriation by the City.

**SECTION 7. AND BE IT FURTHER ORDAINED, That:**

- (a) No special tax may be levied unless the tax increment revenues are not enough to pay debt service on the bonds, to replenish any debt service reserve fund for the bonds, and to pay City expenses. The amount of the special tax required to be levied in any tax year to provide for payment of City expenses may be reduced to the extent that amounts held under the indenture, or amounts otherwise made available to the City, are available for payment of City expenses in that tax year.
- (b) The City covenants to levy the special tax, in accordance with the Rate and Method, up to the maximum special tax provided in the Rate and Method, at a rate and in an amount at least sufficient in each year to pay the principal of and interest on the bonds, to replenish any debt service reserve fund for the bonds, and to pay City expenses (to the extent these expenses are not otherwise provided for), to the extent the capitalized interest and other amounts available under the indenture, the tax

increment revenues, and any amounts in the Special Tax Fund are insufficient. The special tax also may be levied with respect to refunding bonds issued under the Special Taxing District Act without notice to or the consent of the property owners in the Special Taxing District as provided in the indenture.

- (c) The special tax revenues are pledged to the payment of the principal of and interest on the bonds. However, the special tax revenues are not irrevocably pledged to the payment of the principal of and interest on the bonds, and the obligation to pay the principal of and interest on the bonds from the special tax revenues is subject to annual appropriation by the City.

**SECTION 8. AND BE IT FURTHER ORDAINED, That:**

- (a) The bonds shall be executed in the name of the City and on its behalf by the Mayor, by manual or facsimile signature. The corporate seal of the City or a facsimile of it shall be impressed or otherwise reproduced on the bonds and attested by the Custodian or Alternate Custodian of the City Seal, by manual or facsimile signature.
- (b) Each of the following documents shall be executed in the name of the City and on its behalf by the Mayor or the Director of Finance, by manual signature, and, if necessary, the corporate seal of the City or a facsimile of it shall be impressed or otherwise reproduced on the documents and attested by the Custodian or Alternate Custodian of the City Seal, by manual signature:
  - (1) the indenture to be entered into between the City and a trustee to be selected;
  - (2) the development agreement(s) to be entered into among the City, any other governmental entity, if necessary, and the developer of the Development District to provide for the construction by the developer of the infrastructure improvements; and
  - (3) any other documents the Board of Finance considers necessary for the issuance, sale, and delivery of the bonds.
- (c) If any officer whose signature or countersignature or a facsimile of whose signature or countersignature appears on the bonds or any other document ceases to be an officer before the delivery of the bonds or other document, the signature or countersignature or facsimile nevertheless is valid and sufficient for all purposes, as if the officer had remained in office until delivery.
- (d) The Mayor, the Director of Finance, the Custodian and Alternate Custodian of the City Seal, and other officials of the City may do all acts and things and execute all documents and certificates as the Board of Finance determines to be necessary to carry out the provisions of this Ordinance, subject to the limitations set forth in the Acts, the Tax Increment Ordinance, the Special Taxing District Ordinance, and this Ordinance.

**SECTION 9. AND BE IT FURTHER ORDAINED,** That the Board of Finance shall specify and prescribe by resolution the following, as it considers appropriate to finance the infrastructure improvements:

- (1) the principal amount of the bonds to be issued;
- (2) the rate or rates of interest the bonds are to bear or the method for determining the rate or rates;
- (3) the manner in which and the terms on which the bonds are to be sold;
- (4) the manner in which and the times and places that the interest on the bonds is to be paid;

- (5) the time or times that the bonds may be executed, issued, and delivered;
- (6) the form and tenor of the bonds and the denominations in which the bonds may be issued;
- (7) the manner in which and the times and places that the principal of the bonds is to be paid, within the limitations set forth in the Acts;
- (8) provisions pursuant to which any or all of the bonds may be called for redemption prior to their stated maturity dates;
- (9) the terms and provisions of any indenture, development agreement(s), or other documents to be executed by or on behalf of the City, including, provisions providing for additional security for the bonds;
- (10) provisions establishing sinking funds or debt service reserve funds for the bonds;
- (11) provisions pledging other assets and revenues towards payment of the principal of and interest on the bonds;
- (12) provision for municipal bond insurance or any other type of financial guaranty of the bonds; and
- (13) any other provisions not inconsistent with the Charter (including the Acts), the Tax Increment Ordinance, the Special Taxing District Ordinance, this Ordinance, and other applicable law as the Board of Finance determines to be necessary or desirable to finance the infrastructure improvements.

**SECTION 10. AND BE IT FURTHER ORDAINED, That:**

- (a) Before the bonds are issued, the Director of Finance shall record among the Land Records of the City, at the cost of the Special Taxing District, a declaration that:
  - (1) encumbers all real property located in the Special Taxing District, except for property exempt by law or the Special Taxing District Ordinance; and
  - (2) designates that property as subject to the Special Taxing District.
- (b) The declaration terminates when the Director of Finance records a release stating that all bonds are fully repaid or have been defeased.

**SECTION 11. AND BE IT FURTHER ORDAINED, That:**

- (a) This Section 11 applies to bonds issued and sold on the basis that the interest on the bonds will be excludable from gross income for federal income tax purposes. Notwithstanding anything in this Ordinance to the contrary, bonds may be issued and sold on the basis that the interest on them will not be excludable from gross income for federal income tax purposes.
- (b) The City covenants that it will take, or refrain from taking, any and all actions necessary to comply with § 103 and §§ 141 through 150, inclusive, of the Internal Revenue Code of 1986, as amended, to preserve the status of the interest on the bonds as excluded from gross income for federal income tax purposes.
- (c) Without limiting the generality of subsection (b), the City:

- (1) will not use or permit the use of any of the proceeds of the bonds in any manner that would cause the interest on the bonds to be included in gross income for federal income tax purposes;
- (2) periodically will determine the rebate amount and timely pay any rebate amount, or installment of any rebate amount, to the United States of America; and
- (3) will prepare and timely file Internal Revenue Service Form 8038-G, Information Return for Tax-Exempt Governmental Obligations, or any successor or additional form required by the Internal Revenue Service.

(d) The Director of Finance may prepare, execute, and deliver:

- (1) a tax regulatory agreement and no-arbitrage certificate with respect to the bonds, in the form the Director of Finance approves; and
- (2) any other documents the Director of Finance considers necessary to assure registered owners of the bonds that interest on the bonds will be and remain excludable from gross income for federal income tax purposes.

**SECTION 12. AND BE IT FURTHER ORDAINED,** That any approvals, authorizations, or activities provided in this Ordinance do not constitute and may not be deemed to constitute or imply that the City Council, the Mayor, or any department, office, or agency of the City has given or will give any approval, authorization, or consent to any action or activity within or required for the development of the Development/Special Taxing District, including any land use approval, requirements for the provision of public utilities or services, or any other administrative, judicial, quasi-judicial, or legislative approval, authorization, or consent.

**SECTION 13. AND BE IT FURTHER ORDAINED,** That the provisions of this Ordinance are severable. If any provision, sentence, clause, section, or other part of this Ordinance is held or determined to be illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, that illegality, invalidity, unconstitutionality, or inapplicability does not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is the intent of the Mayor and City Council that this Ordinance would have been passed even if the illegal, invalid, unconstitutional, or inapplicable provision, sentence, clause, section, or other part had not been included in this Ordinance, and as if the person or circumstances to which this Ordinance or part are inapplicable had been specifically exempted.

**SECTION 14. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is enacted.

Approved May 16, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-339  
(Council Bill 02-661)**

**AN ORDINANCE CONCERNING**

**Supplementary Tax Increment Loan Fund Capital Appropriation —  
Department of Housing and Community Development — \$5,000,000**

FOR the purpose of providing a Supplementary Tax Increment Loan Fund Capital Appropriation in the amount of \$5,000,000 to the Department of Housing and Community Development (Account #9910-601-483), to provide tax increment financing for the reconstruction of bulkheads and the construction of a public promenade at Harborview; 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 the Proceeds from a Tax Increment Financing Bond 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 2002.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2002 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2002 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On January 9, 2002, 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 \$5,000,000 shall be made available to the Department of Housing and Community Development (Account #9910-601-483) as a Supplementary Tax Increment Loan Fund Capital Appropriation for Fiscal Year 2002, to provide tax increment financing for the reconstruction of bulkheads and the construction of a public promenade at Harborview. The source of revenue for this appropriation is the Proceeds from a Tax Increment Financing Bond, 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 2002.

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

Approved May 16, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-340  
(Council Bill 02-665)**

### **AN ORDINANCE CONCERNING**

### **Sale of Property — 819½ West Cross Street**

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 819½ West Cross Street (Block 0811, Lot 011) 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 819½ West Cross Street (Block 0811, Lot 011), and more particularly described as follows:

The subject parcel (Block 0811, Lot 011) is an unimproved lot. The site is located on the southwest side of West Cross Street, between West Hamburg and Scott Streets,

containing 1,500 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 May 16, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-341  
(Council Bill 02-671)**

**AN ORDINANCE CONCERNING**

**Payments in Lieu of Taxes — Hotel Facilities on City Land  
in Urban Renewal Areas — Central Business District**

FOR the purpose of authorizing and providing for negotiated payments in lieu of taxes (a "PILOT") in connection with a certain hotel in the Central Business District Urban Renewal Area; authorizing the City of Baltimore to enter into all arrangements necessary to effectuate a PILOT for the hotel, by any and all necessary and proper means; approving the basic economic terms of the PILOT; authorizing the Board of Estimates to approve the final terms of the PILOT Agreement; providing for the reconveyance of the property on which the hotel is constructed at the end of the term of the PILOT; and providing for a special effective date.

BY authority of  
Article 28 - Taxes  
Subtitle 12 - Payments in Lieu of Taxes: Hotel Facilities in Urban Renewal Areas  
Baltimore City Code  
(Edition 2000)

**Recitals**

Article 28, Subtitle 12, of the Baltimore City Code (the “City Enabling Law”) authorizes the City to enter into PILOTS in connection with hotel facilities, on City-owned property located in urban renewal areas of the City, subject to the review and approval by the City Council of the basic economic terms to be incorporated into any PILOT Agreement.

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the Mayor and City Council finds and determines that:

- (1) It is in the best interest of the City to encourage quality hotel facilities in the Central Business District Urban Renewal Area to contribute to a positive atmosphere for the tourism and convention businesses.
- (2) The City is to enter into a Development Agreement in connection with hotel facilities, to be located on 17 Light Street, which is known as Ward 4, Section 11, Block 661, Lots 16 and 16A in the Central Business District Urban Renewal Area.
- (3) Authorizing the use of a PILOT in connection with the Development Agreement for that portion of the land and hotel improvements contained on 17 Light Street in the Central Business District Urban Renewal Area of the City is in the best interest of the City and will achieve significant public benefits and purposes including:
  - (i) the encouragement of the economic development of the City, including the use of resources and entrepreneurial talents of the private sector to develop the entire Central Business District Urban Renewal Area;
  - (ii) the creation of job opportunities;
  - (iii) the promotion of tourism; and
  - (iv) the general promotion and improvement of the City and its facilities in order to foster and maintain the City and its image as a positive environment for the growth of business and industry and the continuing well-being of its residents, both individual and corporate, thereby further encouraging the health, welfare, and safety of the citizens of the City.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That the City may negotiate a PILOT Agreement in connection with the portion of the hotel facilities to be constructed on 17 Light Street within the Central Business District Urban Renewal Area on the following economic terms:

- (1) The PILOT Agreement shall be for a period of 10 years after its effective date;
- (2) The effective date of the PILOT Agreement shall be as of the date that the lease described below becomes effective;
- (3) The negotiated payment in lieu of taxes shall be as follows:
  - (i) during the 1<sup>st</sup> through the 10<sup>th</sup> years, the base taxes, which are defined as the taxes on the land based on the assessed value as determined by the Department of Assessments and Taxation from the July 1st previous to the date the PILOT commences, as such taxes may increase, shall be paid to the City; and
  - (ii) in addition:

- A. in the 1<sup>st</sup> through the 5<sup>th</sup> years, 5% of the incremental taxes based on the increase in the assessment due to the construction of the hotel constructed on 17 Light Street as such as assessment may increase from time to time (the "Incremental Taxes");
  - B. in the 6<sup>th</sup> year, 25% of the Incremental Taxes;
  - C. in the 7<sup>th</sup> year, 30% of the Incremental Taxes;
  - D. in the 8<sup>th</sup> year, 35% of the Incremental Taxes;
  - E. in the 9<sup>th</sup> year, 50% of the Incremental Taxes;
  - F. in the 10<sup>th</sup> year, 70% of the Incremental Taxes; and
  - G. in the 11<sup>th</sup> year, the property shall be subject to full taxes.
- (4) The City may acquire and lease to the developer and owner of the hotel facility, for a nominal amount, any of the land necessary to help effectuate the PILOT Agreement authorized by this Ordinance; and
- (5) The assessment of the hotel facility shall be included in the assessable base of the City to determine the amount of any State of Maryland aid that is based on the assessable base of the City.

**SECTION 3. AND BE IT FURTHER ORDAINED,** That at the end of the PILOT Term the City shall reconvey 17 Light Street to the owner for \$1.

**SECTION 4. AND BE IT FURTHER ORDAINED,** That terms used in this Ordinance have the meanings given those terms in the City Enabling Law.

**SECTION 5. AND BE IT FURTHER ORDAINED,** That the PILOT Agreement authorized by this Ordinance shall conform to the terms of Section 2 of this Ordinance and may contain any additional terms and conditions that the Board of Estimates considers reasonably necessary to accomplish the purposes of this Ordinance, taking into account the specific needs of the particular hotel facility.

**SECTION 6. AND BE IT FURTHER ORDAINED,** That the provisions of this Ordinance are severable. If any provision, sentence, clause, section, or part is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability does not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or its application to other persons or circumstances. It is declared to be the legislative intent that this Ordinance would have been adopted, if that illegal, invalid, or unconstitutional provision, sentence, clause, section, or part had not been included.

**SECTION 7. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is enacted.

Approved May 16, 2002

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE  
ORDINANCE 02-342  
(Council Bill 02-687)**

**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 \_\_\_\_\_ 2002, 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, The former Flag House Courts development was constructed and existed within the 10,000 unit limitation pursuant to Ordinance No. 1077; and

WHEREAS, HABC has been awarded funding from HUD for the complete revitalization of the former Flag House Courts development that has now been demolished and will be redeveloped on the current site and renamed by the Stakeholders at a later date; 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, The Flag House Courts 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, The Flag House Courts will consist of 338 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 130 dwelling units, and the City is desirous of cooperation with the HABC and HUD by furnishing or causing to be furnished to the housing project, Flag House, 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 ~~93~~ 130 low-rent dwelling units to be occupied by persons of eligible income. The housing project shall be developed on the site of the former Flag House Courts development 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 and two.

\_\_\_\_\_  
City Solicitor

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

**SECTION 2. AND BE IT 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 16, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-343  
(Council Bill 02-688)**

**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 \_\_\_\_\_ 2002, 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, The former Broadway Homes development was constructed and existed within the 10,000 unit limitation pursuant to Ordinance No. 1077; and

WHEREAS, HABC has been awarded funding from HUD for the complete revitalization of the former Broadway Homes that has now been demolished and will be redeveloped on the current site of the Church Homes and Hospital, and renamed by the Stakeholders at a later date; 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, The Broadway Homes 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, The Broadway Homes will consist of 166 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 84 dwelling units, and the City is desirous of cooperation with the HABC and HUD by furnishing or causing to be furnished to the housing project, Broadway, 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 84 low-rent dwelling units to be occupied by persons of eligible income. The housing project shall be developed on the site adjacent to the former Broadway Homes site and known as the Church Home and Hospital site, 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 and two.

\_\_\_\_\_  
City Solicitor

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

**SECTION 2. AND BE IT 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 16, 2002

MARTIN O'MALLEY, Mayor

\_\_\_\_\_  
**CITY OF BALTIMORE  
ORDINANCE 02-344  
(Council Bill 02-728)**

**AN ORDINANCE CONCERNING**

**Supplementary General Fund Capital Appropriation —  
Department of Housing and Community Development — \$200,000**

FOR the purpose of providing a Supplementary General Fund Capital Appropriation in the amount of \$200,000 to the Department of Housing and Community Development (Account #9910-588-310), to provide funds to complete demolition activities involved in the redevelopment of the Strathdale Manor Housing 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 Prior Year Special Reserve 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 2002.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2002 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2002 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On March 27, 2002, 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 \$200,000 shall be made available to the Department of Housing and Community Development (Account #9910-588-310) as a Supplementary General Fund Capital Appropriation for Fiscal Year 2002, to provide funds to complete demolition activities involved in the redevelopment of the Strathdale Manor Housing project. The source of revenue for this appropriation is the Prior Year Special Reserve 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 2002.

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

Approved May 16, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-345  
(Council Bill 02-729)**

### **AN ORDINANCE CONCERNING**

### **Supplementary General Fund Capital Appropriation — Department of Public Works — \$500,000**

FOR the purpose of providing a Supplementary General Fund Capital Appropriation in the amount of \$500,000 to the Department of Public Works — Bureau of General Services (Account #9916-197-097), to provide funding for renovations of the Mitchell Court House and Courthouse East for ADA compliance; 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 2001 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 2002.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2002 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2002 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On April 3, 2002, 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 \$500,000 shall be made available to the Department of Public Works —Bureau of General Services (Account #9916-197-097) as a Supplementary General Fund Capital Appropriation for Fiscal Year 2002, to provide funding for renovations of the Mitchell Court House and Courthouse East for ADA compliance. The source of revenue for this appropriation is funds from the Fiscal 2001 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 2002.

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

Approved May 16, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-346  
(Council Bill 02-730)**

### **AN ORDINANCE CONCERNING**

### **Supplementary State Grant Fund Operating Appropriation — Mayor's Office on Criminal Justice — \$1,361,624**

FOR the purpose of providing a Supplementary State Grant Fund Operating Appropriation in the amount of \$1,361,624 to the Mayor's Office on Criminal Justice — Program 224 (Mayor's Office on Criminal Justice), to provide grant funding for 24 full-time police officers and one Sergeant to work in Baltimore City HotSpots; and providing for a special effective date.

BY authority of  
Article VI - Board of Estimates  
Section 8(b)(2) and (c)  
Baltimore City Charter  
(1996 Edition)

### **Recitals**

The revenue appropriated by this Ordinance represents a State Grant from the Governor's Office on Crime Control & 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 2002.

That grant could not have been expected with reasonable certainty when the Ordinance of Estimates for Fiscal Year 2002 was formulated.

On April 3, 2002, 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 \$1,361,624 shall be made available to the Mayor's Office on Criminal Justice — Program 224 (Mayor's Office on Criminal Justice) as a Supplementary State Grant Fund Operating Appropriation for Fiscal Year 2002, to provide funding for 24 full-time police officers and one Sergeant to work in the Baltimore City HotSpots program. The source of revenue for this appropriation is a State Grant from the Governor's Office on Crime Control & 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 2002.

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

Approved May 16, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-347  
(Council Bill 01-548)**

**AN ORDINANCE CONCERNING**

**Planned Unit Development — Amendment —  
Children's Hospital**

FOR the purpose of approving certain amendments to the Development Plan of the Children's Hospital Planned Unit Development.

BY authority of  
Article - Zoning  
Title 9, Subtitles 1 and 2  
Baltimore City Revised Code  
(Edition 2000)

### Recitals

By Ordinance 87-1158, as amended by Ordinance 97-213, the Mayor and City Council approved the application of ~~W.S. Baer Corporation~~ Children's Hospital of Baltimore City, Inc., through its affiliate, the Children's Hospital and Center for Reconstructive Surgery, Inc., to have certain property located east of Greenspring Avenue and north of Druid Park Drive, consisting of 40.82 acres, more or less, designated as a Residential Planned Unit Development and approved the Development Plan submitted by the applicant.

Loyola College in Maryland, Inc., is the contract purchaser of a portion of the ~~W.S. Baer Corporation~~ Children's Hospital of Baltimore City, Inc. property containing 21.298 acres, more or less, shown as Parcel A on the Plat attached as Exhibit 1, "Existing Conditions".

Loyola College wishes to amend the Development Plan, as previously approved by the Mayor and City Council, to eliminate Parcel A as shown on Exhibit 1 from the Children's Hospital Residential Planned Unit Development and to eliminate certain uses previously permitted by prior Ordinances. The Development Plan, as amended by this Ordinance, is shown on Exhibit 2, which is attached to this Ordinance.

On June 1, 2001, representatives of Loyola 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 Loyola have now 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 2 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 amendment to the Development Plan by eliminating 21.298 acres of unimproved land, shown as Parcel A on Exhibit 1, from the Children's Hospital Residential Planned Unit Development and by eliminating the 2 assisted living facilities and cluster residential dwellings, which were previously authorized as permitted principal uses within the boundaries of the Children's Hospital Residential Planned Unit Development.

**SECTION 2. AND BE IT FURTHER ORDAINED,** 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 Exhibit 1, "Existing Conditions", dated June 1, 2001, and Exhibit 2, "Development Plan", dated June 1, 2001.

**SECTION 3. AND BE IT FURTHER ORDAINED,** That the intent of this amendment is solely to delete certain land and uses from the Children's Hospital Residential Planned Unit Development. The remaining land uses are unchanged.

**SECTION 4. AND BE IT FURTHER ORDAINED,** That all plans for the construction of permanent improvements on the property are subject to final design approval 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 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 6. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day after the date it is enacted, contingent on the 21.298 acres, shown as Parcel A on Exhibit 2, being conveyed to Loyola College on or before March 1, 2002. If the acres are not conveyed to Loyola College, this Ordinance will be void without the need for further action by the Mayor and City Council.

Approved June 10, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-348  
(Council Bill 01-549)**

**AN ORDINANCE CONCERNING**

**Planned Unit Development — Designation —  
Loyola College Athletic Complex**

FOR the purpose of approving the application of Loyola College in Maryland, Inc., contract purchaser of certain property located south of West Cold Spring Lane and east of Greenspring Avenue, to have that property designated ~~an Industrial~~ a Residential Planned Unit Development; and approving the Development Plan submitted by the applicant.

BY authority of

Article - Zoning  
Title 9, Subtitles 1 and ~~5~~ 2  
Baltimore City Revised Code  
(Edition 2000)

**Recitals**

Loyola College in Maryland, Inc., is the contract purchaser of certain property shown as Parcel A on the Plat attached to this Ordinance as Exhibit 1, consisting of 71.112 acres, more or less.

The City of Baltimore is the fee simple owner of a portion of the property (the "City Property"), which will be conveyed to Loyola, and the ~~W.S. Baer Corporation~~ Children's Hospital of Baltimore, Inc. is the fee simple owner of the other portion of property (the "~~Baer Children's Hospital~~ Children's Hospital Property"), which will be conveyed to Loyola. The City Property and the ~~Baer Children's Hospital~~ Children's Hospital Property are collectively referred to as the "Loyola Property", as shown on the attached Plat as Exhibit 1. The Loyola Property is subject to the provisions of the Cold Spring Urban Renewal Plan.

On June 1, 2001, representatives of Loyola College 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 ~~an Industrial~~ a Residential Planned Unit Development.

The representatives of Loyola College have now applied to the Baltimore City Council for designation of the property as ~~an Industrial~~ a Residential Planned Unit Development, and they have submitted a Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and ~~5~~ 2 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 Loyola College, the contract purchaser of the Loyola Property located at south of West Cold Spring Lane and east of Greenspring Avenue, consisting of 71.112 acres, more or less, as outlined on the accompanying Development Plan entitled “Loyola College in Maryland Fields of Dreams”, dated ~~June 1, 2001~~ May 6, 2002, consisting of the following exhibits attached to this Ordinance:

- (a) Exhibit 1, “Existing Conditions Plan”, dated ~~June 1, 2001~~ May 6, 2002;
- (b) Exhibit 2, “Proposed Recreation Facility Full Build Out Plan”, dated ~~June 1, 2001~~ May 6, 2002;
- (c) Exhibit 3. “Forest Stand Delineation Plan”, dated ~~June 1, 2001~~ May 6, 2002;
- (d) Exhibits 4 and 5, “Forest Conservation Plan”, dated ~~June 1, 2001~~ May 6, 2002;
- (e) Exhibit 6, “Forest Conservation Details”, dated ~~June 1, 2001~~ May 6, 2002; and
- (f) Exhibit 7, “Site Section Plan”, dated ~~June 1, 2001~~ May 6, 2002;

to designate the property ~~an Industrial~~ a Residential Planned Development under Title 9, Subtitles 1 and ~~5~~ 2 of the Baltimore City Zoning Code.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That the Development Plan submitted by Loyola College is approved.

**SECTION 3. AND BE IT FURTHER ORDAINED,** That in accordance with the provisions of Title 9, Subtitle ~~5~~ 2 of the Zoning Code of Baltimore City, the following uses are permitted within the Planned Unit Development:

- (a) The Loyola Property is to be developed in ~~2 phases~~ 1 phase: Phase A ~~and Phase B~~.
- (b) Phase A may include:
  - (1) 1 stadium/outdoor recreation facility with permanent seating for a maximum of 6,000 spectators, athletic department offices, service facilities, and lights;
  - (2) 1 practice field with lights; and
  - (3) 1 practice field with a running track around the perimeter of the field, with lights and surface parking, as outlined in subsection (d) of this section.

The uses described in Phase A may be constructed by Loyola College at any time.

~~(c) Phase B may include:~~

- ~~(1) 1 basketball and ice hockey forum/arena, with permanent seating for a maximum of 6,000 spectators;~~
- ~~(2) structured and surface parking, as outlined in subsection (d) of this section; and~~
- ~~(3) 6 tennis courts with lights.~~

~~The uses described in Phase B may be constructed at any time.~~

- (~~cd~~) (~~c~~) There must be a minimum of 250 and a maximum of 360 surface parking spaces in Phase A; ~~and a minimum of 100 and a maximum of 160 additional surface parking spaces, along with a minimum of 200 and a maximum of 250 structured parking spaces, in Phase B.~~
- (~~ce~~) (~~d~~) A comprehensive traffic management plan will be undertaken, and for major, special events, Loyola will encourage the use of mass transit and shuttle services to and from the Loyola Property. Loyola will use its best efforts to partner with neighboring owners for the joint use of parking facilities, such as those associated with local institutions and the Maryland Transit Authority. Loyola will discourage the use of local streets for event parking.
- (~~cf~~) (~~e~~) Uses other than those listed above are considered a major amendment to the ~~Industrial Residential~~ Planned Unit Development, subject to approval by an Ordinance of the Mayor and City Council.

**SECTION 4. AND BE IT FURTHER ORDAINED,** That the maximum height of ~~any building to be constructed on the Loyola Property is 100 feet~~ the stadium/outdoor recreation facility (excluding lights) shall be 80 feet, and the maximum height of the lights shall be 100 feet.

**SECTION 5. AND BE IT FURTHER ORDAINED,** That the signage shall be as follows:

- (a) There may be a monumental sign identifying the Loyola Athletic complex at the entrance at Coldspring Lane and Tamarind Road. The joint use of this monumental sign by the Jones Falls Trail and the MTA Park and Ride is encouraged. This sign will be considered an identification sign.
- (b) A sign identifying the service only entrance to the complex may be located along Greenspring Avenue.
- (c) Identification signs on buildings and directional signs are allowed.
- (d) If Loyola College wishes to have an identification sign that is readable from the Jones Falls Expressway, the College must obtain approval by Ordinance of the Mayor and City Council.
- (e) All signage is subject to design approval by the Planning Commission.

**SECTION 6. AND BE IT FURTHER ORDAINED,** That the Property is subject to the following conditions:

- (a) The Development Plan, entitled "Loyola College in Maryland Fields of Dreams", dated May 6, 2002, consisting of Exhibits 1 through 7, is made a part of this Ordinance. No change may be made to the Plan without the prior approval of the Planning Department.
- (b) Best Management Practices will be used to minimize use of chemical fertilizers and to control insects.
- (c) The athletic field lights shall be turned off at 11 p.m., unless there is an ongoing competitive event.
- (d) The Forest Conservation Easement (Preservation Area) shall be for a period of 20 years.
- (e) The maximum number of non-athletic events permitted is 4 per year.
- (f) Loyola College will follow the International Dark Sky Association Handbook Requirements for the lighting.

(g) The sale and consumption of any alcohol on the premises is prohibited.

**SECTION 7. AND BE IT FURTHER ORDAINED,** That the Property is subject to the following environmental conditions:

- (a) Any change to the topography or drainage of the site must be performed so that there is no greater infiltration of water into the refuse than under pre-development conditions.
- (b) Any surface water releases must be in accordance with all sediment and erosion control laws, regulations, and ordinances.
- (c) Site modifications must not impact the proper functioning or prevent maintenance of any pollution control or monitoring device, such as the leachate pumps or the monitoring wells at the landfill.
- (d) The site modifications must be performed in a manner that prevents nuisances, pollution, or other risk to the public health, safety, or comfort while site modifications are underway.
- (e) Exposed waste must be covered by soil, a tarp, or other acceptable material by day's end, or additional measures must be taken to prevent an odor problem or other nuisance or health risk from developing.

**SECTION 5 8. AND BE IT FURTHER ORDAINED,** That there may be no roadway through the Loyola Property connecting Greenspring Avenue to Cold Spring Lane.

**SECTION 6 9. AND BE IT FURTHER ORDAINED,** That Loyola College must work with local community groups, the Department of Public Works, and the Planning Department to develop a forest enhancement plan for the Loyola Property; however, the final decision and any changes to the Forest Conservation Plan shall be made by the Planning Commission.

**SECTION 7 10. AND BE IT FURTHER ORDAINED,** That all plans for the construction of permanent improvements on the property, as well as architectural and site plan details, including but not limited to building materials, signage, lighting, and landscaping, are subject to final design approval by the Planning Commission to insure that the plans are consistent with the Development Plan and this Ordinance.

**SECTION 8 11. 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 9 12. 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 10 13. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day after the date it is enacted, contingent on Loyola College's having obtained a grading permit in connection with the



development of the Property on or before July 1, 2007. If Loyola College does not obtain the permit by that time, this Ordinance will be void without the need for further action by the Mayor and City Council.

Approved June 10, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-349  
(Council Bill 02-761)**

**AN ORDINANCE CONCERNING**

**Charles Village Community Benefits District Management Authority —  
Board of Directors**

FOR the purpose of conforming the list of entities represented on the Board of Directors of the Charles Village Community Benefits District Management Authority to reflect recent organizational and name changes; and generally relating to the Charles Village Community Benefits District and Management Authority.

BY repealing and reordaining, with amendments

Article 14 - Special Benefits District  
Section(s) 6-6(e)(3) and (4)  
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 14. Special Benefits Districts**

**Subtitle 6. Charles Village Community Benefits District**

**§ 6-6. Board of Directors.**

*(e) Minimum representation.*

The following minimum representation shall be present on the full Board, except during periods of temporary vacancies:

- (3) At least 8 voting Board members shall be from the following constituent organizations within the District:
  - (i) the Abell Improvement Association;
  - (ii) the Charles Village Civic Association;
  - (iii) the [South Charles Village] OLD GOUCHER Community Association, and

- (iv) the Harwood Community Association.
- (4) At least 6 voting Board members shall be from the following constituent organizations within the District:
- (i) the Better Greenmount Alliance,
  - (ii) the [South Charles] OLD GOUCHER ~~Village Partnership~~ BUSINESS ALLIANCE, INC.,  
and
  - (iii) the North Charles Village Business Association.

**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 10, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-350  
(Council Bill 01-471)**

**AN ORDINANCE CONCERNING**

**Baltimore City Critical Area Management Program**

FOR the purpose of repealing the Baltimore City Critical Area Management Program and Document; adopting the new Baltimore City Critical Area Management Program and Document, Edition ~~2000~~ 2002; prohibiting certain uses in the Critical Area; defining and redefining certain terms; conforming certain provisions; providing for a special effective date; and generally relating to the Baltimore City Critical Area Management Program.

~~BY repealing and reordaining, with amendments~~

~~Article - Zoning  
Section 8-301(f)(1)  
Baltimore City Revised Code  
Edition 2000~~

~~BY adding~~

~~Article - Zoning  
Section(s) 8-310(a)(3), (4), (5), (6), (7), (8), (9), (10)  
Baltimore City Revised Code  
(Edition 2000)~~

~~BY repealing and reordaining, with amendments~~

~~Article - Zoning  
Section(s) 8-310(b)  
Baltimore City Revised Code  
(Edition 2000)~~

BY repealing and reordaining, with amendments

Article - Zoning  
Title 8, Subtitle 3  
Baltimore City Revised Code  
(Edition 2000)

BY repealing and reordaining, with amendments

Article 7 - Natural Resources  
Section(s) 21-1(q)(2)  
Baltimore City Code  
(Edition 2000)

BY repealing

The Baltimore City Critical Area Management Program  
(As adopted by Resolution 87-107 and amended by Ordinance 87-1130,  
Ordinance 87-1131, Ordinance 87-1132, and Ordinance 94-356)

BY approving and adopting

The Baltimore City Critical Area Management Program and Document, Edition ~~2000~~ 2002

### **Recitals**

The Baltimore City Critical Area Management Program, as required by Title 8, Subtitle 18 of the Natural Resources Article of the Annotated Code of Maryland, was adopted by Resolution 87-107.

Resolution 87-107 requires that any change in the Baltimore City Critical Area Management Program must be made by Resolution or Ordinance of the Mayor and City Council.

Section 8-1809 of the Natural Resources Article, Annotated Code of Maryland, requires that amendments to a local jurisdiction's program be approved by the Chesapeake Bay Critical Area Commission.

**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 — Zoning**

### **Title 8. Overlay Districts**

### **Subtitle 3. Critical Area Overlay District**

**§ 8-301. Definitions.**(a) In general.

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

(b) Buffer.(1) In general.

“Buffer” means [any land within 100 feet of the mean high waterline of tidal streams, tributary streams, and tidal wetlands] AN EXISTING NATURALLY VEGETATED AREA OR VEGETATED AREA ESTABLISHED OR MANAGED TO PROTECT AQUATIC, WETLAND, SHORELINE, AND TERRESTRIAL ENVIRONMENTS FROM MAN-MADE DISTURBANCE.

(2) ESTABLISHMENT.

THE BUFFER SHALL BE ESTABLISHED 100 FEET LANDWARD FROM THE MEAN HIGH WATERLINE OF TIDAL WATERS AND THE LANDWARD EDGE OF TIDAL WETLANDS AND TRIBUTARY STREAMS.

(3) Configuration; filling.

For purposes of configuring the Critical Area Buffer, the 100 feet landward of the mean high waterline is measured at the 2-foot contour as it existed on December 4, 1987. All new lands created as a result of filling after January 4, 1988, become additional [buffer] BUFFER areas, and the [buffer] BUFFER line configured before the filling remains unchanged for purposes of determining [buffer] BUFFER offset requirements.

(c) Critical Area.

“Critical Area” means all parts of the Chesapeake Bay Critical Area, as delineated in and modified by the City in accordance with § 8-1807 of the State Natural Resources Article, that fall within City boundaries.

(d) Critical Area Management Program.

“Critical Area Management Program” means the Baltimore City Critical Area Management Program, as approved by the Chesapeake Bay Critical Area Commission and adopted by Resolution of the Mayor and City Council of Baltimore.

(e) Development.

“Development” means any one or combination of the following:

- (1) construction, reconstruction, modification, or expansion of structures;
- (2) placement of fill;
- (3) dredging;
- (4) drilling;
- (5) mining;

(6) grading;

(7) paving;

(8) land excavation;

(9) land clearing;

(10) land improvements; or

(11) storage of materials.

(f) *Significant development.*

“Significant development” means any development that would:

~~f(1) disturb 5,000 or more square feet of land in the Buffer;~~

(2) ~~(1)~~ disturb 10,000 or more square feet of land in the Critical Area;

~~f(3)~~ ~~(2)~~ result in any disturbance, caused by use, development, or destruction of vegetation, to land in an area designated under the Critical Area Management Program as a Habitat Protection Area; or

~~f(4)~~ ~~(3)~~ involve an expenditure for improvements to the property equal to or greater than 50% of the assessed value of the property, as certified by the Department of Planning.

(g) *Water-dependent facilities.*

(1) In general.

“Water-dependent facilities” means land uses or structures that:

(i) are associated with industrial, maritime, recreational, educational, or fisheries activities;

(ii) require a location within the Buffer near the shoreline; and

(iii) are dependent on the water by reason of the intrinsic nature of their operation.

(2) Inclusions.

“Water-dependent facilities” include:

(i) ports;

(ii) intake and outfall structures of power plants;

(iii) water-use industries;

(iv) marinas and other boat-docking structures;

(v) public beaches and water-oriented recreation areas; and

(vi) fisheries.

(3) Exclusions.

“Water-dependent facilities” do not include private piers [unless they are part of] THAT ARE INSTALLED AND MAINTAINED BY RIPARIAN LANDOWNERS AND ARE NOT PART OF A subdivision that provides community piers.

**§ 8-302. Design.**

The Critical Area Overlay District is designed to foster more sensitive, consistent, and uniform development and redevelopment activity along the City’s shoreline areas of the Chesapeake Bay and its tributaries, so as to minimize damage to water quality and natural or established habitats for the benefit of current and future generations.

**§ 8-303. Critical Area and Buffer.**

(a) Critical Area.

The [State] Chesapeake Bay Critical Area [law] ACT (Title 8, Subtitle 18 of the State Natural Resources Article) requires that the City designate as its Critical Area an area that CONSISTS OF, at a minimum[, extends 1,000 feet from the head of the tide (as indicated on the State Wetlands maps) along its entire length of shoreline]:

- (1) ALL WATERS OF AND LAND UNDER THE CHESAPEAKE BAY AND ITS TRIBUTARIES TO THE HEAD OF THE TIDE, AS INDICATED ON THE STATE WETLAND MAPS;
- (2) ALL STATE AND PRIVATE WETLANDS DESIGNATED UNDER TITLE 9 OF THE NATURAL RESOURCES ARTICLE; AND
- (3) ALL LAND AND WATER AREAS WITHIN 1,000 FEET BEYOND THE LANDWARD BOUNDARIES OF STATE OR PRIVATE WETLANDS AND THE HEADS OF THE TIDES.

(b) Buffer.

[The State regulations that implement the Critical Area Law require that the City also designate, as the Critical Area Buffer, the land area extending 100 feet from the mean high water lines.]

- (1) THE BUFFER SHALL BE EXPANDED BEYOND 100 FEET TO INCLUDE CONTIGUOUS SENSITIVE AREAS, SUCH AS STEEP SLOPES, HYDRIC SOILS, OR HIGHLY ERODIBLE SOILS, WHOSE DEVELOPMENT OR DISTURBANCE MAY IMPACT STREAMS, WETLANDS, OR OTHER AQUATIC ENVIRONMENTS.
- (2) IN THE CASE OF CONTIGUOUS SLOPES OF 15% OR GREATER, THE BUFFER SHALL BE EXPANDED 4 FEET FOR EVERY 1% OF SLOPE OR TO THE TOP OF THE SLOPE, WHICHEVER IS GREATER IN EXTENT.

**§ 8-304. Development Areas.***(a) In general.*

The State regulations that implement the Critical Area Law also require that the City designate “Development Areas” within the Critical Area, based generally on existing development patterns and densities.

*(b) Types designated.*

The [3] 2 types of Development Areas specified in the Critical Area Management Program are:

(1) Resource Conservation [Area] AREAS.

(2) INTENSELY DEVELOPED AREAS, WHICH COMPRISE 2 SUBAREAS:

(I) Waterfront Revitalization [Area] AREAS.

(II) [(3)] Waterfront Industrial [Area] AREAS.

**§ 8-305. Boundaries.***(a) As delineated on maps.*

The Critical Area Buffer and Development Area boundaries are delineated on a series of maps maintained by the Baltimore City Department of Planning. These maps may be periodically revised with the approval of the Planning Commission and the Chesapeake Bay Critical Area Commission.

*(b) Other depictions illustrative only.*

Any other representation of the Critical Area or its Development Areas, regardless of the source of publication, are illustrative only and may not be used for determining any of the development requirements or restrictions required in this subtitle or by the Baltimore City Critical Area Management Program.

**§§ 8-306 to 8-307. {Reserved}***PART II. GENERAL REQUIREMENTS***§ 8-308. In general.**

In addition to the general provisions of Title 3 {“General Rules”} of this article, the following provisions apply to Critical Area Overlay District.

**§ 8-309. General use regulations.***(a) Permitted uses.*

Permitted uses are as set forth in Part III of this subtitle for each type of Development Area.

*(b) Conditional uses.*

Conditional uses are as set forth in Part III of this subtitle for each type of Development Area.

(c) Nonconforming uses.

Any expansion made after January 3, 1988, to a nonconforming use in the Critical Area Overlay District must comply with the development requirements of Section III of the Critical Area Management Program if the Department of Planning determines it to be a significant development.

**§ 8-310. Prohibited uses.**

*(a) Within Critical Area.*

Except as specified in subsection (c) of this section, the following uses are prohibited within the Critical Area:

- (1) Solid or hazardous waste collection or disposal facilities.
- (2) Sanitary landfills.
- (3) MATERIALS RECOVERY FACILITIES.
- (4) WASTE DISPOSAL (EXCEPT GARBAGE) FOR LAND FILL AND LAND RECLAMATION.
- (5) JUNK OR SCRAP STORAGE AND YARDS.
- (6) RADIOACTIVE WASTE HANDLING.
- (7) INCINERATORS: COMMERCIAL OR MUNICIPAL.
- (8) RECYCLING COLLECTION STATIONS.
- (9) TRANSFER STATIONS.
- (10) HAZARDOUS MATERIAL: HANDLING AND STORAGE.

*(b) Within Buffer.*

Except as specified in subsection (c) of this section, the following additional uses are prohibited within the Buffer:

- (1) Storage facilities for toxic or hazardous substances (as those terms are ~~used in Title 5 of the State Labor and Employment Article~~ DEFINED IN COMAR 11.07.01.01A) or nutrients (that is, elements or compounds essential as raw material for organic growth and development; for example, carbon, nitrogen, and phosphorus).
- (2) Open storage facilities for any bulk solid or semi-solid material that is a toxic or hazardous substance or nutrient or that becomes one when left to stand or exposed to water.
- (3) Outdoor facilities for the maintenance, storage, or dismantling of abandoned, unlicensed, junked, or derelict vehicles.
- [(3)] (4) Sand or gravel operations.
- [(4)] (5) Cement plants.



[(5)] (6) Chemical plants.

(7) NON-WATER-DEPENDENT STRUCTURES ON ~~BARGES OR PIERS~~;

(I) PIERS; OR

(II) BARGES OR OTHER NON-SELF-PROPELLED VESSELS (OTHER THAN HISTORIC VESSELS USED AS MUSEUMS).

[(6)] (8) As specified in § 3-107 {"Prohibited uses"} of this article.

(c) Exceptions.

The prohibitions in subsections (a) and (b) of this section do not apply if:

(1) on recommendation of the Department of Planning, the Board finds that:

(i) there is no environmentally acceptable alternative outside the Critical Area; and

(ii) the use is needed to correct an existing water quality or wastewater management problem; and

(2) for any new use that constitutes a significant development or for any expansion of a nonconforming use, a best management practices plan that will achieve a net improvement in water quality is submitted and implemented as a requirement of the Critical Area review process.

**§ 8-311. Water-dependent facilities within Buffer.**

(A) INTENSELY DEVELOPED AREAS.

Water-dependent facilities are allowed in the Buffer IN INTENSELY DEVELOPED AREAS only if:

(1) the use AND PROJECT [meets] MEET a recognized private right or public need;

(2) adverse effects on water quality and on fish, plant, and wildlife habitats are minimized;

(3) TO THE EXTENT POSSIBLE, all associated non-water-dependent uses and structures are located outside the Buffer; and

(4) the facilities meet the requirements of the Critical Area Management Program, [and] the Critical Area Development Manual, AND THE STATE LAW AND REGULATIONS GOVERNING THE CRITICAL AREA.

(B) RESOURCE CONSERVATION AREAS.

EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED IN § 8-317 OF THIS SUBTITLE, WATER-DEPENDENT FACILITIES ARE PROHIBITED IN RESOURCE CONSERVATION AREAS.

**§ 8-312. Public utility and government services.**

Notwithstanding any other provision to the contrary, every significant development of public utilities or governmental services within the Critical Area is subject to the special requirements and restrictions of the Critical Area Management Program.

**§ 8-313. Abandoned uses.**

Any use that is discontinued for 12 consecutive months:

(1) is considered abandoned; and

(2) may not be reestablished in the Critical Area unless, on recommendation of the Department of Planning, the Board finds that the use complies with the Critical Area Management Program.

**§ 8-314. Bulk regulations.**

The standards set forth in this article for each underlying district apply to properties in the Critical Area Overlay District.

**§§ 8-315 to 8-316. {Reserved}**

*PART III. DEVELOPMENT AREA REQUIREMENTS*

**§ 8-317. Resource Conservation Area.**

(a) Permitted uses within Critical Area.

In a Resource Conservation Area within the Critical Area but outside the Buffer, permitted uses are as follows:

[Open] NON-PROFIT OR PUBLICLY-OWNED OPEN space, NATURAL PARKS, PEDESTRIAN EASEMENTS, PROMENADES, BIKE PATHS, [and public recreational,] cultural AND HISTORIC SITES, and educational facilities.

(b) Permitted uses within Buffer.

In a Resource Conservation Area within the Buffer, permitted uses are as follows:

[Water-dependent facilities for public use, subject to the provisions of § 8-311 {"Water-dependent facilities within Buffer"} of this subtitle.]

AREAS FOR PASSIVE RECREATION, SUCH AS NATURE STUDY AND EDUCATION – BUT SERVICE FACILITIES FOR THESE AREAS MUST BE LOCATED OUTSIDE OF THE BUFFER

(c) Accessory and conditional uses within Critical Area.

In a Resource Conservation Area within the Critical Area or Buffer, accessory and conditional uses are as follows:

None.

**§ 8-318. INTENSELY DEVELOPED AREAS – Waterfront Revitalization [Area] SUBAREA.***(a) Permitted, accessory, and conditional uses within Critical Area.*

In a Waterfront Revitalization Area within the Critical Area but outside the Buffer, permitted, accessory, and conditional uses are as follows:

As otherwise provided in this article for the underlying ZONING district, subject to the provisions of § 8-310 {"Prohibited uses"} of this subtitle.

*(b) Permitted, accessory, and conditional uses within Buffer.*

In a Waterfront Revitalization Area within the Buffer, permitted, accessory, and conditional uses are as follows:

As otherwise provided in this article for the underlying ZONING district, subject to the provisions of § 8-310 {"Prohibited uses"} and § 8-311 {"[Water-dependent facilities] NEW OR EXPANDED DEVELOPMENT within Buffer"} of this subtitle.

**§ 8-319. INTENSELY DEVELOPED AREAS – Waterfront Industrial [Area] SUBAREA.***(a) Permitted, accessory, and conditional uses within Critical Area.*

In a Waterfront Industrial Area within the Critical Area but outside the Buffer, permitted, accessory, and conditional uses are as follows:

As otherwise provided in this article for the underlying ZONING district, subject to the provisions of § 8-310 {"Prohibited uses"} of this subtitle.

*(b) Permitted, accessory, and conditional uses within Buffer.*

In a Waterfront Industrial Area within the Buffer, permitted, accessory, and conditional uses are as follows:

As otherwise provided in this article for the underlying ZONING district, subject to the provisions of § 8-310 {"Prohibited uses"} and § 8-311 {"[Water-dependent facilities] NEW OR EXPANDED DEVELOPMENT within Buffer"} of this subtitle.

**§§ 8-320 to 8-321. {Reserved}***PART IV. ADMINISTRATION***§ 8-322. Conditional uses and variances.***(a) In general.*

In addition to the requirements of Title 14 {"Conditional Uses"} and Title 15 {"Variances"} of this article, the standards and procedures of this section apply to any conditional use or variance in the Critical Area.

*(b) Findings — Planning Department.*

The Planning Department must find that:

- (1) special conditions or circumstances exist that are peculiar to the land or structure for which the application is made; and
- (2) a literal enforcement of the requirements of the Critical Area Management Program would result in unwarranted hardship.

(c) Findings — Board.

In addition, the Board must find that:

- (1) a literal interpretation of the Critical Area Management Program, the State Chesapeake Bay Critical Area law, or related regulations will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area;
- (2) the granting of a conditional use or variance will not confer on the applicant any special privilege that would be denied under the Critical Area Management Program, the Chesapeake Bay Critical Area law, or related regulations to other lands or structures within the Critical Area;
- (3) the application for the conditional use or variance:
  - (i) is not based on conditions or circumstances that are the result of the applicant's own actions; and
  - (ii) does not arise from any condition that relates to a land or building use, whether nonconforming or otherwise allowed, on any neighboring property;
- (4) the granting of a conditional use or variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitats within:
  - (i) the Critical Area;
  - (ii) a Resource Conservation Area; or
  - (iii) any other protected part of the State Chesapeake Bay Critical Area within a neighboring jurisdiction; and
- (5) the granting of a conditional use or variance will be in harmony with the general spirit and intent of the Critical Area Management Program, the State Chesapeake Bay Critical Area law, and related regulations.

(d) Application copies to Planning and Critical Area Commission.

All applications for a conditional use or variance must be made in writing to the Board, and the Board must furnish copies of all applications to the Planning Department and the Chesapeake Bay Critical Area Commission.

## Article 7 - Natural Resources

### Subtitle 21 - Definitions; General Provisions

#### § 21-1. Definitions.

(q) *Significant development.*

(2) “*Significant development*” defined.

“Significant development” means any development which would:

{(i)} ~~result in a disturbance to 5,000 or more square feet of~~ DISTURB land in the ~~buffer~~ BUFFER;

{(ii)} ~~(i)~~ [result in a disturbance to] DISTURB 10,000 or more square feet of land in the Critical Area;

{(iii)} ~~(ii)~~ result in any disturbance, CAUSED BY USE, DEVELOPMENT, OR DESTRUCTION OF VEGETATION, to land in [a] AN AREA designated [habitat protection area, caused by use, development, or destruction of vegetation] UNDER THE CRITICAL AREA MANAGEMENT PROGRAM AS A HABITAT PROTECTION AREA; or

{(iv)} ~~(iii)~~ involve an expenditure for improvements to the property equal to or greater than 50% of the assessed Department of Planning.

**SECTION 2. AND BE IT FURTHER ORDAINED**, That the new Critical Area Management Program and Document (the “CAMP Document”), Edition ~~2000~~ 2002, as prepared, edited, and published by the Department of Planning, is ~~legalized~~ approved and adopted.

~~**SECTION 3. AND BE IT FURTHER ORDAINED**, That the new 2000 Revision of the Appendices to the Critical Area Management Program Document (the “CAMP Document”), as prepared, edited, and published by the Department of Planning, is legalized.~~

**SECTION 4 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 5 4. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the date it is enacted, contingent on approval by the Chesapeake Bay Critical Area Commission, as provided in § 8-1809 of the Natural Resources Article, Annotated Code of Maryland.

Approved June 13, 2002

MARTIN O’MALLEY, Mayor

**CITY OF BALTIMORE  
ORDINANCE 02-351  
(Council Bill 01-612)**

**AN ORDINANCE CONCERNING**

**Zoning — Conditional Use Parking, Open Off-Street Area —  
~~3500 Plateau Avenue~~ Block 8294-A, Lot 14**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a parking, open off-street area, other than accessory, for the parking of four or more automobiles, on the property known as ~~3500 Plateau Avenue~~ Block 8294-A, Lot 14, 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 parking, open off-street area, other than accessory, for the parking of four or more automobiles on the property known as ~~3500 Plateau Avenue~~ Block 8294-A, Lot 14, 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 the~~ following conditions:

- (1) The Plan for this off-street parking lot, entitled “Development Plan/Church of the Redeemed” and dated May 12, 2001, is made a part of this Ordinance. No change may be made to the Plan without prior approval of the Planning Department.
- (2) The parking, open off-street 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 June 13, 2002

MARTIN O’MALLEY, Mayor

**ENROLLED****CITY OF BALTIMORE  
ORDINANCE 02-352  
(Council Bill 01-632)****AN ORDINANCE CONCERNING****Planned Unit Development — Designation —  
Inner Harbor East II**

FOR the purpose of approving the application of Harbor East, LLLP, the developer and owner of certain property located on the parcel known as 800 and 801 Aliceanna Street, in the Inner Harbor East Urban Renewal Area, to have that property 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**

The developer is the owner of certain property located at 800 and 801 Aliceanna Street, in the Inner Harbor East Urban Renewal Area, consisting of 3.6 acres, more or less.

The City of Baltimore is the fee simple owner of certain street beds contiguous to the property, which street beds might be closed for development by the developer.

The property is subject to the provisions of the Inner Harbor East Urban Renewal Plan, as amended from time to time.

The owner proposes to develop 2 projects, which will involve office, retail, residential, parking, and hotel and uses accessory to them.

On December 4, 2001, representatives of Harbor East, LLLP, 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 the developer have now 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 Harbor East LLLP, developer and owner of the property located at 800 and 801 Aliceanna Street, consisting of 3.6 acres, more or less, as outlined on the accompanying Development Plan entitled "Inner Harbor East II", consisting of Exhibit A, "Existing Conditions Plan Inner Harbor East II", dated ~~December 5, 2001~~ January 30, 2002, and Exhibit B, "Proposed Conditions Plan Inner Harbor East II", dated ~~December 5, 2001~~ January 30, 2002, to designate the property 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 in accordance with the provisions of Title 9, Subtitles 1 and 4, the following uses are allowed within the Business Planned Development:

- (a) all current uses as allowed in the B-1 and B-2 Zoning Districts and any additional uses that may later be allowed in those Districts;
- (b) dwellings: single-family, single-family detached, single-family attached, and multi-family-attached;
- (c) all uses allowed under the Residential/Commercial Category in the Inner Harbor East Urban Renewal Plan;
- (d) in addition, the following uses are allowed, subject to design approval by the Planning Commission:
  - (1) outdoor table service that is accessory to a restaurant or lunch room; ~~and~~
  - (2) ~~roof-top antennas~~ microwave antennas and satellite dishes; public utility uses, including antenna towers and microwave relay towers and installation for communications and transmissions or receiving, but not including cell phone towers; and
- ~~(e) uses accessory to the foregoing;~~
- ~~(f)~~ (e) without limiting the foregoing, the following uses are permitted with respect to Parcels designated on the Development Plan, but are limited to the maximum number of units designated below:
  - with respect to Parcel P, 370 dwelling units; ~~and,~~
- ~~(g) setbacks with respect to the property shall be as set forth on the final development plan or as otherwise approved.~~

**SECTION 3. AND BE IT FURTHER ORDAINED,** That the maximum building height of structures constructed within the Parcels ~~designated on the Development Plan~~ shall be as shown on Exhibit B, “Proposed Conditions Plan”, and there shall be no requirement with respect to the average height of built area.

**SECTION 4. AND BE IT FURTHER ORDAINED,** That parking ~~required or otherwise provided for any parcel designated on the Development Plan shall not be required to be provided~~ requirements shall be set forth in the Inner Harbor East Urban Renewal Plan. The parking requirements shall be satisfied within the Business Planned Unit Development boundaries and not on any specific parcel.

**SECTION 5. AND BE IT FURTHER ORDAINED,** That the minimum yard requirements are not applicable to specific lots created within the Business Planned Unit Development, but must otherwise comply with the plans approved by the Planning Commission.

**SECTION 6. AND BE IT FURTHER ORDAINED,** That the floor area requirements for Parcel P may not exceed 8.5.

**SECTION 7. AND BE IT FURTHER ORDAINED,** That the Development Plan submitted by Harbor East, LLLP, is approved.



**SECTION 8. 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 9. AND BE IT FURTHER ORDAINED,** That all plans for the construction of permanent improvements on the property are subject to final design approval by the Planning Commission to insure that the plans are consistent with the Development Plan and this Ordinance.

**SECTION 10. 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 11. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved June 13, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-353  
(Council Bill 02-647)**

**AN ORDINANCE CONCERNING**

**City Streets — Opening — Lovegrove Street and a 10-Foot Alley Lying  
Within the Central Business District Urban Renewal Area**

FOR the purpose of condemning and opening (1) Lovegrove Street, extending from a point 120 feet, more or less, south of Saratoga Street, Southerly 116.5 feet, more or less, to Dark Lane, and (2) a 10-foot alley laid out 110 feet south of Saratoga Street, extending from St. Paul Place, Westerly 138.1 feet, more or less, to Lovegrove Street and lying within the Central Business District Urban Renewal Area, as shown on Plat 314-A-20 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) Lovegrove Street, extending from a point 120 feet, more or less, south of Saratoga Street, Southerly 116.5 feet, more or less, to Dark Lane and (2) a 10-foot alley laid out 110 feet south of Saratoga Street, extending from St. Paul Place, Westerly 138.1 feet, more or less, to

Lovegrove Street and lying within the Central Business District Urban Renewal Area, and more particularly described as follows:

Beginning for Parcel No. 1 at a point on the west side of Lovegrove Street, 25 feet wide, distant southerly 120 feet, more or less, measured along the west side of said Lovegrove Street from the south side of Saratoga Street, 49.5 feet wide, said point of beginning also being on the line of the south side of a 10-foot alley, laid out 110 feet south of Saratoga Street, if projected westerly, and running thence binding reversely on said line, so projected, Easterly 25.0 feet to intersect the east side of said Lovegrove Street; thence binding on the east side of said Lovegrove Street, Southerly 116.5 feet, more or less, to intersect the line of the north side of Dark Lane, 24 feet wide, if projected westerly; thence binding on said line, so projected, Westerly 25.0 feet to intersect the west side of said Lovegrove Street, and thence binding on the west side of said Lovegrove Street, Northerly 116.5 feet, more or less, to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the west side of St. Paul Place, varying in width, and the north side of a 10-foot alley laid out 110 feet south of Saratoga Street, 49.5 feet wide, and running thence binding on the west side of said St. Paul Place, Southerly 10.0 feet to the south side of said 10-foot alley; thence binding on the south side of said 10-foot alley, Westerly 138.1 feet, more or less, to intersect the east side of Lovegrove Street, 25 feet wide; thence binding on the east side of said Lovegrove Street, Northerly 10.0 feet to the north side of said 10-foot alley, and thence binding on the north side of said 10-foot alley, Easterly 138.1 feet, more or less, to the place of beginning.

