

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

PASSED AT THE ANNUAL SESSION 2003-2004

VOLUME 1

Ordinances 03-636 to 04-795

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EXPLANATION OF SYMBOLOGY

CAPITALS indicate matter added to existing law.

[Brackets] indicate matter deleted from existing law.

Underlining indicates matter added to the bill by amendment.

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

by amendment or deleted from existing law by amendment.

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

ORDINANCES

PASSED AT THE ANNUAL SESSION

2003-2004

**CITY OF BALTIMORE
ORDINANCE 03-636
(Council Bill 01-619)**

AN ORDINANCE CONCERNING

Zoning — Variances

FOR the purpose of authorizing the Mayor and City Council to grant certain variances as part of the grant of a conditional use; correcting, clarifying, and conforming certain language; and generally relating to zoning variances and conditional uses.

BY repealing and reordaining, with amendments

Article - Zoning

Section(s) 15-101, 15-102, 15-201, 15-202, 15-203, 15-204, 15-206, 15-208,
15-209, 15-211, 15-212, 15-214, 15-217, 15-218, 15-219, 15-301, 15-302

Baltimore City Revised Code
(Edition 2000)

BY adding

Article - Zoning

Section(s) 15-302

Baltimore City Revised Code
(Edition 2000)

BY renumbering

Article - Zoning

Section(s) 15-302

to be

Article - Zoning

Section(s) 15-303

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

Title 15. Variances

Subtitle 1. Overview**§ 15-101. [Board authority] AUTHORITY TO GRANT.**

Subject to the provisions of this title, [the Board may grant] variances from requirements of this article MAY BE GRANTED:

- (1) BY THE BOARD; OR
- (2) AS PART OF AN ORDINANCE AUTHORIZING A CONDITIONAL USE, BY THE MAYOR AND CITY COUNCIL.

§ 15-102. Limitations.

The [Board's] authority to grant a variance applies only to the specific purposes and only on the specific findings set forth in Subtitle 2 of this title.

Subtitle 2. Authorized Variances; Required Findings*Part I. Authorized Variances.***§ 15-201. In general.**

Subject to the findings required by Part II of this subtitle, [the Board may grant] a variance MAY BE GRANTED for the purposes set forth in this Part I, but for no other purpose.

§ 15-202. Lot area and coverage.*(a) Lot area.*

[The Board may grant a] A variance [to] MAY reduce the applicable minimum lot area requirements by no more than:

- (1) 25% of the applicable regulation;
- (2) for churches, temples, and synagogues in R-6 through R-10 Districts, 50% of the applicable regulation; or
- (3) for hotels and inns in a B-3 District, 50% of the applicable regulation if, in addition to all other findings required by this title, the Board OR THE MAYOR AND CITY COUNCIL, AS THE CASE MAY BE, finds that:
 - (i) the reduction will advance the general welfare of the community at large by preserving and promoting historical and architecturally significant structures located on the property; and
 - (ii) a qualified conservation contribution, as defined in the Internal Revenue Code, affecting the entire exterior of the property has been granted to a qualified historical group[, as determined by the Board].

(b) *Lot coverage.*

[The Board may grant a] A variance [to] MAY authorize a lot coverage that is more than that otherwise allowed by the applicable regulation.

§ 15-203. Yards.

[The Board may grant a] A variance [to] MAY authorize a yard or setback that is less than that otherwise required by the applicable regulation.

§ 15-204. Heights and floor area ratios.

(a) *Heights.*

[The Board may grant a] A variance [to] MAY authorize a height that is more or less than that otherwise allowed by the applicable regulation.

(b) *Floor area ratio.*

[The Board may grant a] A variance [to] MAY increase a basic floor area ratio factor by no more than 75% of the applicable regulation.

§ 15-206. Gross floor area in B-1 District.

In a B-1 District, [the Board may grant] a variance [to] MAY increase by no more than 10% the maximum gross floor area of any use so limited.

§ 15-208. Off-street parking — in general.

(a) *Distance from use.*

[The Board may grant a] A variance [to] MAY increase by no more than 50% the maximum distance between required off-street parking facilities and the use that they serve.

(b) *Number of spaces.*

For uses other than marinas, [the Board may grant] a variance [to] MAY reduce by no more than 75% the number of off-street parking spaces otherwise required by the applicable regulation.

(c) *Shared spaces.*

For uses other than marinas, [the Board may grant] a variance [to] MAY authorize the same off-street parking spaces to serve as required spaces for 2 or more uses, as long as the 2 or more users do not make substantial use of the spaces at approximately the same hours of the same days of the week.

§ 15-209. Off-street parking — marinas.

(a) *Number of spaces — in general.*

For marinas, [the Board may grant] a variance [to] MAY reduce by no more than 50% the number of off-street parking spaces otherwise required by the applicable regulation.

(b) *Number of spaces — accessory marinas.*

For accessory marinas, [the Board may grant] a variance [to] MAY reduce by up to 100% the number of off-street parking spaces otherwise required by the applicable regulation, if:

- (1) adequate binding assurances are provided to insure that use of the marina slips is restricted to occupants of properties within 300 feet of a marina entrance; and
- (2) the parking requirement for the principal use has not been and is not later reduced by variance.

(c) *Shared spaces with marinas.*

For marinas, [the Board may grant] a variance [to] MAY authorize other uses to share no more than 50% of the number of off-street parking spaces required for the marina, if:

- (1) substituted spaces, which may be off-site, are provided to meet the parking requirements for industrial or office uses not otherwise reduced by variance;
- (2) the nearest boundary of the substituted spaces is within 300 feet of the nearest marina entrance being served; and
- (3) where leased spaces are to be used to satisfy parking requirements:
 - (i) the lease is for a term of at least 20 years;
 - (ii) the lease is approved by the Director of Planning; and
 - (iii) a new conditional use hearing is held if the lease is not renewed or extended.

(d) *Marina expansion.*

Before [the Board may authorize] the expansion of a marina MAY BE AUTHORIZED, the Board OR THE MAYOR AND CITY COUNCIL, AS THE CASE MAY BE, must find, in addition to all other findings required by this title, that the entire marina will meet the current parking standards if the number of cumulative additional boat slips ever exceeds 25% of the number of slips that were constructed or for which permits had been issued on or before May 15, 1991.

§ 15-211. Roomers.

[The Board may grant a] A variance [to] MAY increase the number of roomers to more than that otherwise allowed by the applicable regulation.

§ 15-212. Front lot line by private ways.

(a) *In general.*

- (1) For purposes of establishing front lot lines, [the Board may grant] a variance [to] MAY reduce the 30-foot minimum-width requirement for private ways limited exclusively to pedestrian traffic as provided in this section.
- (2) The variance may allow a reduction of not more than 5 feet for not more than 20% of the length of the private way between any 2 intersecting public or private ways.

(b) *Application.*

The owners of all property adjoining the private way must join in the application [to the Board] for the variance.

(c) *Required findings.*

In addition to all other findings required by this title, [the Board] A FINDING must [find] BE MADE that the variance will promote planned group development of the land that binds on the private way, so that buildings adjoining the private way will be constructed or rehabilitated in a harmonious and architecturally attractive manner, to the end that the general welfare will be promoted by stabilizing and enhancing the economic values of all properties in the area and by providing an incentive for proper maintenance and elimination of obsolescence.

(d) *Referral to Planning.*

Before [it] THE BOARD grants [the] A variance UNDER THIS SECTION, the Board [forwards] MUST FORWARD the application to the Department of Planning for its report and recommendation in the same manner as provided in § 14-202 {"Referral to Planning"} and § 14-203 {"Planning report and recommendation"}[,] of this article for conditional uses.

§ 15-214. Unusable lots.

The Board OR THE MAYOR AND CITY COUNCIL, AS THE CASE MAY BE, may authorize any other variance from the terms of this article if, in addition to all other findings required by this title, [the Board] IT finds as a matter of fact that:

- (1) the lot cannot be reasonably used for any of the permitted or conditional uses set forth for the zoning district in which it is located;
- (2) the use or bulk regulations applicable to the lot have the effect of depriving the owner of all reasonable use of the lot; and
- (3) the variance is necessary to avoid arbitrariness.

*Part II. Required Findings***§ 15-217. In general.**

[The Board may not grant a] A variance MAY NOT BE GRANTED unless, after public notice and hearing, the Board OR THE MAYOR AND CITY COUNCIL, AS THE CASE MAY BE, makes the following findings.

§ 15-218. Finding of unnecessary hardship or practical difficulty.

The Board OR MAYOR AND CITY COUNCIL must find that, because of the particular physical surroundings, shape, or topographical conditions of the specific structure or land involved, an unnecessary hardship or practical difficulty would result, as distinguished from a mere inconvenience, if the strict letter of the applicable requirement were carried out.

§ 15-219. Other required findings.

The Board OR MAYOR AND CITY COUNCIL must also find that:

- (1) the conditions on which the application is based are unique to the property for which the variance is sought and are not generally applicable to other property within the same zoning classification;
- (2) the unnecessary hardship or practical difficulty is caused by this article and has not been created by the intentional action or inaction of any person who has a present interest in the property;
- (3) the purpose of the variance is not based exclusively on a desire to increase the value or income potential of the property;
- (4) the variance will not:
 - (i) be injurious to the use and enjoyment of other property in the immediate vicinity; or
 - (ii) substantially diminish and impair property values in the neighborhood;
- (5) the variance will not:
 - (i) impair an adequate supply of light and air to adjacent property;
 - (ii) overcrowd the land;
 - (iii) create an undue concentration of population;
 - (iv) substantially increase the congestion of the streets;
 - (v) create hazardous traffic conditions;
 - (vi) adversely affect transportation;
 - (vii) unduly burden water, sewer, school, park, or other public facilities;
 - (viii) increase the danger of fire; or
 - (ix) otherwise endanger the public safety;
- (6) the variance is not precluded by and will not adversely affect:
 - (i) any Urban Renewal Plan; or
 - (ii) the City's Master Plan;
- (7) the variance will not otherwise:
 - (i) be detrimental to or endanger the public health, security, general welfare, or morals; or
 - (ii) in any way be contrary to the public interest;
- (8) the variance is in harmony with the purpose and intent of this article; and
- (9) within the purpose and intent of this article, the variance granted is the minimum necessary to afford relief, to which end [the Board may permit] a lesser variance than that applied for MAY BE PERMITTED.

Subtitle 3. Procedures**§ 15-301. Applications – FOR BOARD APPROVAL.****(a) *Who may apply.***

An application for a BOARD variance must be filed by the property owner or with the written consent of the property owner.

(b) *Filing with Administrator.*

The application must be filed with the Zoning Administrator in the form that the Zoning Administrator requires.

(c) *Contents.*

The application must:

- (1) be accompanied by the plans and information that the Board requires by general rule; and
- (2) include a written statement by the applicant, with adequate supporting evidence, showing how the proposed variance will conform to the standards set forth in Subtitle 2 of this title.

(d) *Transmittal to Board.*

The Zoning Administrator must forward the application and all relevant information to the Board.

§ 15-302. APPLICATIONS – FOR ORDINANCE.

BILLS PROPOSING VARIANCES IN CONJUNCTION WITH CONDITIONAL USES ARE GOVERNED BY THE PROCEDURES IN TITLE 16 {“LEGISLATIVE AUTHORIZATIONS”} OF THIS ARTICLE.

§ [15-302] 15-303. Imposition of conditions.**(a) *[Board may impose] IN GENERAL.***

Before the Board OR MAYOR AND CITY COUNCIL grants any variance, it may impose on the establishment, location, construction, maintenance, and operation of the variance, any conditions, restrictions, or limitations that it considers necessary or desirable to:

- (1) reduce or minimize any effect of the special exception or variance on other properties in the neighborhood;
- (2) secure compliance with the standards and requirements of this title; and
- (3) better carry out the intent and proposes of this article.

(b) *Guarantees.*

The Board OR MAYOR AND CITY COUNCIL may require whatever evidence and guarantees that it considers necessary to assure that the conditions, restrictions, and limitations imposed by it will be met and complied with.

(c) *Compliance required.*

Failure to comply with any condition, restriction, or limitation imposed under this section constitutes a violation of this article.

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 22, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-637
(Council Bill 03-1139)**

AN ORDINANCE CONCERNING

Sale of Property — 1201-1221 Wall Street

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain property that is located at 1201-1221 Wall Street (Block 966, Lot 75) 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 1201-1221 Wall Street (Block 966, Lot 75), containing 18,000 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 December 22, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-638
(Council Bill 03-1154)**

AN ORDINANCE CONCERNING

Zoning – Bus Passenger Shelters

FOR the purpose of allowing bus passenger shelters, including those with advertising signs, as a permitted use in certain ~~business~~ districts; extending to all districts the prohibition against shelter signs that advertise alcoholic beverages or tobacco products; ~~limiting advertising signs to shelters situated along certain thoroughfares~~; allowing the repair, structural alteration, reconstruction, or expansion of nonconforming shelters under certain conditions; correcting, clarifying, and conforming certain language; and generally relating to the regulation of bus passenger shelters and general advertising signs.

BY adding

Article - Zoning

Section(s) ~~6-306(9a)~~, 4-1201(2a), 5-201(2a), 6-206(8a), and 13-611

Baltimore City Revised Code

(Edition 2000)

BY repealing and reordaining, with amendments

Article - Zoning

Section(s) 6-208(12)(ii), 6-306(10), 7-206(13), and 11-424

Baltimore City Revised Code

(Edition 2000)

BY repealing

Article - Zoning

Section(s) 6-209(.5), 6-506(5), and 7-208(.5)

Baltimore City Revised Code

(Edition 2000)

BY repealing and reordaining, without amendments

Article - Zoning

Section(s) ~~6-208(12)(ii)~~, ~~6-209(.5)~~, 4-1301(1), 6-306(1), 6-406(1), 6-506(1),
6-606(1), 7-206(13), 7-208(.5), 7-306(1), 7-406(1), and 11-101(e)

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

Title 4. Residence Districts

§ 4-1201. Permitted uses.

In an R-9 District, permitted uses are as follows:

(2A) BUS PASSENGER SHELTERS – INCLUDING ADVERTISING SIGNS THAT COMPLY WITH § 11-424 OF THIS ARTICLE.

§ 4-1301. Permitted uses.

In an R-10 District, permitted uses are as follows:

(1) As in an R-9 District.

Title 5. Office-Residence Districts

§ 5-201. Permitted uses.

In an O-R District, permitted uses are as follows:

(2A) BUS PASSENGER SHELTERS – INCLUDING ADVERTISING SIGNS THAT COMPLY WITH § 11-424 OF THIS ARTICLE.

Title 6. Business Districts

§ 6-206. Permitted uses.

In a B-1 District, permitted uses are as follows:

(8A) BUS PASSENGER SHELTERS – INCLUDING ADVERTISING SIGNS THAT COMPLY WITH § 11-424 OF THIS ARTICLE.

§ 6-208 Conditional use – Board approval required.

In a B-1 District, conditional uses that require Board approval are as follows:

(12) Public utility uses, as follows:

(ii) Bus and transit turnarounds and passenger shelters – but not including advertising signs.

§ 6-209. Conditional uses – Ordinance required.

In a B-1 District, conditional uses that require approval by ordinance are as follows:

(-5) Bus passenger shelters – including advertising signs that comply with § 11-424 of this article.

§ 6-306. Permitted uses.

In a B-2 District, permitted uses are as follows:

(1) As in a B-1 District, except that:

(i) the gross floor area limitations of a B-1 District do not apply; and

(ii) drive-in establishments are not excluded.

~~(9A) BUS PASSENGER SHELTERS — INCLUDING ADVERTISING SIGNS THAT COMPLY WITH § 11-424 OF THIS ARTICLE.~~

(10) Bus and transit turnarounds [and passenger shelters – but not including advertising signs].

§ 6-406. Permitted uses.

In a B-3 District, permitted uses are as follows:

(1) As in a B-2 District, except that business establishments are not limited to primarily retail or service establishments.

§ 6-506. Permitted uses.

In a B-4 District, permitted uses are as follows:

(1) As in a B-2 District, except that business establishments are not limited to primarily retail or service establishments.

[(5) Bus passenger shelters – including advertising signs that comply with § 11-424 of this article.]

§ 6-606. Permitted uses.

In a B-5 District, permitted uses are as follows:

(1) As in a B-3 or B-4 District.

Title 7. Industrial Districts

§ 7-206. Permitted uses.

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

(13) Bus and transit turnarounds and passenger shelters – ~~but not~~ THAT COMPLY WITH § 11-424 OF THIS ARTICLE including advertising signs.

§ 7-208. Conditional uses – Ordinance required.

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

~~(5) Bus passenger shelters – including advertising signs that comply with § 11-424 of this article.~~

§ 7-306. Permitted uses.

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

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

§ 7-406. Permitted uses.

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

- (1) As in an M-2 District.

Title 11. Sign Regulations

§ 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.

§ 11-424. Advertising signs on passenger shelters.

(a) *In general.*

Advertising signs on bus passenger shelters are allowed [in all districts] ONLY as provided in this section.

(b) *Limitations* ~~—All districts.~~

- (1) In all districts, these signs are subject to the following requirements.
- ~~(2) THE SHELTER MUST BE LOCATED ON A MAJOR THOROUGHFARE LEADING INTO OR OUT OF THE CITY.~~
- (2) ~~(3)~~ [(2)] The sign display area must be integral to the design of the passenger shelter.
- (3) ~~(4)~~ [(3)] No sign may extend from the face of the passenger shelter.
- (4) ~~(5)~~ [(4)] No sign may extend above the top of the passenger shelter.
- (5) (6) [(5)] The advertising sign area may not exceed 25 square feet on one side. The sign may be double-sided. Informational signs, transit rider information, and maps provided by the Mass Transit Administration are not included within this size limit. A community information panel is

allowed and is not included within this size limit as long as it does not exceed 11" x 17" and is placed on the inside of the shelter.

~~(6)~~ (7) [(6) (i) Except as specified in subparagraph (ii) of this paragraph, no] NO sign may advertise alcoholic beverages or tobacco products.

[(ii) The prohibition of this paragraph (6) does not apply to any sign located:

(A) in a B-4 District;

(B) in an M-3 District, if the sign is more than 1,000 feet from the boundary of any other district that is not a B-4 or M-3 District; or

(C) in an M-3 District, if the sign is more than 500 feet from the boundary of any other district that is not a B-4 or M-3 District and the sign faces away from that other district.]

~~(7)~~ (8) [(7)] Parties are eligible to place advertising on bus passenger shelters only if they:

(i) have obtained a minor privilege permit for each shelter that is in a public right-of-way; and

(ii) have an agreement for the advertising that has been approved by the Board of Estimates.

~~(8) THE SHELTER AND SITE MUST BE APPROVED BY THE PLANNING COMMISSION.~~

(9) [(8)] The sign must otherwise comply with all applicable requirements of this title.

~~(c) Limitations = B-4 and B-5 Districts.~~

~~In a B-4 or B-5 District, the shelter and site must be approved by the Planning Commission.~~

Title 13. Nonconformance

§ 13-611. Bus passenger shelters.

NOTHING IN THIS TITLE PROHIBITS THE REPAIR, STRUCTURAL ALTERATION, RECONSTRUCTION, EXPANSION, OR REPLACEMENT OF A NONCONFORMING BUS PASSENGER SHELTER IF:

(1) ALL NECESSARY PERMITS, INCLUDING A MINOR PRIVILEGE PERMIT, HAVE BEEN OBTAINED FOR THE SHELTER AND ALL RELATED WORK; AND

(2) THE SHELTER DOES NOT AND WILL NOT CONTAIN ANY ADVERTISING SIGN.

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 22, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-639
(Council Bill 03-1202)**

AN ORDINANCE CONCERNING

**Planned Unit Development — Amendment 1 —
North Charles Village**

FOR the purpose of approving certain amendments to the Development Plan of the North Charles Village Planned Unit Development.

BY authority of

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

Recitals

By Ordinance 96-35, the Mayor and City Council approved the application of the owners of certain properties located generally within the area bounded by 33rd Street on the north, Hargrove Alley on the east, 30th Street on the south, and Charles Street on the west, consisting of 12 acres, more or less, to have the properties designated as a Residential Planned Unit Development and approved the Development Plan submitted by the applicant.

The Johns Hopkins University, as owner of the properties known as 3001, 3103, 3105, 3211, 3213, 3301, 3339, and 3401 North Charles Street, 10 East 33rd Street, and 3301 and 3330 St Paul Street, wishes to have these properties designated as part of the Residential Planned Unit Development for North Charles Village. The Johns Hopkins University has submitted an Illustrative Preliminary Build-Out Plan for the properties at 3301 North Charles Street, 10 East 33rd Street, and 3330 St. Paul Street.

Struever Bros. Eccles & Rouse, Inc., has submitted an Illustrative Preliminary Build-Out Plan for the development of both the east and west side of the 3200 block of St. Paul Street.

On July 22, 2003, representatives of The Johns Hopkins University and Struever Bros. Eccles & Rouse, 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 The Johns Hopkins University and Struever Bros. Eccles & Rouse, 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:

- (a) Sheet 1, "Existing Conditions Plan", dated September 2003;
- (b) Sheet 2, "Proposed Conditions Plan", dated September 2003;

- (c) Sheet 3, "Illustrative Preliminary Build-Out Plan", dated September 2003, as revised November 2003; and
- (d) Sheet 4, "Landscape Concept Plan", dated September 2003.

SECTION 2. AND BE IT FURTHER ORDAINED, That Section 3 of Ordinance 96-35 is amended to read as follows:

SEC. 3. AND BE IT FURTHER ORDAINED, That the Development Plan approved hereby is subject to the following use regulations and limitations:

[1.] (A) The following uses shall be permitted within all areas of the Planned Unit Development:

- Accessory radio and tv antennas
- Amusement devices - up to 5
- Antique shops
- Apartment hotels
- Art and school supply stores
- Art needlework shops
- Automatic banking terminals
- Banks and building and loan associations
- Barber shops
- Beauty shops
- Bed and breakfast home and establishment
- Bicycle sales, rental and repair stores
- [Book and magazine stores (class A)]
- BOOK STORES - GENERAL
- Bus passenger shelters
- BUTCHER SHOPS
- Camera and photographic supply stores
- CANDLES/FRAGRANCE STORES
- Candy and ice cream stores
- China and glassware stores
- Clothes pressing establishments
- Clothing and costume rental stores
- COFFEE SHOPS
- Coin and philatelic stores
- COMMERCIAL SCHOOLS, NOT INCLUDING BEAUTY SCHOOLS
- COMPUTER STORES
- COSMETIC STORES
- DAY CARE FACILITIES - DAY NURSERIES AND NURSERY SCHOOLS; SCHOOL-AGE CHILD CARE CENTERS
- Drug stores and pharmacies
- Dry cleaning and laundry receiving stations
- Dwellings
- ELECTRICAL AND HOUSEHOLD APPLIANCE STORES
- Electrical and household appliance repair stores
- [Exhibit rooms]
- FABRIC STORES
- Family Day Care Centers
- Financial institutions
- Florist shops

Food stores, grocery stores, meat markets, bakeries and [delicatessans]
DELICATESSENS
FURNITURE STORES
GARAGES, FOR 4 OR MORE MOTOR VEHICLES
GARDEN, SUPPLY, TOOL AND SEED STORES
Gift and card shops
HANDBAG STORES
Hardware stores
Hobby shops
HOTELS AND MOTELS
Interior decorating shops
Jewelry stores
Junior colleges, colleges, and universities - but not including business colleges or
trade schools
KITCHENWARE STORES
Launderettes
Laundries
Leather goods and luggage stores
Libraries and art galleries
Locksmith shops
MESSAGE THERAPISTS' OFFICES
Medical and dental clinics
Millinery shops
MOTOR VEHICLES: RENTAL AS ACCESSORY USE TO GARAGE NOT TO EXCEED 25
SPACES IN THE GARAGE (NOT INCLUDING SERVICING OF VEHICLES)
Multi-purpose neighborhood centers
Museums, aquariums, and planetariums
Musical instrument sale and repair
Newsstands
Offices - business, governmental and professional
Office supply stores
Optician sales
OUTDOOR SEATING ACCESSORY TO ANY ALLOWED USE
Outdoor table service accessory to restaurant
Parks and playgrounds
PET SHOPS (NOT INCLUDING SALE OF PETS), DOG GROOMING, PET SUPPLIES
Philanthropic and charitable institutions
Phonographic record and sheet music stores
Photocopying service
Photographers
PHOTOGRAPHIC PRINTING AND DEVELOPING
Physical culture - gyms, reducing salons
Picture framing shops
Post offices
Recreation buildings and community centers
[Recycling collection stations]
Restaurants and lunch rooms - not including live entertainment or dancing, and
having greater than 50% of receipts in food [(except in Area C)]
SCHOOLS AND STUDIOS: BUSINESS, DANCE, AND MUSIC
SEAFOOD STORES
Security sales, brokerages and exchanges
SHOE REPAIR SHOPS
SHOE STORES

Sporting and athletic goods stores
 Stationery stores
 Studios - music and dance
 Swimming pools
 Tailor or dressmaking shops
~~TELEPHONE STORES - COMMUNICATION SYSTEMS; SALES AND SERVICE~~
 Temporary real estate offices
 Tennis club (rooftop only)
 Theaters
 Ticket agencies
 Tobacco shops
 Toy stores
 Travel bureaus
 Vending machines (limited to ice and milk)
 Video movie stores, sales and rentals
 Watch and clock shops
 Wearing apparel shops

- [2. In Area E, uses shall be limited to Garages and Off-Street Parking Lots. Parking lots in other areas shall be limited to accessory use only.]
- (B) GARAGES AND OFF-STREET PARKING LOTS, IN ALL AREAS, EXCEPT AREAS C AND D, SHALL BE LIMITED TO ACCESSORY USE ONLY.
- [3.] (C) In Area F, uses shall be limited to residential, as in R-10, and offices - business, governmental and professional.
- [4.] (D) The following uses shall be conditional uses within the Planned Unit Development, subject to approval by the Board of Municipal and Zoning Appeals in accordance with the provisions of [Section 11.0-3c] TITLE 14 of the Zoning [Article] CODE of [the] Baltimore City [Code]:

Carry out food shops LIMITED IN HOURS FROM 6 A.M. TO MIDNIGHT
 Day nurseries, group day care centers, and nursery schools
 Fraternity and sorority houses (Areas B and D only), WITH THE EXCEPTION OF 3301 ST. PAUL STREET AND THE 3000 BLOCK OF NORTH CHARLES STREET WHERE THEY ARE PROHIBITED
FRATERNITY AND SORORITY HOUSES (AREAS G AND F NORTH OF 33RD STREET)
 Furniture stores
LIQUOR LICENSES, IN AREAS C, D, AND G, LIMITED TO 5, WITH NO MORE THAN 4 RESTAURANT LICENSES
 Liquor stores LIMITED TO ONE AND LIMITED TO AREA A
 LIVE ENTERTAINMENT ACCESSORY TO RESTAURANTS AND BOOKSTORES AND LIMITED TO AREAS D AND G
 Prepared food delivery
~~Private clubs and lodges (non-profit)~~
 [Restaurants and lunch rooms in Area C - not including live entertainment or dancing, and having more than 50% of receipts in food]
 Schools, commercial
 ONE TAVERN WITH CLOSING HOUR LIMITED TO MIDNIGHT, THE STORE SIZE LIMITED TO 4,000 SQUARE FEET, AND ONLY IN AREA D.

- [5.] (E) The following use shall be a conditional use within the Planned Unit Development, requiring authorization by ordinance of the Mayor and City Council in accordance with the provisions of [Section 11.0-6c] TITLE 16 of the Zoning [Article] CODE of [the] Baltimore City [Code]:

Housing for the elderly

- [6.] (F) In Area B, office and retail uses may occupy no more than 25% of the gross square footage of a building.
- [7.] (G) Outdoor display and sales as an accessory use to adjacent businesses shall be allowed.
- (H) COMMERCIAL USES AS PROVIDED IN SECTION 3(A) ABOVE MAY OCCUPY ONLY THE GROUND, FIRST, AND SECOND FLOORS OF A BUILDING AND SHALL NOT HAVE FRONTAGE ON CHARLES STREET, EXCEPT AREA B.

SECTION 3. AND BE IT FURTHER ORDAINED, That Section 5 of Ordinance 96-35 is amended to read as follows:

SEC. 5. AND BE IT FURTHER ORDAINED, That [commercial uses are exempt from off-street parking regulations. Off-street parking regulations for residential uses , including the general requirements and off-street parking regulations set forth in Sections 9.0-1 and 9.0-2 of Chapter 9 (Off-Street Parking Regulations) of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended), remain the same as for the underlying zoning district] OFF-STREET PARKING REQUIREMENTS WITHIN ALL AREAS OF THE PLANNED UNIT DEVELOPMENT ARE AS FOLLOWS:

- (A) COMMERCIAL USES ARE EXEMPT FROM OFF-STREET PARKING REGULATIONS, EXCEPT AS PROVIDED BELOW.
- (B) OFF-STREET PARKING REGULATIONS FOR RESIDENTIAL USES, INCLUDING THE GENERAL REQUIREMENTS AND OFF-STREET PARKING REGULATIONS SET FORTH IN TITLE 10 OF THE ZONING CODE OF BALTIMORE CITY, REMAIN THE SAME AS FOR THE UNDERLYING ZONING DISTRICT, EXCEPT AS PROVIDED BELOW.
- (C) FOR ANY NEW CONSTRUCTION IN ~~IN~~ AREAS C, D, AND G, THE OFF-STREET PARKING REQUIREMENTS ARE AS FOLLOWS:
- (I) COMMERCIAL USE - 1 PARKING SPACE PER 600 FEET IN EXCESS OF 4,000 SQUARE FEET OF GROSS FLOOR AREA PER BUILDING
- (II) OFFICE USE - 1 SPACE PER 400 SQUARE FEET IN EXCESS OF 1,000 SQUARE FEET OF GROSS FLOOR AREA (AREA C); 1 SPACE PER 800 SQUARE FEET IN EXCESS OF 2,000 SQUARE FEET OF GROSS FLOOR AREA (AREAS D AND G)
- (III) RESIDENTIAL USE - 1 PARKING SPACE PER DWELLING UNIT (AREA C); 1 PARKING SPACE PER 2 DWELLING UNITS (AREA D); AND 1 PARKING SPACE PER 6 ROOMING UNITS (AREA G)
- (D) IN ANY NEW CONSTRUCTION IN ANY OTHER AREA, THE OFF-STREET PARKING REQUIREMENTS SHALL BE THE SAME AS THE UNDERLYING ZONING DISTRICT.
- (E) THE OFF-STREET PARKING REQUIREMENTS FOR ANY USE SHALL BE PROVIDED IN ANY OFF-STREET PARKING FACILITY LOCATED WITHIN THE PLANNED UNIT DEVELOPMENT, EXCEPT

THAT IN AREA G, THE OFF-STREET PARKING REQUIREMENTS FOR RESIDENTIAL USE MAY BE PROVIDED IN AN OFF-STREET PARKING FACILITY LOCATED AT JOHNS HOPKINS AT EASTERN, 1101 EAST 33RD STREET.

SECTION 4. AND BE IT FURTHER ORDAINED, That Section 7 of Ordinance 96-35 is amended to read as follows:

SEC. 7. AND BE IT FURTHER ORDAINED, That the North Charles Village PUD Design Review Committee shall be a standing committee of the Charles Village Civic Association, and the following representatives, WHO SHOULD DEMONSTRATE PROFESSIONAL DESIGN, PLANNING, AND/OR ECONOMIC DEVELOPMENT EXPERIENCE, shall comprise this committee:

- ~~1. Charles Village Civic Association (CVCA) President or an alternate designated as Chair~~
 - ~~2. Volunteer advisor, architect (non-voting)~~
 - ~~3. Baltimore City Planning Department, planner (non-voting)~~
 - ~~4. Charles Village Civic Association, nearby neighbor of the North Charles Village PUD~~
 - ~~5. Charles Village Community Benefits District, resident~~
 - ~~6. Greater Homewood Community Corporation, resident or business~~
 - ~~7. North Charles Village PUD, business owner or managing agent~~
 - ~~8. North Charles Village PUD, property owner~~
 - ~~9. Johns Hopkins University~~
- CHARLES VILLAGE CIVIC ASSOCIATION (CVCA) PRESIDENT OR AN ALTERNATE DESIGNATED AS CHAIR
 - CVCA DESIGNATED VOLUNTEER ARCHITECT
 - CHARLES VILLAGE COMMUNITY BENEFITS DISTRICT
 - NORTH CHARLES VILLAGE BUSINESS ASSOCIATION
 - NORTH CHARLES VILLAGE PUD DISTRICT COMMERCIAL PROPERTY OWNER
 - NORTH CHARLES VILLAGE PUD DISTRICT RESIDENT
 - ABELL IMPROVEMENT ASSOCIATION
 - GREENWAY COMMUNITY ASSOCIATION
 - OAKENSHAW IMPROVEMENT ASSOCIATION
 - JOHNS HOPKINS UNIVERSITY
 - UNION MEMORIAL HOSPITAL

- BALTIMORE CITY PLANNING DEPARTMENT, PLANNER (NON-VOTING)

SECTION 5. AND BE IT FURTHER ORDAINED, That the following goals will guide the actions and decisions of the North Charles Village PUD Design Review Committee:

- Increase the variety of retail opportunities to serve better the people who live, work, and study in the neighborhood
- Develop a vibrant identity for the North Charles Village Business and PUD area
- Maintain the scale and flavor of Charles Village's distinctive architectural fabric
- Create a bridge to attract the students and employees of Johns Hopkins University, Union Memorial Hospital, and area schools
- Eliminate blighted and vacant buildings
- Increase employment in Charles Village
- Increase parking capacity in the area
- Stabilize and increase property values in the area.

SECTION 6. AND BE IT FURTHER ORDAINED, That to ensure that development is consistent with the requirements and objectives of the North Charles Village PUD District, all plans and specifications for new construction (including parking lots) and exterior rehabilitation for any property must be submitted for approval to the Department of Housing and Community Development. The plan review process begins with a building permit application to DHCD:

1. The Department of Housing and Community Development must forward permit applications for all new construction and for all renovations that include significant exterior changes that are visible from a public street, to the Chair of the North Charles Village PUD Design Review Committee or designee.
2. In addition to material given to DHCD, developers or property owners are responsible for providing the following information to the North Charles Village PUD Design Review Committee.
 - (1) Renovation projects that change existing building facades visible from a public street:
 - (i) photographs of the existing facades and neighboring buildings;
 - (ii) elevations of the facades showing the proposed changes;
 - (iii) additional drawings or renderings as needed to explain the proposed changes; and
 - (iv) color chips and samples of proposed materials.
 - (2) New projects that include new structures or new building additions that are visible from a public street:
 - (i) the items listed above;

- (ii) elevations of all of the facades;
 - (iii) a complete set of floor plans;
 - (iv) a site plan showing adjacent properties and structures; and
 - (v) a small study model.
3. The site plans and drawings must be drawn to a standard architectural or engineering scale. Photographs and renderings must show enough of the blocks and buildings around the project so that the Design Review Committee can determine how successfully the project fits with the nearby parts of the neighborhood and the context of the North Charles Village PUD District.
 4. Preliminary Submission: All property owners and developers are encouraged to bring their conceptual and preliminary designs to the Design Review Committee to begin a dialogue before the plans are finalized for the required City permits. An early presentation of the plans will often help the proposal proceed smoothly through the approval process without major and costly last minute changes to the plans. Preliminary presentations may expedite the process but do not change the formal approval process.
 5. Final Submission: The Design Review Committee will have 30 days from the date of the receipt of the final required information from the owner or developer to recommend approval or disapproval of the permit to DHCD. The Committee will advise the applicant and the Department of Planning of any changes or additions required. Design Review approval shall consist of a letter to the owner or developer and the Planning Department written within 7 working days of the decision in order for required permits to proceed. If the owner or developer and the Design Review Committee are unable to reach consensus, a letter of approval will not be issued.
 6. Later Revisions: If the project plans undergo substantial change before the permits are approved by DHCD, the revised plans must be submitted to the Design Review Committee for additional review. The Committee will have 30 days from the receipt of the new required information to review the amended plans. Design Review approval shall consist of a letter to the owner or developer and the Planning Department written within 7 working days of the decision in order for required permits to proceed.
 7. Design Advisory Panel Review: If a development project located within the North Charles Village PUD District boundaries is referred by the Planning Department or DHCD to the City's Design Advisory Panel for design review, the project must also be referred to this Design Review Committee. The Design Review Committee will, within the time specified for its comments, forward its recommendations to the Commissioner so that its views, along with those of the Design Advisory Panel, can be considered in the Commissioner's decisions.

SECTION 7. AND BE IT FURTHER ORDAINED, That all areas of the Planned Unit Development are part of the Charles Village/Abell Historical District, and that building preservation, wherever possible, is a goal. It is acknowledged that the Development Plan for Areas C, D, and G of the Planned Unit Development will require the demolition of the buildings in those Areas, and the preservation of these buildings is not possible.

SECTION 4. AND BE IT FURTHER ORDAINED, That the North Charles Village PUD Design Guidelines and Standards are as follows:

~~(a) New Construction~~

~~New construction shall be compatible with existing architecture in scale, mass, materials, and setbacks.~~

~~(b) Adjoining Properties~~

~~Adjoining properties used by the same occupant shall be rehabilitated in a unified and harmonious manner. Each building shall be rehabilitated and repaired with materials and in a manner consistent with the original construction techniques, where feasible.~~

~~(c) Security Grilles~~

~~Exterior enclosures and housing for security grilles and screens are not allowed on the front of commercial uses.~~

~~(d) Rear of Building & Property~~

~~The rear of the buildings shall be maintained in a neat and clean appearance.~~

- ~~• Dumpsters shall be screened by a solid wall and subject to Design Review and Approval. In Area C, dumpster pick-up and loading shall be limited to 8 a.m. to 5 p.m. weekdays and after 9 a.m. weekends.~~
- ~~• HVAC equipment shall be installed to minimize visual, noise, and odor impacts and shall comply with Title 9 {Noise Regulation} of the Health Code of Baltimore City.~~
- ~~• Screened and/or landscaped parking areas are encouraged.~~
- ~~• No outdoor storage is allowed.~~

~~(e) Signs~~

~~A successful sign can reinforce the image of North Charles Village as well as serve the needs of the business:~~

- ~~• A sign should express an easy to read, direct message. Keep it simple.~~
- ~~• A storefront should not have more than 2 signs, including awning signage - 1 primary and 1 secondary.~~
- ~~• A flush-mounted sign board may extend the width of the storefront, but should not be more than 2½ feet high. The sign should be mounted below the second-story window sills. Generally, lettering should be 8 to 18 inches high and occupy only about 65% of the sign board.~~
- ~~• A hanging sign should be a maximum of 5 square feet and should project no more than 3 feet. The size and location of a hanging sign should be carefully considered so that it does not interfere with neighboring signs.~~
- ~~• Window signs should not obscure the display area. The color of the letters should contrast with the display background. Light colored letters or gold leafed letters with dark borders are effective.~~

- ~~New box signs are not allowed. Free-standing signs are allowed in Area B only.~~
- ~~Illuminated signs can be appropriate if they respect the proportions of the storefront and the guidelines outlined previously. Painted signs can be directly illuminated with fluorescent or incandescent lights. Exposed neon signage can be effective, adding color and vitality to the street.~~
- ~~Permanent window signs should not obscure interior display areas. Temporary paper signs should not exceed 50% of the window area.~~
- ~~Appropriate decorative flags and fabric banners are encouraged.~~

~~(f) Awnings~~

~~Canvas awnings are encouraged. The canvas awning is an important design element in the traditional storefront.~~

- ~~A standard street-level awning should be mounted so that the valance is at least 7 feet above the sidewalk, and the awning should project between 4 and 7 feet from the building. An 8-12 inch valance is usually attached at the awning bar. Awning signage must be limited to maximum-sized 12-inch valances.~~
- ~~An awning can be attached above the display window and below the cornice or sign panel. An awning may also be mounted between the transom and display windows to allow light into the store.~~
- ~~An awning should reinforce the frame of the storefront and should not cover the piers or the space between the second-story window sills and the storefront cornice.~~
- ~~Inappropriate storefront alterations can be effectively disguised by mounting an awning over the alterations, while maintaining the proportions of a traditional storefront.~~
- ~~Aluminum and vinyl awnings are not allowed.~~
- ~~Canopies that are a part of the building's architectural features are allowed.~~

~~(g) Landscaping~~

~~Front yards shall be designed and landscaped in an appropriate manner and shall be maintained in a neat and clean appearance.~~

~~(h) Parking Lots~~

~~All parking lots shall be screened from adjacent properties by a fence or landscaped area of not less than 42 inches in height. If garages in Area C are demolished, construction of a 1-story brick-faced wall along Hargrove Street is required. In Area C, parking lots must not be accessed from Hargrove Street.~~

~~(i) Demolition~~

~~The Baltimore City Planning Commission must approve development plans, and financing must be secured before a building demolition permit can be issued. A building permit must be completed before a demolition permit will be issued.~~

~~(j) Design Review and Approval~~

~~Design for all improvements and modifications affecting the exterior of the building and yard shall be submitted to the North Charles Village PUD Design Review Committee (established by Ordinance 96-35) for review and recommendation to the Baltimore City Planning Department. The applicant may request that improvements and modifications be brought to the Baltimore City Planning Commission for review and approval.~~

- ~~• An amendment to the Design Standards shall be considered a Minor Amendment to the PUD to be reviewed and approved by the Baltimore City Planning Commission.~~

SECTION 8. AND BE IT FURTHER ORDAINED, That the North Charles Village Planned Unit Development Design Guidelines and Standards are as follows:

I. New Construction

New construction shall be compatible with existing architecture in scale, mass, materials, color, and setbacks.

