

ORDINANCES AND RESOLUTIONS
OF THE
MAYOR AND CITY COUNCIL
OF BALTIMORE

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Resolutions 02-038 to 03-048

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Avery Aisenstark, Director
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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.

**CITY OF BALTIMORE
ORDINANCE 03-494
(Council Bill 02-966)**

AN ORDINANCE CONCERNING

**City Streets — Opening —
Certain Streets and Alleys bounded by Ramsay Street,
Poppleton Street, McHenry Street, and Parkin Street**

FOR the purpose of condemning and opening certain streets and alleys bounded by Ramsay Street, Poppleton Street, McHenry Street, and Parkin Street, as shown on Plat 291-A-12D 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 Ramsay Street, Poppleton Street, McHenry Street, and Parkin Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the west side of Parkin Street, 66 feet wide and the south side of McHenry Street, 66 feet wide, and running thence binding on the south side of said McHenry Street, Easterly 66.0 feet to the east side of said Parkin Street; thence binding on the east side of said Parkin Street, Southerly 338.0 feet, more or less, to intersect the north side of the former bed of Ramsay Street, 50 feet wide, as condemned and closed; thence binding on the north side of the former bed of said Ramsay Street, as condemned and closed, Westerly 66.0 feet to the west side of said Parkin Street, and thence binding on the west side of said Parkin Street, Northerly 338.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the south side of Ramsay Street, 50 feet wide and the east side of Poppleton Street, 66 feet wide, and running thence binding on the east side of said Poppleton Street, Northerly 50.0 feet to the north side of said Ramsay Street; thence binding on the north side of said Ramsay Street, Easterly 106.5 feet, more or less, to the easternmost extremity of said Ramsay Street; thence binding on the easternmost extremity of said Ramsay Street, Southerly 50.0 feet to the south side of said Ramsay Street, and thence binding on the south side of said Ramsay Street, Westerly 106.5 feet, more or less, to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the south side of Ryan Street, 30 feet wide and the east side of Poppleton Street, 66 feet wide, and running thence binding on the east side of said Poppleton Street, Northerly 30.0 feet to the north side of said Ryan Street; thence binding on the north side of said Ryan Street, Easterly 177.4 feet, more or less, to the easternmost extremity of said Ryan Street; thence binding on the easternmost extremity of said Ryan Street, Southerly 30.0 feet to the south

side of said Ryan Street, and thence binding on the south side of said Ryan Street, Westerly 177.4 feet, more or less, to the place of beginning.

Beginning for Parcel No. 4 at the point formed by the intersection of the north side of Ryan Street, 30 feet wide and the west side of a driveway, 15.4 feet wide, laid out along the east outline of the property known as No. 842/850 Ryan Street, said point of beginning being distant easterly 162.0 feet, more or less, measured along the north side of said Ryan Street from the east side of Poppleton Street, 66 feet wide, and running thence binding on the west side of said driveway, Northerly 84.0 feet, more or less, to the south side of an eight foot alley laid out in the rear of the properties known as Nos. 835 through 855 McHenry Street; thence binding on the south side of said alley, Easterly 15.4 feet, more or less, to the east side of said driveway; thence binding on the east side of said driveway, Southerly 84.0 feet, more or less, to the north side of said Ryan Street, and thence binding on the north side of said Ryan Street, Westerly 15.4 feet, more or less, to the place of beginning.

As delineated on Plat 291-A-12D, prepared by the Survey Control Section and filed on March 20, 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 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 February 6, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-495
(Council Bill 02-967)**

AN ORDINANCE CONCERNING

**City Streets — Closing —
Certain Streets and Alleys bounded by Ramsay Street,
Poppleton Street, McHenry Street, and Parkin Street**

FOR the purpose of condemning and closing certain streets and alleys bounded by Ramsay Street, Poppleton Street, McHenry Street, and Parkin Street, as shown on Plat 291-A-12E 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 Ramsay Street, Poppleton Street, McHenry Street, and Parkin Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the west side of Parkin Street, 66 feet wide and the south side of McHenry Street, 66 feet wide, and running thence binding on the south side of said McHenry Street, Easterly 66.0 feet to the east side of said Parkin Street; thence binding on the east side of said Parkin Street, Southerly 338.0 feet, more or less, to intersect the north side of the former bed of Ramsay Street, 50 feet wide, as condemned and closed; thence binding on the north side of the former bed of said Ramsay Street, as condemned and closed, Westerly 66.0 feet to the west side of said Parkin Street, and thence binding on the west side of said Parkin Street, Northerly 338.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the south side of Ramsay Street, 50 feet wide and the east side of Poppleton Street, 66 feet wide, and running thence binding on the east side of said Poppleton Street, Northerly 50.0 feet to the north side of said Ramsay Street; thence binding on the north side of said Ramsay Street, Easterly 106.5 feet, more or less, to the easternmost extremity of said Ramsay Street; thence binding on the easternmost extremity of said Ramsay Street, Southerly 50.0 feet to the south side of said Ramsay Street, and thence binding on the south side of said Ramsay Street, Westerly 106.5 feet, more or less, to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the south side of Ryan Street, 30 feet wide and the east side of Poppleton Street, 66 feet wide, and running thence binding on the east side of said Poppleton Street, Northerly 30.0 feet to the north side of said Ryan Street; thence binding on the north side of said Ryan Street, Easterly 177.4 feet, more or less, to the easternmost extremity of said Ryan Street; thence binding on the easternmost extremity of said Ryan Street, Southerly 30.0 feet to the south side of said Ryan Street, and thence binding on the south side of said Ryan Street, Westerly 177.4 feet, more or less, to the place of beginning.

Beginning for Parcel No. 4 at the point formed by the intersection of the north side of Ryan Street, 30 feet wide and the west side of a driveway, 15.4 feet wide, laid out along the east outline of the property known as No. 842/850 Ryan Street, said point of beginning being distant easterly 162.0 feet, more or less, measured along the north side of said Ryan Street from the east side of Poppleton Street, 66 feet wide, and running thence binding on the west side of said driveway, Northerly 84.0 feet, more or less, to the south side of an eight foot alley laid out in the rear of the properties known as Nos. 835 through 855 McHenry Street; thence binding on the south side of said alley, Easterly 15.4 feet, more or less, to the east side of said driveway; thence binding on the east side of said driveway, Southerly 84.0 feet, more or less, to the north side of said Ryan Street, and thence binding on the north side of said Ryan Street, Westerly 15.4 feet, more or less, to the place of beginning.

As delineated on Plat 291-A-12E, prepared by the Survey Control Section and filed on March 20, 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 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 February 6, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-496
(Council Bill 02-968)**

AN ORDINANCE CONCERNING

**City Streets — Opening —
A 14.5-Foot Alley and a 24-Foot Alley**

FOR the purpose of condemning and opening (1) a 14.5-foot alley laid out in the rear of the properties known as Nos. 201/225 and 227 West Monument Street, extending from Howard Street easterly 167.5 feet, more or less, and (2) a 24-foot alley laid out in the rear of the property known as No. 201/225 West Monument Street, extending from Park Avenue westerly 195 feet, more or less, as shown on Plat 347-A-58 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) a 14.5-foot alley laid out in the rear of the properties known as Nos. 201/225 and 227 West Monument Street, extending from Howard Street easterly 167.5 feet, more or less, and (2) a 24-foot alley laid out in the rear of the property known as No. 201/225 West Monument Street, extending from Park Avenue westerly 195 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 Howard Street, 82.5 feet wide and the north side of a 14.5-foot alley laid out in the rear of the properties known as Nos. 201/225 and 227 West Monument Street, said point of beginning being distant southerly 150.4 feet, more or less, measured along the east side of said Howard Street from the south side of Monument Street, 66 feet wide, and running thence binding on the north side of said alley, Easterly 167.5 feet, more or less, to the west side of the former bed of Tyson Street, 20 feet wide; thence binding on the west side of the former bed of said Tyson Street, Southerly 14.5 feet, more or less, to intersect the south side of said alley; thence binding on the south side of said alley, Westerly 167.5 feet, more or less, to intersect the east side of said Howard Street, and thence binding on the east side of said Howard Street, Northerly 14.5 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 Park Avenue, 66 feet wide and the north side of a 24-foot alley laid out in the rear of the property known as No. 201/225 West Monument Street, said point of beginning being distant southerly 125 feet, more or less, measured along the west side of said Park Avenue from the south side of Monument Street, 66 feet wide, and running thence binding on the west side of said Park Avenue, Southerly 24.0 feet to the south side of said 24-foot alley; thence binding on the south side of said 24-foot alley, Westerly 175.0 feet, to the east side of an alley, varying in width, laid out in the rear of the property known as No. 201/225 West Monument Street; thence binding on the east and south sides of last said alley the 2 following courses and distances; namely, Southerly 15.9 feet, more or less, and Westerly 20.0 feet to intersect the west side of the former bed of Tyson Street, 20 feet wide; thence binding on the west side of the former bed of said Tyson Street, Northerly 14.5 feet, more or less, to the northwest side of last said alley; thence binding on the northwest and west sides of last said alley, Northeasterly 20.0 feet, more or less, and Northerly 8.3 feet, more or less, to the north side of last said alley, and thence binding in part on the north side of last said alley, in part on the north side of said 24 foot alley, and in all, Easterly 186.8 feet, more or less, to the place of beginning.

As delineated on Plat 347-A-58, prepared by the Survey Control Section and filed on November 15, 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 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 February 6, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-497
(Council Bill 02-969)**

AN ORDINANCE CONCERNING

**City Streets — Closing —
A 14.5-Foot Alley and a 24-Foot Alley**

FOR the purpose of condemning and closing (1) a 14.5-foot alley laid out in the rear of the properties known as Nos. 201/225 and 227 West Monument Street, extending from Howard Street easterly 167.5 feet, more or less, and (2) a 24-foot alley laid out in the rear of the property known as No. 201/225 West Monument Street, extending from Park Avenue westerly 195 feet, more or less, as shown on Plat 347-A-58A in the Office of the Department of Public Works; and providing for a special effective date.

BY authority of

Article I - General Provisions
Section 4

and

Article II - General Powers
Sections 2, 34, 35
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Department of Public Works shall proceed to condemn and close (1) a 14.5-foot alley laid out in the rear of the properties known as Nos. 201/225 and 227 West Monument Street, extending from Howard Street easterly 167.5 feet, more or less, and (2) a 24-foot alley laid out in the rear of the property known as No. 201/225 West Monument Street, extending from Park Avenue westerly 195 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 Howard Street, 82.5 feet wide and the north side of a 14.5-foot alley laid out in the rear of the properties known as Nos. 201/225 and 227 West Monument Street, said point of beginning being distant southerly 150.4 feet, more or less, measured along the east side of said Howard Street from the south side of Monument Street, 66 feet wide, and running thence binding on the north side of said alley, Easterly 167.5 feet, more or less, to the west side of the former bed of Tyson Street, 20 feet wide; thence binding on the west side of the former bed of said Tyson Street, Southerly 14.5 feet, more or less, to intersect the south side of said alley; thence binding on the south side of said alley, Westerly 167.5 feet, more or less, to intersect the east side of said Howard Street, and thence binding on the east side of said Howard Street, Northerly 14.5 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 Park Avenue, 66 feet wide and the north side of a 24-foot alley laid out in the rear of the property known as No. 201/225 West Monument Street, said point of beginning being distant southerly 125 feet, more or less, measured along the west side of said Park Avenue from the south side of Monument Street, 66 feet wide, and running thence binding on the west side of said Park Avenue, Southerly 24.0 feet to the south side of said 24-foot alley; thence binding on the south side of said 24 foot alley, Westerly 175.0 feet to the east side of an alley, varying in width, laid out in the rear of the property known as No. 201/225 West Monument Street; thence binding on the east and south sides of last said alley the 2 following courses and distances; namely, Southerly 15.9 feet, more or less, and Westerly 20.0 feet to intersect the west side of the former bed of Tyson Street, 20 feet wide; thence binding on the west side of the former bed of said Tyson Street,

Northerly 14.5 feet, more or less, to the northwest side of last said alley; thence binding on the northwest and west sides of last said alley, Northeasterly 20.0 feet, more or less, and Northerly 8.3 feet, more or less, to the north side of last said alley, and thence binding in part on the north side of last said alley, in part on the north side of said 24-foot alley, and in all, Easterly 186.8 feet, more or less, to the place of beginning.

As delineated on Plat 347-A-58A, prepared by the Survey Control Section and filed on November 15, 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 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 February 6, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-498
(Council Bill 02-971)**

AN ORDINANCE CONCERNING

City Streets — Closing — A Portion of Bloede Avenue

FOR the purpose of condemning and closing a portion of Bloede ~~Street~~ Avenue, contiguous to the northwest side thereof, extending from a point 235.62 feet northeast of Caton Avenue, northeasterly 259.7 feet, more or less, to Ellamont Street, as shown on Plat 346-A-40 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 25-foot wide portion of Bloede Avenue, contiguous to the northwest side thereof, extending from a point 235.62 feet northeast of Caton Avenue, northeasterly 259.7 feet, more or less, to Ellamont Street and more particularly described as follows:

Beginning for Parcel No. 1 at a point on the northwest side of Bloede Avenue, 50 feet wide, distant 235.62 feet measured along the northwest side of said Bloede Avenue from the northeast side of Caton Avenue, 110 feet wide, and running thence binding on the northwest side of said Bloede Avenue, Northeasterly 259.68 feet to intersect the southwest side of Ellamont Street, 50 feet wide; thence binding on the southwest side of said Ellamont Street, Southeasterly 25.00 feet to intersect the centerline of said Bloede Avenue; thence binding on the centerline of said Bloede Avenue, Southwesterly 259.68 feet, and thence by a straight line drawn at a right angle to the northwest side of said Bloede Avenue, Northwesterly 25.00 feet to the place of beginning.

As delineated on Plat 346-A-40, prepared by the Survey Control Section and filed on November 7, 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 portion of Bloede 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 February 6, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-499
(Council Bill 02-960)**

AN ORDINANCE CONCERNING

Franchise — Bridgeway over East Saratoga Street

FOR the purpose of granting a franchise to Mercy Medical Center, Inc., to construct, use, and maintain a pedestrian bridgeway above and across the 100 block of East Saratoga Street, connecting the office building to be constructed by Mercy Medical Center, Inc. at 227 St. Paul Place, to the Mercy Medical Center complex located at 301 St. Paul Place, 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)

Recitals

Mercy Medical Center, Inc., is constructing an approximately 117,000 square foot multi-story building located at 227 St. Paul Place for Mercy Medical Center related uses, including clinic centers, radiation oncology therapy, women's health issues, and a conference center. An approximately 780 space parking garage will also be developed on the site.

Mercy Medical Center, Inc., proposes to construct a new pedestrian bridgeway over the 100 block of East Saratoga Street to connect the new building to the existing Mercy Medical Center complex located at 301 St. Paul Place.

Portions of the pedestrian bridgeway will be located above and across the public right-of-way.

The purpose of the pedestrian bridgeway is to provide a safe and convenient means for patients, employees and visitors to travel between the new building and the Mercy Medical Center complex.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That a franchise or right is granted to Mercy Medical Center, Inc., 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 pedestrian bridgeway approximately 16.33 feet wide by 31.33 feet high by 50 feet long, that will connect the building being constructed by the Grantee at 227 St. Paul Place, to the Mercy Medical Center complex at 301 St. Paul Place, by crossing the 100 block of East Saratoga Street, located within an aerial easement area more particularly described as follows:

Beginning at a point on the southern right-of-way line of East Saratoga Street, said point being South 87 degrees 25 minutes 10 seconds West, 95.48 feet from the northeast corner of the intersection of the rights-of-way lines of East Saratoga Street and North Calvert Street. Thence extending the following courses and distances: along the right-of-way line of East Saratoga Street, South 87 degrees 25 minutes 10 seconds West, 16.35 feet; North 02 degrees 55 minutes 08 seconds West, 50.00 feet to a point on the north side of East Saratoga Street; along the right-of-way line of East Saratoga Street, North 87 degrees 25 minutes 10 seconds East, 16.35 feet, and; South 02 degrees 55 minutes 08 seconds East, 50.00 feet to the point of beginning.

Said easement shall have a bottom elevation limit of 46.48 feet, more or less, and a top elevation of 77.85 feet, more or less.

Containing approximately 817.50 square feet in plane and a volume of 25,645 cubic feet.

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 \$9,748.20 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 February 26, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-500
(Council Bill 02-961)**

AN ORDINANCE CONCERNING

Franchise — Private Ductbank Under East Saratoga Street

FOR the purpose of granting a franchise to Mercy Medical Center, Inc., to construct, use, and maintain an underground private ductbank in the 100 block of East Saratoga Street, connecting the office building to be constructed by Mercy Medical Center, Inc., at 227 St. Paul Place, to the Mercy Medical Center complex located at 301 St. Paul Place, 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)

Recitals

Mercy Medical Center, Inc., is constructing an approximately 117,000 square foot multi-story building located at 227 St. Paul Place for Mercy Medical Center related uses, including clinic centers, radiation oncology therapy, women's health issues, and a conference center. An approximately 780 space parking garage will also be developed on the site.

Mercy Medical Center, Inc., proposes to construct an underground private electric and communications ductbank in the 100 block of East Saratoga Street, connecting the new building to the existing Mercy Medical Center complex located at 301 St. Paul Place.

Portions of the private ductbank will be located within the public right-of-way.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That a franchise or right is granted to Mercy Medical Center, Inc., 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, an underground 6-foot by 18-inch private electric and communications ductbank approximately 50 feet long, that will connect the building being constructed by the Grantee at 227 St. Paul Place, to the Mercy Medical Center complex at 301 St. Paul Place, by crossing beneath the 100 block of East Saratoga Street, more particularly described as follows:

Beginning at a point on the southern right-of-way line of East Saratoga Street, said point being South 87 degrees 25 minutes 10 seconds West, 100.25 feet from the northeast corner of the intersection of the rights-of-way lines of East Saratoga Street and North Calvert Street. Thence extending the following courses and distances: along the right-of-way line of East Saratoga Street, South 87 degrees 25 minutes 10 seconds West, 6.00 feet; North 02 degrees 41 minutes 00 seconds West, 35.69 feet to a point; North 17 degrees 06 minutes 04 seconds East, 13.91 feet to a point; North 02 degrees 41 minutes 00 seconds West, 1.21 feet to a point on the north side of East Saratoga Street; along the right-of-way line of East Saratoga Street, North 87 degrees 25 minutes 10 seconds East, 6.00 feet; South 02 degrees 41 minutes 00 seconds East, 2.25 feet; South 17 degrees 06 minutes 04 seconds West, 13.91 feet, and; South 02 degrees 41 minutes 00 seconds East, 34.66 feet to the point of beginning.

Said easement shall be 18 inches deep, varying in elevation with an upper elevation limit varying from elevation 12.5 feet, more or less, at the south right-of-way line of East Saratoga Street to elevation 22.50 feet, more or less, at the north right-of-way line of East Saratoga Street.

Containing approximately 300 square feet in plane and a volume of 450 cubic feet.

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 \$2,475.00 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 February 26, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-501
(Council Bill 02-951)**

AN ORDINANCE CONCERNING

Department of Transportation — Establishment

~~FOR the purpose of establishing a Department of Transportation and providing for its powers and duties; providing for a Director of Transportation and other staff; transferring to the Department certain powers and duties; and generally relating to transit and traffic, surveys, streets, highways, and sanitation.~~

~~BY adding~~

~~Article 31 - Transit and Traffic
Section(s) 4-1 through 4-3, to be under the new
"Subtitle 4. Department of Transportation"
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 4. DEPARTMENT OF TRANSPORTATION****~~§ 4-1. DEPARTMENT ESTABLISHED:~~**

~~THERE IS A DEPARTMENT OF TRANSPORTATION.~~

~~§ 4-2. DIRECTOR AND STAFF:~~**~~(A) DIRECTOR:~~**

~~THE HEAD OF THE DEPARTMENT IS THE DIRECTOR OF TRANSPORTATION, WHO IS APPOINTED AND SERVES AS PROVIDED IN ARTICLE IV, § 6 OF THE CITY CHARTER.~~

~~(B) STAFF:~~

~~THE DIRECTOR OF TRANSPORTATION MAY:~~

- ~~(1) APPOINT OR EMPLOY ASSISTANTS AND EMPLOYEES AS NEEDED FOR THE PROPER PERFORMANCE OF THE DUTIES AND FUNCTIONS OF THE DEPARTMENT; AND~~
- ~~(2) DELEGATE TO THESE ASSISTANTS AND EMPLOYEES THE POWERS AND DUTIES THAT THE DIRECTOR CONSIDERS PROPER.~~

~~(C) COMPENSATION:~~

~~THE COMPENSATION OF THE DIRECTOR AND STAFF IS AS APPROVED BY THE BOARD OF ESTIMATES AND PROVIDED FOR IN THE ORDINANCE OF ESTIMATES.~~

~~§ 4-3. GENERAL POWERS:~~

~~THE DEPARTMENT OF TRANSPORTATION HAS THE POWERS AND DUTIES CONTAINED IN THE FOLLOWING PROVISIONS OF THE CITY CODE:~~

- ~~(1) ARTICLE 23, § 1-1 {"[S]ANITATION SERVICES"}.~~
- ~~(2) ARTICLE 26 {"SURVEYS, STREETS, AND HIGHWAYS"}, EXCEPT FOR:
 - ~~(i) SUBTITLE 3 {"OPENING, WIDENING, CLOSING STREETS"};~~
 - ~~(ii) SUBTITLE 13 {"LAMPS AND LIGHTING"}; AND~~
 - ~~(iii) SUBTITLE 23 {"UNDERGROUND CONDUITS FOR WIRES"}.~~~~
- ~~(3) ARTICLE 31 {"TRANSIT AND TRAFFIC"}.~~

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.~~

FOR the purpose of creating a Department of Transportation; providing for the powers and duties of the Department of Transportation; transferring certain powers and duties and certain programs of the Department of Public Works to the Department of Transportation; providing generally for the implementation thereof; and providing for a special effective date.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That there is a Department of Transportation. The head of the Department is the Director of Transportation, who is appointed and serves as provided in Article IV, § 6 of the City Charter. The Director may appoint or employ assistants and employees as needed for the proper performance of the duties and functions of the Department and delegate to these assistants and employees the powers and duties that the Director considers proper. The compensation of the Director and staff is as approved by the Board of Estimates.

SECTION 2. AND BE IT FURTHER ORDAINED, That the following powers, duties, and programs are transferred to the Department of Transportation:

- (a) the powers and duties of the Department of Public Works set forth in Article 31 of the City Code; and
- (b) the following programs budgeted under the Office of Transportation or the Department of Transportation:
 - (1) 195 - Towing.
 - (2) 500 - Street Lighting.
 - (3) 501 - Highway Maintenance.
 - (4) 503 - Highway Engineering.
 - (5) 505 - Park and Street Trees.
 - (6) 548 - Conduits.

SECTION 3. AND BE IT FURTHER ORDAINED, That in all work hereafter to be done under the supervision of the Director of Transportation which, in his or her judgment, requires the services of an inspector, the party or parties doing the work:

- (a) shall pay the City the reasonable costs of such inspection; and
- (b) shall make a deposit of money to cover the cost of such inspection in any and all cases where the Director of Transportation deems necessary for the protection of the City.

SECTION 4. AND BE IT FURTHER ORDAINED, That the Department of Transportation shall have all the implied powers, duties, and responsibilities necessary to implement this Ordinance.

SECTION 5. AND BE IT FURTHER ORDAINED, That this Ordinance shall take effect on the date of its enactment.

Approved March 17, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-502
(Council Bill 02-870)**

AN ORDINANCE CONCERNING

**Planned Unit Development — Designation —
Swann's Wharf**

FOR the purpose of approving the application of 1001 Fell Street Limited Partnership and The Belt's Corporation, owners of 935 South Wolfe Street and 951 Fell Street, respectively (collectively, the "Property"), to have the Property designated a Business Planned Unit Development; and approving the Development Plan submitted by the applicants.

BY authority of

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

Recitals

1001 Fell Street Limited Partnership and The Belt's Corporation are the owners of the fee simple interests in the properties known as 935 South Wolfe Street and 951 Fell Street, respectively (collectively, the "Property"), consisting of 3.8386 acres, more or less.

The owners propose to develop the Property to be used as a mixed use development, consisting of business or residential uses.

On August 6, 2002, representatives of 1001 Fell Street Limited Partnership and The Belt's Corporation 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 1001 Fell Street Limited Partnership and The Belt's Corporation 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 1001 Fell Street Limited Partnership and The Belt's Corporation, fee simple owners of the properties known as 935 South Wolfe Street and 951 Fell Street, respectively (collectively, the "Property"), consisting of 3.8386 acres, more or less, as outlined on the accompanying

Development Plan entitled “Swann’s Wharf”, dated May 13, 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 permitted within the Planned Unit Development:

- (a) All permitted, accessory, and conditional uses as allowed in the B-2 Zoning District and controlled by the Fells Point Urban Renewal Plan, unless otherwise stipulated in this Planned Unit Development; and
- (b) Marinas, subject to amendment of the Master Marina Plan by the ~~Planning Commission;~~ laboratories 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 262 dwelling units;
- (c) Marinas (subject to the Marina Master Plan); microwave antennae and satellite dishes; public utilities, rooftop antennae but not towers for public communications transmission or receiving; and outdoor table service when accessory to a restaurant are subject to Planning Commission approval; and
- (d) Retail uses, not including offices, laboratories, or physical culture facilities, are limited to Parcel 1 (along Fell Street) and the first floor of Parcel 2 (center parcel). No retail or office is allowed on Parcel 3 (the townhouses) other than home occupations.

SECTION 3. AND BE IT FURTHER ORDAINED, That the Mayor and City Council approves the accompanying Development Plan consisting of:

- (a) Exhibit A, “Existing Conditions Plan”, dated May 13, 2002, as revised January 29, 2003;
- (b) Exhibit B, “Proposed Conditions Plan”, dated May 13, 2002, as revised January 29, 2003;
- (c) Exhibit C, “Preliminary ~~Landscaping~~ Landscape Plan”, dated May 13, 2002, as revised January 29, 2003; and
- (d) Exhibit D, “Building Massing ~~Illustrations~~ Illustration”, dated May 13, 2002, as revised January 29, 2003; and
- (e) Exhibit E, “Townhouse Elevations”, dated January 29, 2003.

SECTION 4. AND BE IT FURTHER ORDAINED, That the the Development Plan submitted by 1001 Fell Street Limited Partnership and The Belt’s Corporation is approved.

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 30th day after the date it is enacted.

Approved March 18, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-503
(Council Bill 02-940)**

AN ORDINANCE CONCERNING

**Urban Renewal — Brooklyn Business Area —
Amendment 2**

FOR the purpose of amending the Urban Renewal Plan for Brooklyn Business Area to extend the life of 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 Brooklyn Business Area was originally approved by the Mayor and City Council of Baltimore by Ordinance 82-852 and last amended by Ordinance 84-077.

An amendment to the Urban Renewal Plan for Brooklyn Business Area is necessary to extend the provisions of the Plan for an additional 2 years, pending further review and modifications to 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 Brooklyn Business Area are approved:

On page 14 of the Plan, amend Section F. to read as follows:

The Brooklyn BUSINESS AREA Urban Renewal Plan, as [it may be] amended from time to time, [shall be] IS in full force and effect for a period of [twenty (20)] 22 years from the date of original [approval] ADOPTION of this Plan by ORDINANCE OF the Mayor and City Council of Baltimore.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Urban Renewal Plan for the Brooklyn Business Area, 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, retroactive to December 20, 2002.

Approved March 18, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-504
(Council Bill 03-991)**

AN ORDINANCE CONCERNING

**Metropolitan District of Baltimore County —
Extension 146**

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 55.37 acres, located in the 2C1 Election District of Baltimore County on the west side of Deer Park Road 1000' north of Lyons Mill Road, as more particularly shown on the plat labeled Extension 146 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 18, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
 ORDINANCE 03-505
 (Council Bill 02-977)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use Parking, Open Off-Street Area
 and Off-Street Garage — 1712 East Madison Street**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a parking, open off-street area and an off-street garage on the property known as 1712 East Madison 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 parking, open off-street area and an off-street garage on the property known as 1712 East Madison 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 Site Plan for this off-street parking lot and off-street garage, consisting of Sheet 1, "Site Plan", dated February 6, 2003; Sheet 2, "Ashland Avenue Elevation", dated February 6, 2003; Sheet 3, East Madison Street Elevation", dated February 6, 2003; and Sheet 4, "North Broadway Elevation and Rutland Avenue Elevation", dated February 6, 2003, 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. Subdivision or consolidation of lots will not constitute a change in conditional use.
3. The surface parking lot is temporary, and any building on that lot must comply with the underlying zoning and the Middle East Urban Renewal Plan and is not a change in conditional use.
4. The parking, open off-street area and the off-street garage ~~comply~~ 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 18, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-506
(Council Bill 03-1004)**

AN ORDINANCE CONCERNING

Mayor's Redistricting Plan

FOR the purpose of establishing the boundaries of the Council Districts for the election of members of the City Council of Baltimore.

BY authority of

Article III - City Council
Section(s) 7
Baltimore City Charter

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Council Districts for the election of members of the City Council are as follows:

(a) The 1st Council District consists of the following parts of Baltimore City:

<i>Ward</i>	<i>Precinct</i>
01	01
01	02
01	03
01	04
01	05
01	06
02	01
02	02
02	03
03	01
03	03
06	04
06	05
26	01
26	02
26	03
26	06
26	08
26	09
26	10

(b) The 2nd Council District consists of the following parts of Baltimore City:

<i>Ward</i>	<i>Precinct</i>
26	04
26	05
26	07
26	11
26	15
26	16
26	17
26	25
26	26
26	27
26	28
26	29
26	30
26	31
26	32
26	33
26	34
27	07
27	08
27	09
27	13

(c) The 3rd Council District consists of the following parts of Baltimore City:

<i>Ward</i>	<i>Precinct</i>
08	01
08	02
27	01
27	02
27	03
27	04
27	05
27	06
27	10
27	11
27	12
27	14
27	15
27	16
27	17
27	18
27	19
27	20
27	21
27	25
27	26
27	27
27	28
27	29

(d) The 4th Council District consists of the following parts of Baltimore City:

<i>Ward</i>	<i>Precinct</i>
27	22
27	23
27	24
27	30
27	31
27	32
27	33
27	34
27	35
27	36
27	37
27	38
27	39
27	40
27	41
27	42
27	43
27	44
27	45
27	46

27	47
27	48

(e) The 5th Council District consists of the following parts of Baltimore City:

<i>Ward</i>	<i>Precinct</i>
27	49
27	56
27	57
27	58
27	65
27	67
27	68
27	69
27	70
27	71
27	72
27	73
27	74
27	75
28	01
28	02
28	03
28	04
28	05
28	07
28	08
28	09

(f) The 6th Council District consists of the following parts of Baltimore City:

<i>Ward</i>	<i>Precinct</i>
13	04
13	05
15	01
15	02
15	03
15	04
15	05
15	06
15	07
15	08
15	12
15	13
15	28
15	29
15	30
27	50
27	51
27	52

27	54
27	55
27	59
27	60
27	61
27	62
27	63
27	64
27	66
28	06
<u>28</u>	<u>10</u>

(g) The 7th Council District consists of the following parts of Baltimore City:

<i>Ward</i>	<i>Precinct</i>
12	09
13	03
<u>13</u>	<u>04</u>
<u>13</u>	<u>05</u>
13	06
13	07
13	12
15	09
15	10
15	11
15	12
15	13
15	14
15	15
15	16
15	17
15	18
15	19
15	20
15	21
15	22
15	23
15	24
15	25
15	26
15	27
<u>27</u>	<u>54</u>
<u>28</u>	<u>10</u>

(h) The 8th Council District consists of the following parts of Baltimore City:

<i>Ward</i>	<i>Precinct</i>
16	13
16	14
20	06
20	07

20	08
20	09
20	10
25	01
25	02
25	03
28	11
28	12
28	13
28	14
28	15
28	16
28	17
28	18

- (i) The 9th Council District consists of the following parts of Baltimore City:

<i>Ward</i>	<i>Precinct</i>
16	03
16	04
16	05
16	06
16	07
16	08
16	09
16	10
16	11
16	12
18	02
19	01
19	02
20	01
20	02
20	03
20	04
20	05
20	11
20	12
21	03

- (j) The 10th Council District consists of the following parts of Baltimore City:

<i>Ward</i>	<i>Precinct</i>
21	04
23	01
23	02
23	03
24	01
24	02
24	03

24	04
24	05
25	04
25	05
25	06
25	07
25	08
25	09
25	10
25	11
25	12
25	13
25	14
25	15
25	16

(k) The 11th Council District consists of the following parts of Baltimore City:

<i>Ward</i>	<i>Precinct</i>
04	01
04	02
04	03
11	02
11	03
11	04
11	05
11	06
11	07
13	08
13	09
13	10
13	11
14	01
14	02
14	03
14	04
14	05
16	01
16	02
<u>16</u>	<u>03</u>
17	01
17	02
18	01
21	01
21	02
22	01
22	02

(l) The 12th Council District consists of the following parts of Baltimore City:

<i>Ward</i>	<i>Precinct</i>
03	02
05	01
05	02
07	01
08	05
08	06
08	07
08	08
09	13
09	14
09	15
09	16
10	01
10	02
10	03
10	04
11	01
12	07
12	08
12	10
12	11
12	12

(m) The 13th Council District consists of the following parts of Baltimore City:

<i>Ward</i>	<i>Precinct</i>
06	01
06	02
06	03
07	02
07	03
07	04
07	05
08	03
08	09
08	10
08	11
08	12
08	13
26	12
26	13
26	14
26	18
26	19
26	20
26	21
26	22

26	23
26	24

(n) The 14th Council District consists of the following parts of Baltimore City:

<i>Ward</i>	<i>Precinct</i>
08	04
09	01
09	02
09	03
09	04
09	05
09	06
09	07
09	08
09	09
09	10
09	11
09	12
12	01
12	02
12	03
12	04
12	05
12	06
13	01
13	02
13	13
27	53

SECTION 2. AND BE IT FURTHER ORDAINED, That all references in this Ordinance to wards and precincts are to the wards and precincts of Baltimore City as they are constituted and of record in the office of the Board of Supervisors of Elections of Baltimore City as of the effective date of this 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 25, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-507
(Council Bill 02-921)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use Parking, Open Off-Street Area —
2216 Garrison Boulevard**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a parking, open-off street area, for the parking of 4 or more automobiles, on the property known as 2216 Garrison Boulevard, 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 parking, open off-street area, for the parking of 4 or more automobiles, on the property known as 2216 Garrison Boulevard, 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 parking, open off-street area, dated February 22, 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. Future lighting may be no more than 15 feet in height and must have shoebox fixtures with light directed down. This design will limit the amount of light cast onto neighboring residential properties.
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 March 27, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-508
(Council Bill 03-990)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Capital Appropriation —
Department of Housing and Community Development — \$800,000**

FOR the purpose of providing a Supplementary General Fund Capital Appropriation in the amount of \$800,000 to the Department of Housing and Community Development (Account 9910-588-310) to provide capital expenses for the Strathdale Manor 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 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 December 11, 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 Department of Housing and Community Development (Account 9910-588-310) as a Supplementary General Fund Capital Appropriation for Fiscal Year 2003, to provide capital expenses for Strathdale Manor Housing Project. The source of revenue for this appropriation is funds from 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 2003.

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

Approved March 27, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-509
(Council Bill 02-975)**

AN ORDINANCE CONCERNING

Urban Renewal — Rosemont

FOR the purpose of establishing the Rosemont Urban Renewal Area; approving a Renewal Plan for the Rosemont Urban Renewal Area; authorizing the acquisition by purchase or by condemnation of certain properties for urban renewal purposes; creating disposition lots; establishing permitted land uses; establishing certain requirements for land acquired; establishing general regulations, controls, and

restrictions; establishing standards for review development or rehabilitation plans; establishing procedures for amending the Plan; providing for the term of the Plan; approving certain attachments and exhibits to 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 basic goals for the Rosemont Urban Renewal Plan are:

1. to develop an orderly system of land use controls that prevent the establishment or expansion of incompatible land uses.
2. to promote environmentally responsible industrial development in the Project Area and provide employment opportunities for City residents.
3. to acquire certain properties within the Project Area in order to assemble redevelopment parcels and to provide standards and controls for their redevelopment.
4. to remove blighting influences or uses, and discourage development in substantial non-compliance with the provisions of this Plan.
5. to assure consistent development in the Project Area by requiring that all plans for new development, exterior rehabilitation, or demolition be reviewed and approved as conforming with the objectives of this Plan.
6. to establish a positive and identifiable image for the Project Area to encourage private investment and to protect and ensure the stability of property values.
7. to facilitate the development and redevelopment of industrial properties within the Project Area.
8. to promote and encourage new business activity in under-utilized properties and land.

In accordance with the provisions of Article 13 of the Baltimore City Code and the goals set out in this Ordinance, the Rosemont area has been found to be in need of undertakings and activities to ensure environmentally responsible development that will encourage further business development and foster a positive relationship with local communities.

The area known as Rosemont would benefit by the exercise of the functions and powers vested in the Department of Housing and community Development.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the area known as Rosemont, as more particularly described in Section 2, is established.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Urban Renewal Plan for the Rosemont Urban Renewal Area is adopted to read as follows:

**Urban Renewal Plan
Rosemont**

A. Project Description

1. Boundary Description

Beginning for the same at the point formed by the intersection of the north side of West Franklin Street, as now laid out 60 feet wide, and the west side of North Bentalou Street, as now laid out 66 feet wide; thence binding on the Amtrak (Railroad) right-of-way northeasterly 104 feet, more or less, to intersect the east side of North Bentalou Street; thence binding on the east side of said North Bentalou Street, northerly 492 feet, more or less, to intersect the south side of a 10 foot wide alley; thence binding on the south side of said 10 foot wide alley, easterly 105 feet, more or less, to intersect the east side of said 10 foot wide alley projected southerly; thence binding on the east of said 10 foot wide alley, and its southerly projection, northerly 505 feet, more or less, to intersect the north side of a 15 foot wide alley; thence binding on the north side of said 15 foot wide alley easterly 98 feet, more or less, to intersect the west side of Spedden Street, as now laid out 50 feet wide; thence binding on the west side of said Spedden Street northerly 120 feet, more or less, to intersect the south side of West Lanvale Street, as now laid out 60 feet wide; thence binding on the south side of said West Lanvale Street easterly 158 feet, more or less, to intersect the east side of 10 foot wide alley projected southerly; thence binding on the east side of said 10 foot wide alley and its southerly projection northerly 159 feet, more or less, to intersect the easterly projection of the north side of the property known as 811 Spedden Street; thence binding on the north side, and its easterly projection, of said 811 Spedden Street westerly 158 feet, more or less, to intersect the west side of Spedden Street,

thence binding on the west side of said Spedden Street southerly 17 feet, more or less, to intersect the north side of 10 foot wide alley; thence binding on the north side of said 10 foot wide alley westerly 98 feet, more or less, to intersect the east side of 10 foot wide alley; thence binding on the east side of said 10 foot wide alley northerly 280 feet, more or less, to intersect the south side of 10 foot wide alley; thence binding on the south side of said 10 foot wide alley, and its easterly projection, 148 feet, more or less, to intersect the east side of Spedden Street; thence binding on the east side of said Spedden Street northerly 200 feet, more or less, to intersect the north side of West Lafayette Avenue, as now laid out 100 feet wide; thence binding on the north side of said West Lafayette Avenue westerly 153 feet more or less, to intersect the east side of 10 foot wide alley; thence binding on the east side of said 10 foot wide alley northerly 376 feet more or less, to intersect the north side of Mosher street, as now laid out 66 feet wide; thence binding on the north side of said Mosher Street westerly 10 feet, more or less, to intersect the east side of 10 foot wide alley; thence binding on the east side of said 10 foot wide alley northerly 228 feet, more or less, to intersect the of south side of 20 foot wide alley, thence binding on the south side of said 20 foot wide alley easterly 160 feet, more or less, to intersect the east side of 10 foot wide alley; thence binding on the east side of said 10 foot wide alley, northerly 108 feet, more or less, to intersect the south side of Riggs Avenue, as now laid out 66 feet wide; thence binding on the south side of said Riggs Avenue, easterly 36 feet, more or less, to intersect the line of the east side of 10 foot wide alley, if projected southerly; thence binding on the east side of 10 foot wide alley and its southerly projection northerly 170 feet, more or less, to intersect the north side of 10 foot wide alley; thence binding on the north side of said 10 foot wide alley westerly 174 feet, more or less, to intersect the east side of 10 foot wide alley that becomes a 15 foot wide alley; thence binding on the east side of said 10 foot wide alley that becomes a 15 foot wide alley, northerly 930 feet, more or less, to intersect the northern side of 20 foot wide alley; thence binding on the northern side of said 20 foot wide alley 276 feet, more or less, to intersect the east side of 15 foot wide alley west of North Bentalou Street; thence binding on the east side of said 15 foot wide alley northerly 42 feet, more or less, to intersect the south side of the permanent easement adjoining the property known as the 1328 North Bentalou Street; thence binding on the south side of said permanent easement adjoining 1328 North Bentalou Street property westerly 363 feet, more or

less, to intersect the east side of Moreland Avenue, as now laid out 33 feet wide; thence binding on east side of said Moreland Avenue southerly 38 feet, more or less, to intersect the north property line of the property known as 2310 Laurens Street; thence binding on the north property line of said 2310 Laurens Street westerly 1009 feet, more or less, to intersect the west property line of 2310 Laurens Street,

thence binding on the west property line of said 2310 Laurens Street southerly 200 feet, more or less to intersect the north property line of the property known as 2620 Winchester Street; thence binding on the north property line of said 2620 Winchester Street westerly 502 feet, more or less, to intersect the west side of Braddish Avenue as now laid out 60 feet wide; thence binding on the west side of said Braddish Avenue southerly 40 feet, more or less to intersect the north side of Laurens Street, as now laid out 66 feet wide; thence binding on the north side of said Laurens Street westerly 263 feet more or less, to intersect with the east side of Ashburton Street, as now ~~bid~~ laid out 66 feet wide; thence binding on the east side of said Ashburton Street northerly 105 feet, more or less, to intersect the easterly projection of the north side of 15 foot wide alley north of Ellicott Drive; thence binding on the north side of said 15 foot wide alley and its easterly projection westerly 500 feet, more or less, to intersect the west side of North Dukeland Street, as now laid out 66 feet wide; thence binding on the west side of said North Dukeland Street southerly 5 feet, more or less, to intersect the north side of 10 foot wide alley; thence binding on the north side of said 10 foot wide alley westerly 342 feet, more or less, to intersect the east property line of 10 foot wide alley; thence binding on the east side of said 10 foot wide alley northerly 125 feet, more or less, to intersect the northern right-of-way of CSX Transportation property,

thence binding on the northern right-of-way of said CSX Transportation property easterly 405 feet, more or less, to intersect the northern property line of the property known as 2801-2835 Belmont Avenue; thence binding on the northwesterly projection of said intersection 5 feet, more or less, to intersect the south side of Belmont Avenue, as now laid out 50 feet wide; thence binding on the south side of said Belmont Avenue easterly 14 feet to intersect the east side of North Dukeland Street, as now laid out 66 feet wide; thence binding on the east side of said North Dukeland Street northerly 64 feet, more or less, to intersect the northern right-of way of CSX Transportation; thence binding on the said northern right-of-way of CSX Transportation easterly 854 feet, more or less, to intersect the east side of Braddish Avenue, as now laid out 60 feet wide; thence binding on the east side of said Braddish Avenue northerly 780 feet, more or less, to intersect the south side of Baker Street, as now laid out 66 feet wide; thence binding on the south side of said Baker Street easterly 990 feet, more or less, to intersect the west side of North Warwick Avenue, as now laid out 66 feet wide; thence binding on the west side of said North Warwick Avenue southerly 90 feet, more or less, to intersect the south side of 10 foot wide alley projected westerly; thence binding on the south side of said 10 foot wide alley and its westerly projection easterly 228 feet, more or less, to intersect the west side of 10 foot wide alley; thence binding on the west side of said 10 foot wide alley southerly 420 feet, more or less, to intersect the north side of the CSX Railroad right-of-way; thence binding on the north side of said CSX Railroad right-of-way southeasterly 751 feet, more or less, to intersect the east side of North Bentalou Street, as now laid out 66 feet wide,

thence binding on the southern and eastern property line of the property known as 2201 Presstman Street easterly and northerly 1672 feet, more or less, to intersect the south side of Presstman Street, as now laid out 66 feet wide; thence binding on the south side of said Presstman Street easterly 491 feet more or less, to interact the west side of North Monroe Street, as now laid out 66 feet wide; thence binding on the west side of said North Monroe Street southerly 1227 feet, more or less, to intersect the north property line of the property known as 1140 North Monroe Street; thence binding on the north property line of said 1140 North Monroe Street westerly 90 feet, more or less, to intersect the east side of 13 foot wide alley; thence binding on the east side of said 13 foot wide alley southerly 4 feet, more or less, to intersect the north right-of-way of said 13 foot wide alley; thence binding on

said north right-of-way of 13 foot wide alley westerly 13 feet, more or less, to intersect the west side of said 13 foot alley; thence binding on the west side of said 13 foot wide alley southerly 64 feet, more or less, to intersect the north property line of the property known as 1119 Appleton Street; thence binding on the north property line of said 1119 Appleton Street westerly 80 feet, more or less, to intersect the east side of Appleton Street, as now laid out 60 feet wide; thence binding on the east side of said Appleton Street northerly 55 feet, more or less, to intersect the north right-of-way of said Appleton Street; thence binding on the north right-of-way of said Appleton Street westerly 60 feet, more or less, to intersect the west side of said Appleton Street,

thence binding on the west side of said Appleton Street southerly 139 feet, more or less, to intersect the north side of 14 foot wide alley; thence binding on the north side of said 14 foot wide alley westerly 100 feet, more or less, to intersect the west side of 20 foot wide alley; thence binding on the west side of said 20 foot wide alley southerly 92 feet, more or less, to intersect the north side of 10 foot wide alley; thence binding on the north side of said 10 foot wide alley, and its westerly projection, westerly 149 feet, more or less, to intersect the west side of North Payson Street, as now laid out 66 feet wide; thence binding on the west side of said North Payson Street southerly 231 feet, more or less, to intersect the north side of 10 foot wide alley; thence binding on the north side of said 10 foot wide alley westerly 90 feet, more or less, to intersect the west side of 10 foot wide alley; thence binding on the west side of said 10 foot wide alley southerly 547 feet, more or less, to intersect the north side of 10 foot wide alley, north of West Lafayette Avenue; thence binding on the north side of said 10 foot wide alley, westerly 65 feet, more or less, to intersect the east side of former Brice Street (now closed),

thence binding on the east side of said former Brice Street 90 feet, more or less, southerly to intersect the north side of West Lafayette Avenue, as now laid out 66 feet wide; thence binding on the north side of said West Lafayette Avenue westerly 241 feet, more or less, to intersect the west side of North Pulaski street, as now laid out 66 feet wide; thence binding on the west side of said North Pulaski Street southerly 1372 feet, more or less, to intersect the south side of Edmondson Avenue, as now ~~bid~~ laid out 66 feet wide; thence binding on the south side of said Edmondson Avenue westerly 124 feet, more or less to intersect the west property line of the property known as 2119 Edmondson Avenue; thence binding on the west property line of said 2119 Edmondson Avenue southerly 85 feet, more or less, to intersect the south side of 10 foot wide alley; thence binding on the south side of said 10 foot wide alley, easterly 34 feet, more or less, to intersect the west side of 10 foot wide alley; thence binding on the west side of said 10 foot wide southerly 344 feet, more or less, to intersect the north side of West Franklin Street, as now laid out 60 feet wide; thence binding on the north side of said West Franklin Street westerly 700 feet, more or less, to the point of beginning.

B. Urban Renewal Objectives and Goals

The objectives of the Rosemont Industrial Urban Renewal Plan (referred to as "Plan"), as determined by the Mayor and City Council of Baltimore (referred to as "City"), acting by and through the Department of Housing and Community Development (referred to as "Department"), and the Commissioner (referred to as "Commissioner") are as follows:

1. to develop an orderly system of land use controls that prevent the establishment or expansion of incompatible land uses.
2. to promote environmentally responsible industrial development in the project Area and provide employment opportunities for City residents.
3. to acquire certain properties within the Project Area in order to assemble redevelopment parcels and to provide standards and controls for their redevelopment.

4. to remove blighting influences or uses, and discourage development in substantial noncompliance with the provisions of this Plan.
5. to assure consistent development in the Project Area by requiring that all plans for new development, exterior rehabilitation, or demolition be reviewed and approved as conforming with the objectives of this Plan.
6. to establish a positive and identifiable image for the Project Area to encourage private investment and to protect and ensure the stability of property values.
7. to facilitate the development and redevelopment of industrial properties within the Project Area.
8. to promote and encourage new business activity in under-utilized properties and land.

C. Land Use Plan

1. Permitted Land Uses

Only the use categories shown on the Land Use Plan, Exhibit A, are permitted within the Project Area. Accessory uses (uses incidental and subordinate to and serving the principal use) including landscaping, off-street parking, and loading are permitted. In addition, present nonconforming and noncomplying uses are permitted to continue, subject to the provisions of C.1.g. and C.1.h.

a. Residential

In the area designated as “Residential” on the Land Use Plan, uses include those allowed under the R-8 category of the Zoning Code of Baltimore City.

b. Public Space

In the area designated as “Public” on the Land Use Plan, uses are limited to parks, playgrounds, active and passive recreation.

c. Community Business

In the area designated as “Community Business” on the Land Use Plan, uses include those allowed under the B-2 category of the Zoning Code of Baltimore City.

d. Community Commercial

In the area designated as “Community Commercial” on the Land Use Plan, uses include those allowed under the B-3 category of the Zoning Code of Baltimore City.

e. Light Industrial

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

Atomic reactors; community correction centers; flammable liquids-manufacturing and storage; helistops; ~~public utilities-telephone exchanges; recreation buildings and community centers.~~

f. General Industrial

In the area designated as “General Industrial” on the Land Use Plan, uses include those allowed under the M-2 category of the Zoning Code of Baltimore City, except for:

Abrasives-manufacturing; acids-manufacturing; alcohol distillation; ammonia-manufacturing; asbestos products-manufacturing; atomic reactors; community correction centers; hair, feathers and felt-processing and derivative products; health and medical facilities-substance abuse centers; heliports; helistops; leather-tanning: outdoor; 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; penal and correctional institutions; pesticides and fungicides-manufacturing and processing; 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 upon which they are mounted (except as a conditional use with Board approval); recyclable materials recovery facilities-with outdoor storage; recreation buildings and community centers; restaurants and lunch rooms-including live entertainment and dancing; rock crushing; roofing materials-manufacturing; sawmills, planing mills; service and housing centers; solvents-distillation; stables for horses; stone cutting; taverns-including live entertainment and dancing; waste disposal (except garbage) for land fill and land reclamation.

g. Nonconforming

A nonconforming use is any lawfully existing use of a building or other structure, or of land, which does not conform to the applicable use regulations of the district in which it is located according to Title 13 of the Zoning Code. Nonconforming uses are permitted to continue subject to the provisions of said Title 13, titled “Nonconformance”.

h. Noncomplying

A noncomplying structure, as set forth in Title 13 of the Zoning Code is any lawfully existing structure, which does not comply with the bulk regulations of the zoning district in which it is located. These noncomplying structures are permitted to continue subject to the provisions of Title 13.

In addition, a noncomplying use, when that term is used, is any lawfully existing use of a building or other structure, or of land, which does not comply with the land use regulations of this Plan. These noncomplying uses are permitted to continue on that entire parcel of land, whether present or future, for an indefinite period of time, except that:

- (1) any noncomplying land use, which is discontinued for a period exceeding 12 months, may not be reestablished; and
- (2) no change in the permanent physical members of a structure, such as bearing walls, columns, beams, or girders, or no substantial change in the roof or in the exterior walls may be made in or to a building or structure except those required by law or except to make the building and use conform to the regulations of this Plan; and
- (3) no noncomplying land use may be changed to any other noncomplying land use.

i. Planned Unit Development

If a Planned Unit Development (PUD) is approved by the Mayor and City Council, that PUD becomes the controlling land use document. If there are conflicts between the PUD and this Plan, the PUD governs.

D. Techniques Used to Achieve Plan Objectives

1. Acquisition of Property

Properties designated for acquisition on Exhibit B (including parts of them or interests in them) may be acquired by purchase or condemnation.

It may be necessary to acquire by purchase for urban renewal purposes, the fee simple interest or any lesser interest in and to the properties or portions of them in the Project Area not specifically designated in this Plan as may be deemed necessary and proper by the Commissioner to effect the proper implementation of this Plan. This may include:

- a. any property in the Project Area containing a non-salvageable structure, i.e., a structure that, in the opinion of the Commissioner, cannot be economically rehabilitated.
- b. any privately owned structure in the Project Area, which the owner intends to rehabilitate or demolish in a manner not in substantial conformity with the objectives of this Plan.
- c. any property, the owner of which is unable or unwilling to comply or conform to the property rehabilitation standards in this Plan 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 property rehabilitation standards, may acquire that 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 reserves the right to acquire any such non-complying property for a period of 2 years from the date of the written notice by the Department.

2. Rehabilitation

Property rehabilitation must comply with the codes and ordinances of the City of Baltimore. Cleaning of masonry facades by means of sandblasting is not permitted, except where sandblasting is determined by the Commissioner to be the only feasible means of surface cleaning and where in the Commissioner's opinion, it will not cause damage to historic building materials.

Over and above the codes and ordinances of the City of Baltimore, the provisions of this Plan are applied to all non-residential properties within the Project Area, whether occupied or vacant.

3. Relocation

- a. The Department assures that before individuals or families are displaced from their dwelling units due to the requirements of this Plan, standard housing within the displacees' financial means must be provided. Residents living within the Project Area, if displaced through the requirements of this Plan, must be given a priority by the Department to any housing within the Project Area over which the Department has direct control.

- b. The Department assures that before firms or individual businesses are displaced from their present location of operation due to the requirements of this Plan, standard commercial structures within the displacees' financial means, in or near the Project Area, must be identified. Businesses displaced because of the requirements of this Plan must be given favorable but not necessarily priority consideration by the Department, in the review of commercial redevelopment proposals.

4. Other Remedies for Noncompliance

In addition to, and not in place of, the remedy of acquisition by purchase or condemnation of noncomplying properties, the Department 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.

5. Conditions under which Properties not Designated for Acquisition May be Acquired

a. Non-Salvable and Noncompliance with Provisions

It may be necessary to acquire by purchase or by condemnation for urban renewal purposes the fee simple interest or any lesser interest of remaining properties in Rosemont not specifically designated for acquisition on Exhibit B, Property Acquisition, as may be deemed necessary and proper by the Commissioner to effect the proper implementation of the project. These may include:

- (1) any property in the Project Area containing a non-salvable structure, i.e., a structure which, in the opinion of the Commissioner, cannot be economically rehabilitated.
- (2) any property which the owner 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 the 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 noncomplying property for a period of 2 years from the date of the written 90-days notice by the Department.

b. Rehabilitation by the Department or Others

It may be necessary to acquire by purchase or condemnation the fee simple interest, or any lesser interest of remaining properties not specifically designated for acquisition on the Property 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 in the Renewal Plan.

6. Actions to be followed by the Department upon Acquisition of Properties

- a. Rehabilitate the property in conformance with the codes and ordinances of Baltimore City and the General Regulations, Controls, Restrictions, and objectives in this Plan and dispose of property in accordance with applicable regulations. If sale cannot be consummated by the time rehabilitation is accomplished, property may be rented pending continuing sale efforts; or
- b. Sell or lease the property subject to rehabilitation or maintenance in conformance with the codes and ordinances of Baltimore City and the General Regulations, Controls, Restrictions, and the rehabilitation standards, and objectives in this Plan; or

- c. Demolish the structure or structures on the property and dispose of the land for redevelopment uses in accordance with this Plan; or
- d. Devote the property or structures to a public use consistent with this Plan.

7. Provisions Applicable to All Land Not Designated for Acquisition

The provisions of Section C.1., Permitted Land Uses, apply to all properties not to be acquired within the Project Area. The provisions of Section C.1. apply as appropriate to properties not currently proposed to be acquired by this Plan if the owners of the properties acquire adjacent project land made available by the Department under the provisions of this Plan.

8. Public Improvements

It is the intent of this Plan to provide public improvements within public areas to enhance 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 signage.

9. Strict Enforcement

Strict enforcement of littering and illegal dumping will be conducted within the Project Area. To that end, for any offense committed within the Project Area that is subject to an environmental citation under Article 1, § 40-14 of the Baltimore City Code, the basic pre-payable fine specified in Article 1, § 41-14 (e) of the Baltimore City Code, is doubled.

E. Provisions Applicable to all Land to be Acquired

Over and above the codes and ordinances of Baltimore City, the following regulations, controls, and restrictions will be implemented where applicable by covenants or other provisions in the agreements for land disposition and instruments of conveyance executed pursuant to them.

1. Land and property interest now owned or to be acquired by the City within the Project Area will be disposed of by sale, lease, conveyance, transfer or other means available to the City, in accordance with Exhibit B, "Property Acquisition," Exhibit C, "Land Disposition," and the other provisions of this Plan.
2. The properties shown as available for disposition on Exhibit C are schematic and approximate, and the Department has the right, in its discretion, to fix their precise boundaries and size. The Department also has the right, in order to facilitate the most advantageous development of the Project Area, to subdivide or combine the disposition lots.
3. The Redeveloper will not enter into, execute, or be a party to any covenant, agreement, lease, deed, assignment, which restricts the sale, lease, use or occupancy of the property, or any part of it, or any improvements placed on it, on the basis of national origin, race, religion, sex, or color. The agreement or covenant providing for this nondiscrimination provision remains in effect without limitation as to time; and the United States is deemed a beneficiary of the agreement or covenant providing for this non-discrimination provision and is entitled to enforce it. The Redeveloper must comply with all State and local laws, in effect from time to time, prohibiting discrimination or segregation.

4. Disposition Lot Controls

In addition to the requirement for review of all plans for new construction and rehabilitation, as required by Section F.4. of this Plan, the following disposition lot controls apply to the disposition lots identified on Exhibit C.

<u>Disposition Lot</u>	<u>Land Use</u>	<u>Proposed Development</u>	<u>Current Zoning</u>
1	Industrial	Redevelopment for industrial, light manufacturing, office or public open space use	M-2-1
2	Industrial	Redevelopment for industrial, light manufacturing, office or public open space use	M-2-1
3	Public	Redevelopment for public open space use	R-6
4	Industrial	Redevelopment for industrial/light manufacturing/office use	M-1-2
5	Industrial	Redevelopment for industrial/light manufacturing/office use	M-1-2
6	Industrial	Redevelopment for industrial/light manufacturing/office use	M-1-2
7	Industrial	Redevelopment for public space light manufacturing/office use	M-1-2

F. General Regulations, Controls, and Restrictions1. Applicability

The following controls apply to all new construction and, where appropriate, to the rehabilitation of existing structures within the Project Area. Substantial compliance with them is a condition preceding the issuance of a building permit.

2. General Controls

a. Designation of General Industrial Area

It is the intent of this Plan to maintain and enhance the Project Area as an industrial employment area and to protect it from the influences of speculation and incompatible uses.

b. Bulk Regulations

All uses must comply with the Bulk Regulations as contained in the Zoning Code of Baltimore City. Building heights must be as follows:

- (1) Buildings may not be more than 48 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.

c. Architectural Guidelines

The architectural guidelines are intended to produce a contemporary character, integrated into the mix of existing structures, and to establish an identity for the area. All proposed new construction or major rehabilitation of structures is encouraged to incorporate these guidelines. The following are recommended guidelines for principal and accessory structures:

- (1) Siting and Massing – The most highly visible and publicly accessible portions of the site, such as offices and reception areas, should be accented.
- (2) Materials – Exterior building materials such as brick, masonry stone, metal, and glass should support the character of the Project Area and withstand natural elements without excessive discoloration or fading. The use of corrugated metal, plastic, painted concrete, and cinder block is discouraged.
- (3) Roofs – Repetitive modular roof forms that give a distinctive skyline to the Project Area are encouraged, including parapet walls, where necessary, to screen mechanical equipment from public view.
- (4) Windows – The use of fenestration to break down the scale of large buildings is encouraged.

d. Landscaping and Screening

The intent of the landscape regulations is to provide green space to soften the environment in the Project Area, enhance the appearance of site and building entrances, and screen or buffer specific uses and activities. The following landscape requirements apply throughout the Project Area, unless complete site coverage is required pursuant to a federal-or-state approved remedial action plan:

- (1) All parking, loading, and service areas must be buffered from a public right-of-way by landscaping, berms, or fencing combined with landscaping. The buffer area must be a minimum 10-foot wide area, and any fencing must be a maximum of 10 feet high and must be located behind the landscaped area. Material for fencing should be of masonry, metal, or a combination of these materials, or other appropriate materials. A minimum of 1 tree must be provided per 40 linear feet of dedicated public roadway. The remainder of the buffer area must be covered with shrubs, groundcover, grass, or other approved landscape treatment. The planting areas must be protected by curbing or wheel stops. The landscaping must not obscure sight distance at points of access and intersections.
- (2) Principal site and building entrances must be accentuated with landscaping.

e. Open-Air Storage

Open-air storage of all materials, equipment, and merchandise must be visually screened from public streets and from view of nearby residential properties as provided for in this Plan. All plans for construction of open-air storage facilities must be submitted to the Department for review.

f. Servicing and Loading

All servicing must be off-street and 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. Loading docks must be provided and maintained in accordance with the Building Code of Baltimore City. No exterior loading dock may be located facing a public right-of-way.

g. Signs

Signs are permitted and must be maintained in accordance with the provisions contained in Title 11 of the Zoning Code of Baltimore City. No more than 2 signs are allowed for each business. Location of the 2 permitted signs is generally limited to the building facade and at the primary entrance drive to the building. Buildings located on corner sites are allowed to have an additional facade sign on the facade facing the side road.

- (1) Placement of signs above the parapet line of the building is not permitted. Copy of the sign may identify the name of the business. An additional line may identify the type of business. The maximum size of letters is as follows: name of business: 1 ½" per 1'-0" height of the building; type of business: ¾" per 1'-0" height of the building. A corporate logo may also be placed on the facade.
- (2) The sign on the primary drive must be a freestanding sign and may be located near the site entrance. The copy may identify the name of the business, type of business, logo, and the street address. The size of the sign shall not exceed 8' x 4' or 32 square feet.
- (3) Moving or flashing signs are not permitted.
- (4) On-site directional signs (exit, parking, no parking, delivery, etc.) must relate to the signing system established for the building sign and the primary drive sign; i.e., similar materials, colors and lettering. The size of sign may not exceed 1'-3" x 1'-8".
- (5) All existing signs not conforming to the above regulations must be removed by the property owner within 2 years from the date of enactment of this Plan.
- (6) Increases in area and height of general advertising signs (billboards) are prohibited.

h. Wireless Telecommunications Facilities, Communications Towers, and Antennae

All applications for permits must include an environmental assessment and environmental impact statement using the FCC format.

- (1) A tower operator/owner must allow other future wireless service companies, including public and quasi-public agencies, using functionally equivalent personal equipment and wireless

technology to co-locate antennae, equipment, and facilities on a telecommunications facility, unless specific technical constraints prohibit the co-location.

- (2) An applicant and other personal wireless carriers must provide a mechanism for the construction and maintenance of shared facilities and infrastructure and must provide for equitable sharing of cost in accordance with industry standards.
- (3) All landscaping must effectively screen the telecommunications facility from adjacent public right-of-ways, and properties in the Project Area.
- (4) If a communications tower or antennae remains unused for a period of 180 days, then the property owner or operator must dismantle and remove the communications tower. Removal must be completed 30 days after the expiration of the 180-day period.
- (5) On each 12-month anniversary of the communications tower's erection, the operator/owner must provide to the City's Building Code official a certificate from an experienced telecommunications engineering firm that the tower is structurally sound.

i. Parking

Off-street parking spaces must be provided in accordance with the provisions contained in Title 10 of the Zoning Code of Baltimore City, except that no parking spaces may be located within 10 feet of a front lot line or a side lot line adjoining a public right-of-way. All parking lots, access roads, and driveways must be paved with a dust free surface.

j. Waste Disposal

Facilities must be provided and maintained within structures for the storage and collection of refuse. No waste disposal facilities or containers may be visible from a public right-of-way. No waste or refuse may be permitted to remain outside of structures, except as permitted by the Baltimore City regulations regarding containers for garbage; the areas for these containers must be properly screened.

k. Compliance

Upon receiving a request in writing, the Commissioner from time to time, may waive compliance with one or more of the foregoing general controls if it is determined by the Commissioner that the granting of the waiver would further the objectives of this Plan. The waiver must be granted in writing.

3. Standards for Redevelopment and Rehabilitation

Property redevelopment and rehabilitation must comply with the codes and ordinances of the City of Baltimore.

4. Review of Development

a. Department of Housing and Community Development

The Department specifically reserves the right to review and approve the plans and specifications for development or rehabilitation with respect to their conformance with the provisions of this Plan and in order to achieve harmonious development of the Project Area. The Department also

reserves the right to refuse to approve any drawings, plans, or specifications that are not suitable or desirable, in its opinion, for aesthetic or functional reasons; and, in reviewing the drawings, plans, and specifications, it has the right to take into consideration, but is not limited to, the suitability of the site plan, architectural treatment, building plans, elevations, materials and color, construction details, access, parking, loading, landscaping, identification, signs, exterior lighting, refuse collection details, streets, sidewalks, and the harmony of the plans with the surroundings.

The Department will fully utilize the City's Design Advisory Panel to work with developers in the achievement of high quality site, building, and landscape design.

b. **Community Review**

The Department must provide, when possible, 30 days notification to the Alliance of Rosemont Community Associations, its member organizations and its successors, of the form and content of all proposals to develop or redevelop land, demolish structures, conduct major exterior rehabilitation, or cause a change in use of properties within the area covered by this Plan. These representative groups must submit written comments regarding the proposed developments or redevelopment to the Department within 10 working days after notification of proposed activity; otherwise, it is assumed such action is acceptable. The Commissioner retains the final authority to approve or disapprove all plans.

G. **Interpretation**

In the event of any question regarding the meaning of these standards and controls or other provisions of this Plan, the Commissioner's interpretation is final and binding, as long as that interpretation is not unreasonable or arbitrary. Developers are required to acknowledge and agree to this rule.

Whenever a provision of this Plan 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. **Street Reservation and Dedication**

The City reserves unto itself all of its right, title, and interest in and to the beds of all streets, alleys, avenues, or lanes mentioned and referred to, subject, however, to use in common as private ways, until the streets, alleys, avenues, and lanes are expressly dedicated to public use. All references to any street, alley, avenue, or lane are for purposes of description only and are not intended to dedicate them to public use, and any implied intent of dedication or dedication of the streets, alleys, avenues or lanes by reference to them is denied and revoked.

I. **Term of Plan**

This Plan, as it may be amended from time to time, remains 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.

J. **Zoning**

All appropriate provisions of the Zoning Code of Baltimore City apply to properties in the Project Area. Any change in the Zoning Code embodied in this Plan must be approved by ordinance in accordance with the procedural requirements of the Zoning Code and Article 66-B of the Annotated Code of Maryland, as amended.

K. Procedures for Changes in Approved Plan

The Department must submit to appropriate community associations representing the residents of the Project Area, Alliance of Rosemont Community Associations (ARCO), Bentalou Improvement Association, Bridgeview Neighborhood Improvement Association, Lafayette Community Association, Edmondson Community Organization, Midtown Edmondson Improvement Association, Coppin Heights - Ash-Co East, Mosher Street Improvement Association, and the Pinehurst Protective Association all proposed amendments to this Plan no later than the time the proposed amendments are submitted to the Director of the Department of Planning by the Department.

The written comments and recommendations of these groups must be transmitted to the Department no later than 3 weeks after they have been submitted to the groups; otherwise, it is presumed the changes are satisfactory.

Prior to passage of any ordinance amending this Plan, a public hearing must be held, and these groups must receive, at least 15 days prior to the hearing, written notice of the time and place of the hearing. With respect to any land in the Project Area previously disposed of by the City for use in accordance with this Plan, the then owner of the land, whose interests are materially affected by the changes, must receive at least 10 days prior to the hearing, written notice of the time and place of the hearing and information as to where a copy of the proposed amendments may be inspected.

L. Separability

In the event it be judicially determined that any word, phrase, clause, sentence, paragraph, section or part in or of this Plan, or the application of it to any person or circumstances is invalid, the remaining provisions and the application of such provisions to other persons or circumstances are not affected, it being declared that the remaining provisions of this Plan without the word, phrase, clause, sentence, paragraph, section or part, or the application of it, so held invalid would have been adopted and approved.

M. Penalty for Noncompliance

Any person violating the provisions of this Plan is subject to a fine not exceeding \$500.00 and each day's violation constitutes a separate offense. This Plan may also be enforced by injunction.

SECTION 3. AND BE IT FURTHER ORDAINED, That it is necessary to acquire, by purchase or 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 said 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 said area, situate in Baltimore City, Maryland, and described as follows:

1112-20 Appleton Street

2120 West Lafayette Avenue

2205 West Lanvale Street

2010 Mosher Street

2020 Mosher Street

2201 Mosher Street

~~1034 North Payson Street~~

~~700-20 North Pulaski Street~~

740-50 North Pulaski Street

WS N Pulaski ST SWC Lanvale ST

2101 Riggs Avenue

1001 North Smallwood Street

813 Spedden Street

WS Spedden ST 82 FT N of Lanvale ST

WS Spedden ST 100 FT S of Lafayette AV

2201 Winchester Street

2200 block of Mosher Street right-of-way between the east side of a 10 foot alley and the east side of North Smallwood Street

900 block of North Smallwood Street right-of-way between West Lafayette Avenue and Mosher Street

600 block of Spedden Street right-of-way between West Lanvale Street and the south side of 15 foot alley

15 foot alley right-of-way between the east side of 10 foot alley and the 600 block of Spedden Street

SECTION 4. AND BE IT FURTHER ORDAINED, That Exhibit A, "Land Use Plan", Exhibit B, "Property Acquisition", Exhibit C, "Land Disposition", and Exhibit D, "Zoning", all dated October 28, 2002, are approved.

SECTION 5. 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 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 April 3, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-510
(Council Bill 02-949)**

AN ORDINANCE CONCERNING

**Sale of Property — Inner Harbor Project I, Lot 2
(at the Maryland Science Center)**

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 Inner Harbor Project I, known as Lot 2, as described on the Subdivision Plat, Maryland Science Center, dated August 12, 2002, Ward 22, Section 1, Block 890 (at the Maryland Science Center) 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 Inner Harbor, Project I, known as Lot 2, as described on the Subdivision Plat, Maryland Science Center, dated August 12, 2002, Ward 22, Section 1, Block 890 (at the Maryland Science Center), containing 16 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 April 4, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-511
(Council Bill 02-976)**

AN ORDINANCE CONCERNING

**Urban Renewal — Greenmount West —
Amendment 6**

FOR the purpose of amending the Urban Renewal Plan for Greenmount West to add a new land use category, revising the land use category for certain properties; providing for Planned Unit Development Standards and Controls; revising exhibits 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 Greenmount West was originally approved by the Mayor and City Council of Baltimore by Ordinance 78-699 and last amended by Ordinance 95-656.

An amendment to the Urban Renewal Plan for Greenmount West is necessary in order to add a new land use category, revise the land use category for certain properties, provide for Planned Unit Development Standards and Controls, and revise Exhibits to reflect 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 Greenmount West are approved:

- (1) On page 2 of the Plan, in B.1., after “d. Community Business”, add new subsection “e” to read as follows:

E. MIXED-USE

IN THE AREA DESIGNATED MIXED-USE ON THE LAND USE PLAN, EXHIBIT 1, USES PERMITTED ARE MEANT TO BE PRIMARILY OFFICE AND RESIDENTIAL WITH SUPPORT RETAIL AND INDUSTRIAL USES AS ALLOWED BY A PLANNED UNIT DEVELOPMENT APPROVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE.

and, on the same page, strike “e.”, “f.”, “g.”, and “h.”, respectively, and substitute “F.”, “G.”, “H.”, and “I.”, respectively.

- (2) On page 8 of the Plan, after C.6., add new Section 7 to read as follows:

7. PUD STANDARDS AND CONTROLS

TO THE EXTENT THERE EXISTS ANY CONFLICT BETWEEN THE PROVISIONS OF THE RENEWAL PLAN AND THE STANDARDS AND CONTROLS OF ANY PLANNED UNIT DEVELOPMENT LEGISLATION APPROVED BY THE MAYOR AND CITY COUNCIL, THE STANDARDS AND CONTROLS OF THE PLANNED UNIT DEVELOPMENT, INCLUDING, WITHOUT LIMITATION, THOSE AFFECTING USE, SIGNAGE, AND BULK REGULATIONS, CONTROL.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Urban Renewal Plan for Greenmount West, as amended by this Ordinance and identified as “Urban Renewal Plan, Greenmount West, revised to include Amendment 6, dated November 21, 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 revised Exhibit 1, “Land Use Plan”, dated November 21, 2002, and Exhibit 4, “Zoning Districts”, dated November 21, 2002, are approved. On Exhibit 4, “Zoning Districts”, Item 17 is changed to read “From M-1-2 to O-R-2”.

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 April 4, 2003

MARTIN O’MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-512
(Council Bill 03-999)**

AN ORDINANCE CONCERNING

**Urban Renewal — Inner Harbor East —
Amendment 12**

FOR the purpose of amending the Urban Renewal Plan for Inner Harbor East to amend Exhibit E to reflect the change 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 02-0432.

An amendment to the Urban Renewal Plan for Inner Harbor East is necessary to amend Exhibit E to reflect the change 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 in the Urban Renewal Plan for Inner Harbor East is approved:

- (1) Amend Exhibit E, “Zoning”, for the property known as ~~802~~ 810/820 South Caroline Street, from the M-3 Zoning District to the B-2-2 Zoning District.

SECTION 2. 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 12, dated January 13, 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 April 4, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-513
(Council Bill 02-898)**

AN ORDINANCE CONCERNING

**Urban Renewal — Market Center —
Amendment 15**

FOR the purpose of amending the Urban Renewal Plan for Market Center to allow general advertising signs erected or placed on publicly-owned stadiums and arenas if approved by ordinance as a conditional use; 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 01-272.

An amendment to the Urban Renewal Plan for Market Center is necessary to allow general advertising signs erected or placed on publicly-owned stadiums and arenas if approved by ordinance as a conditional use.

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 in the Urban Renewal Plan for Market Center is approved:

On page 13 of the Plan, insert II.A.5.u. to read as follows:

- U. GENERAL ADVERTISING SIGNS ERECTED OR PLACED ON PUBLICLY-OWNED STADIUMS AND ARENAS ARE ALLOWED IF APPROVED BY ORDINANCE AS A CONDITIONAL USE.

SECTION 2. 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 15, dated August 26, 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 April 9, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-514
(Council Bill 02-899)**

AN ORDINANCE CONCERNING

Zoning — General Advertising Signs – Stadiums and Arenas

FOR the purpose of authorizing in the B-5 District, as a conditional use that requires approval by ordinance, general advertising signs on publicly-owned stadiums and arenas.

BY adding

Article - Zoning
Section(s) 6-609(3a) and 14-349
Baltimore City Revised Code
(Edition 2000)

BY repealing and reordaining, without amendment

Article - Zoning
Section(s) 11-101(e)
Baltimore City Revised Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article - Zoning
Section(s) 11-206
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

§ 6-609. Conditional uses — Ordinance required.

In a B-5 District, conditional uses that require approval by ordinance are as follows:

(3A) GENERAL ADVERTISING SIGNS ERECTED OR PLACED ON PUBLICLY-OWNED STADIUMS AND ARENAS.

§ 11-101. Definitions.

(e) *General advertising sign.*

- (1) “General advertising sign” means any billboard, posterboard, or other sign that directs attention to a business, commodity, service, event, or other activity that is:
 - (i) sold, offered, or conducted somewhere other than on the premises on which the sign is located or to which it is affixed; and
 - (ii) sold, offered, or conducted on the premises only incidentally if at all.
- (2) “General advertising sign” does not include a sign that:
 - (i) is attached to a bus passenger shelter; and
 - (ii) complies fully with all requirements of § 11-424 of this title.

§ 11-206. General advertising signs.

[The] EXCEPT AS OTHERWISE SPECIFICALLY AUTHORIZED IN THIS ARTICLE:

- (1) THE erection, placement, or construction of new general advertising signs is prohibited[,]; and
- (2) the City may not issue permits for these signs.

§ 14-349. GENERAL ADVERTISING SIGNS ON STADIUMS OR ARENAS.

ALL BILLS INTRODUCED TO APPROVE A CONDITIONAL USE FOR 1 OR MORE GENERAL ADVERTISING SIGNS TO BE ERECTED OR PLACED ON A PUBLICLY-OWNED STADIUM OR ARENA MUST BE ACCOMPANIED BY A PLAN FOR THE REMOVAL ELSEWHERE OF AT LEAST 1 EXISTING GENERAL ADVERTISING SIGN FOR EACH NEW GENERAL ADVERTISING SIGN TO BE PLACED OR ERECTED UNDER THE CONDITIONAL USE.

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 AN ORDINANCE concerning day after the date it is enacted.

Approved April 9, 2003

MARTIN O'MALLEY, Mayor

ENROLLED

**CITY OF BALTIMORE
ORDINANCE 03-515
(Council Bill 02-900)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use General Advertising Signs —
Baltimore Arena**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of general advertising signs on the property known as the Baltimore Arena, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning
Section(s) 6-609(3a) 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 general advertising signs on the property known as the Baltimore Arena, 201 West Baltimore Street, as outlined in red on the plat accompanying this

Ordinance, in accordance with Zoning Code §§ 6-609(3a) and 14-102 of the Baltimore City Code, subject to the ~~condition that these~~ following conditions:

1. (a) The drawings for these signs, "Baltimore Street", dated December 12, 2002, "Hopkins Place", dated December 12, 2002, and "Howard Street", dated December 12, 2002, are made a part of this Ordinance.

(b) These drawings may be modified if the modifications:

(1) are approved by the Planning Commission; and

(1) do not increase either:

(i) the number of signs; or

(ii) the aggregate square footage of all signs.

2. The standards for the design criteria for the signs are as follows:

(a) Sign design.

The basic sign will be a vinyl-covered sign hung on a framework of 4 steel channels hung horizontally and aluminum wall fins hung vertically. At each intersection of steel channeling and aluminum wall fin there will be a bracket. The vinyl sign will be stretched over this framework. The applicants indicated that this design has a load capacity of 14,027 pounds. Since the "self-weight" is 525 pounds and the weight of the panel is 952 pounds (frame and cover), that allows for a total of 12,550 pounds available for shear capacity.

(b) Standard lighting.

The general lighting for the sign will consist of flood lights extending 1 foot down from the base of the sign and extending 5 feet over from the sign.

(c) Other lighting.

Creative lighting may be used.

(i) Neon.

Neon may be used to enhance sign design.

(ii) Fiber optics.

Fiber optic tubes and lighting that does not flash or blink may be used.

(iii) Backlit signs.

Backlit or internally illuminated signs are limited to 15% of the total sign area for each sign.

(d) Projections.

There may be 4-foot projections to allow creativity in advertising; this may be up to 20% of the sign face. Projections on the remainder of the sign may average a 2-foot projection.

(e) General design.

No sign may be placed as to cover the fascia or cornice of the building.

3. At all times, at least one of the 45-foot by 54-foot general advertising signs on Howard Street must be exclusively for public service messages, as selected by the Mayor's Office. The sign to be used for the public service message does not have to be a specific sign on Howard Street; however, one of the signs on this street face must always have a public service message without advertising.
4. In keeping with the general advertising sign prohibition (Ordinance 00-0001), signs are to be removed in order for the signs on this publicly owned arena to be erected. There are 14 numbers, and each number represents a sign or group of signs to be removed for each sign that is to be erected on the publicly owned arena. Numbers 1 through 11 are to be removed prior to numbers 12 through 14. Numbers 1 through 11 may be removed in any order.
5. The following 14 numbers of signs must be removed:

<u>Sign Number</u>	<u>Address</u>	<u>Block/Lot</u>	<u>Location</u>
<u>1</u>	<u>4627 Harford Road</u>	<u>5864F/007A</u>	<u>Rooftop sign</u>
<u>2</u>	<u>3100 Falls Road</u>	<u>3500/004</u>	<u>Freestanding double-faced sign</u>
<u>3</u>	<u>5214 and 5550 Belair Road</u>	<u>5827/0005</u> <u>5517/0001</u>	<u>2 smaller signs, 1 on each lot</u>
<u>4 & 5</u>	<u>230 West Read Street</u>	<u>3503/15-21</u>	<u>6 smaller signs</u>
<u>6</u>	<u>Edmondson Avenue R.R. right-of-way</u>	<u>2001 & 0117/</u> <u>no lot</u>	<u>2 double-faced smaller signs</u>
<u>7</u>	<u>500 East 32nd Street at Greenmount Avenue</u>	<u>4076/0002</u>	<u>1 sign</u>
<u>8 & 9</u>	<u>43 North Caroline Street</u>	<u>1344/0061</u>	<u>2 different signs, one 90' north of Fairmount, one 20' north of Fairmount</u>
<u>10</u>	<u>2136 Frederick Avenue</u>	<u>0221/0029</u>	<u>2 signs</u>

<u>11</u>	<u>2729 Washington Boulevard</u>	<u>7863/020C</u>	<u>2729 Washington Blvd is</u> <u>1 sign</u>
	<u>936 Washington Boulevard</u>	<u>0846/020</u>	<u>936 Washington Blvd is</u> <u>1 sign</u>
	<u>938 Washington Boulevard</u>	<u>0846/018</u>	<u>938 Washington Blvd is</u> <u>1 sign</u>
<u>12 & 13</u>	<u>2313-2315 North Fulton</u> <u>Avenue</u>	<u>3410/0058</u> <u>2482/0024</u>	<u>2 sets of smaller signs</u>
<u>14</u>	<u>2100 Garrison Boulevard</u>	<u>2811/0001</u>	<u>2 smaller signs</u>

6. The Company must provide proof of a sign being removed prior to or at the same time as obtaining a building permit for each sign. No other general advertising sign may replace the removed sign.
7. The signs 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 9, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-516
(Council Bill 02-987)**

AN ORDINANCE CONCERNING

Commission on HIV/AIDS

FOR the purpose of establishing a Commission on HIV/AIDS; providing for its membership, organization, and officers; specifying its duties; and generally relating to HIV/AIDS prevention, control, and treatment.

BY adding

Article 1 - Mayor, City Council, and Municipal Agencies
Section(s) 49-1 through 49-4, to be under the subtitle heading
“Subtitle 49. Commission on HIV/AIDS”
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 49. COMMISSION ON HIV/AIDS

§ 49-1. COMMISSION ESTABLISHED.

THERE IS A COMMISSION ON HIV/AIDS.

§ 49-2. MEMBERS.

(A) *IN GENERAL.*

THE COMMISSION CONSISTS OF 34 MEMBERS. ~~26 OF THESE, 22~~ MEMBERS ARE APPOINTED BY THE MAYOR IN ACCORDANCE WITH ARTICLE IV, § 6 OF THE BALTIMORE CITY CHARTER, 4 MEMBERS ARE APPOINTED BY THE PRESIDENT OF THE CITY COUNCIL, AND 8 MEMBERS SERVE EX OFFICIO.

(B) *APPOINTED MEMBERS.*

OF THE 26 APPOINTED MEMBERS ~~APPOINTED BY THE MAYOR~~, 2 SHALL BE APPOINTED FROM EACH OF THE FOLLOWING CATEGORIES:

- (1) CHARITABLE FOUNDATIONS (2 BY MAYOR).
- (2) BUSINESS COMMUNITY (2 BY MAYOR).
- (3) FAITH COMMUNITY (1 BY MAYOR, 1 BY COUNCIL PRESIDENT).
- (4) RECOVERY COMMUNITY (2 BY MAYOR).
- (5) COMMUNITY-BASED ORGANIZATIONS (2 BY MAYOR).
- (6) LOCAL UNIVERSITIES AND UNIVERSITY RESEARCHERS (1 BY MAYOR, 1 BY COUNCIL PRESIDENT).
- (7) ~~UNIVERSITY RESEARCHERS~~ COMMUNITY, INFECTED AND AFFECTED (1 BY MAYOR, 1 BY COUNCIL PRESIDENT).
- (8) PHYSICIANS (2 BY MAYOR).
- (9) PREVENTION PROVIDERS (1 BY MAYOR, 1 BY COUNCIL PRESIDENT).

- (10) TREATMENT PROVIDERS (2 BY MAYOR).
- (11) MENTAL HEALTH PROVIDERS (2 BY MAYOR).
- (12) CORRECTIONAL INSTITUTION (2 BY MAYOR).
- (13) CRIMINAL JUSTICE SYSTEM, INCLUDING JUVENILE JUSTICE (2 BY MAYOR).

(C) *EX OFFICIO MEMBERS.*

THE 8 EX-OFFICIO MEMBERS OF THE COMMISSION ARE THE FOLLOWING OR THEIR DESIGNATED REPRESENTATIVES:

- ~~(1) LIEUTENANT GOVERNOR.~~
- ~~(2) SPEAKER OF HOUSE OF DELEGATES.~~
- ~~(3)~~ (1) SECRETARY OF HEALTH AND MENTAL HYGIENE.
- (2) DIRECTOR OF STATE AIDS ADMINISTRATION.
- ~~(4)~~ (3) PRESIDENT OF THE ~~NEW~~ BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS.
- ~~(5)~~ (4) HEALTH COMMISSIONER.
- (5) A PERSON APPOINTED BY THE HEALTH COMMISSIONER.
- (6) PRESIDENT OF THE CITY COUNCIL.
- (7) DIRECTOR OF THE DEPARTMENT OF SOCIAL SERVICES.
- (8) COMMISSIONER OF HOUSING.

§ 49-3. TERMS, ORGANIZATION, ETC.

(A) *TERMS.*

APPOINTED MEMBERS SERVE FOR A TERM OF 4 YEARS CONCURRENT WITH THE MAYOR'S TERM OF OFFICE.

(B) *COMPENSATION.*

MEMBERS SERVE WITHOUT COMPENSATION.

(C) *VACANCIES.*

- (1) AT THE END OF A TERM, AN APPOINTED MEMBER SERVES UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

- (2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES OUT THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(D) *MEETINGS; QUORUM.*

- (1) THE COMMISSION SHALL MEET ON THE CALL OF THE MAYOR OR ITS CHAIR.
- (2) A MAJORITY OF THE MEMBERS OF THE COMMISSION CONSTITUTES A QUORUM FOR THE TRANSACTION OF BUSINESS, AND AN AFFIRMATIVE VOTE BY THE MAJORITY OF A QUORUM IS SUFFICIENT FOR ANY OFFICIAL ACTION.

(E) *RULES.*

THE COMMISSION MAY ADOPT RULES TO GOVERN ITS MEETINGS AND OPERATIONS.

(F) *OFFICERS.*

- (1) THE MAYOR SHALL DESIGNATE AN APPOINTED MEMBER AS CHAIR OF THE COMMISSION.
- (2) THE CHAIR MAY SELECT OTHER OFFICERS.

§ 49-4. DUTIES.