As delineated on Plat 314-A-20, prepared by the Survey Control Section and filed on October 5, 2001, 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) Lovegrove Street, extending from a point 120 feet, more or less, south of Saratoga Street, Southerly 116.5 feet, more or less, to Dark Lane and (2) a 10-foot alley laid out 110 feet south of Saratoga Street, extending from St. Paul Place, Westerly 138.1 feet, more or less, to Lovegrove Street and lying within the Central Business District Urban Renewal Area 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 June 13, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-354  
(Council Bill 02-648)**

**AN ORDINANCE CONCERNING**

**City Streets — Closing — Lovegrove Street and a 10-Foot Alley  
Lying Within the Central Business District Urban Renewal Area**

FOR the purpose of condemning and closing (1) Lovegrove Street, extending from a point 120 feet, more or less, south of Saratoga Street, Southerly 116.5 feet, more or less, to Dark Lane and (2) a 10-foot alley laid out 110 feet south of Saratoga Street, extending from St. Paul Place, Westerly 138.1 feet, more or less, to

Lovegrove Street and lying within the Central Business District Urban Renewal Area, as shown on Plat 314-A-20A 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) Lovegrove Street, extending from a point 120 feet, more or less, south of Saratoga Street, Southerly 116.5 feet, more or less, to Dark Lane and (2) a 10-foot alley laid out 110 feet south of Saratoga Street, extending from St. Paul Place, Westerly 138.1 feet, more or less, to Lovegrove Street and lying within the Central Business District Urban Renewal Area, and more particularly described as follows:

Beginning for Parcel No.1 at a point on the west side of Lovegrove Street, 25 feet wide, distant southerly 120 feet, more or less, measured along the west side of said Lovegrove Street from the south side of Saratoga Street, 49.5 feet wide, said point of beginning also being the point formed by the intersection of the line of the south side of a 10-foot alley, laid out 110 feet south of Saratoga Street, if projected westerly, and the west side of said Lovegrove Street, and running thence binding reversely on said line, so projected, Easterly 25.0 feet to intersect the east side of said Lovegrove Street; thence binding on the east side of said Lovegrove Street, Southerly 96.9 feet, more or less, to the northeast side of Lovegrove Street, varying in width; thence binding on the northeast side of last said Lovegrove Street, Southeasterly by a line curving to the left with a radius of 20.00 feet the distance of 31.14 feet to intersect the north side of Dark Lane, 24 feet wide; thence binding on the north side of said Dark Lane, Westerly 34.0 feet, more or less, to intersect a line drawn parallel with and distant 10.7 feet measured at right angles from the west side of last said Lovegrove Street; thence binding on last said line, so drawn, Northerly 16.8 feet, more or less; thence by a straight line, Westerly 10.7 feet, more or less, to intersect the west side of Lovegrove Street, mentioned firstly herein, and thence binding on the west side of Lovegrove Street, mentioned firstly herein, Northerly 99.7 feet, more or less, to the place of beginning.

Beginning for Parcel No.2 at the point formed by the intersection of the west side of St. Paul Place, varying in width, and the north side of a 10-foot alley laid out 110 feet south of Saratoga Street, 49.5 feet wide, and running thence binding on the west side of said St. Paul Place, Southerly 10.0 feet to the south side of said 10-foot alley; thence binding on the south side of said 10-foot alley, Westerly 138.1 feet, more or less, to intersect the east side of Lovegrove Street, 25 feet wide; thence binding on the east side of said Lovegrove Street, Northerly 10.0 feet to the north side of said 10-foot alley, and thence binding on the north side of said 10-foot alley, Easterly 138.1 feet, more or less, to the place of beginning.

As delineated on Plat 314-A-20A, prepared by the Survey Control Section and filed on October 5, 2001, 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) Lovegrove Street, extending from a point 120 feet, more or less, south of Saratoga Street, Southerly 116.5 feet, more or less, to Dark Lane and (2) a 10-foot alley laid out 110 feet south of Saratoga Street, extending from St. Paul Place, Westerly 138.1 feet, more or less, to Lovegrove Street and lying within the Central Business District Urban Renewal Area 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 13, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-355  
(Council Bill 02-674)**

**AN ORDINANCE CONCERNING**

**Zoning — Conditional Use Meeting and Banquet Halls —  
Portion of 33 South Front Street**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of meeting and banquet halls on the property known as 33 South Front Street, as outlined in red on the accompanying amended plat.

BY authority of

Article - Zoning

Section(s) 6-409(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 meeting and banquet halls on the property known as a portion of 33 South Front Street, as outlined in red on the amended plat accompanying this Ordinance, in accordance with Zoning Code §§ 6-409(1) and 14-102 of the Baltimore City Code, subject to the ~~condition~~ that the following conditions:

- (1) Meeting and banquet hall use is limited to the fourth floor of the Fava Building.
- (2) The sale of tickets to the general public for live entertainment and dancing events in the meeting and banquet hall is prohibited.
- (3) The uses permitted in the hall shall include events that are catered for:
  - a. life cycle events, such as Christenings, Confirmations, Bar/Bat Mitzvahs, engagement parties, showers, weddings, wakes, and family celebrations;
  - b. fundraising events by or for community and civic associations, government officials, and charitable organizations;
  - c. events held by private organizations; and
  - d. conferences and seminars.
- (4) Outdoor table service, when accessory to a hotel, motel, meeting and banquet hall, or restaurant, is allowed and is subject to the following conditions:
  - a. An outdoor bar is prohibited.
  - b. Amplified outdoor live entertainment is prohibited.
  - c. The maximum number of tables is 80, and the maximum number of seats is 300, as long as the tables and seats are located on private property and not in the public right-of-way.
  - d. There must be a site plan approved by the Site Plan Review Committee.
  - e. All patrons must be seated for dinner.
- (5) The maximum number of persons allowed in the meeting and banquet hall is 400 persons, or may be less as determined by the Baltimore City Fire Department.
- (6) Any consolidation or subdivision does not constitute a change in the conditional use.
- (7) Any museum use in the Fava Building may have catered events as an accessory use to the museum.

- (8) Changes to uses other than the fourth floor of the Fava Building must be in conformance with the underlying B-3-3 zoning, as further controlled by the Jonestown Urban Renewal Plan. Changes to any of the allowed uses will not constitute a change in conditional use.
- (9) The meeting and banquet hall is permitted to operate on a temporary basis on the condition that off-street parking be obtained for each event in the hall and that this parking may be provided in another garage that may be more than 300 feet from the site.
- (10) The meeting and banquet halls 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 amended 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 13, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-356  
(Council Bill 02-709)**

**AN ORDINANCE CONCERNING**

**Sale of Property — 657 Washington Boulevard**

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 657 Washington Boulevard 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 657 Washington Boulevard, and more particularly described as follows:

The R-9 zoned site (Ward 22, Section 5, Block 854, Lot 40) is located in the Ridgely's Delight Urban Renewal Area, is improved by a 2-story church building, and the site is .29 acres,

containing 12,197 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 13, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-357  
(Council Bill 02-732)**

**AN ORDINANCE CONCERNING**

**Franchise — Structural Projection Over Bed of Mount Royal Avenue**

FOR the purpose of granting a franchise to the Maryland Institute College of Art to construct, use, and maintain a structural projection at the northwest corner of ~~West Lafayette Avenue~~ North Howard Street and West Mount Royal 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 the Maryland Institute College of Art, 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 structural projection on the building located at the northwest corner of ~~West Lafayette Avenue~~ North Howard Street and West Mount Royal Avenue, as follows:

On the south side of the building, the projection shall be a metal and glass structure extending over the bed of Mount Royal Avenue in a triangular shape varying in width from 0-feet to a maximum of 5.60-feet and back to 0-feet, for a total length of approximately 41 feet. The projection shall begin approximately 230 feet from the northeast corner of West Lafayette Avenue and West Mount Royal Avenue. The projection shall be approximately 42 feet above the street bed at its lowest point and approximately 57 feet above the street bed at its highest point.

**SECTION 2. 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. 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 ~~\$624.38~~ 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. 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. 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. 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. 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. 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. 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. 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. 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. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is enacted.

Approved June 13, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-358  
(Council Bill 02-733)**

**AN ORDINANCE CONCERNING**

**City Streets — Closing —  
A Portion of Paca Street Lying Within the Market Center  
West Urban Renewal Project**

FOR the purpose of condemning and closing a portion of Paca Street, contiguous to the west side, and extending from Baltimore Street, Northerly 34.0 feet, and lying within the Department of Housing and Community Development's Market Center West Urban Renewal Project; as shown on Plat 347-A-52C 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 a portion of Paca Street, contiguous to the west side, and extending from Baltimore Street, Northerly 34.0 feet, 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, as now laid out, 66 feet wide, and the line of the west side of Paca Street, 110 feet wide, if projected southerly, and running thence binding reversely on the line of the west side of said Paca Street, so projected, Northerly 34.0 feet to intersect the north side of Baltimore Street, as formerly laid out 100 feet wide; thence binding on the line of the north side of last said Baltimore Street, if projected easterly, Easterly 27.5 feet to intersect the east side of the 27.5-foot wide portion of Paca Street condemned and closed under Ordinance No. 78, approved November 3, 2000; thence binding on the line of the east side of said portion of Paca Street, if projected southerly, Southerly 34.0 feet to intersect the line of the south side

of the 34.0 foot wide portion of Baltimore Street condemned and closed under said ordinance, if projected easterly, and thence binding reversely on last said line, so projected, Westerly 27.5 feet to the place of beginning.

As delineated on Plat 347-A-52C, prepared by the Survey Control Section and filed on September 18, 2001, 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 a portion of Paca 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 June 13, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-359  
(Council Bill 02-736)**

**AN ORDINANCE CONCERNING**

**City Property — Naming the Highlandtown Athletic Field at Highlandtown Elementary School #237  
to be the Frank “Beefy Beefie” Coccia Athletic Field**

FOR the purpose of naming the Highlandtown Athletic Field at Highland town Elementary School #237, located on Eaton Street in Highlandtown, to be the Frank "~~Beefy~~ Beefie" Coccia Athletic 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 Highlandtown Athletic Field at Highlandtown Elementary School #237, located on Eaton Street in Highlandtown, is named the Frank "~~Beefy~~ Beefie" Coccia Athletic 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 13, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-360  
(Council Bill 02-763)**

**AN ORDINANCE CONCERNING**

**Ordinance of Estimates for the Fiscal Year Ending June 30, 2003**

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 2003 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, 2003.

**A. Operating Budget**

**Board of Elections**

180 Voter Registration and Conduct of Elections		
General Fund Appropriation .....	\$	3,308,591

**City Council**

100	City Legislation		
	General Fund Appropriation .....	\$	3,649,841

**Community Relations Commission**

156	Development of Intergroup Relations		
	General Fund Appropriation .....	\$	823,303
	Federal Fund Appropriation .....	\$	51,296

**Comptroller**

130	Executive Direction and Control		
	General Fund Appropriation .....	\$	445,148
131	Audits		
	General Fund Appropriation .....	\$	2,995,640
132	Real Estate Acquisition and Management		
	General Fund Appropriation .....	\$	499,213

**Council Services**

103	Council Services		
	General Fund Appropriation .....	\$	467,309

**Courts: Circuit Court**

110	Circuit Court		
	General Fund Appropriation .....	\$	8,015,691
	Federal Fund Appropriation .....	\$	915,773
	State Fund Appropriation .....	\$	4,110,595

**Courts: Orphans' Court**

112	Orphans' Court		
	General Fund Appropriation .....	\$	401,232

**Employees' Retirement Systems**

152	Administration		
	Special Fund Appropriation .....	\$	5,472,124

**Enoch Pratt Free Library**

450	Administrative and Technical Services		
	General Fund Appropriation .....	\$	5,596,520
	State Fund Appropriation .....	\$	496,831
	Special Fund Appropriation .....	\$	1,011,986
452	Neighborhood Services		
	General Fund Appropriation .....	\$	7,955,933
453	State Library Resource Center		
	General Fund Appropriation .....	\$	5,225,629
	State Fund Appropriation .....	\$	8,762,967

**Finance**

140	Administrative Direction and Control		
	General Fund Appropriation .....	\$	784,916

141	Budget and Management Research		
	General Fund Appropriation .....	\$	1,193,133
142	Accounting and Payroll Services		
	General Fund Appropriation .....	\$	2,507,087
	Loan and Guarantee Fund Appropriation .....	\$	3,051,374
144	Purchasing		
	General Fund Appropriation .....	\$	2,276,336
150	Treasury Management		
	General Fund Appropriation .....	\$	2,129,347
<b>Fire</b>			
210	Administrative Direction and Control		
	General Fund Appropriation .....	\$	2,436,389
211	Training		
	General Fund Appropriation .....	\$	1,130,207
212	Fire Suppression		
	General Fund Appropriation .....	\$	86,180,671
	Federal Fund Appropriation .....	\$	1,501,000
	State Fund Appropriation .....	\$	85,000
213	Fire Marshal		
	General Fund Appropriation .....	\$	2,812,012
214	Support Services		
	General Fund Appropriation .....	\$	4,437,393
	State Fund Appropriation .....	\$	1,008,789
215	Fire Alarm and Communications		
	General Fund Appropriation .....	\$	4,143,416
	State Fund Appropriation .....	\$	5,860
219	Non-actuarial Retirement Benefits		
	General Fund Appropriation .....	\$	190,000
319	Ambulance Service		
	General Fund Appropriation .....	\$	4,753,388
	Federal Fund Appropriation .....	\$	200,000
	State Fund Appropriation .....	\$	69,200
	Special Fund Appropriation .....	\$	9,135,130
<b>Health</b>			
240	Animal Control		
	General Fund Appropriation .....	\$	1,908,387
	Special Fund Appropriation .....	\$	216,098
300	Administrative Direction and Control		
	General Fund Appropriation .....	\$	2,867,957

302	Environmental Health		
	General Fund Appropriation .....	\$	2,353,344
	Federal Fund Appropriation .....	\$	1,568,765
	State Fund Appropriation .....	\$	1,116,610
303	Special Purpose Grants		
	Special Fund Appropriation .....	\$	2,000,000
304	Health Promotion and Disease Prevention		
	General Fund Appropriation .....	\$	3,130,413
	Federal Fund Appropriation .....	\$	25,844,708
	State Fund Appropriation .....	\$	740,256
305	Maternal and Infant Care and Special Services		
	General Fund Appropriation .....	\$	751,448
	Federal Fund Appropriation .....	\$	9,871,509
	State Fund Appropriation .....	\$	3,855,395
	Special Fund Appropriation .....	\$	105,738
306	General Nursing Services		
	General Fund Appropriation .....	\$	885,957
	Federal Fund Appropriation .....	\$	63,000
	State Fund Appropriation .....	\$	5,971,831
307	Mental Health Services		
	General Fund Appropriation .....	\$	1,799,359
	Federal Fund Appropriation .....	\$	12,347,965
	State Fund Appropriation .....	\$	44,740,934
308	Maternal and Child Health		
	General Fund Appropriation .....	\$	617,698
	Federal Fund Appropriation .....	\$	11,069,542
	State Fund Appropriation .....	\$	92,426
	Special Fund Appropriation .....	\$	5,000
309	Child and Adult Care - Food		
	Federal Fund Appropriation .....	\$	6,073,410
310	School Health Services		
	General Fund Appropriation .....	\$	3,847,408
	Federal Fund Appropriation .....	\$	510,081
	State Fund Appropriation .....	\$	177,493
	Special Fund Appropriation .....	\$	5,259,099
311	Health Services for the Aging		
	General Fund Appropriation .....	\$	196,042
	Federal Fund Appropriation .....	\$	29,728,819
	State Fund Appropriation .....	\$	1,246,268
	Special Fund Appropriation .....	\$	84,527

**Housing and Community Development**

119	Neighborhood Service Centers		
	General Fund Appropriation .....	\$	5,000
	Federal Fund Appropriation .....	\$	1,694,876
	State Fund Appropriation .....	\$	2,531,475
177	Administrative Direction and Control		
	General Fund Appropriation .....	\$	2,975,352
	Federal Fund Appropriation .....	\$	1,773,184
	Special Fund Appropriation .....	\$	464,419
184	Energy Assistance and Emergency Food		
	State Fund Appropriation .....	\$	1,978,373
260	Construction and Building Inspection		
	General Fund Appropriation .....	\$	2,786,367
	Federal Fund Appropriation .....	\$	886,005
	Special Fund Appropriation .....	\$	1,000,000
357	Services for Homeless Persons		
	General Fund Appropriation .....	\$	236,089
	Federal Fund Appropriation .....	\$	24,930,000
	State Fund Appropriation .....	\$	4,705,872
	Special Fund Appropriation .....	\$	14,820
570	Preservation of Historic Places		
	General Fund Appropriation .....	\$	224,169
	Federal Fund Appropriation .....	\$	242,163
	State Fund Appropriation .....	\$	60,000
	Special Fund Appropriation .....	\$	75,364
582	Finance and Development		
	General Fund Appropriation .....	\$	461,426
	Federal Fund Appropriation .....	\$	3,208,464
	State Fund Appropriation .....	\$	1,125,000
	Special Fund Appropriation .....	\$	210,000
583	Neighborhood Services		
	General Fund Appropriation .....	\$	1,414,315
	Federal Fund Appropriation .....	\$	3,658,361
	State Fund Appropriation .....	\$	33,682
	Special Fund Appropriation .....	\$	3,415,000
585	Baltimore Development Corporation		
	General Fund Appropriation .....	\$	2,520,000
	Federal Fund Appropriation .....	\$	875,000
	Special Fund Appropriation .....	\$	120,000
592	Special Housing Grants		
	Federal Fund Appropriation .....	\$	250,000
	State Fund Appropriation .....	\$	110,000

593	Community Support Projects		
	General Fund Appropriation .....	\$	610,000
	Federal Fund Appropriation .....	\$	8,787,517
597	Weatherization		
	State Fund Appropriation .....	\$	1,404,669
604	Child Care Centers		
	Federal Fund Appropriation .....	\$	1,537,099
605	Head Start		
	Federal Fund Appropriation .....	\$	25,697,129
	State Fund Appropriation .....	\$	40,000
606	Arts and Education		
	State Fund Appropriation .....	\$	78,610
<b>Human Resources</b>			
160	Personnel Administration		
	General Fund Appropriation .....	\$	1,856,048
<b>Law</b>			
175	Legal Services		
	General Fund Appropriation .....	\$	3,872,305
<b>Legislative Reference</b>			
106	Legislative Reference Services		
	General Fund Appropriation .....	\$	464,994
	Special Fund Appropriation .....	\$	11,400
107	Archives and Records Management		
	General Fund Appropriation .....	\$	230,195
<b>Liquor License Board</b>			
250	Liquor Control		
	General Fund Appropriation .....	\$	1,642,927
<b>Mayoralty</b>			
125	Executive Direction and Control		
	General Fund Appropriation .....	\$	2,660,158
127	Office of State Relations		
	General Fund Appropriation .....	\$	601,354
353	Office of Community Projects		
	General Fund Appropriation .....	\$	138,743
599	Office of International Programs		
	General Fund Appropriation .....	\$	65,206
<b>M-R: Art and Culture</b>			
493	Art and Culture Grants		
	General Fund Appropriation .....	\$	5,539,876



**M-R: Cable and Communications**

572 Cable and Communications Coordination		
General Fund Appropriation .....	\$	288,934
Special Fund Appropriation .....	\$	637,453

**M-R: CitiStat Office**

347 CitiStat Operations		
General Fund Appropriation .....	\$	429,717

**M-R: Civic Promotion**

590 Civic Promotion		
General Fund Appropriation .....	\$	8,239,541

591 Office of Promotion and the Arts		
General Fund Appropriation .....	\$	1,613,611

**M-R: Commission on Aging and Retirement Education**

324 Executive Direction and Administration		
General Fund Appropriation .....	\$	210,464
Federal Fund Appropriation .....	\$	217,500
State Fund Appropriation .....	\$	9,000

325 Aging Service Access Points (Info and Assistance)		
Federal Fund Appropriation .....	\$	66,862
State Fund Appropriation .....	\$	748,284
Special Fund Appropriation .....	\$	83,800

326 Client Services - Direct		
General Fund Appropriation .....	\$	175,754
Motor Vehicle Appropriation .....	\$	325,000
Federal Fund Appropriation .....	\$	3,878,909
State Fund Appropriation .....	\$	3,227,264
Special Fund Appropriation .....	\$	1,336,048

327 Client Services - Indirect		
General Fund Appropriation .....	\$	90,704
Federal Fund Appropriation .....	\$	501,512
State Fund Appropriation .....	\$	465,675

**M-R: Conditional Purchase Agreements**

129 Conditional Purchase Agreement Payments		
General Fund Appropriation .....	\$	20,804,137
Loan and Guarantee Fund Appropriation .....	\$	699,626
Special Fund Appropriation .....	\$	451

**M-R: Contingent Fund**

121 Contingent Fund		
General Fund Appropriation .....	\$	750,000

**M-R: Convention Complex**

531	Convention Center Operations		
	General Fund Appropriation .....	\$	12,175,793
	Convention Center Bond Fund Appropriation .....	\$	4,637,000
	State Fund Appropriation .....	\$	2,777,103
540	Baltimore Arena Operations		
	General Fund Appropriation .....	\$	450,000

**M-R: Debt Service**

123	General Debt Service		
	General Fund Appropriation .....	\$	50,496,544
	Motor Vehicle Appropriation .....	\$	3,436,414

**M-R: Educational Grants**

446	Educational Grants		
	General Fund Appropriation .....	\$	1,137,006

**M-R: Employees' Retirement Costs**

355	Employees' Retirement Costs		
	General Fund Appropriation .....	\$	36,490,897
	Motor Vehicle Appropriation .....	\$	3,024,470

**M-R: Environmental Control Board**

117	Environmental Control		
	General Fund Appropriation .....	\$	306,756

**M-R: Health and Welfare Grants**

385	Health and Welfare Grants		
	General Fund Appropriation .....	\$	59,000

**M-R: Labor Commissioner**

128	Labor Relations		
	General Fund Appropriation .....	\$	467,753

**M-R: Local Share to City Schools**

352	Local Share to City Schools		
	General Fund Appropriation .....	\$	200,946,244

**M-R: Miscellaneous General Expenses**

122	Miscellaneous General Expenses		
	General Fund Appropriation .....	\$	8,758,920
	Motor Vehicle Appropriation .....	\$	4,890,850

**M-R: Office of Children, Youth and Families**

350	Office of Children, Youth and Families		
	General Fund Appropriation .....	\$	498,238
	State Fund Appropriation .....	\$	3,681,491
	Special Fund Appropriation .....	\$	1,546,850

**M-R: Office of Employment Development**

630	Administration (Title I)		
	General Fund Appropriation .....	\$	193,837
	Federal Fund Appropriation .....	\$	69,010
631	Job Training Partnership (Titles II/III)		
	Federal Fund Appropriation .....	\$	18,656,256
633	Youth Initiatives		
	Federal Fund Appropriation .....	\$	10,996,210
639	Special Services		
	General Fund Appropriation .....	\$	681,259
	Federal Fund Appropriation .....	\$	2,594,697
	State Fund Appropriation .....	\$	1,941,264
	Special Fund Appropriation .....	\$	100,000

**M-R: Office of Information Technology**

147	Information Technology Services		
	General Fund Appropriation .....	\$	3,952,520
151	Information Technology Support Services		
	General Fund Appropriation .....	\$	3,853,851

**M-R: Office of Neighborhoods**

354	Neighborhoods		
	General Fund Appropriation .....	\$	623,458

**M-R: Retirees' Benefits**

351	Retirees' Benefits		
	General Fund Appropriation .....	\$	70,181,000
	Motor Vehicle Appropriation .....	\$	5,556,000

**M-R: Self-Insurance Fund**

126	Contribution to Self-insurance Fund		
	General Fund Appropriation .....	\$	21,224,000
	Motor Vehicle Appropriation .....	\$	6,483,451

**Municipal and Zoning Appeals**

185	Zoning, Tax and Other Appeals		
	General Fund Appropriation .....	\$	297,204

**Planning**

187	City Planning		
	General Fund Appropriation .....	\$	1,009,810
	Motor Vehicle Appropriation .....	\$	724,084
	Federal Fund Appropriation .....	\$	586,700
	State Fund Appropriation .....	\$	45,000

**Police**

200	Administrative Direction and Control		
	General Fund Appropriation .....	\$	22,209,220

201	Field Operations Bureau		
	General Fund Appropriation .....	\$	152,660,205
	Federal Fund Appropriation .....	\$	14,985,557
	State Fund Appropriation .....	\$	7,335,784
202	Investigations		
	General Fund Appropriation .....	\$	32,101,569
	Federal Fund Appropriation .....	\$	79,660
	Special Fund Appropriation .....	\$	960,000
203	Traffic		
	Motor Vehicle Appropriation .....	\$	10,848,482
	State Fund Appropriation .....	\$	28,000
204	Services Bureau		
	General Fund Appropriation .....	\$	25,496,857
	Special Fund Appropriation .....	\$	1,957,583
205	Non-actuarial Retirement Benefits		
	General Fund Appropriation .....	\$	4,641,235
207	Research and Development		
	General Fund Appropriation .....	\$	5,215,276
224	Office of Criminal Justice		
	General Fund Appropriation .....	\$	704,503
	Federal Fund Appropriation .....	\$	7,699,931
	Special Fund Appropriation .....	\$	275,000
<b>Public Works</b>			
190	Departmental Administration		
	General Fund Appropriation .....	\$	374,974
	Motor Vehicle Appropriation .....	\$	742,137
191	Permits		
	Motor Vehicle Appropriation .....	\$	547,195
193	Building Maintenance		
	General Fund Appropriation .....	\$	17,621,298
198	Engineering/Construction Management		
	General Fund Appropriation .....	\$	63,616
	Motor Vehicle Appropriation .....	\$	938,891
513	Solid Waste Special Services		
	General Fund Appropriation .....	\$	334,038
	Motor Vehicle Appropriation .....	\$	25,288,507
515	Solid Waste Collection		
	General Fund Appropriation .....	\$	15,268,840
	Motor Vehicle Appropriation .....	\$	1,762,419

516	Solid Waste Environmental Services		
	General Fund Appropriation .....	\$	15,763,422
	Motor Vehicle Appropriation .....	\$	1,262,951
518	Storm Water Maintenance		
	Motor Vehicle Appropriation .....	\$	3,758,876
544	Sanitary Maintenance		
	Waste Water Utility Fund Appropriation .....	\$	13,386,383
546	Water Maintenance		
	Water Utility Fund Appropriation .....	\$	25,104,790
550	Waste Water Facilities		
	Waste Water Utility Fund Appropriation .....	\$	79,785,390
552	Water Facilities		
	Water Utility Fund Appropriation .....	\$	29,038,197
553	Water Engineering		
	Water Utility Fund Appropriation .....	\$	10,356,834
554	Waste Water Engineering		
	Waste Water Utility Fund Appropriation .....	\$	15,000,405
555	Environmental Services		
	Waste Water Utility Fund Appropriation .....	\$	3,134,458
	Water Utility Fund Appropriation .....	\$	487,624
560	Facilities Engineering		
	Waste Water Utility Fund Appropriation .....	\$	430,039
	Water Utility Fund Appropriation .....	\$	225,937
561	Utility Billing		
	Water Utility Fund Appropriation .....	\$	8,197,016
565	Utility Debt Service		
	Waste Water Utility Fund Appropriation .....	\$	16,980,325
	Water Utility Fund Appropriation .....	\$	17,119,602
<b>Recreation and Parks</b>			
471	Administrative Direction and Control		
	General Fund Appropriation .....	\$	1,931,868
	State Fund Appropriation .....	\$	491,326
473	Municipal Concerts and Other Musical Events		
	General Fund Appropriation .....	\$	59,036
478	General Park Services		
	General Fund Appropriation .....	\$	6,595,515
	State Fund Appropriation .....	\$	704,786

479	Special Facilities		
	General Fund Appropriation	\$	807,361
	Special Fund Appropriation	\$	114,978
480	Regular Recreational Services		
	General Fund Appropriation	\$	9,315,459
	State Fund Appropriation	\$	120,000
	Special Fund Appropriation	\$	450,000
482	Supplementary Recreational Services		
	State Fund Appropriation	\$	1,651,550
	Special Fund Appropriation	\$	187,121
505	Park and Street Trees		
	Motor Vehicle Appropriation	\$	2,384,506
	State Fund Appropriation	\$	10,000
<b>Sheriff</b>			
118	Sheriff Services		
	General Fund Appropriation	\$	9,201,973
<b>Social Services</b>			
365	Public Assistance		
	General Fund Appropriation	\$	230,000
<b>State's Attorney</b>			
115	Prosecution of Criminals		
	General Fund Appropriation	\$	17,203,886
	Federal Fund Appropriation	\$	2,070,596
	State Fund Appropriation	\$	2,259,408
	Special Fund Appropriation	\$	197,173
<b>Transportation</b>			
195	Towing		
	General Fund Appropriation	\$	423,331
	Motor Vehicle Appropriation	\$	5,649,728
	State Fund Appropriation	\$	20,000
230	Bureau Administration		
	Motor Vehicle Appropriation	\$	3,778,898
	Federal Fund Appropriation	\$	320,000
231	Traffic Engineering		
	Motor Vehicle Appropriation	\$	5,849,786
232	Parking Management		
	Parking Management Fund Appropriation	\$	3,933,654
	Federal Fund Appropriation	\$	173,622
233	Signs and Markings		
	Motor Vehicle Appropriation	\$	3,837,275
	State Fund Appropriation	\$	6,000

235	Parking Enforcement Parking Management Fund Appropriation .....	\$	5,111,346
239	Traffic Computer & Communications Motor Vehicle Appropriation .....	\$	2,420,420
500	Street Lighting Motor Vehicle Appropriation .....	\$	17,067,875
501	Highway Maintenance Motor Vehicle Appropriation .....	\$	29,203,585
503	Highway Engineering General Fund Appropriation .....	\$	364,206
	Motor Vehicle Appropriation .....	\$	1,479,200
548	Conduits Conduit Management Fund Appropriation .....	\$	2,566,000
580	Parking Enterprise Facilities Parking Enterprise Fund Appropriation .....	\$	20,910,000
<b>Wage Commission</b>			
165	Wage Enforcement General Fund Appropriation .....	\$	437,466
<b>War Memorial Commission</b>			
487	Operation of War Memorial Building General Fund Appropriation .....	\$	301,012

### Internal Service Fund Authorization

#### Comptroller, Department of

#### **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.

#### **153. Risk Management Operations**

An internal service fund is hereby authorized to provide for a Self-Insurance Program covering Employee Health Clinic, Employee Safety and Workers' Compensation Claims Processing, 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.

### **Human Resources, 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.

### **Transportation, Office of**

#### **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**

#### **601-354 West Side Industrial & Commercial Development**

General Obligation Bond Appropriation .....	\$	1,500,000
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<b>601-483 South Baltimore Industrial &amp; Commercial Development</b>	
General Obligation Bond Appropriation .....	\$ 1,000,000
<b>601-575 East Baltimore Industrial &amp; Commercial Development</b>	
General Obligation Bond Appropriation .....	\$ 1,000,000
<b>601-860 Industrial and Commercial Financing</b>	
General Obligation Bond Appropriation .....	\$ 1,000,000
<b>601-870 Business Incubators/Centers-Capital Repairs</b>	
General Obligation Bond Appropriation .....	\$ 500,000
<b>601-873 Brownfields Incentive Fund</b>	
General Obligation Bond Appropriation .....	\$ 500,000
<b>601-875 Business/Technology Development Initiative</b>	
General Obligation Bond Appropriation .....	\$ 500,000
<b>601-876 Industrial Park Development</b>	
General Obligation Bond Appropriation .....	\$ 1,000,000
<b>601-982 Commercial Revitalization Programs</b>	
General Obligation Bond Appropriation .....	\$ 400,000
<b>603-825 West Side Downtown</b>	
General Obligation Bond Appropriation .....	\$ 1,000,000
<b>Baltimore City Public Schools</b>	
<b>417-203 Systemic Improvements (Fiscal Year 2003)</b>	
General Obligation Bond Appropriation .....	\$ 1,451,000
<b>418-000 Southeast Elementary/Middle</b>	
General Obligation Bond Appropriation .....	\$ 305,000
<b>418-019 Lexington Terrace Elementary/Middle School #19</b>	
General Obligation Bond Appropriation .....	\$ 2,862,000
<b>418-020 School Construction - Asbestos Removal</b>	
General Obligation Bond Appropriation .....	\$ 1,200,000
<b>418-070 Digital Harbor High (Southern)</b>	
General Obligation Bond Appropriation .....	\$ 2,873,000
<b>418-144 James Mosher Elementary School #144</b>	
General Obligation Bond Appropriation .....	\$ 702,000
<b>418-222 Pimlico Middle School #222</b>	
General Obligation Bond Appropriation .....	\$ 658,000
<b>418-226 Violetville Elementary School #226</b>	
General Obligation Bond Appropriation .....	\$ 576,000

<b>418-237 Highlandtown Elementary School #237</b>		
General Obligation Bond Appropriation .....	\$	460,000
<b>418-414 Paul Laurence Dunbar High School #414</b>		
General Obligation Bond Appropriation .....	\$	913,000
<b>Health Department</b>		
<b>312-002 Eastern Health District Building -Expansion</b>		
General Fund Deappropriation .....	\$	(226,000)
<b>312-004 Druid Health District Building - Elevator</b>		
General Fund Deappropriation .....	\$	(212,000)
<b>312-007 Cherry Hill Multi-Purpose Center</b>		
General Fund Deappropriation .....	\$	(363,000)
<b>312-045 Eastern Health District - Reserve</b>		
General Fund Deappropriation .....	\$	(900,000)
<b>313-001 Reserve Account - Health Department</b>		
Sale of City Real Property Deappropriation .....	\$	(824,000)
<b>313-007 Reserve Account - Health Department</b>		
City Motor Vehicle Revenue Fund Deappropriation .....	\$	(150,000)
<b>313-200 Reserve Account- Health Department</b>		
Sale of City Real Property Deappropriation .....	\$	(20,000)
<b>Department of Housing and Community Development</b>		
<b>588-981 Acquisition/Relocation Fund</b>		
General Obligation Bond Appropriation .....	\$	650,000
Community Development Block Grant Appropriation .....	\$	500,000
<b>588-983 Demolition Program</b>		
General Obligation Bond Appropriation .....	\$	1,700,000
Community Development Block Grant Appropriation .....	\$	2,800,000
<b>588-984 Homeownership Incentive Program</b>		
General Obligation Bond Appropriation .....	\$	3,000,000
Community Development Block Grant Appropriation .....	\$	550,000
Other Federal Fund Appropriation .....	\$	2,500,000
Other State Fund Appropriation .....	\$	150,000
Other Fund Appropriation .....	\$	150,000
<b>588-985 Housing Development</b>		
General Obligation Bond Appropriation .....	\$	1,800,000
Community Development Block Grant Appropriation .....	\$	400,000
Other Federal Fund Appropriation .....	\$	8,100,000

**588-986 Housing Repair Assistance Programs**

Community Development Block Grant Appropriation . . . . .	\$ 1,550,000
Other Federal Fund Appropriation . . . . .	\$ 100,000
Other State Fund Appropriation . . . . .	\$ 2,375,000

**588-987 Housing & Services-Special Needs Population**

General Obligation Bond Appropriation . . . . .	\$ 1,300,000
Community Development Block Grant Appropriation . . . . .	\$ 250,000
Other Federal Fund Appropriation . . . . .	\$ 500,000

**588-989 Loan Repayment**

Community Development Block Grant Appropriation . . . . .	\$ 7,001,000
Other Fund Appropriation . . . . .	\$ 500,000

**588-991 Public Housing Redevelopment**

General Obligation Bond Appropriation . . . . .	\$ 1,000,000
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**588-994 Special Capital Projects**

General Obligation Bond Appropriation . . . . .	\$ 1,650,000
Community Development Block Grant Appropriation . . . . .	\$ 500,000
State Race Track Grant Appropriation . . . . .	\$ 444,000
Other State Fund Appropriation . . . . .	\$ 2,000,000
Sale of City Real Property Appropriation . . . . .	\$ 500,000
Other Fund Appropriation . . . . .	\$ 500,000

**588-996 Stabilization Program**

General Obligation Bond Appropriation . . . . .	\$ 1,000,000
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**588-998 State Funding For City Revitalization**

Other State Fund Appropriation . . . . .	\$ 5,000,000
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**Enoch Pratt Free Library****457-024 Central Library - Expansion**

General Obligation Bond Appropriation . . . . .	\$ 3,000,000
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**457-038 Southeast Regional Library**

Sale of City Real Property Appropriation . . . . .	\$ 250,000
Other Fund Appropriation . . . . .	\$ 1,000,000

**457-200 Library Facilities-Modernization**

General Fund Appropriation . . . . .	\$ 534,000
Other Fund Appropriation . . . . .	\$ 84,000

**Mayoralty****127-002 Myrtle Tyler Faithful Senior Center**

General Fund Appropriation . . . . .	\$ 100,000
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**127-030 City Council Information Technology Project**

General Fund Appropriation . . . . .	\$ 100,000
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<b>127-045 Top of the World Observation Level Renovation</b>		
General Fund Appropriation .....	\$	200,000
<b>127-068 Baltimore Clayworks</b>		
General Fund Appropriation .....	\$	100,000
<b>127-111 Baltimore City Heritage Area Projects</b>		
General Fund Appropriation .....	\$	200,000
<b>127-138 Maryland Science Center - Expansion</b>		
General Obligation Bond Appropriation .....	\$	1,500,000
<b>127-155 Waxter Center for Senior Citizens</b>		
General Fund Appropriation .....	\$	84,000
<b>127-980 Neighborhoods First Program</b>		
General Fund Appropriation .....	\$	633,000
Sale of City Real Property Appropriation .....	\$	95,000
<b>483-050 Baltimore Zoo Renovation</b>		
General Obligation Bond Appropriation .....	\$	3,000,000
<b>524-050 Broadway HVAC System</b>		
General Fund Appropriation .....	\$	300,000
<b>529-057 Aquarium - Pier 3 HVAC Renovation</b>		
General Obligation Bond Appropriation .....	\$	1,000,000
Other Private Fund Appropriation & Grant Appropriation .....	\$	2,275,000
<b>607-006 Downtown Facade Improvement Program</b>		
General Obligation Bond Appropriation .....	\$	250,000
<b>607-007 Downtown Brighten Baltimore Program</b>		
General Obligation Bond Appropriation .....	\$	250,000
<b>Department of Public Works</b>		
<b>197-134 Asbestos Management Program</b>		
General Fund Appropriation .....	\$	2,000,000
<b>197-159 Inner Harbor Marina</b>		
General Fund Appropriation .....	\$	150,000
<b>197-808 Hopkins Plaza Improvements</b>		
City Motor Vehicle Fund Appropriation .....	\$	3,000,000
<b>520-021 Janney Run / Martin`s Creek</b>		
City Motor Vehicle Revenue Fund Deappropriation .....	\$	(84,000)
<b>520-025 Lakewood Ave. Relief Drain Phase 5</b>		
City Motor Vehicle Revenue Fund Deappropriation .....	\$	(175,000)

<b>520-069 North Point Road Storm Drain</b>		
City Motor Vehicle Revenue Fund Deappropriation .....	\$	(200,000)
<b>520-127 Fairfield Drainage Improvements</b>		
City Motor Vehicle Revenue Fund Deappropriation .....	\$	(500,000)
<b>520-132 Moore`s Run Drainage Improvements</b>		
City Motor Vehicle Fund Appropriation .....	\$	6,830,000
<b>520-447 Briarclift Rd Storm Drain Improvements</b>		
City Motor Vehicle Fund Appropriation .....	\$	152,000
<b>521-066 Maiden`s Choice &amp; Western Run</b>		
City Motor Vehicle Revenue Fund Deappropriation .....	\$	(22,000)
<b>522-001 Storm Water Program Construction Reserve</b>		
City Motor Vehicle Revenue Fund Deappropriation .....	\$	(146,000)
<b>522-069 North Point Rd Storm Drain Construction Reserve</b>		
City Motor Vehicle Revenue Fund Deappropriation .....	\$	(178,000)
<b>522-080 Cove and Bungalow Roads Storm Drain</b>		
City Motor Vehicle Revenue Fund Deappropriation .....	\$	(200,000)
<b>522-125 Dixon Hill Road Storm Drain Construction Reserve</b>		
City Motor Vehicle Revenue Fund Deappropriation .....	\$	(465,000)
<b>522-400 Pulaski Highway Drainage Construction Reserve</b>		
City Motor Vehicle Revenue Fund Deappropriation .....	\$	(380,000)
<b>522-634 Critical Area Storm Water Offset Fund</b>		
Critical Area Stormwater Management Fund Deappropriation .....	\$	(200,000)
<b>525-311 Herring Run Pollution Control</b>		
City Motor Vehicle Fund Appropriation .....	\$	1,150,000
Critical Area Stormwater Management Fund Appropriation .....	\$	200,000
<b>525-351 East Stony Run Open Channel Improvements</b>		
City Motor Vehicle Fund Appropriation .....	\$	1,000,000
<b>525-431 Gwynns Falls Debris Collector (SEP)</b>		
City Motor Vehicle Fund Appropriation .....	\$	600,000
<b>525-625 Middle Stony Run Open Channel Improvements</b>		
City Motor Vehicle Fund Appropriation .....	\$	800,000
<b>525-645 Upper Stony Run Open Channel Improvements</b>		
City Motor Vehicle Fund Appropriation .....	\$	1,000,000
<b>525-646 Stream &amp; Watershed Restoration Study</b>		
City Motor Vehicle Fund Appropriation .....	\$	200,000

<b>525-648 Lower Stony Run Open Channel Improvements</b>	
City Motor Vehicle Fund Appropriation .....	\$ 125,000
<b>525-649 Upper Moore`s Run Open Channel Improvements</b>	
City Motor Vehicle Fund Appropriation .....	\$ 100,000
<b>551-144 Mapping Program</b>	
Waste Water Utility Fund Appropriation .....	\$ 450,000
<b>551-233 Waste Water System - Annual Improvements</b>	
Waste Water Revenue Bond Appropriation .....	\$ 1,000,000
County Grant Appropriation .....	\$ 1,000,000
<b>551-401 Sewer Replacement Projects</b>	
Waste Water Revenue Bond Appropriation .....	\$ 2,000,000
<b>551-402 Combined Sewer Separation Program</b>	
Waste Water Revenue Bond Appropriation .....	\$ 350,000
<b>551-403 Small Sewer Extensions And Improvements</b>	
Waste Water Utility Fund Appropriation .....	\$ 750,000
<b>551-404 Infiltration/Inflow Correction Program</b>	
Waste Water Revenue Bond Appropriation .....	\$ 2,000,000
<b>551-405 Herring Run Sewershed Conveyance System</b>	
Waste Water Revenue Bond Appropriation .....	\$ 4,420,000
<b>551-406 Lower Jones Falls Sewershed - Improvements</b>	
Waste Water Revenue Bond Appropriation .....	\$ 4,220,000
<b>551-407 Gwynns Falls Sewershed Conveyance System</b>	
Waste Water Revenue Bond Appropriation .....	\$ 889,000
County Grant Appropriation .....	\$ 1,065,000
<b>551-408 High Level Sewershed Conveyance System</b>	
Waste Water Revenue Bond Appropriation .....	\$ 1,380,000
<b>551-409 Upper Jones Falls Conveyance System</b>	
Waste Water Revenue Bond Appropriation .....	\$ 6,350,000
County Grant Appropriation .....	\$ 2,050,000
<b>551-429 Powder Mill System Improvements (Includes GFR Branch)</b>	
Waste Water Revenue Bond Appropriation .....	\$ 3,760,000
<b>551-439 Dead Run System Improvements</b>	
Waste Water Revenue Bond Appropriation .....	\$ 160,000
County Grant Appropriation .....	\$ 1,090,000
<b>551-440 Hawkins Point Sewerage Study</b>	
Waste Water Revenue Bond Appropriation .....	\$ 420,000

<b>551-510 New Jones Falls Force Main/Pressure Sewer - Lower Section</b>		
Waste Water Revenue Bond Appropriation . . . . .	\$	3,350,000
County Grant Appropriation . . . . .	\$	1,650,000
<b>551-526 Back River Digester Renovations</b>		
Waste Water Revenue Bond Appropriation . . . . .	\$	1,300,000
County Grant Appropriation . . . . .	\$	1,300,000
<b>551-528 Patapsco WWTP - Biological Nitrogen Removal</b>		
Waste Water Revenue Bond Appropriation . . . . .	\$	480,000
Other State Fund Appropriation . . . . .	\$	1,500,000
County Grant Appropriation . . . . .	\$	1,020,000
<b>551-530 Public Works-Geographic Information System</b>		
Waste Water Utility Fund Appropriation . . . . .	\$	500,000
<b>551-560 Back River Gravity Thickener Renovation</b>		
Waste Water Revenue Bond Appropriation . . . . .	\$	106,000
County Grant Appropriation . . . . .	\$	106,000
<b>551-565 Miscellaneous Mechanical Improvements</b>		
Waste Water Revenue Bond Appropriation . . . . .	\$	480,000
County Grant Appropriation . . . . .	\$	1,020,000
<b>551-567 Odor Control At Patapsco Treatment Plant</b>		
Waste Water Revenue Bond Appropriation . . . . .	\$	1,760,000
County Grant Appropriation . . . . .	\$	3,740,000
<b>551-568 Electrical Improvements At Patapsco WWTP</b>		
Waste Water Revenue Bond Appropriation . . . . .	\$	320,000
County Grant Appropriation . . . . .	\$	680,000
<b>551-570 Patapsco Fine Screen Installation- P&amp;B Building</b>		
Waste Water Revenue Bond Appropriation . . . . .	\$	2,571,000
County Grant Appropriation . . . . .	\$	5,464,000
<b>551-625 Sewer System Evaluation Program - Jones Falls Sewershed</b>		
Waste Water Revenue Bond Appropriation . . . . .	\$	19,100,000
County Grant Appropriation . . . . .	\$	1,000,000
<b>551-626 Sewer System Rehabilitation Program - Jones Falls</b>		
Waste Water Revenue Bond Appropriation . . . . .	\$	1,000,000
<b>551-627 SSO/CSO Consent Decree Compliance Program</b>		
Waste Water Revenue Bond Appropriation . . . . .	\$	15,000,000
<b>551-629 Moore`s Run Interceptor - Middle Section (Storm Drain 707)</b>		
Waste Water Revenue Bond Appropriation . . . . .	\$	8,670,000
County Grant Appropriation . . . . .	\$	90,000
<b>551-630 Moore`s Run Interceptor - Lower Section</b>		
Waste Water Revenue Bond Appropriation . . . . .	\$	900,000
County Grant Appropriation . . . . .	\$	10,000

<b>551-631 Gwynns Falls Interceptor Improvements</b>		
Waste Water Revenue Bond Appropriation . . . . .	\$	300,000
County Grant Appropriation . . . . .	\$	460,000
<b>551-632 Maryland Ave Interceptor (JGB Branch)</b>		
Waste Water Revenue Bond Appropriation . . . . .	\$	430,000
<b>551-633 Herring Run Sewer &amp; Manhole Rehabilitation</b>		
Waste Water Revenue Bond Appropriation . . . . .	\$	200,000
County Grant Appropriation . . . . .	\$	100,000
<b>551-634 Gwynns Run Interceptor Improvements</b>		
Waste Water Revenue Bond Appropriation . . . . .	\$	900,000
<b>551-751 Westport &amp; Locust Point Pumping Station</b>		
Waste Water Revenue Bond Appropriation . . . . .	\$	1,500,000
<b>557-031 Water Distribution System - Improvements</b>		
Water Revenue Bond Appropriation . . . . .	\$	500,000
County Grant Appropriation . . . . .	\$	500,000
<b>557-070 Watershed Road And Bridge Maintenance</b>		
Water Revenue Bond Appropriation . . . . .	\$	440,000
County Grant Appropriation . . . . .	\$	360,000
<b>557-099 Mapping Program - Water Supply System</b>		
Water Utility Fund Appropriation . . . . .	\$	450,000
<b>557-100 Water Infrastructure Rehabilitation</b>		
Water Revenue Bond Appropriation . . . . .	\$	5,000,000
<b>557-101 Water Mains - Installation</b>		
Water Revenue Bond Appropriation . . . . .	\$	1,400,000
<b>557-130 Water System Cathodic Protection</b>		
Water Revenue Bond Appropriation . . . . .	\$	200,000
County Grant Appropriation . . . . .	\$	100,000
<b>557-133 Meter Replacement Program</b>		
Water Revenue Bond Appropriation . . . . .	\$	2,750,000
Water Utility Fund Appropriation . . . . .	\$	375,000
County Grant Appropriation . . . . .	\$	1,875,000
<b>557-150 Ashburton Filtration Plant - Renovation</b>		
Water Revenue Bond Appropriation . . . . .	\$	3,970,000
County Grant Appropriation . . . . .	\$	2,330,000
<b>557-158 Earthen Dam Improvement Program</b>		
Water Revenue Bond Appropriation . . . . .	\$	1,575,000
County Grant Appropriation . . . . .	\$	925,000



**557-300 Water Facilities - Annual Improvements**

Water Revenue Bond Appropriation .....	\$ 945,000
County Grant Appropriation .....	\$ 555,000

**557-400 Valve And Hydrant Replacement- Annual**

Water Revenue Bond Appropriation .....	\$ 875,000
Water Utility Fund Appropriation .....	\$ 125,000

**557-630 Public Works - Geographic Information System**

Water Utility Fund Appropriation .....	\$ 500,000
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**557-689 Urgent Needs Water Engineering Services**

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

**557-691 Raw Water Conduit De-Watering Facility Improvements**

Water Revenue Bond Appropriation .....	\$ 63,000
County Grant Appropriation .....	\$ 37,000

**557-696 Chlorine Handling Safety Improvements**

Water Revenue Bond Appropriation .....	\$ 3,500,000
County Grant Appropriation .....	\$ 3,500,000

**557-702 Water Facilities Data Acquisition**

Water Revenue Bond Appropriation .....	\$ 1,512,000
County Grant Appropriation .....	\$ 888,000

**557-704 Water Facility Protection Improvements**

Water Revenue Bond Appropriation .....	\$ 1,890,000
County Grant Appropriation .....	\$ 1,110,000

**557-707 Alternate Water Source Development**

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

**557-725 Water Treatment Inventory Management Facility**

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

**557-726 Leakin Park Water Pumping Station**

Water Revenue Bond Appropriation .....	\$ 80,000
County Grant Appropriation .....	\$ 320,000

**557-727 Deer Creek Pumping Station Improvements**

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

**557-728 Value Engineering Services**

Water Revenue Bond Appropriation .....	\$ 158,000
County Grant Appropriation .....	\$ 92,000

**557-729 Ashburton Wash Water Lake Rehabilitation**

Water Revenue Bond Appropriation .....	\$	189,000
County Grant Appropriation .....	\$	111,000

**557-731 Montebello Water Recycle Program**

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

**Department of Recreation and Parks****474-264 Street Tree Planting Program**

City Motor Vehicle Fund Appropriation .....	\$	200,000
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**474-457 Critical Areas Mitigation - Buffer Zone**

Critical Area Buffer Offset Fund Deappropriation .....	\$	(300,000)
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**474-567 Robert E Lee Park - Bridge Replacement**

County Grant Appropriation .....	\$	400,000
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**474-624 Gateway Landscaping Improvements**

City Motor Vehicle Fund Appropriation .....	\$	600,000
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**474-627 Urban Parks Recreation And Recovery Grant - FY 03**

Other Federal Fund Appropriation .....	\$	1,000,000
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**474-628 Patterson Park Bathhouse Renovation**

General Obligation Bond Appropriation .....	\$	150,000
State Open Space Grant Appropriation .....	\$	400,000
State Open Space Matching Grant Appropriation .....	\$	50,000

**474-630 Otterbein Park Lighting Renovation**

City Motor Vehicle Fund Appropriation .....	\$	55,000
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**474-631 Clifton Park Softball Stadium**

State Open Space Matching Grant Appropriation .....	\$	680,000
Sale of City Real Property Appropriation .....	\$	500,000

**474-632 Baltimore Playlot Program**

General Obligation Bond Appropriation .....	\$	700,000
State Open Space Grant Appropriation .....	\$	300,000
Other Private Fund Appropriation and Grant Appropriation .....	\$	500,000

**474-633 Streambank, Storm Water & Wetland Improvements**

Other State Fund Appropriation .....	\$	500,000
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**474-634 Fort Smallwood Park Improvements**

General Obligation Bond Appropriation .....	\$	500,000
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**474-636 Park Rehabilitation Program - FY 03**

General Obligation Bond Appropriation .....	\$	100,000
State Open Space Grant Appropriation .....	\$	300,000

**474-637 Recreation & Park Facility Renovation - FY 03**

General Obligation Bond Appropriation . . . . .	\$ 50,000
State Open Space Matching Grant Appropriation . . . . .	\$ 150,000

**474-640 Edgewood Recreation Center**

General Fund Appropriation . . . . .	\$ 300,000
Other State Fund Appropriation . . . . .	\$ 500,000

**474-641 Bicycle Network Strategy**

City Motor Vehicle Fund Appropriation . . . . .	\$ 200,000
Other Fund Appropriation . . . . .	\$ 100,000

**474-650 Middle Branch Park Wetlands Restoration**

Critical Area Buffer Offset Fund Appropriation . . . . .	\$ 300,000
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**474-655 Patterson Park Walking Path**

City Motor Vehicle Fund Appropriation . . . . .	\$ 80,000
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**Office of Transportation****504-100 Footway Paving Construction Reserve**

City Motor Vehicle Fund Appropriation . . . . .	\$ 100,000
Private Payment - Sidewalks Appropriation . . . . .	\$ 1,250,000

**504-200 Alley Paving Construction Reserve**

City Motor Vehicle Fund Appropriation . . . . .	\$ 1,000,000
Private Payments - Alleys Appropriation . . . . .	\$ 1,000,000

**504-300 Sidewalks and Curbs Damaged By Tree Roots - Repairs**

City Motor Vehicle Fund Appropriation . . . . .	\$ 1,090,000
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**507-001 Federal Aid Construction Reserve**

Lease Income Appropriation . . . . .	\$ 375,000
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**507-302 Potee St Bridge Over Patapsco River #5218**

City Motor Vehicle Fund Appropriation . . . . .	\$ 1,540,000
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**507-312 Bridge Cleaning And Painting**

Federal Highway Transportation Fund Appropriation . . . . .	\$ 400,000
City Motor Vehicle Fund Appropriation . . . . .	\$ 100,000

**507-315 Edmondson Ave Bridge Over The Gwynns Falls - Cleaning And Painting**

Federal Highway Transportation Fund Appropriation . . . . .	\$ 400,000
City Motor Vehicle Fund Appropriation . . . . .	\$ 100,000

**507-337 U.S. Route 40 West Landscaping**

City Motor Vehicle Fund Appropriation . . . . .	\$ 200,000
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**507-426 Eastern Ave Underpass Below RR Bridges - Repair And Painting**

Federal Highway Transportation Fund Appropriation . . . . .	\$ 680,000
City Motor Vehicle Fund Appropriation . . . . .	\$ 170,000

<b>507-429 Jones Falls Trail Phase II</b>		
Federal Highway Transportation Fund Appropriation . . . . .	\$	240,000
City Motor Vehicle Fund Appropriation . . . . .	\$	60,000
<b>507-437 Digital Harbor Bulkheads - Reconstruction</b>		
City Motor Vehicle Fund Appropriation . . . . .	\$	1,250,000
<b>507-439 Key Highway Bulkhead And Promenade</b>		
City Motor Vehicle Revenue Fund Deappropriation . . . . .	\$	(500,000)
<b>507-441 Caroline St Bulkhead</b>		
Federal Transportation Enhancement Grant Appropriation . . . . .	\$	1,479,000
Other State Fund Appropriation . . . . .	\$	250,000
Other Private Fund Appropriation & Grant Appropriation . . . . .	\$	729,000
<b>507-815 Monroe Street Viaduct Over The CSXT Railroad</b>		
City Motor Vehicle Fund Appropriation . . . . .	\$	800,000
<b>507-915 Traffic Signal Detectors - Installation</b>		
Federal Highway Transportation Fund Appropriation . . . . .	\$	605,000
City Motor Vehicle Fund Appropriation . . . . .	\$	150,000
<b>508-018 Hollins Ferry Rd - Reconstruction</b>		
City Motor Vehicle Revenue Fund Deappropriation . . . . .	\$	(845,000)
<b>508-067 Argonne Dr Streetscape Enhancements</b>		
Federal Highway Transportation Fund Appropriation . . . . .	\$	600,000
Other State Fund Appropriation . . . . .	\$	750,000
City Motor Vehicle Fund Appropriation . . . . .	\$	150,000
<b>508-079 North Avenue Bridge Over Amtrak</b>		
Federal Highway Transportation Fund Appropriation . . . . .	\$	200,000
City Motor Vehicle Fund Appropriation . . . . .	\$	50,000
<b>508-082 Clinton Street Bulkhead - Rehabilitation</b>		
City Motor Vehicle Fund Appropriation . . . . .	\$	2,500,000
<b>508-091 Maisel St Pedestrian Bridge - Rehabilitation</b>		
City Motor Vehicle Fund Appropriation . . . . .	\$	400,000
<b>508-094 Edison Highway Bridge Over Amtrak</b>		
Federal Highway Transportation Fund Deappropriation . . . . .	\$	(640,000)
City Motor Vehicle Fund Appropriation . . . . .	\$	1,700,000
<b>508-101 Fairfield Ecological Industrial Streets</b>		
City Motor Vehicle Revenue Fund Deappropriation . . . . .	\$	(550,000)
<b>508-114 Reconstruction Of Art Museum Drive From Wyman Park To Charles St</b>		
City Motor Vehicle Revenue Fund Deappropriation . . . . .	\$	(85,000)
<b>508-117 Eutaw Street - Rehabilitation</b>		
Federal Highway Transportation Fund Appropriation . . . . .	\$	800,000
City Motor Vehicle Fund Appropriation . . . . .	\$	200,000

<b>508-120 Longwood St - Reconstruction</b>		
City Motor Vehicle Fund Appropriation .....	\$	200,000
<b>508-214 Mt Vernon Cultural District Streetscape Improvements</b>		
Other State Fund Appropriation .....	\$	575,000
City Motor Vehicle Fund Appropriation .....	\$	580,000
<b>508-215 Pedestrian Wayfinding Signage Program</b>		
City Motor Vehicle Fund Appropriation .....	\$	750,000
<b>508-253 Belair/Edison Community Gateway Enhancement</b>		
Other State Fund Appropriation .....	\$	100,000
<b>508-255 Orleans St Resurfacing And Median Modifications</b>		
Federal Highway Transportation Fund Appropriation .....	\$	2,560,000
City Motor Vehicle Fund Appropriation .....	\$	640,000
<b>508-297 Russell Street Bridge Over The Gwynns Falls</b>		
City Motor Vehicle Revenue Fund Deappropriation .....	\$	(76,000)
<b>508-299 Hanover Street Drawbridge</b>		
Federal Highway Transportation Fund Appropriation .....	\$	2,000,000
City Motor Vehicle Fund Appropriation .....	\$	500,000
<b>508-320 Constructability Review</b>		
City Motor Vehicle Fund Appropriation .....	\$	500,000
<b>508-321 Washington Boulevard (I-95 To Monroe)</b>		
Federal Highway Transportation Fund Appropriation .....	\$	2,000,000
City Motor Vehicle Fund Appropriation .....	\$	500,000
<b>508-326 Wilkens Ave Bridge Over The Gwynns Falls - Replacement</b>		
Federal Highway Transportation Fund Appropriation .....	\$	400,000
City Motor Vehicle Fund Appropriation .....	\$	100,000
<b>508-332 Pennington Ave Drawbridge Over Curtis Creek – Rehab. or Repl.</b>		
Federal Highway Transportation Fund Appropriation .....	\$	160,000
City Motor Vehicle Fund Appropriation .....	\$	40,000
<b>508-421 Patapsco/Pennington/Curtis Avenues Intersection</b>		
Federal Highway Transportation Fund Appropriation .....	\$	1,200,000
City Motor Vehicle Revenue Fund Deappropriation .....	\$	(633,000)
<b>508-788 Street Sufficiency Survey</b>		
City Motor Vehicle Fund Appropriation .....	\$	100,000
<b>508-799 Sign Inventory And Upgrade</b>		
City Motor Vehicle Fund Appropriation .....	\$	100,000
<b>508-800 Downtown Streetscape Program</b>		
City Motor Vehicle Fund Appropriation .....	\$	2,001,000