Exterior Building Materials

This section pertains to all new construction, remodeling, and renovation within the Planned Unit Development. Exterior building materials that relate to existing buildings in the Charles Village area in color, size, texture, and type, are encouraged.

Natural building materials are encouraged. Modern synthetic stone materials made of polymer core forms with applied cementitious coatings are strongly discouraged.

A. All exterior building materials that constitute the permanent finish of all surfaces of any new construction or changes to an existing building shall be submitted to the Planned Unit Development Design Review Committee for review and recommendation to the Baltimore City Planning Department.

B. Materials that are covered in this section include but are not limited to:

1. Masonry (brick, mortar, stone, cast stone, architectural pre-cast concrete, concrete and other cementitious materials, paving); also refer to C. Masonry Bonding Patterns, below
2. Wood: type of wood and finish (clear coating, including gloss level)
3. Paints: all finish paints to include gloss level, manufacturer and identification (number, code, etc.)
4. Metals: anodized, patinated, natural, powder coated
5. Glass: window types, glass block, decorative glass panels, including frosted, hammered, ribbed, seeded, and other glass types, etc.

6. Roofing materials. Also refer to D. Green Roofing.

Examples of the proposed building materials are to be presented at the time of the Preliminary Submission, or at a subsequent time deemed appropriate by the Planned Unit Development Design Review Committee. In addition to actual examples of the proposed building materials, the source of the building material, the manufacturer's identification of the building material, and the specifications for each building material will be made available to the Planned Unit Development Design Review Committee. Photographs of the proposed building materials in other similar applications are also requested.

- C. Masonry bonding patterns are to relate to examples found on buildings in the Charles Village community. Flemish, English, and Common Bond (5 stretched rows to 1 header row) patterns are encouraged.
- D. Green Roofing: the innovative construction technology of Green Roofing is encouraged for all new construction and renovations wherever possible.
- E. Paint color modifications and changes: Any change in paint colors from the paint colors approved at the time of the original submission are to be submitted to the Planned Unit Development Design Review Committee for review at least 30 days prior to planned repainting.

II. Adjoining properties

Adjoining properties used by the same occupant shall be rehabilitated in a unified and harmonious manner. Each building shall be rehabilitated and repaired with materials and in a manner consistent with the original construction techniques, where feasible.

III. Security Grilles

Enclosures and housing for security grilles and screens are not allowed on the front of commercial uses.

IV. Rear of Building and Property

- A. The rear of buildings shall be maintained in a neat and clean appearance at all times.
- B. Dumpsters shall be screened by a solid wall and subject to Design Review and Recommendation. In Area C, dumpster pick-up and loading shall be limited to 8 a.m. to 5 p.m. weekdays and after 9 a.m. weekends. Servicing of dumpsters will be frequent enough to prevent overloading at any time.
- C. HVAC equipment shall be installed to minimize visual, noise, and odor impacts and shall meet Baltimore City Code noise regulations.
- D. Screened and/or landscaped parking areas are encouraged.
- E. Outdoor storage is not permitted except for stacking of seasonal furniture when interior space is not available. Fitted covers for stacked seasonal furniture are encouraged.

V. Signs

A successful sign can reinforce the image of North Charles Village as well as serve the needs of the business:

A. Signs for single commercial fronts:

1. A sign should express an easy to read, direct message; keep it simple.
2. A storefront should not have more than 2 signs, including awning signage: 1 primary and 1 secondary. Additional signs may be considered, but must be part of a coherent overall plan.
3. A flush-mounted signboard may extend the width of the storefront, but should not be more than 2-foot 6-inches high. The sign should be mounted below the second-story window sills. It is imperative that signage be designed to complement an existing building or to be part of a signage system for a new building. Generally, lettering should be between 8 and 18 inches high and occupy approximately 65% of the sign board.
4. Hanging signs shall be a maximum of 5 feet square and shall project no more than 3 feet. The size and location of a hanging sign should be carefully considered so that it does not interfere with neighboring signs.
5. Window signs should not obscure the display areas. The color of the letters should contrast with the display background. Light colored letters or gold letters with dark borders are effective.
6. New box signs are not permitted. Existing signs that have become obsolete or are in disrepair must be replaced with signage conforming to the Planned Unit Development Design Review Guidelines.
7. Illuminated signs can be appropriate if they respect the proportions of the storefront and the guidelines outlined herein. Painted signs may be directly illuminated with fluorescent or incandescent lighting. Exposed neon signage can also be effective, adding color and vitality to the street. Also refer to VII. 1. General Illumination.
8. Permanent window signs should not obscure interior display areas.
9. Temporary signs: Temporary is defined as 30 consecutive days per installation not to exceed 90 days per calendar year. Temporary signs should not exceed 50% of the window area.
10. Flags and banners, as defined: the use of flags and banners is encouraged and is to relate to pedestrian traffic. Flags and banners may be part of sign systems and may be considered as part of the signage for a storefront or building. Design and materials for the flags and banners and finishes and materials of the flag poles and banner supports are to be presented to the Planned Unit Development Design Review Committee for review and recommendation as part of the presentation of the signage system.

B. Signage for buildings with 2 or more commercial tenants:

In addition to the conditions on signs indicated above (V.A.1 through 10), signage for larger buildings is to be planned as an organized system that is to be coordinated for the entire

building. The appearance of an accumulation of individual signs, each clamoring for attention, is to be avoided.

All buildings with 2 or more commercial tenants are to include a coordinated signage system for the entire building. Signs are to be organized in an appropriate manner consistent with the architecture and clearly identifying the commercial tenant. Individual signs may be considered; however, they will be required to conform to an organized system that harmonizes with the design of the building.

A rendering or scale drawing of the signage will be presented at the time of the Preliminary Submission or at a time to be determined by the Planned Unit Development Design Review Committee.

1. Materials: Samples of the materials of the signage will be presented for review by the Planned Unit Development Design Review Committee. Proposed colors for all materials are to be fully identified and specified. Manufacturer's complete specifications for each material are to be submitted at the same time as the samples.
2. Paints and coatings: Samples of paint finishes and any other coatings or finishes (powder coated metals, anodized metals, and etc.) will be submitted to the Planned Unit Development Design Review Committee for review and recommendation. Paints and coatings that are proposed must be presented in the same gloss level as is proposed for use. Complete specifications for each paint and coating will accompany all samples.
3. Flags and banners: The use of flags and banners must be coordinated with the system of signage as proposed. Materials for the flags and banners and finishes and materials of the flag poles and banner supports are to be presented to the Planned Unit Development Design Review Committee for review and recommendation as part of the presentation of the signage system. For the purpose of this document, a flag is defined as a woven fabric panel attached at one end to a fixed pole attached at an angle (right angle included) to the elevation of the building. A banner is defined as a woven fabric panel attached at both ends to fixed poles attached at right angles to the elevation of the building. Location, size, and number of flags and banners are to be shown on building drawings.
4. Illumination of signage: As part of the overall signage system, a coordinated system of illumination of the signage is to be presented to the Planned Unit Development Design Review Committee for review and recommendation as part of the presentation of the signage system. No interior illuminated box signs are permitted. Also refer to VII.1.General Illumination.

VI. Awnings

Canvas awnings are encouraged as important design elements of the traditional storefront.

1. A standard street level awning should be mounted so that the valance is at least 7 feet above the sidewalk, and the awning should project between 4 and 7 feet from the building. An 8 to 12 inch valance may be attached at the awning bar. Awning signage must be limited to maximum sized 12- inch valances.

2. An awning may be attached above the display windows and below the cornice or sign panel. An awning may also be mounted between the transom and display windows to allow light into the store.
3. An awning should reinforce the frame of the storefront and should not cover the piers or the space between the second story window sills and the storefront cornice.
4. Inappropriate storefront alterations may be effectively disguised by mounting an awning over the alterations, while maintaining the proportions of a traditional storefront.
5. Aluminum and vinyl awnings are not permitted.
6. Canopies that are a part of the building's architectural features are allowed.

VII. Lighting and Lighting Systems

This section pertains to all projects for new construction and any renovations to existing structures within the Planned Unit Development boundaries. Lighting is to be for the benefit of pedestrians and to a pedestrian scale.

All projects that require changes in lighting and all buildings with 2 or more commercial tenants are to present a coordinated lighting design for the building. The lighting design should address the following:

1. General illumination of the building or parts of the building: illumination of the building should enhance the appearance of the structure after dark. Excessive amounts of lighting should be avoided. Control of the proposed lighting is very important: lighting should be designed to avoid overcasting (i.e. throwing light beyond) the area to be illuminated; avoiding lighting pollution is important and will be considered. High contrast light levels at grade should be avoided. Lumen output should be between 2-4-foot-candles delivered to the object illuminated. Light color is not to exceed 3000 degrees Kelvin. No sodium vapor lights are to be used. Design of lighting units as well as specifications of lamping are to be provided for review and recommendation to the Planned Unit Development Design Review Committee.
2. Safety and lighting security: this section is to conform to all requirements set forth in the various regulations of the City of Baltimore.
3. Decorative lighting: where appropriate, decorative lighting may be used. Any site lighting, including street lighting to be installed as part of infrastructure improvements should be taken into consideration.

Illustrations and complete manufacturer's description and specifications of any and all lighting units that are proposed for use are to be presented to the Planned Unit Development Design Review Committee in a timely manner, either at the Preliminary Submission or at a subsequent time to be determined by the Planned Unit Development Design Review Committee. With each manufacturer's description, specification of the recommended lamp (bulb) is to be included. The color and controlled lumen output of light is very important in a successful exterior lighting design.

VIII. Landscaping

A. Plant Materials and Planters

All green spaces shall be designed and landscaped in a manner appropriate to an urban streetscape to enhance the buildings. Broad plantings of a limited number of types of plants are encouraged; designs should be complementary to the building(s). Creation of shade, site lines, and safety must be considered. Plant materials should be chosen to thrive in the specified environment. Planters, if any, may be planted in a more elaborate manner; however, the plant materials in planters will require daily maintenance and should be planned so as not to create hazards to pedestrian traffic, including issues of watering. The success of landscaping is largely determined by maintenance; all landscaped areas must be kept in a clean, orderly appearance at all times.

Designs for all green spaces, including roof gardens that are part of new construction, are to be submitted for review to the Planned Unit Development Design Review Committee at the time of the preliminary submission or at a later date. Landscape designs will include lists and locations of all plant materials for all permanent plantings. All trees shall be 3 inches to 4 inches caliper and will be planted with sufficient protection to deter damage. Complete specifications of all aspects of landscaping and all street furnishings that are proposed for use are to be presented to the Planned Unit Development Design Review Committee in a timely manner, either at the Preliminary Submission or at a subsequent time to be determined by the Planned Unit Development Design Review Committee. A maintenance plan for the landscaping is to be submitted with the plans and specifications.

B. Street and Open Space Furnishings

Seating, tables, trash receptacles, and bicycle parking devices are all features that facilitate the development of vital urban spaces. The use of exterior furnishings for the streetscape and open spaces is encouraged. All furnishings should be well designed and of a high quality to withstand urban commercial use and the effects of the seasons. Seasonal furnishings must be removed to interior storage when not in use. Permanent and seasonal furnishings must be maintained in good condition at all times.

Complete specifications of all permanent street furnishings that are proposed for use are to be presented to the Planned Unit Development Design Review Committee in a timely manner, either at the Preliminary Submission or at a subsequent time to be determined by the Planned Unit Development Design Review Committee. A maintenance plan for these features is to be included with the specifications.

IX. Parking Lots

All parking lots shall be screened from adjacent properties by a fence or landscaped area of not less than 42 inches in height. If garages in Area E are demolished, construction of a one-story brick-faced wall along Hargrove Street is required. In Area E, parking lots may not be accessed from Hargrove Street.

X. Demolition

The Baltimore City Planning Commission must approve development plans, and financing must be secured before a building demolition permit can be issued. A building permit must be

completed before a demolition permit will be issued. Sites where demolition is occurring must be fully screened to limit the impact of dust and noise at all times.

XI. General Maintenance and Sanitation

The success of the PUD to create a vibrant urban center is predicated on good maintenance and sanitation procedures. All buildings, grounds, sidewalks, furnishings, parking areas, and any and all other facilities and spaces must be clean and maintained in good condition at all times.

Sanitation services shall be scheduled to ensure that all receptacles (from small sidewalk trash receptacles to large dumpsters) should be prevented from overflowing and creating an unsightly and unsanitary condition. Dumpster lids should be kept closed at all times.

All new buildings will provide spigots on the exterior facades at regular intervals to permit power-washing of the sidewalks and other paved open spaces on a regular basis.

XII. Design Review and Approval

Design for all improvements and modifications affecting the exterior of any building and grounds shall be submitted to the North Charles Village Planned Unit Development Design Review Committee (established by Ordinance 96-35) for review and recommendation to the Baltimore City Planning Department. The applicant may request that improvements and modifications be brought to the Baltimore City Planning Commission for review and approval.

An amendment to the Design Standards shall be considered a minor amendment to the Planned Unit Development to be reviewed and approved by the Baltimore City Planning Commission.

SECTION 5 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 6 10. AND BE IT FURTHER ORDAINED, That the provisions of Subtitle 5 of Title 10 of the Zoning Code of Baltimore City entitled "Parking Lot Districts" do not apply to any parking lot (as defined by § 10-501 of the Zoning Code) that is included in the Planned Unit Development.

SECTION 7 11. AND BE IT FURTHER ORDAINED, That subsequent to the enactment of this Ordinance, all proposed changes in the approved Development Plan for North Charles Village shall be reviewed and approved by the Planning Commission prior to implementation to insure that such changes are consistent with this Ordinance. The Planning Commission shall determine if modifications or amendments to the Development Plan are "minor" or "major".

SECTION 8 12. 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 9 13. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved December 22, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-640
(Council Bill 03-1204)**

AN ORDINANCE CONCERNING

**Supplementary Capital Fund Appropriation —
Department of Public Works — \$14,000,000**

FOR the purpose of providing a Supplementary Capital Fund Appropriation in the amount of \$14,000,000 to the Department of Public Works — (Account #9948-517-042), to provide funding for the completion of Cell #6, Phase II at the Quarantine Road Landfill; and providing for a special effective date.

BY authority of

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

Recitals

The revenue appropriated by this Ordinance represents funds from the IDA Revolving Fund (\$11,396,044) and Fiscal 2003 General Fund Balance (\$2,603,956) 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 September 17, 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 \$14,000,000 shall be made available to the Department of Public Works — (Account #9948-517-042) as a Supplementary Capital Fund Appropriation for Fiscal Year 2004, to provide funding for the completion of Cell #6, Phase II at the Quarantine Road Landfill. The source of revenue for this appropriation is funds from the IDA Revolving Fund (\$11,396,044) and Fiscal 2003 General Fund Balance (\$2,603,956) 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 22, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-641
(Council Bill 03-1214)**

AN ORDINANCE CONCERNING

**Planned Unit Development — Amendment 2 —
Canton Crossing**

FOR the purpose of approving certain amendments to the Development Plan of the Canton Crossing Planned Unit Development.

BY authority of

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

Recitals

By Ordinance 01-192, as amended by Ordinance 02-369, the Mayor and City Council approved the application of Canton Crossing, LLC, to have certain property located south of Boston Street, the western boundary being east of the Inner Harbor including the riparian rights, the eastern boundary being a line set 660 feet east of the eastern right-of-way line of Baylis Street, and the southern boundary being the southern right-of-way of Danville Street extending from the water's edge a distance of 660 feet east of the eastern right-of-way line of Baylis Street, consisting of 51.25 acres, more or less, designated as an Industrial Planned Unit Development and approved the Development Plan submitted by the applicant.

Canton Crossing, LLC, wishes to amend the Development Plan, as previously approved by the Mayor and City Council, to increase the area of the property included in the Planned Unit Development, to increase the number of hotel rooms permitted, to change the location of certain proposed structures, and to modify the uses permitted and off-street parking requirements.

On September 17, 2003, representatives of Canton Crossing, LLC, met with the Department of Planning for a preliminary conference to explain the scope and nature of the proposed amendments to the Development Plan.

The representatives of Canton Crossing, LLC, have now applied to the Baltimore City Council for approval of these amendments, and they have submitted amendments to the Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 5 of the Baltimore City Zoning Code.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council approves the amendments to the Development Plan submitted by the Developer, as attached to

and made part of this Ordinance, including Exhibit A, "Existing Conditions Plan", dated September 2003, and Exhibit B, "Development Plan", dated September 2003. As shown on Exhibit B, the eastern boundary of the property has been extended to South Haven Street, thereby increasing the size of the property to 67.52 acres.

SECTION 2. AND BE IT FURTHER ORDAINED, That Sections 3(e), 3(g), 3(g)(1), 3(g)(3), and 3(i) of Ordinance 02-369 are amended to read as follows:

SECTION 3. AND BE IT FURTHER ORDAINED, That in accordance with the provisions of Title 9, Subtitle 5 of the Zoning Code, the following uses are permitted within the Industrial Planned Unit Development with respect to the Parcels designated on the Development Plan (the Parcels hereinafter individually are referred to as a "Parcel" and collectively as "Parcels"):

- (e) In addition to the allowed uses in subsection (a), in up to 75% of the first floor of each building on Parcels A1, A2, [B1, B2,] C1, D1, D2, AND G[, and H], the following B-1 Zoning uses listed in § 6-206 of the Zoning Article of the Baltimore City Revised Code are allowed:

Automatic teller machines; bakeries - including sales to restaurants and hotels; banks and savings and loan associations; barber shops; beauty shops; bicycle: sales, rental, and repair; blueprinting and photostating establishments; book stores: general; business and office machines: sales, rental, and service; camera and photographic supply stores; candy and ice cream stores; carryouts; catering establishments - food (preparation); communications systems sales and service; computer centers; day care facilities, as follows: day nurseries and nursery schools, family day care homes, and school-age child care centers; drug stores and pharmacies (without drive-thru windows); dry cleaning and laundry receiving stations — processing done elsewhere; dry cleaning - with no limit on employees; employment agencies; financial institutions; florist shops; food stores, grocery stores, meat markets, bakeries, and delicatessens; gift and card shops; hobby shops; jewelry stores; laboratories - medical and dental; laundries: hand — no more than 2 employees plus 1 owner or manager on the premises; massage therapists' offices; medical and dental clinics; newsstands; office supply stores; opticians: sales and service; photocopying service; photographers; photographic printing and development establishments; physical culture and health services: gyms, reducing salons, and public baths; printing establishments — no more than 10 employees; radio and television antennas and towers that extend no more than 25 feet above the building on which they are mounted — but not including microwave antennas (satellite dishes); record, tape, CD, and sheet music stores; schools - business colleges, community colleges, colleges, and universities; schools: commercial; schools and studio: business, dance, and music; schools: trade; secretarial telephone and answering services; security sales, brokerages, and exchanges; shoe and hat repair stores; shoeshine parlors; tailor or dressmaking shops; telephone exchanges; tobacco shops; travel bureaus — no more than 2 employees plus 1 owner or manager on the premises; venetian blinds and window shades: sales and service; and video movies: sales and rentals.

- (g) In addition to the allowed uses listed in subsection (a) and paragraph 1 below, Parcels [E1a, E1b,] E1 and E2 will be mixed use Parcels. The uses allowed as listed (permitted, accessory, and conditional) in the B-1 and B-2 Zoning Districts are those in Section 3(g)(3), subject to the requirements of Zoning Article, Title 14 Conditional Uses, respectively, in the Industrial Planned Unit Development. There is a maximum of 120,000 square feet for B-1 and B-2 uses on Parcels E1 and E2, excluding the hotel.

- (1) On Parcels A1, E1, and E2, a maximum number of [360] 450 hotel rooms or suites, or bed-and-breakfast rooms are permitted. Accessory meeting rooms for the hotel are permitted. Accessory meeting rooms for the hotel are permitted.
- (3) The following uses specified in § 6-306 as permitted uses in a B-2 Zoning District are allowed in Parcels [E1a, E1b,] E1 and E2 in the Industrial Planned Unit Development:

Automatic teller machines; barbershops; beauty shops; bike — sales, retail and repair; blueprinting and photostating establishments; book stores; business and office machine — sales, rental and service; camera and photo supply stores; candy and ice cream stores; carry-out food shops; catering establishments — food; clinics — medical and dental; clothing shops; communications — sales and services; computer centers; day care facilities; display rooms for mail order sales; dry cleaning and laundry receiving stations — processing done elsewhere; dry cleaning establishments — no more than 4 employees plus 1 owner or manager on the premises; employment agencies; exhibit rooms; financial institutions; florist shops; gift and card shops; hobby shops; jewelry stores — including watch repair; laboratories — medical and dental; leather goods and luggage stores; libraries and art galleries; liquor stores; massage therapists' office; museums, aquariums, and planetariums; newsstands; office supply stores; opticians — sales and service; philanthropic and charitable institutions; photocopying service; photographers; photographic printing and development establishments; physical culture and health services — gymnasiums, reducing salons and public baths; post offices; printing establishments — no more than 10 employees plus 1 owner or manager; radio and television stations and studios; record, tape, CD, and sheet music stores; recording studios; restaurants and lunch rooms — not including live entertainment and dancing; schools — business colleges, community colleges, colleges and universities; secretarial and telephone answering services; security sales, brokerages and exchanges; shoe shine parlors; sporting and athletic goods stores; stationery stores; swimming pools (swimming pools will be allowed in the hotel and any athletic/spa club); telegraph offices; tennis and lacrosse clubs (tennis will be allowed in the hotel and any athletic/spa club) ticket agencies; toy stores; tobacco shops; travel bureaus; vending machines for retail sale of ice or milk; venetian blinds and window shades: sales and service; and video movies: sales and rentals.

Commercial uses on Parcels [E1a, E1b,] E1 and E2 may total a maximum of 120,000 square feet.

Food stores, grocery stores, meat markets and bakeries — not freestanding, but as the first floor of other buildings, are allowed.

Boat sales, but not including boat repairs or rentals, as long as the boats remain in the water and the office may be on land, are allowed. This use must also obtain an amendment to the Marina Master Plan.

- (i) With respect to [Parcels] PARCEL G [and H], the following shall apply:

- ~~(1) The boundary line for [these Parcels] PARCEL G, referred to in the notes of Exhibit 2, is subject to change pending approval of a Minor Amendment by the Planning Commission. The eastern boundary, only, will constitute a Minor Amendment to the~~

~~Planning Commission and may be shifted a maximum of 60 feet. Any other boundary change constitutes a Major Amendment.~~

~~(2)~~ (1) That upon purchase or lease of [these Parcels] PARCEL G by Canton Crossing, LLC, its successors and assigns, these properties will be included in the Planned Unit Development.

~~(3)~~ (2) The allowed uses for [Parcels] PARCEL G [and H] also include the following:

Auto accessory stores including repair and installation; automatic teller machines; banks — drive in; BUILDING AND LUMBER MATERIAL SALES ESTABLISHMENTS WITH SHOPS AND YARDS; car washes; CLOTHING STORES; COMPUTER CENTERS, INCLUDING RETAIL SALES AND SERVICE; department stores; drug stores and pharmacies — including drive in but not including the sale of alcohol or tobacco through the window; dry cleaning — drive in; ELECTRICAL AND HOUSEHOLD APPLIANCE STORES; [food stores and grocery stores;] gasoline service stations; hotels; motor vehicle rental; OFFICE SUPPLY STORES; open off-street parking and garages; photographic printing and development establishments: drive in; restaurants; restaurants: drive in with or without the pick-up drive with window; SPORTING AND ATHLETIC GOODS STORES.

~~(4)~~ (3) A MAXIMUM OF 4 FREE STANDING BUILDINGS FRONTING ON BOSTON STREET AND 2 OTHER FREE STANDING BUILDINGS NOT FRONTING ON BOSTON STREET ARE PERMITTED IN PARCEL G. A MAXIMUM OF 3 DRIVE-IN OR THRU USES ARE PERMITTED AT THE BUILDINGS, OF WHICH NO MORE THAN 2 DRIVE-IN RESTAURANTS WITH PICK UP DRIVES AND WINDOW SERVICE ARE PERMITTED.

~~(5)~~ (4) THAT THE SQUARE FOOTAGE OF THE BUILDINGS LOCATED IN PARCEL G SHALL BE AS FOLLOWS:

- A. 1 BUILDING WITH A SINGLE RETAIL USE OCCUPANCY OF NOT MORE THAN 150,000 SQUARE FEET;
- B. 1 BUILDING NOT TO EXCEED 100,000 SQUARE FEET WITH NO MORE THAN 3 RETAIL USES OCCUPYING NO LESS THAN 30,000 SQUARE FEET EACH;
- C. 4 FREE STANDING BUILDINGS FRONTING ON BOSTON STREET WITH AN AGGREGATE MAXIMUM OF 40,000 SQUARE FEET.

SECTION 3. AND BE IT FURTHER ORDAINED, That Section 4(1) of Ordinance 02-369 is amended to read as follows:

SECTION 4. AND BE IT FURTHER ORDAINED, That off-street parking requirements for the Industrial Planned Unit Development are as follows:

- (1) Office use — 3.5 parking spaces per 1000 square feet of gross floor area for Parcel G AND 2.5 PARKING SPACES PER 1000 SQUARE FEET OF GROSS FLOOR AREA FOR PARCELS A1 THROUGH F.

SECTION 4. AND BE IT FURTHER ORDAINED, That Section 5 of Ordinance 02-369 is amended to read as follows:

SECTION 5. AND BE IT FURTHER ORDAINED, That the maximum square footages for development are as follows:

- (a) There is a maximum of [1.5] 1.7 million square feet of offices for this Planned Unit Development and a maximum of [250,000] 450,000 square feet of retail, AND 50,000 SQUARE FEET FOR RESTAURANTS.
- (b) Physical culture and health services and medical and dental clinics shall not be included in the retail square footage maximum, but are included in the office square footage maximum.
- (c) The 120,000 retail square foot maximum on Parcels [E1A, E1B,] E1 and E2 are a subset of the [250,000] 450,000 retail SQUARE FOOT MAXIMUM AND 50,000 ~~SQUARE~~ RESTAURANT square foot maximum.
- (d) The hotels and residential uses are not included in the square footage maximums. The square footage calculations are based on gross square footage, not net.

SECTION 5. AND BE IT FURTHER ORDAINED, That prior to the approval of the Final Design for either the cruise ship terminal or the large retail buildings (150,000 square foot and/or several stores in 100,000 square feet on Parcel G), or both, the applicant must revise the traffic study to determine which traffic improvements are needed in the public right-of-way. These improvements are anticipated to include improvements such as left turn bays, deceleration lanes and transitions, signalization, or other similar improvements. The Planning Commission will confirm which improvements are required at the time of the Final Design Approval for the aforementioned phases. The Department of Transportation will provide a recommendation to the Planning Commission prior to its decision on required traffic improvements.

SECTION 6. AND BE IT FURTHER ORDAINED, That as each project is implemented, Final Design approval by the Planning Commission is required, and, if properties are to be subdivided, Planning Commission approval is required. A separate variance by the Board of Municipal and Zoning Appeals is not required for setbacks.

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

SECTION 7 9. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved December 22, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-642
(Council Bill 03-1231)**

AN ORDINANCE CONCERNING

North Locust Point Development District

FOR the purpose of designating a “development district” to be known as the “North Locust Point 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 industrial, commercial, or residential areas 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 in and in the vicinity of the development district involving the construction of a road and related improvements, including road bed improvements; road paving; necessary storm water management, ductbank, water line and other utility improvements; signalization for a new railway crossing; relocation of railway tracks and the recreation of related railway stacking capacity; related land acquisition within and outside the development district; and engineering and design fees in connection with the foregoing.

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, including removal of existing paving, new paving and installation of curbs, gutters, sidewalks, lighting, landscaping, and utilities (including, but not limited to, water, sanitary sewer, storm sewer, and ductbank);
 - (2) the design and construction of necessary signalization for a railway crossing;
 - (3) the relocation of existing railway tracks and the recreation of related railway stacking capacity;
 - (4) the acquisition of land whether inside or outside the Development District for the infrastructure improvements identified in Paragraph (f)(1)-(3); and
 - (5) 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 North Locust Point 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 and the acquisition of land within and outside the Development District, 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 North Locust Point area, and generally promotes the health, welfare, and safety of the residents of the State of Maryland and of the City of Baltimore.

SECTION 3. AND BE IT FURTHER ORDAINED, That the contiguous area consisting of the properties designated as Block 1976, Lot 1; Block 1981B, Lots 8, 12, 24 and 26; Block 1982, Lot 1; and Block 2024, Lot 6A; 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 "North Locust Point Development District."

SECTION 4. AND BE IT FURTHER ORDAINED, That a special fund is established for the Development District to be known as the "North Locust Point 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 and this Ordinance.
- (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.
- (c) If no action is taken by the Mayor and City Council of Baltimore concerning the use of money in the Tax Increment Fund, any money on deposit in the Tax Increment Fund will be transferred to the General Fund on June 1 of each year.

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

Approved December 22, 2003

MARTIN O'MALLEY, Mayor

CITY OF BALTIMORE
ORDINANCE 03-643
(Council Bill 03-1236)

AN ORDINANCE CONCERNING

Supplementary General Fund Capital Appropriation —
Department of Public Works — \$360,000

FOR the purpose of providing a Supplementary General Fund Capital Appropriation in the amount of \$360,000 to the Department of Public Works — (Account #9916-197-053), to provide funding for roof and gutter replacements in City Hall; and providing for a special effective date.

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

Recitals

The revenue appropriated by this Ordinance represents funds from the Fiscal 2003 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 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 October 22, 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 \$360,000 shall be made available to the Department of Public Works — (Account #9916-197-053) as a Supplementary General Fund Capital Appropriation for Fiscal Year 2004, to provide funding for roof and gutter replacements in City Hall. The source of revenue for this appropriation is Fiscal 2003 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 2004.

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

Approved December 22, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-644
(Council Bill 03-1237)**

AN ORDINANCE CONCERNING

**Supplementary State Fund Operating Appropriation —
Orphans' Court — \$17,869**

FOR the purpose of providing a Supplementary State Fund Operating Appropriation in the amount of \$17,869 to the Orphans' Court (Program 112), to provide funding to create a mediation program; and providing for a special effective date.

BY authority of

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

Recitals

The revenue appropriated by this Ordinance represents a grant from the Maryland Mediation and Conflict Resolution Office 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.

That grant could not have been expected with reasonable certainty when the Ordinance of Estimates for Fiscal Year 2004 was formulated.

On November 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 \$17,869 shall be made available to the Orphans' Court (Program 112) as a Supplementary State Fund Operating Appropriation for Fiscal Year 2004, to provide funding to create a mediation program. The source of revenue for this appropriation is a grant from the Maryland Mediation and Conflict Resolution Office, 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 22, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-645
(Council Bill 03-1238)**

AN ORDINANCE CONCERNING

**Supplementary Federal Fund Operating Appropriation —
Police Department — \$5,134,350**

FOR the purpose of providing a Supplementary Federal Fund Operating Appropriation in the amount of \$5,134,350 to the Police Department — Program 204 (Services Bureau), to provide funding for an ultra-modern network radio communications system; and providing for a special effective date.

BY authority of

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

Recitals

The revenue appropriated by this Ordinance represents a grant from the Office of Community Oriented Policing Services in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2004.

That grant could not have been expected with reasonable certainty when the Ordinance of Estimates for Fiscal Year 2004 was formulated.

On November 12, 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 \$5,134,350 shall be made available to the Police Department — Program 204 (Services Bureau) as a Supplementary Federal Fund Operating Appropriation for Fiscal Year 2004, to provide funding for an ultra-modern network radio communications system. The source of revenue for this appropriation is the grant from the Office of Community Oriented Policing Services, in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2004.

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

Approved December 22, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 03-646
(Council Bill 03-1239)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Capital Appropriation —
Department of Public Works — \$410,000**

FOR the purpose of providing a Supplementary General Fund Capital Appropriation in the amount of \$410,000 to the Department of Public Works — (Account #9916-197-132), to provide funding to reimburse the State of Maryland for capital improvements at the War Memorial Building; and providing for a special effective date.

BY authority of

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

Recitals

The revenue appropriated by this Ordinance represents funds from the Fiscal Year 2003 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 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 November 12, 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 \$410,000 shall be made available to the Department of Public Works — (Account #9916-197-132) as a Supplementary General Fund Capital Appropriation for Fiscal Year 2004, to provide funding to reimburse the State of Maryland for capital improvements at the War Memorial Building. The source of revenue for this appropriation is funds from the Fiscal Year 2003 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 2004.

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

Approved December 22, 2003

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-647
(Council Bill 03-1078)**

AN ORDINANCE CONCERNING

Public Schools — Inspections of Water Fountains

FOR the purpose of requiring the Health Commissioner to ~~ensure that functional water fountains in public schools are periodically inspected and tested to determine the lead content of the water test water fountains in public schools; and requiring that fountains failing to meet certain standards be taken out of service.~~

BY renaming

Article - Health
Title 4, Subtitle 6, to be "Subtitle 6. Lead Poisoning"
Baltimore City Revised Code
(Edition 2000)

BY adding

Article - Health
Section(s) 4-611 and 4-612, to be under the new "Part III. Public School
Water Fountains"
Baltimore City Revised Code
(Edition 2000)

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

Baltimore City Revised Code

Article — Health

Title 4. Disease Control

Subtitle 6. [Screening for] Lead Poisoning

PART III. PUBLIC SCHOOL WATER FOUNTAINS

§ 4-611. INSPECTIONS REQUIRED.

~~AT LEAST ONCE A YEAR, THE COMMISSIONER SHALL ENSURE THAT EVERY FUNCTIONAL WATER FOUNTAIN AT A PUBLIC SCHOOL IS INSPECTED AND TESTED TO DETERMINE THE LEAD CONTENT, IF ANY, OF THE WATER~~

(A) IN GENERAL.

EVERY 2 YEARS, THE HEALTH COMMISSIONER SHALL TEST ALL ACTIVATED WATER FOUNTAINS AT EACH OF 10 RANDOMLY-SELECTED PUBLIC SCHOOLS.

(B) EXPENSES.

TESTING SHALL BE CONDUCTED AT THE EXPENSE OF THE BALTIMORE CITY SCHOOL SYSTEM.

§ 4-612. FAILING FOUNTAINS.

ANY WATER FOUNTAIN THAT FAILS TO MEET EPA STANDARDS MUST BE TAKEN OUT OF SERVICE.

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

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

Approved February 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-648
(Council Bill 03-1207)**

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 a parking lot beneath the Russell Street Viaduct between Ostend Street and the bridge abutment north of West Street as shown on a plat numbered 115-B-1D 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 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 a parking lot to the Maryland Stadium Authority in accordance with Article V, Section 5(b) of the Baltimore City Charter, on that parcel of land

situate in Baltimore City beneath the Russell Street Viaduct between Ostend Street and the bridge abutment north of West Street, and described as follows:

Beginning for Perpetual Easement No. 1 at the point formed by the intersection of the southwest side of West Street, 66 feet wide, and the northwest side of the East Service Drive of Russell Street, and extending from a plane below the bottom flange of the superstructure of the Russell Street Viaduct and descending to an elevation of unlimited depth, having a coordinate value of West 2533.67 feet and South 7263.91 feet, and running thence binding on the northwest side of said East Service Drive of Russell Street, South 20° 12' 20" West 331.50 feet to intersect the northeast side of Ostend Street, 66 feet wide; thence binding on the northeast side of said Ostend Street, North 69° 59' 00" West 124.00 feet to intersect the southeast side of the West Service Drive of Russell Street; thence binding on the southeast side of said West Service Drive of Russell Street, North 20° 12' 20" East 331.50 feet to intersect the southwest side of said West Street, and thence binding on the southwest side of said West Street, South 69° 59' 00" East 124.00 feet to the place of beginning.

Containing 41,106.79 square feet or 0.9437 acre of land, more or less.

Beginning for Perpetual Easement No. 2 at the point formed by the intersection of the northeast side of West Street, 66 feet wide, and the northwest side of the East Service Drive of Russell Street, and extending from a plane below the bottom flange of the superstructure of the Russell Street Viaduct and descending to an elevation of unlimited depth, having a coordinate value of West 2510.87 feet and South 7201.96 feet, and running thence binding on the northeast side of said West Street, North 69° 59' 00" West 124.00 feet to intersect the southeast side of the West Service Drive of Russell Street; thence binding on the southeast side of said West Service Drive of Russell Street, North 20° 12' 20" East 66.71 feet to intersect the line of the southwest face of the concrete bridge abutment of said Russell Street Viaduct, if projected northwesterly; thence binding in part reversely on said line, so projected, in part on the southwest face of said abutment, in part on the line of the southwest face of said abutment, if projected southeasterly, and in all, South 69° 46' 49" East 124.00 feet to intersect the northwest side of said East Service Drive of Russell Street, and thence binding on the northwest side of said East Service Drive of Russell Street, South 20° 12' 20" West 66.27 feet to the place of beginning.

Containing 8,244.30 square feet or 0.1893 acre of land, more or less.

All courses, distances and coordinates 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 City and its employees or agents shall have access to the easement area at all times when necessary for public purposes.
2. Grantee shall maintain the easement at its sole cost and expense.
3. 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.
4. 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 March 3, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-649
(Council Bill 03-1208)**

AN ORDINANCE CONCERNING

**City Streets — Opening —
Granby Street**

FOR the purpose of condemning and opening Granby Street, extending from Albemarle Street southwesterly to President Street, as shown on Plat 346-A-45 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 Granby Street, extending from Albemarle Street southwesterly to President Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the northwest side of Granby Street 49.5 feet wide and the southwest side of Albemarle Street, 49.5 feet wide, and running thence binding on the southwest side of said Albemarle Street, Southeasterly 49.5 feet to intersect the southeast side of said Granby Street; thence binding on the southeast side of said Granby Street, Southwesterly 214.0 feet, more or less, to intersect the northeast side of President Street, varying in width; thence binding on the northeast side of said President Street, Northwesterly 49.5 feet to intersect the northwest side of said Granby Street, and thence binding on the northwest side of said Granby Street, Northeasterly 214.0 feet, more or less, to the place of beginning.

As delineated on Plat 346-A-45, prepared by the Survey Control Section and filed on September 4, 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 Granby Street and the rights of all interested parties shall be regulated by and in accordance with all applicable provisions of state and local law and with all applicable rules and regulations adopted by the Director of Public Works and filed with the Department of Legislative Reference.

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

Approved March 3, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-650
(Council Bill 03-1209)**

AN ORDINANCE CONCERNING

**City Streets — Closing —
Granby Street**

FOR the purpose of condemning and closing Granby Street, extending from a point 94.0 feet, more or less, from the southwest side of Albemarle Street southwesterly to President Street, as shown on Plat 346-A-45A 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 Granby Street, extending from a point 94.0 feet, more or less, southwest of Albemarle Street, southwesterly to President Street, and more particularly described as follows:

Beginning for Parcel No. 1 at a point on the northwest side of Granby Street, 49.5 feet wide, distant southwesterly 94.0 feet, more or less, measured along the northwest side of said Granby Street from the southwest side of Albemarle Street, 49.5 feet wide, and running thence binding by a straight line drawn at a right angle to Granby Street, Southeasterly 49.5 feet to intersect the southeast side of said Granby Street; thence binding on the southeast side of said Granby Street, Southwesterly 120.0 feet, more or less, to intersect the northeast side of President Street, varying in width; thence binding on the northeast side of said President Street, Northwesterly 49.5 feet to intersect the northwest side of said Granby Street, and thence binding on the northwest side of said Granby Street, Northeasterly 120.0 feet, more or less, to the place of beginning.