THE COMMISSION SHALL:

- (1) ASSESS AND MAINTAIN AN ACCURATE DEMOGRAPHIC PROFILE ON HIV/AIDS INCIDENCE AND PREVALENCE RATES;
- (2) DESIGN AND DEVELOP A STRATEGIC PLAN FOR BALTIMORE, WITH INPUT FROM KEY STAKEHOLDERS IN THE COMMUNITY, AND PROVIDE LEADERSHIP TO IMPLEMENT THE STRATEGIC PLAN;
- (3) RECOMMEND APPROPRIATE LEGISLATION AND OTHER ACTIONS TO CONTROL, TREAT, AND PREVENT THE FURTHER SPREAD OF HIV/AIDS IN BALTIMORE;
- (4) PROVIDE POLICY GUIDANCE, RECOMMENDATIONS, AND CONSULTATION TO THE CITY HEALTH DEPARTMENT AND THE CITY'S HEALTH COMMUNITY ON THE BEST PREVENTION AND TREATMENT PROGRAMS AVAILABLE TO PROTECT OUR CITIZENS;
- (5) SERVE AS ADVOCATES FOR PROGRAM DEVELOPMENT AND FUNDING FOR PROGRAMS MOST PRODUCTIVE FOR BALTIMORE; AND
- (6) KEEP THE CITY COUNCIL AND THE MAYOR INFORMED OF CRITICAL HIV/AIDS PREVENTION STRATEGIES AND PROGRAMS.

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 14, 2003

MARTIN O'MALLEY, Mayor

ENROLLED

**CITY OF BALTIMORE
ORDINANCE 03-517
(Council Bill 02-701)**

AN ORDINANCE CONCERNING

Acquisitions for Industrial Growth

FOR the purpose of authorizing and clarifying the authority of the Department of Housing and Community Development to exercise certain powers in connection with the acquisition and disposition of land and other property for purposes of industrial growth; ~~expressly authorizing these acquisitions to be made by condemnation, subject to certain limitations;~~ correcting, clarifying, and conforming certain language; and generally relating to the authority of the Mayor and City Council to acquire property for industrial growth.

BY repealing and reordaining, with amendments

Article 13 - Housing and Urban Renewal
Section(s) 2-7(jj)
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

Subtitle 2. Department of Housing and Community Development

§ 2-7. Specific powers.

(jj) *[Charter powers for land development and redevelopment] INDUSTRIAL GROWTH.*

(1) *IN GENERAL.*

(i) [The] EXCEPT AS OTHERWISE SPECIFIED BY LAW, THE Department of Housing and Community Development [shall be vested with authority to] MAY exercise[, except as otherwise provided herein,] all OF the powers set forth in Article II, § (15A) of the CITY Charter [of Baltimore City (1964 revision, as amended), except those specifically reserved to or to be exercised by any other office, department, bureau, or agency of the City].

(II) [(2) Provided, however, that the] THE powers [and duties] conferred [upon] ON the Department [of Housing and Community Development or the Commissioner of Housing and Community Development] by [the provisions of] this [section] SUBSECTION [shall in no] DO NOT IN ANY way [be deemed to] limit [or restrict] any of the powers[, duties, and responsibilities] conferred [upon] ON the [said] Department [and the said Commissioner] under [the provisions of] Article II, § (15) of the CITY Charter [of Baltimore City (1964 Revision, as amended)], including[, but not limited to,] THOSE INVOLVING the establishment of Urban Renewal Plans [and/or] OR Conservation Plans for [the purpose of Economic Development] ECONOMIC DEVELOPMENT.

(III) [(3)] In [the exercise of] EXERCISING the powers [under Article II, § (15A)] CONFERRED BY THIS SUBSECTION, the Department [shall not be required to] NEED NOT establish AN urban renewal [plans] AREA OR PLAN [or adopt ordinances or exercise the powers of eminent domain] as [are required under] PROVIDED FOR IN §§ 2-4, 2-5, and 2-6 of this article.

(2) *POWERS ENUMERATED.*

[(4)(i) In addition to all other powers herein granted, such] THE powers CONFERRED BY THIS SUBSECTION [shall] include but [shall] ARE not [be] limited to the following:

(I) [(A)] subject to paragraph (3) of this subsection, to acquire, within the boundary lines of Baltimore City, land and property of every kind, by purchase, gift, CONDEMNATION, or any other legal means[, but not by eminent domain,] for or in connection with the industrial [and economic] growth of Baltimore City;

(II) [(B)] to sell, lease, convey, transfer, or otherwise dispose of [any of said] THIS land or property, irrespective of the [manner or] means [in or] by which it [may have been] WAS acquired, to the United States of America, [or] the State of Maryland, [or] any department or agency [thereof] OF EITHER, or [to] any private, public, or quasi-public corporation, partnership, association, person, or other legal entity, to be used for or in connection with the industrial [and economic] growth [or expansion] of Baltimore City;
AND

(III) [(C)] IN CONNECTION WITH ANY PURPOSE OR OBJECT OF ARTICLE II, § (15A) OF THE CITY CHARTER, to petition [for,] TO and accept from[,] the United States of America, [or] the State of Maryland, [or] any department or agency [thereof] OF EITHER, or any other source, any loan, grant, or aid of any [character] TYPE and, [upon] ON the sole approval of the Board of Estimates, make and execute any contract or other legal instrument with any of [said] THESE parties[, in connection with any and all of the purposes and objects mentioned in or contemplated by the provisions of this paragraph (15A);].

[(D) to vest jurisdiction or authority to exercise or perform all or ~~and~~ any part of the foregoing powers, except those specifically reserved to or to be exercised by the Board of Estimates, in any suitable board, commission, department, bureau, or other agency of the Mayor and City Council of Baltimore now in being or in any new board, commission, department, bureau, or agency of the Mayor and City Council of Baltimore, which it is hereby empowered to create and establish for such purposes.]

(3) LIMITATIONS ON CONDEMNATION AUTHORITY.

(I) EXCEPT AS AUTHORIZED BY ARTICLE II, § (15) OF THE CITY CHARTER, PROPERTY THAT IS ZONED AND OCCUPIED EXCLUSIVELY LAWFULLY FOR RESIDENTIAL USE MAY NOT BE ACQUIRED

~~UNDER THIS SUBSECTION BY CONDEMNATION, NO PROPERTY MAY BE ACQUIRED UNDER THIS SUBSECTION BY CONDEMNATION IF THE PROPERTY IS:~~

- ~~1. OCCUPIED LAWFULLY, IN WHOLE OR IN PART, FOR RESIDENTIAL USE; OR~~
- ~~2. LOCATED IN A RESIDENCE, OFFICE-RESIDENCE, OR BUSINESS ZONING DISTRICT.~~

~~(II) NO PROPERTY MAY BE ACQUIRED UNDER THIS SUBSECTION BY CONDEMNATION UNLESS SPECIFICALLY AUTHORIZED BY ORDINANCE OF THE MAYOR AND CITY COUNCIL.~~

~~(3)~~ (4) LEASES.

- (I) [(ii)] Any lease [or rental agreement] entered into [based upon, or pursuant to, the power and authority contained in this paragraph (15A) or entered into] UNDER OR in connection with any [of the purposes] PURPOSE or [objects] OBJECT OF [contemplated by said paragraph] ARTICLE II, § (15A) OF THE CITY CHARTER is hereby declared to be exclusively for business purposes[.,].
- (II) [and any lessee or] A tenant [who is a party to any such] UNDER THAT lease [or rental agreement, or any successor in interest or title, shall not have any] HAS NO right to redeem the rent, fee, or charge reserved or to be paid by [any such lessee or] THE tenant[, or any successor in interest or title, under the terms of any such lease or rental agreement], except [to the extent and in the manner set forth in any such particular lease or rental agreement, if any such right is] AS specifically and definitely granted [therein] IN THE LEASE.

~~(4)~~ (5) BOARD OF ESTIMATES' APPROVAL.

- (I) [(iii)] Before THE CITY MAY ACQUIRE any land or property [is acquired by the municipality as provided in subparagraph (a) hereof] UNDER ARTICLE II, § (15A) OF THE CITY CHARTER, the Board of Estimates, in its sole and absolute discretion, [shall] MUST first determine [whether such] THAT THE land or property is needed for or in connection with the industrial [and economic] growth of the City of Baltimore, as contemplated by [this paragraph;] ARTICLE II, § (15A).
- (II) [and prior to the disposition] BEFORE THE CITY MAY DISPOSE OF any [such] land or property [by the City] ACQUIRED UNDER ARTICLE II, § (15A) OF THE CITY CHARTER, [by sale, lease, or otherwise to any legal entity,] the Board of Estimates, in its sole and absolute discretion, [shall] MUST first determine that the land or property [to be disposed of] will be used for or in connection with industrial [and economic development or expansion] GROWTH in Baltimore City, as contemplated by [this paragraph;] ARTICLE II, § (15A).
- (III) [and the] THE terms and [provisions] CONDITIONS of any [and all agreements either] CONTRACT for the acquisition or disposition of any [such] land or property [shall] MUST be approved by the Board of Estimates.

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 23, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-518
(Council Bill 02-902)**

AN ORDINANCE CONCERNING

**Urban Renewal — Mount Vernon —
Amendment 10**

FOR the purpose of amending the Urban Renewal Plan for Mount Vernon to permit an exception to the sign regulations, controls, and restrictions on a certain parcel of land located in the Mount Vernon Urban Renewal Area; 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 Mount Vernon was originally approved by the Mayor and City Council of Baltimore by Ordinance 64-281 and last amended by Ordinance 93-213.

An amendment to the Urban Renewal Plan for Mount Vernon is necessary to permit on Parcel 7D a sign that is an exception to the sign regulations, controls, and restrictions in the Urban Renewal Area.

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 in the Urban Renewal Plan for Mount Vernon is approved:

On page 8 of the Plan, in C. Land Use Plan, amend Section C.2.c.(2)(a)(xi)(d') to read as follows:

- (d) Except as it relates to Parcel 7D, all other signs shall be installed flat upon the structure and shall not be installed more than 15 feet above ground level at any point; further, no sign shall project more than 12 inches from the surface of the structure. All exterior signs identifying the principal use, or structures, shall not exceed 20 square feet in area. In addition, signs for ancillary commercial uses located in other use structures shall not project above the floor line of the floor

under which they are located, and the total area of such signs shall not exceed one half times the length in feet of the frontage of such use in a structure. IN PARCEL 7D, ON THE EAST SIDE OF THE EXISTING STRUCTURE, A SINGLE TENANT IDENTIFICATION SIGN INSTALLED FLAT ON THE VERTICAL SURFACE BETWEEN THE UPPER ROOF AND THE LOWER ROOF IS PERMITTED.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Urban Renewal Plan for Mount Vernon, as amended by this Ordinance and identified as “Urban Renewal Plan, Mount Vernon, revised to include Amendment 10, dated September 23, 2002”, is approved. The Clerk of the City Council shall file a copy of the amended Urban Renewal Plan with the Department of Legislative Reference as a permanent public record, available for public inspection and information.

SECTION 3. AND BE IT FURTHER ORDAINED, That if the amended Urban Renewal Plan approved by this Ordinance in any way fails to meet the statutory requirements for the content of a renewal plan or for the procedures for the preparation, adoption, and approval of a renewal plan, those requirements are waived and the amended Urban Renewal Plan approved by this Ordinance is exempted from them.

SECTION 4. AND BE IT FURTHER ORDAINED, That if any provision of this Ordinance or the application of this Ordinance to any person or circumstance is held invalid for any reason, the invalidity does not affect any other provision or any other application of this Ordinance, and for this purpose the provisions of this Ordinance are declared severable.

SECTION 5. AND BE IT FURTHER ORDAINED, That if a provision of this Ordinance concerns the same subject as a provision of any zoning, building, electrical, plumbing, health, fire, or safety law or regulation, the applicable provisions shall be construed to give effect to each. However, if the provisions are found to be in irreconcilable conflict, the one that establishes the higher standard for the protection of the public health and safety prevails. If a provision of this Ordinance is found to be in conflict with an existing provision of any other law or regulation that establishes a lower standard for the protection of the public health and safety, the provision of this Ordinance prevails and the other conflicting provision is repealed to the extent of the conflict.

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

Approved April 23, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-519
(Council Bill 02-910)**

AN ORDINANCE CONCERNING

**Sale of Property — the Former Beds of Certain Streets and
Alleys or Portions Thereof Lying Within the
Madison Park North Urban Renewal 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 no longer needed for highway or other public use and known as the former beds of certain streets and alleys or portions thereof bounded by Howard Street, Mount Royal Avenue, Lafayette Avenue, and the CSX Railroad Right of Way and lying within the Madison Park North Urban Renewal Project; 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 a certain parcel of land no longer needed for highway or other public use and known as the former beds of certain streets and alleys or portions thereof bounded by Howard Street, Mount Royal Avenue, Lafayette Avenue, and the CSX Railroad Right of Way and lying within the Madison Park North Urban Renewal Project, and described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the southwest side of the former bed 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 the former bed of said Dickson Street; thence binding on the northeast side of the former bed 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 the former bed of said Dickson Street, and thence binding on the southwest side of the former bed 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 the former bed of Dickson Street, 50 feet 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 Howard Street, as opened under said ordinance, 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 Howard Street, as opened under said ordinance; thence binding in part on the northeast side of Howard Street, as opened under said ordinance, in part on the line of the northeast side of Howard Street, as opened under said ordinance, 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 the former bed 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 the former bed of Dickson Street, 50 feet wide, and the northwest side of the former bed 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 the former bed 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 the former bed of said Dickson Street, in part on the line of the southwest side of the former bed of said Dickson Street, if projected southeasterly, and in all, Southeasterly 27.8 feet, more or less, to intersect the southeast side of the former bed of said 25-foot alley; thence binding on the southeast side of the former bed 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

the former bed of said 25-foot alley, and thence binding on the northwest side of the former bed 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 Howard Street, as opened under said ordinance, and thence binding on the northwest side of Howard Street, as opened under said ordinance, the three following courses and distances; namely, North 46° 22' 50" East 13.8 feet, more or less, South 43° 33' 20" East 0.83 foot and North 46° 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 Howard Street, as opened under said ordinance, the three following courses and distances; namely, South 46° 19' 30" West 18.2 feet, more or less, North 43° 33' 20" West 0.83 foot and South 46° 22' 50" West 13.8 feet, more or less, to intersect the west side of the former bed of the varying width portion of said Mount Royal Avenue, now closed, and thence binding on the west side of the former bed of the varying width portion of said Mount Royal Avenue, now closed, 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.

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.

Said property being no longer needed for public use.

SECTION 2. AND BE IT FURTHER ORDAINED, That no deeds 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 April 23, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-520
(Council Bill 02-941)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use Convalescent, Nursing,
and Rest Home (Assisted Living) — 472 South Bentalou 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 472 South Bentalou 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 472 South Bentalou 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 5.
2. The minimum age for resident-clients is 50 years.
3. There may be no more than 2 clients per sleeping room.
4. Sleeping rooms for clients may not be in the basement.
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 April 23, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-521
(Council Bill 02-953)**

AN ORDINANCE CONCERNING

**Planned Unit Development — Amendment —
Baltimore Inner Harbor East**

FOR the purpose of approving certain amendments to the Development Plan of the Baltimore Inner Harbor East Planned Unit Development.

BY authority of

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

Recitals

By Ordinance 97-229, as amended by Ordinance 00-127, the Mayor and City Council approved the application of Harbor East Limited Partnership, now known as Harbor East, LLLP, to have certain property located in the Inner Harbor East Urban Renewal Area, consisting of 5 acres, more or less, designated as a Business Planned Unit Development and approved the Development Plan submitted by the applicant.

Inner Harbor East Garage, LLC, successor to Harbor East, LLLP, wishes to amend the Development Plan, as previously approved by the Mayor and City Council, to allow use of a certain parcel of the Planned Unit Development as a helistop.

On September 5, 2002, representatives of Inner Harbor East Garage, 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 Inner Harbor East Garage, 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 4 of the Baltimore City Zoning Code.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section 3 of Ordinance 97-229, as amended by Ordinance 00-127, is amended to allow an additional use within the Business Planned Unit Development by inserting after subsection (d):

(1) A HELISTOP IS ALLOWED, SUBJECT TO THE FOLLOWING CONDITIONS:

- (1) THE HELISTOP MAY NOT BE USED FOR ANY ACTIVITY OR OPERATION THAT PROVIDES TOURS FOR THE GENERAL PUBLIC;
- (2) PLANNING COMMISSION APPROVAL OF THE DESIGN OF THE HELISTOP IS REQUIRED IF THE HELISTOP IS EVER LOCATED OTHER THAN ON THE UPPERMOST LEVEL OF A PARKING GARAGE LOCATED ON PARCEL H-1; AND
- (3) APPROVAL TO USE ANY PORTION OF PARCEL H-1 AS A HELISTOP IS TEMPORARY, AND IT AUTOMATICALLY TERMINATES WHEN PERMANENT OPERATION OF A HELISTOP BEGINS IN THE

INNER HARBOR EAST II PLANNED UNIT DEVELOPMENT, IT BEING THE INTENT OF THIS ORDINANCE THAT ONLY ONE HELISTOP OPERATE IN THE INNER HARBOR EAST URBAN RENEWAL AREA.

(4) THE HELISTOP IS PROHIBITED FROM USE BETWEEN THE HOURS OF 10:00 P.M. AND 6:00 A.M.

SECTION 2. 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 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 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 5. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved April 23, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-522
(Council Bill 02-954)**

AN ORDINANCE CONCERNING

**Planned Unit Development — Amendment —
Inner Harbor East II**

FOR the purpose of approving certain amendments to the Development Plan of the Inner Harbor East II Planned Unit Development.

BY authority of

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

Recitals

By Ordinance 02-352, the Mayor and City Council approved the application of Harbor East, LLLP, to have certain property located in the Inner Harbor East Urban Renewal Area, consisting of 3.6 acres, more or less, designated as a Business Planned Unit Development and approved the Development Plan submitted by the applicant.

Harbor East, LLLP, wishes to amend the Development Plan, as previously approved by the Mayor and City Council, to allow the use of a certain parcel of the Planned Unit Development as a helistop.

On September 5, 2002, representatives of Harbor East, LLLP, 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 Harbor East, LLLP, 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 Section 2 of Ordinance 02-352 is amended to allow an additional use within the Business Planned Unit Development by inserting after subsection (e):

(F) HELISTOP, SUBJECT TO THE FOLLOWING CONDITIONS:

- (1) THE HELISTOP MAY NOT BE USED FOR ANY ACTIVITY OR OPERATION THAT PROVIDES TOURS FOR THE GENERAL PUBLIC;
- (2) THE HELISTOP MUST BE LOCATED ON THE ROOF OR UPPERMOST LEVEL OF THE BUILDING OR BUILDINGS TO BE CONSTRUCTED ON PARCEL B. PLANNING COMMISSION APPROVAL OF THE DESIGN OF THE HELISTOP IS REQUIRED; AND
- (3) PERMANENT OPERATION OF THE HELISTOP MAY NOT BEGIN UNTIL OPERATION OF A HELISTOP CEASES IN THE BALTIMORE INNER HARBOR EAST PLANNED UNIT DEVELOPMENT, IT BEING THE INTENT OF THIS ORDINANCE THAT ONLY ONE HELISTOP OPERATE IN THE INNER HARBOR EAST URBAN RENEWAL AREA.
- (4) THE HELISTOP IS PROHIBITED FROM USE BETWEEN THE HOURS OF 10:00 P.M. AND 6:00 A.M.

SECTION 2. 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 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 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 5. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved April 23, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-523
(Council Bill 02-970)**

AN ORDINANCE CONCERNING

Sale of Property — A 14.5-Foot Alley and a 24-Foot Alley

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 parcels of land no longer needed for highway or other public use and known as the former beds of (1) a 14.5-foot alley laid out in the rear of the properties known as Nos. 201/225 and 227 West Monument Street, extending from Howard Street easterly 167.5 feet, more or less, and (2) a 24-foot alley laid out in the rear of the property known as No. 201/225 West Monument Street, extending from Park Avenue westerly 195 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, § 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 certain parcels of land no longer needed for highway or other public use and known as the former beds of (1) a 14.5-foot alley laid out in the rear of the properties known as Nos. 201/225 and 227 West Monument Street, extending from Howard Street easterly 167.5 feet, more or less, and (2) a 24-foot alley laid out in the rear of the property known as No. 201/225 West Monument Street, extending from Park Avenue westerly 195 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 Howard Street, 82.5 feet wide and the north side of the former bed of a 14.5-foot alley laid out in the rear of the properties known as Nos. 201/225 and 227 West Monument Street, said point of beginning being distant southerly 150.4 feet, more or less, measured along the east side of said Howard Street from the south side of Monument Street, 66 feet wide, and running thence binding on the north side of the former bed of said alley, Easterly 167.5 feet, more or less, to the west side of the former bed of Tyson Street, 20 feet wide; thence binding on the west side of the former bed of said Tyson Street, Southerly 14.5 feet, more or less, to intersect the south side of the former bed of said alley; thence binding on the south side of the former bed of said alley, Westerly 167.5 feet, more or less, to intersect the east side of said Howard Street, and

thence binding on the east side of said Howard Street, Northerly 14.5 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 Park Avenue, 66 feet wide and the north side of the former bed of a 24-foot alley laid out in the rear of the property known as No. 201/225 West Monument Street, said point of beginning being distant southerly 125 feet, more or less, measured along the west side of said Park Avenue from the south side of Monument Street, 66 feet wide, and running thence binding on the west side of said Park Avenue, Southerly 24.0 feet to the south side of the former bed of said 24-foot alley; thence binding on the south side of the former bed of said 24-foot alley, Westerly 175.0 feet, to the east side of the former bed of an alley, varying in width, laid out in the rear of the property known as No. 201/225 West Monument Street; thence binding on the east and south sides of the former bed of last said alley the 2 following courses and distances; namely, Southerly 15.9 feet, more or less, and Westerly 20.0 feet to intersect the west side of the former bed of Tyson Street, 20 feet wide; thence binding on the west side of the former bed of said Tyson Street, Northerly 14.5 feet, more or less, to the northwest side of the former bed of last said alley; thence binding on the northwest and west sides of the former bed of last said alley, Northeasterly 20.0 feet, more or less, and Northerly 8.3 feet, more or less, to the north side of the former bed of last said alley, and thence binding in part on the north side of the former bed of last said alley, in part on the north side of the former bed of said 24-foot alley, and in all, Easterly 186.8 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.

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 April 23, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-524
(Council Bill 02-974)**

AN ORDINANCE CONCERNING

Rezoning — Rosemont Urban Renewal Area

FOR the purpose of changing the zoning for certain properties in the Rosemont Urban Renewal Area, as outlined in red on the accompanying plats, from the M-2-1 Zoning District to the M-1-2 Zoning District.

BY amending

Article - Zoning
Zoning District Maps
Sheet(s) 43, 44, and 54
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheets 43, 44 and 54 of the Zoning District Maps are amended by changing from the M-2-1 Zoning District to the M-1-2 Zoning District the following properties, as outlined in red on the plats accompanying this Ordinance:

2501-09 Baker Street
2511-21 Baker Street
2527 Baker Street
2601 Baker Street
2603 Baker Street
2605 Baker Street

1511 Braddish Avenue
1517-25 Braddish Avenue

2113 West Lafayette Avenue
2120 West Lafayette Avenue
2200-06 West Lafayette Avenue

NS W Lanvale ST 108 FT E of Spedden ST

2201 Mosher Street

2610 Presstman Street

2101 Riggs Avenue

1001 Smallwood Street

813 Spedden Street

1501 North Warwick Avenue
1505 North Warwick Avenue
1549-59 North Warwick Avenue

2200 Winchester Street
2201 Winchester 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 23, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-525
(Council Bill 03-992)**

AN ORDINANCE CONCERNING

Baltimore City Landmark List — Cedarwood

FOR the purpose of designating Cedarwood, 4604 North Charles Street, as a historical landmark.

BY adding

Article 6 - Historical and Architectural Preservation
Section(s) 12-10
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 6. Historical and Architectural Preservation

Subtitle 12. Landmark List - 2000s

§ 12-10. Cedarwood.

CEDARWOOD, 4604 NORTH CHARLES 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 April 23, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-526
(Council Bill 03-1000)**

AN ORDINANCE CONCERNING

Rental Properties — Registration Fees

FOR the purpose of ~~repealing~~ extending the termination provisions of Ordinance ~~00-191~~ 01-191; continuing for an additional 2 years the fees and per-owner maximums set by that Ordinance for the annual

registration of nonowner-occupied dwelling units; providing for a special effective date; and generally relating to the registration of dwellings and dwelling units.

BY repealing and reordaining, without amendments

Article 13 - Housing and Urban Renewal

Section(s) 4-8

Baltimore City Code

(As enacted by ORD. 02-475)

BY repealing and reordaining, with amendments

Ordinance ~~00-191~~ 01-191

Section(s) 3

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

Baltimore City Code

Article 13. Housing and Urban Renewal

Subtitle 4. Registration of Rental Properties

§ 4-8. Registration fees.

(a) In general.

- (1) Except as otherwise specified in this section, an annual registration fee must be paid at the rate of \$30 for each dwelling unit, with a maximum of \$5,000 for each owner of recORD.
- (2) This fee must be paid at the time of registration.

(b) Exceptions.

No fee is charged for any dwelling unit that is:

- (1) part of a multi-unit rental property licensed under subtitle 5 of this article;
- (2) an unoccupied, habitable dwelling unit last occupied by its current owner as his or her residence;
- (3) owned by a nonprofit religious, charitable, or educational institution or organization; or
- (4) owned by a governmental entity or an instrumentality or unit of a governmental entity.

(c) Fees to support inspections.

- (1) All registration fees paid under this section must be accounted for in a special fund entitled "Housing Inspection Services".
- (2) Revenues credited to the fund must be available for the purpose of supporting the inspection of housing.

- (3) The Director of Finance must submit a quarterly accounting of this fund to the chair of the City Council's Budget and Appropriations Committee.

Ordinance ~~00-191~~ 01-191

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted. {This Ordinance and the new fees set by it will remain effective through June 30, ~~2003~~ 2005. At the end of that period, with no further action by the Mayor and City Council, this Ordinance will be abrogated and of no further effect.}

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 June 30, 2003.

Approved April 23, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-527
(Council Bill 03-1006)**

AN ORDINANCE CONCERNING

**Planned Unit Development — Designation —
921 Fort Avenue and Ward 24, Section 10, Block 2034, Lot 001**

FOR the purpose of approving the application of Fort Avenue Property Inc., and Fort Avenue Properties, LLC, which are the owner and ground lessee, respectively, of 921 Fort Avenue and Fort Avenue MWLW Company, which is the contract purchaser of Ward 24, Section 10, Block 2034, Lot 001 (collectively, the "Property"), to have that Property designated an Industrial Planned Unit Development; and approving the Development Plan submitted by the applicant.

BY authority of

Article - Zoning
Title 9, Subtitles 1 and 5
Baltimore City Revised Code
(Edition 2000)

Recitals

Fort Avenue Property, Inc., is the fee simple owner of property known as 921 Fort Avenue, and Fort Avenue MWLW Company is the contract purchaser of property known as Ward 24, Section 10, Block 2034, Lot 001, these properties consisting of 4.52 acres, more or less.

Fort Avenue Properties, LLC, is the ground lessee of the Property and plans to develop the Property for business and industrial uses.

On October 29, 2002, representatives of the applicants 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 Planned Unit Development.

The representatives of the applicants have now applied to the Baltimore City Council for designation of the property 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 Fort Avenue Property, Inc., Fort Avenue Properties, LLC, and Fort Avenue MWLW Company to designate the properties known as 921 Fort Avenue and Ward 24, Section 10, Block 2034, Lot 001, consisting of 4.52 acres, more or less, as outlined on the accompanying Development Plan entitled "921 Fort Avenue", consisting of Sheet 1, "Existing Conditions Plan", dated December 24, 2002, ~~and~~ Sheet 2, "Proposed Conditions Plan", dated December 24, 2002, and Sheet 3, "Landscape and Forest Conservation Plan Phase I", dated March 1, 2003, as 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 the applicants is approved.

SECTION 3. AND BE IT FURTHER ORDAINED, That in accordance with the provisions of Title 9, Subtitles 1 and 5, the following uses are allowed within the Planned Unit Development:

- (1) all permitted, accessory, and conditional uses as allowed in the M-3 Zoning District, except for the following uses:

abattoirs; acids: manufacturing; ammonia: manufacturing; animal by-products (not for human consumption): processing; asbestos products: manufacturing; asphaltic mix plants; atomic reactors; bituminous products: processing; bleacheries; bone distillation; bone and ivory products: processing; chemicals and allied products: manufacturing; coal distillation; coal yards; concrete and concrete product manufacturing; electroplating; fats: rendering; fermented fruits and vegetable products: processing; fish: processing; flammable liquids: manufacturing and storage; galvanizing; gases, non-combustible and non-toxic: manufacturing and storage; hides: processing; hiring halls and work distribution centers; mining: gravel, sand, or other raw materials; offal: processing; ore: handling and storage; pesticides and fungicides: manufacturing and processing; petroleum and related industries: refining; 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; rock crushing; salt: manufacturing and processing; sawmills and planing mills; serums, toxins, and viruses: manufacturing and processing; stables for horses; starch: manufacturing; stock yards; tar: manufacturing; taverns; tire manufacturing - including open storage of tires and tire products; tire retreading and recapping establishments - including open storage of tires or tire products; vinegar: manufacturing; waste disposal (except garbage) for land fill and land reclamation; and yeast: manufacturing.

The following uses specified in §§ 7-407 and 7-408 of the Baltimore City Code as conditional uses in the M-3 Zoning District are prohibited in the Planned Unit Development:

arsenals; automobile dismantling or scrapping; automotive testing grounds; boats less than 65 feet long: manufacturing and repairing with sales; community corrections centers; explosives: manufacturing and storage; hazardous material: handling and storage; incinerators: commercial or municipal; junk or scrap storage and yards; marinas; marine terminals: passenger; open storage of tires or tire products as a principal or accessory use

within 200 feet of a residence district; penal and correctional institutions; radioactive waste handling; recyclable materials recovery facilities, with outdoor storage of materials; rock crushing; sewerage pumping stations; and substance abuse treatment centers.

(2) In addition, the following uses are allowed within the Planned Unit Development:

artisans' and craft work - sales and reproduction; bakeries - including the sale of bakery products to restaurants, hotels, clubs, and similar establishments; cartage and express facilities; clinics: medical and dental; financial institutions; industrial supplies - sales; laboratories - medical and dental; machinery: sales, rental and service; mail order houses; newspaper publishing establishments; offices: business, governmental, and professional; philanthropic and charitable institutions; photographic printing and developing establishments; physical culture and health services: gymnasiums, reducing salons and public baths; printing establishments; science centers; telephone stores; trade centers; travel bureaus; and woodworking: custom and custom furniture-making shops.

(3) The following uses are allowed only on the first floor of each building within the Planned Unit Development:

art and school supply stores; barber shops; beauty shops; book and magazine stores; camera and photographic supply stores; candy and ice cream stores; food stores, grocery stores, bakeries and delicatessens; gift and card shops; libraries and art galleries; newsstands; outdoor table service when accessory to a restaurant use, subject to design approval by the Planning Commission; photocopying service; recreational facilities: outdoor; restaurants; shoe and hat repair stores; swimming pools; tailor or dress making shops; and tobacco shops.

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 Department may determine what constitutes minor or major modifications to the Plan. Minor modifications require approval by the Planning Commission. Major modifications require approval by Ordinance.

SECTION 6. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying Development Plan and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the Development Plan; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 7. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved April 23, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-528
(Council Bill 03-1019)**

AN ORDINANCE CONCERNING

**City Streets — Opening —
Fairmount Avenue and a 10.5-Foot Alley**

FOR the purpose of condemning and opening (1) Fairmount Avenue, extending from Eutaw Street easterly to Howard Street and (2) a 10.5-foot alley laid out 94 feet, more or less, north of Baltimore Street extending from Howard Street westerly to the end thereof, and lying within the Market Center West project, as shown on Plat 346-A-42 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) Fairmount Avenue, extending from Eutaw Street westerly to Howard Street and (2) a 10.5-foot alley laid out 94 feet, more or less, north of Baltimore Street extending from Howard Street westerly to the end thereof, and lying within the Market Center West project, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the east side of Eutaw Street, 82.5 feet wide, and the south side of Fairmount Avenue, 20 feet wide, and running thence binding on the east side of said Eutaw Street, Northerly 20.0 feet to intersect the north side of said Fairmount Avenue; thence binding on the north side of said Fairmount Avenue, Easterly 340 feet, more or less, to intersect the west side of Howard Street 82.5 feet wide; thence binding on the west side of said Howard Street, Southerly 20.0 feet to intersect the south side of said Fairmount Avenue, and thence binding on the south side of said Fairmount Avenue, Westerly 340 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 Howard Street, 82.5 feet wide, and the south side of a 10.5-foot alley, laid out 94 feet, more or less, north of Baltimore Street, 66 feet wide, and running thence binding on the south side of said 10.5-foot alley, Westerly 128.25 feet, more or less, to the westernmost extremity thereof; thence binding on the westernmost extremity of said alley, Northeasterly 15 feet, more or less, to intersect the north side of said alley; thence binding on the north side of said alley, Easterly 118.5 feet, more or less, to intersect the west side of said Howard Street, and thence binding on the west side of said Howard Street, Southerly 10.5 feet to the place of beginning.

As delineated on Plat 346-A-42, prepared by the Survey Control Section and filed on January 21, 2003, 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 Fairmount Avenue and a 10.5-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 April 23, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-529
(Council Bill 03-1020)**

AN ORDINANCE CONCERNING

**City Streets — Closing —
Fairmount Avenue and a 10.5-Foot Alley**

FOR the purpose of condemning and closing (1) Fairmount Avenue, extending from Eutaw Street easterly to Howard Street and (2) a 10.5-foot Alley laid out 94 feet, more or less, north of Baltimore Street, extending from Howard Street westerly to the end thereof, and lying within the Market Center West project, as shown on Plat 346-A-42A 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) Fairmount Avenue, extending from Eutaw Street westerly to Howard Street and (2) a 10.5-foot Alley laid out 94 feet, more or less, north of Baltimore Street extending from Howard Street westerly to the end thereof, and lying within the Market Center West project, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the east side of Eutaw Street, 82.5 feet wide, and the south side of Fairmount Avenue, 20 feet wide, and running thence binding on the east side of said Eutaw Street, Northerly 20.0 feet to intersect the north side of said Fairmount Avenue; thence binding on the north side of said Fairmount Avenue, Easterly 340 feet, more or less, to intersect the west side of Howard Street 82.5 feet wide; thence binding on the west side of said Howard Street, Southerly 20.0 feet to intersect the south side of said Fairmount Avenue, and thence binding on the south side of said Fairmount Avenue, Westerly 340 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 Howard Street, 82.5 feet wide, and the south side of a 10.5-foot alley, laid out 94 feet, more or less, north of Baltimore Street,

66 feet wide, and running thence binding on the south side of said 10.5-foot alley, Westerly 128.25 feet, more or less, to the westernmost extremity thereof; thence binding on the westernmost extremity of said alley, Northeasterly 15 feet, more or less, to intersect the north side of said alley; thence binding on the north side of said alley, Easterly 118.5 feet, more or less, to intersect the west side of said Howard Street, and thence binding on the west side of said Howard Street, Southerly 10.5 feet to the place of beginning.

As delineated on Plat 346-A-42A, prepared by the Survey Control Section and filed on January 21, 2003 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 Fairmount Avenue and a 10.5-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 April 23, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-530
(Council Bill 01-404)**

AN ORDINANCE CONCERNING

Ethics — Housing Authority of Baltimore City

FOR the purpose of expressly including the Housing Authority of Baltimore City, its commissioners, officers, and employees, within the purview of the Baltimore City Ethics Law; correcting, clarifying, and conforming certain language; providing for a special effective date; and generally relating to the applicability of the Ethics Law to the Housing Authority.

BY repealing and reordaining, with amendments

Article 8 - Ethics
Section(s) 2-1(b), (d)(i), (r), and (s), and 5-1(b)
Baltimore City Code
(Edition 2000)

BY adding

Article 8 - Ethics
Section(s) 5-2(a)(23b)
Baltimore City Code
(Edition 2000)

Recitals

Article 44A, § 1-211(a)(1) of the Maryland Code provides that the commissioners, executive director, and employees of a housing authority are “[l]ocal officials for the purposes of Title 15, Subtitle 8, Part I of the State Government Article, and therefore are subject to local ethics laws”. The Baltimore City Ethics Law, however, fails to expressly include within its purview the commissioners, executive director, and employees of the Housing Authority of Baltimore City.

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 8. Ethics

Title 2. Definitions

§ 2-1. Definitions.

(b) Agency; City agency.

(1) “Agency” or “City agency” means all departments, bureaus, boards, and commissions and persons not embraced in a department who exercise authority comparable to that of heads of departments and bureaus.

(2) “AGENCY” OR “CITY AGENCY” INCLUDES:

(I) THE BOARD OF LIQUOR LICENSE COMMISSIONERS FOR BALTIMORE CITY;

(II) THE BALTIMORE CITY PARKING AUTHORITY; AND

(III) THE HOUSING AUTHORITY OF BALTIMORE CITY.

(d) *Board member.*

(1) “Board member” means a member of a board, commission, council, or any other administrative body of the City.

(2) “Board member” includes:

(i) a member of the Board of Liquor License Commissioners for Baltimore City; [and]

(ii) a member of the Board of Directors of the Baltimore City Parking Authority; AND

(III) A MEMBER OF THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF BALTIMORE CITY .

(i) City.

“City” means:

(1) the Mayor and City Council of Baltimore, the body corporate [as] established by the Charter; and

(2) any CITY agency [of the Mayor and City Council of Baltimore].

(r) *Municipal employee.*

(1) “Municipal employee” means any employee of the City who is not an elected official or municipal officer.

(2) “Municipal employee” includes:

(i) an employee of the Board of Liquor License Commissioners for Baltimore City; [and]

(ii) an employee of the Baltimore City Parking Authority; AND

(III) AN EMPLOYEE OF THE HOUSING AUTHORITY OF BALTIMORE CITY.

(s) *Municipal officer.*

(1) “Municipal officer” means:

(i) the head of any department or bureau; and

(ii) any other person who exercises authority comparable to that of the head of a department or bureau.

(2) “Municipal officer” includes:

- (i) the Executive Secretary of the Board of Liquor License Commissioners for Baltimore City; [and]
- (ii) the Executive Director of the Baltimore City Parking Authority; AND
- (III) THE EXECUTIVE DIRECTOR OF THE HOUSING AUTHORITY OF BALTIMORE CITY.

Title 5. Financial Disclosure

§ 5-1. Definitions.

(b) *Salaried employee.*

- (1) “Salaried employee” means any person who, except as specified in paragraph (2) of this subsection, receives compensation as an employee of:
 - (i) the City;
 - (ii) the Board of Liquor License Commissioners for Baltimore City; [or]
 - (iii) the Baltimore City Parking Authority; OR
 - (IV) THE HOUSING AUTHORITY OF BALTIMORE CITY.
- (2) “Salaried employee” does not include any person employed in a secretarial, clerical, or custodial capacity.

§ 5-2. Statement makers.

(a) *Persons required to file.*

The following persons are required to file financial disclosure statements provided for in this subtitle unless required by state law to file with the State:

(23B) THE FOLLOWING OFFICERS AND EMPLOYEES OF THE HOUSING AUTHORITY OF BALTIMORE CITY:

- (I) MEMBERS OF BOARD OF COMMISSIONERS;
- (II) EXECUTIVE DIRECTOR;
- (III) ALL DEPUTY EXECUTIVE DIRECTORS, ASSOCIATE DEPUTY DIRECTORS, DIVISION DIRECTORS, SECTION CHIEFS, HOUSING MANAGERS, HOUSING INSPECTORS, AND LEGAL COUNSEL; AND
- (IV) ALL SALARIED EMPLOYEES WHOSE FUNCTIONS INCLUDE:
 - (A) THE DRAFTING, DEVELOPMENT, OR ISSUANCE OF SPECIFICATIONS, INVITATIONS FOR BIDS, REQUESTS FOR PROPOSALS, OR REQUESTS FOR QUALIFICATIONS FOR THE PROCUREMENT OF SUPPLIES, MATERIALS, OR SERVICES;

(B) THE REVIEW OR EVALUATION OF BIDS, PROPOSALS, QUALIFICATIONS, OR
CONTRACTS FOR THE PROCUREMENT OF SUPPLIES, MATERIALS, OR SERVICES;
OR

(C) ANY OTHER PROCUREMENT ACTIVITY.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

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

Approved May 9, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-531
(Council Bill 02-928)**

AN ORDINANCE CONCERNING

City Property — Grant of Easement

FOR the purpose of authorizing the Mayor and City Council of Baltimore to grant an easement for an electrical transformer through the parcel of land known as 3051 Liberty Heights Avenue, as shown on the plat numbered RW20-36021 and filed in the Office of the Department of Public Works; 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 is authorized to grant a perpetual easement to the Baltimore Gas and Electric Company, for an electrical transformer on that parcel of land situate in Baltimore City known as 3051 Liberty Heights Avenue, and more particularly described as follows:

Beginning for the same at a point having a coordinate value of West 14,130.305 feet and 8,875.315 feet, and running thence by straight lines through the property now or formerly owned by the Mayor and City Council of Baltimore the 4 following courses and distances; namely, South 46° 00' 15" East 8.36 feet, South 43° 59' 45" West 8.00 feet, North 46° 00' 15" West 8.36 feet and North 43° 59' 45" East 8.00 feet to the place of beginning,

containing 66.88 square feet of land, more or less.

All courses, distances, and coordinates in the description above are referred to the true meridian as adopted by the Baltimore Survey Control System.

The grant of this easement is subject to the following conditions:

- (1) All plans and specifications for the use of the easement must be approved in writing by the City before construction.
- (2) The City and its employees or agents will have access to the easement area at all times when necessary for public purposes.
- (3) The Grantee shall maintain the easement at its sole cost and expense.
- (4) The City will be protected, indemnified, and saved harmless from all legal action, losses, and damages resulting from injury to persons or damage to property caused by the use of the easement by the Grantee, its assigns, and invitees.
- (5) No structures may be erected by the Grantee over the easement area, except for facilities approved in advance by the City.

SECTION 2. AND BE IT FURTHER ORDAINED, That no easement or easements may pass under this Ordinance unless the easement 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 9, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-532
(Council Bill 02-929)**

AN ORDINANCE CONCERNING

Rezoning — 1501-1517, 1601, and 1611 Guilford Avenue; 1639 Guilford Avenue; 301-309 East Lanvale Street; 325/35, 401/03, 405/13, 415/17, and 419/33 East Oliver Street; and 1418 and 1446 Belvidere Street

FOR the purpose of changing the zoning for the following properties: for the property known as 1501-1517 Guilford Avenue, as outlined in red on the accompanying amended plat, from the M-1-2 Zoning District to the O-R-3 Zoning District; for the properties known as 1601 and 1611 Guilford Avenue, as outlined in blue on the accompanying amended plat, from the M-1-2 Zoning District to the O-R-2 Zoning District; for the properties known as 1639 Guilford Avenue and 301-309 East Lanvale Street, as outlined in yellow on the accompanying amended plat, from the M-1-2 Zoning District to the R-8 Zoning District; and for the properties known as 325/35, 401/03, 405/13, 415/17, and 419/33 East Oliver Street and 1418 and 1446 Belvidere Street, as outlined in green on the accompanying amended plat, from the M-2-2 Zoning District to the O-R-2 Zoning District.

BY amending

Article - Zoning
Zoning District Maps
Sheet(s) 46
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 46 of the Zoning District Maps is amended by changing from the M-1-2 Zoning District to the O-R-3 Zoning District the property known as 1501-1517 Guilford Avenue, as outlined in red on the amended plat accompanying this Ordinance; by changing from the M-1-2 Zoning District to the O-R-2 Zoning District the properties known as 1601 and 1611 Guilford Avenue, as outlined in blue on the amended plat accompanying this Ordinance; by changing from the M-1-2 Zoning District to the R-8 Zoning District the properties known as 1639 Guilford Avenue and 301-309 East Lanvale Street, as outlined in yellow on the amended plat accompanying this Ordinance; and by changing from the M-2-2 Zoning District to the O-R-2 Zoning District the properties known as 325/35, 401/03, 405/13, 415/17, and 419/33 East Oliver Street and 1418 and 1446 Belvidere Street, as outlined in green on the amended 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 May 9, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-533
(Council Bill 02-930)**

AN ORDINANCE CONCERNING

**Planned Unit Development — Designation —
Greenmount West - Arts and Entertainment District**

FOR the purpose of approving the application of Charles A. Lankford, Guilford Avenue, LLC, Industrial Roll Co., Lewis Industries, Inc., A&G, LLC, 3 Square Feet, LLC, Venture Vending, Inc., and Venture Amusement Co., Inc., owners of certain properties located at 1501-1517, 1601, and 1611 Guilford Avenue, 1639 Guilford Avenue, 301-309 East Lanvale Street, 325/35, 401/03, 405/13, 415/17, and 419/33 East Oliver Street, and 1418 and 1446 Belvidere Street to have those properties designated an Office-Residential Planned Unit Development; and approving the Development Plan submitted by the applicant.

BY authority of

Article - Zoning
Title 9, Subtitles 1 and 3
Baltimore City Revised Code
(Edition 2000)

Recitals

Charles A. Lankford, Guilford Avenue, LLC, Industrial Roll Co., Lewis Industries, Inc., A&G, LLC, 3 Square Feet, LLC, Venture Vending, Inc., and Venture Amusement Co., Inc., are the owners of the properties located at 1501-1517, 1601, and 1611 Guilford Avenue, 1639 Guilford Avenue, 301-309 East Lanvale Street, 325/35, 401/03, 405/13, 415/17 and 419/33 East Oliver Street, and 1418 and 1446 Belvidere Street (collectively, the "Properties"), consisting of ~~3.67954~~ 3.92747 acres, more or less.

The owners propose to develop the Properties for business, industrial, and residential uses as part of the Greenmount West Arts and Entertainment District.

On October 11, 2002, representatives of the applicants met with the Department of Planning for a preliminary 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 Office-Residential Planned Unit Development.

The representatives of the applicants have now applied to the Baltimore City Council for designation of the Properties as an Office-Residential Planned Unit Development, and they have submitted a 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 the Mayor and City Council approves the application of Charles A. Lankford, Guilford Avenue, LLC, Industrial Roll Co., Lewis Industries, Inc., A&G, LLC, 3 Square Feet, LLC, Venture Vending, Inc., and Venture Amusement Co., Inc., owners of the properties located at 1501-1517, 1601, and 1611 Guilford Avenue, 1639 Guilford Avenue, 301-309 East Lanvale Street, 325/35, 401/03, 405/13, 415/17 and 419/33 East Oliver Street, and 1418 and 1446 Belvidere Street, consisting of ~~3.67954~~ 3.92747 acres, more or less, as outlined on the accompanying Development Plan entitled "Greenmount West - Arts and Entertainment District Planned Unit Development", dated October 11, 2002, to designate the Properties an Office-Residential Planned Unit Development under Title 9, Subtitles 1 and 3 of the Baltimore City Zoning Code.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Development Plan entitled "Greenmount West - Arts and Entertainment District Planned Unit Development" submitted by the applicants, consisting of Sheet 1, "Existing Conditions Plan", dated October 11, 2002, as revised February 4, 2003, and Sheet 2, "Proposed Conditions Plan", dated October 11, 2002, as revised February 4, 2003, is approved.

SECTION 3. AND BE IT FURTHER ORDAINED, That in accordance with the provisions of Title 9, Subtitles 1 and 3, the following uses are allowed within the Planned Unit Development:

- (a) In accordance with the provisions of § 9-303 of the Zoning Code, the following M-1 uses are allowed: artisans' and craft work; bookbinding; canvas products: manufacturing; carpet and rug cleaning establishments; clothing and other finished products: manufacturing; coffee roasting; computer centers; contractor and construction shops; dyeing establishments; electroplating; furniture and fixtures: manufacturing; glass products: manufacturing from previously prepared materials; greenhouses; industrial supplies: distribution and sales; jewelry: manufacturing; lithographing; machinery and machines, industrial, new: sales, rental, and service; machines, business and office, new and used: sales, rental, and service; machine shops; mail order

distribution centers; metal finishing; musical instruments, including organs and pianos; manufacturing; printing and publishing; radio and television antennas and towers, including microwaving antennas (satellite dishes), that extend no more than 25 feet above the building on which they are mounted; recording studios; rubber products: manufacturing or processing from previously prepared materials; telephone exchanges; tool, die, or pattern making shops; upholstering shops; warehousing and storage; and wholesale establishments.

- (b) In accordance with the provisions of § 9-303 of the Zoning Code, the following B-1 and B-2 uses are allowed on the first or ground floor of the buildings within the PUD: art and school supply stores; art needlework shops; automatic teller machines; banks and savings and loan associations; barber shops; beauty shops; book stores; general; camera and photographic supply stores; candy and ice cream stores; carry-out food shops; catering establishments: food; clothes pressing establishments; dry cleaning and laundry receiving stations - processing done elsewhere; florist shops; food stores, grocery stores, meat markets, bakeries, and delicatessens; furniture stores - including upholstering when conducted as an accessory use; gift and card shops; hardware stores; laundrettes - no more than 2 employees plus 1 owner or manager on the premises; laundries: hand - no more than 2 employees plus 1 owner or manager on the premises; musical instruments: sales and repair; newsstands; office supply stores; photocopying services; recreation buildings and community centers; restaurants and lunch rooms - but not including live entertainment or dancing; shoe and hat repairs stores; shoeshine parlors; tailor or dressmaking shops: custom work or repairs; tobacco shops; travel bureaus.

In addition, the following B-2 uses are allowed on all floors of the buildings in the PUD: antique shops; dwellings; financial institutions; offices: business, governmental and professional; photographers; physical culture and health services: gymnasiums, reducing salons, and public baths; picture framing shops - when conducted for retail trade on the premises.

In addition, all uses conditional in the M-1, B-1, and B-2 Districts are conditionally allowed in the PUD, subject to the requirements and provisions of Title 14 of the Zoning Code.

- (c) All permitted, accessory, and conditional uses as allowed in the O-R Zoning District.
- (d) Artists' studios (live and work) and art galleries.
- (e) Outdoor table service when accessory to a restaurant use, subject to Planning Commission approval; ~~live entertainment as accessory to an art gallery use, provided no admission, donation or use charge is required, and such entertainment is limited to non-amplified music.~~
- (f) Live entertainment as accessory to an art gallery use, provided no admission, donation or use charge is required, and such entertainment is limited to non-amplified music.
- (g) Any use as allowed in the PUD and open off-street parking areas for automobiles on the properties known as 1639 Guilford Avenue and 301-309 East Lanvale Street are allowed, subject to Planning Commission final design approval.

SECTION 4. AND BE IT FURTHER ORDAINED, That exterior changes, which are visible from a public right-of-way, are subject to Planning Commission design approval, unless they are reviewed and approved by the Commission for Historical and Architectural Preservation (CHAP) or the building is being renovated using Historic Tax Credits. Signage is subject to Planning Commission approval. Each building owner is encouraged to develop a signage package.

SECTION 4 5. 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 6. 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 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 7 8. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved May 9, 2003

MARTIN O'MALLEY, Mayor

ENROLLED

**CITY OF BALTIMORE
ORDINANCE 03-534
(Council Bill 02-950)**

AN ORDINANCE CONCERNING

Property Taxes — Semiannual Payments

FOR the purpose of amending the provisions authorizing semiannual payments for property taxes on owner-occupied residential property to conform to the requirements of State law; clarifying, correcting, and conforming certain language; providing for a special effective date; and generally relating to the payment of property taxes on owner-occupied residential property.

BY repealing and reordaining, with amendments

Article 28 - Taxes
Section(s) 7-1 through 7-6, 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 7. Semiannual Payments for Owner-Occupied Dwellings****§ 7-1. Definitions.**

(a) *First-time residential property buyer.*

“First-time residential property buyer” means an individual:

- (1) who has not owned a principal residence during the 3 calendar years preceding the date of purchase of a property for which an election of semiannual property tax payments may be made; and
- (2) who does not currently own rental property, second home(s), or other residential real estate.

(b) *Residential property buyer.*

“Residential property buyer” means the buyer, who is not also the grantor, of a dwelling which is:

- (1) used or intended to be used as the principal residence of a homeowner and the lot or curtilage on which the house is erected;
- (2) occupied by not more than 2 families; and
- (3) actually occupied or expected to be actually occupied by the homeowner for more than 6 months during the taxable year for which the election to pay the real property tax semiannually is being made.]

(A) *IN GENERAL.*

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

(B) “*OWNER-OCCUPIED RESIDENTIAL PROPERTY*”.

“OWNER-OCCUPIED RESIDENTIAL PROPERTY” HAS THE MEANING STATED IN STATE TAX-PROPERTY ARTICLE § 10-204.3.

§ 7-2. Election of semiannual payment.

(a) *In general.*

[Pursuant to the provisions of] THE REAL PROPERTY TAXES DUE ON ANY OWNER-OCCUPIED RESIDENTIAL PROPERTY MAY BE PAID ON A SEMIANNUAL PAYMENT SCHEDULE AS PROVIDED IN State Tax-Property Article § 10-204.3[, any first-time residential property buyer or any residential property buyer may, at the time of transfer of the property, elect to pay the real property taxes due under this section on a semiannual payment schedule].

[(b) *Limitations.*

Provided, however, that the election referred to in this section shall be available only:

- (1) to 1st-time residential property buyers to whom the property is transferred on or after April 1, 1994; and
- (2) to any residential property buyer to whom the property is transferred on or after January 1, 1995.

(c) *Applicability of election.*

A semiannual payment schedule elected under this section shall apply to the property tax due for the tax year following transfer of the property and each subsequent tax year until the property owner elects to pay the real property tax on an annual payment schedule. The annual payment schedule shall thereafter be in effect for that property as long as it is owned by the property owner who elected the annual payment schedule.]

§ 7-3. Service charge.

(a) *Charge imposed.*

A property owner electing to pay real property taxes under a semiannual payment schedule shall [annually] pay a service charge ANNUALLY with the 2nd installment.

(b) *Charge as lien.*

The service charge ~~imposed by this section~~ and all interest and penalties due [upon] ON the principal amount [of semiannual installments] shall be a lien [upon] ON the property of any person liable [to pay the same to the City] FOR THE CHARGE, INTEREST, AND PENALTIES, and [such] THE lien shall be recorded and collected in the same manner as taxes are collected.

(c) *Amount of charge.*

The ~~Board of Estimates~~ MAYOR AND CITY COUNCIL shall [adopt a] SET THE service charge IN ACCORDANCE WITH THE REQUIREMENTS AND LIMITATIONS OF STATE TAX-PROPERTY ARTICLE § 10-204.3 [which is:

- (1) expressed as a percent of the amount of tax due at the 2nd installment and shown on the tax bill as a percent and actual dollar amount charged; and
- (2) calculated in an amount:
 - (i) reasonably equivalent to the anticipated lost interest income associated with the delay in payment of the 2nd installment; and
 - (ii) covering administrative expenses associated with the semiannual payment not exceeding 25% of the charge for lost interest].

§ 7-4. Contents of bill.

The property tax bill under a semiannual schedule shall CONTAIN THE INFORMATION REQUIRED BY STATE TAX-PROPERTY ARTICLE § 10-204.3 [state:

- (1) the amount of the tax due if paid in full, including any applicable discounts for early payment;
- (2) the amount of the tax due if paid in semiannual installments, including any applicable discounts for early payment of the 1st installment;
- (3) the amount of service charge to be paid with the 2nd installment; and
- (4) the date the tax payment is due].

§ 7-5. Due [date] DATES; interest and civil penalties.

(a) *Due [date] DATES.*

[A payment] PAYMENTS under a semiannual schedule [is] ARE due AS SPECIFIED IN STATE TAX-PROPERTY ARTICLE § 10-204.3[:

- (1) for the 1st installment:
 - (i) on July 1 of the tax year; and
 - (ii) may be paid without interest and penalty on or before September 30 of the tax year; and
- (2) for the 2nd installment:
 - (i) on January 1 of the tax year; and
 - (ii) except for the service charge, may be paid without interest and penalty on or before January 31 of the tax year].

(b) *Interest and civil penalties.*

Each semiannual installment [of real property tax payment due September 30 and January 31 of the tax year shall be overdue and in arrears] THAT HAS NOT BEEN PAID [on the 1st day after] BY the [respective aforementioned dates and] RESPECTIVE DATE ALLOWED IN STATE TAX-PROPERTY ARTICLE § 10-204.3 FOR ITS PAYMENT WITHOUT INTEREST shall bear, until paid:

- (1) interest at the rate of 1% for each month and fraction [thereof] OF A MONTH; and
- (2) penalty at the rate of 1% for each month and fraction [thereof] OF A MONTH.

[(c) *Payment from escrow account.*

If an escrow account is established for the payment of the property tax, the tax shall be paid in annual or semiannual installments as directed by the first-time residential property buyer or residential property buyer.]

§ 7-6. Rules and regulations.

The Director of Finance [is hereby authorized and empowered to make,] MAY adopt[, and amend such] rules and regulations [as he may deem necessary and proper]:

- (1) to carry out the provisions of this subtitle; and
- (2) to conduct investigations to assure compliance with [the provisions of] this subtitle.

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 May 9, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-535
(Council Bill 02-962)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use Convalescent, Nursing, and Rest Home
(Assisted Living) —3716 Park Heights 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 3716 Park Heights 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 3716 Park Heights 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 8, 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) The convalescent, nursing, and rest home ~~complies~~ must comply with all applicable federal, state, and local licensing and certification requirements.

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

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

Approved May 9, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-536
(Council Bill 02-963)**

AN ORDINANCE CONCERNING

Sale of Property — 5913 Plumer 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 5913 Plumer 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 5913 Plumer Avenue, and more particularly described as follows:

The site, improved by an end-of-row townhouse that contains approximately 1,024 square feet, is located in the Cedmont Community - Ward 26, Section 23, Block 5733D, Lot 147,

containing 3,420 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 9, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-537
(Council Bill 03-998)**

AN ORDINANCE CONCERNING

Rezoning — 802 South Caroline Street

FOR the purpose of changing the zoning for the property known as 802 South Caroline 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) 66
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 66 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 802 South Caroline 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 May 9, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-538
(Council Bill 03-1037)**

AN ORDINANCE CONCERNING

**Urban Renewal — Greenmount West —
Amendment 6 7**

FOR the purpose of amending the Urban Renewal Plan for Greenmount West to change the land use category for the property known as 117 East Lafayette Avenue and to revise Exhibits 1 and 4 to reflect the change; clarifying certain language; 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 Greenmount West was originally approved by the Mayor and City Council of Baltimore by Ordinance 78-699 and last amended by Ordinance 95-656.

An amendment to the Urban Renewal Plan for Greenmount West is necessary to change the land use category for the property known as 117 East Lafayette Avenue and to reflect the change in the land use category on Exhibits 1 and 4.

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 Greenmount West are approved:

- (1) Amend Exhibit 1, "Land Use Plan", and Exhibit 4, "Zoning Districts" to reflect the change in land use category for the property known as 117 East Lafayette Avenue from Public Parking to Office Residential.
- (2) On page 2 of the Plan, amend B.1.c. to read as follows:

In the area designated Office-Residential on the Land Use Plan map, uses [shall be] ARE limited to those [permitted under the O-R-2] ALLOWED IN THE OFFICE-RESIDENTIAL category of the Zoning Ordinance of Baltimore City.

SECTION 2. AND BE IT FURTHER ORDAINED, That in the event a Planned Unit Development is enacted for the property known as 117 East Lafayette Street, to the extent there exists any conflict between the provisions of the Renewal Plan and the standards and controls of any Planned Unit Development legislation approved by the Mayor and City Council, the standards and controls of the Planned Unit Development control.

SECTION 3. AND BE IT FURTHER ORDAINED, That the Urban Renewal Plan for Greenmount West, as amended by this Ordinance and identified as “Urban Renewal Plan, Greenmount West, revised to include Amendment 6 7, dated February 24, 2003”, 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 9, 2003

MARTIN O’MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-539
(Council Bill 03-1076)**

AN ORDINANCE CONCERNING

Daytime Curfew — Truancy Center

FOR the purpose of authorizing certain minors to be taken to a truancy center under certain circumstances; defining certain terms; correcting, clarifying, and conforming provisions relating to the enforcement of the daytime and nighttime curfews; and generally relating to minors and to enforcement of the daytime and nighttime curfews.

BY adding

Article 19 - Police Ordinances
Section(s) 34-1(h)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 19 - Police Ordinances
Section(s) 34-4 and 34-8
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 19. Police Ordinances

Subtitle 34. Minors – Daytime and Nighttime Curfews

§ 34-1. Definitions.

(H) *TRUANCY CENTER.*

“TRUANCY CENTER” MEANS A PLACE, AS ESTABLISHED OR DESIGNATED BY THE CITY, TO WHICH MINORS BELIEVED TO BE IN VIOLATION OF § 34-4 {“PROHIBITED CONDUCT OF MINORS – DAYTIME CURFEW”} OF THIS SUBTITLE CAN BE TAKEN TO DETERMINE AN APPROPRIATE COURSE OF ACTION.

§ 34-4. Prohibited conduct of minors — daytime curfew.

(A) *IN GENERAL.*

[No] EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (B) OF THIS SECTION, NO minor between the ages of 6 to 16 years, inclusive, [shall] MAY remain in or about any public place or any establishment between the hours of 9:00 a.m. and 2:30 p.m. ON any day during which [said] THE minor is required to be in school[.,].

(B) *EXCEPTIONS.*

[unless he] SUBSECTION (A) OF THIS SECTION DOES NOT APPLY IF:

- (1) THE MINOR has written proof from school authorities excusing [him from] HIS OR HER attendance at that particular time; or
- (2) [unless] THE MINOR IS accompanied by a parent or a person 21 years [of age] OLD or older.

§ 34-8. Enforcement.

(a) *Identification.*

[Any] IF A police officer [who finds] HAS REASON TO BELIEVE THAT a minor [violating any provision] IS IN VIOLATION of § 34-3 {“PROHIBITED CONDUCT OF MINORS – NIGHTTIME CURFEW”} or § 34-4 {“PROHIBITED CONDUCT OF MINORS – DAYTIME CURFEW”} OF THIS SUBTITLE, THE POLICE OFFICER shall SEEK TO obtain [information] from [such] THE minor [as to]:

- (1) [his] THE MINOR’S name, [and] address, AND age[,]; and

(2) the name of [his] THE MINOR'S parent or parents.

(b) *[During school hours] DAYTIME CURFEW.*

(1) [The minor shall be taken to the minor's school during school hours] FOR A MINOR BELIEVED TO BE IN VIOLATION OF § 34-4 {“PROHIBITED CONDUCT OF MINORS – DAYTIME CURFEW”}, THE MINOR SHALL BE TAKEN, AS APPROPRIATE, TO:

(I) THE MINOR'S SCHOOL;

(II) A TRUANCY CENTER; or

(III) [to] the minor's home [if appropriate].

(2) [Whenever] IF the minor is taken to school OR TO A TRUANCY CENTER, the school OR CENTER, AS THE CASE MAY BE, shall:

(i) notify [the] A parent [regarding] ABOUT the [minor's] violation of [the provisions of] this subtitle[.]; and

(ii) [the school shall] take appropriate measures to reduce the probability that the minor will commit a subsequent violation of [a provision of] this subtitle.

(c) *[Outside school hours — home] NIGHTTIME CURFEW.*

(1) [If not during school hours] FOR A MINOR BELIEVED TO BE IN VIOLATION OF § 34-3 {“PROHIBITED CONDUCT OF MINORS – NIGHTTIME CURFEW”}, the minor shall be taken:

(I) to the minor's home[.]; OR

[(d) *Outside school hours — detention center.*]

(II) [(1) If the police officer determines that there is] IF no parent or [no] adult brother, sister, aunt, uncle, or grandparent IS present at the MINOR'S home to take charge of the minor, [the police officer shall take the minor] to an appropriate juvenile holding facility.

(2) [When] IF the minor is taken to a juvenile holding facility, [the] A parent or an adult brother, sister, aunt, uncle, or grandparent shall be notified to come and take charge of the minor.

(3) If [the] NO parent or [an] adult brother, sister, aunt, uncle, or grandparent [cannot] CAN be located or [fails to] IF NONE come and take charge of the minor, the minor and the [parent shall be] THE MINOR'S PARENTS ARE subject to the penalties set forth in § 34-9 [hereof] OF THIS SUBTITLE.

(D) *MAXIMUM PERIOD OF DETENTION.*

[(4)] In no event [shall] MAY a minor be detained for more than 24 hours if THE MINOR IS charged solely with A violation of [the provisions of] this subtitle.

(e) *Notices.*

Notice is presumed to be received by a parent if [it is] deposited in a depository for mailing United States Mail, properly addressed and with [the proper] first-class postage paid. [Such] THE mailing may be shown by the records of the sending agency made in the regular course of its business.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

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

Approved May 9, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-540
(Council Bill 03-1029)**

AN ORDINANCE CONCERNING

Strathdale Manor Development District

FOR the purpose of designating a “development district” to be known as the “Strathdale Manor 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 infrastructure improvements relating to the development of approximately 49 single family attached homes, 54 single family semi-detached homes and 67 single family detached homes 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©) 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 the following public infrastructure improvements constructed in accordance with all required City approvals (all sizes approximate):
 - (1) the construction and renovation of roads and alleys, including paving and the installation of curbs, gutters, and sidewalks;
 - (2) the installation of:
 - (i) 10,300 feet of water mains and laterals;
 - (ii) 4,800 feet of sanitary sewer facilities; and
 - (iii) 5,000 feet of storm drainage systems; and
 - (3) the acquisition, construction, renovation and development of other related public infrastructure improvements that are necessary for the completion of these infrastructure improvements for their intended public purposes.
- (g) “Original assessable base” means the assessable base as of January 1, 2002.

- (h) "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 Strathdale Manor 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 Strathdale Manor subdivision, 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 contiguous area consisting of the properties designated as (1) Ward 26, Section 20, Block 6048, Lots 40/42, 176, 177, 178, 179, and 180, together with the adjoining roads, highways, alleys, rights-of-way and other similar property, shown on the map attached to this Ordinance as Exhibit 1A and made a part of this Ordinance, (2) Ward 26, Section 20, Block 6050, Lots 26 and 51/55, together with the adjoining roads, highways, alleys, rights-of-way and other similar property, shown on the map attached to this Ordinance as Exhibit 1B, and made a part of this Ordinance, and (3) Ward 26, Section 20, Block 6055, Lots 1, 2, and 13/14, together with the adjoining roads, highways, alleys, rights-of-way and other similar property, shown on the map attached to this Ordinance as Exhibit 1C, and made a part of this Ordinance, is designated as a development district to be known as the "Strathdale Manor Development District".

SECTION 4. AND BE IT FURTHER ORDAINED, That a special fund is established for the Development District to be known as the "Strathdale Manor 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 upon 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:

- (a) 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.

EXHIBIT 1

Map of Development District

EXHIBIT 1A

Ward 26, Section 20 Block 6048
Lots 40/42, 176, 177, 179 and 180

EDITOR'S NOTE

The exhibit in this Ordinance is not reproduced here. It may be viewed in a copy of the Ordinance itself.

EXHIBIT 1B

Ward 26, Section 20, Block 6050
Lots 26, 51/55

EDITOR'S NOTE

The exhibit in this Ordinance is not reproduced here. It may be viewed in a copy of the Ordinance itself.

EXHIBIT 1C

Ward 26, Section Block 6055
Lots 1, 2 and 13

EDITOR'S NOTE

The exhibit in this Ordinance is not reproduced here. It may be viewed in a copy of the Ordinance itself.

Approved May 21, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-541
(Council Bill 03-1030)**

AN ORDINANCE CONCERNING

Strathdale Manor Special Taxing District

FOR the purpose of designating a “special taxing district” to be known as the “Strathdale Manor 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.

The City has been requested to designate and create the Strathdale Manor 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. Additionally, the City has received a request for the same designation and creation from the proposed owner of property 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 infrastructure improvements relating to the development of approximately 49 single family attached homes, 54 single family semi-detached homes and 67 single family detached homes 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 the following public infrastructure improvements constructed in accordance with all required City approvals (all sizes approximate):
 - (1) the construction and renovation of roads and alleys, including paving and the installation of curbs, gutters, and sidewalks;
 - (2) the installation of:
 - (i) 10,300 feet of water mains and laterals;
 - (ii) 4,800 feet of sanitary sewer facilities; and
 - (iii) 5,000 feet of storm drainage systems; and
 - (3) the acquisition, construction, renovation and development of 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 Strathdale Manor 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 Strathdale Manor Subdivision, 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 contiguous area consisting of the properties designated as (1) Ward 26, Section 20, Block 6048, Lots 40/42, 176, 177, 178, 179, and 180, together with the adjoining roads, highways, alleys, rights-of-way and other similar property, shown on the map attached to this Ordinance as Exhibit 1A and made a part of this Ordinance, (2) Ward 26, Section 20, Block 6050, Lots 26 and 51/55, together with the adjoining roads, highways, alleys, rights-of-way and other similar property, shown on the map attached to this Ordinance as Exhibit 1B, and made a part of this Ordinance, and (3) Ward 26, Section 20, Block 6055, Lots 1, 2, and 13/14, together with the adjoining roads, highways, alleys, rights-of-way and other similar property, shown on the map attached to this Ordinance as Exhibit 1C, and made a part of this Ordinance, is designated as a special taxing district to be known as the "Strathdale Manor Special Taxing District". To the extent that the City is an owner of property within the Special Taxing District, the City as an owner consents to the designation and creation of the Special Tax District.

SECTION 4. AND BE IT FURTHER ORDAINED, That a special fund is established for the Special Taxing District to be known as the "Strathdale Manor 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 shall be levied upon 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 the 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 that:

- (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; and
- (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, upon receipt of a request from both (i) the owners of at least two-thirds of the assessed valuation of the real property located with the proposed special taxing district; and (ii) at least two-thirds of

the owners of the real property located within 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.

EXHIBIT 1

Map of the Special Taxing District

EXHIBIT 1A

Ward 26, Section 20, Block 6048, Lots 40/42,
176, 177, 178, 179, and 180

EDITOR'S NOTE

The exhibit in this Ordinance is not reproduced here. It may be viewed in a copy of the Ordinance itself.

EXHIBIT 1B

Ward 26, Section 20, Block 6050
Lots 26, 51/55

EDITOR'S NOTE

The exhibit in this Ordinance is not reproduced here. It may be viewed in a copy of the Ordinance itself.

EXHIBIT 1C

Ward 26, Section 20, Block 6055
Lots 1, 2, and 13/1

EDITOR'S NOTE

The exhibit in this Ordinance is not reproduced here. It may be viewed in a copy of the Ordinance itself.

EXHIBIT 2

Rate and Method of Apportionment of the Special Taxes

EDITOR'S NOTE

The exhibit in this Ordinance is not reproduced here. It may be viewed in a copy of the Ordinance itself.

EXHIBIT 3

Special Tax Allocation Report

EDITOR'S NOTE

The exhibit in this Ordinance is not reproduced here. It may be viewed in a copy of the Ordinance itself.

Approved May 21, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-542
(Council Bill 03-1031)**

AN ORDINANCE CONCERNING

**Supplementary Tax Increment Loan Fund Capital Appropriation —
Department of Housing and Community Development — \$3,900,000**

FOR the purpose of providing a Supplementary Tax Increment Loan Fund Capital Appropriation in the amount of \$3,900,000 to the Department of Housing and Community Development — (Account #9910-601-485), to provide tax increment financing for public infrastructure improvements at the Strathdale Manor new 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 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 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 February 19, 2003, 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 \$3,900,000 shall be made available to the Department of Housing and Community Development (Account #9910-601-485) as a Supplementary Tax Increment Loan Fund Capital Appropriation for Fiscal Year 2003, to provide tax increment financing for public infrastructure improvements located at the Strathdale Manor Subdivision. 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 2003.

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

Approved May 21, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-543
(Council Bill 03-1032)**

AN ORDINANCE CONCERNING

Strathdale Manor Special Obligation Bonds

FOR the purpose of providing for the issuance of special obligation bonds in an amount not exceeding \$6,000,000 for the purpose of financing 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 the 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 Strathdale Manor Development District (the "Development District");

- (ii) created the Strathdale Manor 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 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 Strathdale Manor Special Taxing District (the “Special Taxing District”);
- (ii) created the Strathdale Manor 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 infrastructure improvements relating to the development of approximately 49 single family attached homes, 54 single family semi-detached homes and 67 single family detached homes 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 without limitation, the bonds authorized by this Ordinance.
- (c) “City expenses” means
 - (1) the fees and expenses of any fiscal agent or trustee employed by the City 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 retained by the City 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 Strathdale Manor 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 the following public infrastructure improvements constructed in accordance with all required City approvals (all sizes approximate):
 - (1) the construction and renovation of roads and alleys, including paving and the installation of curbs, gutters, and sidewalks;
 - (2) the installation of:
 - (i) 10,300 feet of water mains and laterals;
 - (ii) 4,800 feet of sanitary sewer facilities; and
 - (iii) 5,000 feet of storm drainage systems; and
 - (3) the acquisition, construction, renovation and development of 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 to be levied and collected in the Special Taxing District by the Special Taxing District Ordinance.
- (j) "Special Tax Fund" means the Strathdale Manor 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 Strathdale Manor Special Taxing District.
- (m) "Special Taxing District Act" means Article II, Chapter (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, Chapter (62) of the Baltimore City Charter.
- (q) "Tax Increment Fund" means the Strathdale Manor 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 providing funds to finance the infrastructure improvements:

- (a) accomplishes the purposes of the Acts;
- (b) serves public purposes, including the direct and indirect enhancement of the taxable base of the City and the facilitation of planned improvements to the Strathdale Manor Subdivision; and
- (c) 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 \$6,000,000.
- (b) The proceeds of the bonds may be utilized solely for the following purposes, as the Board of Finance determines pursuant to Section 9 of this Ordinance:
 - (1) to finance all or part of 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 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 by the City 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 the 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 the 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:

- (a) first, from capitalized interest and any other available amount in the funds and accounts created by the indenture;
- (b) second, from the tax increment revenues, subject to annual appropriation by the City; and

- (c) third, to the extent the tax increment revenues are not sufficient 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 shall 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 the City expenses. The amount of the special tax required to be levied in any tax year to provide for the payment of City expenses may be reduced to the extent that amounts are held under the indenture, or amounts are otherwise made available to the City, are available for the 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 amount at least sufficient 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 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 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 by 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 any other document, the signature or countersignature or the facsimile

shall nevertheless be 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 of the City Seal and the Alternate Custodian of the City Seal, and other officials of the City are authorized and empowered to 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 any of the following as it deems 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 same;
- (3) the manner in which and the terms upon 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 and any person in connection with the issuance of the bonds, 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 the 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 shall terminate 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 applied 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 the provisions of § 103 and §§ 141 through 150, inclusive, of the Internal Revenue Code of 1986, as amended, applicable to the bonds in order 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 the 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 21, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-544
(Council Bill 03-1038)**

AN ORDINANCE CONCERNING

**Sale of Property — the Former Strathdale Manor/Sarril
Apartments Site**

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in the former Strathdale Manor/Sarril Apartments site 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 former Strathdale Manor/Sarril Apartments site, and more particularly described as follows:

The R-7 zoned site, consisting of ~~20 18~~ ± acres (~~approximately 884,268 ± gross square feet~~), is located in the Frankford Community and consists of the following properties:

<u>Address</u>	<u>Block/Lot</u>	<u>Acres</u>
6000 Frankford Avenue	6055/001	5.095
6001 6100 Frankford Avenue	6055/002	5.67
4620 Denview Way	6055/013	1.36
4700 Denview Way	6050/051 6050/026	5.56 .192
5403-09 Force Road	6048/040	.56
5900-06 Frankford Road	6048/176	.56
5400 Sarril Road	6048/177	1.10
5414 Sarril Road	6048/178	1.45
5434 Sarril Road	6048/179	1.33
5514 Sarril Road	6048/180	1.05
4701-05 Strathdale Road	6050/051	.56
		19.78 18.927 ±

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 21, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-545
(Council Bill 02-865)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use Nonprofit Home for the
Care and Custody of Homeless Persons — A Portion of the Property
known as 2209 Greenmount Avenue, also Known as
2215 Greenmount Avenue**

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 a portion of the property known as 2209 Greenmount Avenue, also known as 2215 Greenmount Avenue, 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 nonprofit home for the care and custody of homeless persons on a portion of the property known as 2209 Greenmount Avenue, also known as 2215 Greenmount Avenue, 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 beds is 125, of which a maximum of 55 are emergency overnight beds. In addition to the 125 clients, a resident manager may live on-site.
- (2) There is no limit on how many of the 125 beds may be used for transitional housing, including transitional housing for individuals recently released from hospitals.
- (3) 24-hour supervision must be provided.
- (4) Sleeping rooms for clients may not be in the basement.

- (5) 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 May 27, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-546
(Council Bill 03-1005)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use Parking, Open Off-Street Area —
3010 East Northern Parkway**

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 4 or more automobiles on the property known as 3010 East Northern Parkway, as outlined in red on the accompanying plat; and repealing a previous ordinance relating to the same property.

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 parking, open off-street area, other than accessory, for the parking of 4 or more automobiles on the property known as 3010 East Northern Parkway, 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 Site Plan for this parking, open off-street area, dated March 27, 2003, 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) Consolidation of lots will not constitute a change in conditional use.

- (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 Ordinance 97-148 (Zoning - Conditional Use Parking Lot - 3008 East Northern Parkway) is repealed.

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

Approved May 27, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-547
(Council Bill 03-1010)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use Parking, Open Off-Street Area —
~~511-513~~ 511 and 513 Glenwood Avenue**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a parking, open off-street area on the properties known as ~~511-513~~ 511 and 513 Glenwood 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 parking, open off-street area on the properties known as ~~511-513~~ 511 and 513 Glenwood 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 Site Plan for this parking, open off-street area, "Site Plan for Conditional Use for Parking", dated March 12, 2003, 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) Consolidation or re-subdivision of 511 and 513 Glenwood Avenue will not constitute a change in conditional use.
- (3) Future construction of a play lot or any future structures on the lots need only to conform to the underlying zoning for 511 or 513 Glenwood Avenue and will not constitute a change in conditional use.
- (4) 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 May 27, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-548
(Council Bill 03-1018)**

AN ORDINANCE CONCERNING

**City Streets — Closing —
A 20-Foot Alley**

FOR the purpose of condemning and closing a 20-foot alley, laid out 155 feet southeast of 29th Street and extending from Cresmont Avenue northeasterly 119 feet, more or less, as shown on Plat 347-A-60 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 20-foot alley laid out 155 feet southeast of 29th Street

and extending from Cresmont Avenue northeasterly 119 feet, more or less, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the northeast side of Cresmont Avenue, 50 feet wide and the northwest side of a 20-foot alley laid out 155 feet southeast of 29th Street, said point of beginning being distant 155 feet, more or less, southeasterly measured along the northeast side of said Cresmont Avenue from the southeast side of 29th Street, 66 feet wide, and running thence binding on the northwest side of said alley, Northeasterly 119 feet, more or less, to the northeasternmost extremity of said alley; thence binding on the northeasternmost extremity of said alley, Southeasterly 20.0 feet to the southeast side of said alley; thence binding on the southeast side of said alley, Southwesterly 119 feet, more or less, to intersect the northeast side of said Cresmont Avenue, and thence binding on the northeast said of said Cresmont Avenue, Northwesterly 20.0 feet to the place of beginning.

As delineated on Plat 347-A-60, prepared by the Survey Control Section and filed on December 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 a 20-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 May 27, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-549
(Council Bill 03-1021)**

AN ORDINANCE CONCERNING

Rezoning — 2100 Aliceanna Street

FOR the purpose of changing the zoning for the property known as 2100 Aliceanna 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 2100 Aliceanna 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 May 27, 2003

MARTIN O'MALLEY, Mayor

ENROLLED

**CITY OF BALTIMORE
ORDINANCE 03-550
(Council Bill 03-1033)**

AN ORDINANCE CONCERNING

Transit and Traffic — Fines for Parking, Stopping, etc.

FOR the purpose of modifying the fines for certain parking, standing, stopping, and other offenses; clarifying, correcting, and conforming certain language; repealing certain obsolete provisions; and generally relating to the regulation of transit and traffic.

BY repealing

Article 31 - Transit and Traffic
Section(s) 7-16(c), 36-11, and 36-12
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 31 - Transit and Traffic
Section(s) 36-1 through 36-10, 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 31. Transit and Traffic

Subtitle 7. Metered Parking

§ 7-16. Lawful parking.

[(c) Exception for stadium events.

By a special designation of the Director of Public Works, the provision of this subtitle shall not apply to any location on the streets, thoroughfares, or public places in the general vicinity of the Memorial Stadium on East 33rd Street, as indicated or designated by special no parking signs for stadium events.]

Subtitle 36. Parking, etc., Fines, Penalties, and Procedures

§ 36-1. In general.

[Within the limits of the City of Baltimore, the] IN ADDITION TO THE COSTS STIPULATED IN THE MARYLAND CODE, THE following [parking and stopping] fines are imposed FOR VIOLATION OF THE OFFENSES INDICATED [in addition to the costs stipulated in the Maryland Code].

§ 36-2. ~~[\$100] \$150 - \$500 fines.~~

~~{The abandoning of vehicles} ABANDONING A VEHICLE [as construed] in VIOLATION OF § 31-8 {"ABANDONED VEHICLES"} OF THIS article [shall be a violation] IS punishable by a fine of not less than [\$100] \$150 nor more than \$500.~~

§ 36-3. \$250 FINES.

§ 36-2. \$300 FINES.

PARKING OR STANDING A COMMERCIAL VEHICLE OF MORE THAN 20,000 POUNDS GROSS VEHICLE WEIGHT IN VIOLATION OF § 6-26(B) {"STANDING BY RESIDENCE"} OR OF § 6-26(C) {"NIGHTTIME HOURS"} OF THIS ARTICLE IS PUNISHABLE BY A FINE OF \$250 \$300.

~~§ 36-4~~ § 36-3. [§ 36-3.] \$200 fines.

Stopping or parking in a space reserved for [the handicapped shall be a violation] DISABLED PERSONS OR HELPERS UNDER § 6-9 {"DISABLED PERSONS"} OR SUBTITLE 9 {"DISABLED PERSONS AND HELPERS"} OF THIS ARTICLE IS punishable by a fine of \$200.

[§ 36-4. \$150 fines.

Parking a commercial vehicle exceeding 20,000 pounds gross weight, in front of or beside a residence for more than 1 hour, unless the operator is performing work within 1 block, or longer than 1 hour continuously between the hours of 1 a.m and 7 a.m. on any street, lane, or alley, \$150.]

§ 36-4. \$150 FINES.

ABANDONING A VEHICLE IN VIOLATION OF § 31-8 {"ABANDONED VEHICLES"} OF THIS ARTICLE IS PUNISHABLE BY A FINE OF \$150.

§ 36-5. [~~\$100~~] \$125 fines.

[(1)] Parking, stopping, or standing, in violation of [littering or dumping laws prohibited in] § 6-18 {"[U]NLAWFUL DUMPING"} OR § 6-19 {"[WASTE HAULER] WITHOUT LICENSE DISPLAYED"} of this article[, shall be a violation] IS punishable by a fine of [~~\$100~~] \$125.

[(2)] Parking, stopping, or standing, in violation of § 6-19 of this article, which requires a solid waste permit holder to display the permit at all times, shall be a violation punishable by a fine of \$100.]

§ 36-6. [~~\$75~~] \$100 fines.

Parking OR STANDING A NONCOMMERCIAL VEHICLE OF MORE THAN 20,000 POUNDS GROSS WEIGHT OR a commercial vehicle OF 20,000 POUNDS OR LESS GROSS VEHICLE WEIGHT in [front of or beside a residence for more than 1 hour, unless the operator is performing work within 1 block,] VIOLATION OF § 6-26(B) {"STANDING BY RESIDENCE"} OF THIS ARTICLE IS PUNISHABLE BY A FINE OF [~~\$75~~] \$100.

§ 36-7. [~~\$50~~] \$75 fines.

(1) Obstructing or impeding the free flow of traffic [shall be a violation] IS punishable by a fine of [~~\$50~~] \$75.

[(2)] Parking on a Snow Emergency Route when the snow emergency is in effect shall be a violation punishable by a fine of \$50.]

(2) [(3)] Parking, stopping, or standing IN THE PIMLICO RACE TRACK AREA in violation of [racing event signs in the Pimlico Race Track Area shall be a violation punishable by a fine of \$30 until September 1, 1984; after September 1, 1984, the violation shall be] § 31-7(C)(3) OF THIS ARTICLE IS punishable by a fine of [~~\$50~~] \$75.

(3) [(4)] Parking, stopping, or standing in violation of posted restrictions in any residential permit parking program area [established or altered] within the Camden Yards Stadium Complex [area] AREA, [pursuant to § 10-6 of this article, shall be a violation punishable by a fine of \$50 when violation occurs within] AT ANY TIME BETWEEN 1 hour before the advertised start of a stadium event [until] AND 1 hour after the [actual ending of an] event ENDS, IS PUNISHABLE BY A FINE OF \$75.

§ 36-8. \$50 FINES.

- (1) PARKING ON A SNOW EMERGENCY ROUTE IN VIOLATION OF § 6-15 {"SNOW EMERGENCY ROUTES"} OF THIS ARTICLE IS PUNISHABLE BY A FINE OF \$50.
- (2) OBSTRUCTING OR IMPEDING THE MOVEMENT OF PEDESTRIANS IS PUNISHABLE BY A FINE OF \$50.
- (3) STANDING WITHIN 15 FEET OF A FIRE PLUG OR FIRE HYDRANT IN VIOLATION OF § 6-6(A) {"ENGINE HYDRANTS"} OF THIS ARTICLE IS PUNISHABLE BY A FINE OF \$50.
- (4) STOPPING IN FRONT OF OR OPPOSITE A FIRE ENGINE HOUSE IN VIOLATION OF § 6-6(C) {"ENGINE HOUSES"} OF THIS ARTICLE IS PUNISHABLE BY A FINE OF \$50.
- (5) STOPPING OR PARKING IN A TRANSIT STOP IS PUNISHABLE BY A FINE OF \$50.
- (6) PARKING OR STANDING A NONCOMMERCIAL VEHICLE OF MORE THAN 20,000 POUNDS GROSS WEIGHT OR A COMMERCIAL VEHICLE OF 20,000 POUNDS OR LESS GROSS WEIGHT IN VIOLATION OF § 6-26(C) {"NIGHTTIME HOURS"} OF THIS ARTICLE IS PUNISHABLE BY A FINE OF \$50.

§ 36-9. [§ 36-8. \$30] \$40 fines.

- (1) [In areas where stopping] PARKING, STOPPING, or standing WHERE PARKING, STOPPING, OR STANDING is prohibited and impounding is authorized[, violation of such impounding law shall be deemed a violation] IS punishable by[, a] fine of [\$30] \$40.
- (2) ~~Obstructing or impeding the movement of pedestrians [shall be a violation] is punishable by a fine of [\$30] \$40.~~
- (3) ~~Stopping in front of or opposite a fire engine [houses] HOUSE [where signs prohibiting are posted shall be a] IN VIOLATION OF § 6-6(C) {"ENGINE HOUSES"} OF THIS ARTICLE IS punishable by a fine of [\$30] \$40.~~
- (4) ~~[In areas where parking is prohibited and impounding is authorized, a violation of such impounding law shall be deemed a violation punishable by a fine of \$30.] PARKING OR STANDING A VEHICLE OF MORE THAN 20,000 POUNDS GROSS VEHICLE WEIGHT OR ANY COMMERCIAL VEHICLE IN VIOLATION OF § 6-26(C) {"NIGHTTIME HOURS"} OF THIS ARTICLE IS PUNISHABLE BY A FINE OF \$40.~~
- (2) (5) ~~Except [for a parking meter violation [on an impounding street provided for in paragraph (6) of this section and] AS OTHERWISE PROVIDED IN [§ 36-10(1) of] this subtitle, a A parking METER violation on an impounding street DURING THE HOURS THAT A VEHICLE MAY BE IMPOUNDED [shall be a violation] is punishable by a fine of [\$30] \$40.~~
- (3) (6) [A parking meter violation on an impounding street during the hours that a vehicle may be impounded shall be a violation punishable by a fine of \$30.] EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE FOR THE PIMLICO RACE TRACK AREA OR THE CAMDEN YARDS STADIUM COMPLEX AREA, PARKING IN VIOLATION OF POSTED RESTRICTIONS IN A RESIDENTIAL PERMIT PARKING AREA IS PUNISHABLE BY A FINE OF \$40.
- (7) ~~Stopping or parking in a transit stop [other than on an impounding street shall be a violation] is punishable by a fine of [\$30] \$40.~~

~~(8) Standing within 15 feet of a fire PLUG OR FIRE hydrant IN VIOLATION OF § 6-6(A) {"ENGINE HYDRANTS"} OF THIS ARTICLE [shall be a violation] IS punishable by a fine of [\$30] \$40.~~

[(9) Standing within 15 feet of a fire hydrant on an impounding street shall be a violation punishable by a fine of \$30.]