<b>508-801 Center Plaza Improvements</b>		
Other State Fund Appropriation . . . . .	\$	210,000
City Motor Vehicle Fund Appropriation . . . . .	\$	250,000
<b>508-824 Waterview Ave Bridge/Annapolis Rd Ramps</b>		
Federal Highway Transportation Fund Appropriation . . . . .	\$	800,000
City Motor Vehicle Fund Appropriation . . . . .	\$	200,000
<b>508-827 Inner Harbor Landscaping Phase II</b>		
City Motor Vehicle Revenue Fund Deappropriation . . . . .	\$	(194,000)
<b>508-840 Broadway Median Rehabilitation</b>		
City Motor Vehicle Fund Appropriation . . . . .	\$	2,000,000
<b>508-841 Broadway Median (North To Monument)</b>		
City Motor Vehicle Revenue Fund Deappropriation . . . . .	\$	(800,000)
<b>508-905 Nottingham Rd - Reconstruction</b>		
City Motor Vehicle Fund Appropriation . . . . .	\$	250,000
<b>508-911 Traffic Surveillance Camera</b>		
City Motor Vehicle Fund Appropriation . . . . .	\$	650,000
<b>508-915 Lexington Street Reconstruction</b>		
City Motor Vehicle Fund Appropriation . . . . .	\$	700,000
<b>508-940 Druid Lake Jogging Path</b>		
City Motor Vehicle Fund Appropriation . . . . .	\$	250,000
<b>508-979 Roadway Pavement Management Program</b>		
City Motor Vehicle Fund Appropriation . . . . .	\$	750,000
<b>508-984 Juvenile Justice Center Streets</b>		
City Motor Vehicle Fund Appropriation . . . . .	\$	1,000,000
<b>509-035 Calvert Street Rehabilitation And Streetscape</b>		
Federal Highway Transportation Fund Appropriation . . . . .	\$	1,200,000
City Motor Vehicle Fund Appropriation . . . . .	\$	300,000
<b>509-101 Fairfield Industrial Park - Reconstruction of Streets</b>		
City Motor Vehicle Revenue Fund Deappropriation . . . . .	\$	(500,000)
<b>509-185 Central Avenue Reconstruction</b>		
City Motor Vehicle Revenue Fund Deappropriation . . . . .	\$	(1,857,000)
<b>509-558 McCurley St - Reconstruction</b>		
City Motor Vehicle Fund Appropriation . . . . .	\$	300,000
<b>510-008 Residential Street Lighting Improvements</b>		
City Motor Vehicle Fund Appropriation . . . . .	\$	920,000

<b>510-010 Street Lighting Fixtures - Energy Efficient Upgrades</b>		
Other State Fund Appropriation .....	\$	168,000
<b>510-011 Upgrade Finger Piers</b>		
City Motor Vehicle Revenue Fund Deappropriation .....	\$	(620,000)
<b>512-008 Traffic Signal Computer Replacement</b>		
Federal Highway Transportation Fund Appropriation .....	\$	2,568,000
City Motor Vehicle Fund Appropriation .....	\$	642,000
<b>512-023 Oversize Permit Computer Link</b>		
City Motor Vehicle Revenue Fund Deappropriation .....	\$	(200,000)
<b>514-109 Cold Spring Lane Resurfacing</b>		
City Motor Vehicle Fund Appropriation .....	\$	200,000
<b>514-200 Local Street Resurfacing Program</b>		
City Motor Vehicle Fund Appropriation .....	\$	8,000,000
<b>514-201 Park Heights Avenue - Resurfacing</b>		
Federal Highway Transportation Fund Deappropriation .....	\$	(400,000)
City Motor Vehicle Revenue Fund Deappropriation .....	\$	(142,000)
<b>514-264 Park Heights Avenue Resurfacing</b>		
Federal Highway Transportation Fund Appropriation .....	\$	1,120,000
City Motor Vehicle Fund Appropriation .....	\$	280,000
<b>514-486 Hillen Road Resurfacing And Streetscape</b>		
Federal Highway Transportation Fund Appropriation .....	\$	1,280,000
Other State Fund Appropriation .....	\$	500,000
City Motor Vehicle Fund Appropriation .....	\$	400,000
<b>514-529 Gay Street Resurfacing</b>		
City Motor Vehicle Revenue Fund Deappropriation .....	\$	(200,000)
<b>514-543 Fayette Street Reconstruction &amp; Streetscape</b>		
Federal Highway Transportation Fund Appropriation .....	\$	3,400,000
City Motor Vehicle Fund Appropriation .....	\$	850,000
<b>514-602 Frederick Ave-Reconstruction</b>		
Other State Fund Appropriation .....	\$	95,000
<b>514-618 Washington Blvd - Resurfacing</b>		
City Motor Vehicle Fund Appropriation .....	\$	557,000
<b>514-664 Russell St-Reconstruction</b>		
Federal Highway Transportation Fund Appropriation .....	\$	1,600,000
City Motor Vehicle Fund Appropriation .....	\$	400,000
<b>527-112 Bioscience Drive Construction</b>		
City Motor Vehicle Fund Appropriation .....	\$	700,000

<b>527-124 North Ave (Howard St To Guilford Ave)</b>	
City Motor Vehicle Fund Appropriation . . . . .	\$ 175,000
<b>527-126 33rd St (Ellerslie Ave To Ednor Rd)</b>	
City Motor Vehicle Fund Appropriation . . . . .	\$ 675,000
<b>527-138 Hampden Main St Project: 36th St Improvements</b>	
City Motor Vehicle Fund Appropriation . . . . .	\$ 435,000
<b>527-139 Pennsylvania Ave Main St Improvements</b>	
City Motor Vehicle Fund Appropriation . . . . .	\$ 20,000
<b>527-140 Dolfield Ave Commercial Area Sidewalks</b>	
City Motor Vehicle Fund Appropriation . . . . .	\$ 15,000
<b>527-146 Museum Walk Streetscape Program</b>	
Other State Fund Appropriation . . . . .	\$ 144,000
City Motor Vehicle Fund Appropriation . . . . .	\$ 240,000
<b>527-147 Charles St Streetscape - Madison To North</b>	
City Motor Vehicle Fund Appropriation . . . . .	\$ 200,000
<b>527-149 Healthy Neighborhoods Street Improvements</b>	
City Motor Vehicle Fund Appropriation . . . . .	\$ 400,000
<b>527-150 Wicomico St (Scott St To Monroe St)</b>	
City Motor Vehicle Fund Appropriation . . . . .	\$ 50,000
<b>527-151 Visitor Center Area Streets</b>	
City Motor Vehicle Fund Appropriation . . . . .	\$ 600,000
<b>527-152 Belvedere Square Area Streets</b>	
City Motor Vehicle Fund Appropriation . . . . .	\$ 600,000
<b>527-153 Waverly Supermarket Street Improvements</b>	
City Motor Vehicle Fund Appropriation . . . . .	\$ 400,000
<b>527-158 Centerpoint Area Streets</b>	
City Motor Vehicle Fund Appropriation . . . . .	\$ 250,000
<b>527-162 Eutaw/Howard/Fayette Resurfacing</b>	
Other State Fund Appropriation . . . . .	\$ 30,000
<b>527-164 Govans Area Streetscape Improvements</b>	
City Motor Vehicle Fund Appropriation . . . . .	\$ 980,000
<b>527-165 SE Baltimore Transportation Study</b>	
City Motor Vehicle Fund Appropriation . . . . .	\$ 500,000
<b>527-167 Charles Street Streetscape Phase II</b>	
City Motor Vehicle Fund Appropriation . . . . .	\$ 400,000



**563-001 Conduit Construction Reserve**

Private Payments – Conduits Appropriation .....	\$	2,500,000
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**563-513 Conduit Occupancy Evaluation**

City Motor Vehicle Fund Appropriation .....	\$	500,000
Private Payments – Conduits Appropriation .....	\$	100,000

**563-521 Conduit Manhole Reconstruction**

Private Payments – Conduits Appropriation .....	\$	500,000
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**580-036 Fleet/Eden/Caroline Parking Garage**

Other State Fund Appropriation .....	\$	3,000,000
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**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	\$ 986,754,000	\$ 3,000,000	\$ 989,754,000
Motor Vehicle	141,261,000	50,000,000	191,261,000
Parking Management	9,045,000	0	9,045,000
Convention Center Bond	4,637,000	0	4,637,000
Conduit Management	2,566,000	0	2,566,000
Waste Water Utility	128,717,000	1,700,000	130,417,000
Water Utility	90,530,000	1,450,000	91,980,000
Parking Enterprise	20,910,000	0	20,910,000

## Loan and Guarantee

Enterprise	3,751,000	0	3,751,000
Federal	236,182,688	50,403,000	286,585,688
State	110,070,071	20,171,000	130,241,071
Special	36,447,162	159,875,000	* 196,322,162
General Obligation Bonds	<u>0</u>	<u>43,000,000</u>	<u>43,000,000</u>
	\$1,770,870,921	\$329,599,000	\$2,100,469,921

\*Consisting of:

County .....	\$ 35,873,000
Revenue Bonds and Notes .....	\$ 111,938,000
Other Fund Sources .....	\$ 12,064,000
	159,875,000

Approved by the Board of Estimates

\_\_\_\_\_  
President\_\_\_\_\_  
Mayor\_\_\_\_\_  
Comptroller\_\_\_\_\_  
Director of Public Works\_\_\_\_\_  
City Solicitor

BOARD OF ESTIMATES

Approved June 18, 2002

MARTIN O'MALLEY, Mayor

\_\_\_\_\_  
**CITY OF BALTIMORE**  
**ORDINANCE 02-361**  
**(Council Bill 02-764)**

AN ORDINANCE CONCERNING

**Annual Property Tax – Fiscal Year 2003**

FOR the purpose of providing a tax for the use of the Mayor and City Council of Baltimore for the period July 1, 2002, through June 30, 2003.

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That for the period July 1, 2002, through June 30, 2003, a tax is levied and imposed for the use of the Mayor and City Council of Baltimore on all property in the City of Baltimore (except property exempt by law), as follows:

- (a) except as otherwise specified in item (b) of this section, a tax of \$2.328 is levied and imposed on every \$100 of assessed or assessable value of real property; and
- (b) a tax of \$5.82 is levied and imposed on every \$100 of assessed or assessable value of:
  - (1) personal property; and
  - (2) operating real property described in State Tax-Property Article § 8-109(c).

**SECTION 2. AND BE IT FURTHER ORDAINED,** That this tax shall be paid and collected in the manner prescribed by law.

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

Approved June 18, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-362  
(Council Bill 02-673)**

**AN ORDINANCE CONCERNING**

**Environmental Control Board — Citations**

FOR the purpose of adding to the required contents of an environmental citation; amending the methods by which an environmental citation may served; providing for a special effective date; and generally relating to the Environmental Control Board and the enforcement of certain sanitation, environmental, health, safety, and other laws.

BY repealing and reordaining, with amendments

Article 1 - Mayor, City Council, and Municipal Agencies  
Section(s) 40-7(b) and (c)  
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****§ 40-7. Environmental Citations.***(b) Required contents.*

In addition to any other matters that the Board prescribes, an environmental citation must include:

- (1) THE NAME, IF KNOWN, OF THE PERSON CITED;
- (2) [(1)] the violation with which the person is cited, including a reference to the specific law in question;
- (3) [(2)] the manner and time in which the person must either:
  - (i) pay the prepayable fine prescribed for the violation; or
  - (ii) request a hearing on the violation;
- (4) [(3)] the time within which the violation, if ongoing, must be abated; and
- (5) [(4)] a notice that failure to act in the manner and time stated in the citation may result in a default decision and order entered against the person.

*(c) Service of citations.*

An environmental citation must be:

- (1) issued by a Sanitary Enforcement Officer or other City employee who has been authorized to act as a Special Enforcement Officer under Article 19, § 71-1 of the City Code; and
- (2) served on the person cited BY 1 OF THE FOLLOWING METHODS:
  - (I) in person; [or]
  - (ii) [by] certified mail, RETURN RECEIPT REQUESTED;
  - (III) DELIVERY TO A PERSON OF SUITABLE AGE AND DISCRETION WHO RESIDES AT THE CITED PERSON'S LAST KNOWN ADDRESS; OR
  - (IV) ~~BOTH~~ FOR SERVICE ON AN OCCUPANT OF THE PREMISES AT WHICH THE VIOLATION OCCURRED:
    - A. POSTING ON THE MAIN ENTRANCE OF THE PREMISES ~~AT WHICH THE VIOLATION OCCURRED~~; AND
    - B. MAILING BY REGULAR MAIL TO THE PERSON CITED, AT THAT PERSON'S LAST KNOWN ADDRESS.

**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 17, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-363  
(Council Bill 02-693)**

**AN ORDINANCE CONCERNING**

**Urban Renewal — Jonestown —  
Amendment 7**

FOR the purpose of amending the Urban Renewal Plan for Jonestown to add a new land use category, revise the land use category for a portion of 33 South Front Street, and revise an exhibit attached to the Plan to reflect changes in the Plan; 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 Jonestown was originally approved by the Mayor and City Council of Baltimore by Ordinance 78-939 and last amended by Ordinance 01-275.

An amendment to the Urban Renewal Plan for Jonestown is necessary to add a new land use category and to revise the land use category for a portion of 33 South Front Street.

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 Jonestown are approved:

- (1) On page 4 of the Plan, in B. Land Use Plan, 1. Permitted Land Uses, after f. Commercial A, add new subsection g. to read as follows:

G. COMMERCIAL B

ALL USES PERMITTED IN THE COMMERCIAL A CATEGORY SHALL BE PERMITTED IN THE AREA DESIGNATED COMMERCIAL B ON EXHIBIT 1, LAND USE PLAN. IN ADDITION, THE FOLLOWING USES ARE PERMITTED:

HOTELS AND MOTELS; RESTAURANTS WITH LIVE ENTERTAINMENT AND DANCING; AND OUTDOOR TABLE SERVICE WHEN ACCESSORY TO A HOTEL, MOTEL, RESTAURANT, MUSEUM, OR MEETING AND BANQUET HALL.

- (2) On page 4 of the Plan, strike “g”, “h”, “i”, and “j” , respectively, and substitute “h”, “i”, “j”, and “k”, respectively.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That the Urban Renewal Plan for Jonestown, as amended by this Ordinance and identified as “Urban Renewal Plan, Jonestown, revised to include Amendment 7, dated February 25, 2002”, is approved. The Department of Planning shall file a copy of the amended Urban Renewal Plan with the Department of Legislative Reference as a permanent public record, available for public inspection and information.

**SECTION 3. AND BE IT FURTHER ORDAINED,** That the change in land use category indicated for a certain area and shown in the amended Urban Renewal Plan on Exhibit 1, Land Use Plan, dated February 19, 2002, as amended May 29, 2002, is approved.

**SECTION 4. 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 5. 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 6. 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 7. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is enacted.

Approved June 17, 2002

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE  
ORDINANCE 02-364  
(Council Bill 02-702)**

**AN ORDINANCE CONCERNING**

**Zoning — Conditional Use Parking, Open Off-Street Area —  
3234 Clifton Avenue**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a conditional use parking, open off-street area on the property known as 3234 Clifton Avenue, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning  
Section(s) 4-804 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 conditional use parking, open off-street area on the property known as 3234 Clifton Avenue, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 4-804 and 14-102 of the Baltimore City Code, subject to the ~~condition that~~ the following conditions:

1. The Site Plan for this open off-street parking area, entitled "Site Development Plan" and dated May 20, 2002, is made a part of this Ordinance. No change may be made to the Site Plan without the prior approval of the Planning Department.
2. The conditional use parking, open off-street 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 June 17, 2002

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE  
ORDINANCE 02-365  
(Council Bill 02-710)**

**AN ORDINANCE CONCERNING**

**Planned Unit Development — Amendment —  
Mt. Hope Drive and Metro Drive**

FOR the purpose of approving certain amendments to the Development Plan of the Mt. Hope Drive and Metro Drive Planned Unit Development.

BY authority of

Article - Zoning  
Title 9, Subtitles 1 and 5  
Baltimore City Revised Code  
(Edition 2000)

**Recitals**

By Ordinance 89-302, the Mayor and City Council approved the application of Saga Development Corporation, Inc., to have certain property located 5900 Metro Drive, consisting of 3.2 acres, more or less, designated as an Industrial Planned Unit Development and approved the Development Plan submitted by the applicant.

The Hearing and Speech Agency of Metropolitan Baltimore wishes to amend the Development Plan, as previously approved by the Mayor and City Council, to develop a new headquarters building and school.

On February 28, 2002, representatives of the Hearing and Speech Agency of Metropolitan Baltimore 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 Hearing and Speech Agency of Metropolitan Baltimore have now 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 previous terms and conditions of Ordinance 89-302, approved June 26, 1989, are replaced with these new provisions and plans.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That, in addition to the uses allowed in the M-1 Zoning District and further controlled by the Reisterstown Transit Station Urban Renewal Plan, the uses specifically permitted for this property shall include offices, 125-student school, outdoor recreation space, and off-street parking.

**SECTION 3. AND BE IT FURTHER ORDAINED,** 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 site plan (Sheet 1, dated February 27, 2002), and the elevations plan (Sheet 2, dated February 27, 2002) Site Plan (L1), dated May 17, 2002, the Landscaping Plan (C1), dated May 17, 2002, Grading/Details (C2), dated May 17, 2002, and Elevations (A2), dated May 17, 2002.



**SECTION 4. AND BE IT FURTHER ORDAINED,** That all plans for the construction of permanent improvements on the property are subject to final design approval 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 Commission 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 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 7. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved June 17, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-366  
(Council Bill 01-599)**

**AN ORDINANCE CONCERNING**

**Registration of Residential Property — Exceptions**

FOR the purpose of clarifying and limiting a certain exception to the registration requirements for residential property; correcting, clarifying, and conforming certain language; and generally relating to the registration of residential property.

BY repealing and reordaining, with amendments

Article 13 - Housing and Urban Renewal  
Section(s) 309(a)  
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**

**Division V. Housing Code of Baltimore City**

**Chapter 3. Notice; Emergencies; Correction of Violations;  
Collections and Liens; Administrative Review; Penalties**

**§ 309. Registration of residential property; designation of authorized agent.**

(a) *Annual registration statement.*

- (1) By September 1 of each year, every owner of a non-owner-occupied dwelling unit, whether or not occupied, [or] fit for human habitation, or producing revenue, shall register that unit with the Commissioner on the form the Commissioner provides.
- (2) An unoccupied dwelling, last used as an owner-occupied dwelling BY THE CURRENT OWNER, need not be registered FOR 6 MONTHS unless the dwelling becomes an unsafe structure under [§ 120.0] § 119.0 of the Building Code of Baltimore City.

**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 27, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-367  
(Council Bill 02-717)**

**AN ORDINANCE CONCERNING**

**Natural Resources — Stormwater Management**

FOR the purpose of revising the laws governing stormwater management; requiring the development, review, and approval of stormwater management plans; establishing certain minimum control requirements; requiring certain structural and nonstructural practices; requiring certain reports and inspections; requiring easements for certain purposes; providing for certain exemptions, waivers, and variances; requiring certain permits; imposing certain fees; establishing certain maintenance requirements; defining certain terms; establishing certain penalties; and generally relating to the protection, maintenance, and enhancement of the public health, safety, and welfare through the management of stormwater.

BY repealing

Article 7 - Natural Resources  
Subtitles 21 through 26, inclusive  
Baltimore City Code  
(Edition 2000)

BY adding

Article 7 - Natural Resources  
Subtitles 21 through 28, inclusive  
Baltimore City Code  
(Edition 2000)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That Subtitles 21 through 26, inclusive, of Article 7 are repealed in their entirety.

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

**Baltimore City Code**

**Article 7. Natural Resources**

***Division II. Stormwater Management***

**SUBTITLE 21. DEFINITIONS; GENERAL PROVISIONS**

**§ 21-1. DEFINITIONS.**

(A) *IN GENERAL.*

IN THIS DIVISION II, THE FOLLOWING TERMS HAVE THE MEANING INDICATED.

(B) *ADVERSE IMPACT.*

“ADVERSE IMPACT” MEANS ANY EFFECT ON WATERS OR WETLANDS, INCLUDING THEIR QUALITY, QUANTITY, SURFACE AREA, SPECIES COMPOSITION, AESTHETICS, OR USEFULNESS FOR HUMAN OR NATURAL USES, THAT:

(1) IS DELETERIOUS; AND

(2) EITHER:

(I) IS OR POTENTIALLY CAN BE HARMFUL OR INJURIOUS TO HUMAN HEALTH, WELFARE, OR SAFETY, TO PROPERTY, OR TO BIOLOGICAL PRODUCTIVITY, DIVERSITY, OR STABILITY; OR

(II) UNREASONABLY INTERFERES WITH THE ENJOYMENT OF LIFE OR PROPERTY, INCLUDING OUTDOOR RECREATION.

(C) *BEST MANAGEMENT PRACTICE .*

“BEST MANAGEMENT PRACTICE” MEANS A STRUCTURAL OR NONSTRUCTURAL PRACTICE DESIGNED TO STORE TEMPORARILY OR TREAT STORMWATER RUNOFF IN ORDER TO MITIGATE FLOODING, REDUCE POLLUTION, AND PROVIDE OTHER AMENITIES.

(D) *CHANNEL PROTECTION STORAGE VOLUME.*

“CHANNEL PROTECTION STORAGE VOLUME” MEANS THE VOLUME, CALCULATED IN ACCORDANCE WITH THE DESIGN MANUAL, USED TO DESIGN STRUCTURAL MANAGEMENT PRACTICES TO CONTROL STREAM CHANNEL EROSION.

(E) *DEPARTMENT.*

“DEPARTMENT” MEANS THE BALTIMORE CITY DEPARTMENT OF PUBLIC WORKS.

(F) *DESIGN MANUAL.*

“DESIGN MANUAL” MEANS THE 2000 MARYLAND STORMWATER DESIGN MANUAL, VOLUMES I AND II, AND ANY SUBSEQUENT ADDITIONS, REVISIONS, AND AMENDMENTS TO IT.

(G) *DEVELOP.*

“DEVELOP” MEANS TO CHANGE THE RUNOFF CHARACTERISTICS OF A PARCEL OF LAND IN CONJUNCTION WITH RESIDENTIAL, COMMERCIAL, INDUSTRIAL, OR INSTITUTIONAL CONSTRUCTION OR ALTERATION.

(H) *DISTURB.*

## (1) “DISTURB” MEANS TO:

- (I) CLEAR OR REMOVE TREES AND BRUSH FROM LAND;
- (II) GRADE, STOCKPILE, REMOVE, EXCAVATE, SCARIFY, OR FILL SOIL;
- (III) GRUB OR REMOVE STUMPS; OR
- (IV) STRIP OR REMOVE VEGETATIVE SURFACE COVER.

## (2) “DISTURB” DOES NOT INCLUDE:

- (I) MOWING OF GRASS;
- (II) TRIMMING OF TREES; OR
- (III) OTHER MAINTENANCE ACTIVITIES THAT DO NOT CREATE UNVEGETATED GROUND.

(I) *DRAINAGE AREA.*

“DRAINAGE AREA” MEANS AN AREA, MEASURED IN A HORIZONTAL PLANE, THAT:

- (1) CONTRIBUTES RUNOFF TO A SINGLE POINT; AND
- (2) IS ENCLOSED BY A RIDGE LINE.

(J) *EXTREME FLOOD VOLUME.*

“EXTREME FLOOD VOLUME” MEANS THE STORAGE VOLUME REQUIRED TO CONTROL INFREQUENT, LARGE STORM EVENTS IN WHICH OVERBANK FLOWS REACH OR EXCEED THE BOUNDARIES OF THE 100-YEAR FLOODPLAIN.

(K) *INCLUDES; INCLUDING.*

“INCLUDES” OR “INCLUDING” MEANS BY WAY OF ILLUSTRATION AND NOT BY WAY OF LIMITATION.

(L) *INFILTRATION.*

“INFILTRATION” MEANS THE PASSAGE OR MOVEMENT OF WATER INTO THE SOIL SURFACE.

(M) *OFF-SITE ... MANAGEMENT.*

“OFF-SITE ... MANAGEMENT” MEANS THE DESIGN AND CONSTRUCTION OF A FACILITY NECESSARY TO CONTROL STORMWATER FROM MORE THAN ONE DEVELOPMENT.

(N) *ON-SITE ... MANAGEMENT.*

“ON-SITE ... MANAGEMENT” MEANS THE DESIGN AND CONSTRUCTION OF SYSTEMS NECESSARY TO CONTROL STORMWATER WITHIN ONE DEVELOPMENT.

(O) *OVERBANK FLOOD PROTECTION VOLUME.*

“OVERBANK FLOOD PROTECTION VOLUME” MEANS THE VOLUME, CALCULATED IN ACCORDANCE WITH THE DESIGN MANUAL, CONTROLLED BY STRUCTURAL PRACTICES TO PREVENT AN INCREASE IN THE FREQUENCY OF OUT OF BANK FLOODING GENERATED BY DEVELOPMENT.

(P) *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.

(Q) *QUALITATIVE CONTROL.*

SEE “STORMWATER MANAGEMENT – QUALITATIVE CONTROL”.

(R) *QUANTITATIVE CONTROL.*

SEE “STORMWATER MANAGEMENT – QUANTITATIVE CONTROL”.

(S) *RECHARGE VOLUME.*

“RECHARGE VOLUME” MEANS THAT PORTION OF THE WATER QUALITY VOLUME, CALCULATED IN ACCORDANCE WITH THE DESIGN MANUAL, USED TO MAINTAIN GROUNDWATER RECHARGE RATES AT DEVELOPMENT SITES.

(T) *REDEVELOPMENT.*

“REDEVELOPMENT” MEANS ANY CONSTRUCTION, ALTERATION, OR IMPROVEMENT THAT DISTURBS MORE THAN 5,000 SQUARE FEET OF LAND ON SITES WHERE EXISTING LAND USE IS COMMERCIAL, INDUSTRIAL, INSTITUTIONAL, OR MULTI- FAMILY RESIDENTIAL.

(U) *SEDIMENT.*

“SEDIMENT” MEANS SOILS OR OTHER SURFICIAL MATERIALS THAT ARE THE PRODUCT OF EROSION AND ARE TRANSPORTED OR DEPOSITED BY THE ACTION OF WIND, WATER, ICE, OR GRAVITY.

(V) *SITE.*

“SITE” MEANS:

⊕ (1) FOR “NEW DEVELOPMENT”, ANY TRACT, LOT, OR PARCEL OF LAND OR COMBINATION OF TRACTS, LOTS, OR PARCELS OF LAND THAT ARE:

(I) IN ONE OWNERSHIP; OR

(II) IN DIVERSE OWNERSHIP BUT CONTIGUOUS WHERE DEVELOPMENT IS TO BE PERFORMED AS PART OF A UNIT, SUBDIVISION, OR PROJECT; AND

(2) FOR “REDEVELOPMENT”, EITHER OF THE FOLLOWING, AS THE DEPARTMENT DETERMINES:

(I) THE AREA OF NEW CONSTRUCTION AS SHOWN ON AN APPROVED SITE PLAN; OR

(II) THE ORIGINAL PARCEL.

(W) *STABILIZATION.*

“STABILIZATION” MEANS THE PREVENTION OF SOIL MOVEMENT BY ANY OF VARIOUS VEGETATIVE OR STRUCTURAL MEANS.

(X) *STORMWATER MANAGEMENT – QUALITATIVE CONTROL.*

(1) “STORMWATER MANAGEMENT” MEANS, FOR QUALITATIVE CONTROL, A SYSTEM OF VEGETATIVE, STRUCTURAL, AND NONSTRUCTURAL PRACTICES THAT REDUCE OR ELIMINATE POLLUTANTS THAT MIGHT OTHERWISE BE CARRIED BY SURFACE RUNOFF.

(2) “STORMWATER MANAGEMENT” INCLUDES, FOR QUALITATIVE CONTROL, DESIGN PARAMETERS FOR:

(I) CHANNEL PROTECTION STORAGE VOLUME;

(II) OVBANK FLOOD PROTECTION VOLUME; AND

## (III) EXTREME FLOOD VOLUME.

(Y) *STORMWATER MANAGEMENT – QUANTITATIVE CONTROL.*

(1) “STORMWATER MANAGEMENT” MEANS, FOR QUANTITATIVE CONTROL, A SYSTEM OF VEGETATIVE, STRUCTURAL, AND NONSTRUCTURAL PRACTICES THAT CONTROL THE INCREASED VOLUME AND RATE OF SURFACE RUNOFF CAUSED BY MAN-MADE CHANGES TO THE LAND.

(2) “STORMWATER MANAGEMENT” INCLUDES, FOR QUANTITATIVE CONTROLS, DESIGN PARAMETERS FOR:

(I) WATER QUALITY VOLUME; AND

(II) RECHARGE VOLUME.

(Z) *STORMWATER MANAGEMENT PLAN.*

“STORMWATER MANAGEMENT PLAN” MEANS A SET OF DRAWINGS, REPORTS, AND OTHER DOCUMENTS THAT:

(1) IS SUBMITTED AS A PREREQUISITE TO OBTAINING A STORMWATER MANAGEMENT APPROVAL; AND

(2) CONTAINS ALL OF THE INFORMATION AND SPECIFICATIONS REQUIRED BY THIS DIVISION II.

(AA) *WATERSHED.*

“WATERSHED” MEANS THE TOTAL DRAINAGE AREA CONTRIBUTING RUNOFF TO A SINGLE POINT.

(BB) *WATER QUALITY VOLUME.*

“WATER QUALITY VOLUME” MEANS THE VOLUME NEEDED, CALCULATED IN ACCORDANCE WITH THE DESIGN MANUAL, TO CAPTURE AND TREAT THE RUNOFF FROM 90% OF THE AVERAGE ANNUAL RAINFALL AT A DEVELOPMENT SITE.

(CC) *WETLANDS.*

“WETLANDS” MEANS AN AREA THAT HAS SATURATED SOILS OR PERIODIC HIGH GROUNDWATER LEVELS AND VEGETATION ADAPTED TO WET CONDITIONS AND PERIODIC FLOODING.

**§ 21-2. RULES OF CONSTRUCTION.**(A) *IN GENERAL.*

IN INTERPRETING AND APPLYING THIS DIVISION II, THE FOLLOWING RULES OF CONSTRUCTION APPLY.

(B) *CAPTIONS OR HEADINGS.*

THE CAPTIONS OR HEADINGS OF THE VARIOUS SECTIONS AND SUBSECTIONS:

(1) ARE FOR CONVENIENCE OF REFERENCE ONLY, INTENDED TO SUMMARIZE THE STATUTORY PROVISIONS THAT FOLLOW; AND

- (2) ARE NOT LAW AND ARE NOT TO BE TAKEN AS AFFECTING THE MEANING OR EFFECT OF THE LAW.

(C) *CONFLICTING PROVISIONS.*

(1) *DIVISION SETS MINIMUM REQUIREMENTS.*

IN THEIR INTERPRETATION AND APPLICATION, THE PROVISIONS OF THIS DIVISION II MUST BE TAKEN TO BE THE MINIMUM REQUIREMENTS FOR THE PROMOTION OF THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE.

(2) *MOST RESTRICTIVE PROVISION GOVERNS.*

IF ANY CONDITION IMPOSED BY A PROVISION OF THIS DIVISION II IS EITHER MORE OR LESS RESTRICTIVE THAN A COMPARABLE CONDITION IMPOSED BY ANY OTHER PROVISION OF THIS DIVISION OR BY ANY OTHER LAW, RULE, OR REGULATION OF ANY KIND, THE CONDITION THAT IS THE MORE RESTRICTIVE GOVERNS.

(D) *GENDER.*

WORDS DENOTING ONE GENDER INCLUDE AND APPLY TO THE OTHER GENDERS AS WELL.

(E) *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.

(F) *NUMBER.*

THE SINGULAR INCLUDES THE PLURAL AND VICE VERSA.

(G) *REFERENCES TO OTHER LAWS.*

WHENEVER A PROVISION OF THIS DIVISION II REFERS TO ANY PART OF THE CITY CODE OR TO ANY OTHER LAW, THE REFERENCE APPLIES TO ANY SUBSEQUENT AMENDMENT OF THE LAW REFERRED TO, UNLESS THE REFERRING PROVISION EXPRESSLY PROVIDES OTHERWISE.



(H) *SEVERABILITY.*

ALL PROVISIONS OF THIS DIVISION II 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.

(I) *TIME COMPUTATIONS.*(1) *COMPUTATION OF TIME AFTER AN ACT, EVENT, OR DEFAULT.*

- (I) IN COMPUTING ANY PERIOD OF TIME PRESCRIBED BY THIS DIVISION II, 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 DIVISION II 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 SATURDAY, SUNDAY, OR LEGAL HOLIDAY.

**§ 21-3. INCORPORATION BY REFERENCE.**(A) *IN GENERAL.*

FOR PURPOSES OF THIS DIVISION II, THE FOLLOWING DOCUMENTS ARE INCORPORATED BY REFERENCE:

- (1) THE DESIGN MANUAL, WHICH SERVES AS THE OFFICIAL CITY GUIDE FOR STORMWATER PRINCIPLES, METHODS, AND PRACTICES; AND
- (2) THE USDA NATURAL RESOURCES CONSERVATION SERVICE MARYLAND CONSERVATION PRACTICE STANDARD POND CODE 378 (JANUARY 2000).

(B) *DEFINED TERMS.*

- (1) TERMS USED IN THE DESIGN MANUAL HAVE THE MEANINGS ASCRIBED TO THEM IN THE DESIGN MANUAL OR OTHERWISE BY THE STATE WATER MANAGEMENT ADMINISTRATION.

## (2) THESE TERMS INCLUDE:

- (I) "AGRICULTURAL LAND MANAGEMENT ACTIVITIES".
- (II) "AQUIFER".
- (III) "DETENTION STRUCTURE".
- (IV) "DIRECT DISCHARGE".
- (V) "EXTENDED DETENTION".
- (VI) "GRADE".

**§ 21-4. PURPOSE; AUTHORITY.**(A) *PURPOSE.*

THE PURPOSE OF THIS DIVISION II IS TO:

- (1) PROTECT, MAINTAIN, AND ENHANCE THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE THROUGH THE MANAGEMENT OF STORMWATER;
- (2) PROTECT PUBLIC AND PRIVATE PROPERTY FROM DAMAGE;
- (3) REDUCE THE ADVERSE EFFECTS OF DEVELOPMENT;
- (4) CONTROL STREAM CHANNEL EROSION;
- (5) REDUCE LOCAL FLOODING; AND
- (6) MAINTAIN AFTER DEVELOPMENT, AS NEARLY AS POSSIBLE, PRE-DEVELOPMENT RUNOFF CHARACTERISTICS.

(B) *AUTHORITY.*

THIS DIVISION II IS ADOPTED UNDER THE AUTHORITY OF STATE ENVIRONMENT ARTICLE, TITLE 4, SUBTITLE 2.

**§ 21-5. ADMINISTRATION.**(A) *IN GENERAL.*

THE BALTIMORE CITY DEPARTMENT OF PUBLIC WORKS IS RESPONSIBLE FOR ADMINISTERING AND ENFORCING THIS DIVISION II.

(B) *RULES AND REGULATIONS.*

- (1) THE DEPARTMENT MAY ADOPT RULES AND REGULATIONS TO CARRY OUT THIS DIVISION II.
- (2) A COPY OF THESE RULES AND REGULATIONS MUST BE FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY BECOME EFFECTIVE.

**§ 21-6. SCOPE.***(A) IN GENERAL.*

EXCEPT AS SPECIFIED IN SUBSECTION (B) OF THIS SECTION, THIS DIVISION II APPLIES TO ALL DEVELOPMENT WITHIN THE CORPORATE LIMITS OF BALTIMORE CITY.

*(B) EXEMPTIONS.*

THE FOLLOWING ACTIVITIES ARE EXEMPT FROM THIS DIVISION II:

- ~~(6)~~ (1) AGRICULTURAL LAND MANAGEMENT ACTIVITIES THAT EMPLOY METHODS AND PROCEDURES TO FURTHER CROP AND LIVESTOCK PRODUCTION AND CONSERVATION ~~OF~~ TO CONSERVE RELATED SOIL AND WATER RESOURCES;
- ~~(7)~~ (2) CONSTRUCTION, GRADING, OR ~~DEVELOPMENTS~~ DEVELOPMENT THAT DOES NOT DISTURB MORE THAN 5,000 SQUARE FEET OF LAND; AND
- ~~(8)~~ (3) DEVELOPMENT REGULATED UNDER A STATE LAW THAT PROVIDES FOR MANAGING STORMWATER RUNOFF.

**SUBTITLE 22. STORMWATER MANAGEMENT PLANS****§ 22-1. PLAN REQUIRED.**

EXCEPT AS OTHERWISE EXPRESSLY PROVIDED IN THIS DIVISION II, NO PERSON MAY DEVELOP ANY LAND UNLESS THE PERSON:

- (1) ESTABLISHES STORMWATER MANAGEMENT MEASURES THAT CONTROL OR MANAGE RUNOFF FROM THE DEVELOPMENT; AND
- (2) INCORPORATES THOSE MEASURES INTO A STORMWATER MANAGEMENT PLAN APPROVED BY THE DEPARTMENT.

**§ 22-2. DESIGN AND CONSTRUCTION.**

THESE STORMWATER MANAGEMENT MEASURES MUST:

- (1) MEET THE DESIGN REQUIREMENTS OF THE DESIGN MANUAL; AND
- (2) BE CONSTRUCTED ACCORDING TO:
  - (I) AN APPROVED PLAN FOR NEW DEVELOPMENT; OR
  - (II) THE POLICIES STATED IN § 23-7 OF THIS DIVISION II FOR REDEVELOPMENT.

**§ 22-3. MINIMUM CONTROL REQUIREMENTS.***(A) IN GENERAL.*

THE MINIMUM CONTROL REQUIREMENTS FOR THESE MANAGEMENT MEASURES ARE AS PROVIDED IN THIS SECTION AND THE DESIGN MANUAL.

(B) *VOLUME SIZING CRITERIA.*

THE DESIGN MANUAL'S SIZING CRITERIA FOR RECHARGE VOLUME, WATER QUALITY VOLUME, AND CHANNEL PROTECTION STORAGE VOLUME MUST BE USED TO DESIGN BEST MANAGEMENT PRACTICES.

(C) *10-YEAR FREQUENCY STORM EVENT.*

RUNOFF FROM THE 10-YEAR FREQUENCY STORM EVENT MUST BE CONTROLLED IN ACCORDANCE WITH THE DESIGN MANUAL IF THE DEPARTMENT DETERMINES THAT HISTORICAL FLOODING PROBLEMS EXIST AND DOWNSTREAM FLOODPLAIN DEVELOPMENT AND CONVEYANCE SYSTEM DESIGN CANNOT BE CONTROLLED.

(D) *ADDITIONAL CONTROL REQUIREMENTS.*

THE DEPARTMENT MAY REQUIRE MORE THAN THE MINIMUM CONTROL REQUIREMENTS OF THE DESIGN MANUAL IF:

- (1) HYDROLOGIC OR TOPOGRAPHIC CONDITIONS WARRANT; OR
- (2) FLOODING, STREAM CHANNEL EROSION, OR WATER QUALITY PROBLEMS EXIST DOWNSTREAM FROM A PROPOSED PROJECT.

(E) *CONSISTENCY WITH FHMA PLANS.*

WHERE APPLICABLE, STORMWATER MANAGEMENT AND DEVELOPMENT PLANS MUST BE CONSISTENT WITH WATERSHED MANAGEMENT PLANS AND FLOOD MANAGEMENT PLANS APPROVED BY THE STATE WATER MANAGEMENT ADMINISTRATION UNDER THE FLOOD HAZARD MANAGEMENT ACT OF 1976.

**§ 22-4. STRUCTURAL AND NONSTRUCTURAL PRACTICES.**

(A) *IN GENERAL.*

- (1) IN DESIGNING STORMWATER MANAGEMENT MEASURES, STRUCTURAL AND NONSTRUCTURAL PRACTICES MUST BE USED, EITHER ALONE OR IN COMBINATION.
- (2) THESE STRUCTURAL AND NONSTRUCTURAL PRACTICES, THEIR SELECTION, BASIC DESIGN CRITERIA, METHODOLOGIES, AND CONSTRUCTION SPECIFICATIONS:
  - (I) MUST COMPLY WITH THE DESIGN MANUAL; AND
  - (II) ARE SUBJECT TO APPROVAL OF THE DEPARTMENT AND THE STATE WATER MANAGEMENT ADMINISTRATION.

(B) *STRUCTURAL PRACTICES.*

- (1) THE FOLLOWING STRUCTURAL STORMWATER MANAGEMENT PRACTICES MUST BE DESIGNED TO SATISFY THE APPLICABLE MINIMUM CONTROL REQUIREMENTS ESTABLISHED IN § 22-3 OF THIS SUBTITLE.
  - (I) STORMWATER MANAGEMENT PONDS;
  - (II) STORMWATER MANAGEMENT WETLANDS;

- (III) STORMWATER MANAGEMENT INFILTRATION;
  - (IV) STORMWATER MANAGEMENT FILTERING SYSTEMS;
  - (V) STORMWATER MANAGEMENT OPEN CHANNEL SYSTEMS; AND
  - (VI) OTHER PRACTICES PROVIDED IN THE DESIGN MANUAL.
- (2) IN SELECTING STRUCTURAL PRACTICES, CONSIDERATION MUST BE GIVEN TO THE PERFORMANCE CRITERIA SPECIFIED IN THE DESIGN MANUAL FOR:
- (I) GENERAL FEASIBILITY;
  - (II) CONVEYANCE;
  - (III) PRETREATMENT;
  - (IV) TREATMENT AND GEOMETRY;
  - (V) ENVIRONMENT AND LANDSCAPING; AND
  - (VI) MAINTENANCE.
- (3) STRUCTURAL PRACTICES MUST ACCOMMODATE THE UNIQUE HYDROLOGIC OR GEOLOGIC REGIONS OF THE CITY.

(C) *NONSTRUCTURAL PRACTICES.*

- (1) THE FOLLOWING NONSTRUCTURAL STORMWATER MANAGEMENT PRACTICES MUST BE APPLIED TO MINIMIZE INCREASES IN NEW DEVELOPMENT RUNOFF:
- (I) NATURAL AREA CONSERVATION;
  - (II) DISCONNECTION OF ROOFTOP RUNOFF;
  - (III) DISCONNECTION OF NON-ROOFTOP RUNOFF;
  - (IV) SHEET FLOW TO BUFFERS;
  - (V) GRASS CHANNELS; AND
  - (VI) ENVIRONMENTALLY SENSITIVE DEVELOPMENT.
- (2) THE USE OF NONSTRUCTURAL PRACTICES IS ENCOURAGED TO MINIMIZE THE RELIANCE ON STRUCTURAL ~~BMPs~~ BEST MANAGEMENT PRACTICES.
- (3) THE MINIMUM CONTROL REQUIREMENTS LISTED IN § 22-3 OF THIS SUBTITLE MAY BE REDUCED WHEN NONSTRUCTURAL PRACTICES ARE INCORPORATED INTO SITE DESIGNS ACCORDING TO THE DESIGN MANUAL.
- (4) THE USE OF NONSTRUCTURAL PRACTICES MAY NOT CONFLICT WITH EXISTING STATE OR LOCAL LAWS, ORDINANCES, REGULATIONS, OR POLICIES.

(5) NONSTRUCTURAL PRACTICES USED TO REDUCE THE MINIMUM CONTROL REQUIREMENTS:

- (I) MUST BE RECORDED IN THE LAND RECORDS OF BALTIMORE CITY;
- (II) ARE BINDING ON SUBSEQUENT PROPERTY OWNERS; AND
- (III) MAY NOT BE ALTERED WITHOUT THE PRIOR APPROVAL OF THE DEPARTMENT.

(D) *ALTERNATIVE PRACTICES.*

(A) ALTERNATIVE STRUCTURAL AND NONSTRUCTURAL STORMWATER MANAGEMENT PRACTICES MAY BE USED FOR NEW DEVELOPMENT WATER QUALITY CONTROL IF THEY:

- (I) MEET THE PERFORMANCE CRITERIA ESTABLISHED IN THE DESIGN MANUAL; AND
- (II) ARE APPROVED BY THE STATE WATER MANAGEMENT ADMINISTRATION.

(A) PRACTICES USED FOR REDEVELOPMENT PROJECTS MUST BE APPROVED BY THE DEPARTMENT.

(E) *IMPACT ANALYSIS.*

- (1) FOR THE PURPOSES OF MODIFYING THE MINIMUM CONTROL REQUIREMENTS OR DESIGN CRITERIA, THE DEVELOPER MUST SUBMIT TO THE DEPARTMENT AN ANALYSIS OF THE IMPACTS OF STORMWATER FLOWS DOWNSTREAM IN THE WATERSHED.
- (2) THE ANALYSIS MUST INCLUDE THE HYDROLOGIC AND HYDRAULIC CALCULATIONS NECESSARY TO DETERMINE THE IMPACT OF HYDROGRAPH TIMING MODIFICATIONS OF THE PROPOSED DEVELOPMENT UPON A DAM, HIGHWAY, STRUCTURE, OR NATURAL POINT OF RESTRICTED STREAMFLOW.
- (3) THE POINT OF INVESTIGATION IS TO BE ESTABLISHED, WITH THE DEPARTMENT'S CONCURRENCE, DOWNSTREAM OF THE FIRST DOWNSTREAM TRIBUTARY WHOSE DRAINAGE AREA EQUALS OR EXCEEDS THE CONTRIBUTING AREA TO THE PROJECT OR STORMWATER MANAGEMENT FACILITY.

**§ 22-5. CONTENTS OF PLAN.**

(A) *IN GENERAL.*

THE PLAN SUBMITTED FOR REVIEW AND APPROVAL MUST CONTAIN SUPPORTING COMPUTATIONS, DRAWINGS, AND SUFFICIENT INFORMATION TO DESCRIBE THE MANNER, LOCATION, AND TYPE OF MEASURES IN WHICH STORMWATER RUNOFF WILL BE MANAGED FROM THE ENTIRE DEVELOPMENT.

(B) *REPORT AND CONSTRUCTION DRAWINGS.*

THE PLAN MUST BE ACCOMPANIED BY A REPORT AND CONSTRUCTION DRAWINGS THAT INCLUDE SUFFICIENT INFORMATION TO EVALUATE:

- (1) THE ENVIRONMENTAL CHARACTERISTICS OF AFFECTED AREAS;
- (2) THE POTENTIAL IMPACTS OF THE PROPOSED DEVELOPMENT ON WATER RESOURCES; AND
- (3) THE EFFECTIVENESS AND ACCEPTABILITY OF MEASURES PROPOSED FOR MANAGING STORMWATER RUNOFF.

(C) *WAIVERS AND VARIANCES.*

THE PLAN MUST BE ACCOMPANIED BY AN APPLICATION FOR ANY WAIVER OR VARIANCE SOUGHT UNDER SUBTITLE 23 OR SUBTITLE 24.

**§ 22-6. REPORT.**

THE REPORT MUST CONTAIN THE FOLLOWING, MINIMUM INFORMATION:

- (1) A BRIEF NARRATIVE DESCRIPTION OF THE PROJECT;
- (2) GEOTECHNICAL INVESTIGATIONS, INCLUDING SOIL MAPS, BORINGS, SITE SPECIFIC RECOMMENDATIONS, AND ANY ADDITIONAL INFORMATION NECESSARY TO EVALUATE THE PROPOSED STORMWATER MANAGEMENT DESIGN;
- (3) DESCRIPTIONS OF ALL WATER COURSES, IMPOUNDMENTS, AND WETLANDS ON OR ADJACENT TO THE SITE OR INTO WHICH STORMWATER DIRECTLY FLOWS;
- (4) HYDROLOGIC COMPUTATIONS, INCLUDING DRAINAGE AREA MAPS THAT SHOW PRE- DEVELOPMENT AND POST-DEVELOPMENT RUNOFF FLOW PATH SEGMENTATION AND LAND USE;
- (5) HYDRAULIC COMPUTATIONS;
- (6) STRUCTURAL COMPUTATIONS;
- (7) UNIFIED SIZING CRITERIA VOLUME COMPUTATIONS ACCORDING TO THE DESIGN MANUAL; AND
- (8) ANY OTHER INFORMATION THAT THE DEPARTMENT REQUIRES.

**§ 22-7. CONSTRUCTION DRAWINGS.**

(A) *IN GENERAL.*

THE CONSTRUCTION DRAWINGS MUST INCLUDE THE FOLLOWING:

- (1) A VICINITY MAP;
- (2) A TOPOGRAPHY SURVEY THAT SHOWS EXISTING AND PROPOSED CONTOURS, INCLUDING THE AREA NECESSARY TO DETERMINE DOWNSTREAM ANALYSIS FOR PROPOSED STORMWATER MANAGEMENT FACILITIES;
- (3) ANY PROPOSED IMPROVEMENTS, INCLUDING THE LOCATION OF BUILDINGS OR OTHER STRUCTURES, IMPERVIOUS SURFACES, STORM DRAINAGE FACILITIES, AND ALL GRADING;
- (4) THE LOCATION OF EXISTING AND PROPOSED STRUCTURES AND UTILITIES;
- (5) ANY EASEMENTS AND RIGHTS-OF-WAY;
- (6) THE DELINEATION, IF APPLICABLE, OF:
  - (I) THE 100-YEAR FLOODPLAIN; AND
  - (II) ANY ON-SITE WETLANDS;

- (7) STRUCTURAL AND CONSTRUCTION DETAILS FOR ALL COMPONENTS OF:
    - (I) THE PROPOSED DRAINAGE SYSTEM OR SYSTEMS; AND
    - (II) STORMWATER MANAGEMENT FACILITIES;
  - (8) ALL NECESSARY CONSTRUCTION SPECIFICATIONS;
  - (9) A SEQUENCE OF CONSTRUCTION;
  - (10) DIMENSIONS OF:
    - (I) TOTAL SITE AREA;
    - (II) DISTURBED AREA;
    - (III) NEW IMPERVIOUS AREA; AND
    - (IV) TOTAL IMPERVIOUS AREA;
  - (11) A TABLE THAT SHOWS THE UNIFIED SIZING CRITERIA VOLUMES REQUIRED BY THE DESIGN MANUAL;
  - (12) A TABLE OF MATERIALS TO BE USED FOR STORMWATER MANAGEMENT FACILITY PLANTING;
  - (13) ALL SOIL BORING LOGS AND LOCATIONS;
  - (14) A MAINTENANCE SCHEDULE;
  - (15) A PROPOSED CONSTRUCTION AND INSPECTION SCHEDULE;
  - (16) AN AS-BUILT CERTIFICATION SIGNATURE BLOCK, TO BE EXECUTED AFTER THE PROJECT IS COMPLETED; AND
  - (17) ANY OTHER INFORMATION THAT THE DEPARTMENT REQUIRES.
- (B) *COVENANT OF COMPLIANCE.*

THE DEVELOPER MUST COVENANT ON THE DRAWINGS THAT ALL GRADING, DRAINAGE, CONSTRUCTION, AND DEVELOPMENT WILL BE DONE IN STRICT ACCORDANCE WITH THE PLAN.

**§ 22-8. PREPARATION OF PLAN.**

(A) *IN GENERAL.*

A STORMWATER MANAGEMENT PLAN MUST BE PREPARED BY A PROFESSIONAL ENGINEER, PROFESSIONAL LAND SURVEYOR, OR LANDSCAPE ARCHITECT LICENSED IN THE STATE.

(B) *PROFESSIONAL ENGINEER ONLY.*

IF BEST MANAGEMENT PRACTICES REQUIRE A DAM SAFETY PERMIT FROM THE MARYLAND DEPARTMENT OF THE ENVIRONMENT, THE PLAN MUST BE PREPARED BY A PROFESSIONAL ENGINEER LICENSED IN THE STATE.



**§ 22-9. EASEMENTS FOR RUNOFF.***(A) EASEMENT ~~REQUIRED~~.*

IF A STORMWATER MANAGEMENT PLAN INVOLVES DIRECTING SOME OR ALL RUNOFF FROM THE SITE, THE DEVELOPER ~~MUST OBTAIN~~ IS RESPONSIBLE FOR OBTAINING FROM ADJACENT PROPERTY OWNERS ANY NEEDED EASEMENTS OR PROPERTY INTERESTS FOR WATER FLOW.

*(B) PLAN CREATES NO RIGHT.*

APPROVAL OF A STORMWATER MANAGEMENT PLAN DOES NOT CREATE OR AFFECT ANY RIGHT TO DIRECT RUNOFF ONTO ADJACENT PROPERTY WITHOUT THAT PROPERTY OWNER'S PERMISSION.

**§ 22-10. REVIEW AND APPROVAL OF PLAN.***(A) REVIEW.*

THE DEPARTMENT MUST REVIEW EACH PROPOSED PLAN TO DETERMINE ITS COMPLIANCE WITH THIS DIVISION II.

*(B) CONDITIONS.*

IN APPROVING A PLAN, THE DEPARTMENT MAY IMPOSE ANY CONDITIONS THAT IT CONSIDERS NECESSARY OR APPROPRIATE TO:

- (1) ENSURE COMPLIANCE WITH THIS DIVISION II; AND
- (2) PRESERVE THE PUBLIC HEALTH AND SAFETY.

*(C) NOTIFICATION.*

WITHIN 30 DAYS AFTER IT RECEIVES A COMPLETED STORMWATER MANAGEMENT PLAN, THE DEPARTMENT MUST NOTIFY THE APPLICANT OF:

- (1) THE DEPARTMENT'S APPROVAL OF THE PLAN;
- (2) THE DEPARTMENT'S DISAPPROVAL OF THE PLAN, TOGETHER WITH:
  - (I) THE REASONS FOR DISAPPROVAL; AND
  - (II) ANY MODIFICATIONS THAT THE DEPARTMENT REQUIRES FOR APPROVAL; OR
- (2) IF NO DECISION HAS YET BEEN MADE:
  - (I) THE STATUS OF THE REVIEW PROCESS; AND
  - (II) THE ANTICIPATED DATE OF COMPLETION.

*(D) ENDORSEMENT.*

A STORMWATER MANAGEMENT PLAN IS NOT VALID UNTIL THE PLAN HAS BEEN ENDORSED AND DATED BY THE DEPARTMENT.

**SUBTITLE 23. WAIVERS****§ 23-1. QUANTITATIVE CONTROL WAIVER.**

THE DEPARTMENT MAY GRANT A WAIVER OF QUANTITATIVE CONTROL REQUIREMENTS FOR A PROJECT IF:

- (1) THE PROJECT IS WITHIN AN AREA FOR WHICH A WATERSHED MANAGEMENT PLAN HAS BEEN DEVELOPED UNDER § 23-6 OF THIS SUBTITLE;
- (2) THE PROJECT HAS A DIRECT DISCHARGE TO TIDAL WATERS OR OTHER TIDAL WETLANDS; OR
- (3) THE DEPARTMENT DETERMINES THAT CIRCUMSTANCES EXIST THAT PREVENT THE REASONABLE IMPLEMENTATION OF QUANTITY CONTROL PRACTICES.

**§ 23-2. QUALITATIVE CONTROL WAIVER.**

THE DEPARTMENT MAY GRANT A WAIVER OF QUALITATIVE CONTROL REQUIREMENTS FOR A PROJECT IF:

- (1) THE PROJECT IS ~~AN IN-FILL~~ A DEVELOPMENT PROJECT FOR WHICH STORMWATER MANAGEMENT IMPLEMENTATION IS NOT FEASIBLE;
- (2) THE PROJECT IS A REDEVELOPMENT PROJECT FOR WHICH THE REQUIREMENTS OF § 23-7 OF THIS SUBTITLE ARE SATISFIED; OR
- (3) THE DEPARTMENT DETERMINES THAT CIRCUMSTANCES EXIST THAT PREVENT THE REASONABLE IMPLEMENTATION OF QUALITY CONTROL PRACTICES.

**§ 23-3. CONDITIONS OF WAIVER.**

(A) *CASE-BY-CASE.*

A WAIVER MAY BE GRANTED ONLY ON A CASE-BY-CASE BASIS, AFTER CONSIDERING THE CUMULATIVE EFFECTS OF THE DEPARTMENT'S WAIVER POLICY.

(B) *IMPACT.*

A WAIVER MAY BE GRANTED ONLY IF IT REASONABLY ENSURES THAT THE DEVELOPMENT WILL NOT ADVERSELY IMPACT STREAM QUALITY.

(C) *FEE IN-LIEU.*

THE DEPARTMENT MAY REQUIRE A PERSON WHO IS GRANTED A WAIVER TO PAY A FEE IN-LIEU-OF ON-SITE MANAGEMENT.

**§ 23-4. APPLICATION FOR WAIVER.**

(A) *IN GENERAL.*

THE APPLICATION FOR A WAIVER MUST:

- (1) BE IN THE FORM THAT THE DEPARTMENT REQUIRES;

- (2) CONTAIN THE DESCRIPTIONS, DRAWINGS, AND OTHER INFORMATION NEEDED TO EVALUATE THE PROPOSED WAIVER;
- (3) CONTAIN ANY OTHER INFORMATION THAT THE DEPARTMENT REQUIRES; AND
- (4) BE SUBMITTED TO THE DEPARTMENT WITH THE DEVELOPER'S PROPOSED STORMWATER MANAGEMENT PLAN.

(B) *SEPARATE APPLICATIONS FOR ADDITIONS, ETC.*

A SEPARATE APPLICATION IS REQUIRED FOR SUBSEQUENT ADDITIONS, EXTENSIONS, OR MODIFICATIONS TO A DEVELOPMENT.

**§ 23-5. {RESERVED}**

**§ 23-6. WATERSHED MANAGEMENT PLAN.**

(A) *IN GENERAL.*

- (1) THE DEPARTMENT MAY DEVELOP A WATERSHED MANAGEMENT PLAN FOR THE PURPOSE OF IMPLEMENTING DIFFERENT POLICIES FOR WAIVERS AND REDEVELOPMENT.
- (2) IF THE DEPARTMENT ESTABLISHES A WATERSHED MANAGEMENT PLAN FOR A SPECIFIC WATERSHED, THE DEPARTMENT MAY DEVELOP QUANTITATIVE CONTROL WAIVERS AND REDEVELOPMENT PROVISIONS THAT DIFFER FROM § 23-1(2) AND (3) AND § 23-7.

(B) *REQUISITES.*

FOR THIS PURPOSE, THE WATERSHED MANAGEMENT PLAN MUST:

- (1) INCLUDE DETAILED HYDROLOGIC AND HYDRAULIC ANALYSES TO DETERMINE HYDROGRAPH TIMING;
- (2) INCLUDE AN EVALUATION OF BOTH QUANTITY AND QUALITY MANAGEMENT;
- (3) INCLUDE A CUMULATIVE IMPACT ASSESSMENT OF WATERSHED DEVELOPMENT;
- (4) IDENTIFY EXISTING FLOODING CONDITIONS AND RECEIVING STREAM CHANNEL CONDITIONS;
- (5) BE PREPARED AT A REASONABLE SCALE;
- (6) SPECIFY WHERE ON-SITE OR OFF-SITE QUANTITATIVE AND QUALITATIVE CONTROLS ARE TO BE IMPLEMENTED;
- (7) BE CONSISTENT WITH THE GENERAL PERFORMANCE STANDARDS FOR STORMWATER MANAGEMENT IN MARYLAND, FOUND IN SECTION 1.2 OF THE DESIGN MANUAL; AND
- (8) BE APPROVED BY THE STATE WATER MANAGEMENT ADMINISTRATION.