As delineated on Plat 346-A-45A, prepared by the Survey Control Section and filed on September 4, 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 Granby Street and the rights of all interested parties shall be regulated by and in accordance with all applicable provisions of state and local law and with all applicable rules and regulations adopted by the Director of Public Works and filed with the Department of Legislative Reference.

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

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

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

SECTION 6. AND BE IT FURTHER ORDAINED, That at all times after the closing under this Ordinance, the Mayor and City Council of Baltimore, acting by or through its authorized representatives, shall have access to the subject property and to all subsurface structures and appurtenances used by the Mayor and City Council, for the purpose of inspecting, maintaining, repairing, altering, relocating, or replacing any of them, without need to obtain permission from or pay compensation to the owner of the property.

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

Approved March 3, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-651
(Council Bill 03-1217)**

AN ORDINANCE CONCERNING

Sale of Property — A Portion of the Former Bed of Buren 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 known as a portion of the former bed of Buren Street, extending from Monument Street southerly 14.5 feet, more or less, and no longer needed for highway or 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 a portion of the former bed of Buren Street, extending from Monument Street southerly 14.5 feet, more or less, and more particularly described as follows:

Beginning for the same at the point formed by the intersection of the west side of the former bed of Buren Street, 60 feet wide, and the south side of Monument Street, 66 feet wide, and running thence binding on the south side of said Monument Street, North 87° 03' 00" East 13.23 feet to intersect a line drawn parallel with and distant 13.15 feet easterly measured at right angles from the west side of the former bed of said Buren Street; thence binding on said line so drawn, South 09° 29' 10" East 13.93 feet; thence by a straight line, South 82° 40' 41" West 13.16 feet to intersect the west side of the former bed of said Buren Street, and thence binding on the west side of the former bed of said Buren Street, North 09° 29' 10" West 14.94 feet to the place of beginning.,

containing 189.76 square feet, more or less, this property being no longer needed for public use.

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

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

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

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

Approved March 3, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-652
(Council Bill 04-1289)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
MR-Miscellaneous General Expense — ~~\$8,000,000~~ \$42,000,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of ~~\$8,000,000~~ \$42,000,000 to MR-Miscellaneous General Expense, to provide special cash flow assistance to the Baltimore City Public School System; 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 General Fund Budget Stabilization 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 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 February 18, 2004, 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 ~~\$8,000,000~~ \$42,000,000 shall be made available to the MR-Miscellaneous - General Expense as a Supplementary General Fund Operating Appropriation for Fiscal Year 2004, to provide special cash flow assistance to the Baltimore City Public School System. The source of revenue for this appropriation is from the General Fund Budget Stabilization 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 2004.

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

Approved March 17, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-653
(Council Bill 02-823)**

**Urban Renewal — Market Center —
Amendment ~~14~~ 15**

FOR the purpose of amending the Urban Renewal Plan for Market Center to incorporate the adjacent Market Center West Urban Renewal Area, to authorize the acquisition by purchase or by condemnation of certain properties for urban renewal purposes, create new disposition lots, provide standards and controls for the new disposition lots, eliminate all development areas, eliminate certain disposition lots where development is complete or underway, change certain land use, propose a zoning district change, and revising exhibits and the appendix to reflect the changes in the Plan; correcting, clarifying, and conforming certain language; correcting certain references; 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~~ 03-513.

An amendment to the Urban Renewal Plan for Market Center is necessary to incorporate and replace the adjacent Market Center West Urban Renewal Plan, originally approved by the Mayor and City Council of Baltimore by Ordinance 84-100, approved June 19, 1984, and last amended by Ordinance 85-347, approved April 10, 1985, authorize the acquisition by purchase or condemnation of certain properties and certain streets and alleys for urban renewal purposes, create and provide standards and controls for the new disposition lots, eliminate all development areas, eliminate certain disposition lots where development is completed or underway, change certain land use, propose a zoning district change, revise certain exhibits and the appendix to reflect the changes in the Plan, correct, clarify, and conform certain language and correct certain references 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.

Extensive changes to Exhibit 2 of the Renewal Plan for Market Center make it impractical to make block-by-block changes; therefore, the Department of Housing and Community Development has prepared an amended Exhibit 2.

The Renewal Plan for Market Center 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 the following changes in the Urban Renewal Plan for Market Center are approved:

- (1) On the front page of the Plan, strike "June 7" in Section XIV and substitute "July 19".
- (2) In the Table of Contents of the Plan, under EXHIBITS: 1. and 3., in each instance, strike "June 7" and substitute "July 19"; and, under EXHIBITS: 2., strike "June 7, 2002" and substitute "January 20, 2004".
- (3) ~~(1)~~ On page 1, amend A. Project Description to read as follows:

Beginning for the same at the point formed by the intersection of the east side of Eutaw Street, as now laid out 66 feet wide, and the south side of Madison Street, as now laid out 66 feet wide; thence binding on the south side of said Madison Street, Easterly 393 feet, more or less, to intersect the center line of Howard Street, as now laid out 82.5 feet wide; thence binding on the center line of Howard Street, crossing Monument Street, Southerly 400 feet, more or less, to intersect the south side of Monument Street, as now laid out 66 feet wide; thence binding on the south side of said Monument street, Easterly 415 feet, more or less, to intersect the west side of Park Avenue, as now laid out 66 feet wide; thence binding on the west side of said Park Avenue, crossing Centre Street, Southerly 450 feet, more or less, to intersect the south side of Centre Street, as now laid out 66 feet wide; thence binding on the south side of said Centre Street, Easterly 390 feet, more or less, to intersect the west side of Cathedral Street, as now laid out 66 feet wide; thence binding on the west side of said Cathedral Street, crossing Hamilton Street, Franklin Street, Mulberry Street, and Pleasant Street, Southerly 1,125 feet, more or less, to

intersect the north side of Saratoga Street, as now laid out 66 feet wide; and running thence by a straight line crossing said Saratoga Street, Southerly 66 feet, more or less, to intersect the west side of Liberty Street, as now laid out varying in width; thence binding on the west side of said Liberty Street, Southerly 89 feet, more or less; thence binding on the northwest side of said Liberty Street, crossing Clay Street, Lexington Street, and Marion Street, Southwesterly 799 feet, more or less, to intersect the north side of Fayette Street, as now laid out; thence binding on the north side of said Fayette Street crossing Park Avenue, Westerly 96 feet, more or less, to intersect the west side of Park Avenue, as now laid out; thence binding on the west side of said Park Avenue, crossing Fayette Street, Fairmount Avenue, and Baltimore Street, Southerly 1067 FEET, MORE OR LESS, TO INTERSECT THE NORTH SIDE OF LOMBARD STREET, AS NOW LAID OUT 68 FEET WIDE; THENCE BINDING ON THE NORTH SIDE OF LOMBARD STREET WESTERLY 1,102 FEET TO INTERSECT THE EAST SIDE OF PACA STREET AS NOW LAID OUT 82 FEET WIDE; THENCE BINDING ON THE EAST SIDE OF PACA STREET SOUTHERLY 578 FEET, MORE OR LESS, TO INTERSECT THE LINE OF THE NORTHWEST SIDE OF WASHINGTON BOULEVARD, IF PROJECTED NORTHEASTERLY; THENCE REVERSELY 505 FEET, MORE OR LESS, ON LAST SAID PROJECT LINE, ON THE NORTHWEST SIDE OF WASHINGTON BOULEVARD TO INTERSECT THE EAST SIDE OF GREENE STREET AS NOW LAID OUT 66 FEET WIDE; THENCE BINDING ON THE EAST SIDE OF GREENE STREET NORTHERLY 431 FEET, MORE OR LESS, TO INTERSECT THE NORTH SIDE OF PRATT STREET AS NOW LAID OUT 72 FEET WIDE; THENCE BINDING ON THE NORTH SIDE OF PRATT STREET 1,230 FEET, MORE OR LESS, TO INTERSECT THE CENTER LINE OF MARTIN LUTHER KING, JR. BOULEVARD AS NOW LAID OUT 240 FEET WIDE; THENCE BINDING ON THE CENTERLINE OF MARTIN LUTHER KING, JR. BOULEVARD, NORTHERLY 630 FEET, MORE OR LESS, TO INTERSECT THE SOUTH SIDE OF BALTIMORE STREET, AS NOW LAID OUT 70 FEET WIDE; THENCE BINDING ON THE SOUTH SIDE OF SAID BALTIMORE STREET WESTERLY 100 FEET, MORE OR LESS, TO INTERSECT THE WEST SIDE OF MARTIN LUTHER KING, JR. BOULEVARD; THENCE BINDING ON THE WEST SIDE OF SAID MARTIN LUTHER KING, JR. BOULEVARD NORTHERLY 2,090 FEET, MORE OR LESS, TO INTERSECT THE SOUTH SIDE OF FRANKLIN STREET, AS NOW LAID OUT 66 FEET WIDE; THENCE BINDING ON THE SOUTH SIDE OF SAID FRANKLIN STREET EASTERLY 2,008 [500 feet, more or less, to intersect the south side of Baltimore Street, as now laid out 72 feet wide; thence binding on the south side of said Baltimore Street crossing Howard Street, Westerly 340 feet, more or less, to intersect the west side of Howard Street, as now laid out 66 feet wide; thence binding on the west side of said Howard Street, Northerly 17 feet, more or less, to intersect the south side of Baltimore Street; thence binding on the south side of said Baltimore Street, Westerly 430 feet, more or less, to intersect the west side of Eutaw Street; thence binding on the west side of said Eutaw Street, Southerly 60 feet, more or less, to intersect the north side of Napoleon Alley; thence binding on the north side of Napoleon Alley, Westerly 340 feet, more or less, to intersect the center line of Paca Street, as now laid out 82.5 feet wide; thence binding on the center line of Paca Street, Northerly 500 feet, more or less, to intersect the center line of Fayette Street; thence binding on the center line of said Fayette Street, crossing Diamond Street, Westerly 361 feet, more or less, to intersect the east side of Greene Street, as now laid out 66 feet wide; thence binding on the east side of said Greene Street, crossing Lexington Street, Northerly 860 feet, more or less, to intersect the south side of Saratoga Street; thence binding on the south side of said Saratoga Street, crossing Paca Street, Easterly 394 feet, more or less, to intersect the east side of Paca Street, as now laid out 82.5 feet wide; thence binding on the east side of said Paca Street, crossing Saratoga Street and Mulberry Street, Northerly 747 feet, more or less, to intersect the south side of Franklin Street, as now laid out 70 feet wide; thence binding on the south side of said Franklin Street, crossing Jasper Street and Eutaw Street, Easterly 388] feet, more or less, to intersect the east side of said Eutaw Street; and thence binding on the east side of said Eutaw Street, crossing Franklin Street, George Street, Centre Street, Druid Hill Avenue, McCulloh Street, and Monument Street, Northerly 1,275 feet, more or less, to the place of beginning.

- (4) On page 2 of the Plan, amend B.1. and B.5. to read as follows:

1. To make possible a public and private partnership for the purpose of revitalizing the Project Area as a mixed use neighborhood linking the University Center area with ~~Charles Center~~ and the ~~current~~ Central Business District.
 5. To direct public and private development in the Project Area in a manner that is harmonious with existing and proposed redevelopment in ~~Charles Center, the Loft District, the University of Maryland, the Orchard-Biddle Urban Renewal Area, and adjacent portions of downtown.~~
- (5) ~~(2)~~ On page 3 of the Plan, amend C. Land Use Plan, to read as follows:

[1. Permitted Uses]

The basic goal of the City of Baltimore for the Market Center is to work closely with its residents, businessmen, property owners, and institutions in the development of a plan for the rehabilitation and redevelopment, as herein provided, for the Project Area. [This] THE RENEWAL Plan [shall meet] MEETS certain objectives, including, but not limited to, the encouragement of residential development, the continuation — on an orderly basis — of diverse uses of land and structures within the Project Area, the creation of new opportunities for viable economic development, the resolution of current parking deficiencies, and the protection of the area from future blighting influences.

~~While the predominant zoning category of the Project Area is “Business District,” the Renewal Plan proposes land use for all properties in the Project Area in order to insure harmonious and orderly development. The intent of designating land use proposals within these “Business Districts” is to encourage either residential, commercial, or mixed use redevelopment on certain appropriate parcels within the Project Area.~~

PERMITTED USES

~~Only those uses shown on the Land Use Plan, Exhibit No. 1, [will be permitted] ARE within the Project Area. These uses are residential, mixed, commercial, INDUSTRIAL, and public. THE ONLY USES PERMITTED IN THE RENEWAL PLAN ARE INDUSTRIAL AND MIXED.~~ All uses [shall] MUST be in accordance with the applicable provisions of the Zoning [Ordinance] CODE of Baltimore City, with certain exceptions as follows:

None of the uses listed below [shall] ARE [be] permitted as principal or conditional uses in any of the existing Zoning Districts:

amusement establishments, including driving ranges, shooting galleries, pitch and putt, miniature golf courses, and other similar facilities; book and magazine stores and similar establishments (Class B); palmists; massage salons and public baths; stables for horses; peep show establishments; automobile painting shops; dance halls; drive-in theatres.

Any amusement arcade [which] THAT was legally operating as of June 18, 1984 [shall be] IS permitted to continue such use, as long as the operator complies with all ordinances, codes or regulations in force in the City of Baltimore, subject to the provisions listed below:

1. There [shall] MAY be no more than 35 amusements arcade machines available for public use at any one time.
2. No amusement arcade machine [shall] MAY be available for public use between 3:00 a.m. and 6:00 a.m.

3. Uniformed security personnel [shall] MUST be on duty between 11:00 p.m. and 6:00 a.m. every Friday and Saturday evening that the amusement arcades machines are available for public use.

~~Accessory uses including landscaping, off-street parking and off-street loading [shall be] ARE permitted. In addition, certain existing uses [will be] ARE permitted to continue, subject to the provisions governing non-conforming and non-complying uses set forth below.~~

~~(a) Residential~~

~~Uses permitted [shall be] ARE those as established in the O-R-3, B-4 and B-5 Zoning District categories of the Zoning [Ordinance] CODE of Baltimore City, with the above exceptions. Exhibit 3 indicates the location of the applicable zoning districts.~~

~~(b) Mixed~~

~~A mixed use is said to occur when two or more uses occupy the same parcel. [Such] THE uses [will be] ARE limited to those permitted uses, with the above exceptions, which comply with regulations for the zoning district in which they are established. As used in the context of [this] THE RENEWAL Plan, mixed use means any combination of residential, commercial, or office use, INCLUDING HOSPITALS, SCHOOLS AND RELATED EDUCATIONAL FACILITIES.~~

~~(c) Commercial~~

~~Uses [shall] ARE [be] permitted as in the B-4 Central Business District and the B-5 Central Commercial District as defined in the Zoning [Ordinance] CODE of Baltimore City, with the above exceptions. Generally, commercially designated areas on the Land Use Plan favor retail and related uses, but do not preclude residential development.~~

~~(d) INDUSTRIAL~~

~~USES ARE PERMITTED AS IN THE —1-3 INDUSTRIAL DISTRICT AS DEFINED IN THE ZONING CODE OF BALTIMORE CITY.~~

~~{(d)} (e) Public~~

~~The uses [shall be] ARE limited to parks, playgrounds, plazas, and malls; active and passive recreation; schools and related educational facilities; public offices; libraries, firehouses; museums and cultural institutions; parking; and other public facilities.~~

CERTAIN EXISTING USES ARE PERMITTED TO CONTINUE, SUBJECT TO THE PROVISIONS GOVERNING NON-CONFORMING AND NON-COMPLYING USES SET FORTH BELOW.

(A) MIXED

A MIXED USE IS SAID TO OCCUR WHEN 2 OR MORE USES OCCUPY THE SAME PARCEL. THE USES ARE LIMITED TO THOSE PERMITTED USES, WITH THE ABOVE EXCEPTIONS, WHICH COMPLY WITH REGULATIONS FOR THE ZONING DISTRICT IN WHICH THEY ARE ESTABLISHED. AS USED IN THE CONTEXT OF THE RENEWAL PLAN, MIXED USE MEANS ANY COMBINATION OF OFFICE, RETAIL, RESIDENTIAL, INSTITUTIONAL, HOTEL, OPEN SPACE, PARKING, AND CIRCULATION AND UTILITIES.

(B) INDUSTRIAL

USES ARE PERMITTED IN THE —1-3 INDUSTRIAL DISTRICT AS DEFINED IN THE ZONING CODE OF BALTIMORE CITY.

[(e)] ~~(C)~~ Non-Conforming

A non-conforming use is any lawfully existing use of a building or other structure, or of land[, which] THAT does not conform to the applicable use regulations of the district in which it is located according to [Article 30 of the Baltimore City Code (1976 Edition, as amended), titled "Zoning."] TITLE 13 OF THE ZONING CODE OF BALTIMORE CITY. Non-conforming uses [shall be] ARE permitted to continue, subject to the provisions of [Chapter 8 of said Article 30, titled "Non-Conformance."] THE ZONING CODE OF BALTIMORE CITY.

[(f)] ~~(D)~~ Non-Complying

A non-complying structure, as set forth in [Chapter 8 of Article 30 of the Baltimore City Code (1976 Edition, as amended), titled "Zoning,"] TITLE 13 OF THE ZONING CODE OF BALTIMORE CITY is any lawfully existing structure [which] THAT does not comply with the bulk regulations of the zoning district in which it is located. These non-complying uses [shall be] ARE permitted to continue, subject to the provisions of [said Chapter 8] TITLE 13. In addition, a non-complying use, when [such] THE term is used [herein] IN THE RENEWAL PLAN, is any lawfully existing use of a building or other structure, or of land[, which] THAT does not comply with the land use regulations of [this] THE Renewal Plan. These non-complying uses [shall be] ARE permitted to continue for an indefinite period of time, except that:

- (1) Any non-complying land use [which] THAT is discontinued for a period exceeding 12 months [shall] MAY not be reestablished;
- (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 [shall] MAY be made in or to a building or structure except those required by law or except to make the building and use [thereof] conform to the regulations of this Renewal Plan; and
- (3) No non-complying land use [shall] MAY be changed to any other non-complying use.

(6) ~~(3)~~ On page 5 of the Plan, amend D. Techniques to Achieve Plan Objectives to read as follows:

1. Acquisition of Property

Properties designated for acquisition on Exhibit 2 (including parts [thereof] or interests [therein]) [will] MAY be acquired by purchase or condemnation.

It may be necessary to acquire by purchase or by condemnation, for urban renewal purposes, the fee simple interest or any lesser interest in and to [such of] the REMAINING properties [or portions thereof] in the Project Area not specifically designated for acquisition on Exhibit 2 as may be deemed necessary and proper by the Commissioner to effect the proper implementation of the Renewal Plan. [This] THESE may include:

- (a) Any property in the Project Area containing a non-salvable structure, i.e., a structure which, in the opinion of the Commissioner of the Department of Housing and Community Development, cannot be economically rehabilitated.
- (b) Any privately owned structure in the Project Area [which] THAT the owner intends to rehabilitate or demolish in a manner not in substantial conformity with the rehabilitation standards in Appendix A or the other objectives of the Renewal Plan.
- (c) Any property, the owner of which is unable or unwilling to comply or conform to the property rehabilitation standards set forth in the Renewal 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 [such] 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 reserves the right to acquire any [such] non-complying property for a period of [two (2)] 2 years from the date of [said] written notice by the Department.

2. Other Remedies for Non-Compliance

In addition to, and not in place of, the remedy of acquisition by purchase or condemnation of non-complying properties, 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[as adopted by Ordinance 902 approved December 22, 1966].

3. Actions to be Followed by the Department Upon Acquisition of Properties

- (a) Rehabilitate the property in conformance with the codes and ordinances of the City and the rehabilitation standards and objectives set forth in the Renewal Plan and dispose of property at its fair value in accordance with applicable regulations. If sale cannot be consummated by the time rehabilitation is accomplished, the property may be rented pending continuing sale efforts; or
- (b) Sell or lease the property subject to rehabilitation and/or maintenance in conformance with the codes and ordinances of Baltimore City and the rehabilitation standards and objectives set forth in the Renewal Plan; or
- (c) Demolish the structure or structures thereon and dispose of land for redevelopment at its fair value for uses [consistent] IN ACCORDANCE with the Renewal Plan; or
- (d) Devote the property and/or structures to a public use [consistent] IN ACCORDANCE with the Renewal Plan.

4. Relocation

- (a) The Department assures that before individuals or families are displaced from their dwelling units due to the requirements of the Renewal Plan, standard housing within the displacees' financial means [shall] MUST be provided. Residents living within the Project Area, if displaced through the requirements of this Renewal Plan, [shall] 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] THE Renewal Plan, standard commercial structures within the displacees' financial means in or near the Project Area [shall] MUST be identified. Businesses displaced because of the requirements of [this] THE Renewal Plan [shall] MUST be given favorable consideration, but not necessarily priority CONSIDERATION, by the Department in the review of commercial and industrial redevelopment proposals.

5. Public Improvements

It is the intent of the Renewal Plan to provide public improvements within public areas to enhance and improve the pedestrian environment and to complement and encourage private renovation. [Such] THE improvements may include, but [shall] ARE not [be] limited to, street and utility improvements, public pedestrian walkways, lighting, landscaping, and street furniture.

- (7) ~~(4)~~ On page 7 of the Plan, amend E. Provisions Applicable to All Land to be Acquired to read as follows:

~~EXHIBITS 1-3, DATED AS REVISED JUNE 7, 2002~~ EXHIBITS 1 AND 3, DATED AS REVISED JULY 19, 2002, AND EXHIBIT 2, DATED AS REVISED JANUARY 20, 2004, IDENTIFY THE AREA INCLUDED IN MARKET CENTER AS DEFINED BY THE ORDINANCE APPROVING THIS RENEWAL PLAN. THESE EXHIBITS ARE BASED ON AND SUPERSEDE THE EXHIBITS INCORPORATED IN THE URBAN RENEWAL PLAN FOR MARKET CENTER WEST AS IT WAS IN EFFECT PRIOR TO THE ADOPTION OF THIS RENEWAL PLAN. ALL SUBSEQUENT CHANGES WILL BE SHOWN ON THESE OR NEW EXHIBITS, AS APPROPRIATE.

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

1. Land and property interests [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 Exhibits 1 and 2 and the other provisions of the Renewal Plan.
2. The [areas] PARCELS shown [as available for disposition in] ON Exhibit 2 are schematic and approximate[, and the]. THE Department [shall have] HAS the right, in its discretion, to fix their precise boundaries and size. The Department [shall] also [have] HAS the right, in order to facilitate the most advantageous development [of the Project], to subdivide or combine the [Disposition Lots] PARCELS OR LOTS AS SHOWN ON EXHIBIT 2.
3. Disposition of Project land [will be] IS in accordance with the Land Disposition Policy of the Department. Where disposition parcels include surplus property acquired for the construction of the Phase I Rapid Transit System, disposition procedures [shall] MUST be in accordance with the following provision of the General Agreement dated June 18, 1976, between the Mass Transit Administration and the Mayor and City Council of Baltimore:

"IV.4.3. The Administration agrees that the future disposition of any excess portions of land acquired for the purpose of transit construction will be closely coordinated with the development and redevelopment programs of the City. [Such] THE coordination of disposition policy by the Administration with City development and redevelopment programs [shall] MUST apply in each instance where excess land acquired by the Administration is disposed of for private, public, or semi-public development by others, whether by sale in fee simple or by ground lease, or by conveyance of air rights through

sale or lease. The Administration further agrees that wherever [such] THE disposition of excess land occurs within urban renewal project areas designated by ordinance of the Mayor and City Council of Baltimore, applicable disposition agreements, leases and/or deeds executed between the Administration and others [shall] MUST incorporate the disposition standards and regulations for development of [such] THE properties as established by the applicable urban renewal ordinances of the Mayor and City Council of Baltimore. The City agrees to coordinate the development of [such] THE urban renewal disposition standards, where [such] THE standards apply to properties acquired by the Administration, with the transit development and construction policies and plans of the Administration, and where applicable [shall] MUST give due regard to policies and guidelines of the Urban Mass Transit Administration of the U.S. Department of Transportation."

4. The Redeveloper [will] MAY not enter into, execute, or be a party to any covenant, agreement, lease, deed, assignment, conveyance, or any other written instrument, [which] THAT restricts the sale, lease, use or occupancy of the property, or any part thereof, or any improvements placed thereon, upon the basis of national origin, race, religion, sex, or color. [Such] THE agreement or covenant providing for this nondiscrimination provision [shall] MUST remain in effect without limitation as to time; and the United States [shall be] IS deemed a beneficiary of the agreement or covenant providing for this nondiscrimination provision and [shall be] is entitled to enforce it. The Redeveloper will comply with all State and local laws, in effect from time to time, prohibiting discrimination or segregation.

5. Disposition Lot Controls

- (a) General Controls

In addition to the specific disposition lot controls outlined in Section 5.(b) below, the following controls [shall] apply to all new construction within the Project Area:

- (1) Servicing: All servicing [shall] MUST be off street, [shall] MUST be within structure and roofed so as to be screened from public view. Loading docks will be provided and maintained in accordance with the Building Code of Baltimore City. Open-air storage of equipment, merchandise and materials is prohibited except as specifically authorized in writing by the Department.
 - (2) Waste Disposal: Facilities will be provided and maintained within structures for the storage and collection of refuse. No waste or refuse [shall be] IS permitted to remain outside of structures, except as permitted by the Baltimore City regulations regarding containers for garbage; the areas for [such] THE containers [shall be] MUST BE properly screened.
 - (3) No building, structure, or parking area [shall] MAY be constructed over an easement within the Project Area without the prior consent of the Commissioner and the Director of Public Works.
 - (4) All land not covered by structures, paved parking, loading or related service areas, paved areas for pedestrian circulation, or decorative surface treatments, [shall] MUST be provided with landscape treatment.
 - (5) Landscape treatment encompasses the planting of any, all, or a combination of the following: trees, shrubs, ground cover, grass, flowers. The amount of landscape treatment should be determined by the nature of the development and should serve to

improve the utility of the site, soften and relieve the effects of structure and pavement, and provide a visual harmony. All screening and landscaping [shall] MUST be maintained in good condition.

(b) Specific Controls

In addition to the requirement for review of all plans for new construction and rehabilitation as required by Section F.1. of the Renewal Plan, the following disposition lot controls shall apply to the disposition lots identified on Exhibit 2. The elevation established as grade level [shall be] is determined by the Department.

DISPOSITION LOTS THAT WERE INCLUDED IN THE URBAN RENEWAL PLANS FOR MARKET CENTER AND MARKET CENTER WEST, BUT WHICH HAVE SUBSEQUENTLY BEEN DISPOSED OF TO A REDEVELOPER, HAVE BEEN DELETED FROM THIS RENEWAL PLAN. THE SPECIFIC CONTROLS FOR THESE LOTS, AS CONTAINED IN THESE RENEWAL PLANS, AS LAST AMENDED, AND IN INDIVIDUAL DISPOSITION AGREEMENTS, ARE NONETHELESS STILL IN EFFECT.

ALL DEVELOPMENT AND BUILDING PRESERVATION STANDARDS AS A RESULT OF RENOVATIONS AND REDEVELOPMENT OF PROPERTIES IN MARKET CENTER MUST CONFORM TO THE MEMORANDUM OF AGREEMENT (MOA) FOR HISTORIC PRESERVATION SIGNED BY THE MAYOR AND APPROVED BY THE BOARD OF ESTIMATES FOR BALTIMORE CITY ON JANUARY 27, 2001, AND THE WESTSIDE STRATEGIC PLAN ADOPTED IN FEBRUARY, 2001, FOR THE MARKET CENTER AREA. ANY AND ALL SUBSEQUENT REVISIONS, MODIFICATIONS, ADDITIONS OR DELETIONS TO BOTH THE MOA AND WESTSIDE STRATEGIC PLAN SHALL ALSO BE BINDING.

(8) ~~(5)~~ On pages 10 through 12 of the Plan, strike all disposition lots and substitute the following:

- | | | | |
|----|-----------------------|--------------------|---|
| 1 | Mixed | B-4-1 | Rehabilitate and/or redevelopment for mixed use. |
| 2 | Mixed | B-4-1 | Rehabilitate and/or redevelopment for mixed use. |
| 3 | Mixed | B-4-1 | Redevelopment for mixed use. |
| 4 | Mixed | B-4-1 | Existing structures, where feasible, must be rehabilitated for mixed use. |
| 5 | Mixed | B-4-1 | Rehabilitation of existing buildings, where feasible, for mixed use. |
| 6 | Commercial | <u>Mixed</u> B-4-1 | Redevelopment for mixed use. |
| 7 | Commercial | <u>Mixed</u> B-4-1 | Redevelopment for mixed use. |
| 8 | Commercial | <u>Mixed</u> B-5-1 | Redevelopment for mixed use. |
| 9 | Mixed | B-5-1 | Redevelopment for mixed use. |
| 10 | Mixed | B-4-2 | Redevelopment for mixed use. |
| 11 | Mixed | B-4-2 | Redevelopment for mixed use and/or off-street parking. |

12	Mixed	B-4-2	The existing structures must be rehabilitated, where feasible, for mixed use.
13	Mixed	B-4-2	Rehabilitation of buildings, where feasible, for mixed use.
14	Mixed	B-4-2	Acquisition and closure of public right-of-way to combine with adjacent disposition lot for mixed use.
15	Mixed	B-4-2	Redevelopment for mixed use.
16	Mixed	B-5-1	Redevelopment for mixed use. A land-mark building is desired to define this major entrance to the Downtown (Route 40).
17	Mixed	B-5-1	Rehabilitate and/or redevelopment for mixed use.
18	Mixed	B-5-1	Redevelopment for mixed use.
19	Mixed	B-4-2	Redevelopment for mixed use.
20	Mixed	B-4-2	Buildings must be rehabilitated, where feasible, for mixed use.
21	Mixed	B-4-2	Rehabilitation of buildings, where feasible, for mixed use.
22	Mixed	B-4-2	Rehabilitate existing structures, where feasible, for mixed use.
23	Mixed	B-4-2	Rehabilitate and/or redevelopment for mixed use.
24	Mixed	B-4-1	Rehabilitate and/or redevelopment for mixed use.
25	Mixed	B-4-1	Rehabilitate and/or redevelopment for mixed use.
26	Mixed	B-4-2	Acquisition and closure of public right-of-way to combine with adjacent disposition lot for mixed use.
27	Mixed	B-4-2	Acquisition and closure of public right-of-way to combine with adjacent disposition lot for mixed use.
28	Mixed	B-4-2	Rehabilitation and/or redevelopment for mixed use.
29	Mixed	B-4-2	Redevelopment for parking garage and mixed use.
30	Commercial <u>Mixed</u>	B-4-2	This lot is proposed for a mixed-use medium to high-rise development.
31	Mixed	B-4-2	Redevelopment for mixed use.
32	Mixed	B-4-2	Rehabilitate and/or redevelopment for mixed use.
33	Mixed	B-4-2	In the development of this lot, the existing façade and the front (norther-most) portion of the building at 315-19 W. Lexington Street must, as far as is reasonably practicable, be retained.
34	Mixed	B-4-2	Redevelopment for mixed use.

35	Mixed	B-4-2	Rehabilitate and/or redevelopment for mixed use.
36	Mixed	B-4-2	Rehabilitate and/or redevelopment for mixed use.
37	Mixed	B-4-2	Rehabilitate and/or redevelopment for mixed use.
38	Mixed	B-4-2	Redevelopment of air rights structure to combine with adjacent development for mixed use.
39	Mixed	B-4-2	Rehabilitate buildings for mixed use.
40	Mixed	B-4-1	Rehabilitate buildings for mixed use.
41	Mixed	B-4-1	Rehabilitation and/or redevelopment for mixed use.
42	Mixed	B-5-2	Redevelopment for mixed use.
43	Mixed	B-5-2	Redevelopment for mixed use.
44	Mixed	B-5-2	Redevelopment for public right-of-way.
45	Mixed	B-4-1	Redevelopment for mixed use.
46	Mixed	B-4-1	Redevelopment for mixed use.
47	Mixed	B-4-2	Redevelopment for mixed use.
48	<u>Mixed</u>	<u>B-5-2</u>	<u>Rehabilitate building for mixed use.</u>

(9) ~~(6)~~ On page 13, amend the first 2 paragraphs of F. Provisions Applicable to Land Not to be Acquired and F.1. as follows:

The provisions of Section C.1 (Permitted uses) above [shall] apply to all properties in the Project Area. The provisions of Section E. [shall] apply as appropriate to properties not currently proposed to be acquired under this Plan if the owners thereof acquire adjacent project land made available by the Department of Housing and Community Development under the provisions of [this] THE RENEWAL Plan. The provisions of Appendix A, Design Guidelines for New Construction and Property Rehabilitation Standards, [shall] apply to all properties in the Project Area except those designated for acquisition and clearance.

All development and building preservation standards as a result of renovations and redevelopment of properties in Market Center must conform to the Memorandum of Agreement(MOA) for historic preservation signed by the Mayor and approved by the Board of Estimates for Baltimore City on January 27, 2001 and the West Side Strategic Plan adopted in February 2001 for the Market Center area.

I. Plan Review

- a. To assure an appropriate environment within the Project Area, it is required that all plans for new construction (including parking lots) within the Project Area [shall] be submitted to the Department for review to determine if [such] THE plans are consistent with the objectives and requirements of the Renewal Plan. Plans and specifications for new construction [shall] MUST be in sufficient detail to show site planning, architectural

design and layout, materials, colors, building construction, landscape design, access, signs, lighting, servicing, streets and sidewalks. Where new construction is proposed, preliminary plans and outline specifications [shall] MUST be submitted prior to the preparation of working drawings and specifications. All new construction on areas identified as available for disposition on Exhibit 2 [shall] MUST be designed in accordance with the Disposition Lot controls established by the Renewal Plan.

- b. All property owners in the Project Area or their representatives [shall] MUST submit to the Department plans and specifications for all exterior, or highly visible rehabilitation, repairs, expansion, demolition, or change in use of property within the Project Area in order to determine if [such] THE plans and specifications are consistent with the objectives and requirements of the Renewal Plan. A proposal for demolition of all or a portion of a structure [shall] MUST be accompanied by plans for new construction or renovation to show the intended use of the site following demolition. Upon finding that the proposed demolition is consistent with the objectives of the [Urban] Renewal Plan, the Commissioner of the Department of Housing and Community Development [shall] MUST authorize the issuance of the necessary permit. If the Commissioner finds that the proposal is inconsistent with the [Urban] Renewal Plan and [therefore] denies the issuance of the permit, he [shall] MUST, within 90 days of such denial, seek approval of the Board of Estimates to acquire for and on behalf of the Mayor and City Council of Baltimore the property, in whole or in part, on which [said] THE demolition was to have occurred, by purchase, lease, condemnation, gift or other legal means for the renovation, rehabilitation and disposition thereof. In the event that the Board of Estimates does not authorize the acquisition, the Commissioner [shall] MUST, without delay, issue the demolition permit. Plans and specifications for rehabilitation [shall] MUST be in sufficient detail to show site planning, architectural design and layout, materials, color, building reconstruction, landscape design, access, signs, lighting, servicing, street and sidewalks. All exterior rehabilitation (including repair, renovation and expansion) [shall] MUST be carried out in accordance with the Property Rehabilitation Standards contained in Appendix A of [this] THE Renewal Plan.
- c. The review of [such] THE plans [shall] MAY be concerned with, but not necessarily limited to, urban design standards, site planning, architectural- treatment, materials, colors, building construction, landscape design, access, signs, lighting, servicing, streets, sidewalks, and construction or rehabilitation details.
- d. Approval by the Department of all plans and specifications for new construction, change in use of property, rehabilitation and/or demolition [shall] MUST be required before proceeding with the work.
- e. All standards and guidelines contained [herein] IN THE RENEWAL PLAN are over and above existing codes and ordinances of the City of Baltimore.
- f. Variances to [this] THE Renewal Plan may be granted by the Department for architectural and landscape standards on the basis of design and architectural intent or unusual circumstances, provided [such] THE variances are consistent with the intent of [this] THE Renewal Plan.

(10) ~~(7)~~ On pages 14 through 16 of the Plan, strike F.2. in its entirety.

(11) ~~(8)~~ On page 16 of the Plan, amend G. Interpretation to read as follows:

Developers will be required to agree that, in the event of any question regarding the meaning of these standards and controls or other provisions of the Renewal Plan, the interpretation placed [thereon] ON THEM by the Commissioner [shall be] IS final and binding, provided that any [such] interpretation [shall] IS not [be] unreasonable or arbitrary.

(12) ~~(9)~~ On page 17 of the Plan, amend Sections H., I., J., and K. to read as follows:

H. Off-Street Parking Requirements

Parking spaces [shall] MUST be provided according to the requirements as established by the Zoning [Ordinance] CODE of Baltimore City or in [such] A lesser amount as may be approved by the Commissioner of the Department of Housing and Community Development and authorized by the Board of Municipal and Zoning Appeals as a Special Exception or Variance.

I. Term of the Plan

The MARKET CENTER URBAN Renewal Plan, as it may be amended from time to time, [shall be] IS in full force and effect for a period of [forty (40)] 40 years from the date of original adoption of [this] THE Renewal Plan by ordinance of the Mayor and City Council of Baltimore.

J. 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 herein mentioned and referred to, subject however to use in common as private ways, until said streets, alleys, avenues, and lanes are expressly dedicated to public use.

All references [herein] IN THE RENEWAL PLAN to any street, alley, avenue, or lane are for purposes of description only and are not intended to dedicate same 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.

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

1. Zoning

All appropriate provisions of the Zoning [Ordinance] CODE of Baltimore City [shall] apply to properties within the Project Area. Any change in the Zoning [Ordinance] CODE embodied in [this Urban] THE Renewal Plan, and designated on Exhibit 3, Zoning Districts, shall be approved by ordinance in accordance with the procedural requirements of the Zoning [Ordinance] CODE and Article 66-B of the Annotated Code of Maryland (1957 Edition, as amended).

2. Reasons for the Various Provisions of this Plan

- (a) To make possible a public and private partnership for the purpose of revitalizing the Project Area as a mixed use neighborhood linking the University Center area with [Charles Center and] the current Central Business District.
- (b) Obsolescence of structures and inadequate access have led to a decline in the area.

(13) ~~(10)~~ On pages 17 and 18 of the Plan, amend L., M., N., and O. to read as follows:

L. Official Actions

To carry out the Renewal Plan, it will be necessary for the Mayor and City Council of Baltimore to take the following actions at the appropriate times:

1. Passage of Ordinance approving [this] THE RENEWAL Plan.
2. Passage of Ordinance opening and closing certain streets and alleys in the Project Area.
3. Passage of Ordinances amending [this] THE RENEWAL Plan, from time to time.

M. Procedures for Changes in Approved Plan

The Renewal Plan may be amended from time to time upon compliance with the requirements of law provided that prior to passage of any ordinance amending the Renewal Plan, a public hearing [shall] MUST be held, and providing further that with respect to any land in the Project Area previously disposed of by the Department for use in accordance with the Renewal Plan, the then owner of [such] THE land, whose interests [therein] IN THE RENEWAL PLAN are materially affected by [such] THE RENEWAL Plan changes, [shall] MUST receive at least [ten (10)] 10 days prior to [such] THE hearing written notice of the time and place of [such] THE hearing and information as to where a copy of the proposed amendments may be inspected.

N. Community Review

The Department [shall] MUST submit to the ~~{Market Center}~~ ~~WEST SIDE~~ Project Area Committee, or its successor, for its review and comment, the form and content of all proposals to redevelop land to be disposed of and the Preliminary and proposed Final Construction Plans for each disposition lot designated in [this] THE RENEWAL Plan. The ~~{Market Center}~~ ~~WEST SIDE~~ Project Area Committee, or its successor, [shall] MUST advise the Department of its recommendations regarding the acceptability and/or priority of all plans and proposals. The written comments shall be transmitted to the Department no later than [three (3)] 3 weeks after the proposals and/or plans have been submitted to the ~~{Market Center}~~ ~~WEST SIDE~~ Project Area Committee, or its successor or its assigns; otherwise, it is presumed that the proposals and/or plans are acceptable. The Commissioner of the Department retains final authority to approve or disapprove all plans and to grant or withhold development priorities, disposing of redevelopment land through procedures established by the Department.