[§ 36-9. \$25 fines.

- (1) Parking a commercial vehicle longer than 1 hour continuously between the hours of 1 a.m. and 7 a.m. on any street, lane, or alley, \$25.
- (2) Parking in violation of posted restrictions in residential permit parking areas, except in the Pimlico Race Track area and the Camden Yards Stadium Complex area as provided in § 36-7(4) of this subtitle, shall be a violation punishable by a fine of \$25.]

§ 36-10. [~~\$18~~] \$25 fines.

~~(1) A parking meter violation, INCLUDING ONE on an impounding street during the hours that parking at the meter is permitted, [shall be] IS punishable by a fine of [~~\$18~~] \$25.~~

~~(1)~~ (2) [Obstructing] PARKING OR STANDING AT THE ENTRANCE OF a PUBLIC PARKING LOT OR garage IN VIOLATION OF § 6-8 {"ENTRANCES TO ... LOTS OR GARAGES"} OF THIS ARTICLE IS PUNISHABLE BY A FINE OF \$25.

~~(2)~~ (3) [or] OBSTRUCTING A driveway IN VIOLATION OF § 6-12 {"PRIVATE DRIVEWAYS"} OF THIS ARTICLE [shall be a violation] IS punishable by a fine of [~~\$18~~] \$25.

~~(3)~~ (4) [(3) All] ~~ANY other~~ ANY [parking meter or] parking, STANDING, OR STOPPING [violations shall be a violation] VIOLATION OF THIS ARTICLE NOT OTHERWISE PROVIDED FOR IN THIS SUBTITLE IS punishable by a fine of [~~\$18~~] \$25.

§ 36-11. \$21 FINES.

A PARKING METER VIOLATION DURING THE HOURS THAT PARKING AT THE METER IS PERMITTED IS PUNISHABLE BY A FINE OF \$21.

[§ 36-11. \$15 fines.

Stopping or parking in violation of Stadium Event signs shall be a violation punishable by a fine of \$15.]

[§ 36-12. \$10 fines.

Stopping or parking a vehicle larger than a small car in a space reserved for small cars only shall be a violation punishable by a fine of \$10.]

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~~ September 1, 2003.

Approved May 27, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-551
(Council Bill 03-1062)**

AN ORDINANCE CONCERNING

**Urban Renewal — Inner Harbor East —
Amendment 13**

FOR the purpose of amending the Urban Renewal Plan for Inner Harbor East to change the land use category for 701 East Pratt Street and to revise Exhibit C to reflect the change; 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 02-432.

An amendment to the Urban Renewal Plan for Inner Harbor East is necessary to change the land use category for 701 East Pratt Street and to reflect the change in the land use category on Exhibit C.

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 in the Urban Renewal Plan for Inner Harbor East is approved:

Amend Exhibit C, "Proposed Land Use", to reflect the change in land use category for 701 East Pratt Street from Public to Residential/Commercial.

SECTION 2. 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 13, dated March 13, 2003", 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 May 27, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-552
(Council Bill 03-997)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use Convalescent, Nursing,
and Rest Home (Assisted Living) — 3800 West Rogers 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 3800 West Rogers 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 convalescent, nursing, and rest home (assisted living) on the property known as 3800 West Rogers 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 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) 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 June 12, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-553
(Council Bill 03-1022)**

AN ORDINANCE CONCERNING

**Zoning – Parking Lot District – Conditional Use Parking,
Open Off-Street Area – 2640-2658 and 2643-2649 Mace Street**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a parking, open off-street area on the properties known as 2640-2658 Mace Street and 2643-2649 Mace Street, as outlined in red on the accompanying plat; and providing for a special effective date.

BY authority of

Article - Zoning
Section(s) 10-504 and 14-102
Baltimore City Revised Code
(Edition 2000)

Recitals

The applicant, Census Building, L.P., is the owner of 2601 North Howard Street, which the applicant purposes to use as an apartment building. The applicant also is the owner of the properties known as 2640-2658 Mace Street ("Lot A") and 2643-2649 Mace Street ("Lot B"), located within the Charles Village Parking Lot District.

To permit the proposed use of 2601 North Howard Street as an apartment building, Ordinance 02-406, approved August 16, 2002, rezoned that property and Lot A to the OR-2 Zoning District.

The applicant intends to use Lot A and Lot B to meet the required accessory parking for the apartment building, in compliance with all applicable zoning requirements.

By long-standing administrative practice of the City, required accessory parking uses do not require a Parking Lot Ordinance. Certain individuals, however, are contesting this practice in court.

Lot A was previously the subject of a Parking Lot Ordinance: Ordinance 79-1226, as amended by Ordinance 88-097 (restricting the parking use to certain owners and tenants of nearby properties). Lot B was also previously the subject of a Parking Lot Ordinance: Ordinance 82-817 (without restrictions as to users).

To expedite the development of the apartment building, the applicant requests that this Parking Lot Ordinance be granted.

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 properties known as 2640-2658 Mace Street and 2643-2649 Mace Street, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 10-504 and 14-102 of the Baltimore City Code, subject to the ~~condition that the~~ following conditions:

- (1) The Site Plan for this parking, open off-street area, "Site Parking Plan and Plat Option 1", dated April 24, 2003, 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) Consolidation of lots will not constitute a change in conditional use.
- (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 date it is enacted.

Approved June 12, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-554
(Council Bill 03-1026)**

AN ORDINANCE CONCERNING

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

FOR the purpose of providing a Supplementary Loan Fund Capital Appropriation in the amount of \$2,000,000 to the Department of Housing and Community Development — (Account # 9910-600-860), to provide funding for economic development projects; 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 General Obligation Bond 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 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 February 5, 2003, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$2,000,000 shall be made available to the Department of Housing and Community Development (Account #9910-600-860) as a Supplementary Loan Fund Capital Appropriation for Fiscal Year 2003, to provide funding for economic development projects. The source of revenue for this appropriation is funds from General Obligation Bond 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 2003.

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

Approved June 12, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-555
(Council Bill 03-1040)**

AN ORDINANCE CONCERNING

**City Streets — Opening — Two 10-Foot Alleys Lying
Within the Area Bounded by Holabird Avenue, Rappallo Street,
Eastbourne Avenue, and Savage Street**

FOR the purpose of condemning and opening two 10-foot alleys lying within the area bounded by Holabird Avenue, Rappallo Street, Eastbourne Avenue, and Savage Street, as shown on Plat 347-A-61 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 two 10-foot alleys lying within the area bounded by Holabird Avenue, Rappallo Street, Eastbourne Avenue, and Savage Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the south side of Eastbourne Avenue, 70 feet wide and the west side of a 10-foot alley, laid out 97.25 feet east of Rappallo Street, varying in width, and running thence binding on the south side of said Eastbourne Avenue, Easterly 10.0 feet to intersect the east side of said 10-foot alley; thence binding on the east side of said 10-foot alley, Southerly 343.0 feet, more or less, to the northeast side of an alley, varying in width, from 10 feet to 20 feet; thence binding on the northeast side of last said alley, Southeasterly 7.1 feet, more or less, to intersect the north side of a 10-foot alley, laid out 100.0 feet north of Holabird Avenue, 70 feet wide; thence binding on the north side of last said 10-foot alley, Westerly 20.0 feet, more or less, to intersect the northwest side of said varying in width alley; thence binding on last said alley, Northeasterly 7.1 feet, more or less, to intersect the west side of the 10-foot alley, mentioned firstly herein, and thence binding on the west side of the 10-foot alley, mentioned firstly herein, Northerly 343.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the south side of a 10-foot alley laid out 100.0 feet north of Holabird Avenue, 70 feet wide and the east side of Rappallo Street, varying in width, said point of beginning being distant northerly 83.3 feet, more or less, measured along the east side of said Rappallo Street from the northeast side of Holabird Avenue, varying in width, and running thence binding on the east side of said Rappallo Street, 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 204.5 feet, more or less, to intersect the west side of Savage Street, 60 feet wide; thence binding on the west side of said Savage Street, Southerly 10.0 feet to intersect the south side of said 10-foot alley, and thence binding on the south side of said 10-foot alley, Westerly 204.5 feet, more or less, to the place of beginning.

As delineated on Plat 347-A-61, prepared by the Survey Control Section and filed on February 5, 2003, 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 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 June 12, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-556
(Council Bill 03-1041)**

AN ORDINANCE CONCERNING

**City Streets — Closing — Two 10-foot Alleys Lying
Within the Area Bounded by Holabird Avenue, Rappallo Street,
Eastbourne Avenue, and Savage Street**

FOR the purpose of condemning and closing two 10-foot alleys lying within the area bounded by Holabird Avenue, Rappallo Street, Eastbourne Avenue, and Savage Street, as shown on Plat 347-A-61A 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 two 10-foot alleys lying within the area bounded by Holabird Avenue, Rappallo Street, Eastbourne Avenue, and Savage Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the south side of Eastbourne Avenue, 70 feet wide and the west side of a 10-foot alley, laid out 97.25 feet east of Rappallo Street, varying in width, and running thence binding on the south side of said Eastbourne Avenue, Easterly 10.0 feet to intersect the east side of said 10-foot alley; thence binding on the east side of said 10-foot alley, Southerly 343.0 feet, more or less, to the northeast side of an alley, varying in width, from 10 feet to 20 feet; thence binding on the northeast side of last said alley, Southeasterly 7.1 feet, more or less, to intersect the north side of a 10-foot alley, laid out 100.0 feet north of Holabird Avenue, 70 feet wide; thence binding on the north side of last said 10-foot alley, Westerly 20.0 feet, more or less, to intersect the northwest side of said varying in width alley; thence binding on last said alley, Northeasterly 7.1 feet, more or less, to intersect

the west side of the 10-foot alley, mentioned firstly herein, and thence binding on the west side of the 10-foot alley, mentioned firstly herein, Northerly 343.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the south side of a 10-foot alley laid out 100.0 feet north of Holabird Avenue, 70 feet wide and the east side of Rappallo Street, varying in width, said point of beginning being distant northerly 83.3 feet, more or less, measured along the east side of said Rappallo Street from the northeast side of Holabird Avenue, varying in width, and running thence binding on the east side of said Rappallo Street, 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 204.5 feet, more or less, to intersect the west side of Savage Street, 60 feet wide; thence binding on the west side of said Savage Street, Southerly 10.0 feet to intersect the south side of said 10-foot alley, and thence binding on the south side of said 10-foot alley, Westerly 204.5 feet, more or less, to the place of beginning.

As delineated on Plat 347-A-61A, prepared by the Survey Control Section and filed on February 5, 2003, 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 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 June 12, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-557
(Council Bill 03-1058)**

AN ORDINANCE CONCERNING

**City Streets — Opening —
Spring Street and Duker Alley**

FOR the purpose of condemning and opening (1) Spring Street, extending from Eastern Avenue southerly to Fleet Street, and (2) Duker Alley, extending from Eden Street Easterly 271 feet, more or less, to a 10-foot alley, as shown on Plat 346-A-43 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) Spring Street, extending from Eastern Avenue southerly to Fleet Street, and (2) Duker Alley, extending from Eden Street Easterly 271 feet, more or less, to a 10-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 Eastern Avenue, 70 feet wide, and the west side of Spring Street, 20 feet wide, and running thence binding on the south side of said Eastern Avenue, Easterly 20.0 feet to intersect the east side of said Spring Street; thence binding on the east side of said Spring Street, Southerly 304.0 feet, more or less, to intersect the north side of Fleet Street, 70 feet wide; thence binding on the north side of said Fleet Street, Westerly 20.0 feet to intersect the west side of said Spring Street, and thence binding on the west side of said Spring Street, Northerly 304.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the east side of Eden Street, 70 feet wide and the north side of Duker Alley, 15 feet wide, said point of beginning being distant southerly 150 feet, more or less, measured along the east side of said Eden Street from the south side of Eastern Avenue, 70 feet wide, and running thence binding on the north side of said Duker Alley, Easterly 171.0 feet, more or less, to intersect the west side of Spring Street 20 feet wide; thence binding on the west side of said Spring Street, Southerly 15.0 feet to intersect the south side of said Duker Alley; thence binding on the south side of said Duker Alley Westerly 171.0 feet, more or less, to intersect the east side of said Eden Street, and thence binding on the east side of said Eden Street, Northerly 15.0 feet to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the north side of Duker Alley, 15 feet wide, and the line of the west side of a 10-foot alley, laid out 80 feet west of Caroline Street, 80 feet wide, if projected northerly, and running thence binding reversely on said line, so projected, Southerly 15.0 feet to intersect the south side of said Duker Alley; thence binding on the south side of said Duker Alley, Westerly 80.0 feet, more or less, to intersect the east side of Spring Street, 20 feet wide; thence

binding on the east side of said Spring Street, Northerly 15.0 feet to intersect the north side of said Duker Alley, and thence binding on the north side of said Duker Alley, Easterly 80.0 feet, more or less, to the place of beginning.

As delineated on Plat 346-A-43, prepared by the Survey Control Section and filed on March 3, 2003, 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 Spring Street and Duker 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 June 12, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-558
(Council Bill 03-1059)**

AN ORDINANCE CONCERNING

**City Streets — Closing —
Spring Street and Duker Alley**

FOR the purpose of condemning and closing (1) Spring Street, extending from Eastern Avenue southerly to Fleet Street, and (2) Duker Alley, extending from Eden Street Easterly 271 feet, more or less, to a 10-foot alley, as shown on Plat 346-A-43A 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) Spring Street, extending from Eastern Avenue southerly to Fleet Street, and (2) Duker Alley, extending from Eden Street Easterly 271 feet, more or less, to a 10-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 Eastern Avenue, 70 feet wide, and the west side of Spring Street, 20 feet wide, and running thence binding on the south side of said Eastern Avenue, Easterly 20.0 feet to intersect the east side of said Spring Street; thence binding on the east side of said Spring Street, Southerly 304.0 feet, more or less, to intersect the north side of Fleet

Street, 70 feet wide; thence binding on the north side of said Fleet Street, Westerly 20.0 feet to intersect the west side of said Spring Street, and thence binding on the west side of said Spring Street, Northerly 304.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the east side of Eden Street, 70 feet wide and the north side of Duker Alley, 15 feet wide, said point of beginning being distant southerly 150 feet, more or less, measured along the east side of said Eden Street from the south side of Eastern Avenue, 70 feet wide, and running thence binding on the north side of said Duker Alley, Easterly 171.0 feet, more or less, to intersect the west side of Spring Street 20 feet wide; thence binding on the west side of said Spring Street, Southerly 15.0 feet to intersect the south side of said Duker Alley; thence binding on the south side of said Duker Alley Westerly 171.0 feet, more or less, to intersect the east side of said Eden Street, and thence binding on the east side of said Eden Street, Northerly 15.0 feet to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the north side of Duker Alley, 15 feet wide, and the line of the west side of a 10-foot alley, laid out 80 feet west of Caroline Street, 80 feet wide, if projected northerly, and running thence binding reversely on said line, so projected, Southerly 15.0 feet to intersect the south side of said Duker Alley; thence binding on the south side of said Duker Alley, Westerly 80.0 feet, more or less, to intersect the east side of Spring Street, 20 feet wide; thence binding on the east side of said Spring Street, Northerly 15.0 feet to intersect the north side of said Duker Alley, and thence binding on the north side of said Duker Alley, Easterly 80.0 feet, more or less, to the place of beginning.

As delineated on Plat 346-A-43A, prepared by the Survey Control Section and filed on March 3, 2003, 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 Spring Street and Duker Alley and the rights of all interested parties shall be regulated by and in accordance with all applicable provisions of state and local law and with all applicable rules and regulations adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SECTION 3. AND BE IT FURTHER ORDAINED, That after the closing under this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore continue to be the property of the Mayor and City Council, in fee simple, until their use has been abandoned by the Mayor and City Council. If any person wants to remove, alter, or interfere with them, that person must first obtain permission from the Mayor and City Council and, in the application for this permission, must agree to pay all costs and expenses, of every kind, arising out of the removal, alteration, or interference.

SECTION 4. AND BE IT FURTHER ORDAINED, That no building or structure of any kind (including but not limited to railroad tracks) may be constructed or erected in or on any part of the street closed under this Ordinance until all subsurface structures and appurtenances owned by the Mayor and City Council of Baltimore have been abandoned by the Mayor and City Council or, at the expense of the person seeking to erect the building or structure, have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City.

SECTION 5. AND BE IT FURTHER ORDAINED, That after the closing under this Ordinance, all subsurface structures and appurtenances owned by any person other than the Mayor and City Council of Baltimore shall be removed by and at the expense of their owners, promptly upon notice to do so from the Director of Public Works.

SECTION 6. AND BE IT FURTHER ORDAINED, That at all times after the closing under this Ordinance, the Mayor and City Council of Baltimore, acting by or through its authorized representatives, shall have access to

the subject property and to all subsurface structures and appurtenances used by the Mayor and City Council, for the purpose of inspecting, maintaining, repairing, altering, relocating, or replacing any of them, without need to obtain permission from or pay compensation to the owner of the property.

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

Approved June 12, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-559
(Council Bill 03-1066)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Capital Appropriation —
MR-Walters Art Museum — \$115,000**

FOR the purpose of providing a Supplementary General Fund Capital Appropriation in the amount of \$115,000 to the MR-Walters Art Museum (Account #9904-127-116), to provide funding for cooling tower replacement and chiller overhaul; 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 the sale of the Brokerage 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 April 2, 2003, 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 \$115,000 shall be made available to the Walters Art Museum (Account #9904-127-116) as a Supplementary General Fund Capital Appropriation for Fiscal Year 2003, to provide funding for cooling tower replacement and chiller overhaul. The source of revenue for this appropriation is the proceeds from the sale of the Brokerage, 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 June 12, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-560
(Council Bill 03-1069)**

AN ORDINANCE CONCERNING

**City Streets — Closing —
A Portion of Bloede Avenue**

FOR the purpose of condemning and closing a portion of Bloede Avenue, contiguous to the southeast side of it, extending from a point 216.6 feet northeast of Caton Avenue, northeasterly 259.7 feet, more or less, to Ellamont Street, as shown on Plat 346-A-40A 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 25-foot wide portion of Bloede Avenue, contiguous to the southeast side of it, extending from a point 216.6 feet northeast of Caton Avenue, northeasterly 259.7 feet, more or less, to Ellamont Street, and more particularly described as follows:

Beginning for Parcel No. 1 at a point on the southeast side of Bloede Avenue, 50 feet wide, distant northeasterly 216.6 feet measured along the southeast side of said Bloede Avenue from the northeast side of Caton Avenue, varying in width, and running thence by a straight line drawn at a right angle to the southeast side of said Bloede Avenue, Northwesterly 25.00 feet to intersect the centerline of said Bloede Avenue; thence binding on the centerline of said Bloede Avenue, Northeasterly 259.68 feet to intersect the southwest side of Ellamont Street, 50 feet wide; thence binding on the southwest side of said Ellamont Street, Southeasterly 25.00 feet to intersect the southeast side of said Bloede Avenue, and thence binding on the southeast side of said Bloede Avenue, Southwesterly 259.68 feet to the place of beginning.

As delineated on Plat 346-A-40A, prepared by the Survey Control Section and filed on March 10, 2003, 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 Bloede Avenue, contiguous to the southeast side of it, extending from a point 216.6 feet northeast of Caton Avenue, northeasterly 259.7 feet, more or less, to Ellamont 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 12, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-561
(Council Bill 03-1083)**

AN ORDINANCE CONCERNING

City Streets — Closing — Childs Street

FOR the purpose of condemning and closing Childs Street, extending from Frankfurst Avenue northeasterly 2063 feet, more or less, to the end thereof, as shown on Plat 346-A-41 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 Childs Street, extending from Frankfur Avenue northeasterly 2063 feet, more or less, to the end thereof, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the north side of Frankfur Avenue, 80 feet wide and the northwest side of Childs Street, 70 feet wide, and running thence binding on the northwest side of said Childs Street, Northeasterly 2096.37 feet, to the northeasternmost extremity of said Childs Street; thence binding on the northeasternmost extremity of said Childs Street, Southeasterly 70.00 feet to intersect the southeast side of said Childs Street; thence binding on the southeast side of said Childs Street, Southwesterly 2030.71 feet to intersect the north side of said Frankfur Avenue, and thence binding on the north side of said Frankfur Avenue, Southwesterly 95.96 feet to the place of beginning.

As delineated on Plat 346-A-41, prepared by the Survey Control Section and filed on January 15, 2003, 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 Childs 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 12, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-562
(Council Bill 03-1096)**

AN ORDINANCE CONCERNING

Annual Property Tax — Fiscal Year 2004

FOR the purpose of providing a tax for the use of the Mayor and City Council of Baltimore for the period July 1, 2003, through June 30, 2004; and setting the semiannual payment service charge for that period.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That for the period July 1, 2003, through June 30, 2004, 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 for the period July 1, 2003, through June 30, 2004, the semiannual payment service charge to be imposed under State Tax-Property Article § 10-204.3(f) is 0.5%.

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

Approved June 18, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-563
(Council Bill 03-1097)**

AN ORDINANCE CONCERNING

Ordinance of Estimates for the Fiscal Year Ending June 30, 2004

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 2004 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, 2004.

A. Operating Budget

Board of Elections

180	Voter Registration and Conduct of Elections	
	General Fund Appropriation	\$ 4,032,001

City Council

100	City Legislation	
	General Fund Appropriation	\$ 3,736,729

Community Relations Commission

156	Development of Intergroup Relations	
	General Fund Appropriation	\$ 829,942
	Federal Fund Appropriation	\$ 53,540

Comptroller

130	Executive Direction and Control	
	General Fund Appropriation	\$ 449,283
 131	 Audits	
	General Fund Appropriation	\$ 2,979,003
 132	 Real Estate Acquisition and Management	
	General Fund Appropriation	\$ 512,665

Council Services

103	Council Services	
	General Fund Appropriation	\$ 460,296

Courts: Circuit Court

110	Circuit Court		
	General Fund Appropriation	\$	7,242,004
	Federal Fund Appropriation	\$	1,101,181
	State Fund Appropriation	\$	3,444,892

Courts: Orphans' Court

112	Orphans' Court		
	General Fund Appropriation	\$	428,919

Employees' Retirement Systems

152	Employees' Retirement System		
	Special Fund Appropriation	\$	4,000,404
154	Fire and Police Retirement System		
	Special Fund Appropriation	\$	3,530,944

Enoch Pratt Free Library

450	Administrative and Technical Services		
	General Fund Appropriation	\$	5,668,476
	State Fund Appropriation	\$	563,889
	Special Fund Appropriation	\$	1,017,233
452	Neighborhood Services		
	General Fund Appropriation	\$	8,068,538
453	State Library Resource Center		
	General Fund Appropriation	\$	5,236,986
	State Fund Appropriation	\$	9,618,640

Finance

140	Administrative Direction and Control		
	General Fund Appropriation	\$	777,002
141	Budget and Management Research		
	General Fund Appropriation	\$	1,041,120
142	Accounting and Payroll Services		
	General Fund Appropriation	\$	2,224,826
	Loan and Guarantee Fund Appropriation	\$	3,011,778
144	Purchasing		
	General Fund Appropriation	\$	1,916,679
150	Treasury Management		
	General Fund Appropriation	\$	2,490,131

Fire

210	Administrative Direction and Control		
	General Fund Appropriation	\$	3,419,842
211	Training		
	General Fund Appropriation	\$	1,916,895

212	Fire Suppression		
	General Fund Appropriation	\$	88,949,658
	Federal Fund Appropriation	\$	1,501,000
	State Fund Appropriation	\$	85,000
213	Fire Marshal		
	General Fund Appropriation	\$	2,304,082
214	Support Services		
	General Fund Appropriation	\$	4,619,118
	State Fund Appropriation	\$	1,008,789
215	Fire Alarm and Communications		
	General Fund Appropriation	\$	3,240,388
	State Fund Appropriation	\$	5,860
219	Non-actuarial Retirement Benefits		
	General Fund Appropriation	\$	135,000
319	Ambulance Service		
	General Fund Appropriation	\$	4,061,015
	Federal Fund Appropriation	\$	200,000
	State Fund Appropriation	\$	69,200
	Special Fund Appropriation	\$	9,762,969
Health			
240	Animal Control		
	General Fund Appropriation	\$	1,869,383
	State Fund Appropriation	\$	17,000
	Special Fund Appropriation	\$	3,500
300	Administrative Direction and Control		
	General Fund Appropriation	\$	2,878,289
302	Environmental Health		
	General Fund Appropriation	\$	2,385,874
	Federal Fund Appropriation	\$	325,051
	State Fund Appropriation	\$	180,708
	Special Fund Appropriation	\$	50,000
303	Special Purpose Grants		
	Special Fund Appropriation	\$	2,000,000
304	Health Promotion and Disease Prevention		
	General Fund Appropriation	\$	3,005,666
	Federal Fund Appropriation	\$	29,762,234
	State Fund Appropriation	\$	710,042
305	Health Services Initiatives		
	General Fund Appropriation	\$	317,821
	Federal Fund Appropriation	\$	8,945,083
	State Fund Appropriation	\$	3,794,207
	Special Fund Appropriation	\$	923,242

306	General Nursing Services		
	General Fund Appropriation	\$	950,095
	Federal Fund Appropriation	\$	68,000
	State Fund Appropriation	\$	6,953,279
307	Mental Health Services		
	General Fund Appropriation	\$	1,799,359
	Federal Fund Appropriation	\$	15,029,372
	State Fund Appropriation	\$	43,840,279
308	Maternal and Child Health		
	General Fund Appropriation	\$	1,119,404
	Federal Fund Appropriation	\$	13,937,939
	State Fund Appropriation	\$	511,965
	Special Fund Appropriation	\$	453,162
309	Child and Adult Care - Food		
	Federal Fund Appropriation	\$	6,071,942
310	School Health Services		
	General Fund Appropriation	\$	3,790,558
	Federal Fund Appropriation	\$	538,775
	State Fund Appropriation	\$	571,379
	Special Fund Appropriation	\$	5,365,921
311	Health Services for the Aging		
	General Fund Appropriation	\$	126,639
	Federal Fund Appropriation	\$	30,364,123
	State Fund Appropriation	\$	868,413
	Special Fund Appropriation	\$	244,506
Housing and Community Development			
119	Neighborhood Service Centers		
	General Fund Appropriation	\$	5,000
	Federal Fund Appropriation	\$	1,684,414
	State Fund Appropriation	\$	2,738,517
177	Administrative Direction and Control		
	General Fund Appropriation	\$	2,001,359
	Federal Fund Appropriation	\$	1,663,136
	Special Fund Appropriation	\$	1,404,990
184	Energy Assistance and Emergency Food		
	State Fund Appropriation	\$	1,979,212
260	Construction and Building Inspection		
	General Fund Appropriation	\$	2,350,361
	Federal Fund Appropriation	\$	803,744
	Special Fund Appropriation	\$	1,623,000
357	Services for Homeless Persons		
	General Fund Appropriation	\$	251,002
	Federal Fund Appropriation	\$	19,935,500

	State Fund Appropriation	\$	3,237,135
570	Preservation of Historic Places		
	General Fund Appropriation	\$	216,849
	Federal Fund Appropriation	\$	238,116
	Special Fund Appropriation	\$	70,876
582	Finance and Development		
	General Fund Appropriation	\$	2,217,368
	Federal Fund Appropriation	\$	4,570,779
	Special Fund Appropriation	\$	275,994
583	Neighborhood Services		
	General Fund Appropriation	\$	1,481,569
	Federal Fund Appropriation	\$	5,980,721
	State Fund Appropriation	\$	34,000
	Special Fund Appropriation	\$	3,415,000
585	Baltimore Development Corporation		
	General Fund Appropriation	\$	2,719,000
	Federal Fund Appropriation	\$	901,200
	Special Fund Appropriation	\$	360,000
592	Special Housing Grants		
	State Fund Appropriation	\$	110,000
593	Community Support Projects		
	Federal Fund Appropriation	\$	6,113,700
597	Weatherization		
	State Fund Appropriation	\$	1,283,220
604	Child Care Centers		
	Federal Fund Appropriation	\$	1,613,858
605	Head Start		
	Federal Fund Appropriation	\$	28,616,993
	State Fund Appropriation	\$	5,781,344
606	Arts and Education		
	State Fund Appropriation	\$	78,610
Human Resources			
160	Personnel Administration		
	General Fund Appropriation	\$	1,625,023
Law			
175	Legal Services		
	General Fund Appropriation	\$	3,116,037
Legislative Reference			
106	Legislative Reference Services		
	General Fund Appropriation	\$	465,040
	Special Fund Appropriation	\$	11,400

107	Archives and Records Management General Fund Appropriation	\$	245,229
Liquor License Board			
250	Liquor Control General Fund Appropriation	\$	1,682,838
Mayorality			
125	Executive Direction and Control General Fund Appropriation	\$	2,505,883
127	Office of State Relations General Fund Appropriation	\$	587,620
353	Office of Community Projects General Fund Appropriation	\$	192,129
M-R: Art and Culture			
493	Art and Culture Grants General Fund Appropriation	\$	5,699,000
M-R: Cable and Communications			
572	Cable and Communications Coordination General Fund Appropriation	\$	299,000
	Special Fund Appropriation	\$	774,334
M-R: CitiStat Office			
347	CitiStat Operations General Fund Appropriation	\$	405,980
M-R: Civic Promotion			
589	Office of Promotion and the Arts General Fund Appropriation	\$	1,678,611
590	Civic Promotion General Fund Appropriation	\$	8,547,125
M-R: Commission on Aging and Retirement Education			
325	Senior Services General Fund Appropriation	\$	468,022
	Motor Vehicle Appropriation	\$	325,000
	Federal Fund Appropriation	\$	5,125,070
	State Fund Appropriation	\$	3,923,902
	Special Fund Appropriation	\$	545,151
M-R: Conditional Purchase Agreement			
129	Conditional Purchase Agreement Payments General Fund Appropriation	\$	18,157,466
	Loan and Guarantee Fund Appropriation	\$	692,222
	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	\$	11,678,604
	Convention Center Bond Fund Appropriation	\$	4,634,000
	State Fund Appropriation	\$	3,362,034
540	1st Mariner Arena Operations		
	General Fund Appropriation	\$	450,000

M-R: Debt Service

123	General Debt Service		
	General Fund Appropriation	\$	51,785,652
	Motor Vehicle Appropriation	\$	4,275,338

M-R: Educational Grants

446	Educational Grants		
	General Fund Appropriation	\$	1,137,006

M-R: Employees' Retirement Contribution

355	Employees' Retirement Contribution		
	General Fund Appropriation	\$	44,999,900
	Motor Vehicle Appropriation	\$	2,367,200

M-R: Environmental Control Board

117	Environmental Control		
	General Fund Appropriation	\$	317,441

M-R: Health and Welfare Grants

385	Health and Welfare Grants		
	General Fund Appropriation	\$	58,600

M-R: Labor Commissioner

128	Labor Relations		
	General Fund Appropriation	\$	462,408

M-R: Local Share to City Schools

352	Local Share to City Schools		
	General Fund Appropriation	\$	201,101,000

M-R: Miscellaneous General Expenses

122	Miscellaneous General Expenses		
	General Fund Appropriation	\$	6,362,922
	Motor Vehicle Appropriation	\$	4,890,850

M-R: Office of Children, Youth and Families

350	Office of Children, Youth and Families		
	General Fund Appropriation	\$	518,001
	Federal Fund Appropriation	\$	550,713

	State Fund Appropriation	\$	1,784,977
	Special Fund Appropriation	\$	100,000
M-R: Office of Employment Development			
630	Administration (Title I)		
	General Fund Appropriation	\$	191,402
	Federal Fund Appropriation	\$	69,700
631	Job Training Partnership (Titles II/III)		
	Federal Fund Appropriation	\$	17,072,914
633	Youth Initiatives		
	Federal Fund Appropriation	\$	11,000,000
639	Special Services		
	General Fund Appropriation	\$	1,640,463
	Federal Fund Appropriation	\$	2,658,728
	State Fund Appropriation	\$	1,205,494
	Special Fund Appropriation	\$	93,043
M-R: Office of Information Technology			
147	Information Technology Services		
	General Fund Appropriation	\$	4,027,199
151	Information Technology Support Services		
	General Fund Appropriation	\$	5,385,059
M-R: Office of Neighborhoods			
354	Neighborhoods		
	General Fund Appropriation	\$	671,937
M-R: Retirees' Benefits			
351	Retirees' Benefits		
	General Fund Appropriation	\$	69,635,000
	Motor Vehicle Appropriation	\$	7,445,000
M-R: Self-Insurance Fund			
126	Contribution to Self-insurance Fund		
	General Fund Appropriation	\$	21,939,195
	Motor Vehicle Appropriation	\$	6,529,382
Municipal and Zoning Appeals			
185	Zoning, Tax and Other Appeals		
	General Fund Appropriation	\$	300,003
Planning			
187	City Planning		
	General Fund Appropriation	\$	840,018
	Motor Vehicle Appropriation	\$	735,003
	Federal Fund Appropriation	\$	119,200
	State Fund Appropriation	\$	45,000

Police

200	Administrative Direction and Control		
	General Fund Appropriation	\$	23,931,501
201	Field Operations Bureau		
	General Fund Appropriation	\$	157,208,874
	Federal Fund Appropriation	\$	9,096,394
	State Fund Appropriation	\$	7,335,784
202	Investigations		
	General Fund Appropriation	\$	31,905,712
	Federal Fund Appropriation	\$	79,660
	Special Fund Appropriation	\$	960,000
203	Traffic		
	Motor Vehicle Appropriation	\$	10,865,025
	State Fund Appropriation	\$	28,000
204	Services Bureau		
	General Fund Appropriation	\$	23,021,669
	Special Fund Appropriation	\$	2,079,114
205	Non-actuarial Retirement Benefits		
	General Fund Appropriation	\$	4,528,486
207	Research and Development		
	General Fund Appropriation	\$	4,905,157
224	Office of Criminal Justice		
	General Fund Appropriation	\$	551,869
	Federal Fund Appropriation	\$	3,425,838
	Special Fund Appropriation	\$	275,000

Public Works

190	Departmental Administration		
	General Fund Appropriation	\$	255,085
	Motor Vehicle Appropriation	\$	729,012
191	Permits		
	General Fund Appropriation	\$	506,674
	Motor Vehicle Appropriation	\$	1,919,240
193	Building Maintenance		
	General Fund Appropriation	\$	15,369,035
198	Engineering/Construction Management		
	General Fund Appropriation	\$	247,007
	Motor Vehicle Appropriation	\$	199,467
513	Solid Waste Special Services		
	General Fund Appropriation	\$	344,728
	Motor Vehicle Appropriation	\$	24,890,475

515	Solid Waste Collection		
	General Fund Appropriation	\$	14,364,926
	Motor Vehicle Appropriation	\$	1,631,417
	Special Fund Appropriation	\$	500,000
516	Solid Waste Environmental Services		
	General Fund Appropriation	\$	16,560,767
	Motor Vehicle Appropriation	\$	1,311,659
518	Storm Water Maintenance		
	Motor Vehicle Appropriation	\$	3,475,897
544	Sanitary Maintenance		
	Waste Water Utility Fund Appropriation	\$	16,144,056
546	Water Maintenance		
	Water Utility Fund Appropriation	\$	25,412,370
550	Waste Water Facilities		
	Waste Water Utility Fund Appropriation	\$	80,306,131
552	Water Facilities		
	Water Utility Fund Appropriation	\$	29,317,373
553	Water Engineering		
	Water Utility Fund Appropriation	\$	11,311,024
554	Waste Water Engineering		
	Waste Water Utility Fund Appropriation	\$	16,114,082
555	Environmental Services		
	Waste Water Utility Fund Appropriation	\$	3,175,769
	Water Utility Fund Appropriation	\$	477,266
560	Facilities Engineering		
	Waste Water Utility Fund Appropriation	\$	347,984
	Water Utility Fund Appropriation	\$	180,945
561	Utility Billing		
	Water Utility Fund Appropriation	\$	8,372,502
565	Utility Debt Service		
	Waste Water Utility Fund Appropriation	\$	14,869,978
	Water Utility Fund Appropriation	\$	18,098,520
Recreation and Parks			
471	Administrative Direction and Control		
	General Fund Appropriation	\$	1,937,983
	State Fund Appropriation	\$	606,216
	Special Fund Appropriation	\$	9,000
473	Municipal Concerts and Other Musical Events		
	General Fund Appropriation	\$	37,497

478	General Park Services		
	General Fund Appropriation	\$	6,651,198
	Federal Fund Appropriation	\$	155,000
	State Fund Appropriation	\$	891,462
479	Special Facilities		
	General Fund Appropriation	\$	1,113,887
	Special Fund Appropriation	\$	135,400
480	Regular Recreational Services		
	General Fund Appropriation	\$	9,405,354
	State Fund Appropriation	\$	120,000
	Special Fund Appropriation	\$	437,630
482	Supplementary Recreational Services		
	General Fund Appropriation	\$	44,100
	State Fund Appropriation	\$	1,412,320
	Special Fund Appropriation	\$	419,970
505	Park and Street Trees		
	Motor Vehicle Appropriation	\$	2,415,035
Sheriff			
118	Sheriff Services		
	General Fund Appropriation	\$	9,435,267
	Federal Fund Appropriation	\$	86,300
Social Services			
365	Public Assistance		
	General Fund Appropriation	\$	230,000
State's Attorney			
115	Prosecution of Criminals		
	General Fund Appropriation	\$	17,371,490
	Federal Fund Appropriation	\$	2,242,163
	State Fund Appropriation	\$	3,634,571
	Special Fund Appropriation	\$	172,200
Transportation			
195	Towing		
	General Fund Appropriation	\$	439,725
	Motor Vehicle Appropriation	\$	7,136,253
	State Fund Appropriation	\$	25,000
230	Administration		
	Motor Vehicle Appropriation	\$	3,569,083
	Federal Fund Appropriation	\$	392,733
	State Fund Appropriation	\$	115,894
231	Traffic Engineering		
	Motor Vehicle Appropriation	\$	5,640,154
232	Parking Management		
	Parking Management Fund Appropriation	\$	4,478,052

233	Signs and Markings		
	Motor Vehicle Appropriation	\$	3,850,471
	State Fund Appropriation	\$	6,000
235	Parking Enforcement		
	Parking Management Fund Appropriation	\$	5,339,948
239	Traffic Computer & Communications		
	Motor Vehicle Appropriation	\$	2,512,144
500	Street Lighting		
	Motor Vehicle Appropriation	\$	16,920,297
501	Highway Maintenance		
	Motor Vehicle Appropriation	\$	27,329,893
503	Highway Engineering		
	General Fund Appropriation	\$	197,343
	Motor Vehicle Appropriation	\$	1,473,705
548	Conduits		
	Conduit Enterprise Fund Appropriation	\$	2,674,000
580	Parking Enterprise Facilities		
	Parking Enterprise Fund Appropriation	\$	24,200,000
Wage Commission			
165	Wage Enforcement		
	General Fund Appropriation	\$	441,659
War Memorial Commission			
487	Operation of War Memorial Building		
	General Fund Appropriation	\$	301,000

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.

Conditional Purchase Agreements, Mayoralty-Related

129 Conditional Purchase Agreements Payments

An internal service fund is hereby authorized to provide for principal and interest payments related to the improvements made to the Municipal Telephone Exchange, 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.

Risk Management Operations

An internal service fund is hereby authorized to provide for a Self-Insurance Program for administration of the Employee Health Clinic and Employee Safety and Workers' Compensation Claims Processing, 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.

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.

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, Department 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**601-115 West Side Initiative**

General Obligation Bond Appropriation	\$	2,500,000
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601-354 West Side Industrial and Commercial Financing

General Obligation Bond Appropriation	\$	2,500,000
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601-483 South Baltimore Commercial/Industrial Financing

General Obligation Bond Appropriation	\$	1,000,000
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601-573 E. Fayette Street Corridor Business Park

General Obligation Bond Appropriation	\$	1,000,000
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601-575 East Baltimore Commercial/Economic Development

General Obligation Bond Appropriation	\$	1,500,000
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601-860 Industrial and Commercial Financing

General Obligation Bond Appropriation	\$	500,000
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601-870 Business Centers-Capital Repairs

General Obligation Bond Appropriation	\$	500,000
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601-873 Brownfield Incentive Fund

General Obligation Bond Appropriation	\$	1,000,000
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601-875 Business/Technology Development Activities

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

General Obligation Bond Appropriation	\$	1,000,000
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601-982 Commercial Revitalization Programs

General Obligation Bond Appropriation	\$	1,100,000
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Baltimore City Public Schools**418-019 Lexington Terrace Elementary / Middle School #19**

General Obligation Bond Appropriation	\$	1,085,000
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418-020 School Construction-Asbestos Removal

General Obligation Bond Appropriation	\$	500,000
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418-070 Digital Harbor High (Southern)

General Obligation Bond Appropriation	\$	5,422,000
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418-130 Booker T. Washington Middle School #130

General Obligation Bond Appropriation	\$	500,000
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418-221 Mt. Washington Elementary School #221

General Obligation Bond Appropriation	\$	395,000
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418-245 Leith Walk Elementary School #245		
General Obligation Bond Appropriation	\$	848,000
418-414 Paul Laurence Dunbar High School #414		
General Obligation Bond Appropriation	\$	5,750,000
418-454 Carver High School #454		
General Obligation Bond Appropriation	\$	1,500,000
Department of Housing and Community Development		
588-975 Capital Administration		
General Obligation Bond Appropriation	\$	850,000
588-979 East Baltimore Redevelopment		
General Obligation Bond Appropriation	\$	2,000,000
588-981 Acquisition/Relocation Fund		
General Obligation Bond Appropriation	\$	1,275,000
588-983 Demolition Program		
General Obligation Bond Appropriation	\$	1,950,000
588-984 Homeownership Incentive Program		
Community Development Block Grant Appropriation	\$	550,000
General Obligation Bond Appropriation	\$	1,800,000
Other Fund Appropriation	\$	300,000
588-985 Housing Development		
Community Development Block Grant Appropriation	\$	400,000
General Obligation Bond Appropriation	\$	2,600,000
Other Federal Fund Appropriation	\$	8,100,000
588-986 Housing Repair Assistance Programs		
Community Development Block Grant Appropriation	\$	1,917,000
General Obligation Bond Appropriation	\$	260,000
Other Federal Fund Appropriation	\$	100,000
588-987 Housing And Services-Special Needs Population		
Community Development Block Grant Appropriation	\$	500,000
General Obligation Bond Appropriation	\$	2,000,000
Other Federal Fund Appropriation	\$	500,000
588-989 Loan Repayment		
Community Development Block Grant Appropriation	\$	5,360,000
General Obligation Bond Appropriation	\$	2,065,000
Other Fund Appropriation	\$	500,000
588-991 Public Housing Redevelopment		
General Obligation Bond Appropriation	\$	1,500,000

588-992 Flag House Courts Infrastructure Improvements

City Motor Vehicle Fund Appropriation	\$	5,660,000
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588-994 Special Capital Projects

Community Development Block Grant Appropriation	\$	250,000
General Obligation Bond Appropriation	\$	1,400,000
Other Fund Appropriation	\$	500,000
Sale of City Real Property Appropriation	\$	500,000
State Race Track Grant Appropriation	\$	448,000

588-996 Stabilization Program

General Obligation Bond Appropriation	\$	2,200,000
Urban Development Action Grant Repayment Appropriation	\$	64,000

588-998 State Funding for City Revitalization

Other State Fund Appropriation	\$	9,000,000
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Enoch Pratt Free Library**457-024 Central Library-Expansion And Renovation**

General Obligation Bond Appropriation	\$	1,500,000
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457-038 Southeast Anchor Library

General Fund Appropriation	\$	247,000
General Obligation Bond Appropriation	\$	303,000

Mayoralty**127-002 Myrtle Tyler Faithful Senior Center**

General Fund Appropriation	\$	200,000
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127-030 City Council Information Technology Project

General Fund Appropriation	\$	214,000
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127-032 City Council Sound System

General Fund Appropriation	\$	100,000
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127-067 Eleanor E. Hooper Adult Day Care Center

General Fund Appropriation	\$	100,000
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127-087 Eastern High School Windows

Urban Development Action Grant Repayment Deappropriation	\$	(20,000)
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127-100 City Jail Kitchen

General Fund Deappropriation	\$	(18,000)
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127-111 Museum of Industry

General Fund Deappropriation	\$	(50,000)
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127-138 Maryland Science Center-Expansion

General Obligation Bond Appropriation	\$	1,500,000
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127-147 Meyerhoff Symphony Hall Renovation		
General Obligation Bond Appropriation	\$	500,000
127-155 Waxter Center for Senior Citizens		
General Obligation Bond Appropriation	\$	150,000
127-302 Neighborhood Facilities-Improvements		
General Obligation Bond Deappropriation	\$	(303,000)
127-303 Neighborhood Facilities-Improvements		
General Obligation Bond Deappropriation	\$	(8,000)
127-305 Neighborhood Facilities-Improvements		
General Obligation Bond Deappropriation	\$	(133,000)
127-307 Port Discovery-Exhibit Development		
General Obligation Bond Appropriation	\$	500,000
127-910 Forest Park Senior Center		
General Fund Appropriation	\$	100,000
129-001 Construction Reserve-Neighborhood Facilities		
General Obligation Bond Deappropriation	\$	(38,000)
129-034 Construction Reserve-Citywide Facilities		
Urban Development Action Grant Repayment Deappropriation	\$	(44,000)
129-095 Construction Reserve-Neighborhood Facilities		
General Obligation Bond Deappropriation	\$	(105,000)
129-141 Construction Reserve-Museum of Industry		
General Fund Deappropriation	\$	(125,000)
129-148 Jones Falls/Penn Station Trail Construction Reserve		
City Motor Vehicle Fund Deappropriation	\$	(20,000)
Federal Highway Transportation Fund Deappropriation	\$	(80,000)
483-050 Baltimore Zoo Renovation		
General Obligation Bond Appropriation	\$	2,000,000
529-057 Aquarium-Pier 3 HVAC System Infrastructure Upgrade		
General Obligation Bond Appropriation	\$	1,000,000
Department of Planning		
188-007 Comprehensive Rezoning Project		
General Fund Appropriation	\$	85,000
Baltimore City Police Department		
206-022 Police Department Headquarters		
General Fund Appropriation	\$	6,950,000

Department of Public Works**517-022 Solid Waste Vehicle Storage / Repair Facility**

City Motor Vehicle Fund Appropriation	\$	1,000,000
Other Fund Appropriation	\$	1,300,000

520-037 Wilmington Avenue Storm Water Culvert

City Motor Vehicle Fund Appropriation	\$	1,250,000
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520-099 Small Storm Drain Repairs

City Motor Vehicle Fund Appropriation	\$	1,000,000
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520-127 Fairfield Drainage Improvements

City Motor Vehicle Fund Appropriation	\$	875,000
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520-132 Moore`s Run Drainage Improvements-Phase I

City Motor Vehicle Fund Deappropriation	\$	(6,830,000)
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520-160 Moore`s Run Drainage Improvements-Phase II

City Motor Vehicle Fund Appropriation	\$	7,400,000
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520-400 Pulaski Highway Storm Water Improvements

City Motor Vehicle Fund Appropriation	\$	1,500,000
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520-439 On Call Storm Drain Design/Engin. Service

City Motor Vehicle Fund Appropriation	\$	550,000
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520-447 Briarclift Road Storm Drain Improvements

City Motor Vehicle Fund Appropriation	\$	1,520,000
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525-439 Streambank Improvements

City Motor Vehicle Fund Appropriation	\$	500,000
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525-449 Jones Falls Debris Collector

City Motor Vehicle Fund Appropriation	\$	300,000
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525-625 Middle Stony Run Open Channel Improvements

City Motor Vehicle Fund Appropriation	\$	600,000
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525-645 Upper Stony Run Open Channel Improvements

City Motor Vehicle Fund Appropriation	\$	500,000
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525-646 Stream And Watershed Restoration Study

City Motor Vehicle Fund Appropriation	\$	200,000
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525-648 Lower Stony Run Open Channel Improvements

City Motor Vehicle Fund Appropriation	\$	1,000,000
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551-144 Mapping Program

Waste Water Utility Fund Appropriation	\$	450,000
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551-233 Wastewater Collection System-Annual Improvements		
County Grant Appropriation	\$	1,000,000
Waste Water Revenue Bond Appropriation	\$	1,000,000
551-401 Sewer Replacement Projects		
Waste Water Revenue Bond Appropriation	\$	925,000
Waste Water Utility Fund Appropriation	\$	1,075,000
551-402 Combined Sewer Separation Program		
Waste Water Revenue Bond Appropriation	\$	1,250,000
551-403 Small Sewer Extensions and Improvements		
Waste Water Utility Fund Appropriation	\$	750,000
551-404 Infiltration / Inflow Correction Program		
Waste Water Revenue Bond Appropriation	\$	2,000,000
551-406 Lower Jones Falls Sewershed Conveyance System		
Waste Water Revenue Bond Appropriation	\$	10,720,000
551-408 High Level Sewershed Conveyance System		
Waste Water Revenue Bond Appropriation	\$	2,520,000
551-429 Powder Mill System Improvements		
Waste Water Revenue Bond Appropriation	\$	4,600,000
551-430 Flag House Courts Infrastructure		
Waste Water Revenue Bond Appropriation	\$	1,540,000
551-446 Upper Jones Falls Interceptor Improvements		
County Grant Appropriation	\$	17,623,000
Waste Water Revenue Bond Appropriation	\$	15,627,000
551-510 New Jones Falls Force Main/Pressure Sewer-Lower		
County Grant Appropriation	\$	412,000
Waste Water Revenue Bond Appropriation	\$	838,000
551-533 Annual Facilities Improvements		
County Grant Appropriation	\$	1,000,000
Waste Water Revenue Bond Appropriation	\$	1,000,000
551-560 Back River Gravity Thickener Renovation		
County Grant Appropriation	\$	4,250,000
Waste Water Revenue Bond Appropriation	\$	4,250,000
551-561 Primary Tank Renovations		
County Grant Appropriation	\$	750,000
Waste Water Revenue Bond Appropriation	\$	750,000

551-565 Miscellaneous Mechanical Improvements

County Grant Appropriation	\$	1,020,000
Waste Water Revenue Bond Appropriation	\$	480,000

551-568 Patapsco WWTP Electrical Improvements

County Grant Appropriation	\$	3,230,000
Waste Water Revenue Bond Appropriation	\$	1,520,000

551-601 Greenmount Ave Interceptor and Pumping Station

Waste Water Revenue Bond Appropriation	\$	760,000
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551-604 Stony Run Interceptor and Pumping Station

County Grant Appropriation	\$	30,000
Waste Water Revenue Bond Appropriation	\$	870,000

551-605 Jones Falls Pumping Station Capacity Upgrade

County Grant Appropriation	\$	340,000
Waste Water Revenue Bond Appropriation	\$	460,000

551-607 Maidens Choice Interceptor

County Grant Appropriation	\$	5,720,000
Waste Water Revenue Bond Appropriation	\$	1,800,000

551-608 New Jones Falls Force Main / Pressure Sewer

County Grant Appropriation	\$	4,950,000
Waste Water Revenue Bond Appropriation	\$	10,050,000

551-610 Moores Run Interceptor-Upper Section

Waste Water Revenue Bond Appropriation	\$	1,500,000
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551-628 Dead Run System Improvements

County Grant Appropriation	\$	5,450,000
Waste Water Revenue Bond Appropriation	\$	810,000

551-632 Maryland Avenue Interceptor

Waste Water Revenue Bond Appropriation	\$	3,330,000
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551-670 Franklin Street Maintenance Yard Renovations

Waste Water Revenue Bond Appropriation	\$	3,800,000
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551-751 Westport and Locust Point Pumping Station

Waste Water Revenue Bond Appropriation	\$	5,000,000
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551-757 Eastern Ave Pump Station Valve Replacement

Waste Water Revenue Bond Appropriation	\$	200,000
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557-031 Water Distribution System-Improvements

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

557-070 Watershed Road and Bridge Maintenance		
County Grant Appropriation	\$	1,138,000
Water Revenue Bond Appropriation	\$	1,937,000
557-099 Mapping Program-Water Supply System		
Water Utility Fund Appropriation	\$	450,000
557-100 Water Infrastructure Rehabilitation		
Water Revenue Bond Appropriation	\$	6,000,000
557-101 Water Mains-Installation		
Water Revenue Bond Appropriation	\$	2,000,000
557-110 48-Inch Catonsville Transmission Main		
County Grant Appropriation	\$	7,490,000
557-130 Water System Cathodic Protection		
County Grant Appropriation	\$	100,000
Water Revenue Bond Appropriation	\$	200,000
557-133 Meter Replacement Program		
County Grant Appropriation	\$	375,000
Water Utility Fund Appropriation	\$	375,000
557-150 Ashburton Filtration Plant-Renovation		
County Grant Appropriation	\$	6,975,000
Water Revenue Bond Appropriation	\$	11,875,000
557-300 Water Facilities-Annual Improvements		
County Grant Appropriation	\$	555,000
Water Revenue Bond Appropriation	\$	945,000
557-311 Montebello Residuals Management Project		
County Grant Appropriation	\$	5,560,000
Water Revenue Bond Appropriation	\$	9,467,000
557-400 Valve and Hydrant Replacement-Annual		
Water Revenue Bond Appropriation	\$	625,000
Water Utility Fund Appropriation	\$	875,000
557-430 Flag House Courts Infrastructure		
Water Revenue Bond Appropriation	\$	1,600,000
557-689 Urgent Needs Water Engineering Services		
County Grant Appropriation	\$	185,000
Water Revenue Bond Appropriation	\$	315,000
557-690 Liberty Dam Restorations		
Other Fund Appropriation	\$	1,088,000
Water Revenue Bond Appropriation	\$	1,912,000

557-691 Raw Water Conduit Dewatering Facility Improvements

County Grant Appropriation	\$	216,000
Water Revenue Bond Appropriation	\$	369,000

557-692 Inspect Loch Raven/Liberty Water Conduits

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

557-694 Montebello No. 2 Filtered Water Reservoir Improvements

County Grant Appropriation	\$	555,000
Water Revenue Bond Appropriation	\$	945,000

557-709 Finished Water Reservoir Improvements

County Grant Appropriation	\$	945,000
Water Revenue Bond Appropriation	\$	555,000

557-726 Leakin Park Water Pumping Station

County Grant Appropriation	\$	3,200,000
Water Revenue Bond Appropriation	\$	800,000

557-727 Deer Creek Pumping Station Improvements

County Grant Appropriation	\$	300,000
Water Revenue Bond Appropriation	\$	700,000

557-729 Ashburton Washwater Lake Rehabilitation

County Grant Appropriation	\$	1,100,000
Water Revenue Bond Appropriation	\$	1,900,000

557-731 Montebello Water Recycle Program

County Grant Appropriation	\$	300,000
Water Revenue Bond Appropriation	\$	500,000

557-732 Monitoring Water Transmission Mains

County Grant Appropriation	\$	250,000
Water Utility Fund Appropriation	\$	250,000

Department of Recreation and Parks**474-619 Recreation Center Renovation- Roosevelt**

General Fund Appropriation	\$	120,000
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474-653 Jones Falls Greenway Phase II Trail Head Development

City Motor Vehicle Fund Appropriation	\$	100,000
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474-656 Street Tree Operations

City Motor Vehicle Fund Appropriation	\$	200,000
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474-657 Park Lighting

City Motor Vehicle Fund Appropriation	\$	150,000
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474-658 Patterson Park Swimming Pool Renovation

General Obligation Bond Appropriation	\$	1,000,000
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474-660 Baltimore Playground Renovation		
General Obligation Bond Appropriation	\$	1,000,000
474-661 Basketball Court Resurfacing		
General Fund Appropriation	\$	8,000
General Obligation Bond Appropriation	\$	117,000
State Open Space Matching Grant Appropriation	\$	375,000
474-662 Park Rehabilitation Program		
State Open Space Grant Appropriation	\$	750,000
474-663 Druid Hill Park Improvements		
State Open Space Grant Appropriation	\$	250,000
474-664 Recreation Facility Renovations		
General Fund Appropriation	\$	33,000
General Obligation Bond Appropriation	\$	167,000
State Open Space Matching Grant Appropriation	\$	600,000
474-665 Madison Square Recreation Center Renovation		
General Fund Appropriation	\$	200,000
Office of Transportation		
504-100 Footway Reconstruction		
Private Payments-Sidewalks Appropriation	\$	1,000,000
504-200 Alley Reconstruction		
City Motor Vehicle Fund Appropriation	\$	450,000
Private Payments-Alleys Appropriation	\$	450,000
504-300 Tree Root Damage		
City Motor Vehicle Fund Appropriation	\$	400,000
506-311 Russell Street Viaduct		
City Motor Vehicle Fund Appropriation	\$	2,600,000
506-505 Cold Spring Lane And Moravia Avenue Gateway		
City Motor Vehicle Fund Appropriation	\$	115,000
506-520 Western Run Resurfacing		
City Motor Vehicle Fund Appropriation	\$	50,000
507-416 Hawkins Point Road Bridge over CSX Railroad		
City Motor Vehicle Fund Appropriation	\$	1,600,000
507-429 Jones Falls Trail Phase II		
City Motor Vehicle Fund Deappropriation	\$	(60,000)
Federal Highway Transportation Fund Deappropriation	\$	(240,000)
507-441 Caroline Street Bulkhead		
Federal Transportation Enhancement Grant Appropriation	\$	900,000

507-752 Bridge Inspection Program

City Motor Vehicle Fund Appropriation	\$	340,000
Federal Highway Transportation Fund Appropriation	\$	1,360,000

507-815 Monroe Street Viaduct (5214)

City Motor Vehicle Fund Appropriation	\$	720,000
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507-820 West Side Corridor Transportation Improvements

City Motor Vehicle Fund Appropriation	\$	200,000
Federal Highway Transportation Fund Appropriation	\$	2,400,000

508-067 Argonne Drive Streetscape Enhancements

City Motor Vehicle Fund Appropriation	\$	100,000
Federal Highway Transportation Fund Appropriation	\$	400,000

508-079 North Avenue Bridge Over Amtrak

City Motor Vehicle Fund Appropriation	\$	160,000
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508-082 Clinton Street Bulkhead

City Motor Vehicle Fund Appropriation	\$	2,000,000
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508-117 Eutaw Street Streetscape

City Motor Vehicle Fund Appropriation	\$	200,000
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508-134 North Avenue Gateway Resurfacing

City Motor Vehicle Fund Appropriation	\$	140,000
Federal Highway Transportation Fund Appropriation	\$	560,000

508-214 Mt. Vernon Cultural District Streetscape Improvements

City Motor Vehicle Fund Appropriation	\$	350,000
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508-255 Orleans Street Streetscape

City Motor Vehicle Fund Appropriation	\$	150,000
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508-332 Pennington Avenue Drawbridge

City Motor Vehicle Fund Appropriation	\$	350,000
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508-365 Key Highway Gateway Beautification Project

City Motor Vehicle Fund Appropriation	\$	100,000
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508-744 Westport Yard Improvements

City Motor Vehicle Fund Appropriation	\$	500,000
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508-801 Center Plaza Improvements

City Motor Vehicle Fund Appropriation	\$	400,000
Other Federal Fund Appropriation	\$	2,000,000
Other Private Fund And Grant Appropriation	\$	1,000,000
Other State Fund Appropriation	\$	500,000

508-824 Waterview/Annapolis Avenue Bridge		
City Motor Vehicle Fund Appropriation	\$	400,000
Federal Highway Transportation Fund Appropriation	\$	1,600,000
508-834 Forest Park Bridge Over Gwynns Falls		
City Motor Vehicle Fund Appropriation	\$	700,000
508-840 Broadway Median Rehabilitation		
City Motor Vehicle Fund Appropriation	\$	1,600,000
508-915 Lexington Street Streetscape Reconstruction		
City Motor Vehicle Fund Appropriation	\$	500,000
508-989 Harford Road Modifications and Streetscape		
City Motor Vehicle Fund Appropriation	\$	800,000
508-994 Russell Street Gateway Reconstruction		
City Motor Vehicle Fund Appropriation	\$	240,000
509-674 Chesapeake Avenue-Reconstruction		
City Motor Vehicle Fund Appropriation	\$	900,000
Federal Highway Transportation Fund Appropriation	\$	3,600,000
514-073 Reisterstown Road Resurfacing		
City Motor Vehicle Fund Appropriation	\$	70,000
514-200 Emergency Resurfacing Program		
City Motor Vehicle Fund Appropriation	\$	750,000
514-212 Pottee Street Gateway Resurfacing		
City Motor Vehicle Fund Appropriation	\$	270,000
514-459 Edmondson Avenue Gateway Resurfacing		
City Motor Vehicle Fund Appropriation	\$	75,000
Federal Highway Transportation Fund Appropriation	\$	375,000
514-543 Fayette Street Streetscape		
City Motor Vehicle Fund Appropriation	\$	320,000
514-651 Belair Road Gateway Resurfacing		
City Motor Vehicle Fund Appropriation	\$	210,000
Federal Highway Transportation Fund Appropriation	\$	840,000
514-664 Russell Street Gateway Reconstruction		
City Motor Vehicle Fund Appropriation	\$	175,000
514-697 Neighborhood Resurfacing East		
City Motor Vehicle Fund Appropriation	\$	633,000

514-698 Neighborhood Resurfacing Central East		
City Motor Vehicle Fund Appropriation	\$	633,000
514-699 Neighborhood Resurfacing North East		
City Motor Vehicle Fund Appropriation	\$	633,000
514-700 Neighborhood Resurfacing North West		
City Motor Vehicle Fund Appropriation	\$	633,000
514-701 Neighborhood Resurfacing South West		
City Motor Vehicle Fund Appropriation	\$	633,000
514-702 Neighborhood Resurfacing Central West		
City Motor Vehicle Fund Appropriation	\$	633,000
514-703 Federal Resurfacing East		
City Motor Vehicle Fund Appropriation	\$	400,000
Federal Highway Transportation Fund Appropriation	\$	1,600,000
514-704 Federal Resurfacing Central East		
City Motor Vehicle Fund Appropriation	\$	240,000
Federal Highway Transportation Fund Appropriation	\$	960,000
514-705 Federal Resurfacing North East		
City Motor Vehicle Fund Appropriation	\$	360,000
Federal Highway Transportation Fund Appropriation	\$	1,440,000
514-707 Federal Resurfacing North West		
City Motor Vehicle Fund Appropriation	\$	240,000
Federal Highway Transportation Fund Appropriation	\$	960,000
514-708 Federal Resurfacing South West		
City Motor Vehicle Fund Appropriation	\$	360,000
Federal Highway Transportation Fund Appropriation	\$	1,440,000
527-032 Claremont/Freedom Village		
City Motor Vehicle Fund Appropriation	\$	900,000
527-117 Main Street Program: Street/Streetscaping		
City Motor Vehicle Fund Appropriation	\$	350,000
527-139 Pennsylvania Avenue Main Street Improvements		
City Motor Vehicle Fund Appropriation	\$	200,000
527-146 Museum Walk Streetscaping Program		
City Motor Vehicle Fund Appropriation	\$	500,000
527-147 Charles Street Streetscape-Madison to North		
City Motor Vehicle Fund Appropriation	\$	300,000

527-166 East Baltimore Redevelopment Area Street		
City Motor Vehicle Fund Appropriation	\$	600,000
527-170 St. Paul Place Streetscape		
City Motor Vehicle Fund Appropriation	\$	300,000
527-173 Downtown Pedestrian Lighting		
City Motor Vehicle Fund Appropriation	\$	150,000
527-175 Bicycle Network Strategy		
City Motor Vehicle Fund Appropriation	\$	200,000
527-176 Jones Falls/Inner Harbor Trail and Pedestrian		
City Motor Vehicle Fund Appropriation	\$	260,000
Federal Highway Transportation Fund Appropriation	\$	1,240,000
527-184 Waterfront Promenade		
Federal Transportation Enhancement Grant Appropriation	\$	600,000
527-187 Maryland Avenue Modifications		
City Motor Vehicle Fund Appropriation	\$	250,000
563-001 Conduit Construction Reserve-Citywide		
Other Fund Appropriation	\$	2,500,000
563-513 Conduit Occupancy Evaluation-Citywide		
Other Fund Appropriation	\$	600,000

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

SECTION 4. AND BE IT FURTHER ORDAINED, That:

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

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

(c) The maximum anticipated debt expected to be incurred by the City to reimburse the cost of each capital project or program in this Ordinance of Estimates is the applicable appropriation listed in this

Ordinance of Estimates from the proceeds of one or more obligations, as such appropriations may be increased or decreased.

SECTION 5. The foregoing appropriations in summary consist of:

<u>Fund</u>	<u>Operating</u>	<u>Capital</u>	<u>Total</u>
General	\$ 997,461,000	\$ 8,164,000	\$ 1,005,625,000
Motor Vehicle	142,437,000	44,738,000	187,175,000
Parking Management	9,818,000	0	9,818,000
Convention Center Bond	4,634,000	0	4,634,000
Waste Water Utility	130,958,000	2,275,000	133,233,000
Water Utility	93,170,000	1,950,000	95,120,000
Parking Enterprise	24,200,000	0	24,200,000
Loan and Guarantee Enterprise	3,704,000	0	3,704,000
Conduit Enterprise	2,674,000	0	2,674,000
Federal	232,094,814	39,632,000	271,726,814
State	111,982,234	11,923,000	123,905,234
Special	41,014,434	206,502,000*	247,516,434
General Obligation Bonds	<u>0</u>	<u>58,150,000</u>	<u>58,150,000</u>
	\$ 1,794,147,482	\$ 373,334,000	\$ 2,167,481,482

*Consisting of:

County	\$ 75,704,000
Revenue Bonds and Notes	\$ 121,060,000
Other Fund Sources	<u>\$ 9,738,000</u>
	206,502,000

Approved by the Board of Estimates

President

Mayor

Comptroller

Director of Public Works

City Solicitor

Approved June 18, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-564
(Council Bill 02-920)**

AN ORDINANCE CONCERNING

Rezoning — 1605 Aliceanna Street

FOR the purpose of changing the zoning for the property known as 1605 Aliceanna Street, as outlined in red on the accompanying plat, from the M-2 Zoning District to the ~~B-3-2~~ B-1-3 Zoning District; and providing for a special effective date.

BY amending

Article - Zoning
Zoning District Maps
Sheet(s) 57
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 57 of the Zoning District Maps is amended by changing from the M-2 Zoning District to the ~~B-3-2~~ B-1-3 Zoning District the property known as 1605 Aliceanna 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 June 18, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-565
(Council Bill 02-972)**

AN ORDINANCE CONCERNING

Baltimore City Landmark List — Masjid Al Haqq

FOR the purpose of designating Masjid Al Haqq, 514 Islamic Way, as a historical landmark.

BY adding

Article 6 - Historical and Architectural Preservation
Section(s) 12-8
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 12. Landmark List - 2000s

§ 12-8. Masjid Al Haqq.

MASJID AL HAQQ, 514 ISLAMIC WAY.

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 18, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-566
(Council Bill 02-973)**

AN ORDINANCE CONCERNING

Baltimore City Landmark List — Fire Engine Company No. 25

FOR the purpose of designating Fire Engine Company No. 25, 2140 McCulloh Street, as a historical landmark.

BY adding

Article 6 - Historical and Architectural Preservation
Section(s) 12-7
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

§ 12-7. Fire Engine Company No. 25.

FIRE ENGINE COMPANY NO. 25, 2140 MCCULLOH STREET.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

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

Approved June 18, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-567
(Council Bill 03-993)**

AN ORDINANCE CONCERNING

Baltimore City Landmark List — Arch Social Club

FOR the purpose of designating the Arch Social Club, 2426 Pennsylvania Avenue, as a historical landmark.

BY adding

Article 6 - Historical and Architectural Preservation
Section(s) 12-9
Baltimore City Code
(Edition 2000)

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

Baltimore City Code

Article 6. Historical and Architectural Preservation

Subtitle 12. Landmark List - 2000s

§ 12-9. Arch Social Club.

ARCH SOCIAL CLUB, 2426 PENNSYLVANIA 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 June 18, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-568
(Council Bill 03-994)**

AN ORDINANCE CONCERNING

Baltimore City Landmark List — Douglass Place

FOR the purpose of designating Douglass Place, 516-524 South Dallas Street, as a historical landmark.

BY adding

Article 6 - Historical and Architectural Preservation
Section(s) 12-8
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 12. Landmark List - 2000s

§ 12-8. Douglass Place.

DOUGLASS PLACE, 516-524 SOUTH DALLAS STREET.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

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

Approved June 18, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-569
(Council Bill 03-1016)**

AN ORDINANCE CONCERNING

**Sale of Property — The Former Bed of a Portion of
Stockholm Street and a 15-foot Alley**

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 parcels of land no longer needed for highway or other public use and known as a portion of Stockholm Street contiguous to the south side thereof and extending from Warner Street Southeasterly 100.0 feet, more or less, and a 15-foot alley laid out 85 feet Southeasterly from Warner Street, and extending from Stockholm Street, Southwesterly 256.0 feet, more or less, to the end thereof 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 former bed of a portion of Stockholm Street, contiguous to the south side thereof and extending from Warner Street Southeasterly 100.0 feet, more or less, and the former bed of 15-foot alley laid out 85 feet Southeasterly from Warner Street, and extending from Stockholm Street, Southwesterly 256.0 feet, more or less, to the end thereof, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the southeast side of Warner Street, 66 feet wide, and the southwest side of Stockholm Street, 138 feet wide, and running thence binding on the southeast side of Warner Street, Northeasterly 12.0 feet, more or less, to intersect the southwest side of Stockholm Street, 126 feet wide; thence binding on the southwest side of last said Stockholm Street, Southeasterly 100.0 feet, more or less, to the southeast side of Stockholm Street, varying in width from 126 feet to 138 feet; thence binding on the southeast side of last said Stockholm Street, Southwesterly 12.0 feet, more or less, to the southwest side of Stockholm Street, mentioned firstly herein, and thence binding on the southwest side of Stockholm Street, mentioned firstly herein, Northwesterly 100.0 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 Stockholm Street, 138 feet wide, and the southeast side of a 15-foot alley laid out 85 feet Southeasterly from Warner Street, 66 feet wide, and running thence binding on the southeast side of said 15-foot alley, Southwesterly 256.0 feet, more or less, to the end of the first line of the second parcel of land conveyed by G. & G. Realty Corporation, Inc. to J. Fred Glose by deed dated December 27, 1988 and recorded among the Land Records of Baltimore City in Liber S.E.B. No. 1953, Folio 545; thence binding reversely on part of the first line of the second parcel of land described in said deed, and on the southwesternmost extremity of said 15-foot alley, there situate, Northwesterly 15.0 feet, more or less, to the northwest side of said 15 foot alley; thence binding on the northwest side of said 15-foot alley, Northeasterly 256.0 feet, more or less, to intersect the southwest side of said Stockholm Street, and thence binding on the southwest side of said Stockholm Street, Southeasterly 15.0 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 June 18, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-570
(Council Bill 03-1027)**

AN ORDINANCE CONCERNING

**Sale of Property — A Parcel of Land on the North Side
of the Baltimore Harbor Tunnel Throughway and
the Former Bed of Childs 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 parcels of land no longer needed for highway or other public use and known as a parcel of land on the north side of the Baltimore Harbor Tunnel Throughway between Childs Street and Frankfur Avenue and the former bed of Childs Street, extending from Frankfur Avenue, northwesterly 2063.5 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, § 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 a parcel of land on the north side of the Baltimore Harbor Tunnel Throughway between Childs Street and Frankfur Avenue and the former bed of Childs Street, extending from Frankfur Avenue, northwesterly 2063.5 feet, more or less, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the northwest side of the former bed of Childs Street, 70 feet wide, as condemned and closed, and the northern right-of-way line of through highway for the Baltimore Harbor Tunnel Throughway, and running thence binding on the northern right-of-way line of said through highway for the Baltimore Harbor Tunnel Throughway, the eight following courses and distances; namely, North 64° 42' 32" West 165.27 feet, by a non-tangent arc curving to the left with a radius of 369.26 feet the distance of 95.26 feet which arc is subtended by a chord bearing North 83° 52' 06" West 95.00 feet, South 88° 44' 27" West 362.87 feet, by a tangent arc curving to the left with

a radius of 2251.83 feet the distance of 468.51 feet which arc is subtended by a chord bearing South 82° 46' 50" West 467.66 feet, South 76° 49' 09" West 106.70 feet, by a tangent arc curving to the right with a radius of 1313.24 feet the distance of 344.79 feet which arc is subtended by a chord bearing South 84° 20' 30" West 343.80 feet, North 88° 08' 13" West 533.46 feet, and by a tangent arc curving to the right with a radius of 585.67 feet the distance of 525.19 feet which arc is subtended by a chord bearing North 62° 26' 51" West 507.77 feet to intersect the northeast side of Frankfurst Avenue, varying in width; thence binding on the northeast side of said Frankfurst Avenue, by a tangent arc curving to the left with a radius of 900.00 feet the distance of 595.32 feet which arc is subtended by a chord bearing North 55° 42' 29" West 584.53 feet; thence by a straight line, North 12° 37' 49" West 64.88 feet to intersect the first line of the parcel of land conveyed by State Roads Commission of Maryland, etal to the Mayor and City Council of Baltimore, by deed dated October 25, 1960 and recorded among the Land Records of Baltimore City in Liber J.F.C. No. 977, Folio 152; thence binding on part of the first line of the parcel of land described in said deed to the end thereof, and on the second, third, fourth, fifth, sixth, seventh, and eighth lines of said deed, the eight following courses and distances; namely, North 77° 22' 13" East 155.03 feet, North 79° 21' 30" East 172.30 feet, South 39° 10' 48" East 545.09 feet, South 52° 35' 58" East 256.12 feet, South 88° 08' 13" East 826.23 feet, North 76° 49' 09" East 459.92 feet, North 88° 44' 27" East 700.00 feet, and South 67° 02' 41" East 230.16 feet to intersect the northwest side of the former bed of said Childs Street, and thence binding on the northwest side of the former bed of said Childs Street, South 31° 40' 50" West 107.97 feet to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the north side of Frankfurst Avenue, 80 feet wide, and the northwest side of the former bed of Childs Street, 70 feet wide, as condemned and closed, and running thence binding on the northwest side of the former bed of said Childs Street, Northeasterly 2096.37 feet to the northeasternmost extremity of the former bed of said Childs Street; thence binding on the northeasternmost extremity of the former bed of said Childs Street, Southeasterly 70.0 feet to intersect the southeast side of the former bed of said Childs Street; thence binding on the southeast side of the former bed of said Childs Street, Southwesterly 2030.71 feet to intersect the north side of said Frankfurst Avenue, and thence binding on the north side of said Frankfurst Avenue, Southwesterly 95.96 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 parcels of land.

Said 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 June 18, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-571
(Council Bill 03-1049)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use Parking Lot in Parking Lot District —
215 East Fayette Street, 206 East Baltimore Street, 208 East Baltimore
Street, 210-220 East Baltimore Street, and 3 North Calvert Street**

FOR the purpose of expanding, subject to certain conditions, the open off-street parking area previously approved for 215 East Fayette Street and 216-220 East Baltimore Street, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning
Section(s) 10-504 and 16-102
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted to expand the open off-street parking area previously authorized by Ordinances 94-421 and 97-140 for the properties known as 215 East Fayette Street and 216-220 East Baltimore Street, by adding to that parking area the properties known as 206 East Baltimore Street, 208 East Baltimore Street, 210-214 East Baltimore Street, and 3 North Calvert Street, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 10-504 and 16-102 of the Baltimore City Code, subject to the following conditions:

- (a) The entire parking area, existing and as expanded, shall be improved in accordance with the Site and Landscape Plan dated February 3, 2003, as revised May 29, 2003. That Plan supersedes and replaces all plans previously approved for the area.
- (b) All plans for future development on all or any part of this parking area require design review and approval by the Planning Commission. This review and approval shall include proposed entrances and exits for any parking component; it should not be presumed that current curb cut locations are acceptable for future development.
- (c) The property known as 208 East Baltimore Street is not subject to this conditional use until the property is acquired by Edison Parking, its successors, or assigns.
- (d) Consolidation of the lots does not constitute a change in conditional use.
- (e) If queuing occurs on a regular basis, the Department of Transportation may require that the ticket machines and gates be moved further into the site.
- (f) ~~(e)~~ The parking area shall 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 18, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-572
(Council Bill 03-1070)**

AN ORDINANCE CONCERNING

Park Rules — Penalties and Enforcement

FOR the purpose of reestablishing penalties for violation of certain rules or regulations adopted by the Director of Recreation and Parks; providing for alternative enforcement through the issuance of prepayable citations; authorizing the appointment of Special Enforcement Officers and Special Traffic Enforcement Officers from among employees of the Department of Recreation and Parks; extending the authority of Special Traffic Enforcement Officers to include property controlled by the Department of Recreation and Parks; correcting certain cross-references; correcting, clarifying, and conforming certain language; and generally relating to the enforcement of park rules and regulations.

BY repealing and reordaining, with amendments

Article 1 - Mayor, City Council, and Municipal Agencies
Section(s) 40-14(e)(3)
Baltimore City Code
(Edition 2000)

BY adding

Article 19 - Police Ordinances
Section(s) 51-1 and 51-2, to be under the new subtitle,
“Subtitle 51. Park Rules”
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 19 - Police Ordinances
Section(s) 71-1(a) and (b)(1) and 71-2(i)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 19 - Police Ordinances

Section(s) 72-1 and 72-2, to be under the amended designation

“Subtitle 72. Special Traffic Enforcement Officers”

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

<u>§ 7-2. Vehicle alarms: Prohibited devices</u>	<u>\$100</u>
<u>[§ 8-12] § 8-18. Burglar alarms: Penalties</u>	
<u>Users</u>	<u>\$250</u>
<u>Contractors, Monitors, Others</u>	<u>\$500</u>
<u>§ 14-2 or § 14-3. Drinking in public places</u>	<u>\$ 50</u>
<u>§ 41-2. Outdoor telephones: Prohibited placement</u>	<u>\$500</u>
<u>§ 45-2. Signs on public property: Posting prohibited</u>	<u>\$100</u>
<u>§ 45-3. Signs on public property: Removal of illegal signs</u>	<u>\$100</u>
<u>§ 48-2. Resale of tickets near sports facilities</u>	<u>\$ 50</u>
<u>§ 50-2. Obstructing street, etc., or gutter</u>	<u>\$ 50</u>
<u>§ 50-3. Merchandise projecting from building</u>	<u>\$ 50</u>
<u>§ 50-46 or § 50-47. Snow - cleaning required</u>	<u>\$ 50</u>
<u>§ 51-2. COMPLIANCE WITH PARK RULES</u>	<u>\$200</u>

Article 19. Police Ordinances

SUBTITLE 51. PARK RULES

§ 51-1. DEFINITIONS.

(A) *IN GENERAL.*

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

(B) *PARK RULE.*

“PARK RULE” MEANS ANY RULE OR REGULATION ADOPTED BY THE DIRECTOR OF RECREATION AND PARKS UNDER THE AUTHORITY OF ARTICLE VII, § 67(F) OF THE CITY CHARTER.

§ 51-2. COMPLIANCE WITH PARK RULES.

NO PERSON MAY VIOLATE A PARK RULE.

§ 51-3. ENFORCEMENT BY CITATION.

(A) *IN GENERAL.*

IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE, A PARK RULE MAY BE ENFORCED BY ISSUANCE OF:

- (1) A PREPAYABLE CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 40 {“ENVIRONMENTAL CONTROL BOARD”}; OR
- (2) A PREPAYABLE CRIMINAL CITATION UNDER CITY CODE ARTICLE 19, SUBTITLE 71 {“SPECIAL ENFORCEMENT OFFICERS”}.

(B) *METHODS NOT EXCLUSIVE.*

THE ISSUANCE OF A CITATION TO ENFORCE A PARK RULE DOES NOT PRECLUDE PURSUING ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

§ 51-4 ~~§ 51-2~~. PENALTY FOR VIOLATION.

ANY PERSON WHO VIOLATES ANY PROVISION OF A PARK RULE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 FOR EACH OFFENSE.

Subtitle 71. Special Enforcement Officers

§ 71-1. Appointment; duties.

(a) *Agency certification; appointment.*

The [Commissioner of Health, the Chief of the Fire Department, the Director of Public Works, the Director of Public Works, and the Commissioner of Housing and Community Development] FOLLOWING OFFICIALS shall from time to time certify to the Police Commissioner [of Baltimore City]

the names of employees of their respective departments for appointment by the Police Commissioner as Special Enforcement Officers:

- (1) COMMISSIONER OF HEALTH.
- (2) CHIEF OF THE FIRE DEPARTMENT.
- (3) DIRECTOR OF PUBLIC WORKS.
- (4) COMMISSIONER OF HOUSING AND COMMUNITY DEVELOPMENT.
- (5) DIRECTOR OF RECREATION AND PARKS.

(b) Duties.

- (1) On [their] appointment, A Special Enforcement [Officers] OFFICER may serve summonses and issue criminal citations to appear before the housing OR OTHER APPROPRIATE part of the District Court for Baltimore City in proceedings [for enforcement of] TO ENFORCE any City ordinance, RULE OR regulation, or public local law pertaining to buildings, housing, zoning, fire, public health, PARKS, and sanitation.

§ 71-2. Prepayable criminal citations.

(i) Enumeration of code violations and penalties.

The authority of A Special Enforcement [Officers] OFFICER to issue PREPAYABLE criminal citations [with specified prepayable fines] is limited to the following provisions of the [Baltimore] City Code[, as those provisions may be amended from time to time]:

(1) Building, Fire, and Related Codes – Fire Code

<u>[§ 110] §110.1. Unsafe buildings: GENERAL</u>	<u>\$100</u>
<u>§1001.2. MEANS OF EGRESS: MINIMUM REQUIREMENTS</u>	<u>\$250</u>
<u>[§ 1003.2] §1001.3. [Exceeding occupant load]</u>	
<u>MEANS OF EGRESS: OVERCROWDING</u>	
<u>1-99 persons over capacity</u>	<u>\$100</u>
<u>100-199 persons over capacity</u>	<u>\$250</u>
<u>200 or more persons over capacity</u>	<u>\$500</u>
<u>[§ 1003.3. Egress doors</u>	<u>\$250]</u>

(2) Building, Fire, and Related Codes – Property Maintenance Code

§§ 304 - 307. sanitary maintenance

<u>Residential properties</u>	<u>\$ 50</u>
<u>Commercial properties</u>	<u>\$100</u>

(3) Zoning Code

§ 2-402. Use permit required \$100

§ 3-107. Prohibited uses — Storage, etc., of vehicles \$ 50

(4) ARTICLE 19. POLICE ORDINANCES

§ 51-2. COMPLIANCE WITH PARK RULES \$200

Subtitle 72. Special [Downtown] Traffic Enforcement Officers**§ 72-1. Appointment.**(a) In general.

The [Director of Public Works] FOLLOWING OFFICIALS shall from time to time certify to the Police Commissioner [of Baltimore City] the names of employees OF THEIR RESPECTIVE DEPARTMENTS for appointment by the Police Commissioner as Special Traffic Enforcement Officers:

(1) DIRECTOR OF PUBLIC WORKS.

(2) DIRECTOR OF RECREATION AND PARKS.

(b) Revocation.

[Any] THE POLICE COMMISSIONER MAY REVOKE ANY appointment [may be revoked by the Commissioner] at any time.

§ 72-2. Powers.(A) SCOPE.

THE AUTHORITY GRANTED BY THIS SECTION IS LIMITED TO THE FOLLOWING AREAS:

(1) WITHIN THE DOWNTOWN MANAGEMENT DISTRICT ESTABLISHED BY CITY CODE ARTICLE 14, SUBTITLE 1; AND

(2) ON PROPERTY CONTROLLED BY THE DEPARTMENT OF RECREATION AND PARKS.

(B) [(a)] Directing traffic.

[Upon appointment] IN THE AREAS SPECIFIED IN SUBSECTION (A) OF THIS SECTION, [the] A Special Traffic Enforcement [Officers] OFFICER [shall, within the boundaries of the "Downtown Management District" described in Article 14, § 1-3 of the City Code, have] HAS the same authority AS A POLICE OFFICER to control and direct pedestrian and vehicular traffic under the Maryland Vehicle Law and [the Baltimore] UNDER City [ordinances regulating] LAWS THAT REGULATE motor vehicles [as a police officer].

(C) [(b)] Citations.

A Special Traffic Enforcement [Officers] OFFICER [shall have] HAS no power to issue citations for moving violations other than for a failure to obey lawful traffic direction and control devices.

(D) [(c)] No arrest powers.

A Special Traffic Enforcement [Officers] OFFICER [shall have] HAS no power to make arrests.

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 18, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-573
(Council Bill 03-1087)**

AN ORDINANCE CONCERNING

Zoning — Conditional Use — Amending Ordinance 02-461

FOR the purpose of amending Ordinance 02-461 to change the number of residents allowed in the convalescent, nursing, and rest home (assisted living) at 168 South Morley Street.

BY repealing and reordaining, with amendments

Ordinance 02-461

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 02-461

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 168 South Morley Street, 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 following conditions:

- (1) The maximum number of residents is [5] 6, 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) must comply with all applicable federal, state, and local licensing and certification requirements.

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

Approved June 18, 2003

MARTIN O'MALLEY, Mayor

ENROLLED

**CITY OF BALTIMORE
ORDINANCE 03-574
(Council Bill 02-983)**

~~A RESOLUTION OF THE MAYOR AND CITY COUNCIL~~

AN ORDINANCE 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; deleting certain properties from the District; modifying the composition of the Authority's Board of Directors; requesting a performance audit; providing for the severability of provisions; correcting, clarifying, and conforming certain language; providing for a special effective date; and generally relating to the activities and authority of the Charles Village Community Benefits District and Management Authority.

BY repealing and reordaining

Article 14 - Special Benefits Districts
Section(s) 6-2 and 6-6(d)(1) and (e)(2)
Baltimore City Code
(Edition 2000)

Recitals

In 1998, in accordance with then City Charter Article II, § 63, and Ordinance 94-414, the Mayor and City Council adopted Resolution 98-011 to continue the Charles Village Community Benefits District and its Management Authority through June 30, 2002. Resolution 98-011 further provided that, no later than 4 years after June 30, 2002, the City Council should hold a public hearing to evaluate the activities and

undertakings of the District and the Authority and, in accordance with the procedures set forth in Article II, § 63, and Ordinance 94-414, determine whether the District and Authority should be further continued.

In 2000, after the passage of Resolution 98-011, the General Assembly amended Article II, § 63, to require that the Mayor and City Council “review and determine the desirability of continuing” the Charles Village Community Benefits District “every 4 years ... beginning with the first meeting of the Mayor and City Council in December, 2002”. (Art. II, § 63(h)(1)(i), as enacted by Ch. 89, Acts of 2000.)