**§ 23-7. REDEVELOPMENT.****(A) *WAIVED REQUIREMENTS.***

UNLESS OTHERWISE SPECIFIED BY THE DEPARTMENT, A REDEVELOPMENT PROJECT NEED NOT COMPLY WITH REQUIREMENTS OF THE DESIGN MANUAL FOR:

- (1) RECHARGE VOLUME;
- (2) CHANNEL PROTECTION STORAGE VOLUME; AND
- (3) OVERBANK FLOOD PROTECTION VOLUME.

**(B) *APPLICABLE REQUIREMENTS – IN GENERAL.***

- (1) ALL REDEVELOPMENT PROJECTS MUST REDUCE EXISTING SITE IMPERVIOUS AREAS BY AT LEAST 20%.
- (2) IF SITE CONDITIONS PREVENT THE REDUCTION OF IMPERVIOUS AREA, THEN STORMWATER MANAGEMENT PRACTICES MUST BE IMPLEMENTED TO PROVIDE QUALITATIVE CONTROL FOR AT LEAST 20% OF THE SITE'S IMPERVIOUS AREA.
- (3) IF A COMBINATION OF IMPERVIOUS AREA REDUCTION AND STORMWATER PRACTICE IMPLEMENTATION IS USED, THE COMBINED AREA MUST EQUAL OR EXCEED 20% OF THE SITE.

**(C) *APPLICABLE REQUIREMENTS – ALTERNATIVES.***

IF CONDITIONS PREVENT IMPERVIOUS AREA REDUCTION OR ON-SITE STORMWATER MANAGEMENT, PRACTICAL ALTERNATIVES MAY BE CONSIDERED, INCLUDING:

- (1) FEES;
- (2) OFF-SITE IMPLEMENTATION OF BEST MANAGEMENT PRACTICES FOR A DRAINAGE AREA COMPARABLE IN SIZE AND PERCENT IMPERVIOUSNESS TO THAT OF THE PROJECT;
- (3) WATERSHED OR STREAM RESTORATION;
- (4) RETROFITTING TO IMPROVE WATER QUALITY OVER CURRENT CONDITIONS BY:
  - (I) CONSTRUCTION OF STRUCTURAL BEST MANAGEMENT PRACTICES IN A PREVIOUSLY DEVELOPED AREA;
  - (II) MODIFICATION OF EXISTING STRUCTURAL BEST MANAGEMENT PRACTICES ; OR
  - (III) IMPLEMENTATION OF A NONSTRUCTURAL PRACTICE; OR
- (5) OTHER PRACTICES APPROVED BY THE DEPARTMENT.

**SUBTITLE 24. VARIANCES****§ 24-1. WHEN AUTHORIZED.**

THE DEPARTMENT MAY GRANT A VARIANCE FROM ANY REQUIREMENT OF THIS DIVISION II IF, BECAUSE OF EXCEPTIONAL CIRCUMSTANCES APPLICABLE TO THE SITE, STRICT ADHERENCE TO THAT REQUIREMENT WILL RESULT IN UNNECESSARY HARDSHIP AND NOT FULFILL THE INTENT OF THIS DIVISION II.

**§ 24-2. APPLICATION FOR VARIANCE.**

THE APPLICATION FOR A VARIANCE MUST:

- (1) BE IN THE FORM THAT THE DEPARTMENT REQUIRES;
- (2) STATE THE SPECIFIC VARIANCE SOUGHT;
- (3) EXPLAIN WHY THE VARIANCE IS NEEDED;
- (4) CONTAIN ANY OTHER INFORMATION THAT THE DEPARTMENT REQUIRES; AND
- (5) BE SUBMITTED TO THE DEPARTMENT WITH THE DEVELOPER'S PROPOSED STORMWATER MANAGEMENT PLAN.

**§ 24-3. JUSTIFICATION REQUIRED.**

THE DEPARTMENT MAY NOT GRANT A VARIANCE UNLESS THE APPLICANT PROVIDES SUFFICIENT JUSTIFICATION FOR THE VARIANCE.

**§ 24-4. OFFSET FEE.**

THE DEPARTMENT MAY REQUIRE A PERSON WHO IS GRANTED A VARIANCE TO PAY AN OFFSET FEE TO THE CITY.

**SUBTITLE 25. PERMITS; FEES; SECURITY****§ 25-1. APPROVED PLAN PREREQUISITE TO PERMITS.****(A) GRADING AND BUILDING PERMITS.**

~~FOR~~ FOR ANY DEVELOPMENT THAT REQUIRES A STORMWATER MANAGEMENT PLAN UNDER THIS DIVISION II, A GRADING OR BUILDING PERMIT MAY NOT BE ISSUED UNLESS A STORMWATER MANAGEMENT PLAN HAS BEEN APPROVED BY THE DEPARTMENT.

**(B) BUILDING PERMITS.**

A BUILDING PERMIT MAY NOT BE ISSUED WITHOUT:

- (1) RECORDED EASEMENTS, AS NEEDED:
  - (I) FOR THE STORMWATER MANAGEMENT FACILITY; AND
  - (II) TO PROVIDE ADEQUATE ACCESS FOR INSPECTION AND MAINTENANCE FROM A PUBLIC RIGHT-OF-WAY;

- (2) A RECORDED STORMWATER MANAGEMENT MAINTENANCE AGREEMENT;
- (3) A PERFORMANCE BOND; AND
- (4) ALL NECESSARY PERMISSIONS FROM ADJACENT PROPERTY OWNERS.

**§ 25-2. FEES.****(A) *IN GENERAL.***

NON-REFUNDABLE FEES WILL BE ASSESSED AND COLLECTED BY THE DEPARTMENT AT THE TIME THE STORMWATER MANAGEMENT PLAN IS SUBMITTED.

**(B) *FEE SCHEDULE.***

THE FEES ASSESSED UNDER THIS DIVISION II:

- (1) ARE IN ADDITION TO THE USUAL FEES CHARGED FOR GRADING OR BUILDING PERMITS; AND
- (2) SHALL BE ASSESSED FOR PLAN REVIEWS, WAIVERS, OFFSETS, STORMWATER PERMITS, INSPECTIONS, FEES IN LIEU, AND THE LIKE, IN ACCORDANCE WITH THE FEE SCHEDULE ESTABLISHED FROM TIME TO TIME BY THE BOARD OF ESTIMATES.

**§ 25-3. PERFORMANCE SECURITY.****(A) *REQUIRED.***

FOR ANY DEVELOPMENT THAT REQUIRES A STORMWATER MANAGEMENT PLAN UNDER THIS DIVISION II, A GRADING OR BUILDING PERMIT MAY NOT BE ISSUED UNTIL THE APPLICANT POSTS A SURETY OR CASH BOND, IRREVOCABLE LETTER OF CREDIT, OR OTHER MEANS OF SECURITY ACCEPTABLE TO THE DEPARTMENT.

**(B) *AMOUNT.***

THE AMOUNT OF THE SECURITY MAY NOT BE LESS THAN THE TOTAL ESTIMATED CONSTRUCTION COST OF THE STORMWATER MANAGEMENT FACILITY. THIS ESTIMATE MUST BE PREPARED BY THE APPLICANT AND SUBMITTED WITH THE PLAN.

**(C) *TENOR.***

THE SECURITY REQUIRED BY THIS SECTION MUST PROVIDE FOR FORFEITURE ON FAILURE TO:

- (1) COMPLETE ALL WORK SPECIFIED IN THE APPROVED STORMWATER MANAGEMENT PLAN;
- (2) COMPLY WITH ANY PROVISION OF THIS DIVISION II OR OF ANY OTHER APPLICABLE LAW OR REGULATION; OR
- (3) COMPLY WITH ANY APPLICABLE TIME LIMITATIONS.

**(D) *FULL RELEASE.***

THE SECURITY MAY NOT BE FULLY RELEASED UNTIL:

- (1) THE DEPARTMENT CONDUCTS A FINAL INSPECTION OF THE COMPLETED WORK;
- (2) THE DEVELOPER SUBMITS "AS-BUILT" PLANS TO THE DEPARTMENT; AND
- (3) THE DEPARTMENT CERTIFIES THAT THE STORMWATER MANAGEMENT FACILITIES:
  - (I) HAVE BEEN COMPLETED; AND
  - (II) COMPLY WITH THE APPROVED PLAN AND THIS DIVISION II.

(E) *PARTIAL RELEASE.*

- ~~(3)~~ (1) THE DEPARTMENT MAY ESTABLISH A PROCEDURE FOR RELEASING THE SECURITY IN PARTS, PRORATED ON COMPLETION AND ACCEPTANCE OF THE VARIOUS STAGES OF DEVELOPMENT AND CONSTRUCTION, AS SPECIFICALLY DELINEATED, DESCRIBED, AND SCHEDULED ON THE STORMWATER MANAGEMENT PLAN.
- ~~(4)~~ (2) THIS PROCEDURE MUST BE ESTABLISHED BEFORE APPROVAL OF THE STORMWATER MANAGEMENT PLAN.
- (3) TO OBTAIN A PARTIAL RELEASE, THE APPLICANT MUST NOTIFY THE DEPARTMENT, ON COMPLETION OF EACH STAGE, THAT THE FACILITY IS READY FOR INSPECTION.

**§ 25-4. PERMIT SUSPENSION OR REVOCATION.**

AFTER WRITTEN NOTICE TO THE PERMIT HOLDER, THE DEPARTMENT MAY SUSPEND OR REVOKE ANY GRADING OR BUILDING PERMIT FOR ANY OF THE FOLLOWING REASONS:

- (1) ANY VIOLATION OF THE CONDITIONS OF THE STORMWATER MANAGEMENT PLAN APPROVAL;
- (2) ANY CHANGE IN THE SITE RUNOFF CHARACTERISTICS ON WHICH A PLAN OR WAIVER WAS APPROVED;
- (3) CONSTRUCTION NOT IN ACCORDANCE WITH THE APPROVED PLAN;
- (4) FAILURE TO COMPLY WITH A CORRECTION NOTICE OR STOP WORK ORDER ISSUED FOR THE FACILITY; OR
- (5) A FINDING BY THE DEPARTMENT THAT AN IMMEDIATE DANGER EXISTS IN A DOWNSTREAM AREA.

**SUBTITLE 26. INSPECTIONS**

**§ 26-1. BY WHOM CONDUCTED.**

ALL INSPECTIONS UNDER THIS DIVISION II MUST BE CONDUCTED BY AN AUTHORIZED REPRESENTATIVE OF THE DEPARTMENT.

**§ 26-2. NOTICES BY DEVELOPER.**

THE DEVELOPER MUST NOTIFY THE DEPARTMENT:

- (1) AT LEAST 48 HOURS BEFORE STARTING ANY WORK IN CONJUNCTION WITH THE STORMWATER MANAGEMENT PLAN; AND

(2) ON COMPLETION OF THE PROJECT.

**§ 26-3. INSPECTIONS DURING CONSTRUCTION.**

(A) *IN GENERAL.*

AT A MINIMUM, REGULAR INSPECTIONS MUST BE MADE AT THE STAGES OF CONSTRUCTION SPECIFIED IN THIS SECTION.

(B) *PONDS.*

FOR PONDS:

(1) ON COMPLETION OF EXCAVATION TO SUB-FOUNDATION AND, WHEN REQUIRED, INSTALLATION OF STRUCTURAL SUPPORTS OR REINFORCEMENT FOR STRUCTURES, INCLUDING:

(I) CORE TRENCHES FOR STRUCTURAL EMBANKMENTS;

(II) INLET AND OUTLET STRUCTURES, ANTI-SEEP COLLARS OR DIAPHRAGMS, AND WATERTIGHT CONNECTORS ON PIPES; AND

(III) TRENCHES FOR ENCLOSED STORM DRAINAGE FACILITIES;

(2) DURING PLACEMENT OF STRUCTURAL FILL OR CONCRETE AND INSTALLATION OF PIPING AND CATCH BASINS;

(3) DURING BACKFILL OF FOUNDATIONS AND TRENCHES;

(4) DURING EMBANKMENT CONSTRUCTION; AND

(5) ON COMPLETION OF FINAL GRADING AND ESTABLISHMENT OF PERMANENT STABILIZATION.

(C) *WETLANDS.*

FOR WETLANDS:

(1) AT THE STAGES SPECIFIED IN SUBSECTION (B) OF THIS SECTION FOR POND CONSTRUCTION;

(2) DURING AND AFTER WETLAND RESERVOIR AREA PLANTING; AND

(3) DURING THE SECOND GROWING SEASON TO VERIFY A VEGETATION SURVIVAL RATE OF AT LEAST 50%.

(D) *INFILTRATION TRENCHES.*

FOR INFILTRATION TRENCHES:

(1) DURING EXCAVATION TO SUBGRADE;

(2) DURING PLACEMENT AND BACKFILL OF UNDERDRAIN SYSTEMS AND OBSERVATION WELLS;

(3) DURING PLACEMENT OF GEOTEXTILES AND ALL FILTER MEDIA;



- (4) DURING CONSTRUCTION OF APPURTENANT CONVEYANCE SYSTEMS, SUCH AS DIVERSION STRUCTURES, PRE-FILTERS AND FILTERS, INLETS, OUTLETS, AND FLOW DISTRIBUTION STRUCTURES; AND

- (5) ON COMPLETION OF FINAL GRADING AND ESTABLISHMENT OF PERMANENT STABILIZATION.

(E) *INFILTRATION BASINS.*

FOR INFILTRATION BASINS:

- (1) AT THE STAGES SPECIFIED IN SUBSECTION (B) OF THIS SECTION FOR POND CONSTRUCTION; AND

- (2) DURING PLACEMENT AND BACKFILL OF UNDERDRAIN SYSTEMS.

(F) *FILTERING SYSTEMS.*

FOR FILTERING SYSTEMS:

- (1) DURING EXCAVATION TO SUBGRADE;

- (2) DURING PLACEMENT AND BACKFILL OF UNDERDRAIN SYSTEMS;

- (3) DURING PLACEMENT OF GEOTEXTILES AND ALL FILTER MEDIA;

- (4) DURING CONSTRUCTION OF APPURTENANT CONVEYANCE SYSTEMS, SUCH AS FLOW DIVERSION STRUCTURES, PRE-FILTERS AND FILTERS, INLETS, OUTLETS, ORIFICES, AND FLOW DISTRIBUTION STRUCTURES; AND

- (5) ON COMPLETION OF FINAL GRADING AND ESTABLISHMENT OF PERMANENT STABILIZATION.

(G) *OPEN CHANNEL SYSTEMS.*

FOR OPEN CHANNEL SYSTEMS:

- (1) DURING EXCAVATION TO SUBGRADE;

- (2) DURING PLACEMENT AND BACKFILL OF UNDERDRAIN SYSTEMS FOR DRY SWALES;

- (3) DURING INSTALLATION OF DIAPHRAGMS, CHECK DAMS, OR WEIRS; AND

- (4) ON COMPLETION OF FINAL GRADING AND ESTABLISHMENT OF PERMANENT STABILIZATION.

(H) *NONSTRUCTURAL PRACTICES.*

FOR NONSTRUCTURAL PRACTICES:

- (1) ON COMPLETION OF FINAL GRADING;

- (2) ON ESTABLISHMENT OF PERMANENT STABILIZATION; AND

- (3) BEFORE ISSUANCE OF USE AND OCCUPANCY APPROVAL.

**§ 26-4. INSPECTION REPORTS.***(A) REPORTS REQUIRED.*

WRITTEN REPORTS MUST BE MADE OF ALL INSPECTIONS CONDUCTED DURING CONSTRUCTION.

*(B) SCOPE.*

EACH INSPECTION REPORT MUST SPECIFY:

- (1) THE DATE AND LOCATION OF THE INSPECTION;
- (2) WHETHER THE CONSTRUCTION COMPLIES WITH THE APPROVED STORMWATER MANAGEMENT PLAN;
- (3) ANY VARIATIONS FROM THE APPROVED CONSTRUCTION SPECIFICATIONS;
- (4) ANY VIOLATIONS FOUND; AND
- (5) ANY OTHER INFORMATION THAT THE DEPARTMENT REQUIRES.

*(C) NOTICE TO DEVELOPER.*

THE DEPARTMENT MUST PROVIDE THE DEVELOPER WITH THE RESULTS OF EACH INSPECTION REPORT AS SOON AS POSSIBLE AFTER THE INSPECTION.

**§ 26-5. WORK STOPPAGE PENDING INSPECTION.**

AT THE COMPLETION OF EACH CONSTRUCTION STAGE FOR WHICH AN INSPECTION IS REQUIRED, NO FURTHER WORK MAY BE DONE UNTIL THE DEPARTMENT INSPECTS AND APPROVES THE WORK COMPLETED TO DATE.

**§ 26-6. FINAL INSPECTION.**

A FINAL INSPECTION MUST BE CONDUCTED AFTER CONSTRUCTION IS COMPLETED.

**§ 26-7. AS-BUILT CERTIFICATION.***(A) REQUIRED.*

ONCE CONSTRUCTION IS COMPLETE, THE DEVELOPER MUST SUBMIT TO THE DEPARTMENT AN AS-BUILT PLAN CERTIFICATION BY A PROFESSIONAL ENGINEER OR PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE.

*(B) TENOR.*

THE CERTIFICATION MUST CERTIFY THAT THE COMPLETED STORMWATER MANAGEMENT PRACTICES AND CONVEYANCE SYSTEMS COMPLY WITH THE SPECIFICATIONS CONTAINED IN THE APPROVED PLAN.

*(C) CONTENTS.*

THE CERTIFICATION MUST INCLUDE:

- (1) A SET OF DRAWINGS THAT COMPARE THE APPROVED STORMWATER MANAGEMENT PLAN WITH WHAT HAS BEEN CONSTRUCTED; AND
- (2) ANY OTHER INFORMATION THAT THE DEPARTMENT REQUIRES.

**§ 26-8. NOTICE TO STATE ADMINISTRATION.**

(A) *IN GENERAL.*

FOR EACH STORMWATER MANAGEMENT PRACTICE COMPLETED, THE DEPARTMENT MUST SUBMIT A NOTICE OF CONSTRUCTION TO THE STATE WATER MANAGEMENT ADMINISTRATION.

(B) *WHEN AND HOW.*

THE NOTICE MUST BE SUBMITTED:

- (1) WITHIN 45 DAYS OF CONSTRUCTION COMPLETION; AND
- (2) ON THE FORM THAT THE ADMINISTRATION SUPPLIES.

**SUBTITLE 27. MAINTENANCE**

**§ 27-1. MAINTENANCE RESPONSIBILITY.**

(A) *IN GENERAL.*

THE MAINTENANCE OF PRIVATE STORMWATER MANAGEMENT FACILITIES IS THE RESPONSIBILITY OF:

- (1) THE OWNER OF THE PROPERTY; AND
- (2) ANY OTHER PERSON IN CONTROL OF THE PROPERTY.

(B) *SCOPE OF RESPONSIBILITY.*

THE OWNER OR OTHER PERSON IN CONTROL MUST MAINTAIN IN GOOD CONDITION AND PROMPTLY REPAIR AND RESTORE ALL:

- (1) GRADE SURFACES, WALLS, DRAINS, DAMS, AND STRUCTURES;
- (2) VEGETATION;
- (3) EROSION AND SEDIMENT CONTROL MEASURES; AND
- (4) OTHER PROTECTIVE DEVICES.

(C) *COMPLIANCE WITH PLAN.*

ALL MAINTENANCE, REPAIRS, AND RESTORATION MUST BE IN ACCORDANCE WITH THE APPROVED STORMWATER MANAGEMENT PLAN.

**§ 27-2. MAINTENANCE SCHEDULE.****(A) *REQUIRED.***

A MAINTENANCE SCHEDULE MUST BE DEVELOPED FOR THE LIFE OF EVERY STORMWATER MANAGEMENT FACILITY.

**(B) *CONTENTS.***

THE SCHEDULE MUST SPECIFY:

- (1) THE MAINTENANCE TO BE COMPLETED;
- (2) THE TIME FOR COMPLETING THAT MAINTENANCE; AND
- (3) THE PERSON WHO WILL PERFORM THAT MAINTENANCE.

**(C) *SCHEDULE TO BE PART OF APPROVED PLAN.***

THE MAINTENANCE SCHEDULE MUST BE PRINTED ON THE APPROVED STORMWATER MANAGEMENT PLAN.

**§ 27-3. MAINTENANCE AGREEMENT .****(A) *PREREQUISITE FOR PERMIT.***

BEFORE ANY GRADING OR BUILDING PERMIT MAY BE ISSUED FOR A PRIVATE STORMWATER MANAGEMENT FACILITY, THE OWNER MUST EXECUTE AN INSPECTION AND MAINTENANCE AGREEMENT BINDING ON ALL CURRENT AND SUBSEQUENT OWNERS OF LAND SERVED BY THE FACILITY.

**(B) *COVERAGE.***

THE AGREEMENT MUST PROVIDE FOR ACCESS TO THE FACILITY, AT ALL REASONABLE TIMES, FOR REGULAR INSPECTIONS BY THE DEPARTMENT OR ITS AUTHORIZED REPRESENTATIVE TO ENSURE THAT THE FACILITY IS MAINTAINED IN PROPER WORKING CONDITION TO MEET DESIGN STANDARDS.

**(C) *PERFORMANCE BOND.***

- (1) A PERFORMANCE BOND, WITH AMOUNT, TERMS, AND PROVISIONS ACCEPTABLE TO THE DEPARTMENT, MUST BE PROVIDED.
- (2) THE AGREEMENT MUST PROVIDE FOR FORFEITURE OF THE PERFORMANCE BOND IF, AFTER WRITTEN NOTICE BY THE DEPARTMENT TO CORRECT ANY NONCONFORMANCE WITH AN APPROVED PLAN, THE OWNER FAILS TO MAKE SATISFACTORY CORRECTIONS WITHIN A REASONABLE TIME, NOT TO EXCEED 30 DAYS, UNLESS EXTENDED FOR GOOD CAUSE SHOWN.

**(D) *RECORDATION.***

THE OWNER MUST RECORD THE AGREEMENT IN THE LAND RECORDS OF BALTIMORE CITY.

**§ 27-4. MAINTENANCE INSPECTIONS.****(A) PERIODIC INSPECTIONS REQUIRED.**

~~(3)~~ (1) THE DEPARTMENT MUST PERIODICALLY INSPECT ALL STORMWATER MANAGEMENT SYSTEMS TO ENSURE THAT PREVENTATIVE MAINTENANCE IS BEING PERFORMED.

~~(4)~~ (2) THESE INSPECTIONS MUST BE MADE:

(I) AT LEAST ONCE DURING THE 1<sup>ST</sup> YEAR OF OPERATION; AND

(II) AT LEAST ONCE EVERY 3 YEARS FOLLOWING.

**(B) INSPECTION REPORTS.**

(1) THE DEPARTMENT MUST MAINTAIN INSPECTION REPORTS FOR ALL STORMWATER MANAGEMENT SYSTEMS.

(2) THESE INSPECTION REPORTS MUST INCLUDE THE FOLLOWING:

(I) THE DATE OF INSPECTION;

(II) THE NAME OF THE INSPECTOR;

(III) THE CONDITION OF:

A. VEGETATION AND FILTER MEDIA;

B. FENCES AND OTHER SAFETY DEVICES;

C. SPILLWAYS, VALVES, AND OTHER CONTROL STRUCTURES;

D. EMBANKMENTS, SLOPES, AND SAFETY BENCHES;

E. RESERVOIR AND TREATMENT AREAS;

F. INLET AND OUTLET CHANNELS AND STRUCTURES;

G. UNDERGROUND DRAINAGE;

H. SEDIMENT AND DEBRIS ACCUMULATION IN STORAGE AND FOREBAY AREAS;

I. ANY NONSTRUCTURAL PRACTICES TO THE EXTENT PRACTICABLE; AND

J. ANY OTHER ITEM THAT COULD AFFECT THE PROPER FUNCTION OF THE STORMWATER MANAGEMENT SYSTEM; AND

(IV) A DESCRIPTION OF NEEDED MAINTENANCE.

**§ 27-5. DEFICIENCIES.****(A) NOTICE OF DEFICIENCY.**

THE DEPARTMENT MUST PROMPTLY NOTIFY THE OWNER OF ANY DEFICIENCIES DISCOVERED FROM A MAINTENANCE INSPECTION.

**(B) OWNER TO CORRECT.**

THE OWNER MUST CORRECT THE DEFICIENCIES:

- (1) WITHIN 30 DAYS OF THE NOTICE; OR
- (2) BY ANY OTHER TIME TO WHICH THE DEPARTMENT AND THE OWNER AGREE.

**(C) REINSPECTION.**

THE DEPARTMENT MUST CONDUCT A SUBSEQUENT INSPECTION TO ENSURE COMPLETION OF ALL REQUIRED REPAIRS.

**(D) ENFORCEMENT ACTION.**

IF REPAIRS ARE NOT MADE OR ARE NOT DONE PROPERLY, THE DEPARTMENT MAY TAKE ANY ENFORCEMENT ACTION AUTHORIZED BY LAW.

**(E) IMMEDIATE DANGER TO HEALTH OR SAFETY.**

- (1) IF, BECAUSE OF AN UNSAFE CONDITION OR IMPROPER MAINTENANCE, THE STORMWATER MANAGEMENT FACILITY PRESENTS AN IMMEDIATE DANGER TO THE PUBLIC HEALTH OR SAFETY, THE DEPARTMENT MAY TAKE WHATEVER ACTION IS NECESSARY TO PROTECT THE PUBLIC AND MAKE THE FACILITY SAFE.
- (2) THE DEPARTMENT MAY ASSESS AGAINST THE OWNER THE COSTS INCURRED UNDER THIS SUBSECTION.

**SUBTITLE 28. ENFORCEMENT; REVIEWS; PENALTIES****§ 28-1. VIOLATION NOTICES.****(A) NOTICE REQUIRED.**

IF A VIOLATION IS FOUND, THE DEPARTMENT MUST PROVIDE WRITTEN NOTICE OF THE VIOLATION TO:

- (1) THE DEVELOPER OR OWNER; AND
- (2) THE ON-SITE PERSONNEL.

**(B) CONTENTS.**

A VIOLATION NOTICE MUST DESCRIBE:

- (1) THE NATURE OF THE VIOLATION; AND

(2) THE REQUIRED CORRECTIVE ACTION.

**§ 28-2. ENFORCEMENT OF NOTICE.**

(A) *IN GENERAL.*

THE DEPARTMENT MAY TAKE ANY ONE OR A COMBINATION OF THE FOLLOWING ACTIONS TO ENFORCE A VIOLATION NOTICE.

(B) *STOP WORK ORDER.*

IF A VIOLATION PERSISTS AFTER ISSUANCE OF A VIOLATION NOTICE, THE DEPARTMENT MAY ISSUE A STOP WORK ORDER FOR THE SITE.

(C) *BOND FORFEITURE; OTHER ACTION.*

IF REASONABLE EFFORTS TO CORRECT THE VIOLATION HAVE NOT BEEN UNDERTAKEN, THE DEPARTMENT MAY:

- (1) CAUSE THE PERFORMANCE BOND OR OTHER SECURITIES TO BE FORFEITED; AND
- (2) REFER THE MATTER FOR LEGAL ACTION.

(D) *CIVIL FINES.*

- (1) THE DEPARTMENT MAY IMPOSE CIVIL FINES FOR MINOR INFRACTIONS OF THIS DIVISION II.
- (2) A SCHEDULE OF FINES, NOT TO EXCEED \$500 FOR ANY ONE OFFENSE, SHALL BE ESTABLISHED AND MAY BE AMENDED FROM TIME TO ~~TIME~~ TIME BY THE DEPARTMENT WITH THE APPROVAL OF THE BALTIMORE CITY BOARD OF ESTIMATES.

**§§ 28-3 TO 28-4. {RESERVED}**

**§ 28-5. ADMINISTRATIVE REVIEW – IN GENERAL.**

(A) *RIGHT OF APPEAL.*

ANY PERSON AGGRIEVED BY THE ACTION OF ANY OFFICIAL CHARGED WITH THE ENFORCEMENT OF THIS DIVISION II, WHETHER AS THE RESULT OF THE DISAPPROVAL OF AN APPLICATION, THE ISSUANCE OF A VIOLATION NOTICE, AN ALLEGED FAILURE TO PROPERLY ENFORCE THIS DIVISION II, OR OTHERWISE, MAY APPEAL THE ACTION TO THE DIRECTOR OF PUBLIC WORKS.

(B) *WHEN AND HOW TAKEN.*

THE APPEAL MUST:

- (1) BE IN WRITING;
- (2) STATE CLEARLY THE GROUNDS ON WHICH THE APPEAL IS BASED; AND
- (3) BE FILED WITH THE DIRECTOR WITHIN 10 DAYS OF THE ACTION IN DISPUTE.

**§ 28-6. ADMINISTRATIVE REVIEW – DELEGATION OF HEARING AUTHORITY.****(A) *IN GENERAL.***

HEARINGS MAY BE CONDUCTED BY:

- (1) THE DIRECTOR OF PUBLIC WORKS; OR
- (2) A HEARING OFFICER DESIGNATED BY THE DIRECTOR.

**(B) *SCOPE OF DELEGATION.***

THE DIRECTOR MAY DELEGATE TO A HEARING OFFICER THE AUTHORITY TO ISSUE:

- (1) PROPOSED OR FINAL FINDINGS OF FACT;
- (2) PROPOSED OR FINAL CONCLUSIONS OF LAW;
- (3) PROPOSED OR FINAL FINDINGS OF FACT AND CONCLUSIONS OF LAW;
- (4) PROPOSED OR FINAL ORDERS; OR
- (5) THE FINAL ADMINISTRATIVE DECISION OF THE DEPARTMENT.

**§ 28-7. ADMINISTRATIVE REVIEW – CONDUCT OF HEARING.****(A) *NOTICE.***

- (1) THE DIRECTOR OF PUBLIC WORKS MUST PROVIDE ALL PARTIES REASONABLE WRITTEN NOTICE OF THE HEARING.
- (2) THE NOTICE MUST STATE:
  - (I) THE DATE, TIME, PLACE, AND NATURE OF THE HEARING;
  - (II) THE RIGHT OF A PARTY TO BE REPRESENTED, AT THE PARTY'S OWN EXPENSE, BY AN ATTORNEY OR, IF PERMITTED BY LAW, OTHER REPRESENTATIVE;
  - (III) THE RIGHT OF A PARTY TO CALL WITNESSES AND SUBMIT DOCUMENTS OR OTHER EVIDENCE UNDER § 28-8 OF THIS SUBTITLE; AND
  - (IV) THAT FAILURE TO APPEAR FOR THE SCHEDULED HEARING MAY RESULT IN AN ADVERSE ACTION AGAINST THE PARTY.

**(B) *HEARINGS TO BE OPEN AND INFORMAL.***

EXCEPT AS OTHERWISE PROVIDED BY LAW OR BY RULE OR REGULATION OF THE DEPARTMENT, ALL HEARINGS MUST BE:

- (1) OPEN TO THE PUBLIC; AND
- (2) CONDUCTED IN AN ORDERLY BUT INFORMAL MANNER.



**§ 28-8. ADMINISTRATIVE REVIEW – EVIDENCE.****(A) *IN GENERAL.***

EXCEPT AS OTHERWISE PROVIDED BY THIS SECTION OR BY RULE OR REGULATION OF THE DEPARTMENT, FORMAL RULES OF EVIDENCE AND TRIAL PROCEDURES DO NOT APPLY.

**(B) *RIGHT TO SUBMIT.***

ON A GENUINE ISSUE OF FACT, A PARTY IS ENTITLED TO:

- (1) CALL WITNESSES;
- (2) OFFER EVIDENCE, INCLUDING REBUTTAL EVIDENCE;
- (3) CROSS-EXAMINE ANY WITNESS THAT ANOTHER PARTY OR THE DEPARTMENT CALLS; AND
- (4) PRESENT SUMMATION AND ARGUMENT.

**(C) *SCOPE.***

THE DIRECTOR OR HEARING OFFICER:

- (1) MAY ADMIT PROBATIVE EVIDENCE THAT REASONABLE AND PRUDENT INDIVIDUALS COMMONLY ACCEPT IN THE CONDUCT OF THEIR AFFAIRS AND GIVE PROBATIVE EFFECT TO THAT EVIDENCE;
- (2) MAY NOT EXCLUDE EVIDENCE SOLELY ON THE BASIS THAT IT IS HEARSAY;
- (3) MUST GIVE EFFECT TO A PRIVILEGE RECOGNIZED BY LAW;
- (4) MAY RECEIVE DOCUMENTARY EVIDENCE IN THE FORM OF COPIES OR EXCERPTS OR THROUGH INCORPORATION BY REFERENCE;
- (5) MAY TAKE OFFICIAL NOTICE OF A FACT THAT IS JUDICIALLY NOTICEABLE OR THAT IS GENERAL, TECHNICAL, OR SCIENTIFIC AND WITHIN THE SPECIALIZED KNOWLEDGE OF THE DEPARTMENT;  
AND
- (6) MAY EXCLUDE EVIDENCE THAT IS:
  - (I) INCOMPETENT;
  - (II) IRRELEVANT;
  - (III) IMMATERIAL; OR
  - (IV) UNDULY REPETITIOUS.

**§ 28-9. ADMINISTRATIVE REVIEW – FINAL DECISIONS.****(A) FORM AND CONTENTS.**

A FINAL DECISION MUST:

- (1) BE IN WRITING; AND
- (2) CONTAIN SEPARATE STATEMENTS OF:
  - (I) THE FINDINGS OF FACT;
  - (II) THE CONCLUSIONS OF LAW; AND
  - (III) THE DECISION OR ORDER.

**(B) DISTRIBUTION.**

A COPY OF THE FINAL DECISION MUST BE MAILED OR DELIVERED TO EACH PARTY OR THAT PARTY'S ATTORNEY OF RECORD.

**§ 28-10. {RESERVED}****§ 28-11. JUDICIAL REVIEW.**

A PARTY AGGRIEVED BY A FINAL DECISION OF THE DEPARTMENT MAY APPEAL THAT DECISION TO THE CIRCUIT COURT FOR BALTIMORE CITY IN ACCORDANCE WITH THE MARYLAND RULES OF CIVIL PROCEDURE.

**§ 28-12. {RESERVED}****§ 28-13. CRIMINAL PENALTIES.****(A) IN GENERAL.**

ANY PERSON WHO VIOLATES ANY PROVISION OF THIS DIVISION II OR OF ANY RULE OR REGULATION ADOPTED UNDER OR INCORPORATED INTO THIS DIVISION II IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR BOTH FINE AND IMPRISONMENT FOR EACH VIOLATION.

**(B) EACH DAY A SEPARATE OFFENSE.**

EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

**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 plans submitted before the effective date of this Ordinance will be reviewed under the then-existing stormwater management regulations. If those plans are not approved or a waiver granted within 1 year from the date they were submitted, the plans must be resubmitted under this Ordinance. If, after a plan has been reviewed and approved under the previous regulations, construction does not begin ~~within 1 year of that plan's approval~~ before July 1, 2004, the plan must be resubmitted under this 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 27, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-368  
(Council Bill 01-531)**

**AN ORDINANCE CONCERNING**

**Zoning — Conditional Use Nonprofit Home and  
Transitional Housing Facility for the Care and Custody of Homeless  
Persons — 2029 West North Avenue**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a nonprofit home and transitional housing facility for the care and custody of homeless persons on the property known as 2029 West North Avenue, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning  
Section(s) 6-309(7) 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 nonprofit home and transitional housing facility for the care and custody of homeless persons on the property known as 2029 West North Avenue, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 6-309(7) and 14-102 of the Baltimore City Code, subject to the condition that the following conditions:

1. The maximum number of residents is 10, including a resident manager.
2. 24-hour supervision must be provided.
3. There may be no more than 3 clients per sleeping room.
4. Sleeping rooms for clients may not be in the basement.
5. 1 parking space must be provided in the rear of the facility for drop-off and pick-up of clients.
6. No substance abuse treatment may be conducted in this facility.
7. There may be no exterior sign on the facility other than a nameplate no larger than 6 inches wide by 6 inches high.

8. The nonprofit home and transitional housing facility for the care and custody of homeless persons ~~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 1, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-369  
(Council Bill 01-635)**

**AN ORDINANCE CONCERNING**

**Planned Unit Development — Amendment 1—  
Canton Crossing**

FOR the purpose of approving certain amendments to the Development Plan of the Canton Crossing Planned Unit Development.

BY authority of  
Article - Zoning  
Title 9, Subtitles 1 and 5  
Baltimore City Revised Code  
(Edition 2000)

**Recitals**

By Ordinance 01-192, the Mayor and City Council approved the application of Canton Crossing, LLC, to have certain property located south of Boston Street, the western boundary being east of the Inner Harbor including the riparian rights, the eastern boundary being a line set 660 feet east of the eastern right-of-way line of Baylis Street, and the southern boundary being the southern right-of-way line of Danville Street extending from the water's edge a distance of 660 feet east of the eastern right-of-way line of Baylis Street, consisting of 51.25 acres, more or less, designated as an Industrial Planned Unit Development and approved the Development Plan submitted by the applicant.

Canton Crossing, LLC, wishes to amend the Development Plan, as previously approved by the Mayor and City Council, to increase parking and square footage use on each parcel, to increase the size of the proposed hotel, and to change the location of certain proposed structures.

On November 21, 2001, representatives of Canton Crossing, LLC, 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 Canton Crossing, LLC, have now 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 ~~Exhibit A, "Existing Conditions Plan", dated April 17, 2001, and~~ Exhibit B, "Development Plan", dated ~~December 3, 2001~~ April 2, 2002.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That Sections ~~3(a), 3(c), 3(e), 3(f), 3(g), and 3(g)(1),~~ 3(g)(3), and 3(i) of Ordinance 01-192 are amended to read as follows:

SECTION 3. AND BE IT FURTHER ORDAINED, That in accordance with the provisions of Title 9, Subtitle 5 of the Zoning Code, the following uses are permitted within the Industrial Planned Unit Development with respect to the Parcels designated on the Development Plan (the Parcels hereinafter individually are referred to as a "Parcel" and collectively as "Parcels"):

- (a) In general, in each parcel throughout this Industrial Planned Unit Development, offices AND MARINE TERMINALS: PASSENGER are permitted by right.
- (c) In addition to the allowed uses listed in subsection (a) above, ~~in [Parcel] PARCELS C1 AND C2 residential uses are allowed~~ THERE MAY BE ONE 100-UNIT MAXIMUM RESIDENTIAL BUILDING ON PARCEL C1 OR A1.
- (e) In addition to the allowed uses in subsection (a), in up to ~~50%~~ 75% of the first floor of each building on Parcels ~~A, A1, A2,~~ [B, C, D,] B1, B2, C1, ~~C2,~~ D1, D2, F, G, and H, the following B-1 Zoning uses listed in § 6-206 of the Zoning Article of the Baltimore City Revised Code are allowed:

~~Automatic teller machines; banks and savings and loan associations; barber shops; beauty shops; book stores; general; candy and ice cream stores; day care facilities, as follows: day nurseries and nursery schools, family day care homes, and school-age child care centers; drug stores and pharmacies (without drive-thru windows); dry cleaning and laundry receiving stations — processing done elsewhere; food stores, grocery stores, meat markets, bakeries, and delicatessens; gift and card shops; laundries: hand — no more than 2 employees plus 1 owner or manager on the premises; newsstands; radio and television antennas and towers that extend no more than 25 feet above the building on which they are mounted — but not including microwave antennas (satellite dishes); shoeshine parlors; telephone exchanges; travel bureaus — no more than 2 employees plus 1 owner or manager on the premises.~~

Automatic teller machines; BAKERIES - INCLUDING SALES TO RESTAURANTS AND HOTELS; banks and savings and loan associations; barber shops; beauty shops; BICYCLE: SALES, RENTAL, AND REPAIR; BLUEPRINTING AND PHOTOSTATING ESTABLISHMENTS; book stores; general; BUSINESS AND OFFICE MACHINES: SALES, RENTAL, AND SERVICE; CAMERA AND PHOTOGRAPHIC SUPPLY STORES; candy and ice cream stores; CARRYOUTS; CATERING ESTABLISHMENTS - FOOD (PREPARATION); COMMUNICATIONS SYSTEMS SALES AND SERVICE; COMPUTER CENTERS; day care facilities, as follows: day nurseries and nursery schools, family day care homes, and school-age child care centers; drug stores and

pharmacies (without drive-thru windows); dry cleaning and laundry receiving stations — processing done elsewhere; DRY CLEANING - WITH NO LIMIT ON EMPLOYEES; EMPLOYMENT AGENCIES; FINANCIAL INSTITUTIONS; FLORIST SHOPS; food stores, grocery stores, meat markets, bakeries, and delicatessens; gift and card shops; HOBBY SHOPS; JEWELRY STORES; LABORATORIES - MEDICAL AND DENTAL; laundries: hand — no more than 2 employees plus 1 owner or manager on the premises; MASSAGE THERAPISTS' OFFICES; MEDICAL AND DENTAL CLINICS; newsstands; OFFICE SUPPLY STORES; OPTICIANS : SALES AND SERVICE; PHOTOCOPYING SERVICE; PHOTOGRAPHERS; PHOTOGRAPHIC PRINTING AND DEVELOPMENT ESTABLISHMENTS; PHYSICAL CULTURE AND HEALTH SERVICES; GYMS, REDUCING SALONS, AND PUBLIC BATHS; PRINTING ESTABLISHMENTS — NO MORE THAN 10 EMPLOYEES; radio and television antennas and towers that extend no more than 25 feet above the building on which they are mounted — but not including microwave antennas (satellite dishes); RECORD, TAPE, CD, AND SHEET MUSIC STORES; SCHOOLS - BUSINESS COLLEGES, COMMUNITY COLLEGES, COLLEGES, AND UNIVERSITIES; SCHOOLS: COMMERCIAL; SCHOOLS AND STUDIO: BUSINESS, DANCE, AND MUSIC; SCHOOLS: TRADE; SECRETARIAL TELEPHONE AND ANSWERING SERVICES; SECURITY SALES, BROKERAGES, AND EXCHANGES; SHOE AND HAT REPAIR STORES; shoeshine parlors; TAILOR OR DRESSMAKING SHOPS; telephone exchanges; TOBACCO SHOPS; travel bureaus — no more than 2 employees plus 1 owner or manager on the premises; VENETIAN BLINDS AND WINDOW SHADES: SALES AND SERVICE; AND VIDEO MOVIES: SALES AND RENTALS.

- (f) Notwithstanding the above, athletic fields, parks, and playgrounds are allowed throughout the Planned Unit Development. The accessory uses and the conditional uses as defined under §§ 6-207 and 6-208 of the Zoning Code are also authorized as needed.

MOTOR VEHICLE RENTAL IS ALLOWED AS AN ACCESSORY USE TO A PARKING GARAGE OR HOTEL THROUGHOUT THIS PLANNED UNIT DEVELOPMENT. SUBJECT TO THE APPROVAL OF THE PLANNING COMMISSION, A HELISTOP IS ALLOWED ON ALL PARCELS EXCEPT F FOR TRANSPORTATION PURPOSES, BUT NOT FOR TOURS.

- (g) In addition to the allowed uses listed in subsection (a) and paragraph 1 below, [Parcel E] PARCELS ~~E1~~ E1A, E1B, AND E2 will be [a] mixed use [Parcel] PARCELS. The uses allowed as listed (permitted, accessory, and conditional) in the B-1 and B-2 Zoning Districts are those in Section 3(g)(3), subject to the requirements of Zoning Article, Title 14 Conditional Uses, respectively, in the Industrial Planned Unit Development. There is a maximum of ~~90,000~~ 120,000 square feet for B-1 and B-2 uses on [Parcel E] PARCELS E1 AND E2, excluding the hotel.

- (1) [A] ON PARCELS ~~A~~ A1 AND E2, A maximum number of [180] 360 hotel rooms or suites, or bed-and-breakfast rooms are permitted. Accessory meeting rooms for the hotel are permitted. Accessory meeting rooms for the hotel are permitted.

- (3) The following uses specified in § 6-306 as permitted uses in a B-2 Zoning District are allowed in ~~Parcel E~~ PARCELS E1A, E1B, AND E2 in the Industrial Planned Unit Development:

AUTOMATIC TELLER MACHINES; BARBERSHOPS; BEAUTY SHOPS; ~~Bike~~ BIKE — sales, retail and repair; blueprinting and photostating establishments; BOOK STORES; business and office machine — sales, rental and service; camera and photo supply stores; CANDY AND ICE CREAM STORES; carry-out food shops; catering establishments — food; clinics — medical and dental; CLOTHING SHOPS; communications — sales and services; computer centers; DAY CARE FACILITIES; display rooms for mail order sales; DRY CLEANING AND LAUNDRY RECEIVING STATIONS — PROCESSING DONE

ELSEWHERE; dry cleaning establishments — no more than 4 employees plus 1 owner or manager on the premises; employment agencies; exhibit rooms; financial institutions; FLORIST SHOPS; GIFT AND CARD SHOPS; hobby shops; jewelry stores — including watch repair; laboratories — medical and dental; leather goods and luggage stores; LIBRARIES AND ART GALLERIES; LIQUOR STORES; massage therapists' office; museums, aquariums, and planetariums; NEWSSTANDS; office supply stores; opticians — sales and service; philanthropic and charitable institutions; photocopying service; photographers; PHOTOGRAPHIC PRINTING AND DEVELOPMENT ESTABLISHMENTS; physical culture and health services — gymnasiums, reducing salons and public baths; post offices; printing establishments — no more than 10 employees plus 1 owner or manager; radio and television stations and studios; record, tape, CD, and sheet music stores; recording studios; restaurants and lunch rooms — not including live entertainment and dancing; schools — business colleges, community colleges, colleges and universities; secretarial and telephone answering services; security sales, brokerages and exchanges; SHOE SHINE PARLORS; sporting and athletic goods stores; stationery stores; swimming pools (swimming pools will be allowed in the hotel and any athletic/spa club); telegraph offices; tennis and lacrosse clubs (tennis will be allowed in the hotel and any athletic/spa club) ticket agencies; toy stores; TOBACCO SHOPS; travel bureaus; vending machines for retail sale of ice or milk; VENETIAN BLINDS AND WINDOW SHADES; SALES AND SERVICE; and video movies: sales and rentals.

Commercial uses on ~~Parcel E~~ PARCELS E1A, E1B, AND E2 may total a maximum of ~~90,000~~ 120,000 square feet.

FOOD STORES, GROCERY STORES, MEAT MARKETS AND BAKERIES — NOT FREESTANDING, BUT AS THE FIRST FLOOR OF OTHER BUILDINGS, ARE ALLOWED.

BOAT SALES, BUT NOT INCLUDING BOAT REPAIRS OR RENTALS, AS LONG AS THE BOATS REMAIN IN THE WATER AND THE OFFICE MAY BE ON LAND, ARE ALLOWED. THIS USE MUST ALSO OBTAIN AN AMENDMENT TO THE MARINA MASTER PLAN.

(i) With respect to Parcels G and H, the following shall apply:

- (1) The boundary line for these Parcels, referred to in the notes of Exhibit 2, is subject to change pending approval of a Minor Amendment by the Planning Commission. The eastern boundary, only, will constitute a Minor Amendment to the Planning Commission and may be shifted a maximum of 60 feet. Any other boundary change constitutes a Major Amendment.
- (2) That upon purchase or lease of these Parcels by Canton Crossing, LLC, its successors and assigns, these properties will be included in the Planned Unit Development.
- (3) THE ALLOWED USES FOR PARCELS G AND H ALSO INCLUDE THE FOLLOWING:

AUTO ACCESSORY STORES INCLUDING REPAIR AND INSTALLATION; AUTOMATIC TELLER MACHINES; BANKS — DRIVE IN; CAR WASHES; DEPARTMENT STORES; DRUG STORES AND PHARMACIES — INCLUDING DRIVE IN BUT NOT INCLUDING THE SALE OF ALCOHOL OR TOBACCO THROUGH THE WINDOW; DRY CLEANING — DRIVE IN; FOOD STORES AND GROCERY STORES; GASOLINE SERVICE STATIONS; HOTELS; MOTOR VEHICLE RENTAL; OPEN OFF-STREET PARKING AND GARAGES; PHOTOGRAPHIC PRINTING AND DEVELOPMENT ESTABLISHMENTS; DRIVE IN;

RESTAURANTS; RESTAURANTS: DRIVE IN WITH OR WITHOUT THE PICK-UP DRIVE WITH WINDOW.

**SECTION 3. AND BE IT FURTHER ORDAINED,** That Section 4(1) of Ordinance 01-192 is amended to read as follows:

SECTION 4. AND BE IT FURTHER ORDAINED, That off-street parking requirements for the Industrial Planned Unit Development are as follows:

- (1) Office use — [4] 3.5 parking spaces per 1000 square feet of gross floor area.

**SECTION 4. AND BE IT FURTHER ORDAINED,** That Section 5 of Ordinance 01-192 is amended to read as follows:

~~SECTION 5. AND BE IT FURTHER ORDAINED, That Parcel [C2] D2 shall have a maximum of 17 stories. The Plans for Parcels [B and D] A, B1, B2, C1, C2, D1, D2, E1, AND E2, Phase I are approved as part of this legislation and shown in the attached drawings. A massing plan for future Phases for Parcels B and D, and for Parcels A, C1, E, F, G, and H must be reviewed by the Design Advisory Panel and approved by the Planning Commission prior to or at the time of the approval of the design for Parcel C2. The intent is to allow approximately 4-story structures on Parcels G and H, [and approximately 6-story structures on the remainder of the Parcels] AND THE OTHER PARCELS ARE TO BE AS SHOWN ON EXHIBIT B. ALL STORY HEIGHTS REFERENCED ARE FOR OFFICE, HOTEL, RESIDENTIAL AND/OR RETAIL OCCUPANCY. WHEN PARKING GARAGES ARE OBTAINING FINAL DESIGN APPROVAL, AN EQUIVALENT HEIGHT STRUCTURE WILL BE ALLOWED. THIS MEANS THAT A GARAGE MAY HAVE MORE LEVELS.~~

~~Massing will be dictated by the Massing Plan to be reviewed by the Design Advisory Panel and approved by the Planning Commission. The approved plans for Phase I on Parcels [B and D] B1, B2, D1, AND D2, submitted in connection with this Ordinance, dated June 4, 2001, are made a part of this Ordinance, and no changes may be made to the plans without the prior approval of the Planning Department.~~

SECTION 5. AND BE IT FURTHER ORDAINED, THAT EXHIBIT B SHOWS THE MASSING DRAWINGS IN NUMBERS OF STORIES. THESE ARE MAXIMUMS AND MAY ONLY BE INCREASED BY A MAJOR AMENDMENT TO THE PLANNED UNIT DEVELOPMENT. THE MAXIMUMS ARE FOR OCCUPIED STORIES AND DO NOT INCLUDE MECHANICAL UNITS, STAIR AND ELEVATOR TOWERS, OR OTHER SIMILAR ELEMENTS. WHEN GARAGES ARE OBTAINING FINAL DESIGN APPROVAL, AN EQUIVALENT HEIGHT STRUCTURE WILL BE ALLOWED. THIS MEANS THAT A GARAGE MAY HAVE MORE LEVELS.

**SECTION 5. AND BE IT FURTHER ORDAINED,** That the maximum square footages for development are as follows:

- (a) There is a maximum of 1.5 million square feet of offices for this Planned Unit Development and a maximum of 250,000 square feet of retail.
- (b) Physical culture and health services and medical and dental clinics shall not be included in the retail square footage maximum, but are included in the office square footage maximum.
- (c) The 120,000 retail square foot maximum on Parcels E1A, E1B, and E2 are a subset of the 250,000 retail square foot maximum.
- (d) The hotels and residential uses are not included in the square footage maximums. The square footage calculations are based on gross square footage, not net.



**SECTION 5 6. AND BE IT FURTHER ORDAINED,** That all plans for the construction of permanent improvements on the property are subject to final design approval 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 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 7 8. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved July 1, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-370  
(Council Bill 02-658)**

**AN ORDINANCE CONCERNING**

**Planned Unit Development — Designation —  
Heritage Hampden Village Centre**

FOR the purpose of approving the application of 1899 Limited Liability Company, the holder of an exclusive negotiating privilege from the City of Baltimore for the property known as 3355 Keswick Road, to have that property designated a Residential Planned Unit Development; approving the Development Plan submitted by the applicant; and providing for a special effective date.

BY authority of  
Article - Zoning  
Title 9, Subtitles 1 and 2  
Baltimore City Revised Code  
(Edition 2000)

**Recitals**

1899 Limited Liability Company is the holder of an exclusive negotiating privilege from the City of Baltimore for the property known as 3355 Keswick Road (the "Property"), consisting of 2.16 acres, more or less.

1899 Limited Liability Company intends to develop the Property for commercial use.

On April 30, 2001, representatives of 1899 Limited Liability Company 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 Residential Planned Unit Development.

The representatives of 1899 Limited Liability Company have now applied to the Baltimore City Council for designation of the property as a Residential Planned Unit Development, and they have submitted a Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 2 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 1899 Limited Liability Company, holder of an exclusive negotiating privilege for the property known as 3355 Keswick Road, consisting of 2.16 acres, more or less, as outlined on the accompanying Development Plan entitled "Heritage Hampden Village Centre", dated ~~December 20, 2001~~ April 15, 2002, and consisting of the following:

- (a) Exhibit 1, "Existing Conditions", dated ~~December 20, 2001~~ April 15, 2002, and
- (b) Exhibit 2, "Development Plan", dated ~~December 20, 2001~~ April 15, 2002, to designate the property a Residential Planned Development under Title 9, Subtitles 1 and 2 of the Baltimore City Zoning Code.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That in accordance with the provisions of Title 9, Subtitles 1 and 2, the following uses are permitted within the Planned Unit Development:

- (a) all permitted, accessory, and conditional uses allowed in the B-2 Zoning District; and
- (b) outdoor table service when accessory to a restaurant.

**SECTION 3. AND BE IT FURTHER ORDAINED,** That in accordance with the provisions of Title 9, Subtitles 1 and 2, the following uses are prohibited within the Planned Unit Development:

Animal hospitals; apartment hotels; aquariums and planetariums; athletic fields; auditorium and concert halls; automobile accessory stores, including related repair and installation services; bowling establishments; bus and transit passenger stations and terminals (not including bus shelters for mass transit patrons); community correction centers; dance halls; foster homes for children; fraternity and sorority houses; garages, other than accessory, for storage, repair, and servicing of motor vehicles not over 1½ tons capacity - but not including body repair, painting or engine rebuilding; gasoline service stations; helistops; hospitals; hotels and motels; liquor and package good stores; live entertainment and dancing; marinas; meeting and banquet halls; museums; parking or storage of travel trailers and similar camping equipment; pawn shops; pet shops; pool halls and billiard parlors; poultry and rabbit killing establishments; railroad rights of way; drive-in restaurants; sewerage pumping stations; substance abuse treatment centers; swimming pools and skating rinks; tennis and lacrosse clubs; theaters, undertaking establishment and funeral parlors; water filtration plants, reservoirs and pumping stations.

**SECTION 4. AND BE IT FURTHER ORDAINED,** That the Development Plan submitted by 1899 Limited Liability Company is approved, subject to the following conditions:

- (a) The partial razing of the buildings along Beech Avenue south of West 34th Street as shown on the Development Plan is subject to the approval of governmental agencies for historic review. Any additions to existing buildings are subject to approval by the Planning Commission.

- (b) The Developer has maximized the number of off-street parking spaces on the Property, which is sufficient to meet the off-street parking requirements for the Development Plan. In the event that governmental agencies do not approve the partial razing of buildings as provided in subsection (a) above, a revised plan with off-street parking on the Property is subject to approval by the Planning Commission or the owner must enter into a lease or purchase agreement for additional parking.
- (c) The showing of outdoor movies as a community event on Friday and Saturday evenings and holidays is permitted within the parking areas of the Property.

**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 all plans for the construction of permanent improvements on the property are subject to final design approval by the Planning Commission to insure that the plans are consistent with the Development Plan and this Ordinance.

**SECTION 7. 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 8. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is enacted.

Approved July 1, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-371  
(Council Bill 02-668)**

**AN ORDINANCE CONCERNING**

**Urban Renewal — Waverly Business Area —  
Amendment 3**

FOR the purpose of amending the Urban Renewal Plan for Waverly Business Area to authorize the acquisition by purchase or condemnation of certain properties for urban renewal purposes; revise the land use classification of certain properties; create new disposition lots; revise exhibits to reflect the changes in the Urban Renewal Plan; 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 Waverly Business Area was originally approved by the Mayor and City Council of Baltimore by Ordinance 79-1029 and last amended by Ordinance 95-664.

An amendment to the Urban Renewal Plan for Waverly Business Area is necessary to authorize the acquisition by purchase or condemnation of certain properties for urban renewal purposes; revise the land use classification of certain properties; create new disposition lots; revise exhibits to reflect the changes in the Urban Renewal Plan.

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 Waverly Business Area are approved:

- (1) On page 6 of the Plan, in A. Project Description, amend A.1. to read as follows:

4075; thence running in a northerly direction and binding on the eastern property line of Lot 13/14, Ward 9, Section 3, Block 4075 to a point of intersection with the northern property line of Lot 15/16, Ward 9, Section 3, Block 4705; thence running in an easterly direction and binding on the northern property line of Lot 15/16, Ward 9, Section 3, Block 4075 to a point of intersection with the western property line of Lot 5, Ward 9, Section 3, Block 4075; thence running in a northerly direction and binding on the western property line of Lot 5, Ward 9, Section 3, Block 4075, crossing Homestead Street to a point of intersection with the northern right-of-way line of Homestead Street; thence running in an easterly direction and binding on the northern right-of-way line of Homestead Street to a point of intersection with the eastern property line of Lot 9/10, Ward 9, Section 3, Block 4078; thence running in a northerly direction and binding on the eastern property line of Lot 9/10, Ward 9, Section 3, Block 4078 to a point of intersection with the southern property line of Lot 5, Ward 9, Section 3, Block 4078; thence running in an easterly direction and binding on the southern property line of Lot 5, Ward 9, Section 3, Block 4078 to a point of intersection with the eastern property line of [Lot] LOTS 4 AND 5, Ward 9, Section 3, Block 4078; thence running in a northerly direction and binding on the eastern property line of Lot [5] 4, Ward 9, Section 3, Block 4078, crossing Gorsuch Avenue, to a point of intersection with the northern right-of-way line of Gorsuch Avenue; thence running in [a westerly] AN EASTERLY direction and binding on the northern right-of-way line of Gorsuch Avenue to a point of intersection with the western right-of-way line of [Tinges Lane] FRISBY STREET; thence running in a northerly [directio] DIRECTION and binding on the western right-of-way of [Tinges Lane] FRISBY STREET [to a point of intersection with the southern right-of-way line of an unnamed 10 foot alley; thence running in a westerly direction and binding on the southern right-of-way line of said unnamed 10 foot alley to a point of intersection with the eastern property line of Lot 13, Ward 9, Section 2, Block 4068; thence running in a northerly direction and binding on the eastern property line of Lot 13, Ward 9, Section 2, Block 4068] to a point of intersection with the southern right-of-way line of E. 33<sup>rd</sup> Street; thence running in a westerly

- (2) On approval of the rezoning of 3231 Old York Road, 605-627 and 633 East 33<sup>rd</sup> Street, 3211-3215 Tinges Lane, 615, 627, 629, 632, 634, 640-644 Gorsuch Avenue, and 600 and 604 Homestead Street, by separate ordinance, on page 21 of the Plan, amend E.2. to read as follows:

2. Zoning

All appropriate provisions of the Zoning [Ordinance] CODE of Baltimore City shall apply to the properties in the Waverly Business Area. In order to implement the Urban Renewal Plan, Zoning District changes, as designated on Exhibit 4, will be required. These changes require amendment to the Zoning [Ordinance] CODE. Action to this effect will be initiated during the execution of this Plan. IT IS NOT THE INTENT TO CREATE NONCONFORMING USES IN THOSE AREAS SHOWN AS PROPOSED ZONING AREAS ON EXHIBIT 4 (3231 OLD YORK ROAD, 605-627 AND 633 EAST 33<sup>RD</sup> STREET, 3211-3215 TINGES LANE, 615, 627, 629, 632, 634, 640-644 GORSUCH AVENUE, AND 600 AND 604 HOMESTEAD STREET).