O. Separability

IN THE EVENT IT BE JUDICIALLY DETERMINED THAT ANY WORD, PHRASE, CLAUSE, SENTENCE, PARAGRAPH, SECTION, OR PART IN OR OF THE RENEWAL PLAN, OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCES IS INVALID, THE REMAINING PROVISIONS AND THE APPLICATION OF THE PROVISIONS TO OTHER PERSONS OR CIRCUMSTANCES ARE NOT AFFECTED. [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 provisions to other persons or circumstances shall not be affected thereby it being hereby declared that the remaining provisions of the Renewal Plan without the word, phrase, clause, sentence,

paragraph, section or part, or the application thereof, so held invalid would have been adopted and approved.]

(14) ~~(11)~~ In Appendix A, I.B. is amended to read as follows:

B. GUIDELINES

First Floor Guidelines:

1. The ground level of new buildings [shall] MUST occupy 100% of the build-to-line indicated on Exhibit #1.
2. All ground floor facades [shall] MUST have a minimum area of 50% consisting of openings and/or clear glass.

Color and Materials:

The building's primary facade, excluding openings, [should] MUST be brick, stone, granite, marble, precast concrete, cast stone, or similar masonry product. Exterior Insulation and Finish Systems (EIFS) may be used on upper floors only, not at ground level. Colors [should] MUST be compatible with the surrounding architecture.

Building Heights:

1. No building on a primary street [shall] MAY be less than 35 feet in height.
2. Storefronts, arcades and all ground level uses must be a minimum of [twelve] 12 feet high.
3. Buildings within the same street room [should] MAY vary in building height no more than 20% of the average building height within the street room.

(15) ~~(12)~~ Amend Appendix A II. to read as follows:

II. PROPERTY REHABILITATION STANDARDS

Jurisdiction

These provisions [shall] apply to all exterior improvements to existing properties within the Project Area. It is required that all exterior improvements [shall] be made in accordance with the objectives of the Renewal Plan. Over and above the codes and ordinances of the City of Baltimore, the following additional provisions [shall be] ARE applied to all properties within the Project Area, whether occupied or vacant.

Rehabilitation Standards

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

Historic or original materials and/or architectural features in need of repair or replacement [shall] MUST be replicated to match the existing materials and/or features.

Creative and Innovative Design

These provisions [shall] ARE in no way TO discourage creative and innovative design so long as the design proposal is in harmony with the broad intent of [this] THE RENEWAL Plan. Such creative and innovative designs may be submitted to the Department for review and, at the sole discretion of the Commissioner, approval of such designs, including exceptions to these provisions, may be granted.

A. General

1. Exterior [Wall] WALLS (front, side and rear)

- a. All of the exterior walls of all structures located in the Project Area [shall be] ARE included in this requirement.
- b. All exposed and visible surfaces [shall] MUST be replaced, repaired, repointed, cleaned or painted in workmanlike manner to present an acceptable appearance.
- c. All colors and color schemes used in the Project Area [shall] MUST be compatible with the design of the buildings in the [Area] AREA.
- d. All defective structural and decorative elements of building fronts and sides abutting streets [shall] MUST be repaired or replaced in a workmanlike manner to match as closely as possible the architecture of that building. All damaged, sagging, or otherwise deteriorated storefronts, signs, show windows, or entrances [shall] MUST be repaired or replaced.
- e. All miscellaneous unused elements on the exterior walls of the structures such as empty electrical boxes, conduits, pipes, unused sign brackets, etc., [shall] MUST be removed.
- f. All exterior walls which have not been wholly or partially resurfaced or built-over [shall] MUST be repaired and cleaned or painted in an acceptable manner. Brick walls [shall] MUST be pointed where necessary to match existing bond. Painted masonry walls [shall] MUST have loose material removed and be painted a single color except for trim or decorative details which may be another color. Surfaces [shall] MUST be painted with products, and employing application methods that will prevent early deterioration. Patched walls [shall] MUST match the existing adjacent surfaces as to materials, color, bond and joining. Cleaning of masonry walls by means of sandblasting [shall] IS not [be] permitted.
- g. All brick and concrete block walls [shall] MUST be cleaned, repaired, and repointed as required. Brick walls [shall] MUST be either preserved in their natural state or painted a color suitable to their historic style. Unfinished concrete block walls [shall] MUST be painted or stucco finished.
- h. All natural stone walls [shall] MUST be cleaned, repaired, and pointed.

- i. Resurfacing of existing brick facades with materials such as formstone, wood siding, structural glass veneer, metal or vinyl siding or panels, etc., [shall] IS not [be] permitted.
- j. All stucco surfaces [shall] MUST be cleaned and repaired. Repaired and new stucco surfaces [shall] MUST have a continuous and even finish with no patching visible.
- k. No new formstone finishes [shall be] ARE permitted. All defective formstone finishes [shall] MUST be removed and the walls behind them restored. Where formstone is in solid condition and to be retained, painting of facades [will be] IS encouraged.
- l. Existing wood siding material, in sound condition and permissible under the Baltimore City Building Code, [shall] MUST be cleaned, stripped, and painted. All other wood siding [shall] MUST be removed. All siding hiding or covering the original building above the sign area [shall] MUST be removed. Real or simulated wood shakes are not considered to be compatible with this renewal area, and new applications of these materials [will] ARE not [be] permitted.
- m. Existing metal or vinyl siding [which] that is undamaged, structurally sound, and permissible under the Baltimore City Building Code [shall] MUST be kept bright, clean, in a good state of repair, or painted a color compatible with the colors of the neighboring structures. All other metal or vinyl siding [shall] MUST be removed. All siding hiding or covering the original building above the sign area [shall] MUST be removed. Existing metal or vinyl siding [shall be] IS limited to the street level and [shall] MAY not cover more than 25% of the total front. The metal or vinyl [shall] MUST be of sufficient gage, thickness and finish quality to prevent denting, scratching and discoloration through normal wear and tear. No new applications of vinyl siding [shall be] ARE permitted.
- n. All gutters and rain water leaders must be in good condition and [shall] MUST be repaired or replaced as necessary and [shall] MUST be neatly located and securely installed. Gutters and downspouts [shall] MUST be pre-painted, baked enamel, non-ferrous material or painted and [shall] MUST be compatible with the other building colors.
- o. All cornices, upper floor windows, and all other portions of a building containing metal or wood trim [shall] MUST be made structurally sound. Rotten, rusted or weakened portions [shall] MUST be restored, where feasible, or replaced to match as closely as possible the original architecture. All exposed metal or wood [shall] MUST be painted or stained, or otherwise treated for protection. The removal of cornice work, without prompt replacement of approved design, [will] IS not [be] permitted.
- p. Walls, ledges, cornices, sills and other projections [shall] MUST be kept clean of bird droppings and may be provided with inconspicuous/discrete deterrent devices to protect them from soiling by birds.
- [Q] Q. No new mechanical equipment, such as exhaust fans, vents and air conditioning units, [shall be] IS allowed to project through building fronts or sides facing streets unless concealed in an approved manner.

2. Roofs

- a. All roof mounted signs and unused roof hardware [shall] MUST be removed.
- b. Roofs [shall] MUST be kept free of trash, debris, or any other element [which] THAT is not a permanent part of the building or a functioning element of its mechanical or electrical system.
- c. Television and radio antennae [shall] MUST be located so as to be as inconspicuous as possible from the sidewalk across the street.
- d. Rooftop mechanical equipment [shall] MUST be located far enough back from the edge of the roof so that it cannot be seen from the sidewalk across the street, either in front of or to one side of the building. Functional equipment may be retained until major repair or replacement of the equipment becomes necessary, at which time it [shall] MUST be repositioned as above. All mechanical equipment [shall] MUST be painted with a flat paint in a color compatible with the color of the front of the building upon which it rests to minimize visibility.
- e. Any new mechanical equipment placed on a roof [shall] MUST be [so] located [as] to be hidden from the streets[,] and to be AS inconspicuous as possible from other viewpoints. New equipment [shall] MUST be screened with suitable elements of a permanent nature and finished so as to be compatible with the rest of the building. Where [such] screening is unfeasible, equipment [shall] MUST be installed in a neat, presentable manner and [shall] MUST be painted in [such] a manner [as] to minimize its visibility.
- f. All chimneys, elevator penthouses or other auxiliary structures on the roofs [shall] MUST be kept clean and in good repair. All deteriorated masonry chimneys [shall] MUST be either removed or restored. All future metal chimneys [shall] MUST be located so that they cannot be seen from the sidewalk across the streets either in front of, or to one side of, the building.
- g. Rooftop decks or other such structures [shall] MUST be set back from the street facade(s) [so as to be] AND not visible from sidewalks at the opposite side of the street.
- h. Flashing visible from the sidewalk must be neat and free of pitch. Visible flashing [shall] MUST be painted to match the surface of the wall and roof.
- i. For pitched roofs visible from the sidewalk across the street, additional roof requirements [shall] apply:
 - (1) The finished roofing material [shall] MUST be kept clean, in good state of repair, and of uniform pattern, color, and texture.
 - (2) The finished roofing material [shall] MUST be limited to one of the following:
 - Flat or standing seam natural or painted sheet metal roofing
 - Asphalt shingle or clay tile

- Slate

- (3) The finished roofing material [shall] MUST be a color compatible with the building color scheme.
- (4) Original dormers [shall] MUST be retained and repaired. New dormers [shall] MUST be compatible with the design of the building's street facade. The finish materials and colors [shall] MUST be compatible with both the roof and facade of the buildings.
- (5) Skylights and solar panels [shall] MUST be of low profile and all metal parts [shall] MUST match the roofing material.

3. Windows

- a. Windows not in the front or side of the buildings [shall] MUST be kept properly repaired, or with Fire Department approval, may be closed, in which case, sills, lintels, and frames must be removed and the opening properly closed to match the material, design, and finish of the adjacent wall, or other solution satisfactory to the Department.
- b. All windows must be tight-fitting and have sashes of proper size and design. Sashes with rotten wood, broken joints or loose mullions or muntins [shall] MUST be replaced. All broken and missing window panes [shall] MUST be replaced in original or appropriate design with glass. All exposed wood [shall] MUST be repaired and painted.
- c. Window openings in upper floors of the front and all visible sides of the building [shall] MUST be retained and restored and not be filled, boarded up, or covered by any signs. Window styles are to conform to original window styles for the building facade. Windows in upper floors may be backed by suitable curtains, blinds, interior wood shutters, or other approved materials. Window glass at street level [shall] MUST not be painted.
- d. The use of shutters [shall] IS not [be] allowed in cases where shutters would not be appropriate with the architectural style of the building.
- e. All of the windows in a single facade [shall] MUST be of matching design. All window openings [shall] MUST have the same height and width they did at the time that the wall in which the openings are located was originally built. Filling in these openings at the top, bottom, or sides is not permitted. The following additional requirements [shall] apply for all new windows:
 - (1) All windows [shall] MUST have frames, sash, and mullions of a material, design, and color appropriate to the architecture of the building. Wherever possible, the original number of window lights [shall] MUST be retained, either in existing or replacement sashes.
 - (2) All windows, frames, and mullions [shall] MUST be kept in good repair and properly painted.
 - (3) Ornamental windows, grilles, and balconetts may be incorporated as a decorative or security device.

- (4) The lintels over windows [shall] MUST be preserved, restored, or replicated. Rotten wood lintels [shall] MUST be replaced with steel lintels concealed behind a wood facing. Brick archwork and stone lintels [shall] MUST be restored.
- (5) Window sills [shall] MUST be preserved, replaced, and restored to match the original design of the building.
- (6) Installation of exhaust fans, vents, and air conditioning units in front windows is not allowed; however, where there is no other alternative, the unit ~~shall~~ MUST be painted in a color that makes it as inconspicuous as possible or ~~shall~~ MUST otherwise be suitably screened.

4. Storefronts

- a. A storefront as a part of the building facade [shall be] IS defined to include:
 - (1) The ground floor building face, generally from the grade level to the centerline of the second floor, and the entrance area leading to the door;
 - (2) The door, sidelights, transoms, show windows, display platforms, devices including lighting and signing designed to be viewed from the public right-of-way and/or the areas visible to the public prior to entering the interior portion of the structure.
- b. All elements of the storefront including marquees, awnings, show windows, entrances, signs, lighting, sun protection, security grilles, etc., [shall] MUST be compatible, harmonious, and consistent with the original scale and architecture of the building. All such elements [shall] MUST be located no higher than one inch below the second story window sill line where windows exist, or to a point 14 feet above the sidewalk.
- c. All extraneous and unused hardware, signing, and equipment [shall] MUST be removed.
- d. All broken, rotten, or damaged elements [shall] MUST be removed and replaced with elements that are compatible with the architecture of the building. All damaged, sagging, or otherwise deteriorated storefronts, show windows, or entrances [shall] MUST be repaired or replaced. The practice of "patching" or layering materials one on top of the other is not permitted. Damaged parts [shall] MUST be replaced so as to be undetectable as replacement parts.
- e. At [such] THE time [as] WHEN sign panels covering or replacing store cornices are removed, the cornice [shall] MUST be restored or replaced. (See A.1.o.)
- f. Materials used on storefronts [shall] MUST be compatible with the architecture of other buildings in the renewal area as well as other materials used on the building itself. Other factors such as durability, ease of maintenance and historical compatibility of materials [shall] MUST be considered in relation to future material installations. Material not approved by the Department [shall] IS not [be] permitted for any future use. All such materials now in use [shall] MUST be kept in good repair or [shall] MUST be removed.

g. Awnings

- (1) Existing retractable awning boxes or fixed awning hardware on storefronts [shall] MUST be reconditioned to accommodate a new awning [which shall be] THAT IS compatible with the building design. Torn, frayed, faded or dirty awnings [shall] MUST be reconditioned, repaired, cleaned, or replaced.
- (2) Awnings are to be installed along the full width of existing awning boxes and frames and on upper floors over windows only.
- (3) The color of the material and any graphics or striping [shall] MUST be compatible with the building architecture.
- (4) Fixed awnings [shall] MUST have a fall sufficient to shed a snow load. A [six-inch] 6-INCH fall for every foot [should be] IS the minimum.
- (5) Awnings [shall] MUST not be designed so as to prevent vehicular movement at the curb or to interfere with improvements to the public right-of-way such as street lights, landscaping, and street furniture. Awnings [shall] MUST not be lower than 8 feet above the sidewalk, and not less than 1 foot inside the curb and [shall] MUST otherwise conform with the provisions of City Ordinances.
- (6) Street level awnings [shall] MUST terminate against the building at a height not to exceed [one] 1 inch below the second floor window sill or no higher than the bottom of a first floor cornice, unless it exists as a part of the cornice.
- (7) Awning signage [should be] IS limited to the valance portion of the awning, with an 8 inch maximum height of letters. Logos may be used on other portions of the awning.
- (8) New metal awnings or canopies are not permitted.

- h. Security screens, grates, bars, and grilles [shall] MUST be designed to be as inconspicuous as possible. They [shall] MUST be constructed of non-ferrous material or kept painted and free of rust. Non-metal grilles and screens [shall be] ARE prohibited. Enclosures and housings for security grilles and screens [shall] MUST be painted and compatible with the architecture of the storefront and the facade or hidden from view as an integral part of a sign or awning. All screens and grilles [shall] MUST be totally opened or removed during the normal business hours. No signs or product advertising [shall be] ARE permitted on grilles or grille housings.
- i. Solid or permanently enclosed or covered storefronts or painted show windows or show windows replaced by solid materials [shall] ARE not [be] permitted unless treated architecturally as an integral part of the building facade and compatible with these standards. Where the window treatment of the first floor is to be modified, these new window openings [shall] MUST not be smaller in size than the openings of the second or third floor windows. These new windows [shall] MUST be compatible with the upper windows in the structure.

- j. New storefronts that project beyond the property lines of the stores are not permitted. Where the original front is behind the property line and where a new projecting front would not be disruptive to adjacent stores and is compatible with the building architecture, a new front may be installed up to the property line.
- k. All new storefronts [shall] MUST provide a street side hose bib to provide water for storefront and sidewalk cleaning and to aid in watering street trees.
- l. Doorways and Entrances - In cases where there are doorways to buildings that are not incorporated in the storefront, the character of the original doorway [shall] MUST be preserved, where possible. The original style of these doorways, if possible, [shall] MUST be incorporated into the design of the remodeled storefront. The following additional requirements [shall] apply to all doorways and entrances.
 - (1) Storm and screen doors and hardware visible from the outside [shall] MUST be compatible with entrance doors.
 - (2) Any grilles, bars, and grates covering doors or windows [shall] MUST be designed to be compatible with the architecture of the building and of the neighboring structures.
 - (3) Where steps or stoops are required at a doorway or entrance, they [shall] MUST be designed to match the original design. In cases where there are more than [two] 2 risers, the steps or stoops [shall] MUST be provided with a railing of compatible design.
 - (4) Doorways and entrances [shall] MUST be designed with consideration for the needs of the handicapped and the elderly. Handicapped ramps [shall] MUST be designed to be compatible with existing or proposed storefronts or entries.
- m. Each store is required to display a postal address number on the storefront. The number size, style, AND location [shall] MUST be designed so that it is easily visible from the center line of the street.
- n. Footways adjacent to all properties within the area boundaries [shall] MUST be maintained, at minimum, in a manner consistent with applicable Baltimore City Codes and Ordinances. In addition, when required, footways [shall] MUST be repaired or replaced to present a neat and even appearance and in a manner that is compatible with the materials, design, and finish of adjacent footway surfaces, including specially designed and installed sidewalk, plaza and mall paving. Where entire frontage of footway is to be replaced, such replacement [shall] MUST conform to the Streetscape Design Guidelines established November 1998, by the Department for the downtown area.
- o. [This] THE RENEWAL Plan encourages the use of adjacent footways for sidewalk cafes (outdoor table service) with or without awnings, where accessory to a restaurant use. A clear walkway not less than 6 feet in width [shall] MUST be maintained in accordance with provisions of City Ordinances. Permanent installation of furniture, planters, etc., [will] IS not [be] permitted. All furniture

and other features [shall] MUST be of durable material and construction and of appropriate design.

5. Signs

All new signs [shall] MUST be in accordance with the Zoning [Ordinance] CODE of Baltimore City and subject to the requirements for a minor privilege. In addition, the following provisions [shall] apply:

- a. All signs not conforming to these regulations [shall] MUST be removed within 2 years from date of enactment of Amendment 12. Billboards larger than 60 square feet that are located east of Eutaw Street [shall] MUST be removed. Billboards larger than 60 square feet that are located west of Eutaw Street [shall] MUST be removed in the event they are: 1. located on; 2. across the street, alley or footway from; 3. diagonally across from; or 4. adjacent to any development site. "Development site" for the purpose of [this] THE RENEWAL Plan [shall be] IS defined as any public or private development, redevelopment, rehabilitation, construction, improvement or other investment, the aggregate cost of which exceeds \$200,000.
- b. Size, shape, letter style(s), colors, and method of installation of all signs [shall] MUST be compatible with the architecture of the building and the neighboring structures. Design of signs by graphic designers is encouraged. [This] THE RENEWAL Plan requires that design drawings of all proposed signs and showing their location on the building facade [shall] MUST be submitted to the Department for approval prior to fabrication and installation.
- c. Materials employed for construction of signs [shall] MUST be durable and weather resistant, [shall] MUST be fabricated and installed by qualified and experienced mechanics, and [shall] MUST be maintained in good repair.
- d. Placement of signs [shall be] IS restricted to the first floor only, placed no higher than the bottom of the second story window sill, where windows exist, or 14 feet above the sidewalk, where second floor windows do not exist, and the sign bottom [shall] MUST be directly above the storefront or awning/security enclosure. Signs [shall] MUST be designed in a manner so that they do not interfere with important architectural details (e.g., windows, cornices, carved friezes, arches) of the buildings. Placement entirely on a flat portion of facade or an area entirely within the confines of an opening and lined up with architectural details or elements is required. Upper floor signs are contrary to the intent of [this] THE RENEWAL Plan. However, in special circumstances, signs may be placed on upper floors if it is determined that there is no prudent means of accommodating the sign on the first floor consistent with these provisions or as special exceptions approved by the Department.
- e. "Temporary signs" may be displayed within storefront windows only provided that these signs do not cover more than 20% of the area of the window in which they are displayed and are on display not more than [thirty (30)] 30 consecutive days.
- f. Signs [shall be] ARE permitted at rear entrance and delivery doors, but [shall] MAY not exceed [two] 2 square feet in area and may be illuminated.

- g. Signs in the form of letters, symbols or other graphics may be incorporated in the design of any awning included in the design of a storefront, provided such signs are compatible with the architecture of the building and the awning.
- h. Signs may be painted on the inside surface of upper floor and storefront show windows and sign panels may be hung inside the show window. These signs must be designed to be compatible with the architecture of the facade.
- i. Signs [shall] MUST be incorporated in the design of the storefront and [shall] MAY not project more than 12["] INCHES except where a sign will serve to hide a security grille enclosure which exists beyond the primary surface of the building. If the storefront design includes a cornice, the sign may be incorporated in the cornice design. If a storefront cornice is not appropriate for a sign, or there is no cornice, the sign may be placed either in the store window or on the portion of the building facade above the store window/cornice and below the sill of the second floor windows. Signs [which] THAT are an integral part of the building structure and compatible with the original architecture of the building are permitted.
- j. Painted signs on building surfaces or use of separate cutout letters [shall be] ARE permitted in accordance with these provisions.
- k. Neon tube signs are permitted above a show window and on the inside of and behind show windows as provided for herein and as provided for in "Lighting" in [this] THE RENEWAL Plan.
- l. Flags and banners, conforming to existing City Ordinances, may be displayed on a temporary and permanent basis so long as the poles are maintained in good condition and the flag or banner material is not faded, torn, or frayed. Projection of such banners or flags [shall] MAY not exceed 36 inches from the building facade.
- m. Roof top signs, signs above the parapet of a building, billboards, or other outdoor advertising signs painted or mounted on structures other than billboards, except as otherwise [herein] provided IN THE RENEWAL PLAN, [shall] ARE not [be] permitted. All existing rooftop and facade mounted sign brackets and hardware [shall] MUST be removed.
- n. One projecting sign perpendicular to the building face [will be] IS permitted for each building provided it is no more than 6 square feet in area and placed no higher than the sill of the second story windows where they exist, or 14 feet above grade, whichever is lower.
- o. Flashing or moving signs other than barber poles [shall] ARE not [be] permitted.
- p. Flat signs placed parallel to the building facade [shall] MAY not exceed 2 square feet of area for each linear foot of building frontage. A flat sign on the front and side of a building may be permitted providing that the total area of such signs does not exceed 2 square feet for each linear foot of frontage.
- q. No flat signs, projecting more than 12 inches [will be] ARE permitted to be mounted to the face of any building; such existing signs [shall] MUST be removed as provided in Section III. Compliance.

- r. Existing marquees to be rehabilitated [shall] MUST be designed [so as] to be compatible with the architecture of the building. New marquees to be added must be designed to be compatible with the building and adjoining structures.
- s. Super graphics or murals are a special form of outdoor art, and the Department may permit their application upon submission and approval of full color drawings of the intended super graphic or mural on wall surfaces that are predominately bland except on buildings designated of either historic or architectural significance. The application [should] MUST be appropriate to the use, activity or theme of a building or place. [Such] THE super graphics or murals [shall] MUST be designed by recognized professional graphic artists, artists or designers.
- t. The Department may permit freestanding signs and sign kiosks on the sites where buildings are set back from their property lines [upon] ON the submission and approval [to] OF site plans and sign design drawings.

6. Lighting

- a. Exterior lighting [shall be] IS limited to lighting fixtures designed to be in harmony with the character of the buildings and the street. [Such] THESE fixtures [shall] MUST be mounted in the entrance ways or on the front facade of the building. Flood lighting, concealed above the shopfront cornice, may be used to light the facades of buildings except where the upper floors are in residential use. Lighting of the shops [will be] IS encouraged during the evening hours at times agreed upon by the merchants.
- b. Lighting of the facades of the buildings is encouraged and may be accomplished with projecting fixtures at the shopfront cornice line or other approved locations. [Such] THE fixtures [shall] MUST be inconspicuous and compatible with the building architecture and project not more than 24 inches from the face of the building.
- c. All lighting and electrical elements such as wires, conduits, junction boxes, transformers, ballasts, switches and panel boxes [shall] MUST be concealed from view.
- d. The following lighting methods are not permitted for signs and buildings:
 - (1) Exposed fluorescent lighting.
 - (2) Exposed quartz or mercury vapor lamps.
 - (3) Exposed incandescent lamps other than low wattage, purely decorative lighting and neon as provided for [herein] IN THE RENEWAL PLAN.
- e. The following lighting methods are permitted for signs and buildings:
 - (1) Fully recessed fluorescent downlights or wallwashers in a valance box. Box must run full length of storefront at top of sign area.

- (2) Internally illuminated box signs and individual letters or back-lit (halo) letters.
- (3) Fully recessed downlights or wallwashers in projecting metal box. Box must run length of storefront at top of sign area.
- (4) Shielded fluorescent lamps with diffusers in projecting metal box. Box must run full length of storefront at top of sign area.
- (5) "Gooseneck incandescent," porcelain enamel reflector on bent metal tube arm. Housing must prevent glare at pedestrian eye level.
- (6) Neon tube illumination in the form of a neon tube graphic where a light source is supplied by a neon tube which is bent to form letters, symbols or other shapes in various colors are permitted as flat signs above a show window when enclosed in a sign box and protected by a glass front or on the inside of show windows.

7. Rear Yards

Where a front, side, or rear yard exists or is created through the demolition of structures, the open areas [shall] MUST be treated in a manner consistent with the following standards.

a. Enclosures of Yards

A rear yard may be enclosed along side and rear property lines by an unperforated masonry wall or metal grille fence compatible with the architecture of the rear walls of the building. Solid doors or gates may be used to the extent necessary for access and delivery. [Such] THE walls must be not less than [three] 3 feet in height. Use of barbed wire or broken glass on top of walls [shall] is not [be] permitted. Solid masonry walls [shall] MUST be used where fronting on public streets and adjacent properties.

b. Provision of Parking Area

Rear yard may be used as a parking or loading area providing that it is properly screened, paved, illuminated and maintained. A sign not exceeding [two] 2 square feet in area may be used to identify and control parking and loading. The owner of the building [shall be] IS responsible for maintenance of the parking area in a neat and clean manner. No storage of trash containers [shall be] IS allowed in this area except when housed in permanent enclosures of acceptable design.

c. Structures that are attached or unattached to the rear of the principal structure and [which] THAT are structurally deficient, [shall] MUST be properly repaired or demolished. Yards and areaways [shall] MUST be kept free of trash, debris, or any other element [which] THAT is not a permanent part of the building or a functional element of its mechanical or electrical system.

8. Off-Street Parking

- a. Parking spaces [shall be] ARE provided as established in the Zoning [Ordinance] CODE of Baltimore City, or in [such] A lesser amount as may be authorized by THE Board of Municipal and Zoning Appeals as a Special Exception or Variance. In addition to these requirements, off-street parking areas [shall] MUST be visually screened from public streets and adjacent properties as provided for [herein] IN THE RENEWAL PLAN.
- b. All required parking spaces [shall] MUST be provided with the proper ingress and egress to a public street or alley.
- c. All parking facilities [shall] MUST be effectively screened. When fronting on public streets and adjacent properties, screening [shall] MUST consist of a masonry wall or combination of landscaping and masonry wall or metal grille fence, not less than 3 feet in height. Screening [shall] MUST be maintained in good condition and [shall] MUST be so designed and placed so as not to obstruct vehicle sight distances at entrances and exits. Solid masonry walls [shall] MUST be used. Chain link fencing is not permitted fronting public streets or walkways. Landscaping [shall] MUST be full height required at time of installation.
- d. All exterior (surface) parking areas [shall] MUST be paved with a hard, dust-free surface[,] and [shall] MUST be properly illuminated[,] and maintained in a neat and clean manner.
- e. A sign not exceeding [sixteen] 16 square feet in area may be used to identify and control parking and loading.
- f. Surface parking lots having more than 40 spaces [shall] MUST include installation of shade trees at a ratio of [one] 1 tree per 20 parking spaces. Trees [shall] MUST be as evenly distributed as possible and ~~shall~~ MUST be a minimum of 3 inch caliper at time of planting.
- g. Parking structures facing primary streets [shall] MUST include active uses (retail, commercial, office, etc.) at street level or incorporate architectural treatment or other amenities to avoid pedestrian-unfriendly facades.

9. Off Street Loading, Storage and Service

- a. Where permitted by the Zoning [Ordinance] CODE of Baltimore City, front, side, or rear yards may be used for loading, storage, or service. In addition to any requirements of the Zoning [Ordinance] CODE, these areas [shall] MUST be appropriately screened from all adjacent streets, alleys, and properties. Screening [shall] MUST consist of an unperforated masonry wall or metal grille fence or landscaping, or combination [thereof] OF THEM, at least 3 feet in height.
- b. All yards used for loading and vehicle storage and service [shall] MUST be provided with the proper ingress and egress to a public street or alley by means of access drives and aisles. Such drives and aisles [shall] MUST be consistent with the intended use of the property and [shall] MAY not be excessive in size.

- c. All exterior (surface) parking areas [shall] MUST be paved with a hard, dust-free surface and [shall] MUST be properly illuminated, and maintained in a neat and clean manner.
- d. A sign not exceeding [two] 2 square feet in area may be used to identify and control parking and loading.

10. Refuse Storage

All outdoor refuse storage areas and dumpsters on private property [shall] MUST be screened from the view of adjacent properties and public rights-of-way, and no dumpsters or rubbish containers [shall] MAY be exposed at the fronts of buildings. Screening [shall] MUST consist of a masonry wall or metal fence or combination not less than [five (5)] 5 feet in height. Trash storage areas [shall] MUST be maintained in a neat and clean manner at all times.

11. Existing Passageways

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

B. [SPECIAL] SPECIAL

The following buildings due to their historic/ architectural significance, will be preserved as part of [this] THE RENEWAL Plan:

Hechts - 118-32 North Howard Street
Stewarts - 226-32 West Lexington Street
Baltimore Equitable Society - 21 North Eutaw Street
Hippodrome Theatre - 12 North Eutaw Street
Baltimore Grand - 401 West Fayette Street
Town Theatre - 311-17 West Fayette Street
American National Bank - 100-04 West Lexington Street

Mayfair Theatre (Howard Street facade only) - 506-14 North Howard Street
401-25 and 418-26 West Baltimore Street

(16) ~~(13)~~ Amend Appendix A III. to read as follows:

III. REVIEW OF REHABILITATION PLANS

- A. The Department [shall be] IS concerned with all aspects of the designs affecting exterior appearance and in particular with the following:
- Materials and colors to be used on all visible exterior areas of the building(s) and on signs;
 - Design of show windows, marquees, and entrance areas, including proposed materials and types of security devices;
 - Design of signs, methods of illumination, colors, materials, methods of attachment;
 - Design of awnings and canopies, colors, materials, methods of attachment;
 - Condition of rear yard spaces, service and delivery areas;
 - Refuse collection details.
- B. Prior to preparing designs for proposed improvements covered by these provisions, the owner or his representatives should determine, in consultation with the Department, what will be required to attain compliance with the objectives of the Renewal Plan.
- C. Design of all building improvements, modifications, repair, rehabilitation, or painting of the exterior of the existing buildings, their shop fronts, and signs, and all other actions provided for [herein] IN THE RENEWAL PLAN, [shall] MUST be submitted to the Department, and approval by the Department [shall be] IS required before proceeding with the work. Exterior rehabilitation plans [shall] MUST include entire building elevation, drawn at a suitable scale to show in sufficient detail, the storefront design, windows, cornices, colors (color chips), materials (samples, if requested), signs, lighting, awning, and other architectural features. The preparation of plans by professional designers is encouraged by the Department.
- D. Where the word "acceptable" appears in these regulations, it [shall mean] MEANS acceptable to the Department.
- E. The word "provision(s)" [shall] also [mean] MEANS "standard(s)."
- F. The word "Department" [shall mean] MEANS the Department of Housing and Community Development.
- G. The word "Commissioner" [shall mean] MEANS the Commissioner of the Department of Housing and Community Development.

(17) ~~(14)~~ Amend Appendix A IV. to read as follows:

IV. COMPLIANCE

All rehabilitation work necessary to meet the above standards for the ORIGINAL Market Center AREA [shall] MUST be completed within 2 years from the effective date of Amendment 12, AND WITHIN 1 YEAR FROM THE EFFECTIVE DATE OF ORDINANCE NO. 100, APPROVED JUNE 19, 1984, FOR THE MARKET CENTER WEST AREA, unless extended by the Commissioner [of the Department of Housing and Community Development]. Thereafter, all work [shall] MUST be completed in accordance with the date of completion set forth in the notice from the Commissioner. Areas incorporated within the ORIGINAL Market Center project boundaries after July 11, 1980, must complete rehabilitation work within 2 years from the effective date of the ordinance in which the new areas were first included. AREAS INCORPORATED WITHIN THE MARKET CENTER WEST AREA AFTER JUNE 19, 1984, MUST COMPLETE REHABILITATION WORK WITHIN 1 YEAR FROM THE EFFECTIVE DATE OF THE ORDINANCE IN WHICH THE NEW AREAS WERE FIRST INCLUDED. Thereafter, all work as may be required from time to time to maintain properties consistent with these provisions [shall] MUST be completed in accordance with notice from the Commissioner. No work, alterations or improvements [shall] MAY be undertaken after enactment of Amendment 12 OF THE ORIGINAL MARKET CENTER AREA AND AFTER ENACTMENT OF ORDINANCE NO. 100, APPROVED JUNE 19, 1984, OF THE MARKET CENTER WEST AREA, which does not conform with the requirements [herein] IN THE RENEWAL PLAN. However, the Commissioner may waive compliance with one or more of these standards if [such] THE waiver is determined by the Commissioner not to adversely affect the Property Rehabilitation Objectives for the Market Center area. If the City and a property owner have entered into an agreement in respect to the rehabilitation of that owner's building(s), then compliance with the standards [hereinabove set forth shall] IN THE RENEWAL PLAN MAY be waived by the Commissioner, provided that the Commissioner determines that [such] THE waiver does not adversely affect the Property Rehabilitation Objectives for [the] Market Center. Nothing [herein shall be] IN THE RENEWAL PLAN IS TO BE construed to permit any sign, construction, alteration, change, repair, use, or any other matter otherwise forbidden or restricted or controlled by any other public law.

SECTION 2. 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:

307-09 West Baltimore Street
311-13 West Baltimore Street
315-19 West Baltimore Street
321 West Baltimore Street
323-25 West Baltimore Street
327 West Baltimore Street
329-35 West Baltimore Street

315 Diamond Street
317 Diamond Street

15 South Eutaw Street (portion only - known as the Bromo Seltzer Tower)
32 South Eutaw Street
34 South Eutaw Street
36-38 South Eutaw Street

213-21 West Fayette Street

~~9 North Howard Street~~

~~11-13 North Howard Street~~

~~15-17 North Howard Street~~

~~19 North Howard Street~~

~~21-23 North Howard Street~~

~~25-27 North Howard Street~~

~~600 West Lexington Street~~

~~602 West Lexington Street~~

~~606 West Lexington Street~~

~~608 West Lexington Street~~

~~610 West Lexington Street~~

~~612 West Lexington Street~~

~~614-16 West Lexington Street~~

300-02 West Lombard Street (rear portion only ~~B~~ = 4,288.6 SF)

304 West Lombard Street (rear portion only ~~B~~ = 2,897.4 SF)

402 West Lombard Street

319 West Mulberry Street

312 North Paca Street

314 North Paca Street

316 North Paca Street

318-20 North Paca Street

322 North Paca Street

324 North Paca Street

326 North Paca Street

328 North Paca Street

~~330 North Paca Street~~

NWS Washington Boulevard NEC Greene Street

500 Block of Portland Street between South Greene Street and Washington Boulevard

104' - 1½" of Cohens Court east of 321-23 North Eutaw and 319 West Mulberry Streets

~~8' alley east of 9-17 North Howard Street~~

3' alleys east of 503 and south of 505-11 West Mulberry Street

SECTION 3. AND BE IT FURTHER ORDAINED, That the following properties as proposed to be acquired in previous amendments to the Market Center West Urban Renewal Plan are deleted from acquisition for urban renewal purposes:

202 North Greene Street

204 North Greene Street

206-10 North Greene Street

212 North Greene Street

214 North Greene Street

216 North Greene Street

218-20 North Greene Street
222 North Greene Street
224 North Greene Street
226 North Greene Street

118 North Howard Street

315-19 West Lexington Street
604 West Lexington Street

223-25 Pearl Street
227-29 Pearl Street
231 Pearl Street
233 Pearl Street
235 Pearl Street
237 Pearl Street
239 Pearl Street.

SECTION 3 4. AND BE IT FURTHER ORDAINED, That the revisions shown in the amended Urban Renewal Plan on Exhibit 1, "Land Use Plan", dated as revised ~~June 7~~ July 19, 2002, Exhibit 2, "Property Acquisition - Land Disposition", dated as revised ~~June 7, 2002~~ January 20, 2004, and Exhibit 3, "Zoning Districts", dated as revised ~~June 7~~ July 19, 2002, are approved.

SECTION 5. AND BE IT FURTHER ORDAINED, That Urban Renewal Plan Market Center Amendment 15 (Ordinance 03-513, approved April 9, 2003), is redesignated as Urban Renewal Plan Market Center Amendment 14.

SECTION 4 6. 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 ~~14~~ 15, dated ~~June 7~~ July 19, 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 5 7. AND BE IT FURTHER ORDAINED, That if the amended Urban Renewal Plan approved by this Ordinance in any way fails to meet the statutory requirements for the content of a renewal plan or for the procedures for the preparation, adoption, and approval of a renewal plan, those requirements are waived and the amended Urban Renewal Plan approved by this Ordinance is exempted from them.

SECTION 6 8. AND BE IT FURTHER ORDAINED, That if any provision of this Ordinance or the application of this Ordinance to any person or circumstance is held invalid for any reason, the invalidity does not affect any other provision or any other application of this Ordinance, and for this purpose the provisions of this Ordinance are declared severable.

SECTION 7 9. AND BE IT FURTHER ORDAINED, That if a provision of this Ordinance concerns the same subject as a provision of any zoning, building, electrical, plumbing, health, fire, or safety law or regulation, the applicable provisions shall be construed to give effect to each. However, if the provisions are found to be in irreconcilable conflict, the one that establishes the higher standard for the protection of the public health and safety prevails. If a provision of this Ordinance is found to be in conflict with an existing provision of any other law or regulation that establishes a lower standard for the protection of the public health and safety, the provision of this Ordinance prevails and the other conflicting provision is repealed to the extent of the conflict.

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

Approved March 25, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-654
(Council Bill 03-1071)**

AN ORDINANCE CONCERNING

Better Waverly Historic District

FOR the purpose of designating the area located within certain boundaries as the Better Waverly 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. BETTER WAVERLY HISTORIC DISTRICT.

THE AREA LOCATED WITHIN THE FOLLOWING BOUNDARIES IS DECLARED TO BE THE BETTER WAVERLY HISTORIC DISTRICT.