In 2002, given the imminent expiration of the District and Authority on June 30, 2002 (per Resolution 98-011), coupled with the requirement to begin a new 4-year review cycle starting in December 2002 (per Ch. 89, Acts of 2000), the Mayor and City Council adopted Resolution 02-028 as an interim measure, continuing the District and Authority for 1 year, through June 30, 2003, with any further continuation to be subject to a subsequent review beginning December 2002. In 2003, the General Assembly further amended Article II, § 63, to require that the 4-year review cycles “begin with the first meeting of the Mayor and City Council in December 2001”. (Art. II, § 63(h)(1)(i), as amended by Ch. 475, Acts of 2003.)

In this subsequent review, the City Council found that the Authority continues to initiate and carry out numerous activities and undertakings in compliance with City Charter Article II, § 63, and Ordinance 94-414 (now codified in City Code Article 14, Subtitle 6), including the implementation of public safety programs, a sanitation and maintenance program, and a 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 this 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~~ 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

§ 6-2. District created; boundaries.

(a) In general.

[There is hereby created a community benefits district to be known as the] THE Charles Village Community Benefits District IS CREATED. THE DISTRICT COMPRISES ALL PROPERTIES within the following boundaries, EXCEPT AS SPECIFIED IN SUBSECTION (C) OF THIS SECTION:

- (1) on the south, a line beginning at the intersection of the center lines of 20th Street and Howard Street, running east along the center line of 20th Street to the center line of Guilford Avenue; then
- (2) running north along the center line of Guilford Avenue to the center line of 25th Street; then

- (3) running east along the center line of 25th Street to the center line of Loch Raven Boulevard; then running northeast along the centerline of Loch Raven Boulevard to the center line of the tracks of the CSX Railroad (approximately 500 feet north of 25th Street); then
- (4) running west along the center line of the CSX Railroad tracks to the center line of Greenmount Avenue; then
- (5) running north along the center line of Greenmount Avenue to the center line of Old York Road; then
- (6) running north along the center line of Old York Road to the center line of 35th Street; then
- (7) running west along the center line of 35th Street to the center line of Greenmount Avenue; then
- (8) running south along the center line of Greenmount Avenue to the center line of 33rd Street; then
- (9) running west along the center line of 33rd Street to the center line of Charles Street; then
- (10) running south along the center line of Charles Street to the center line of 29th Street; then
- (11) running west along the center line of 29th Street to the center line of Howard Street; then running south along the center line of Howard Street to the center line of 26th Street; then
- (12) running west along the center line of 26th Street to the center line of Huntingdon Avenue; then running south along the center line of Huntingdon Avenue to the center line of 25th Street; then
- (13) running east along the center line of 25th Street to the center line of Howard Street; then
- (14) running south along the center line of Howard Street to the center line of 24th Street; then
- (15) running west along the center line of 24th Street to the center line of Huntingdon Avenue; then
- (16) running south along the center line of Huntingdon to the center line of 23rd Street; then running west along the center line of 23rd Street to the center line of Huntingdon Avenue; then
- (17) running south along the center line of Huntingdon Avenue to the center line of 21st Street; then
- (18) running east along the center line of 21st Street to the center line of Howard Street; then
- (19) running south along the center line of Howard Street to the center line of 20th Street (point of origin).

(b) Properties on boundary streets and tracks.

The Charles Village Community Benefits District shall include properties binding on either side of a street or OF the CSX Railroad tracks [where they comprise] THAT CONSTITUTE part of the boundaries [under] ESTABLISHED BY this section.

(C) EXCLUDED PROPERTIES.

THE FOLLOWING PROPERTIES ARE EXCLUDED FROM THE DISTRICT:

- (1) 3336 OLD YORK ROAD.
- (2) 3338 OLD YORK ROAD.
- (3) 3340 OLD YORK ROAD.
- (4) 3342 OLD YORK ROAD.
- (5) 3344 OLD YORK ROAD.
- (6) 3346 OLD YORK ROAD.
- (7) 3400 OLD YORK ROAD.
- (8) 3402 OLD YORK ROAD.
- (9) 3404 OLD YORK ROAD.
- (10) 3406 OLD YORK ROAD.
- (11) 3408 OLD YORK ROAD.
- (12) 3410 OLD YORK ROAD.
- (13) 3412 OLD YORK ROAD.
- (14) 3414 OLD YORK ROAD.
- (15) 3424 OLD YORK ROAD.
- (16) 3426 OLD YORK ROAD.
- (17) 3428-30 OLD YORK ROAD.
- (17A) LOT ON EAST SIDE OF OLD YORK ROAD AT SOUTHEAST CORNER OF VENABLE AVENUE.
- (17B) 600 VENABLE AVENUE.
- (17C) 600 E. 33RD STREET
- (18) 500 E. 34TH STREET.
- (19) 501 E. 34TH STREET.

(20) 502 E. 34TH STREET.

(21) 504 E. 34TH STREET.

(22) 601 E. 34TH STREET.

(23) 500 E. 35TH STREET.

(24) 501 E. 35TH STREET.

(25) 502 E. 35TH STREET.

(26) 503 E. 35TH STREET.

(27) 504 E. 35TH STREET.

(28) 505 E. 35TH STREET.

(29) 506 E. 35TH STREET.

(30) 507 E. 35TH STREET.

(31) 508 E. 35TH STREET.

(32) 509 E. 35TH STREET.

(33) 510 E. 35TH STREET.

(34) 511 E. 35TH STREET.

(35) 512 E. 35TH STREET.

(36) 513 E. 35TH STREET.

(37) 514 E. 35TH STREET.

(38) 515 E. 35TH STREET.

(39) 516 E. 35TH STREET.

(40) 517 E. 35TH STREET.

(41) 518 E. 35TH STREET.

(42) 520 E. 35TH STREET.

(43) 522 E. 35TH STREET.

(44) 524 E. 35TH STREET.

(45) 526 E. 35TH STREET.

(46) 528 E. 35TH STREET.

(47) 530 E. 35TH STREET.

(48) 532 E. 35TH STREET.

§ 6-6. Board of Directors.

(d) Number and appointment.

- (1) The number of members of the full Board must be at least [13] 14, excluding vacancies, and no more than [26] 27.

(e) Minimum representation.

The following minimum representation shall be present on the full Board, except during periods of temporary vacancies:

- (2) [1 member] 2 MEMBERS shall be [a member] MEMBERS of the City Council appointed by the President of the City Council.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Charles Village Community Benefits District and Management Authority are continued through June 30, ~~2007~~ 2006.

SECTION 2 3. AND BE IT FURTHER ~~RESOLVED~~ ORDAINED, That, beginning at its first meeting in December ~~2006~~ 2005, the Mayor and City Council shall review and determine the desirability of continuing the District and the Authority beyond June 30, ~~2007~~ 2006.

SECTION 4. AND BE IT FURTHER ORDAINED, That the City Council requests that the Charles Village Community Benefits District Management Authority be the subject of a performance audit, to be concluded on or before December 31, 2003.

SECTION 5. AND BE IT FURTHER ORDAINED, That the provisions of this Ordinance are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of a provision to any person or circumstances is invalid *or that any change made by this Ordinance to the District's boundaries is invalid*, the remaining provisions of this Ordinance and the application of those provisions to other persons or circumstances, *including the District's continuation under Section 2 of this Ordinance*, are not affected by that decision.

SECTION 3 6. AND BE IT FURTHER ~~RESOLVED~~ ORDAINED, That this ~~Resolution~~ Ordinance takes effect on the ~~date it is enacted~~ July 1, 2003.

Approved June 23, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-575
(Council Bill 03-1063)**

AN ORDINANCE CONCERNING

Rezoning — 1300 Race Street

FOR the purpose of changing the zoning for the property known as 1300 Race Street, as outlined in red on the accompanying plat, from the M-3 Zoning District to the R-8 Zoning District.

BY amending

Article - Zoning
Zoning District Maps
Sheet(s) 65
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 65 of the Zoning District Maps is amended by changing from the M-3 Zoning District to the R-8 Zoning District the property known as 1300 Race 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 June 23, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-576
(Council Bill 03-1073)**

AN ORDINANCE CONCERNING

Retirement Systems — Benefits

FOR the purpose of establishing conditions for termination of membership in the Fire And Police Employees' Retirement System; amending and clarifying provisions pertaining to in-service military leaves of absence to conform to federal and state law; enabling certain members of the System to repurchase service credit lost due to separation of service; enabling certain members of the System to repurchase up to 6 months of certain training time as service credit; allowing transfers of service for former federal and out-of-state

uniformed employees and providing certain limits for new members transferring in service from former pension systems; amending the eligibility requirements for certain members of the System's Board of Trustees; providing new criteria for retirement eligibility for new members; providing a longer period for filing disability retirement applications; providing for the termination of certain retired members' benefits within a certain period of a physician's determination that the retiree is fit to return to work; raising the limit on compensation that may be taken into account by the System in calculating a benefit under the Internal Revenue Code; authorizing the rollover of lump sum distributions from the System into certain qualified governmental pension plans; updating the procedures for certifying the City's annual contribution to the System; clarifying the accounting for funds in certain of the System's various accounts; providing special rules for calculating the variable retirement benefit increases for certain DROP participants and their beneficiaries; providing new eligibility requirements for certain DROP participants; authorizing rollovers and transfers of funds from certain other qualified pension plans into the Employees' Retirement System, Elected Officials' Retirement System, and Fire and Police Employees' Retirement System for the purpose of purchasing credit under certain conditions; providing certain transitional rules; clarifying, correcting, and conforming certain language; providing for a special effective date; and generally relating to the Retirement Systems of Baltimore City.

BY repealing and reordaining, with amendments

Article 22 - Retirement Systems

Section(s) 30(19), 31(4), 32(e), 32(i)(1)(C), 32(i)(2)(A)(intro), 33(b)(2) and (3), 33(l), 34(a), 34(c), 34(d)(1)(intro), 34(d)(2)(intro) and (D), 34(e), 34(f), 34(g), 34(i)(2)(A) and (F)(ii), 34(w)(1)(C), 36(b)(2), 36(d)(4) through (8), 36(f), 36A(intro) and (a)(1), 36A(c)(intro) and (iii), 36A(d), 36A(e), 36A(g), and 36B(intro), (a), and (e) through (j)

Baltimore City Code
(Edition 2000)

BY adding

Article 22 - Retirement Systems

Section(s) 31(5), 32(h-1), 32(h-2), 32(h-3), 32(i)(8), 32(k), 32(l), 34(d)(3), 34(f-1), 34(f-2), 34(v)(3), and 49

Baltimore City Code
(Edition 2000)

BY repealing

Article 22 - Retirement Systems

Section(s) 33(b)(6), 32(h), 36(b)(10), and 36(g)

Baltimore City Code
(Edition 2000)

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

Baltimore City Code

Article 22. Retirement Systems

Subtitle – Fire and Police Employees' Retirement System

§ 30. Definitions.

[The] IN THIS SUBTITLE, UNLESS A DIFFERENT MEANING IS PLAINLY REQUIRED BY THE CONTEXT, THE following words and phrases [as used in this subtitle, shall] have the [following meaning] MEANINGS INDICATED:

- (19) "Break in service" is the period of time between the date when a member terminates employment covered by a former system, as defined in § 32(i)(1)(B) OR § 32(k)(1)(II) of this subtitle, and the date the member begins City employment in a position covered by this System.

§ 31. Membership.

The membership in the Retirement System shall consist of the following:

- (4) [Should any] FOR THOSE EMPLOYEES WHO ARE MEMBERS OF THE SYSTEM AS OF JUNE 30, 2003, MEMBERSHIP IN THE SYSTEM CEASES IF THE member:
- (I) in any period of 6 consecutive years after last becoming a member [be] IS absent from service more than 2 consecutive years[.]; [or]
 - (II) [should he withdraw] WITHDRAWS his accumulated contributions; [or]
 - (III) [should he become] BECOMES a beneficiary; or
 - (IV) [die,] DIES [he shall thereupon cease to be a member].
- (5) FOR THOSE EMPLOYEES WHO BECOME MEMBERS OF THIS SYSTEM ON OR AFTER JULY 1, 2003, MEMBERSHIP IN THE SYSTEM CEASES IF THE MEMBER:
- (I) SEPARATES FROM EMPLOYMENT COVERED BY THIS SYSTEM;
 - (II) RETIRES; OR
 - (III) DIES.

§ 32. Service creditable.

- (e) [Veterans] *MILITARY PERSONNEL – RIGHTS TO BENEFITS, MEMBERSHIP, AND SERVICE CREDIT DURING EMPLOYMENT.*

[The rights and status of any person heretofore or hereafter inducted into the land or naval forces of the United States for training and service pursuant to the Act of Congress known as the Selective Training and Service Act of 1940, or any subsequent acts of a similar nature, and any member of any reserve component of the land or naval forces of the United States who is on active duty or service or who may be ordered or assigned to active duty or service, and who, because of such induction or in order to perform such active duty or service, ceases to be an employee, shall be as follows in the Fire and Police Employees Retirement system of the City of Baltimore: During the period of such absence, no such person or his estate shall have any right to or be entitled to any benefit other than the payment of his accumulated contributions as provided in § 34 of this subtitle. Any such person, during such absence, except as herein otherwise specified, shall retain his status and rights as a member of the Fire and Police Employees' Retirement system of the City of Baltimore: (1) if he has not withdrawn any part of his accumulated contributions; and (2) if within 120 days from the time he

is relieved from active duty or service he shall again become an employee under this subtitle; and (3) if he shall not have previously taken any other employment. If under the above restrictions any such person again becomes an employee under this subtitle within 120 days from the time he is relieved from active duty, he shall receive full credit as service with the City for the period of his absence as if he had not been absent for such period, but such person shall produce satisfactory evidence to show that he meets all the requirements of the ordinance, but such contributions shall not be subject to withdrawal by any persons in the event of their leaving the City service and shall not be considered a part of the contribution of the member to which it is credited except in case of retirement or death while in service. The Trustees of the Fire and Police Employees' Retirement system of the City of Baltimore shall refund to or reimburse members for any contributions which have been made, or shall hereafter be made, by them, or on their behalf to the Retirement system for the period of their absence while in the Armed Forces of the United States. The City of Baltimore shall thereupon make provision for paying to the Fire and Police Employees' Retirement system of the City of Baltimore the amounts which each of such persons would have paid as contributions if he had not been absent and had been employed for the period of his absence at the same rate of pay as when he entered the military service. During the period of such absence of any such employee, the City of Baltimore shall make its contribution on behalf of such employee as it would have made had he not been absent and had retained his status as an employee during the period of his absence. Such person, however, shall have no right to withdraw any part of such contribution made by the City of Baltimore. The Board of Trustees of the Fire and Police Employees' Retirement system of the City of Baltimore is hereby authorized to adopt such rules and regulations to carry out the provisions of this section. In the event any such person who may be absent in such military service, or his estate, shall, after reinstatement in the Fire and Police Employees' Retirement system of the City of Baltimore, file claim for any disability or death benefits whatsoever with said system, and the panel of hearing examiners shall determine that the cause or origin of such disability or death is in any manner, either directly or indirectly attributable or due to, or may have arisen out of his military service, then such person or his estate or dependents shall not be entitled to any benefits other than the return of his accumulated contributions under said system and further that in the event any such person shall, after reinstatement, receive any disability compensation of any nature, either from the United States of America, any department or agency thereof, or from any of the States or Territories of the United States, or from the District of Columbia, then the amount of such payments so paid shall be deducted from any funds payable by the Fire and Police Employees' Retirement system of the City of Baltimore to such person or his estate or dependents on account of any benefits other than the return of his accumulated contributions for which any claim has been filed.]

(1) *SCOPE OF SUBSECTION.*

THIS SUBSECTION APPLIES ONLY TO A MEMBER OF THIS SYSTEM WHO:

- (I) ON ACCOUNT OF MILITARY SERVICE, AS DEFINED IN PARAGRAPH (9) OF THIS SUBSECTION, IS ON UNPAID LEAVE OF ABSENCE FROM PAID CITY EMPLOYMENT;
- (II) DOES NOT WITHDRAW ANY OF HIS OR HER ACCUMULATED CONTRIBUTIONS, UNLESS HE OR SHE REDEPOSITS THE SUM WITHDRAWN AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION;
- (III) WITHIN 1 YEAR AFTER HE OR SHE LEAVES MILITARY SERVICE, OR ANY LONGER PERIOD DURING WHICH HIS OR HER EMPLOYMENT RIGHTS ARE PROTECTED BY FEDERAL LAW, IS EMPLOYED BY THE CITY OF BALTIMORE AS A REGULAR AND PERMANENT EMPLOYEE;
- (IV) DOES NOT TAKE ANY EMPLOYMENT, OTHER THAN EMPLOYMENT DESCRIBED IN ITEM (III) OF THIS PARAGRAPH OR TEMPORARY EMPLOYMENT, AFTER THE MEMBER:

(A) APPLIED FOR REEMPLOYMENT IN HIS OR HER FORMER CLASSIFICATION OR POSITION IN THE CITY SERVICE; AND

(B) WAS REFUSED IMMEDIATE REEMPLOYMENT FOR CAUSES BEYOND HIS OR HER CONTROL; AND

(V) APPLIES FOR SERVICE CREDIT WITH THE SYSTEM.

(2) *REDEPOSIT OF ACCUMULATED CONTRIBUTIONS; PAYMENT METHODS, DEADLINE; PRO RATA CREDIT.*

(I) IF A MEMBER OF THIS SYSTEM WHO IS ABSENT FROM EMPLOYMENT FOR MILITARY SERVICE WITHDRAWS ANY OF HIS OR HER ACCUMULATED CONTRIBUTIONS AND REDEPOSITS INTO THE SYSTEM THE SUM WITHDRAWN, WITH REGULAR INTEREST AT THE ANNUITY SAVINGS FUND RATE FROM THE DATE OF WITHDRAWAL TO THE DATE THAT THE REDEPOSIT IS COMPLETED, THE MEMBER, IF OTHERWISE QUALIFIED, IS ENTITLED TO THE BENEFITS OF THIS SECTION AS IF THE WITHDRAWAL HAD NOT BEEN MADE.

(II) THE REDEPOSIT OF ACCUMULATED CONTRIBUTIONS:

(A) MAY BE MADE BY A SINGLE PAYMENT OR AN INCREASED RATE OF CONTRIBUTION; BUT

(B) MUST BE COMPLETED BEFORE THE MEMBER'S RETIREMENT DATE.

(III) THE REDEPOSIT OF ACCUMULATED CONTRIBUTIONS SHALL BE CREDITED PRO RATA AT THE TIME EACH PAYMENT IS MADE.

(3) *RETENTION OF STATUS AND RIGHTS AS A MEMBER.*

EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A MEMBER OF THIS SYSTEM WHO IS REEMPLOYED UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION RETAINS THE STATUS AND RIGHTS AS A MEMBER DURING A PERIOD OF ABSENCE FROM EMPLOYMENT FOR MILITARY SERVICE.

(4) *SERVICE CREDIT.*

A MEMBER OF THIS SYSTEM SHALL RECEIVE SERVICE CREDIT FOR A PERIOD OF ABSENCE FROM EMPLOYMENT WHILE IN MILITARY SERVICE IF:

(I) THE EMPLOYMENT OF THE MEMBER UNDER PARAGRAPH (1)(III) OF THIS SECTION IS PAID EMPLOYMENT; AND

(II) MEMBERSHIP IN THIS SYSTEM IS A REQUIREMENT OF EMPLOYMENT.

(5) *TRANSFER OF SERVICE CREDIT.*

A MEMBER OF THIS SYSTEM WHO RECEIVES SERVICE CREDIT FOR MILITARY SERVICE UNDER THIS SUBSECTION MAY TRANSFER THE CREDIT TO ANOTHER STATE OR LOCAL RETIREMENT OR PENSION SYSTEM.

(6) *CONTRIBUTIONS.*

(I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A MEMBER OF THIS SYSTEM WHO IS REEMPLOYED UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION AND IS

OTHERWISE QUALIFIED TO RETAIN THE STATUS AND RIGHTS OF A MEMBER DURING A PERIOD OF ABSENCE FROM EMPLOYMENT FOR MILITARY SERVICE, SHALL BE CREDITED WITH, AT THE CITY'S SOLE ACCOUNT AND EXPENSE:

- (A) THE CONTRIBUTIONS, IF ANY, THAT THE CITY WOULD HAVE MADE ON BEHALF OF THE MEMBER IF THE MEMBER HAD NOT BEEN ABSENT, INCLUDING DROP CONTRIBUTIONS; AND
 - (B) THE CONTRIBUTIONS THAT THE MEMBER WOULD HAVE MADE ON HIS OR HER OWN BEHALF IF THE MEMBER HAD NOT BEEN ABSENT, INCLUDING DROP CONTRIBUTIONS.
- (II) ON A MEMBER'S TERMINATING CITY EMPLOYMENT, THE MEMBER IS NOT ENTITLED TO WITHDRAW ANY PART OF THE CONTRIBUTIONS CREDITED TO HIS OR HER ACCOUNT UNDER THIS PARAGRAPH, INCLUDING THE ANNUITY PORTION ATTRIBUTABLE TO CITY CONTRIBUTIONS MADE UNDER THIS PARAGRAPH, EXCEPT IN THE CASE OF DEATH WHILE IN CITY SERVICE OR RETIREMENT FROM CITY SERVICE.
 - (III) THE BOARD OF TRUSTEES SHALL REFUND TO A MEMBER ANY CONTRIBUTIONS MADE TO THE SYSTEM DURING A PERIOD OF ABSENCE FROM EMPLOYMENT FOR MILITARY SERVICE WHEN THE MEMBER IS OTHERWISE EXEMPTED UNDER THIS PARAGRAPH FROM PAYING CONTRIBUTIONS INTO THE SYSTEM.
 - (IV) ON TERMINATION OF A MEMBER'S EMPLOYMENT DURING OR AFTER A LEAVE OF ABSENCE FOR MILITARY SERVICE, THE MEMBER, MEMBER'S BENEFICIARY, OR MEMBER'S ESTATE IS ENTITLED TO A REFUND OF THE MEMBER'S ACCUMULATED CONTRIBUTIONS, PLUS INTEREST, IN LIEU OF ANY OTHER SYSTEM BENEFIT, EXCLUDING CONTRIBUTIONS MADE BY THE CITY UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(7) *BENEFITS PROHIBITED DURING ABSENCE.*

A MEMBER OF THIS SYSTEM, THE MEMBER'S BENEFICIARY, OR THE MEMBER'S ESTATE IS NOT ENTITLED TO LINE-OF-DUTY DISABILITY BENEFITS OR LINE-OF-DUTY DEATH BENEFITS ARISING FROM THE MEMBER'S DEATH OR DISABILITY DURING A PERIOD THAT THE MEMBER IS ABSENT FROM EMPLOYMENT FOR MILITARY SERVICE.

(8) *DROP BENEFITS.*

EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A MEMBER OF THIS SYSTEM WHO IS ACTIVELY REEMPLOYED UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION AND IS OTHERWISE QUALIFIED TO RETAIN THE STATUS AND RIGHTS OF A MEMBER DURING A PERIOD OF ABSENCE FROM EMPLOYMENT FOR MILITARY SERVICE IS ENTITLED TO ALL OF THE RIGHTS AND PRIVILEGES RELATING TO THE DEFERRED RETIREMENT OPTION PLAN (DROP) UNDER SECTION 36B OF THIS SUBTITLE OTHERWISE AFFORDED TO A MEMBER WHO IS ACTIVELY EMPLOYED, INCLUDING:

- (I) AFTER BEING REEMPLOYED ON RETURNING FROM MILITARY SERVICE, THE RIGHT TO ELECT RETROSPECTIVELY TO PARTICIPATE IN DROP OR TO TERMINATE DROP PARTICIPATION, AS OF A DATE DURING THE PERIOD OF THE MEMBER'S ABSENCE FROM EMPLOYMENT;
- (I) THE RIGHT TO ACCUMULATE DROP CONTRIBUTIONS AND BENEFITS PARTICIPATION DURING THE PERIOD OF THE MEMBER'S ABSENCE FROM EMPLOYMENT; AND
- (III) THE RIGHT TO BE CREDITED WITH POST-DROP EMPLOYMENT DURING THE PERIOD OF THE MEMBER'S ABSENCE FROM EMPLOYMENT.

(9) *"MILITARY SERVICE" DEFINED.*

- (I) IN THIS SUBSECTION, "MILITARY SERVICE" MEANS ANY SERVICE THAT FALLS WITHIN THE TERM:

(A) "SERVICE IN THE UNIFORMED SERVICES", AS DEFINED BY AND INTERPRETED UNDER 38 U.S.C. § 4303(13); OR

(A) "MILITARY SERVICE", AS DEFINED BY AND INTERPRETED UNDER STATE PERSONNEL AND PENSIONS ARTICLE §38-101(D);

- (II) "MILITARY SERVICE" EMBRACES ALL FORMS OF DUTY, INCLUDING ACTIVE DUTY, ACTIVE DUTY FOR TRAINING, INITIAL ACTIVE DUTY FOR TRAINING, AND INACTIVE DUTY TRAINING (SUCH AS DRILLS), UNDER COMPETENT AUTHORITY, ON A VOLUNTARY OR INVOLUNTARY BASIS, IN THE ARMY, NAVY, MARINE CORPS, AIR FORCE, COAST GUARD, PUBLIC HEALTH SERVICE COMMISSIONED CORPS, THE ARMY NATIONAL GUARD, THE AIR NATIONAL GUARD, THE MARYLAND NATIONAL GUARD, AS WELL AS THE RESERVE COMPONENTS OF EACH OF THESE SERVICES, AND ANY OTHER CATEGORY OF PERSONS DESIGNATED BY THE PRESIDENT OR THE GOVERNOR OF THE STATE OF MARYLAND IN TIME OF WAR OR NATIONAL OR STATE EMERGENCY.

(10) *RULES AND REGULATIONS.*

THE BOARD OF TRUSTEES MAY ADOPT RULES, RESOLUTIONS AND REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBSECTION.

(H-1) [(h)] *Repurchase of previous Fire and Police Employees' Retirement System service – EMPLOYEES AGAIN BECOMING MEMBERS ON OR BEFORE JUNE 30, 2003.*

[Notwithstanding anything to the contrary contained herein, beginning July 1, 1991, a member who has lost service credit under the Fire and Police Employees' Retirement system due to separation from service may repurchase such service by paying to the Fire and Police Employees' Retirement system, by a single payment or by an increased rate of contribution, the contributions which he had previously withdrawn from the Fire and Police Employees' Retirement system, together with interest from the date of withdrawal to the date that the repurchase is completed. Service shall be credited pro rata at the time each payment for such service is made. Provided, however, that a member's right to repurchase such service shall exist only with respect to a member who resumes service within 60 months from the date on which he last separated from service.]

(1) *SCOPE OF SUBSECTION.*

THIS SUBSECTION (H-1) APPLIES TO ANY MEMBER WHO, WITHIN 60 MONTHS OF HIS OR HER LAST DATE OF SEPARATION FROM THIS SYSTEM, AGAIN BECOMES A MEMBER OF THIS SYSTEM ON OR BEFORE JUNE 30, 2003.

(2) *IN GENERAL.*

A MEMBER WHO LOST SERVICE CREDIT PREVIOUSLY EARNED IN THIS SYSTEM DUE TO SEPARATION FROM EMPLOYMENT MAY REPURCHASE THAT SERVICE IF THE MEMBER:

- (I) RESUMES SERVICE COVERED BY THIS SYSTEM WITHIN 60 MONTHS FROM THE DATE ON WHICH HE OR SHE LAST SEPARATED FROM SERVICE;

(II) FILES AN APPLICATION TO PURCHASE THE PREVIOUS SERVICE; AND

(III) PAYS FOR THAT PREVIOUS SERVICE:

(A) ALL MEMBER CONTRIBUTIONS AND INTEREST PREVIOUSLY WITHDRAWN FROM THIS SYSTEM; PLUS

(B) INTEREST AT THE ANNUITY SAVINGS FUND RATE, FROM THE DATE OF WITHDRAWAL TO THE DATE THAT THE PAYMENT IS COMPLETED.

(3) *PAYMENT METHODS, DEADLINE.*

THE PAYMENT FOR PREVIOUS SERVICE:

(I) MAY BE MADE BY A SINGLE PAYMENT OR AN INCREASED RATE OF CONTRIBUTION; BUT

(II) MUST BE COMPLETED BEFORE THE MEMBER'S RETIREMENT DATE.

(4) *PRO RATA CREDIT.*

THE PREVIOUS SERVICE SHALL BE CREDITED PRO RATA AT THE TIME EACH PAYMENT FOR THE SERVICE IS MADE.

(H-2) *REPURCHASE OF PREVIOUS FIRE AND POLICE EMPLOYEES' RETIREMENT SYSTEM SERVICE – EMPLOYEES AGAIN BECOMING MEMBERS ON OR AFTER JULY 1, 2003.*

(1) *SCOPE OF SUBSECTION.*

THIS SUBSECTION (H-2) APPLIES TO ANY EMPLOYEE WHO AGAIN BECOMES A MEMBER ON OR AFTER JULY 1, 2003.

(2) *IN GENERAL.*

A MEMBER WHO LOST SERVICE CREDIT PREVIOUSLY EARNED IN THIS SYSTEM DUE TO SEPARATION FROM EMPLOYMENT MAY REPURCHASE THAT SERVICE IF THE MEMBER:

(I) FILES AN APPLICATION TO PURCHASE THE PREVIOUS SERVICE WITHIN 1 YEAR OF HIS OR HER LAST DATE OF ENTRY INTO THIS SYSTEM; AND

(II) PAYS FOR THAT PREVIOUS SERVICE:

(A) AN AMOUNT EQUAL TO THE PRODUCT OF:

1. THE MEMBER'S ACTUAL EARNABLE COMPENSATION FOR THE POSITION COVERED BY THIS SYSTEM AT THE MEMBER'S DATE OF APPLICATION FOR THIS PURCHASE, MULTIPLIED BY
2. THE NUMBER OF YEARS OR PART OF A YEAR OF SERVICE TO BE PURCHASED, MULTIPLIED BY
3. 6%; PLUS

- (B) INTEREST ON THAT PRODUCT CALCULATED AT THIS SYSTEM'S CURRENT ANNUITY SAVINGS FUND RATE FROM THE DATE OF RE-ENTRY INTO THIS SYSTEM TO THE DATE THE PAYMENT IS COMPLETED.

(3) *PAYMENT METHODS, DEADLINE.*

THE PAYMENT FOR PREVIOUS SERVICE:

- (I) MAY BE MADE BY A SINGLE PAYMENT OR AN INCREASED RATE OF CONTRIBUTION; BUT
- (II) MUST BE COMPLETED BEFORE THE EARLIER OF:
 - (A) 10 YEARS FROM THE MEMBER'S DATE OF RE-ENTRY INTO THIS SYSTEM; OR
 - (B) THE MEMBER'S RETIREMENT DATE.

(4) *PRO RATA CREDIT.*

THE PREVIOUS SERVICE SHALL BE CREDITED PRO RATA AT THE TIME EACH PAYMENT FOR THE SERVICE IS MADE.

(H-3) *REPURCHASE OF PREVIOUS FIRE AND POLICE EMPLOYEES' RETIREMENT SYSTEM SERVICE – TRANSITIONAL RULE FOR MEMBERS AS OF JUNE 30, 2003.*

(1) *SCOPE OF SUBSECTION.*

THIS SUBSECTION (H-3) APPLIES TO ANY EMPLOYEE WHO IS MEMBER AS OF JUNE 30, 2003, BUT WHO RESUMED SERVICE MORE THAN 60 MONTHS AFTER HIS OR HER LAST DATE OF SEPARATION FROM THIS SYSTEM.

(2) *IN GENERAL.*

A MEMBER WHO LOST SERVICE CREDIT PREVIOUSLY EARNED IN THIS SYSTEM DUE TO SEPARATION FROM EMPLOYMENT AND WHO RESUMED SERVICE MORE THAN 60 MONTHS AFTER HIS OR HER LAST DATE OF SEPARATION FROM EMPLOYMENT MAY REPURCHASE THAT LOST SERVICE IF THE MEMBER:

- (I) FILES AN APPLICATION TO PURCHASE THE PREVIOUS SERVICE NO LATER THAN DECEMBER 31, 2004; AND
- (II) PAYS FOR THAT PREVIOUS SERVICE:
 - (A) AN AMOUNT EQUAL TO THE PRODUCT OF:
 1. THE MEMBER'S ACTUAL EARNABLE COMPENSATION FOR THE POSITION COVERED BY THIS SYSTEM AT THE DATE OF THE MEMBER'S APPLICATION FOR THIS PURCHASE, MULTIPLIED BY
 2. THE NUMBER OF YEARS OR PART OF A YEAR OF SERVICE TO BE PURCHASED, MULTIPLIED BY
 3. 6%; PLUS

- (B) INTEREST ON THAT PRODUCT CALCULATED AT THIS SYSTEM'S CURRENT ANNUITY SAVINGS FUND RATE FROM THE DATE OF THE MEMBER'S APPLICATION TO THE DATE THE PAYMENT IS COMPLETED.

(3) *PAYMENT METHODS, DEADLINE.*

THE PAYMENT FOR PREVIOUS SERVICE:

- (I) MAY BE MADE BY A SINGLE PAYMENT OR AN INCREASED RATE OF CONTRIBUTION; BUT
- (II) MUST BE COMPLETED BEFORE THE EARLIER OF:
 - (A) 10 YEARS FROM THE DATE OF THE MEMBER'S APPLICATION TO PURCHASE THE PREVIOUS SERVICE; OR
 - (B) THE MEMBER'S RETIREMENT DATE.

(4) *PRO RATA CREDIT.*

THE PREVIOUS SERVICE SHALL BE CREDITED PRO RATA AT THE TIME EACH PAYMENT FOR THE SERVICE IS MADE.

(i) *Transfers of service – PERSONS BECOMING MEMBERS ON OR BEFORE JUNE 30, 2003.*

(1) *Definitions.*

- (C) "Actuarially funded RETIREMENT OR PENSION SYSTEM" MEANS [that the] A DEFINED BENEFIT RETIREMENT system THAT makes regular payments [that are] computed to be sufficient to provide the reserves needed to fund the benefits payable to [a] THE system's members on retirement.

(2) *[Transfers of service for members] MEMBERS joining on or after July 1, 1994, AND ON OR BEFORE JUNE 30, 2003.*

- (A) An employee who becomes a member of this system on or after July 1, 1994, AND ON OR BEFORE JUNE 30, 2003, may transfer service previously acquired in a former system if:
....

(8) *TRANSITIONAL RULE FOR MEMBERS AS OF JUNE 30, 2003.*

(I) *TRANSFERS AUTHORIZED.*

AN EMPLOYEE WHO BECOMES A MEMBER OF THIS SYSTEM ON OR BEFORE JUNE 30, 2003, MAY TRANSFER SERVICE PREVIOUSLY ACQUIRED IN A FORMER SYSTEM, AS DEFINED IN SUBSECTION (K)(1) OF THIS SECTION, IF:

- (A) THE MEMBER INCURRED A BREAK IN SERVICE OF LESS THAN 90 DAYS BEFORE BEGINNING EMPLOYMENT COVERED BY THIS SYSTEM;
- (B) THE MEMBER FILES AN APPLICATION WITH THIS SYSTEM TO TRANSFER THAT SERVICE ON OR BEFORE DECEMBER 31, 2004;

(C) THE MEMBER'S FORMER SYSTEM PROVIDES VERIFICATION TO THIS SYSTEM OF THE MEMBER'S TRANSFERABLE SERVICE; AND

(D) ON TRANSFERRING CREDIT FROM THE MEMBER'S FORMER SYSTEM, THE MEMBER NO LONGER WOULD BE ELIGIBLE TO RECEIVE A PRESENT OR FUTURE BENEFIT FROM THE FORMER SYSTEM FOR THE SERVICE TRANSFERRED.

(II) *LIMIT OF YEARS TRANSFERABLE.*

(A) IF FEDERAL OR OUT-OF-STATE SERVICE FROM THE FORMER SYSTEM WAS ACQUIRED OR EARNED ON ACCOUNT OF EMPLOYMENT IN A UNIFORMED POSITION, THE MEMBER MAY TRANSFER UP TO 10 YEARS OF THAT SERVICE.

(B) IF FEDERAL OR OUT-OF-STATE SERVICE FROM THE FORMER SYSTEM WAS ACQUIRED OR EARNED ON ACCOUNT OF EMPLOYMENT IN A CIVILIAN POSITION, THE MEMBER MAY TRANSFER UP TO 5 YEARS OF THAT SERVICE.

(C) THERE IS NO LIMITATION ON TRANSFERS OF SERVICE CREDIT FROM AN IN-STATE, NON-FEDERAL FORMER SYSTEM UNDER THIS TRANSITIONAL RULE.

(III) *PAYMENT METHODS, DEADLINE.*

A MEMBER MAY ELECT TO TRANSFER SERVICE UNDER THIS PARAGRAPH (8) BY:

(A) PURCHASING THE FORMER SERVICE UNDER THE APPLICABLE PROVISIONS OF SUBSECTION (K) (2)(C) OR (D) OF THIS SECTION; AND

(B) COMPLYING WITH ALL REQUIREMENTS OF SUBSECTION (K)(2)(E) AND (F) OF THIS SECTION, EXCEPT THAT THE PAYMENT FOR THE TRANSFERRED SERVICE MUST BE COMPLETED BEFORE THE EARLIER OF:

1. 10 YEARS FROM THE DATE OF THE MEMBER'S APPLICATION TO TRANSFER SERVICE; OR
2. THE MEMBER'S RETIREMENT DATE.

(K) *TRANSFERS OF SERVICE – PERSONS BECOMING MEMBERS ON OR AFTER JULY 1, 2003.*

(1) *DEFINITIONS.*

(I) IN THIS SUBSECTION, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) "FORMER SYSTEM" MEANS AN ACTUARIALLY FUNDED CONTRIBUTORY OR NON-CONTRIBUTORY FEDERAL, STATE, OR LOCAL GOVERNMENTAL DEFINED BENEFIT RETIREMENT OR PENSION SYSTEM LOCATED WITHIN THE UNITED STATES.

(III) "UNIFORMED POSITION" MEANS A FIREMAN'S OR POLICEMAN'S POSITION HELD BY A TRANSFERRING EMPLOYEE.

(IV) "FIREMAN'S POSITION" MEANS A POSITION HELD BY AN EMPLOYEE OF A FEDERAL, STATE, OR LOCAL FIRE DEPARTMENT WHOSE SERVICES BEAR A SUBSTANTIAL AND DIRECT RELATIONSHIP TO EXTINGUISHING FIRES OR PROTECTING LIVES OR PROPERTY ENDANGERED BY FIRES.

(v) "POLICEMAN'S POSITION" MEANS A POSITION HELD BY AN EMPLOYEE OF A FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT AGENCY WHO IS REGULARLY ENGAGED IN ENFORCING THE PUBLIC PEACE AND WHOSE DUTIES INCLUDE THE POWER OF ARREST.

(vi) "CIVILIAN POSITION" MEANS A POSITION HELD BY A TRANSFERRING EMPLOYEE THAT WAS NOT A UNIFORMED POSITION.

(2) *IN GENERAL.*

(A) *TRANSFERS AUTHORIZED.*

AN EMPLOYEE WHO BECOMES A MEMBER OF THIS SYSTEM ON OR AFTER JULY 1, 2003, MAY TRANSFER SERVICE PREVIOUSLY ACQUIRED IN A FORMER SYSTEM IF:

(I) THE MEMBER BEGINS EMPLOYMENT COVERED BY THIS SYSTEM WITHIN 90 DAYS OF TERMINATING EMPLOYMENT COVERED BY THE FORMER SYSTEM;

(II) THE MEMBER FILES AN APPLICATION WITH THIS SYSTEM TO TRANSFER THAT SERVICE WITHIN 1 YEAR OF MEMBERSHIP IN THIS SYSTEM;

(III) THE MEMBER'S FORMER SYSTEM PROVIDES VERIFICATION TO THIS SYSTEM OF THE MEMBER'S TRANSFERABLE SERVICE; AND

(IV) ON TRANSFERRING CREDIT FROM THE MEMBER'S FORMER SYSTEM, THE MEMBER WOULD NO LONGER BE ELIGIBLE TO RECEIVE A PRESENT OR FUTURE BENEFIT FROM THE FORMER SYSTEM FOR THE SERVICE TRANSFERRED.

(B) *LIMIT OF YEARS TRANSFERABLE.*

(I) IF THE SERVICE FROM THE FORMER SYSTEM WAS ACQUIRED OR EARNED ON ACCOUNT OF EMPLOYMENT IN A UNIFORMED POSITION, THE MEMBER MAY TRANSFER UP TO 10 YEARS OF THAT SERVICE.

(II) IF THE SERVICE FROM THE FORMER SYSTEM WAS ACQUIRED OR EARNED ON ACCOUNT OF EMPLOYMENT IN A CIVILIAN POSITION, THE MEMBER MAY TRANSFER UP TO 5 YEARS OF THAT SERVICE.

(C) *PAYMENT AMOUNT - TRANSFERS FROM CITY SYSTEM.*

FOR SERVICE TRANSFERRED FROM A BALTIMORE CITY RETIREMENT SYSTEM, THE MEMBER MUST PAY:

(I) AN AMOUNT EQUAL TO THE PRODUCT OF:

1. THE MEMBER'S ACTUAL EARNABLE COMPENSATION FOR THE POSITION COVERED BY THIS SYSTEM AS OF THE MEMBER'S DATE OF ENTRY INTO THIS SYSTEM, MULTIPLIED BY
2. THE NUMBER OF YEARS OR PART OF A YEAR OF SERVICE TO BE TRANSFERRED, MULTIPLIED BY
3. 6%, PLUS

- (II) INTEREST ON THAT PRODUCT CALCULATED AT THIS SYSTEM'S CURRENT ANNUITY SAVINGS FUND RATE FROM THE MEMBER'S DATE OF ENTRY INTO THIS SYSTEM TO THE DATE THE PAYMENT FOR THE TRANSFER OF SERVICE IS COMPLETED.

(D) *PAYMENT AMOUNT - TRANSFERS FROM OTHER SYSTEM.*

FOR SERVICE TRANSFERRED FROM A SYSTEM OTHER THAN A BALTIMORE CITY RETIREMENT SYSTEM, THE MEMBER MUST PAY:

- (I) AN AMOUNT EQUAL TO THE PRODUCT OF:
 - 1. THE MEMBER'S ACTUAL EARNABLE COMPENSATION FOR THE POSITION COVERED BY THIS SYSTEM AS OF THE MEMBER'S DATE OF ENTRY INTO THIS SYSTEM, MULTIPLIED BY
 - 2. THE NUMBER OF YEARS OR PART OF A YEAR OF SERVICE TO BE TRANSFERRED, MULTIPLIED BY
 - 3. 12%, PLUS
- (II) INTEREST ON THAT PRODUCT CALCULATED AT THIS SYSTEM'S CURRENT ANNUITY SAVINGS FUND RATE FROM THE MEMBER'S DATE OF ENTRY INTO THIS SYSTEM TO THE DATE THE PAYMENT FOR THE TRANSFER OF SERVICE IS COMPLETED.

(E) *PAYMENT METHODS, DEADLINE.*

THE PAYMENT FOR TRANSFERRED SERVICE:

- (I) MAY BE MADE BY A SINGLE PAYMENT OR AN INCREASED RATE OF CONTRIBUTION; BUT
- (II) MUST BE COMPLETED BEFORE THE EARLIER OF:
 - (A) 10 YEARS FROM THE MEMBER'S DATE OF ENTRY INTO THIS SYSTEM; OR
 - (B) THE MEMBER'S RETIREMENT DATE.

(F) *PRO RATA CREDIT.*

THE TRANSFERRED SERVICE SHALL BE CREDITED PRO RATA AT THE TIME EACH PAYMENT FOR THE SERVICE IS MADE.

(3) *TRANSFERRED SERVICE DEEMED EARNED IN THIS SYSTEM.*

FOR PURPOSES OF DETERMINING BENEFIT ELIGIBILITY AND CALCULATION OF BENEFITS, ON PAYMENT BY A MEMBER FOR THE TRANSFERRED SERVICE AND THE CREDIT OF THAT SERVICE BY THIS SYSTEM, THE TRANSFERRED SERVICE SHALL BE TREATED THE SAME AS ALL OTHER SERVICE ACQUIRED IN THIS SYSTEM, WHETHER OR NOT THE MEMBER RETIRES MORE THAN 5 YEARS AFTER TRANSFERRING INTO THIS SYSTEM.

(4) *SPECIAL REVIEW PROVISION.*

- (A) AFTER THE JUNE 30, 2008, ACTUARIAL VALUATION HAS BEEN COMPLETED AND PRESENTED TO THE BOARD OF TRUSTEES, THE BOARD SHALL REVIEW WITH THE SYSTEM'S ACTUARY THE COST IMPACT TO THE CITY OF BALTIMORE OF THIS SUBSECTION (K) AS APPLIED TO SERVICE CREDIT TRANSFERS FROM FEDERAL AND OUT-OF- STATE RETIREMENT OR PENSION SYSTEMS.
- (B) IF THE BOARD OF TRUSTEES DETERMINES THAT THE PROVISIONS OF THIS SUBSECTION (K) THAT ALLOW THE TRANSFER OF SERVICE CREDIT FROM FEDERAL AND OUT-OF- STATE RETIREMENT OR PENSION SYSTEMS SHOULD NOT BE CONTINUED, THE BOARD SHALL SUBMIT LEGISLATION TO THE MAYOR AND CITY COUNCIL TO RESCIND THOSE PROVISIONS.
- (C) OTHERWISE, IF THE BOARD OF TRUSTEES DETERMINES THAT THE PROVISIONS OF THIS SUBSECTION (K) THAT ALLOW FOR THESE TRANSFERS SHOULD BE CONTINUED, THOSE PROVISIONS WILL REMAIN IN FULL FORCE AND EFFECT AND THIS PARAGRAPH (4) WILL BE NULL AND VOID.

(L) *PURCHASE OF POLICE CORPS TRAINING TIME.*

(1) *PURCHASE ALLOWED.*

ANY MEMBER OF THIS SYSTEM MAY PURCHASE UP TO 6 MONTHS OF SERVICE CREDIT FOR MARYLAND POLICE CORPS TRAINING IF THE MEMBER SUCCESSFULLY COMPLETED THE MARYLAND POLICE CORPS TRAINING PROGRAM

(2) *PAYMENT AMOUNT.*

TO PURCHASE THIS SERVICE CREDIT, THE MEMBER MUST PAY:

(A) AN AMOUNT EQUAL TO THE PRODUCT OF:

- (I) THE MEMBER'S ACTUAL EARNABLE COMPENSATION FOR THE POSITION COVERED BY THIS SYSTEM AS OF THE MEMBER'S DATE OF ENTRY INTO THIS SYSTEM, MULTIPLIED BY
- (II) THE NUMBER OF MONTHS OR PART OF A MONTH TO BE PURCHASED, MULTIPLIED BY
- (III) 12%, PLUS

(B) INTEREST ON THAT PRODUCT CALCULATED AT THIS SYSTEM'S CURRENT ANNUITY SAVINGS FUND RATE FROM THE MEMBER'S DATE OF ENTRY INTO THIS SYSTEM TO THE DATE THE PAYMENT FOR THE TRANSFER OF SERVICE IS COMPLETED.

(3) *PAYMENT METHODS, DEADLINE.*

THE PAYMENT FOR SERVICE CREDIT:

(A) MAY BE MADE BY A SINGLE PAYMENT OR AN INCREASED RATE OF CONTRIBUTION; BUT

(B) MUST BE COMPLETED BEFORE THE EARLIER OF:

- (I) 10 YEARS FROM THE DATE OF THE MEMBER'S APPLICATION TO PURCHASE SERVICE;
- OR

(II) THE MEMBER'S RETIREMENT DATE.

(4) *PRO RATA CREDIT.*

THE PURCHASED SERVICE SHALL BE CREDITED PRO RATA AT THE TIME EACH PAYMENT FOR THE SERVICE IS MADE.

§ 33. Administration.(b) *Members.*

The Board consists of 9 trustees, as follows:

....

(2) The Police Commissioner, ex officio. THE POLICE COMMISSIONER MAY DESIGNATE A REPRESENTATIVE TO ATTEND ANY MEETING OF THE BOARD OF TRUSTEES IN HIS OR HER PLACE. THIS REPRESENTATIVE MUST BE A MEMBER OF THE POLICE COMMAND STAFF II WITH ADMINISTRATIVE RESPONSIBILITIES AND MUST BE A MEMBER OF THIS SYSTEM. THIS REPRESENTATIVE HAS THE AUTHORITY TO ACT IN THE COMMISSIONER'S PLACE.

(3) The Chief of the Fire Department, ex officio. THE CHIEF OF THE FIRE DEPARTMENT MAY DESIGNATE A REPRESENTATIVE TO ATTEND ANY MEETING OF THE BOARD OF TRUSTEES IN HIS OR HER PLACE. THIS REPRESENTATIVE MUST BE AN ASSISTANT CHIEF OF THE FIRE DEPARTMENT WITH ADMINISTRATIVE RESPONSIBILITIES AND MUST BE A MEMBER OF THIS SYSTEM. THIS REPRESENTATIVE HAS THE AUTHORITY TO ACT IN THE CHIEF'S PLACE.

....

[(6) (i) If the Police Commissioner does not attend any meeting of the Board of Trustees, the Commissioner may be represented by a Deputy Commissioner of the Police Department who has administrative responsibilities, as designated by the Commissioner. This representative has the power to act in the Commissioner's place.

(ii) If the Chief of the Fire Department does not attend any meeting of the Board of Trustees, the Chief may be represented by an Assistant Chief who has administrative powers, as designated by the Chief. This representative has the power to act in the Chief's place.]

(l) *Panel of hearing examiners.*

(1) There [shall be] is a panel of hearing examiners, [which shall be] composed of persons with a demonstrated knowledge and competence in disability claims evaluation. The hearing examiners shall be appointed on a contract basis by the Board of Estimates [of Baltimore City], and the number and composition of [said] THE panel shall be at the discretion of the Board of Estimates. The Board of Estimates shall determine the fees to be paid [said] THE hearing examiners and the conditions of their contracts. This panel of hearing examiners shall be the same panel as provided for in § 9(p) of [Article 22, Subtitle "Employees' Retirement System"] THIS ARTICLE. [Within 15 days after the passage of this ordinance, the Board of Trustees shall have the right to submit a list of qualified candidates to be considered by the Board of Estimates in creating the original panel of hearing examiners.]

- (2) [In addition,] IF, from time to time, [if] the Board of Estimates decides to increase the number of hearing examiners, it shall notify the Board of Trustees[, and]. WITHIN 15 DAYS OF THAT NOTICE, the Board of Trustees [shall have the right within 15 days from such notice, to] MAY submit a list of recommended candidates. [Thereafter,] ALSO, FROM TIME TO TIME, the Board of Trustees, working in conjunction with the Board of Trustees of the Employees' Retirement System [of Baltimore City], [from time to time,] shall notify the Board of Estimates whenever a vacancy exists[,] and, [simultaneously with such] TOGETHER WITH THAT notice, [shall have the right to] MAY submit a list of recommendations to fill [such] THE vacancies. However, in all events, the Board of Estimates [shall have] HAS the power to make the final selection of hearing examiners from either [the] A list submitted by the Board of Trustees[,] or independent of [such] THE Board of [Trustees] TRUSTEES' recommendations.
- (3) The compensation of the PANEL members [of the panel of hearing examiners], as well as the compensation of all persons engaged by the panel [of hearing examiners], and all other expenses of the panel [of hearing examiners], [and all other expenses of the panel necessary for its operation,] shall be paid at [such] THE rates and in [such] THE amounts [as] THAT the Board of Estimates [shall approve] APPROVES, pursuant to the provisions of the City Charter.
- (4) (I) Any [ordinary] NON-LINE-OF-DUTY disability or [special] LINE-OF-DUTY disability claimant[,] must [make proper application] APPLY to the [panel of hearing examiners] BOARD OF TRUSTEES[, which].
- (II) THE application [shall] MUST include a medical certification of [his] disability and all supporting medical documentation, on a form prescribed by the [panel of hearing examiners] BOARD OF TRUSTEES, [wherein] IN WHICH the member [shall] MUST state THAT SHE OR he has suffered a disability and that [such] THE disability prevents HER OR him from further performance of the duties of HER OR his job classification [in the employ of Baltimore City].
- (III) If the claim is for a [special] LINE-OF-DUTY disability benefit, [he shall in addition,] THE MEMBER MUST ALSO state that [such] THE physical incapacity was the result of an injury arising out of and in the course of the actual performance of HER OR his duty, without willful negligence on HER OR his part.
- (iv) Any member who has joined this system on or after July 1, 1979, and who [makes application] APPLIES for a [special] LINE-OF-DUTY disability benefit must [additionally] ALSO state that the disability resulted from an injury that occurred within 5 years of the date of HER OR his application.
- (V) THE MEMBER MUST ALSO EXECUTE A CONSENT FORM THAT AUTHORIZES THE BOARD OF TRUSTEES TO OBTAIN ALL MEDICAL RECORDS RELATING TO OFF-DUTY AND LINE-OF-DUTY ACCIDENTS OR ILLNESSES THAT THE MEMBER MAY HAVE SUFFERED AT ANY TIME IN THE PAST.
- (5) [Upon] ON receipt of [the] A member's application and supporting medical documentation, the [panel of hearing examiners] BOARD OF TRUSTEES shall have the member medically examined by [the Medical Services Division of the Civil Service Commission or their designee] A PHYSICIAN SELECTED BY THE BOARD OF TRUSTEES. The medical examination shall include [such] THE tests and [procedures as may be required] ADDITIONAL EXAMINATIONS THAT THE PHYSICIAN FINDS[, including additional examinations, if] necessary OR APPROPRIATE.
- (6) [Upon] ON completion of the medical examination and [the] receipt of a written report, including any test results, from the examining physician, the panel of hearing examiners shall [then] schedule a hearing. [The member shall also be required to execute a consent form authorizing the

panel of hearing examiners to obtain all medical records pertaining to both off-duty and line-of-duty accidents or illnesses that the member may have suffered at any time in the past.]

- (7) [The] A hearing examiner shall conduct hearings [for all members] on all matters involving [ordinary] NON-LINE-OF-DUTY disability claims, [special] LINE-OF-DUTY disability claims, 100% LINE-OF-DUTY DISABILITY CLAIMS, [special] LINE-OF-DUTY death benefit claims, and any related matters arising out of [said] THESE claims. In addition, any reexamination of the existing retirees on or after July 1, 1979, and any RELATED matter [related thereto], [shall be] IS under the jurisdiction of the panel of hearing examiners.
- (8) One hearing examiner from the panel shall hear a particular claim for benefits. The hearing examiner shall conduct [said hearings] THE HEARING in an informal manner, with sufficient latitude to provide a fair and impartial hearing to all of the parties without requiring strict compliance with the rules of evidence. Testimony at the [hearings] HEARING shall be under oath and recorded. The hearing examiner [shall have] HAS the power to subpoena and require the attendance of witnesses and the production of papers and documents to secure information pertinent to the hearing, and to examine them [in relation thereto].
- (9) [The hearings shall be] EACH HEARING IS in the nature of an adversary proceeding[.]. [and an] AN attorney from the City Solicitor's office shall [act therein on behalf of] REPRESENT the Board of Trustees [of the Fire and Police Employees' Retirement System]. The member [shall have] HAS the right to counsel[.].
- (10) (I) [and shall have] AT THE HEARING, THE MEMBER HAS the burden of proving, by a preponderance of the evidence:
 - (A) the nature and extent of his OR HER disability[.], and
 - (B) that [said] THE disability prevents him OR HER from the further performance of the duties of [the member's] HIS OR HER job classification [in the employ of Baltimore City].
- (II) If the matter involves a [special] LINE-OF-DUTY disability claim, the member [shall have] HAS the burden of proving by a preponderance of the evidence that [such] THE disability was the result of an injury arising out of and in the course of the actual performance of duty, without willful negligence on the member's part.
- (III) If the matter involves a [special] LINE-OF-DUTY death claim, the claimant [shall have] HAS the burden of proving by a preponderance of the evidence that the death [of the member]:
 - (A) arose out of and in the course of the actual performance of duty[.]; and
 - (B) [that the death] was not caused by willful negligence on the MEMBER'S part [of the member].
- (11) The hearing examiner shall [make] DETERMINE the following [determinations]:
 - (I) [(1)] whether the member has suffered an injury or illness of such a nature as to preclude the member from the further performance of the duties of his OR HER job classification [in the employ of Baltimore City.];
 - (I) [(2)] if the claim is for [special] LINE-OF-DUTY disability benefits[.];

- (A) whether the physical incapacity is the result of an injury arising out of and in the course of the actual performance of duty, without willful negligence on [his] THE MEMBER'S part[.]; [and]
 - (B) whether [such] THE disability qualifies under [the provisions of] § 34(e) AND, FOR 100% LINE-OF-DUTY DISABILITY BENEFITS, § 34(F-1)[.]; AND
 - (C) [If such claim is filed by] FOR a member who joined this system on or after July 1, 1979, [the hearing examiner shall additionally determine] whether [such] THE disability resulted from an injury that occurred within 5 years [of] BEFORE the date of the members' application[.]; AND
- (III) [(3)] if the claim is for [special] LINE-OF-DUTY death benefits[.];
- (A) whether [such] THE death arose out of and in the course of the actual performance of duty[.]; [and]
 - (B) [such] WHETHER THE death was not caused by the willful negligence of the member[.]; and
 - (C) whether [such] THE death qualifies under [the provisions of] § 34(i).
- (12) The hearing examiner shall issue [a] written [finding] FINDINGS of fact [setting] THAT SET forth the reasons for [his final] THE HEARING EXAMINER'S determination. If either party to the hearing [conducted by the hearing examiner] is aggrieved [as a result of] BY the [final] HEARING EXAMINER'S determination [of the hearing examiner], [then the aggrieved] THAT party may [appeal such] SEEK JUDICIAL REVIEW OF THE determination [to] BY the CIRCUIT COURT FOR Baltimore City [Court, setting forth that such determination is unlawful, in whole or in part, and specifying the unlawful ground thereof]. [Such appeals] THE REVIEW shall [follow the procedures established by] BE SOUGHT AND HEARD AS PROVIDED FOR IN the Maryland Rules, [as promulgated from time to time, by the Court of Appeals of Maryland,] with the exception that [said appeals] THE REVIEW shall be heard on the record only, on a right-of-way basis [by the court]. The final determination of the hearing examiner [shall be] is presumptively correct and [shall] MAY not be disturbed on review except when arbitrary, illegal, capricious, or discriminatory. [If either party is aggrieved by a decision of the Baltimore City Court, the aggrieved party may further appeal such decision to the Court of Special Appeals, subject to review by the Maryland Court of Appeals.]
- (13) [Any appeal pursuant to] JUDICIAL REVIEW UNDER this subsection [shall] DOES not stay or hold in abeyance any payment awarded by the [final determination of the] hearing examiner[, until such time as the Baltimore City Court or other appellate court overturns said determination]. [In the event that an appellate court reverses] IF A COURT REVERSES an award of benefits, [said reversal shall operate] THE COURT'S DECISION OPERATES to stop payment of any benefits being made to the claimant, pending any further appeal.
- (14) If neither party [files an appeal, then upon the expiration of] SEEKS JUDICIAL REVIEW WITHIN 30 days following the [notice] MAILING of the hearing examiner's written [finding] FINDINGS of fact, the hearing examiner's determination [shall be] IS final and binding, subject to the panel of hearing examiners' right to reexamination as provided for in § 34(g).

§ 34. Benefits.

(a) *[Service] NORMAL SERVICE retirement benefits.*

- [(1) Any member in service may retire upon his written application to the Board of Trustees setting forth at what time, not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired, provided that the said member at the time so specified for his retirement shall have attained the age 50 or shall have acquired 25 years of service as an employee, and notwithstanding that, during such period of notification, he may have separated from service. Provided, however, for members who retire on or after July 1, 1989, the preceding sentence shall be read by substituting "20 years of service" in place of "25 years of service."]
- (2) Any member in service who has attained the age of 55 shall be retired on the 1st day of the next calendar month after attaining such age, except that a member who has attained the rank of Fire Lieutenant or Police Sergeant, or equivalent grade as certified by the Department head and approved by the Board of Trustees, shall be retired when he has attained the age of 65.
- (3) Anything in this subsection to the contrary notwithstanding, any employee who becomes a member at the time of the establishment of this system, and who is 55, or more years of age, or who will attain the age of 55 years before having 25 years of service, may be continued in service until the completion of 25 years of service, or the attainment of age 65, whichever occurs first.
- (4) Further, anything in this subtitle to the contrary notwithstanding, any employee covered by this system, under the rank of Fire Lieutenant or Police Sergeant, or equivalent grade, who was in service on July 1, 1962, may be continued in service until attaining age 60.
- (5) Further, anything in this subtitle to the contrary notwithstanding, should the Police Commissioner of Baltimore City be under the age of 65 at the time of his appointment or reappointment to office, and should he attain the age of 65 during such term of office, he shall have the right, at his option, to continue in service as a contributing member and to maintain his membership in the Retirement System until the expiration of his term of office and shall receive all of the rights, privileges and benefits provided by this Fire and Police Employees' Retirement System.]

(1) *AGE AND SERVICE REQUIREMENTS.*

A MEMBER MAY RETIRE WITH A NORMAL SERVICE RETIREMENT IF, ON HIS OR HER LAST DAY OF CITY EMPLOYMENT, THE MEMBER MEETS THE FOLLOWING AGE AND SERVICE REQUIREMENTS:

- (I) FOR AN EMPLOYEE WHO BECAME A MEMBER OF THIS SYSTEM ON OR BEFORE JUNE 30, 2003, AND WHO RETIRED ON OR AFTER JUNE 30, 1989:
 - (A) AGE 50, REGARDLESS OF YEARS OF SERVICE; OR
 - (B) REGARDLESS OF AGE, 20 YEARS OF SERVICE; AND
- (I) FOR AN EMPLOYEE WHO BECAME A MEMBER OF THIS SYSTEM ON OR AFTER JULY 1, 2003:
 - (A) AGE 50, WITH AT LEAST 10 YEARS OF SERVICE AS A CONTRIBUTING MEMBER OF THIS SYSTEM; OR
 - (B) REGARDLESS OF AGE, 20 YEARS OF SERVICE, AT LEAST 10 YEARS OF WHICH WERE AS A CONTRIBUTING MEMBER OF THIS SYSTEM.

(2) *APPLICATION.*

TO RETIRE UNDER THIS SUBSECTION, THE MEMBER MUST:

- (I) APPLY TO THE BOARD OF TRUSTEES, ON A FORM APPROVED BY THE BOARD;
- (II) SET FORTH THE DATE HE OR SHE WANTS TO RETIRE; AND
- (III) SUBMIT THE APPLICATION TO THE BOARD NO LESS THAN 30 DAYS NOR MORE THAN 90 DAYS BEFORE THE DATE OF RETIREMENT.

(c) *[Ordinary] NON-LINE-OF-DUTY disability retirement benefit.*

(1) *ELIGIBILITY REQUIREMENTS.*

[Any] A member SHALL BE RETIRED ON A NON-LINE-OF-DUTY DISABILITY RETIREMENT IF:

- (I) [who] THE MEMBER has acquired AT LEAST 5 [or more] years of service, AS DETERMINED BY THE BOARD OF TRUSTEES; and
- (II) [who has been determined by] a hearing examiner [to be] DETERMINES THAT:
 - (A) THE MEMBER is mentally or physically incapacitated for the further performance of the duties of the member's job classification in the employ of Baltimore City[,]; and
 - (B) [that such] THE incapacity is likely to be permanent[, shall be retired by the Board of Trustees on an ordinary disability retirement, not less than 30 and not more than 90 days next following the date of filing his application for ordinary disability retirement benefits].

(2) *APPLICATION AND FILING DEADLINE.*

TO RETIRE UNDER THIS SUBSECTION, THE MEMBER MUST:

- (I) APPLY TO THE BOARD OF TRUSTEES, ON A FORM APPROVED BY THE BOARD; AND
- (II) SUBMIT THE APPLICATION TO THE BOARD NO LATER THAN 1 YEAR FOLLOWING THE MEMBER'S LAST DAY OF CITY EMPLOYMENT.

(3) *EFFECTIVE DATE OF NON-LINE-OF-DUTY DISABILITY RETIREMENT.*

A NON-LINE-OF-DUTY DISABILITY RETIREMENT UNDER THIS SUBSECTION IS EFFECTIVE AS FOLLOWS:

- (I) IF THE MEMBER APPLIED FOR THIS RETIREMENT BEFORE TERMINATING CITY EMPLOYMENT, THE RETIREMENT IS EFFECTIVE AS OF THE FIRST DAY FOLLOWING THE MEMBER'S LAST DAY OF CITY EMPLOYMENT; AND
- (II) IF THE MEMBER APPLIED FOR THIS RETIREMENT AFTER TERMINATING CITY EMPLOYMENT, THE RETIREMENT IS EFFECTIVE 30 DAYS AFTER THE DATE ON WHICH THE BOARD RECEIVED A COMPLETED APPLICATION.

[For all claimants who became members of this system on or after July 1, 1979, and have been determined to be qualified for an ordinary disability benefit, the following shall be applicable:

If the hearing examiner determines that the member has suffered any permanent disability which prevents the member from the further performance of the duties of the member's job classification in the employ of the City of Baltimore, the City shall within 30 days of the expiration of the appeal period as provided in § 33(l), or, if an appeal is taken, within 30 days of the final determination of all appeals, refer the member to the Civil Service Commission for vocational counseling and job evaluation to determine whether the member is suitable for reemployment with the City in another position at the same rate of compensation as he was receiving in his last position.

During the period such member is being counseled, he shall temporarily receive the ordinary disability benefits under this section until such time as the Civil Service Commission has determined that either the member is suitable for reemployment in another position or that the City cannot offer any alternative employment. If the determination by the Civil Service Commission is that the member is reemployable, the member shall either be reemployed within 1 year and the award of ordinary disability benefits terminated, or else the member shall be retired on ordinary disability retirement subject to the other provisions of this subtitle. If the determination by the Civil Service Commission is that the member is not reemployable, the member shall be retired on ordinary disability retirement subject to the other provisions of this subtitle.

If the member is aggrieved by the determination of the Civil Service Commission and refuses to accept the offer of reemployment, he may appeal to the panel of hearing examiners. The hearing examiner shall determine whether the member is capable of performing the duties of the position offered. If the hearing examiner's determination is that the member cannot perform the duties of the position offered, the member shall be retired on ordinary disability retirement subject to the other provisions of this subtitle. If the hearing examiner determines that the member is capable of performing the duties of the position offered, and the member again refuses the offer of reemployment, the award of ordinary disability benefits shall be terminated.]

(d) *Allowance on [ordinary] NON-LINE-OF-DUTY disability retirement.*

- (1) Any member who retires on account of [ordinary] NON-LINE-OF-DUTY disability on or before October 15, 1992, shall receive an allowance as follows:

....

- (2) Any member who retires on account of [ordinary] NON-LINE-OF-DUTY disability on or after October 16, 1992, AND ON OR BEFORE JUNE 30, 2003, shall receive an allowance as follows:

....

- (D) However, any member eligible for retirement under [the provisions of] this subsection (d)(2), shall receive [an ordinary] A NON-LINE-OF-DUTY disability allowance of not less than 25% of his OR HER average final compensation.

- (3) ANY MEMBER WHO RETIRES ON ACCOUNT OF NON-LINE-OF-DUTY DISABILITY ON OR AFTER JULY 1, 2003, SHALL RECEIVE AN ALLOWANCE THAT IS THE GREATER OF:

- (A) 25% OF THE MEMBER'S AVERAGE FINAL COMPENSATION; OR

- (B) A COMBINATION OF:

1. AN ANNUITY THAT IS THE ACTUARIAL EQUIVALENT OF THE MEMBER'S ACCUMULATED CONTRIBUTIONS AT THE TIME OF RETIREMENT; AND
2. A PENSION THAT, TOGETHER WITH THE ANNUITY, PROVIDES A TOTAL RETIREMENT ALLOWANCE EQUAL TO 2.5% OF THE MEMBER'S AVERAGE FINAL COMPENSATION FOR EACH OF THE FIRST 20 YEARS OF SERVICE, PLUS 2% OF THE MEMBER'S AVERAGE FINAL COMPENSATION FOR EACH SUBSEQUENT YEAR.

(E-1) [(e)] [*Special*] *LINE-OF-DUTY disability benefits.*

(1) [Any] A member [who has been determined] SHALL BE RETIRED ON A LINE-OF-DUTY DISABILITY RETIREMENT IF:

- (I) [by the] A hearing examiner [to be] DETERMINES THAT THE MEMBER IS totally and permanently incapacitated for the further performance of the duties of his OR HER job classification in the employ of Baltimore City, as the result of an injury arising out of and in the course of the actual performance of duty, without willful negligence on his OR HER part[, shall be retired by the Board of Trustees on a special L disability retirement.]; AND
- (II) [For] FOR any employee who became a member on or after July 1, 1979, [any claim] THE APPLICATION for [special] LINE-OF-DUTY disability benefits [must be] IS filed within 5 years of the date of the member's injury.

(2) *APPLICATION AND FILING DEADLINE.*

TO RETIRE UNDER THIS SUBSECTION, THE MEMBER MUST:

- (I) APPLY TO THE BOARD OF TRUSTEES, ON A FORM APPROVED BY THE BOARD; AND
- (II) SUBMIT THE APPLICATION TO THE BOARD NO LATER THAN 1 YEAR FOLLOWING THE MEMBER'S LAST DAY OF CITY EMPLOYMENT.

(3) *EFFECTIVE DATE OF RETIREMENT.*

A LINE-OF-DUTY DISABILITY RETIREMENT UNDER THIS SUBSECTION IS EFFECTIVE AS FOLLOWS:

- (I) IF THE MEMBER APPLIED FOR THIS RETIREMENT BEFORE TERMINATING CITY EMPLOYMENT, THE RETIREMENT IS EFFECTIVE AS OF THE FIRST DAY FOLLOWING THE MEMBER'S LAST DAY OF CITY EMPLOYMENT; AND
- (II) IF THE MEMBER APPLIED FOR THIS RETIREMENT AFTER TERMINATING CITY EMPLOYMENT, THE RETIREMENT IS EFFECTIVE 30 DAYS AFTER THE DATE ON WHICH THE BOARD RECEIVED A COMPLETED APPLICATION.

(E-2) [(f)] *Allowance on [special] LINE-OF-DUTY disability benefit.*

(1) [Upon retirement for special] ANY MEMBER WHO RETIRES ON ACCOUNT OF A LINE-OF-DUTY disability[, a member] shall receive a [special disability] retirement allowance [which shall consist] THAT CONSISTS OF:

- (I) [(1)] an annuity [which shall be] THAT IS the actuarial equivalent of [his] THE MEMBER'S accumulated contributions at the time of [his] retirement; and

- (II) [(2)] a pension, in addition to the annuity, of [66 $\frac{2}{3}$ %] 66.667% of [his] THE MEMBER'S average final compensation[; and].
- [(3) an additional pension, which when added to the annuity calculated in (1) hereinabove and the pension calculated in (2) hereinabove will produce a total retirement benefit equal to 100% of compensation at time of retirement; provided that such additional pension shall be paid only to a member who has received an injury arising out of and in the course of actual performance of duty, without willful negligence on his part which results in extensive brain damage causing total incapacity or which results in the loss of or the loss of use of both hands, or both arms, or both feet, or both legs or both eyes or of any 2 thereof; provided that the provisions of this paragraph (3) shall be made available to any member or former member of the Fire and Police Employees' Retirement System whose retirement or injury may have occurred prior to the effective date hereof and who otherwise qualifies, but such payment shall not be made with respect to any period prior to the effective date hereof.]
- (2) (I) [(4) In the event a member becomes eligible for a special disability retirement allowance as provided in subsection (e) hereof, and] FOR PURPOSES OF COMPUTING THE PENSION PAYABLE TO THE MEMBER, IF the last injury [which] THAT caused or contributed to [such] THE disability occurred while [such] THE member was assigned to duties in a higher classification than his OR HER regular classification, [then in computing the pension payable to such member, his] THE MEMBER'S average final compensation shall be based [upon] ON the maximum rate of pay earnable for the [last 3 consecutive years] 18 MONTHS IMMEDIATELY PRECEDING THE INJURY in the classification in which SHE OR he was performing duties at the time of the injury causing [such] THE disability IF THAT COMPUTATION IS HIGHER THAN THE "AVERAGE FINAL COMPENSATION" COMPUTED IN ACCORDANCE WITH THE DEFINITION OF THAT TERM IN § 30 OF THIS SUBTITLE.
- (II) [Provided further, that the provisions hereof shall] THIS PARAGRAPH (2) DOES not apply [in any case where] IF the last injury [which] THAT caused or contributed to [such] disability occurred [prior to] BEFORE July 1, 1971.
- (III) [Provided further, that any] ANY member becoming eligible for a [special] LINE-OF-DUTY disability retirement allowance on or after July 1, 1991, shall have HER OR his pension computed [based on] IN ACCORDANCE WITH the definition IN § 30 of "average final compensation" [set forth in § 30], as in effect on the date SHE OR he becomes eligible for [a special disability] THE retirement allowance.

(F-1) *100% LINE-OF-DUTY DISABILITY BENEFIT.*

(1) *ELIGIBILITY REQUIREMENTS.*

A MEMBER SHALL BE RETIRED ON A 100% LINE-OF-DUTY DISABILITY RETIREMENT IF:

- (I) THE MEMBER IS OTHERWISE ELIGIBLE FOR A LINE-OF-DUTY BENEFIT UNDER SUBSECTION (E-1) OF THIS SECTION; AND
- (II) THE HEARING EXAMINER DETERMINES THAT THE INJURY RESULTED IN:
- (A) EXTENSIVE BRAIN DAMAGE CAUSING TOTAL INCAPACITY; OR
- (B) THE LOSS OF OR LOSS OF USE OF ANY COMBINATION OF TWO OR MORE:

1. HANDS;
2. ARMS;
3. FEET;
4. LEGS; OR
5. EYES.

(2) *APPLICATION AND FILING DEADLINE.*

TO RETIRE UNDER THIS SUBSECTION, THE MEMBER MUST:

- (I) APPLY TO THE BOARD OF TRUSTEES, ON A FORM APPROVED BY THE BOARD; AND
- (II) SUBMIT THE APPLICATION TO THE BOARD NO LATER THAN 1 YEAR FOLLOWING THE MEMBER'S LAST DAY OF CITY EMPLOYMENT.

(3) *EFFECTIVE DATE OF RETIREMENT.*

A 100% LINE-OF-DUTY DISABILITY RETIREMENT UNDER THIS SUBSECTION IS EFFECTIVE AS FOLLOWS:

- (I) IF THE MEMBER APPLIED FOR THIS RETIREMENT BEFORE TERMINATING CITY EMPLOYMENT, THE RETIREMENT IS EFFECTIVE AS OF THE FIRST DAY FOLLOWING THE MEMBER'S LAST DAY OF CITY EMPLOYMENT; AND
- (II) IF THE MEMBER APPLIED FOR THIS RETIREMENT AFTER TERMINATING CITY EMPLOYMENT, THE RETIREMENT IS EFFECTIVE 30 DAYS AFTER THE DATE ON WHICH THE BOARD RECEIVED A COMPLETED APPLICATION.

(F-2) *ALLOWANCE ON 100% LINE-OF-DUTY DISABILITY RETIREMENT.*

- (1) ANY MEMBER WHO RETIRES ON A 100% LINE-OF-DUTY DISABILITY SHALL RECEIVE A RETIREMENT ALLOWANCE THAT CONSISTS OF:
 - (I) AN ANNUITY THAT IS THE ACTUARIAL EQUIVALENT OF THE MEMBER'S ACCUMULATED CONTRIBUTIONS AT THE TIME OF RETIREMENT; AND
 - (II) A PENSION THAT, TOGETHER WITH THE ANNUITY, EQUALS 100% OF THE MEMBER'S REGULAR COMPENSATION AT THE TIME OF RETIREMENT.
- (2) FOR PURPOSES OF COMPUTING THE PENSION PAYABLE TO THE MEMBER, IF THE LAST INJURY THAT CAUSED OR CONTRIBUTED TO THE DISABILITY OCCURRED WHILE THE MEMBER WAS ASSIGNED TO DUTIES IN A HIGHER CLASSIFICATION THAN HIS OR HER REGULAR CLASSIFICATION, THE MEMBER'S COMPENSATION SHALL BE BASED ON THE MAXIMUM RATE OF PAY EARNABLE IN THE CLASSIFICATION IN WHICH SHE OR HE WAS PERFORMING DUTIES AT THE TIME OF THE INJURY CAUSING THE DISABILITY.

(g) *Reexamination of [beneficiaries] MEMBERS retired on account of disability.*

- (1) (I) [The] IF A RETIRED MEMBER IS RECEIVING A DISABILITY RETIREMENT ALLOWANCE AND HAS NOT YET ATTAINED AGE 55, THE panel of hearing examiners may[, at its discretion but not more frequently than once in any 1 year,] require [any] THE retired member[, who is receiving a disability retirement allowance and who has not yet attained age 55,] to undergo a PERIODIC medical examination, BUT NOT MORE OFTEN THAN ONCE IN ANY YEAR, to determine whether he OR SHE has become fit to resume duties in the classification in which he OR SHE was performing duties at the time of [his] retirement. [Such examination shall be made in the place of residence of said retiree, or other place mutually agreed upon by the retiree and a physician or physicians designated by the panel of hearing examiners.]
- (II) The examining physician shall report HER OR his findings to the panel of hearing examiners. If[, in] the EXAMINING PHYSICIAN'S opinion [of the examining physician, said] IS THAT THE retiree is able to resume [said] HIS OR HER duties, the [Medical Services Division of the Civil Service Commission or] applicable departmental physician shall [thereafter] conduct a reexamination of [said] THE retiree[, and if it]. IF THE DEPARTMENTAL PHYSICIAN concurs, [in the opinion of the examining physicians, it] SHE OR HE shall certify to the panel of hearing examiners that [said] THE retiree is fit for the further performance of duties in the classification in which he OR SHE was performing duties at the time of [his] retirement. If the [examining physicians' opinions] PHYSICIANS do not concur, the panel of hearing examiners shall schedule a hearing to determine the fitness of a retiree to perform his former duties.
- (III) [The] AFTER THE HEARING, THE panel of hearing examiners shall [thereafter] submit its determination to the head of the department in which the retiree was employed at the time of [his] retirement[, and in the case of classified employees, to the Civil Service Commission. For purposes of reemployment, the retiree shall be treated by the head of his department and by the Civil Service Commission as if he were an employee on leave of absence without pay. Until such time as he is actually reemployed he shall continue to receive his disability retirement allowance].
- (IV) A MEMBER WHO HAS BEEN DETERMINED TO BE FIT TO RESUME WORK CONTINUES TO RECEIVE HIS OR HER DISABILITY RETIREMENT ALLOWANCE ~~AS FOLLOWS:~~
- ~~(A) FOR AN EMPLOYEE WHO BECAME A MEMBER OF THIS SYSTEM ON OR BEFORE JUNE 30, 2003, THE ALLOWANCE CONTINUES UNTIL THE TIME THE MEMBER IS REEMPLOYED BY THE CITY; AND~~
- ~~(B) FOR AN EMPLOYEE WHO BECAME A MEMBER OF THIS SYSTEM ON OR AFTER JULY 1, 2003, THE ALLOWANCE CONTINUES UNTIL THE EARLIER OF:~~
- ~~1. THE TIME THE MEMBER IS REEMPLOYED; OR~~
- ~~2. 2 YEARS FOLLOWING THE DATE OF MAILING OF THE HEARING EXAMINER'S DETERMINATION.~~
- (2) A disability retiree who has been certified BY THE PANEL OF HEARING EXAMINERS as fit for further performance of [his] duties and WHO is restored to active service [at the rate of compensation being paid currently to persons in the same grade and step as the retiree was at the time of his retirement, plus the amount of any longevity payments currently being paid for the length of service the retiree had at the time of his retirement,] shall cease to receive [his] A retirement allowance. He OR SHE shall again become a member of the retirement system and shall contribute

[thereafter] at the current rate of contribution. Any previous service credit on the basis of which his OR HER service was computed at the time of [his] retirement shall be restored [to] IN full [force and effect] and [in addition], [upon] ON his OR HER subsequent retirement, he OR SHE shall be credited with all [his] service as a member.

- (3) [Should] IF a disability retiree [who] has been certified BY THE PANEL OF HEARING EXAMINERS as fit for [the] further performance of [his] duties [refuse] AND REFUSES to accept an offer of reemployment as an “employee”, as [said] THAT term is defined in § 30(2) of this subtitle, in the classification in which he OR SHE was performing duties at the time of [his] retirement and at a compensation not less than the rate of compensation being paid currently to persons in the same grade and step as the retiree was at the time of [his] retirement, plus the amount of any longevity payments currently being paid for the length of service the retiree had at the time of [his] retirement, all rights in and to his OR HER pension shall be revoked by the Board of Trustees[, upon recommendation made by the panel of hearing examiners].
- (4) Should] IF a disability retiree [refuse] REFUSES to submit to [the] A medical [examinations herein provided for] EXAMINATION REQUIRED BY THE PANEL OF HEARING EXAMINERS, his OR HER allowance may be discontinued until [the withdrawal of said refusal] HE OR SHE SUBMITS TO THE EXAMINATION[, and should]. IF his OR HER refusal [continue] CONTINUES for 1 year, all rights in and to his OR HER pension shall be revoked by the Board of Trustees[, upon recommendation made by OF the panel of hearing examiners].

(i) *Line-of-duty death benefit.*

(2) *Line-of-duty death benefit.*

(A) On the receipt of a written application, proper proof of death, and an award by a hearing examiner of a line-of-duty death benefit, the Board of Trustees shall pay:

- (i) A LUMP-SUM REFUND OF the member’s accumulated contributions, TO BE PAID AS FOLLOWS:
1. to the member’s designated beneficiary;
 2. if there is no designated beneficiary[, or if the designated beneficiary predeceases the member, to the member’s surviving spouse;
 3. if there is no designated beneficiary and no surviving spouse, to the member’s children, in equal shares;
 4. if there is no designated beneficiary, surviving spouse, or surviving child, to the member’s surviving parents, in equal shares; and
 5. otherwise, to the member’s estate; and
- (ii) a pension of 100% of the member’s current compensation, TO BE PAID AS FOLLOWS, REGARDLESS OF WHOM THE MEMBER DESIGNATED AS BENEFICIARY:
1. to the member’s surviving spouse, to continue for life;
 2. if there is no surviving spouse or if the surviving spouse dies, to the member’s minor children, to be paid to each child, in equal shares, until that child is no longer minor, as defined in § 47(h) of this article;

3. if there is no surviving spouse or minor children, to either or both of the member's surviving dependent parents who are designated beneficiaries, to continue for life, in the percentages designated by the member; or
4. if there is no surviving spouse or minor children and if the deceased member did not designate his or her surviving parents as beneficiaries, then to either or both of the member's surviving dependent parents, to continue for life, as the Board of Trustees in its discretion directs.

(F) (ii) If line-of-duty death benefits formerly paid to a surviving spouse are being paid to a deceased member's minor child as of June 29, 1998, the surviving spouse will resume receiving those death benefits when the member's youngest child is no longer a minor, as defined in § 47(h) of this article. If the surviving spouse resumes the receipt of benefits under this subparagraph (F) on the youngest child's having discontinued his or her status as a full-time student after attaining age [15] 18, the surviving spouse shall continue receiving that benefit even if that child resumes full-time student status.

(v) *Compensation limit.*

(3) *INCREASED LIMIT.*

PARAGRAPHS (1) AND (2) APPLY TO BENEFITS EARNED BEFORE JANUARY 1, 2002. FOR BENEFITS EARNED ON OR AFTER JANUARY 1, 2002, A MEMBER'S ANNUAL COMPENSATION TAKEN INTO ACCOUNT UNDER THIS SUBTITLE MAY NOT EXCEED THE AMOUNT DETERMINED BY THE SECRETARY OF THE TREASURY UNDER INTERNAL REVENUE CODE § 401(A)(17).

(w) *Eligible rollover distribution.*

(1) *Definitions.*

(C) [(i)] "Eligible retirement plan" means any of the following that accepts the distributee's eligible rollover distribution:

- (I) [1.] an individual retirement account described in Internal Revenue Code § 408(a);
- (II) [2.] an individual retirement annuity described in Internal Revenue Code § 408(b);
- (III) [3.] an annuity plan described in Internal Revenue Code § 403(a); [or]
- (IV) [4.] a qualified trust described in Internal Revenue Code § 401(a);
- (V) AN ELIGIBLE DEFERRED COMPENSATION PLAN DESCRIBED IN INTERNAL REVENUE CODE § 457(B) THAT IS MAINTAINED BY A STATE, A POLITICAL SUBDIVISION OF A STATE, OR AN AGENCY OR INSTRUMENTALITY OF EITHER; OR
- (VI) AN ANNUITY CONTRACT DESCRIBED IN INTERNAL REVENUE CODE § 403(B)

[(ii) However, in the case of an eligible rollover distribution to the surviving spouse, an eligible retirement plan is an individual retirement account or individual retirement annuity.]

§ 36. Method of financing.**(b) *Annuity Savings Fund.*****(2) *Credits to Fund.***

The Board of Trustees shall credit to each member's individual account in the Annuity Savings Fund:

- (i) the contributions made by the member; [and] PLUS
- (ii) [regular] interest on the MEMBER'S accumulated contributions [of the member], [as] COMPOUNDED ANNUALLY AT THE RATE provided for in § 30(9), FROM THE EFFECTIVE DATE OF MEMBERSHIP THROUGH TERMINATION OF MEMBERSHIP.

[(10) *Additional annuity contributions.*

- (i) Subject to the approval of the Board of Trustees, any member may deposit, by a single payment or by an increased rate of contributions, an amount computed to be sufficient to purchase an additional annuity that, together with the member's prospective retirement allowance, will provide a total retirement allowance of not more than $\frac{2}{3}$ of the member's average final compensation at age 50 or after 25 years of creditable service, whichever would occur first.
- (ii) Purchases made under subparagraph (i) of this paragraph (10) become a part of the member's accumulated contributions except in the case of a member receiving a disability retirement.
- (iii) In the case of a member receiving a disability retirement, the additional annuity is treated as excess contributions returnable to the member in cash or as an annuity of equivalent actuarial value.]

(d) *Pension Accumulation Fund.*

- (4) (I) [An] FOR EACH EMPLOYEE, THE BOARD OF TRUSTEES SHALL CALCULATE AN accrued liability [shall be calculated for each employee] equal to the accumulation of the annual normal cost contribution described in paragraph (3) [above] OF THIS SUBSECTION from date of employment to the valuation date on the basis of the actuarial assumptions adopted by the Board of Trustees.
- (I) The accrued liability [computed] CALCULATED in [the preceding paragraph] ACCORDANCE WITH SUBPARAGRAPH (I) shall be added to the reserve for retirement benefits payable to retired members from the Pension Accumulation Fund to obtain the total accrued liability.
- (III) The assets of the Pension Accumulation Fund shall be applied against the total accrued liability [computed above] CALCULATED for all participants to determine the amount of unfunded accrued liability.
- (IV) [An] IF THE TOTAL ACCRUED LIABILITY EXCEEDS THE ASSETS IN THE PENSION ACCUMULATION FUND, AN accrued liability contribution shall be determined as the amount [which] THAT is sufficient to meet regular interest on the unfunded accrued liability and to amortize the principal of [such] THE unfunded accrued liability over the period [of time] determined by the Board of Trustees.