- (3) Amend Exhibit 1, "Land Use Plan", to reflect the change in land use category for the properties known as 3231 Old York Road, 605-627 and 633 East 33<sup>rd</sup> Street, 3211-3215 Tinges Lane, 615, 627, 629, 632, 634, 640-644 Gorsuch Avenue, and 600 and 604 Homestead Street from Residential to Commercial Business.
- (4) Amend Exhibit 2, "Land Acquisition", to reflect the addition of the following properties as acquisition lots, as shown as Proposed Exhibit 2:

605 East 33<sup>rd</sup> Street (#1)  
 607 East 33<sup>rd</sup> Street (#2)  
 609 East 33<sup>rd</sup> Street (#3)  
 611 East 33<sup>rd</sup> Street (#4)  
 613 East 33<sup>rd</sup> Street (#5)  
 615 East 33<sup>rd</sup> Street (#6)  
 617 East 33<sup>rd</sup> Street (#7)  
 619 East 33<sup>rd</sup> Street (#8)  
 621 East 33<sup>rd</sup> Street (#9)  
 623 East 33<sup>rd</sup> Street (#10)  
 625 East 33<sup>rd</sup> Street (#11)  
 627 East 33<sup>rd</sup> Street (#12)  
 633 East 33<sup>rd</sup> Street (#13)

3211 Tinges Lane (#14)  
 3213 Tinges Lane (#15)  
 3215 Tinges Lane (#16)

604/620 Gorsuch Avenue (#17)  
 609 Gorsuch Avenue (#18)  
 615 Gorsuch Avenue (#19)  
 627/629 Gorsuch Avenue (#20)  
 632 Gorsuch Avenue (#21)  
 634 Gorsuch Avenue (#22)  
 640 Gorsuch Avenue (#23)  
 642 Gorsuch Avenue (#24)  
 644 Gorsuch Avenue (#25)

600 Homestead Street (#26)  
 601 Homestead Street (#27)

604 Homestead Street (#28)

601 East 32<sup>nd</sup> Street (#29)

The following streets and alleys among those addresses: Gorsuch Avenue between Old York Road and the northeastern corner of 629 Gorsuch Avenue; Tinges Lane between East 33<sup>rd</sup> Street and the southern lot line of 600 Homestead Street; Belle Terre Avenue between East 33<sup>rd</sup> Street and Frisby Street; 10-foot alley behind 605-625 East 33<sup>rd</sup> Street; and a 10-foot alley behind 632 and 634 Gorsuch Avenue and 3211-3215 Tinges Lane (#30).

- (5) Amend Exhibit 3, "Land Disposition", to reflect the addition of the following properties as disposition lots (lots #2-31 as shown on attached Proposed Exhibit 3):

605 East 33<sup>rd</sup> Street (#2)  
607 East 33<sup>rd</sup> Street (#3)  
609 East 33<sup>rd</sup> Street (#4)  
611 East 33<sup>rd</sup> Street (#5)  
613 East 33<sup>rd</sup> Street (#6)  
615 East 33<sup>rd</sup> Street (#7)  
617 East 33<sup>rd</sup> Street (#8)  
619 East 33<sup>rd</sup> Street (#9)  
621 East 33<sup>rd</sup> Street (#10)  
623 East 33<sup>rd</sup> Street (#11)  
625 East 33<sup>rd</sup> Street (#12)  
627 East 33<sup>rd</sup> Street (#13)  
633 East 33<sup>rd</sup> Street (#14)

3211 Tinges Lane (#15)  
3213 Tinges Lane (#16)  
3215 Tinges Lane (#17)

604/620 Gorsuch Avenue (#18)  
609 Gorsuch Avenue (#19)  
615 Gorsuch Avenue (#20)  
627/629 Gorsuch Avenue (#21)  
632 Gorsuch Avenue (#22)  
634 Gorsuch Avenue (#23)  
640 Gorsuch Avenue (#24)  
642 Gorsuch Avenue (#25)  
644 Gorsuch Avenue (#26)

600 Homestead Street (#27)  
601 Homestead Street (#28)  
604 Homestead Street (#29)

601 East 32<sup>nd</sup> Street (#30)

3231 Old York Road (#31)

The following streets and alleys among those addresses: Gorsuch Avenue between Old York Road and the northeastern corner of 629 Gorsuch Avenue; Tinges Lane between East 33<sup>rd</sup> Street and the southern lot line of 600 Homestead Street; Belle Terre Avenue between East 33<sup>rd</sup> Street

and Frisby Street; 10-foot alley behind 605-625 East 33<sup>rd</sup> Street; and a 10-foot alley behind 632 and 634 Gorsuch Avenue and 3211-3215 Tinges Lane (#31).

- (6) Amend Exhibit 4, "Zoning Districts", for the properties known as 3231 Old York Road, 605-627 and 633 East 33<sup>rd</sup> Street, 3211-3215 Tinges Lane, and 632 and 634 Gorsuch Avenue, from the R-9 Zoning District to the B-2-3 Zoning District, and for the properties known as 615, 627, 629, 640-644 Gorsuch Avenue, and 600 and 604 Homestead Street, from the R-8 Zoning District to the B-2-3 Zoning District.
- (7) On page 22 of the Plan, after Section H. Separability, add new Section I. to read as follows:

I. OFFICIAL ACTIONS

TO CARRY OUT THE PLAN, IT WILL BE NECESSARY FOR THE MAYOR AND CITY COUNCIL OF BALTIMORE TO AMEND THE ZONING CODE OF BALTIMORE CITY IN ACCORDANCE WITH EXHIBIT 4, "ZONING DISTRICTS".

**SECTION 2. AND BE IT FURTHER ORDAINED,** That it is necessary to acquire, by purchase or by condemnation, for urban renewal purposes, the fee simple interest or any lesser interest in and to the following properties or portions of them, together with all right, title, interest, and estate, including any private rights of use, that the owner or owners of those property interests or any other property owner or owners may have, in all streets, alleys, ways or lanes, public or private, both abutting the whole area described and contained within the perimeter of that area, situate in Baltimore City, Maryland, and described as follows:

605 East 33<sup>rd</sup> Street  
 607 East 33<sup>rd</sup> Street  
 609 East 33<sup>rd</sup> Street  
 611 East 33<sup>rd</sup> Street  
 613 East 33<sup>rd</sup> Street  
 615 East 33<sup>rd</sup> Street  
 617 East 33<sup>rd</sup> Street  
 619 East 33<sup>rd</sup> Street  
 621 East 33<sup>rd</sup> Street  
 623 East 33<sup>rd</sup> Street  
 625 East 33<sup>rd</sup> Street  
 627 East 33<sup>rd</sup> Street  
 633 East 33<sup>rd</sup> Street

3211 Tinges Lane  
 3213 Tinges Lane  
 3215 Tinges Lane

604/620 Gorsuch Avenue  
 609 Gorsuch Avenue  
 615 Gorsuch Avenue  
 627/629 Gorsuch Avenue  
 632 Gorsuch Avenue  
 634 Gorsuch Avenue  
 640 Gorsuch Avenue  
 642 Gorsuch Avenue  
 644 Gorsuch Avenue

600 Homestead Street  
601 Homestead Street  
604 Homestead Street

601 East 32<sup>nd</sup> Street

The following streets and alleys among those addresses: Gorsuch Avenue between Old York Road and the northeastern corner of 629 Gorsuch Avenue; Tinges Lane between East 33<sup>rd</sup> Street and the southern lot line of 600 Homestead Street; Belle Terre Avenue between East 33<sup>rd</sup> Street and Frisby Street; 10-foot alley behind 605-625 East 33<sup>rd</sup> Street; and a 10-foot alley behind 632 and 634 Gorsuch Avenue and 3211-3215 Tinges Lane.

**SECTION 3. AND BE IT FURTHER ORDAINED,** That once acquired, it is necessary to dispose of the fee simple interest or any lesser interest in and to the following properties or portions of them, together with all right, title, interest, and estate, including any private rights of use, in all streets, alleys, ways or lanes, public or private, both abutting the whole area described and contained within the perimeter of that area, situate in Baltimore City, Maryland, and described as follows:

3231 Old York Road

605 East 33<sup>rd</sup> Street  
607 East 33<sup>rd</sup> Street  
609 East 33<sup>rd</sup> Street  
611 East 33<sup>rd</sup> Street  
613 East 33<sup>rd</sup> Street  
615 East 33<sup>rd</sup> Street  
617 East 33<sup>rd</sup> Street  
619 East 33<sup>rd</sup> Street  
621 East 33<sup>rd</sup> Street  
623 East 33<sup>rd</sup> Street  
625 East 33<sup>rd</sup> Street  
627 East 33<sup>rd</sup> Street  
633 East 33<sup>rd</sup> Street

3211 Tinges Lane  
3213 Tinges Lane  
3215 Tinges Lane

604/620 Gorsuch Avenue  
609 Gorsuch Avenue  
615 Gorsuch Avenue  
627/629 Gorsuch Avenue  
632 Gorsuch Avenue  
634 Gorsuch Avenue  
640 Gorsuch Avenue  
642 Gorsuch Avenue  
644 Gorsuch Avenue

600 Homestead Street  
601 Homestead Street  
604 Homestead Street

601 East 32<sup>nd</sup> Street



The following streets and alleys among those addresses: Gorsuch Avenue between Old York Road and the northeastern corner of 629 Gorsuch Avenue; Tinges Lane between East 33<sup>rd</sup> Street and the southern lot line of 600 Homestead Street; Belle Terre Avenue between East 33<sup>rd</sup> Street and Frisby Street; 10-foot alley behind 605-625 East 33<sup>rd</sup> Street; and a 10-foot alley behind 632 and 634 Gorsuch Avenue and 3211-3215 Tinges Lane.

**SECTION 4. AND BE IT FURTHER ORDAINED,** That the revised exhibits to the amended Urban Renewal Plan are approved:

- (a) Exhibit 1, "Land Use Plan", dated May 30, 2002;
- (b) Exhibit 2, "Property Acquisition", dated May 30, 2002;
- (c) Exhibit 3, "Land Disposition", dated May 30, 2002; and
- (d) Exhibit 4, "Zoning Districts", dated May 30, 2002.

**SECTION 5. AND BE IT FURTHER ORDAINED,** That Disposition Lot #2 is subject to Final Design Approval by the Planning Commission. Thereafter, new construction of permanent buildings, significant architectural alterations of building exteriors, and changes to the site plan, which could reasonably be expected to affect surrounding properties, will also be subject to Planning Commission approval.

**SECTION 5 6. AND BE IT FURTHER ORDAINED,** That the Urban Renewal Plan for Waverly Business Area, as amended by this Ordinance and identified as "Urban Renewal Plan, Waverly Business Area, revised to include Amendment 3, dated May 30, 2002", is approved. The Department of Planning shall file a copy of the amended Urban Renewal Plan with the Department of Legislative Reference as a permanent public record, available for public inspection and information.

**SECTION 6 7. 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 7 8. 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 8 9. 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 9 10. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is enacted.

Approved July 1, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-372  
(Council Bill 02-738)**

**AN ORDINANCE CONCERNING**

**Zoning — Conditional Use Home for Homeless Persons —  
139 East North Avenue**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a home for homeless persons on the property known as 139 East North Avenue, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning  
Section(s) 6-309 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 home for homeless persons on the property known as 139 East North Avenue, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 6-309 and 14-102 of the Baltimore City Code, subject to the ~~condition that the~~ following conditions:

1. The maximum number of residents is 13, including a resident manager.
2. Sleeping rooms for clients may not be in the basement.
3. 24-hour supervision must be provided.
4. There may be no exterior sign on the facility other than a nameplate no larger than 6 inches wide by 6 inches high.
5. The home for homeless persons ~~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 1, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-373  
(Council Bill 02-743)**

**AN ORDINANCE CONCERNING**

**Bond Issue — National Aquarium in Baltimore — \$1,500,000**

FOR the purpose of authorizing the Mayor and City Council of Baltimore (pursuant to Resolution X of 2002 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 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 5th day of November, 2002; 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 2002, 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 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 \$1,500,000, 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 5th day of November, 2002.

**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 July 1, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-374  
(Council Bill 02-744)**

**AN ORDINANCE CONCERNING**

**Bond Issue — Waxter Center Loan — \$1,000,000**

FOR the purpose of authorizing the Mayor and City Council of Baltimore (pursuant to Resolution XI of 2002 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 Waxter 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 5th day of November, 2002; 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 2002, 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 Waxter 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 \$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 Municipal Election to be held in Baltimore City, on Tuesday, the 5th day of November, 2002.

**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 Waxter 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 July 1, 2002

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE  
ORDINANCE 02-375  
(Council Bill 02-745)**

**AN ORDINANCE CONCERNING**

**Bond Issue — School Loan — \$32,000,000**

FOR the purpose of authorizing the Mayor and City Council of Baltimore (pursuant to Resolution I of 2002 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 \$32,000,000, 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 5th day of November, 2002; 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 2002, 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 principle amount not exceeding \$32,000,000 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 \$32,000,000, 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 5th day of November, 2002.

**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 July 1, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-376  
(Council Bill 02-746)**

**AN ORDINANCE CONCERNING**

**Bond Issue — Enoch Pratt Free Library Loan — \$2,350,000**



FOR the purpose of authorizing the Mayor and City Council of Baltimore (pursuant to Resolution IV of 2002 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 \$2,350,000, 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 Free 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 5th day of November, 2002; 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 2002, 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 \$2,350,000 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 Free 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 \$2,350,000, 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 5th day of November, 2002.

**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 Free 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 July 1, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-377  
(Council Bill 02-747)**

**AN ORDINANCE CONCERNING**

**Bond Issue — Baltimore Zoo Loan — \$2,000,000**

FOR the purpose of authorizing the Mayor and City Council of Baltimore (pursuant to Resolution V of 2002 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 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 5th day of November, 2002; 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 2002, 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 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 \$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 5th day of November, 2002.

**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 July 1, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-378  
(Council Bill 02-748)**

**AN ORDINANCE CONCERNING**

**Bond Issue — Baltimore Museum of Art Loan — \$750,000**

FOR the purpose of authorizing the Mayor and City Council of Baltimore (pursuant to Resolution XIV of 2002 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 \$750,000, 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 Museum of Art; 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 5th day of November, 2002; 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 or other entity designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

**WHEREAS**, By Resolution XIV of 2002, 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 \$750,000 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 Museum of Art 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 \$750,000, 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 Municipal Election to be held in Baltimore City, on Tuesday, the 5th day of November, 2002.

**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 Museum of Art; 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 or other entity designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

Approved July 1, 2002

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE  
ORDINANCE 02-379  
(Council Bill 02-749)**

**AN ORDINANCE CONCERNING**

**Bond Issue — Lyric Opera House Loan — \$2,000,000**

FOR the purpose of authorizing the Mayor and City Council of Baltimore (pursuant to Resolution VII of 2002 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 to be or now being used in connection with the operations, functions, and activities of the Lyric Opera House; 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 on 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 5th day of November, 2002; 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 or other entity designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

**WHEREAS**, By Resolution VII of 2002, 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 Lyric Opera House 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 Municipal Election to be held in Baltimore City, on Tuesday, the 5th day of November, 2002.

**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 Lyric Opera House; 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 or other entity designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

Approved July 1, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-380  
(Council Bill 02-750)**

**AN ORDINANCE CONCERNING**

**Bond Issue — Maryland Science Center Loan — \$1,500,000**

FOR the purpose of authorizing the Mayor and City Council of Baltimore (pursuant to Resolution VIII of 2002 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 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 5th day of November, 2002; 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 2002, 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 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 \$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 Municipal Election to be held in Baltimore City, on Tuesday, the 5nd day of November, 2002.

**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 July 1, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-381  
(Council Bill 02-751)**

**AN ORDINANCE CONCERNING**

**Bond Issue — Community Development Loan — \$43,500,000**

FOR the purpose of authorizing the Mayor and City Council of Baltimore (pursuant to Resolution II of 2002 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 \$43,500,000, 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 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 5th day of November, 2002; 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 2002, 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 \$43,500,000 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 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 \$43,500,000, 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 5th day of November, 2002.

**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 July 1, 2002

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE  
ORDINANCE 02-382  
(Council Bill 02-752)**

**AN ORDINANCE CONCERNING**

**Bond Issue — Economic Development Loan — \$27,650,000**

FOR the purpose of authorizing the Mayor and City Council of Baltimore (pursuant to Resolution III of 2002 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 \$27,650,000, 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 5th day of November, 2002; 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 2002, 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 \$27,650,000 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 \$27,650,000, 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 5th day of November, 2002.

**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 July 1, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-383  
(Council Bill 02-753)**

**AN ORDINANCE CONCERNING**

**Bond Issue — Port Discovery Children's Museum Loan — \$500,000**

FOR the purpose of authorizing the Mayor and City Council of Baltimore (pursuant to Resolution XII of 2002 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 \$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 Port Discovery Children's Museum; 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 5th day of November, 2002; 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 or other entity designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

**WHEREAS**, By Resolution XII of 2002, 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 \$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 Port Discovery Children's Museum 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 \$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 Municipal Election to be held in Baltimore City, on Tuesday, the 5th day of November, 2002.

**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 Port Discovery Children's Museum; 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 or other entity designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

Approved July 1, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-384  
(Council Bill 02-754)**

**AN ORDINANCE CONCERNING**

**Bond Issue — Recreation and Parks Loan — \$3,500,000**

FOR the purpose of authorizing the Mayor and City Council of Baltimore (pursuant to Resolution VI of 2002 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 \$3,500,000, 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, 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 5th day of November, 2002; 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 2002, 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 \$3,500,000 in the manner and upon the terms set forth in the bonds, not exceeding the par value of the bonds, to be used 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 \$3,500,000, 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 5th day of November, 2002.

**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 July 1, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-385  
(Council Bill 02-755)**

**AN ORDINANCE CONCERNING**

**Bond Issue — Meyerhoff Symphony Hall — \$1,000,000**

FOR the purpose of authorizing the Mayor and City Council of Baltimore (pursuant to Resolution IX of 2002 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 Meyerhoff Symphony Hall; 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 5th day of November, 2002; 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 2002, 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 Meyerhoff Symphony Hall 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 Municipal Election to be held in Baltimore City, on Tuesday, the 5th day of November, 2002.

**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 Meyerhoff Symphony Hall; 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 July 1, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-386  
(Council Bill 02-756)**

**AN ORDINANCE CONCERNING**

**Bond Issue — Walters Art Museum Loan — \$750,000**

FOR the purpose of authorizing the Mayor and City Council of Baltimore (pursuant to Resolution XIII of 2002 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 \$750,000, 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 Walters Art Museum; 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 5th day of November, 2002; 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 or other entity designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

**WHEREAS**, By Resolution XIII of 2002, 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 Walters Art Museum 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 \$750,000, 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 Municipal Election to be held in Baltimore City, on Tuesday, the 5th day of November, 2002.

**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 Walters Art Museum; 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 or other entity designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

Approved July 1, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-387  
(Council Bill 02-773)**

**AN ORDINANCE CONCERNING**

**Rezoning — 3231 Old York Road; 605, 607, 609, 611, 613, 615, 617,  
619, 621, 623, 625, 627, and 633 East 33<sup>rd</sup> Street; 3211, 3213, and 3215 Tinges Lane;  
615, 627, 629, 632, 634, and 640, 642, and 644 Gorsuch Avenue;  
a Portion of the Properties Known as 642 and 644 Gorsuch Avenue;  
and 600 and 604 Homestead Street**

FOR the purpose of changing the zoning for the following properties: the properties known as 3231 Old York Road, 605, 607, 609, 611, 613, 615, 617, 619, 621, 623, 625, 627, and 633 East 33<sup>rd</sup> Street; 3211, 3213, and 3215 Tinges Lane; and 632 and 634 Gorsuch Avenue, as outlined in red on the accompanying plat, dated May 30, 2002, from the R-9 Zoning District to the B-2-3 Zoning District; the properties known as 615, 627, 629, and 640, 642, and 644 Gorsuch Avenue; a portion of the properties known as 642 and 644 Gorsuch Avenue; and 600 and 604 Homestead Street, as outlined in blue on the accompanying plat, dated May 30, 2002, from the R-8 Zoning District to the B-2-3 Zoning District; and providing for a special effective date.

BY amending

Article - Zoning  
Zoning District Maps  
Sheet(s) 26  
Baltimore City Revised Code  
(Edition 2000)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That Sheet 26 of the Zoning District Maps is amended by changing from the R-9 Zoning District to the B-2-3 Zoning District the properties known as 3231 Old York Road, 605, 607, 609, 611, 613, 615, 617, 619, 621, 623, 625, 627, and 633 East 33<sup>rd</sup> Street; 3211, 3213, and 3215 Tinges Lane; and 632 and 634 Gorsuch Avenue, as outlined in red on the plat, dated May 30, 2002, accompanying this Ordinance, and by changing from the R-8 Zoning District to the B-2-3 Zoning District the properties known as 615, 627, 629, and 640, 642, and 644 Gorsuch Avenue; a portion of the properties known as 642 and 644 Gorsuch Avenue; and 600 and 604 Homestead Street, as outlined in blue on the plat, dated May 30, 2002, accompanying this Ordinance.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the accompanying plat, dated May 30, 2002, 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 date it is enacted.

Approved July 1, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-388  
(Council Bill 02-790)**

**AN ORDINANCE CONCERNING**

**Planned Unit Development — Amendment 2 —  
Francis Scott Key Medical Center**

FOR the purpose of approving certain amendments to the Development Plan of the Francis Scott Key Medical Center Planned Unit Development.

BY authority of

Article - Zoning  
Title 9, Subtitles 1 and 3  
Baltimore City Revised Code  
(Edition 2000)

### **Recitals**

By Ordinance 86-705, as amended by Ordinance 88-192, the Mayor and City Council approved the application of FSK Land Corporation to have certain property located in Baltimore City, north of Eastern Avenue and east of Interstate 895, the Harbor Tunnel Thruway, consisting of 130.4 acres, more or less, designated as an Office-Residential Planned Unit Development and approved the Development Plan submitted by the applicant.

FSK Land Corporation wishes to amend the Development Plan, as previously approved by the Mayor and City Council, to incorporate the results of the recent Master Planning process for Francis Scott Key Medical Center.

On February 15, 2002, representatives of FSK Land Corporation 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 FSK Land Corporation have now 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 3 of the Baltimore City Zoning Code.

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That Section 2 of Ordinance 86-705 is repealed and reenacted to read as follows:

SECTION 2. AND BE IT FURTHER ORDAINED, THAT THE ACCOMPANYING DEVELOPMENT PLAN ENTITLED "JOHNS HOPKINS BAYVIEW CAMPUS" AND SUBMITTED BY FSK LAND CORPORATION, AS CONTAINED IN SHEET 1, "EXISTING CONDITIONS PLAN", DATED MARCH 2002; SHEET 2, "MASTER PLAN", DATED MARCH 2002; AND SHEET 3, "ILLUSTRATIVE PRELIMINARY BUILD-OUT PLAN", DATED MARCH 2002, BE AND IS HEREBY APPROVED.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That

- (1) The gross square footage for all buildings with principal uses in the Planned Unit Development may not exceed 5,000,000 square feet.
- (2) The Mason F. Lord Building in Area 2 may remain. All pre-existing established uses in the Mason F. Lord Building may continue.
- (3) The Planned Unit Development is for the Johns Hopkins Bayview Campus.

**SECTION 3. AND BE IT FURTHER ORDAINED,** That the Planning Department may determine what constitutes minor modifications to the Plan. Minor modifications require approval by the Planning Commission. Major modifications require approval by Ordinance.

**SECTION 4. AND BE IT FURTHER ORDAINED,** That all plans for the construction of permanent improvements on the property are subject to final design approval 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 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 6. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved July 1, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-389  
(Council Bill 02-795)**

**AN ORDINANCE CONCERNING**

**Supplementary Federal Fund Capital Appropriation —  
Department of Housing and Community Development — \$1,458,000**

FOR the purpose of providing a Supplementary Federal Fund Capital Appropriation in the amount of \$1,458,000 to the Department of Housing and Community Development (Account #9910-588-990), to acquire property; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates  
Section 8(b)(2) and (c)  
Baltimore City Charter  
(1996 Edition)

**Recitals**

The revenue appropriated by this Ordinance represents a grant from the Housing Authority of Baltimore City 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 2002.

That grant could not have been expected with reasonable certainty when the Ordinance of Estimates for Fiscal Year 2002 was formulated.

On May 15, 2002, 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 \$1,458,000 shall be made available to the Department of Housing and Community Development (Account #9910-588-990) as a Supplementary Federal Fund Capital Appropriation for Fiscal Year 2002, to provide funding to acquire property. The source of revenue for this appropriation is a grant from the Housing Authority of Baltimore City 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 2002.

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

Approved July 1, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-390  
(Council Bill 02-796)**

**AN ORDINANCE CONCERNING**

**Supplementary General Fund Operating Appropriation —  
Baltimore City Police Department — \$1,800,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$1,800,000 to the Baltimore City Police Department — Program 204 (Services Bureau), for additional operating expenses for Fiscal Year 2002; 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 Transfer Taxes and the Prior Year 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 2002.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2002 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2002 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On May 15, 2002, 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 \$1,800,000 shall be made available to the Baltimore City Police Department — Program 204 (Services Bureau) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2002, to provide funding for additional operating expenses for Fiscal Year 2002. The source of revenue for this appropriation is funds from the Transfer Taxes (\$1,600,000) and the Prior Year Fund Balance (\$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 2002.

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

Approved July 1, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-391  
(Council Bill 02-797)**

**AN ORDINANCE CONCERNING**

**Supplementary General Fund Operating Appropriation —  
Baltimore City Police Department — \$456,500**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$456,500 to the Baltimore City Police Department — Program 202 (Investigations), for additional operating expenses for Fiscal 2002; 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 Prior Year 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 2002.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2002 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2002 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On May 15, 2002, 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 \$456,500 shall be made available to the Baltimore City Police Department — Program 202 (Investigations) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2002, to provide funding for additional operating expenses for Fiscal Year 2002. The source of revenue for this appropriation is funds from the Prior Year 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 2002.

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

Approved July 1, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-392  
(Council Bill 02-798)**

**AN ORDINANCE CONCERNING**

**Supplementary General Fund Operating Appropriation —  
Baltimore City Police Department — \$4,200,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$4,200,000 to the Baltimore City Police Department — Program 201 (Field Operations), for additional operating expenses for Fiscal 2002; 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 Taxes and the Prior Year 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 2002.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2002 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2002 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On May 15, 2002, 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 \$4,200,000 shall be made available to the Baltimore City Police Department — Program 201 (Field Operations) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2002, to provide funding for additional operating expenses for Fiscal Year 2002. The source of revenue for this appropriation is funds from the Recordation Taxes (\$1,300,000) and the Prior Year Fund Balance (\$2,900,000), 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 2002.



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

Approved July 1, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-393  
(Council Bill 02-799)**

**AN ORDINANCE CONCERNING**

**Supplementary General Fund Operating Appropriation —  
MR-Office of Employment Development — \$800,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$800,000 to the MR-Office of Employment Development — Program 639 (Special Services), to provide funding for summer jobs; 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 Prior Year's Special Reserve 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 2002.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2002 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2002 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On May 15, 2002, 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 \$800,000 shall be made available to the MR-Office of Employment Development — Program 639 (Special Services) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2002, to provide funding for summer jobs. The source of revenue for this appropriation is from the Prior Year's Special Reserve, 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 2002.

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

Approved July 1, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-394  
(Council Bill 02-800)**

**AN ORDINANCE CONCERNING**

**General Fund Operating Appropriation Transfer —  
MR-Miscellaneous General Expenses (Program 122) to the  
Baltimore City Police Department (Program 202) — \$1,543,500**

FOR the purpose of transferring a General Fund Operating Appropriation in the amount of \$1,543,500 from MR-Miscellaneous General Expenses (Program 122) to the Baltimore City Police Department (Program 202 - Investigations); 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, § 9(a)(2) of the City Charter provides that, on 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 \$1,543,500, as appropriated to the MR-Miscellaneous General Expenses (Program 122) in the Fiscal 2002 Ordinance of Estimates, is not needed for the purpose for which it was appropriated and, therefore, is available for transfer to another agency.

On May 15, 2002, 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 \$1,543,500, contained in the Fiscal 2002 Ordinance of Estimates as a General Fund Operating Appropriation, is transferred from MR-Miscellaneous (Program 122) to the Baltimore City Police Department (Program 202 - Investigations).

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

Approved July 1, 2002

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE  
ORDINANCE 02-395  
(Council Bill 02-833)**

**AN ORDINANCE CONCERNING**

**Supplementary Special Fund Operating Appropriation —  
Department of Recreation and Parks — \$359,415**

FOR the purpose of providing a Supplementary Special Fund Operating Appropriation in the amount of \$359,415 to the Department of Recreation and Parks — Program 482 (Supplementary Recreational Services), to provide funding for the School Age Child Care 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 funds from the Special Funds 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 2003.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2003 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2003 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 17, 2002, 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 \$359,415 shall be made available to the Department of Recreation and Parks — Program 482 (Supplementary Recreational Services) as a Supplementary Special Fund Operating Appropriation for Fiscal Year 2003, to provide funding for the School Age Child Care Program. The source of revenue for this appropriation is funds from the Special Funds 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 2003.

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

Approved July 1, 2002

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE  
ORDINANCE 02-396  
(Council Bill 02-653)**

**AN ORDINANCE CONCERNING**

**Baltimore City Landmark List — Carroll Mansion Complex**

FOR the purpose of expanding the Landmark List designation for the Carroll Mansion to include all the properties now known as 33 South Front Street.

BY repealing and reordaining, with amendments

Article 6 - Historical and Architectural Preservation

Section(s) 9-8

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 6. Historical and Architectural Preservation**

**Subtitle 9. Landmark List — 1970's**

**§ 9-8. Carroll Mansion COMPLEX.**

Carroll Mansion COMPLEX, [800 E. Lombard Street,] 33 SOUTH FRONT STREET, the property being further described as [two parcels in a deed by Thomas Foley Hisky, Trustee to Mayor and City Council of Baltimore, dated April 21, 1914, and recorded among the land records of Baltimore City in Liber S.C.L. 2894 Folio 478] FOLLOWS:

BEGINNING FOR THE SAME AT THE POINT FORMED BY THE INTERSECTION OF THE NORTHWEST SIDE OF LOMBARD STREET AND THE NORTHEAST SIDE OF FRONT STREET, AND RUNNING THENCE BINDING ON THE NORTHEAST SIDE OF FRONT STREET, NORTHWESTERLY 274.5 FEET, MORE OR LESS, TO THE DIVISION LINE BETWEEN THE PROPERTIES KNOWN AS No. 33 S. FRONT STREET AND No. 10/20 ALBEMARLE STREET; THENCE BINDING ON SAID DIVISION LINE, NORTHEASTERLY 150.0 FEET, MORE OR LESS, TO INTERSECT THE SOUTHWEST SIDE OF ALBEMARLE STREET; THENCE BINDING ON THE SOUTHWEST SIDE OF ALBEMARLE STREET, SOUTHEASTERLY 275.0 FEET, MORE OR LESS, TO INTERSECT THE NORTHWEST SIDE OF LOMBARD STREET, AND THENCE BINDING ON THE NORTHWEST SIDE OF LOMBARD STREET, SOUTHWESTERLY 151.0 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING.

**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 July 19, 2002

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE  
ORDINANCE 02-397  
(Council Bill 02-691)**

**AN ORDINANCE CONCERNING**

**Zoning — Health-Care Facilities — Conditional Use  
Substance Abuse Treatment Center — 2410 Pennsylvania Avenue**

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 2410 Pennsylvania 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 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 2410 Pennsylvania 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 the~~ following conditions:

1. The maximum number of clients at any one time in the substance abuse treatment portion of the center is 70.
2. Methadone maintenance as a component of this substance abuse treatment program is prohibited.
3. Outdoor queuing of clients is prohibited. If clients arrived prior to the scheduled start of the program, the building must be opened to allow clients to wait indoors.
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 July 19, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-398  
(Council Bill 02-711)**

**AN ORDINANCE CONCERNING**

**Urban Renewal — Charles/25th —  
Amendment 1**

FOR the purpose of amending the Urban Renewal Plan for Charles/25th to amend Exhibit A and to conform the list of entities represented on the Community Review Panel to reflect the ~~change~~ changes in the Plan; 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 Charles/25th was originally approved by the Mayor and City Council of Baltimore by Ordinance 01-274.

An amendment to the Urban Renewal Plan for Charles/25th is necessary to amend Exhibit A and to conform the list of entities represented on the Community Review Panel to reflect the ~~change~~ changes in the Plan.

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 ~~change~~ changes in the Urban Renewal Plan for Charles/25th is are approved:

- (1) Amend Exhibit A, "Land Use Plan/Zoning", for the property known as 2601 North Howard Street, from the M-1-2 Zoning District to the OR-2 Zoning District, and for the properties known as 2640/58 Mace Street, from the R-8 Zoning District to the OR-2 Zoning District.
- (2) In C.1. first paragraph of the Plan, strike "Old Goucher Business Partnership" and substitute "Old Goucher Business Alliance, Inc.,".

(3) In C.1.b.(3) of the Plan, strike “Old Goucher Business Partnership” and substitute “Old Goucher Business Alliance, Inc.,

**SECTION 2. AND BE IT FURTHER ORDAINED,** That the Urban Renewal Plan for Charles/25th, as amended by this Ordinance and identified as “Urban Renewal Plan, Charles/25th, revised to include Amendment 1, dated March 4, 2002”, is approved. The Department of Planning shall file a copy of the amended Urban Renewal Plan with the Department of Legislative Reference as a permanent public record, available for public inspection and information.

**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 July 19, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-399  
(Council Bill 02-734)**

**AN ORDINANCE CONCERNING**

**Metropolitan District of Baltimore County —  
Extension 145**

FOR the purpose of consenting to and approving a petition to extend the Metropolitan District of Baltimore County to a certain tract of land; and providing for a special effective date.

BY authority of  
Chapter 539  
Acts of the General Assembly of 1924  
and

Chapter 515

Acts of the General Assembly of 1955

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the Mayor and City Council of Baltimore consents to and approves the petition to extend the Metropolitan District of Baltimore County to a tract of land, consisting of approximately 17.37 acres, located in the 2C3 Election District of Baltimore County on the north side of Winands Road 1000 feet west of Offutt Road, as more particularly shown on the plat labeled Extension 145 and filed with the Department of Public Works of Baltimore County.

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

Approved July 19, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-400  
(Council Bill 02-762)**

**AN ORDINANCE CONCERNING**

**Property Tax Credit — Newly Constructed Dwellings —  
Extension**

FOR the purpose of extending until a certain date the property tax credit for newly constructed dwellings; 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, [2002] 2005, 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, [2002] 2005.

**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, retroactive to June 30, 2002.

Approved July 19, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-401  
(Council Bill 02-789)**

**AN ORDINANCE CONCERNING**

**Planned Unit Development — Amendment 1 —  
Loch Raven Shopping Center (Loch Raven Planned Unit Development)**

FOR the purpose of approving certain amendments to the Development Plan of the Loch Raven Shopping Center Planned Unit Development (Loch Raven Planned Unit Development).

BY authority of

Article - Zoning  
Title 9, Subtitles 1 and 2  
Baltimore City Revised Code  
(Edition 2000)

**Recitals**

By Ordinance 73-252, the Mayor and City Council approved the application of Ned Bord, Sol Kullen, Barney Dreyfuss, and Topeka Associates to have certain property lying between the southeast side of Loch Raven Boulevard and the northwest side of Northern Parkway, know known as 1700 East Northern Parkway, consisting of 6.334 acres, more or less, designated as a Residential Planned Unit Development and approved the Development Plan submitted by the applicant.

Rocks Engineering Company, current owner of the Loch Raven Shopping Center (the "Loch Raven Shopping center parcel") wishes to amend the Development Plan, as previously approved by the Mayor and City Council.

On April 12, 2002, representatives of Rocks Engineering Company 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 Rocks Engineering Company have now 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 2 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 Sheet 1, "PUD Plan Existing Conditions", dated April 23, 2002; Sheet 2, "PUD Plan Proposed Conditions Alternative A", dated April 23, 2002; Sheet 3, "PUD Plan Proposed Conditions Alternative B", dated April 23, 2002; Sheet 4, "PUD Schematic Elevations", dated April 23, 2002; and Sheet 5, "PUD Schematic Elevations", dated April 23, 2002.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That the following uses are permitted within the Residential Planned Unit Development for the Loch Raven Shopping center parcel in the main shopping center building, shown and indicated as "Area A" on the Development Plan:

- (1) all permitted and accessory uses allowed in the B-2 Zoning District, except for the following uses:

~~clubs and lodges; private nonprofit; fraternity and sorority houses; off-campus; parking, off-street garages, other than accessory, for the parking of 4 or more motor vehicles; rooming houses; and taverns;~~

athletic fields; apartment hotels; blood donor center; bowling establishments; bus and transit turnarounds and passenger shelters; clubs and lodges; private nonprofit; day care facilities, as follows: (i) day nurseries and nursery schools (ii) family day care homes (iii) school-age child care centers; employment agencies; fraternity and sorority houses; off campus; hotels and motels; laboratories; medical and dental; laundries — no more than 4 employees plus 1 owner or manager on the premises; museums, aquariums, and planetariums; multi-purpose neighborhood centers; newspaper distribution agencies; for home delivery and retail trade; novelty shops; parking, off-street garages, other than accessory, for the parking of 4 or more motor vehicles; parks and playgrounds; pet shops; radio and television antennas and towers that extend no more than 25 feet above the building on which they are mounted — but not including microwave antennas (satellite dishes); radio and television stations and studios; recording studios; recreation buildings and community centers; rooming houses; schools; business colleges, community colleges, colleges, and universities; schools; elementary and secondary; second-hand stores and rummage shops; skating rinks; swimming pools; taverns; telegraph offices; tennis and lacrosse clubs; undertaking establishments and funeral parlors; vending machines for retail sale of ice or milk; and wig shops.

- (2) all conditional uses requiring Board approval in the B-2 Zoning District, except for the following uses:

~~amusement arcades; clubs and lodges; private; firearm sales - when in a business establishment permitted in a Business District; garages, other than accessory, for storage, repair, and servicing of motor vehicles not over 1½ tons capacity - but not including body repair, painting, or engine rebuilding; gasoline service stations; massage salons; and pool halls and billiard parlors;~~

accessory microwave antennas (satellite dishes); amusement arcades; bed and breakfast establishments; bed and breakfast homes; bingo halls; charitable; bus and transit passenger stations and terminals; clubs and lodges; private; clubs and lodges; private nonprofit; firearm sales — when in a business establishment permitted in a Business District; garages, other than accessory, for storage, repair, and servicing of motor vehicles not over 1½ tons capacity

— but not including body repair, painting, or engine rebuilding; gasoline service stations; helistops; marinas: accessory; marinas: recreational; marinas: recreational boat launch/tie up; massage salons; pool halls and billiard parlors; poultry and rabbit killing establishments; prepared food delivery services — including any operated as an accessory use by a restaurant; public utility uses, as follows: (i) antenna towers, microwave relay towers, and similar installations for communications transmission or receiving (ii) bus and transit turnarounds and passenger shelters (iii) railroad rights-of-way and passenger stations — but not including railroad yards and shops (iv) repeater, transformer, pumping, booster, switching, conditioning and regulating stations, and similar installations; radio and television antennas that are free-standing or that extend more than 25 feet above the building on which they are mounted — but not including microwave antennas (satellite dishes); recycling collection stations; schools: commercial; schools: trade — other than industrial; travel trailers, recreational vehicles, and similar camping equipment; parking or storage; and union halls.

- (3) all conditional uses requiring an Ordinance in the B-2 Zoning District, except for the following uses:

~~auditoriums and concert halls; and pawnshops.~~

auditoriums and concert halls; dance halls; meeting and banquet halls; parking open off-street areas and off-street garages, other than accessory, for the parking of 4 or more automobiles; parole and probation field offices; pawnshops; restaurants: drive-in; and substance abuse treatment centers.

**SECTION 3. AND BE IT FURTHER ORDAINED,** That in accordance with the provisions of Title 9, Subtitles 1 and 2, the uses allowed in the B-1 Zoning District and certain B-2 Zoning District uses are permitted within the Residential Planned Unit Development for the Loch Raven Shopping Center parcel on the designated pad sites, shown and indicated as “Area B” on the Development Plan. The Development Plan permits 2 alternative pad site layouts for Area B (Alternative Nos. 1 and 2). Alternative No. 1 provides for 1 large pad site, and Alternative No. 2 provides for 2 medium size pad sites. In addition to the B-1 Zoning District uses, the B-2 Zoning District uses listed are permitted in Area B as designated below under Alternative No. 1 or No. 2:

- (a) those uses allowed in the B-1 Zoning District and certain uses allowed in the B-2 Zoning District are allowed, provided they are not prohibited in Section 2 above. In addition, animal hospitals with odor proofing and sound proofing, liquor stores, and check cashing agencies are prohibited in Area B.

- ~~(a)~~ (b) the following B-2 Zoning District uses shall be permitted by right:

antique shops; automotive accessory stores - but not including repair or installation services; bicycles: sales, rental, and repair; camera and photographic supply stores; clinics: medical and dental; clothing and costume rental stores; communications systems: sales and service; drug stores and pharmacies: drive-in - no alcohol or tobacco; financial institutions; garden supply, tool, and seed stores; hobby shops; jewelry stores - including watch repair; leather goods and luggage stores; laboratories: medical and dental; massage therapists' offices; musical instruments: sales and repairs; ~~novelty shops~~; office supply stores; offices: business, governmental, and professional; opticians: sales and service; orthopedic and medical appliance stores; philanthropic and charitable institutions; picture framing shops - when conducted for retail trade on the premises; record, tape, CD, and sheet music stores; restaurants and lunch rooms - but not including live entertainment or dancing; sporting and

athletic goods stores; ~~schools; business colleges, community colleges, and universities;~~  
security sales, brokerages, and exchanges; stationery stores; ticket agencies; toy stores; travel  
bureaus; video movies: sales and rentals; and watch and clock shops.

(b) (c) the following uses shall be permitted as conditional uses requiring Baltimore City Planning Commission approval:

dry-cleaning establishments: drive-in; and restaurants with outdoor table service.

**SECTION 4. AND BE IT FURTHER ORDAINED,** That the attached plans are preliminary, and the final site plan, lighting plan, forest conservation plan, and architecture require Planning Commission approval. The concept is to have the architecture fit into the primarily brick neighborhood. The commercial buildings will need to be significantly brick. There are to be no freestanding identification signs on Meridene Avenue. One freestanding sign is allowed on Loch Raven Boulevard, and one freestanding sign is allowed on Northern Parkway. The freestanding signs are to be designed as monument signs, not pole signs. The forest conservation plan will include planting trees along the street edges and will consider the green nature of Loch Raven Boulevard.

**SECTION 5. AND BE IT FURTHER ORDAINED,** That in addition to O-R uses being allowed on the property known as 6101 Fenwick Avenue (aka 1900 East Northern Parkway), a bank without a drive-in window is a permitted use within the existing office building.

**SECTION 46. AND BE IT FURTHER ORDAINED,** That the Planning Department may determine what constitutes minor modifications to the Plan. Minor modifications require approval by the Planning Commission. Major modifications require approval by Ordinance.

**SECTION 57. AND BE IT FURTHER ORDAINED,** That all plans for the construction of permanent improvements on the property are subject to final design approval by the Planning Commission to insure that the plans are consistent with the Development Plan and this Ordinance.

**SECTION 68. 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 79. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved July 19, 2002

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE  
ORDINANCE 02-402  
(Council Bill 02-805)**

**AN ORDINANCE CONCERNING**

**Social Services Commission — Composition**

FOR the purpose of specifying the number of members to serve on the Social Services Commission; providing for their tenure, powers, and duties; providing for a special effective date; and generally relating to the Department of Social Services and the Social Services Commission.

BY authority of

Article 88A - Department of Human Resources  
Section(s) 14(a)(3)(iii)  
Annotated Code of Maryland  
(As enacted by Chapter 8, Laws of Maryland 2002)

BY adding

Article 1 - Mayor, City Council, and Municipal Agencies  
Section(s) 32-1 through 32-5, to be under the new subtitle,  
“Subtitle 32. Social Services Commission”  
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 32. SOCIAL SERVICES COMMISSION**

**§ 32-1. COMMISSION ESTABLISHED.**

THERE IS A SOCIAL SERVICES COMMISSION, AS ESTABLISHED IN ARTICLE VII, § 58 OF THE CITY CHARTER.

**§ 32-2. COMPOSITION.**

THE COMMISSION COMPRISES THE FOLLOWING 13 MEMBERS:

- (1) THE MAYOR OR THE MAYOR’S DESIGNEE;
- (2) THE COMMISSIONER OF HEALTH OR THE COMMISSIONER’S DESIGNEE;
- (3) THE CITY COUNCIL PRESIDENT OR THE PRESIDENT’S DESIGNEE; AND

~~(3)~~ (4) ~~11~~ 10 MEMBERS APPOINTED BY THE MAYOR AND CONFIRMED BY THE CITY COUNCIL IN ACCORDANCE WITH ARTICLE IV, § 6 OF THE CITY CHARTER.

**§ 32-3. TENURE.**

(A) *IN GENERAL.*

THE TERM OF AN APPOINTED MEMBER EXPIRES AT THE END OF THE MAYOR'S TERM OF OFFICE.

(B) *HOLD OVER.*

AT THE END OF A TERM, AN APPOINTED MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

**§ 32-4. PRESIDENT.**

(A) *DESIGNATION.*

THE MAYOR SHALL DESIGNATE ONE OF THE APPOINTED MEMBERS TO SERVE AS PRESIDENT OF THE COMMISSION.

(B) *TENURE.*

THE MEMBER SO DESIGNATED SERVES AS PRESIDENT AT THE PLEASURE OF THE MAYOR.

**§ 32-5. POWERS AND DUTIES.**

THE COMMISSION HAS THE POWERS AND DUTIES PRESCRIBED BY STATE AND CITY LAW.

**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 July 1, 2002, or, if later, on the date it is enacted.

Approved July 19, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-403  
(Council Bill 00-272)**

**AN ORDINANCE CONCERNING**

**Housing — Vacant Dwellings — Prohibited Occupancy**

FOR the purpose of more specifically defining the types of dwellings that an owner is prohibited from leasing or permitting the subletting of; prohibiting the occupancy of certain dwellings under certain circumstances; and generally relating to housing.

BY repealing and reordaining, with amendments,  
Article 13 - Housing and Urban Renewal  
Section(s) 1001  
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**

***Division V. Housing Code of Baltimore City***

**Chapter 10. Responsibilities of Owners**

**§ 1001. Prohibited occupancy.**

(a) *In general.*

- (1) No owner shall lease or permit the subletting to another for occupancy any [vacant or vacated] "VACANT" dwelling or dwelling unit, AS DEFINED BY CHAPTER 13 OF THIS CODE AND § 119.0 OF THE BUILDING CODE, [which does not comply with the provision of this Code], unless THE VACANT HOUSE VIOLATION NOTICE HAS BEEN ABATED AND AN OCCUPANCY PERMIT HAS BEEN ISSUED, INDICATING THAT permission for such occupancy has been granted by the Commissioner of Housing and Community Development.

- (2) Such permission shall not be unreasonably withheld by the Commissioner.

(b) *Applicability of § 301.*

The provisions of § 301 hereinabove specifically apply to this section.

**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 August 16, 2002

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE  
ORDINANCE 02-404  
(Council Bill 02-649)**

**AN ORDINANCE CONCERNING**

**Impoundment — Stolen Vehicles**

FOR the purpose of authorizing an extension of the period within which persons recovering stolen vehicles are exempt from storage charges; clarifying, correcting, and conforming certain language; and generally relating to the towing, impoundment, and storage of vehicles.

BY repealing and reordaining, with amendments

Article 31 - Transit and Traffic

Section(s) 31-66

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 31. Transit and Traffic**

**Subtitle 31. Clear Streets and Impoundment**

**§ 31-66. Vehicles reported stolen.**

(A) *SCOPE.*

[Where a] THIS SECTION APPLIES TO ANY vehicle THAT:

(1) WAS reported stolen[:]; AND

(2) IS FOUND IN AND TOWED FROM:

(I) [(1) is located in] an impounding area;

(II) [(2) is] A LOCATION WHERE IT WAS obstructing or impeding pedestrian or vehicular traffic; or

(III) [(3) is in] an area other than an impounding area, [and is] AT A LOCATION WHERE IT WAS not obstructing or impeding pedestrian or vehicular traffic[.,].

(B) *CHARGE ABATED.*

[no] NO charge [shall] MAY be [made] IMPOSED for [the storage of said] STORING THE vehicle ~~within~~ DURING:

(1) THE PERIOD ENDING 48 hours ~~of~~ AFTER notification by THE Chief of the Abandoned Vehicles Division; AND



(2) ANY LONGER PERIOD THAT, FOR GOOD CAUSE SHOWN, THE CHIEF APPROVES.

(C) STANDARDS.

(1) THE CHIEF OF THE ABANDONED VEHICLES DIVISION SHALL ADOPT STANDARDS FOR DETERMINING "GOOD CAUSE" UNDER SUBSECTION (B)(2) OF THIS SECTION.

(2) A COPY OF THESE STANDARDS SHALL BE FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY BECOME EFFECTIVE.

**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 August 16, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-405  
(Council Bill 02-700)**

**AN ORDINANCE CONCERNING**

**Sale of Property — 4901 Boston Street**

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 4901 Boston Street (Block 6840, Lot 023) 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 4901 Boston Street (Block 6840, Lot 023), and more particularly described as follows:

The subject parcel (Block 6840, Lot 023) is an unimproved lot. The site is located on the southeast corner of Boston and Ponca Streets,

containing 1.761 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 August 16, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-406  
(Council Bill 02-712)**

**AN ORDINANCE CONCERNING**

**Rezoning — 2601 North Howard Street and 2640/58 Mace Street**

FOR the purpose of changing the zoning for the property known as 2601 North Howard Street, from the M-1-2 Zoning District to the OR-2 Zoning District, and for the properties known as 2640/58 Mace Street, from the R-8 Zoning District to the OR-2 Zoning District, as outlined in red on the accompanying plat.

BY amending

Article - Zoning  
Zoning District Maps  
Sheet(s) 35  
Baltimore City Revised Code  
(Edition 2000)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That Sheet 35 of the Zoning District Maps is amended by changing from the M-1-2 Zoning District to the OR-2 Zoning District the property known as 2601 North Howard Street and by changing from the R-8 Zoning District to the OR-2 Zoning District the properties known as 2640/58 Mace Street, 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 August 16, 2002

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE  
ORDINANCE 02-407  
(Council Bill 02-718)**

**AN ORDINANCE CONCERNING**

**Natural Resources — Soil Erosion and Sediment Control**

FOR the purpose of authorizing ~~the Board of Estimates to establish~~ a schedule of fines for violations of the City Erosion and Sediment Control Manual; correcting, clarifying, and conforming certain language; and generally relating to soil erosion and sediment control.

BY repealing and reordaining, with amendments

Article 7 - Natural Resources  
Section(s) 31-4  
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 7. Natural Resources**

***Division III: Soil Erosion and Sediment Control***

**Subtitle 31. Soil Erosion and Sediment Control**

**§ 31-4. Penalties.**

(A) *IN GENERAL.*

If the unsatisfactory condition is not corrected to comply with [the provisions of] the Erosion and Sediment Control Manual, the owner of the property may be assessed a CIVIL fine[, not to exceed \$100 per day,] for each [and every] ~~day the violation exists.~~ EACH DAY THAT AN UNSATISFACTORY CONDITION CONTINUES UNCORRECTED IS A SEPARATE VIOLATION.

(B) *FINE AMOUNT.*

THE AMOUNT OF THE FINE SHALL BE IN ACCORDANCE WITH A ~~SCHEDULE OF FINES ADOPTED BY THE BOARD OF ESTIMATES~~ SCHEDULE OF FINES, AS ESTABLISHED AND FROM TIME TO TIME AMENDED BY THE DEPARTMENT OF PUBLIC WORKS WITH THE APPROVAL OF THE BOARD OF ESTIMATES. THE MAXIMUM FINE THAT MAY BE IMPOSED UNDER THE SCHEDULE OF FINES FOR ANY 1 VIOLATION IS \$1,000.

**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 August 16, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-408  
(Council Bill 02-770)**

**AN ORDINANCE CONCERNING**

**City Streets — Closing —  
10-Foot Alley**

FOR the purpose of condemning and closing a 10-foot alley laid out in the rear of the property known as No. 139/143 Mosher Street and lying within the Madison Park North Urban Renewal Project, as shown on Plat 347-A-55A 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 a 10-foot alley laid out in the rear of the property known as No. 139/143 Mosher Street and lying within the Madison Park North Urban Renewal Project, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the northeast side of Brevard Street, 20 feet wide, and the northwest side of a 10-foot alley laid out in the rear of the property known as No. 139/143 Mosher Street, said point of beginning being distant southeasterly 100.0 feet, measured along the northeast side of said Brevard Street from the southeast side of Mosher Street, 66 feet wide, and running thence binding on the northwest side of said 10-foot alley, Northeasterly 50.0 feet, more or less, to intersect the line of the southwest side of a 10-foot alley, laid out in the rear of the properties known as Nos. 1426 through 1436 John Street, if projected southeasterly; thence binding on the line of the southwest side of last said 10-foot alley, Southeasterly 10.0 feet to intersect the southeast side of the 10-foot alley, mentioned firstly herein; thence binding on the southeast side of the 10-foot alley, mentioned firstly herein, Southwesterly 50.0 feet, more or less, to intersect the northeast side of said Brevard Street, and thence binding on the northeast side of said Brevard Street, Northwesterly 10.0 feet to the place of beginning.

As delineated on Plat 347-A-55A, prepared by the Survey Control Section and filed on April 4, 2002, 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 a 10-foot alley laid out in the rear of the property known as No. 139/143 Mosher 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 August 16, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-409  
(Council Bill 02-771)**

**AN ORDINANCE CONCERNING**

**City Streets — Opening Dickson Street**

FOR the purpose of condemning and opening Dickson Street, extending ~~extending~~ from Lafayette Avenue southeasterly to Howard Street, and lying within the Madison Park North Urban Renewal Project, as shown on Plat numbered 347-A-54, prepared by the survey control Section and filed 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 Dickson Street, extending from Lafayette Avenue southeasterly to Howard Street, and lying within the Madison Park North Urban Renewal Project, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the southwest side of Dickson Street, 50-feet wide, and the southeast side of Lafayette Avenue, 66-feet wide, and running thence by straight lines, the two following courses and distances; namely, Northeasterly 34.85 feet and Northeasterly 17.53 feet to intersect the northeast side of said Dickson Street; thence binding on the northeast side of said Dickson Street, Southeasterly 236.4 feet, more or less, to the northwest side of Howard Street, as opened in accordance with Ordinance No. 735, approved April 13, 1935; thence binding on the northwest side of said Howard Street, South 24° 42' 00" West 53.83 feet to intersect the southwest side of said Dickson Street, and thence binding on the southwest side of said Dickson Street, Northwesterly 243.7 feet, more or less, to the place of beginning.

As delineated on Plat numbered 347-A-54, prepared by the Survey Control Section and filed on the 4th day of April 2002 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 said Dickson 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 August 16, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-410  
(Council Bill 02-772)**

**AN ORDINANCE CONCERNING**

**City Streets — Closing — Closing of Certain Streets and  
Alleys or Portions Thereof Lying Within the Madison Park  
North Urban Renewal Project**

FOR the purpose of condemning and closing of certain streets and alleys or portions thereof lying within the Madison Park North Urban Renewal Project, as shown on a plat numbered 347-A-54A prepared by the

Survey Control Section and Filed 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 within the Madison Park North Urban Renewal Project, and more particularly described as follows:

Sheet 1 of 1 includes certain streets and alleys or portions thereof, bounded by Howard Street, Mt. Royal Avenue, Lafayette Avenue, and the C.S.X. Transportation Railroad Right of Way.

Beginning for Parcel No. 1 at the point formed by the intersection of the southwest side of Dickson Street, 50-foot wide, and the southeast side of Lafayette Avenue, 66-foot wide, and running thence by straight lines, the two following courses and distances; namely, Northeasterly 34.85 feet and Northeasterly 17.53 feet to intersect the northeast side of said Dickson Street; thence binding on the northeast side of said Dickson Street, Southeasterly 236.4 feet, more or less, to the northwest side of Howard Street, as opened in accordance with Ordinance No. 735, approved April 13, 1935; thence binding on the northwest side of said Howard Street, South 24° 42' 00" West 53.83 feet to intersect the southwest side of said Dickson Street, and thence binding on the southwest side of said Dickson Street, Northwesterly 243.7 feet, more or less, to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the southwest side of Dickson Street, 50-foot wide, and the northwest side of Howard Street, as opened in accordance with Ordinance No. 735, approved April 13, 1935, and running thence binding on the northwest and southwest sides of said Howard Street, the three following courses and distances; namely, North 24° 42' 00" East 102.71 feet, North 22° 53' 20" West 70.24 feet, and North 46° 28' 30" East 12.17 feet to the northeast side of said Howard Street; thence binding in part on the northeast side of said Howard Street, in part on the line of the northeast side of said Howard Street, if projected southeasterly, and in all, South 30° 33' 30" East 64.0 feet, more or less, to intersect the line of the southeast side of a 25-foot alley laid out along the southeast outline of No. 1301 W. Mount Royal Avenue, if projected northeasterly; thence binding reversely on last said line, so projected, Southwesterly 131.1 feet, more or less, to intersect the line of the southwest side of said Dickson Street, if projected southeasterly, and thence binding reversely on last said line, so projected, Northwesterly 15.7 feet, more or less, to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the southwest side of Dickson Street, 50-foot wide, and the northwest side of a 25-foot alley, laid out along the southeast outline of No. 1301 W. Mount Royal Avenue, said point of beginning being distant Southeasterly 231.64 feet measured along the southwest side of said Dickson Street, from the southeast side of Lafayette Avenue, 66 feet wide, and running thence binding in part on the southwest side of said Dickson Street, in part on the line of the southwest side of said Dickson Street, if projected southeasterly, and in all, Southeasterly 27.8 feet, more or less, to intersect the southeast side of said 25-foot alley; thence binding on the southeast side of said 25-foot alley, Southwesterly 85.7 feet, more or less; thence binding along the northwest face of the stone curb, there situate, Southwesterly 8.0 feet, more or less, to intersect the northeast side of Mount Royal Avenue, as widened to a width of 160-feet; thence binding on the northeast side of said Mount Royal

Avenue, Northwesterly 25.6 feet, more or less, to intersect the northwest side of said 25-foot alley, and thence binding on the northwest side of said 25-foot alley, Northeasterly 94.4 feet, more or less, to the place of beginning.