BEGINNING FOR THE SAME AT THE POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF HOMESTEAD STREET AND THE LINE OF THE NORTHWEST OUTLINE OF THE PROPERTY KNOWN AS No. 615 HOMESTEAD STREET, PROJECTED, AND RUNNING THENCE BINDING ON THE CENTERLINE OF HOMESTEAD STREET, SOUTHEASTERLY 50 FEET, MORE OR LESS, TO INTERSECT THE LINE OF THE NORTHWEST OUTLINE OF THE PROPERTY KNOWN AS No. 610 HOMESTEAD STREET, PROJECTED; THENCE BINDING ON THE LINE OF THE NORTHWEST OUTLINE AND ON THE NORTHWEST OUTLINE OF No. 610 HOMESTEAD STREET, NORTHEASTERLY 125 FEET, MORE OR LESS, TO THE REAR OF THE PROPERTY KNOWN AS No. 610 HOMESTEAD STREET; THENCE BINDING ON THE REAR OF THE PROPERTIES KNOWN AS NOS. 610 THROUGH 712 HOMESTEAD STREET, AND CROSSING FRISBY STREET, SOUTHEASTERLY 410 FEET, MORE OR LESS, TO THE NORTHWEST OUTLINE OF THE PROPERTY KNOWN AS No. 716 HOMESTEAD STREET; THENCE BINDING ON THE NORTHWEST OUTLINE AND THE LINE OF THE NORTHWEST OUTLINE OF No. 716 HOMESTEAD STREET, PROJECTED, SOUTHWESTERLY 125 FEET, MORE OR LESS, TO INTERSECT THE CENTERLINE OF HOMESTEAD STREET; THENCE BINDING ON THE CENTERLINE OF HOMESTEAD STREET,

SOUTHEASTERLY 260 FEET, MORE OR LESS, TO INTERSECT THE LINE OF THE SOUTHEAST OUTLINE OF THE PROPERTY KNOWN AS No. 801 HOMESTEAD STREET; THENCE BINDING ON THE LINE OF THE SOUTHEAST OUTLINE AND ON THE SOUTHEAST OUTLINE OF No. 801 HOMESTEAD STREET, SOUTHWESTERLY 135 FEET, MORE OR LESS, TO INTERSECT THE CENTERLINE OF AN ALLEY OF VARIABLE WIDTH LAID OUT IN THE REAR OF THE PROPERTIES KNOWN AS NOS. 713 THROUGH 801 HOMESTEAD STREET; THENCE BINDING ON THE CENTERLINE OF SAID ALLEY, NORTHWESTERLY 365 FEET, MORE OR LESS, TO INTERSECT THE LINE OF THE SOUTHEAST OUTLINE OF THE PROPERTY KNOWN AS No. 3111 FRISBY STREET; THENCE BINDING ON THE SOUTHEAST OUTLINE OF No. 3111 FRISBY STREET, SOUTHWESTERLY 19.4 FEET, MORE OR LESS; THENCE BINDING ON THE SOUTHWEST OUTLINE AND THE LINE OF THE SOUTHWEST OUTLINE OF No. 3111 FRISBY STREET, PROJECTED, NORTHWESTERLY 100 FEET, MORE OR LESS, TO INTERSECT THE CENTERLINE OF FRISBY STREET; THENCE BINDING ON THE CENTERLINE OF FRISBY STREET, SOUTHWESTERLY 89.5 FEET, MORE OR LESS; THENCE CONTINUING TO BIND ON THE CENTERLINE OF FRISBY STREET, SOUTHWESTERLY 264 FEET, MORE OR LESS, TO INTERSECT THE LINE OF THE SOUTHWEST OUTLINE OF THE PROPERTY KNOWN AS No. 601 E. 31ST STREET; THENCE BINDING ON THE LINE OF THE SOUTHWEST OUTLINE AND ON THE SOUTHWEST OUTLINE OF THE PROPERTY KNOWN AS No. 601 E. 31ST STREET, NORTHWESTERLY 230 FEET, MORE OR LESS, TO THE NORTHWEST OUTLINE OF No. 601 E. 31ST STREET; THENCE BINDING ON THE NORTHWEST OUTLINE OF No. 601 E. 31ST STREET AND ON THE LINE OF THE NORTHWEST OUTLINE OF No. 601 E. 31ST STREET, PROJECTED, NORTHEASTERLY 137 FEET, MORE OR LESS, TO INTERSECT THE CENTERLINE OF 31ST STREET; THENCE BINDING ON THE CENTERLINE OF 31ST STREET, NORTHWESTERLY 68 FEET, MORE OR LESS, TO INTERSECT THE LINE OF THE NORTHWEST OUTLINE OF THE PROPERTY KNOWN AS No. 614 E. 31ST STREET, PROJECTED; THENCE BINDING ON THE LINE OF THE NORTHWEST OUTLINE AND ON THE NORTHWEST OUTLINE OF No. 614 E. 31ST STREET, NORTHEASTERLY 133 FEET, MORE OR LESS, TO THE REAR OUTLINE OF THE PROPERTY KNOWN AS No. 605 MONTPELIER STREET; THENCE BINDING ON THE REAR OUTLINE OF NOS. 605 AND 603 MONTPELIER STREET, NORTHWESTERLY 78 FEET, MORE OR LESS, TO THE NORTHWEST OUTLINE OF No. 603 MONTPELIER STREET; THENCE BINDING ON THE NORTHWEST OUTLINE AND THE LINE OF THE NORTHWEST OUTLINE OF THE PROPERTY KNOWN AS No. 603 MONTPELIER STREET, NORTHEASTERLY 67 FEET, MORE OR LESS, TO INTERSECT THE CENTERLINE OF MONTPELIER STREET; THENCE BINDING ON THE CENTERLINE OF MONTPELIER STREET, SOUTHEASTERLY 159 FEET, MORE OR LESS, TO INTERSECT THE LINE OF THE SOUTHEAST OUTLINE OF THE PROPERTY KNOWN AS No. 500 MONTPELIER STREET, PROJECTED; THENCE BINDING ON THE LINE OF THE SOUTHEAST OUTLINE AND THE SOUTHEAST OUTLINE OF No. 500 MONTPELIER STREET, NORTHEASTERLY 71 FEET, MORE OR LESS, TO INTERSECT THE REAR OUTLINE OF THE PROPERTY KNOWN AS No. 613 HOMESTEAD STREET; THENCE BINDING ON THE REAR OUTLINE OF No. 613 HOMESTEAD STREET, SOUTHEASTERLY 15 FEET, MORE OR LESS, TO THE NORTHWEST OUTLINE OF THE PROPERTY KNOWN AS No. 615 HOMESTEAD STREET, AND THENCE BINDING ON THE NORTHWEST OUTLINE AND THE LINE OF THE NORTHWEST OUTLINE OF No. 615 HOMESTEAD STREET, NORTHEASTERLY 162 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 March 25, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-655
(Council Bill 03-1172)**

AN ORDINANCE CONCERNING

**Rezoning — 302 and 318 South Central Avenue, 1212 and 1214 Bank Street,
1216-18 Bank Street, and 1220 Bank Street**

FOR the purpose of changing the zoning for the properties known as 302 and 318 South Central Avenue, 1212 and 1214 Bank Street, 1216-18 Bank Street, and 1220 Bank Street, as outlined in red on the accompanying amended plat, from the M-2-2 Zoning District to the B-3-2 Zoning District.

BY amending

Article - Zoning
Zoning District Maps
Sheet(s) 56
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 56 of the Zoning District Maps is amended by changing from the M-2-2 Zoning District to the B-3-2 Zoning District the properties known as 302 and 318 South Central Avenue, 1212 and 1214 Bank Street, 1216-18 Bank Street, and 1220 Bank 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 March 25, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-656
(Council Bill 03-1205)**

AN ORDINANCE CONCERNING

**Sale of Property — The Former Beds of Certain Streets and Alleys
Bounded by Ramsay Street, Poppleton Street, McHenry Street, and Parkin 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 the former beds of certain streets and alleys bounded by Ramsay Street, Poppleton Street, McHenry Street, and Parkin Street 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 certain parcels of land known as the former beds of 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 the former bed 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 the former bed of said Parkin Street; thence binding on the east side of the former bed 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; thence binding on the north side of the former bed of said Ramsay Street, Westerly 66.0 feet to the west side of the former bed of said Parkin Street, and thence binding on the west side of the former bed 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 the former bed 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 the former bed of said Ramsay Street; thence binding on the north side of the former bed of said Ramsay Street, Easterly 106.5 feet, more or less, to the easternmost extremity of the former bed of said Ramsay Street; thence binding on the easternmost extremity of the former bed of said Ramsay Street, Southerly 50.0 feet to the south side of the former bed of said Ramsay Street, and thence binding on the south side of the former bed 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 the former bed 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 the former bed of said Ryan Street; thence binding on the north side of the former bed of said Ryan Street, Easterly 177.4 feet, more or less, to the easternmost extremity of the former bed of said Ryan Street; thence binding on the easternmost extremity of the former bed of said Ryan Street, Southerly 30.0 feet to the south side of the former bed of said Ryan Street, and thence binding on the south side of the former bed 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 the former bed of Ryan Street, 30 feet wide and the west side of the former bed 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 the former bed of said Ryan Street from the east side of Poppleton Street, 66 feet wide, and running thence binding on the west side of the former bed 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 the former bed of said

Ryan Street, and thence binding on the north side of the former bed of said Ryan Street, Westerly 15.4 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 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 March 25, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-657
(Council Bill 03-1212)**

AN ORDINANCE CONCERNING

Baltimore City Landmark List — Weaver House

FOR the purpose of designating Weaver House, 4319 Arabia Avenue, as a historical landmark.

BY adding

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

§ 12-12. WEAVER HOUSE.

WEAVER HOUSE, 4319 ARABIA AVENUE.

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

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

Approved March 25, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-658
(Council Bill 03-1213)**

AN ORDINANCE CONCERNING

Baltimore City Landmark List — Divine Mission Apostolic Church

FOR the purpose of designating the Divine Mission Apostolic Church, 1 North Fulton Avenue, as a historical landmark.

BY adding

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

§ 12-12. DIVINE MISSION APOSTOLIC CHURCH.

DIVINE MISSION APOSTOLIC CHURCH, 1 NORTH FULTON AVENUE.

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

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

Approved March 25, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-659
(Council Bill 03-1228)**

AN ORDINANCE CONCERNING

**Zoning — Parking Lot District — Conditional Use
Parking Lot — 2807 Cresmont Avenue**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of an open off-street parking area on the property known as 2807 Cresmont Avenue, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning
Section(s) 6-409(1), 10-504, and 16-102
Baltimore City Revised Code
(Edition 2000)

Recitals

The applicant, Cresmont Properties LLC, is the owner of 2807 Cresmont Avenue, which is located in the Parking Lot District.

The owner has obtained a building permit to construct a 26-unit apartment building on the property that includes a 33-space accessory parking lot, and construction has commenced.

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

To expedite the development of the apartment building, the applicant requests that this 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 an open off-street parking area on the property known as 2807 Cresmont Avenue, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 6-409(1), 10-504, and 16-102 of the Baltimore City Code, subject to the ~~condition that~~ the following conditions:

1. The Site Plan for this open off-street parking area, consisting of Drawing No. C-1.03 ("Site & Utility Plan"), dated October 17, 2003, as revised November 19, 2003, and Drawing No. C-5.01 ("Landscape/Forest Conservation Plan"), dated October 17, 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. The parking area ~~complies~~ must comply with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a

copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

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

Approved March 25, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-660
(Council Bill 03-1152)**

AN ORDINANCE CONCERNING

Sale of Property — 2639 Fait 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 2639 Fait Avenue (Ward 1, Section 80, Block 1866, Lot 020) 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 2639 Fait Avenue (Ward 1, Section 80, Block 1866, Lot 020), and more particularly described as follows:

Beginning at the southwest corner of Fait and Lakewood Avenues and running then westerly on the south side of Fait Avenue 16 feet, then southerly parallel with Lakewood Avenue 75 feet to the north side of a 10-foot alley then easterly on the north side of the said alley with the use thereof in common 16 feet to the west of Lakewood Avenue and then northerly on the west side of Lakewood Avenue 75 feet to the place of beginning. The improvements thereon being known as 2639 Fait Avenue, zoned R-8 in the Canton Urban Renewal Area, and the property is a 2-story and full basement brick building, built approximately in 1920,

containing 2,112 square feet above grade, more or less, and 912 square feet in a below-grade basement level, 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 March 31, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-661
(Council Bill 03-1185)**

AN ORDINANCE CONCERNING

West Baltimore Development District

FOR the purpose of designating a “development district” to be known as the “West Baltimore 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 payment of notes or other debt instruments included in the definition of “Bonds” under the Act (defined herein) delivered 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 City of Baltimore Department of Housing and Community Development is requesting a Section 108 Loan (defined herein) to finance the acquisition of approximately 26 acres for the redevelopment of two West Baltimore urban renewal areas. The planned use of the Carroll Camden - Warner Street Area (defined herein) includes the clearance and redevelopment of a 600,000 square foot business park, featuring office spaces, flexible office-warehouse space, supportive retail services, and, possibly, an intermodal transportation facility. The planned use of the Rosemont Industrial Commercial Area (defined herein) includes selective clearance and redevelopment for at least 150,000 square feet of new/rehabilitated spaces (office, light industry, retail and/or residential development). Upon completion, the newly redeveloped areas in the West Baltimore corridors will offer approximately 750,000 square feet of new state-of-the-art industrial, manufacturing, flex and office space.

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 the Carroll Camden – Warner Street Area and the Rosemont Industrial Commercial Area within the development

district into a comprehensive project or projects containing commercial, light industrial, light manufacturing, institutional, residential and public uses and the repayment of a note, notes or other similar debt instruments which secure the Section 108 loan under Title I of the Housing and Community Development Act of 1974, as amended.

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) “Adjusted assessable base” means, for real property that qualifies for farm or agricultural use under § 8-209 of the Tax-Property Article of the Annotated Code of Maryland, as amended, replaced or supplemented from time to time, the fair market value of the property without regard to its agricultural use assessment as of January 1, 2002.
- (c) “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.
- (d) (i) “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.

(ii) “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.
- (e) “Comprehensive Redevelopment of the Project” means:
 - (i) the purchasing, leasing, condemning, or otherwise acquiring land or other property, or an interest in them, in the Development District or as necessary for a right-of-way or other easement to or from the Development District;
 - (ii) site removal, which shall include the demolition of any structures or facilities, the removal of all debris, the clearance and preparation of sites for redevelopment or construction and the remediation, through removal or otherwise, of any dangerous or hazardous materials;
 - (iii) surveys and studies;
 - (iv) relocation of businesses or residents;
 - (v) installation of utilities, construction of parks and playgrounds, and other necessary improvements including streets and roads to, from, or within the Development District, parking, lighting, and other facilities;
 - (vi) construction or rehabilitation of buildings provided that such buildings are to be devoted to a governmental use or purpose;
 - (vii) reserves and capitalized interest on any note or notes;
 - (viii) necessary costs of issuance;
 - (ix) structured and surface parking facilities that are:

- A. publicly owned; or
 - B. privately owned but serve a public purpose; and
 - C. payment of the principal and interest on loans, money advanced, or indebtedness incurred by the Mayor and City Council of Baltimore for any of the purposes set out herein or in the Act, including indebtedness incurred in connection with one or more Section 108 Loans.
- (f) "Development" includes new development, redevelopment, revitalization, and renovation.
- (g) "Development District" means the area in the City designated in Section 3 of this Ordinance as a development district under the Act.
- (h) "Note(s)" means any bond, note, or other similar instrument issued and delivered by the Mayor and City Council of Baltimore under the Act, including, but not limited to, a note, notes or other similar debt instruments issued and delivered in connection with Section 108 financing under Title I of the Housing and Community Development Act of 1974, as amended.
- (i) "Original assessable base" means the assessable base as of January 1, 2002.
- (j) "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.
- (k) "Original taxable value" means for any tax year the dollar amount that is the lesser of:
- (i) the product of the original full cash value times the assessment ratio applicable to that tax year;
 - (ii) the original assessable base; or
 - (iii) if an adjustable assessable base applies, then the "original taxable value" is the adjusted assessable base.
- (l) "Section 108 Loan" means any loan or other financing received by the City under Title I of the Housing and Community Development Act of 1974, as amended.
- (m) "Supervisor of Assessments" means the Supervisor of Assessments for Baltimore City.
- (n) "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.
- (o) "Tax Increment Fund" means the special fund established by Section 4 of this Ordinance.
- (p) "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 West Baltimore Development District, the creation of a Tax Increment Fund for that District and the issuance of notes from time to time, all for the purpose of providing funds for the financing of the Comprehensive Redevelopment of the Project from time to time, 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 West Baltimore area, and generally promotes the health, welfare, and safety of the residents of the State of Maryland and of the City of Baltimore.

SECTION 3. AND BE IT FURTHER ORDAINED, That the area consisting of the property designated as Block 839, Lots 1, 2, 2A, and 6; Block 970, Lot 1; Block 840, Lots 11 and 12; Block 844A, Lot 5; Block 841, Lots 1, 2, 3, and 4; Block 845, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15; Block 844A, Lots 1, 1A, 2, 3, 4, 6, 7, 8, 9, 10, and 11; Block 840, Lots 2, 3, and 4; Block 970, Lot 2; Block 971, Lot 1; Block 840, Lot 1; Block 842, Lot 1; Block 844A, Lot 5A; Block 840, Lot 15; and the adjoining roads, highways, alleys, rights-of-way and other similar property will be known as the "Carroll Camden - Warner Street Area". The area consisting of the property designated as Block 49, Lots 23, 24, 41, and 67; Block 2317-A, Lots 1 and 2; Block 2317-B, Lot 1; Block 2409-C, Lots 7A, 8 and 9; Block 117, Lot 41; Block 2336, Lots 28, 29, and 32; Block 2390, Lot 2; Block 2330, Lots 4, 5, 6, 7, 8, 11, 12, and 13; Block 2390, Lot 1; Block 2389, Lots 30 and 31; Block 2449, Lot 43; Block 2409-C, Lots 1, 2, 3, 4, 5, 6, and 7; Block 81, Lots 1 and 2; Block 2345, Lots 28 and 31; Block 24, Lots 1, 2, 3, 4, 5, and 6; Block 2330, Lots 1, 2, and 3; Block 70, Lots 28A, 29, and 30; Block 57, Lots 18, 19, and 20; Block 49, Lot 44; Block 24, Lots 7 and 8; Block 105, Lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20; Block 93, Lots 1, 1A, 1B, and 2; Block 105, Lots 1, 2, 2A, 3, 3A, and 3C; Block 2249, Lot 9; Block 38, Lots 1, 2, and 3; Block 2347, Lots 1 and 2; Block 2345, Lots 27, 53A, 54, 77, and 77A; Block 117, Lots 34, 35, 37, 37A, 38, 39, and 40; Block 2409-C, Lot 11; Block 2318, Lots 50, 51, and 51A; Block 47, Lots 28 and 29; Block 56-A, Lots 17, 41, 42, and 43; Block 70, Lots 18, 31 and 32; Block 2345, Lot 40; Block 69, Lot 1; Block 2344, Lots 1, 2, 3, and 22; and the adjoining roads, highways, alleys, rights-of-way, and other similar property will be known as the "Rosemont Industrial Commercial Area". Together, the Carroll Camden - Warner Street Area and the Rosemont Industrial Commercial Area, forming the non-contiguous area shown on the maps attached to this Ordinance as Exhibit 1, are designated as a Development District to be known as the "West Baltimore Development District".

SECTION 4. AND BE IT FURTHER ORDAINED, That a special fund is established for the Development District to be known as the "West Baltimore Development District Tax Increment Fund", which fund may be used from time to time to provide funds for the Comprehensive Redevelopment of the Project or for any other legal purpose as may be determined by the Mayor and City Council of Baltimore. 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:
 - (i) 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
 - (ii) 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 for the Comprehensive Redevelopment of the Project or for other legal purposes as may be determined by the Mayor and City Council of Baltimore.
- (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 notes are outstanding with respect to the Development District, money in the Tax Increment Fund may be:
 - (i) used for any other purposes described in the Act, or this Ordinance, including the Comprehensive Redevelopment of the Project;
 - (ii) accumulated for payment of debt service on notes, bonds or other similar instruments to be subsequently issued under the Act;
 - (iii) 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 this Ordinance or in the Act; or
 - (iv) 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 notes 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, but only to the extent that:
 - (i) the amount in the Tax Increment Fund exceeds the debt service payable on the notes in that fiscal year and is not otherwise restricted so as to prohibit its use; and
 - (ii) the use is not prohibited by any ordinance authorizing the use of the proceeds of the Section 108 Loan.
- (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 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 9. 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 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 or provide for a future pledge of the Tax Increment Fund other than as contemplated under this Ordinance. In addition, a subsequent ordinance may divide the Development District into two or

more separate districts, each with its own Tax Increment Fund, and each such Tax Increment Fund may be independently calculated and accumulated from its Original Assessable Base. However, no ordinance may be effective to reduce the size of the Development District or divide the Development District so long as there are any outstanding notes secured by the Tax Increment Fund, unless the ordinance authorizing the issuance of the notes permits the City to reduce or divide the area constituting the Development District, or the holders of the notes or an authorized representative on their behalf consents to the reduction or division.

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.

Approved March 31, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-662
(Council Bill 03-1210)**

AN ORDINANCE CONCERNING

City Streets — Opening — Thames Street

FOR the purpose of condemning and opening Thames Street, extending from Philpot Street, southerly 139.3 feet, more or less, to the end thereof, and lying within the Fells Point Urban Renewal Project, as shown on Plat 344-A-11 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 Thames Street, extending from Philpot Street, southerly 139.3 feet, more or less, to the end thereof, and lying within the Fells Point Urban Renewal Project, and more particularly described as follows:

Beginning for Parcel No. 1 at the bend point on the southeast side of Thames Street, 60 feet wide, and running thence binding on the east side of said Thames Street, Southerly 147.0 feet, more or less, to the

waters of the Patapsco River; thence by a straight line, Westerly 60.0 feet to intersect the west side of said Thames Street; thence binding on the west side of said Thames Street, Northerly 131.6 feet, more or less, to intersect the southwest side of Philpot Street, 60 feet wide, and thence by a straight line, Easterly 61.96 feet to the place of beginning.

As delineated on Plat 344-A-11, prepared by the Survey Control Section and filed on April 17, 2002, in the Office of the Department of Public Works.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and opening of Thames Street and the rights of all interested parties shall be regulated by and in accordance with all applicable provisions of state and local law and with all applicable rules and regulations adopted by the Director of Public Works and filed with the Department of Legislative Reference.

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

Approved March 31, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-663
(Council Bill 03-1211)**

AN ORDINANCE CONCERNING

City Streets — Closing — Thames Street

FOR the purpose of condemning and closing Thames Street, extending from Philpot Street, southerly 139.3 feet, more or less, to the end thereof, and lying within the Fells Point Urban Renewal Project, as shown on Plat 344-A-11A 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 Thames Street, extending from Philpot Street, southerly 139.3 feet, more or less, to the end thereof, and lying within the Fells Point Urban Renewal Project, and more particularly described as follows:

Beginning for Parcel No. 1 at the bend point on the southeast side of Thames Street, 60 feet wide, and running thence binding on the east side of said Thames Street, Southerly 147.0 feet, more or less, to the waters of the Patapsco River; thence by a straight line, Westerly 60.0 feet to intersect the west side of said Thames Street; thence binding on the west side of said Thames Street, Northerly 131.6 feet, more or less,

to intersect the southwest side of Philpot Street, 60 feet wide, and thence by a straight line, Easterly 61.96 feet to the place of beginning.

As delineated on Plat 344-A-11A, prepared by the Survey Control Section and filed on April 17, 2002, in the Office of the Department of Public Works.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and closing of Thames Street and the rights of all interested parties shall be regulated by and in accordance with all applicable provisions of state and local law and with all applicable rules and regulations adopted by the Director of Public Works and filed with the Department of Legislative Reference.

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

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

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

SECTION 6. AND BE IT FURTHER ORDAINED, That at all times after the closing under this Ordinance, the Mayor and City Council of Baltimore, acting by or through its authorized representatives, shall have access to the subject property and to all subsurface structures and appurtenances used by the Mayor and City Council, for the purpose of inspecting, maintaining, repairing, altering, relocating, or replacing any of them, without need to obtain permission from or pay compensation to the owner of the property.

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

Approved March 31, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-664
(Council Bill 03-1220)**

AN ORDINANCE CONCERNING

Property Tax Credit – “Fallen Heroes”

FOR the purpose of providing a real property tax credit for a dwelling owned by the surviving spouse of a deceased law enforcement officer or rescue worker, subject to certain qualifications and conditions; defining certain terms; providing for a special effective date; and generally relating to property tax credits.

BY authority of
Article - Tax-Property
Section(s) 9-210
Annotated Code of Maryland
(As amended by Chapters 193 and 104, Acts of 2003)

BY adding
Article 28 - Taxes
Section(s) 10-15
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 Code

Article 28. Taxes

Subtitle 10. Credits

§ 10-15. “FALLEN HEROES”.

(A) *DEFINITIONS.*

(1) *IN GENERAL.*

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

(2) *DIRECTOR.*

“DIRECTOR” MEANS THE DIRECTOR OF FINANCE OR DESIGNEE.

(3) *DWELLING.*

(I) “DWELLING” MEANS REAL PROPERTY THAT IS OCCUPIED BY NOT MORE THAN 2 FAMILIES.

(II) “DWELLING” INCLUDES THE LOT OR CURTILAGE AND STRUCTURES NECESSARY TO USE THE REAL PROPERTY AS A RESIDENCE.

(4) *FALLEN HERO.*

(I) “FALLEN HERO” MEANS, EXCEPT AS SPECIFIED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, ANY INDIVIDUAL WHO DIES:

1. AS A RESULT OF OR IN THE COURSE OF EMPLOYMENT AS A BALTIMORE CITY LAW ENFORCEMENT OFFICER; OR

2. WHILE IN THE ACTIVE SERVICE OF A BALTIMORE CITY FIRE, RESCUE, OR EMERGENCY-MEDICAL SERVICE.

- (II) "FALLEN HERO" DOES NOT INCLUDE ANY INDIVIDUAL WHOSE DEATH WAS THE RESULT OF HIS OR HER WILLFUL MISCONDUCT OR HIS OR HER ABUSE OF ALCOHOL OR DRUGS.

(B) *CREDIT GRANTED.*

A REAL PROPERTY TAX CREDIT IS GRANTED AGAINST THE CITY PROPERTY TAX IMPOSED ON A DWELLING IF:

- (1) THE DWELLING IS OWNED BY THE SURVIVING SPOUSE OF A FALLEN HERO;
- (2) THE DWELLING IS THE SURVIVING SPOUSE'S LEGAL RESIDENCE;
- (3) THE SURVIVING SPOUSE HAS NOT REMARRIED; AND
- (4) EITHER:
 - (I) THE DWELLING WAS OWNED BY THE FALLEN HERO AT THE TIME OF HIS OR HER DEATH;
 - (II) THE FALLEN HERO OR THE SURVIVING SPOUSE WAS DOMICILED IN THE STATE AT THE TIME THE FALLEN HERO DIED AND THE DWELLING WAS ACQUIRED BY THE SURVIVING SPOUSE WITHIN 2 YEARS OF THE DEATH; OR
 - (III) THE DWELLING WAS ACQUIRED AFTER THE SURVIVING SPOUSE QUALIFIED FOR A CREDIT UNDER ITEM (4)(I) OR (II) OF THIS SUBSECTION FOR A FORMER DWELLING, TO THE EXTENT OF THE PREVIOUS CREDIT.

(B) *TERM OF CREDIT.*

THE CREDIT GRANTED UNDER THIS SECTION CONTINUES FROM YEAR TO YEAR, WITHOUT FURTHER APPLICATION BY THE SURVIVING SPOUSE.

(C) *AMOUNT OF CREDIT.*

THE AMOUNT OF THE CREDIT GRANTED UNDER THIS SECTION IS 100% OF THE CITY PROPERTY TAX IMPOSED ON THE DWELLING.

(D) *ADMINISTRATION.*

THE DIRECTOR MAY:

- A. ADOPT RULES AND REGULATIONS TO CARRY OUT THIS SECTION;
- B. SETTLE DISPUTED CLAIMS THAT ARISE IN CONNECTION WITH THE CREDIT GRANTED BY THIS SECTION; AND
- C. DELEGATE POWERS, DUTIES, OR FUNCTIONS IN CONNECTION WITH THE ADMINISTRATION OF THE CREDIT TO ANY EMPLOYEE OF THE CITY.

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

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted and applies to all taxable years beginning after June 30, 2003.

Approved March 31, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-665
(Council Bill 03-1222)**

AN ORDINANCE CONCERNING

**Planned Unit Development —
The Maryland Jockey Club of Baltimore City, Inc.**

FOR the purpose of repealing the existing Development Plan for The Maryland Jockey Club of Baltimore City, Inc., Planned Unit Development and approving a new Development Plan for The Maryland Jockey Club of Baltimore City, Inc. Planned Unit Development.

BY authority of

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

Recitals

By Ordinance 75-977, the Mayor and City Council approved the application of The Maryland Jockey Club of Baltimore City, Inc., to have certain properties located in the vicinity of Belvedere Avenue, Park Heights Avenue, West Rogers Avenue, and Preakness Way, containing Pimlico Race Course and other properties, designated as a Business Planned Unit Development and approved the Development Plan submitted by the applicant.

The Maryland Jockey Club of Baltimore City, Inc. ("Developer") wishes to rescind Ordinance 75-977 and replace the existing Development Plan, with a new one. The replacement Business Planned Unit Development is to include certain properties located in the vicinity of Belvedere Avenue, Park Heights Avenue, West Rogers Avenue, and Preakness Way, containing Pimlico Race Course and other properties.

On October 14, 2003, representatives of The Maryland Jockey Club of Baltimore City, Inc., met with the Department of Planning for a preliminary conference to explain the scope and nature of the proposed new Development Plan.

The representatives of The Maryland Jockey Club of Baltimore City, Inc., have now applied to the Baltimore City Council for approval of the replacement Planned Unit Development, which is 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 Ordinance 75-977 is repealed, subject to Section 9(a)(2) below.

SECTION 2. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council approves the replacement of the Planned Unit Development, subject to Section 9(a)(2) below, and approves the new Development Plan submitted by the Developer, as attached to and made part of this Ordinance, including 9 drawings dated February 5, 2004, prepared by Magna Entertainment Corp. ~~and entitled as follows: “Existing Conditions”, dated October 14, 2003; and “Proposed Conditions”, dated October 14, 2003~~ “Pimlico Race Course Planned Unit Development”, and consisting of the following: “Existing Condition” (Sheet 1 of 9); “Master Plan Phase 1” (Sheet 2 of 9); “Master Plan Phase 2” (Sheet 3 of 9); “Master Plan Landscape Plan Phase 1” (Sheet 4 of 9); “Master Plan Landscape Plan Phase 2” (Sheet 5 of 9); “Master Plan Perimeter Planting Plan” (Sheet 6 of 9); “Master Plan Perimeter Planting Prototypes A-C” (Sheet 7 of 9); “Master Plan Perimeter Planting Prototypes D-F” (Sheet 8 of 9); and “Master Plan Massing Plan” (Sheet 9 of 9).

SECTION 3. AND BE IT FURTHER ORDAINED, That except as otherwise provided in this Ordinance, and subject to the conditions and phases specified, all uses allowed as permitted or conditional as listed in a B-3 Community Commercial District are allowed.

(a) ~~Phase 1~~ Phase 1 of Development: For Phase ~~1~~ 1 of the Development:

- (1) The following uses are generally permitted: racetracks; grandstands and other spectator accommodations; clubhouses; simulcasting and pari-mutuel wagering facilities; garages and open-off street lots for parking of vehicles, including bus and transit vehicles; and stables, paddocks, and related facilities for horses and people who work with them.
- (2) The following uses are permitted within an enclosed building: auction rooms; business and professional offices; museums; restaurants, taverns, and lunchrooms, including live entertainment and dancing.
- (3) The following uses are permitted only within an enclosed building ~~with certain maximum capacities as follows:~~
 - (i) ~~Meeting~~ meeting and banquet hall facilities with a maximum seating capacity of 2,800.
 - (ii) ~~Hotel with a maximum of 700 guest rooms or keys.~~
 - (iii) ~~Three theaters to accommodate concerts, live theater, and movies with the maximum aggregate capacity of 3000.~~
- (4) The following uses are permitted as part of the overall operation for the Pimlico Racetrack facility to serve primarily staff of the facility: apartment hotels; day care facilities, as follows: day nurseries, nursery schools and school-age child care centers; and dwelling units and rooming houses for people who work with horses or at the subject property.
- (5) The following accessory uses are permitted: mounted radio and television antennas and towers, and mounted and freestanding microwave antennas (satellite dishes). In no event may the height of any antenna and tower exceed by more than ~~25~~ 20 feet the height of the highest structure on the subject property. The primary purpose of the antennas and towers allowed shall be for simulcasting racetrack events, but the towers and antennas are allowed to have co-location on them for wireless carriers.
- (6) The following uses are permitted indoors or within the grandstand areas of the racetrack: automatic teller machines; artisans' and craft work; 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; department stores; gift and card shops; food stores, grocery stores; meat markets, bakeries, and delicatessens; newsstands; outdoor table service when accessory to a restaurant, taverns and lunchrooms; post offices; shoeshine parlors; ticket agencies; tobacco shops; travel bureaus; and vending machines for retail sale of products.

- (7) The following uses are permitted, on the infield of the race track during racing events: all uses listed in Section 3(a)(6); pari-mutuel wagering facilities; restaurants, taverns, and lunch rooms, including live entertainment and dancing; and outdoor table service.

- (8) Additional outdoor uses:

- (i) The following additional outdoor uses, ~~unless otherwise stipulated in this Ordinance,~~ are permitted:

- A. Concerts (not to exceed ~~10~~ 5 per year), with the stages to be located on the infield on the racetrack; and
- B. Festivals for non-profit groups (not to exceed 5 per year); antique shops and shows; art galleries and shows, including artisan and craft work; farmers markets (defined as farmers coming to sell their produce to the public); and flea markets on the infield or on parking lots.

- (ii) All outdoor programs and activities, other than for the care of horses and not including post-event activities such as set dismantling and cleanup, shall conclude by ~~midnight~~ 10:00 p.m. Any concerts shall be in conjunction with the Preakness Stakes or other major racing events. A major racing event is defined as an event with an expected patronage of 12,000 or more persons.

- (b) Phase H 2 of Development: Allows all of the uses listed for Phase ~~I~~ 1 as allowed. In addition, the following uses are permitted uses, subject to the ~~condition~~ conditions that the property hosts live racing during some portion of the calendar year for a season set by the Maryland Racing Commission and hosts ~~to~~ the Preakness Stakes for that calendar year:

- (i) After-hours activities for the portion of the complex that caters to patrons, limited to Saturdays and Sundays.

- (ii) Video lottery terminal facilities, subject to:

- A. State law; and
- B. An amendment of the Zoning Code to allow video lottery terminals in the B-3 Business District.

- (iii) Three theaters within an enclosed building to accommodate concerts, live theater, and movies, with the maximum aggregate capacity of 3,000.

- (c) Prohibited Uses:

- (1) Notwithstanding anything to the contrary in this Ordinance, the following uses are prohibited in the Planned Unit Development: automobile accessory stores, including repair and installation; batteries and tires: sales and service; car washes; community correction centers; convalescent, nursing, and rest homes; dog and cat kennels; dry cleaning establishments;

facilities for house pets and wild animals; exterminators' shops; firearm sales; gasoline service stations; heliports; massage salons; motor vehicles: rental or sale; parole and probation field offices; poultry and rabbit-killing establishments; and substance abuse treatment centers.

- (2) References in this Ordinance to "live entertainment" do not include or authorize adult entertainment as defined by the Zoning Code.

SECTION 4. AND BE IT FURTHER ORDAINED, That structured and surface parking shall be permitted on the subject property during both Phase I 1 and Phase II 2 of the Development. The minimum parking requirements for each phase are as follows: _____. ~~Notwithstanding anything to the contrary in this Ordinance, these parking ratios do not apply on days that the Preakness is held~~ requirement for Phase 1 shall be 1,440 spaces. The minimum parking requirement for Phase 2 shall be such that, on the issuance of an occupancy permit for video lottery terminals on the subject property, there are 1.4 parking spaces for each video lottery terminal. In addition, during Phase 1 and Phase 2, stabilized turf parking shall be allowed for the Preakness Stakes and other major racing events (and for interim parking during construction) on the land within the Planned Unit Development boundary between Northern Parkway and West Rogers Avenue.

SECTION 5. AND BE IT FURTHER ORDAINED, That the traffic flow and road improvements recommended in the Phase I study dated _____, 2003, prepared by Wells and Associates (attached as Exhibit A) shall be implemented during Phase I. The traffic flow and road improvements recommended in the Phase II study dated _____, 2003, prepared by Wells and Associates (attached as Exhibit B) shall be implemented during Phase II.

SECTION 5. AND BE IT FURTHER ORDAINED, That the triangular shaped property north of Northern Parkway, between Pimlico Road, West Rogers Avenue, and Preakness Way, should be designated as open space, subject to landscaping on the "Master Plan Phase 1" (Sheet 2 of 9) and "Master Plan Phase 2" (Sheet 3 of 9) and on all subsequent sheets as deemed necessary. No permanent structures may be built on that land.

SECTION 6. AND BE IT FURTHER ORDAINED, That permanent structures are prohibited from being built on the area bounded by Northern Parkway on the north and east, West Rogers Avenue to the south, and Winner Avenue to the west. Additionally, that area may only be used for surface parking and a farmers market. Surface parking is limited to the occurrence of a farmers market and major racing events.

SECTION 7. AND BE IT FURTHER ORDAINED, That, after the issuance of an occupancy permit for video lottery terminals on the subject property, there shall be no charge for general parking on the subject property. This free parking requirement does not apply to valet or other special parking.

SECTION 8. AND BE IT FURTHER ORDAINED, That the following traffic flow and road improvements shall be implemented during Phase 1: the section of Preakness Way between Northern Parkway and Belvedere Avenue shall be restriped, and curb cuts shall be added to accommodate turns from Preakness Way onto the subject property. The traffic flow and road improvements required for Phase 2 are listed in Exhibit A hereto. Additionally, traffic patterns should be evaluated one year after construction, or as deemed necessary by the Department of Transportation.

SECTION 6 9. AND BE IT FURTHER ORDAINED, That the phasing for this project shall be as follows:

- (a) Pre-Phase I Perimeter Landscape:

- (1) On ~~November~~ _____, 2003 January 22, 2004, the Planning Commission ~~approved a~~ granted Final Design Approval for a Pre-Phase I Landscaping, Fencing, and Screening Plan for Pimlico Racetrack (the "Pre-Phase I Landscaping Plan") the "Perimeter Landscape Final

Design for the Approved Planned Unit Development” (the “Perimeter Landscape Design”). This plan includes the demolition of houses that are between West Rogers Avenue and Northern Parkway and owned by The Maryland Jockey Club and its affiliates, and the planting of ~~grass or “grass-pfalt” pavers~~ stabilized turf for parking in accordance with Section 4 hereof.

- (2) ~~The Pre-Phase I Landscaping Plan~~ Notwithstanding the fact that the attached Development Plan described in Section 2 hereof replaces Ordinance 75-977, the Perimeter Landscape Design must be implemented prior to Phase ~~I~~ 1 building permits being approved by the City of Baltimore. Demolition permits may be approved, but a permit for the new grandstand building, parking lots, or the racetrack relocation may not be approved until the ~~Pre-Phase I Landscaping Plan~~ Perimeter Landscape Design has been completed. If Phase ~~I~~ 1 does not proceed, then the ~~Pre-Phase I Landscaping Plan~~ Perimeter Landscape Design must be completed by the ~~Preakness 2004 Stakes 2005.~~
- (3) The ~~Pre-Phase I Landscaping Plan~~ Perimeter Landscape Design must also be maintained. The Racetrack owners must assess the plant conditions at a minimum during each planting season (spring and fall) and replace plants as needed.
- (b) ~~Phase I 1:~~ Phase I 1 may be implemented at any time after the ~~Pre-Phase I Landscaping, Plan~~ Perimeter Landscape Design is completed.
 - (1) In any event, the Maryland Jockey Club (MJC) must complete all of Phase 1 Landscaping by the third week of May 2005. In the event that all of Phase 1 Landscaping is not complete by the third week of May 2005, this PUD legislation shall become null and void.
 - (2) The Maryland Jockey Club (MJC), after the issuance of permits for Phase 1 Development, plus 4 years, shall complete at least 25% of Phase 1 Development. In the event that the MJC does not complete at least 25% of Phase 1 Development by the designated time, this PUD legislation shall become null and void.
- (c) ~~Phase H 2:~~ Phase H 2 may be implemented simultaneously with Phase ~~I~~ 1 or subsequent to Phase ~~I~~ 1, but not prior to Phase ~~I~~ 1.