- (v) IF THE ASSETS IN THE PENSION ACCUMULATION FUND EXCEED THE TOTAL ACCRUED LIABILITY, THE EXCESS ASSETS SHALL BE AMORTIZED OVER THE PERIOD DETERMINED BY THE BOARD OF TRUSTEES TO REDUCE THE REQUIRED CONTRIBUTION BY THE CITY OF BALTIMORE.
- (5) The required contribution by the City of Baltimore [shall be] IS the [sum of] AMOUNT EQUAL TO the normal cost, [and] PLUS THE accrued liability contribution OR LESS THE AMORTIZATION OF THE EXCESS ASSETS [determined above], AS THE CASE MAY BE[; provided, however, that]. HOWEVER, the aggregate payment by the City [of Baltimore] [shall] MUST be sufficient, when combined with the amount in the fund, to provide the pensions and other benefits payable out of the fund during the [year] then-current YEAR.
- [(6) The accrued liability contribution shall be discontinued as soon as the accumulated reserve in the Pension Accumulation Fund shall equal the present value, as actuarially computed and approved by the Board of Trustees, of the total liability of such fund less the present value, computed on the basis of the normal contribution rate then in force, of the prospective normal contributions to be received on account of persons who are at that time members.]
- (6) [(7)] All pensions[,] and ALL benefits in lieu [thereof] OF PENSIONS, with the exception of those payable on account of members who received no prior service allowance, and all lump sum death benefits on account of death in active service payable from contributions of the City of Baltimore shall be paid from the Pension Accumulation Fund.
- (7) [(8) Upon] ON the retirement of a member not entitled to credit for prior service, an amount equal to [his] THAT MEMBER'S pension reserve shall be transferred from the Pension Accumulation Fund to the Pension Reserve Fund.
- (f) *[Payment of funds] CERTIFICATION OF CONTRIBUTIONS DUE FROM CITY.*
- [On or before August 1, 1962, and in each year thereafter the Board of Trustees shall certify to the Board of Estimates the amount of the appropriation necessary to pay to the various funds of the retirement system the amounts payable by the City of Baltimore as enumerated in this subtitle for the year beginning on January 1 of the succeeding year and items of appropriation providing such amounts shall be included in the Ordinance of Estimates.]
- (1) ANNUALLY, THE BOARD OF TRUSTEES SHALL CERTIFY TO THE DIRECTOR OF FINANCE THE AMOUNT OF THE CITY'S CONTRIBUTION, AS DETERMINED BY THE SYSTEM'S ACTUARY AND PRESENTED IN THE SYSTEM'S FISCAL YEAR END ACTUARIAL VALUATION REPORT APPROVED AND ADOPTED BY THE BOARD OF TRUSTEES.
- (2) THIS CERTIFICATION SHALL BE MADE NO LATER THAN 90 DAYS BEFORE THE 1ST DAY OF THE NEW FISCAL YEAR FOLLOWING THE CERTIFICATION, AT WHICH DATE THE CONTRIBUTION BECOMES DUE TO THE SYSTEM.
- (3) THE CERTIFIED AMOUNT OF THE CONTRIBUTION SHALL BE INCLUDED IN THE NEW FISCAL YEAR'S ORDINANCE OF ESTIMATES.

[(g) *Transfer of funds.*

Within 60 days following the date of establishment of the Retirement System, the actuary shall be required to certify the amount on deposit in the annuity savings fund and the pension accumulation fund which is applicable to members of the Employees' Retirement System who transfer to the

Retirement System, and such amount shall be transferred to the credit of the corresponding funds of the Retirement System.]

§ 36A. Post-retirement benefit increases to certain retirees and beneficiaries.

Each retired member or beneficiary who is receiving periodic benefits under the provisions of the Retirement System is eligible for an increase in the amount of those periodic benefits subject to the following provisions.

(a) *Eligibility.*

- (1) (I) Each member who has retired from active service[, whether before or after the effective date of this ordinance] and each beneficiary of a deceased member who is or will be receiving periodic retirement benefits[, whether before or after the effective date of this ordinance,] and who receives periodic benefit payments for 2 or more years [may be] is eligible for an increase in the periodic benefit, AS determined [according to] UNDER this § 36A. The 2-year period shall be calculated beginning with the effective date of the 1st retirement benefit payment paid to either the retired member or the beneficiary of a deceased member and shall be determined on June 30 of each year beginning with June 30, 1983. Years retired as a beneficiary of a former retired member include the years that the member was retired. Eligible members and beneficiaries are also referred to [herein] IN THIS SECTION as “persons”.
- (I) FOR A MEMBER WHO HAS RETIRED DURING OR AT THE CONCLUSION OF HIS OR HER DEFERRED RETIREMENT OPTION PLAN (“DROP”) PARTICIPATION PERIOD, AS DEFINED IN § 36B OF THIS SUBTITLE, AND FOR EACH BENEFICIARY WHO IS OR WILL BE RECEIVING PERIODIC RETIREMENT BENEFITS AS A RESULT OF A MEMBER WHO DIES DURING OR AT THE CONCLUSION OF HIS OR HER DROP PARTICIPATION PERIOD, THE MONTHS OF PARTICIPATION IN DROP SHALL BE COUNTED TOWARD THE ELIGIBILITY REQUIREMENT DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH.
- (II) FOR A MEMBER WHO HAS RETIRED ON INTERMEDIATE DROP BENEFITS OR FULL DROP BENEFITS, HIS OR HER MONTHS OF PARTICIPATION IN DROP SHALL NOT BE COUNTED TOWARD THE ELIGIBILITY REQUIREMENT DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(c) *Amount of investment income to be used to increase benefits.*

Notwithstanding [§ 35] § 36 as it applies to excess earnings, the amount of excess investment earnings available as of each June 30 for an increase in benefits will be equal to the product of items (i), (ii), and (iii) [below] OF THIS SUBSECTION. Each item [below], except for item (ii)[under this subsection (c)], is determined as of each June 30 beginning with June 30, 1983, and any benefit increase [shall become] BECOMES effective as of the following January 1. Item (ii) [below] is determined as of the June 30 that is 18 months prior to the effective date of the benefit increase, beginning with June 30, 1982.

- (iii) $\frac{3}{4}$ on June 30, 1983, for the initial increase (if any) and $\frac{3}{4}$ for each subsequent year until a Contingency Reserve Fund has been accumulated according to the following method. The remaining $\frac{1}{4}$ of excess investment earnings as of June 30, 1983, and each SUCCEEDING June 30 [thereafter] shall be set aside as a Contingency Reserve Fund until the value of [such] THAT fund is at least equal to 2½% of the Annuity Reserve Fund and the Pension Reserve Fund as of the end of the most recent June 30. [The Contingency Reserve Fund shall serve as a reserve to insure payment of previously accrued benefit increases for any year in which the Paid-Up Benefit Fund does not meet its interest assumption. While the Board of Trustees may fund increases through the establishment of a Paid-Up Benefit Fund, it shall also have

the option of funding any increases through the purchase of annuity contracts from one or more insurance companies.] For each year [when] IN WHICH the Contingency Reserve Fund is [not less] MORE than 2½% of the Annuity Reserve Fund and the Pension Reserve Fund, the ¾ fraction [shall] DOES not apply and the amount available to increase benefits [shall be] IS the product of items (i) and (ii).

(d) *Paid-Up Benefit Fund and Contingency Reserve Fund.*

- (i) The existence of a Paid-Up Benefit Fund and a Contingency Reserve Fund is [hereby] specifically authorized, § 36 to the contrary notwithstanding.
- (ii) (A) The Paid-Up Benefit Fund [shall be] IS the primary fund from which [shall be paid] all benefit increases provided under this section SHALL BE PAID. The Paid-Up Benefit Fund shall be funded with excess investment earnings consistent with subsection (c) [above] OF THIS SECTION.
 - (B) For any year in which the investment return of the Paid-Up Benefit Fund exceeds the interest assumption on which the purchase of paid-up benefits is based, [such] THAT excess shall remain in the fund [and thereby help insure payment of previously accrued benefit increases].
 - (C) FOR ANY YEAR IN WHICH THE PAID-UP BENEFIT FUND EXPERIENCES HIGHER MORTALITY RATES THAN EXPECTED, THE EXCESS ASSETS SHALL REMAIN IN THE FUND.
 - (D) ON DETERMINATION OF THE AMOUNT OF THE EXCESS ASSETS IN THIS FUND BY THE SYSTEM'S ACTUARY, THE BOARD OF TRUSTEES MAY ALLOCATE ALL OR PART OF THE EXCESS ASSETS TO PROVIDE ADDITIONAL BENEFIT INCREASES TO THOSE RETIREES AND BENEFICIARIES ELIGIBLE FOR INCREASES UNDER § 36A(1) OF THIS SUBTITLE.
- (iii) (A) The Contingency Reserve Fund [shall be] IS a reserve to insure payment of previously accrued benefit increases for any year in which the Paid-Up Benefit Fund HAS A DEFICIT OR does not meet its[interest] INVESTMENT RETURN assumption. [Should] IF there [be] IS a deficit in the Paid-Up Benefit Fund, the Board of Trustees shall transfer assets from the Contingency Reserve Fund to the Paid-Up Benefit Fund [in order] to offset [such] THAT deficit. The Contingency Reserve Fund shall be funded with excess investment earnings consistent with subsection (c) [above] OF THIS SECTION.
 - (B) For any year in which the value of the Contingency Reserve Fund is equal to or exceeds 2½% of the Annuity Reserve Fund and the Pension Reserve Fund, THE BOARD OF TRUSTEES SHALL APPLY earnings on the Contingency Reserve Fund [shall be applied by the Board of Trustees], in [such] THE amount or amounts [as they determine] IT DETERMINES:
 - (1) to decrease the amount contributed by the City of Baltimore[.]; [and/or] OR
 - (2) to decrease the period over which the unfunded accrued liability will be amortized.
- (iv) The Board shall [have the duty and responsibility of] periodically [determining] DETERMINE investment policies for the Paid-Up Benefit Fund and the Contingency Reserve Fund[.]. [and such] THESE policies [shall] MUST be consistent with the limitations set forth in this section.
- (v) (A) The Board shall segregate or invest separately THE ASSETS OF the Paid-Up Benefit Fund and the Contingency Reserve Fund IN ACCORDANCE WITH THE STANDARDS SET FORTH IN § 35(H) OF THIS SUBTITLE.

- (B) [Furthermore, while the Board is empowered to invest and reinvest such funds in any class of investment set forth at § 35, the] THE Board is specifically empowered to invest and reinvest THE ASSETS OF the Paid-Up Benefit Fund [and/or] AND the Contingency Reserve Fund in the medium of paid-up annuity contracts or guaranteed investment contracts purchased from one or more insurance companies, [provided that any such] AS LONG AS EACH insurance company [shall have] HAS no less than the highest rating from A.M. Best Company or a comparable company.
- (C) If, in the purchase of [such] an annuity contract, the single premium paid-up annuity cost offered by [such] THE insurance company results in a cost savings to [the Retirement] THIS System, THE BOARD OF TRUSTEES SHALL APPLY the amount of [such] THAT cost savings, [shall be applied by the Board] in [such] THE AMOUNT OR amounts [as they determine] IT DETERMINES:
- (1) to decrease the amount contributed by the City[.]; [and/or] OR
 - (2) to decrease the period over which the unfunded accrued liability will be amortized.
- (e) *Benefit increases to be paid only from Paid-Up Benefit Fund and Contingency Reserve Fund.*
- (i) Any benefit increase provided under this section shall be funded on a single-premium paid-up annuity basis. [The words] FOR THIS PURPOSE, “single-premium paid-up annuity basis” [shall have] HAS the common actuarial meaning of spreading the amount available to provide a benefit over the lifetime of an individual in the form of an annuity. It is intended that any [such] benefit increase [shall] continue for the lifetime of the eligible member and any beneficiary, consistent with any option elected under § 34. [The foregoing Contingency Reserve Fund has been established to insure payment of previously accrued benefit increases for any year in which the Paid-Up Benefit Fund does not meet its interest assumption.]
 - (ii) The granting of any benefit increase under this section is contingent on the performance of the Retirement System’s investment funds. The continuation of any benefit increase previously accrued under this section is specifically made contingent on the ability of the Paid-Up Benefit Fund and the Contingency Reserve Fund to provide [such] THESE benefits in the future. §§ 37 and [§] 42 to the contrary notwithstanding, any benefit increase provided under this section [shall] IS NOT AND DOES not become an obligation of the City of Baltimore. In the event of any conflict between THIS SECTION AND EITHER OR BOTH § 37 [and/or] OR § 42 [and this section], [the terms of] this section [shall prevail] PREVAILS.
 - (iii) If THE MEMBERS’ LONGEVITY OR the performance of [the Retirement] THIS System’s investment funds causes a decline in the value of the Paid-Up Benefit Fund and the Contingency Reserve Fund, with the result that [full] THE ACTUARIAL VALUE OF benefit increases previously accrued under this section [cannot be continued] EXCEEDS THE VALUE OF THE PAID-UP BENEFIT FUND AND THE CONTINGENCY RESERVE FUND, [then] the [trustees] BOARD OF TRUSTEES shall reduce or eliminate previously accrued increases on an equal percentage basis, effective as of January 1 following the June 30 on which a deficit exists. An equal percentage reduction shall be made to all benefits granted under this section, regardless of when [such] THOSE increases were granted. If the Paid-Up Benefit Fund and the Contingency Reserve Fund [should] become exhausted or decline in value to the point of having no value, previously accrued increases shall be eliminated in full. Any excess investment earnings available under subsection (c) [above] OF THIS SECTION in a subsequent year shall be used to provide an increase in benefits without [regard to] RESTORATION OF any prior reduction or elimination of benefit increases previously accrued.

(g) *Increase for certain retirees and beneficiaries as of June 30, 2000.*

- (I) Retired members and beneficiaries of retired members who retired on or before June 30, 2000, and any surviving beneficiary of a member who began receiving periodically paid benefits from this System on or before June 30, 2000, will receive a 1% increase in their periodic benefits.
- (II) This increase [will be] IS effective June 30, 2000, and payable beginning with the first full pay period that follows.
- (III) THIS INCREASE SHALL BE PAID FROM THE PENSION RESERVE FUND AND MAY NOT BE PAID FROM THE PAID-UP BENEFIT FUND OR THE CONTINGENCY RESERVE FUND.

§ 36B. Deferred Retirement Option Plan.

Effective July 1, 1996, [in lieu] INSTEAD of [either] A MEMBER'S retiring from service and commencing a service retirement allowance under § 34(a) of this subtitle[,] or A MEMBER'S remaining a member of [the retirement] THIS system and continuing to earn service credit, a member may elect to become a participant in the [deferred retirement option plan] DEFERRED RETIREMENT OPTION PLAN ("DROP") and defer the commencement of the member's retirement benefit, subject to the following provisions.

(a) *Eligibility.*

[Any member in service who has acquired 20 or more years of service shall be eligible to become a participant in the DROP by making an election to participate in the DROP to be effective at any time after acquiring 20 or more years of service. Any member may elect to participate in the DROP by filing a written application with the Board of Trustees setting forth at what time, not less than 30 days, nor more than 90 days after the execution and filing thereof, the member desires the election to take effect, provided, however, that the effective date of the DROP participation period for a member shall always be on the 1st of the month. Any member in service who terminates employment, retires, or dies shall thereupon become ineligible to elect to participate or to continue participation in the DROP.

The election to participate in the DROP and the election to claim any benefit under this § 36B shall be made on forms provided for that purpose by the Board of Trustees and shall be filed with the Board.]

- (I) ANY ACTIVE EMPLOYEE WHO BECOMES A MEMBER OF THIS SYSTEM ON OR BEFORE JUNE 30, 2003, AND WHO HAS ACQUIRED AT LEAST 20 YEARS OF SERVICE IS ELIGIBLE TO PARTICIPATE IN THE DROP BY MAKING AN ELECTION IN THE MANNER PRESCRIBED IN PARAGRAPH (III) OF THIS SUBSECTION.
- (II) ANY ACTIVE EMPLOYEE WHO BECOMES A MEMBER OF THIS SYSTEM ON OR AFTER JULY 1, 2003, AND WHO, IN ADDITION TO HAVING ACQUIRED AT LEAST 20 YEARS OF SERVICE, HAS ACQUIRED AT LEAST 10 YEARS OF SERVICE AS A CONTRIBUTING MEMBER OF THIS SYSTEM, IS ELIGIBLE TO PARTICIPATE IN THE DROP BY MAKING AN ELECTION IN THE MANNER PRESCRIBED IN PARAGRAPH (III) OF THIS SUBSECTION.
- (III) AN ELIGIBLE MEMBER MAY ELECT TO PARTICIPATE IN THE DROP BY FILING A WRITTEN APPLICATION ON A FORM APPROVED BY THE BOARD OF TRUSTEES, STATING THE DATE, NOT LESS THAN 30 DAYS NOR MORE THAN 90 DAYS AFTER THE APPLICATION IS FILED, THE MEMBER DESIRES THE ELECTION TO TAKE EFFECT.

- (IV) THE EFFECTIVE DATE OF THE DROP PARTICIPATION PERIOD FOR A MEMBER IS ALWAYS ON THE FIRST OF THE MONTH.
- (V) ANY MEMBER IN SERVICE WHO TERMINATES EMPLOYMENT, RETIRES, OR DIES BECOMES INELIGIBLE TO ELECT TO PARTICIPATE OR TO CONTINUE PARTICIPATION IN THE DROP.
- (VI) THE ELECTION TO PARTICIPATE IN THE DROP AND THE ELECTION TO CLAIM ANY BENEFIT UNDER THIS § 36B MUST BE MADE ON FORMS PROVIDED FOR THAT PURPOSE BY THE BOARD OF TRUSTEES AND FILED WITH THE BOARD.
- (VII) THE APPLICATION REQUIREMENTS OF § 34 OF THIS SUBTITLE APPLY TO THE APPLICABLE SERVICE AND DISABILITY RETIREMENT AND DEATH BENEFITS PROVIDED BY THIS SECTION.

(e) *Basic DROP retirement benefit.*

Notwithstanding § 34(b) of this subtitle, any member who retires [or terminates service] during or at the conclusion of a DROP participation period[,] shall receive[, upon retirement,] “a basic DROP retirement benefit” equal to:

- (1) the service retirement allowance the member would have received under § 34(b) had the member retired from service and commenced a service retirement allowance on the effective date of the DROP participation period;
- (2) the balance in the member’s DROP account at the time of retirement, payable pursuant to the member’s election under subsection (n) OF THIS SECTION; and
- (3) the balance in the member’s Annuity Savings Fund subaccount accumulated under subsection (c) OF THIS SECTION, payable pursuant to the member’s election under subsection (n) OF THIS SECTION.

[The provisions of § 34(a)(1) of this subtitle shall apply to the service retirement benefit provided in this subsection (e).]

(f) *Intermediate DROP retirement benefit.*

Notwithstanding § 34(b) of this subtitle, any member who resumes earning credit for service following the end of a DROP participation period and who retires [or terminates service] less than 18 months later[,] shall receive [on retirement] an “intermediate DROP retirement benefit” equal to:

- (1) the amount described in subsection (e)(1) OF THIS SECTION;
- (2) 3.5% of the member’s “average final compensation” (as defined in § 30(11) of this subtitle) for each year of service credit, not to exceed 18 months, earned by the member through continuous employment immediately following the end of the DROP participation period. For purposes of this subsection (f)(2) and consistent with the 1st paragraph of subsection (c)(1) OF THIS SECTION, “average final compensation” includes compensation earned during the DROP participation period;
- (3) 2% of the member’s “average final compensation” for each year of service not already included in the calculation of the member’s service retirement allowance under paragraph (1) or (2) of this subsection (f), SUCH AS FOR SERVICE PURCHASED OR TRANSFERRED TO THIS SYSTEM DURING OR AFTER THE DROP PARTICIPATION PERIOD; and

- (4) the sum of paragraphs (2) and (3) of subsection (e) OF THIS SECTION, payable pursuant to the member's election under subsection (n) OF THIS SECTION.

For purposes of calculating this "intermediate DROP retirement benefit", partial years of service credit are prorated.

(g) *Full DROP retirement benefit.*

Notwithstanding § 34(b) of this subtitle, any member who resumes earning credit for service following the end of a DROP participation period and who retires [or terminates service] 18 or more months later[,] shall receive [on retirement] a "full DROP retirement benefit" equal to:

- (1) the full service retirement allowance, as of the member's actual date of retirement, available to the member under § 34(b) of this subtitle, excluding from the calculation of this retirement allowance the member's service while a participant in the DROP;
- (2) 1.5% of the member's "average final compensation" (as defined in § 30(11) of this subtitle) for each year of service credit, not to exceed 4 years, earned by the member through continuous employment immediately following the end of the DROP participation period; and
- (3) the sum of paragraphs (2) and (3) of subsection (e) OF THIS SECTION, payable pursuant to the member's election under subsection [(m)] (N) OF THIS SECTION.

For purposes of calculating this "full DROP retirement benefit", partial years of service credit are prorated.

(h) *[Ordinary] NON-LINE-OF-DUTY disability benefit.*

Notwithstanding § 34(d) OF THIS SUBTITLE, any member who retires on account of [ordinary] NON-LINE-OF-DUTY disability:

- (1) during or at the conclusion of a DROP participation period, shall receive [an ordinary] A NON-LINE-OF-DUTY disability benefit equal to the "basic DROP retirement benefit" provided in under subsection (e) OF THIS SECTION;
- (2) [less than 5 years] LESS THAN 18 MONTHS following the conclusion of a DROP participation period, shall receive an ordinary disability benefit equal to the "intermediate DROP retirement benefit" provided under subsection (f) OF THIS SECTION; and
- (3) [5 or more years] 18 OR MORE MONTHS following the conclusion of a DROP participation period, shall receive an ordinary disability benefit equal to the "full DROP retirement benefit" provided under subsection (g) OF THIS SECTION.

(i) *[Special] LINE-OF-DUTY disability benefit.*

Any member who retires on account of [special] LINE-OF-DUTY disability under § 34(f) of this subtitle during or after a DROP participation period shall receive the [special] LINE-OF-DUTY disability benefits provided under § 34(f) in [lieu] PLACE of any DROP benefits provided by this § 36B (including any balance in the member's DROP account and Annuity Savings Fund subaccount), as though the member had never participated in the DROP.

(j) *[Ordinary] NON-LINE-OF-DUTY death benefit.*

Notwithstanding § 34(h) of this subtitle, the [ordinary] NON-LINE-OF-DUTY death benefit payable [upon] ON the death of a member who dies during or after a DROP participation period shall equal the [ordinary] NON-LINE-OF-DUTY death benefit provided in § 34(h), plus the balance of the member's DROP account and Annuity Savings Fund subaccount at the time of death, [provided that] SUBJECT TO THE FOLLOWING:

- (1) for a member who dies during or at the conclusion of a DROP participation period, § 34(h)(3) shall be applied by assuming that the member had elected to have a service retirement allowance calculated under subsection (e)(1) of this section paid under Option 3 of § 34(k)(1) of this subtitle;
- (2) for a member who dies less than [5 years] 18 MONTHS following the conclusion of a DROP participation period, § 34(h)(3) shall be applied by assuming that the member had elected to have a service retirement allowance calculated under subsection (f)(1), (2), and (3) of this section paid under Option 3 of § 34(k)(1) of this subtitle;
- (3) for a member who dies [5 or more years] 18 OR MORE MONTHS following the conclusion of his DROP participation period, § 34(h)(3) shall be applied by assuming that the member had elected to have a service retirement allowance calculated under subsection (g)(1) and (2) of this section paid under Option 3 of § 34(k)(1) of this subtitle;
- (4) for a recipient electing to receive [ordinary] NON-LINE-OF-DUTY death benefits under § 34(h)(1) and (2) of this subtitle, the balance of the deceased member's DROP account and Annuity Savings Fund subaccount shall be payable in one lump sum;
- (5) for a recipient electing to receive [ordinary] NON-LINE-OF-DUTY death benefits under § 34(h)(3) of this subtitle, the balance of the deceased member's DROP account and Annuity Savings Fund subaccount shall be payable pursuant to the election of the recipient under subsection (n) OF THIS SECTION; and
- (6) for a recipient electing to receive [ordinary] NON-LINE-OF-DUTY death benefits under § 34(h)(4) of this subtitle, the balance of the deceased member's DROP account and Annuity Savings Fund subaccount shall be payable pursuant to the election of the recipient under subsection (n) OF THIS SECTION.

Subtitle – General Provisions

§ 49. ROLLOVERS AND TRANSFERS TO PURCHASE SERVICE CREDIT, EFFECTIVE JANUARY 1, 2002.

(A) *DEFINITIONS.*

(1) *IN GENERAL.*

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

(2) *ROLLOVER CONTRIBUTION.*

- (I) “ROLLOVER CONTRIBUTION” MEANS AN ELIGIBLE ROLLOVER DISTRIBUTION, AS DEFINED IN INTERNAL REVENUE CODE § 402(C)(4), THAT THE MEMBER:

(A) RECEIVES FROM AN ELIGIBLE RETIREMENT PLAN, AS DEFINED IN INTERNAL REVENUE CODE § 402(C)(8)(B); AND

(B) TRANSFERS TO THE SYSTEM IN ACCORDANCE WITH INTERNAL REVENUE CODE § 402(C) SO AS NOT TO BE INCLUDED IN THE MEMBER'S TAXABLE INCOME.

(II) "ROLLOVER CONTRIBUTION" DOES NOT INCLUDE ANY PORTION OF A DISTRIBUTION THAT WOULD NOT BE INCLUDED IN THE MEMBER'S TAXABLE INCOME IF IT WERE NOT ROLLED OVER.

(3) *TRUSTEE-TO-TRUSTEE TRANSFER.*

"TRUSTEE-TO-TRUSTEE TRANSFER" MEANS A DIRECT TRANSFER TO THE SYSTEM MADE IN ACCORDANCE WITH INTERNAL REVENUE CODE § 403(B)(13) OR § 457(E)(17).

(B) *IN GENERAL.*

IF ANY PROVISION OF THIS ARTICLE ALLOWS A MEMBER OF ANY SYSTEM TO PURCHASE OR REPURCHASE SERVICE CREDIT BY MAKING A SINGLE PAYMENT, ALL OR ANY PORTION OF THAT PAYMENT MAY BE MADE BY A ROLLOVER CONTRIBUTION OR A TRUSTEE-TO-TRUSTEE TRANSFER, EXCEPT AS SPECIFIED IN SUBSECTION (C) OF THIS SECTION.

(C) *LIMITATION.*

NO MEMBER MAY PURCHASE OR REPURCHASE SERVICE CREDIT UNDER THIS SECTION IF THE BOARD OF TRUSTEES DETERMINES THAT THE PURCHASE OR REPURCHASE DOES NOT QUALIFY FOR TAX-FREE ROLLOVER OR TRANSFER TREATMENT UNDER THE APPLICABLE PROVISIONS OF THE INTERNAL REVENUE CODE AS THEN IN EFFECT.

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 June 30, 2003.

Approved June 23, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-577
(Council Bill 03-1080)**

AN ORDINANCE CONCERNING

**Planned Unit Development — Amendment —
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, 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.

By Ordinance 02-401, the Mayor and City Council approved the application of Rocks Engineering Company, owner of the Loch Raven Shopping Center, to amend the Development Plan, as previously approved by the Mayor and City Council, for redevelopment of the shopping center and to allow a bank without a drive-in window within the existing office building on the property known as 6101 Fenwick Avenue k/a 1900 East Northern Parkway.

HDW Northern LLC, current owner of 6101 Fenwick Avenue k/a 1900 East Northern Parkway, wishes to amend the Residential Planned Unit Development, as previously approved by the Mayor and City Council.

On March 26, 2003, representatives of HDW Northern 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 HDW Northern 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 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.

SECTION 2. AND BE IT FURTHER ORDAINED, That in addition to the O-R uses and bank without a drive-in window being allowed at 6101 Fenwick Avenue k/a 1900 East Northern Parkway, business, governmental, and professional offices are permitted uses within the existing office building. The following uses are prohibited for 6101 Fenwick Avenue k/a 1900 East Northern Parkway: apartment hotels; bed and breakfast establishments; clubs and lodges; community colleges, colleges, universities; nonprofit or public owned - but not trade; community correction centers; convalescent, nursing, and rest homes; hospitals; parole and probation field offices; railroad rights-of-way and stations; recycling collection stations; sewerage pumping stations; substance abuse treatment centers; tennis and lacrosse clubs; and travel trailers, Rvs and similar camping equipment; parking and storage.

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 June 23, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-578
(Council Bill 03-1114)**

AN ORDINANCE CONCERNING

**Capital Fund Appropriation Transfer —
Flag House Court Infrastructure-Water Utility Revenue
Bonds (515-131) to Flag House Court Infrastructure- Water Utility (557-430) — \$885,000**

FOR the purpose of transferring a Capital Fund Appropriation in the amount of \$885,000 from Flag House Court Infrastructure-Water Utility Revenue Bonds (515-131) to Flag House Court Infrastructure-Water Utility (557-430); 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 \$885,000, as appropriated to the Capital Project (515-131) 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 14, 2003, 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 \$885,000, contained in the Fiscal 2002 Ordinance of Estimates as a Capital Fund Appropriation, is transferred

from Flag House Court Infrastructure-Water Utility Revenue Bonds (515-131) to Flag House Court Infrastructure-Water Utility (557-430).

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

Approved June 23, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-579
(Council Bill 03-1115)**

AN ORDINANCE CONCERNING

**Capital Fund Appropriation Transfer —
Flag House Court Infrastructure- Waste Water Utility Revenue
Bonds (515-131) to Flag House Court Infrastructure-
Waste Water Utility (551-430) — \$415,000**

FOR the purpose of transferring a Capital Fund Appropriation in the amount of \$415,000 from Flag House Court Infrastructure-Waste Water Utility Revenue Bonds (515-131) to Flag House Court Infrastructure-Waste Water Utility (551-430); 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 \$415,000, as appropriated to the Capital Project (515-131) 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 14, 2003, 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 \$415,000, contained in the Fiscal 2002 Ordinance of Estimates as a Capital Fund Appropriation, is transferred from Flag House Court Infrastructure-Waste Water Utility Revenue Bonds (515-131) to Flag House Court Infrastructure- Waste Water Utility (551-430).

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

Approved June 23, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-580
(Council Bill 03-1117)**

AN ORDINANCE CONCERNING

**City Property — Naming the City Council Chamber to be
the Clarence “Du” Burns Council Chamber**

FOR the purpose of naming the City Council Chamber located in City Hall to be the Clarence “Du” Burns Council Chamber.

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 City Council Chamber located in City Hall is named the Clarence “Du” Burns Council Chamber.

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

Approved June 23, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-581
(Council Bill 03-1125)**

AN ORDINANCE CONCERNING

**General Fund Operating Appropriation Transfer —
MR-Debt Service (Program 123) to
Baltimore City Police Department (Program 201) — \$5,700,000**

FOR the purpose of transferring a General Fund Operating Appropriation in the amount of \$5,700,000 from MR-Debt Service (Program 123) to the Baltimore City Police Department (Program 201) for additional operating expenses in Fiscal Year 2003; 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 \$5,700,000, as appropriated to the MR-Debt Service (Program 123) in the Fiscal 2003 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 28, 2003, 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 \$5,700,000, contained in the Fiscal 2003 Ordinance of Estimates as a General Fund Operating Appropriation, is transferred from MR-Debt Service (Program 123) to the Baltimore City Police Department (Program 201).

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

Approved June 23, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-582
(Council Bill 03-1126)**

AN ORDINANCE CONCERNING

General Fund Operating Appropriations Transfer — Transfer in the Aggregate Amount of \$4,335,000 from Various Agency Programs to the Baltimore City Police Department (Program 202 - Investigations)

FOR the purpose of transferring General Fund Operating Appropriations in the aggregate amount of \$4,335,000 from various agency programs to the Baltimore City Police Department (Program 202 - Investigations) for additional operating expenses in Fiscal Year 2003; 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 sums to be transferred from the agency programs designated in this ordinance are not needed for the purpose for which they were appropriated and, therefore, are available for transfer to another agency.

On May 28, 2003, 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 sums contained in the Fiscal 2003 Ordinance of Estimates as General Fund Operating Appropriations in Comptroller (Program 130 - Executive Direction and Control) - \$55,000; Comptroller (Program 131 - Audits) - \$195,000; Board of Elections (Program 180 - Voter Registration and Conduct of Elections) - \$350,000; Finance (Program 144 - Purchasing) - \$500,000; Housing and Community Development (Program 177 - Administrative Direction and Control) - \$68,000; Housing and Community Development (Program 583 - Neighborhood Services) - \$32,000; Law (Program 175 - Legal Services) - \$450,000; Enoch Pratt Free Library (Program 452 - Neighborhood Services) - \$370,000; Enoch Pratt Free Library (Program 453 - State Library Resource Center) - \$325,000; Public Works (Program 193 - Building Maintenance) - \$600,000; Public Works (Program 515 - Solid Waste Collections) - \$700,000; Sheriff (Program 118 - Sheriff Services) - \$650,000; and Transportation (Program 503 - Highway Engineering) - \$40,000 are transferred 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 June 23, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-583
(Council Bill 03-1127)**

AN ORDINANCE CONCERNING

**General Fund Operating Appropriation Transfer —
MR-Debt Service (Program 123) to
Baltimore City Fire Department (Program 212) — \$4,000,000**

FOR the purpose of transferring a General Fund Operating Appropriation in the amount of \$4,000,000 from MR-Debt Service (Program 123) to the Baltimore City Fire Department (Program 212) for additional operating expenses in Fiscal Year 2003; 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 \$4,000,000, as appropriated to the MR-Debt Service (Program 123) in the Fiscal 2003 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 28, 2003, 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 \$4,000,000, contained in the Fiscal 2003 Ordinance of Estimates as a General Fund Operating Appropriation, is transferred from MR-Debt Service (Program 123) to the Baltimore City Fire Department (Program 212).

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

Approved June 23, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-584
(Council Bill 03-1128)**

AN ORDINANCE CONCERNING

**Supplementary Motor Vehicle Fund Operating Appropriation —
Department of Public Works — \$1,500,000**

FOR the purpose of providing a Supplementary Motor Vehicle Fund Operating Appropriation in the amount of \$1,500,000 to the Department of Public Works — Program 513 (Solid Waste Special Services), to provide funding for additional operating expenses; and providing for a special effective date.

BY authority of

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

Recitals

The revenue appropriated by this Ordinance represents funds from 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 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 May 28, 2003, 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 Department of Public Works — Program 513 (Solid Waste Special Services) as a Supplementary Motor Vehicle Fund Operating Appropriation for Fiscal Year 2003, to provide funding for additional operating expenses. The source of revenue for this appropriation is from 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 2003.

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

Approved June 23, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-585
(Council Bill 03-1129)**

AN ORDINANCE CONCERNING

**Supplementary Motor Vehicle Fund Operating Appropriation —
Department of Transportation — \$2,300,000**

FOR the purpose of providing a Supplementary Motor Vehicle Fund Operating Appropriation in the amount of \$2,300,000 to the Department of Transportation — Program 195 (Towing), to provide funding for additional operating expenses for Fiscal Year 2003; 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 Red Light Fines (\$1,625,000) and Impounding Cars (\$675,000) in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 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 May 28, 2003, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$2,300,000 shall be made available to the Department of Transportation — Program 195 (Towing) as a Supplementary Motor Vehicle Fund Operating Appropriation for Fiscal Year 2003, to provide funding for additional operating expenses. The source of revenue for this appropriation is funds from Red Light Fines (\$1,625,000) and Impounding Cars (\$675,000), 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 2003.

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

Approved June 23, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-586
(Council Bill 03-1130)**

AN ORDINANCE CONCERNING

**Supplementary Motor Vehicle Fund Operating Appropriation —
Department of Transportation — \$2,300,000**

FOR the purpose of providing a Supplementary Motor Vehicle Fund Operating Appropriation in the amount of \$2,300,000 to the Department of Transportation — Program 501 (Highway Maintenance), to provide funding for additional operating expenses in Fiscal Year 2003; 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 Red Light Fines (\$385,000) and Prior Year Fund Balance (\$1,915,000) in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 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 May 28, 2003, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$2,300,000 shall be made available to the Department of Transportation — Program 501 (Highway Maintenance) as a Supplementary Motor Vehicle Fund Operating Appropriation for Fiscal Year 2003, to provide funding for additional operating expenses. The source of revenue for this appropriation is funds from Red Light Fines (\$385,000) and Prior Year Fund Balance (\$1,915,000) 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 2003.

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

Approved June 23, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-587
(Council Bill 03-1150)**

AN ORDINANCE CONCERNING

**Federal Fund Operating Appropriation Transfer —
Department of Housing and Community Development (Program 177)
to Department of Planning (Program 187) — \$467,500**

FOR the purpose of transferring a Federal Fund Operating Appropriation in the amount of \$467,500 from the Department of Housing and Community Development (Program 177) to the Department of Planning (Program 187) for additional operating expenses in Fiscal 2004; 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 \$467,500, as appropriated to the Department of Housing and Community Development (Program 177) in the Fiscal 2004 Ordinance of Estimates, is not needed for the purpose for which it was appropriated and, therefore, is available for transfer to another agency.

On June 11, 2003, 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 \$467,500, contained in the Fiscal 2004 Ordinance of Estimates as a Federal Fund Operating Appropriation, is transferred from the Department of Housing and Community Development (Program 177) to the Department of Planning (Program 187).

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

Approved June 23, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-588
(Council Bill 03-1060)**

AN ORDINANCE CONCERNING

**Metropolitan District of Baltimore County —
Extension 144**

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 11.5 acres, located in the 4C3 Election District of Baltimore County on the west side of Garrison Forest Road 200' south of Forestleigh Drive, as more particularly shown on the plat labeled Extension 144 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 June 25, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-589
(Council Bill 02-984)**

AN ORDINANCE CONCERNING

**Rezoning — 3500 Clipper Road, 3501 Parkdale Avenue,
and Block 3390B, Lots 52 and 52A**

FOR the purpose of changing the zoning for the properties known as 3500 Clipper Road, 3501 Parkdale Avenue, and Block 3390B, Lots 52 and 52A, as outlined in red on the accompanying plat, from the M-2-1 Zoning District to the O-R-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 M-2-1 Zoning District to the O-R-2 Zoning District the properties known as 3500 Clipper Road, 3501 Parkdale Avenue, and Block 3390B, Lots 52 and 52A, 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 July 9, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-590
(Council Bill 02-985)**

AN ORDINANCE CONCERNING

**Planned Unit Development — Designation —
3500 Clipper Road, 3501 Parkdale Avenue, and Block 3390B,
Lots 52 and 52A, and 2001-2003 Druid Park Drive
(if Acquired by the Applicant)**

FOR the purpose of approving the application of ~~Streuer~~ Struever Bros. Real Estate Development Corporation, which is the contract purchaser of 3500 Clipper Road, 3501 Parkdale Avenue, and Block 3390B, Lots 52 and 52A, and 2001-2003 Druid Park Drive (if acquired by the applicant), to have those properties designated an Office-Residential Planned Unit Development; and approving the Development Plan submitted by the applicant.

BY authority of

Article - Zoning
Title 9, Subtitles 1 and 3
Baltimore City Revised Code
(Edition 2000)

Recitals

~~Streuer~~ Streuer Bros. Real Estate Development Corporation (“SBER”) is the contract purchaser of the properties known as 3500 Clipper Road, 3501 Parkdale Avenue, and Block 3390B, Lots 52 and 52A (collectively, the “Property”), consisting of 17.4 acres, more or less. SBER plans to develop the Property for business, industrial, and residential uses. SBER plans to assign its contract to a related company, Clipper Redevelopment Company, LLC (“CRC”).

On November 19, 2002, representatives of SBER 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 Office-Residential Planned Unit Development.

The representatives of SBER have now applied to the Baltimore City Council for designation of the property as an Office-Residential Planned Unit Development, and they have submitted a 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 the Mayor and City Council approves the application of ~~Streuer~~ Streuer Bros. Real Estate Development Corporation, contract purchaser of the properties known as 3500 Clipper Road, 3501 Parkdale Avenue, ~~and~~ Block 3390B, Lots 52 and 52A, and 2001-2003 Druid Park Drive (if acquired by the applicant), consisting of 17.4 acres, more or less, as outlined on the accompanying Development Plan entitled “Clipper Mill”, consisting of Sheet 1, “Existing Conditions Plan”, dated November 26, 2002, ~~and~~ as revised April 9, 2003, Sheet 2, “Proposed Conditions Plan”, dated November 26, 2002, as revised April 9, 2003, Sheet 3, “Alternate Proposed Conditions Plan”, dated March 5, 2003, as revised April 9, 2003, and Sheet 4, “Preliminary Forest Conservation Plan”, dated March 7, 2003, as revised April 9, 2003, to designate the property an Office-Residential Planned Development under Title 9, Subtitles 1 and 3 of the Baltimore City Zoning Code.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Development Plan submitted by Streuer Bros. Real Estate Development Corporation is approved.

SECTION 3. AND BE IT FURTHER ORDAINED, That in accordance with the provisions of Title 9, Subtitles 1 and 3, the following uses are allowed within the Planned Unit Development:

- (a) In accordance with the provisions of Section 9-303 of the Zoning Code, the following M-1 uses are allowed in all buildings within the PUD, except the townhouses and single-family homes: artisans’ and craft work; bookbinding; canvas products: manufacturing; clothing and other finished products: manufacturing; coffee roasting; computer centers; contractor and construction shops; dyeing establishments; electroplating; furniture and fixtures: manufacturing; glass products: manufacturing from previously prepared materials; industrial supplies: distribution and sales; jewelry: manufacturing; laboratories: research and testing; lithographing; machinery and machines, industrial, new: sales, rental, and service; machines, business and office, new and used: sales, rental, and service; machine shops; mail order distribution centers; metal finishing; musical instruments, including organs and pianos: manufacturing; printing and publishing; radio and television antennas and towers, including microwaving antennas (satellite dishes), that extend no more than 25 feet above the building on which they are mounted; recording studios; telephone

exchanges; tool, die or pattern making shops; upholstering shops; warehousing and storage; and wholesale establishments.

- (b) In accordance with the provisions of Section 9-303 of the Zoning Code, the following B-1 and B-2 uses are allowed only on the first or ground floor of ~~all buildings~~ the Foundry and Artisan Buildings within the PUD, ~~except the townhomes and single-family homes~~: art needlework shops; automatic teller machines; camera and photographic supply stores; carry-out food shops; catering establishments; food stores, grocery stores, meat markets, bakeries, and delicatessens; musical instruments: sales and repair; newsstands; office supply stores; photocopying service; recreation buildings and community centers; restaurants and lunch rooms - but not including live entertainment and dancing.

In addition, the following B-2 uses are allowed on all floors of the buildings in the PUD, except the townhomes and single-family homes: antique shops; financial institutions; offices: business, governmental and professional; medical and dental clinics; opticians - sales and service; orthopedic medical and supply stores; philanthropic and charitable institutions; photographers; physical culture and health services: gymnasiums, reducing salons, and public baths; picture framing shops - when conducted for retail trade on the premises; private clubs and lodges. A bed and breakfast is allowed in the little house, which is known as the Stables Building on the Plans.

~~In addition, all uses conditional in the M-1, B-1, and B-2 Zoning Districts are conditionally allowed in the PUD, subject to the requirements and provisions of Title 14 of the Zoning Code.~~

- (c) All permitted, accessory, and conditional uses as allowed in the O-R Zoning District, except rooming and boarding houses. The overall density of the PUD is 1,500 square feet per dwelling unit.
- (d) Artists studios (live and work) and art galleries, radio stations and accessory radio and television antennae, but not including microwave antennae (satellite dishes), when they extend higher than 9 feet above the building on which they are mounted in all buildings within the PUD, except the townhomes and single-family residences where home occupations are allowed.
- (e) Outdoor table service when accessory to a restaurant use, subject to Planning Commission approval; live entertainment as accessory to a restaurant or art gallery use, provided no admission, donation or use charge is required, and such entertainment is limited to non-amplified music.

SECTION 4. AND BE IT FURTHER ORDAINED, That additional requirements for the Planned Unit Development are as follows:

- (a) Historic Compatibility - CRC will design and construct new buildings that are compatible with the historic character of the site as defined by the Maryland Historical Trust and the National Park Service. New construction will substantially be of brick or stone and is subject to review by the Maryland Historic Trust, the National Park Service, and the Planning Commission. The use of aluminum siding and vinyl is not permitted in the reconstruction or renovation of existing historic buildings or in the construction of the site of the building that burned down in 1995 (shown on the plans as the Mill Race Building). In addition, the maximum height of the Mill Race Building is 64 feet with the eastern section of the building, the first 50 feet of the building being limited in height to 50 feet. The height is measured from grade (on the north side of the building) to the peak of the roof. Architectural metal panels, in keeping with the site's industrial character and approved by the Maryland Historic Trust and the National Park Service are

permitted on all portions of the site. Vinyl and aluminum siding is not permitted on the front or side elevations of attached, sem-detached, or detached houses.

- (b) Free standing towers/antennae/cell towers - No free standing towers, free-standing cell phone towers, or freestanding antennae will be permitted to be erected on the property. Antennae necessary for a tenant to conduct business will be permitted on building roofs and parapets. Their placement and height must be approved by the Planning Commission prior to installation. The maximum height of rooftop antennae is 9 feet.
- (c) Signage/billboards/general advertising - No billboards or general advertising signs will be permitted on the property. Signage identifying the property, buildings, and tenants is permitted and must be approved by the Maryland Historic Trust, the National Park Service, and the Planning Commission. A comprehensive signage package is encouraged.
- (d) Restaurant - Subject to approval by the Board of Liquor License Commissioners for Baltimore City, 1 Class B restaurant alcoholic beverage license is permitted within the property, provided that the restaurant have at least 50% of its sales in food. No off-premises sales and no other liquor licenses are allowed within the Planned Unit Development.
- (e) Dark sky lighting - CRC, its affiliates, successors, and assigns, will implement dark sky lighting principles on its portion of the property where they are feasible. Furthermore, CRC will work with the Department of Public Works to incorporate dark sky principles for lighting located in public rights-of-way.
- (f) Pest control/fertilizer - CRC, its affiliates, successors, and assigns, will implement best management practices regarding use of fertilizers and pesticides in order to reduce the use of both on the site.
- (g) Storage of machinery and trucks -
 - (1) Storage of trucks and machinery affiliated with a potential landscape/environmental restoration tenant will be limited to portions of the property immediately east of Parkdale Avenue and south of Clipper Park Drive and will not exceed a time period of 18 months from the start of the tenant's initial term of occupancy.
 - (2) Pepsi-Cola will be allowed to continue to store its trucks on the property in the current location it is using, until the completion of Phase 1. Pepsi Cola is not allowed to use any other portion of the site for storage, other than the current location. This area must be shown on Sheet 1, "Existing Conditions Plan".
 - (3) After construction completion, CRC, its affiliates, successors, and assigns, is not permitted to enter into a land lease specifically for the purpose of storing trucks and machinery.

SECTION 4.5. AND BE IT FURTHER ORDAINED, That off-street parking requirements for the Planned Unit Development are as follows:

- (a) office use: 1 space per 800 square feet in excess of 2,000 square feet of floor area;
- (b) retail use: 1 space per 300 square feet in excess of 1,000 square feet of floor area;
- (c) industrial use: 1 space per 4 employees plus 1 space per company or business vehicle maintained on the premises;

- (d) artists studio: live/work - 1 space per unit;
- (e) residential use:
 - (1) townhouses and single-family dwellings - 1.5 parking spaces per dwelling unit;
 - (2) apartments (multiple family dwellings) - 1 space per dwelling unit.

SECTION 6. AND BE IT FURTHER ORDAINED, That the property known as 2001-2003 Druid Park Drive is to accommodate a 20-foot access drive only to the parking lot, provided that the developer acquires the property, which shall become, upon acquisition, part of the Planned Unit Development.

SECTION 5 7. 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 8. AND BE IT FURTHER ORDAINED, That all plans for the construction of permanent improvements on the Property within the PUD must be reviewed by the Planning Commission to ensure that the plans are consistent with the Development Plan and this Ordinance. Final design approval is granted to the Planning Commission.

SECTION 7 9. AND BE IT FURTHER ORDAINED, That the Planning Department may determine what constitutes minor or major modifications to the Plan. Minor modifications require approval by the Planning Commission. Major modifications require approval by Ordinance.

SECTION 8 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 9 11. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved July 9, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-591
(Council Bill 00-268)**

AN ORDINANCE CONCERNING

Commercial Vehicles and Trailers — Parking, Standing, or Stopping

FOR the purpose of authorizing the removal and impoundment of semitrailer that are parked, standing, or stopped near residences for longer than permitted; increasing the penalty for certain vehicles that are

parked, standing, or stopped near residences for longer than permitted or that are parked, standing, or stopped during certain nighttime hours for longer than permitted; correcting, clarifying, and conforming certain language; and generally relating to parking, standing, and stopping regulations for commercial vehicles and for vehicles that exceed a certain weight.

BY repealing and reordaining, without amendments

Article 31 - Transit and Traffic

Section(s) 1-1(f), 1-2(d), and 1-3(d), (e), (o)

Baltimore City Code

(Edition 2000)

BY repealing and reordaining, with amendments

Article 31 - Transit and Traffic

Section(s) 6-26, 6-27, 31-7, 36-3, 36-4, 36-6, and 36-9

Baltimore City Code

(Edition 2000)

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

Baltimore City Code

Article 31. Transit and Traffic

Subtitle 1. Definitions; General Provisions

§ 1-1. Definitions — A to L.

(f) *Commercial vehicle.*

“Commercial vehicle” means:

- (1) every vehicle designed, maintained, and used primarily for the transportation and/or hauling of property, including but not limited to equipment, merchandise, parcels, earth, trash, refuse, scrap, or motor vehicles;
- (2) every vehicle, except a passenger car, which has commercial advertising on the exterior of the body or on equipment attached thereto;
- (3) every vehicle having a maximum gross vehicle weight of 7,000 pounds or more or a manufacturer’s rated capacity of $\frac{3}{4}$ -ton or more; and
- (4) every vehicle that is designed to carry more than 10 passengers and is used to carry people.

§ 1-2. Definitions — M to R.

(d) *Park, parking.*

The terms “park” and “parking”, when prohibited or regulated as to vehicles:

- (1) mean the standing of a vehicle, whether or not occupied; but

- (2) do not include the standing of a commercial vehicle while actually engaged in lawful, expeditious loading or unloading.

§ 1-3. Definitions — S to Z.

- (d) *Stand; standing.*

“Stand” or “standing” means to occupy or remain in 1 place.

- (e) *Stop; stopping or stand; standing.*

- (1) The terms “stop” and “stopping” or “stand” and “standing”, when prohibited as to vehicles, refer to any stopping of a vehicle, whether or not occupied, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device.
- (2) Public transportation vehicles shall be permitted to load passengers, when said passengers are at the curb and ready for immediate loading.

- (o) *Truck.*

“Truck” means any commercial vehicle.

Subtitle 6. Parking, Standing, and Stopping Regulations

Part 5. Commercial Vehicles and Trailers

§ 6-26. Commercial vehicles.

- (a) *“Commercial vehicle” [defined] LIMITED.*

[For the purposes of] IN this section, “commercial vehicle” does not include a vehicle that:

- (1) has a maximum gross vehicle weight of less than 7,000 pounds or [has] a manufacturer’s rated capacity of $\frac{3}{4}$ -ton;
- (2) has no commercial advertising on the exterior of the body or on any ATTACHED equipment, [or] compartments, or apparatus [attached thereto];
- (3) is not visibly loaded with supplies [and/or] OR equipment; and
- (4) is designed to carry 10 or fewer passengers.

- (b) *[Standing] STOPPING by residence.*

- (1) [No commercial vehicle or] EXCEPT AS OTHERWISE SPECIFIED IN THIS SECTION, NO vehicle [exceeding] THAT EXCEEDS 20,000 pounds gross vehicle weight AND NO COMMERCIAL VEHICLE [shall be permitted to] MAY PARK, stand, or [park] STOP longer than 1 hour continuously on any street, lane, or alley in front of or adjacent to any property used or intended to be used as a residence.
- (2) [Provided, however, that the provisions of this] THIS subsection [shall] DOES not apply to [trucks which are] A COMMERCIAL VEHICLE THAT IS parked for the purpose of doing any public or private

work for or on behalf of any person[, firm, association, institution, or corporation] located within a radius of 1 block from [such] THE property used or intended to be used as a residence.

(c) *Nighttime hours.*

[No commercial vehicle or] EXCEPT AS OTHERWISE SPECIFIED IN THIS SECTION, NO vehicle [exceeding] THAT EXCEEDS 20,000 pounds gross vehicle weight AND NO COMMERCIAL VEHICLE [shall be permitted to] MAY PARK, stand or [park] STOP longer than 1 hour continuously between the hours of 1 a.m. and 7 a.m. on any street, lane, or alley of the City.

(d) *Exceptions.*

[Provided, however, that the provisions of this] THIS section [shall] DOES not apply to:

- (1) vehicles of the Police Department or the Fire Department; or
- (2) [any] emergency vehicles belonging to the City or to any public utility.

§ 6-27. Commercial trailers.

(a) *“Commercial trailer” defined.*

[As used in] IN this section, “commercial trailer” means a vehicle that:

- (1) is a trailer;
- (2) has no motive power;
- (3) is designed to be towed by a motor vehicle; and
- (4) is designed for the transportation of property.

(b) *Prohibited conduct.*

[A] EXCEPT AS OTHERWISE SPECIFIED IN THIS SECTION, A person [shall] MAY not PARK, STAND, OR stop[, stand, or park] a detached commercial trailer on any public street or highway in the City [of Baltimore], except when the vehicle is being expeditiously loaded or unloaded.

(c) *Exceptions.*

[Nothing, however, in this] THIS section [shall] DOES NOT apply to:

- (1) authorized emergency vehicles;
- (2) vehicles owned or operated by the City; or
- (3) vehicles owned or operated by public service companies, as defined in Article 78, § 2(o) of the Maryland Code, while [such vehicles are] engaged in construction or repair services associated with supplying necessary service to their customers.

Subtitle 31 - Clear Streets and Impoundment***Part 2. General Conditions Warranting Impoundment*****§ 31-7. Vehicles illegally parked, etc.****(a) *Prohibited conduct.***

- (1) It [shall be] IS unlawful for any person to [permit] PARK, STAND, OR STOP a vehicle or part [thereof] OF A VEHICLE [to be parked or stopped] on any street, LANE, OR ALLEY:
 - (I) during the hours when [such] parking, STANDING, or stopping is restricted or prohibited [thereon]; OR
 - (II) FOR LONGER THAN THE TIME PERMITTED FOR PARKING, STANDING, OR STOPPING.
- (2) A violation of this [provision shall be deemed] SUBSECTION IS a misdemeanor, punishable by the fine [now provided by law for such violation] SPECIFIED IN SUBTITLE 36 OF THIS ARTICLE.

(b) *Removal of vehicles — IMPOUNDING AREAS.*

- (1) In THE impounding areas [otherwise] designated in PART 7 OF this subtitle, THE DEPARTMENT OF PUBLIC WORKS SHALL POST [the Commissioner is authorized to cause such vehicles to be removed, provided that] conspicuous signs [are clearly posted on such streets] warning the public of the restricted hours and bearing the statement “Cars Towed Away” or “Tow Away Zone”[, said signs to be placed by the Department of Public Works].
- (2) IN AN IMPOUNDING AREA IN WHICH THE REQUIRED SIGNS HAVE BEEN CLEARLY POSTED, THE POLICE COMMISSIONER MAY CAUSE VEHICLES THAT ARE ILLEGALLY PARKED, STANDING, OR STOPPED TO BE REMOVED AND IMPOUNDED.

(c) *REMOVAL OF VEHICLES — SEMITRAILERS NEAR RESIDENCE.*

- (1) IN THIS SUBSECTION, “SEMITRAILER” HAS THE MEANING GIVEN IN STATE TRANSPORTATION ARTICLE § 11-158.
- (2) IF A SEMITRAILER, WHETHER ATTACHED OR DETACHED, IS PARKED, STANDING, OR STOPPED IN VIOLATION OF § 6-26(B) {“COMMERCIAL VEHICLES: STOPPING BY RESIDENCE”} OF THIS ARTICLE, THE POLICE COMMISSIONER MAY CAUSE THAT SEMITRAILER, TOGETHER WITH ANY OTHER VEHICLE ATTACHED TO IT, TO BE REMOVED AND IMPOUNDED.

[(c) *Penalties.*

- (1) In areas where parking is prohibited and impounding is authorized, violation of such impounding law shall be deemed a misdemeanor punishable by a fine established in § 36-8 of this article.
- (2) In areas where stopping or standing is prohibited and impounding is authorized, violation of such impounding law shall be deemed a misdemeanor punishable by a fine established in § 36-8 of this article.
- (3) In the impounding area known as the “Pimlico Race Track Area”, described in § 31-86 of this subtitle, where parking, stopping, or standing is prohibited and impounding is authorized,

violation of the impounding law is a misdemeanor and subject to a fine established in Subtitle 36 of this article.]

Subtitle 36 - Parking, etc., Fines, Penalties, and Procedures

[§ 36-4] § 36-3. [\$150] \$250 fines.

Parking a [commercial] vehicle [exceeding] THAT EXCEEDS 20,000 pounds gross weight[, in front of or beside a residence for more than 1 hour, unless the operator is performing work within 1 block, or longer than 1 hour continuously between the hours of 1 a.m and 7 a.m. on any street, lane, or alley] IN VIOLATION OF § 6-26(B) {“COMMERCIAL VEHICLES: STOPPING BY RESIDENCE”} OR § 6-26(C) {“COMMERCIAL VEHICLES: NIGHTTIME HOURS”}, [\$150] \$250.

[§ 36-3] § 36-4. \$200 fines.

Stopping or parking in a space reserved for the handicapped [shall be] is a violation punishable by a fine of \$200.

§ 36-6. \$75 fines.

Parking a commercial vehicle in [front of or beside a residence for more than 1 hour, unless the operator is performing work within 1 block] VIOLATION OF § 6-26(B) {“COMMERCIAL VEHICLES: STOPPING BY RESIDENCE”}, \$75.

§ 36-9. \$25 fines.

- (1) Parking a commercial vehicle [longer than 1 hour continuously between the hours of 1 a.m. and 7 a.m. on any street, lane, or alley] IN VIOLATION OF § 6-26(C) {“COMMERCIAL VEHICLES: NIGHTTIME HOURS”}, \$25.
- (2) Parking in violation of posted restrictions in residential permit parking areas, except in the Pimlico Race Track area and the Camden Yards Stadium Complex area as provided in § 36-7(4) of this subtitle, [shall be] is a violation punishable by a fine of \$25.

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 14, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-592
(Council Bill 03-1014)**

AN ORDINANCE CONCERNING

**Acquisition of Property — Rights-of-Way for Public Utilities Needed for
the West Branch of Moores Run Drain Improvements Project**

FOR the purpose of authorizing the Mayor and City Council of Baltimore to acquire, by purchase or condemnation, the fee simple or other interests in certain property located along Moores Run between Belle Vista Avenue and Belair Road, and needed for the West Branch of Moores Run Drain Improvements; and providing for a special effective date.

BY authority of
Article I - General Provisions
Section 4
and
Article II - General Powers
Sections 2 and 45
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That it is necessary to acquire for the West Branch of Moores Run Drain Improvements Project the fee simple or other interests that the Director of Public Works considers needed or sufficient in the land and improvements located along Moores Run between Belle Vista Avenue and Belair Road, and more particularly described as follows:

1. Right-of-Way through No. 5707 Belle Vista Avenue, as shown on a plat numbered RW 20-36024 and dated May 6, 2002.
2. Right-of-Way through No. 5705 Belle Vista Avenue, as shown on a plat numbered RW 20-36025 and dated May 6, 2002.
3. Right-of-Way through No. 5703 Belle Vista Avenue, as shown on a plat numbered RW 20-36026 and dated May 6, 2002.
4. Right-of-Way through No. 3905 White Avenue, as shown on a plat numbered RW 20-36027 and dated February 8, 2002.
5. Right-of-Way through No. 3909 White Avenue, as shown on a plat numbered RW 20-36028 and dated February 8, 2002.
6. Right-of-Way through No. 4122 Hamilton Avenue, as shown on a plat numbered RW 20-36029 and dated May 6, 2002.
7. Right-of-Way through No. 5701 Benton Heights Avenue, as shown on a plat numbered RW 20-36030 and dated May 6, 2002.
8. Right-of-Way through No. 5703 Benton Heights Avenue, as shown on a plat numbered RW 20-36031 and dated May 6, 2002.

9. Right-of-Way through No. 5728/40 Belair Road, as shown on a plat numbered RW 20-36032 and dated April 19, 2002.
10. Right-of-Way through No. 5724 Belair Road, as shown on a plat numbered RW 20-36033 and dated May 6, 2002.
11. Right-of-Way through No. 5926 Belle Vista Avenue, as shown on a plat numbered RW 20-36034 and dated May 6, 2002.
12. Right-of-Way through No. 4001/03, ~~and 4005/07, and 4009/13~~ White Avenue, as shown on a plat numbered RW 80-36035 and dated June 25, 2002.
13. Right-of-Way through No. 4701 Hamilton Avenue, as shown on a plat numbered RW 20-35993 and dated May 8, 2001, as revised through March 6, 2003.
14. Right-of-Way through No. 4801 Hamilton Avenue, as shown on a plat numbered RW 20-35992 and dated May 8, 2001.
15. Right-of-Way through No. 4321 Hamilton Avenue, as shown on a plat numbered RW 20-36076 and dated May 7, 2003.

Including all property, rights, interests, easements and/or franchises necessary for said Public Utility Rights-of-Way and the construction and maintenance of said West Branch of Moores Run Drain Improvements Project and/or other municipal utilities and services in said Public Utility Rights-of-Way, the location and course of said Public Utility Rights-of-Way being shown on plats thereof numbered RW 20-36024 through RW 20-36034 and RW 80-36035 prepared by the Survey Control Section and filed in the office of the Director of the Department of Public Works.

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 August 14, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-593
(Council Bill 03-1042)**

AN ORDINANCE CONCERNING

City Property - Grant of Easement

FOR the purpose of authorizing the Mayor and City Council of Baltimore to grant an easement for drainage and utility in that certain parcel of land known as the Robert E. Lee Park in Baltimore County, Maryland; and providing for a special effective date.

By authority of
Article V - Comptroller
Section 5 (b)
Baltimore City Charter
(1996 Revision, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Comptroller of Baltimore City is hereby authorized to grant an easement to the State of Maryland, Department of Transportation, State Highway Administration, State Roads Commission for drainage and utility, in accordance with Article V, Section 5 (b) of the City Charter, in that parcel of land situate in Baltimore County, Maryland described on Exhibit A attached hereto and made a part hereof, subject to the following conditions:

1. The plans and specifications for said right-of-way shall be approved in writing by the City before construction.
2. The City and its employees or agents shall have access to the right-of-way easement area at all times when necessary for public purposes.
3. The grantee shall maintain the right-of-way at its sole cost and expense.
4. The City shall be protected, indemnified and saved harmless from all legal action, losses, and damages resulting from injury to persons or damage to property caused by the use of the easement by the Grantees, their successors, assigns, and invitees.
5. No structures shall be erected by the Grantee over the easement area unless approved in advance by the City.
6. Any and all construction on or within the property herein described that affects the City-owned Robert E. Lee Park shall be in accordance with the requirements of the Baltimore City Department of Recreation and Parks and subject to inspection and approval thereof.
7. The Grantee also agrees that before any entry or acts that may affect the City's Park property occur, the said Department of Recreation and Parks will be notified in writing.
8. The terms, conditions and agreement of this Easement Agreement shall be considered covenants running with the land on the Grantee's property.
9. This easement shall be and be construed to be an easement appurtenant, benefitting the property owned by the Grantee and burdening the property of the City as described herein. The terms,

conditions and agreement of this Easement Agreement shall bind the successors and assigns of both the Grantee and the Grantor.

10. Failure by the Grantee to comply with any terms, conditions and agreement of this Easement Agreement will be considered a breach of the Agreement. In the event that the Grantee fails to cure any breach within 10 days after being so notified by the City, the City may at its sole discretion unilaterally declare this Agreement to be Null and Void by filing a Declaration to that effect among the Land Records of Baltimore County.
11. The Grantee shall pay fair market value for said easement as determined by the City's Real Estate Officer.
12. The Grantee shall reimburse the City for all costs incurred in granting this Easement and for the value of any trees removed from the easement area.

SECTION 2. AND BE IT FURTHER ORDAINED, That no easement or easements shall be granted in accordance herewith, until the same shall have been first approved by the City Solicitor.

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

Exhibit A

Situate in the 9th Election District of Baltimore County.

BEING an easement 20 feet wide across the property of the City, said easement containing 0.025 acre (1,075 sq. ft.), more or less, as shown cross-hatched and indicated "Perpetual Easement for Drainage" on State of Maryland, Department of Transportation, State Highway Administration, State Road Commission Drawing No. 56020, which is attached and made a part hereof.

TOGETHER ALSO, with the right of the State of Maryland, Department of Transportation, its successors and assigns, employees or agents, to remove any tree having a butt diameter of 3" or less, which may be in the temporary construction area.

FOR TITLE: See deed dated June 30, 1983 and recorded among the Land Records of Baltimore County in Liber 6600, folio 001 and recorded on October 3, 1983 from Rockland Industries, Inc. unto the Mayor and City Council of Baltimore.

Approved August 14, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-594
(Council Bill 03-1043)**

AN ORDINANCE CONCERNING

**Zoning — Health-Care Facilities — Conditional Use Non-Profit Home for the
Rehabilitation of Non-Bedridden Alcoholics and for the Care
and Custody of Homeless Persons — 2926 Harford Road**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a non-profit home for the rehabilitation of non-bedridden alcoholics and for the care and custody of homeless persons on the property known as 2926 Harford Road, as outlined in red on the accompanying plat; and repealing a previous ordinance relating to the same property.

BY authority of

Article - Zoning

Section(s) 4-1104 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 non-profit home for the rehabilitation of non-bedridden alcoholics and for the care and custody of homeless persons on the property known as 2926 Harford Road, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 4-1104 and 14-102 and Health Code §3-102 of the Baltimore City Code, subject to the ~~condition that the~~ following conditions:

1. In addition to a resident manager, the maximum number of adult residents is 22, who may have with them their unemancipated minor children.
2. Sleeping rooms for clients may not be in the basement.
3. 24-hour supervision must be provided.
4. The non-profit home for the rehabilitation of non-bedridden alcoholics and 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 Ordinance 85-0510 (Zoning - Approval for Conditional Use Home for the Homeless - 2926 Harford Road) is repealed.

SECTION 34. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved August 14, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-595
(Council Bill 03-1109)**

AN ORDINANCE CONCERNING

Civil Citations

FOR the purpose of providing for the issuance, service, enforcement, and adjudication of prepayable civil citations for certain offenses; specifying the offenses for which these citations may be issued; specifying the amount of the prepayable fine applicable to each offense; defining certain terms; conforming, correcting, and clarifying certain language; requiring a comprehensive report on first-year operations under this Ordinance; providing for the automatic termination of this Ordinance; and generally relating to the issuance and enforcement of civil citations.

BY adding

Article 1 - Mayor, City Council, and Municipal Agencies
Section(s) 41-1 through 41-14,
to be under the new subtitle, "Subtitle 41. Civil Citations"
Baltimore City Code
(Edition 2000)

BY adding

Article 15 - Licensing and Regulation
Section(s) 16-15, 17-18, and 18-10
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 19 - Police Ordinances
Section(s) 7-4, 8-17, 14-4, 41-3, 45-7(a), 48-2(b), 50-2(d), 50-3(b), ~~and 50-49,~~ and 51-3
Baltimore City Code
(Edition 2000)

BY adding

Article 19 - Police Ordinances
Section(s) 13-4.1, 25-6, 26-7.1, 27-3.1, 27-15.1, 50-22.1, 50-27.1, 50-41(a-1), 50-59,
55-1(b-1), and 55-2(a-1)
Baltimore City Code
(Edition 2000)

~~BY repealing and reordaining, with amendments~~

~~Article 23 - Sanitation
Section(s) 21-1
Baltimore City Code
(Edition 2000)~~

BY repealing and reordaining, with amendments

Article 24 - Water
Section(s) 21-11
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 31 - Transit and Traffic
Section(s) 16-12(b)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article - Building, Fire, and Related Codes
Section(s) ~~2-103 (IBC §§ 113.3.1 and 113.3.3)~~; 8-102 (IFC § 109.7)
Baltimore City Revised Code
(Edition 2000)

~~BY adding~~

~~Article - Building, Fire, and Related Codes
Section(s) 7-102 (IPMC §§ 106.6 and 106.6.1)
Baltimore City Revised Code
(Edition 2000)~~

BY repealing and reordaining, with amendments

Article - Health
Section(s) ~~4-604(b), 5-209, 5-407, 5-509, 5-708, 6-801, 7-229, 7-418,~~
7-609, 7-705, 8-301, 9-217, 9-316, 9-417, 10-219(5), 10-507, 10-508(a),
10-509(a), 10-1101, ~~11-317, 12-111~~, 12-203, 12-406, and 12-506
Baltimore City Revised Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article - Zoning
Section(s) 17-401 and 17-402
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 Code

Article 1. Mayor, City Council, and Municipal Agencies

SUBTITLE 41. CIVIL CITATIONS

§ 41-1. DEFINITIONS.*(A) IN GENERAL.*

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

(B) CIVIL CITATION.

“CIVIL CITATION” MEANS A PREPAYABLE CIVIL CITATION ISSUED UNDER THIS SUBTITLE FOR VIOLATION OF ANY OFFENSE LISTED IN § 41-14 OF THIS SUBTITLE.

(C) ENFORCEMENT OFFICER.

“ENFORCEMENT OFFICER” MEANS:

- (1) A POLICE OFFICER; OR
- (2) A SPECIAL ENFORCEMENT OFFICER APPOINTED UNDER CITY CODE ARTICLE 19, § 71-1 AND AUTHORIZED BY THE POLICE COMMISSIONER TO ISSUE CITATIONS UNDER THIS SUBTITLE.

(D) PERSON.

“PERSON” MEANS:

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

§ 41-2. SUBTITLE NOT EXCLUSIVE.

THE ISSUANCE AND ENFORCEMENT OF A CIVIL CITATION UNDER THIS SUBTITLE DOES NOT PRECLUDE PURSUIT OF ANY OTHER REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

§ 41-3. RULES AND REGULATIONS.*(A) COMMISSIONER MAY ADOPT.*

THE POLICE COMMISSIONER, IN CONSULTATION WITH THE DIRECTOR OF FINANCE, MAY ADOPT RULES AND REGULATIONS TO CARRY OUT THIS SUBTITLE.

(B) FILING WITH LEGISLATIVE REFERENCE.

A COPY OF ALL RULES AND REGULATIONS MUST BE FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

§ 41-4. AUTHORITY TO ISSUE CITATION.*(A) IN GENERAL.*

AN ENFORCEMENT OFFICER MAY ISSUE A CIVIL CITATION TO ~~A PERSON~~ ANY ADULT WHO THE OFFICER, ON OBSERVATION, REPORT, OR INVESTIGATION, BELIEVES IS COMMITTING OR HAS COMMITTED AN OFFENSE LISTED IN § 41-14 OF THIS SUBTITLE.

(B) PRIOR NOTICE NOT REQUIRED.

NOTWITHSTANDING ANY OTHER PROVISION OF THE CITY CODE TO THE CONTRARY, NOTICE NEED NOT BE GIVEN BEFORE ISSUANCE AND ENFORCEMENT OF A CIVIL CITATION UNDER THIS SUBTITLE.

§ 41-5. FORM, ETC., OF CITATION.*(A) FORM.*

THE CIVIL CITATION SHALL BE IN THE FORM SPECIFIED BY THE CHIEF JUDGE OF THE DISTRICT COURT.

(B) CONTENTS.

THE CITATION SHALL CONTAIN:

- (1) THE NAME AND ADDRESS, IF KNOWN, OF THE PERSON CHARGED;
- (2) THE VIOLATION WITH WHICH THE PERSON IS CHARGED, INCLUDING A NARRATIVE STATEMENT OF THE CAUSE FOR ISSUING THE CITATION;
- (3) THE TIME WHEN AND PLACE WHERE THE VIOLATION OCCURRED;
- (4) THE AMOUNT OF THE FINE;
- (5) THE MANNER AND TIME WITHIN WHICH THE PERSON MUST EITHER:
 - (I) PAY THE FINE SPECIFIED IN THE CITATION; OR
 - (II) REQUEST A TRIAL ON THE VIOLATION.

(C) CERTIFICATION.

THE CITATION ALSO SHALL CONTAIN A CERTIFICATION, SIGNED BY THE ISSUING ENFORCEMENT OFFICER UNDER PENALTIES OF PERJURY, THAT THE FACTS CONTAINED IN IT ARE TRUE TO THE BEST OF THE OFFICER'S INFORMATION, KNOWLEDGE, AND BELIEF.

§ 41-6. SERVICE; COPIES.*(A) IN GENERAL.*

THE CITATION MAY BE SERVED ON THE PERSON CHARGED BY 1 OF THE FOLLOWING METHODS:

- (1) IN PERSON;
- (2) BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED;

(3) BY DELIVERY TO A PERSON OF SUITABLE AGE AND DISCRETION WHO RESIDES AT THE LAST-KNOWN ADDRESS OF THE PERSON CHARGED; OR

(4) FOR SERVICE ON AN OCCUPANT OF THE PREMISES AT WHICH THE VIOLATION OCCURRED, BY:

(I) POSTING ON THE MAIN ENTRANCE OF THE PREMISES; AND

(II) MAILING BY REGULAR MAIL TO THE PERSON CHARGED, AT THAT PERSON'S LAST-KNOWN ADDRESS.

(B) *COPY TO BE RETAINED.*

THE ENFORCEMENT OFFICER SHALL RETAIN A COPY OF THE CITATION AND FILE IT WITH THE DEPARTMENT OF FINANCE.

§ 41-7. TENOR OF CITATION.

(A) *IN GENERAL.*

ON CERTIFICATION, ISSUANCE, AND SERVICE, THE CITATION:

(1) CONSTITUTES FULL AND COMPLETE NOTICE OF THE VIOLATION CHARGED IN IT; AND

(2) IS PRIMA FACIE EVIDENCE OF THE FACTS CONTAINED IN IT.

(B) *NO ADMINISTRATIVE APPEAL.*

THE ISSUANCE OF THE CIVIL CITATION IS NOT APPEALABLE TO ANY CITY BOARD OR AGENCY.

§ 41-8. PAYMENT OF FINE.

(A) *WHEN. DUE.*

(1) THE FINE SPECIFIED IN A CIVIL CITATION IS DUE AND PAYABLE BY THE DATE SPECIFIED IN THE CITATION.

(2) THE DATE SPECIFIED MUST BE AT LEAST 30 DAYS FROM THE DATE THE CITATION IS ISSUED.

(B) *TO WHOM PAYABLE.*

THE FINE SHALL BE PAID TO THE DIRECTOR OF FINANCE.

§ 41-9. ELECTION TO STAND TRIAL.

(A) *IN GENERAL.*

THE PERSON CHARGED UNDER A CIVIL CITATION MAY ELECT TO STAND TRIAL FOR THE ALLEGED VIOLATION BY FILING WITH THE DIRECTOR OF FINANCE, AT LEAST 5 DAYS BEFORE THE DUE DATE OF THE FINE, A NOTICE OF INTENT TO STAND TRIAL.

(B) *NOTICE TO COURT.*

ON TIMELY RECEIPT OF A NOTICE OF INTENT TO STAND TRIAL, THE DIRECTOR OF FINANCE SHALL SEND A COPY OF THE NOTICE AND OF THE CITATION TO THE DISTRICT COURT.

(C) *SCHEDULING TRIAL.*

ON RECEIPT OF THE NOTICE AND CITATION, THE DISTRICT COURT SHALL:

- (1) SCHEDULE THE CASE FOR TRIAL; AND
- (2) NOTIFY ALL PARTIES OF THE TRIAL DATE.

§ 41-10. DEFAULT.

(A) *IN GENERAL.*

A PERSON CHARGED UNDER A CIVIL CITATION IS IN DEFAULT AND IS CONCLUSIVELY CONSIDERED TO HAVE ADMITTED LIABILITY FOR THE VIOLATION CHARGED IF THE PERSON NEITHER:

- (1) PAYS THE FINE SPECIFIED IN THE CITATION BY ITS DUE DATE; NOR
- (2) FILES A TIMELY NOTICE OF INTENT TO STAND TRIAL.

(B) *DEFAULT NOTICE.*

ON A DEFAULT, THE DIRECTOR OF FINANCE SHALL SEND A DEFAULT NOTICE TO THE PERSON CHARGED, AT THAT PERSON'S LAST-KNOWN ADDRESS.

(C) *DEFAULT PENALTY.*

IF THE FINE SPECIFIED IN THE CITATION IS NOT PAID WITHIN 15 DAYS OF THE DATE OF THE DEFAULT NOTICE, THE PERSON IS LIABLE TO THE CITY FOR BOTH:

- (A) THE FINE SPECIFIED IN THE CITATION; AND
- (B) A DEFAULT PENALTY EQUAL TO THE LESSER OF:
 - (I) \$1,000; OR
 - (II) 3 TIMES THE FINE SPECIFIED IN THE CITATION.

(D) *REQUEST FOR ADJUDICATION.*

(1) IF THE FINE AND DEFAULT PENALTY ARE NOT PAID WITHIN 35 DAYS OF THE DATE OF THE DEFAULT NOTICE, THE DIRECTOR OF FINANCE MAY REQUEST THE DISTRICT COURT TO ADJUDICATE THE CASE.

(1) ON THE DIRECTOR'S REQUEST, THE DISTRICT COURT SHALL:

- (I) SCHEDULE THE CASE FOR TRIAL; AND
- (II) NOTIFY ALL PARTIES OF THE TRIAL DATE; ~~AND~~

~~(H) ISSUE A SUMMONS REQUIRING THE PERSON CHARGED TO APPEAR FOR TRIAL.~~

§ 41-11. ADJUDICATION BY DISTRICT COURT.

(A) *IN GENERAL.*

- (1) THIS SECTION APPLIES TO PROCEEDINGS IN THE DISTRICT COURT TO ENFORCE A CIVIL CITATION ISSUED UNDER THIS SUBTITLE.
- (2) ADJUDICATION OF A CIVIL CITATION IS NOT A CRIMINAL PROCEEDING, AND A FINDING OF GUILTY DOES NOT IMPOSE ANY CIVIL DISABILITY ORDINARILY IMPOSED BY A CRIMINAL CONVICTION.

(B) *BURDEN OF PROOF.*

EXCEPT IN THE CASE OF A DEFAULT UNDER § 41-10 OF THIS SUBTITLE, THE CITY HAS THE BURDEN TO PROVE, BY A PREPONDERANCE OF THE EVIDENCE, THAT THE DEFENDANT HAS COMMITTED THE OFFENSE CHARGED.

(C) *RIGHT TO COUNSEL.*

THE DEFENDANT MAY BE REPRESENTED BY COUNSEL OF HER OR HIS OWN CHOICE, AT HER OR HIS OWN EXPENSE.

(D) *PLEA.*

THE DEFENDANT SHALL ENTER A PLEA OF "GUILTY" OR "NOT GUILTY".

(E) *TESTIMONY, ETC.*

THE DEFENDANT MAY:

- (1) TESTIFY ON HIS OR HER OWN BEHALF;
- (2) PRODUCE EVIDENCE AND WITNESSES IN HIS OR HER OWN BEHALF; AND
- (3) CROSS-EXAMINE WITNESSES WHO TESTIFY AGAINST THE DEFENDANT.

(F) *VERDICT.*

- (1) THE COURT SHALL ISSUE A VERDICT OF "GUILTY" OR "NOT GUILTY" OF THE OFFENSE CHARGED.
- (2) IF THE COURT FINDS THE DEFENDANT GUILTY, THE COURT MAY:
 - (I) IMPOSE ON THE DEFENDANT THE FINE AND, IF APPLICABLE, DEFAULT PENALTY PRESCRIBED;
 - (II) IMPOSE COURT COSTS ON THE DEFENDANT; AND
 - (III) SUSPEND OR DEFER PAYMENT OF A FINE OR PENALTY UNDER CONDITIONS, INCLUDING THE PERFORMANCE OF COMMUNITY SERVICE, THAT THE COURT SETS.

§ 41-12. ENFORCEMENT OF COURT VERDICT.**(A) ~~VERDICT AS DEBT AND LIEN~~ IN GENERAL.**

ANY FINE OR PENALTY IMPOSED BY THE DISTRICT COURT UNDER THIS SUBTITLE:

~~(1) IS A PERSONAL DEBT OWED BY THE DEFENDANT TO~~ JUDGMENT IN FAVOR OF THE CITY; AND

~~(2) IF THE OFFENSE INVOLVES REAL PROPERTY OWNED BY THAT DEFENDANT, CREATES A LIEN ON THAT PROPERTY IN FAVOR OF THE CITY.~~

~~(B) COLLECTION; PRIORITY.~~

~~(i) ALL FINES, PENALTIES, AND LIENS INCURRED UNDER THIS SUBTITLE:~~

~~(i) ARE COLLECTIBLE FROM AND ENFORCEABLE AGAINST ANY OF THE ASSETS OF THE PERSON WHO INCURRED THE PENALTY; AND~~

~~(ii) MAY BE COLLECTED AND ENFORCED IN THE SAME WAY THAT THE CITY COLLECTS AND ENFORCES OTHER DEBTS DUE TO IT OR LIENS IN ITS FAVOR.~~

~~(2) ALL FINES, PENALTIES AND LIENS INCURRED UNDER THIS SUBTITLE HAVE PRIORITY OVER ALL OTHER LIENS AND ENCUMBRANCES, EXCEPT TAXES OR OTHER GOVERNMENT ASSESSMENTS.~~

~~(B) (c) CONTEMPT FOR WILLFUL FAILURE TO PAY.~~

IF A DEFENDANT WILLFULLY FAILS TO PAY ANY FINE, PENALTY, OR COSTS IMPOSED BY THE COURT, THE COURT MAY PUNISH THAT FAILURE AS A CONTEMPT OF COURT.

§ 41-13. OFFENSES TO WHICH SUBTITLE APPLIES – GENERAL.**(A) IN GENERAL.**

A CIVIL CITATION MAY BE ISSUED UNDER THIS SUBTITLE ONLY FOR VIOLATION OF A PROVISION OF THE BALTIMORE CITY CODE LISTED IN § 41-14 OF THIS SUBTITLE.

(B) PREPAYABLE-FINE AMOUNTS.

~~(1) THE BASIC PREPAYABLE CIVIL FINE FOR THE VIOLATION OF A PROVISION IS AS SPECIFIED NEXT TO THE LISTING OF THAT PROVISION IN § 41-14 OF THIS SUBTITLE.~~

~~(2) THE BASIC FINE IS DOUBLED, HOWEVER, FOR ANY CIVIL CITATION THAT IS ISSUED TO A PERSON IF, WITHIN THE PAST 12 MONTHS:~~

~~(i) THAT PERSON PREPAID A CIVIL CITATION FOR A VIOLATION OF THE SAME PROVISION; OR~~

~~(ii) THE DISTRICT COURT DISPOSED OF A CITATION ISSUED TO THAT PERSON FOR VIOLATION OF THE SAME PROVISION BY ANY MEANS OTHER THAN A VERDICT OF “NOT GUILTY”.~~

(C) *CONTINUING OR RECURRING VIOLATIONS.*

- (1) IF A PROVISION OF LAW PROVIDES THAT THE CONTINUATION OR RECURRENCE OF A VIOLATION CONSTITUTES A SEPARATE OFFENSE, A SEPARATE CIVIL CITATION MAY BE ISSUED FOR EACH SEPARATE OFFENSE.
- (2) THE PAYMENT OF A FINE OR PENALTY UNDER THIS SUBTITLE DOES NOT RELIEVE THE OFFENDER OF THE DUTY TO FULLY ABATE AND CORRECT ANY CONTINUING VIOLATION OR OTHER UNLAWFUL ACT.