Beginning for Parcel No. 4 at the point formed by the intersection of the northwest side of Howard Street, as opened in accordance with Ordinance No. 735, approved April 13, 1935 and the northeast side of Mount Royal Avenue, as widened to a width of 160-feet, and running thence binding on the northeast side of said Mount Royal Avenue, Southeasterly 32.5 feet, more or less, to intersect the northwest face of the stone curb, there situate; thence binding along the northwest face of said stone curb, Southwesterly 37.5 feet, more or less; thence by a straight line, Northwesterly 41.0 feet, more or less, to intersect the northwest side of said Howard Street, and thence binding on the northwest side of said Howard Street, the three following courses and distances; namely, North  $46^{\circ} 22' 50''$  East 13.8 feet, more or less, South  $43^{\circ} 33' 20''$  East 0.83 feet and North  $46^{\circ} 19' 30''$  East 18.2 feet, more or less, to the place of beginning.

Beginning for Parcel No. 5 at a point on the northeast side of Mount Royal Avenue, as widened to a width of 160-feet, distant southeasterly 85.53 feet measured along the northeast side of said Mount Royal Avenue from the southeast side of Lafayette Avenue, 66-feet wide, and running thence binding on the northeast side of said Mount Royal Avenue, Southeasterly 180.3 feet, more or less, to intersect the northwest side of Howard Street, as opened in accordance with Ordinance No. 735, approved April 13, 1935; thence binding on the northwest side of said Howard Street, the three following courses and distances; namely, South  $46^{\circ} 19' 30''$  West 18.2 feet, more or less, North  $43^{\circ} 33' 20''$  West 0.83 feet and South  $46^{\circ} 22' 50''$  West 13.8 feet, more or less, and thence by lines through the bed of said Mount Royal Avenue, the two following courses and distances; namely, Northwesterly by a line curving to the right with a radius of 950.00 feet, the distance of 72.3 feet, more or less, and Northwesterly by a line curving to the left with a radius of 758.68 feet, the distance of 110.2 feet, more or less, to the place of beginning.

As delineated on Plat numbered 347-A-54A, prepared by the Survey Control Section and filed on the 4th day of April 2002 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 said streets and alleys or portions thereof 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 August 16, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-411  
(Council Bill 02-783)**

**AN ORDINANCE CONCERNING**

**City Property — Naming Fire Station #13 located at  
505 ~~405~~ McMechen Street to be the Arthur  
“~~Smoke Stack~~ Smokestack” Hardy Fire Station**

FOR the purpose of naming fire station #13 located at 405 McMechen Street to be the Arthur “~~Smoke Stack~~ Smokestack” Hardy 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 fire station #13 located at 405 McMechen Street is named the Arthur “~~Smoke Stack~~ Smokestack” Hardy 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 August 16, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-412  
(Council Bill 02-788)**

**AN ORDINANCE CONCERNING**

**Sale of Property — The Brooklyn Park Water System**

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 known as the Brooklyn Park Water System in Anne Arundel County, Maryland, and is no longer needed for public use by the City, but which will remain in public use by Anne Arundel County; and providing for a special effective date.

BY authority of

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

### Recitals

The Brooklyn Park Water System (hereinafter, the "System"), located in Anne Arundel County, Maryland, is owned and operated by the City of Baltimore (hereinafter, the "City"), pursuant to an Agreement dated June 18, 1929, and a Deed made March 8, 1932.

Anne Arundel County wishes to take over ownership, operation, and maintenance of the System. The City will continue to supply water to Anne Arundel County at rates set by the Board of Estimates.

The City believes that the transfer of the ownership, operation and maintenance of the System to Anne Arundel County will not be detrimental to the City water system and will be accomplished without cost or expense to the City.

The Board of Estimates approved a Transfer Agreement on January 2, 2002, that, in principle, agreed to transfer, grant, and convey by a Deed of Transfer, the ownership, operation, and maintenance of the System from the City to Anne Arundel County, and which requires approval by the Baltimore City Council.

The Transfer Agreement sets forth the respective duties and responsibilities of the City and Anne Arundel County in preparation for the actual transfer of the System.

**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 and to certain property known as the Brooklyn Park Water System in Anne Arundel County, Maryland that is owned and operated by the City, pursuant to an Agreement dated June 18, 1929, and a Deed made March 8, 1932, recorded among the land records in Anne Arundel County on January 6, 1943, in Liber J.H.H. 274, Folio 137, and more particularly described as follows:

The System serves approximately 3,200 customers in northern Anne Arundel County, as depicted in Exhibit I of the Transfer Agreement approved by the Board of Estimates on January 2, 2002. The System has two pressure zones. The First Pressure Zone is in North Brooklyn Park, extending from the City boundary line to approximately Orchard Avenue. The Second Pressure Zone extends from Orchard Avenue south to Walton Avenue. Thirty-inch and twenty-inch diameter trunk mains supply water from the City to these pressure zones. The distribution network is comprised of smaller diameter pipes.

Transfer of the System to Anne Arundel County will include all rights, easements, and privileges from whomsoever acquired, whether these rights and privileges are recorded or unrecorded, and all pipes, mains, appliances, equipment, structures and appurtenances that may be in any way incidental to, connected with, or employed in the operation and maintenance of the System, if and only if the rights, privileges, easements, pipes, mains, appliances, equipment, and appurtenances are located in Anne Arundel County, Maryland.

This property being no longer needed for public use by the City, but which will remain in public use by Anne Arundel County.

**SECTION 2. AND BE IT FURTHER ORDAINED**, That no deed shall 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 August 16, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-413  
(Council Bill 02-801)**

**AN ORDINANCE CONCERNING**

**City Streets — Opening —  
Certain Streets, or Portion of Them, Lying Within the  
Camden Yards Stadium Site**

FOR the purpose of condemning and opening certain streets, or portions of them, lying within the Camden Yards Stadium Site, as shown on Plat 346-A-22H 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, or portions of them, lying within the Camden Yards Stadium Site, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the southeast side of Howard Street, 66 feet wide, and the southwest side of Hamburg Street, as now laid out, varying in width, and running thence binding on the southeast side of said Howard Street, Southwesterly 1,126.7 feet, more or less, to intersect the northeast side of Ostend Street, 66 feet wide; thence binding on the northeast side of said Ostend Street, Northwesterly 66.0 feet to intersect the northwest side of said Howard Street; thence binding on the northwest side of said Howard Street, Northeasterly 1,127.3 feet, more or less, to intersect the southwest side of said Hamburg Street, and thence binding on the southwest side of said Hamburg Street, Southeasterly 66.0 feet to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the southeast side of Howard Street, 66 feet wide, and the northeast side of Cross Street, 66 feet wide, and running thence binding on the northeast side of said Cross Street, Southeasterly 154.7 feet, more or less, to intersect the northwest side of Plum Street, 20 feet wide; thence binding on the northwest side of said Plum Street, Southwesterly 66.0 feet to intersect the southwest side of said Cross Street; thence binding on the southwest side of said Cross Street, Northwesterly 154.7 feet, more or less, to intersect the southeast side of said Howard Street, and thence binding on the southeast side of said Howard Street, Northeasterly 66.0 feet to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the southeast side of Howard Street, 66 feet wide, and the northeast side of West Street, 66 feet wide, and running thence binding on the northeast side of said West Street, Southeasterly 154.8 feet, more or less, to intersect the northwest side of Plum Street, 20 feet wide; thence binding on the northwest side of said Plum Street, Southwesterly 66 feet, more or less, to intersect the southwest side of said West Street; thence binding on the southwest side of said West Street, Northwesterly 154.9 feet, more or less, to intersect the southeast side of said Howard Street, and thence binding on the southeast side of said Howard Street, Northeasterly 66 feet, more or less, to the place of beginning.

Beginning for Parcel No. 4 at the point formed by the intersection of the southeast side of Plum Street, 20 feet wide, and the northeast side of Ostend Street, 66 feet wide, said point of beginning being distant Northwesterly 155.0 feet, more or less, measured along the northeast side of said Ostend Street from the northwest side of Sharp Street, 66 feet wide, and running thence binding on the northeast side of said Ostend Street, Northwesterly 20.0 feet to intersect the northwest side of said Plum Street; thence binding on the northwest side of said Plum Street, Northeasterly 795.5 feet, more or less, to the northeasternmost extremity of said Plum Street; thence binding on the northeasternmost extremity of said Plum Street, Southeasterly 20.0 feet to intersect the southeast side of said Plum Street, and thence binding on the southeast side of said Plum Street, Southwesterly 795.5 feet, more or less, to the place of beginning.

Beginning for Parcel No. 5 at the point formed by the intersection of the northeast side of Cross Street, 66 feet wide, and the line of the northwest side of Sharp Street, 66 feet wide, if projected northeasterly, and running thence binding reversely on the line of the northwest side of said Sharp Street, so projected, Southwesterly 66.0 feet to intersect the southwest side of said Cross Street; thence binding on the southwest side of said Cross Street, Northwesterly 155.9 feet, more or less, to intersect the southeast side of Plum Street, 20 feet wide; thence binding on the southeast side of said Plum Street, Northeasterly 66.0 feet to intersect the northeast side of said Cross Street, and thence binding on the northeast side of said Cross Street, Southeasterly 156.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 6 at the point formed by the intersection of the northeast side of West Street, 66.0 feet wide and the northwest side of Sharp Street, 66 feet wide, and running thence binding on the northwest side of said Sharp Street, Southwesterly 66 feet, more or less, to intersect the southwest side of said West Street; thence binding on the southwest side of said West Street, Northwesterly 155.4 feet, more or less, to intersect the southeast side of Plum Street, 20 feet wide; thence binding on the southeast side of said Plum Street, Northeasterly 66 feet, more or less, to intersect the northeast side of said West Street, and thence binding on the northeast side of said West Street, Southeasterly 155.7 feet, more or less, to the place of beginning.

Beginning for Parcel No. 7 at the point formed by the intersection of the line of the northwest side of Howard Street, 66 feet wide, if projected northeasterly, and the northeast side of Hamburg Street, 66 feet wide, and running thence binding on the line of the northwest side of said Howard Street, so projected, North 19° 54' 40" East 55.27 feet to the northeast side of Hamburg Street, as realigned and widened to a varying width; thence binding on the northeast side of last said Hamburg Street, South 69° 59' 00" East 102.55 feet to intersect the west Right of Way Line Of Through Highway For Interstate Route No. 395; thence binding on said Right Of Way Line Of Through Highway by a non-tangent arc curving to the right

with a radius of 726.98 feet the distance of 63.77 feet which arc is subtended by a chord bearing, South 09° 51' 22" East 63.75 feet to intersect the line of the northeast side of Hamburg Street, mentioned firstly herein, if projected southeasterly, and thence binding reversely on last said line, so projected, North 69° 59' 00" West 134.20 feet to the place of beginning.

Beginning for Parcel No. 8 at the point formed by the intersection of the northeast side of Hamburg Street, as originally laid out 66 feet wide and the east Right Of Way Line Of Through Highway For Interstate Route No. 395, and running thence binding on the northeast side of said Hamburg Street, North 69° 59' 00" West 248.58 feet to intersect the west Right Of Way Line Of said Through Highway; thence binding on last said Right Of Way Line Of Through Highway by a non-tangent arc curving to the left with a radius of 726.98 feet the distance of 32.25 feet which arc is subtended by a chord bearing, North 08° 36' 51" West 32.25 feet to intersect the northeast side of Hamburg Street, as realigned and widened to a varying width; thence binding on the northeast, west, and east sides of last said Hamburg Street, the seven following courses and distances; namely, South 69° 57' 33" East 60.20 feet, South 64° 16' 22" East 40.22 feet, South 69° 59' 00" East 59.11 feet, South 12° 47' 28" West 10.33 feet, South 77° 12' 32" East 19.00 feet; North 12° 47' 28" East 7.92 feet and South 69° 59' 00" East 77.04 feet to intersect said east Right Of Way Line Of Through Highway For Interstate Route No. 395, and thence binding on said east Right Of Way Line Of Through Highway by a non-tangent arc curving to the right with a radius of 903.47 feet the distance of 25.73 feet which arc is subtended by a chord bearing, South 00° 38' 05" West 25.73 feet to the place of beginning.

Beginning for Parcel No. 9 at the point formed by the intersection of the east Right Of Way Line Of Through Highway For Interstate Route No. 395, and the northeast side of Hamburg Street, as realigned and widened to a varying width, and running thence binding on the northeast side of said Hamburg Street, the three following courses and distances; namely, South 69° 59' 00" East 29.71 feet, by a tangent arc curving to the right with a radius of 316.00 feet the distance of 104.29 feet which arc is subtended by a chord bearing, South 60° 31' 42.5" East 103.82 feet, and South 51° 04' 25" East 18.96 feet to intersect the northeast side of Hamburg Street, 66 feet wide; thence binding on the northeast side of last said Hamburg Street, North 70° 05' 00" West 61.56 feet to the northeast side of Hamburg Street, varying in width; thence binding on the northeast side of last said Hamburg Street, North 70° 49' 29" West 66.00 feet to intersect the northeast side of Hamburg Street as originally laid out 66 feet wide; thence binding on the northeast side of last said Hamburg Street, North 69° 59' 00" West 13.96 feet to intersect said east Right Of Way Line Of Through Highway For Interstate Route No. 395, and thence binding on said east Right Of Way Line Of Through Highway by a non-tangent arc curving to the left with a radius of 903.47 feet the distance of 25.73 feet which arc is subtended by a chord bearing North 00° 38' 05" East 25.73 feet to the place of beginning.

Beginning for Parcel No. 10 at the point formed by the intersection of the southeast side of Russell Street, varying in width, and the south side of Camden Street, 80 feet wide, and running thence by straight lines through said Camden Street the two following courses and distances; namely, North 53° 30' 43" East 14.06 feet and North 87° 11' 04" East 584.01 feet to the east side of Camden Street, varying in width from 66 feet to 80 feet; thence binding on the east side of last said Camden Street, South 02° 49' 34" East 2.43 feet to the south side of Camden Street, mentioned firstly herein, and thence binding on the south side of said Camden Street, mentioned firstly herein, South 86° 40' 04" West 595.74 feet to the place of beginning.

Beginning for Parcel No. 11 at a point on the southeast side of Russell Street, 220 feet wide, said point of beginning being distant South 20° 12' 20" West 249.37 feet measured along the southeast side of said Russell Street from the southwest side of Hamburg Street, varying in width, and running thence binding on the southeast side of Russell Street, varying in width, by a tangent arc curving to the left with a radius of 40.00 feet the distance of 62.96 feet which arc is subtended by a chord bearing, South 24° 53' 21.5" East 56.66 feet to the line of the northeast side of the former bed of Cross Street, 66 feet wide, as

condemned and closed, if projected northwesterly; thence binding on said line so projected, North 69° 59' 00" West 40.13 feet to intersect the line of the southeast side of Russell Street, mentioned firstly herein if projected southwesterly, and thence binding reversely on last said line, so projected, North 20° 12' 20" East 40.13 feet to the place of beginning.

As delineated on Plat 346-A-22H, prepared by the Survey Control Section and filed on January 30, 2002, 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, or portions of them, lying within the Camden Yards Stadium Site 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 August 16, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-414  
(Council Bill 02-802)**

**AN ORDINANCE CONCERNING**

**City Streets — Closing —  
Certain Streets, or Portions of Them, Lying Within the  
Camden Yards Stadium Site**

FOR the purpose of condemning and closing certain streets, or portions of them, lying within the Camden Yards Stadium Site, as shown on Plat 346-A-22I 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, or portions of them, lying within the Camden Yards Stadium Site, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the southeast side of Howard Street, 66 feet wide, and the southwest side of Hamburg Street, as now laid out, varying in width, and running thence binding on the southeast side of said Howard Street, Southwesterly 1,126.7 feet, more or less, to

intersect the northeast side of Ostend Street, 66 feet wide; thence binding on the northeast side of said Ostend Street, Northwesterly 66.0 feet to intersect the northwest side of said Howard Street; thence binding on the northwest side of said Howard Street, Northeasterly 1,127.3 feet, more or less, to intersect the southwest side of said Hamburg Street, and thence binding on the southwest side of said Hamburg Street, Southeasterly 66.0 feet to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the southeast side of Howard Street, 66 feet wide, and the northeast side of Cross Street, 66 feet wide, and running thence binding on the northeast side of said Cross Street, Southeasterly 154.7 feet, more or less, to intersect the northwest side of Plum Street, 20 feet wide; thence binding on the northwest side of said Plum Street, Southwesterly 66.0 feet to intersect the southwest side of said Cross Street; thence binding on the southwest side of said Cross Street, Northwesterly 154.7 feet, more or less, to intersect the southeast side of said Howard Street, and thence binding on the southeast side of said Howard Street, Northeasterly 66.0 feet to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the southeast side of Howard Street, 66 feet wide, and the northeast side of West Street, 66 feet wide, and running thence binding on the northeast side of said West Street, Southeasterly 154.8 feet, more or less, to intersect the northwest side of Plum Street, 20 feet wide; thence binding on the northwest side of said Plum Street, Southwesterly 66 feet, more or less, to intersect the southwest side of said West Street; thence binding on the southwest side of said West Street, Northwesterly 154.9 feet, more or less, to intersect the southeast side of said Howard Street, and thence binding on the southeast side of said Howard Street, Northeasterly 66 feet, more or less, to the place of beginning.

Beginning for Parcel No. 4 at the point formed by the intersection of the southeast side of Plum Street, 20 feet wide, and the northeast side of Ostend Street, 66 feet wide, said point of beginning being distant Northwesterly 155.0 feet, more or less, measured along the northeast side of said Ostend Street from the northwest side of Sharp Street, 66 feet wide, and running thence binding on the northeast side of said Ostend Street, Northwesterly 20.0 feet to intersect the northwest side of said Plum Street; thence binding on the northwest side of said Plum Street, Northeasterly 795.5 feet, more or less, to the northeasternmost extremity of said Plum Street; thence binding on the northeasternmost extremity of said Plum Street, Southeasterly 20.0 feet to intersect the southeast side of said Plum Street, and thence binding on the southeast side of said Plum Street, Southwesterly 795.5 feet, more or less, to the place of beginning.

Beginning for Parcel No. 5 at the point formed by the intersection of the northeast side of Cross Street, 66 feet wide, and the line of the northwest side of Sharp Street, 66 feet wide, if projected northeasterly, and extending from the plane surface 8.00 feet below the bottom flange of the lowest beam of the superstructure of Interstate Route No. 395 and descending to an elevation of unlimited depth, and running thence binding reversely on the line of the northwest side of said Sharp Street, so projected, Southwesterly 66.0 feet to intersect the southwest side of said Cross Street; thence binding on the southwest side of said Cross Street, Northwesterly 155.9 feet, more or less, to intersect the southeast side of Plum Street, 20 feet wide; thence binding on the southeast side of said Plum Street, Northeasterly 66.0 feet to intersect the northeast side of said Cross Street, and thence binding on the northeast side of said Cross Street, Southeasterly 156.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 6 at the point formed by the intersection of the northeast side of West Street, 66.0 feet wide and the northwest side of Sharp Street, 66 feet wide, and extending from the plane surface 8.00 feet below the bottom flange of the lowest beam of the superstructure of Interstate Route No. 395 and descending to an elevation of unlimited depth, and running thence binding on the northwest side of said Sharp Street, Southwesterly 66 feet, more or less, to intersect the southwest side of said West Street; thence binding on the southwest side of said West Street, Northwesterly 155.4 feet, more or less, to intersect the southeast side of Plum Street, 20 feet wide; thence binding on the southeast side of said Plum

Street, Northeasterly 66 feet, more or less, to intersect the northeast side of said West Street, and thence binding on the northeast side of said West Street, Southeasterly 155.7 feet, more or less, to the place of beginning.

Beginning for Parcel No. 7 at the point formed by the intersection of the line of the northwest side of Howard Street, 66 feet wide, if projected northeasterly, and the northeast side of Hamburg Street, 66 feet wide, and running thence binding on the line of the northwest side of said Howard Street, so projected, North 19° 54' 40" East 55.27 feet to the northeast side of Hamburg Street, as realigned and widened to a varying width; thence binding on the northeast side of last said Hamburg Street, South 69° 59' 00" East 102.55 feet to intersect the west Right Of Way Line Of Through Highway For Interstate Route No. 395; thence binding on said Right Of Way Line Of Through Highway by a non-tangent arc curving to the right with a radius of 726.98 feet the distance of 63.77 feet which arc is subtended by a chord bearing, South 09° 51' 22" East 63.75 feet to intersect the line of the northeast side of Hamburg Street, mentioned firstly herein, if projected southeasterly, and thence binding reversely on last said line, so projected, North 69° 59' 00" West 134.20 feet to the place of beginning.

Beginning for Parcel No. 8 at the point formed by the intersection of the northeast side of Hamburg Street, as originally laid out 66 feet wide and the east Right Of Way Line Of Through Highway For Interstate Route No. 395, and extending from the plane surface 8.00 feet below the bottom flange of the lowest beam of the superstructure of Interstate Route No. 395 and descending to an elevation of unlimited depth and running thence binding on the northeast side of said Hamburg Street, North 69° 59' 00" West 248.58 feet to intersect the west Right Of Way Line Of said Through Highway; thence binding on last said Right Of Way Line Of Through Highway by a non-tangent arc curving to the left with a radius of 726.98 feet the distance of 32.25 feet which arc is subtended by a chord bearing, North 08° 36' 51" West 32.25 feet to intersect the northeast side of Hamburg Street, as realigned and widened to a varying width; thence binding on the northeast, west, and east sides of last said Hamburg Street, the seven following courses and distances; namely, South 69° 57' 33" East 60.20 feet, South 64° 16' 22" East 40.22 feet, South 69° 59' 00" East 59.11 feet, South 12° 47' 28" West 10.33 feet, South 77° 12' 32" East 19.00 feet; North 12° 47' 28" East 7.92 feet and South 69° 59' 00" East 77.04 feet to intersect said east Right Of Way Line Of Through Highway For Interstate Route No. 395, and thence binding on said east Right Of Way Line Of Through Highway by a non-tangent arc curving to the right with a radius of 903.47 feet the distance of 25.73 feet which arc is subtended by a chord bearing, South 00° 38' 05" West 25.73 feet to the place of beginning.

Beginning for Parcel No. 9 at the point formed by the intersection of the east Right Of Way Line Of Through Highway For Interstate Route No. 395, and the northeast side of Hamburg Street, as realigned and widened to a varying width, and running thence binding on the northeast side of said Hamburg Street, the three following courses and distances; namely, South 69° 59' 00" East 29.71 feet, by a tangent arc curving to the right with a radius of 316.00 feet the distance of 104.29 feet which arc is subtended by a chord bearing, South 60° 31' 42.5" East 103.82 feet, and South 51° 04' 25" East 18.96 feet to intersect the northeast side of Hamburg Street, 66 feet wide; thence binding on the northeast side of last said Hamburg Street, North 70° 05' 00" West 61.56 feet to the northeast side of Hamburg Street, varying in width; thence binding on the northeast side of last said Hamburg Street, North 70° 49' 29" West 66.00 feet to intersect the northeast side of Hamburg Street as originally laid out 66 feet wide; thence binding on the northeast side of last said Hamburg Street, North 69° 59' 00" West 13.96 feet to intersect said east Right Of Way Line Of Through Highway For Interstate Route No. 395, and thence binding on said east Right Of Way Line Of Through Highway by a non-tangent arc curving to the left with a radius of 903.47 feet the distance of 25.73 feet which arc is subtended by a chord bearing North 00° 38' 05" East 25.73 feet to the place of beginning.

Beginning for Parcel No. 10 at the point formed by the intersection of the southeast side of Russell Street, varying in width, and the south side of Camden Street, 80 feet wide, and running thence by straight lines through said Camden Street the two following courses and distances; namely, North 53° 30' 43" East



14.06 feet and North 87° 11' 04" East 584.01 feet to the east side of Camden Street, varying in width from 66 feet to 80 feet; thence binding on the east side of last said Camden Street, South 02° 49' 34" East 2.43 feet to the south side of Camden Street, mentioned firstly herein, and thence binding on the south side of said Camden Street, mentioned firstly herein, South 86° 40' 04" West 595.74 feet to the place of beginning.

Beginning for Parcel No. 11 at a point on the southeast side of Russell Street, 220 feet wide, said point of beginning being distant South 20° 12' 20" West 249.37 feet measured along the southeast side of said Russell Street from the southwest side of Hamburg Street, varying in width, and running thence binding on the southeast side of Russell Street, varying in width, by a tangent arc curving to the left with a radius of 40.00 feet the distance of 62.96 feet which arc is subtended by a chord bearing, South 24° 53' 21.5" East 56.66 feet to the line of the northeast side of the former bed of Cross Street, 66 feet wide, as condemned and closed, if projected northwesterly; thence binding on said line so projected, North 69° 59' 00" West 40.13 feet to intersect the line of the southeast side of Russell Street, mentioned firstly herein if projected southwesterly, and thence binding reversely on last said line, so projected, North 20° 12' 20" East 40.13 feet to the place of beginning.

Beginning for Parcel No. 12 at the point formed by the intersection of the southeast side of Russell Street, varying in width and the northeast side of Lee Street, varying in width, and running thence binding on the northeast side of said Lee Street, South 48° 08' 41.5" East 71.74 feet to a bend in said Lee Street, and thence through said Lee Street by a non-tangent arc curving to the right with a radius of 54.95 feet the distance of 78.17 feet which arc is subtended by a chord bearing North 48° 08' 41.5" West 71.74 feet to the place of beginning.

As delineated on Plat 346-A-22I, prepared by the Survey Control Section and filed on January 30, 2002, 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, or portions of them, lying within the Camden Yards Stadium Site 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 August 16, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-415  
(Council Bill 02-803)**

**AN ORDINANCE CONCERNING**

**City Streets — Opening —  
12-Foot Alley**

FOR the purpose of condemning and opening a 12-foot alley laid out in the rear of the property known as No. 1200/1212 Guilford Avenue, and lying within the Mid-Town Belvedere Urban Renewal Project, as shown on Plat 347-A-56 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 a 12-foot alley laid out in the rear of the property known as No. 1200/1212 Guilford Avenue, and lying within the Mid-Town Belvedere 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 a 10-foot alley laid out in the rear of the properties known as Nos. 207 through 223 E. Preston Street and the east side of a 12-foot alley laid out in the rear of the property known as No. 1200/1212 Guilford Avenue, said point of beginning being distant westerly 81.4 feet, more or less, measured along the south side of said 10-foot alley from the west side of Guilford Avenue, 100 feet wide, and running thence binding on the east side of said 12-foot alley, Southerly 101.4 feet, more or less, to intersect the north side of a 10-foot alley laid out in the rear of the properties known as Nos. 208 through 224 E. Biddle Street; thence binding on the north side of last said 10-foot alley, Westerly 12.0 feet to intersect the west side of said 12-foot alley; thence binding on the west side of said 12-foot alley, Northerly 101.4 feet, more or less, to intersect the south

side of the 10-foot alley, mentioned firstly herein, and thence binding on the south side of the 10-foot alley, mentioned firstly herein, Easterly 12.0 feet to the place of beginning.

As delineated on Plat 347-A-56, prepared by the Survey Control Section and filed on April 17, 2002, 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 the 12-foot 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 this Ordinance takes effect on the date it is enacted.

Approved August 16, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-416  
(Council Bill 02-804)**

**AN ORDINANCE CONCERNING**

**City Streets — Closing —  
12-Foot Alley**

FOR the purpose of condemning and closing a 12-foot alley laid out in the rear of the property known as No. 1200/1212 Guilford Avenue, and lying within the Mid-Town Belvedere Urban Renewal Project, as shown on Plat 347-A-56A 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 a 12-foot alley laid out in the rear of the property known as No. 1200/1212 Guilford Avenue, and lying within the Mid-Town Belvedere 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 a 10-foot alley laid out in the rear of the properties known as Nos. 207 through 223 E. Preston Street and the east side of a 12-foot alley laid out in the rear of the property known as No. 1200/1212 Guilford Avenue, said point of beginning being distant westerly 81.4 feet, more or less, measured along the south side of said 10-foot

alley from the west side of Guilford Avenue, 100 feet wide, and running thence binding on the east side of said 12-foot alley, Southerly 101.4 feet, more or less, to intersect the north side of a 10-foot alley laid out in the rear of the properties known as Nos. 208 through 224 E. Biddle Street; thence binding on the north side of last said 10-foot alley, Westerly 12.0 feet to intersect the west side of said 12-foot alley; thence binding on the west side of said 12-foot alley, Northerly 101.4 feet, more or less, to intersect the south side of the 10-foot alley, mentioned firstly herein, and thence binding on the south side of the 10-foot alley, mentioned firstly herein, Easterly 12.0 feet to the place of beginning.

As delineated on Plat 347-A-56A, prepared by the Survey Control Section and filed on April 17, 2002, 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 a 12-foot 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 August 16, 2002

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE  
ORDINANCE 02-417  
(Council Bill 02-810)**

**AN ORDINANCE CONCERNING**

**Payments in Lieu of Taxes — Hotel Facilities in  
Central Business District – Minimum Investment**

FOR the purpose of modifying the minimum investment of private capital required for certain hotel facilities to be eligible for a certain PILOT Agreement; providing for a special effective date; and generally relating to the authorization for payments in lieu of taxes in connection with certain hotel facilities in the Central District Urban Renewal Area.

BY repealing and reordaining, with amendments  
Ordinance 02-341  
Section(s) 4

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

**Ordinance 02-341**

SECTION 4. AND BE IT FURTHER ORDAINED, That terms used in this Ordinance have the meanings given those terms in the City Enabling Law. HOWEVER, NOTWITHSTANDING § 12-1(D) OF THE CITY ENABLING LAW, THE MINIMUM INVESTMENT OF PRIVATE CAPITAL FOR THE HOTEL FACILITIES SUBJECT TO THIS ORDINANCE SHALL BE \$20,000,000.

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

Approved August 16, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-418  
(Council Bill 02-766)**

**AN ORDINANCE CONCERNING**

**Sale of Property — The Former Beds of Certain Streets  
and Alleys Lying Within the Market Center West Project**

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in and to certain parcels of land lying within the Department of Housing and Community Development's Market Center West Project no longer needed for highway or other public use and known as the former beds of (1) a 16- foot alley laid out in the rear of No. 2/8 North Eutaw Street, (2) a 16-foot alley laid out in the rear of Nos. 412 and 414 West Baltimore Street, (3) a 20-foot alley laid out in the rear of No. 12 North Eutaw Street and (4) Fairmount Avenue, extending from the west side of Eutaw Street, westerly 161.0 feet, more or less; 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, Section 5 (b) of the City Charter the Comptroller of Baltimore City may sell, at either public or private sale, all of the interest of the Mayor and City Council of Baltimore in and to certain parcels of land lying within the Department of Housing and Community Development's Market Center West Project no longer needed for highway or other public use and known as the former beds of (1) a 16- foot alley laid out in the rear of No. 2/8 North Eutaw Street, (2) a 16-foot alley laid out in the rear of Nos. 412 and 414 West Baltimore Street, (3) a 20-foot alley laid out in the rear of No. 12 North Eutaw Street and (4) Fairmount Avenue, extending from the west side of Eutaw Street, westerly 161.0 feet, more or less; located in the City of Baltimore and described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the north side of Baltimore Street, 66 feet wide, and the east side of the former bed of a 16 foot alley laid out in the rear of the property known as No. 2/8 N. Eutaw Street, distant westerly 110.3 feet, more or less, measured along the north side of said Baltimore Street from the west side of Eutaw Street, 82.5 feet wide, and running thence binding on the north side of said Baltimore Street, Westerly 16.0 feet to intersect the west side of the former bed said alley; thence binding on the west side of the former bed of said alley, Northerly 76.0 feet, more or less, to intersect south outline of the property known as No. 12 N. Eutaw Street; thence binding on the south outline of said property, Easterly 16.0 feet to intersect the east side of the former bed of said alley, and thence binding on the east side of the former bed of said alley, Southerly 76.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the west side of the former bed of a 16 foot alley, laid out in the rear of the property known as No. 2/8 N. Eutaw Street, and the south side of the former bed of a 16 foot alley, laid out in the rear of the properties known as Nos. 412 and 414 W. Baltimore Street, said point of beginning being distant northerly 60.0 feet, more or less, measured along the west side of the former bed of the 16 foot alley, mentioned firstly herein, from the north side of Baltimore Street, 66 feet wide, and running thence binding on the south side of the former bed of said 16 foot alley, laid out in the rear of the properties known as Nos. 412 and 414 W. Baltimore Street, Westerly 34.7 feet, more or less, to intersect the line of the west side of the former bed of a 20 foot alley, laid out in the rear of the property known as No. 12 N. Eutaw Street, if projected southerly; thence binding reversely on said line, so projected, Northerly 16.0 feet to intersect the north side of the former bed of last said 16 foot alley; thence binding on the north side of the former bed of last said 16 foot alley, Easterly 34.7 feet, more or less, to intersect the west side of the former bed of the 16 foot alley, mentioned firstly herein, and thence binding on the west side of the former bed of the 16 foot alley, mentioned firstly herein, Southerly 16.0 feet to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the south side of the former bed of Fairmount Avenue, 16 feet wide, and the east side of the former bed of a 20 foot alley, laid out in the rear of the property known as No. 12 N. Eutaw Street, distant westerly 141.0 feet, more or less, measured along the south side of the former bed of said Fairmount Avenue from the west side of Eutaw Street, 82.5 feet wide, and running thence binding on the east side of the former bed of said 20 foot alley, Southerly 109.0 feet, more or less, to intersect the north side of the former bed of a 16 foot alley laid out in the rear of the properties known as Nos. 412 and 414 W. Baltimore Street; thence binding on the north side of the former bed of said 16 foot alley, Westerly 20.0 feet to intersect the west side of the former bed of said 20 foot alley; thence binding on the west side of the former bed of said 20 foot alley, Northerly 109.0 feet, more or less, to intersect the south side of the former bed of said Fairmount Avenue, and thence binding

on the south side of the former bed of said Fairmount Avenue, Easterly 20.0 feet to the place of beginning.

Beginning for Parcel No. 4 at the point formed by the intersection of the west side of Eutaw Street, 82.5 feet wide, and the south side of the former bed of Fairmount Avenue, 16 feet wide, and running thence binding on the south side of the former bed of said Fairmount Avenue, Westerly 161.0 feet, more or less, to the westernmost extremity thereof; thence binding on the westernmost extremity of the former bed of said Fairmount Avenue, Northerly 16.0 feet to intersect the north side of the former bed of said Fairmount Avenue; thence binding on the north side of the former bed of said Fairmount Avenue, Easterly 161.0 feet, more or less, to intersect the west side of said Eutaw Street, and thence binding on the west side of said Eutaw Street, Southerly 16.0 feet to the place of beginning.

Subject to a full width Perpetual Easement for all Municipal Utilities and Services, not to be abandoned, over the entire hereinabove described parcel of land.

Said 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 September 20, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-419  
(Council Bill 02-767)**

**AN ORDINANCE CONCERNING**

**Sale of Properties — 28, 30, 32, 34, 36, and 38 North Caroline Street**

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 properties located at 28, 30, 32, 34, 36, and 38 North Caroline Street 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 properties located at 28, 30, 32, 34, 36, and 38 North Caroline Street, and more particularly described as follows:

(1) 28 North Caroline Street, Ward 5, Section 8, Block 1342 and Lot 49. This is a vacant lot.

~~(1)~~ (2) 30 North Caroline Street, Ward 5, Section 8, Block 1342 and Lot 48. This is a vacant lot.

~~(2)~~ (3) 32 North Caroline Street, Ward 5, Section 8, Block 1342 and Lot 47. This is a vacant lot.

~~(3)~~ (4) 34 North Caroline Street, Ward 5, Section 8, Block 1342 and Lot 46. This is a vacant lot.

~~(4)~~ (5) 36 North Caroline Street, Ward 5, Section 8, Block 1342 and Lot 45. This is a vacant lot.

~~(5)~~ (6) 38 North Caroline Street, Ward 5, Section 8, Block 1342 and Lot 44. This is a vacant lot.

These properties 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 September 20, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-420  
(Council Bill 02-782)**

**AN ORDINANCE CONCERNING**

**Rezoning — 854-856 South Bond Street and 1532-1534 Thames Street**

FOR the purpose of changing the zoning for the properties known as 854-856 South Bond Street and 1532-1534 Thames Street, as outlined in red on the accompanying plat, from the M-3 Zoning District to the B-2-2 Zoning District.

BY amending

Article - Zoning

Zoning District Maps

Sheet(s) 67

Baltimore City Revised Code  
(Edition 2000)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That Sheet 67 of the Zoning District Maps is amended by changing from the M-3 Zoning District to the B-2-2 Zoning District the properties known as 854-856 South Bond Street and 1532-1534 Thames Street, 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 September 20, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-421  
(Council Bill 02-815)**

**AN ORDINANCE CONCERNING**

**Zoning — Conditional Use — Amending Ordinance 97-166**

FOR the purpose of amending Ordinance 97-166 to change the conditions for the use of beds; correcting, clarifying, and conforming certain language and references; and generally relating to the conditional use home for homeless persons for ~~1027, 1029, and 1031-1043~~ East Baltimore Street.

BY repealing and reordaining, with amendments  
Ordinance 97-166  
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 97-166**

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 home for homeless persons on the ~~{property}~~ ~~PROPERTIES~~ known as ~~1027, 1029, and 1031-1043~~ [E.] EAST Baltimore Street, as outlined in red on the plat accompanying this Ordinance, in accordance with [Article 30, §§ 6.3-1d-1 and 11.0-6d] ZONING CODE §§ 6-409(1) AND 14-102 of the Baltimore City Code, subject to the following conditions:

1. the facility may have no more than 210 beds, of which no more than [one-half may be used for the transitional housing program and the Spiritual Recovery Program, and at least one-half may be used for emergency beds for homeless persons] 50 BEDS MAY BE USED FOR EMERGENCY OVERNIGHT GUESTS. THE REMAINING BEDS SHALL BE USED BY HOMELESS MEN ENROLLED IN A STRUCTURED RECOVERY PROGRAM;
- ~~2. 1031-1043 [E.] EAST Baltimore Street may not be used for residential purposes;~~
- ~~3~~ 2. the exit to Lloyd Street may only be an emergency exit and may not be used for general ingress and egress;

~~4~~ 3. final design plans must be approved by the Planning Department; and

~~5~~ 4. the facility must comply with all applicable federal, state, and local licensing and certification requirements.

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

Approved September 20, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-422  
(Council Bill 02-816)**

**AN ORDINANCE CONCERNING**

**Zoning — Conditional Use Home for Homeless Persons —  
1017 East Baltimore Street**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a home for homeless persons on the property known as 1017 East Baltimore Street, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning  
Section(s) 6-409(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 home for homeless persons on the property known as 1017 East Baltimore Street, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 6-409(1) and 14-102 of the Baltimore City Code, subject to the following conditions:

1. The maximum number of beds is 50, all of which must be used for the housing of homeless men who have successfully completed the Mission's Spiritual Recovery Program.
2. The beds may not be used for emergency overnight housing for homeless persons.
3. The home for homeless persons 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 September 20, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-423  
(Council Bill 02-840)**

**AN ORDINANCE CONCERNING**

**Sale of Property — A ~~20.4~~ 20.394 Acre Portion  
of Seton Business Park**

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in a certain portion of Seton Business Park located in Baltimore County 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 a certain ~~portion of Seton Business Park located in Baltimore County~~ parcel of land shown on a plat entitled "Plat of Seton Business Park", dated October 13, 2000, recorded among the Land Records of Baltimore County, Maryland, in Plat Book S.M. 73 folio 83, and more particularly described as follows:

Beginning for the same at the point formed by the intersection of the Western Boundary Line of Baltimore City established in 1918, and the southeast side of Patterson Avenue, as now laid out and running thence binding on said Western Boundary Line of Baltimore City, due South 2098 feet, more or less, to intersect the center line of a stream there situate; thence meandering along the center line of said stream; Northwesterly 491 feet, more or less, to intersect the line of the fifth line of the parcel of land conveyed by The Seton Institute, Inc., to Marion Retreat House, Inc., by deed dated April 24, 1957, and recorded among the Land Records of Baltimore County in Liber G.L.B No. 3149 Folio 55, if projected Northeasterly; thence binding reversely on said line so projected, as now surveyed, South 44° 45' 42" West 88 feet, more or less, to the beginning of the last line of the parcel of land described in said deed;

thence binding as part of the last line of the parcel of land described in said deed, as now surveyed, North 45° 46' 25" West 201.24 feet to the southernmost corner of the parcel of land conveyed by Marian Retreat House, Inc., to Baltimore County, Maryland by deed dated November 26, 1977, and recorded among said Land Records in Liber E.H.K., Jr. No. 5834 Folio 949; thence binding on the southeast and northeast outline of the parcel of land described in last said deed, as now surveyed, the two following courses and distance; namely, North 52° 00' 30" East 238.50 feet and North 15° 28' 51" West 334.89 feet; thence binding in part on another northeast outline of the parcel of land described in last said deed, in part on the northeast outline of the parcel of land conveyed by Sisters of Charity of Saint Joseph's to Baltimore County, Maryland by deed dated November 26, 1977, and recorded among said Land Records in Liber E.H.K., Jr. No. 5835 Folio 41 and in all, as now surveyed, North 38° 32' 11" West 461.98 feet to the southeast side of said Patterson Avenue; and thence binding on the southeast side of said Patterson Avenue, North 47° 56' 00" East 1087.21 feet to the place of beginning;

Beginning for the same on the southeastern side of Patterson Avenue, variable width, at the point designated BD1, shown on a plat entitled "Plat of Seton Business Park" dated October 13, 2000, recorded among the Land Records of Baltimore County, Maryland, in Plat Book S.M. 73 folio 83, said point of beginning also being the point of beginning of that parcel of land described in a Deed dated May 26, 1994, between Sisters of Charity of St. Joseph's and Marian Retreat House, Inc., and the Mayor and City Council of Baltimore, recorded among said Land Records of Baltimore County, Maryland in Liber S.M. 10567 folio 728, running thence leaving said point of beginning and leaving said southeastern side of Patterson Avenue, binding on the eastern boundary of said plat and binding on the western boundary line of Baltimore City, shown on said plat, and binding on the first or Due South 2098 foot line of said deed (S.M. 10567/728),

1. South 00 degrees 14 minutes 49 seconds East 2105.20 feet to intersect the centerline of a stream at a point designated OL2 on said plat, running thence leaving said eastern boundary of said plat and leaving said western boundary line of Baltimore City, shown on said plat, binding on the centerline of said stream and binding on the outlines designated PL1 thru PL16 shown on said plat, the sixteen following courses:
2. North 22 degrees 50 minutes 57 seconds West 32.18 feet to the point designated ST18 on said plat,
3. North 61 degrees 35 minutes 53 seconds West 19.23 feet to the point designated ST17 on said plat,
4. North 84 degrees 42 minutes 23 seconds West 23.46 feet to the point designated ST16 on said plat,
5. South 64 degrees 15 minutes 29 seconds West 62.30 feet to the point designated ST15 on said plat,
6. North 65 degrees 06 minutes 54 seconds West 22.29 feet to the point designated ST14 on said plat,
7. North 27 degrees 20 minutes 21 seconds West 19.45 feet to the point designated ST13 on said plat,
8. North 23 degrees 27 minutes 27 seconds West 63.16 feet to the point designated ST12 on said plat,
9. North 39 degrees 13 minutes 55 seconds West 37.16 feet to the point designated ST11 on said plat,
10. North 21 degrees 02 minutes 23 seconds West 31.78 feet to the point designated ST10 on said plat,
11. North 64 degrees 47 minutes 03 seconds West 27.32 feet to the point designated ST9 on said plat,
12. South 48 degrees 07 minutes 41 seconds West 18.49 feet to the point designated ST8 on said plat,
13. North 40 degrees 41 minutes 42 seconds West 21.47 feet to the point designated ST7 on said plat,

14. North 34 degrees 55 minutes 42 seconds West 48.66 feet to the point designated ST6 on said plat,
  15. North 18 degrees 16 minutes, 24 seconds West 48.05 feet to the point designated ST5 on said plat,
  16. North 33 degrees 16 minutes 45 seconds West 25.27 feet to the point designated ST4 on said plat, and
  17. North 58 degrees 19 minutes 00 seconds West 17.02 feet to the point designated BD4 on said plat, running thence leaving said centerline of said stream, binding on the outline designated PL17, shown on said plat; and
  18. South 44 degrees 31 minutes 57 seconds West 97.43 feet to the point designated BD2 on said plat, running thence continuing to bind on the outlines shown on said plat and binding on the 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> lines of said deed (S.M. 10567/728), the four following courses:
  19. North 46 degrees 00 minutes 10 seconds West 201.27 feet to the point designated OL5 on said plat,
  20. North 51 degrees 46 minutes 23 seconds East 289.50 feet to the point designated DP30 on said plat,
  21. North 15 degrees 44 minutes 40 seconds West 334.96 feet to the point designated PF2 on said plat, and
  22. North 38 degrees 46 minutes 32 seconds West 659.93 feet to intersect said southeastern side of Patterson Avenue at the point designated PF3 on said plat, running thence binding on said southeastern side of Patterson Avenue, shown on said plat, and binding on the 8<sup>th</sup> line of said deed (S.M. 10567/728); and
  23. North 47 degrees 41 minutes 12 seconds East 1085.44 feet to the point of beginning,
- containing ~~20.4~~ 20.394 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 September 20, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-424  
(Council Bill 02-853)**

**AN ORDINANCE CONCERNING**

**Sale of Property — 500 North Caroline Street (Block 1280, Lot 002)**

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 500 North Caroline Street (Block 1280, Lot 002) 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 500 North Caroline Street (Block 1280, Lot 002), and more particularly described as follows:

The subject parcel, under the newly created Subdivision Plan for School Site #133 (Block 1280, Lot 002) is the home of Sojourner Douglas College. Sojourner Douglas College currently leases the building on this site and will purchase the land and building from the City. The site is bounded by East Monument Street to the north, Orleans Street to the south, North Caroline Street to the east, and North Central Avenue to the west, containing .798 acres (approximately 34,702 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 September 20, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-425  
(Council Bill 02-689)**

**AN ORDINANCE CONCERNING**

**Perlman Place Historic District**

FOR the purpose of designating the 1900 block of Perlman Place, comprising the properties known as 1901-1979 Perlman Place and 1900-1958 Perlman Place, as the Perlman Place Historic District.

BY adding

Article 6 - Historical and Architectural Preservation  
Section(s) 7-25  
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 7. Preservation Districts****§ 7-25. PERLMAN PLACE HISTORIC DISTRICT.**

THE 1900 BLOCK OF PERLMAN PLACE, COMPRISING THE PROPERTIES KNOWN AS 1901-1979 PERLMAN PLACE AND 1900-1958 PERLMAN PLACE, IS DECLARED TO BE THE PERLMAN PLACE HISTORIC DISTRICT.

**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 1, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-426  
(Council Bill 02-690)**

**AN ORDINANCE CONCERNING**

**Zoning — Conditional Use Nonprofit Home  
for the Care and Custody of Homeless Persons — 2500 Hollins Street**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a nonprofit home for the care and custody of homeless persons on the property known as 2500 Hollins Street, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning  
Section(s) 4-1004(3) 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 nonprofit home for the care and custody of homeless persons on the property known as 2500 Hollins Street, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 4-1004(3) and 14-102 of the Baltimore City Code, subject to the ~~condition that the~~ following conditions:

1. The maximum number of residents is 10, including a resident manager.
2. There may be no more than 2 clients per sleeping room.
3. Sleeping rooms for clients may not be in the basement.
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. Substance abuse treatment is prohibited on this site.
7. The nonprofit home for the care and custody of homeless persons ~~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 1, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-427  
(Council Bill 02-757)**

**AN ORDINANCE CONCERNING**

**Mount Vernon Historical and Architectural Preservation District**

FOR the purpose of enlarging the area designated as the Mt. Vernon Historical and Architectural Preservation District to include 880 Park Avenue; and restating the boundaries of the District.

BY repealing and reordaining, with amendments

Article 6 - Historical and Architectural Preservation  
Section(s) 7-1  
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 7. Preservation Districts**



**§ 7-1. Mount Vernon District.**

The area located within the boundaries set forth in this section is hereby declared to be an Historical and Architectural Preservation District, and may be referred to as "Mount Vernon Historical and Architectural Preservation District":

*[Eastern Boundary]*

Beginning for the same at the point formed by the intersection of the south side of East Centre Street and the west side of Guilford Avenue; thence binding northerly on the west side of Guilford Avenue to intersect the north side of East Monument Street; thence binding westernly on the north side of East Monument Street to intersect the east side of Hunter Street; thence binding northerly on the east side of Hunter Street to intersect the north side of East Madison Street; thence easternly to the eastern outline of the property known as 202 East Madison Street; thence binding on said eastern outline northerly 122'6" more or less to the eastern outline of the property known as 813 North Calvert Street; thence binding northerly on the eastern outline of the properties known as 813 through 831 North Calvert Street; thence crossing East Read Street northerly to the point formed by the intersection of the north side of East Read Street and the east side of Hunter Street; thence binding on the east side of said Hunter Street northerly to intersect the south side of East Eager Street; thence binding on the south side of East Eager Street easternly to intersect the west side of said Guilford Avenue; thence binding northerly on the west side of said Guilford Avenue to intersect the center line of East Mount Royal Avenue;]

*[Northern Boundary]*

thence binding on the center line of said Mount Royal Avenue westernly to intersect the west side of Maryland Avenue; thence binding southernly on the west side of Maryland Avenue to intersect the northern outline of the property known as 26 West Preston Street; thence binding on the northern outline of said property if projected westernly to intersect the west side of Mace Street; thence binding southernly on the west side of Mace Street to intersect the north side of West Preston Street;]

*[Western Boundary]*

thence binding westernly on the north side of West Preston Street to intersect the east side of Cathedral Street; thence leaving said point of intersection and crossing West Preston Street southernly to the point formed by the intersection of the east side of Cathedral Street and the south side of West Preston Street; thence binding on the east side of said Cathedral Street southernly to intersect the south side of West Biddle Street; thence binding easternly on the south side of West Biddle Street to intersect the west side of Maryland Avenue; thence binding southernly and southwesternly on the west side of Maryland Avenue to intersect the north side of said West Chase Street; thence binding westernly on the north side of said West Chase Street to the intersection formed by the north side of West Chase Street and the east side of Park-Biddle; thence leaving said point of intersection and crossing West Chase Street southernly to the intersection formed by the south side of West Chase Street and the east side of Park Avenue; thence binding on the east side of Park Avenue southernly to intersect the south side of Tyson Street; thence leaving said point of intersection and crossing Park Avenue westernly to the intersection formed by the west side of Park Avenue and the north side of Tyson Street; thence binding northerly on the west side of Park Avenue 32'5" more or less to intersect the division line between the properties known as 221 and 223-225 West Chase Street; thence binding on said division line northwesternly to intersect the south side of West Chase Street; thence binding on the south side of West Chase Street southwesternly to intersect the division line between the properties known as 227 and 229 West Chase Street; thence binding on said division line southeasternly to intersect the northwesternmost outline of the property known as 928 Tyson Street;

thence binding on the northwesternmost outlines of the properties known as 914 through 928 Tyson Street if projected southwesterly to intersect the southwest side of Brexton Street; thence binding on the southwest side of Brexton Street southeasterly to intersect the northwesternmost outline of the property known as 912 Tyson Street; thence binding in part on the northwesternmost outlines of 900 through 912 Tyson Street; in part on the northeasternmost extremity of a 5 foot alley laid out 50' northwest of Read Street; in part on the division line between the properties known as 226 and 228 West Read Street to intersect the northeast side of said West Read Street; thence binding northwesterly on the northeast side of West Read Street to intersect the east side of North Howard Street; thence leaving the point of intersection of the east side of North Howard Street and the northeast side of West Read Street crossing West Read Street southerly to the intersection formed by the east side of North Howard Street and the southwest side of West Read Street; thence binding on the east side of North Howard Street southerly to intersect the north side of West Centre Street; thence binding on the north side of West Centre Street easterly to intersect the west side of Park Avenue; the lot of ground on the northeast corner of Howard and Centre Street now occupied by the Greyhound Corporation is excluded and not included in the described area so long as it is used for a terminal and related facilities for the Greyhound Bus Line in substantially the same form as it is now used; when this use is no longer given to the said property by the Greyhound Corporation this exclusion shall no longer be effective;]

*[Southern Boundary*

thence leaving the point of said intersection of the north side of West Centre Street and the west side of Park Avenue crossing said West Centre Street southerly to the intersection formed by the west side of Park Avenue and the south side of West Centre Street; thence binding southerly on the west side of Park Avenue to intersect the south side of West Hamilton Street; thence crossing Park Avenue easterly to the intersection formed by the east side of Park Avenue and the south side of West Hamilton Street; thence binding easterly on said Hamilton Street to intersect the west side of Saint Paul Place; thence leaving the point of said intersection crossing Hamilton Street northeasterly to the intersection formed by the north side of East Hamilton Street and the west side of Saint Paul Place; thence binding on the west side of Saint Paul Place northeasterly to the intersection formed by the south side of East Centre Street and the west side of Saint Paul Place; thence binding easterly on the south side of East Centre Street to intersect the west side of Guilford Avenue, the place of beginning.]

BEGINNING FOR THE SAME AT THE POINT FORMED BY THE INTERSECTION OF THE LINE OF THE CENTERLINE OF HAMILTON STREET AND THE CENTERLINE OF PARK AVENUE, AND RUNNING THENCE BINDING ON THE CENTERLINE OF PARK AVENUE, NORTHERLY 253 FEET, MORE OR LESS, TO THE CENTERLINE OF CENTRE STREET; THENCE BINDING ON THE CENTERLINE OF CENTRE STREET, WESTERLY 437 FEET, MORE OR LESS, TO THE CENTERLINE OF HOWARD STREET; THENCE BINDING ON THE CENTERLINE OF HOWARD STREET, NORTHERLY 1846 FEET, MORE OR LESS, TO THE CENTERLINE OF READ STREET; THENCE BINDING ON THE CENTERLINE OF READ STREET, EASTERLY 188 FEET, MORE OR LESS, TO INTERSECT THE LINE OF THE SOUTHEAST OUTLINE OF THE PROPERTY KNOWN AS NO. 230 W. READ STREET; THENCE BINDING IN PART ON THE LINE OF THE SOUTHEAST OUTLINE OF THE PROPERTY KNOWN AS NO. 230 W. READ STREET, IN PART ON THE SOUTHEAST OUTLINE OF THE PROPERTY KNOWN AS NOS. 245/47 THROUGH 251/53 W. CHASE STREET, AND IN ALL, NORTHEASTERLY 211 FEET, MORE OR LESS, CROSSING BREXTON STREET; THENCE BINDING ON THE NORTHEAST SIDE OF BREXTON STREET, NORTHWESTERLY 33 FEET, MORE OR LESS, TO THE SOUTHEAST OUTLINE OF THE PROPERTY KNOWN AS NO. 241/43 W. CHASE STREET; THENCE BINDING ON THE SOUTHEAST OUTLINE OF THE PROPERTIES KNOWN AS NOS. 241/43 AND 229/39 W. CHASE STREET, NORTHEASTERLY 104 FEET, MORE OR LESS, TO THE SOUTHWEST OUTLINE OF THE PROPERTY KNOWN AS NO. 227 W. CHASE STREET; THENCE BINDING ON THE SOUTHWEST OUTLINE OF THE PROPERTY KNOWN AS NO. 227 W. CHASE STREET, NORTHWESTERLY 78 FEET, MORE OR LESS, TO THE SOUTHEAST SIDE OF CHASE STREET; THENCE BINDING ON THE SOUTHEAST SIDE OF CHASE STREET, NORTHEASTERLY 134 FEET, MORE OR LESS, TO

THE NORTHEAST OUTLINE OF THE PROPERTY KNOWN AS No. 880 PARK AVENUE; THENCE BINDING IN PART ON THE NORTHEAST OUTLINE OF THE PROPERTY KNOWN AS No. 880 PARK AVENUE, IN PART ON THE LINE OF THE NORTHEAST OUTLINE OF THE PROPERTY KNOWN AS No. 880 PARK AVENUE, AND IN ALL, SOUTHEASTERLY 86 FEET, MORE OR LESS, TO THE CENTERLINE OF PARK AVENUE; THENCE BINDING ON THE CENTERLINE OF PARK AVENUE, NORTHERLY 91 FEET, MORE OR LESS, TO THE CENTERLINE OF CHASE STREET; THENCE BINDING ON THE CENTERLINE OF CHASE STREET, EASTERLY 391 FEET, MORE OR LESS, TO THE CENTERLINE OF MARYLAND AVENUE; THENCE BINDING ON THE CENTERLINE OF MARYLAND AVENUE, NORTHERLY 349 FEET, MORE OR LESS, TO THE CENTERLINE OF BIDDLE STREET; THENCE BINDING ON THE CENTERLINE OF BIDDLE STREET, WESTERLY 288 FEET, MORE OR LESS, TO THE CENTERLINE OF CATHEDRAL STREET; THENCE BINDING ON THE CENTERLINE OF CATHEDRAL STREET, NORTHERLY 389 FEET, MORE OR LESS, TO THE CENTERLINE OF PRESTON STREET; THENCE BINDING ON THE CENTERLINE OF PRESTON STREET, EASTERLY 147 FEET, MORE OR LESS, TO THE CENTERLINE OF MACE STREET; THENCE BINDING ON THE CENTERLINE OF MACE STREET, NORTHERLY 183 FEET, MORE OR LESS, TO THE LINE OF THE SOUTH OUTLINE OF THE PROPERTY KNOWN AS No. 101/11 W. MOUNT ROYAL AVENUE; THENCE BINDING IN PART ON THE LINE OF THE SOUTH OUTLINE OF THE PROPERTY KNOWN AS No. 101/11 W. MOUNT ROYAL AVENUE, IN PART ON THE SOUTH OUTLINE OF THE PROPERTY KNOWN AS No. 101/11 W. MOUNT ROYAL AVENUE, AND IN ALL, EASTERLY 190 FEET, MORE OR LESS, TO THE CENTERLINE OF MARYLAND AVENUE; THENCE BINDING ON THE CENTERLINE OF MARYLAND AVENUE, NORTHERLY 174 FEET, MORE OR LESS, TO THE CENTERLINE OF MOUNT ROYAL AVENUE; THENCE BINDING ON THE CENTERLINE OF MOUNT ROYAL AVENUE, EASTERLY 1569 FEET, MORE OR LESS, TO THE CENTERLINE OF GUILFORD AVENUE; THENCE BINDING ON THE CENTERLINE OF GUILFORD AVENUE, SOUTHERLY 1527 FEET, MORE OR LESS, TO THE CENTERLINE OF EAGER STREET; THENCE BINDING ON THE CENTERLINE OF EAGER STREET, WESTERLY 197 FEET, MORE OR LESS, TO THE CENTERLINE OF HUNTER STREET; THENCE BINDING ON THE CENTERLINE OF HUNTER STREET, SOUTHERLY 529 FEET, MORE OR LESS, CROSSING READ STREET TO THE WEST OUTLINE OF THE PROPERTY KNOWN AS No. 830 GUILFORD AVENUE; THENCE BINDING ON THE WEST OUTLINE OF THE PROPERTIES KNOWN AS NOS. 830 THROUGH 810 GUILFORD AVENUE, SOUTHERLY 337 FEET, MORE OR LESS, TO THE NORTH SIDE OF MADISON STREET; THENCE CROSSING MADISON STREET AND BINDING ON THE CENTERLINE OF HUNTER STREET, AND IN ALL, SOUTHERLY 419 FEET, MORE OR LESS, TO THE CENTERLINE OF MONUMENT STREET; THENCE BINDING ON THE CENTERLINE OF MONUMENT STREET, EASTERLY 197 FEET, MORE OR LESS, TO THE CENTERLINE OF GUILFORD AVENUE; THENCE BINDING ON THE CENTERLINE OF GUILFORD AVENUE, SOUTHERLY 431 FEET, MORE OR LESS, TO THE CENTERLINE OF CENTRE STREET; THENCE BINDING ON THE CENTERLINE OF CENTRE STREET, WESTERLY 742 FEET, MORE OR LESS, TO THE LINE OF THE WEST SIDE OF ST. PAUL PLACE; THENCE BINDING IN PART ON THE LINE OF THE WEST SIDE OF ST. PAUL PLACE, IN PART ON THE WEST SIDE OF ST. PAUL PLACE, AND IN ALL, SOUTHWESTERLY 272 FEET, MORE OR LESS, TO THE CENTERLINE OF HAMILTON STREET, AND THENCE BINDING ON THE CENTERLINE OF HAMILTON STREET, WESTERLY 1124 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING.