SECTION 7 10. AND BE IT FURTHER ORDAINED, That this Ordinance applies to all parcels that are within the boundary of the Planned Unit Development, as shown on the ~~“Proposed Conditions Master Plan Phase 2”~~, ~~and that~~ are currently owned by The Maryland Jockey Club of Baltimore City, Inc. Additionally, upon the purchase or lease by The Maryland Jockey Club of Baltimore City, Inc., its successors, or assigns, of any other parcel(s) located within the boundaries shown on the ~~“Proposed Conditions Master Plan Phase 2”~~, these parcel(s) ~~will be~~ are included in the Planned Unit Development.

SECTION 8 11. AND BE IT FURTHER ORDAINED, That the Planning Department may determine what constitutes minor or major modifications to the Plan. Minor modifications and design approvals for the subject property shall be reviewed and approved by the Planning Commission to ensure consistency with this Ordinance. Major modifications require approval by Ordinance.

SECTION 9 12. 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 13. 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~~ 14. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Exhibit A

Phase 2 Traffic and Road Flow Improvements

Before the issuance of an occupancy permit for video lottery terminals on the subject property:

1. The following traffic and road flow improvements shall be under construction:
 - a. At the intersection of Northern Parkway and Park Heights Avenue, add a second southbound left turn lane.
 - b. At the intersection of Northern Parkway and Preakness Way, add a second westbound left turn lane.
 - c. At the intersection of Northern Parkway and Belvedere Avenue, add a second westbound left turn lane. Otherwise, provide a letter from Sinai Hospital that indicates that an alternative solution for this intersection will be implemented.
 - d. Install an interconnected traffic signal system on Northern Parkway between Falls Road and Liberty Heights Road. This 5-mile system would include approximately 14 signals.
2. The following traffic and road flow improvements shall be submitted to the United States Department of Transportation for approval:
 - a. At the intersection of Northern Parkway and Interstate 83, provide either a second eastbound left turn lane from Northern Parkway onto northbound I-83 or a second westbound right turn lane from Northern Parkway onto northbound I-83.
 - b. At the intersection of Northern Parkway and Falls Road, add a second eastbound left turn lane and a free-flowing southbound right turn lane.
 - c. At the intersection of Northern Parkway and Interstate 83, provide a free-flowing right turn lane on the southbound off-ramp.

Approved March 31, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-666
(Council Bill 03-1223)**

AN ORDINANCE CONCERNING

**Rezoning — A Portion of Block 1946, Lot 18
(1800 Block of Webster Street)**

FOR the purpose of changing the zoning for the southernmost portion of the property known as Block 1946, Lot 18 (1800 Block of Webster Street), as outlined in red on the accompanying plat, from the M-2-2 Zoning District to the R-8 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-2-2 Zoning District to the R-8 Zoning District the southernmost portion of the property known as Block 1946, Lot 18 (1800 Block of Webster Street), as outlined in red on the plat accompanying this Ordinance.

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

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

Approved March 31, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-667
(Council Bill 03-1182)**

AN ORDINANCE CONCERNING

Sale of Property — Former Bed of a 12-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 a certain parcel of land known as the former bed of a 12-foot alley laid out in the rear of the property known as 1200/1212 Guilford 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 known as the former bed of a 12-foot alley laid out in the rear of the property known as 1200/1212 Guilford Avenue and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the south side of a 10-foot alley laid out in the rear of the properties known as Nos. 207 through 223 E. Preston Street and the east side of the former bed of a 12-foot alley laid out in the rear of the property known as No. 1200/1212 Guilford Avenue, said point of beginning being distant westerly 81.4 feet, more or less, measured along the south side of said 10-foot alley from the west side of Guilford Avenue, 100 feet wide, and running thence binding on the east side of the former bed of said 12-foot alley, Southerly 101.4 feet, more or less, to intersect the north side of a 10-foot alley laid out in the rear of the properties known as Nos. 208 through 224 E. Biddle Street; thence binding on the north side of last said 10-foot alley, Westerly 12.0 feet to intersect the west side of the former bed of said 12-foot alley; thence binding on the west side of the former bed of said 12-foot alley, Northerly 101.4 feet, more or less, to intersect the south side of the 10-foot alley, mentioned firstly herein, and thence binding on the south side of the 10-foot alley, mentioned firstly herein, Easterly 12.0 feet to the place of beginning.

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 April 26, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-668
(Council Bill 03-1184)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use Parking, Off-Street Garage —
1201-1221 Wall Street**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a parking, off-street garage on the property known as 1201-1221 Wall 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, off-street garage on the property known as 1201-1221 Wall 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 parking garage is to return to the Planning Commission for final design approval prior to approval of the building permit for construction of the garage.
2. The parking, off-street garage ~~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 26, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-669
(Council Bill 03-1241)**

AN ORDINANCE CONCERNING

Sale of Property — 2 10-Foot Alleys

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain parcels of land known as the former beds of 2 10-foot alleys lying within the area bounded by Holabird Avenue, Rappallo Street, Eastbourne Avenue, and Savage 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 as the former beds of 2 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 the former bed 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 the former bed of said 10-foot alley; thence binding on the east side of the former bed of said 10-foot alley, Southerly 343.0 feet, more or less, to the northeast side of the former bed of an alley, varying in width, from 10 feet to 20 feet; thence binding on the northeast side of the former bed 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 the former bed of last said 10-foot alley, Westerly 20.0 feet, more or less, to intersect the northwest side of the former bed of said varying in width alley; thence binding on the northwest side of the former bed of last said alley, Northeasterly 7.1 feet, more or less, to intersect the west side of the former bed of the 10-foot alley, mentioned firstly herein, and thence binding on the west side of the former bed of said 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 the former bed 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 the former bed of said 10-foot alley; thence binding on the north side of the former bed 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 the former bed of said 10-foot alley, and thence binding on the south side of the former bed of said 10-foot alley, Westerly 204.5 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 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 April 26, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-670
(Council Bill 03-1242)**

AN ORDINANCE CONCERNING

Sale of Property — Walpert Avenue and a 10-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 known as (1) the former bed of Walpert Avenue, extending from Loch Raven Road southeasterly to 25th Street and (2) the former bed of a 10-foot alley laid out in the rear of the properties known as 601 through 609 Walpert 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 certain parcels of land known as (1) the former bed of Walpert Avenue and (2) the former bed of a 10-foot alley laid out in the rear of the properties known as 601 through 609 Walpert Avenue, 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 the former bed of Walpert Avenue, 25 feet wide, and running thence binding on the northeast side of the former bed 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 the former bed of said Walpert Avenue; thence binding on the southwest side of the former bed of said Walpert Avenue, Northwesterly 161.5 feet, more or less, to intersect the southeast side of said Loch Raven Road, andthence 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 the former bed 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 northeasterly 59.0 feet, more or less, 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 the former bed of said 10-foot alley; thence binding on the northeast side of the former bed 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 the former bed of said 10-foot alley, and thence binding on the southwest side of the former bed of said 10-foot alley, Northwesterly 61.6 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 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 April 26, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-671
(Council Bill 03-1170)**

AN ORDINANCE CONCERNING

**Streets and Highways – Streetscape Plans –
Midtown Community Benefits District**

FOR the purpose of extending provisions governing streetscape plans to encompass the Midtown Community Benefits District; and generally relating to the grading, paving, repaving, and repairing of footways and to the treatment of footways, sidewalks, curbs, gutters, and landscaping within certain areas.

BY repealing and reordaining, with amendments

Article 26 - Surveys, Streets, and Highways
Section(s) 10A-1, 10A-4(a), and 10A-5(a)
Baltimore City Code
(Edition 2000)

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

Baltimore City Code

Article 26. Surveys, Streets, and Highways

Subtitle 10A. Footways – Streetscape Plans

§ 10A-1. Definitions.*(a) In general.*

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

(B) DISTRICT.

“DISTRICT” MEANS:

- (1) A MANAGEMENT DISTRICT ESTABLISHED UNDER THE CITY CHARTER; OR
- (2) THE MIDTOWN COMMUNITY BENEFITS DISTRICT ESTABLISHED UNDER CITY CODE ARTICLE 14, SUBTITLE 7 {“MIDTOWN COMMUNITY BENEFITS DISTRICT”}.

(C) [(b)] Streetscape plan.

“Streetscape plan” means a plan for the consistent treatment of footways, sidewalks, curbs, gutters, and landscaping within all or any part of a [Management] District [created under authority of the City Charter].

(D) [(c)] Improved.

“Improved” or any of its variations:

- (1) means the implementation of the footway, sidewalk, curb, gutter, or landscaping standards, guidelines, treatments, and materials contained in an approved streetscape plan; and
- (2) includes all costs of repairing or replacing the elements of a streetscape plan.

§ 10A-4. Approval of plan.*(a) In general.*

No streetscape plan may be submitted to the Director of Public Works or to the affected property owners unless the board of directors of the [management district] DISTRICT’S MANAGEMENT AUTHORITY, after holding a public hearing on [it] THE PLAN, approves the plan.

§ 10A-5. Implementation of plan.*(a) Director to implement.*

On approval by the Director of Public Works of a streetscape plan, the Director must implement the plan in accordance with its terms, working where appropriate with the [Authority for the] Management AUTHORITY FOR THE District.

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

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

Approved May 10, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-672
(Council Bill 03-1199)**

AN ORDINANCE CONCERNING

Corrective Bill ~~2003~~ 2004

FOR the purpose of correcting certain technical errors and omissions in the City Code; adding an express statement of right to seek appellate review of certain administrative actions; repealing certain obsolete provisions; recodifying an erroneously omitted provision governing certain fees for small haulers; correcting certain filing requirements for candidates to conform to State requirements; correcting, clarifying, and conforming certain language; and providing for a special effective date.

BY repealing and reordaining, with amendments

Article - Building, Fire, and Related Codes

Section(s) 2-103 (IBC §§ 101.4.2, 108.6.3a, 128.6, 202.2.24.2, 202.2.25, 3110.1, 3307.3, 3314.2, and 3501.2.2), 5-102 (IMC §§ 109.1 and 1501.2.2), 7-102 (IPMC §§ 102.3c, 106.3, 111.1, 301.4, 704.1, and 801.2.2), 8-102 (IFC §§ 108.5, 109.7, and 4501.2.2), and 9-102 (IECC § 901.2.2)

Baltimore City Revised Code
(Edition 2000)

BY renumbering

Article - Building, Fire, and Related Codes

Section(s) 2-103 (IBC § 101.5)
to be

Section(s) 2-103 (IBC § 101.6)
Baltimore City Revised Code
(Edition 2000)

BY adding

Article - Building, Fire, and Related Codes

Section(s) 2-103 (IBC §§ 101.5, 1003.3.3.13, and 3314.3)
Baltimore City Revised Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article - Health

Section(s) 2-307, 6-505(a)(1), and 10-715
Baltimore City Revised Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article - Zoning
Section(s) 17-302, 17-303, and 17-304
Baltimore City Revised Code
(Edition 2000)

BY adding

Article - Zoning
Section(s) 17-305
Baltimore City Revised Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 1 - Mayor, City Council, and Municipal Agencies
Section(s) 21-2, 26-5(h) and (i), 26-6(intro), 40-10, 40-14(e)(3) and (6), and 41-14(2)

Baltimore City Code
(Edition 2000)

BY repealing

Article 1 - Mayor, City Council, and Municipal Agencies
Section(s) 42-1 through 42-4, inclusive, and the subtitle
“Subtitle 42. Chesapeake Regional Olympic Games Authority Act”
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 2 - Consumer Protections
Section(s) 1-11, 1-12(a)(3) and (4), 1-14(a), 1-18(d)(1)(iii), 2-3(9) and (10), 6-3(3) and (4), 6-7(b)(5),

6-8(b)(1)(vi) and (vii), 6-9(b)(3) and (4), 6-14, and 9-3(b)(3)

Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

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

BY repealing and reordaining, with amendments

Article 5 - Finance, Property, and Procurement
Section(s) 25-8(b)(1), 25-9(b)(6), 26-1(c), 26-8(b)(1), and 26-9(b)(5)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 6 - Historical and Architectural Preservation
Section(s) 1-1(a), 3-1(d), 5-1(a) and (c), 5-2, and 10-24
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 7 - Natural Resources

Section(s) 3-14, 21-1(x) and (y) and ~~3-14~~, 28-11, and 41-4(b)(3)

Baltimore City Code

(Edition 2000)

BY repealing and reordaining, with amendments

Article 8 - Ethics

Section(s) 3-5(k) and 5-3(d), (e), and (f)

Baltimore City Code

(Edition 2000)

BY repealing and reordaining, with amendments

Article 11 - Labor and Employment

Section(s) 4-4(a) and 4-8

Baltimore City Code

(Edition 2000)

BY repealing and reordaining, with amendments

Article 12 - Municipal Labor Relations

Section(s) 1-1(g) and 5-2

Baltimore City Code

(Edition 2000)

BY repealing and reordaining, with amendments

Article 14 - Special Benefits Districts

Section(s) 1-7(e)(7), 1-13(b)(2), 1-20(c)(1), 6-11(b)(2), and 7-11(b)(2)

Baltimore City Code

(Edition 2000)

BY repealing and reordaining, with amendments

Article 15 - Licensing and Regulation

Section(s) 1-31, 11-10(b), 16-8(b), 22-16, and 41-10

Baltimore City Code

(Edition 2000)

BY repealing and reordaining, with amendments

Article 19 - Police Ordinances

Section(s) 2-1, 8-16(c), 26-2(3), 27-2(intro), ~~43-10~~, and 47-2(intro)

Baltimore City Code

(Edition 2000)

BY repealing and reordaining, with amendments

Article 22 - Retirement Systems

Section(s) 5(l)(5th and 8th pars.), 9(p)(8th and 11th pars.), and 33(l)(12)

Baltimore City Code

(Edition 2000)

BY repealing and reordaining, with amendments

Article 23 - Sanitation
Section(s) 7-2(a), 7-3, and 11-2(b)
Baltimore City Code
(Edition 2000)

BY adding

Article 23 - Sanitation
Section(s) 11-3(c-1)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 25 - Sewers
 Section(s) 17-2(a) and 21-7(b)
 Baltimore City Code
 (Edition 2000)

BY repealing and reordaining, with amendments

Article 26 - Surveys, Streets, and Highways
 Section(s) 8-6(a), 8-7(b)(1), and 10-8(a)
 Baltimore City Code
 (Edition 2000)

BY repealing and reordaining, with amendments

Article 28 - Taxes
 Section(s) 10-2(d), 17-13(c), and 28-12(d)
 Baltimore City Code
 (Edition 2000)

BY repealing and reordaining, with amendments

Article 31 - Transit and Traffic
 Section(s) 6-27(c)(3), 10-10(d)(1), 22-16(b), and 36-22(a)
 Baltimore City Code
 (Edition 2000)

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

Baltimore City Revised Code

Article - Building, Fire, and Related Codes

Part II. International Building Code

§ 2-103. City modifications.

The additions, deletions, amendments, and other modifications adopted by the City are as follows:

101.4 Referenced codes. The standards and codes listed in this § 101.4, as modified by these provisions and as referred to elsewhere in this Code are part of the requirements of this Code to the extent prescribed by the reference.

101.4.2 Gas. The National Fuel Gas Code [(2000 Edition)] 1999 EDITION applies to the installation of gas piping from the point of delivery, to gas appliances, and to related accessories as covered in this Code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

COMMENT: Corrects edition date. See Part IV of this article.

101.5 STATE REHABILITATION CODE. THE MARYLAND REHABILITATION CODE, ADOPTED UNDER STATE CODE ARTICLE 83B, § 6-503, AND CODIFIED IN COMAR 05.16, APPLIES TO ALL REHABILITATION PROJECTS UNDERTAKEN IN EXISTING BUILDINGS, AS PROVIDED IN THAT CODE.

COMMENT: Added for clarity.

101.6 [101.5] References to former Codes. All references in a violation or condemnation notice or in the Baltimore City Code to any former version of the Building Code or to any provision of that Code are considered to refer to the comparable or otherwise applicable provisions of this Code.

108.6 Fee schedules.

108.6.3 Permit fees for mechanical work.

a. Fuel-burning equipment and appliances.

BTU per hour input per unit

0 to 200,000	\$30
Over 200,000 to 500,000	\$45
Over 500,000 to 1,000,000	\$75
\$75 for each additional 1,000,000 or fraction of 1,000,000	

Maximum \$300 per unit

Lab tables: \$5 per outlet

GAS PIPING, NEW OR REPLACEMENT \$50

Replacement of units same as new

COMMENT: Adds, in accord with preexisting practice, item inadvertently omitted.

128.6 Judicial review. [Any] A party [who is] aggrieved by the decision [is entitled to] MAY SEEK judicial review of that decision by PETITION TO the Circuit Court for Baltimore City in accordance with the Maryland Rules of [Civil] Procedure. A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

128.6.1 Proceedings not stayed. [An] A JUDICIAL REVIEW OR appeal does not stay any criminal or equitable proceedings or prevent the Building Official from pursuing any other action or enforcement procedure authorized by law.

COMMENT: Adds express statement of right to appellate review. Cf., CJ § 12-302(a).

202.2 . Notwithstanding any different definition in the International Building Code, the following terms have the meanings given in this § 202.2.

202.2.24 National Codes.

202.2.24.2 Fuel Gas Code. “Fuel Gas Code” means the National Fuel Gas Code [(2000 Edition)] 1999 EDITION, as supplemented, amended, or otherwise modified by Baltimore City.

COMMENT: Corrects edition date. See Part IV of this article.

202.2.25 Occupancy. “Occupancy” means:

- a. the state of occupying or using any land or structure, or
- b. the act of taking, holding possession of, or using [ant] ANY land or structure, or
- c. the purpose for which any land or structure is used or occupied.

COMMENT: Corrects typographical error.

1003.3 Means of egress components. [As in IBC]

1003.3.3 Stairways. [As in IBC]

1003.3.3.13 FIRE ESCAPES. WHERE FIRE ESCAPES ARE PERMITTED, THEY MUST COMPLY WITH ALL APPLICABLE PROVISIONS OF THE MARYLAND BUILDING REHABILITATION CODE, COMAR 05.16.

COMMENT: Added for clarity.

3110.1 Aircraft warning lights. Radio and television [antennae] ANTENNAS located on a high rise building or on a high terrain feature must comply with Federal Aviation Administration requirements for aircraft warning lights.

COMMENT: Corrects usage error.

3307.3 Shared elements – Walls. [Shared] PARTY walls must be repaired and finished by the owner of the demolished or moved structure. The repairs must include:

- a. restoration or replacement of any flashing on adjoining property that has been broken or damaged during the operations,
- b. removal of all plaster from the exposed side of the wall, and
- c. cleaning and finishing the wall with approved water-proof material.

COMMENT: Conforms nomenclature.

3314.2 Removal OR CORRECTION required. Any structurally unsafe wall that remains after the demolition or moving of a structure must be:

- A. removed and replaced as required by all applicable sections of this Code; OR
- B. IN THE CASE OF A PARTY WALL, CORRECTED AS PROVIDED IN § 3314.3.

COMMENT: See Comment to § 3314.3.

3314.3 PARTY WALLS. IF THE STRUCTURALLY UNSAFE WALL THAT REMAINS IS A PARTY WALL, THE OWNER OF THE STRUCTURE BEING DEMOLISHED OR REMOVED MUST:

- A. REMOVE ALL OR ANY PART OF THE WALL THAT THE BUILDING OFFICIAL CONSIDERS DANGEROUS, AND
- B. RECONSTRUCT AND DO ALL OTHER NECESSARY WORK TO PROPERLY ENCLOSE THE ADJOINING STRUCTURE.

COMMENT: Reinserts erroneously omitted provision (former § 3310.15.5.2), as applicable to party walls.

3501.2 City modifications. The following substitutions should be made in the standards listed:

- 2. For International Fuel Gas Code, substitute **National Fuel Gas Code [(2000 Edition)] (1999 EDITION)**.

COMMENT: Corrects edition date. See Part IV of this article.

Part V. International Mechanical Code

§ 5-102. City modifications.

The additions, deletions, amendments, and other modifications adopted by the City are as follows:

109.1 General. A [person aggrieved by a] decision of the Code Official is [entitled to seek] SUBJECT TO administrative and judicial review as provided in the Baltimore City Building Code.

COMMENT: Conforms to correction made in BC § 128.6.

1501.2 City modifications. The following substitutions should be made in the standards listed:

- 2. For International Fuel Gas Code, substitute **National Fuel Gas Code [(2000 Edition)] (1999 EDITION)**.

COMMENT: Corrects edition date. See Part IV of this article.

Part VII. International Property Maintenance Code

§ 7-102. City modifications.

The additions, deletions, amendments, and other modifications adopted by the City are as follows:

102.3 Application of other codes. All repairs, additions, or alterations to a structure and all changes of occupancy must be done in accordance with this Code and with the following codes and standards, as modified by Baltimore City:

- c. the National Fuel Gas Code [(2000 Edition)] 1999 EDITION,

COMMENT: Corrects edition date. See Part IV of this article.

106.3 Prosecution of violation. Any person who violates a provision of this Code or who fails to comply with a notice of violation or an order served in accordance with § 107 is guilty of a misdemeanor[, and the violation is deemed a strict liability offense]. If the violation is not abated or the notice or order not complied with, the Code Official may institute the appropriate proceeding at law or in equity to restrain, correct, or abate the violation or to require the removal or termination of the unlawful occupancy of the structure in violation of this Code or of the order or direction made under this Code.

COMMENT: Deletes superfluous and misleading statement regarding “strict liability offense[s]”. Under the criteria set forth in *McCallum v. State*, 81 Md. App. 403 (1990), most (if not all) violations of the Property Maintenance Code and of the other Building, Fire, and Related Codes are considered strict liability offenses. The statement here, that failure to comply with “a notice ... or an order” issued under the IPMC is a strict liability offense, erroneously implies that a violation of some other provision of the IPMC or of another of these Codes would not be a strict liability offense. Accordingly, this unduly limited (and, in the final analysis, superfluous) phrase is deleted.

111.1 General. A [person aggrieved by a] decision of the Code Official is [entitled to seek] SUBJECT TO administrative and judicial review as provided in the Baltimore City Building Code.

COMMENT: Conforms to correction made in BC § 128.6.

301.4 Lead-based paint. [The abatement of lead-paint] LEAD-PAINT hazards [is governed by the requirements] MUST BE ABATED IN ACCORDANCE WITH THE RULES AND REGULATIONS of the Maryland Department of the Environment and the Baltimore City Health Department.

COMMENT: Revised to clarify the mandatory nature of this provision. As to applicable civil and criminal penalties, equitable relief, and other enforcement proceedings, see IPMC §§ 106.4 and 106.5 and IBC §§ 113.3 through 113.5.

704.1 General. Fire alarm and detections systems must comply with the requirements of Fire Code [§ 906] § 907.

COMMENT: Corrects erroneous cross-reference.

801.2 City modifications. The following substitutions should be made in the standards listed:

- 2. For International Fuel Gas Code, substitute **National Fuel Gas Code [(2000 Edition)] (1999 EDITION)**.

COMMENT: Corrects edition date. *See* Part IV of this article.

Part VIII. International Fire Code

§ 8-102. City modifications.

The additions, deletions, amendments, and other modifications adopted by the City are as follows:

108.5 Appeals from Board. [Any] A party [who is] aggrieved by a Board decision made under § 108.4 may [appeal] SEEK JUDICIAL REVIEW OF that decision [to that] BY PETITION TO THE Circuit Court for Baltimore City[, as provided in] IN ACCORDANCE WITH the Maryland Rules OF PROCEDURE. A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT’S FINAL JUDGMENT TO THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE. [An] A JUDICIAL REVIEW OR appeal does not stay any criminal or equitable proceedings on the decision appealed from, nor does it prevent the Code Official or any other City official from pursuing any other action or enforcement procedure authorized by law.

COMMENT: Adds express statement of right to appellate review. *Cf.*, CJ § 12-302(a).

109.7 Citations for certain offenses. In accordance with City Code Article 1, Subtitle 40 {“Environmental Control Board”} or City Code Article 19, Subtitle 71 {“Special Enforcement Officers”}, the Code Official may issue a prepayable citation 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”}
- c. § 1001.3 {[Unsafe Conditions] MEANS OF EGRESS: Overcrowding”}

COMMENT: Corrects erroneous cross-reference.

4501.2 City modifications. The following substitutions should be made in the standards listed:

- 2. For International Fuel Gas Code, substitute **National Fuel Gas Code [(2000 Edition)] (1999 EDITION)**.

COMMENT: Corrects edition date. *See* Part IV of this article.

Part IX. International Energy Conservation Code

§ 9-102. City modifications.

The additions, deletions, amendments, and other modifications adopted by the City are as follows:

901.2 City modifications. The following substitutions should be made in the standards listed:

- 2. For International Fuel Gas Code, substitute **National Fuel Gas Code [(2000 Edition)] (1999 EDITION)**.

COMMENT: Corrects edition date. *See* Part IV of this article.

Article - Health**§ 2-307. Judicial AND APPELLATE review.****(A) JUDICIAL REVIEW.**

A party aggrieved by a final decision under this subtitle may [appeal] SEEK JUDICIAL REVIEW OF that decision BY PETITION to the Circuit Court for Baltimore City in accordance with the Maryland Rules of [Civil] Procedure.

(B) APPELLATE REVIEW.

A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

COMMENT: Adds express statement of right to appellate review. *Cf.*, CJ § 12-302(a).

§ 6-505. Frozen food regulations.**(a) Definitions.****(1) In general.**

In this section, the following [term] TERMS have the meanings indicated.

COMMENT: Corrects typographical error.

§ 10-715. Judicial AND APPELLATE review.**(A) JUDICIAL REVIEW.**

A party aggrieved by a decision of the Board under this subtitle may [appeal] SEEK JUDICIAL REVIEW OF that decision BY PETITION to the Circuit Court for Baltimore City in accordance with the Maryland Rules of [Civil] Procedure.

(B) APPELLATE REVIEW.

A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

COMMENT: Adds express statement of right to appellate review. *Cf.*, CJ § 12-302(a).

Article – Zoning**§ 17-302. Who may appeal.**

[A] ANY OF THE FOLLOWING MAY SEEK JUDICIAL REVIEW OF A final administrative decision of the Board [may be appealed] BY PETITION to the Circuit Court for Baltimore City [by]:

- (1) any person aggrieved by the decision;
- (2) any officer, department, board, or bureau of the City; or

- (3) any taxpayer.

COMMENT: Corrects nomenclature.

§ 17-303. When and how taken.

- (a) In general.

The [appeal] REVIEW must be [taken] SOUGHT within the time and in the manner required by law and the Maryland Rules of [Civil] Procedure.

- (b) Copy to Board and Administrator; notice to Solicitor.

- (1) Before the [appeal] PETITION FOR REVIEW is filed with the court, the [appellant] PETITIONER must file a copy with the Board and the Zoning Administrator.

- (2) The Board must promptly notify the City Solicitor of the filing of every [appeal] PETITION FOR JUDICIAL REVIEW.

COMMENT: Conforms language to like provisions elsewhere.

§ 17-304. Stay of proceedings.

- (a) No automatic stay.

[An appeal] THE FILING OF A PETITION FOR JUDICIAL REVIEW does not stay the proceedings [from] FOR which [the appeal] REVIEW is [taken] SOUGHT.

- (b) Restraining order.

On motion and hearing, the court may grant a stay on good cause shown, subject to the conditions of bond or otherwise that the court considers proper.

COMMENT: Conforms language to like provisions elsewhere.

§ 17-305. APPELLATE REVIEW.

A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

COMMENT: Adds express statement of right to appellate review. Cf., CJ § 12-302(a).

Baltimore City Code

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 21. Neighborhood Block Watch Signs

§ 21-2. Legislative findings.

(A) *IN GENERAL.*

The Mayor and City Council of Baltimore [hereby find and declare] FINDS AND DECLARES that the threat, fear, and intimidation caused by the criminal element is one of the most compelling problems facing society today. Crime isolates people in their own homes, causing them to become suspicious of, and in some cases afraid of, their neighbors. And yet, law enforcement officials tell us that neighborhoods with little inter-residential communication are more vulnerable to crime than are those [where] IN WHICH neighbors communicate and cooperate with each other on a regular basis.

(B) *NEW PROGRAM.*

A new kind of anti-crime program starting to take hold in neighborhoods around the City seeks to promote [such] communication and cooperation among neighbors as an effective countermeasure to crime. This subtitle sets up a program to install signs in those neighborhoods where a Neighborhood Block Watch Program is in effect[, and].

(C) *LIBERAL CONSTRUCTION.*

[it] THIS SUBTITLE should be liberally interpreted [so that it will] TO achieve its anti-crime goals.

COMMENT: Corrects error in subject-verb agreement; subdivides and clarifies section.

**Subtitle 26. Mayor's Task Force on Community Collaboration
to Overcome Violence**

§ 26-5. Terms, organization, meetings, etc.

(h) *Committees.*

The Chair of the [commission] TASK FORCE may appoint committees to carry out the functions and duties of the [commission] TASK FORCE.

(i) *Participation by others.*

Representatives of State and federal agencies and other organizations that serve the interests of the disabled in Baltimore City shall be invited by the [commission] TASK FORCE to participate in [commission] ITS meetings.

COMMENT: Corrects misnomer.

§ 26-6. Duties.

The [commission] TASK FORCE shall:

COMMENT: Corrects misnomer.

Subtitle 40. Environmental Control Board

§ 40-10. Judicial AND APPELLATE review.

(A) JUDICIAL REVIEW.

Any person who, after having exhausted all administrative remedies available, is aggrieved by a final decision of the Board may [appeal] SEEK JUDICIAL REVIEW OF that decision BY PETITION to the Circuit Court for Baltimore City [within the time and in the manner provided] in ACCORDANCE WITH the Maryland Rules OF PROCEDURE.

(B) APPELLATE REVIEW.

A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

COMMENT: Adds express statement of right to appellate review. *Cf.*, CJ § 12-302(a).

§ 40-14. Violations to which subtitle applies.

(e) *Provisions and penalties enumerated.*

(3) Article 19. Police Ordinances

§ 7-2. Vehicle alarms: Prohibited devices	\$100
§ 8-18. Burglar alarms: Penalties	
Users	\$250
Contractors, Monitors, Others	\$500
§ 14-2 or § 14-3. Drinking in public places	\$ 50
§ 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
§ 50-46 or § 50-47. Snow - cleaning required	\$ 50
§ 51-2. Compliance with park rules	\$200

COMMENT: Deletes superfluous reference to inapposite section.

(6) Building, Fire, and Related Codes – Fire Code

[§ 110] §110.1. Unsafe buildings: GENERAL	\$100
§ 1003.2. MEANS OF EGRESS: MINIMUM REQUIREMENTS	\$250
[§ 1003.2. Exceeding occupant load]	
§ 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
[§ 1003.3. Egress doors	\$250]

COMMENT: Corrects erroneous cross-references.

Subtitle 41. Civil Citations**§ 41-14. Offenses to which subtitle applies – Listing.****(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	\$ 50
§ 27-3. Loitering – For assignation, etc.	\$ 50
§ 27-15. Loitering – Prostitution-Free Zone	\$ 50
§ 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
§ 51-2. Compliance with {park} rules required	\$200
§ 55-1. Ticket “scalping”	\$100
§ 55-2. Street sales of theater or circus tickets	\$100

COMMENT: Deletes superfluous reference to inapposite section.

Article 2. Consumer Protections

Subtitle 1. Auctions

§ 1-11. License suspension or revocation.

(a) In general.

[Upon the] ON timely notice [of] and [subsequent] hearing [before] BY the Auction Advisory Board, and receipt of the Board's recommendation [thereupon], the Mayor may suspend or revoke the license of any auctioneer [upon] FOR any violation of this subtitle for which a civil liability or criminal penalty may be imposed.

(b) Judicial AND APPELLATE review.

(1) [Such action is reviewable by the Superior Court of Baltimore City if appealed within 30 days of the Mayor's decision.] AN AUCTIONEER WHOSE LICENSE IS SUSPENDED OR REVOKED MAY SEEK JUDICIAL REVIEW OF THAT ACTION BY PETITION TO THE CIRCUIT COURT FOR BALTIMORE CITY IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

(2) A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

COMMENT: Adds express statement of right to appellate review. Cf., CJ § 12-302(a).

§ 1-12. Civil violations – City enforcement.*(a) Violations subject to penalties.*

The following acts are violations of this subtitle for which civil liability may be imposed:

- (3) failing to designate persons as provided in § 1-6 of this subtitle; AND
- (4) violations of any other provisions of this subtitle for which no criminal penalties or civil liabilities are specifically imposed.

COMMENT: Inserts missing conjunction.

§ 1-14. Criminal violations.*(a) Violations subject to penalties.*

The following acts are criminal violations of this subtitle:

- (1) the conduct of auction sales without first being appointed and licensed as provided in this subtitle; AND
- (2) the use of fraud, deceit, or flagrant misrepresentation in the conduct of auction sales.

COMMENT: Inserts missing conjunction.

§ 1-18. Auction sales of jewelry — merchant's stock.*(d) Statement by merchant.*

- (1) Not more than 15 nor less than 10 days before commencing any [such] sale, [such] THE merchant must file with the Police Commissioner of Baltimore City a statement setting forth:
 - (iii) the date or dates on which [such] THE merchant secured A trader's license for [said] THE business;

COMMENT: Inserts missing article; corrects usage.

Subtitle 2. Cable Communications Advisory Commission**§ 2-3. Duties and responsibilities.**

The duty and responsibility of the Commission [shall be] IS to advise, assist, investigate, report on, review, and recommend to the Board of Estimates in connection with the following matters:

- (9) other matters related to cable television, as may be directed by the Board or deemed appropriate by the Commission; AND
- (10) new technology in the cable communications field.

COMMENT: Inserts missing conjunction.

Subtitle 6. “Going Out of Business” Sales**§ 6-3. Exemptions.**

[The provisions in the herein] THIS subtitle [shall] DOES not apply to [nor] OR affect [the following persons]:

- (3) any publisher of a newspaper, magazine, or any operator of a radio or television broadcasting station who publishes or broadcasts [any such] AN advertisement in good faith:
 - (i) without knowledge of its false, deceptive, [and] OR misleading character; and
 - (ii) without knowledge that the provisions of this subtitle are not being complied with; OR
- (4) any sale by public auction in the City [of Baltimore] of any gold, silver, silverplated ware, precious stones, watches, clocks, or jewelry, for which a permit has been granted under the [ordinances] LAWS of the City [of Baltimore].

COMMENT: Inserts missing conjunction; corrects usage.

§ 6-7. Application for license.

(b) *Required information.*

Each [such] application shall [set forth and] contain the following information:

- (5) a full and complete statement of the facts in regard to the “Going Out of Business Sale”, including:
 - (i) the reason why [such] THE sale is to be conducted;
 - (ii) the manner in which [such] THE sale will be conducted; AND
 - (iii) the date [of the] OR period of time in which the [“Going Out of Business Sale”] SALE is to be conducted;

COMMENT: Inserts missing conjunction; corrects usage.

§ 6-8. Investigation; denial of license.

(b) *Grounds for denial.*

- (1) [Said] THE application shall be denied or refused [by] IF the licensor [if] FINDS any 1 or more of the following facts or circumstances [are found by him] to exist:
 - (vi) that the goods, wares, or merchandise as described in the inventory [was] WERE transferred or assigned to the applicant prior to the date of the filing of the application and that [said] THE transfer or assignment was not made for a valuable and adequate consideration; OR
 - (vii) that the inventory contains goods, wares, or merchandise purchased by the applicant or added to [his] THE APPLICANT’S stock in contemplation of [such] THE sale and for the purpose of selling [the same] THEM at [such] THE sale.

COMMENT: Inserts missing conjunction; corrects usage.

§ 6-9. Grant of license; conditions.

(b) *Conditions of license.*

The license shall be issued on the following terms:

- (3) [upon the] ON commencement of [said] THE sale and for its duration, the license [issued hereunder] shall be prominently displayed in the store premises by the licensee; AND
- (4) suitable books and records [concerning said] OF THE sale shall be kept by the licensee on the store premises for the duration of the [licensed] sale and shall be open for inspection by the licensor or [his] THE LICENSOR'S [duly] authorized representative.

COMMENT: Inserts missing conjunction; corrects usage.

§ 6-14. Judicial AND APPELLATE review [of denial or revocation].

(A) JUDICIAL REVIEW.

[If the licensor shall deny an application for a license hereunder, or an application for a renewal of a license, or shall revoke] A PERSON AGGRIEVED BY THE DENIAL OR REVOCATION OF a license [already issued, the applicant] may [appeal] MAY SEEK JUDICIAL REVIEW OF THAT ACTION BY PETITION to the CIRCUIT COURT FOR Baltimore City [Court] IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

(B) APPELLATE REVIEW.

A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

COMMENT: Adds express statement of right to appellate review. Cf., CJ § 12-302(a).

Subtitle 9. Laundries and Dry Cleaners

§ 9-3. Laundry identification marks.

(b) *Marks to be reported to Police Department.*

- (3) [Each such] THE person, firm, or corporation shall make [such] THE report immediately [upon] ON entering the business [or] OF laundry or dry cleaning.

COMMENT: Corrects typographical error; corrects usage.

[Article 4. Community Relations]

§ 4-4. Judicial AND APPELLATE review.

(A) JUDICIAL REVIEW.

In a contested case, a respondent may [appeal] SEEK JUDICIAL REVIEW OF a final decision of the Commission BY PETITION to the Circuit Court for Baltimore City IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

(B) APPELLATE REVIEW.

A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

COMMENT: Adds express statement of right to appellate review. Cf., CJ § 12-302(a).

Article 5. Finance, Property, and Procurement

Subtitle 25. Hours and Wages - Construction Contracts

§ 25-8. Minimum wages - workers' complaints.

(b) *Retaliation prohibited.*

- (1) It [shall be] IS unlawful for any contractor or subcontractor to discharge, reduce the compensation OF, or otherwise discriminate against any [such] laborer, mechanic, or apprentice for making a complaint to the Wage Commission, participating in any of its proceedings, or availing himself OR HERSELF of any civil remedies.

COMMENT: Inserts missing preposition.

§ 25-9. Required records - in general.

(b) *Contents.*

[Said] THESE records shall contain:

- (6) the gross wages, deductions made, AND actual wages paid;

COMMENT: Inserts missing conjunction.

Subtitle 26. Hours and Wages - Service Contracts

§ 26-1. Definitions.

(c) *Person.*

“Person” means any individual, business entity, corporation, partnership, OR joint venture.

COMMENT: Inserts missing conjunction.

§ 26-8. Prevailing wages - workers' complaints.**(b) *Retaliation prohibited.***

- (1) A service contractor shall not discharge, reduce the compensation OF, or otherwise discriminate against any [such] service worker for making a complaint to the Wage Commission, participating in any of its proceedings, or using [of] any civil remedies.

COMMENT: Inserts missing preposition.

§ 26-9. Required records - in general.**(b) *Contents.***

The records shall contain:

- (5) the gross wages, deductions made, AND actual wages paid;

COMMENT: Inserts missing conjunction.

Article 6. Historical and Architectural Preservation**§ 1-1. Definitions.****(a) *Demolition.***

The term “demolition”, for the purposes of[,] and as used in[,] this article [shall include] INCLUDES “demolition by neglect”, which term [shall mean] MEANS willful neglect in the maintenance [and/or] OR repair of a building or structure, resulting in any of the following conditions:

- (1) the deterioration of any exterior architectural feature so as to create or permit the creation of a hazardous or unsafe condition;
- (2) the deterioration of exterior walls or other vertical supports;
- (3) the deterioration of roofs or other horizontal members;
- (4) the deterioration of exterior chimneys;
- (5) the deterioration or crumbling of exterior plaster or mortar; OR
- (6) the ineffective waterproofing of exterior walls, roofs and foundations, including broken windows and doors.

COMMENT: Inserts missing conjunction at end. Corrects punctuation and grammar.

§ 3-1. Designation of Districts.

(d) *Ordinance required.*

No area may become an Historical and Architectural Preservation District unless it has been so designated by an ordinance [passed by] OF the MAYOR AND City Council.

COMMENT: Corrects misnomer.

§ 5-1. Judicial AND APPELLATE review.

(a) [Right to appeal] JUDICIAL REVIEW.

[Any person aggrieved by any decision of the Commission, may, within] WITHIN 30 days after the Commissioner of Housing and Community Development has approved, disapproved, or delayed an application for a permit [as provided for hereunder], A PERSON AGGRIEVED BY ANY DECISION OF THE COMMISSION [appeal to] MAY SEEK JUDICIAL REVIEW OF THAT DECISION BY PETITION TO the Circuit Court for Baltimore City IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

(c) Appellate review.