§ 41-14. OFFENSES TO WHICH SUBTITLE APPLIES – LISTING.(1) **ARTICLE 15. LICENSING AND REGULATION**

SUBTITLE 16. STREET VENDORS OF FOOD PRODUCTS	\$ 50
SUBTITLE 17. STREET VENDORS IN DOWNTOWN AREA	\$ 50
SUBTITLE 18. ITINERANT WHOLESALE PRODUCE DEALERS	\$ 50

(2) **ARTICLE 19. POLICE ORDINANCES**

§ 7-2. VEHICLE ALARMS: PROHIBITED DEVICES	\$100
§ 8-18. BURGLAR ALARMS: PENALTIES	
USERS	\$250
CONTRACTORS, MONITORS, OTHERS	\$500
§ 13-1 OR § 13-2. DISORDERLY DRINKING	\$150
§ 14-2 OR § 14-3. DRINKING OR POSSESSING OPEN CONTAINERS IN PUBLIC PLACES	\$ 50
SUBTITLE 25. LOITERING – GENERAL	\$ 50
§ 26-6. LOITERING – DRUG-FREE ZONE	\$200 <u>\$50</u>
§ 27-3. LOITERING – FOR ASSIGNATION, ETC.	\$100 <u>\$50</u>
§ 27-15. LOITERING – PROSTITUTION-FREE ZONE	\$200 <u>\$50</u>
§ 41-2. OUTDOOR TELEPHONES: PROHIBITED PLACEMENT	\$500
§ 45-2. SIGNS ON PUBLIC PROPERTY: POSTING PROHIBITED	\$100
§ 45-3. SIGNS ON PUBLIC PROPERTY: REMOVAL OF ILLEGAL SIGNS	\$100
§ 48-2. RESALE OF TICKETS NEAR SPORTS FACILITIES	\$ 50
§ 50-2. OBSTRUCTING STREET, ETC., OR GUTTER	\$ 50
§ 50-3. MERCHANDISE PROJECTING FROM BUILDING	\$ 50

§ 50-22. STREET SALES NEAR FARMERS' MARKETS	\$100
§ 50-26. FIRES IN STREET, LANE, OR ALLEY	\$ 50
§ 50-41. PLAYING, ETC., IN STREET, ETC.	\$ 50
§ 50-46 OR § 50-47. SNOW – CLEANING REQUIRED	\$ 50
§ 50-56, § 50-57, OR § 50-58. SOLICITING CUSTOMERS	\$100
<u>§ 51-2. COMPLIANCE WITH {PARK} RULES REQUIRED</u>	<u>\$200</u>
§ 55-1. TICKET “SCALPING”	\$100
§ 55-2. STREET SALES OF THEATER OR CIRCUS TICKETS	\$100

~~(3)~~ **ARTICLE 23. SANITATION**

§ 2-2. GARBAGE AND MIXED REFUSE; RECEPTACLES	\$ 60
§ 2-3. GARBAGE AND MIXED REFUSE; HANDLING	\$ 60
§ 4-1 OR § 4-2. RECEPTACLES ON COLLECTION DAYS	\$ 60

~~(3)~~ ~~(4)~~ **ARTICLE 24. WATER**

§ 21-1. RULES AND REGULATIONS	\$250
§ 21-2. SUSPENSION, ETC., OF CERTAIN USES	\$100
§ 21-3. INJURING FIRE HYDRANTS	\$250
§ 21-4. WRONGFUL USE AFTER CUT-OFF	\$150
§ 21-5. REFUSAL OF ENTRY	\$100
§ 21-6. INTERFERENCE WITH EQUIPMENT; ILLEGAL USE OF WATER	\$500

~~(4)~~ ~~(5)~~ **ARTICLE 31. TRANSIT AND TRAFFIC**

§ 16-12. VEHICLES ON SIDEWALKS	\$ 50
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~~(5)~~ ~~(6)~~ **BUILDING, FIRE, AND RELATED CODES – FIRE CODE**

§ 110.1. UNSAFE BUILDINGS: GENERAL	\$100
§ 1001.2. MEANS OF EGRESS: MINIMUM REQUIREMENTS	\$250
§ 1001.3. MEANS OF EGRESS: OVERCROWDING	
1-99 PERSONS OVER CAPACITY	\$100
100-199 PERSONS OVER CAPACITY	\$250

200 OR MORE PERSONS OVER CAPACITY	\$500
(7) BUILDING, FIRE, AND RELATED CODES— PROPERTY MAINTENANCE CODE	
§§ 304–307. SANITARY MAINTENANCE	
RESIDENTIAL PROPERTIES	\$ 50
COMMERCIAL PROPERTIES	\$100
(6) (8) HEALTH CODE	
TITLE 4: DISEASE CONTROL	
SUBTITLE 6: SCREENING FOR LEAD POISONING	
§ 4-601. PARENTAL RESPONSIBILITY	\$100
TITLE 5: NUISANCE CONTROL	
SUBTITLE 2: NUISANCE ABATEMENT	\$100
SUBTITLE 4: LEAD-BASED PAINT	\$100
SUBTITLE 5: BODILY WASTES	
§ 5-501. SPITTING	\$ 25
§ 5-503. URINATING, ETC. - IN GENERAL	\$150
§ 5-504. URINATING, ETC. - PARENTS	\$150
SUBTITLE 7: WEEDS	\$ 50
TITLE 6: FOOD SERVICE FACILITIES	\$100
TITLE 7: WASTE CONTROL	
SUBTITLE 2: SOLID WASTE COLLECTION	\$100
SUBTITLE 4: LANDFILLS	\$200
SUBTITLE 6: PROHIBITED DISPOSAL	
LESS THAN 25 LBS. IN 24-HOUR PERIOD	\$150
25 LBS OR MORE IN 24-HOUR PERIOD	\$250
SUBTITLE 7: LITTERING	\$ 50
TITLE 8: AIR POLLUTION	\$100

TITLE 9: NOISE REGULATION

SUBTITLE 2: BASIC SOUND LEVEL STANDARDS	\$100
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SUBTITLE 3: ENTERTAINMENT AND COMMERCIAL NOISE	\$ 50
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SUBTITLE 4: AMPLIFIED SOUNDS IN MARKET CENTER	\$ 50
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TITLE 10: ANIMAL CONTROL AND PROTECTION

SUBTITLE 2: LICENSING

PART I. DOG AND CAT LICENSES	\$ 25
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PART II. FACILITY LICENSES	\$100
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SUBTITLE 3: GENERAL CARE AND CONTROL

§ 10-301. RABIES VACCINATIONS	\$ 50
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§ 10-302. REPORTING POSSIBLE RABIES EXPOSURE	\$ 50
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ALL OTHER PROVISIONS	\$100
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SUBTITLE 4: ANIMAL PROTECTION

§ 10-403. ABUSE OF ANIMAL	\$200
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§ 10-406. ANIMAL FIGHTS	
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GENERALLY	\$100
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DOGFIGHTS	\$500
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ALL OTHER PROVISIONS	\$100
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SUBTITLE 5: ANIMAL DISTURBING PEACE	\$100
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SUBTITLE 6: WILD AND DANGEROUS ANIMALS

§ 10-601. ATTACK DOGS	\$200
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ALL OTHER PROVISIONS	\$100
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SUBTITLE 7: VICIOUS DOGS	\$200
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SUBTITLE 9: HORSE RIDING AND DRIVING	\$200
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~~TITLE 11: SWIMMING POOLS~~

SUBTITLE 3: PUBLIC SWIMMING POOLS	\$200
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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

~~(7) (9) ZONING CODE~~

~~§ 2-402. USE PERMIT REQUIRED~~ ~~\$500~~

§ 3-107. PROHIBITED USES - STORAGE, ETC., OF VEHICLES \$ 50

Article 15. Licensing and Regulation**Subtitle 16. Street Vendors of Food Products****§ 16-15. ENFORCEMENT BY CIVIL CITATION.****(A) IN GENERAL.**

IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE, THIS SUBTITLE MAY BE ENFORCED BY ISSUANCE OF A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.

(B) METHOD NOT EXCLUSIVE.

THE ISSUANCE OF A CIVIL CITATION TO ENFORCE THIS SUBTITLE DOES NOT PRECLUDE PURSUING ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

Subtitle 17. Street Vendors in Downtown Area**§ 17-18. ENFORCEMENT BY CIVIL CITATION.****(A) IN GENERAL.**

IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE, THIS SUBTITLE MAY BE ENFORCED BY ISSUANCE OF A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.

(B) METHOD NOT EXCLUSIVE.

THE ISSUANCE OF A CIVIL CITATION TO ENFORCE THIS SUBTITLE DOES NOT PRECLUDE PURSUING ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

Subtitle 18. Itinerant Wholesale Produce Dealers

§ 18-10. 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 A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.

(B) *METHOD NOT EXCLUSIVE.*

THE ISSUANCE OF A CIVIL CITATION TO ENFORCE THIS SUBTITLE DOES NOT PRECLUDE PURSUING ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

Article 19. Police Ordinances

Subtitle 7. Burglar Alarms – Vehicle Alarms

§ 7-4. Civil penalties.

(a) *In general.*

A person who violates any provision of this subtitle is subject to a civil penalty of \$100 for each offense, in addition to any towing and storage charges.

(b) *Enforcement by citation.*

(1) In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of:

- (I) an environmental citation under CITY CODE Article 1, Subtitle 40 {"Environmental Control Board"} [of the City Code]; OR
- (II) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.

(2) The issuance of [an environmental] A citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

Subtitle 8. Burglar Alarms – Registration and Regulation

§ 8-17. [Civil] ENFORCEMENT BY citation.

(a) *[Authorization] IN GENERAL.*

[Any person who violates a provision of this subtitle may be issued] IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE, THIS SUBTITLE MAY BE ENFORCED BY ISSUANCE OF:

- (1) an environmental citation [as authorized by] UNDER City Code Article 1, Subtitle 40 {"Environmental Control Board"}; OR
- (2) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.

- (b) *[Remedy] METHODS not exclusive.*

The issuance of [an environmental] A citation to enforce this [section] SUBTITLE does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

Subtitle 13. Disorderly Drinking

§ 13-4.1. ENFORCEMENT – CITATION.

- (A) *IN GENERAL.*

IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE, THIS SUBTITLE MAY BE ENFORCED BY ISSUANCE OF A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {“CIVIL CITATIONS”}.

- (B) *METHOD NOT EXCLUSIVE.*

THE ISSUANCE OF A CIVIL CITATION TO ENFORCE THIS SUBTITLE DOES NOT PRECLUDE PURSUING ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

Subtitle 14. Drinking in Public Places

§ 14-4. 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:

- (1) an environmental citation under CITY CODE Article 1, Subtitle 40 {“Environmental Control Board”} [of the City Code]; OR
- (2) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {“CIVIL CITATIONS”}.

- (b) *[Method] METHODS not exclusive.*

The issuance of [an environmental] A citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

Subtitle 25. Loitering – General

§ 25-6. 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 A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {“CIVIL CITATIONS”}.

- (B) *METHOD NOT EXCLUSIVE.*

THE ISSUANCE OF A CIVIL CITATION TO ENFORCE THIS SUBTITLE DOES NOT PRECLUDE PURSUING ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

Subtitle 26. Loitering – Drug-Free Zones**§ 26-7.1. 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 A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.

(B) *METHOD NOT EXCLUSIVE.*

THE ISSUANCE OF A CIVIL CITATION TO ENFORCE THIS SUBTITLE DOES NOT PRECLUDE PURSUING ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

Subtitle 27. Loitering – Prostitution***Part 1. In General.*****§ 27-3.1. 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 A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.

(B) *METHOD NOT EXCLUSIVE.*

THE ISSUANCE OF A CIVIL CITATION TO ENFORCE THIS SUBTITLE DOES NOT PRECLUDE PURSUING ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

Part 2. Prostitution-Free Zones**§ 27-15.1. 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 A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.

(B) *METHOD NOT EXCLUSIVE.*

THE ISSUANCE OF A CIVIL CITATION TO ENFORCE THIS SUBTITLE DOES NOT PRECLUDE PURSUING ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

Subtitle 41. Outdoor Telephones**§ 41-3. Enforcement by citation.***(a) In general.*

[Any person who violates any provision of this subtitle may be issued] IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE, THIS SUBTITLE MAY BE ENFORCED BY ISSUANCE OF:

- (1) an environmental citation [as authorized by] UNDER City Code Article 1, Subtitle 40 {"Environmental Control Board"}; OR
- (2) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.

(b) [Remedy] METHODS not exclusive.

The issuance of [an environmental] A citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

Subtitle 45. Signs – On or Affecting Public Property**§ 45-7. Enforcement; penalties.***(a) Enforcement by citation.*

- (1) In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of:
 - (I) an environmental citation [as authorized by] UNDER CITY CODE Article 1, Subtitle 40 {"Environmental Control Board"} [of the City Code]; OR
 - (II) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.
- (2) The issuance of [an environmental] A citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

Subtitle 48. Sporting Events**§ 48-2. Resale near stadiums.***(b) Enforcement by citation.*

- (1) In addition to any other civil or criminal remedy or enforcement procedure, this section may be enforced by issuance of:
 - (I) an environmental citation under CITY CODE Article 1, Subtitle 40 {"Environmental Control Board"} [of the City Code]; OR
 - (II) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.
- (2) The issuance of [an environmental] A citation to enforce this section does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

Subtitle 50. Street Regulations

Part 1. Obstructions

§ 50-2. Obstructing street, etc., or gutter.

(d) *Enforcement by citation.*

- (1) In addition to any other civil or criminal remedy or enforcement procedure, this section may be enforced by issuance of:
 - (I) an environmental citation under CITY CODE Article 1, Subtitle 40 {"Environmental Control Board"} [of the City Code]; OR
 - (II) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.
- (2) The issuance of [an environmental] A citation to enforce this section does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

§ 50-3. Merchandise projecting from building.

(b) *Enforcement by citation.*

- (1) In addition to any other civil or criminal remedy or enforcement procedure, this section may be enforced by issuance of:
 - (I) an environmental citation under CITY CODE Article 1, Subtitle 40 {"Environmental Control Board"} [of the City Code]; OR
 - (II) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.
- (2) The issuance of [an environmental] A citation to enforce this section does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

Part 3. Street Sales Near Farmers' Markets

§ 50-22.1. ENFORCEMENT BY CITATION.

(A) *IN GENERAL.*

IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE, THIS PART MAY BE ENFORCED BY ISSUANCE OF A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.

(B) *METHOD NOT EXCLUSIVE.*

THE ISSUANCE OF A CIVIL CITATION TO ENFORCE THIS PART DOES NOT PRECLUDE PURSUING ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

Part 4. Fires**§ 50-27.1. ENFORCEMENT BY CITATION.****(A) *IN GENERAL.***

IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE, THIS PART MAY BE ENFORCED BY ISSUANCE OF A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.

(B) *METHOD NOT EXCLUSIVE.*

THE ISSUANCE OF A CIVIL CITATION TO ENFORCE THIS PART DOES NOT PRECLUDE PURSUING ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

Part 6. Playing Ball, etc.**§ 50-41. Playing in street.****(A-1) *ENFORCEMENT BY CITATION.***

(1) IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE, THIS SECTION MAY BE ENFORCED BY ISSUANCE OF A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.

(2) THE ISSUANCE OF A CIVIL CITATION TO ENFORCE THIS SECTION DOES NOT PRECLUDE PURSUING ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

Part 7. Snow and Ice**§ 50-49. Enforcement by citation.****(a) *In general.***

In addition to any other civil or criminal remedy or enforcement procedure, this Part may be enforced by issuance of:

(1) an environmental citation under CITY CODE Article 1, Subtitle 40 {"Environmental Control Board"} [of the City Code]; OR

(2) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.

(b) *Process not exclusive.*

The issuance of [an environmental] A citation to enforce this Part does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

*Part 8. Soliciting Customers***§ 50-59. ENFORCEMENT BY CITATION.***(A) IN GENERAL.*

IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE, THIS PART MAY BE ENFORCED BY ISSUANCE OF A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.

(B) METHOD NOT EXCLUSIVE.

THE ISSUANCE OF A CIVIL CITATION TO ENFORCE THIS PART DOES NOT PRECLUDE PURSUING ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

Subtitle 51. Park Rules**§ 51-3. Enforcement by citation.***(a) In general.*

In addition to any other civil or criminal remedy or enforcement procedure, a park rule may be enforced by issuance of:

- (1) [a prepayable civil] AN ENVIRONMENTAL citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"};
- (2) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}; or
- (3) [(2)] a prepayable criminal citation under City Code Article 19, Subtitle 71 {"Special Enforcement Officers"}.

(b) Methods not exclusive.

The issuance of a citation to enforce a park rule does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

Subtitle 55. Ticket Sales**§ 55-1. Ticket scalping.***(B-1) ENFORCEMENT BY CITATION.*

- (1) IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE, THIS SECTION MAY BE ENFORCED BY ISSUANCE OF A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.
- (2) THE ISSUANCE OF A CIVIL CITATION TO ENFORCE THIS SECTION DOES NOT PRECLUDE PURSUING ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

§ 55-2. Street sales of theater and circus tickets.*(A-1) ENFORCEMENT BY CITATION.*

- (1) IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE, THIS SECTION MAY BE ENFORCED BY ISSUANCE OF A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.
- (2) THE ISSUANCE OF A CIVIL CITATION TO ENFORCE THIS SECTION DOES NOT PRECLUDE PURSUING ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

~~Article 23. Sanitation~~**~~Subtitle 21. General Penalties~~****~~§ 21-1. Enforcement by citation.~~***~~(a) In general.~~*

~~In addition to any other civil or criminal remedy or enforcement procedure, the following provisions of this article may be enforced by issuance of an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"} OR A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}:~~

- ~~(1) § 2-2 {"Garbage and Mixed Refuse: Receptacles"};~~
- ~~(2) § 2-3 {"Garbage and Mixed Refuse: Handling"}; [and]~~
- ~~(3) § 4-1 {"Receptacles on Collection Days: General prohibition"}; AND~~
- ~~(4) § 4-2 {"RECEPTACLES ON COLLECTION DAYS: PLACEMENT ON SIDEWALK FOR COLLECTION"}.~~

~~(b) Remedy not exclusive.~~

~~The issuance of [an environmental] A citation to enforce these sections does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.~~

Article 24. Water**Subtitle 21. Prohibited Conduct; Penalties****§ 21-11. 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:

- (1) an environmental citation [as authorized by] UNDER City Code Article 1, Subtitle 40 {"Environmental Control Board"}; OR
- (2) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.

(b) *Process not exclusive.*

The issuance of [an environmental] A citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

Article 31. Transit and Traffic**Subtitle 16. Use-of-the-Road Regulations*****Part 2. Intersections, Crosswalks, Sidewalks*****§ 16-12. Vehicles on sidewalk.**(b) *Enforcement by citation.*

- (1) In addition to any other civil or criminal remedy or enforcement procedure, this section may be enforced by issuance of:
 - (I) an environmental citation under CITY CODE Article 1, Subtitle 40 {"Environmental Control Board"} [of the City Code]; OR
 - (II) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.
- (2) The issuance of [an environmental] A citation to enforce this section does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

Baltimore City Revised Code**Article – Building, Fire, and Related Codes****~~Part H. International Building Code~~****~~§ 2-103. City modifications.~~**

~~The additions, deletions, amendments, and other modifications adopted by the City are as follows:~~

~~113.3.1 Types of proceedings.~~ Enforcement proceedings may include:

- ~~a. injunctive or other equity proceedings, including an action initiated by a code enforcement injunction citation under City Code Article 19, § 71-3, or an action for appointment of a receiver under § 121 of this Code;~~
- ~~b. criminal prosecution, including a prosecution initiated by a prepayable criminal citation under City Code Article 19, § 71-2, [and]~~
- ~~c. administrative proceedings, including one initiated by an environmental citation under City Code Article 1, [§ 40-14] SUBTITLE 40, AND~~
- ~~D. CIVIL PROCEEDINGS, INCLUDING ONE INITIATED BY A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41.~~

~~113.3.3 When prior notice not required.~~ A violation notice or order is not a prerequisite to enforcement action in the following situations:

- ~~a. when seeking a temporary restraining order or injunction in an emergency;~~
- ~~b. when seeking equitable relief for a pattern or practice of non-compliance;~~
- ~~c. for work being done without a permit or in violation of a stop-work order;~~
- ~~d. for a violation that remains unabated after a prior prosecution for that violation;~~
- ~~e. for a prepayable criminal citation that is issued under City Code Article 19, Subtitle 71 {"Special Enforcement Officers"} and for which prior notice is waived under Article 19, § 71-2;~~
- ~~f. for an environmental citation that is issued under City Code Article 1, Subtitle 40 {"Environmental Control Board"}, [and]~~
- ~~g. FOR A CIVIL CITATION THAT IS ISSUED UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}, AND~~
- ~~h. [g.] in any other case specifically authorized by this Code.~~

Part VII. International Property Maintenance Code

§ 7-102. City modifications.

The additions, deletions, amendments, and other modifications adopted by the City are as follows:

~~106.6 CITATIONS FOR CERTAIN OFFENSES.~~ IN ACCORDANCE WITH CITY CODE ARTICLE 1, SUBTITLE 40 {"ENVIRONMENTAL CONTROL BOARD"}, CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}, OR CITY CODE ARTICLE 19, SUBTITLE 71 {"SPECIAL ENFORCEMENT OFFICERS"}, A PREPAYABLE CITATION MAY BE ISSUED TO THE OWNER, OPERATOR, OCCUPANT, OR OTHER PERSON RESPONSIBLE FOR A VIOLATION OF ANY PROVISION OF §§ 304 THROUGH 307.

~~106.6.1 PROCEDURE NOT EXCLUSIVE.~~ THE ISSUANCE OF A CITATION UNDER THIS SECTION DOES NOT PRECLUDE PURSUING ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

Part VIII. International Fire Code

§ 8-102. City modifications.

The additions, deletions, amendments, and other modifications adopted by the City are as follows:

109.7 Citations for certain offenses. In accordance with City Code Article 1, Subtitle 40 {"Environmental Control Board"}, CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}, or City Code Article 19, Subtitle 71 {"Special Enforcement Officers"}, [the Code Official may issue] a prepayable citation MAY BE ISSUED to the owner, agent, or person responsible for the operation or in charge of any occupancy that fails to comply with:

- a. § 110.1 {"Unsafe Buildings: General"},

- b. § 1001.2 {"Means of Egress: Minimum Requirements"}, OR
- c. § 1001.3 {"[Unsafe Conditions] MEANS OF EGRESS Overcrowding"}.

Article – Health

Title 4. ~~Disease Control~~

~~Subtitle 6. Screening for Lead Poisoning~~

~~§ 4-604. Enforcement:~~

~~(b) Civil penalties—Parents and guardians:~~

~~§ 4-601 {"Parental responsibility"} of this subtitle may be enforced by issuance of:~~

- ~~(1) an environmental citation under CITY CODE Article 1, Subtitle 40 {"Environmental Control Board"} [of the City Code]; OR~~
- ~~(2) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.~~

Title 5. Nuisance Control

~~Subtitle 2. Nuisance Abatement—Generally~~

~~§ 5-209. 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:~~

- ~~(1) an environmental citation [as authorized by] UNDER City Code Article 1, Subtitle 40 {"Environmental Control Board"}; OR~~
- ~~(2) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.~~

~~(b) Process not exclusive:~~

~~The issuance of [an environmental] A citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.~~

~~Subtitle 4. Lead-Based Paint~~

~~§ 5-407. 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:~~

- ~~(1) an environmental citation [as authorized by] UNDER City Code Article 1, Subtitle 40 {"Environmental Control Board"}; OR~~

~~(2) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.~~

~~(b) Process not exclusive.~~

~~The issuance of [an environmental] A citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.~~

Subtitle 5. Bodily Wastes

§ 5-509. 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:

- (1) an environmental citation [as authorized by] UNDER City Code Article 1, Subtitle 40 {"Environmental Control Board"}; OR
- (2) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.

~~(b) Process not exclusive.~~

~~The issuance of [an environmental] A citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.~~

Subtitle 7. Weeds

~~§ 5-708. 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:~~

- ~~(1) an environmental citation [as authorized by] UNDER City Code Article 1, Subtitle 40 {"Environmental Control Board"}; OR~~
- ~~(2) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.~~

~~(b) Process not exclusive.~~

~~The issuance of [an environmental] A citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.~~

Title 6. Food Service Facilities

Subtitle 8. Penalties

~~§ 6-801. Enforcement by citation.~~

~~(a) In general.~~

~~In addition to any other civil or criminal remedy or enforcement procedure, this title may be enforced by issuance of:~~

~~(1) an environmental citation [as authorized by] UNDER City Code Article 1, Subtitle 40 {"Environmental Control Board"}; OR~~

~~(2) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.~~

~~(b) *Process not exclusive.*~~

~~The issuance of [an environmental] A citation to enforce this title does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.~~

Title 7. Waste Control

Subtitle 2. Solid Waste Collection

§ 7-229. 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:

(1) an environmental citation [as authorized by] UNDER City Code Article 1, Subtitle 40 {"Environmental Control Board"}; OR

(2) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.

(b) *Process not exclusive.*

The issuance of [an environmental] A citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

Subtitle 4. Landfills

§ 7-418. 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:

(1) an environmental citation [as authorized by] UNDER City Code Article 1, Subtitle 40 {"Environmental Control Board"}; OR

(2) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.

(b) *Process not exclusive.*

The issuance of [an environmental] A citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

Subtitle 6. Prohibited Disposal**§ 7-609. 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:

- (1) an environmental citation [as authorized by] UNDER City Code Article 1, Subtitle 40 {"Environmental Control Board"}; OR
- (2) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.

(b) *Process not exclusive.*

The issuance of [an environmental] A citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

Subtitle 7. Littering**§ 7-705. 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:

- (1) an environmental citation [as authorized by] UNDER City Code Article 1, Subtitle 40 {"Environmental Control Board"}; OR
- (2) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.

(b) *Process not exclusive.*

The issuance of [an environmental] A citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

Title 8. Air Pollution***Subtitle 3. Penalties*****§ 8-301. Enforcement by citation.****(a) *In general.***

In addition to any other civil or criminal remedy or enforcement procedure, this title may be enforced by issuance of:

- (1) an environmental citation [as authorized by] UNDER City Code Article 1, Subtitle 40 {"Environmental Control Board"}; OR
- (2) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.

(b) *Process not exclusive.*

The issuance of [an environmental] A citation to enforce this [subtitle] TITLE does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

Title 9. Noise Regulation

Subtitle 2. Basic Sound Level Standards

§ 9-217. 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:

- (1) an environmental citation [as authorized by] UNDER City Code Article 1, Subtitle 40 {"Environmental Control Board"}; OR
- (2) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.

(b) *Process not exclusive.*

The issuance of [an environmental] A citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

Subtitle 3. Entertainment and Commercial Noise

§ 9-316. 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:

- (1) an environmental citation [as authorized by] UNDER City Code Article 1, Subtitle 40 {"Environmental Control Board"}; OR
- (2) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.

(b) *Process not exclusive.*

The issuance of [an environmental] A citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

Subtitle 4. Amplified Sounds in Market Center

§ 9-417. 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:

(1) an environmental citation [as authorized by] UNDER City Code Article 1, Subtitle 40 {“Environmental Control Board”}; OR

(2) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {“CIVIL CITATIONS”}.

(b) *Process not exclusive.*

The issuance of [an environmental] A citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

Title 10. Animal Control

Subtitle 2. Licensing

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

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

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

(i) has been convicted; or

(ii) received environmental OR CIVIL citations that have been disposed of other than by a decision of “not guilty”.

Subtitle 5. Animals Disturbing Peace

§ 10-507. Second complaint.

On a second complaint that the same animal is again disturbing the peace, the Bureau of Animal Control must:

(1) investigate the complaint; and

(2) if a violation is found to have occurred, [serve] CAUSE the owner or keeper TO BE SERVED with:

(I) an environmental citation[, as provided in] UNDER City Code Article 1, Subtitle 40 {“Environmental Control Board”}; OR

(II) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {“CIVIL CITATIONS”}.

§ 10-508. Third complaint.

(a) *In general.*

On a third complaint that the same animal is again disturbing the peace, the Bureau of Animal Control must:

(1) investigate the complaint; and

(2) if a violation is found to have occurred, other than one relating to dangerous animals, [serve] CAUSE the owner or keeper TO BE SERVED with:

(I) an environmental citation[, as provided in] UNDER City Code Article 1, Subtitle 40 {“Environmental Control Board”}; OR

(II) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {“CIVIL CITATIONS”}.

§ 10-509. Fourth complaint.

(a) *In general.*

On a fourth complaint that the same animal is again disturbing the peace, the Bureau of Animal Control must:

(1) investigate the complaint; and

(2) if a violation is found to have occurred, except as described in subsection (b) of this section, [serve] CAUSE the owner or keeper TO BE SERVED with:

(I) an environmental citation[, as provided in] UNDER City Code Article 1, Subtitle 40 {“Environmental Control Board”}; OR

(II) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {“CIVIL CITATIONS”}.

Subtitle 11. Penalties

§ 10-1101. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this title may be enforced by issuance of:

(1) an environmental citation [as authorized by] UNDER City Code Article 1, Subtitle 40 {“Environmental Control Board”}; OR

(2) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {“CIVIL CITATIONS”}.

(b) *Process not exclusive.*

The issuance of [an environmental] A citation to enforce this title does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

~~Title 11. Swimming Pools~~

~~Subtitle 3. Public Swimming Pools~~

~~§ 11-317. 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:~~

~~(1) an environmental citation [as authorized by] UNDER City Code Article 1, Subtitle 40 {"Environmental Control Board"}; OR~~

~~(2) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.~~

~~(b) *Process not exclusive.*~~

~~The issuance of [an environmental] A citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.~~

Title 12. Tobacco Products

Subtitle 1. Smoking in City Buildings and Vehicles

§ 12-111. Enforcement by citation.

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

~~Any person who willfully violates any provision of this subtitle or of any rule, regulation, or order issued under this subtitle may be issued:~~

~~(1) an environmental citation [as authorized by] UNDER City Code Article 1, Subtitle 40 {"Environmental Control Board"}; OR~~

~~(2) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.~~

~~(b) *Process not exclusive.*~~

~~The issuance of [an environmental] A citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.~~

Subtitle 2. Sale of Unpackaged Cigarettes

§ 12-203. 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:~~

~~(1) an environmental citation [as authorized by] UNDER City Code Article 1, Subtitle 40 {"Environmental Control Board"}; OR~~

~~(2) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.~~

~~(b) *Process not exclusive.*~~

~~The issuance of [an environmental] A citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.~~

Subtitle 4. Placement of Tobacco Products

§ 12-406. 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:

- (1) an environmental citation [as authorized by] UNDER City Code Article 1, Subtitle 40 {"Environmental Control Board"}; OR
- (2) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.

(b) *Process not exclusive.*

The issuance of [an environmental] A citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

Subtitle 5. Distribution to Minors

§ 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:

- (1) an environmental citation [as authorized by] UNDER City Code Article 1, Subtitle 40 {"Environmental Control Board"}; OR
- (2) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.

(b) *Process not exclusive.*

The issuance of [an environmental] A citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

Article – Zoning

Title 17. Enforcement and Penalties

Subtitle 4. Enforcement by Civil Citation

§ 17-401. In general.

In addition to any other civil or criminal remedy or enforcement procedure, the following provisions of this article may be enforced by issuance of [an environmental] A citation [as authorized by] UNDER City Code Article 1, Subtitle 40 {"Environmental Control Board"}, CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}, OR CITY CODE ARTICLE 19, SUBTITLE 71 {"SPECIAL ENFORCEMENT OFFICERS"}:

- (1) § 2-402 {"Use permit required"}.

~~(2) § 3-107 {"Prohibited uses – storage, etc., of vehicles"}.~~

(A) USE PERMITS.

IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE, § 2-402 {"USE PERMIT REQUIRED"} OF THIS ARTICLE MAY BE ENFORCED BY ISSUANCE OF:

- (1) AN ENVIRONMENTAL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 40 {"ENVIRONMENTAL CONTROL BOARD"}; OR
- (2) A PREPAYABLE CRIMINAL CITATION UNDER CITY CODE ARTICLE 19, SUBTITLE 71 {"SPECIAL ENFORCEMENT OFFICERS"}.

(B) VEHICLE STORAGE.

IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE, § 3-107 {"PROHIBITED USES – STORAGE, ETC., OF VEHICLES"} OF THIS ARTICLE MAY BE ENFORCED BY ISSUANCE OF:

- (1) AN ENVIRONMENTAL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 40 {"ENVIRONMENTAL CONTROL BOARD"};
- (2) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}; OR
- (3) A PREPAYABLE CRIMINAL CITATION UNDER CITY CODE ARTICLE 19, SUBTITLE 71 {"SPECIAL ENFORCEMENT OFFICERS"}.

§ 17-402. Process not exclusive.

The issuance of [an environmental] A citation to enforce the provisions listed in § 17-401 {"In general"} of this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by 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, within 60 days after the first anniversary of the effective date of this Ordinance, the Police Commissioner shall submit to the City Council a comprehensive report on the implementation of and operations under this Ordinance during the preceding year. The report shall contain detailed information on and analyses of the effect of this Ordinance on crime reduction, its fiscal impact, and related demographics (including the number of citations issued and their disposition, by type of offense, by police district, and by the age, sex, and race of persons receiving citations).

SECTION 3 4. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted. This Ordinance will remain in effect for 2 years; at the end of that period, with no further action by the Mayor and City Council, it will be abrogated and of no further effect.

Approved August 14, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-596
(Council Bill 03-1120)**

AN ORDINANCE CONCERNING

Parking Fines and Penalties — Amnesty — ~~Discounts~~

FOR the purpose of providing for a special amnesty from penalties imposed on parking, stopping, and standing violations; imposing a moratorium on further amnesties for a certain period; ~~authorizing certain discounts for persons who, during that moratorium period, pay their fines by a certain date~~; clarifying, correcting, and conforming certain language; deleting certain obsolete provisions; and generally relating to parking, stopping, and standing violations, fines, penalties, and procedures.

BY repealing and reordaining, with amendments

Article 31 - Transit and Traffic
Section(s) 36-22 and 36-23
Baltimore City Code
(Edition 2000)

BY renumbering

Article 31 - Transit and Traffic
Section(s) 36-23
to be Section(s) 36-24
Baltimore City Code
(Edition 2000)

BY adding

Article 31 - Transit and Traffic
Section(s) 36-23
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 36. Parking, etc., Fines, Penalties, and Procedures

§ 36-22. Imposition of penalties.

(a) *Notice to offender.*

If a person [who receives a citation for a violation has failed] FAILS to pay the appropriate fine for [the] violation by the date [of payment set forth on] SPECIFIED IN the citation and [has failed] FAILS to file a notice of intention to stand trial for the offense, a formal notice of the violation shall be sent to the owner's last known address.

(b) *Penalties if not paid.*

- (1) If, within 15 days from the date of the notice, the citation has not been satisfied, the person who received the citation is liable for [the following] A penalty OF \$16 for each month or part of a month the citation remains unsatisfied[:
 - (i) through June 30, 1999, \$8;
 - (ii) effective July 1, 1999, and through June 30, 2000, \$12; and
 - (iii) effective July 1, 2000, \$16].
- (2) If the City has requested the State Motor Vehicle Administration to refuse registration or transfer of registration of the subject vehicle until the charge has been satisfied, a further penalty of \$25 is imposed.
- (3) These penalties are in addition to and [to] MAY be collected in the same manner as [all] THE fines imposed [under] BY this subtitle.

§ 36-23. AMNESTIES; ~~EARLY PAYMENT DISCOUNTS.~~

(A) *GENERAL AUTHORITY TO OFFER AMNESTY.*

EXCEPT AS OTHERWISE PROVIDE IN THIS SECTION, THE DIRECTOR OF FINANCE, WITH THE APPROVAL OF THE BOARD OF ESTIMATES, MAY PERIODICALLY OFFER AMNESTY FROM THE PAYMENT OF PENALTIES THAT HAVE ACCUMULATED ON FINES FOR PARKING, STOPPING, OR STANDING VIOLATIONS.

(B) *DISCOUNT TEST PERIOD.*

- (1) WITHIN 60 DAYS OF THE ENACTMENT OF THIS SECTION, THE DIRECTOR OF FINANCE SHALL OFFER A ~~7-DAY~~ 2-DAY AMNESTY PERIOD DURING WHICH OUTSTANDING FINES FOR PARKING, STOPPING, AND STANDING VIOLATIONS MAY BE PAID WITHOUT LIABILITY FOR ANY PENALTIES THAT HAVE ACCUMULATED ON THOSE FINES.
- (2) AT THE END OF THAT ~~7-DAY~~ 2-DAY AMNESTY PERIOD, NO FURTHER AMNESTIES MAY BE OFFERED FOR ~~5~~ 10 YEARS.
- ~~(3) DURING THAT 5-YEAR PERIOD, ANY PERSON WHO PAYS THE FINE ON OR BEFORE THE DATE SPECIFIED IN THE CITATION IS ENTITLED TO A DISCOUNT EQUAL TO 20% OF THE AMOUNT ORDINARILY IMPOSED FOR THE OFFENSE.~~

(C) *RULES AND REGULATIONS.*

- (1) THE DIRECTOR OF FINANCE MAY ADOPT RULES AND REGULATIONS TO CARRY OUT THIS SECTION.
- (2) A COPY OF THESE RULES AND REGULATIONS MUST BE FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

§ 36-24. [§ 36-23.] Powers of Director of Finance.**(a) *In general***

In addition to the powers granted to the Director of Finance in connection with the collection of the fines and penalties imposed by this subtitle, [he is hereby authorized and empowered] THE DIRECTOR MAY:

- (1) [to make,] adopt[, and amend such] rules and regulations as [he may deem] THE DIRECTOR CONSIDERS necessary or proper:
 - (i) to fully collect the fines and penalties imposed by this subtitle; and
 - (ii) to define any terms used in connection with the collection of [said] THOSE fines and penalties;
- (2) [to] waive all fines, penalties, charges, and costs [in instances] where there has been a material error in the preparation of the citation;
- (3) [to] delegate any of his OR HER powers, duties, or functions in connection with the collection of the fines, penalties, charges, and costs imposed by this subtitle and the enforcement of the provisions relating [thereto] TO THEM to any other agent, representative, or employee of the Director or the City;
- (4) [to] refund the amount of any [overpayment of any] charge paid in error, within 3 years from the date of THE ERRONEOUS payment; and
- (5) [to] refund or waive collateral, towing charges, and storage costs [at his discretion when these aforesaid charges have] THAT, in [his] THE DIRECTOR'S opinion and in accordance with [his] THE DIRECTOR'S regulations, HAVE been improperly assessed.

(b) *Reporting certain actions.*

Any action taken [pursuant to] UNDER subsection (a)(4) or (5) OF THIS SECTION [shall] MUST be documented in a monthly report [to be] prepared by the Director [of Finance] and submitted to the City Auditor for review.

[(c) *Parking fines amnesty.*

- (1) Notwithstanding the provisions of subsection (a) of this section and subject to the approval of the Board of Estimates, the Director of Finance may offer amnesty for the payment of penalties that have accumulated on a parking or stopping fine.
- (2) The Director of Finance may adopt rules and regulations to carry out the provisions of this subsection.]

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 14, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-597
(Council Bill 03-1153)**

AN ORDINANCE CONCERNING

**Sale of Property — Former Bed of McDonogh Street, a Portion of
the former Bed of Shuter Street, and a Portion of the
Former Bed of a 20-foot Alley**

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 known as the former bed of McDonogh Street, a portion of the former bed of Shuter Street, and a portion of the former bed of a 20-foot alley laid out in the rear of the properties known as 801 through 825 North Broadway and no longer needed for highway or other 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 and to certain parcels of land no longer needed for highway or other public use and known as the former bed of McDonogh Street, a portion of the former bed of Shuter Street, and a portion of the former bed of a 20-foot alley laid out in the rear of the properties known as 801 through 825 North Broadway, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the north side of Madison Street, 66 feet wide, and the west side of the former bed of McDonogh Street, 40 feet wide, and running thence binding on the west side of the former bed of said McDonogh Street, Northerly 75.0 feet, more or less, to intersect the south side of a 3-foot alley laid out in the rear of the properties known as Nos. 1710-1702 E. Madison Street; thence binding on the south side of said 3-foot alley, Westerly 2.0 feet to intersect the west side of the former bed of McDonogh Street, 42 feet wide; thence binding on the west side of the former bed of last said McDonogh Street, Northerly 179.0 feet, more or less, to the south outline of the property known as No. 1725 Ashland Avenue; thence binding on the south outline of the property known as No. 1725 Ashland Avenue, Easterly 2.0 feet to intersect the west side of the former bed of McDonogh Street, 40 feet wide; thence binding on the west side of the former bed of last said McDonogh Street, Northerly 66.0 feet, more or less, to intersect the south side of Ashland Avenue, 66 feet wide; thence binding on the south side of said Ashland Avenue, Easterly 40.0 feet to intersect the east side of the former bed of last said McDonogh Street; thence binding in part on the east side of the former bed of McDonogh Street, 40 feet wide, in part on the east side of the former bed of McDonogh Street, 42 feet

wide, and in all, Southerly 320.0 feet, more or less, to intersect the north side of said Madison Street, and thence binding on the north side of said Madison Street, Westerly 40.0 feet to the place of beginning.

Beginning for Parcel No. 2 at a point on the east side of the former bed of Shuter Street, 20 feet wide, distant southerly 79.0 feet, more or less, measured along the east side of the former bed of said Shuter Street from the south side of Ashland Avenue, 66 feet wide, said point of beginning also being the point formed by the intersection of the east side of the former bed of said Shuter Street and the south side of a 4-foot alley laid out in the rear of the properties known as Nos. 1743 through 1749 Ashland Avenue, and running thence binding on the east side of the former bed of said Shuter Street, Southerly 132.0 feet, more or less, to a point 24 feet north of a 10-foot alley laid out in the rear of the properties known as Nos. 1712 through 1744 E. Madison Street; thence by a straight line, Westerly 10.0 feet to intersect the centerline of the former bed of said Shuter Street; thence binding on the centerline of the former bed of said Shuter Street, Northerly 132.0 feet, more or less, to intersect the line of the south side of said 4-foot alley, if projected westerly, and thence binding reversely on last said line so projected, Easterly 10.0 feet to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the south side of Ashland Avenue, 66 feet wide, and the west side of the former bed of a 20-foot alley laid out in the rear of the properties known as Nos. 801 through 825 N. Broadway, said point of beginning being distant easterly 120.0 feet, more or less, measured along the south side of said Ashland Avenue from the east side of Broadway, 130.25 feet wide, and running thence binding on the south side of said Ashland Avenue, Easterly 20.0 feet to intersect the east side of the former bed of said 20-foot alley; thence binding on the east side of the former bed of said 20-foot alley, Southerly 320.0 feet, more or less, to intersect the north side of Madison Street, 66 feet wide; thence binding on the north side of said Madison Street, Westerly 10.0 feet to intersect the centerline of the former bed of said 20-foot alley; thence binding on the centerline of the former bed of said 20-foot alley, Northerly 200.0 feet, more or less, to intersect the line of the south outline of the property known as No. 825 N. Broadway, if projected easterly; thence binding reversely on said line so projected, Westerly 10.0 feet to intersect the west side of the former bed of said 20-foot alley, and thence binding on the west side of the former bed of said 20-foot alley Northerly 120.0 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 August 14, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-598
(Council Bill 03-1166)**

AN ORDINANCE CONCERNING

**Metropolitan District of Baltimore County —
Extension 148**

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 86.75 acres, located in the 2C4 Election District of Baltimore County on the north side of Winands Road, opposite Offutt Road, as more particularly shown on the plat labeled Extension 148 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 August 14, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-599
(Council Bill 03-1068)**

AN ORDINANCE CONCERNING

Sale of Property — 1401 Jackson 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 1401 Jackson Street, Block 1932, Lot 052 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 1401 Jackson Street, Block 1932, Lot 052, and more particularly described as follows:

The subject parcel (Block 1932, Lot 052) is an unimproved lot. The site is located on the northeast side of Jackson Street between Harvey Street and East Clement Street,

containing 1,712 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 24, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-600
(Council Bill 03-1118)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use Convalescent, Nursing, and
Rest Home (Assisted Living) — 3616 Frederick 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 3616 Frederick Avenue, 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 convalescent, nursing, and rest home (assisted living) on the property known as 3616 Frederick Avenue on the property known as 3616 Frederick Avenue, 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 ~~condition that the~~ following conditions:

1. The maximum number of residents is 9, 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. 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 September 24, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-601
(Council Bill 03-1119)**

AN ORDINANCE CONCERNING

**Rezoning — A Portion of 4118 Southern Avenue, A Portion of
4800-4810 Belair Road, A Portion of 4812 Belair Road, and
4824-4842 Belair Road**

FOR the purpose of changing the zoning for the following properties: for a portion of the property known as 4118 Southern Avenue, for a portion of the properties known as 4800-4810 Belair Road and a portion of the property known as 4812 Belair Road, as outlined in red on the accompanying plat, from the R-5 Zoning District to the B-3-2 Zoning District; and for the properties known as 4824-4842 Belair Road, as outlined in red on the accompanying plat, from the B-2-2 Zoning District to the B-3-2 Zoning District.

BY amending

Article - Zoning
Zoning District Maps
Sheet(s) 29
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 29 of the Zoning District Maps is amended by changing from the R-5 Zoning District to the B-3-2 Zoning District a portion of the property known as 4811 Southern Avenue, a portion of the properties known as 4800-4810 Belair Road and a portion of the property known as 4812 Belair Road, as outlined in red on the plat accompanying this Ordinance, and by changing from the B-2-2 Zoning District to the B-3-2 Zoning District the properties known as 4824-4842 Belair Road, as outlined in red on the accompanying plat.

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

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

Approved September 24, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-602
(Council Bill 03-1131)**

AN ORDINANCE CONCERNING

**Payments in Lieu of Taxes — Newly Constructed Market
Rate Rental Housing Buildings on State Land**

FOR the purpose of authorizing and providing for negotiated payments in lieu of taxes ("PILOTs") in connection with certain newly constructed market rate rental housing buildings on land owned by the State of Maryland; authorizing the Mayor and City Council of Baltimore to enter into all arrangements necessary to effectuate PILOTs for newly constructed market rate rental housing buildings, by any and all necessary and proper means; making certain legislative findings concerning the public benefits of this Ordinance; providing that the assessment of the property shall be carried on the assessment books as though the property were taxable for the purposes of determining the amount of any State aid that is based on the assessable base of the City; authorizing the Board of Estimates to approve the final terms of the PILOT Agreements; and providing for a special effective date.

BY authority of

Article - Tax - Property
Section 7-501 (b)
Annotated Code of Maryland
(2001 Replacement Volume)

Recitals

Section 7-501 of the Tax Property Article of the Annotated Code of Maryland (the "Enabling Law") authorizes the Mayor and City Council of Baltimore (the "City") to exempt from municipal property tax in the City and to accept a negotiated payment in lieu of the taxes on property owned by the State that is leased or otherwise made available to any person or business that is conducted for profit. The Enabling Law requires that the assessment of the property be included in the assessable base of the City to determine the amount of any State aid that is based on the assessable base of the City.

The City desires to encourage the development of market rate rental housing within the environs of the City to foster and stimulate economic growth. To accomplish this, the City desires the ability to offer a PILOT to prospective developers, lessees, sublessees, and transferees of newly constructed market rate rental housing buildings.

Authorizing the use of a PILOT in connection with or as part of a lease of land for newly constructed market rate rental housing buildings owned by the State of Maryland is in the best interest of the City and will achieve significant public benefits and purposes, including (i) the addition of properties to the tax rolls of the City and the resulting increase in tax revenues for the City, (ii) the encouragement of the economic development of the City, including the use of resources, ingenuity, and entrepreneurial talents of the private sector to develop, market rate rental housing, (iii) the creation of job opportunities and the retention of existing jobs, (iv) the addition of market rate rental housing within the City, (v) the general promotion and improvement of the City and its facilities in order to foster and maintain the City and the image of the City as a healthy environment for the growth of business and industry, and (vi) the continuous economic well-being of its residents, both individual and corporate, thereby further encouraging the health, welfare, and safety of the citizens of the State of Maryland and of the City.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council finds and determines that:

- (1) There is a need for newly constructed market rate rental housing in the City to provide additional housing buildings in the City and to achieve significant public benefits and purposes.
- (2) The authorization by the Board of Estimates of the City to approve a PILOT in connection with or as part of a PILOT Agreement entered into on or after July 1, 1998, for newly constructed market rate rental housing buildings on land owned by the State of Maryland and leased to any person who uses the property in connection with a business that is conducted for a profit will substantially aid in achieving and encouraging economic development in the City and other significant public benefits and purposes.

SECTION 2. AND BE IT FURTHER ORDAINED, That, acting pursuant to the Enabling Law and subject to this Ordinance, the City is authorized to exempt from municipal taxation newly constructed market rate rental housing buildings within the City that are on land owned by the State of Maryland, on or after July 1, 1998, that are leased or otherwise made available to any person who uses the property in connection with a business that is conducted for profit and who is authorized to accept a PILOT in accordance with the terms and conditions of an agreement (the "PILOT Agreement") approved by the Board of Estimates. The assessment of the newly constructed market rate rental housing buildings, however, shall be included in the assessable base of the City to determine the amount of any State aid that is based on the assessable base of the City.

SECTION 3. AND BE IT FURTHER ORDAINED, That the City may grant an exemption and is authorized to negotiate a PILOT Agreement under this Ordinance for the lease of any property owned by the State of Maryland for use for newly constructed market rate rental housing buildings within the environs of the City.

SECTION 4. AND BE IT FURTHER ORDAINED, That, for purposes of this Ordinance, "property owned by the State" means any ownership interest held by the State of Maryland in the applicable real property, including legal title to property, whether in fee or as a leasehold interest, and whether or not subject to a ground lease.

SECTION 5. AND BE IT FURTHER ORDAINED, That, for purposes of this Ordinance, the term "newly constructed market rate rental housing building" means improvements constructed on property owned by the State, or to be constructed, for use and operation as market rate rental housing buildings, that has a minimum investment of \$2,500,000 in private capital.

SECTION 6. AND BE IT FURTHER ORDAINED, That any PILOT Agreement shall contain the terms and conditions that the Board of Estimates deems reasonable and necessary to accomplish the purpose of the Ordinance, taking into account the specific needs of the newly constructed market rate rental housing building, including at least the minimum provisions required by law for minority and women participation in this economic development project.

SECTION 7. AND BE IT FURTHER ORDAINED, That the final terms of any PILOT Agreement affecting any newly constructed market rate rental housing building and the final form of all documents drafted in connection with it are subject to the approval of the Board of Estimates and shall include:

- (1) The PILOT Agreement shall be for a period of not more than 15 years after its effective date.
- (2) The PILOT Agreement shall require the payment of the amount of the real property taxes based on the existing assessments on the property on which the newly constructed market rate rental housing building is constructed as determined by the State Department of Assessments and Taxation as of the January 1st prior to the adoption of this Ordinance (the "Base Tax").
- (3) During the term of the PILOT, a percentage of the incremental taxes based on the increase in the assessment due to the construction of the newly constructed market rate rental housing buildings as such assessment may increase from time to time (the "Incremental Taxes"), which percentage shall not be less than 5% and may include the payment of a lump sum on an annual basis as determined by the Board of Estimates.
- (4) Any retail space constructed as part of the project shall be subdivided and pay full taxes.
- (5) Should the newly constructed market rate rental housing buildings be converted to condominium units that are sold to individual homeowners, the unit or units shall be removed from the PILOT and become subject to normal taxation as of the date of the settlement of the conveyance of the unit or units.

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

Approved September 24, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-603
(Council Bill 03-1132)**

AN ORDINANCE CONCERNING

Sale of Properties — 625, 629, and 631 Portland 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 625, 629, and 631 Portland 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 625, 629, and 631 Portland Street (Block 685, Lots 48, 50, and 51), and more particularly described as follows:

The properties contain buildings, with an estimated total gross building area above grade of 10,828 square feet, and they are located in the Ridgely's Delight Urban Renewal Area, with the lots

containing 5,929 square feet, more or less, 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 24, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-604
(Council Bill 02-955)**

AN ORDINANCE CONCERNING

**Planned Unit Development — Amendment —
Sinai Hospital**

FOR the purpose of approving certain amendments to the Development Plan of the Sinai Hospital Planned Unit Development; 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

By Ordinance 90-433, as last amended by Ordinance 94-352, the Mayor and City Council approved the application of Sinai Hospital of Baltimore, Inc., to have certain property located generally south of Belvedere Avenue and West Northern Parkway, east of Lanier Avenue, north and west of Cylburn Avenue, and east and west of Greenspring Avenue, consisting of 61.995 acres, more or less, designated as a Residential Planned Unit Development and approved the Development Plan submitted by the applicant.

Sinai Hospital, Inc., wishes to amend the Development Plan, as previously approved by the Mayor and City Council, to be able to facilitate the changes that are necessary to serve the current needs of the community.

On September 18, 2002, representatives of Sinai Hospital of Baltimore, Inc., 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 Sinai Hospital of Baltimore, Inc., 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 “Existing Campus Layout (Sheet 1, dated ~~September 10, 2002~~ November 7, 2002)”, “Prop. Campus Layout (Sheet 2, dated ~~October 23, 2002~~ May 9, 2003)”, “PUD Section Drawings (Sheet 3, dated ~~October 23, 2002~~ April 14, 2003)”, and “PUD Section Drawings (Sheet 4, dated ~~October 23, 2002~~ April 14, 2003)”.

SECTION 2. AND BE IT FURTHER ORDAINED, That a proposed minimum distance of 220 feet, with the possibility of minor modifications, from the nearest point of West Northern Parkway, east of Greenspring Avenue, to the nearest point of the proposed buildings shown on Sheet 2, be maintained and preserved as a heavily wooded buffer. Any deviation from the proposed setbacks must be reviewed and approved by the Planning Commission in accordance with the overall objective of minimizing the buildings’ visibility from West Northern Parkway. The Developer will replenish any loss of trees due to the construction of the buildings and will provide long-term evergreen planting around the north side of the buildings and west side of the stormwater management pond, as indicated on the Development Plan.

SECTION 3. AND BE IT FURTHER ORDAINED, That the proposed buildings east of Greenspring Avenue be designed and constructed with materials that will minimize the buildings’ visibility from West Northern Parkway.

SECTION 4. AND BE IT FURTHER ORDAINED, That the proposed setback from West Northern Parkway and other aspects of the siting and design of the buildings east of Greenspring Avenue, together with the maintenance and preservation of the wooded buffer along the remainder of the parcel east of Greenspring Avenue in a heavily wooded state, are intended to preserve the character of West Northern Parkway as a greenbelt that provides a scenic buffer and a link in a larger green space environment. Any future

modification to the Residential Planned Unit Development and the development of the detailed plans for the buildings east of Greenspring Avenue should give priority to the achievement of these goals.

SECTION 5. AND BE IT FURTHER ORDAINED, That health and health-care related uses, and uses accessory to them, are allowed, including but not limited to the following:

blood donor centers; clinics: medical and dental; convalescent, nursing, and rest homes; day care facilities, as follows: day nurseries and nursery schools, family day care homes, and school-age child care centers; ~~drug stores and pharmacies; elementary and secondary schools;~~ hospitals; laboratories: medical and dental; massage therapists' offices; medical offices; opticians: sales and service; orthopedic and medical appliance stores; parking and off-street garages for the parking of four or more motor vehicles; ~~physical culture and health services: gymnasiums, reducing salons, and public baths;~~ and substance abuse treatment centers;

~~provided that the retail health and health-related uses operated by third parties and open to the public are accessible only from internal walkways and common areas in the hospital and may not be accessible through their own exterior doors.~~

SECTION 6. AND BE IT FURTHER ORDAINED, That commercial uses and uses accessory to them are allowed, including but not limited to the following:

automatic teller machines; banks and savings and loan associations; barber shops; beauty shops; book stores: general; business and professional offices; camera and photographic supply stores; candy and ice cream stores; carry-out food shops; ~~drug stores and pharmacies;~~ dry cleaning establishments; ~~elementary and secondary schools;~~ financial institutions; florist shops; gift and card shops; newsstands; photocopying service; ~~physical culture and health services: gymnasiums, reducing salons, and public baths;~~ post offices; restaurants and lunch rooms - but not including live entertainment or dancing; toy stores; travel bureaus; variety stores; and video movies sales and rentals;

~~provided that the retail commercial uses operated by third parties and open to the public are accessible only from internal walkways and common areas in the hospital and may not be accessible through their own exterior doors.~~

SECTION 7. AND BE IT FURTHER ORDAINED, That the following uses are allowed on the subject property so long as the Board of Municipal and Zoning Appeals approves them as conditional uses pursuant to the "Procedures and General Considerations" set forth in Title 14, Subtitle 2, Part I of the Baltimore City Zoning Code:

radio and television antennas and towers that extend no more than 25 feet above the building on which they are mounted; antennas towers, microwave relay towers, and similar installations for communications transmission or receiving; and any uses accessory to them.

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

Approved October 6, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-605
(Council Bill 03-1088)**

AN ORDINANCE CONCERNING

**Urban Renewal — Poppleton —
Amendment 2**

FOR the purpose of amending the Urban Renewal Plan for Poppleton to revise the land use category for certain properties; providing for Planned Unit Development Standards and Controls; revising certain exhibits attached to the Plan to reflect changes in the Plan; revising and deleting certain disposition lots; 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 Poppleton was originally approved by the Mayor and City Council of Baltimore by Ordinance 75-837 and last amended by Ordinance 86-862.

An amendment to the Urban Renewal Plan for Poppleton is necessary to revise the land use category for certain properties, provide for Planned Unit Development Standards and Controls, revise certain exhibits attached to the Plan to reflect changes in the Plan, and revise and delete certain disposition lots.

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 Poppleton are approved:

- (1) On page 9 of the Plan, after C.6., add new Section 7 to read as follows:

7. PUD STANDARDS AND CONTROLS

TO THE EXTENT THERE EXISTS ANY CONFLICT BETWEEN THE PROVISIONS OF THE RENEWAL PLAN AND THE STANDARDS AND CONTROLS OF ANY PLANNED UNIT DEVELOPMENT LEGISLATION APPROVED BY THE MAYOR AND CITY COUNCIL, THE STANDARDS AND CONTROLS OF THE PLANNED UNIT DEVELOPMENT, INCLUDING WITHOUT LIMITATION, THOSE AFFECTING USE, PARKING, ACCESS, AESTHETIC CONTROLS, SETBACKS, SPECIFIC LOT CONTROLS, AND BUILDING HEIGHTS, CONTROL.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Urban Renewal Plan for Poppleton, as amended by this Ordinance and identified as “Urban Renewal Plan, Poppleton, revised to include Amendment 9, dated April 14, 2003”, 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 revised Exhibit 1, “Land Use Plan”, dated April 14, 2003, revised Exhibit 3, “Land Disposition”, dated April 14, 2003, and revised Exhibit 4B, “Proposed Zoning Districts”, dated April 14, 2003, are approved.

SECTION 4. AND BE IT FURTHER ORDAINED, That Disposition Lot 33 is expanded to include 800-898 West Baltimore Street, 803-899 West Fairmount Avenue, 802/812 West Fairmount Avenue, 2-15 North Poppleton Street, 4-12 North Fremont Avenue, and 801 West Fayette Street. Disposition Lots 9D, 10A, and 10C of the Urban Renewal Plan are deleted.

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 October 6, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-606
(Council Bill 03-1141)**

AN ORDINANCE CONCERNING

**City Streets — Opening —
Sarril Road, Strathdale Road, and a
Portion of Relcrest Road**

FOR the purpose of condemning and opening (1) Sarril Road, extending from Frankford Avenue easterly to Strathdale Road, (2) Strathdale Road extending from Sarril Road northeasterly to a 16-foot alley, and (3) a portion of Relcrest Road, contiguous to the north side thereof, and extending from a point 300 feet, more or less, east of Frankford Avenue easterly 476 feet, more or less, as shown on Plat 346-A-46A 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) Sarril Road, extending from Frankford Avenue easterly to Strathdale Road, (2) Strathdale Road extending from Sarril Road northeasterly to a 16-foot alley, and (3) a portion of Relcrest Road, contiguous to the north side thereof, and extending from a point 300 feet, more or less, east of Frankford Avenue easterly 476 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 Frankford Avenue, 60 feet wide, and the northwest side of Sarril Road, 50 feet wide, and running thence binding on the northwest side of said Sarril Road, North 67° 05' 20" East 1005.80 feet to intersect the southwesternmost extremity of Strathdale Road, varying in width; thence binding on the southwesternmost extremity of said Strathdale Road, South 22° 54' 40" East 50.00 feet to intersect the southeast side of said Sarril Road; thence binding on the southeast side of said Sarril Road, South 67° 05' 20" West 1021.55 feet to intersect the east side of said Frankford Avenue, and thence binding on the east side of said Frankford Avenue, North 05° 25' 15" West 52.42 feet to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the south side of a 16-foot alley, laid out in the rear of the properties known as Nos. 5547 through 5617 Force Road and the east side of Strathdale Road, 50 feet wide, and running thence binding on the east side of said Strathdale Road the three following courses and distances; namely, Southerly by an arc curving to the left with a radius of 1350.00 feet the distance of 28 feet, more or less, Southerly by an arc curving to the left with a radius of 175.00 feet the distance of 103.10 feet and South 06° 54' 40" East 129.36 feet to the southeast side of Strathdale Road, varying in width; thence binding on the southeast side of last said Strathdale Road, South 67° 05' 20" West 52.76 feet to intersect the southwesternmost extremity of last said Strathdale Road; thence binding on the southwesternmost extremity of last said Strathdale Road, North 22° 54' 40" West 50.00 feet to intersect the northwest side of last said Strathdale Road; thence binding on the northwest

side of last said Strathdale Road, Northeasterly by an arc curving to the left with a radius of 20.00 feet the distance of 25.83 feet; thence binding on the west side of Strathdale Road, mentioned firstly herein the two following courses and distances; namely, North 06° 54' 40" West 76.61 feet and Northerly by an arc curving to the right with a radius of 225.00 feet the distance of 132.57 feet to intersect the south side of said 16 foot alley, and thence binding on the south side of said 16 foot alley, North 87° 42' 21" East 58.08 feet to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the northwest side of Relcrest Road, 32 feet wide and the northeast side of a proposed street known as Furley Way, 44 feet wide, as shown on a plat entitled "Subdivision Plat-Plat 4 Frankford Estates" as revised and recorded among the Land Records of Baltimore City, and running thence binding on the northwest side of said Relcrest Road, North 66° 46' 30" East 476.3 feet, more or less; thence by a straight line, South 23° 32' 49" East 10.00 feet to intersect a line drawn parallel with and distant 10.0 feet southeast of the northwest side of said Relcrest Road; thence binding on said line, so drawn, South 66° 46' 30" West 476.0 feet, more or less, to intersect the northeast side of said Furley Way, and thence binding on the northeast side of said Furley Way, North 23° 13' 30" West 10.00 feet to the place of beginning.

As delineated on Plat 346-A-46A, prepared by the Survey Control Section and filed on May 30, 2003, 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 streets 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 6, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-607
(Council Bill 03-1142)**

AN ORDINANCE CONCERNING

**City Streets — Closing —
Sarril Road, Strathdale Road, and a
Portion of Relcrest Road**

FOR the purpose of condemning and closing (1) Sarril Road extending from Frankford Avenue easterly to Strathdale Road, (2) Strathdale Road extending from Sarril Road northeasterly to a 16-foot alley, and (3) a portion of Relcrest Road, contiguous to the north side thereof, and extending from a point 300 feet, more or less, east of Frankford Avenue easterly 476 feet, more or less, as shown on Plat 346-A-46 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) Sarril Road extending from Frankford Avenue easterly to Strathdale Road, (2) Strathdale Road extending from Sarril Road northeasterly to a 16-foot alley, and (3) a portion of Relcrest Road, contiguous to the north side thereof, and extending from a point 300 feet, more or less, east of Frankford Avenue easterly 476 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 Frankford Avenue, 60 feet wide, and the northwest side of Sarril Road, 50 feet wide, and running thence binding on the northwest side of said Sarril Road, North $67^{\circ} 05' 20''$ East 1005.80 feet to intersect the southwesternmost extremity of Strathdale Road, varying in width; thence binding on the southwesternmost extremity of said Strathdale Road, South $22^{\circ} 54' 40''$ East 50.00 feet to intersect the southeast side of said Sarril Road; thence binding on the southeast side of said Sarril Road, South $67^{\circ} 05' 20''$ West 1021.55 feet to intersect the east side of said Frankford Avenue, and thence binding on the east side of said Frankford Avenue, North $05^{\circ} 25' 15''$ West 52.42 feet to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the south side of a 16-foot alley, laid out in the rear of the properties known as Nos. 5547 through 5617 Force Road and the east side of Strathdale Road, 50 feet wide, and running thence binding on the east side of said Strathdale Road the three following courses and distances; namely, Southerly by an arc curving to the left with a radius of 1350.00 feet the distance of 28 feet, more or less, Southerly by an arc curving to the left with a radius of 175.00 feet the distance of 103.10 feet and South $06^{\circ} 54' 40''$ East 129.36 feet to the southeast side of Strathdale Road, varying in width; thence binding on the southeast side of last said Strathdale Road, South $67^{\circ} 05' 20''$ West 52.76 feet to intersect the southwesternmost extremity of last said Strathdale Road; thence binding on the southwesternmost extremity of last said Strathdale Road, North $22^{\circ} 54' 40''$ West 50.00 feet to intersect the northwest side of last said Strathdale Road; thence binding on the northwest side of last said Strathdale Road, Northeasterly by an arc curving to the left with a radius of 20.00 feet the distance of 25.83 feet; thence binding on the west side of Strathdale Road, mentioned firstly herein the two following courses and distances; namely, North $06^{\circ} 54' 40''$ West 76.61 feet and Northerly by an arc curving to the right with a radius of 225.00 feet the distance of 132.57 feet to intersect the south side of said 16 foot alley, and thence binding on the south side of said 16 foot alley, North $87^{\circ} 42' 21''$ East 58.08 feet to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the northwest side of Relcrest Road, 32 feet wide and the northeast side of a proposed street known as Furley Way, 44 feet wide, as shown on a plat entitled "Subdivision Plat-Plat 4 Frankford Estates" as revised and recorded among the Land Records of Baltimore City, and running thence binding on the northwest side of said Relcrest Road, North $66^{\circ} 46' 30''$ East 476.3 feet, more or less; thence by a straight line, South $23^{\circ} 32' 49''$ East 10.00 feet to intersect a line drawn parallel with and distant 10.0 feet southeast of the northwest side of said Relcrest Road; thence binding on said line, so drawn, South $66^{\circ} 46' 30''$ West 476.0 feet, more or less, to intersect the northeast side of said Furley Way, and thence binding on the northeast side of said Furley Way, North $23^{\circ} 13' 30''$ West 10.00 feet to the place of beginning.

As delineated on Plat 346-A-46, prepared by the Survey Control Section and filed on May 14, 2003, 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) Sarril Road extending from Frankford Avenue easterly to Strathdale Road, (2) Strathdale Road extending from Sarril Road northeasterly to a 16-foot alley, and (3) a portion of Relcrest Road, contiguous to the north side thereof, and extending from a point 300 feet, more or less, east of Frankford Avenue easterly 476 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 October 6, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-608
(Council Bill 03-1151)**

AN ORDINANCE CONCERNING

**Sale of Property — The Former Beds of Sarril Road,
Strathdale Road, and a Portion of Relcrest Road**

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in and to certain parcels of land known as the former beds of (1) Sarril Road,

extending from Frankford Avenue easterly to Strathdale Road, (2) Strathdale Road, extending from Sarril Road northeasterly to a 16-foot alley, and (3) a portion of Relcrest Road, contiguous to the north side thereof, and extending from a point 300 feet, more or less, east of Frankford Avenue easterly 476 feet, more or less, and no longer needed for highway or other 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 and to certain parcels of land no longer needed for highway or other public use and known as the former beds of (1) Sarril Road, extending from Frankford Avenue easterly to Strathdale Road, (2) Strathdale Road, extending from Sarril Road northeasterly to a 16-foot alley, and (3) a portion of Relcrest Road, contiguous to the north side thereof, and extending from a point 300 feet, more or less, east of Frankford Avenue easterly 476 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 Frankford Avenue, 60 feet wide, and the northwest side of the former bed of Sarril Road, 50 feet wide, and running thence binding on the northwest side of the former bed of said Sarril Road, North 67° 05' 20" East 1005.80 feet to intersect the southwesternmost extremity of the former bed of Strathdale Road, varying in width; thence binding on the southwesternmost extremity of the former bed of said Strathdale Road, South 22° 54' 40" East 50.00 feet to intersect the southeast side of the former bed of said Sarril Road; thence binding on the southeast side of the former bed of said Sarril Road, South 67° 05' 20" West 1021.55 feet to intersect the east side of said Frankford Avenue, and thence binding on the east side of said Frankford Avenue, North 05° 25' 15" West 52.42 feet to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the south side of a 16-foot alley, laid out in the rear of the properties known as Nos. 5547 through 5617 Force Road and the east side of the former bed of Strathdale Road, 50 feet wide, and running thence binding on the east side of the former bed of said Strathdale Road the three following courses and distances; namely, Southerly by an arc curving to the left with a radius of 1350.00 feet the distance of 28 feet, more or less, Southerly by an arc curving to the left with a radius of 175.00 feet the distance of 103.10 feet and South 06° 54' 40" East 129.36 feet to the southeast side of the former bed of Strathdale Road, varying in width; thence binding on the southeast side of the former bed of last said Strathdale Road, South 67° 05' 20" West 52.76 feet to intersect the southwesternmost extremity of the former bed of last said Strathdale Road; thence binding on the southwesternmost extremity of the former bed of last said Strathdale Road, North 22° 54' 40" West 50.00 feet to intersect the northwest side of the former bed of last said Strathdale Road; thence binding on the northwest side of the former bed of last said Strathdale Road, Northeasterly by an arc curving to the left with a radius of 20.00 feet the distance of 25.83 feet; thence binding on the west side of the former bed of Strathdale Road, mentioned firstly herein the two following courses and distances; namely, North 06° 54' 40" West 76.61 feet and Northerly by an arc curving to the right with a radius of 225.00 feet the distance of 132.57 feet to intersect the south side of said 16-foot alley, and thence binding on the south side of said 16-foot alley, North 87° 42' 21" East 58.08 feet to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the northwest side of the former bed of Relcrest Road, 32 feet wide and the northeast side of a proposed street known as Furley Way, 44 feet wide, as shown on a plat entitled "Subdivision Plat-Plat 4 Frankford Estates" as revised and recorded

among the Land Records of Baltimore City, and running thence binding on the northwest side of the former bed of said Relcrest Road, North 66° 46' 30" East 476.3 feet, more or less; thence by a straight line, South 23° 32' 49" East 10.00 feet to intersect a line drawn parallel with and distant 10.0 feet southeast of the northwest side of the former bed of said Relcrest Road; thence binding on said line, so drawn, South 66° 46' 30" West 476.0 feet, more or less, to intersect the northeast side of said Furley Way, and thence binding on the northeast side of said Furley Way, North 23° 13' 30" West 10.00 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.

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 6, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-609
(Council Bill 02-698)**

AN ORDINANCE CONCERNING

**Sale of Property — Four Six Parcels of Land
Located in the 600 Block of East Baltimore 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 parcels of land known as Units No. 1, 3, 4, 5, 6, and 7 of the "Marketplace Condominium", located in the 600 Block of East Baltimore 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 certain parcels of land known and designated as Units No. 1, 3, 4, 5, 6, and 7 in that Condominium Regime known as "~~Marketplace Condominium~~" as amended through February 1, 2000, and located in the 600 Block of East Baltimore Street, and more particularly described as follows:

Beginning for Unit No. 4 at the point formed by the intersection of the east side of Frederick Street, 49.5 feet wide and the north side of Water Street, 49.5 feet wide, and running thence binding on the east side of said Frederick Street, North 03° 56' 12" West 80.67 feet to the north outline of Unit 4 as shown on a plat entitled "Marketplace a Condominium" dated November 1999 and recorded among the Plat Records of Baltimore City in Condo Plat Record F.M.C. No. 346; thence binding on the north and east outlines of Unit 4 as shown on said plat, the two following courses and distances; namely, North 86° 20' 50" East 78.11 feet and South 03° 56' 12" East 80.67 feet to intersect the north side of said Water Street, and thence binding on the north side of said Water Street, South 86° 20' 50" West 78.11 feet to the place of beginning.

Containing 6,301.2 square feet or 0.145 acre of land, more or less.

Beginning for Unit No. 5 at the point formed by the intersection of the south side of Baltimore Street, 66 feet wide and the east side of Frederick Street 49.5 feet wide, and running thence binding on the south side of said Baltimore Street, North 86° 51' 50" East 249.13 feet to the east outline of Unit 5 as shown on a plat entitled "Marketplace a Condominium" dated November 1999 and recorded among the Plat Records of Baltimore City in Condo Plat Record F.M.C. No. 346; thence binding on the east outline of Unit 5 as shown on said plat, South 04° 12' 34" East 363.02 feet to intersect the north side of Water Street, 49.5 feet wide; thence binding on the north side of said Water Street, South 86° 20' 50" West 134.16 feet; thence binding on a west and south outline of Unit 5 as shown on said plat, the two following courses and distances; namely, North 03° 56' 12" West 80.67 feet and South 86° 20' 50" West 116.68 feet to intersect the east side of said Frederick Street; thence binding on the east side of said Frederick Street, North 03° 56' 12" West 11.63 feet to intersect a north outline of said Unit 5 as shown on said plat; thence binding on a north, west and south outline of Unit 5 as shown on said plat, the three following courses and distances; namely, North 86° 20' 50" East 123.75 feet, North 03° 56' 12" West 158.30 feet and South 86° 20' 50" West 123.75 feet to intersect the east side of said Frederick Street, and thence binding on the east side of said Frederick Street, North 03° 56' 12" West 114.65 feet to the place of beginning.

Containing 62,019.2 square feet or 1.424 acres of land, more or less.

Beginning for Unit No. 6 at a point on the south side of Baltimore Street, 66 feet wide, distant North 86° 51' 50" East 273.81 feet measured along the south side of said Baltimore Street from the east side of Frederick Street, 49.5 feet wide, and running thence binding on the south side of said Baltimore Street, North 86° 51' 50" East 91.01 feet to the east outline of Unit 6 as shown on a plat entitled "Marketplace a Condominium" dated November 1999 and recorded among the Plat Records of Baltimore City in Condo Plat Record F.M.C. No. 346, and thence binding on the east, south and west outlines of Unit 6 as shown on said plat, the seven following courses and distances; namely, South 03° 59' 43" East 178.31 feet, South 86° 02' 05" West 37.82 feet, South 03° 57' 55" East 10.00 feet, South 86° 02' 05" West 15.37 feet, North 03° 57' 55" West 10.00 feet, South 86° 02' 05" West 37.77 feet and North 04° 00' 28" West 179.63 feet to the place of beginning.

Containing 16,435.9 square feet or 0.377 acre of land, more or less.

Beginning for Unit No. 7 at a point on the south side of Baltimore Street, 66 feet wide, distant North 86° 51' 50" East 249.13 feet measured along the south side of said Baltimore Street from the east side of Frederick Street, 49.5 feet wide, and running thence binding on the south side of said Baltimore Street, North 86° 51' 50" East 24.68 feet to an east outline of Unit 7 as shown on a plat entitled "Marketplace a Condominium" dated November 1999 and recorded among the Plat Records of Baltimore City in Condo Plat Record F.M.C. No. 346; thence binding on the east, south and west outlines of Unit 7 as shown on said plat, the seven following courses and distances; namely, South 04° 00' 28" East 179.63 feet, North 86° 02' 05" East 37.77 feet, South 03° 57' 55" East 10.00 feet, North 86° 02' 05" East 15.37 feet, North 03° 57' 55" West 10.00 feet, North 86° 02' 05" East 37.82 feet and North 03° 59' 43" West 178.31 feet

to intersect the south side of said Baltimore Street; thence binding on the south side of said Baltimore Street, North 86° 51' 50" East 15.93 to the easternmost outline of Unit 7 as shown on said plat; thence binding on the easternmost outline of Unit 7 as shown on said plat, the four following courses and distances; namely, South 04° 05' 10" East 203.36 feet, South 85° 54' 58" West 16.36 feet, South 04° 05' 02" East 142.65 feet and by an arc curving to the right with a radius of 72.00 feet the distance of 17.62 feet which arc is subtended by a chord bearing South 30° 23' 02" East 17.57 feet to intersect the north side of Water Street, 49.5 feet wide; thence binding on the north side of said Water Street, South 86° 20' 50" West 122.24 feet to the westernmost outline of Unit 7 as shown on said plat, and thence binding on the westernmost outline of Unit 7 as shown on said plat, North 04° 12' 34" West 363.02 feet to the place of beginning.

Containing 28,591.3 square feet or 0.656 acre of land, more or less.

All courses and distances in the above descriptions are referred to the true meridian as adopted by the Baltimore Survey Control System.

located in the 600 Block of East Baltimore Street and known as "Marketplace Condominium", which condominium was re-established pursuant to (i) Amended and Restated Declaration dated as of December 8, 1999, and recorded among the Land Records for Baltimore City in Liber 73, Folio 8; (ii) Amended and Restated Condominium Plat entitled "Market Place, a Condominium" and recorded among the Land Records for Baltimore City in Plat Record F.M.C. 346; (iii) Amended and Restated By-Laws dated as of December 8, 1999; and (iv) Articles of Amendment and Restatement for Market Place Condominium Council of Unit Owners, Inc., filed on December 8, 1999, with the Maryland State Department of Assessments and Taxation.

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.

Subject to the Disposition Agreement and Declaration of Covenants dated January 16, 2002, and recorded among the Land Records of Baltimore City, as amended from time to time in accordance with its terms.

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 28, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-610
(Council Bill 02-978)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use Parking, Open Off-Street Area —
1101 North Rose Street**

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 4 or more automobiles on the property known as 1101 North Rose 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 parking, open off-street area, other than accessory, for the parking of 4 or more automobiles on the property known as 1101 North Rose 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 Planning Department has final approval of the site layout, lighting, fencing and landscaping.
2. The parking, open off-street area, other than accessory, for the parking of 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 October 28, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-611
(Council Bill 03-1017)**

AN ORDINANCE CONCERNING

Sale of Property — 214 ½ North Patterson Park 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 214½ North Patterson Park 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 214½ North Patterson Park Avenue (Ward 06, Section 4, Block 1688, Lot 046), and more particularly described as follows:

This property, zoned B-3-2 and located in the Middle East Urban Renewal Area, has on it a 2-story structure, former firehouse #24, which occupies the entire 25' x 84' lot,

containing 2,100 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 October 28, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-612
(Council Bill 03-1072)**

AN ORDINANCE CONCERNING

**Urban Renewal — Lauraville Business District —
Designation and Urban Renewal Plan**

FOR the purpose of designating as a "Renewal Area" an area situated in Baltimore City, Maryland known as Lauraville Business District, fronting and along the Harford Road corridor between Walther Avenue and Echodale Avenue; approving a renewal plan for the Lauraville Business District area; ~~establishing permitted land uses specifying uses to be allowed, not allowed, regulated, conditioned, or otherwise limited in certain land use areas~~; establishing certain property rehabilitation and development standards; 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; creating new disposition lots; approving certain regulations, controls, and restrictions for certain uses within the project area; establishing procedures for amending the Plan; providing for the term of the Plan; creating exhibits attached to the Plan to reflect the proposed changes; repealing the Harford Road Urban Renewal Area and the Harford Road Urban Renewal Plan; 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)

BY repealing
Ordinance 99-496
(Approved June 30, 1999)

Recitals

The Urban Renewal Plan for Lauraville Business District replaces the Harford Road Urban Renewal Plan originally approved by the Mayor and City Council of Baltimore by Ordinance 99-496, approved June 30, 1999.

The basic goals of the City of Baltimore for the Lauraville Business District are to:

- (1) establish an identifying image as a pedestrian-friendly business district for the Harford Road corridor;
- (2) reduce conflicts between Harford Road's current design as a turnpike and traffic thoroughfare and the surrounding residential neighborhoods;
- (3) provide for the creation of balanced economic development that prevents the demolition or rezoning of residential property adjacent to or in the vicinity of the Plan boundary;
- (4) provide more convenient services through appropriate activity land use areas that provide residential, retail, office, and commercial uses with accessible parking;
- (5) reinforce the distinction between residential and commercial properties through a variety of natural and manmade buffering and screening techniques;
- (6) establish a community review process for rehabilitation of existing property and new construction;
- (7) encourage renovation of appropriate buildings;
- (8) ensure that new buildings are compatible with their context and character of the neighborhood;
- (9) encourage shared parking among commercial uses;
- (10) increase the amount of public park space and landscaping to create a greener commercial corridor; and
- (11) encourage use of the portion of Herring Run Park known as "Heinz Park" as a community festival and event space.

Additional objectives for development and rehabilitation must be considered as the Harford Road corridor is redeveloped. Proposals that are able to meet these objectives will receive more favorable support from the Harford Road Partnership, Inc., the Department of Housing and Community Development, and the Department of Planning. The objectives are as follows:

- (1) Those locations, indicated as terminated vistas by the community, should be encouraged to use towers, steeples, monuments, belfries, or architectural features to help institute these vistas as important community landmarks. These sites may be allowed to exceed the overall height limitations of the land use area if the feature is of significant quality and character. The overall purpose is to help define the commercial district, create community landmarks, and provide features that help organize the district into recognizable parts.
- (2) Those locations appropriate for public monuments along Harford Road should be encouraged to develop as such. If private organizations or public institutions propose public monuments for Harford Road, the monuments should be directed to the appropriate locations, where they can maximize the character of land use areas, emphasize vistas, or provide public open space.
- (3) Liner buildings or other similar developments are encouraged.
- (4) As off-street parking is difficult to provide on many properties, creative solutions should be found to allow shared parking, credit for leased parking in other locations, or the creation of parking funds to support municipal parking lots.
- (5) Where a portion of an assembled property is outside the boundary of this Plan, the existing residential zoning will be applied, and no commercial use of the property will be allowed.
- (6) Properties must have exterior night lighting to discourage loitering or vandalism. Burned out lighting must be replaced within 5 days.

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 Lauraville Business District, consisting of a cover page, a table of contents, 19 pages of text, and 4 Exhibits "1" through "4".

The Renewal Plan for Lauraville Business District has been approved by the Director of the Department of Planning with respect to its conformity to the Master Plan, the detailed location of any public improvements proposed in the Renewal Plan, its conformity to the rules and regulations for subdivisions, and all zoning changes proposed in the Renewal Plan; and the Renewal Plan was approved and recommended to the Mayor and City Council of Baltimore by the Commissioner of the Department of Housing and Community Development.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Ordinance 99-496, which established the Harford Road Urban Renewal Area and the Harford Road Urban Renewal Plan, is repealed.

SECTION 2. AND BE IT FURTHER ORDAINED, That the area known as Lauraville Business District, as more particularly described in Section 3, is established.

SECTION 3. AND BE IT FURTHER ORDAINED, That the Urban Renewal Plan for Lauraville Business District is adopted to read as follows:

Urban Renewal Plan
Lauraville Business District

A. Project Description

1. Boundary Description

Beginning for the same at the intersection of the north side of Walther Avenue and the east side of Harford Road; thence from said point of beginning and binding on the northern side of Walther Avenue easterly 513 feet, more or less, to intersect the southern side of Parkside Drive; thence binding on said right-of-way northwesterly 477 feet, more or less, to intersect the southerly extension of the division line between former lots 1/4 and 5, block 4198A; thence binding on said division line extended northeasterly to intersect the division line between lots 1/7 and 16, 17, block 4198A; thence binding on said division line westerly to intersect the division line between lots 14/15 and 16, block 4198-A; thence binding on said division line northerly, as extended, to intersect the north side of Iona Terrace; thence binding on the north side of Iona Terrace westerly to intersect the division line between lots 15 and 16, block 4198-B; thence binding on said division line northerly to intersect the division line between lots 16 and 30, block 4198-B; thence binding on said division line southeasterly to intersect the division line between lots 17 and 30, block 4198-B;

thence binding on said division line northerly to intersect the division line between lots 1, 30, 17 and 31, block 4198-B; thence binding on said division line southeasterly to intersect the division line between lots 1 and 31, block 4198-B; thence binding on said division line northerly, as extended, to intersect the north side of Weaver Avenue; thence binding on the north side of Weaver Avenue westerly to intersect the east side of the first 10 foot alley east of Harford Road; thence binding on the east side of said alley northerly, as extended, crossing Overland Avenue , and continuing along a 10 foot alley, known as Richard Avenue to intersect the north side of the first 20 foot alley east of Harford Road; thence binding on said 20 foot alley easterly to intersect the division line between lots 15 and 16/17, block 4198-D; thence binding on said division line northerly to intersect the north side of Montebello Terrace; thence binding on the north side of Montebello Terrace easterly to intersect the division line between lots 1 and 10; thence binding on said division line northerly, as extended to intersect the north side of lot 1 and the east side of a 7 foot right-of-way, block 5883;

thence binding on said division line westerly and binding on the northern property line of lot 1 to intersect the division line between lots 1 and 2, block 5883; thence binding on said division line northerly and binding on the eastern property lines of lots 2 and 3 to intersect the north side of Beverly Road; thence binding on the north side of Beverly Road westerly to intersect the division line between lots 1 and 38, block 5883-A; thence binding on said division line northerly to intersect the north side of the first 12 foot alley; thence binding on said alley easterly to intersect the east side of a 14 foot alley west of Arabia Avenue; thence binding on said alley northerly as extended, to intersect the division line between lots 5 and 16A, block 5883-A; thence binding on said division line southwesterly to intersect the division line between lots 6/7 and 15, block 5883-A; thence binding on said division line, as extended, northwesterly to intersect the division line between lots 10/12 and 13, block 5883-A; thence binding on said division line easterly, then northerly to intersect the north side of Grindon Avenue;

thence binding on the north side of Grindon Avenue to intersect the division line between lot 18A and lot 17/18, block 5864F; thence binding on said division line northeasterly to intersect the northern property line of lots 17/18, 16, 15, 14 and 13, block 5864F; thence binding on said property line southeasterly to intersect the southwest right-of-way of a 16' wide alley southwest

of the 3100 block Moravia Road; thence binding on said southwest right-of-way northwesterly as extended 330 feet, more or less, to a point on said line; thence binding on said point northeasterly to intersect the southeast corner of lot 1A, block 5864-H; thence binding on the southeastern property line of said lot northeasterly to intersect the division line between lots 1A and 5, block 5864-H; thence binding on said division line westerly to intersect the division line between lots 1B and 4, block 5864-H; thence binding on said division line northerly to intersect the north side of Rosekemp Avenue; thence binding on the north side of Rosekemp Avenue easterly to intersect the east side of the first 16 foot alley, east of Harford Road; thence binding on said alley northerly to intersect the division line extended between lots 3 and 5, block 5811;

thence binding on said lot line westerly to intersect the division line between lots 4A and 5, block 5811; thence binding on said division line northerly to intersect the south side of Southern Avenue, thence binding on the south side of Southern Avenue easterly to intersect the eastern property line extended of lot 1/2, block 5810; thence binding on said property line, as extended, northerly to intersect the division line between lots 9 and 49A, block 5810; thence binding on said division line easterly to intersect the division line between lots 50 and 9, block 5810; thence binding on said division line northerly to intersect the division line between lots 9A and 10, block 5810; thence binding on said division line southeasterly 70 feet, more or less, to a point on said division line; thence binding on said point northeasterly 182 feet, more or less, to intersect the division line between lots 10 and 15, block 5810; thence binding on said division line northwesterly to intersect the division line between lots 11 and 14, block 5810; thence binding on said division line northeasterly, as extended, to intersect the north side of Ailsa Avenue; thence binding on the north side of Ailsa Avenue westerly to intersect the division line between lots 34A and 35, block 5804; thence binding on said division line, as extended, northerly to intersect the division line between lots 32A and 33, block 5804; thence binding on said division line westerly to intersect the division line between lots 32 and 32A, block 5804; thence binding on said division line, as extended, to intersect the south side of lot 28, block 5804;

thence binding on the south side of said lot easterly to intersect the east side of lot 28, block 5804; thence binding on said lot line northerly to intersect the north side of Rueckert Avenue; thence binding on the north side of Rueckert Avenue westerly to intersect the division line between lots 50 and 51/53, block 5798; thence binding on said division line northerly to intersect the northern property line of lot 51/53, block 5798; thence binding on said property line westerly 30 feet, more or less to a point on said property line; thence binding on said point, as extended, to intersect the west side of the first 15-foot alley east of Harford Road; thence binding on said 15-foot alley northerly to intersect the north side of Batavia Avenue; thence binding on the north side of Batavia Avenue easterly to intersect the west side of the first 13-foot-1 inch alley east of Harford Road;

thence binding on said alley northerly to intersect the division line between lots 29/30, 43, 44 and 45, block 5797; thence binding on said division line to intersect the west side of the first 12 foot alley east of Harford Road; thence binding on the west side of said alley northerly to intersect the north side of Echodale Avenue; thence binding on the north side of Echodale Avenue westerly crossing Harford Road 320 feet, more or less, to a point; thence binding on said point, crossing Echodale Avenue to intersect the division line between lots 10/11 and 12, block 5391; thence binding on said division line southerly to intersect the division line between lots 8A and 10, block 5391; thence binding on said division line easterly to intersect the division line between lots 8A and 9, block 5391; thence binding on said division line southerly to intersect the south side of Goodwood Road; thence binding on the south side of Goodwood Road easterly to intersect the division line between lots 3G and 4, block 5385; thence binding on said division line southerly to intersect the division line between lots 3F and 4, block 5385; thence binding on said division line westerly to intersect the division line between lots 3F and 5, block 5385; thence continuing on

said division line southerly and binding on the eastern property lines of lots 6, 7, and 7A to intersect the division line between lots 7A and 9, block 5385;

thence binding on said division line easterly crossing a 10-foot alley to intersect the division line between lots 2, 9A and 9B, block 5385; thence binding on said division line easterly to intersect the division line between lots 1 and 9B, block 5385; thence binding on said division line southerly to intersect the south side of East Strathmore Avenue; thence binding on the south side of East Strathmore Avenue westerly to intersect the division line between lots 7/8, 40, 41, 42, and 43, block 5384-A; thence binding on said division line southerly to intersect the division line between lots 39 and 40, block 5384-A; thence binding on said division line westerly to intersect the east side of the first 12-foot alley west of Harford Road; thence binding on said alley southerly to intersect the south side of Rueckert Avenue; thence binding on the south side of Rueckert Avenue westerly to intersect the division line between lots 8 and 11, block 5384; thence binding on said division line southerly and binding on the western property line of lots 9 and 10, as extended to intersect the division line between lots 1 and 10B/10D, block 5384; thence continuing on said division line southerly to intersect the south side of Ailsa Avenue;

thence binding on the south side of Ailsa Avenue westerly to intersect the east side of the first 10-foot alley west of Harford Road; thence binding on said alley southerly to intersect the division line between lots 1/2 and 6A, block 5366-A; thence binding on said division line easterly to intersect the division line between lots 1/2 and 6A, block 5366-A; thence binding on said division line southerly to intersect the south side of Shirey Avenue; thence binding on the south side of Shirey Avenue westerly to intersect the east side of the first 10-foot alley west of Harford Road; thence binding on said alley southerly to intersect the division line between lots 6 and 7, block 5366; thence binding on said division line easterly 42 feet, more or less, to a point on said division line; thence from said point binding on a line southerly, bisecting lot 6 to intersect the division line between lots 5 and 10/11, block 5366; thence binding on said division line southerly and binding on the western property lines of lots 1/2, 3/4 and 5 to intersect the south side of Halcyon Avenue;

thence binding on the south side of Halcyon Avenue to intersect the division line between lots 4B and 23/24, block 5360; thence binding on said division line southerly and binding on the western property line of lot 1/3 to intersect the west side of Hampnett Avenue; thence binding on the west side of Hampnett Avenue southerly to intersect the division line between lots 18 and 18A, block 5361; thence binding on said point of intersection southeasterly to intersect the division line between lots 5A and 10A, block 5361; thence binding on said division line southeasterly to intersect the division line between lots 10A and 5, block 5361; thence binding on said division line southwesterly to intersect the division line between lots 1/3 and 10A, block 5361; thence binding on said division line northwesterly to intersect the southeast right-of-way line of Hampnett Avenue; thence binding on said right-of-way southwesterly to intersect the northern right-of-way line of List Avenue; thence binding on said right-of-way line southeasterly 150 feet, more or less, to intersect the northerly extension of the division line between lots 8 and 8A, block 5365; thence binding on said division line southwesterly to intersect the southern right-of-way line of East Cold Spring Lane; thence binding on said right-of-way northwesterly to intersect the division line between lots 3/11A and 11B, block 5364; thence binding on said division line southwesterly to intersect the division line between lots 3/11A and 11B, 11C, 11D, 12, 13, block 5364; thence binding on said division line northwesterly to intersect the western property line of lot 3/11A, block 5364; thence binding on said property line southerly 330 feet, more or less to intersect the division line between lots 3/11A and 2, 24, block 5364; thence binding on said division line southeasterly 176 feet, more or less, to intersect the western right-of-way line of Harford Road; thence binding on said right-of-way southwesterly to intersect the southern right-

of-way line of Grindon Avenue; thence binding on said right-of-way westerly to intersect the division line between lots 7 and 8, block 5343;

thence binding on the south side of Grindon Avenue southwesterly to intersect the division line between lots 7 and 8, block 5343; thence binding on said division line southerly and binding on the western property line of lot 6 to intersect the division line between lots 5A and 8, block 5343; thence binding on said division line westerly to intersect the division line between lots 5A and 9, block 5343; thence binding on said division line and binding on the western property line of lots 1/4, 4A, 4B, 5 and 5A, southerly, westerly, and southerly again to intersect the south side of Markley Avenue; thence binding on the south side of Markley Avenue easterly to intersect the division line between lots 20 and 21, block 5342;

thence binding on said division line southerly to intersect the division line between lots 8/9 and 20, block 5342; thence binding on said division line easterly to intersect the division line between lots 8/9 and 6, block 5342; thence binding on said division line southerly and binding on the western property line of lots 1, 2, 3, 4, 5 and 6 to intersect the south side of Montebello Terrace; thence binding on the south side of Montebello Terrace easterly to intersect the division line between lots 9 and 10/11, block 3949; thence binding on said division line southerly to intersect the division line between lots 10/11 and 21, block 3949; thence binding on said division line easterly, then southerly to intersect the south side of Overland Avenue; thence binding on the south side of Overland Avenue westerly to intersect the division line between lots 29A and 48/49, block 3949A; thence binding on said division line southerly to intersect the division line between lots 29 and 29A; block 3949A; thence binding on said division line easterly to intersect the west side of Harford Road; thence binding on the west side of Harford Road southerly to intersect the north side of Argonne Drive; thence binding on the north side of Argonne Drive easterly to intersect the western corner of lot 1/7, block 4198A; thence binding on said corner southerly to intersect the south side of Parkside Drive and east side of Harford Road; thence binding on the east side of Harford Road to the point of beginning.