**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 1, 2002

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE  
ORDINANCE 02-428  
(Council Bill 02-758)**

**AN ORDINANCE CONCERNING**

**Sale of Property — 117 East Lafayette 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 117 East Lafayette Avenue 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 117 East Lafayette Avenue, and more particularly described as follows:

The property is situated in Ward 12, Section 9, Block 409, Lot 1, is zoned O-R-3 and designated as Public Parking in the Greenmount West Urban Renewal Plan, and is a lot with a 320' frontage on the west side of the 1700 block of North Calvert Street,

containing .90 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 October 1, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-429  
(Council Bill 02-779)**

**AN ORDINANCE CONCERNING**

**Baltimore City Landmark List — New Life Missionary Baptist Church**

FOR the purpose of designating New Life Missionary Baptist Church, 1801 North Bond Street, as a historical landmark.

BY adding

Article 6 - Historical and Architectural Preservation  
Section(s) 12-6  
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 6. Historical and Architectural Preservation**

**Subtitle 12. Landmark List – 2000s**

**§ 12-6. New Life Missionary Baptist Church.**

NEW LIFE MISSIONARY BAPTIST CHURCH, 1801 NORTH BOND 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 October 1, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-430  
(Council Bill 02-808)**

**AN ORDINANCE CONCERNING**

**Sale of Property — Vacant Properties**

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 City-owned vacant properties that are 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 any one or more of the following properties, these properties being no longer needed for public use:

512 E. 20<sup>th</sup> Street  
514 E. 20<sup>th</sup> Street  
515 E. 20<sup>th</sup> Street  
516 E. 20<sup>th</sup> Street  
522 E. 20<sup>th</sup> Street

310 E. 20½ Street

338 E. 25<sup>th</sup> Street

1729 E. 31<sup>st</sup> Street

~~5213 Alhambra Avenue~~  
~~5217 Alhambra Avenue~~

2223 Brookfield Avenue

327 N. Calhoun Street  
707 N. Calhoun Street  
1028 N. Calhoun Street

2104 Division Street  
2135 Division Street  
2137 Division Street  
2141 Division Street

2107 Druid Hill Avenue  
2205 Druid Hill Avenue  
2355 Druid Hill Avenue  
2493 Druid Hill Avenue  
2495 Druid Hill Avenue

2320 Eutaw Place  
2347 Eutaw Place

2445 Francis Street  
2505 Francis Street  
2510 Francis Street  
2516 Francis Street  
2527 Francis Street

307 N. Gilmore Street

1624 Gorsuch Avenue

1901 Hollins Street  
1917 Hollins Street  
1919 Hollins Street  
1933 Hollins Street  
2011 Hollins Street

2013 Hollins Street  
2031 Hollins Street  
2035 Hollins Street

2005 Jefferson Street  
2020 Jefferson Street  
2135 Jefferson Street  
2217 Jefferson Street  
2219 Jefferson Street

304 E. Lanvale Street  
306 E. Lanvale Street

2028 Linden Avenue

2413 McElderry Street

520 McMechen Street

203 E. North Avenue  
207 E. North Avenue  
209 E. North Avenue  
922 E. North Avenue

214 N. Patterson Park Avenue  
503 N. Patterson Park Avenue  
1020 N. Patterson Park Avenue  
1121 N. Patterson Park Avenue  
1725 N. Patterson Park Avenue  
1739 N. Patterson Park Avenue  
1916 N. Patterson Park Avenue  
1927 N. Patterson Park Avenue  
1963 N. Patterson Park Avenue

541 Robert Street

4412 Saint Georges Avenue

302 N. Stricker Street

**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 October 1, 2002

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE  
ORDINANCE 02-431  
(Council Bill 02-809)**

**AN ORDINANCE CONCERNING**

**Planned Unit Development — Amendment —  
Port Covington**

FOR the purpose of approving certain amendments to the Development Plan of the Port Covington Planned Unit Development to approve certain additional uses.

BY authority of

Article - Zoning  
Title 9, Subtitles 1 and 5  
Baltimore City Revised Code  
(Edition 2000)

**Recitals**

By Ordinance 90-425, as last amended by Ordinance 00-057, 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.

Starwood Cerruzzi, LLC (“Starwood”), current owner of the property, wishes to amend the Development Plan, as previously approved by the Mayor and City Council, to expand the allowed uses.

On April 8, 2002, 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 now 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 Sheet 1, “Fueling Concept”, dated May 13, 2002, Sheet 2, “Fueling Concept”, dated May 13, 2002, ~~and~~ Sheet 3, “Fueling Concept”, dated May 13, 2002, and Sheet 4, “Matching Club Elevation by Others”, dated May 3, 2002.

**SECTION 2. AND BE IT FURTHER ORDAINED,** Section 3(d) of Ordinance 00-057 is amended to insert, after “dry cleaning and laundry establishments”, the following:

GASOLINE OR SERVICE STATION (ONE) AS AN ACCESSORY USE TO A PRINCIPAL PERMITTED USE OR  
APPROVED CONDITIONAL USE UNDER THE EXISTING PLANNED UNIT DEVELOPMENT



**SECTION 3. AND BE IT FURTHER ORDAINED,** That all plans for the construction of permanent improvements on the property are subject to final design approval by the Planning Commission to insure that the plans are consistent with the Development Plan and this Ordinance.

**SECTION 4. 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 5. 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 6. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved October 1, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-432  
(Council Bill 02-824)**

**AN ORDINANCE CONCERNING**

**Urban Renewal — Inner Harbor East —  
Amendment 10 (Corrective)**

FOR the purpose of amending the Urban Renewal Plan for Inner Harbor East to correct an error in setting the number of certain hotel rooms authorized and residential units required; 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 Inner Harbor East was originally approved by the Mayor and City Council of Baltimore by Ordinance 71-1188 and last amended by Ordinance 02-334.

As initially introduced, Ordinance 02-334 (Bill 01-631), would have set for Development Areas Q, Q2, Q4, and Q5, a minimum of 450 residential units and a maximum of 420 hotel rooms. After its introduction, the Planning Commission recommended and the Urban and Intergovernmental Affairs Committee proposed an amendment to increase the number of hotel rooms to 520. Through an error of communication, however, the amendment adopted by the Committee and the Council raised the number of residential units to 520 and made no change to the number of hotel rooms.

An amendment to the Urban Renewal Plan for Inner Harbor East is thus necessary to conform the Plan to the intent of the Mayor and City Council in its enactment of Ordinance ~~02-234~~ 02-334.

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That Section G.14.a(i) of the Urban Renewal Plan for Inner Harbor East is amended to read as follows:

a. (i) Development Areas Q, Q2, Q4, and Q5:

It is the objective of this Plan that within these Development Areas, the following development program shall be outlined.

Primary Office: No more than 750,000 square feet in three buildings, except that additional first floor scattered site office will be permitted when integrated into street level retail areas.

Residential: A minimum of [520] 450 residential units.

Retail: A minimum of 80,000 square feet.

Hotel: No more than [420] 520 rooms.

The size and configuration of these Development Areas shall generally be as illustrated on Exhibit B.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That the Urban Renewal Plan for Inner Harbor East, as amended by this Ordinance, is approved. The Department of Planning shall file a copy of the amended Urban Renewal Plan with the Department of Legislative Reference as a permanent public record, available for public inspection and information.

**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 October 1, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-433  
(Council Bill 02-843)**

**AN ORDINANCE CONCERNING**

**Retail Business Districts — Mount Washington**

FOR the purpose of establishing, within certain boundaries, the Mount Washington Retail Business District; providing for the calculation of fees for a District license; and generally relating to the establishment and operation of the Mount Washington Retail Business District.

BY adding

Article 14 - Special Benefits Districts  
Section(s) 11-30  
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 14. Special Benefits Districts**

**Subtitle 11. Retail Business Districts**

**§ 11-30. MOUNT WASHINGTON BUSINESS DISTRICT.**

(A) *DISTRICT ESTABLISHED.*

THE AREA WITHIN THE FOLLOWING BOUNDARIES IS DECLARED TO BE A RETAIL BUSINESS DISTRICT, TO BE KNOWN AS THE "MOUNT WASHINGTON BUSINESS DISTRICT":

BEGINNING FOR THE SAME AT A POINT FORMED BY THE INTERSECTION OF THE EASTERN RIGHT-OF-WAY OF THE MTA LIGHT RAIL AND AN EXTENDED LINE OF THE NORTHERN RIGHT-OF-WAY LINE OF SMITH AVENUE; THENCE RUNNING IN A WESTERLY DIRECTION, CROSSING THE MTA LIGHT RAIL ALONG SAID EXTENDED LINE AND BINDING ON SAID LINE AND THE NORTHERN RIGHT-OF-WAY LINE OF SMITH AVENUE TO A POINT OF INTERSECTION WITH AN EXTENDED LINE OF THE WESTERN RIGHT-OF-WAY LINE OF GREELY ROAD; THENCE RUNNING IN A SOUTHERLY DIRECTION CROSSING SMITH AVENUE ALONG SAID EXTENDED LINE AND BINDING ON SAID LINE AND THE WESTERN RIGHT-OF-WAY LINE OF GREELY ROAD TO A POINT OF INTERSECTION WITH THE NORTHERN RIGHT-OF-WAY LINE OF KELLY AVENUE; THENCE RUNNING IN A SOUTHEASTERLY DIRECTION CROSSING KELLY AVENUE IN A STRAIGHT LINE AND BINDING ON THAT LINE, TO A POINT FORMED BY THE

INTERSECTION OF THE WESTERN RIGHT-OF-WAY LINE OF KELLY AVENUE AND THE SOUTHERN RIGHT-OF-WAY LINE OF SULGRAVE AVENUE; THENCE RUNNING EASTERLY ALONG THE SOUTHERN RIGHT-OF-WAY LINE OF KELLY AVENUE AND BINDING ON THAT LINE TO A POINT OF INTERSECTION WITH THE EASTERN PROPERTY LINE OF LOT 1, WARD 27, SECTION 17, BLOCK 4700-A; THENCE RUNNING IN AN EASTERLY DIRECTION IN A STRAIGHT LINE AND BINDING ON THAT LINE, ACROSS SOUTH ROAD TO A POINT FORMED BY THE INTERSECTION OF THE SOUTHERN RIGHT-OF-WAY LINE OF SOUTH ROAD WITH THE WESTERN PROPERTY LINE OF LOT 9, WARD 27, SECTION 17, BLOCK 4706-E; THENCE RUNNING IN AN EASTERLY DIRECTION ALONG THE SOUTH SIDE OF KELLY AVENUE TO INTERSECT WITH THE EASTERN RIGHT-OF-WAY LINE OF THE MTA LIGHT RAIL RIGHT OF WAY; THENCE RUNNING NORTHERLY AND BINDING ON THE EASTERN RIGHT-OF-WAY LINE OF THE MTA LIGHT RAIL TO INTERSECT AN EXTENDED STRAIGHT LINE OF THE NORTHERN BOUNDARY OF LOT 1, WARD 27, SECTION 17, BLOCK 4656-B; THENCE RUNNING WESTERLY ALONG SAID EXTENDED STRAIGHT LINE TO THE POINT OF BEGINNING.

(B) *CALCULATION OF FEE.*

- (1) THE FEE FOR THE MOUNT WASHINGTON BUSINESS DISTRICT LICENSE SHALL BE BASED ON THE TOTAL NUMBER OF SQUARE FEET FOR EACH BUSINESS ESTABLISHMENT OCCUPIED FOR RETAIL, SERVICE, RENTAL, OR PROFESSIONAL SERVICES RENDERED BY THAT ESTABLISHMENT, WHETHER THE PREMISES ARE OWNED, LEASED, OR OTHERWISE HELD BY THAT ESTABLISHMENT.
- (2) PARKING LOTS AND WAREHOUSES ARE EXEMPT FROM THE PAYMENT OF ANY FEE. HOWEVER, STORAGE SPACE INCIDENTAL TO A BUSINESS ESTABLISHMENT'S PRIMARY BUSINESS IS NOT EXEMPT FOR PURPOSES OF CALCULATING AND PAYING THE LICENSE FEE.
- (3) THE MOUNT WASHINGTON BUSINESS DISTRICT FEE SHALL BE CALCULATED BY:
  - (I) DETERMINING THE NUMBER OF SQUARE FEET OF LICENSABLE SPACE FOR EACH BUSINESS ESTABLISHMENT, AS SPECIFIED IN PARAGRAPHS (1) AND (2) OF THIS SUBSECTION; AND
  - (II) ASSESSING THAT ESTABLISHMENT AS FOLLOWS:
    - (A) FOR EACH ESTABLISHMENT WITH LESS THAN 800 SQUARE FEET, THE FEE IS \$200;  
AND
    - (B) FOR EACH ESTABLISHMENT WITH 800 OR MORE SQUARE FEET, THE FEE IS \$400.

(C) *VOTING.*

VOTING ON THE ANNUAL BUDGET SHALL BE BY A MAJORITY OF THE LICENSEES VOTING, IN PERSON OR BY WRITTEN PROXY, AT A MEETING CALLED BY THE MOUNT WASHINGTON MERCHANTS ASSOCIATION FOR THAT PURPOSE. EACH LICENSEE IS ENTITLED TO 1 VOTE PER LICENSED ESTABLISHMENT.

**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 1, 2002

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE  
ORDINANCE 02-434  
(Council Bill 02-765)**

**AN ORDINANCE CONCERNING**

**Sale of Properties — 100, 102, 104, 106, and 108 North Bruce Street;  
1700, 1700 ½, 1702, 1704, 1706, 1708, 1710, 1712, and  
1714 West Fayette Street; and 104, 108, and 110 North Mount Street**

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 properties that are located at 100, 102, 104, 106, and 108 North Bruce Street; 1700, 1700 ½, 1702, 1704, 1706, 1708, 1710, 1712, and 1714 West Fayette Street; and 104, 108, and 110 North Mount Street and are 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 properties located at 100, 102, 104, 106, and 108 North Bruce Street; 1700, 1700 ½, 1702, 1704, 1706, 1708, 1710, 1712, and 1714 West Fayette Street; and 104, 108, and 110 North Mount Street, these properties 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 October 22, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-435  
(Council Bill 02-781)**

**AN ORDINANCE CONCERNING**

**Zoning — Conditional Use Convalescent, Nursing, and  
Rest Home (Assisted Living) — 801 Beaumont 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 801 Beaumont Avenue, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning  
Section(s) 4-204(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 a convalescent, nursing, and rest home (assisted living) on the property known as 801 Beaumont Avenue, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 4-204(2) and 14-102 of the Baltimore City Code, subject to the ~~condition that the~~ following conditions:

1. The maximum number of residents is 7, including a resident manager.
2. There may be no more than 2 clients per sleeping room.
3. Sleeping rooms for clients may not be in the basement.
4. The minimum age for resident-clients is 50 years.
5. 24-hour supervision must be provided.
6. There may be no exterior sign on the facility other than a nameplate no larger than 6 inches wide by 6 inches high.
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 22, 2002

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE  
ORDINANCE 02-436  
(Council Bill 02-699)**

**AN ORDINANCE CONCERNING**

**Sale of Property — 3 Parcels of Land Located in the  
200 Block of St. Paul Place**

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in and to certain parcels of land no longer needed for highway or other public use and known as Parcels “B”, “C”, and “D”, as shown on a plat entitled “Final Subdivision Plat - No. 210 St. Paul Place”; 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 and to certain parcels of land no longer needed for highway or other public use and known as Parcels “B”, “C”, and “D”, as shown on a plat entitled “Final Subdivision Plat - No. 210 St. Paul Place”, dated June 6, 2001, located in Baltimore City, and more particularly described as follows:

Beginning for Parcel “B” at the point formed by the intersection of the west side of St. Paul Place, varying in width, and the north side of the former bed of a 10-foot alley, laid out 110 feet south of Saratoga Street, 49.5 feet wide, known as Porter Alley, as condemned and closed, and running thence binding on the west side of St. Paul Place, South 02° 53’ 34” East 6.27 feet; thence by straight lines through the property now or formerly owned by the Mayor and City Council of Baltimore, the eight following courses and distances; namely, South 87° 11’ 25” West 13.77 feet, South 02° 48’ 35” East 3.60 feet, South 87° 11’ 25” West 21.00 feet, South 02° 48’ 35” East 6.50 feet, South 87° 11’ 25” West 90.64 feet, North 02° 29’ 04” West 7.08 feet, North 87° 30’ 56” East 33.40 feet and North 02° 29’ 04” West 10.00 feet to intersect the north side of the former bed of said 10-foot alley, and thence binding on the north side of the former bed of said 10-foot alley, North 87° 30’ 56” East 91.90 feet to the place of beginning.

Containing 1,487.03 square feet of land.

Beginning for Parcel “C” at the point formed by the intersection of the east side of Lovegrove Street, 25 feet wide, and the north side of the former bed of a 10-foot alley, laid out 110 feet south of Saratoga Street, 49.5 feet wide, known as Porter Alley, as condemned and closed, and running thence binding on the north side of the former bed of said 10-foot alley, North 87° 30’ 56” East 45.84 feet; thence by a straight line through the former bed of said 10-foot alley, South 02° 29’ 04” East 10.00 feet to intersect the south side of the former bed of said 10-foot alley; thence binding on the south side of the former bed of said 10-foot alley, South 87° 30’ 56” West 45.84 feet to intersect the east side of said Lovegrove Street, and thence binding on the east side of said Lovegrove Street, North 02° 29’ 04” West 10.00 feet to the place of beginning.

Containing 458.40 square feet of land.

Beginning for Parcel "D" at a point on the west side of Lovegrove Street, 25 feet wide, said point of beginning being distant South 03° 25' 04" East 120 feet, more or less, measured along the west side of said Lovegrove Street from the south side of Saratoga Street, 49.5 feet wide, and running thence binding in part reversely on the line of the south side of the former bed of a 10-foot alley, laid out 110 feet south of said Saratoga Street, known as Porter Alley, as condemned and closed, if projected westerly, in part on the south side of the former bed of said 10-foot alley, and in all, North 87° 30' 56" East 37.15 feet; thence by straight lines through the property now or formerly owned by the Mayor and City Council of Baltimore, the four following courses and distances; namely, South 02° 29' 04" East 7.08 feet, South 42° 11' 25" West 38.70 feet, South 02° 48' 35" East 41.49 feet and South 87° 11' 25" West 8.94 feet to intersect the west side of the former bed of said Lovegrove Street, and thence binding on the west side of the former bed of said Lovegrove Street, North 03° 25' 04" West 76.14 feet to the place of beginning.

Containing 1,282.00 square feet of land.

All courses and distances in the above descriptions are referred to the true meridian as adopted by the Baltimore Survey Control System.

Subject to a full width Perpetual Easement for all Municipal Utilities and Services, not to be abandoned, over the entire hereinabove described parcels of land.

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 October 23, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-437  
(Council Bill 02-807)**

**AN ORDINANCE CONCERNING**

**Metered Parking — Exceptions**

FOR the purpose of repealing an exception to the metered parking requirements; correcting, clarifying, and conforming certain language; ~~and~~ generally relating to the application and enforcement of metered parking requirements; and providing for a special effective date.

BY repealing and reordaining, with amendments

Article 31 - Transit and Traffic  
Section(s) 7-22 and 8-1  
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 31. Transit and Traffic**

**Subtitle 7. Metered Parking**

**§ 7-22. Exception for [Sundays,] holidays.**

[The provisions of this] THIS subtitle [shall] DOES not apply [or] AND MAY NOT be enforced on:

[(1) Sundays;]

(1) [(2)] New Year's Day, January 1;

(2) [(3)] Independence Day, July 4;

(3) [(4)] Labor Day, the 1<sup>st</sup> Monday in September;

(4) [(5)] Thanksgiving Day, the fourth Thursday in November; [or] AND

(5) [(6)] Christmas Day, December 25.

**Subtitle 8. Exceptions to Parking Regulations**

**§ 8-1. Sundays and holidays.**

(a) *Director may adopt exceptions.*

(1) [Whenever in] IF A PROVISION OF this article [there is no exception as to] GOVERNING the stopping, standing, or parking of vehicles [on] DOES NOT CONTAIN AN EXCEPTION FOR Saturdays, Sundays, or legal holidays, [or any one of such days, in any ordinance or section covering the stopping, standing, or parking of vehicles,] the Director of Public Works [is authorized and empowered, in his discretion, to make] MAY ESTABLISH an exception TO THAT PROVISION for [any such day which is not specifically mentioned in the particular section concerned] SATURDAYS, SUNDAYS, OR LEGAL HOLIDAYS.

(2) [The] AN exception ESTABLISHED UNDER THIS SECTION [shall be legal and fully applicable] BECOMES EFFECTIVE when [the proper signs giving] notice [thereof are] OF THE EXCEPTION IS posted on the [particular] street concerned.

(b) *Holidays.*

Citations for stopping, standing, or parking [shall] MAY not be issued on any city, state, or federal holiday [when] IF the traffic control signs in the area state that parking restrictions do not apply on holidays.

**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 23, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-438  
(Council Bill 02-841)**

**AN ORDINANCE CONCERNING**

**Food Facilities — Dated Food Products**

FOR the purpose of requiring certain notices to accompany the sale of food products after certain dates; prohibiting the alteration, removal, covering, disguising, or obscuring of certain dates; defining certain terms; and generally relating to the regulation of dated food products.

BY adding

Article - Health  
Section(s) 6-505.1  
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**

**§ 6-505.1. DATED FOOD PRODUCTS.**

(A) *DEFINITIONS.*

(1) *IN GENERAL.*

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

(2) *DATED FOOD.*

“DATED FOOD” MEANS ANY FOOD THAT CONTAINS AN EXPIRATION DATE ON ITS LABEL OR PACKAGING.

(3) *EXPIRATION DATE.*

“EXPIRATION DATE” MEANS:

- (I) ANY DATE DESIGNATED AS AN “EXPIRES ON” DATE, “SELL BY” DATE, “PULL BY” DATE, “USE BY” DATE, OR “BEST IF USED BY” DATE; OR

- (II) ANY SIMILAR TIME GUIDE FOR THE SALE OR USE OF A FOOD PRODUCT BY FOOD SERVICE FACILITIES OR CONSUMERS.

(B) *NOTICE AFTER EXPIRATION DATE.*

- (1) NO FOOD SERVICE FACILITY MAY SELL OR OFFER FOR SALE ANY DATED FOOD AFTER ITS EXPIRATION DATE UNLESS THAT FOOD IS:
  - (I) SEGREGATED FROM ITS NON-EXPIRED FOOD COUNTERPART; AND
  - (II) ACCOMPANIED BY A CONSPICUOUS NOTICE THAT STATES: "THIS FOOD IS BEING SOLD PAST ITS EXPIRATION DATE".
- (2) THE NOTICE REQUIRED BY THIS SUBSECTION MUST BE:
  - (I) ON A SIGN AT LEAST 11" BY 14"; AND
  - (II) PRINTED IN LETTERS AT LEAST 1" HIGH.

(C) *PERISHABLE, ETC., FOODS.*

NOTHING IN THIS SECTION AUTHORIZES:

- (1) THE SALE OF ANY PERISHABLE FOOD, SUCH AS MILK, CHEESE, MEAT, EGGS, AND BABY FOOD, PAST ITS EXPIRATION DATE; OR
- (2) THE SALE OR POSSESSION OF ANY ADULTERATED OR UNWHOLESOME FOOD.

(D) *ALTERING, ETC., EXPIRATION DATE.*

NO FOOD SERVICE FACILITY MAY ALTER, REMOVE, COVER, DISGUISE, OR OTHERWISE OBSCURE THE EXPIRATION DATE OF ANY DATED FOOD.

**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 23, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-439  
(Council Bill 02-842)**

**AN ORDINANCE CONCERNING**

**Food Facilities — Notice of Closings**

FOR the purpose of requiring certain public notices of food facilities and establishments that have had their licenses suspended or revoked or that have been closed for health code violations; and generally relating to the licensing and regulation of food facilities and establishments.

BY repealing and reordaining, with amendments

Article - Health  
Section(s) 6-606  
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**

**§ 6-606. [Posting notice] NOTICE of suspensions.**

(A) *POSTING OF PREMISES.*

- (1) [The Commissioner may require a] A food facility or other establishment that has had its license suspended for longer than 24 hours [to] MUST post a public notice [on the facility or establishment] THROUGHOUT THE SUSPENSION PERIOD stating the reason for the suspension.
- (2) THE NOTICE MUST BE IN THE FORM AND TENOR THAT THE COMMISSIONER SPECIFIES.

(B) *PUBLISHED LISTINGS.*

- (1) AT LEAST MONTHLY, THE COMMISSIONER MUST PUBLISH A LIST OF FOOD FACILITIES AND OTHER ESTABLISHMENTS THAT, DURING THE PRECEDING CALENDAR MONTH, HAVE HAD THEIR LICENSES SUSPENDED OR REVOKED OR THAT HAVE BEEN CLOSED FOR HEALTH CODE VIOLATIONS.
- (2) THE LISTING MUST SPECIFY:
  - (I) THE NAME (INCLUDING TRADE NAME) AND ADDRESS OF THE ESTABLISHMENT;
  - (II) THE EFFECTIVE DATE AND TERM OF THE REVOCATION, SUSPENSION, OR CLOSING; AND
  - (III) THE REASONS FOR THE REVOCATION, SUSPENSION, OR CLOSING.
- (3) THE LISTING MUST BE PUBLISHED BY:
  - (I) POSTING ON THE DEPARTMENT'S WEBSITE; AND

(II) DISTRIBUTION TO THE NEIGHBORHOOD ASSOCIATION(S) ON RECORD WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR THE AREA(S) SERVED BY THE ESTABLISHMENT; ~~AND,~~

~~(III) DISTRIBUTION TO NEWS MEDIA IN THE CITY.~~

**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 23, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-440  
(Council Bill 02-826)**

**AN ORDINANCE CONCERNING**

**Zoning — Conditional Use Convalescent, Nursing, and  
Rest Home (Assisted Living) — 6007 Sefton 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 6007 Sefton Avenue, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning  
Section(s) 4-604 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 6007 Sefton Avenue, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 4-604 and 14-102 of the Baltimore City Code, subject to the ~~condition that the~~ following conditions:

1. The maximum number of residents is 8.
2. There may be no more than 2 clients per sleeping room.
3. Sleeping rooms for clients may not be in the basement.
4. The minimum age for resident-clients is 50 years.

5. 24-hour supervision must be provided.
6. There may be no exterior sign on the facility other than a nameplate no larger than 6 inches wide by 6 inches high.
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 25, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-441  
(Council Bill 02-892)**

**AN ORDINANCE CONCERNING**

**City Streets — Opening —  
Certain Streets and Alleys in Waverly Business Area**

FOR the purpose of condemning and opening certain streets and alleys bounded by Montpelier Street, Old York Road, 33rd Street, and Frisby Street and lying within the Waverly Business Area, as shown on Plat 341-A-4A filed 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 Waverly Business Area and more particularly described as follows:

Sheet 1 of 1 comprising certain streets and alleys bounded by Montpelier Street, Old York Road, 33rd Street, and Frisby Street, these streets and alleys being numbered 1 through 8 on that sheet, and described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the east side of Old York Road, varying in width and the northeast side of Gorsuch Avenue, 58.3 feet wide, and running thence binding on the north side of said Gorsuch Avenue, Southeasterly 256.9 feet, more or less, to the northeast side of Gorsuch Avenue, 60 feet wide; thence binding on the northeast side of last said Gorsuch Avenue, Southeasterly 330 feet, more or less, to intersect the west side of Frisby Street, 50 feet wide; thence binding on the west side of said Frisby Street, Southwesterly 60.0 feet to the southwest side of last said Gorsuch Avenue; thence binding on the southwest side of last said Gorsuch Avenue, Northwesterly 327.0 feet, more or less, to the point formed by the intersection of the southeast side of Tinges Lane, 34.5 feet wide and the southwest side of last said Gorsuch Avenue; thence by a straight line, Northwesterly 35.3 feet, more or less, to the point formed by the intersection of the northwest side of said Tinges Lane and the southwest side of said Gorsuch Avenue, 58.3 feet wide; thence binding on the southwest side of said Gorsuch Avenue, 58.3 feet wide, Northwesterly 194.8 feet, more or less, to intersect the east side of said Old York Road, and thence binding on the east side of said Old York Road, Northerly 64.2 feet, more or less, to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the southwest side of Homestead Street, 50 feet wide and the south east side of Tinges Lane, 34.5 feet wide, and running thence binding on the south east side of said Tinges Lane, Southwesterly 169.2 feet, more or less, to intersect the east side of Old York Road, as widened on the east side thereof to a varying width; thence binding on the east side of said Old York Road, Northerly 67.0 feet, more or less, to intersect the northwest side of said Tinges Lane; thence binding on the northwest side of said Tinges Lane, Northeasterly 93.8 feet, more or less, to the point formed by the intersection of the northwest side of said Tinges Lane and the southwest side of 32nd Street, 66 feet wide, and thence by a straight line, Southeasterly 38.1 feet, more or less, to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the northwest side of Tinges Lane, 34.5 feet wide and the southwest side of Gorsuch Avenue, 58.3 feet wide, and running thence by a straight line, Southeasterly 35.3 feet, more or less, to the point formed by the intersection of the southwest side of Gorsuch Avenue, 60 feet wide and the southeast side of said Tinges Lane; thence binding on the southeast side of said Tinges Lane, Southwesterly 204.0 feet, more or less, to intersect the northeast side of Homestead Street, 50 feet wide; thence by a straight line, Northwesterly 34.5 feet to the point formed by the intersection of the northwest side of said Tinges Lane and the northeast side of 32nd Street, 66 feet wide, and thence binding on the northwest side of said Tinges Lane, Northeasterly 197.6 feet, more or less, to the place of beginning.

Beginning for Parcel No. 4 at the point formed by the intersection of the south side of 33rd Street, 120 feet wide and the northeast side of Belle Terre Avenue, 20 feet wide, and running thence binding on the northeast side of said Belle Terre Avenue, Southeasterly 166.0 feet, more or less, to intersect the east side of Frisby Street, 50 feet wide; thence binding on the east side of said Frisby Street, Southerly 28.0 feet, more or less, to intersect the southwest side of said Belle Terre Avenue; thence binding on the southwest side of said Belle Terre Avenue, Northwesterly 213.0 feet, more or less, to intersect the south side of said 33rd Street, and thence binding on the south side of said 33rd Street, Due East 34.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 5 at the point formed by the intersection of the south side of 33rd Street, 120 feet wide and the northwest side of Tinges Lane, 20 feet wide, and running thence binding on the south side of said 33rd Street, Due East 25.9 feet, more or less, to intersect the southeast side of said Tinges Lane; thence binding on the southeast side of said Tinges Lane, Southwesterly 243.0 feet, more or less, to

intersect the northeast side of Gorsuch Avenue, 58.3 feet wide; thence binding on the northeast side of said Gorsuch Avenue, Northwesterly 20.5 feet, more or less, to intersect the northwest side of said Tinges Lane, and thence binding on the northwest side of said Tinges Lane, Northeasterly 229.2 feet, more or less, to the place of beginning.

Beginning for Parcel No. 6 at the point formed by the intersection of the southeast side of Tinges Lane, 20 feet wide and the northeast side of a 10 foot alley laid out in the rear of the properties known as Nos. 632 through 640 Gorsuch Avenue, said point of beginning being distant southwesterly 88.0 feet, more or less, measured along the southeast side of said Tinges Lane from the south side of 33rd Street, 120 feet wide and running thence binding on the northeast side of said 10 foot alley, Southeasterly 107.5 feet, more or less, to the southeasternmost extremity of said alley; thence binding on the southeasternmost extremity of said alley, Southwesterly 10.0 feet to the southwest side of said alley; thence binding on the southwest side of said alley, Northwesterly 111.0 feet, more or less, to intersect the southeast side of said Tinges Lane, and thence binding on the southeast side of said Tinges Lane, Northeasterly 10.0 feet to the place of beginning.

Beginning for Parcel No. 7 at the point formed by the intersection of the southwest side of Belle Terre Avenue, 20 feet wide and the northwest side of a 10 foot alley laid out in the rear of the properties known as Nos. 3211 through 3215 Tinges Lane, said point of beginning being distant southeasterly 9 feet, more or less, measured along the southwest side of said Belle Terre Avenue from the south side of 33rd Street, 120 feet wide, and running thence binding on the southwest side of said Belle Terre Avenue, Southeasterly 10.0 feet, more or less, to the southeast side of said alley; thence binding on the southeast side of said alley, Southwesterly 115.0 feet, more or less, to the northeast side of a 10 foot alley laid out in the rear of the properties known as Nos. 632 through 640 Gorsuch Avenue; thence binding on the northeast side of last said 10 foot alley, Northwesterly 10.0 feet to the northwest side of the 10 foot alley mentioned firstly herein, and thence binding on the northwest side of the 10 foot alley mentioned firstly herein, Northeasterly 117.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 8 at the point formed by the intersection of the northwest side of Tinges Lane, 20 feet wide and the north side of a 10 foot alley laid out in the rear of the properties known as Nos. 605 through 625 E. 33rd Street, said point of beginning being distant southwesterly 84.2 feet, more or less, measured along the northwest side of said Tinges Lane from the south side of 33rd Street, 120 feet wide, and running thence binding on the northwest side of said Tinges Lane, Southwesterly 13.0 feet, more or less, to the south side of said 10 foot alley; thence binding on the south side of said 10 foot alley the two following courses and distances; namely, Due West 187.1 feet, more or less and Westerly 43.6 feet, more or less, to the westernmost extremity of said alley; thence binding on the westernmost extremity of said alley, Northerly 10.0 feet to the north side of said alley, and thence binding on the north side of said alley the two following courses and distances; namely, Easterly 43.0 feet, more or less and Due East 194.5 feet, more or less, to the place of beginning.

As delineated on Plat 341-A-4, prepared by the Survey Control Section and filed on September, 4, 2002, 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 these streets and alleys 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 October 25, 2002

MARTIN O'MALLEY, Mayor



**CITY OF BALTIMORE  
ORDINANCE 02-442  
(Council Bill 02-893)**

**AN ORDINANCE CONCERNING**

**City Streets — Closing —  
Certain Streets and Alleys in Waverly Business Area**

FOR the purpose of condemning and closing certain streets and alleys bounded by Montpelier Street, Old York Road, 33rd Street, and Frisby Street and lying within the Waverly Business Area, as shown on Plat 341-A-4A filed 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 Waverly Business Area and more particularly described as follows:

Sheet 1 of 1 comprising certain streets and alleys bounded by Montpelier Street, Old York Road, 33rd Street, and Frisby Street, these streets and alleys being numbered 1 through 8 on that sheet, and described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the east side of Old York Road, varying in width and the northeast side of Gorsuch Avenue, 58.3 feet wide, and running thence binding on the north side of said Gorsuch Avenue, Southeasterly 256.9 feet, more or less, to the northeast side of Gorsuch Avenue, 60 feet wide; thence binding on the northeast side of last said Gorsuch Avenue, Southeasterly ~~330~~ 204.0 feet, more or less, to ~~intersect the west side of Frisby Street, 50 feet wide; thence binding on the west side of said Frisby Street a point in line with the east outline of the property known as No. 640 Gorsuch Avenue;~~ thence by a straight line crossing last said Gorsuch Avenue, Southwesterly 60.0 feet to the southwest side of last said Gorsuch Avenue; thence binding on the southwest side of last said Gorsuch Avenue, Northwesterly ~~327.0~~ 200.5 feet, more or less, to the point formed by the intersection of the southeast side of Tinges Lane, 34.5 feet wide and the southwest side of last said Gorsuch Avenue; thence by a straight line, Northwesterly 35.3 feet, more or less, to the point formed by the intersection of the northwest side of said Tinges Lane and the southwest side of said Gorsuch Avenue, 58.3 feet wide; thence binding on the southwest side of said Gorsuch Avenue, 58.3 feet wide, Northwesterly 194.8 feet, more or less, to intersect the east side of said Old York Road, and thence binding on the east side of said Old York Road, Northerly 64.2 feet, more or less, to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the southwest side of Homestead Street, 50 feet wide and the south east side of Tinges Lane, 34.5 feet wide, and running thence binding on the south east side of said Tinges Lane, Southwesterly ~~169.2~~ 114.5 feet, more or less, to a point in line with the southwesternmost outline of the property known as No. 601 Homestead Street; thence binding on

the line of the southwesternmost outline of said property, if projected northwesterly, Northwesterly 29.6 feet, more or less, to intersect the east side of Old York Road, as widened on the east side thereof to a varying width; thence binding on the east side of said Old York Road, Northerly ~~67.0~~ 10.8 feet, more or less, to intersect the northwest side of said Tinges Lane; thence binding on the northwest side of said Tinges Lane, Northeasterly 93.8 feet, more or less, to the point formed by the intersection of the northwest side of said Tinges Lane and the southwest side of 32nd Street, 66 feet wide, and thence by a straight line, Southeasterly 38.1 feet, more or less, to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the northwest side of Tinges Lane, 34.5 feet wide and the southwest side of Gorsuch Avenue, 58.3 feet wide, and running thence by a straight line, Southeasterly 35.3 feet, more or less, to the point formed by the intersection of the southwest side of Gorsuch Avenue, 60 feet wide and the southeast side of said Tinges Lane; thence binding on the southeast side of said Tinges Lane, Southwesterly 204.0 feet, more or less, to intersect the northeast side of Homestead Street, 50 feet wide; thence by a straight line, Northwesterly 34.5 feet to the point formed by the intersection of the northwest side of said Tinges Lane and the northeast side of 32nd Street, 66 feet wide, and thence binding on the northwest side of said Tinges Lane, Northeasterly 197.6 feet, more or less, to the place of beginning.

Beginning for Parcel No. 4 at the point formed by the intersection of the south side of 33rd Street, 120 feet wide and the northeast side of Belle Terre Avenue, 20 feet wide, and running thence binding on the northeast side of said Belle Terre Avenue, Southeasterly 166.0 feet, more or less, to intersect the east side of Frisby Street, 50 feet wide; thence binding on the east side of said Frisby Street, Southerly 28.0 feet, more or less, to intersect the southwest side of said Belle Terre Avenue; thence binding on the southwest side of said Belle Terre Avenue, Northwesterly 213.0 feet, more or less, to intersect the south side of said 33rd Street, and thence binding on the south side of said 33rd Street, Due East 34.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 5 at the point formed by the intersection of the south side of 33rd Street, 120 feet wide and the northwest side of Tinges Lane, 20 feet wide, and running thence binding on the south side of said 33rd Street, Due East 25.9 feet, more or less, to intersect the southeast side of said Tinges Lane; thence binding on the southeast side of said Tinges Lane, Southwesterly 243.0 feet, more or less, to intersect the northeast side of Gorsuch Avenue, 58.3 feet wide; thence binding on the northeast side of said Gorsuch Avenue, Northwesterly 20.5 feet, more or less, to intersect the northwest side of said Tinges Lane, and thence binding on the northwest side of said Tinges Lane, Northeasterly 229.2 feet, more or less, to the place of beginning.

Beginning for Parcel No. 6 at the point formed by the intersection of the southeast side of Tinges Lane, 20 feet wide and the northeast side of a 10 foot alley laid out in the rear of the properties known as Nos. 632 through 640 Gorsuch Avenue, said point of beginning being distant southwesterly 88.0 feet, more or less, measured along the southeast side of said Tinges Lane from the south side of 33rd Street, 120 feet wide and running thence binding on the northeast side of said 10 foot alley, Southeasterly 107.5 feet, more or less, to the southeasternmost extremity of said alley; thence binding on the southeasternmost extremity of said alley, Southwesterly 10.0 feet to the southwest side of said alley; thence binding on the southwest side of said alley, Northwesterly 111.0 feet, more or less, to intersect the southeast side of said Tinges Lane, and thence binding on the southeast side of said Tinges Lane, Northeasterly 10.0 feet to the place of beginning.

Beginning for Parcel No. 7 at the point formed by the intersection of the southwest side of Belle Terre Avenue, 20 feet wide and the northwest side of a 10 foot alley laid out in the rear of the properties known as Nos. 3211 through 3215 Tinges Lane, said point of beginning being distant southeasterly 9 feet, more or less, measured along the southwest side of said Belle Terre Avenue from the south side of 33rd Street, 120 feet wide, and running thence binding on the southwest side of said Belle Terre Avenue, Southeasterly 10.0 feet, more or less, to the southeast side of said alley; thence binding on the southeast

side of said alley, Southwesterly 115.0 feet, more or less, to the northeast side of a 10 foot alley laid out in the rear of the properties known as Nos. 632 through 640 Gorsuch Avenue; thence binding on the northeast side of last said 10 foot alley, Northwesterly 10.0 feet to the northwest side of the 10 foot alley mentioned firstly herein, and thence binding on the northwest side of the 10 foot alley mentioned firstly herein, Northeasterly 117.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 8 at the point formed by the intersection of the northwest side of Tinges Lane, 20 feet wide and the north side of a 10 foot alley laid out in the rear of the properties known as Nos. 605 through 625 E. 33rd Street, said point of beginning being distant southwesterly 84.2 feet, more or less, measured along the northwest side of said Tinges Lane from the south side of 33rd Street, 120 feet wide, and running thence binding on the northwest side of said Tinges Lane, Southwesterly 13.0 feet, more or less, to the south side of said 10 foot alley; thence binding on the south side of said 10 foot alley the two following courses and distances; namely, Due West 187.1 feet, more or less and Westerly 43.6 feet, more or less, to the westernmost extremity of said alley; thence binding on the westernmost extremity of said alley, Northerly 10.0 feet to the north side of said alley, and thence binding on the north side of said alley the two following courses and distances; namely, Easterly 43.0 feet, more or less and Due East 194.5 feet, more or less, to the place of beginning.

As delineated on Plat 341-A-4, prepared by the Survey Control Section and filed on September, 4, 2002, 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 these streets and alleys 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 October 25, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-443  
(Council Bill 01-618)**

**AN ORDINANCE CONCERNING**

**Hazardous Materials — Security and Safeguarding**

FOR the purpose of requiring hazardous materials to be secured and safeguarded in accordance with certain rules, regulations, and standards; defining certain terms; providing for the administration and enforcement of these rules, regulations, and standards; imposing certain penalties; providing for a special effective date; and generally relating to the security and safeguarding of hazardous materials.

By adding

Article 9 - Fire Suppression and Prevention  
Section(s) 9-1 through 9-6, to be under the new subtitle,  
“Subtitle 9. Hazardous Materials”  
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 9. Fire Suppression and Prevention**

**SUBTITLE 9. HAZARDOUS MATERIALS**

**§ 9-1. DEFINITIONS.**

(A) *IN GENERAL.*

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

(B) “FACILITY”.

“FACILITY” MEANS A LOCATION IN WHICH HAZARDOUS MATERIALS ARE STORED, DISPENSED, USED, OR HANDLED.

~~(B)~~ (C) “HAZARDOUS MATERIAL”.

“HAZARDOUS MATERIAL” MEANS ANY CHEMICAL OR SUBSTANCE THAT IS A PHYSICAL HAZARD OR A HEALTH HAZARD, AS DEFINED AND CLASSIFIED IN THE INTERNATIONAL FIRE CODE (2000 EDITION) A

REGULATED SUBSTANCE, AS DEFINED IN 40 CFR 68.130, IN EXCESS OF THE THRESHOLD QUANTITIES SPECIFIED IN THAT REGULATION.

~~(C)~~ (D) "OPERATOR".

"OPERATOR" MEANS ~~ANY PERSON WHO HAS CHARGE, CARE, OR CONTROL OF ALL OR ANY PART OF ANY PROPERTY, WHETHER AS AN OWNER, OCCUPANT, LESSEE, SUBLESSEE, VENDEE IN POSSESSION, CORPORATE OFFICER, GENERAL PARTNER, MANAGER, AGENT, OR OTHERWISE~~ THE PERSON RESPONSIBLE FOR THE OVERALL OPERATION OF A FACILITY.

~~(D)~~ (E) "OWNER".

"OWNER" MEANS ~~ANY PERSON WITH A LEGAL OR EQUITABLE INTEREST~~ A PERSON WHO OWNS A FACILITY OR PART OF A FACILITY.

~~(E)~~ ~~"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.~~

## **§ 9-2. SECURITY AND SAFEGUARDING REQUIRED.**

~~ALL PREMISES AND VEHICLES~~ FACILITIES ON OR IN WHICH ANY HAZARDOUS MATERIAL IS STORED, DISPENSED, USED, OR HANDLED MUST BE SECURED AGAINST UNAUTHORIZED ENTRY AND SAFEGUARDED WITH PROTECTIVE MEASURES AND FACILITIES IN ACCORDANCE WITH THE RULES, REGULATIONS, AND STANDARDS ADOPTED UNDER THIS SECTION.

## **§ 9-3. RULES, REGULATIONS, AND STANDARDS.**

(A) *ADOPTION.*

THE FIRE CHIEF, IN CONSULTATION WITH THE POLICE COMMISSIONER AND AFFECTED INDUSTRIES, SHALL ADOPT RULES, REGULATIONS, AND STANDARDS INCLUDING A SCHEDULE FOR COMPLIANCE FOR THE SECURITY AND SAFEGUARDING OF HAZARDOUS MATERIALS.

(B) *FILING.*

THE RULES, REGULATIONS, AND STANDARDS ADOPTED UNDER THIS SECTION SHALL BE FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE.

## **~~§ 9-4. RESPONSIBILITY OF OWNERS AND OPERATORS.~~**

~~THE OWNER AND THE OPERATOR OF ANY PREMISES, VEHICLE, HAZARDOUS MATERIAL, OR OTHER PROPERTY SUBJECT TO THIS SUBTITLE ARE EACH:~~

~~(1) RESPONSIBLE FOR COMPLIANCE WITH ALL PROVISIONS OF THIS SUBTITLE IN ALL MATTERS PERTAINING DIRECTLY OR INDIRECTLY TO THAT PROPERTY; AND~~

~~(2) LIABLE FOR ALL VIOLATIONS OF THIS SUBTITLE IN CONNECTION WITH THAT PROPERTY.~~

**§ 9-4. CONFIDENTIALITY.**

TO THE EXTENT PERMISSIBLE BY STATE LAW, INFORMATION OBTAINED FROM AN OWNER OR OPERATOR UNDER THIS SUBTITLE:

(1) MAY NOT BE MADE AVAILABLE TO ANY MEMBER OF THE PUBLIC, WITHOUT THE WRITTEN CONSENT OF THE OWNER OR OPERATOR;

(2) IS EXEMPT FROM PUBLIC DISCLOSURE UNDER ANY OTHER APPLICABLE LAW;

(3) EXCEPT IN FURTHERANCE OF A CRIMINAL INVESTIGATION, MAY NOT BE USED OR DISCLOSED, WITHOUT THE WRITTEN CONSENT OF THE OWNER OR OPERATOR, BY ANY GOVERNMENT OFFICER OR EMPLOYEE FOR PURPOSES OTHER THAN THE PURPOSES OF THIS SUBTITLE; AND

(4) DOES NOT CONSTITUTE A WAIVER OF ANY APPLICABLE PRIVILEGE OR PROTECTION PROVIDED BY LAW.

**§ 9-5. ADMINISTRATION AND ENFORCEMENT.**

*(A) IN GENERAL.*

THIS SUBTITLE AND THE RULES, REGULATIONS, AND STANDARDS ADOPTED UNDER IT ARE INCORPORATED INTO THE FIRE PREVENTION CODE OF BALTIMORE CITY AND SHALL BE ADMINISTERED AND ENFORCED IN ACCORDANCE WITH THAT CODE.

*(B) PERMITS.*

IN ADDITION TO ANY OTHER REMEDY OR PROCEEDING TO ENFORCE THIS SUBTITLE, IF THE FIRE CHIEF FINDS ANY PREMISES OR PROPERTY TO BE IN VIOLATION OF THIS SUBTITLE OR OF A RULE, REGULATION, OR STANDARD ADOPTED UNDER IT, THE FIRE CHIEF MAY:

(1) WITHHOLD OR SUSPEND ANY PERMIT ISSUED UNDER THE FIRE PREVENTION CODE OF BALTIMORE CITY FOR THAT PREMISES OR PROPERTY UNTIL THE VIOLATION HAS BEEN CORRECTED; AND

(2) ORDER THE DIRECTOR OF HOUSING AND COMMUNITY DEVELOPMENT TO WITHHOLD OR SUSPEND ANY PERMIT ISSUED UNDER THE BUILDING CODE OF BALTIMORE CITY FOR THAT PREMISES OR PROPERTY UNTIL THE VIOLATION HAS BEEN CORRECTED.

*(C) ALTERNATIVE COMPLIANCE.*

AN OWNER OR OPERATOR SUBJECT TO THIS SUBTITLE IS DEEMED TO BE IN COMPLIANCE WITH THIS SUBTITLE AND THE RULES, REGULATIONS, AND STANDARDS ADOPTED UNDER IT IF THE OWNER IMPLEMENTS A NATIONAL INDUSTRY SECURITY CODE OR SET OF STANDARDS THAT REQUIRES:

(1) PRIORITIZATION AND PERIODIC ANALYSIS, USING ACCEPTED METHODOLOGIES, OF POTENTIAL SECURITY THREATS, VULNERABILITIES, AND CONSEQUENCES;

- (2) DEVELOPMENT AND IMPLEMENTATION OF SECURITY MEASURES COMMENSURATE WITH RISKS;
- (3) DOCUMENTATION OF SECURITY MANAGEMENT PROGRAMS, PROCESSES, AND PROCEDURES;
- (4) TRAINING, DRILLS, AND GUIDANCE FOR EMPLOYEES, CONTRACTORS, SERVICE PROVIDERS, AND OTHERS, AS APPROPRIATE, TO ENHANCE AWARENESS AND CAPABILITY;
- (5) COMMUNICATIONS, DIALOGUE, AND EXCHANGE OF INFORMATION WITH EMPLOYEES, COMMUNITIES, AND GOVERNMENT AGENCIES AND OFFICIALS;
- (6) INTERNAL AUDITS TO ASSESS SECURITY PROGRAMS AND PROCESSES AND THE IMPLEMENTATION OF CORRECTIVE MEASURES; AND
- (7) THIRD-PARTY VERIFICATION THAT OWNERS AND OPERATORS HAVE IMPLEMENTED THE PHYSICAL SECURITY MEASURES THAT HAVE BEEN IDENTIFIED UNDER THE REQUIRED PERIODIC ANALYSIS OF POTENTIAL SECURITY THREATS, VULNERABILITIES, AND CONSEQUENCES.

#### **§ 9-6. PENALTIES.**

##### **(A) *IN GENERAL.***

ANY ~~PERSON~~ OWNER OR OPERATOR WHO VIOLATES ANY PROVISION OF THIS SUBTITLE OR OF A RULE, REGULATION, OR STANDARD ADOPTED UNDER THIS SUBTITLE IS ~~GUILTY OF A MISDEMEANOR AND, ON CONVICTION, SUBJECT TO A FINE OF UP TO \$1,000 OR IMPRISONMENT FOR UP TO 12 MONTHS OR BOTH FINE AND IMPRISONMENT.~~

##### **(B) *EACH DAY A SEPARATE OFFENSE.***

EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE 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 date it is enacted.

Approved October 28, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-444  
(Council Bill 02-737)**

**AN ORDINANCE CONCERNING**

**Zoning — Conditional Use Convalescent, Nursing, and  
Rest Home (Assisted Living) — 2472 Shirley 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 2472 Shirley 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 2472 Shirley 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 the~~ following conditions:

- (1) The maximum number of residents is 12.
- (2) There may be no more than 2 clients per sleeping room.
- (3) Sleeping rooms for clients may not be in the basement.
- (4) The minimum age for resident-clients is 50 years.
- (5) 24-hour supervision must be provided.
- (6) There may be no exterior sign on the facility other than a nameplate no larger than 6 inches wide by six inches high.
- (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 31, 2002

MARTIN O'MALLEY, Mayor



**CITY OF BALTIMORE  
ORDINANCE 02-445  
(Council Bill 02-768)**

**AN ORDINANCE CONCERNING**

**Sale of Properties — 825 North Broadway, 1125 North Patterson Park Avenue, 2000 East North Avenue, 1024 North Carrollton Avenue, 249 Aisquith Street, 511/525 South Bond Street, and 1701 East North 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 properties located at 825 North Broadway, 1125 North Patterson Park Avenue, 2000 East North Avenue, 1024 North Carrollton Avenue, 249 Aisquith Street, 511/525 South Bond Street, and 1701 East North Avenue 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 properties located at 825 North Broadway, 1125 North Patterson Park Avenue, 2000 East North Avenue, 1024 North Carrollton Avenue, 249 Aisquith Street, 511/525 South Bond Street, and 1701 East North Avenue, and more particularly described as follows:

825 North Broadway – The R-8 zoned site is .33 acres (approximately 14,400 square feet) and is improved by a 2-story school building totaling 15,024 square feet. Ward 07, Section 11, Block 1600, and Lot 17.

1125 North Patterson Park Avenue – The R-8 zoned site is .52 acres (approximately 22,816 square feet) and is improved by a 3-story school building totaling 11,390 square feet. Ward 08, Section 13, Block 1554, and Lot 13.

2000 East North Avenue – The R-7 zoned site is .77 acres (approximately 33,680 square feet) and is improved by a 2-story school building totaling 47,455 square feet. Ward 08, Section 02, Block 4167, and Lot 01.

1024 North Carrollton Avenue – The R-8 zoned site is .35 acres (15,030 square feet) and is improved by a 2-story school building totaling 11,566 square feet. Ward 16, Section 16, Block 65, and Lot 36.

249 Aisquith Street – The R-8 zoned site is .97 acres (approximately 42,390 square feet) and is improved by a 2-story school building totaling 27,121 square feet. Ward 05, Section 09, Block 1320, and Lot 01A.

511/525 South Bond Street – The B-3-3 zoned site is .31 acres (approximately 13,631 square feet) and is improved by a 3-story school building totaling 18,648 square feet. Ward 02, Section 05, Block 1445, Lot 33.

1701 East North Avenue – The R-8 zoned site is ~~3.05~~ 0.868 acres (~~approximately 132,761 square feet~~) and is improved by a 3-story school building totaling 102,705 square feet. Ward 08, Section 04, Block 1446, and Lot 16.

These properties 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 October 31, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-446  
(Council Bill 02-791)**

**AN ORDINANCE CONCERNING**

**Zoning — Conditional Use Convalescent, Nursing, and  
Rest Home (Assisted Living) — 4614 ~~Elsroad~~ Elsrode Avenue**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a conditional use convalescent, nursing, and rest home (assisted living) on the property known as 4614 ~~Elsroad~~ Elsrode Avenue, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning  
Section(s) 4-204(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 a conditional use convalescent, nursing, and rest home (assisted living) on the property known as 4614 ~~Elsroad~~ Elsrode Avenue, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 4-204(2) and 14-102 of the Baltimore City Code, subject to the ~~condition that the~~ following conditions:

1. The maximum number of residents is 5, including a resident manager.
2. There may be no more than 2 clients per sleeping room.
3. Sleeping rooms for clients may not be in the basement.
4. The minimum age for resident-clients is 50 years.
5. 24-hour supervision must be provided.

6. There may be no exterior sign on the facility other than a nameplate no larger than 6 inches wide by 6 inches high.
7. The conditional use 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 31, 2002

MARTIN O'MALLEY, Mayor

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**City of Baltimore  
Ordinance 02-447  
(Council Bill 02-832)**

**AN ORDINANCE CONCERNING**

**Planned Unit Development — Amendment 2 —  
Reisterstown Road Plaza Shopping Center**

FOR the purpose of approving certain amendments to the Development Plan of the Reisterstown Road Plaza Shopping Center Planned Unit Development.

BY authority of

Article - Zoning  
Title 9, Subtitles 1 and 4  
Baltimore City Revised Code  
(Edition 2000)

**Recitals**

By Ordinance 01-257, dated November 9, 2001, the Mayor and City Council approved the application of Reisterstown Plaza Associates to have a portion of its property known as 6512 Reisterstown Road, consisting of 13.4 acres, more or less, (the "Reisterstown Plaza parcel") designated as a Business Planned Unit Development and approved the Development Plan submitted by the applicant.

Reisterstown Plaza Associates wishes to amend the Development Plan, as previously approved by the Mayor and City Council, to provide a retail pad site to a prospective drive-in restaurant business.

On May 31, 2002, representatives of Reisterstown Plaza Associates 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 Reisterstown Plaza Associates have now 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 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 amendments to the Development Plan submitted by the Developer, as attached to and made part of this Ordinance, including Exhibit B, "Master Plan", dated ~~June 13~~ July 16, 2002.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That Section 3(~~b~~) of Ordinance 01-257 is amended to read as follows:

SECTION 3. AND BE IT FURTHER ORDAINED, That in accordance with the provisions of Title 9, Subtitles 1 and 4, the following uses are permitted within the Planned Unit Development for the Reisterstown Plaza parcel:

- (a) all permitted, accessory, and conditional uses allowed in the B-2 Zoning District, except the following uses shall be prohibited: automobile accessory shops — including repair and installation services, and garages for storage, repairing, and servicing of motor vehicles;
- (b) a maximum of 3 drive-in or thru uses are permitted on Reisterstown Road as shown in 3 building locations on Reisterstown Road on Exhibit B "Master Plan". A MAXIMUM OF 1 DRIVE-IN OR THRU USE IS PERMITTED ON PATTERSON AVENUE AS SHOWN IN 1 BUILDING LOCATION ON PATTERSON AVENUE ON EXHIBIT B "MASTER PLAN". These drive-in or thru uses include banks: drive-in; drug stores and pharmacies: drive-in; dry cleaning establishments: drive-in; and restaurants: drive-in — including pick-up drives with window service;
- (c) motor vehicles; rental; and
- (d) one gasoline or service station as an accessory use to a grocery store, with a minimum of 40,000 square feet of floor area;
- (E) OUTDOOR TABLE SERVICE IS SUBJECT TO PLANNING COMMISSION DESIGN APPROVAL; AND
- (F) THE RELOCATION OF THE PROPOSED RETAIL PAD SITE ON REISTERSTOWN ROAD IMMEDIATELY NORTH OF CLARKS LANE TO A LOCATION IMMEDIATELY NORTH OF THE FIRST EXISTING SIGNALIZED INTERSECTION NORTH OF PATTERSON AVENUE IS HEREBY APPROVED.