[Any final decree of the Circuit Court for Baltimore City in any such case shall be appealable] A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT to the Court of Special Appeals in [the manner provided by law and rule of Court] ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

COMMENT: Conforms language to like provisions elsewhere.

§ 5-2. Injunctions.

[The Circuit Court for Baltimore City, upon] ON application of the Commission, THE CIRCUIT COURT FOR BALTIMORE CITY may restrain [and/or] OR enjoin the excavation, construction or erection, reconstruction, alteration, removal of any exterior architectural feature, change in exterior color, or demolition of any [buildings] BUILDING or [structures,] STRUCTURE [now or hereafter] in an Historical and Architectural Preservation District, [or to any building] on the Landmark List, or on the Special List, in violation of this article and MAY order the removal of any [such] exterior architectural feature constructed or reconstructed in violation [thereof,] OF THIS ARTICLE and the substantial restoration of any [such] exterior architectural feature altered or demolished in violation [thereof] OF THIS ARTICLE or the exterior color of which is changed in violation [there] OF THIS ARTICLE.

COMMENT: Corrects grammatical and typographical errors.

§ 10-24. Booker T. Washington Jr. Middle School.

Booker T. Washington Jr. [High] MIDDLE, School No. 130, 1300 Madison Avenue, Lot 1/7, Block 11-6-398, measuring 240 by 330 feet, more or less.

COMMENT: Corrects misnomer.

Article 7. Natural Resources

§ 3-14. Enclosures below lowest floor or flood-protection elevation.

New construction and substantial improvements of fully enclosed areas below the lowest floor, or below the 100-year flood-PROTECTION elevation, including but not limited to crawl spaces, solid footings, and continuous foundations, sheds and garages, shall be designed to meet or exceed the following minimum criteria:

- (1) a minimum of 2 openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided;
- (2) the bottom of all openings shall be no higher than 1 foot above grade; and
- (3) openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

COMMENT: Inserts omitted term.

§ 21-1. Definitions.

(x) *Stormwater management – Qualitative control.*

- (1) “Stormwater management” means, for qualitative control, a system of vegetative, structural, and nonstructural practices that reduce or eliminate pollutants that might otherwise be carried by surface runoff.
- (2) “Stormwater management” includes, for qualitative control, design parameters for:
 - [(i) channel protection storage volume;
 - (ii) overbank flood protection volume; and
 - (iii) extreme flood volume]
 - (I) WATER QUALITY VOLUME; AND
 - (II) RECHARGE VOLUME.

(y) *Stormwater management – Quantitative control.*

- (1) “Stormwater management” means, for quantitative control, a system of vegetative, structural, and nonstructural practices that control the increased volume and rate of surface runoff caused by man-made changes to the land.
- (2) “Stormwater management” includes, for quantitative controls, design parameters for:
 - [(i) water quality volume; and
 - (ii) recharge volume]
 - (I) CHANNEL PROTECTION STORAGE VOLUME;

(II) OVERBANK FLOOD PROTECTION VOLUME; AND

(III) EXTREME FLOOD VOLUME.

COMMENT: Corrects inadvertent transposition of quantitative and qualitative control examples.

§ 3-14. Enclosures below lowest floor or flood-protection elevation:

~~New construction and substantial improvements of fully enclosed areas below the lowest floor, or below the 100-year flood-PROTECTION elevation, including but not limited to crawl spaces, solid footings, and continuous foundations, sheds and garages, shall be designed to meet or exceed the following minimum criteria:~~

- ~~(1) a minimum of 2 openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided;~~
- ~~(2) the bottom of all openings shall be no higher than 1 foot above grade; and~~
- ~~(3) openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.~~

COMMENT: Inserts omitted term.

§ 28-11. Judicial AND APPELLATE review.

(A) JUDICIAL REVIEW.

A party aggrieved by a final decision of the Department may [appeal] SEEK JUDICIAL REVIEW OF that decision BY PETITION to the Circuit Court for Baltimore City in accordance with the Maryland Rules of [Civil] Procedure.

(B) APPELLATE REVIEW.

A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

COMMENT: Adds express statement of right to appellate review. *Cf.*, CJ § 12-302(a).

§ 41-4. Scope of Division — exemptions.

(b) Exempted activities.

This Division IV does not apply to:

....

- (3) the cutting or clearing of public utility rights-of-way or land for electric generating stations [licensed] REGULATED under [Article 78, §§ 54A, 54B, or 54-I of the Maryland Code] STATE PUBLIC UTILITY COMPANIES ARTICLE, TITLE 7, if:

- (i) required certificates of public convenience and necessity have been issued in accordance with State Natural Resources Article § 5-1603(f); and

- (ii) the cutting or clearing of the forest is conducted so as to minimize the loss of forest;.

...

COMMENT: Updates cross-references.

Article 8 – Ethics

§ 3-5. Complaints.

(k) Judicial AND APPELLATE review.

- (1) If aggrieved by a final DECISION AND order of the Board, the respondent may [appeal any] SEEK JUDICIAL REVIEW OF THAT decision [of the Board] AND ORDER BY PETITION to [court as provided by applicable law] THE CIRCUIT COURT FOR BALTIMORE CITY IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.
- (2) A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT’S FINAL JUDGMENT TO THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

COMMENT: Adds express statement of right to appellate review. Cf., CJ § 12-302(a).

§ 5-3. Filing requirements.

(d) [Election year filing] CANDIDATES FOR OFFICE – in general.

- (1) In the year of a mayoral election, on or before the last day that a candidate may file under State Code Article 33, § 5-703 {“Nomination by petition”} or on or before the last day for the withdrawal of candidacy for nomination, each elected official and each candidate for an elective office specified in § 5-2 shall file a statement pursuant to this subtitle covering the calendar year immediately preceding the year in which the election is held.
- (2) The lists of business entities maintained pursuant to § 5-5 may be used by a person filing a statement under subsection (d)(1) of this section.
- (3) Each candidate for an office specified in §5-2 who is elected shall, within 30 days after taking office, file a statement pursuant to this subtitle covering the fiscal year immediately preceding the year in which the election is held.]
- (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A CANDIDATE FOR AN ELECTED OFFICE FOR WHICH AN ANNUAL STATEMENT IS REQUIRED MUST FILE A STATEMENT ANNUALLY:
- (I) BEGINNING WITH THE YEAR IN WHICH THE CANDIDATE FILES A CERTIFICATE OF CANDIDACY OR, IN THE CASE OF A NOMINATION BY PETITION, A DECLARATION OF INTENT;
AND
- (II) CONTINUING THROUGH THE YEAR OF THE ELECTION.
- (2) THE STATEMENT MUST BE FILED WITH THE BOARD OF SUPERVISORS OF ELECTIONS OF BALTIMORE CITY.

- (3) WITHIN 30 DAYS AFTER RECEIVING A STATEMENT, THE BOARD OF SUPERVISORS OF ELECTIONS MUST FORWARD THE STATEMENT TO THE ETHICS BOARD.

(e) [Election year filing] CANDIDATES FOR OFFICE – [certification of filing] INITIAL STATEMENT.

[Within 5 days of receipt of a statement in proper form required by this subtitle filed by a candidate for elected office specified in § 5-2, the Director shall certify to the Board of Supervisors of Elections of Baltimore City that such statement has been filed.]

- (1) THE INITIAL STATEMENT REQUIRED BY SUBSECTION (D) OF THIS SECTION MUST BE FILED NO LATER THAN WITH THE FILING OF THE CERTIFICATE OF CANDIDACY OR DECLARATION OF INTENT.

- (2) THE BOARD OF SUPERVISORS OF ELECTIONS MAY NOT ACCEPT A CERTIFICATE OF CANDIDACY OR DECLARATION OF INTENT OF A CANDIDATE COVERED BY THIS SECTION UNLESS THE CANDIDATE HAS FILED THE INITIAL STATEMENT.

(f) [Election year filing] CANDIDATES FOR OFFICE – [notice of requirements; effect of noncompliance] SUBSEQUENT STATEMENTS.

[At the time of the candidate's filing of the candidate's certificate of candidacy, the Election Board shall issue written notice to the candidate of the candidate's obligation to file the statement required by this subtitle, and, if the candidate fails to do so, the candidate shall be considered to have withdrawn his or her candidacy.]

- (1) IN EACH SUBSEQUENT YEAR, THROUGH AND INCLUDING THE YEAR OF THE ELECTION, THE STATEMENT MUST BE FILED ON OR BEFORE APRIL 30.

- (2) IF A LATER STATEMENT IS OVERDUE AND IS NOT FILED WITHIN 20 DAYS AFTER THE CANDIDATE RECEIVES FROM THE BOARD OF SUPERVISORS OF ELECTIONS WRITTEN NOTICE OF THE FAILURE TO FILE, THE CANDIDATE IS CONSIDERED TO HAVE WITHDRAWN HIS OR HER CANDIDACY.

COMMENT: Conforms section to requirements of State law, as construed in *Seipp v. Baltimore City Board of Elections*, 377 Md. 362 (2003).

Article 11. Labor and Employment

§ 4-4. Subpoenas; oaths.

(a) *Commission may issue.*

[The Commission is authorized to and shall have the power to, in the enforcement of] IN ENFORCING this Division I, THE COMMISSION MAY:

- (1) issue subpoenas TO compel the attendance and testimony of witnesses and the production of books, papers, records, and documents relating to payroll records, or necessary for hearings, investigations, or proceedings; and
- (2) administer oaths, subject to the penalties for perjury, to all witnesses.

COMMENT: Inserts missing infinitive; clarifies balance.

§ 4-8. Judicial AND APPELLATE review.**(A) JUDICIAL REVIEW.**

[Provided, however, that each] A respondent [in every proceeding hereunder shall have a right to appeal the Commission's] AGGRIEVED BY AN order[, within 30 days of the passage thereof] OF THE COMMISSION MAY SEEK JUDICIAL REVIEW OF THAT ORDER BY PETITION to the Circuit Court for Baltimore City IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

(B) APPELLATE REVIEW.

A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

COMMENT: Adds express statement of right to appellate review. Cf., CJ § 12-302(a).

Article 12. Municipal Labor Relations**§ 1-1. Definitions.*****(g) Grievance.***

“Grievance” means:

- (1) a dispute concerning the application or interpretation of the terms of a memorandum of understanding[,]; OR
- (2) a claimed violation, misinterpretation, or misapplication of the rules or regulations of a municipal agency or the employer affecting the terms and conditions of employment.

COMMENT: Inserts missing conjunction.

§ 5-2. Duty to negotiate.

[Upon] ON certification of an employee organization as the exclusive representative of employees, [as hereinafter provided,] the employer and the [said] employee organization [shall] have the duty, through appropriate officials or their representatives, to negotiate collectively with respect to the terms and conditions of employment of THE employees in [said] THE unit.

COMMENT: Deletes misdirected direction; corrects usage.

Article 14. Special Benefits Districts

Subtitle 1. Downtown Management District

§ 1-7. Board of Directors.

(e) *Minimum representation.*

The following minimum representation shall be present on the Board, [other than the interim Board specified in this subtitle,] except during periods of temporary vacancies:

- (7) The Board shall endeavor to maintain representatives on the Board from the tourist and convention industry, [professional] PROFESSIONALS practicing in the District, [the] retail merchants [within] IN the District, and [the] tenants of properties in the District; however, no minimum representation [shall apply] APPLIES.

COMMENT: Corrects and conforms usage.

§ 1-13. Partnerships.

(b) *Specific powers.*

In furtherance of that objective, the Authority may:

- (2) agree to accept donations, contributions, AND voluntary payments of any kind from Exempt Partners (collectively, “Voluntary Payments”), with or without agreements regarding specific services and functions;

COMMENT: Inserts missing conjunction.

§ 1-20. Renewal and expiration.

(c) *Expiration.*

- (1) [In the event that] IF the District and the Authority are [either] not approved through the process described in § 1-19 of this subtitle, or are NOT renewed as provided above, the Authority shall cease its operations[,] and the District [shall cease] CEASES to exist, with the end of the fiscal year of the City in which [such] THE terminating event occurs.

COMMENT: Supplies missing negative; clarifies balance.

Subtitle 6. Charles Village Community Benefits District

§ 6-11. Partnerships.

(b) *Specific powers.*

In furtherance of that objective, the Authority may:

- (2) agree to accept donations, contributions, AND voluntary payments of any kind from Exempt Partners (collectively, “Voluntary Payments”), with or without agreements regarding specific services and functions;

COMMENT: Inserts missing conjunction.

Subtitle 7. Midtown Community Benefits District

§ 7-11. Partnerships.

(b) *Specific powers.*

In furtherance of that objective, the Authority may:

- (2) agree to accept donations, contributions, AND voluntary payments of any kind from Exempt Partners (collectively, "Voluntary Payments"), with or without agreements regarding specific services and functions;

COMMENT: Inserts missing conjunction.

Article 15. Licensing and Regulation

§ 1-31. Judicial AND APPELLATE review.

(a) [In general] JUDICIAL REVIEW.

[Any] A person aggrieved by a decision of the Board may [appeal] SEEK JUDICIAL REVIEW OF that decision BY PETITION to the Circuit Court for Baltimore City [as provided by law and] IN ACCORDANCE WITH the Maryland Rules of [Civil] Procedure.

(b) Review to be expedited.

- (1) It is the desire and intent of the Mayor and City Council that any [appeal] REVIEW under this section be heard and decided by the Court as expeditiously as possible.
- (2) To that end, the Board must join in any motion by the appellant for expedited review and cooperate fully with the appellant to obtain an expedited review.

(c) Stays.

- (1) The filing of [an appeal] A PETITION FOR JUDICIAL REVIEW does not stay the decision of the Board.
- (2) However, on motion and after hearing, the Court may grant a stay as provided in the Maryland Rules OF PROCEDURE.

(D) APPELLATE REVIEW.

A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

COMMENT: Adds express statement of right to appellate review. Cf., CJ § 12-302(a).

§ 11-10. Denials; appeals.**(b) [Right of appeal] JUDICIAL AND APPELLATE REVIEW.**

- (1) The applicant may [appeal] SEEK JUDICIAL REVIEW OF the decision [of the Board] BY PETITION to [a court of competent jurisdiction] THE CIRCUIT COURT FOR BALTIMORE CITY IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.**
- (2) A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.**

COMMENT: Adds express statement of right to appellate review. *Cf.*, CJ § 12-302(a).

§ 16-8. Regulations - truck peddlers.**(b) Trash receptacles required.****(1) Prohibited conduct.**

No motor truck peddler may stop, stand, or park for the purpose of selling food products unless the truck carries a trash receptacle for the use of customers.

(2) [Enforcement by citation.

- (i) In addition to any other civil or criminal remedy or enforcement procedure, this subsection may be enforced by issuance of an environmental citation under Article 1, Subtitle 40 {"Environmental Control Board"} of the City Code.**
- (ii) The issuance of an environmental citation to enforce this subsection does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.**

(3) Penalties.

Any person who violates any provision of this subsection is guilty of a misdemeanor, and on conviction, is subject to a fine of not more than \$100 for each offense.

COMMENT: Repeals provisions rendered obsolete by enactment in Ord. 03-595 of new § 16-15.

§ 22-16. Judicial AND APPELLATE review.**(A) JUDICIAL REVIEW.**

Any person aggrieved by a decision of the Board may [appeal the decision within 15 days to the Circuit Court of Baltimore City where it shall be heard on the record. The aggrieved person must exhaust all administrative remedies, in a timely manner, prior to filing an action with the courts. The person appealing the decision of the Board shall pay all expenses related to the transcription of the record. The procedure for an appeal from the decision of the Board shall be as provided by the Maryland Rules of procedure for appeals from an administrative agency] SEEK JUDICIAL REVIEW OF THE DECISION BY PETITION TO THE CIRCUIT COURT FOR BALTIMORE CITY IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

(B) APPELLATE REVIEW.

A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

COMMENT: Adds express statement of right to appellate review. Cf., CJ § 12-302(a).

§ 41-10. Judicial AND APPELLATE review.(A) JUDICIAL REVIEW.

[Any individual application and any] AN APPLICANT OR licensee aggrieved by the decision of the licensing authority may [appeal] SEEK JUDICIAL REVIEW OF the decision BY PETITION to the Circuit Court for Baltimore City IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

(B) APPELLATE REVIEW.

A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

COMMENT: Adds express statement of right to appellate review. Cf., CJ § 12-302(a).

Article 19. Police Ordinances**§ 2-1. "Elderly individual" defined.**

"Elderly individual" means any individual who [or] is 65 years or older.

COMMENT: Deletes extraneous term.

§ 8-16. Administrative and judicial review.(c) Judicial AND APPELLATE review.

(1) [Any] A PERSON AGGRIEVED BY A decision of the Board of Municipal and Zoning Appeals under this section may [be appealed to court, as provided] SEEK JUDICIAL REVIEW OF THAT DECISION BY PETITION TO THE CIRCUIT COURT FOR BALTIMORE CITY IN ACCORDANCE WITH the Maryland Rules OF PROCEDURE.

(2) A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

COMMENT: Adds express statement of right to appellate review. Cf., CJ § 12-302(a).

§ 26-2. Findings and declarations.

The MAYOR AND City Council finds and declares that:

- (3) criminalizing THE ACT OF LOITERING ABOUT OR USING PLACES WITHIN A CERTIFIED drug-free zone for the purpose of engaging in drug-related activity is a necessary exercise of the police power to maintain the peace, good government, health, and welfare of Baltimore City.

COMMENT: Corrects misnomer; supplies missing phrase.

§ 27-2. Legislative findings.

The MAYOR AND City Council hereby finds and declares that:

COMMENT: Corrects misnomer.

§ 43-10. Judicial AND APPELLATE review.

(A) JUDICIAL REVIEW.

Any person aggrieved by any act of the Commissioner taken [pursuant to] UNDER this subtitle [has the right of appeal] MAY SEEK JUDICIAL REVIEW OF THAT ACT BY PETITION to the Circuit Court for Baltimore City [as may be provided by law] IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

(B) APPELLATE REVIEW.

A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

COMMENT: Adds express statement of right to appellate review. Cf., CJ § 12-302(a).

§ 47-2. Findings and declarations.

The MAYOR AND City Council:

COMMENT: Corrects misnomer.

Article 22. Retirement Systems

§ 5. Administration; Board of Trustees.

(l) Panel of hearing examiners.

....

The hearing examiner shall issue a written finding of fact setting forth the reasons for his final determination. If either party to the hearing [conducted by the hearing examiner] is aggrieved [as a result of] BY the HEARING EXAMINER'S final determination [of the hearing examiner], [then the aggrieved] THAT party may [appeal such] SEEK JUDICIAL REVIEW OF THAT determination BY PETITION to the CIRCUIT COURT FOR Baltimore City [Court, setting forth that such determination is unlawful, in whole or in part, and specifying the unlawful grounds thereof].

....

[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.] A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

....

COMMENT: Adds express statement of right to appellate review. Cf., CJ § 12-302(a).

§ 9. Class C membership.

(p) Panel of hearing examiners.

....

If either party to the hearing [conducted by the hearing examiner] is aggrieved [as a result of] BY the HEARING EXAMINER'S final determination [of the hearing examiner], [then the aggrieved] THAT party may [appeal such] SEEK JUDICIAL REVIEW OF THAT determination BY PETITION to the CIRCUIT COURT FOR Baltimore [City Court, setting forth that such determination is unlawful, in whole or part and specifying the unlawful grounds thereof].

....

[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.] A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

....

COMMENT: Adds express statement of right to appellate review. Cf., CJ § 12-302(a).

§ 33. Administration.

(l) Panel of hearing examiners.

(12) The hearing examiner shall issue written findings of fact that set forth the reasons for the hearing examiner's determination. If either party to the hearing is aggrieved by the hearing examiner's determination, that party may seek judicial review of the determination by the Circuit Court for Baltimore City. The review shall be sought and heard as provided for in the Maryland Rules, with the exception that the review shall be heard on the record only, on a right-of-way basis. The final determination of the hearing examiner is presumptively correct and may not be disturbed on review except when arbitrary, illegal, capricious, or discriminatory. A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

COMMENT: Adds express statement of right to appellate review. Cf., CJ § 12-302(a).

Article 23. Sanitation

§ 7-2. Fees - in general.

(a) Basic fee.

(1) [A] EXCEPT AS OTHERWISE PROVIDED IN § 7-3 OF THIS SUBTITLE, THE charge for [receipt of such] RECEIVING THIS refuse and mixed refuse [at the rate of] IS 25¢ per 100 pounds, or fraction [thereof] OF 100 POUNDS, with a minimum charge of \$1 for each single delivery[.].

(2) THIS CHARGE shall be collected [by the Mayor and City Council of Baltimore] in [such] THE manner [as shall be approved by] the Director of Finance APPROVES.

§ 7-3. Fees - exceptions.**(a) Private individuals.**

[Provided, however, that refuse] REFUSE and mixed refuse delivered to [the aforementioned incinerators] AN INCINERATOR by individuals [by means of] IN private passenger automobiles [shaft be] ARE exempt from any charge.

(b) Waivers by agreement.

(1) [And provided further, that the] THE Director [of the Department] of Public Works may, by agreement, waive the charge for the receipt of refuse or mixed refuse delivered by individuals when it was the obligation of the City to collect [said] THAT refuse and mixed refuse under [the provisions of] § 2-4 of this article.

(2) [In order to properly carry out and enforce the provisions of this section, the] THE Director [of the Department] of Public Works [is duly authorized and empowered to make,] MAY adopt[, promulgate, and amend,] from time to time[, such] rules and regulations [as] he [may deem] CONSIDERS necessary or proper to carry out and enforce [the provisions of] this [section with regard to the waiver of fees, by agreement] SUBSECTION.

(C) SMALL HAULERS.

THE BOARD OF ESTIMATES SHALL ESTABLISH AN APPROPRIATE DIFFERENTIAL CHARGE FOR REFUSE AND MIXED REFUSE DELIVERED BY A SMALL HAULER LICENSED UNDER TITLE 7, SUBTITLE 2, OF THE CITY HEALTH CODE.

COMMENT: Incorporates erroneously omitted provision (former Article 11, § 267(e)(1)) requiring the setting of special fees for small haulers.

§ 11-2. Haulers disposal surcharge .***[Section subject to abrogation]*****(b) Rate.**

(1) [The] EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE solid waste hauler disposal surcharge is levied at a rate of \$7.50 per ton of solid waste, as determined by the actual weight obtained from the scales located at the solid waste acceptance facility.

(2) THE BOARD OF ESTIMATES SHALL ESTABLISH AN APPROPRIATE DIFFERENTIAL SURCHARGE FOR SMALL HAULERS LICENSED UNDER TITLE 7, SUBTITLE 2, OF THE CITY HEALTH CODE.

COMMENT: Incorporates erroneously omitted provision (former Article 11, § 267(e)(1)) requiring the setting of special fees for small haulers.

§ 11-3. Recycling incentive surcharge.*{Section effective on contingency}*(C-1) RATE – SMALL HAULERS.THE BOARD OF ESTIMATES SHALL ESTABLISH AN APPROPRIATE DIFFERENTIAL SURCHARGE FOR SMALL HAULERS LICENSED UNDER TITLE 7, SUBTITLE 2, OF THE CITY HEALTH CODE.

COMMENT: Incorporates erroneously omitted provision (former Article 11, § 267(e)(1)) requiring the setting of special fees for small haulers.

Article 25. Sewers**§ 17-2. Tapping, etc., sewer.***(a) Prohibited conduct.*

[No] WITHOUT FIRST OBTAINING A PERMIT FROM THE DIRECTOR OF PUBLIC WORKS, NO person [shall] MAY:

- (1) tap, open, repair, alter, or cause to be tapped, opened, repaired, or altered any sewer, either stormwater or sanitary; or
- (2) [connected] CONNECT with or cause to be connected with [said sewers] ANY SEWER, EITHER STORMWATER OR SANITARY, any land, building, or premises[,

without first obtaining a permit therefor from the Director of Public Works].

COMMENT: Corrects grammatical error; clarifies balance.

§ 21-7. Administrative and judicial review.*(b) Judicial AND APPELLATE review.*

- (1) [Any] A person aggrieved by the FINAL decision of the Director or hearing officer may [appeal] SEEK JUDICIAL REVIEW OF the decision BY PETITION to the Circuit Court [of] FOR Baltimore City IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.
- (2) [The aggrieved person must exhaust all administrative remedies in a timely manner prior to appealing to the court.] A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

COMMENT: Adds express statement of right to appellate review. *Cf.*, CJ § 12-302(a).

Article 26. Surveys, Streets, and Highways

§ 8-6. Appeals.

(a) [Owner may] ADMINISTRATIVE appeal.

[The owner of any property upon which any such assessment in question is levied may, within] WITHIN 30 days of the mailing [to him] of A notice of [such] assessment, THE OWNER OF THE PROPERTY MAY [bring such] APPEAL THE assessment to the Board of Municipal and Zoning Appeals [for review by it,] in accordance with [and subject to the provisions of] the City Charter [as amended,].

(A-1) JUDICIAL AND APPELLATE REVIEW.

(1) [and with right of appeal] A PERSON AGGRIEVED BY THE DECISION OF THE BOARD MAY SEEK JUDICIAL REVIEW OF THAT DECISION BY PETITION to the Circuit Court for Baltimore CITY [as provided in said Charter] IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

(2) A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

COMMENT: Adds express statement of right to appellate review. *Cf.*, CJ § 12-302(a).

§ 8-7. Collections.

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

(1) [Said] THESE assessments:

- (i) shall be due and payable as soon as reported to the Director of Finance; and
- (ii) may be paid in deferred payments as provided in [Section 4 herein] § 8-5 OF THIS SUBTITLE.

COMMENT: Corrects cross-reference (and a horrid “legalism”).

§ 10-8. Appeals.

(a) [Owner may] ADMINISTRATIVE appeal.

Within 30 days of the mailing of a notice of assessment, the owner of the property on which the assessment is levied may appeal the assessment to the Board of Municipal and Zoning Appeals[,] IN ACCORDANCE WITH THE CITY CHARTER.

(A-1) JUDICIAL AND APPELLATE REVIEW.

(1) [with the right of further appeal] A PERSON AGGRIEVED BY THE DECISION OF THE BOARD MAY SEEK JUDICIAL REVIEW OF THAT DECISION BY PETITION to the Circuit Court for Baltimore City[, as provided in the City Charter] IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

(2) A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

COMMENT: Adds express statement of right to appellate review. *Cf.*, CJ § 12-302(a).

Article 28. Taxes**§ 10-2. Dwellings on cemetery property.***(d) Penalties for false statement.*

Any applicant who makes a false statement for the purpose of obtaining a tax credit under [the provisions of] this section [shall be] IS guilty of a misdemeanor and, ON CONVICTION, [shall be fined] IS SUBJECT TO A FINE OF not more than \$1,000 or imprisonment for not more than 90 days or both fine and imprisonment.

COMMENT: Corrects parallelism.

§ 17-13. Appeals.*(c) Judicial AND APPELLATE review.*

- (1) [Appeal may be had to a court of appropriate jurisdiction from any] A PERSON AGGRIEVED BY A determination of the Board of Municipal and Zoning Appeals MAY SEEK JUDICIAL REVIEW OF THAT DECISION BY PETITION TO THE CIRCUIT COURT FOR BALTIMORE CITY in accordance with [its rules and the provisions of the Baltimore City Charter] THE MARYLAND RULES OF PROCEDURE.
- (2) A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

COMMENT: Adds express statement of right to appellate review. *Cf.*, CJ § 12-302(a).

§ 28-12. Appeal of decision on refund or revision.*(d) Judicial AND APPELLATE review.*

- (1) [Any] A taxpayer dissatisfied with [any] THE DIRECTOR'S final determination [of the Director pursuant to this subsection] may [appeal] SEEK JUDICIAL REVIEW OF THAT DECISION BY PETITION to the Circuit Court for Baltimore City [within 30 days from the date of mailing of the notice of the final determination] IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.
- (2) A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

COMMENT: Adds express statement of right to appellate review. *Cf.*, CJ § 12-302(a).

Article 31. Transit and Traffic**§ 6-27. Commercial trailers.***(c) Exceptions.*

This section does not apply to:

....

- (3) vehicles owned or operated by [public service companies] A PUBLIC SERVICE COMPANY, as defined in [Article 78, § 2(o) of the Maryland Code] STATE PUBLIC UTILITY COMPANIES

ARTICLE, § 1-101, while engaged in construction or repair services associated with supplying necessary service to [their] ITS customers.

COMMENT: Updates cross-reference.

§ 10-10. Modifications to Programs.

(d) *Reserved rights.*

This section does not change:

- (1) the right of the MAYOR AND City Council [to], by ordinance, TO direct the Director to rescind or amend the administrative regulation [which] THAT establishes the residential permit parking program or other parking management program; or

COMMENT: Corrects misnomer.

§ 22-16. Suspension or revocation of licenses.

(b) *Judicial AND APPELLATE review.*

- (1) [Any] A person whose license has been revoked or suspended by the Police Commissioner [shall have the right to file an appeal within 15 days thereafter for a hearing in the matter in] MAY SEEK JUDICIAL REVIEW OF THAT ACTION BY PETITION TO the Circuit Court for Baltimore City, [and such court is hereby vested with jurisdiction to take testimony and examine into the facts of the case and to determine whether such revocation by the Police Commissioner was justified] IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.
- (2) A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

COMMENT: Adds express statement of right to appellate review. Cf., CJ § 12-302(a).

§ 36-22. Imposition of penalties.

(a) *Notice to offender.*

If a person fails to pay the appropriate fine for A violation by the date specified in the citation and 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.

COMMENT: Inserts missing article.

SECTION 2. AND BE IT FURTHER ORDAINED, That the following provisions of the City Code are repealed:

Article 1 - Mayor, City Council, and Municipal Agencies

Section(s) 42-1 through 42-4, inclusive, and the subtitle

"Subtitle 42. Chesapeake Regional Olympic Games Authority Act

Baltimore City Code

(Edition 2000)

COMMENT: Repeals obsolete provisions.

SECTION 2 3. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 34. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved May 10, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-673
(Council Bill 03-1218)**

AN ORDINANCE CONCERNING

**Release of Right-of-Way - a 6-Foot Right-of-Way Granted to the
Mayor and City Council of Baltimore Through the
Property of the Maryland Historical Society**

FOR the purpose of authorizing the release and surrender by the Mayor and City Council of Baltimore of all its interests in and to a 6-foot right-of-way heretofore granted to the City of Baltimore through the property of the Maryland Historical Society, the location and course of the right-of-way to be released being shown on Plat RW-20-36043 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 II - General Powers
Section 31
and
Article V - Comptroller
Section 5(b)
Baltimore City Charter
(1996 Edition)

WHEREAS, By Agreement dated July 1, 1910, and recorded among the Land Records of Baltimore City in Liber S.C.L. No. 2596 Folio 107, Baltimore Academy of the Visitation granted to the Mayor and City Council of Baltimore the right-of-way shown on Plat RW-20-36043, dated June 25, 2002; and

WHEREAS, The right-of-way hereinafter described is no longer needed for public use, the public utility that had previously been therein having been 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 hereby 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 right-of-way hereinafter described, a release and surrender of all the interest of the City of Baltimore in the right-of-way described as follows:

Beginning for the same at a point on the north side of Centre Street, 66 feet wide distant 172.00 feet northeasterly measured along the north side of said Centre Street from the east side of Howard Street, 82.5 feet wide, and running thence binding on the west outline of the right-of-way for municipal utilities and services granted to the Mayor and City Council of Baltimore by agreement dated July 1, 1910, and recorded among the Land Records of Baltimore City in Liber S.C.L. No. 2596 folio 107, North 02° 42' 47" West 201.73 feet to intersect the south side of a 14.5-foot alley laid out along the north outline of the properties known as No. 601 N. Howard Street and Nos. 600 and 614-616 Park Avenue; thence binding on the south side of said alley, North 87° 01' 00" East 6.00 feet to the east outline of said right-of-way;

thence binding on the east outline of said right-of-way, South 02° 42' 47" East 201.72 feet to intersect the north side of said Centre Street, and thence binding on the north side of said Centre Street, South 87° 00' 07" West 6.00 feet to the place of beginning.

The use of the right-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 May 10, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-674
(Council Bill 03-1240)**

AN ORDINANCE CONCERNING

**Sale of Property — Former Street Beds Lying Within the
Camden Yards Stadium Site to be Conveyed to the
Maryland Stadium Authority**

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 lying within the Camden Yards Stadium 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 certain parcels of land lying within the Camden Yards Stadium Site to be conveyed to the Maryland Stadium Authority, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the southeast side of the former bed of Howard Street, 66 feet wide, and the northeast side of Ostend Street, varying in width, having a coordinate value of West 1,591.335 feet and South 7,959.580 feet, and running thence binding on the northeast side of said Ostend Street, North 70° 31' 09" West 66.00 feet to intersect the northwest side of the former bed of said Howard Street; thence binding on the northwest side of the former bed of said Howard Street, the three following courses and distances; namely, North 19° 53' 00" East 332.42 feet, North 19° 10' 08" East 66.01 feet and North 19° 54' 40" East 728.86 feet to intersect the southwest side of Hamburg Street, as now laid out, 66 feet wide; thence binding on the southwest side of said Hamburg Street, South 69° 59' 00" East 66.00 feet to intersect the southeast side of the former bed of said Howard Street, and thence binding on the southeast side of the former bed of said Howard Street, the three following courses and distances; namely, South 19° 54' 40" West 728.45 feet, South 19° 10' 17" West 66.01 feet and South 19° 53' 00" West 332.21 feet to the place of beginning,

containing 74,380.89 square feet or 1.7076 acres of land, more or less.

Beginning for Parcel No. 2 at the point formed by the intersection of the southeast side of the former bed of Howard Street, 66 feet wide, and the northeast side of the former bed of Cross Street, 66 feet wide, having a coordinate value of West 1,321.426 feet and South 7,211.440 feet, and running thence binding on the northeast side of the former bed of said Cross Street, South 70° 02' 02" East 155.00 feet to intersect the northwest side of the former bed of Plum Street, 20 feet wide; thence binding on the northwest side of the former bed of said Plum Street, South 19° 28' 50" West 66.00 feet to intersect the southwest side of the former bed of said Cross Street; thence binding on the southwest side of the former bed of said Cross Street, North 70° 02' 02" West 155.50 feet to intersect the southeast side of the former bed of said Howard Street, and thence binding on the southeast side of the former bed of said Howard Street, North 19° 54' 40" East 66.00 feet to the place of beginning,

containing 10,246.39 square feet or 0.2352 acre of land, more or less.

Beginning for Parcel No. 3 at the point formed by the intersection of the southeast side of the former bed of Howard Street, 66 feet wide, and the northeast side of the former bed of West Street, 66 feet wide, having a coordinate value of West 1,456.673 feet and South 7,584.830 feet, and running thence binding on the northeast side of the former bed of said West Street, South 69° 59' 00" East 155.50 feet to intersect the northwest side of the former bed of Plum Street, 20 feet wide; thence binding on the northwest side of the former bed of said Plum Street, South 19° 35' 00" West 66.00 feet to intersect the southwest side of the former bed of said West Street; thence binding on the southwest side of the former bed of said West Street, North 69° 59' 00" West 155.02 feet to intersect the southeast side of the former bed of said Howard Street, and thence binding on the southeast side of the former bed of said Howard Street, North 19° 10' 17" East 66.01 feet to the place of beginning,

containing 10,246.96 square feet or 0.2352 acre of land, more or less.

Beginning for Parcel No. 4 at the point formed by the intersection of the southeast side of the former bed of Plum Street, 20 feet wide, and the northeast side of Ostend Street, 66 feet wide, said point of beginning being distant North 69° 59' 00" West 155.39 feet, measured along the northeast side of said Ostend Street from the northwest side of Sharp Street, 66 feet wide, and having a coordinate value of West 1,426.886 feet and South 8,019.488 feet, and running thence binding on the northeast side of said Ostend Street, North 69° 59' 00" West 20.00 feet to intersect the northwest side of the former bed of said Plum Street; thence binding on the northwest side of the former bed of said Plum Street, the four following courses and distances; namely, North 19° 53' 00" East 332.21 feet, North 19° 35' 00" East 66.00 feet, North 19° 54' 40" East 331.27 feet and North 19° 28' 50" East 66.00 feet to the northeasternmost extremity of the former bed of said Plum Street; thence binding on the northeasternmost extremity of the former bed of said Plum Street, South 70° 02' 02" East 20.00 feet to intersect the southeast side of the former bed of said Plum Street, and thence binding on the southeast side of the former bed of said Plum Street, the four following courses and distances; namely, South 19° 28' 50" West 66.00 feet, South 19° 54' 40" West 331.29 feet, South 19° 35' 00" West 66.00 feet and South 19° 53' 00" West 332.21 feet to the place of beginning,

containing 15,909.62 square feet or 0.3652 acre of land, more or less.

Beginning for Parcel No. 5 at the point formed by the intersection of the southwest side of the former bed of Cross Street, 66 feet wide, and the line of the northwest side of Sharp Street, 66 feet wide, if projected northeasterly, having a coordinate value of West 1,032.781 feet and South 7,386.526 feet, and extending from a plane 8.00 feet below and paralleling the bottom flange of the lowest beam of the superstructure of Interstate Route No. 395 and descending to an elevation of unlimited depth, and running thence binding on the southwest side of the former bed of said Cross Street, North 70° 02' 02" West 155.52 feet to intersect the southeast side of the former bed of Plum Street, 20 feet wide; thence binding on the southeast side of the former bed of said Plum Street, North 19° 28' 50" East 66.00 feet to intersect the northeast side of the former bed of said Cross Street; thence binding on the northeast side of the former bed of said

Cross Street, South 70° 02' 02" East 155.98 feet to intersect the line of the northwest side of said Sharp Street, so projected, and thence binding reversely on said line, so projected, South 19° 52' 30" West 66.00 feet to the place of beginning,

containing 10,279.51 square feet or 0.2360 acre of land, more or less.

Beginning for Parcel No. 6 at the point formed by the intersection of the northeast side of the former bed of West Street, 66 feet wide, and the northwest side of Sharp Street, 66 feet wide, and having a coordinate value of West 1,145.455 feet and South 7,698.207 feet, and extending from a plane 8.00 feet below and paralleling the bottom flange of the lowest beam of the superstructure of Interstate Route No. 395 and descending to an elevation of unlimited depth, and running thence binding on the northwest side of said Sharp Street, South 19° 52' 40" West 66.00 feet to intersect the southwest side of the former bed of said West Street; thence binding on the southwest side of the former bed of said West Street, North 69° 59' 00" West 155.39 feet to intersect the southeast side of the former bed of Plum Street, 20 feet wide; thence binding on the southeast side of the former bed of said Plum Street, North 19° 35' 00" East 66.00 feet to intersect the northeast side of the former bed of said West Street, and thence binding on the northeast side of the former bed of said West Street, South 69° 59' 00" East 155.73 feet to the place of beginning,

containing 10,267.02 square feet or 0.2357 acre of land, more or less.

Beginning for Parcel No. 7 at the point formed by the intersection of the line of the northwest side of the former bed of Howard Street, 66 feet wide, if projected northeasterly, and the northeast side of Hamburg Street, 66 feet wide, having a coordinate value of West 1,248.131 feet and South 6,815.280 feet, and running thence binding on the line of the northwest side of the former bed of said Howard Street, so projected, North 19° 54' 40" East 55.27 feet to intersect the northeast side of the former bed of Hamburg Street, varying in width; thence binding on the northeast side of the former bed of last said Hamburg Street, South 69° 59' 00" East 102.55 feet to intersect the west Right of Way Line of Through Highway for Interstate Route No. 395; thence binding on said Right of Way Line of Through Highway by a non-tangent arc curving to the right with a radius of 726.98 feet the distance of 63.77 feet which arc is subtended by a chord bearing South 09° 51' 22" East 63.75 feet to intersect the line of the northeast side of Hamburg Street, varying in width, and thence binding in part on the northeast side of last said Hamburg Street, in part on the northeast side of Hamburg Street, mentioned firstly herein, and in all, North 69° 59' 00" West 134.20 feet to the place of beginning,

containing 6,572.71 square feet or 0.1509 acre of land, more or less.