2. Plan Goals and Objectives

- a. The objectives of the Lauraville Business District Urban Renewal Plan (referred to as "Renewal Plan") as determined by the Mayor and City Council of Baltimore (referred to as "City"), acting by and through the Department of Housing and Community Development (referred to as "Department") and the Commissioner thereof (referred to as "Commissioner") are to:
 - (1) establish an identifying image as a pedestrian-friendly business district for the Harford Road corridor;
 - (2) reduce conflicts between Harford Road's current design as a turnpike and traffic thoroughfare and the surrounding residential neighborhoods;
 - (3) provide for the creation of balanced economic development that prevents the demolition or rezoning of residential property adjacent to or in the vicinity of the Plan boundary;
 - (4) provide more convenient services through appropriate activity land use areas that provide residential, retail, office, and commercial uses with accessible parking;
 - (5) reinforce the distinction between residential and commercial properties through a variety of natural and manmade buffering and screening techniques;

- (6) establish a community review process for rehabilitation of existing property and new construction;
 - (7) encourage renovation of appropriate buildings;
 - (8) ensure that new buildings are compatible with their context and character of the neighborhood;
 - (9) encourage shared parking among commercial uses;
 - (10) increase the amount of public park space and landscaping to create a greener commercial corridor; and
 - (11) encourage use of the portion of Herring Run Park known as “Heinz Park” as a community festival and event space.
- b. Additional objectives for development and rehabilitation must be considered as the Harford Road corridor is redeveloped. Proposals that are able to meet these objectives will receive more favorable support from the Harford Road Partnership, Inc., the Department, and the Department of Planning. The objectives are as follows:
- (1) Those locations, indicated as terminated vistas by the community, should be encouraged to use towers, steeples, monuments, belfries, or architectural features to help institute these vistas as important community landmarks. These sites may be allowed to exceed the overall height limitations of the land use area if the feature is of significant quality and character. The overall purpose is to help define the commercial district, create community landmarks, and provide features that help organize the district into recognizable parts.
 - (2) Those locations appropriate for public monuments along Harford Road should be encouraged to develop as such. If private organizations or public institutions propose public monuments for Harford Road, the monuments should be directed to the appropriate locations, where they can maximize the character of land use areas, emphasize vistas, or provide public open space.
 - (3) Liner buildings or other similar developments are encouraged.
 - (4) As off-street parking is difficult to provide on many properties, creative solutions should be found to allow shared parking, credit for leased parking in other locations, or the creation of parking funds to support municipal parking lots.
 - (5) Where a portion of an assembled property is outside the boundary of this Plan, the existing residential zoning will be applied and no commercial use of the property will be allowed.
 - (6) Properties must have exterior night lighting to discourage loitering or vandalism.

B. Definitions

1. Liner buildings: structures that line the edge of a development and help define a street wall at the front property line where none currently exists.

2. Community Review Panel: a volunteer committee established by the Harford Road Partnership, Inc., whose members are selected by their respective organizations. These organizations include: the Arcadia, Beverly Hills, Lauraville, Mayfield, Moravia-Walther, Morgan Park, and Waltherson Improvement Associations; the Lauraville Business Association; HARP; and HARBEL. The Panel reviews and makes recommendations to the Department regarding new development projects. The community review process is intended to ensure that the communities most impacted by a proposed development will have the first opportunity for input.
3. Neighborhood Retail/Residential: a land use area that limits development to smaller scale establishments. See section C.1.a.
4. Commercial Center: a land use area that encourages larger retail and commercial establishments. See section C.1.b.
5. Residential/Office: a land use area that allows existing residential buildings that have been converted to office space and provides a clustered location for civic and government buildings. See section C.1.c.
6. Park/Recreational: a land use area that delineates park and recreational usage. See section C.1.d.
7. Height: the distance from the base of a building or structure to its roof line.
8. Setback: the distance from the property line to the building or structure.
9. Screening: natural or manmade materials that have the ability to provide a clear and aesthetic separation between two uses.
10. Urban Edge: a site plan or design pattern that maintains the existing relationship of buildings to the street and its architectural features along the street.
11. HARP: The Harford Road Partnership and Neighborhoods of Greater Lauraville. A nonprofit community development corporation established to promote appropriate economic development along the Harford Road corridor.
12. Impacted Community: A neighborhood or portion of a neighborhood whose boundaries encompass or are adjacent to a proposed new development or rehabilitation project.

C. Land Use Plan

1. Permitted Land Uses

The Plan creates 5 allowable new land use areas: Neighborhood Retail/Residential, Commercial Center, Residential/Office, Park/Recreational, and Residential, as illustrated on the Land Use Plan, Exhibit No. 1. These land use areas overlay current zoning districts. Accessory uses including landscaping, off-street parking, and loading will be allowed. In addition, existing uses will be allowed to continue, subject to the provisions governing nonconforming uses and noncomplying structures listed below.

a. Neighborhood Retail/Residential

In the areas designated Neighborhood Retail/Residential on the Land Use Plan, Exhibit No. 1, the underlying zoning districts are either B-2-2, B-3-1, or B-3-2. The allowed uses are as follows:

(1) Dwellings

(2) Commercial uses are subject to the following:

- (a) Commercial uses must maintain the predominantly small-scale retail character and original residential buildings of the neighborhood. The floor area ratio shall not exceed 2.0.
- (b) Commercial uses must be retail commercial, must occupy a gross retail commercial space of 3,000 square feet or less, must have infrequent, short-term servicing requirements, and must deal directly with consumers. Goods produced on premises must be sold at retail on premises. Servicing, processing, and storage must be within an enclosed structure. Except for banks, there must be no drive-in or drive-up uses or services, either as a principal or accessory use. There must be no overnight tractor trailer parking or vehicle storage in front yards or street corner side yards.
- (c) Restaurants are restricted to 4,000 square feet or less. Seating for outdoor dining may be allowed to encroach upon the public sidewalks, with the exception of a minimum of a 5-foot clear pedestrian passage. The use of rights-of-way for outdoor seating is subject to all other applicable City regulations.
- (d) The following uses as defined by the Zoning Code of Baltimore City are not allowed in the Neighborhood Retail/Residential area:

After hours establishments

Amusement arcades

Automobile accessory stores – including related repair or installation services (other automobile accessory stores are allowed)

Automobile glass and mirror shops

Automobile painting shops

Bail bond agencies

Blood banks or blood purchase centers

Boat sales, rental, and repair establishments

Car Washes

Carpet and rug cleaning establishments

Check cashing agencies

Community correction centers

Contractor and construction shops and yards

Dry cleaning establishments (dry cleaning and laundry receiving stations – processing done elsewhere are allowed)

Fraternity and sorority houses: off-campus

Garages and lots for bus and transit vehicles

Gasoline service stations

Handgun sales

Highway maintenance shops and yards

Liquor stores; package goods

Machinery: sales, rental and service

Massage salons

Mobile home sales

Model homes and garage displays

Motor vehicles: rental

Motor vehicles: sales

Moving and storage establishments
~~Outdoor sales and display of merchandise~~
 Palmists
 Parole and probation field offices
 Pawn shops
 Pay distribution centers
 Poultry and rabbit killing establishments
 Recycling collection station
 Religious institutions, as follows: churches, temples, and synagogues
 Rifle and shotgun sales
 Sewerage pumping stations
 Stables for horses
 Tattoo Parlors
 Taverns – including live entertainment and dancing
 Warehousing and wholesale establishments and storage

(3) Conditional uses subject to approval by the Board of Municipal and Zoning Appeals are as follows:

- (a) prepared food delivery services;
- (b) theaters;
- (c) animal hospitals which are odor-proofed and sound-proofed;
- (d) restaurants providing live entertainment or dancing. A minimum of 1 parking space per 250 square feet of use must be demonstrated in order to offer live entertainment;
- (e) taverns – no live entertainment or dancing. A minimum of 1 parking space per 250 square feet of use must be demonstrated in order to offer live entertainment; and
- (f) housing for the elderly.

(4) Conditional uses subject to approval by ordinance of the City are:

- (a) food stores, grocery stores; and
- (b) day nurseries, group day care centers, and nursery schools.

b. Commercial Center

In the land use area designated as a Commercial Center on the Land Use Plan, Exhibit No. 1, the underlying zoning districts are B-3-1 and B-3-2. The allowed uses are as follows:

- (1) Dwellings
- (2) Commercial uses subject to the following:
 - (a) The floor area ratio of large scale commercial uses must not exceed 2.0.
 - (b) Newly constructed commercial buildings must occupy a gross retail space of 8,000 square feet or less.

- (c) Except for banks, there must be no drive-in or drive-through uses or services either as a principal or accessory use.
 - (d) Uses excluded from the Neighborhood Retail/Residential land use area, are excluded from the Commercial Center.
 - (3) Conditional uses subject to approval by the Board of Municipal and Zoning Appeals are the same as in the Neighborhood Retail/Residential area.
 - (4) Conditional uses subject to approval by ordinance of the Mayor and City Council are the same as in the Neighborhood Retail/Residential area.
- c. Residential/Office

In the areas designated Residential/Office on the Land Use Plan, Exhibit No. 1, the underlying zoning districts are either O-R-1, B-1-2, or B-3-1. The allowed uses are as follows:

- (1) Dwellings
- (2) Office uses subject to the following:
 - (a) The predominantly residential character of the neighborhoods must be maintained. There must be flexibility in permitting office uses that are adaptable to a residential structure. Office uses must occupy a gross office area of 2,000 square feet or less and must have infrequent short-term servicing requirements. The floor area ratio must not exceed 1.5.
 - (b) The allowable uses in Residential/Office are as follows:

Offices – private; offices – governmental; offices – for non-profit and publicly owned organizations; offices – not including bail bonds agencies; parks and playgrounds; recreation buildings, libraries; post offices and community centers, religious institutions; civic uses – buildings used principally for education, worship, cultural performances, and gatherings administered by non-profit, cultural, educational, and religious organizations; buildings used principally for local, state, and federal government administration of public services, educational services, cultural performances, and government-sponsored gatherings (exclusive of parole or rehabilitation services).
- (3) Conditional uses subject to approval by the Board of Municipal and Zoning Appeals are as follows:
 - (a) medical and dental clinics;
 - (b) day nurseries, group day care centers, and nursery schools; and
 - (c) housing for the elderly.

d. Park/Recreational

In the land use area designated Park/Recreational on the Land Use Plan, Exhibit No. 1, the allowed uses are as follows: community events and public uses.

e. Residential

In the land use area designated as Residential on the Land Use Plan, Exhibit No. 1, uses are limited to those as allowed under the R-4 and R-7 categories of the Zoning Code of Baltimore City.

f. Nonconforming Use

A lawfully existing use of a building or other structure or of land that does not conform to the applicable use regulations of the Zoning Code of Baltimore City may be continued as a “nonconforming use” only as provided in Title 13 of the Zoning Code. A lawfully existing use of a building or other structure or of land that does not comply with the land use regulations of this Plan is allowed to continue for an indefinite period of time.

g. Noncomplying Structure

A lawfully existing structure that does not comply with the bulk regulations of the Zoning Code of Baltimore City may be continued as a “noncomplying structure” only as provided in Title 13 of the Zoning Code. Noncomplying structures are regulated by Title 13 of the Zoning Code of Baltimore City.

D. Techniques Used to Achieve Plan Objectives

The following property rehabilitation and development standards are used to support the character of the land use categories shown on the Land Use Plan, Exhibit No. 1 (Neighborhood Retail/Residential, Commercial Center, Park/Recreational, Residential/Office, and Residential). These standards apply to all new construction, rehabilitation, signage, or other change in the use of any property within the Project Area.

1. Standards Applicable to the Entire Project Area

Property owners must comply with these design standards when improving their properties. No time limit for compliance is specified in this Plan.

a. Objectives

- (1) Encourage preservation and stabilization of existing structures.
- (2) Protect and preserve the urban edge of Harford Road through appropriate design standards.
- (3) Ensure that repairs, alterations, and improvements on individual buildings protect the original design character of the building.
- (4) Ensure that contemporary improvements and signs do not detract from the original character of the buildings.

- (5) Ensure that new construction does not detract from the urban quality of Harford Road, meets urban design principles, and is not detrimental to the adjacent residential property or properties.
 - (6) Develop a design consistency by creating a balance between individual business signage and the overall image of a unified block.
 - (7) Ensure that new and rehabilitated properties provide landscaping that contributes to the image of a pedestrian-friendly business district.
 - (8) Encourage properties being rehabilitated within the Lauraville Historic District boundaries to comply with Maryland Historic Trust guidelines.
- b. Standards
- (1) Front yard setbacks must match existing setbacks on the same block or must be at the front yard property line. In blocks on Harford Road where an angled setback currently exists, the angled setback may be utilized in the design of new buildings.
 - (2) Exterior building materials are limited to wood, cedar shake siding, hardboard siding, lightweight concrete siding, vinyl siding, stucco, brick or stone. Exterior insulation finishing (EIFS) may be used on second story and rear walls only. Exposed foundation walls must be brick, stone, parged block, or painted, stained, or gray poured concrete.
 - (3) The following materials are not allowable: panelized materials and aluminum that has been anodized a copper color.
 - (4) Roof top signs, including billboards, or signs mounted above a parapet, are not allowed.
 - (5) Wire or chain link fencing must not be used on a public street or right-of-way. The use of razor wire or security wire is prohibited.
 - (6) Security grilles are allowed on commercial property, if they do not completely obscure the storefront when in use. Enclosures and housings for security grilles and screens and the hardware used to install the grilles must be as inconspicuous as possible and compatible with other elements of the facades. All exposed portions of the grille, screen, or enclosures that are normally painted, and all portions that require painting to preserve, protect, or renovate the surface must be painted in a neutral color.
 - (7) Religious institutions require 1 off-street parking space for every 4 seats. Previously awarded parking credits may not be used to calculate this parking standard.
 - (8) Parking lots with more than 12 spaces must include 1 shade tree for every 4 spaces. Planting plans are required for all parking lots.
 - (9) Commercial garage doors, loading docks, and service areas are allowed only at the rear or side of the property for new construction. Whenever feasible, loading dock and service doors must be located so they are not visible from a public street.
 - (10) The main entrance of a building, which is also its primary operating entrance, must face Harford Road.

- (11) Off-street parking is not allowed between the front yard property line and a building façade.
- (12) Accessory roof top structures such as antennas, satellite dishes, other communications equipment, HVAC, or other operating equipment must be placed to be as inconspicuous as possible.
- (13) Design standards for antennas include the following:
 - (a) Antennas must not exceed 15 feet in height by 3 feet in width and must be designed to accommodate co-location.
 - (b) Height is measured from the base of the antenna to the top.
 - (c) Appropriate screening must be provided to prevent visibility by adjacent properties.
 - (d) Panels must be placed along the side of a building as close to a roof as possible. Panels must not exceed 12 inches in height by 12 feet in diameter.
 - (e) Antennas and panels are subject to all existing FAA regulations.
 - (f) No freestanding towers are allowed.
- (14) Porches
 - (a) Materials
 - i. Porches must be faced with brick or stone or painted or stained wood. Vinyl siding is permitted only if it is consistent with existing structural material.
 - ii. Stoops must be brick, stone, or poured concrete. Wood stoops are permitted if it can be demonstrated that they are consistent with the character and features of the building.
 - iii. Posts, columns, and railings must be painted or stained wood, steel, or wrought iron.
 - iv. Piers and arches must be brick or stone or faced with brick or stone.
 - v. Chimney enclosures must be brick, stone, or stucco.
 - vi. Trim may be wood.
 - vii. The undercroft of porches must be enclosed with masonry or must be skirted by wood or vinyl lattice.
- (15) Decks
 - Decks may be placed on rear or side yards only.

(16) Roofs

- (a) Materials -- Pitched roofs must be galvanized metal, clay tile, standing seam, copper, wood shakes, natural slate, or asphalt shingles.
- (b) Methods
 - i. Roofs must be simple, symmetrically pitched, and in the configuration of gables and hips.
 - ii. Shed roofs are allowed when the ridge is attached to an exterior wall.
 - iii. Flat roofs must be edged by a railing or parapet wall.
 - iv. Gable ends must have profile trim.
 - v. Skylights and solar panels may be placed on rear elevations only.
 - vi. Roofs built of steel standing seam must be painted or galvanized.
 - vii. Asphalt shingles must be black, dark gray, or green.
 - viii. Copper may be allowed to age naturally.

(17) Openings

- (a) Materials
 - i. Windows must be wood, vinyl clad wood, vinyl, electrostat paint aluminum, kynar, or anodized aluminum.
 - ii. Glass must be clear, except stained glass, art glass, and frosted glass. Glass block may be used when not facing a public street or when in non-storefront basement windows.
 - iii. Doors must be wood, embossed steel or fiberglass with a wood veneer, or glass.
- (b) Methods
 - i. Windows and window lites must be vertical in proportion, unless a window is being replaced in an existing, nonconforming rough opening.
 - ii. Windows must be rectangular, except that a window may be circular, semicircular, hexagonal or octagonal in shape, but only one such window may be placed on each elevation.
 - iii. Windows may be no closer than 2 feet from the corner of the building.
 - iv. Muntins, if provided, must be real or mounted on the exterior surface.
 - v. Two windows in the same rough opening must be separated by a minimum 4 inch post.

- vi. Shutters must be shaped, sized, and proportioned to the window they serve.
- vii. Shutters must be functional or provided with shutter dogs and mounted as if hinged to the window frame.
- viii. Doors, including garage doors, must have glass, raised panels or both.
- ix. ~~Windows must be no closer than 2 feet from the corner of the building.~~

(18) Yards

(a) Materials

- i. Retaining walls must be brick or stone except those in rear yards which may be poured concrete or pressure treated wood.
- ii. Walks and paths must be brick, stone, slate, concrete (gray or stained), or concrete pavers.

(b) Methods

- i. Fences, walls, and hedges along streets, sidewalks, and parks, must be between 3 and 4 feet in height.
- ii. Wood fences must be painted or stained with an opaque stain.
- iii. Metal picket fences must be steel or wrought iron and must be painted black or dark green.
- iv. Brick walls must be a minimum of 8 inches thick and capped.
- v. Retaining walls must not exceed 4 feet in height for each terraced level above grade.

(19) Screening

- (a) Visible accessory HVAC rooftop structures must be screened to minimize noise and views and protect the residential integrity of the neighborhoods.
- (b) Parking lots that are at the front of a property or adjacent to a residential street must be screened using landscaping, brick, wood, or stone fences. Screening must prevent cars from being visible to residents and must be designed in a way that discourages vandalism, theft, and loitering. Landscaping must incorporate plantings that would discourage vandalism and loitering.
- (c) Visual and sound buffers must be provided at the property line in the interior side and rear yards between commercial and residential uses with a wood or masonry fence that is at least 6 feet in height. Screening must be compatible with existing barrier techniques and must prevent cars and dumpsters from being visible to residents. Allowable materials include black coated chain link fence, brick, stone, or wood. Chain link fences must be screened with plantings. Screening is not required between adjacent commercial properties. Alternative fencing materials may be approved after review by and support from the Community Review Panel.

- (d) Dumpsters and trash receptacles must be enclosed with masonry walls and opaque gates. Dumpsters must not be located along a street edge or in a front yard.

(20) No new billboards are allowed.

(21) No outdoor food and vending machines are allowed.

(22) Signs

- (a) Properties with buildings set back from the property line must have no more than 1 free-standing sign. Free-standing signs may not encroach on or overhang the public right-of-way.
- (b) Free-standing signs may be supported by a solid base constructed of masonry or wood, or by two masonry, wood, or steel posts. Wood must be painted or stained with opaque stain. The posts must be a minimum of six inches by six inches.
- (c) Internally-lit signs are not allowed on the exterior of a building. Free-standing signs may not be internally-lit.
- (d) The design of the sign should be consistent with the character of the surrounding area, building, or use.
- (e) Waivers on retrofitting or reusing an existing sign structure that does not meet the standards set forth in this Plan are allowable by the Commissioner, after receiving a review from the Community Review Panel.
- (f) Temporary signs must not exceed 20 percent of the total first-floor glazing. No signs are allowed in second-floor windows.

2. Additional Standards Applicable to Neighborhood Retail/Residential

a. Objectives

- (1) Retain the pedestrian, neighborhood services oriented commercial character.
- (2) Encourage site design that enhances the urban quality of the area.
- (3) Manage additions, alterations, and improvements so as to complement and carry forward original design character.

b. Standards

(1) Signage

- (a) Signs attached to the exterior of a building must have a maximum square footage of 2 times the length of the Harford Road façade of the building, not to exceed 32 square feet.
- (b) Painted panel signs are allowed provided that colors and type style are compatible with the features of the surrounding buildings.

- (c) Determining the size of free-standing signs is based on the length of Harford Road street frontage of the property.
 - i. Properties with less than 40 feet of street frontage may have a free-standing sign with a maximum height of 8 feet above grade and a maximum sign face of 15 square feet.
 - ii. Properties with between 40 feet and 75 feet of street frontage may have a free-standing sign with a maximum height of 15 feet above grade and a maximum sign face of 32 square feet.
 - iii. Properties with greater than 75 feet of street frontage may have a free-standing sign with a maximum height of 15 feet above grade and a maximum sign face of 50 square feet.
 - (d) Signage must be attached to the building using hardware made for that purpose.
 - (e) Projecting signs no larger than 16 square feet are allowed and must be mounted on brackets made for that purpose.
 - (f) Neon signs no larger than 4 square feet are allowed inside storefronts.
 - ~~(g) Temporary signs must not exceed 20 percent of the total first floor glazing. No signs are allowed in second floor windows.~~
 - ~~(h) A maximum of 2 signs per property are allowed.~~
 - (2) Awnings may not be internally lit with lights mounted to the awning structure, and must not have an "egg crate" ceiling. The drip edge may be lettered with print no larger than 6 inches high. Awnings may be fabricated only from canvas or canvas-like material that is flame retardant. Awnings must not project more than 6 feet from a building. Existing awnings with permanent lettering are considered signs. Existing awnings in good condition may be allowed to remain. New and replacement awnings must comply with these standards.
 - (3) Existing front porches, stoops, railings, columns, posts, piers, and arches must retain features that are compatible with the character and features of the building.
 - (4) New storefronts must have doors recessed a minimum of 3 feet. These storefronts must have a minimum glazing of 50 percent of the area of the first floor elevation.
 - (5) Existing storefront windows must maintain their existing size or retrofit the storefront to a minimum of 50 percent of the area of the first floor elevation, whichever is greater.
3. Additional Standards Applicable to Commercial Center
- a. Objectives
 - (1) Require new development design to follow designs that retain an urban quality yet allow flexibility for modern retailing and commercial needs. Design must reflect an integration with the existing style of existing buildings.

- (2) View the area as a district of buildings rather than allowing new construction to relate only to Harford Road and vehicle traffic.
 - (3) Seek innovative solutions rather than stock designs.
 - (4) Protect surrounding residential areas.
 - (5) Preserve the integrity of existing structures.
- b. Standards
- (1) Site

Grass areas, landscaping, shrubs, and trees must be properly maintained. Dead or damaged shrubbery must be replaced as needed.
 - (2) Building
 - (a) The front façade of new construction must be along the street frontage line of Harford Road.
 - (b) Temporary signs must not exceed 20 percent of the total first floor glazing. No signs are allowed in second floor windows.
 - (c) New storefronts must have doors recessed a minimum of 3 feet. These storefront windows must have a minimum of 50 percent of the area of the first floor elevation.
 - (d) Existing storefront windows must maintain their existing size or retrofit the storefront to a minimum of 50 percent of the area of the first floor elevation, whichever is greater.
 - (3) Signage
 - (a) Projecting signs greater than 8 feet in height must be mounted above the storefront and perpendicular to the building. These signs may extend up to 4 feet from the building and may extend as high as the lintels on the top floor. The area of these signs must be no greater than 32 square feet.
 - (b) Signs attached to the exterior of a building must have a maximum square footage of 2 times the length of Harford Road façade of the building, not to exceed 32 square feet. Signage must be attached to the building using hardware made for that purpose.
 - (c) Determining the size of free-standing signs is based on the length of Harford Road street frontage of the property.
 - i. Properties with less than 40 feet of street frontage may have a free-standing sign with a maximum height of 8 feet above grade and a maximum sign face of 15 square feet.

- ii. Properties with between 40 feet and 75 feet of street frontage may have a free-standing sign with a maximum height of 15 feet above grade and a maximum sign face of 32 square feet.
 - iii. Properties with greater than 75 feet of street frontage may have a free-standing sign with a maximum height of 15 feet above grade and a maximum sign face of 50 square feet.
- (d) Projecting signs no larger than 16 square feet are allowed and must be mounted on brackets made for that purpose.
 - (e) Painted panel signs are allowed provided that colors and type style are compatible with the features of the surrounding buildings.
 - (f) A maximum of 3 signs per property are allowed. If there is more than 1 use per property, then a maximum of 2 signs per business are allowed.

(4) Awnings

Awnings may not be internally lit with lights mounted to the awning structure, and must not have an “egg crate” ceiling. The drip edge may be lettered with print no larger than 8 inches high. Awnings may be fabricated only from canvas or canvas-like material that is flame retardant. Awnings must not project more than 7 feet from a building. Existing awnings with permanent lettering are considered signs. Existing awnings in good condition may be allowed to remain. New and replacement awnings must comply with these standards.

4. Additional Standards Applicable to Residential/Office

a. Objectives

- (1) Establish standards that will preserve the urban edge of Harford Road by preventing unnecessary demolition.
- (2) Encourage location of institutional uses.
- (3) Encourage use of a civic architectural vernacular on public and institutional buildings.
- (4) Encourage the continued use of residential buildings for residential purposes and small offices that do not negatively impact residential quality of life.
- (5) Establish maintenance standards for residential structures.

b. Standards

(1) Building

Existing front porches, stoops, railings, columns, posts, piers, and arches must be retained or rebuilt to accommodate the character and architectural features of the building.

(2) Signage

- (a) Signs attached to the exterior of a building must have a maximum square footage of 2 times the length of Harford Road façade of the building, not to exceed 24 square feet.
- (b) Painted panel signs are allowed provided that colors and type style are compatible with the features of the surrounding buildings.
- (c) Determining the size of free-standing signs is based on the length of Harford Road street frontage of the property.
 - i. Properties with less than 40 feet of street frontage may have a free-standing sign with a maximum height of 8 feet above grade and a maximum sign face of 15 square feet.
 - ii. Properties with greater than 40 feet of street frontage may have a free-standing sign with a maximum height of 8 feet above grade and a maximum sign face of 32 square feet.
- (d) Signage must be attached to the building using hardware made for that purpose.
- (e) Projecting signs no larger than 12 square feet are allowed and must be mounted on brackets made for that purpose.
- (f) Neon signs no larger than 4 square feet are allowed inside storefronts.
- (g) Temporary signs must not exceed 20 percent of the total first floor glazing. No signs are allowed in second floor windows.
- (h) A maximum of 1 sign per property is allowed.

(3) Awnings

Awnings may not be internally lit with lights mounted to the awning structure, and must not have an “egg crate” ceiling. The drip edge may be lettered with print no larger than 6 inches high. Awnings may be fabricated only from canvas or canvas-like material and must be flame retardant. Awnings must not project more than 6 feet from a building. Awnings that are in good condition may be allowed to remain in their existing state. New or replacement awnings must comply with these requirements. Existing awnings with permanent lettering are considered signs

5. Additional Standards Applicable to Park/Recreational

a. Objectives

- (1) Retain the historic park as a community and civic space for public use.
- (2) Establish the area as a gateway to the community. Maintain and improve landscaping consistent with its gateway image, welcoming residents and visitors to the corridor.

b. Standards

- (1) Live music is limited to between 10:00 a.m. and 8:00 p.m.
- (2) Sponsoring organizations are subject to all existing licensing regulations and permit requirements.
- (3) Sponsoring organizations are responsible for removing all trash immediately following an event and for replacing damaged shrubbery within 30 days of the event.
- (4) ~~No new monuments or buildings may be constructed in this area.~~ Before authorizing a new monument in any park, the Department of Recreation and Parks must provide the Community Review Panel with notice and drawings of the proposal and provide the Community Review Panel with at least 30 days within which to submit recommendations to the Department of Recreation and Parks.

6. Interpretation

Developers are required to agree that, in the event of any question regarding the meaning of these standards and controls or other provision of this Plan, the interpretation placed on them by the Department is final and binding, provided that the interpretation is not unreasonable or arbitrary.

7. Street Reservation and Dedication

The City reserves unto itself all of its right, title, and interest in and to the beds of all streets, alleys, avenues, or lanes mentioned in this Plan and referred to, subject, however, to use in common as private ways, until the streets, alleys, avenues, and lanes are expressly dedicated to public use. All references in this Plan to any street, alley, avenue, or lane are for purposes of description only and are not intended to dedicate them to public use, and any implied intent of dedication or dedication of the streets, alleys, avenues or lanes by reference to them is hereby denied and revoked.

E. Assembled Property

Where assembled properties include lots that are within and not within the Project Area, it is the intent that the Rehabilitation and Development Standards in this Plan apply to the entire assemblage.

F. Maintenance Standards

The minimum maintenance standards for all properties are as follows, and, unless otherwise specified, all repairs and maintenance must be made within 30 days of receipt of notification from the Department:

1. All Properties

- a. Businesses must keep their properties free of trash.
- b. All trash must be placed in covered receptacles. Property must be maintained free of trash and debris.
- c. Properties must be kept free of graffiti or flaking paint.

- d. Repainting or repairs must be made to maintain the building's original character and quality and must be in keeping with established architectural standards.
 - e. All properties must have their street address displayed in a prominent manner using 2 to 4-inch lettering that is in keeping with the design standards established in this Plan.
 - f. All landscaping must be trimmed and maintained. Grass and weeds must not exceed 8 inches in height. Landscape barriers must be kept trimmed and well-maintained, and dead or damaged shrubbery must be replaced as needed.
 - g. All fences and barriers must be kept trimmed and well-maintained.
 - h. Broken windows, graffiti, damaged signage, torn awnings, or other damage resulting from vandalism must be repaired within 15 days of notification.
 - i. All owners of vacant properties or lots are required to have an available phone number and current address on file with the Department.
 - j. Unoccupied properties must not be boarded on the front facades.
 - k. Burned out lighting must be replaced.
2. Compliance
- a. Within 15 days of receipt of a complaint, the Department must investigate and notify the property owner or owner's registered agent of any violations.
 - b. Structural repairs must be made within 30 days from the date of a notice from the Department.
 - c. Property owners who require additional time to make a repair must notify the Department in writing and include a completion date.
 - d. Any person violating the provisions of this Plan is subject to a fine not exceeding One Hundred Dollars (\$100.00), and each day's violation constitutes a separate offense. This Plan may be enforced by injunction.

G. Design Review and Approval

1. Procedures for the Review of Rehabilitation Plans

In order to ensure that development is consistent with the requirements and objectives of this Plan, all plans and specifications must be submitted to and approved by the Department as follows:

- a. Review of Plans for New Construction, Exterior Rehabilitation, or Change in Use.

All plans for new construction (including parking lots), exterior rehabilitation, site improvements, change in use on any property, and signage must be submitted to the Department for review. Once the plans have been received, a review process to determine if the proposed project meets the objectives of this Plan will begin. Prior to submitting, the developer is encouraged to seek community approval. The review process followed for new

plan review must be consistent with the guidelines established in subsection 3., “Community Review”, of this section. Permit requests for new construction, substantial renovations, or changes in property use must be forwarded to HARP and HARBEL, or their successors, which will be given 4 weeks to respond with a recommendation to the Department. Within 5 days of receipt of notice, HARP must advise the Community Review Panel members and their respective groups and HARBEL must advise the community or communities most impacted that notification has been received from the Department of a development proposal, rehabilitation plan, or change of use for a specific property or properties. HARP must arrange a meeting between the developer, the Community Review Panel, and the impacted communities. Written comments from this meeting must be forwarded to all members of the Community Review Panel and the presidents of the impacted community groups. The community groups have responsibility for distributing information to their membership. Written comments must be provided by the community groups to HARP, which must also distribute them to the Community Review Panel. Community-wide meetings can provide an additional opportunity for input. The Community Review Panel must issue the final recommendation to approve or deny support of a project based on community input. Each recommendation made by the Community Review Panel concerning a specific project reviewed by the Panel is considered binding upon HARP.

Permit requests for cosmetic changes, allowable changes of use, or minor rehabilitation must be immediately forwarded to HARP. At its discretion, HARP must review these requests and submit a recommendation to the Department on behalf of the Community Review Panel. HARP must inform the Community Review Panel of its recommendations. The final determination for the review process shall be decided by the Department. Upon finding that the application is complete and there is evidence of review by HARP, and the proposed plan is consistent with the objectives of this Plan, the Commissioner must authorize the issuance of the necessary permit. If the Commissioner finds that the proposal is inconsistent with the objectives of this Plan, issuance of the permit must be denied.

The provisions of this subsection are in addition to and not in lieu of all other applicable laws and ordinances relating to new construction.

b. Demolition.

All applications for demolition permits must be submitted to the Department for review and approval. Prior to submitting a permit, the applicant is encouraged to seek community approval. Standards for preservation and demolition of properties are based upon design guidelines established for the Lauraville Business District.

Demolition permits must not be issued until after a building permit has been approved and issued, except in the case of emergency or fire, or if the building is deemed structurally unsound.

2. Department Review

The Department specifically reserves the right to review and approve the plans and specifications for development or rehabilitation with respect to their conformance with the provisions of this Plan and in order to achieve harmonious development of the Project Area. The Department also reserves the right to refuse to approve any such drawings, plans, or specifications that are not suitable or desirable, in its opinion, for aesthetic or functional reasons; and in so passing upon such drawings, plans and specifications, it has the right to take into consideration, but is not limited to, the suitability of the site plan, architectural treatment, building plans, elevations, materials and color, construction details, access, parking, loading, landscaping, identification,

signs, exterior lighting, refuse collection details, streets, sidewalks, and the harmony of the plans with the surroundings.

The Department may utilize its Design Advisory Panel to work with developers in the achievement of high quality site, building, and landscape design for new construction projects.

3. Community Review

There is a Community Review Panel that is facilitated by HARP. The purpose of this Panel is to facilitate review, to recommend its approval or disapproval of proposals for rehabilitation, design, and façade changes and new development to the Commissioner, and to ensure that, within the parameters of this Plan, the needs of those communities most impacted by development are met.

Procedures for approving or declining to approve projects are established in the Community Review Panel operating guidelines. These guidelines will give impacted communities a greater role in determining whether to approve or decline to approve specific projects.

The Community Review Panel is an advisory board, and the Department has final approval or disapproval authority.

4. Waiver by the Commissioner

No alteration, change in use, or improvement work may be undertaken which does not conform with the requirements in this Plan unless the requirements have been waived by the Commissioner. Waivers may be approved after review and recommendations are provided by the Community Review Panel.

5. Land Disposition

- a. Land and property interests acquired by the City within the Project Area will be disposed of by sale, lease, conveyance or transfer or other means available to the City, in accordance with Exhibit 3, Land Disposition.
- b. The parcels shown on Exhibit 3 are schematic and approximate. The Department has the right, in its discretion, to fix their precise boundaries and size. For purposes of disposition, the parcels or lots, as shown on Exhibit 3, may be subdivided or combined.

H. Acquisition

1. Conditions Under Which Property May Be Acquired

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 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 in the whole are described and contained within the perimeter of that area, situate in Baltimore City, Maryland.

a. Non-salvables:

Any property in areas designated for rehabilitation containing a non-salvable structure, i.e., a structure which, in the opinion of the Commissioner, cannot be economically rehabilitated without public intervention.

b. Other properties:

In order to carry out rehabilitation by the Department or for resale, other properties may be acquired if:

- (1) rehabilitation on a structure-by-structure basis is infeasible and assembly of a group of properties is required to carry out the objectives set forth in this Plan; or
- (2) rehabilitation of individual, scattered properties is necessary in order to remove blighting influences from otherwise sound blocks.

2. Actions to be Followed by the Department Upon Acquisition of Properties

Upon the acquisition of any of the property described in this Plan, the Department, after consulting with HARP, the Community Review Panel, and the affected associations, must ~~do one of the following~~ consider taking one of the following actions with regard to the property:

- a. Demolish the structure or structures located on the property and dispose of the land for redevelopment for uses in accordance with this Plan; or
- b. Sell or lease the property subject to rehabilitation in conformance with the codes and ordinances of Baltimore City and the property rehabilitation standards set forth in this Plan; or
- c. Rehabilitate the property in conformance with the codes and ordinances of Baltimore City and dispose of property in accordance with applicable regulations.

The Commissioner must notify HARP and provide as much non-proprietary information as possible regarding the disposition and its impact on this Plan.

3. Actions to be Followed by the Real Estate Acquisition Division of the Department of the Comptroller

The Real Estate Acquisition Division of the Department of the Comptroller, or any person designated by the Boards of Estimates, and in any manner designated by the Board of Estimates in the exercise of the power vested in it by Article V § 5 of the Baltimore City Charter, is authorized to acquire on behalf of the Mayor and City Council, for the purposes described in this Plan, the fee simple or lesser interest in any property or portion of property described in this Plan. If the Division or person is unable to agree with the owner on the purchase price of the property or portion of property, the Division or person must notify the City Solicitor ~~who must institute the necessary legal proceedings to acquire the fee simple or lesser interest in the property by condemnation.~~

I. Zoning

All appropriate provisions of the Zoning Code of Baltimore City apply to properties in the Project Area. Any change in the Zoning Code embodied in this Plan must be approved by ordinance in accordance with the procedural requirements of the Zoning Code and Article 66-B of the Annotated Code of Maryland, as amended.

J. Procedures for Changes in Approved Plan

This Plan may be changed at any time through amendment by the City. Additionally, there must be an annual review of this Plan conducted by HARP and to make recommendations to the Department. HARP is responsible for notifying the community of the review period. During this review period, any resident, business, property owner or institution within the Project Area may propose changes to this Plan. Any written comments and recommendations pertaining to this review must be transmitted to the Department no later than 4 weeks after the proposed amendments have been submitted to HARP. The Department must submit to HARP all proposed amendments to the urban renewal plan introduced by the Administration. Prior to passage of any ordinance amending this Plan, a public hearing must be held and HARP, its successor or assignee, must receive at least 7 days notice prior to the public hearing.

K. Duration of Provisions and Requirements

The Lauraville Business District Urban Renewal Plan and any amendments shall remain in full force and effect for a period of 20 years from the date of the latest amendment by the City.

L. Separability

In the event it be judicially determined that any word, phrase, clause, sentence, paragraph, section, or part in or of this Plan, or the application thereof to any person or circumstances is invalid, the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby, it being hereby declared that the remaining provision of this Plan without the word, phrase, clause, sentence, paragraph, section or part, or the application thereof, so held invalid would have been adopted and approved.

SECTION 4. AND BE IT FURTHER ORDAINED, That the Urban Renewal Plan, identified as “Urban Renewal Plan, Lauraville Business District”; including Exhibit 1, Land Use Plan; Exhibit 2, Property Acquisition; Exhibit 3, Land Disposition; and Exhibit 4, Zoning, dated March 10, 2003, is approved, and the Clerk of the City Council is directed to file a copy of the Renewal Plan with the Department of Legislative Reference as a permanent public record and to make the same available for public inspection and information.

SECTION 5. 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 right, title, interest, and estate that the owner or owners of these 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 this area, situate in Baltimore City, Maryland, and described as follows:

4500 Harford Road
4502 Harford Road
4508 Harford Road
4510 Harford Road

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

Approved October 28, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-613
(Council Bill 03-1089)**

AN ORDINANCE CONCERNING

**Planned Unit Development — Designation —
UMB Health Sciences Biomedical Research Park**

FOR the purpose of approving the application of University of Maryland Baltimore and UMB Health Sciences Research Park Corporation, contract purchaser and contract lessee of certain properties located in Baltimore City (the "Property"), to have the 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

University of Maryland Baltimore ("UMB") is the contract purchaser and UMB Health Sciences Research Park Corporation (the "Corporation") is the contract lessee of the properties located at 800-946 West Baltimore Street, 3-15 North Poppleton Street, 803-927 West Fairmount Avenue, 4-12 North Fremont Avenue, 802-812 West Fairmount Avenue, 801 West Fayette Street, 6-16 North Poppleton Street, 3-11 North

Schroeder Street, and 3-15 North Amity Street (collectively, the "Property"), consisting of 4.7 acres, more or less.

UMB and the Corporation intend to develop the property as part of the UMB ~~Health Sciences~~ Biomedical Research Park.

On March 18, 2003, representatives of UMB and the Corporation 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 UMB and the Corporation 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 University of Maryland Baltimore ("UMB"), contract purchaser, and UMB Health Sciences Research Park Corporation (the "Corporation"), contract lessee of the properties located at 800-946 West Baltimore Street, 3-15 North Poppleton Street, 803- 927 West Fairmount Avenue, 4-12 North Fremont Avenue, 802-812 West Fairmount Avenue, 801 West Fayette Street, 6-16 North Poppleton Street, 3-11 North Schroeder Street, and 3-15 North Amity Street (collectively, the "Property"), consisting of 4.7 acres, more or less, as outlined on the accompanying Development Plan entitled ~~"UMB Health Sciences Biomedical Research Park", dated April 8, 2003~~ "UMB Biomedical Research Park", consisting of the following sheets, "Existing Conditions Plan", dated July 2003; "Proposed Conditions Plan", dated July 2003; and "Preliminary Landscape Plan", dated July 2003, 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 allowed within the Planned Unit Development:

- (a) all permitted, accessory, and conditional uses, as allowed in the B-2 Zoning District, unless otherwise prohibited in Section 3.
- (b) open off-street parking areas and off-street garages, other than accessory, for the parking of 4 or more motor vehicles; laboratories for research and testing; power and energy plants; food preparation and storage facilities; outpatient services and medical clinics; warehousing and storage; and manufacturing and distribution when accessory to a use otherwise permitted hereunder.
- (c) outdoor table service when accessory to a restaurant, subject to design approval by the Planning Commission.

SECTION 3. AND BE IT FURTHER ORDAINED, That in accordance with the provisions of Title 9, Subtitles 1 and 4, the following uses are not allowed as principal uses within the Planned Unit Development:

- amusement arcades;
- animal hospitals;
- apartment hotels exceeding 50 units;
- 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)
- check cashing agencies;
- coin and philatelic stores;
- community correction centers;

dance halls;
department stores;
exterminators' shops;
firearm sales;
foster homes for children;
fraternity and sorority houses - off campus;
furniture stores - including upholstering when conducted as an accessory use;
furrier shops - including accessory storage and conditioning of furs;
gasoline service stations;
hotels and motels exceeding 50 rooms;
laundries: hand;
liquor stores; package goods;
pawnshops;
pool halls and billiard parlors;
poultry and rabbit killing establishments;
private clubs and lodges (profit and nonprofit);
radio and television sales and service;
recreational vehicles and similar camping equipment: parking or storage;
restaurants: drive-in;
second-hand stores and rummage shops;
taverns;
taxidermist shops;
telegraph offices;
tennis and lacrosse clubs;
trading stamp redemption centers;
travel trailers;
undertaking establishments and funeral parlors;
upholstering shops;
vending machines for the retail sale of ice or milk.

SECTION 4. AND BE IT FURTHER ORDAINED, That retail uses (other than physical culture and health services) are allowed only on the ground and basement floors.

SECTION 5. AND BE IT FURTHER ORDAINED, That a parking ratio of at least 2 spaces per 1000 square feet of floor area shall be maintained at all times by surface and/or structured garage parking. A structured parking garage shall be constructed at the same time as the construction of the third non-parking structure with the Property. The foregoing parking requirements may be satisfied within the Property. The foregoing parking requirements may be satisfied within the Property or pursuant to § 10-304 of the Zoning Code.

SECTION 5 6. AND BE IT FURTHER ORDAINED, That the Development Plan submitted by UMB and the Corporation is approved.

SECTION 6 7. 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 8. 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 the Planning Department shall determine what constitutes minor or major modifications to the Development Plan. Minor modifications require approval by the Planning Commission. Major modifications require approval by Ordinance.

SECTION 8 9. 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 9 10. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved October 28, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-614
(Council Bill 03-1144)**

AN ORDINANCE CONCERNING

**Urban Renewal — Inner Harbor East —
Amendment 14**

FOR the purpose of amending the Urban Renewal Plan for Inner Harbor East to expand the project area boundary, propose certain land use and zoning district changes, establish special districts, and revise 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 Inner Harbor East was originally approved by the Mayor and City Council of Baltimore by Ordinance 71-1188 and last amended by Ordinance 03-551.

An amendment to the Urban Renewal Plan for Inner Harbor East is necessary to expand the project area boundary, propose certain land use and zoning district changes, establish special districts, and revise 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 2 of the Plan, in A. Project Description, in line 3, strike beginning with “crossing” down through and including “feet”, in line 11, and substitute “SOUTHERLY TO INTERSECT THE SOUTH SIDE OF FLEET STREET, AS NOW LAID OUT; THENCE BINDING ON THE SOUTH SIDE OF SAID FLEET STREET, ~~EASTERLY 600 FEET, MORE OR LESS, TO INTERSECT THE WEST SIDE OF CAROLINE STREET, AS NOW LAID OUT 80 FEET WIDE; THENCE BINDING ON THE WEST SIDE OF SAID CAROLINE STREET, SOUTHERLY CROSSING ALICEANNA STREET AND LANCASTER STREET, SOUTHERLY 1,019 FEET~~ SOUTHERLY TO INTERSECT THE SOUTH SIDE OF FLEET STREET, AS NOW LAID OUT; THENCE BINDING ON THE SOUTH SIDE OF SAID FLEET STREET, EASTERLY 240 FEET, MORE OR LESS, TO INTERSECT THE EAST SIDE OF EDEN STREET, AS NOW LAID OUT 70 FEET WIDE; THENCE BINDING ON THE EAST SIDE OF SAID EDEN STREET, SOUTHERLY 234 FEET, MORE OR LESS, TO INTERSECT THE LINE OF THE SOUTH OUTLINE OF THE PROPERTY KNOWN AS NO. 1401-05 FLEET STREET; THENCE BINDING ON THE SOUTH OUTLINE OF LAST SAID PROPERTY, EASTERLY 68.5 FEET, MORE OR LESS, TO INTERSECT THE EAST OUTLINE OF THE PROPERTY KNOWN AS NO. 1401-05 FLEET STREET; THENCE BINDING ON THE EAST OUTLINE OF LAST SAID PROPERTY, NORTHERLY 92 FEET, MORE OR LESS, TO INTERSECT THE SOUTH OUTLINE OF THE PROPERTIES KNOWN AS NO. 1407-13 FLEET STREET; THENCE BINDING ON THE SOUTH OUTLINE OF LAST SAID PROPERTIES, EASTERLY 122 FEET, MORE OR LESS, TO INTERSECT THE EAST SIDE OF SPRING STREET; THENCE BINDING ON THE EAST SIDE OF SAID SPRING STREET, SOUTHERLY 375 FEET, MORE OR LESS, CROSSING ALICEANNA STREET, TO INTERSECT THE SOUTH OUTLINE OF THE PROPERTY KNOWN AS 704-08 CAROLINE STREET; THENCE BINDING ON THE SOUTH OUTLINE OF LAST SAID PROPERTY, EASTERLY 170 FEET, MORE OR LESS, TO INTERSECT THE WEST SIDE OF CAROLINE STREET; THENCE BINDING ON THE WEST SIDE OF SAID CAROLINE STREET, CROSSING LANCASTER STREET, SOUTHERLY 495 FEET”.
- (2) On page 11 of the Plan, in line 2 of G.14., after “Areas”, insert “AND SPECIAL DISTRICTS”.
- (3) On page 13 of the Plan, after G.14.h, insert

“i. SPECIAL DISTRICTS 1-6:

THE PARCELS EAST OF CENTRAL AVENUE ARE INTENDED TO BE A TRANSITION AREA BETWEEN THE HIGHER DENSITIES PERMITTED ON PARCELS Q THROUGH Q5 AND THE FELS POINT NEIGHBORHOOD. NEW BUILDINGS SHOULD BE ORIENTED NORTH/SOUTH AND MAY FILL 100% OF THE SITE UP TO 30 FEET HIGH FOR BUILDINGS WITH A MAXIMUM HEIGHT OF 90 FEET AND UP TO 50 FEET FOR RESIDENTIAL BUILDINGS BETWEEN 91 FEET AND 120 FEET. TALLER PORTIONS OF THE BUILDINGS MAY COVER NO MORE THAN 2/3 OF THE LOT AREA. ACTIVE GROUND FLOOR USES, ESPECIALLY RETAIL, ARE ENCOURAGED.

- (1) SPECIAL DISTRICT 1: THE MAXIMUM PERMITTED BUILDING HEIGHT IS 120 FEET ABOVE GRADE FOR RESIDENTIAL DEVELOPMENT AND 90 FEET FOR ALL OTHER.
- (2) SPECIAL DISTRICT 2: THE MAXIMUM PERMITTED BUILDING HEIGHT IS 65 FEET ABOVE GRADE.
- (3) SPECIAL DISTRICT 3: THE MAXIMUM PERMITTED BUILDING HEIGHT IS 65 FEET ABOVE GRADE.
- (4) (3) SPECIAL DISTRICT 4: THE MAXIMUM PERMITTED BUILDING HEIGHT IS 120 FEET ABOVE GRADE FOR RESIDENTIAL DEVELOPMENT AND 90 FEET FOR ALL OTHER.

(5) (4) SPECIAL DISTRICT 5 4: THE MAXIMUM PERMITTED BUILDING HEIGHT IS 120 FEET ABOVE GRADE FOR RESIDENTIAL DEVELOPMENT AND 90 FEET FOR ALL OTHER.

(6) (5) SPECIAL DISTRICT 6 5: THE MAXIMUM PERMITTED BUILDING HEIGHT IS 95 FEET ABOVE GRADE FOR RESIDENTIAL DEVELOPMENT AND 65 FEET FOR ALL OTHER.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Renewal Plan designates Special Districts that are considered worthy of special attention regarding future actions within those districts. These Special Districts, shown on Exhibit B, Development Areas, are considered important as transition areas adjoining the historic Fells Point neighborhood.

It is the objective of the Renewal Plan, in designating Special Districts, that the height limitations of any future development of these areas, as stated in the Renewal Plan, are strongly encouraged.

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 14, dated April 7, 2003", 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 the revisions shown in the amended Urban Renewal Plan on Exhibit A, Land Acquisition; Exhibit B, Development Areas; Exhibit C, Proposed Land Use; Exhibit D, Right of Way Adjustments; and on Exhibit E, Zoning, dated ~~April 7, 2003~~ September 10, 2003, are approved.

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 October 28, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-615
(Council Bill 03-1081)**

AN ORDINANCE CONCERNING

Sale of Property — 1300 Baylis 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 1300 Baylis 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 1300 Baylis Street, and more particularly described as follows:

Beginning at the southwest corner of Baylis and Toone Streets and running thence southerly binding on the west side of Baylis Street 34 feet 2 inches to the north line of the north wall and the house erected on the lot adjoining on the land now being described to the southward; thence westerly parallel to Toone Street 95 feet; thence northerly parallel to Baylis Street 34 feet 2 inches to Toone Street; and thence easterly binding on the south side of Toone Street 95 feet to the place of beginning.

The property is located in the Canton Urban Renewal Plan.

This property being no longer needed for public use.

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

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

Approved November 3, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-616
(Council Bill 03-1098)**

AN ORDINANCE CONCERNING

Franchise — Bridgeway over San Martin Drive

FOR the purpose of granting a franchise to The Johns Hopkins University to construct, use, and maintain a private pedestrian bridgeway above and across San Martin Drive, connecting the office building and parking garage to be constructed on the west side of San Martin Drive to The Johns Hopkins University main campus on the east side of San Martin Drive, 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)

Recitals

The Johns Hopkins University is constructing an approximately 78,300 square foot multi-story office and laboratory building for the Carnegie Institute of Washington to engage in basic research and advanced education in biology, astronomy, and earth sciences. A second building having approximately 44,000 square feet of office space and an approximately 540 space parking garage will also be developed on the site.

These structures will be located on the west side of San Martin Drive, just south of the west gate to the University's main campus.

A portion of San Martin Drive will be reconstructed and widened to accommodate a northerly left turn lane into the new parking garage, beginning at a point $\frac{1}{4}$ mile north of the intersection of San Martin Drive and Wyman Park Drive and proceeding north 575 feet, more or less, toward University Parkway.

The Johns Hopkins University proposes to construct a private pedestrian bridgeway over San Martin Drive, providing a safe and convenient means for students, employees, and visitors to travel between the main campus and the new building.

Portions of the private bridgeway will be located above and across the public right-of-way.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That a franchise or right is granted to The Johns Hopkins University, 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 pedestrian bridgeway, approximately 50.47 feet long by 17 feet wide, that will connect the building being constructed by the Grantee on the west side of San Martin Drive, to the main campus located on the east side of San Martin Drive, by crossing the San Martin Drive right-of-way, located within an aerial easement area more particularly described as follows:

Beginning at a point located along the northern right-of-way line of San Martin Drive, as laid out and existing, distant North 59 degrees, 09 minutes 04 seconds East, 12.91 feet from the end of the South 59 degrees 09 minutes 04 seconds West, 24.49 feet line and a point of tangency of said northern right-of-way of San Martin Drive, and running thence along part of the said northern right-of-way line, (1) North 59 degrees 09 minutes 04 seconds East, 11.58 feet, and (2) 5.46 feet in a northeasterly direction along the arc

of a curve to the left having a radius of 350.00 feet and a long chord bearing and distance of North 58 degrees 42 minutes 14 seconds East, 5.46 feet thereon, thence crossing over said San Martin Drive, (3) South 34 degrees 54 minutes 21 seconds East, 51.36 feet to a point on the southern right-of-way of said San Martin Drive, and running thence along part of said right-of-way, (4) South 66 degrees 35 minutes 30 seconds West, 9.17 feet, and (5) South 59 degrees 09 minutes 04 seconds West, 8.03 feet to appoint thereon, thence crossing over said San Martin Drive, 17.00 feet west and parallel with the above Third described line, (6) North 34 degrees 54 minutes 21 seconds West, 50.13 feet to the point of beginning.

Said easement shall be approximately 17 feet wide by 50.47 feet long, and shall be approximately 18 feet above the street bed at its lowest point, and shall have a maximum top elevation of 65 feet, more or less.

Containing approximately 858 square feet in plane, or 0.0197 acres, more or less.

No signage or banners may be attached to the bridgeway as part of this agreement.

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 \$6,031.74 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 November 3, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-617
(Council Bill 03-1099)**

AN ORDINANCE CONCERNING

**Franchise — Private Ductbank and Water Main
Under San Martin Drive**

FOR the purpose of granting a franchise to The Johns Hopkins University to construct, use, and maintain a private ductbank and water main under San Martin Drive, connecting the office, laboratory, and parking garage buildings to be constructed on the west side of San Martin Drive, to The Johns Hopkins University

main campus on the east side of San Martin Drive, 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)

Recitals

The Johns Hopkins University is constructing an approximately 78,300 square foot multi-story office and laboratory building for the Carnegie Institute of Washington to engage in basic research and advanced education in biology, astronomy, and earth sciences. A second building having approximately 44,000 square feet of office space and an approximately 540 space parking garage will also be developed on the site.

These structures will be located on the west side of San Martin Drive, just south of the west gate to the University's main campus.

A portion of San Martin Drive will be reconstructed and widened to accommodate a northerly left turn lane into the new parking garage, beginning at a point ¼ mile north of the intersection of San Martin Drive and Wyman Park Drive and proceeding north 575 feet, more or less, toward University Parkway.

The Johns Hopkins University proposes to construct a private electric and communications ductbank and ductile iron water main under San Martin Drive, connecting these necessary services from the main campus to the new buildings.

Portions of the private ductbank and water main will be located and begin 4 feet below the surface of the public right-of-way.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That a franchise or right is granted to The Johns Hopkins University, 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 private electric and communications ductbank and a 6-inch ductile iron water main, approximately 78 feet long, that will connect the buildings being constructed by the Grantee on the west side of San Martin Drive, to the main campus located on the east side of San Martin Drive, by crossing beneath the San Martin Drive right-of-way, and more particularly described as follows:

Beginning at a point located at the intersection of the western edge of the San Martin Drive right-of-way, proceed North 83 degrees, 44 minutes 11 seconds, East 82.49 feet, thence North 36 degrees 52 minutes 11 seconds East 25.00 feet, thence South 83 degrees 03 minutes 56 seconds West, 74.55 feet and thence South 48 degrees 59 minutes 27 seconds West, 30.48 feet to the point of beginning.

Said easement shall be approximately 10 feet wide by 78 feet long and 3.5 feet deep.

Containing a volume of approximately 2,730 cubic feet.

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 \$3,071.25 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 November 3, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-618
(Council Bill 03-1140)**

AN ORDINANCE CONCERNING

Sale of Property — 3509 Hamilton 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 unimproved property known as 3509 Hamilton Avenue, Block 5779, Lot 007 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 3509 Hamilton Avenue, Block 5779, Lot 007, and more particularly described as follows:

The subject parcel (Block 5779, Lot 007) is an unimproved property, containing 7,255 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 November 3, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-619
(Council Bill 03-1186)**

AN ORDINANCE CONCERNING

Hunting Ridge Historic District

FOR the purpose of designating the area located within certain boundaries as the Hunting Ridge Historic District.

BY adding

Article 6 - Historical and Architectural Preservation
Section(s) 7-27
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

§ 7-27. HUNTING RIDGE HISTORIC DISTRICT.

THE AREA LOCATED WITHIN THE FOLLOWING BOUNDARIES IS DECLARED TO BE THE HUNTING RIDGE HISTORIC DISTRICT.

BEGINNING FOR AREA I AT THE POINT FORMED BY THE INTERSECTION OF THE NORTH SIDE OF EDMONDSON AVENUE AND THE NORTHEAST SIDE OF COOKS LANE, AND RUNNING THENCE BINDING ON THE NORTHEAST SIDE OF COOKS LANE, NORTHWESTERLY 381 FEET, MORE OR LESS, TO THE NORTHWEST SIDE OF A 12-FOOT ALLEY LAID OUT IN THE REAR OF THE PROPERTIES KNOWN AS NOS. 4826 THROUGH 4800 COLEHERNE ROAD; THENCE BINDING ON THE NORTHWEST SIDE OF SAID ALLEY, NORTHEASTERLY 576 FEET, MORE OR LESS, TO INTERSECT THE NORTHEAST SIDE OF A 12-FOOT ALLEY LAID OUT IN THE REAR OF THE PROPERTIES KNOWN AS NOS. 623 THROUGH 601 NOTTINGHAM ROAD; THENCE BINDING ON THE NORTHEAST SIDE OF LAST SAID ALLEY, SOUTHEASTERLY 525 FEET, MORE OR LESS, TO INTERSECT THE LINE OF THE NORTH OUTLINE OF THE PROPERTY KNOWN AS No. 4716 EDMONDSON AVENUE, IF PROJECTED WESTERLY; THENCE BINDING IN PART REVERSELY ON SAID LINE, IN PART ON THE NORTH OUTLINES OF THE PROPERTIES KNOWN AS NOS. 4716 THROUGH 4706 EDMONDSON AVENUE, AND IN ALL, EASTERLY 390 FEET, MORE OR LESS, TO THE REAR OF THE PROPERTY KNOWN AS No. 601 BROOKWOOD ROAD; THENCE BINDING IN PART ON THE REAR OUTLINES

OF THE PROPERTIES KNOWN AS NOS. 601 THROUGH 733 BROOKWOOD ROAD, IN PART ON THE LINE OF THE REAR OUTLINE OF NO. 733 BROOKWOOD ROAD, PROJECTED NORTHWESTERLY, AND IN ALL, NORTHWESTERLY 1536 FEET, MORE OR LESS, TO INTERSECT THE NORTHWEST SIDE OF BRIARCLIFT ROAD; THENCE BINDING ON THE NORTHWEST AND NORTHEAST SIDES OF BRIARCLIFT ROAD CROSSING WINANS WAY, IN A GENERALLY NORTHEASTERLY DIRECTION 2650 FEET, MORE OR LESS, TO INTERSECT THE LINE OF THE REAR OUTLINE OF THE PROPERTY KNOWN AS NO. 807 GLEN ALLEN DRIVE, IF PROJECTED NORTHERLY; THENCE BINDING IN PART REVERSELY ON THE LINE OF THE REAR OUTLINE OF THE PROPERTY KNOWN AS NO. 807 GLEN ALLEN DRIVE, IN PART ON THE REAR OUTLINES OF THE PROPERTIES KNOWN AS NOS. 807 THROUGH 701 GLEN ALLEN DRIVE, AND IN ALL, SOUTHERLY 1241 FEET, MORE OR LESS, TO INTERSECT THE NORTH SIDE OF ROKEBY ROAD; THENCE BINDING ON THE NORTH SIDE OF ROKEBY ROAD, WESTERLY 41.8 FEET, MORE OR LESS; THENCE BY A STRAIGHT LINE, SOUTHWESTERLY 51 FEET, MORE OR LESS, TO THE POINT FORMED BY THE INTERSECTION OF THE SOUTHWEST SIDE OF ROKEBY ROAD AND THE WEST SIDE OF GLEN ALLEN DRIVE; THENCE BINDING ON THE WEST SIDE OF GLEN ALLEN DRIVE, SOUTHERLY 577 FEET, MORE OR LESS, TO INTERSECT THE NORTH OUTLINE OF THE PROPERTY KNOWN AS NO. 4646 EDMONDSON AVENUE; THENCE BINDING ON THE NORTH OUTLINE OF THE PROPERTY KNOWN AS NO. 4646 EDMONDSON AVENUE, THE THREE FOLLOWING COURSES AND DISTANCES; NAMELY, WESTERLY 225 FEET, MORE OR LESS, SOUTHERLY 12 FEET, MORE OR LESS, AND WESTERLY 171 FEET, MORE OR LESS, TO INTERSECT THE EAST SIDE OF WINANS WAY; THENCE BINDING ON THE EAST SIDE OF WINANS WAY, SOUTHERLY 200 FEET, MORE OR LESS, TO INTERSECT THE NORTH SIDE OF EDMONDSON AVENUE, AND THENCE BINDING ON THE NORTH SIDE OF EDMONDSON AVENUE, WESTERLY 1135 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING.

BEGINNING FOR AREA II AT THE POINT FORMED BY THE INTERSECTION OF THE EAST SIDE OF NOTTINGHAM ROAD AND THE SOUTHWEST OUTLINE OF THE PROPERTY KNOWN AS NO. 703 NOTTINGHAM ROAD, AND RUNNING THENCE BINDING ON THE EAST SIDE OF NOTTINGHAM ROAD, NORTHEASTERLY BY AN ARC CURVING TO THE LEFT WITH A RADIUS OF 40 FEET THE DISTANCE OF 29 FEET, MORE OR LESS, TO THE NORTHEAST OUTLINE OF SAID PROPERTY, AND THENCE BINDING ON THE NORTHEAST, SOUTHEAST AND SOUTHWEST OUTLINES OF THE PROPERTY KNOWN AS NO. 703 NOTTINGHAM ROAD, THE THREE FOLLOWING COURSES AND DISTANCES; NAMELY, IN A GENERALLY SOUTHEAST DIRECTION 98 FEET, MORE OR LESS, SOUTHWESTERLY 62 FEET, MORE OR LESS, AND IN A GENERALLY NORTHWEST DIRECTION 76 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 November 3, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-620
(Council Bill 02-919)**

AN ORDINANCE CONCERNING

Police Ordinances — Drug Paraphernalia

FOR the purpose of prohibiting the use, possession, sale, or delivery of certain bags, vials, pipes, and other items designed or intended for use with controlled dangerous substances; prohibiting as a separate offense the sale or delivery of these items to certain minors; prohibiting the advertisement of these items to promote their use, sale, or delivery; specifying relevant factors for determining whether an object falls within these prohibitions; defining certain terms; establishing certain penalties; correcting, clarifying, and conforming certain language; and generally relating to the use, possession, sale, delivery, or advertisement of certain drug paraphernalia.

BY repealing and reordaining

Article 19 - Police Ordinances

Section(s) 17-1 through 17-5, to be under the amended subtitle
designation "Subtitle 17. Drugs - Paraphernalia"

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 17. Drugs - [Vials and Bags] PARAPHERNALIA

§ 17-1. DEFINITIONS.

(A) *IN GENERAL.*

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

(B) *CONTROLLED DANGEROUS SUBSTANCE.*

"CONTROLLED DANGEROUS SUBSTANCE" HAS THE MEANING STATED IN § 5-101 OF THE STATE CRIMINAL LAW ARTICLE.

(C) *DELIVER.*

"DELIVER" MEANS TO MAKE AN ACTUAL, CONSTRUCTIVE, OR ATTEMPTED TRANSFER OR EXCHANGE FROM ONE PERSON TO ANOTHER, WHETHER OR NOT REMUNERATION IS PAID OR AN AGENCY RELATIONSHIP EXISTS.

(D) *PERSON.*

"PERSON" MEANS AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY.

(E) *POSSESS.*

"POSSESS" MEANS TO EXERCISE ACTUAL OR CONSTRUCTIVE DOMINION OR CONTROL OVER A THING BY ONE OR MORE PERSONS.

§ 17-2. [§ 17-1.] Use or possession prohibited.

[It is unlawful for any] A person [to] MAY NOT use or [to] possess with [the] intent to use [small glassine or plastic bags or glass or plastic vials that hold less than $\frac{1}{8}$ of an ounce, which are designed for use in packaging small quantities of controlled dangerous substances] ANY OF THE FOLLOWING to manufacture, process, prepare, [pack, repack] PACKAGE, REPACKAGE, store, contain, or conceal OR TO INGEST, INHALE, OR OTHERWISE INTRODUCE INTO THE HUMAN BODY a controlled dangerous substance in violation of [Article 27 of the Maryland Code] THE MARYLAND CONTROLLED DANGEROUS SUBSTANCES ACT:

- (1) ANY SMALL GLASSINE OR PLASTIC BAG, GLASS OR PLASTIC VIAL, OR OTHER CONTAINER THAT HOLDS LESS THAN $\frac{1}{8}$ OF AN OUNCE AND IS DESIGNED OR INTENDED FOR USE IN PACKAGING CONTROLLED DANGEROUS SUBSTANCES; OR
- (2) ANY METAL, WOOD, ACRYLIC, GLASS, STONE, PLASTIC, CERAMIC, OR OTHER PIPE, TUBE, OR OTHER DEVICE THAT IS DESIGNED OR INTENDED FOR USE IN SMOKING OR OTHERWISE INHALING A CONTROLLED DANGEROUS SUBSTANCE.

§ 17-3. [§ 17-2.] Sale OR DELIVERY prohibited – IN GENERAL.

[It is unlawful for any] A person [to] MAY NOT SELL OR deliver[, sell,] or possess with the intent to SELL OR deliver [or sell small glassine or plastic bags or glass or plastic vials that hold less than $\frac{1}{8}$ of an ounce, which are designed for use in packaging small quantities of controlled dangerous substances] ANY OF THE FOLLOWING knowing or under circumstances where one reasonably should know that it will be used to manufacture, process, prepare, [pack, repack] PACKAGE, REPACKAGE, store, contain, or conceal OR TO INGEST, INHALE, OR OTHERWISE INTRODUCE INTO THE HUMAN BODY a controlled dangerous substance in violation of [Article 27 of the Maryland Code] THE MARYLAND CONTROLLED DANGEROUS SUBSTANCES ACT:

- (1) ANY SMALL GLASSINE OR PLASTIC BAG, GLASS OR PLASTIC VIAL, OR OTHER CONTAINER THAT HOLDS LESS THAN $\frac{1}{8}$ OF AN OUNCE AND IS DESIGNED OR INTENDED FOR USE IN PACKAGING CONTROLLED DANGEROUS SUBSTANCES; OR
- (1) ANY METAL, WOOD, ACRYLIC, GLASS, STONE, PLASTIC, CERAMIC, OR OTHER PIPE, TUBE, OR OTHER DEVICE THAT IS DESIGNED OR INTENDED FOR USE IN SMOKING OR OTHERWISE INHALING A CONTROLLED DANGEROUS SUBSTANCE.

§ 17-4. SALE OR DELIVERY PROHIBITED – MINORS.**(A) *IN GENERAL.***

A PERSON WHO IS 18 YEARS OLD OR OLDER MAY NOT SELL OR DELIVER AN OBJECT PROHIBITED BY THIS SUBTITLE TO A MINOR WHO IS AT LEAST 3 YEARS YOUNGER THAN THAT PERSON.

(B) *VIOLATION A SEPARATE OFFENSE.*

A VIOLATION OF THIS SECTION IS PUNISHABLE AS A SEPARATE OFFENSE.

§ 17-5. [§ 17-3.] Advertising prohibited.

[It is unlawful for any] A person [to] MAY NOT advertise in any newspaper, magazine, handbill, poster, sign, mailing, or other writing or publication, knowing or under circumstances where one should reasonably know that the purpose of the advertisement, in whole or in part, is to promote the use, sale, or delivery of [the small glassine or plastic bags or glass or plastic vials described in] ANY OBJECT

PROHIBITED BY this subtitle [for use in packaging small quantities of controlled dangerous substances in violation of Article 27 of the Maryland Code].

§§ 17-6 TO 17-7. {RESERVED}

§ 17-8. [§ 17-4.] Relevant factors.

(A) *IN GENERAL.*

[In determining] TO DETERMINE whether the use, possession, SALE, OR delivery[, or sale] of [a small glassine or plastic bag or the vial] AN OBJECT is prohibited [under the provisions of] BY this subtitle, a [police officer, the State's Attorney, a] court[, or other authority] should consider, [the totality of the circumstances, in addition to all] AMONG other logically relevant factors[, the following]:

- (1) [statements] ANY STATEMENT by an owner or [by anyone] A PERSON in control of the [bag or the vial] OBJECT concerning its use;
- (2) ANY prior [convictions, if any,] CONVICTION of an owner or [of anyone] A PERSON in control of the [bag or the vial,] OBJECT under [any] A state or federal law relating to [any] controlled dangerous [substance] SUBSTANCES;
- (3) the proximity of the [bag or the vial] OBJECT, in time and space, to a direct violation of this subtitle or to a controlled dangerous substance;
- (4) [the existence of] any residue of A controlled dangerous [substances] SUBSTANCE on the [bag or the vial] OBJECT;
- (5) direct or circumstantial evidence of the intent of an owner or [of anyone] A PERSON in control of the [bag or the vial] OBJECT to deliver it to [persons] ANOTHER who [he] THE OWNER OR PERSON IN CONTROL knows[, or should reasonably know, [intend] INTENDS to use [it] THE OBJECT to facilitate a violation of [this section] MARYLAND CONTROLLED DANGEROUS SUBSTANCES ACT; [the innocence of an owner or of anyone in control of the bag or the vial as to a direct violation of this subtitle shall not prevent a finding that the bag or the vial is intended for use or designed for use in violation of this subtitle;]
- (6) ANY instructions, oral or written, provided with the [bag or the vial] OBJECT concerning its use;
- (7) ANY descriptive materials accompanying the [bag or the vial which] OBJECT THAT explain or depict its use;
- (8) national [and] OR local advertising concerning [its] THE OBJECT'S use;
- (9) the manner in which the [bag or the vial] OBJECT is displayed for sale;
- (10) whether the owner[, or [anyone] A PERSON in control of the [bag or the vial] OBJECT is a [legitimate supplier, such as] a licensed distributor or dealer of tobacco products[, OR A LEGITIMATE SUPPLIER of [like or] related items to the community;
- (11) direct or circumstantial evidence of the ratio of sales of the [bag or the vial] OBJECT to the total sales of the business enterprise;

- (12) the existence and scope of legitimate uses for the [bag or the vial] OBJECT in the community;
- (13) expert testimony concerning [its] THE OBJECT'S use; and
- (14) any other verifiable information [accepted by law enforcement agencies] that indicates that the [bag or the vial] OBJECT is intended [for use] or designed for use in violation of [this subtitle] LAW.

(B) *INNOCENCE OF OWNER NOT DISPOSITIVE.*

THE INNOCENCE OF AN OWNER OR PERSON IN CONTROL OF THE OBJECT AS TO A DIRECT VIOLATION OF THIS SUBTITLE DOES NOT PREVENT A FINDING THAT THE OBJECT IS INTENDED OR DESIGNED FOR USE IN VIOLATION OF THIS SUBTITLE OR THE MARYLAND CONTROLLED DANGEROUS SUBSTANCES ACT.

§ 17-9. {RESERVED}

§ 17-10. [§ 17-5.] Penalties.

Any person [found guilty of a violation of the provisions] WHO VIOLATES ANY PROVISION of this subtitle is guilty of a misdemeanor and, [upon] ON conviction, [shall be] IS subject to a fine of \$1,000 or imprisonment for 1 year[,] or both FINE AND IMPRISONMENT.

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 2, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-621
(Council Bill 03-1075)**

AN ORDINANCE CONCERNING

Health Code — Ephedrine Products

FOR the purpose of prohibiting the distribution of ephedrine products to minors; regulating the display, storage, or placement of ephedrine products; defining certain terms; establishing certain exceptions; imposing certain penalties; and generally relating to ephedrine products.

BY adding

Article - Health

Section(s) 15-101 through 15-310, inclusive, to be under the new title,

“Title 15. Ephedrine Products”

Baltimore City Revised Code

(Edition 2000)

BY adding

Article 1 - Mayor, City Council, and Municipal Agencies
Section(s) 40-14(e)(7)(Title 15)
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 Revised Code

Article — Health

TITLE 15. EPHEDRINE PRODUCTS

SUBTITLE 1. DEFINITIONS

§ 15-101. DEFINITIONS.

(A) *IN GENERAL.*

IN THIS TITLE, 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) *EPHEDRINE PRODUCT.*

“EPHEDRINE PRODUCT” MEANS ANY DIETARY SUPPLEMENT PRODUCT DESIGNED OR INTENDED FOR HUMAN CONSUMPTION THAT CONTAINS ANY NATURAL OR SYNTHETIC EPHEDRINE.

SUBTITLE 2. DISTRIBUTION TO MINORS

§ 15-201. UNLAWFUL DISTRIBUTION – BUSINESSES.

A PERSON ENGAGED IN THE BUSINESS OF SELLING OR OTHERWISE DISTRIBUTING EPHEDRINE PRODUCTS FOR COMMERCIAL PURPOSES MAY NOT:

- (1) DISTRIBUTE ANY EPHEDRINE PRODUCT TO A MINOR, UNLESS THE MINOR IS ACTING SOLELY AS THE AGENT OF AN EMPLOYER ENGAGED IN THE BUSINESS OF DISTRIBUTING EPHEDRINE PRODUCTS; OR

- (2) DISTRIBUTE TO A MINOR ANY COUPON REDEEMABLE FOR ANY EPHEDRINE PRODUCT.

§ 15-202. UNLAWFUL DISTRIBUTION – OTHERS.

(A) *IN GENERAL.*

A PERSON NOT DESCRIBED IN § 15-201 OF THIS SUBTITLE MAY NOT BUY FOR OR SELL OR DELIVER TO A MINOR:

- (I) ANY EPHEDRINE PRODUCT; OR
- (II) ANY COUPON REDEEMABLE FOR ANY EPHEDRINE PRODUCT.

(B) *PARENT OR GUARDIAN AT PHYSICIAN’S DIRECTION.*

THIS SECTION DOES NOT APPLY TO A PARENT OR GUARDIAN OF A MINOR WHO PROVIDES THE PRODUCT TO THE MINOR IN ACCORDANCE WITH WRITTEN INSTRUCTIONS OF THE MINOR’S PHYSICIAN.

§ 15-203. EXCEPTIONS – 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.

§ 15-204. EXCEPTIONS – 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.

§§ 15-205 TO 15-208. {RESERVED}

§ 15-209. 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.

§ 15-209. 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.

SUBTITLE 3. PRODUCT PLACEMENT**§ 15-301. GENERAL REQUIREMENTS.**

EXCEPT AS OTHERWISE SPECIFIED IN THIS SUBTITLE, NO ESTABLISHMENT THAT SELLS EPHEDRINE PRODUCTS AT RETAIL MAY DISPLAY, STORE, OR PLACE ANY EPHEDRINE PRODUCT ANYWHERE THAT IS ACCESSIBLE TO CUSTOMERS WITHOUT THE INTERVENTION OF THE SELLER OR AN EMPLOYEE OF THE SELLER.

§ 15-302. EXAMPLES OF COMPLYING PLACEMENT.

THE DISPLAY, STORAGE, OR PLACEMENT OF EPHEDRINE PRODUCTS IN ACCORD WITH ONE OF THE FOLLOWING METHODS DOES NOT VIOLATE § 15-301 OF THIS SUBTITLE:

- (1) BEHIND A SALES COUNTER IN A PLACE THAT, ABSENT EXTRAORDINARY EFFORTS, IS BEYOND THE PHYSICAL REACH OF CUSTOMERS;
- (2) IN A LOCKED DISPLAY CASE FOR WHICH SELLER ASSISTANCE IS NEEDED TO GAIN ACCESS TO PRODUCTS IN THE CASE; OR
- (3) IN AN OVERHEAD MERCHANDISE RACK THAT:
 - (I) AT ITS LOWEST POINT, IS AT LEAST 6 FEET ABOVE THE FLOOR; AND
 - (II) PERMITS ACCESS TO PRODUCTS IN THE RACK ONLY FROM THE SIDE FACING AWAY FROM CUSTOMERS.

§§ 15-303 TO 15-308. {RESERVED}**§ 15-309. 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.

§ 15-310. PENALTIES: \$500.**(A) *IN GENERAL.***

AN OWNER, OPERATOR, OR MANAGER OF AN ESTABLISHMENT THAT VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$500 FOR EACH OFFENSE.

(B) *EACH DAY A SEPARATE OFFENSE.*

EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE 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 15: EPHEDRINE PRODUCTS**

SUBTITLE 2: DISTRIBUTION TO MINORS \$500

SUBTITLE 3: PRODUCT PLACEMENT \$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 December 2, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-622
(Council Bill 03-1077)**

AN ORDINANCE CONCERNING**Rezoning — 3224 Toone Street and 1201, 1203, 1205, and
1207 South Bouldin Street**

FOR the purpose of changing the zoning for the ~~property~~ properties known as 3224 Toone Street ~~and 1201,~~
1203, 1205, and 1207 South Bouldin Street, as outlined in red on the accompanying amended plat, from
the M-2-2 Zoning District to the R-8 Zoning District.

BY amending

Article - Zoning
Zoning District Maps
Sheet(s) 68
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 68 of the Zoning District Maps is amended by changing from the M-2-2 Zoning District to the R-8 Zoning District the property properties known as 3224 Toone Street and 1201, 1203, 1205, and 1207 South Bouldin Street, as outlined in red on the amended plat accompanying this Ordinance.

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

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

Approved December 2, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-623
(Council Bill 03-1100)**

AN ORDINANCE CONCERNING

**City Streets — Closing —
Born Court**

FOR the purpose of condemning and closing Born Court, extending from Arch Street westerly to the end thereof and lying within the Market Center West Project, as shown on Plat 346-A-44A 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 Born Court, extending from Arch Street westerly to the end thereof and lying within the Market Center West Project, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by intersection of the west side of Arch Street, 24 feet wide and the north side of Born Court, 10 feet wide, said point of beginning being distant southerly 90.26 feet, measured along the west side of said Arch Street from the south side of Saratoga Street, varying in width, and running thence binding on the west side of said Arch Street, Southerly 10.0 feet to intersect the south side of said Born Court; thence binding on the south side of said Born Court, Westerly 174.0 feet, more or less, to the westernmost extremity of said Born Court; thence binding on the westernmost extremity of said Born Court, Northerly 10.0 feet, to intersect the north side of said Born Court, and thence binding on the north side of said Born Court, Easterly 174.2 feet, more or less, to the place of beginning.

As delineated on Plat 346-A-44A, prepared by the Survey Control Section and filed on April 2, 2003 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 Born Court 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 2, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-624
(Council Bill 03-1133)**

AN ORDINANCE CONCERNING

City Property – Grant of Easement

FOR the purpose of authorizing the Mayor and City Council of Baltimore to grant an easement for telecommunication and electric systems through the parcel of land known as 1829/1901 Russell Street as shown on Plat RW20-36074 prepared by Johnson, Mirmiran & Thompson (JMT) and filed in the Office of the Department of Public Works; 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 the Comptroller of Baltimore City is hereby authorized to grant a perpetual easement for telecommunication and electric systems to Verizon-Maryland, Inc., in accordance with Article V, Section 5(b) of the Baltimore City Charter, on that parcel of land situate in Baltimore City known as 1829/1901 Russell Street, and described as follows:

Beginning for the same at a point on the southeast side of Russell Street, varying in width, distant North 15° 48' 39" East 168.71 feet measured along the southeast side of said Russell Street from Point K6 as shown on a plat filed in the Office of the Department of Public Works of Baltimore City numbered 344-A-25 and entitled "Plat Showing the Outline, Topography and Utilities of Russell Street Extending from Interstate Route No. 95 Northerly to Alluvion Street", and running thence binding on the southeast side of said Russell Street the 3 following courses and distances; namely, North 15° 48' 39" East 21.99 feet, North 42° 51' 31" East 218.58 feet and South 77° 29' 13" East 11.59 feet, and thence by a straight line through the property owned by the Mayor and City Council of Baltimore, South 42° 51' 31" West 244.02 feet to the place of beginning.

Containing 2,313 square feet of land, more or less.

All courses and distances in the above description are referred to the true meridian as adopted by the Baltimore Survey Control System.

Subject to the following conditions:

- (1) The plans and specifications for the use of said easement shall be approved in writing by the City before construction.
- (2) The City and its employees or agents shall have access to the easement area at all times when necessary for public purposes.
- (3) Grantee shall maintain the easement at its sole cost and expense.
- (4) The City shall be protected, indemnified, and saved harmless from all legal action, losses, and damages resulting from injury to persons or damage to property caused by the use of the easement by the Grantee, its assigns and invitees.

- (5) No structures shall be erected by the Grantee over the easement area except for facilities approved in advance by the City.

SECTION 2. AND BE IT FURTHER ORDAINED, That no easement or easements shall be granted under this Ordinance until the same 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 2, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-625
(Council Bill 03-1134)**

AN ORDINANCE CONCERNING

**Release of Rights-of-Way - a 30-Foot Wide Right-of-Way and a
10-Foot Wide Right-of-Way Granted to the Mayor and City Council
of Baltimore Through the Property of the State of Maryland**

FOR the purpose of authorizing the release and surrender by the Mayor and City Council of Baltimore of all its interests in and to the portion of (1) a 30-foot wide right-of-way and (2) a 10-foot wide right-of-way heretofore granted to the City of Baltimore through the property of the State of Maryland, the location and course of the portions to be released being shown on Plats R.W. 20-36069 and R.W. 20-35380 prepared by the Survey Control Section 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
Section 31
Baltimore City Charter
(1996 Edition)

Recitals

Under a deed dated October 3, 1967, and recorded among the Land Records of Baltimore City in Liber J.F.C. No. 2282 Folio 555, the Mayor and City Council of Baltimore reserved to itself the right-of-way shown on Plat R.W. 20-36069, dated May 20, 2002, with June 27, 2002 revisions.

Under an Agreement, the State of Maryland granted to the Mayor and City Council of Baltimore the right-of-way shown on Plat R.W. 20-35380, dated March 15, 1971.