**SECTION 3. AND BE IT FURTHER ORDAINED,** That the Planning Department may determine what constitutes minor modifications to the Plan. Minor modifications require approval by the Planning Commission. Major modifications require approval by Ordinance. Final Design Approval will be given by the Planning Commission.

**SECTION 4. AND BE IT FURTHER ORDAINED,** That all plans for the construction of permanent improvements on the property are subject to final design approval 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 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 6. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved October 31, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-448  
(Council Bill 02-934)**

**AN ORDINANCE CONCERNING**

**City Streets — Opening — Certain Streets and Alleys Bounded by  
Pratt Street, Albemarle Street, High Street, Baltimore Street,  
Exeter Street, Watson Street, and Central Avenue**

FOR the purpose of condemning and opening certain streets and alleys bounded by Pratt Street, Albemarle Street, High Street, Baltimore Street, Exeter Street, Watson Street, and Central Avenue, as shown on Plat 347-A-57 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 bounded by Pratt Street, Albemarle Street, High Street, Baltimore Street, Exeter Street, Watson Street, and Central Avenue, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the southeast side of Lombard Street, 49.5 feet wide and the northeast side of Albemarle Street, varying in width, and running thence binding on the northeast and east sides of said Albemarle Street, the three following courses and distances; namely, Southeasterly 331.63 feet, Southeasterly by an arc curving to left with a radius of 100.0 feet the distance of 84.16 feet and Easterly 34.75 feet to intersect the northwest side of Pratt Street, as now laid out, 80 feet wide; thence binding on the northwest side of said Pratt Street, Southwesterly 145.4 feet to intersect the southwest side of said Albemarle Street; thence binding on the southwest side of said Albemarle Street,

Northwesterly 427 feet, more or less, to intersect the southeast side of said Lombard Street, and thence binding on the southeast side of said Lombard Street, Northeasterly 86.55 feet to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the northwest side of Pratt Street, 49.5 feet wide and the west side of Central Avenue, 100 feet wide, and running thence binding on the west side of said Central Avenue, Southerly 54.6 feet, more or less, to intersect the southeast side of said Pratt Street; thence binding in part on the southeast side of said Pratt Street, in part on the southeast side of Pratt Street, 80 feet wide, and in all, Southwesterly 1106 feet, more or less, to intersect the line of the southwest side of Albemarle Street, varying in width, if projected southeasterly; thence binding in part reversely on the line of the southwest side of said Albemarle Street, so projected, in part on the southwest side of said Albemarle Street, and in all, Northwesterly 80.0 feet to intersect the northwest side of last said Pratt Street; thence binding on the northwest side of last said Pratt Street, Northeasterly 961.6 feet, more or less, to intersect the southwest side of a 20 foot alley laid out along the southwest outline of the property known as No. 1142/1154 E. Pratt Street; thence binding on the southwest side of said 20 foot alley, Southeasterly 30.50 feet to intersect the northwest side of Pratt Street, mentioned firstly herein, and thence binding on the northwest side of Pratt Street, mentioned firstly herein, Northeasterly 166.5 feet, more or less to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the northwest side of Pratt Street, 49.5 feet wide and the northeast side of a 20 foot alley laid out along the southwest outline of the property known as No. 1142/1154 E. Pratt Street, said point of beginning being distant southeasterly 146.5 feet measured along the northwest side of said Pratt Street from the west side of Central Avenue, 100 feet wide, and running thence binding on the northwest side of said Pratt Street, Southwesterly 20.0 feet to the southwest side of said 20 foot alley; thence binding on the southwest side of said alley, Northwesterly 120.9 feet, more or less to the northernmost extremity of said alley; thence binding on the northernmost extremity of said alley, the three following courses and distances; namely, Northeasterly 10.83 feet, Southeasterly 10.9 feet, more or less, and Northeasterly 9.2 feet, more or less, to intersect the northeast side of said alley, and thence binding on the northeast side of said alley, Southeasterly 110.0 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 Central Avenue, 100 feet wide, and southeast side of Duke Alley, 20 feet wide, said point of beginning being distant northerly 111.7 feet, more or less, measured along the west side of said Central Avenue from the northwest side of Pratt Street, 49.5 feet wide, and running thence binding in part on the southeast side of said Duke Alley, in part on the southeast side of Duke Alley, 10 feet wide, and in all Southwesterly 192 feet, more or less to intersect the northeast side of a 20 foot alley laid out along the southwest outline of the property known as No. 1142/1154 E. Pratt Street; thence binding on the northeast side of last said 20 foot alley, Northwesterly 10.0 feet to intersect the northwest side of said Duke Alley, 10 feet wide; thence binding on the northwest side of said Duke Alley, 10 feet wide, Northeasterly 142.2 feet, more or less, to Duke Alley, varying in width from 10 feet to 20 feet; thence binding on the southwest side of last said Duke Alley, Northwesterly 10.0 feet to the northwest side of said Duke Alley, 20 feet wide; thence binding on the northwest side of said Duke Alley, 20 feet wide, Northeasterly 70 feet, more or less, to intersect the west side of said Central Avenue, and thence binding on the west side of said Central Avenue, Southerly 22 feet, more or less, to the place of beginning.

Beginning for Parcel No. 5 at the point formed by the intersection of the southeast side of Lombard Street, 49.5 feet wide, and the southwest side of Broad Court, 7 feet wide, said point of beginning being distant northeasterly 200.8 feet, more or less, measured along the southeast side of said Lombard Street from the northeast side of Exeter Street, 49.5 feet wide, and running thence binding on the southeast side of said Lombard Street, Northeasterly 7.0 feet, to intersect the northeast side of said Broad Court; thence binding on the northeast side of said Broad Court, Southeasterly 100.8 feet, more or less, to the southeasternmost extremity of said Broad Court; thence binding on the southeasternmost extremity of said Broad Court,

Southwesterly 7.0 feet to intersect the southwest side of said Broad Court, and thence binding on the southwest side of said Broad Court, Northwesterly 100.8 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 Lombard Street, 49.5 feet wide, and the northeast side of Albemarle Street, 90 feet wide, and running thence binding on the northwest side of said Lombard Street, Southwesterly 90.0 feet, to intersect the southwest side of said Albemarle Street; thence binding in part on the southwest side of said Albemarle Street, in part on the southwest side of Albemarle Street, varying in width, and in all, Northwesterly 435.2 feet, more or less, to intersect the southeast side of Plowman Street, 49.5 feet wide; thence binding on the southeast side of said Plowman Street, Northeasterly 150.0 feet, more or less, to intersect the southwest side of High Street, 49.5 feet wide; thence binding on the southwest side of said High Street, Southeasterly 25.40 feet, to intersect the northeast side of last said Albemarle Street; thence binding on the northeast side of last said Albemarle Street the two following courses and distances; namely, Southwesterly 40.26 feet and Southerly by an arc curving to the left with a radius of 100.0 feet the distance of 84.16 feet to the northeast side of Albemarle Street, mentioned firstly herein; thence binding on the northeast side of Albemarle Street, mentioned firstly herein, Southeasterly 292.07 feet to the place of beginning.

Beginning for Parcel No. 7 at the point formed by the intersection of the northeast side of Exeter Street, 49.5 feet wide, and the north side of Salisbury Alley, 12 feet wide, said point of beginning being distant southeasterly 100 feet, measured along the northeast side of said Exeter Street from the south side of Watson Street, 40 feet wide, and running thence binding on the north side of said Salisbury Alley, Easterly 140 feet, more or less, to the north side of Salisbury Alley, varying in width; thence binding on the north side of last said Salisbury Alley, Northeasterly 35 feet, more or less, to the north side of Salisbury Alley, 20 feet wide; thence binding on the north side of said Salisbury Alley, 20 feet wide, Easterly 176 feet, more or less, to intersect the northwest side of Lloyd Street, 60 feet wide; thence binding on the northwest side of said Lloyd Street, Southeasterly 20 feet, more or less, to intersect the south side of said Salisbury Alley; thence binding on the south side of Salisbury Alley, varying in width from 20 feet to 12 feet, Westerly 345.5 feet, more or less, to intersect the northeast side of said Exeter Street, and thence binding on the northeast side of said Exeter Street, Northwesterly 12.7 feet, more or less, to the place of beginning.

Beginning for Parcel No. 8 at the point formed by the intersection of the north side of Watson Street, 40 feet wide, and the west side of a 7 foot alley laid out along the west outline of the property known as No. 912 Watson Street, said point of beginning being distant easterly 120.4 feet measured along the north side of said Watson Street from the northeast side of High Street, 49.5 feet wide, and running thence binding on the west side of said 7 foot alley, Northerly 50.9 feet, more or less, to the west side of an alley, varying in width, there situate; thence binding on the west and south sides of last said alley the three following courses and distances; namely, Northwesterly 8.7 feet, more or less, Westerly 6.2 feet, more or less, and Northerly 4.2 feet, more or less, to the northernmost extremity, thereof; thence binding on the northernmost extremity of last said alley, Northeasterly 17.2 feet, more or less, to the east side of last said alley; thence binding in part on the east side of last said alley, in part on the east side of the alley mentioned firstly herein, and in all, Southerly 58.8 feet, more or less, to intersect the north side of said Watson Street, and thence binding on the north side of said Watson Street, Westerly 7.0 feet, more or less, to the place of beginning.

As delineated on Plat 347-A-57, prepared by the Survey Control Section and filed on October 16, 2002, 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 bounded by Pratt Street, Albemarle Street, High Street, Baltimore Street, Exeter Street, Watson Street, and Central 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 this Ordinance takes effect on the date it is enacted.

Approved November 25, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
ORDINANCE 02-449  
(Council Bill 02-935)**

**AN ORDINANCE CONCERNING**

**City Streets — Closing —  
Certain Streets and Alleys Bounded by Pratt Street, Albemarle Street,  
High Street, Baltimore Street, Exeter Street, Watson Street, and Central Avenue**

FOR the purpose of condemning and closing certain streets and alleys bounded by Pratt Street, Albemarle Street, High Street, Baltimore Street, Exeter Street, Watson Street, and Central Avenue, as shown on Plat 347-A-57A 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 bounded by Pratt Street, Albemarle Street, High Street, Baltimore Street, Exeter Street, Watson Street, and Central Avenue, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the southeast side of Lombard Street, 49.5 feet wide and the northeast side of Albemarle Street, varying in width, and running thence binding on the northeast and east sides of said Albemarle Street, the three following courses and distances; namely, Southeasterly 331.63 feet, Southeasterly by an arc curving to left with a radius of 100.0 feet the distance of 84.16 feet and Easterly 34.75 feet to intersect the northwest side of Pratt Street, as now laid out, 80 feet wide; thence binding on the northwest side of said Pratt Street, Southwesterly 95.9 feet to intersect the northeast side of Albemarle Street, as formerly laid out 49.5 feet wide; thence binding on the northeast side of last said Albemarle Street, Northwesterly 427 feet, more or less, to intersect the southeast side of said Lombard Street, and thence binding on the southeast side of said Lombard Street, Northeasterly 37.05 feet to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the northwest side of Pratt Street, 49.5 feet wide and the southwest side of a 20 foot alley laid out along the southwest outline of the



property known as No. 1142/1154 E. Pratt Street, said point of beginning being distant 166.5 feet southwesterly measured along the northwest side of said Pratt Street, from the west side of Central Avenue, 100 feet wide, and running thence binding on the northwest side of Pratt Street, as formerly laid out 49.5 feet wide, Southwesterly 912.1 feet, more or less, to intersect the northeast side of Albemarle Street, as formerly laid out 49.5 feet wide; thence binding on the northeast side of Albemarle Street, as formerly laid out 49.5 feet wide, Northwesterly 30.50 feet to intersect the northwest side of Pratt Street, 80 feet wide; thence binding on the northwest side of last said Pratt Street, Northeasterly 912.1 feet, more or less, to intersect the southwest side of said 20 foot alley, and thence binding on southwest side of said 20 foot alley, Southeasterly 30.50 feet, to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the northwest side of Pratt Street, 49.5 feet wide and the northeast side of a 20 foot alley laid out along the southwest outline of the property known as No. 1142/1154 E. Pratt Street, said point of beginning being distant southeasterly 146.5 feet measured along the northwest side of said Pratt Street from the west side of Central Avenue, 100 feet wide, and running thence binding on the northwest side of said Pratt Street, Southwesterly 20.0 feet to the southwest side of said 20 foot alley; thence binding on the southwest side of said alley, Northwesterly 120.9 feet, more or less to the northernmost extremity of said alley; thence binding on the northernmost extremity of said alley, the three following courses and distances; namely, Northeasterly 10.83 feet, Southeasterly 10.9 feet, more or less, and Northeasterly 9.2 feet, more or less, to intersect the northeast side of said alley, and thence binding on the northeast side of said alley, Southeasterly 110.0 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 Central Avenue, 100 feet wide, and southeast side of Duke Alley, 20 feet wide, said point of beginning being distant northerly 111.7 feet, more or less, measured along the west side of said Central Avenue from the northwest side of Pratt Street, 49.5 feet wide, and running thence binding in part on the southeast side of said Duke Alley, in part on the southeast side of Duke Alley, 10 feet wide, and in all Southwesterly 192 feet, more or less to intersect the northeast side of a 20 foot alley laid out along the southwest outline of the property known as No. 1142/1154 E. Pratt Street; thence binding on the northeast side of last said 20 foot alley, Northwesterly 10.0 feet to intersect the northwest side of said Duke Alley, 10 feet wide; thence binding on the northwest side of said Duke Alley, 10 feet wide, Northeasterly 142.2 feet, more or less, to Duke Alley, varying in width from 10 feet to 20 feet; thence binding on the southwest side of last said Duke Alley, Northwesterly 10.0 feet to the northwest side of said Duke Alley, 20 feet wide; thence binding on the northwest side of said Duke Alley, 20 feet wide, Northeasterly 70 feet, more or less, to intersect the west side of said Central Avenue, and thence binding on the west side of said Central Avenue, Southerly 22 feet, more or less, to the place of beginning.

Beginning for Parcel No. 5 at the point formed by the intersection of the southeast side of Lombard Street, 49.5 feet wide, and the southwest side of Broad Court, 7 feet wide, said point of beginning being distant northeasterly 200.8 feet, more or less, measured along the southeast side of said Lombard Street from the northeast side of Exeter Street, 49.5 feet wide, and running thence binding on the southeast side of said Lombard Street, Northeasterly 7.0 feet, to intersect the northeast side of said Broad Court; thence binding on the northeast side of said Broad Court, Southeasterly 100.8 feet, more or less, to the southeasternmost extremity of said Broad Court; thence binding on the southeasternmost extremity of said Broad Court, Southwesterly 7.0 feet to intersect the southwest side of said Broad Court, and thence binding on the southwest side of said Broad Court, Northwesterly 100.8 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 Lombard Street, 49.5 feet wide, and the northeast side of Albemarle Street, 90 feet wide, and running thence binding on the northwest side of said Lombard Street, Southwesterly 40.5 feet, to intersect the northeast side of Albemarle Street, as formerly laid out 49.5 feet wide; thence binding on the northeast side of last said Albemarle Street, Northwesterly 430.24 feet, to intersect the southeast side of Plowman Street, 49.5

feet wide; thence binding on the southeast side of said Plowman Street, Northeasterly 100.5 feet, more or less, to intersect the southwest side of High Street, 49.5 feet wide; thence binding on the southwest side of said High Street, Southeasterly 25.40 feet, to intersect the northeast side of Albemarle Street, as now laid out varying in width; thence binding on the northeast side of last said Albemarle Street, the two following courses and distances; namely, Southwesterly 40.26 feet and Southerly by an arc curving to the left with a radius of 100.0 feet the distance of 84.16 feet to the northeast side of Albemarle Street, mentioned firstly herein, and thence binding on the northeast side of Albemarle Street, mentioned firstly herein, Southeasterly 292.07 feet to the place of beginning.

Beginning for Parcel No. 7 at the point formed by the intersection of the northeast side of Exeter Street, 49.5 feet wide, and the north side of Salisbury Alley, 12 feet wide, said point of beginning being distant southeasterly 100 feet, measured along the northeast side of said Exeter Street from the south side of Watson Street, 40 feet wide, and running thence binding on the north side of said Salisbury Alley, Easterly 140 feet, more or less, to the north side of Salisbury Alley, varying in width; thence binding on the north side of last said Salisbury Alley, Northeasterly 35 feet, more or less, to the north side of Salisbury Alley, 20 feet wide; thence binding on the north side of said Salisbury Alley, 20 feet wide, Easterly 176 feet, more or less, to intersect the northwest side of Lloyd Street, 60 feet wide; thence binding on the northwest side of said Lloyd Street, Southeasterly 20 feet, more or less, to intersect the south side of said Salisbury Alley; thence binding on the south side of Salisbury Alley, varying in width from 20 feet to 12 feet, Westerly 345.5 feet, more or less, to intersect the northeast side of said Exeter Street, and thence binding on the northeast side of said Exeter Street, Northwesterly 12.7 feet, more or less, to the place of beginning.

Beginning for Parcel No. 8 at the point formed by the intersection of the north side of Watson Street, 40 feet wide, and the west side of a 7 foot alley laid out along the west outline of the property known as No. 912 Watson Street, said point of beginning being distant easterly 120.4 feet measured along the north side of said Watson Street from the northeast side of High Street, 49.5 feet wide, and running thence binding on the west side of said 7 foot alley, Northerly 50.9 feet, more or less, to the west side of an alley, varying in width, there situate; thence binding on the west and south sides of last said alley the three following courses and distances; namely, Northwesterly 8.7 feet, more or less, Westerly 6.2 feet, more or less, and Northerly 4.2 feet, more or less, to the northernmost extremity, thereof; thence binding on the northernmost extremity of last said alley, Northeasterly 17.2 feet, more or less, to the east side of last said alley; thence binding in part on the east side of last said alley, in part on the east side of the alley mentioned firstly herein, and in all, Southerly 58.8 feet, more or less, to intersect the north side of said Watson Street, and thence binding on the north side of said Watson Street, Westerly 7.0 feet, more or less, to the place of beginning.

As delineated on Plat 347-A-57A, prepared by the Survey Control Section and filed on October 16, 2002, 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 bounded by Pratt Street, Albemarle Street, High Street, Baltimore Street, Exeter Street, Watson Street, and Central 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 25, 2002

MARTIN O'MALLEY, Mayor

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**RESOLUTIONS****PASSED AT THE ANNUAL SESSION****2000-2001**

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**CITY OF BALTIMORE  
RESOLUTION 01-023  
(Council Bill 01-627)****A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING****Baltimore's Arts and Entertainment District**

FOR the purpose of approving the establishment of the Baltimore Arts and Entertainment District, a mixed-use area of the City in which a high concentration of arts and cultural facilities will serve as the anchor attraction.

**WHEREAS**, the proposed Baltimore Arts and Entertainment District ("District"), a project of the City of Baltimore, includes the area bounded by: on the north, 20th Street from Howard Street to Greenmount Avenue, excluding the Department of Education Building and its related properties; on the east, Greenmount Avenue from 20th Street to the Amtrak rail yard; on the south, the Amtrak rail yard from Lanvale to Greenmount Avenue, including 1501 St. Paul Street; and on the west, the Amtrak rail yard from Lanvale Street to the Howard Street Bridge.

**WHEREAS**, pursuant to State law, the District designation provides an income tax subtraction modification for a qualified residing artist and authorizes Baltimore City to grant a 10-year property tax credit for renovated manufacturing, industrial, and commercial buildings within the District that are wholly or partially used by a qualifying residing artist or an arts and entertainment enterprise and further authorizes the City to grant an exemption from the Admissions and Amusement Tax.

**WHEREAS**, the Mayor and City Council of Baltimore recognizes the importance of this project to the defined area and to the whole City of Baltimore and applauds the participants.

**SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That the Mayor and City Council approves the City's application to the State Department of Business and Economic Development for the creation of an Arts and Entertainment District and will seek to assist the District in its future endeavors to develop the District's full potential to assist artists and arts and entertainment enterprises to thrive in Baltimore City.

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

Approved December 7, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE  
RESOLUTION 01-024  
(Council Bill 01-628)**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING**

**In Support of the Homeland Defense Block Grant Act of 2001**

FOR the purpose of endorsing passage of S.1737, the Homeland Defense Block Grant Act of 2001, co-sponsored by Senators Hillary Rodham Clinton and Barbara A. Mikulski that provides \$3 billion in federal block grant funds to directly assist local governments in improving security and public safety in the wake of the September 11<sup>th</sup> terrorist attack; requesting the Maryland Delegation to the 107<sup>th</sup> Congress to secure passage of the legislation; and respectfully urging the President of the United States to sign the Act into law, and; providing for a special effective date.

**Recitals**

The terrorist attacks of September 11 demonstrate that cities, towns, and counties are on the front lines in the war against terrorism. Localities will be forced to shoulder much of the responsibility for the defense of the territories within the United States. The Homeland Defense Block Grant Act provides funds to lessen the impact on local budgets of the measures necessary to improve emergency response and to ensure public safety.

Of the \$3 billion appropriation, 70% will be provided to “qualifying communities”, defined as any city with a population of 50,000 or more that is in a metropolitan area, or any county that is in a metropolitan area, regardless of the size of the county. The remaining 30% will be distributed through states for distribution to smaller non-qualifying communities. Communities will be required to submit a plan demonstrating how the funds will serve to improve public safety in preparation for, and in response to, terrorist threats or attacks.

When Baltimore’s budget, like those of local subdivisions across the United States, was prepared for this year, no one could foresee the events that have taken place. The budget, already working under fiscal constraints to retain the current level of services, cannot withstand the fiscal impact of extra funds needed to deploy local police, fire, and emergency workers to aid in the war on terrorism.

Baltimore City government and Baltimore City citizens are committed to doing whatever is necessary to keep our city and our country safe. Passage of the Homeland Defense Block Grant Act will allow us to continue to safeguard our American way of life and to protect the liberties we enjoy for the generations to follow.

**SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the government of Baltimore City and its citizenry endorses passage of S.1737, the Homeland Defense Block Grant Act of 2001, that provides \$3 billion in block grant funds to assist local governments to improve security and public safety in the wake of the September 11<sup>th</sup> terrorist attack; requests the Maryland Delegation to the 107<sup>th</sup> Congress to secure passage of the legislation; and respectfully urges the President of the United States to sign the Act into law.

**SECTION 2. AND BE IT FURTHER RESOLVED,** That this Resolution takes effect on the date it is enacted.

Approved December 7, 2001

MARTIN O’MALLEY, Mayor

**CITY OF BALTIMORE  
RESOLUTION 02-025  
(Council Bill 01-555)**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING**

**Payments in Lieu of Taxes — “300 East Pratt Street”  
(Ward 04, Section 11, Block 1381, Lot #001A, 002)**

FOR the purpose of authorizing an economic development project, to be known as “300 East Pratt Street”, in order that the Board of Estimates may enter into a Payment in Lieu of Taxes Agreement with 300 East Pratt Street Limited Partnership for a project encompassing approximately 275 residential market rate rental units and a related structured parking garage containing approximately 600 spaces; providing that the project may be built in components; generally relating to payments in lieu of taxes for the project; repealing and rescinding earlier authorizations for a project on the same site; and providing for a special effective date.

BY Authority of  
Article - Tax - Property  
Section 7-504.3  
Annotated Code of Maryland  
(As enacted by Chapter 643, Acts of 1999)

**Recitals**

The 300 East Pratt Street Project (the “Project”) is proposed to include approximately 275 residential market rate rental units, contained in a high-rise apartment building, and a related structured parking garage containing approximately 600 spaces, to be constructed on the parcels known as Ward 04, Section 11, Block 1381, Lots # 001A and 002, in the Inner Harbor Project One Urban Renewal Area.

§ 7-504.3 of the State Tax-Property Article, as enacted by Chapter 643, Acts of 1999, authorizes the Board of Estimates of Baltimore City, subject to certain findings by the Board and the enactment of an authorizing Resolution of the Mayor and City Council, to negotiate a payment in lieu of taxes (a “PILOT”) for major economic development projects that meet certain criteria.

It is understood that the PILOT Agreement for the Project will include at least the minimum provisions required by law for minority and women participation in this economic development project.

**SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That, subject to the conditions specified in this Resolution, the Project is authorized for purposes of allowing the Board of Estimates to enter into a PILOT Agreement with 300 East Pratt Street Limited Partnership for the Project, in accordance with § 7-504.3(b)(3) of the State Tax-Property Article. The PILOT Agreement may allow for the construction of the Project in phases and the replacement of a single PILOT Agreement with multiple agreements, representing each phase or component of the Project.

**SECTION 2. AND BE IT FURTHER RESOLVED**, That this authorization is subject to the condition that the Project not house or otherwise involve gambling activities (i) beyond that allowed by law as of January 1, 1999, or (ii) related to any game not authorized by the Maryland State Lottery.

**SECTION 3. AND BE IT FURTHER RESOLVED**, That this authorization is in the best interest of the City and will achieve significant public benefits and purposes, including (i) the encouragement of the economic development of the City, including the use of resources and entrepreneurial talents of the private sector to

develop the entire Inner Harbor Project One Urban Renewal Area, (ii) the creation of job opportunities, (iii) the promotion of “24/7” downtown living, and (iv) the general promotion and improvement of the City and its facilities in order to foster and maintain the City and its image as a positive environment for the growth of business and industry and the continuing well-being of its residents, thereby further encouraging the health, welfare, and safety of the citizens of the City.

**SECTION 4. AND BE IT FURTHER RESOLVED,** That this authorization is subject to the following conditions:

- (a) The PILOT Agreement for the Project shall be for a period of 20 years after the effective date specified in the PILOT Agreement, which effective date may be the date a certificate of completion is issued for each phase or component.
- (b) The negotiated payment in lieu of taxes for the Project shall be (i) the amount of the existing taxes on the land as of July 1, 2001 plus (ii) a minimum of the following amounts for the years listed:

Years 1 & 2	5% of the taxes that would otherwise have resulted from the increased assessments from the construction of the Project, including any increase in the value of the land (the “Incremental Taxes”)
Years 3 - 8	15% of the Incremental Taxes
Years 9 - 12	25% of the Incremental Taxes
Years 13 - 15	50% of the Incremental Taxes
Years 16 - 20	75% of the Incremental Taxes
Year 21	PILOT ends and full taxes are paid.

- (c) The PILOT shall only be for the residential rental units and parking garage and may not apply to any leased space that is devoted to non-residential or non-parking use, such as retail.

**SECTION 5. AND BE IT FURTHER ORDAINED,** That Resolution 99-029 (“Payments in Lieu of Taxes – 300 East Pratt Street”) is repealed, and all authorizations granted by it are rescinded.

**SECTION 5 6. AND BE IT FURTHER RESOLVED,** That this Resolution takes effect on the date it is enacted.

Approved February 6, 2002

MARTIN O’MALLEY, Mayor



**CITY OF BALTIMORE  
RESOLUTION 02-026  
(Council Bill 01-576)**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING**

**Downtown Management District and  
Downtown Management Authority**

FOR the purpose of renewing and continuing the Downtown Management District and Downtown Management Authority, subject to certain conditions, for an additional 5 years; generally relating to the activities and authority of the Downtown Management District and Downtown Management Authority; and providing for a special effective date.

**Recitals**

Article 14, Subtitle 1 of the Baltimore City Code (the “Enabling Statute”) authorizes the creation of the Downtown Management District (the “District”) and the Downtown Management Authority (the “Authority”), subject to certain terms, conditions, and limitations.

Article 14, § 1-20 provides that, no sooner than 4 years and no later than 5 years from the passage of the Enabling Statute, the City Council must hold a public hearing to evaluate the activities and undertakings of the Authority and the District.

Article 14, § 1-20 further provides that, at the conclusion of the hearing, the City Council must use the procedures described in § 1-19 (“Election Approval Process”) to determine whether opposition to continuation of the District exists in excess of certain levels.

On December 10, 1996, Resolution 96-005 was approved to renew and continue the District and the Authority for another 5-year term, ending June 30, 2002.

For purposes of determining whether to again renew and continue the District and the Authority, the City Council has held a hearing required by Article 14, § 1-20. The City Council finds that, since its establishment, the Authority has initiated and carried out numerous activities and undertakings in support of the objective of the Enabling Statute, including the implementation of public safety, clean-up, maintenance, streetscape improvements, beautification, and marketing activities and programs. These include the:

- (1) Safety Guides, who patrol the streets everyday and provide safety escorts to downtown employees;
- (2) Safety Video Patrol, involving 32 cameras to monitor and prevent potential crimes from occurring;
- (3) Clean Sweep Ambassadors, who remove graffiti, pick up trash, and ensure a clean downtown environment;
- (4) supervision of court-mandated community service workers;
- (5) Maintenance Training Program that provides jobs, training, and benefits to formerly homeless individuals;
- (6) streetscape and beautification program; and

- (7) comprehensive advertising and marketing campaign promoting Downtown Baltimore as the place to live, work, and play —

all programs that support the redevelopment of downtown and address problems facing the Central Business District.

Having evaluated the activities and undertakings of the Authority and the District, the City Council believes that further renewal and continuation of the District and the Authority is in the best interests of the City of Baltimore.

**SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That, subject to the Renewal Process described in Section 2 of this Resolution, the District and the Authority are renewed and continued for an additional 5 years, from July 1, 2002, through June 30, 2007. However, the Authority may not impose any taxes or charges, other than those in effect on the date of enactment of this Ordinance, until the Renewal Process is completed and certified by the Board of Estimates.

**SECTION 2. AND BE IT FURTHER RESOLVED,** That the Board of Estimates must use the procedures described in Article 14, § 1-19 to determine whether opposition to continuation of the District exists in excess of the Base Level Protests. If this excess opposition exists, the Board of Estimates must then conduct a referendum, comparable to that described in § 1-19, to determine whether the District should be renewed and continued for another 5 years.

**SECTION 3. AND BE IT FURTHER RESOLVED,** That this Resolution takes effect on the date it is enacted.

Approved March 20, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
RESOLUTION 02-027  
(Council Bill 02-735)**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING**

**Highlandtown Arts and Entertainment District**

FOR the purpose of approving the establishment of the Highlandtown Arts and Entertainment District, a mixed-use area of the City in which a high concentration of arts and cultural facilities will serve as the anchor attraction.

**Recitals**

**WHEREAS,** The proposed Highlandtown Arts and Entertainment District ("District"), a project of the City of Baltimore, includes the area bounded by: on the north, Pratt Street from Haven Street to Ellwood Avenue; on the east, Haven Street from Fleet Street to Pratt Street; on the south, Fleet Street from Ellwood Avenue to Haven Street; and on the west, Ellwood Avenue from Pratt Street to Fleet Street.

**WHEREAS,** Pursuant to State law, the District designation provides an income tax subtraction modification for a qualified residing artist and authorizes Baltimore City to grant a 10-year property tax credit for renovated manufacturing, industrial, and commercial buildings within the District that are wholly or

partially used by a qualifying residing artist or an arts and entertainment enterprise and further authorizes the City to grant an exemption from the Admissions and Amusement Tax.

**WHEREAS**, The Mayor and City Council of Baltimore recognizes the importance of this project to the defined area and to the whole City of Baltimore and applauds the participants.

**SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That the Mayor and City Council approves the City's application to the State Department of Business and Economic Development for the creation of the Highlandtown Arts and Entertainment District and will seek to assist the District in its future endeavors to develop the District's full potential to assist artists and arts and entertainment enterprises to thrive in Baltimore City.

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

Approved April 11, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
RESOLUTION 02-028  
(Council Bill 02-760)**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING**

**Charles Village Community Benefits District  
and Management Authority**

FOR the purpose of renewing and continuing the Charles Village Community Benefits District and Management Authority, subject to certain conditions; providing for a special effective date; and generally relating to the activities and authority of the Charles Village Community Benefits District and Management Authority.

**Recitals**

Ordinance 94-414 (the Ordinance) authorized the creation of the Charles Village Community Benefits District (the District) and the Management Authority (the Authority), subject to certain terms and conditions as set forth in the enabling legislation, which became effective July 1, 1994. Resolution 98-11 (the Resolution), which became effective July 1, 1998, provided by Resolution of the Mayor and City Council that the District and the Authority were to be continued for an additional 4 years, beginning July 1, 1998.

The Resolution further provides that no later than 4 years after July 1, 1998, the City Council shall hold a public hearing to evaluate the activities and undertakings of the Authority and the District.

The Resolution further provides that, at the conclusion of the hearing, the City Council shall use the 4-year review procedures as set forth in the legislation to determine whether the District is to continue for another 4 years.

The review by the City Council found that since July 1, 1998, the Authority has initiated and carried out numerous activities and undertakings in compliance with the Ordinance, including the implementation of

public safety programs, the sanitation and maintenance program, and the community and economic development program. All of these programs support the redevelopment of the Charles Village area and address problems within the District.

Based on the review, the City Council finds that the renewal and continuation of the District and the Authority are in the best interest of the citizens of Baltimore.

**SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the Charles Village Community Benefits District and Management Authority are continued for an additional ~~4 years~~ 1 year, beginning July 1, 2002.

**SECTION 2. AND BE IT FURTHER RESOLVED,** That this Resolution takes effect on ~~the 30th day after the~~ date it is enacted.

Approved June 10, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
RESOLUTION 02-029  
(Council Bill 02-792)**

**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, 2003**

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 2003; 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, 2003.

**Operating Budget**

**Baltimore City Public Schools**

725 Debt Service		
Education Fund Appropriation .....	\$	4,320,054

728	New Board of School Commissioners		
	Education Fund Appropriation .....	\$	914,454
	State Fund Appropriation .....	\$	14,871
729	Office of the Chief Executive Officer		
	Education Fund Appropriation .....	\$	1,223,507
731	Office of Chief Academic Officer		
	Education Fund Appropriation .....	\$	625,733
732	Curriculum and Instruction		
	Education Fund Appropriation .....	\$	6,196,259
	Federal Fund Appropriation .....	\$	2,454,750
	State Fund Appropriation .....	\$	638,536
	Special Fund Appropriation .....	\$	81,344
741	Office of Area Executive Officers		
	Education Fund Appropriation .....	\$	3,009,757
	Federal Fund Appropriation .....	\$	2,109,046
	State Fund Appropriation .....	\$	1,046,118
743	General Instruction		
	Education Fund Appropriation .....	\$	266,003,543
	Federal Fund Appropriation .....	\$	61,889,259
	State Fund Appropriation .....	\$	97,197,439
	Special Fund Appropriation .....	\$	1,487,417
744	Guidance Services		
	Education Fund Appropriation .....	\$	9,249,492
	Federal Fund Appropriation .....	\$	1,545,238
	State Fund Appropriation .....	\$	1,010,146
745	School Based Staff Development		
	Education Fund Appropriation .....	\$	373,214
	Federal Fund Appropriation .....	\$	506,733
	State Fund Appropriation .....	\$	479,148
746	School Social Work Services		
	Education Fund Appropriation .....	\$	8,993,299
	Federal Fund Appropriation .....	\$	1,097,756
	State Fund Appropriation .....	\$	1,131,491
	Special Fund Appropriation .....	\$	219,051
747	School Psychological Services		
	Education Fund Appropriation .....	\$	8,849,009
	Federal Fund Appropriation .....	\$	175,218
	State Fund Appropriation .....	\$	477,598
	Special Fund Appropriation .....	\$	78,015
751	Special Education and Student Support Services		
	Education Fund Appropriation .....	\$	5,412,884
	Federal Fund Appropriation .....	\$	4,614,134

	State Fund Appropriation . . . . .	\$	61,982
	Special Fund Appropriation . . . . .	\$	1,233,252
752	Office of Special Education Monitoring and Compliance		
	Education Fund Appropriation . . . . .	\$	457,916
	Federal Fund Appropriation . . . . .	\$	676,619
754	Career and Technology Instruction		
	Education Fund Appropriation . . . . .	\$	15,639,018
	Federal Fund Appropriation . . . . .	\$	2,497,974
	State Fund Appropriation . . . . .	\$	1,484,943
755	Adult/Alternative Instruction		
	Education Fund Appropriation . . . . .	\$	13,073,339
	Federal Fund Appropriation . . . . .	\$	316,992
	State Fund Appropriation . . . . .	\$	3,057,553
	Special Fund Appropriation . . . . .	\$	17,239
756	Special Instruction		
	Education Fund Appropriation . . . . .	\$	150,857,785
	Federal Fund Appropriation . . . . .	\$	24,419,410
	State Fund Appropriation . . . . .	\$	5,834,277
757	Special Career and Technology Instruction		
	Education Fund Appropriation . . . . .	\$	5,044,424
	Federal Fund Appropriation . . . . .	\$	174,337
	State Fund Appropriation . . . . .	\$	259,425
758	Gifted and Talented Education		
	Education Fund Appropriation . . . . .	\$	3,434,666
	Federal Fund Appropriation . . . . .	\$	39,704
	State Fund Appropriation . . . . .	\$	1,062,424
761	Student Transportation		
	Education Fund Appropriation . . . . .	\$	23,555,642
762	Food Services		
	Education Fund Appropriation . . . . .	\$	24,500
	Federal Fund Appropriation . . . . .	\$	27,025,517
	State Fund Appropriation . . . . .	\$	1,220,882
	Special Fund Appropriation . . . . .	\$	4,500,000
763	Fiscal Management		
	Education Fund Appropriation . . . . .	\$	3,095,834
	Federal Fund Appropriation . . . . .	\$	1,313,160
	State Fund Appropriation . . . . .	\$	53,197
764	School Based Transportation Services		
	Education Fund Appropriation . . . . .	\$	643,842
	Federal Fund Appropriation . . . . .	\$	176,430
	State Fund Appropriation . . . . .	\$	18,500

765	Procurement		
	Education Fund Appropriation .....	\$	689,566
	Federal Fund Appropriation .....	\$	323,210
	State Fund Appropriation .....	\$	49,298
766	School Controlled Operations and Maintenance		
	Education Fund Appropriation .....	\$	1,332,154
767	Facilities		
	Education Fund Appropriation .....	\$	64,317,364
	Federal Fund Appropriation .....	\$	2,691,000
	State Fund Appropriation .....	\$	2,435,000
768	School Police Force		
	Education Fund Appropriation .....	\$	4,661,964
	Federal Fund Appropriation .....	\$	715,293
769	Human Resources		
	Education Fund Appropriation .....	\$	4,356,111
	Federal Fund Appropriation .....	\$	450,679
	State Fund Appropriation .....	\$	825,051
780	Administrative Support		
	Education Fund Appropriation .....	\$	3,415,491
	Federal Fund Appropriation .....	\$	1,465,459
	State Fund Appropriation .....	\$	2,532,718
781	Planning and Student Placement		
	Education Fund Appropriation .....	\$	468,231
	Federal Fund Appropriation .....	\$	91,172
	State Fund Appropriation .....	\$	13,904
782	Research, Evaluation and Accountability		
	Education Fund Appropriation .....	\$	2,255,201
	Federal Fund Appropriation .....	\$	755,722
	State Fund Appropriation .....	\$	406,757
783	Information Technology		
	Education Fund Appropriation .....	\$	14,595,195
	Federal Fund Appropriation .....	\$	4,687,368
	State Fund Appropriation .....	\$	5,184,099
784	Professional Development		
	Education Fund Appropriation .....	\$	980,765
	Federal Fund Appropriation .....	\$	1,205,396
	State Fund Appropriation .....	\$	6,044,622

**SECTION 2.** The foregoing amounts in summary consist of:

<u>Fund</u>	<u>Amount</u>
Education	\$628,070,213
Federal	143,417,576
State	132,539,979
Special	7,616,318
	<hr/>
	\$911,644,086

**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, 2002.

Approved June 18, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
RESOLUTION 02-030  
(Council Bill 02-819)**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING**

**Baltimore Office of Promotion & The Arts –  
Designation as Arts Council**

FOR the purpose of designating the Baltimore Office of Promotion & The Arts as the Arts Council for Baltimore City; authorizing that Office to be the official recipient of grants from the Maryland State Arts Council and of other arts-related funding; and providing for a special effective date.

**Recitals**

The Mayor's Advisory Committee on Art and Culture ("MACAC") has recently been merged with the Baltimore Office of Promotion to create a new entity known as the Baltimore Office of Promotion & The Arts.

MACAC was previously the designated Arts Council for Baltimore City and official recipient of funds from the Maryland State Arts Council and other arts-related funding sources.

The Baltimore Office of Promotion & The Arts is now performing the arts-related operations, management, and oversight functions previously performed by MACAC.

The Mayor and City Council of Baltimore recognizes and supports the importance of the arts for the creative life of the City and for its economic and social development, and supports the continuation of this important work.



**SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the Baltimore Office of Promotion & The Arts is designated the official Arts Council for Baltimore City.

**SECTION 2. AND BE IT FURTHER RESOLVED,** That the Baltimore Office of Promotion & The Arts is authorized to receive (i) all grants and other funds from the Maryland State Arts Council, and (ii) any grants, gifts, donations, and other funds from any other source for arts-related purposes.

**SECTION 3. AND BE IT FURTHER RESOLVED,** That this Resolution takes effect on the date it is enacted.

Approved June 17, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
RESOLUTION 02-031  
(Council Bill 02-820)**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING**

**Approval for Development of Housing  
in the Neighborhoods Surrounding Patterson Park**

FOR the purpose of approving the application of the Patterson Park Community Development Corporation to the Community Development Administration of the Maryland State Department of Housing and Community Development for financing to rehabilitate and market approximately 35 single-family dwelling units in the neighborhoods surrounding Patterson Park in Baltimore City.

**WHEREAS,** The Mayor and City Council of Baltimore City recognize that there is a significant need for quality housing units in Baltimore City for families of limited income; and

**WHEREAS,** Patterson Park Community Development Corporation proposes to rehabilitate and market approximately 35 single family row house units; and

**WHEREAS,** The Community Development Administration of the State of Maryland has received a request from Patterson Park Community Development Corporation to provide permanent financing for \$4 million in mortgages for the above described units, pursuant to its authority specified in Article 83B, Section 2-601 of the Annotated Code of Maryland.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the application of the Patterson Park Community Development Corporation to the Community Development Administration of the Maryland State Department of Housing and Community Development for financing to rehabilitate and market approximately 35 single-family dwelling units in the neighborhoods surrounding Patterson Park in Baltimore City is hereby approved and endorsed.

**AND BE IT FURTHER RESOLVED**, That a copy of this Resolution be sent to the Secretary of the Maryland State Department of Housing and Community Development.

Approved June 17, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
RESOLUTION 02-032  
(Council Bill 02-654)**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING**

**Charter Amendment — City Council — Members and Districts**

FOR the purpose of amending the Charter of Baltimore City to reduce the number of Councilmembers, to modify the number of Council Districts and repeal provisions for subdistricts, and to correct, clarify, and conform certain language; and submitting this amendment to the qualified voters of the City for adoption or rejection.

BY proposing to amend

Article III - City Council  
Section(s) 2(b) and (c)  
Baltimore City Charter  
(1996 Edition)

BY proposing to repeal

Article III - City Council  
Section(s) 7(c)  
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 III. City Council**

**§ 2. Members.**

(b) The Council [shall consist] **CONSISTS** of [eighteen] 14 members in addition to the President. There shall be [six] 7 districts[. Three], **WITH** 2 members [shall] **TO** be elected from each district.

(c) The election of members shall be held by council districts [or subdistricts, as provided in Section 7(c), and no]. **NO** person [shall be] **IS** entitled to vote for any member of the City Council except for the members or member for the district [or subdistrict] in which the voter is duly registered.

**§ 7. Council districts.**

[(c) To comply with the requirements of law, the Mayor may propose, the Council may enact (with or without amendments), and the Mayor may approve an ordinance subdividing any one or more of the six (6) council districts into either three (3) single member subdistricts or one single member subdistrict and one two (2) member subdistrict.]

**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**

To reduce the size of the City Council by establishing 7 Council Districts,  
with 2 members to be elected from each District,  
in addition to the Council President.

**FOR CHARTER AMENDMENT****AGAINST CHARTER AMENDMENT**

Approved August 16, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
RESOLUTION 02-033  
(Council Bill 02-806)**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING****Charter Amendment — Social Services Commission**

FOR the purpose of conforming to State law the authorized composition of the Social Services Commission; correcting, clarifying, and conforming certain language; allowing the designation of the Commission's President to be as provided by Ordinance; and submitting this amendment to the qualified voters of the City for adoption or rejection.

BY proposing an amendment to  
Article VII - Executive Departments  
Section(s) 58  
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**

**§ 58. Social Services Commission[– established; composition; appointment; terms].**

(a) There is a Social Services Commission[.].

(B) [which shall exercise those] THE COMMISSION HAS THE powers and [perform those] duties prescribed by law.

(C) [(b)] The Commission shall [consist of seven appointed citizens, who shall be appointed, confirmed, and shall serve, pursuant to Article IV, Section 6. In addition to those appointed, the Mayor and Commissioner of Health shall be members of the Commission ex officio] BE COMPOSED OF:

~~(1) THE MAYOR OR THE MAYOR'S DESIGNEE;~~

~~(2) THE COMMISSIONER OF HEALTH OR THE COMMISSIONER'S DESIGNEE; AND~~

~~(3) AT LEAST 7 9 BUT NO MORE THAN 11 APPOINTED 13 MEMBERS, AS SPECIFIED FROM TIME TO TIME BY ORDINANCE OF THE MAYOR AND CITY COUNCIL; TO BE APPOINTED, CONFIRMED AND SERVE AS PROVIDED IN ARTICLE IV, § 6 OF THIS CHARTER.~~

~~(D) [(e)] The Mayor shall designate [one appointed member of the Commission as its] THE President OF THE COMMISSION FROM AMONG ITS APPOINTED MEMBERS, and may withdraw [such] THAT designation FROM TIME TO TIME and [so] designate another appointed member AS PRESIDENT.~~

**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**

**Conforming to State law the authorized composition  
of the Social Services Commission**

**FOR CHARTER AMENDMENT**

**AGAINST CHARTER AMENDMENT**

Approved August 16, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
RESOLUTION 02-034  
(Council Bill 02-834)**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING**

**Payments in Lieu of Taxes –  
Ward 4, Section 10, Block 0655, Lots 15-21**

FOR the purpose of authorizing an economic development project to be known as “Market Center West Apartments” in order that the Board of Estimates may enter into a Payment in Lieu of Taxes Agreement with QDC-Baltimore, LLC for the proposed construction of a building containing not less than 200 and not more than 235 market rate rental residential units and not less than 100 and not more than 125 garage parking spaces; generally relating to payments in lieu of taxes for Market Center West Apartments; and providing for an effective date.

By authority of  
 Article - Tax - Property  
 Section 7-504.3  
 Annotated Code of Maryland  
 (As enacted by Chapter 643, Acts of 1999)

### Recitals

The Market Center West Apartments comprises a proposed building containing not less than 200 and not more than 235 market rate rental residential units and not less than 100 and not more than one 125 garage parking spaces constructed on the subject parcel in Ward 4, Section 10, Block 0655, Lots #15-21, being a portion of Disposition Lot #6 in the Market Center West Urban Renewal Area (the “Project”).

Section 7-504.3 of the State Tax-Property Article, as enacted by Chapter 643, Acts of 1999, authorizes the Board of Estimates of Baltimore City, subject to certain findings by the Board and to the enactment of an authorizing Resolution of the Mayor and City Council, to negotiate a payment in lieu of taxes (a “PILOT”) for major economic development projects that meet certain criteria.

It is understood that the PILOT Agreement for the Project will include at least the minimum provisions required by law for minority and women participation in this economic development project.

**SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That, subject to the conditions specified in this Resolution, the Project is authorized for purposes of allowing the Board of Estimates to enter into a PILOT Agreement with QDC-Baltimore, LLC, for the Project, in accordance with § 7-504.3(a)(2)(iii)(4) of the State Tax-Property Article.

**SECTION 2. AND BE IT FURTHER RESOLVED,** That this authorization is subject to the condition that the Project not house or otherwise involve gambling activities (i) beyond that allowed by law as of January 1, 1999 or (ii) related to any game not authorized by the Maryland State Lottery.

**SECTION 3. AND BE IT FURTHER RESOLVED,** That this authorization is in the best interest of the City and will achieve significant public benefits and purposes, including the encouragement of the economic development of the City, including (i) the use of resources and entrepreneurial talents of the private sector to develop the entire Market Center West Urban Renewal Area, (ii) the creation of job opportunities, (iii) the promotion of tourism, and (iv) the general promotion and improvement of the City and its facilities in order to foster and maintain the City and its image as a positive environment for the growth of business and industry and the continuing well-being of its residents, thereby further encouraging the health, welfare, and safety of the citizens of the City.

**SECTION 4. AND BE IT FURTHER RESOLVED,** That this authorization is subject to the following conditions:

- (a) the PILOT Agreement for the Project shall be for a period of fifteen (15) years after the effective date specified in the PILOT Agreement.

- (b) the negotiated payment in lieu of taxes for the Project shall be the amount of the existing taxes on the existing parcels as if taxable as of July 1, 2002 plus (ii) a minimum of the following amounts for the years listed:

Years 1 - 5: 5% of the taxes that would otherwise have resulted from the increased assessments from the construction of the Project (the "Incremental Taxes").

Years 6 - 8: 7.5% of the Incremental Taxes.

Year 9: 10% of the Incremental Taxes.

Year 10: 15% of the Incremental Taxes.

Year 11: 30% of the Incremental Taxes.

Year 12: 45% of the Incremental Taxes.

Year 13: 60% of the Incremental Taxes.

Year 14: 75% of the Incremental Taxes.

Year 15: 90% of the Incremental Taxes.

Year 16: PILOT ends and full taxes are paid.

- (c) The PILOT shall only be for the residential rental units, related amenity space for the residential units and parking garage components. The PILOT shall not apply to any leased space that is devoted to non-residential use, such as retail.
- (d) The PILOT Agreement shall provide that the PILOT terminates if there is more than one sale of the Project after permanent financing is put in place.

**SECTION 5. AND BE IT FURTHER RESOLVED,** That this Resolution supersedes Resolution 99-033, which Resolution 99-033 is repealed.

**SECTION 6. AND BE IT FURTHER RESOLVED,** That this Resolution takes effect on the date it is enacted.

Approved October 1, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
RESOLUTION 02-035  
(Council Bill 02-836)**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING**

**Payments in Lieu of Taxes – "Inner Harbor East at  
801 Aliceanna Street" (Ward 3, Section 60, Block 1801, Lot 1)**

FOR the purpose of authorizing an economic development project, to be known as “Inner Harbor East at 801 Aliceanna Street”, in order that the Board of Estimates may enter into a Payment in Lieu of Taxes Agreement with Harbor East Limited Liability Limited Partnership, its successors or assigns, for a project encompassing approximately 314 market rate rental residential units and a related structured parking garage containing approximately 475 spaces; generally relating to payments in lieu of taxes for the 801 Aliceanna Street development; and providing for a special effective date.

By authority of  
Article - Tax - Property  
Section 7-504.3  
Annotated Code of Maryland

### Recitals

The Inner Harbor East at 801 Aliceanna Street Project comprises a proposed high-rise apartment building containing approximately 314 market rate rental units and a related structured parking garage containing approximately 475 spaces, to be constructed on the parcel known as Ward 3, Section 60, Block 1801, Lot 1, also known as Parcel P under the Inner Harbor East Urban Renewal Plan (the “Project”).

Section 7-504.3 of the State Tax-Property Article authorizes the Board of Estimates of Baltimore City, subject to certain findings by the Board and the enactment of an authorizing Resolution of the Mayor and City Council, to negotiate a payment in lieu of taxes (a “PILOT”) for major economic development projects that meet certain criteria.

It is understood that the PILOT Agreement for the Project will include at least the minimum provisions required by law for minority and women participation in this economic development project.

**SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That, subject to the conditions specified in this Resolution, the Project is authorized for purposes of allowing the Board of Estimates to enter into a PILOT Agreement with Harbor East Limited Liability Limited Partnership, its successors or assigns, for the Project, in accordance with § 7-504.3(b)(3) of the State Tax-Property Article.

**SECTION 2. AND BE IT FURTHER RESOLVED,** That this authorization is subject to the condition that the Project not house or otherwise involve gambling activities (i) beyond that allowed by law as of January 1, 1999 or (ii) related to any game not authorized by the Maryland State Lottery.

**SECTION 3. AND BE IT FURTHER RESOLVED,** That this authorization is in the best interest of the City and will achieve significant public benefits and purposes, including the encouragement of the economic development of the City, including (i) the use of resources and entrepreneurial talents of the private sector to develop the Inner Harbor East Urban Renewal Area, (ii) the creation of job opportunities, (iii) the promotion of “24/7” downtown living, and (iv) the general promotion and improvement of the City and its facilities in order to foster and maintain the City and its image as a positive environment for the growth of business and industry and the continuing well-being of its residents, thereby further encouraging the health, welfare, and safety of the citizens of the City.

**SECTION 4. AND BE IT FURTHER RESOLVED,** That this authorization is subject to the following conditions:

- (a) The PILOT Agreement for the Project shall be for a period of 20 years after the effective date specified in the PILOT Agreement.

- (b) The negotiated payment in lieu of taxes for the Project shall be (i) the amount of the existing taxes on the land as of July 1, 2002, plus (ii) a minimum of the following amounts for the years listed:

Years 1 & 2	5% of the taxes that would otherwise have resulted from the increased assessments from the construction of the Project, including any increase in the value of the land (the "Incremental Taxes").
Years 3 - 8	15% of the Incremental Taxes.
Years 9 - 12	25% of the Incremental Taxes.
Years 13 - 15	50% of the Incremental Taxes.
Years 16 - 20	75% of the Incremental Taxes.
Year 21	PILOT ends and full taxes are paid.

- (c) The PILOT shall only be for the residential rental units and related parking located on Parcel P. The PILOT may not apply to any part of the development that is devoted to any other use, such as for-sale condominium units (including attendant parking spaces), office space, or retail space.

**SECTION 5. AND BE IT FURTHER RESOLVED,** That this Resolution takes effect on the date it is enacted.

Approved October 25, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
RESOLUTION 02-036  
(Council Bill 02-882)**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING**

**Payment in Lieu of Taxes — Water Tower Apartments**

FOR the purpose of authorizing an economic development project, to be known as the Water Tower Apartments, in order that the Board of Estimates may enter into a Payment in Lieu of Taxes Agreement with LH Water Tower, LLC, for a project encompassing approximately 325-375 market-rate rental units; generally relating to payments in lieu of taxes for the project; and providing for a special effective date.

BY authority of  
Article - Tax - Property  
Section 7-504.3  
Annotated Code of Maryland

**Recitals**

The Water Tower Apartments is proposed to include not less than 325 and not more than 375 market-rate rental units, contained in a high-rise apartment building, to be constructed in the air rights above the



existing 414 Water Street Garage (the "Project"). The developer, LH Water Tower, LLC, plans to construct this \$40 million project with private capital. No City or other public sector funding will be used for the Project.

§ 7-504.3 of the State Tax-Property Article authorizes the Board of Estimates of Baltimore City, subject to certain findings by the Board and the enactment of an authorizing Resolution of the Mayor and City Council, to negotiate a payment in lieu of taxes (a "PILOT") for major economic development projects that meet certain criteria.

It is understood that the PILOT Agreement for the Project will include at least the minimum provisions required by law for minority and women participation in this economic development project.

**SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That, subject to the conditions specified in this Resolution, the Project is authorized for purposes of allowing the Board of Estimates to enter into a PILOT Agreement with LH Water Tower, LLC, for the Project, in accordance with § 7-504.3(a)(2)(iii)4 and (b)(3) of the State Tax-Property Article.

**SECTION 2. AND BE IT FURTHER RESOLVED,** That this authorization is subject to the condition that the Project not house or otherwise involve gambling activities (i) beyond that allowed by law as of January 1, 1999, or (ii) related to any game not authorized by the Maryland State Lottery.

**SECTION 3. AND BE IT FURTHER RESOLVED,** That this authorization is in the best interest of the City and will achieve significant public benefits and purposes, including (i) the encouragement of the economic development of the City, including the use of resources and entrepreneurial talents of the private sector to develop the Central Business District Urban Renewal Area, (ii) the creation of job opportunities, (iii) the promotion of tourism, and (iv) the general promotion and improvement of the City and its facilities in order to foster and maintain the City and its image as a positive environment for the growth of business and industry and the continuing well-being of its residents, thereby further encouraging the health, welfare, and safety of the citizens of the City.

**SECTION 4. AND BE IT FURTHER RESOLVED,** That this authorization is subject to the following conditions:

- (a) The PILOT Agreement for the Project shall be for a period of 10 years after the effective date specified in the PILOT Agreement.
- (b) The negotiated payment in lieu of taxes for the Project shall be (i) the amount of the existing taxes on the land as of July 1, 2002, plus (ii) the following amounts for the years listed:

Years 1 through 5	5% of the taxes that would otherwise have resulted from the increased assessments from the construction of the Project (the "Incremental Taxes")
Year 6	10% of the Incremental Taxes
Year 7	20% of the Incremental Taxes
Year 8	40% of the Incremental Taxes
Year 9	60% of the Incremental Taxes
Year 10	80% of the Incremental Taxes

Year 11

PILOT ends, and full taxes are paid.

- (c) The PILOT shall only be for the residential rental units and may not apply to any leased space that is devoted to non-residential use, such as retail.
- (d) The PILOT Agreement shall provide that the PILOT is not transferable by the development entity during development, construction, and initial leasing.
- (e) The PILOT Agreement shall provide for termination of the PILOT if, after permanent financing is in place, more than one sale of the Project occurs without the approval of the Board of Estimates.

**SECTION 5. AND BE IT FURTHER RESOLVED,** That this Resolution takes effect on the date it is enacted.

Approved October 31, 2002

MARTIN O'MALLEY, Mayor

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**CITY OF BALTIMORE  
RESOLUTION 02-037  
(Council Bill 02-923)**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING**

**Lights on Afterschool – October 10, 2002**

FOR the purpose of supporting the Third Annual Lights on Afterschool event on October 10, 2002, calling attention to afterschool programs and their important role in the lives of children, families, and communities; and providing for a special effective date.

**Recitals**

On October 10, 2002, Lights on Afterschool will rally community support for the program by showing the benefits of afterschool programs to parents, community and business leaders, and the media. On this day, afterschool programs across the country will be turning their lights on and hosting "open houses" for their communities. At the events, everyone will learn firsthand that afterschool programs can keep kids safe, help working families, and improve academic achievement.

Lights on Afterschool is a project of the Afterschool Alliance, a nonprofit organization dedicated to ensuring that all children have access to afterschool programs by 2010. It was launched in October 2000, with 1,200 communities nationwide and supported by more than a dozen national partners. Since then the number of participating programs has increased from 3,600 events in 2001 to more than 5000 programs across the country this year. Its goals are to raise national and local awareness of the importance of afterschool programs, to increase the amount of funding and resources available to afterschool programs, and to support existing afterschool programs in areas of the country where the lights are off.

This event not only spotlights the efforts of Lights on Afterschool, but it also brings attention to the need for afterschool programs. As many as 15 million children have no structured activities to attend when the school day ends. Children deserve the benefits that afterschool programs can offer: improved grades and social skills, and creative learning opportunities.

By supporting this event, Baltimore City supports afterschool programs that provide support and encouragement to the students and families involved.

**SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That this Body supports the Lights on Afterschool event on October 10, 2002 calling attention to afterschool programs and their important role in the lives of children, families, and communities.

**SECTION 2. AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the Afterschool Alliance.

**SECTION 3. AND BE IT FURTHER RESOLVED,** That this Resolution takes effect on the date it is enacted.

Approved November 1, 2002

MARTIN O'MALLEY, Mayor

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