The portion of the rights-of-way hereinafter described is no longer needed for public use, the public utility that had previously been there having abandoned or relocated to another right-of-way that was granted to the Mayor and City Council of Baltimore.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Comptroller of Baltimore City is authorized on behalf of the Mayor and City Council of Baltimore to execute and deliver to the owner or owners of the land within the rights-of-way hereinafter described, a release and surrender of all of the interest of the City of Baltimore in the rights-of-way described as follows:

Beginning for a 30-foot right-of-way at a point on the west side of the former bed of Arch Street, as condemned and closed, distant 180.10 feet southerly measured along the west side of the former bed of said Arch Street from the south side of Fayette Street, 66 feet wide, and running thence binding on the west side of the former bed of said Arch Street, South 02° 27' 50" East 52.26 feet; thence by straight lines through the property of the State of Maryland the 3 following courses and distances; namely, North 30° 45' 50" West 24.56 feet, North 47° 54' 40" West 74.60 feet and North 25° 52' 20" West 171.16 feet to intersect the south side of said Fayette Street; thence binding on the south side of said Fayette Street, North 86° 57' 50" East 32.55 feet, and thence by straight lines through the property of the State of Maryland the 2 following courses and distances; namely, South 25° 52' 20" East 152.69 feet and South 47° 54' 40" East 55.56 feet to the place of beginning.

Beginning for a 10-foot right-of-way at a point on the south side of Fayette Street, 66 feet wide distant 10.0 feet westerly measured along the south side of said Fayette Street from the west side of the former bed of Arch Street, as condemned and closed, and running thence by straight lines through the property of the State of Maryland the 3 following courses and distances; namely, South 02° 27' 50" East 96.72 feet, South 87° 32' 10" West 10.00 feet and North 02° 27' 50" West 96.62 feet to intersect the south side of said Fayette Street, and thence binding on the south side of said Fayette Street, North 86° 57' 56" East 10.00 feet to the place of beginning.

The use of the rights-of-way described hereinabove is no longer needed for public purposes.

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 2, 2003

MARTIN O'MALLEY, Mayor

ENROLLED

**CITY OF BALTIMORE
ORDINANCE 03-626
(Council Bill 03-1156)**

AN ORDINANCE CONCERNING

**Rezoning — 701 South Eden Street; ~~and~~ and
710 and 722 South Caroline Street; ~~and a Portion of and~~
the Riparian Rights for 810-820 South Caroline Street**

FOR the purpose of changing the zoning for the property known as 701 South Eden Street, as outlined in red on the accompanying amended plat, from the M-3 Zoning District to the B-2-4 Zoning District, ~~and~~ and for the properties known as 710 and 722 South Caroline Street, as outlined in blue on the accompanying amended plat, from the M-3 Zoning District to the ~~B-2-3~~ B-2-4 Zoning District, ~~and for a portion of the property and the riparian rights for the property known as 810-820 South Caroline Street, from the M-3 Zoning District to the B-2-4 Zoning District, as outlined in green on the amended plat.~~

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-2-4 Zoning District the property known as 701 South Eden Street, as outlined in red on the amended plat accompanying this Ordinance, ~~and~~ and by changing from the M-3 Zoning District to the ~~B-2-3~~ B-2-4 Zoning District the properties known as 710 and 722 South Caroline Street, as outlined in blue on the amended plat accompanying this Ordinance, ~~and by changing from the M-3 Zoning District to the B-2-4 Zoning District a portion of the property and the riparian rights for the property known as 810-820 South Caroline Street, as outlined in green on the amended plat accompanying this Ordinance.~~

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

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

Approved December 2, 2003

MARTIN O MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-627
(Council Bill 03-1164)**

AN ORDINANCE CONCERNING

**City Streets — Opening —
Walpert Avenue and a 10-Foot Alley**

FOR the purpose of condemning and opening (1) Walpert Avenue, extending from Loch Raven Road southeasterly to 25th Street and (2) a 10-foot alley, laid out in the rear of the properties known as 601

through 609 Walpert Avenue, extending from Loch Raven Road southeasterly 66.3 feet, more or less, to 25th Street, as shown on Plat 346-A-47 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) Walpert Avenue, extending from Loch Raven Road southeasterly to 25th Street and (2) a 10-foot alley, laid out in the rear of the properties known as 601 through 609 Walpert Avenue, extending from Loch Raven Road southeasterly 66.3 feet, more or less, to 25th Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the southeast side of Loch Raven Road, 66 feet wide, and the northeast side of Walpert Avenue, 25 feet wide , and running thence binding on the northeast side of said Walpert Avenue, Southeasterly 190.0 feet, more or less, to intersect the north side of 25th Street, 100 feet wide; thence binding on the north side of said 25th Street, Westerly 41.0 feet, more or less, to intersect the southwest side of said Walpert Avenue; thence binding on the southwest side of said Walpert Avenue, Northwesterly 161.5 feet, more or less, to intersect the southeast side of said Loch Raven Road, and thence binding on the southeast side of said Loch Raven Road, Northeasterly 25.0 feet to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the southeast side of Loch Raven Road, 66 feet wide, and the southwest side of a 10-foot alley laid out in the rear of the properties known as Nos. 601 through 609 Walpert Avenue, said point of beginning being distant 59.0 feet, more or less, northeasterly measured along the southeast said of said Loch Raven Road from the north side of 25th Street, 100 feet wide, and running thence binding on the southeast side of said Loch Raven Road, Northeasterly 10.0 feet, to intersect the northeast side of said 10-foot alley; thence binding on the northeast side of said 10-foot alley, Southeasterly, 71.0 feet, more or less, to intersect the north side of said 25th Street; thence binding on the north side of said 25th Street, Westerly 14.0 feet, more or less, to intersect the southwest side of said 10-foot alley, and thence binding on the southwest side of said 10-foot alley, Northwesterly 61.6 feet, more or less to the place of beginning.

As delineated on Plat 346-A-47, prepared by the Survey Control Section and filed on June 3, 2003, 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 Walpert Avenue and a 10-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 December 2, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-628
(Council Bill 03-1165)**

AN ORDINANCE CONCERNING

**City Streets — Closing —
Walpert Avenue and a 10-Foot Alley**

FOR the purpose of condemning and closing (1) Walpert Avenue, extending from Loch Raven Road southeasterly to 25th Street and (2) a 10-foot alley, laid out in the rear of the properties known as 601 through 609 Walpert Avenue, extending from Loch Raven Road southeasterly 66.3 feet, more or less, to 25th Street, as shown on Plat 346-A-47A 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) Walpert Avenue, extending from Loch Raven Road southeasterly to 25th Street and (2) a 10-foot alley, laid out in the rear of the properties known as 601 through 609 Walpert Avenue, extending from Loch Raven Road southeasterly 66.3 feet, more or less, to 25th Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the southeast side of Loch Raven Road, 66 feet wide, and the northeast side of Walpert Avenue, 25 feet wide , and running thence binding on the northeast side of said Walpert Avenue, Southeasterly 190.0 feet, more or less, to intersect the north side of 25th Street, 100 feet wide; thence binding on the north side of said 25th Street, Westerly 41.0 feet, more or less, to intersect the southwest side of said Walpert Avenue; thence binding on the southwest side of said Walpert Avenue, Northwesterly 161.5 feet, more or less, to intersect the southeast side of said Loch Raven Road, and thence binding on the southeast side of said Loch Raven Road, Northeasterly 25 feet to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the southeast side of Loch Raven Road, 66 feet wide, and the southwest side of a 10-foot alley laid out in the rear of the properties known as Nos. 601 though 609 Walpert Avenue, said point of beginning being distant 59.0 feet, more or less, northeasterly measured along the southeast said of said Loch Raven Road from the north side of 25th Street, 100 feet wide, and running thence binding on the southeast side of said Loch Raven Road, Northeasterly 10.0 feet, to intersect the northeast side of said 10-foot alley; thence binding on the northeast side of said 10-foot alley, Southeasterly, 71.0 feet, more or less, to intersect the north side of said 25th Street; thence binding on the north side of said 25th Street, Westerly 14.0 feet, more or less, to intersect the southwest side of said 10-foot alley, and thence binding on the southwest side of said 10-foot alley, Northwesterly 61.6 feet, more or less to the place of beginning.

As delineated on Plat 346-A-47A, prepared by the Survey Control Section and filed on June 3, 2003, 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 Walpert Avenue and a 10-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 December 2, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-629
(Council Bill 03-1183)**

AN ORDINANCE CONCERNING

**City Streets — Closing —
Mince Alley**

FOR the purpose of condemning and closing Mince Alley, extending from Caroline Street, westerly to Ballou Street, as shown on Plat 343-A-24 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 Mince Alley, extending from Caroline Street, westerly to Ballou Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the west side of Caroline Street, 80 feet wide and the south side of Mince Alley, 10 feet wide, said point of beginning being distant northerly 60.0 feet measured along the west side of said Caroline Street, from the north side of Eastern Avenue, 70 feet wide, and running thence binding on the south side of said Mince Alley, Westerly 90.0 feet, more or less, to intersect the east side of Ballou Street, 10 feet wide; thence binding on the east side of said Ballou Street, Northerly 10.0 feet to intersect the north side of said Mince Alley; thence binding on the north side of said Mince Alley, Easterly 90.0 feet, more or less, to intersect the west side of said Caroline Street and thence binding on the west side of said Caroline Street, Southerly 10.0 feet, to the place of beginning.

As delineated on Plat 343-A-24, prepared by the Survey Control Section and filed on June 25, 2003, 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 Mince 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 December 2, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-630
(Council Bill 03-1187)**

AN ORDINANCE CONCERNING

Washington Hill Historical and Architectural Preservation District

FOR the purpose of enlarging the area designated as the Washington Hill Historical and Architectural Preservation District.

BY repealing and reordaining, with amendments

Article 6 - Historical and Architectural Preservation
Section(s) 7-18
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

§ 7-18. Washington Hill District.

The area located within the boundaries set forth in this section is hereby declared to be the Washington Hill Historical and Architectural Preservation District:

[Beginning for the same at the point formed by the intersection of the center line of Chapel Street, 26 feet wide, and the center line of Lombard Street, 60 feet wide, and running thence binding on the center line of said Lombard Street, crossing Wolfe Street, Durham Street, Ann Street and Regester Street, Westerly 1,142 feet, more or less, to intersect the center line of Broadway, 130.8 feet wide; thence binding on the center line of said Broadway, Southerly 418 feet, more or less, to intersect the center line of Pratt Street, 60 feet wide; thence binding on the center line of said Pratt Street, Westerly 296 feet, more or less, to intersect the center line of Bethel Street, 20 feet wide; thence binding on the center line of said Bethel Street, Northerly 413 feet, more or less, to intersect the center line of Lombard Street, 50 feet wide; thence binding on the center line of last said Lombard Street, crossing Caroline Street and Spring Street, Westerly 1,078 feet, more or less, to intersect the center line of

Eden Street, 70 feet wide; thence binding on the center line of said Eden Street, crossing Baltimore Street and Fairmount Avenue, Northerly 939 feet, more or less, to intersect the center line of Fayette Street, 100 feet wide; thence binding on the center line of said Fayette Street, Northeasterly 80 feet, more or less to intersect the line of the west outline of the property known as No. 1405 E. Fayette Street, if projected northerly; thence binding in part reversely on said line so projected, in part on the west outline of said property, and in all, Southerly 154 feet, more or less, to the northernmost outline of the property known as No. 29 N. Eden Street; thence binding on said northernmost outline of last said property and on east and southernmost outlines of last said property the three following courses and distances: namely, Easterly 38 feet, more or less, Southerly 54 feet, more or less, and Westerly 26 feet, more or less, to the east outline of the property known as No. 25 N. Eden Street; thence binding on the east outline of last said property, Southerly 16 feet, more or less, to the north outline of the property known as No. 1406 E. Fairmount Avenue; thence binding on the north outline of last said property, Westerly 16 feet, more or less, to the east outline of the property known as No. 23 N. Eden Street; thence binding on the east outline of last said property, Southerly 9 feet, more or less, to the north outline of the property known as No. 1404 E. Fairmount Avenue; thence binding in part on the north outline of last said property, in part on the north outline of the property known as No. 1402 E. Fairmount Avenue and in all, Westerly 25 feet, more or less, to the east outline of the property known as 1400 E. Fairmount Avenue; thence binding in part on the east outline of last said property, in part on the line of the east outline of last said property, if projected southerly, and in all, Southerly 68 feet, more or less, to intersect the center line of Fairmount Avenue, as now laid out; thence binding on the center line of said Fairmount Avenue, crossing Spring Street, Easterly 260 feet, more or less, to intersect the line of the center line of an alley, 3 feet wide, laid out in the rear of the properties known as Nos. 28 through and including 38 N. Caroline Street, if projected southerly; thence binding in part reversely on last said line so projected, in part on the center line of said alley, and in all, Northerly 98 feet, more or less, to the line of the north outline of said property known as No. 38 N. Caroline Street, if projected westerly; thence binding in part reversely on last said line so projected, in part on the north outline of last said property, in part on the line of the north outline of last said property, if projected easterly, and in all, Easterly 97 feet, more or less, to intersect the center line of Caroline Street, 80 feet wide; thence binding on the center line of said Caroline Street, Northerly 153 feet, more or less, to intersect the line of a south outline of the property known as No. 1501 E. Fayette Street, if projected westerly, thence binding in part reversely on last said line so projected, in part on said south outline of last said property, and in all, Easterly 83 feet, more or less, to a west outline of last said property; thence binding on west, south and east outlines of last said property the five following courses and distances: namely, Southerly 28 feet, more or less, Easterly 14 feet, more or less, Northerly 20 feet, more or less, Easterly 16 feet, more or less, and Northerly 4.5 feet, more or less, to the center line of an alley, 9 feet wide, there situate; thence binding in part on the center line of last said alley, in part on the line of the center line of last said alley, if projected easterly, and in all, Easterly 92 feet, more or less, to intersect the center line of Dallas Street, 30 feet wide; thence binding on the center line of said Dallas Street, Southerly 245 feet, more or less, to intersect the center line of said Fairmount Avenue; thence binding on the center line of said Fairmount Avenue, Easterly 190 feet, more or less, to intersect the center line of Bond Street, 70 feet wide; thence binding on the center line of said Bond Street, Southerly 355 feet, more or less, to intersect the center line of Baltimore Street, 70 feet wide; thence binding on the center line of said Baltimore Street, Easterly 247 feet, more or less, to intersect the center line of Bethel Street, 20 feet wide; thence binding on the center line of said Bethel Street, Northerly 170 feet, more or less, to intersect the center line of an alley, 20 feet wide, laid out 125 feet north of said Baltimore Street; thence binding in part on the center line of last said alley, in part on the line of the center line of last said alley, if projected easterly, and in all, Easterly 295 feet, more or less, to intersect the center line of Broadway, as now laid out; thence binding on the center line of last said Broadway, crossing Fairmount Avenue, Northerly 702 feet, more or less, to intersect the center line of Fayette Street, 70 feet wide; thence binding on the center line of last said Fayette Street, Easterly 589 feet, more or less, to intersect the center line of Ann Street, 70 feet wide; thence binding on the center line of said Ann Street, crossing Fairmount Avenue, Southerly 876 feet, more or less, to intersect the center line of said Baltimore

Street; thence binding on the center line of said Baltimore Street, Easterly 154 feet, more or less, to intersect the center line of Durham Street, 20 feet wide; thence binding on the center line of said Durham Street, Northerly 145 feet, more or less, to intersect the center line of an alley, 20 feet wide, laid out 100 feet north of said Baltimore Street; thence binding in part on the center line of last said alley, in part on the line of the center line of last said alley, if projected easterly, and in all, Easterly 184 feet, more or less, to intersect the center line of Wolfe Street, 60 feet wide; thence binding on the center line of said Wolfe Street, Southerly 145 feet, more or less, to intersect the center line of said Baltimore Street; thence binding on the center line of said Baltimore Street, Easterly 181 feet, more or less, to intersect the center line of Chapel Street, 20 feet wide; thence binding in part on the center line of last said Chapel Street, in part on the center line of Chapel Street, 26 feet wide, and in all, Southerly 419 feet, more or less, to the place of beginning.]

BEGINNING FOR THE SAME AT THE POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF CHAPEL STREET, 26 FEET WIDE, AND THE CENTERLINE OF LOMBARD STREET, 60 FEET WIDE, AND RUNNING THENCE BINDING ON THE CENTERLINE OF SAID LOMBARD STREET, CROSSING WOLFE STREET, DURHAM STREET, ANN STREET AND REGISTER STREET, WESTERLY 1,142 FEET, MORE OR LESS, TO INTERSECT THE CENTERLINE OF BROADWAY, 130.8 FEET WIDE; THENCE BINDING ON THE CENTERLINE OF SAID BROADWAY, SOUTHERLY 418 FEET, MORE OR LESS, TO INTERSECT THE CENTERLINE OF PRATT STREET, 60 FEET WIDE; THENCE BINDING ON THE CENTERLINE OF SAID PRATT STREET, WESTERLY 296 FEET, MORE OR LESS, TO INTERSECT THE CENTER LINE OF BETHEL STREET, 20 FEET WIDE; THENCE BINDING ON THE CENTERLINE OF SAID BETHEL STREET. NORTHERLY 413 FEET, MORE OR LESS, TO INTERSECT THE CENTERLINE OF LOMBARD STREET, 49.5 FEET WIDE; THENCE BINDING ON THE CENTERLINE OF LAST SAID LOMBARD STREET, CROSSING CAROLINE STREET, SPRING STREET AND EDEN STREET, WESTERLY 1,393 FEET, MORE OR LESS, TO INTERSECT THE WEST SIDE OF CENTRAL AVENUE, 110 FEET WIDE; THENCE BINDING ON THE WEST SIDE OF SAID CENTRAL AVENUE, CROSSING WATSON STREET AND BALTIMORE STREET, NORTHERLY 900 FEET, MORE OR LESS, TO INTERSECT THE CENTERLINE OF FAYETTE STREET, 100 FEET WIDE; THENCE BINDING ON THE CENTERLINE OF SAID FAYETTE STREET, EASTERLY 420 FEET, MORE OR LESS, TO INTERSECT THE LINE OF EAST OUTLINE OF THE PROPERTY KNOWN AS No. 1401 E. FAYETTE STREET, IF PROJECTED NORTHERLY; THENCE BINDING IN PART REVERSELY ON SAID LINE, SO PROJECTED, IN PART ON THE EAST OUTLINE OF SAID PROPERTY, AND IN ALL, SOUTHERLY 155 FEET, MORE OR LESS, TO INTERSECT THE NORTH OUTLINE OF THE PROPERTY KNOWN AS No. 1400 E. FAIRMOUNT AVENUE; THENCE BINDING ON THE NORTH OUTLINE OF LAST SAID PROPERTY, THE FIVE FOLLOWING COURSES AND DISTANCES; NAMELY, WESTERLY 17 FEET, MORE OR LESS, NORTHERLY 58 FEET, MORE OR LESS, WESTERLY 10 FEET, MORE OR LESS, SOUTHERLY 93 FEET, MORE OR LESS, AND WESTERLY 14 FEET, MORE OR LESS, TO THE WEST OUTLINE OF LAST SAID PROPERTY; THENCE BINDING IN PART ON THE WEST OUTLINE OF LAST SAID PROPERTY, IN PART ON THE LINE OF THE WEST OUTLINE OF LAST SAID PROPERTY, AND IN ALL, SOUTHERLY 108 FEET, MORE OR LESS, TO INTERSECT THE CENTERLINE OF FAIRMOUNT AVENUE, AS NOW LAID OUT; THENCE BINDING ON THE CENTERLINE OF SAID FAIRMOUNT AVENUE, CROSSING SPRING STREET, EASTERLY 260 FEET, MORE OR LESS, TO INTERSECT THE LINE OF THE CENTERLINE OF AN ALLEY, 4 FEET WIDE, LAID OUT IN THE REAR OF THE PROPERTIES KNOWN AS No. 28 THROUGH No. 38 N. CAROLINE STREET, IF PROJECTED SOUTHERLY; THENCE BINDING IN PART REVERSELY ON LAST SAID LINE, SO PROJECTED, IN PART ON THE CENTERLINE OF SAID ALLEY, AND IN ALL, NORTHERLY 98 FEET, MORE OR LESS, TO INTERSECT THE LINE OF THE NORTH OUTLINE OF SAID PROPERTY KNOWN AS No. 38 N. CAROLINE STREET, IF PROJECTED WESTERLY; THENCE BINDING IN PART REVERSELY ON LAST SAID LINE, SO PROJECTED, IN PART ON THE NORTH OUTLINE OF LAST SAID PROPERTY, IN PART ON THE LINE OF THE NORTH OUTLINE OF LAST SAID PROPERTY, IF PROJECTED EASTERLY, AND IN ALL, EASTERLY 102 FEET, MORE OR LESS, TO INTERSECT THE CENTERLINE OF CAROLINE STREET, 80 FEET WIDE, THENCE BINDING ON THE CENTERLINE OF SAID CAROLINE STREET, NORTHERLY 75 FEET, MORE OR LESS, TO INTERSECT THE LINE OF THE NORTH OUTLINE OF THE PROPERTY KNOWN AS No. 29/43 N. CAROLINE STREET, IF PROJECTED WESTERLY; THENCE BINDING IN PART REVERSELY ON LAST SAID LINE, SO PROJECTED, IN PART ON SAID NORTH OUTLINE OF LAST SAID PROPERTY, AND IN ALL, EASTERLY 112 FEET, MORE OR LESS, TO INTERSECT THE

WEST OUTLINE OF THE PROPERTY KNOWN AS NO. 112 N. DALLAS STREET; THENCE BINDING ON THE WEST OUTLINE OF LAST SAID PROPERTY, NORTHERLY 13 FEET, MORE OR LESS, TO THE NORTH OUTLINE OF LAST SAID PROPERTY; THENCE BINDING IN PART ON THE NORTH OUTLINE OF LAST SAID PROPERTY, IN PART ON THE LINE OF THE NORTH OUTLINE OF LAST SAID PROPERTY, IF PROJECTED EASTERLY, AND IN ALL, EASTERLY 95 FEET, MORE OR LESS, TO INTERSECT THE CENTERLINE OF DALLAS STREET, AS NOW LAID OUT; THENCE BINDING ON THE CENTERLINE OF SAID DALLAS STREET, SOUTHERLY 150 FEET, MORE OR LESS, TO INTERSECT THE CENTERLINE OF SAID FAIRMOUNT AVENUE; THENCE BINDING ON THE CENTERLINE OF SAID FAIRMOUNT AVENUE, EASTERLY 196 FEET, MORE OR LESS, TO INTERSECT THE CENTERLINE OF BOND STREET, 70 FEET WIDE; THENCE BINDING ON THE CENTERLINE OF SAID BOND STREET, SOUTHERLY 355 FEET, MORE OR LESS, TO INTERSECT THE CENTERLINE OF SAID BALTIMORE STREET, 70 FEET WIDE; THENCE BINDING ON THE CENTERLINE OF SAID BALTIMORE STREET, EASTERLY 247 FEET, MORE OR LESS, TO INTERSECT THE CENTERLINE OF SAID BETHEL STREET; THENCE BINDING ON THE CENTERLINE OF SAID BETHEL STREET, NORTHERLY 170 FEET, MORE OR LESS, TO INTERSECT THE CENTERLINE OF AN ALLEY, 20 FEET WIDE, LAID OUT 125 FEET, NORTH OF SAID BALTIMORE STREET; THENCE BINDING IN PART ON THE CENTERLINE OF LAST SAID ALLEY, IN PART ON THE LINE OF THE CENTERLINE OF LAST SAID ALLEY, IF PROJECTED EASTERLY, AND IN ALL, EASTERLY 295 FEET, MORE OR LESS, TO INTERSECT THE CENTER LINE OF BROADWAY, AS NOW LAID OUT; THENCE BINDING ON THE CENTERLINE OF LAST SAID BROADWAY, CROSSING FAIRMOUNT AVENUE, NORTHERLY 702 FEET, MORE OR LESS, TO INTERSECT THE CENTERLINE OF FAYETTE STREET, 70 FEET WIDE; THENCE BINDING ON THE CENTERLINE OF LAST SAID FAYETTE STREET, EASTERLY 589 FEET, MORE OR LESS, TO INTERSECT THE CENTERLINE OF ANN STREET, 70 FEET WIDE; THENCE BINDING ON THE CENTERLINE OF SAID ANN STREET, CROSSING FAIRMOUNT AVENUE, SOUTHERLY 876 FEET, MORE OR LESS, TO INTERSECT THE CENTERLINE OF SAID BALTIMORE STREET; THENCE BINDING ON THE CENTERLINE OF SAID BALTIMORE STREET, EASTERLY 154 FEET, MORE OR LESS, TO INTERSECT THE CENTERLINE OF DURHAM STREET, 20 FEET WIDE; THENCE BINDING ON THE CENTERLINE OF SAID DURHAM STREET, NORTHERLY 145 FEET, MORE OR LESS, TO INTERSECT THE CENTERLINE OF AN ALLEY, 20 FEET WIDE, LAID OUT 100 FEET NORTH OF SAID BALTIMORE STREET; THENCE BINDING IN PART ON THE CENTERLINE OF LAST SAID ALLEY, IN PART ON THE LINE OF THE CENTERLINE OF LAST SAID ALLEY, IF PROJECTED EASTERLY, AND IN ALL, EASTERLY 184 FEET, MORE OR LESS, TO INTERSECT THE CENTERLINE OF WOLFE STREET, 60 FEET WIDE; THENCE BINDING ON THE CENTERLINE OF SAID WOLFE STREET, SOUTHERLY 145 FEET, MORE OR LESS, TO INTERSECT THE CENTERLINE OF SAID BALTIMORE STREET; THENCE BINDING ON THE CENTERLINE OF SAID BALTIMORE STREET, EASTERLY 181 FEET, MORE OR LESS, TO INTERSECT THE CENTERLINE OF CHAPEL STREET, 20 FEET WIDE, AND THENCE BINDING IN PART ON THE CENTERLINE OF LAST SAID CHAPEL STREET, IN PART ON THE CENTERLINE OF CHAPEL STREET, 26 FEET WIDE, AND IN ALL, SOUTHERLY 419 FEET, MORE OF 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 December 2, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-631
(Council Bill 03-1188)**

AN ORDINANCE CONCERNING

Clipper Mill Special Taxing District

FOR the purpose of designating a “special taxing district” to be known as the “Clipper Mill 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.

The City has been requested to designate and create the Clipper Mill 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 infrastructure improvements relating to the development of a mixed use community containing approximately 86,000 square feet of office space, approximately 126 market-rate apartments, and approximately 101 for-sale

single family homes (consisting of condominiums, townhouses and detached homes) 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 the following public infrastructure improvements constructed in accordance with all required City approvals:
 - (1) the design and construction of roads and alleys, including removal of existing paving, new paving and installation of curbs, gutters, sidewalks, lighting, landscaping, and utilities (including water, sanitary sewer, storm sewer, and ductbank);
 - (2) the design and construction of parking lots, including paving and the installation of curbs, gutters, sidewalks, utilities, lighting and landscaping;
 - (3) the acquisition of land for the infrastructure improvements identified in Paragraph (c)(1); and
 - (4) the acquisition, construction, renovation and development of 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 Clipper Mill 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 Clipper Mill development, 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 contiguous area consisting of the properties designated as Ward 13, Section 04, Block 3390B, Lots 050, 051, 052, and 052A (as the same may be renumbered or redesignated as a result of the pending resubdivision of such property), together with the adjoining roads, highways, alleys, rights-of-way, and other similar property, 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 “Clipper Mill 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 “Clipper Mill 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 shall be levied upon 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 the 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 that:

- (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; and
- (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, upon receipt of a request from both (i) the owners of at least two-thirds of the assessed valuation of the real property located with the proposed special taxing district; and (ii) at least two-thirds of the owners of the real property located within 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.

Approved December 2, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-632
(Council Bill 03-1189)**

AN ORDINANCE CONCERNING

Clipper Mill 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 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 the 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 Clipper Mill Development District (the "Development District");

- (ii) created the Clipper Mill 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 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 Clipper Mill Special Taxing District (the “Special Taxing District”);
- (ii) created the Clipper Mill 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 infrastructure improvements relating to the development of a mixed use community containing approximately 86,000 square feet of office space, approximately 126 market-rate apartments, and approximately 101 for-sale single family homes (consisting of condominiums, townhouses and detached homes) 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 without limitation, the bonds authorized by this Ordinance.
- (c) “City expenses” means
 - (1) the fees and expenses of any fiscal agent or trustee employed by the City 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 retained by the City 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 Clipper Mill 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 the following public infrastructure improvements constructed in accordance with all required City approvals:
 - (1) the design and construction of roads and alleys, including removal of existing paving, new paving and installation of curbs, gutters, sidewalks, lighting, landscaping, and utilities (including water, sanitary sewer, storm sewer, and ductbank);
 - (2) the design and construction of parking lots, including paving and the installation of curbs, gutters, sidewalks, utilities, lighting and landscaping;
 - (3) the acquisition of land for the infrastructure improvements identified in Paragraph (g)(1); and
 - (4) the acquisition, construction, renovation and development of 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 to be levied and collected in the Special Taxing District by the Special Taxing District Ordinance.
- (j) "Special Tax Fund" means the Clipper Mill 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 Clipper Mill Special Taxing District.
- (m) "Special Taxing District Act" means Article II, Chapter (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, Chapter (62) of the Baltimore City Charter.
- (q) "Tax Increment Fund" means the Clipper Mill 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 providing funds to finance 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 Clipper Mill development; 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 pursuant to Section 9 of this Ordinance:
 - (1) to finance all or part of 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 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 by the City 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 the 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 the 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:

- (a) first, from capitalized interest and any other available amount in the funds and accounts created by the indenture;
- (b) second, from the tax increment revenues, subject to annual appropriation by the City; and
- (c) third, to the extent the tax increment revenues are not sufficient 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 shall 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 the City expenses. The amount of the special tax required to be levied in any tax year to provide for the payment of City

expenses may be reduced to the extent that amounts are held under the indenture, or amounts are otherwise made available to the City, are available for the 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 amount at least sufficient 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 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 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(s) of the Development District to provide for the construction by the developer(s) of the infrastructure improvements; and
 - (3) any other documents the Board of Finance considers necessary by 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 any other document, the signature or countersignature or the facsimile shall nevertheless be 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 of the City Seal and the Alternate Custodian of the City Seal, and other officials of the City are authorized and empowered to 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 any of the following as it deems 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 same;
- (3) the manner in which and the terms upon 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 and any person in connection with the issuance of the bonds, 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 the 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 shall terminate 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 applied 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 the provisions of § 103 and §§ 141 through 150, inclusive, of the Internal Revenue Code of 1986, as amended, applicable to the bonds in order 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 the 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 December 2, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-633
(Council Bill 03-1190)**

AN ORDINANCE CONCERNING

Clipper Mill Development District

FOR the purpose of designating a “development district” to be known as the “Clipper Mill 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 infrastructure improvements relating to the development of a mixed use community containing approximately 86,000 square feet of office space, approximately 126 market-rate apartments, and approximately 101 for-sale single family homes (consisting of condominiums, townhouses and detached homes) 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 the following public infrastructure improvements constructed in accordance with all required City approvals:
 - (1) the design and construction of roads and alleys, including removal of existing paving, new paving and installation of curbs, gutters, sidewalks, lighting, landscaping, and utilities (including water, sanitary sewer, storm sewer, and ductbank);
 - (2) the design and construction of parking lots, including paving and the installation of curbs, gutters, sidewalks, utilities, lighting and landscaping;
 - (3) the acquisition of land for the infrastructure improvements identified in Paragraph (f)(1); and
 - (4) the acquisition, construction, renovation and development of other related public infrastructure improvements that are necessary for the completion of these infrastructure improvements for their intended public purposes.
- (g) "Original assessable base" means the assessable base as of January 1, 2002.
- (h) "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 Clipper Mill 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 Clipper Mill development, 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 contiguous area consisting of the properties designated as Ward 13, Section 04, Block 3390B, Lots 050, 051, 052 and 052A (as the same may be renumbered or redesignated as a result of the pending resubdivision of such property), together with the adjoining roads, highways, alleys, rights-of-way, and other similar property, 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 "Clipper Mill Development District."

SECTION 4. AND BE IT FURTHER ORDAINED, That a special fund is established for the Development District to be known as the "Clipper Mill 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 upon 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:

- (a) 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.

Exhibit 1

Map of Development District

EDITOR'S NOTE

The drawing in this Ordinance is not reproduced here. It may be viewed in a copy of the Ordinance itself.

Approved December 2, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-634
(Council Bill 03-1200)**

AN ORDINANCE CONCERNING

**Supplementary Tax Increment Loan Fund Capital Appropriation —
Department of Housing and Community Development — \$5,500,000**

FOR the purpose of providing a Supplementary Tax Increment Loan Fund Capital Appropriation in the amount of \$5,500,000 to the Department of Housing and Community Development — (Account #9910-601-486), to provide tax increment financing for public infrastructure improvements at the Clipper Mill 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 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 2004.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2004 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2004 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On August 27, 2003, 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 \$5,500,000 shall be made available to the Department of Housing and Community Development (Account #9910-601-486) as a Supplementary Tax Increment Loan Fund Capital Appropriation for Fiscal Year 2004, to provide tax increment financing for public infrastructure improvements located at the Clipper Mill project. The source of

revenue for this appropriation is the proceeds from a Tax Increment Financing (TIF) 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 2004.

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

Approved December 2, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-635
(Council Bill 03-1206)**

AN ORDINANCE CONCERNING

**Release of Right-of-Way - a 25-Foot Right-of-Way and a 10- Foot
Right-of-Way Granted to the Mayor and City Council of Baltimore,
Through the Property of Loch Raven Shopping Center, LLC**

FOR the purpose of authorizing the release and surrender by the Mayor and City Council of Baltimore of all of its interests in and to a 25-foot right-of-way and a 10-foot right-of-way heretofore granted to the Mayor and City Council of Baltimore through the property of Loch Raven Shopping Center, LLC, the location and course of the rights-of-way to be released being shown on Plats R.W. 20-36088 and R.W. 20-36087, respectively, 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
Section 31
Baltimore City Charter
(1996 Edition)

WHEREAS, By an Agreement dated November 29, 1954, and recorded among the Land Records of Baltimore City in Liber M.L.P. No. 9662, Folio 323, Loch Raven Properties, Inc., granted to the Mayor and City Council of Baltimore the 25-foot right-of-way as shown on Plat R.W. 20-34499, dated November 15, 1954, which plat is recorded with the Agreement; and

WHEREAS, By an Agreement dated April 1, 1954, and recorded among the Land Records of Baltimore City in Liber M.L.P. No. 9473, Folio 69, Loch Raven Properties, Inc. et al granted to the Mayor and City Council of Baltimore the 10-foot right-of-way shown on Plat R.W. 20-34435, dated March 24, 1954, which plat is recorded with the Agreement; and

WHEREAS, The rights-of-way hereinafter described are no longer needed for public use, the public utility that had previously been therein having been abandoned and/or relocated to another right-of-way that was granted to the Mayor and City Council of Baltimore.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Comptroller of Baltimore City be and is hereby authorized on the behalf of the Mayor and City Council of Baltimore to execute and deliver unto the owner or owners of the land within the rights-of-way hereinafter described, a release and surrender of all of the interest of the City of Baltimore in the rights-of-way described as follows:

Beginning for a 25-foot right-of-way to be extinguished at the southeasternmost corner of a right-of-way for Municipal Utilities and Services, as shown on a plat numbered R.W. 20-34499 and attached to an agreement dated November 29, 1954, from Loch Raven Properties, Inc., to the Mayor and City Council of Baltimore and recorded among the Land Records of the Baltimore City in Liber M.L.P. No. 9662, folio 323, said point of beginning having a coordinate value of North 25,239.03 feet and East 9,348.38 feet, and running thence binding on the outlines of said right-of-way for Municipal Utilities and Services as shown on said plat, as now surveyed, the 4 following courses and distances; namely, South 70° 46' 48" West 25.00 feet, North 19° 13' 12" West 386.01 feet, Northeasterly by a non-tangent arc curving to the left with a radius of 190.35 feet the distance of 25.24 feet which arc is subtended by a chord bearing North 78° 21' 06" East 25.22 feet and South 19° 13' 12" East 382.69 feet to the place of beginning.

Containing 9,602 square feet or 0.2204 acres of land, more or less.

Beginning for a 10-foot right-of-way to be extinguished at a point on the seventh or South 70° 52' 05" West 298.52 foot line of lands described in a deed dated December 9, 2002, from Samuel A. Rocks, et al to Loch Raven Shopping Center, LLC, and recorded among the Land Records of Baltimore City in Liber 3344, folio 44, distant 84.36 feet southwesterly from the beginning thereof, said point of beginning being also located at the southeasternmost corner of a 10-foot right-of-way for Municipal Utilities and Services as shown on a plat numbered R.W. 20-34435, and recorded among said Land Records in Liber M.L.P. No. 9473, folio 69, and running thence binding on part of the seventh line of said deed and on the outline of said right-of-way, as now surveyed, South 70° 52' 05" West 13.82 feet, and thence binding on the outlines of said 10 foot right-of-way, the 5 following courses and distances; namely, North 24° 30' 05" East 380.29 feet, North 47° 55' 55" East 63.91 feet, South 42° 04' 05" East 10.00 feet, South 47° 55' 55" West 61.83 feet and South 24° 30' 05" West 368.68 feet to the place of beginning.

Containing 4,374 square feet or 0.1004 acres of land, more or less.

All courses, distances and coordinates in the above descriptions are referred to the true meridian as adopted by the Baltimore Survey Control System.

The use of the rights of way described hereinabove is no longer needed for public purposes.

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 2, 2003

MARTIN O'MALLEY, Mayor

RESOLUTIONS

PASSED AT THE ANNUAL SESSION

2002-2003

CITY OF BALTIMORE RESOLUTION 02-038 (Council Bill 02-988)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

Voting Machines – 2006 Elections

FOR the purpose of encouraging the Maryland General Assembly to exempt Baltimore City from purchasing the new voting machines required by the Maryland State Administrative Board of Election Laws, and allowing the City to continue to use the machines purchased in 1998, because of the advantages that the City machines have over the new machines and the financial burden that the purchasing of new machines would have on the City.

Recitals

In 1998, Baltimore City purchased 1,060 new voting machines for the 1998 election at a cost in excess of \$6,000,000. Following the Supreme Court decision in *Bush v. Gore*, the 2001 session of Maryland General Assembly enacted legislation requiring all Maryland jurisdictions to have a uniform voting system in place by 2006. The State Administrative Board of Election Laws (SABEL) adopted regulations for a uniform voting system that are very different from the machines currently owned by the City.

The Baltimore City system meets all of the requirements of these new regulations except for the audio component. To upgrade the current system to include the audio component in one machine per precinct would cost a total of approximately \$885,000. To purchase new machines to meet the audio component requirement would cost a total of approximately \$5.83 million. Under the new law, each county is responsible for its share of one-half of the State's cost of acquiring and operating the uniform statewide system.

The concern is not only about the cost that the City will incur to meet these standards, but also about the technology of the new system. The voting machines selected by SABEL cannot continue to work for a long period of time without electricity, and the machines use a Smart-card that is not dedicated to one jurisdiction.

The only advantage that the new machines would have is that the audio component would be useful to blind voters. However, there are other systems in place now that assist the blind in voting, and there may be a lack of security in the new machines due to the size of the equipment. The new machines chosen by SABEL also require the use of a multipage ballot, whereas the City machines allow for a single page ballot with larger type faces, and can be adjusted to accommodate a wider array of physical conditions.

Many constitutional scholars believe the *Bush v. Gore* decision will not stand the test of time and there is no requirement for uniformity in voting. Regardless of the long term effect of *Bush v. Gore*, the cost of these new machines for Baltimore City is prohibitive.

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That this Body encourages Maryland General Assembly to exempt Baltimore City from purchasing the new voting machines required by the Maryland State Administrative Board of Election Laws, and allowing the City to continue to

use the machines purchased in 1998, because of the advantages that the City machines have over the new machines and the financial burden that the purchasing of new machines would have on the City.

SECTION 2. AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Mayor, Baltimore City Delegation to the Maryland General Assembly, State Administrative Board of Election Laws, the Baltimore City Board of Elections, and the Mayor's Legislative Liaison to the City Council.

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

Approved December 23, 2002

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
RESOLUTION 03-039
(Council Bill 02-981)**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

**In Support of the Maryland Center for Arts
and Technology, Inc. – Healthcare Industry Training Program**

FOR the purpose of approving the application of the Maryland Center for Arts and Technology, Inc., to the State of Maryland Neighborhood Partnership Program for an allocation of tax credits for business entities that contribute to a project to expand the Healthcare Industry Training Program, for disadvantaged Baltimore City adults, to add customized training modules for phlebotomists and intravenous technician positions; and providing for a special effective date.

Recitals

Maryland Center for Arts and Technology, Inc., is applying to the Neighborhood Partnership Program for tax credits that will be used to fund the expansion of its Healthcare Industry Training Program to add training modules for phlebotomists and intravenous technician positions to the 20-week customized training program that prepares and enables disadvantaged Baltimore City adults to obtain entry level employment with Baltimore health-care providers.

The Healthcare Industry Training Program utilizes innovative educational and training solutions to develop a technologically trained and skilled workforce and provides its graduates with the necessary tools to overcome barriers to gainful employment. Through June 30, 2002, 11 classes have been completed. Of those graduating, 92% were placed in full-time positions, and, as of this date, 89% remain in full-time employment.

The proceeds derived from the tax credits will be used to expand the Healthcare Industry Training Program's customized training module to include 2 additional technical positions that satisfy personnel needs identified by Maryland Center for Arts and Technology employer partners as areas where there is a shortage of, and a critical need for, trained personnel. Approval of this application will provide a win-win situation for employer and employees alike.

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the application of the Maryland Center for Arts and Technology, Inc., to the State of Maryland Neighborhood Partnership Program for an allocation of tax credits for business entities that contribute to a project to expand the

Healthcare Industry Training Program, for disadvantaged Baltimore City adults, to add customized training modules for phlebotomists and intravenous technician positions is hereby approved.

SECTION 2. AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Mayor for concurrence.

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

Approved January 10, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
RESOLUTION 03-040
(Council Bill 03-1061)**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

**Baltimore City Public School System –
School System Revenue Bonds, Series 2003A – Approval**

FOR the purpose of approving the issuance by the Baltimore City Board of School Commissioners of its revenue bonds, designated “School System Revenue Bonds, Series 2003A”, subject to certain conditions; requiring certain statements, disclosures and reports; and providing for a special effective date.

Recitals

Education Article § 4-306.1 et seq. authorizes the Baltimore City Board of School Commissioners (the “Board”), subject to certain conditions, to issue its bonds for certain public school purposes.

These bonds would not pledge the full faith and credit of or otherwise create or constitute a debt of the City, the State, or any political subdivision of the State.

One of the conditions imposed on the Board’s issuance of any bonds is that the Mayor and City Council first adopt a resolution approving that issuance.

The Board proposes to issue its revenue bonds, designated “School System Revenue Bonds, Series 2003A”, or otherwise appropriately designated, in an aggregate principal amount not to exceed \$75,000,000, in one or more issues or series on or before December 31, 2003, for the purposes of (i) financing and refinancing the acquisition, construction, reconstruction, equipping or renovation of public school facilities, including but not limited to the acquisition, construction and conversion of existing larger neighborhood schools to smaller community-based schools, the renovation and conversion of certain elementary schools to PreK-8 schools, other capital improvements associated with alleviating overcrowding at certain facilities and certain other capital projects included in the fiscal year 2004 Strategic Facilities Plan and approved by the Board; and/or (ii) refunding the School System Revenue Bonds, Series 2000.

The Mayor and City Council finds that the issuance of bonds for these purposes is necessary and desirable for improving public school facilities and educational services in the City.

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council approves the issuance by the Baltimore City Board of School Commissioners of "School System Revenue Bonds, Series 2003A", or otherwise appropriately designated, in an aggregate principal amount of not more than \$75,000,000, in one or more issues or series on or before December 31, 2003, for the purposes of (i) financing and refinancing the acquisition, construction, reconstruction, equipping or renovation of public school facilities, including but not limited to the acquisition, construction and conversion of existing larger neighborhood schools to smaller community-based schools, the renovation and conversion of certain elementary schools to PreK-8 schools, other capital improvements associated with alleviating overcrowding at certain facilities and certain other capital projects included in the fiscal year 2004 Strategic Facilities Plan and approved by the Board; (ii) at least \$1.5 million of the Bonds must be used to install school-wide water filtration systems in each of the schools determined to have high concentrations of lead; and/or (ii) (iii) refunding the School System Revenue Bonds, Series 2000.

SECTION 2. AND BE IT FURTHER RESOLVED, That the proceeds of the bonds may be used only for the purposes specified in Section 1 of this Resolution, ~~as part of the Baltimore City Public School System's Facility Planning and School Construction Program~~ and for refunding the School System Revenue Bonds, Series 2000 if the Commissioners determine that such a refunding will result in savings of debt service payments.

SECTION 3. AND BE IT FURTHER RESOLVED, That the bonds issued by the Board may not pledge the full faith and credit of or otherwise create or constitute a debt of the City, the State, or any political subdivision of the State.

SECTION 4. AND BE IT FURTHER RESOLVED, That throughout the term of the bonds, the Baltimore City Board of School Commissioners shall send to the Director of Finance:

- (a) within 150 days after the end of each fiscal year, audited financial statements for that year; and
- (b) within 30 days of its required date of filing, a copy of the annual disclosure filed under Securities and Exchange Commission Rule 15c2-12(b)(5)(i).

SECTION 5. AND BE IT FURTHER RESOLVED, That on each of the first 3 annual anniversaries of the issuance of the bonds, the Baltimore City Board of School Commissioners shall send to the Board of Estimates a written report on:

- (a) expenditures of the bond proceeds made to date; and
- (b) plans for future expenditures of the bond proceeds.

SECTION 6. AND BE IT FURTHER RESOLVED, That on the enactment of this Resolution, the Director of Finance forward a copy of this Resolution to the Baltimore City Board of School Commissioners.

SECTION 7. AND BE IT FURTHER RESOLVED, That this Resolution takes effect on the date it is enacted.

Approved May 9, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
RESOLUTION 03-041
(Council Bill 03-995)**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

The Solid Waste Management Plan for Baltimore City

FOR the purpose of adopting a new Solid Waste Management Plan for Baltimore City; providing for a special effective date; and generally relating to water supply systems, sewerage systems, solid waste disposal systems, solid waste acceptance facilities, and the systematic collection and disposal of solid waste.

Recitals

State law (Environment Article § 9-503 and COMAR 26.03.03) requires each county and Baltimore City to (i) adopt and maintain a comprehensive solid waste plan that overs at least the succeeding 10-year period and (ii) periodically review and, as needed, amend or revise its plan.

The City of Baltimore last adopted a solid waste management plan by Resolution 95-030, effective March 9, 1995.

The Department of Public Works has prepared a new solid waste management plan for the City.

A public hearing on the new plan, as required by State law, has been held.

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Solid Waste Management Plan for Baltimore City, dated July 2002, is approved and adopted.

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

Approved June 12, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
RESOLUTION 03-042
(Council Bill 02-670)**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

**Informational Hearing — The War on Crime in Baltimore City: Is
There An Effective Strategic Change in the
Deployment of Prosecutorial Weapons?**

FOR the purpose of respectfully requesting the Attorney General of the United States, the United States Attorney for Maryland, and the Baltimore City State's Attorney to advise the Mayor and City Council and the citizens of Baltimore City on current policy for pursuing federal prosecution of persons charged with committing gun-related offenses and other violations subject to prosecution by federal, state, and local authorities; and providing for a special effective date.

Recitals

Baltimore City closed the books on 2001 with hundreds of gun violations committed, over 250 people murdered, and celebrated the dawning of 2002 with more than 100 people charged with firing weapons on New Year's Eve. And, despite stepped-up security and more rigorous patrolling of school grounds, there were 11 incidents involving the use or possession of firearms in the Baltimore City public schools, or on school property, in the 2000-2001 school year.

Although the number of homicides, the incidences of violence, the number of citizens illegally possessing or discharging firearms, and the number of schoolchildren involved with guns is frightening, it is the good news in Baltimore. The bad news is that, before 2001, the City suffered a 10-year string of 300 murders annually, was the second most violent city in America, and had more children in our schools toting guns — in the 1997-98 school year the number of school kids caught with guns was more than double that of 2000-2001.

The fact that Baltimore has been able to finally curtail the violence on our streets, in our homes, and at our schools is not mere luck. The Administration has instituted a new "get tough on crime" policy that addresses the fundamentals of crime. The Baltimore City Police Department has taken an insightful look at its policies and personnel and has made, sometimes painful, changes by restructuring, refocusing, and re-engineering its structure and its mission. And the citizens of Baltimore have taken responsibility for their neighborhoods and have offered unprecedented cooperation with law enforcement initiatives to rid their streets of criminal activity.

The dramatic reduction in crime in Baltimore and other large cities across the country is a result, in part, of new programs that emphasize a crack-down on smaller crimes to prevent the opportunity for more lethal ones. In neighboring Richmond, Virginia, authorities instituted Project Exile to get gun-totters off the street. Would-be criminals are advised, on cards handed out by police in problem neighborhoods, of stiff penalties that will be imposed for carrying a gun. In the first few years of the program, murders were reduced by 40%. In Baltimore, under Project Disarm, the former U.S. Attorney initiated the federal felon-in-possession law which prosecuted felons with 1 previous felony conviction under more stringent federal sentencing guidelines for carrying firearms.

The new U.S. Attorney has reportedly announced that his office will prosecute fewer City gun crimes and that prosecutors in Baltimore will instead focus on complex drug conspiracy, violent crime, political corruption, and white collar fraud cases. In keeping with instructions from the Attorney General, it is said that federal prosecutors will pursue gun crimes only in instances where the defendant has 2 previous convictions.

Residents of Baltimore are alarmed at the prospect of changes in prosecutorial policies that seem to have been instrumental in effectively addressing a criminal element that has held the City hostage for years. In order to continue the de-escalation of violent crime, recent history seems to indicate that more, not less, federal prosecution of gun-related violations, as well as violent crimes and drug cases, is needed to reduce street violence.

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Attorney General of the United States, the United States Attorney for Maryland, and the Baltimore City State's Attorney are respectfully requested to advise the Mayor and City Council and the citizens of Baltimore City on current policy for pursuing federal prosecution of person charged with committing gun-related offenses and other violations subject to prosecution by federal, state, and local authorities; and providing for a special effective date.

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

Approved June 18, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
RESOLUTION 03-043
(Council Bill 03-1074)**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

Midtown Community Benefits District and Management Authority

FOR the purpose of renewing and continuing the Midtown Community Benefits District and Management Authority, subject to certain terms and conditions; providing for a special effective date; and generally relating to the activities and authority of the Midtown Community Benefits District and Management Authority.

Recitals

Ordinance 95-613 (the "Ordinance") authorized the creation of the Midtown Community Benefits District (the "District") and the Management Authority (the "Authority"), subject to certain terms and conditions.

The Ordinance requires that the Mayor and City Council hold 1 or more public hearings every 4 years to evaluate the activities and undertakings of the District and the Authority and to determine whether the District and Authority should continue for another 4 years.

In 1999, the City Council conducted the first of these quadrennial reviews and, by Resolution 99-019, continued the District and Authority for an additional 4 years, ending June 30, 2003. Subsequently, Chapter 89, Acts of 2000, amended Charter Article II, § 63(h), establishing a new 4-year review cycle, to begin December 2003.

The Mayor and City Council has undertaken a review process for the interim 1-year period beginning July 1, 2003. Based on its review of the activities and undertakings of the District and Authority, the Mayor and City Council finds that the renewal and continuation of the District and the Authority are in the best interests of the citizens of Baltimore.

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Midtown Community Benefits District and Management Authority are continued for an additional 1 year, ending June 30, 2004.

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

Approved June 18, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
RESOLUTION 03-044
(Council Bill 03-1110)**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

**Payments in Lieu of Taxes – Ward 22, Section 3,
Block 0677, Lots 1-3 - “The Zenith”**

FOR the purpose of authorizing an economic development project to be known as The Zenith in order that the Board of Estimates may enter into a Payment in Lieu of Taxes Agreement with LH Zenith, LLC, for a project encompassing approximately 191 residential market rate rental units, a related parking facility containing approximately 257 parking spaces, and approximately 5,000 square feet of retail space; 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 Zenith Project (the “Project”) is proposed to include approximately 191 residential market rate rental units, a related parking facility containing approximately 257 parking spaces, and approximately 5,000 square feet of retail space to be constructed on parcels of land known as Ward 22, Section 3, Block 0677, Lots 1-3, generally bounded by West Pratt Street, South Paca Street, and Washington Boulevard, in the Market Center West Urban Renewal Area.

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 LH Zenith, LLC, its successors or its assigns, as may be approved by the Board of Estimates for development of the Project, in accordance with Section 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 (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 Market Center West 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 15 years (the “PILOT Term”) after the effective date specified in the PILOT Agreement.
- (b) The negotiated payment in lieu of taxes for the Project shall be:
 - (i) for each year of the PILOT Term, the amount of the real property taxes based on the existing assessments on the entire property comprising the Project, or applicable component, as of July 1, 2003 (the “Base Tax”); plus
 - (ii) for each year of the PILOT Term, a percentage of the taxes that would otherwise have resulted from the increased assessment and reassessment due to the construction of the Project, or applicable components (the “Increased Taxes”) which percentages shall be as follows:

Years 1 – 5	5% of the Increased Taxes
Years 6 – 7	10% of the Increased Taxes
Years 8 – 10	15% of the Increased Taxes
Years 11 – 12	25% of the Increased Taxes
Years 13 – 14	50% of the Increased Taxes
Year 15	75% of the Increased Taxes.

SECTION 5. AND BE IT FURTHER RESOLVED, That this Resolution takes effect on the date it is enacted.

Approved June 18, 2003

MARTIN O’MALLEY, Mayor

**CITY OF BALTIMORE
RESOLUTION 03-045
(Council Bill 03-1174)**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

Ceremonial Street Name Change – In Honor of Marciana Monia Ringo

FOR the purpose of ceremoniously changing the name of the 5200 block of Loch Raven Boulevard to Marciana Ringo Way.

Recitals

Marciana Monia Ringo was taken from the loving embrace of her family and friends on a cold winter's day in December 2002. On December 13th, hundreds of Northwood residents united in prayers of unity and healing in a candlelight vigil in the 5200 block of Loch Raven Boulevard, in front of Northwood Elementary School where Marciana attended 3rd grade.

In honor of this beloved little girl and on behalf of the hundreds of family, friends, neighbors, schoolmates, and citizens of Baltimore and the State of Maryland, the City Council is honoring the wish of the 1600 persons who signed the requesting petition, by renaming the 5200 block of Loch Raven Boulevard to celebrate her short life and to honor her eternal memory.

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the 5200 block of Loch Raven Boulevard be ceremoniously changed to Marciana Ringo Way.

SECTION 2. AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to Milagro White, mother; Roberto Snachez Vaddy, great grandfather; the 5th grade class of Northwood Elementary School; and members of the Baltimore City Warrant Apprehension Task Force.

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

Approved July 21, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
RESOLUTION 03-046
(Council Bill 03-1113)**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

**Operating Budget for the Baltimore City Board of School
Commissioners for the Fiscal Year Ending June 30, 2004**

FOR the purpose of approving the budget estimated to be needed for the Baltimore City Board of School Commissioners for operating programs during Fiscal 2004: 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, 2004.

Operating Budget**Baltimore City Public School Systems**

Salaries	\$527,448,000
Fringe Benefits	141,000,000
Utilities and Other Charges	27,500,000
Contracted Services	80,330,000
Materials and Supplies	35,000,000
Equipment	2,400,000
Grants, Subsidies, and Contributions	48,800,000
Debt Service	7,500,000
Reserves for new programs and contingencies	10,000,000
	<u>\$879,978,000</u>
Deficit Elimination	<u>24,722,000</u>
	<u>\$904,700,000</u>

Expense By Fund**Board of School Commissioners**Board of School Commissioners

Education	\$ 660,724
Restricted/Other Funds	0
Total	\$ 660,724

Office of Internal Audits

Education	\$ 202,021
Restricted/Other Funds	0
Total	\$ 202,021

Subtotal - Board of School Commissioners

Education	\$ 862,745
Restricted/Other Funds	0
Totals	\$ 862,745

Chief Executive OfficerOffice of the Chief Executive Officer

Education	\$ 777,774
Restricted/Other Funds	0
Total	\$ 777,774

Chief Executive Officer's District

Education	\$ 910,635
Restricted/Other Funds	0
Total	\$ 910,635

Office of Development and External Relations

Education	\$ 402,199
Restricted/Other Funds	0
Total	\$ 402,199

Office of Legal Counsel

Education	\$ 1,201,416
Restricted/Other Funds	\$ 171,602
Total	\$ 1,373,018

Office of Communications

Education	\$ 835,683
Restricted/Other Funds	0
Total	\$ 835,683

Division of Research, Evaluation and Accountability

Education	\$ 4,073,896
Restricted/Other Funds	\$ 46,293
Total	\$ 4,120,189

Human Resources

Education	\$ 4,790,088
Restricted/Other Funds	\$ 104,438
Total	\$ 4,894,526

School Police Force

Education	\$ 4,162,500
Restricted/Other Funds	\$ 875,000
Total	\$ 5,037,500

Subtotal - Chief Executive Officer

Education	\$ 17,154,191
Restricted/Other Funds	\$ 1,197,333
Total	\$ 18,351,524

Chief Academic OfficerOffice of the Chief Academic Officer

Education	\$ 996,571
Restricted/Other Funds	\$ 43,775
Total	\$ 1,040,346

Area Executive Officers

Education	\$ 2,803,617
Restricted/Other Funds	\$ 78,905
Total	\$ 2,882,522

Curriculum and Instruction

Education	\$ 3,761,737
Restricted/Other Funds	\$ 2,180,562
Total	\$ 5,942,299

Professional Development

Education	\$ 5,756,862
Restricted/Other Funds	\$ 62,558
Total	\$ 5,819,420

Twilight (Evening) School

Education	\$ 2,000,000
Restricted/Other Funds	0
Total	\$ 2,000,000

Operations/Grants

Education	0
Restricted/Other Funds	\$ 826,928
Total	\$ 826,928

The Academy

Education	\$ 78,239
Restricted/Other Funds	0
Total	\$ 78,239

Interventions

Education	\$ 1,433,967
Restricted/Other Funds	\$ 232,946
Total	\$ 1,666,913

School, Community and Family Involvement

Education	\$ 634,410
Restricted/Other Funds	\$ 325,771
Total	\$ 960,181

General Instruction

Education	\$ 274,577,395
Restricted/Other Funds	\$ 57,522,144
Total	\$ 332,099,539

Career and Technology Instruction

Education	\$ 11,982,084
Restricted/Other Funds	0
Total	\$ 11,982,084

Gifted and Talented Education

Education	\$ 4,960,000
Restricted/Other Funds	0
Total	\$ 4,960,000

Summer School

Education	\$ 6,637,811
Restricted/Other Funds	\$ 3,500,000
Total	\$ 10,137,811

Textbook Adoption

Education	\$ 5,000,000
Restricted/Other Funds	0
Total	\$ 5,000,000

ESOL

Education	\$ 1,239,193
Restricted/Other Funds	\$ 1,060,807
Total	\$ 2,300,000

Interscholastic Athletics

Education	\$ 3,290,311
Restricted/Other Funds	0
Total	\$ 3,290,311

Subtotal - Chief Academic Officer

Education	\$ 325,152,197
Restricted/Other Funds	\$ 65,834,396
Total	\$ 390,986,593

Special Education and Student Support ServicesSpecial Education and Student Support Services

Education	\$ 883,597
Restricted/Other Funds	\$ 129,619
Total	\$ 1,013,216

Long Range Compliance

Education	\$ 309,334
Restricted/Other Funds	\$ 1,270,167
Total	\$ 1,579,501

Policies, Procedures and Support Service

Education	\$ 7,359,681
Restricted/Other Funds	\$ 1,026,734
Total	\$ 8,386,415

Special Education Admin & Mgmt Services

Education	\$ 49,724,089
Restricted/Other Funds	\$ 12,075,514
Total	\$ 61,799,603

Compliance

Education	\$ 505,060
Restricted/Other Funds	\$ 303,678
Total	\$ 808,738

Pupil Services

Education	\$ 951,996
Restricted/Other Funds	\$ 1,660,702
Total	\$ 2,612,698

School Based Guidance Services

Education	\$ 9,686,731
Restricted/Other Funds	\$ 118,446
Total	\$ 9,805,177

Special Education School Based Instruction

Education	\$ 78,472,581
Restricted/Other Funds	\$ 15,680,013
Total	\$ 94,152,594

Social Work - School Based

Education	\$ 7,191,093
Restricted/Other Funds	\$ 978,827
Total	\$ 8,169,920

Psychological - School Based

Education	\$ 7,731,217
Restricted/Other Funds	\$ 287,565
Total	\$ 8,018,782

Speech & Language Schools - School Based

Education	\$ 7,322,757
Restricted/Other Funds	\$ 67,411
Total	\$ 7,390,168

Subtotal - Special Education and Student Support Services

Education	\$ 170,138,136
Restricted/Other Funds	\$ 33,598,676
Total	\$ 203,736,812

Chief Operating OfficerOffice of the Chief Operating Officer

Education	\$ 331,951
Restricted/Other Funds	0
Total	\$ 331,951

Office of Grants Administration

Education	\$ 881,692
Restricted/Other Funds	\$ 1,950
Total	\$ 883,642

Student Placement

Education	\$ 4,764,504
Restricted/Other Funds	0
Total	\$ 4,764,504

Chief Financial Officer

Education	(\$ 1,936,978) [†]
Restricted/Other Funds	\$ 5,259,831
Total	\$ 3,322,853

[†] Represents the Indirect Cost Recovery Portion of Grant

Office of the Chief Technology Officer

Education	\$ 24,975,523
Restricted/Other Funds	0
Total	\$ 24,975,523

Procurement

Education	\$ 1,248,800
Restricted/Other Funds	0
Total	\$ 1,248,800

Maintenance & Operations

Education	\$ 59,870,488
Restricted/Other Funds	0
Total	\$ 59,870,488

Facilities Design & Construction

Education	0
Restricted/Other Funds	0
Total	0

School and Facilities Planning

Education	\$ 429,048
Restricted/Other Funds	0
Total	\$ 429,048

School Transportation

Education	\$ 21,636,225
Restricted/Other Funds	0
Total	\$ 21,636,225

Food Services

Education	0
Restricted/Other Funds	\$ 22,838,253
Total	\$ 22,838,253

External Assignment

Education	\$ 665,746
Restricted/Other Funds	0
Total	\$ 665,746

Subtotal - Chief Operating Officer

Education	\$ 112,866,999
Restricted/Other Funds	\$ 28,100,034
Total	\$ 140,967,033

Fringe Benefits

Education	\$ 103,787,390
Restricted/Other Funds	\$ 23,687,610
Total	\$ 127,475,000

Debt Service

Education	\$ 4,330,000
Restricted/Other Funds	0
Total	\$ 4,330,000

Reserve

Education	\$ 4,500,000
Restricted/Other Funds	0
Total	\$ 4,500,000

Equipment

Education	\$ 1,135,269
Restricted/Other Funds	\$ 1,286,189
Total	\$ 2,421,458

Deficit Elimination

Education	\$ 20,941,375
Restricted/Other Funds	0
Total	\$ 20,941,375

Total Expenses

Education	\$ 760,868,302
Restricted/Other Funds	\$ 153,704,238
Total	\$ 914,572,540

SECTION 2. AND BE IT FURTHER RESOLVED, The foregoing amounts in summary are funded from the following sources:

City of Baltimore		\$ 207,555,000
State of Maryland	552,756,000	555,134,794
Federal	135,364,000	142,821,568
Other	9,025,000	9,061,178
	\$ 904,700,000	914,572,540

SECTION 3. AND BE IT FURTHER RESOLVED, That the Capital Budget of Baltimore City Public School Systems consists of \$51,500,000 for the fiscal year ending June 30, 2004. Sources of these funds are \$16,000,000 from the City of Baltimore General Obligations Bonds and \$35,500,000 from Baltimore City Public School Systems Bonds.

The uses of these capital funds are for the following projects:

<u>Digital Harbor High School</u>	<u>\$ 7,000,000</u>
<u>Northern High School Complex</u>	<u>2,000,000</u>
<u>Samuel Banks High School</u>	<u>2,000,000</u>
<u>Dunbar High School</u>	<u>2,000,000</u>
<u>Lake Clifton High School</u>	<u>7,000,000</u>
<u>Fairmount Harford High School</u>	<u>2,000,000</u>
<u>Thurgood Marshall High School</u>	<u>2,000,000</u>
<u>Other High Schools (3)</u>	<u>3,000,000</u>
<u>Various PK-8 Conversions</u>	<u>7,500,000</u>
<u>Fallstaff Elementary</u>	<u>1,000,000</u>
<u>Abbottston Elementary</u>	<u>6,000,000</u>
<u>James Mosher Elementary</u>	<u>6,000,000</u>
<u>Lead in Water</u>	<u>1,500,000</u>
<u>Systemic and Other Projects</u>	<u>2,500,000</u>
	<u>\$51,500,000</u>

SECTION 3 4. AND BE IT FURTHER RESOLVED, That when enacted, this Resolution shall be certified to the State Superintendent of Schools.

SECTION 4 5. AND BE IT FURTHER RESOLVED, That this Resolution takes effect July 1, 2003.

Approved August 11, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
RESOLUTION 03-047
(Council Bill 01-575)**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

Bea Gaddy Day

FOR the purpose of proclaiming October 3rd of each year as *Bea Gaddy Day*, in honor of the life of the late member of City Council who passed away on this day in 2001, and establishing an annual citywide food drive to take place on that day to continue the spirit of Ms. Bea's mission to minister to the needs of the least fortunate of Baltimore City citizens.

Recitals

Bea Gaddy, who died on October 3, 2001, at the age of 68, was a beloved member of the Baltimore City community. From her humble beginnings in Wake Forest, North Carolina, through her struggle with homelessness on the streets of New York City, to her remarkable public service mission to the poor of Baltimore City, Bea displayed an indomitable spirit. She rose from the depths of poverty to become one of Baltimore's most renowned advocates for the poor of wealth and of spirit.

Best known for her Thanksgiving Day dinners, where Bea and her volunteers from all segments of Baltimore society fed as many as 20,000 people, she taught this City about the bountiful blessings of spirit that are rewards for unselfish giving. In honor of this tiny lady who had such a tremendous impact on the humanity of the masses, we name each and every October 3, from this day forward, to be *Bea Gaddy Day* and encourage all Baltimoreans to renew their esprit de corps of fellowship and personhood by giving in the generous spirit of Ms. Bea.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That October 3rd of each year is proclaimed *Bea Gaddy Day* in honor of the life of the late member of City Council who passed away on this day in 2001, and establishing an annual citywide food drive to take place on that day to continue the spirit of Ms. Bea's mission to minister to the needs of the least fortunate of Baltimore City citizens.

AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to Ms. Bea Gaddy's family.

AND BE IT FURTHER RESOLVED, That this Resolution takes effect on the date it is enacted.

Approved October 6, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
RESOLUTION 03-048
(Council Bill 03-1191)**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

Maryland Emergency Management Assistance Compact

FOR the purpose of granting approval of authority for Baltimore City to participate in the Maryland Emergency Management Assistance Compact; and providing for a special effective date.

WHEREAS, ~~The State of Maryland Emergency Services Law of 2002, as amended (Article 16A, §§ 37, 38, and 39 of the Maryland Code)~~ Maryland Emergency Management Assistance Compact, Public Safety Article, Title 14, Subtitle 8 (the "Compact"), authorized the State and its political subdivisions to provide emergency aid and assistance in the event of a disaster; and

WHEREAS, The purpose of this Compact is to provide for mutual assistance for managing an emergency among jurisdictions entering into this Compact; and

WHEREAS, This Compact also provides for mutual cooperation in emergency-related exercises, testing, or other training activities using equipment or personnel to simulate performing any aspect of giving or receiving aid by the jurisdictions during emergencies; and

WHEREAS, Participation in this Compact is supplemental to any already existing mutual aid agreements between adjacent or nearby counties and is designed to facilitate the provision of mutual aid between member jurisdictions during a major emergency or disaster; and

WHEREAS, ~~Article 16A, §§ 37 through 39 of the Maryland Code require~~ The Compact requires an authorizing resolution from each local jurisdiction, in order to participate in the Compact.

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That approval of authority is granted for Baltimore City to participate in the Maryland Emergency Management Assistance Compact.

SECTION 2. AND BE IT FURTHER RESOLVED, That it is understood that ~~pursuant to the terms and conditions of Article 16A, §§ 37, 38, and 39 of the Annotated Code of Maryland;~~ the Maryland Emergency Management Assistance Compact may include requests for and provisions of personnel, equipment, materials, and other forms of assistance to any participating political subdivision within the State of Maryland.

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

Approved October 6, 2003

Martin O'Malley, Mayor

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Inner Harbor East Urban Renewal Plan - Amendment 14	03-614	851
Inner Harbor Project 1, Lot 2 - Property sale	03-510	551

J

Jackson Street (1401) - Property sale	03-599	800
Johns Hopkins South of Orleans - Planned Unit Development	03-492	497
Johnston Square Urban Renewal Plan - Amendment 9	02-456	78
Jonestown Historic District designated - Historical and Architectural Preservation District	03-489	493

L

Lafayette Avenue (W 2113, 2120, 2200-06) - Zoning change	03-524	577
Landlord and tenant -		
Rental properties registration fees to continue -		
Amending Ordinance 01-191	03-526	579
Landmark List -		
Arch Social Club, 2426 Pennsylvania Avenue	03-567	681
Cedarwood, 4604 North Charles Street	03-525	579
Douglass Place, 516-524 South Dallas Street	03-568	682
Fire Engine Company No. 25, 2140 McCulloh Street	03-566	680
Masjid Al Haqq, 514 Islamic Way	03-565	679
Lanvale Street (E 301-309) - Zoning change	03-532	591
Lanvale Street (W NS, 108 FT E of Spedden ST -		
Zoning change	03-524	577
Lauraville Business District Urban Renewal		
Area and Plan designated	03-612	820
Liberty Heights Avenue (3051) - Easement - for an		
electrical transformer	03-531	590
Loch Raven Shopping Center - Planned Unit Development	03-577	735

M

Mace Street (2640-2658 and 2643-2649) - Parking lot	03-553	637
Madison Street (E 1712) - Parking garage	03-505	523
Madison Street (E 1712) - Parking lot	03-505	523
Market Center Urban Renewal Plan - Amendment 15	03-513	555
Maryland Emergency Management Assistance Compact -		
Resolution of the Mayor and City Council	Res. 03-048	921
Masjid Al Haqq, 514 Islamic Way - Landmark List	03-565	679
Mayor's Redistricting Plan for Baltimore City	03-506	524
McDonogh Street (former bed of), Shuter Street		
(portion of a former bed of), and a 20-foot alley		
(portion of the former bed of) - Property sale	03-597	798

Metropolitan District Extension -

2C1 Election District of Baltimore County, west side of Deer Park Road, north of Lyons Mill Road, Ext. 146	03-504	522
2C3 Election District of Baltimore County, south side of Lyons Mill Road, east of Wynfield Drive, Ext. 147	02-477	465
2C4 Election District of Baltimore County, north side of Winands Road, opposite Offutt Road, Ext. 148	03-598	800
4C3 Election District of Baltimore County, west side of Garrison Forest Road south of Forestleigh Drive, Ext. 144	03-588	746
Middle East Urban Renewal Plan - Amendment 7	02-455	13
Middle East Urban Renewal Project certain streets and alleys - Streets - close	02-464	163
Middle East Urban Renewal Project certain streets and alleys - Streets - open	02-463	162
Midtown Community Benefits District and Management Authority	Res. 03-043	909
Mince Alley - Streets - close	03-629	879
Morley Street (S 168) - Nursing home - Assisted Living	02-461	154
Morley Street (S 168) - Nursing home - Assisted Living - Amending Ordinance 02-461	03-573	692
Mosher Street (2201) - Zoning change	03-524	577
Mount Vernon Urban Renewal Plan - Amendment 10	03-518	568

N

Naming City property -

City Council Chamber located in City Hall to be the Clarence "Du" Burns Council Chamber	03-580	739
Newly constructed market rate rental housing buildings on State land - Payment in lieu of Taxes	03-602	803
North Avenue (W 1930 and 1932) - Home for Homeless persons	03-488	492
Northern Parkway (E 3010) - Parking lot	03-546	626
Nursing home -		
Bentalou Street (S 472) - Assisted Living	03-520	571
Frederick Avenue (3616) - Assisted Living	03-600	801
Morley Street (S 168) - Assisted Living	02-461	154
Morley Street (S 168) - Amending Ord. 02-461	03-573	692

Park Heights Avenue (3716) - Assisted Living	03-535	599
Park Heights Avenue (5833) - Amending Ord. 98-234	02-474	188
Rogers Avenue (W 3800) - Assisted Living	03-552	636
St. Charles Avenue (5246) - Assisted Living	02-450	1
Nursing home (assisted living) and accessory adult day care for residents -		
Shirley Avenue (2449-2455)	02-470	183

O

Oliver Street (E 325/35, 401/03, 405/13, 415/17, 419/33) - Zoning change	03-532	591
Oliver Urban Renewal Plan - Amendment 12	02-458	118
Operating Budget for the Baltimore City Board of School Commissioners for the Fiscal Year Ending June 30, 2004	Res. 03-046	912
Ordinance of Estimates for Fiscal Year 2004	03-563	651

P

Parcel of land on the north side of the Baltimore Harbor Tunnel Throughway and the former bed of Childs Street - Property sale	03-570	684
Park Heights Avenue (3716) - Nursing home - Assisted Living	03-535	599
Park Heights Avenue (5833) - Nursing home - Amending Ordinance 98-234	02-474	188
Park rules - penalties reestablished for violations	03-572	687
Parkdale Avenue (3501) - Zoning change	03-589	746
Parking fines -		
Amnesty period authorized and restricted	03-596	795
Parking, stopping, etc., fines increased	03-550	630
Parking garage -		
Madison Street (E 1712)	03-505	523
Parking lot -		
Fayette Street (E 215), Baltimore Street (E 206, 208, 210-220), and Calvert Street (N 3)	03-571	686
Garrison Boulevard (2216)	03-507	532
Glenwood Avenue (511 and 513)	03-547	627
Mace Street (2640-2658 and 2643-2649)	03-553	637

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Madison Street (E 1712)	03-505	523
Northern Parkway (E 3010)	03-546	626
Rose Street (N 1101)	03-610	818
Parking, stopping, etc., fines increased	03-550	630
Patterson Park Avenue (N 214½) - Property sale	03-611	819
Payment in lieu of taxes -		
Newly constructed market rate rental housing		
buildings on State land	03-602	803
Ward 22, Section 3, Block 0677, Lots 1-3 - “The Zenith”	Res. 03-044	910
Plumer Avenue (5913) - Property sale	03-536	600
Poppleton Urban Renewal Plan - Amendment 9	03-605	809
Portland Street (625, 629, and 631) - Property sale	03-603	806
Pratt Street (E 750) - Franchise - Architectural cornice	03-485	487
Pratt Street (E 600) - Partial release of easement	02-472	186
Pratt Street (a portion of E 815) - Zoning change	03-490	496
Presstman Street (2610) - Zoning change	03-524	577
Preston Street (E 1400, 1402, 1404, and 1406) -		
Zoning change	03-484	486
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Rights-of-way for public utilities needed for the West Branch		
of Moores Run Drain Improvements Project	03-592	757
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Baltimore Street (E 600 block - parcels of land		
known as Units No. 1, 3, 4, 5, 6, and 7 of the		
“Marketplace Condominium”	03-609	816
Baylis Street (1300)	03-615	854
Former beds of certain streets and alleys or portions		
of them lying within the Madison Park North		
Urban Renewal Project	03-519	589
Forrest Street	02-478	466
Hamilton Avenue (3509)	03-618	860
Inner Harbor Project 1, Lot 2	03-510	551
Jackson Street (1401)	03-599	800
McDonogh Street (former bed of), Shuter Street		
(portion of a former bed of), and a 20-foot alley		
(portion of the former bed of)	03-597	798

Parcel of land on the north side of the Baltimore Harbor Tunnel Throughway and the former bed of Childs Street	03-570	684
Patterson Park Avenue (N 214½)	03-611	819
Plumer Avenue (5913)	03-536	600
Portland Street (625, 629, and 631)	03-603	806
Sarril Road and Strathdale Road (former beds of) and Relcrest Road (a portion of)	03-608	814
Stockholm Street (former bed of a portion of) and a 15-foot alley	03-569	683
Strathdale Manor/Sarril Apartments former site	03-544	624
Property tax -		
Amending the provisions authorizing semiannual payments for property taxes on owner-occupied residential property to conform to the requirements of State law	03-534	595
Rate for Fiscal Year 2004	03-562	650
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Water supply regulation powers of the Director and the Department	02-476	458

R

Race Street (1300) - Zoning change	03-575	699
Railroad Historic District boundaries enlarged	03-486	489
Redistricting Plan for Baltimore City	03-506	524
Rental properties registration fees to continue - Amending Ordinance 01-191	03-526	579
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In Support of the Maryland Center for Arts and Technology, Inc. - Healthcare Industry Training Program	Res. 03-039	904
Informational Hearing - The War on Crime in Baltimore City: Is There an Effective Strategic Change in the Deployment of Prosecutorial Weapons?	Res. 03-042	907
Maryland Emergency Management Assistance Compact	Res. 03-048	921
Midtown Community Benefits District and Management Authority	Res. 03-043	909

Operating Budget for the Baltimore City Board of School Commissioners for the Fiscal Year Ending June 30, 2004	Res. 03-046	912
Payment in Lieu of Taxes - Ward 22, Section 3, Block 0677, Lots 1-3 - "The Zenith" -	Res. 03-044	910
Solid Waste Management Plan for Baltimore City	Res. 03-041	907
Voting Machines - 2006 Elections	Res. 02-038	903
Retirement -		
Fire and Police Employees' Retirement System - Benefits changes	03-576	699
Revenue obligations -		
Stormwater Special Revenue Obligations	02-483	472
Riggs Avenue (2101) - Zoning change	03-524	577
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Certain rights-of-way through State property	02-479	467
20-foot right-of-way previously granted to City through property of Reisterstown Plaza Associates	02-466	167
25-foot right-of-way and a 10-foot right-of-way granted to the City through the property of Loch Raven Shopping Center, LLC	03-635	901
30-foot wide right-of-way and a 10-foot wide right-of way granted to the City through property of the State of Maryland	03-625	874
Rights-of-way for public utilities needed for the West Branch of Moores Run Drain Improvements Project	03-592	757
Robert E. Lee Park for drainage and utility in a certain parcel of it - Easement	03-593	759
Rogers Avenue (W 3800) - Nursing home - Assisted Living	03-552	636
Rose Street (N 1101) - Parking lot	03-610	818
Rosemont Urban Renewal Area and Urban Renewal Plan established	03-509	534
Rosemont Urban Renewal Area - Rezoning certain properties	03-524	577
Russell Street (1829/1901) - Easement - for telecommunication and electric systems	03-624	873

S

San Martin Drive - Bridgeway - Franchise	03-616	855
San Martin Drive - Private ductbank and water main - Franchise	03-617	857

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Saratoga Street (E 100 block) - Bridgeway - Franchise	03-499	511
Saratoga Street (E 100 block) - Ductbank (private, underground) - Franchise	03-500	514
Sarril Road and Strathdale Road (former beds of) and Relcrest Road (a portion of) - Property sale	03-608	814
Sarril Road, Strathdale Road, and a portion of Relcrest Road - Streets - close	03-607	812
Sarril Road, Strathdale Road, and a portion of Relcrest Road - Streets - open	03-606	811
School Board budget - <i>See</i> Operating budget for the Baltimore City Board of School Commissioners		
School System Revenue Bonds - Baltimore City Public School System - School System Revenue Bonds, Series 2003A - Approval	Res. 03-040	905
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Shirley Avenue (2449-2455) - Nursing home (Assisted Living) and accessory adult day care for residents	02-470	183
Signs - Baltimore Arena (201 West Baltimore Street)	03-515	558
Sinai Hospital - Planned Unit Development - Amendment	03-604	806
Smallwood Street (1001) - Zoning change	03-524	577
Solid Waste Management Plan for Baltimore City	Res. 03-041	907
Southern Avenue (a portion of 4118) - Zoning change	03-601	802
Special Benefits Districts - Charles Village Community Benefits District	03-574	693
Midtown Community Benefits District and Management Authority	Res. 03-043	909
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Belvedere Square Special Taxing District created	02-468	172
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Strathdale Manor Special Taxing District created	03-541	611
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Spring Street and Duker Alley - Streets - close	03-558	644
Spring Street and Duker Alley - Streets - open	03-557	643
St. Charles Avenue (5246) - Nursing home -		
Assisted Living	02-450	1
Stockholm Street (former bed of a portion of)		
and a 15-foot alley - Property sale	03-569	683
Stormwater Special Revenue Obligations	02-483	472
Strathdale Manor Development District	03-540	606
Strathdale Manor/Sarril Apartments former site -		
Property sale	03-544	624
Strathdale Manor Special Obligation Bonds	03-543	616
Strathdale Manor Special Taxing District created	03-541	611
Streets - close -		
Alleys (2) laid out in the rear of 201/225 and 227		
West Monument Street	03-497	508
Alleys (2) lying within the area bounded by Holabird Avenue,		
Rappallo Street, Eastbourne Avenue, and Savage Street	03-556	641
Bloede Avenue (a portion of)	03-498	510
Bloede Avenue (a portion of)	03-560	647
Born Court	03-623	871
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Poppleton Street, McHenry Street, and Parkin Street	03-495	504
Childs Street	03-561	648
Fairmount Avenue and a 10.5-foot alley	03-529	585
Middle East Urban Renewal Project certain streets and alleys	02-464	163
Mince Alley	03-629	879
Sarril Road, Strathdale Road, and a portion of Relcrest Road	03-607	812
Spring Street and Duker Alley	03-558	644
20-foot alley laid out southeast of 29 th Street and		
extending from Cresmont Avenue	03-548	628
Walpert Avenue and a 10-foot alley	03-628	878
Streets - open -		
Alleys (2) laid out in the rear of 201/225 and 227		
West Monument Street	03-496	506

Alleys (2) lying within the area bounded by Holabird Avenue, Rappallo Street, Eastbourne Avenue, and Savage Street	03-555	640
Certain streets and alleys bounded by Ramsay Street, Poppleton Street, McHenry Street, and Parkin Street	03-494	503
Fairmount Avenue and a 10.5-foot alley	03-528	584
Middle East Urban Renewal Project certain streets and alleys . . .	02-463	162
Sarril Road, Strathdale Road, and a portion of Relcrest Road . . .	03-606	811
Spring Street and Duker Alley	03-557	643
Walpert Avenue and a 10-foot alley	03-627	876
Swann's Wharf - Planned Unit Development	03-502	519

T

Tax credit -		
Arts and entertainment districts - property tax - and certain admissions and amusement tax exemptions	02-462	155
Taxes -		
Amending the provisions authorizing semiannual payments for property taxes on owner-occupied residential property to conform to the requirements of State law	03-534	595
Property tax rate for Fiscal Year 2004	03-562	650
Toone Street (3224) - Zoning change	03-622	870
Transit and traffic -		
Parking, stopping, etc., fines increased	03-550	630
Transportation, Department of - established	03-501	516
Truancy center authorized to which minors who violate the daytime curfew laws may be taken	03-539	603
20-foot alley laid out southeast of 29 th Street and extending from Cresmont Avenue - Streets - close	03-548	628
20-foot right-of-way previously granted to the City through the property of Reisterstown Plaza Associates - Right-of-way release	02-466	167
25-foot right-of-way and a 10-foot right-of-way granted to the City through the property of Loch Raven Shopping Center, LLC - Right-of-way release	03-635	901
30-foot wide right-of-way and a 10-foot wide right-of way granted to the City through property of the State of Maryland - Right-of-way release	03-625	874

U

UMB Biomedical Research Park - Planned Unit Development	03-613	848
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Broadway East - Amendment 2	02-457	92
Brooklyn Business Area - Amendment 2	03-503	521
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Gay Street I - Amendment 5	02-459	137
Greenmount West - Amendment 6	03-511	552
Greenmount West - Amendment 7	03-538	602
Inner Harbor East - Amendment 11	03-493	500
Inner Harbor East - Amendment 12	03-512	554
Inner Harbor East - Amendment 13	03-551	635
Inner Harbor East - Amendment 14	03-614	851
Johnston Square - Amendment 9	02-456	78
Lauraville Business District	03-612	820
Market Center - Amendment 15	03-513	555
Middle East - Amendment 7	02-455	13
Mount Vernon - Amendment 10	03-518	568
Oliver - Amendment 12	02-458	118
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Upton - Amendment 14	02-480	468
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V

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W

Walpert Avenue and a 10-foot alley - Streets - close	03-628	878
Walpert Avenue and a 10-foot alley - Streets - open	03-627	876
Ward 22, Section 3, Block 0677, Lots 1-3 - "The Zenith" - Payment in lieu of taxes	Res. 03-044	910
Warwick Avenue (N 1501, 1505, 1549-59) - Zoning change	03-524	577
Washington Boulevard (701) - Planned Unit Development designated	02-471	184

Washington Hill Historical and Architectural District enlarged	03-630	881
Washington Village Urban Renewal Plan - Amendment 3	02-454	12
Water supply regulation powers of the Director and the Department of Public Works	02-476	458
Weapons - Possession, sale, or transfer to minors of air rifles, air guns, and BB guns is prohibited	02-460	153
Winchester Street (2200, 2201) - Zoning change	03-524	577

Z

Zoning - Change -		
Aliceanna Street (1605)	03-564	679
Aliceanna Street (2100)	03-549	630
Baker Street (2501-09, 2511-21, 2527, 2601, 2603, 2605)	03-524	577
Belair Road (portion of 4800-4810)	03-601	802
Belair Road (portion of 4812)	03-601	802
Belair Road (4824-4842)	03-601	802
Belvidere Street (1418,1446)	03-532	591
Block 3390B, Lots 52 and 52A	03-589	746
Bouldin Street (1201, 1203, 1205, and 1207)	03-622	870
Braddish Avenue (1511, 1517-25)	03-524	577
Broadway (N 201 and 301)	03-491	496
Caroline Street (S 710 and 722)	03-626	875
Caroline Street (S 802)	03-537	601
Clipper Road (3500)	03-589	746
Eden Street (S 701)	03-626	875
Guilford Avenue (1501-1517, 1601, 1611, 1639)	03-532	591
Lafayette Avenue (W 2113, 2120, 2200-06)	03-524	577
Lanvale Street (E 301-309)	03-532	591
Lanvale Street (W NS, 108 FT E of Spedden ST)	03-524	577
Mosher Street (2201)	03-524	577
Oliver Street (E 325/35, 401/03, 405/13, 415/17, 419/33)	03-532	591
Parkdale Avenue (3501)	03-589	746
Pratt Street (a portion of E 815)	03-490	496
Presstman Street (2610)	03-524	577
Preston Street (E 1400, 1402, 1404, and 1406)	03-484	486
Race Street (1300)	03-575	699
Riggs Avenue (2101)	03-524	577
Smallwood Street (1001)	03-524	577
Southern Avenue (a portion of 4118)	03-601	802
Spedden Street (813)	03-524	577
Toone Street (3224)	03-622	870
Warwick Avenue (N 1501, 1505, 1549-59)	03-524	577
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Firearm sales or ammunition sales proscribed within a certain distance of any park, church, school, public building, or other place of public assembly, and ammunition sales are confined to certain business districts	03-487	490
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Greenmount West - Arts and Entertainment District	03-533	592
Inner Harbor East II - Amendment	03-522	574
Johns Hopkins South of Orleans	03-492	497
Loch Raven Shopping Center	03-577	735
Sinai Hospital - Amendment	03-604	806
Swann's Wharf	03-502	519
UMB Biomedical Research Park	03-613	848
Washington Boulevard (701)	02-471	184