Beginning for Parcel No. 8 at the point formed by the intersection of the northeast side of Hamburg Street, as originally laid out 66 feet wide, and the east Right of Way Line of Through Highway for Interstate Route No. 395, having a coordinate value of West 888.478 feet and South 6,946.302 feet, and extending from a plane 8.00 feet below and paralleling the bottom flange of the lowest beam of the superstructure of Interstate Route No. 395 and descending to an elevation of unlimited depth, and running thence binding on the northeast side of said Hamburg Street, North 69° 59' 00" West 248.58 feet to intersect the west Right of Way Line of said Through Highway; thence binding on last said Right of Way Line of Through Highway by a non-tangent arc curving to the left with a radius of 726.98 feet the distance of 32.25 feet which arc is subtended by a chord bearing, North 08° 36' 51" West 32.25 feet to intersect the northeast side of the former bed of Hamburg Street, varying in width; thence binding on the northeast side of the former bed of last said Hamburg Street, the seven following courses and distances; namely, South 69° 57' 33" East 60.20 feet, South 64° 16' 22" East 40.20 feet, South 69° 59' 00" East 59.11 feet, South 12° 47' 28" West 10.33 feet, South 77° 12' 32" East 19.00 feet, North 12° 47' 28" East 7.92 feet and South 69° 59' 00" East 77.03 feet to intersect the east Right of Way Line of Through Highway for Interstate Route No. 395, and thence binding on said east Right of Way Line of Through Highway, by a non-tangent arc curving to the right with a radius of 903.47 feet the distance of 25.73 feet which arc is subtended by a chord bearing South 00° 38' 05" West 25.73 feet to the place of beginning,

containing 6,233.16 square feet or 0.1431 acre of land, more or less.

Beginning for Parcel No. 9 at the point formed by the intersection of the east Right of Way Line of Through Highway for Interstate Route No. 395, and the northeast side of the former bed of Hamburg Street, varying in width, having a coordinate value of West 888.193 feet and South 6,920.570 feet, and running thence binding on the northeast side of the former bed of said Hamburg Street, the three following courses and distances; namely, South 69° 59' 00" East 29.71 feet, by a tangent arc curving to the right with a radius of 316.00 feet the distance of 104.29 feet which arc is subtended by a chord bearing South 60° 31' 42.5" East 103.82 feet and South 51° 04' 25" East 18.96 feet to intersect the northeast side of Hamburg Street, 66 feet wide; thence binding on the northeast side of last said Hamburg Street, North 70° 05' 00" West 61.56 feet to the northeast side of Hamburg Street, varying in width; thence binding on the northeast side of last said Hamburg Street, North 70° 49' 29" West 66.00 feet to intersect the northeast side of Hamburg Street, as originally laid out 66 feet wide; thence binding on the northeast side of last said Hamburg Street, North 69° 59' 00" West 13.96 feet to intersect the east Right of Way Line of Through Highway for Interstate Route No. 395, and thence binding on said east Right of Way Line of said Through Highway by a non-tangent arc curving to the left with a radius of 903.47 feet the distance of 25.73 feet which arc is subtended by a chord bearing North 00° 38' 05" East 25.73 feet to the place of beginning,

containing 2,505.68 square feet of land.

Beginning for Parcel No. 10 at the point formed by the intersection of the southeast side of Russell Street, varying in width, and the south side of Camden Street, varying in width, having a coordinate value of West 1955.358 feet and South 4555.356 feet, and running thence binding on the south side of said Camden Street, North 87° 11' 04" East 584.01 feet to the east side of Camden Street, varying in width; thence binding on the line of the east side of last said Camden Street, if projected southerly, South 02° 49' 34" East 2.43 feet to the south side of the former bed of Camden Street, 80 feet wide; thence binding on the south side of the former bed of last said Camden Street, South 86° 40' 04" West 595.74 feet to intersect the southeast side of said Russell Street, and thence binding on the southeast side of said Russell Street, North 53° 30' 43" East 14.06 feet to the place of beginning,

containing 2,999.43 square feet of land.

Beginning for Parcel No. 11 at a point on the southeast side of Russell Street, 220 feet wide, distant South 20° 12' 20" West 249.37 feet measured along the southeast side of said Russell Street from the southwest side of Hamburg Street, varying in width, having a coordinate value of West 2,314.490 feet and South 6,807.149 feet, and running thence binding on the southeast side of the former bed Russell Street, varying in width, by a tangent arc curving to the left with a radius of 40.00 feet the distance of 62.96 feet which arc is subtended by a chord bearing South 24° 53' 21.5" East 56.66 feet to intersect the line of the northeast side of the former bed of Cross Street, 66 feet wide, if projected northwesterly; thence binding on said line so projected, North 69° 59' 00" West 40.13 feet to intersect the southeast side of Russell Street, mentioned firstly herein, and thence binding on the southeast side of Russell Street, mentioned firstly herein, North 20° 12' 20" East 40.13 feet to the place of beginning,

containing 346.03 square feet of land.

Beginning for Parcel No. 12 at the point formed by the intersection of the southeast side of Russell Street, varying in width and the northeast side of Lee Street, as now laid out, varying in width, having a coordinate value of West 2,030.072 feet and South 5,816.798 feet, and running thence binding on the northeast side of the former bed of Lee Street, varying in width, South 48° 08' 41.5" East 71.74 feet to a bend in Lee Street, mentioned firstly herein, and thence binding on the northeast side of Lee Street, mentioned firstly herein, by a non-tangent arc curving to the right with a radius of 54.95 feet the distance of 78.17 feet which arc is subtended by a chord bearing North 48° 08' 41.5" West 71.74 feet to the place of beginning,

containing 654.44 square feet of land.

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

Subject to a full width Perpetual Easement for all Municipal Utilities and Services, not to be abandoned, over the entire hereinabove described 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 May 10, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-675
(Council Bill 03-1243)**

AN ORDINANCE CONCERNING

Nighttime Soliciting

FOR the purpose of prohibiting certain soliciting during certain hours; imposing certain civil penalties; providing for the automatic termination of this Ordinance; and generally relating to nighttime soliciting.

BY adding

Article 1 - Mayor, City Council, and Municipal Agencies
Section(s) 41-14(2)(§47-5)
Baltimore City Code
(Edition 2000)

BY repealing and reenacting, without amendment

Article 19 - Police Ordinances
Section(s) 47-1(c)
Baltimore City Code
(Edition 2000)

BY adding

Article 19 - Police Ordinances
Section(s) 47-5
Baltimore City Code
(Edition 2000)

BY repealing and reenacting, with amendments

Article 19 - Police Ordinances
Section(s) 47-5 through 47-7
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 1. Mayor, City Council, and Municipal Agencies

Subtitle 41. Civil Citations

§ 41-14. Offenses to which subtitle applies – Listing.

(2) *Article 19. Police Ordinances*

...
 § 47-5. NIGHTTIME SOLICITING \$100
 ...

Article 19. Police Ordinances

Subtitle 47. Soliciting and Aggressive Soliciting

§ 47-1. Definitions.

(c) *Soliciting.*

- (1) “Soliciting” means any act by which 1 person requests an immediate donation of money or other thing of value from another or others in person, regardless of the solicitor’s purpose or intended use of the money or other thing of value.
- (2) The solicitation may be oral, written, or by other means of communication.

§ 47-5. NIGHTTIME SOLICITING PROHIBITED.

(A) *IN GENERAL.*

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, NO PERSON MAY ENGAGE IN SOLICITING BETWEEN SUNSET AND SUNRISE.

(B) *EXCEPTION.*

THIS SECTION DOES NOT APPLY TO SOLICITING THAT IS DONE SOLELY:

- (1) BY PASSIVELY STANDING OR SITTING WITH A SIGN OR OTHER INDICATION THAT ONE IS SEEKING DONATIONS; AND
- (2) WITHOUT ADDRESSING ANY ORAL OR OTHER SOLICITATION TO ANY SPECIFIC PERSON OTHER THAN IN RESPONSE TO AN INQUIRY BY THAT PERSON.

(C) *ENFORCEMENT BY CIVIL CITATION.*

- (1) THIS SECTION MAY BE ENFORCED BY ISSUANCE OF A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {“CIVIL CITATIONS”}.
- (2) A CITATION MAY BE ISSUED UNDER THIS SECTION ONLY BY A POLICE OFFICER.

- (3) NO PERSON MAY BE IMPRISONED FOR A VIOLATION OF THIS SECTION ~~OR~~, FOR FAILING TO PAY A FINE IMPOSED UNDER THIS SECTION, OR FOR FAILING TO APPEAR IN COURT.

§ 47-6. {Reserved}

§ 47-7. [§ 47-5.] Other soliciting permitted.

“Soliciting” as defined in § 47-1(c) of this subtitle is lawful except ONLY as [prohibited] SPECIFIED in [§ 47-4 of] this subtitle.

§ 47-8. {RESERVED}

§ 47-9. [§ 47-7.] Penalties.

(A) *IN GENERAL.*

[Any] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ANY person who violates a provision of this subtitle is guilty of a misdemeanor and, upon conviction thereof:

- (1) shall be fined not more than \$100 or imprisoned for not more than 30 days, or both; or
- (2) if the person has been convicted of a violation of this subtitle within the previous year, the person shall be fined not more than \$250 or imprisoned for not more than 90 days, or both.

(B) *EXCEPTION.*

THIS SECTION DOES NOT APPLY TO ANY VIOLATION OF § 47-5 {“NIGHTTIME SOLICITING PROHIBITED”} 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 30th day after the date it is enacted. It will remain effective until the repeal or abrogation of City Code Article 1, Subtitle 41 {“Civil Citations”}, as enacted by Ordinance 03-595; on the repeal or abrogation of that subtitle, with no further action by the Mayor and City Council, this Ordinance will be abrogated and of no further effect.

Approved May 10, 2004

Martin O’Malley, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-676
(Council Bill 03-1245)**

AN ORDINANCE CONCERNING

**Urban Renewal — Park Heights —
Amendment 10**

FOR the purpose of amending the Urban Renewal Plan for Park Heights to revise certain land uses, authorize the acquisition by purchase or by condemnation of certain properties for urban renewal purposes, delete

certain disposition lots, add new Appendix C, and amend certain 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 Park Heights was originally approved by the Mayor and City Council of Baltimore by Ordinance 73-304 and last amended by Ordinance 98-332.

An amendment to the Urban Renewal Plan for Park Heights is necessary to revise certain land uses, authorize the acquisition by purchase or by condemnation of certain properties for urban renewal purposes, delete certain disposition lots, add new Appendix C, and revise certain exhibits to reflect the changes in the Plan.

Under Article 13, § 2-6 of the Baltimore City Code, no substantial change may be made in any approved renewal plan unless the change is approved in the same manner as that required for the approval of a renewal plan.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the following changes in the Urban Renewal Plan for Park Heights are approved:

- (1) On page 3 of the Plan, in C.2.b., in the third line of the section, after “recreational and cultural centers;”, insert “OUTDOOR RECREATIONAL FACILITIES;”.
- (2) On page 7 of the Plan, in the heading for E.1.b., delete “9,”; and, in E.1.b.(1), delete “9,”.
- (3) On page 8 of the Plan, in the heading for E.1.c., delete “19R,”; and delete E.1.c.(3) in its entirety.
- (4) On pages 8 and 9 of the Plan, delete “(4)”, “(5)”, “(6)”, “(7)”, “(8)”, “(9)”, “(10)”, “(11)”, “(12)”, and “(13)”, respectively, and substitute “(3)”, “(4)”, “(5)”, “(6)”, “(7)”, “(8)”, “(9)”, “(10)”, “(11)”, and “(12)”, respectively.
- (5) After page 24 of the Plan, add new Appendix C to read as follows:

APPENDIX C

THE FOLLOWING PROPERTIES ARE TO BE ACQUIRED FOR THE PARK HEIGHTS GOLF DRIVING RANGE:

3600 WOODLAND AVENUE	BLOCK 3196C, LOT 29
3604-06 WOODLAND AVENUE	BLOCK 3196C, LOT 30
3608-12 WOODLAND AVENUE	BLOCK 3196C, LOT 31

- (6) Amend Exhibit 1, “Land Use Plan”, Exhibit 2, “Property Acquisition”, and Exhibit 3, “Land Disposition”, to reflect the changes in the Plan.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Urban Renewal Plan for Park Heights, as amended by this Ordinance and identified as “Urban Renewal Plan, Park Heights, revised to include Amendment 10, dated November 17, 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 10, 2004

MARTIN O’MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-677
(Council Bill 03-1254)**

AN ORDINANCE CONCERNING

**City Streets — Opening —
Maryland Avenue**

FOR the purpose of condemning and opening Maryland Avenue, extending from Mt. Royal Avenue northerly to Oliver Street and lying within the Mid-Town Belvedere Urban Renewal Project, as shown on Plat 347-A-62 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 Maryland Avenue, extending from Mt. Royal Avenue northerly to Oliver Street and lying within the Mid-Town Belvedere Urban Renewal Project, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the north side of Mt. Royal Avenue, 125 feet wide, and the west side of Maryland Avenue, 66 feet wide, and running thence binding on the west side of said Maryland Avenue, Northerly 320.8 feet, more or less, to intersect the south side of Oliver Street, 66 feet wide; thence binding on the south side of said Oliver Street, Easterly 66.0 feet to intersect the east side of said Maryland Avenue; thence binding on the east side of said Maryland Avenue, Southerly 320.5 feet, more or less, to intersect the north side of said Mt. Royal Avenue, and thence binding on the north side of said Mt. Royal Avenue, Westerly 66.0 feet to the place of beginning.

As delineated on Plat 347-A-62, prepared by the Survey Control Section and filed on July 18, 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 Maryland Avenue and the rights of all interested parties shall be regulated by and in accordance with all applicable provisions of state and local law and with all applicable rules and regulations adopted by the Director of Public Works and filed with the Department of Legislative Reference.

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

Approved May 10, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-678
(Council Bill 03-1255)**

AN ORDINANCE CONCERNING

**City Streets — Closing —
A Variable Width Portion of Maryland Avenue**

FOR the purpose of condemning and closing a variable width portion of Maryland Avenue contiguous to the west side thereof, extending from a point 11.8 feet, more or less, north of Mt. Royal Avenue, Northerly 189.0 feet, more or less, at and above a plane 14.0 feet above the sidewalk on the west side of Maryland Avenue and lying within the Mid-Town Belvedere Urban Renewal Project, as shown on Plat 347-A-62A 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 variable width portion of Maryland Avenue contiguous to the west side thereof, extending from a point 11.8 feet, more or less, north of Mt. Royal Avenue, Northerly 189.0 feet, more or less, at and above a plane 14.0 feet above the sidewalk on the west side of Maryland Avenue and lying within the Mid-Town Belvedere Urban Renewal Project, and more particularly described as follows:

Beginning for Parcel No. 1 at a point on the west side of Maryland Avenue, 66 feet wide, distant Northerly 11.8 feet, more or less, measured along the west side of said Maryland Avenue from the north side of Mt. Royal Avenue, 125 feet wide, at and above a plane 14.0 feet above the sidewalk on the west side of said Maryland Avenue, and running thence binding on the west side of said Maryland Avenue, Northerly 189.0 feet, more or less, and thence by straight lines through the bed of said Maryland Avenue, the five following courses and distances; namely, Easterly 23.10 feet, Southerly 126.0 feet, more or less, Westerly 6.66 feet, Southerly 63.0 feet, more or less, and Westerly 16.44 feet to the place of beginning.

As delineated on Plat 347-A-62A, prepared by the Survey Control Section and filed on July 18, 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 variable width portion of Maryland 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 May 10, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-679
(Council Bill 03-1256)**

AN ORDINANCE CONCERNING

**Zoning — Health-Care Facilities — Conditional Use Substance Abuse
Treatment Center — 4620 Doll Avenue**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a substance abuse treatment center on the property known as 4620 Doll Avenue, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning

Section(s) 7-308(1) and 14-102

and

Article - Health

Section 3-102

Baltimore City Revised Code

(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of a substance abuse treatment center on the property known as 4620 Doll avenue, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 7-308(1) and 14-102 and Health Code §3-102 of the Baltimore City Code, subject to the ~~condition that the~~ following conditions:

1. The final site plans, building elevations, and landscaping plans must return to the Planning Commission for Final Design Approval.
2. The maximum number of residents is 160.
3. No outpatient methadone maintenance may be conducted on this premises.
4. 24-hour supervision must be provided.
5. The substance abuse treatment center ~~complies~~ must comply with all applicable federal, state, and local licensing and certification requirements.

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

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

Approved May 10, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-680
(Council Bill 03-1260)**

AN ORDINANCE CONCERNING

City Property - Grant of Easement

FOR the purpose of authorizing the Mayor and City Council of Baltimore to grant a Perpetual Easement for a Telecommunications System Tie-In through the parcel of land known as 5401 Mason Lord Drive as shown Plat RW20-36093 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 a Telecommunications System Tie-In to Johns Hopkins Bayview Medical Center in accordance with Article V, Section 5(b) of the Baltimore City Charter, on that parcel of land situate in Baltimore City known as 5401 Mason Lord Drive, and described as follows:

Beginning for the same at a point on the north side of Eastern Avenue, varying in width, said point of beginning being the beginning of the first or South 87° 05' 30" West 180.58 foot line of the parcel of land conveyed by FSK Land Corporation to the Mayor and City Council of Baltimore by deed dated August 21, 1990 and recorded among the Land Records of Baltimore City in Liber S.E.B. No. 2939, Folio 583, and running thence binding on part of the first line of the parcel of land described in said deed, South 87° 05' 30" West 7.60 feet; thence by lines through the property now or formerly owned by the Mayor and City Council of Baltimore the four following courses and distances; namely, by a non- tangent arc curving to the right with a radius of 35.00 feet the distance of 20.35 feet which arc is subtended by a chord bearing North 26° 18' 42" East 20.06 feet, North 42° 57' 46" East 295.68 feet, by a tangent arc curving to the left with a radius of 25.00 feet the distance of 31.43 feet which arc is subtended by a chord bearing North 06° 56' 57" East 29.40 feet, and North 29° 03' 53" West 6.88 feet to intersect the southeast side of Mason Lord Drive, 52 feet wide; thence binding on the southeast side of said Mason Lord Drive, North 61° 17' 07" East 10.00 feet; thence by lines through said property, the four following courses and distances; namely, South 29° 03' 53" East 6.82 feet, by a tangent arc curving to the right with a radius of 35.00 feet the distance of 44.00 feet which arc is subtended by a chord bearing South 06° 56' 57" West 41.16 feet, South 42° 57' 46" West 295.68 feet, and by a tangent arc curving to the left with a radius of 25.00 feet the distance of 12.32 feet which arc is subtended by a chord bearing South 28° 50' 20" West 12.20 feet to intersect the north side of said Eastern Avenue, and thence binding on the north side of said Eastern Avenue, and on part on the last line of the parcel of land described in said deed, there situate, South 88° 05' 27" West 2.74 feet to the place of beginning.

Containing 3,566 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 the 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 time 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 May 10, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-681
(Council Bill 03-1261)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use Convalescent, Nursing, and
Rest Home (Assisted Living) — 6712 Harford Road**

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 6712 Harford Road, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning
Section(s) 6-309(3) and 14-102
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of a convalescent, nursing, and rest home (assisted living) on the property known as 6712 Harford Road, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 6-309(3) and 14-102 of the Baltimore City Code, subject to the ~~condition that the~~ following conditions:

1. The maximum number of residents is 12, 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 May 10, 2004

MARTIN O'MALLEY, Mayor

ENROLLED

**CITY OF BALTIMORE
ORDINANCE 04-682
(Council Bill 03-1262)**

AN ORDINANCE CONCERNING

**Planned Unit Development — Designation —
Harbor Point**

FOR the purpose of repealing Ordinance 93-260, approved August 10, 1993, that established the Allied and Related Sites Planned Unit Development; approving the application of ~~SBER~~ Harbor Point Development; LLC, authorized by Honeywell International, Inc., fee simple owner of certain property bounded generally by the Baltimore Harbor to the south and west, the Living Classrooms' site to the north, and Caroline Street to the east, consisting of approximately 26.8 acres, more or less, as outlined on the accompanying Development Plan, to have that property designated a Business Planned Unit Development; and approving the Development Plan submitted by the applicant.

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

Recitals

By Ordinance 93-260, approved August 10, 1993, the Mayor and City Council approved the application of AlliedSignal, now known as Honeywell International, Inc., to have certain property located in Fells Point, bounded generally by the Baltimore Harbor to the south and west, the Living Classrooms' site to the north, and Caroline Street to the east, consisting of approximately 26.8 acres, more or less (comprising the property designated as Ward 3, Section 7, Block 1815, Lot 1; Block 1817, Lots 1 and 4; and Block 1825, Lots 1 and 2

4), designated as a Planned Unit Development and approved the Development Plan submitted by the applicant.

On December 4, 2003, representatives of the developer and possessor of a leasehold interest in the property, ~~SBER Harbor Point Development~~, LLC, with the authorization of Honeywell International, Inc., met with the Department of Planning for a preliminary conference, to explain the scope and nature of existing and proposed development on the property and the proposed changes to the Development Plan.

The representatives of ~~SBER Harbor Point Development~~, LLC, with the authorization of Honeywell International, Inc., have now applied to the Baltimore City Council to repeal Ordinance 93-260 and to designate 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 Ordinance 93-260, approved August 10, 1993, is hereby repealed in its entirety.

SECTION 2. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council approves the application of ~~SBER Harbor Point Development~~, LLC, and Honeywell International, Inc., fee simple owner of the property located in Fells Point, bounded generally by the Baltimore Harbor to the south and west, the Living Classrooms' site to the north, and Caroline Street to the east, consisting of approximately 26.8 acres, more or less (comprising the property designated as Ward 3, Section 7, Block 1815, Lot 1; Block 1817, Lots 1 and 4; and Block 1825, Lots 1 and 4), as outlined on the accompanying Development Plan consisting of PUD 1 "Title Sheet", dated ~~December 3, 2003~~ February 26, 2004, PUD 2 "Existing Conditions", dated ~~December 3, 2003~~ February 26, 2004, PUD 3 "Land-Use Plan", dated ~~December 3, 2003~~ February 26, 2004, PUD 4 "Height Diagram", dated ~~December 3, 2003~~ February 26, 2004, April 2, 2004, to reflect the amended height of 350 feet on a segment of Parcel 2, and PUD 5 "Illustrative Site Plan", dated ~~December 3, 2003~~ February 26, 2004, to designate the property a Business Planned Development under Title 9, Subtitles 1 and 4 of the Baltimore City Zoning Code.

SECTION 3. AND BE IT FURTHER ORDAINED, That the Development Plan submitted by the applicant is approved.

SECTION 4. AND BE IT FURTHER ORDAINED, That in accordance with Title 9, Subtitles 1 and 4 of the Baltimore City Zoning Code, all uses as allowed in the B-1 and B-2 Zoning Districts, unless otherwise stipulated herein, are allowed and authorized within the Business Planned Unit Development. Additional uses within the Business Planned Unit Development shall be allowed and authorized as follows:

- (1) The following are allowed and authorized as permitted uses within the Business Planned Unit Development:
 - a. Artisans' and craft work.
 - ~~b. Auditoriums, dance halls, theaters, concert halls: indoor or outdoor, as follows:~~
 - ~~(i) Not more than 1 permanent auditorium, dance hall, theater or concert hall facility, with capacity limited to 3,500 seats.~~
 - ~~b.~~ c. Dwellings: single-family detached, semi-detached and attached, and/or multi-family attached. The minimum lot area per dwelling unit shall be 1,100 square feet. This calculation shall not be made on a lot-by-lot basis, but shall be based on the entire land area within the boundaries of the PUD. Residential uses shall be limited by the total gross building area set forth in Section 6.

- c. ~~f~~: Finger piers, not more than 5, provided that (1) the piers may not be used for leasing long term space for recreational vessels and must be reserved for larger vessels only; (2) all boats or ships must vacate the piers for special events that involve fireworks or pyrotechnics, and no persons may occupy the piers during fireworks or pyrotechnic events (if buildings are constructed on piers changes to this condition will be by the Planning Commission); (3) the pier design may not obstruct or impede access to the Living Classrooms Foundation marine railway; and (4) the marina may not extend beyond the pier-head-bulkhead line.
 - d. ~~e~~: Hazardous waste extraction, handling, treatment, storage and hauling, but only to the extent necessary to comply with that certain Consent Decree governing part of the Property, as entered in the United States District Court for the District of Maryland, Civil Action No. R-89-1804, dated June 16, 1989, including modifications and amendments to it.
 - e. ~~f~~: Meeting and banquet halls and catering facilities accessory to a hotel, including live entertainment and dancing.
 - f. ~~g~~: Parking, open off-street areas and open off-street garages, other than accessory, for the parking of 4 or more motor vehicles.
 - g. ~~h~~: Restaurants, lunch rooms, and taverns – with or without live entertainment and dancing.
- (2) In addition, the following uses are allowed and authorized for special events which may occur on a periodic or temporary basis within the Business Planned Unit Development:
 - a. Farmer’s markets, in which farmers or other direct food producers, including bakers, fisherman, and gardeners, sell produce or other food, flowers, or non-alcoholic beverages directly to the public.
 - b. Outdoor festivals including live entertainment and dancing.
 - c. Portable or non-permanent auditorium, dance hall, theater or concert hall facilities, with a capacity limited to 5,000 seats.
 - d. Food and drink kiosks, including service of alcoholic beverages, only when installed and operated in connection with the special event uses described in b. and c. above.
- (3) The following uses shall be allowed and authorized subject to Planning Commission approval of the design:
 - a. Grandstands accessory to athletic fields.
 - b. Microwave antennas and satellite dishes, public utilities, and rooftop antennae (but not freestanding towers for public communications transmission or receiving).
 - c. Outdoor seating and table service that is accessory to a restaurant or lunch room.
 - d. Water taxi vessels and equipment, consistent with the terms and conditions of the Maritime Master Plan.
 - e. Paddling kayaks and canoe launch pads consistent with the terms and conditions of the Maritime Master Plan.
- (4) The following conditional use shall require approval of the Board of Municipal and Zoning Appeals:

- a. Meeting and banquet halls, not accessory to a hotel.
 - b. Auditoriums, dance halls, theaters, concert halls: indoor or outdoor, not accessory to a hotel, as follows:
 - (1) Not more than 1 permanent auditorium, dance hall, theater or concert hall facility, with capacity limited to 3,500 seats.
- (5) The following use shall be prohibited in the Business Planned Unit Development:
- a. Recreational marinas.

SECTION 5. AND BE IT FURTHER ORDAINED, That prior to the complete and total implementation and construction of all structures depicted in the Development Plan, the uses set forth in Section 4 are allowed and authorized within the Business Planned Unit Development on an interim basis.

SECTION 6. AND BE IT FURTHER ORDAINED, That the gross building area for all parcels within the PUD area will be 1.8 million square feet, exclusive of the following structures, which shall not be counted towards the gross building area set forth herein:

- (1) Any and all building area for parking;
- (2) The existing Transfer Station depicted on PUD 2, entitled “Existing Conditions”; and
- (3) Public, quasi-public or non-profit based cultural use structures or buildings erected within the Open Space area (shown on PUD 3 entitled “Land-Use Plan”), such as any auditorium, theater, concert facility, or performing arts center, or other building or structure devoted primarily to performing or visual arts (or displays or galleries of the same), or to other educational or cultural purposes.

The square footage of any particular parcel or building shall be bound and limited by the height limitations shown on PUD 4, entitled “Heights Diagram.”

SECTION 7. AND BE IT FURTHER ORDAINED, That the parking required for each respective use within the PUD area shall be provided in accordance with the requirements of Title 10 of the Baltimore City Zoning Code, as applicable to uses located in a B-2-2 Zoning District. The parking shall be accommodated by surface lots and/or structured off-street facilities located within the PUD area, and the parking shall not be required on a lot by lot basis but shall merely need to be provided within the boundaries of the PUD. Temporary parking shall be allowed on individual building sites, subject to Planning Commission approval. The Planning Commission has the discretion to permit the total count of parking spaces required for all uses within any one development lot or among multiple development lots on the property to be reduced to reflect a demonstrated reduction in the need for parking spaces due to shared use, public transportation, or other appropriate causes. Permanent or temporary parking is not allowed on the Open Space areas, except in conjunction with the special event uses set forth in Section 4.

SECTION 8. AND BE IT FURTHER ORDAINED, That no minimum yard requirements shall be applicable to specific lots created within the Business Planned Unit Development, except as required by the plans approved by the Planning Commission.

SECTION 9. AND BE IT FURTHER ORDAINED, That the applicant shall complete the development of the Open Space, Promenade, and Riparian Promenade, as shown on PUD 3, entitled “Land-Use Plan,” in accordance with the following schedule and conditions:

- (1) Within 8 months from the effective date of this Ordinance, the applicant shall install a temporary pedestrian promenade around the waterfront of the PUD area, as shown on the Development Plan, with the pedestrian promenade to be no less than 10 feet in width, to consist of asphalt material or other suitable surface materials, and to be in compliance with the accessibility requirements of the Americans With Disabilities Act.
- (2) As the applicant undertakes construction of each of the respective buildings on Parcel 5, the applicant shall also undertake the installation of those portions of the Promenade that surround the particular building under construction on Parcel 5 (as shown on PUD 3 entitled "Land Use Plan"). On completion of the first pier building constructed on Parcel 5, the portion of the Promenade that surrounds the first pier building shall also be completed; on completion of the second pier building constructed on Parcel 5, the portion of the Promenade that surrounds the second pier building shall also be completed; on completion of all three buildings on Parcel 5, the portions of the Promenade that surround the buildings shall also be completed.
- (3) The applicant shall provide for temporary public access to the Open Space on or before the completion of the fourth building constructed within the PUD area (i.e., the fourth building constructed in addition to the Transfer Station shown on PUD 2, entitled "Existing Conditions").
- (4) As the applicant undertakes construction of the building on Parcel 3, the applicant shall also begin development of those portions of the Open Space and Promenade that are located between Parcel 3 and Parcel 5, and between Parcel 3 and the Baltimore Harbor (as shown on PUD 3, entitled "Existing Conditions"). On completion of the building on Parcel 3, the portions of the Open Space and the Promenade located between Parcel 3 and Parcel 5, and between Parcel 3 and the Baltimore Harbor, shall also be completed. In the event that the applicant constructs the finger piers shown on PUD 3 prior to construction of the building on Parcel 3, the applicant shall, on or before the completion of the piers, be obligated to complete the portion of the Promenade located adjacent to the finger piers, along with a fire access lane leading from the Promenade to Wills Street.
- (5) Applicant shall prepare and submit its final design plan for the Open Space on or before the completion of the fourth building constructed within the PUD area (i.e., the fourth building constructed in addition to the Transfer Station shown on PUD 2, entitled "Existing Conditions," exclusive of all building structures for parking).
- (6) On or before the completion of either the building on Parcel 1 or the building on Parcel 3 (whichever building shall be completed later among the two), the applicant shall complete development of the Open Space in accordance with the design plan.
- (7) The remainder of the Promenade shall be completed on or before the completion of the last building structure as shown in the Development Plan.

SECTION 10. 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 Developer or an event sponsor will meet with the Fells Point Task Force and/or the Fells Point Homeowners' Association, the Fells Point Preservation Society, the Fells Point Business Association, the Waterfront Coalition, the Fells Point Community Organization, Eastern Dallas Bond, or the Mid-Point Community Association to review proposed multi-day public events to be held on the public open space, and the planning of permanent structures and improvements on Harbor Point. The design approval shall include but not be limited to site plan, building elevations and materials and roof plan including mechanical systems and antennae.

SECTION 11. AND BE IT FURTHER ORDAINED, That the Planning Department may determine what constitutes minor or major modifications to the Plan. Minor modifications require approval by the Planning Commission. Major modifications require approval by Ordinance.

SECTION 12. AND BE IT FURTHER ORDAINED, That subsequent to the passage of this Ordinance by the City Council, all plans for construction of permanent improvements on the property shall be reviewed and approved by the Planning Commission to insure that such plans are reasonably consistent with the Development Plan and this Ordinance.

SECTION 13. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying Development Plan and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the Development Plan; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 14. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved May 10, 2004

MARTIN O'MALLEY, Mayor

ENROLLED

**CITY OF BALTIMORE
ORDINANCE 04-683
(Council Bill 03-1192)**

AN ORDINANCE CONCERNING

Civil Citations – Modifications

FOR the purpose of modifying the amount of a certain prepayable civil fine imposed for violations of park rules; adding to the offenses for which certain civil citations may be issued the prohibition against dispensing fuel for dirt bikes or unregistered motorcycles or similar vehicles and the prohibition against riding a bicycle on a sidewalk or footway; correcting, clarifying, and conforming certain language; and generally relating to the issuance of civil citations for certain offenses.

BY adding

Article 1 - Mayor, City Council, and Municipal Agencies
Section(s) 41-14(2)(§ 40-9)
Baltimore City Code
(As enacted by Ord. 03-595 (Bill 03-1109))

BY repealing and reordaining, with amendments

Article 1 - Mayor, City Council, and Municipal Agencies
Section(s) 41-14(2)(§ 51-2) and 40-14(4)
Baltimore City Code
(As enacted by Ord. 03-595 (Bill 03-1109))

BY repealing and reordaining, with amendments

Article 19 - Police Ordinances
 Section(s) 40-9
 Baltimore City Code
 (Edition 2000)

By repealing and reordaining, with amendments

Article 31 - Transit and Traffic

Section(s) 18-8

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 1. Mayor, City Council, and Municipal Agencies

Subtitle 41. Civil Citations

§ 41-14. Offenses to which subtitle applies – Listing.

(2) Article 19. Police Ordinances

§ 40-9. DIRT BIKES, ETC. – MOTOR FUEL SALES	\$100
§ 51-2. Compliance with {park} rules required	[\$200] \$ 50

(4) Article 31. Transit and Traffic

<u>§ 16-12. Vehicles on sidewalks</u>	<u>\$ 50</u>
<u>§ 18-8. RIDING {BICYCLES} ON SIDEWALK</u>	<u>\$ 50</u>

Article 19. Police Ordinances

Subtitle 40. Dirt Bikes, Unregistered Motorcycles, and Similar Vehicles

§ 40-9. Prohibited conduct – Motor fuel sales.

(A) IN GENERAL.

No service station nor any other person may sell, transfer, or dispense motor fuel for delivery into any dirt bike or into any unregistered motorcycle or similar vehicle.

(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 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 31. Transit and Traffic

Subtitle 18. Bicycles

§ 18-8. Riding on sidewalk.

(a) Riding prohibited.

It is unlawful for any person to [propel] RIDE a bicycle on any sidewalk or footway of this City.

(b) Walking, STANDING permitted.

However, when dismounted and on foot, A PERSON MAY:

(1) [he may] lead the bicycle on a sidewalk or footway in [such] A manner [as not to cause obstruction thereon] THAT DOES NOT OBSTRUCT THE SIDEWALK OR FOOTWAY; and

(2) [he may] allow the bicycle to remain standing on the sidewalk or footway in [such] A manner [as not to cause obstruction thereon] THAT DOES NOT OBSTRUCT THE SIDEWALK OR FOOTWAY.

(C) 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.

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 19, 2004

MARTIN O’MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-684
(Council Bill 03-1230)**

AN ORDINANCE CONCERNING

Sale of Property — A Portion of the Former Bed of Bloede 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 a certain parcel of land known as a portion of the former bed of Bloede 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 a certain parcel of land known as a portion of the former bed of Bloede Avenue, and more particularly described as follows:

Beginning for Parcel No. 1 at a point on the southeast side of the former bed of Bloede Avenue, 50 feet wide, distant northeasterly 216.6 feet measured along the southeast side of the former bed 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 the former bed of said Bloede Avenue, Northwesterly 25.00 feet to intersect the centerline of the former bed of said Bloede Avenue; thence binding on the centerline of the former bed 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 the former bed of said Bloede Avenue, and thence binding on the southeast side of the former bed of said Bloede Avenue, Southwesterly 259.68 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 May 19, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-685
(Council Bill 04-1266)**

AN ORDINANCE CONCERNING

Rezoning — 733-735 East Fort Avenue

FOR the purpose of changing the zoning for the property known as 733-735 East Fort Avenue, as outlined in red on the accompanying plat, from the M-2-2 Zoning District to the R-8 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-2-2 Zoning District to the R-8 Zoning District the property known as 733-735 East Fort Avenue, as outlined in red on the plat accompanying this Ordinance.

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

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

Approved May 19, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-686
(Council Bill 04-1267)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use Amendment —
5411 Old Walther Avenue**

FOR the purpose of amending the maximum bed capacity and changing the provision that precludes sleeping rooms in the basement for the convalescent, nursing and rest home (assisted living) on the property known as 5411 Old Walther Avenue, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning
Section(s) 4-604 and 14-102
Baltimore City Revised Code
(Edition 2000)

BY repealing and reordaining, with amendments

Ordinance 02-303
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 02-303

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of a convalescent, nursing, and rest home (assisted living) on the property known as 5411 Old Walther Avenue, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 4-604 and 14-102 of the Baltimore City Code, subject to the following conditions:

1. The maximum number of residents is [8] 12, including a resident manager.
2. There may be no more than 2 persons per sleeping room.
3. ~~Sleeping rooms for clients may not be in the basement.~~ CLIENT SLEEPING ROOMS MAY BE PROVIDED ON THE GROUND FLOOR WITH THE APPROVAL OF THE FIRE DEPARTMENT AND THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.
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 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 19, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-687
(Council Bill 04-1366)**

AN ORDINANCE CONCERNING

**Revenue Obligations – Water Projects –
Maximum Aggregate Principal Amount**

FOR the purpose of increasing the maximum aggregate principal amount of revenue obligations that may be issued by the City under Ordinance 02-331; and providing for a special effective date.

BY repealing and reordaining, with amendments

Ordinance 03-331
Section(s) 1 (Section 2(a))

BY authority of

Article II - General Powers
Section (50)
Baltimore City Charter
and

Article 31 - Debt - Public
Section 12
Annotated Code of Maryland

Recitals

Ordinance 02-331 authorizes the City to issue from time to time its revenue obligations to finance water facilities within the geographical limits of the City's water system. The maximum aggregate principal amount of revenue obligations authorized to be issued under Ordinance 02-331 is \$333,000,000.

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

Accordingly, the City desires to amend Ordinance 02-331 to increase the aggregate principal amount of the revenue obligations that may be issued under that Ordinance.

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

Ordinance 02-331

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Ordinance 90-495, as last amended by Ordinance 00-015, is amended and restated to read as follows:

SECTION 2. AND BE IT FURTHER ORDAINED, That:

- (a) Revenue obligations may be issued from time to time in an aggregate principal amount not to exceed [\$333,000,000] \$405,000,000 for the general public purposes of financing or refinancing the cost of the financed facilities and repaying the City for amounts expended on financed facilities in anticipation of the issuance of the revenue obligations.

SECTION 2. AND BE IT FURTHER ORDAINED, That Ordinance 02-331, as amended by this Ordinance, continues in full force and effect.

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

Approved May 25, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-688
(Council Bill 04-1334)**

AN ORDINANCE CONCERNING

City Streets — Opening — Buren Street

FOR the purpose of condemning and opening Buren Street, extending from Madison Street southerly to Monument Street, as shown on Plat 293-A-3D 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 Buren Street, extending from Madison Street southerly to Monument Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the west side of Buren Street, 60 feet wide, and the south side of Madison Street, 66 feet wide, and running thence binding on the south side of said Madison Street, Easterly 60.4 feet, more or less, to intersect the east side of said Buren Street; thence binding on the east side of said Buren Street, Southerly 300.5 feet, more or less, to the northeast side of Buren Street, varying in width; thence binding on the northeast side of last said Buren Street, Southeasterly 35.2 feet, more or less, to intersect the north side of Monument Street, varying in width; thence binding on the north side of said Monument Street, Westerly 85.4 feet, more or less, to intersect the west side of last said Buren Street, and thence binding in part on the west side of last said Buren Street, in part on Buren Street, mentioned firstly herein, and in all, Northerly 322.7 feet, more or less, to the place of beginning.

As delineated on Plat 293-A-3D, prepared by the Survey Control Section and filed on April 4, 2002, in the Office of the Department of Public Works.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and opening of Buren Street and the rights of all interested parties shall be regulated by and in accordance with all applicable provisions of state and local law and with all applicable rules and regulations adopted by the Director of Public Works and filed with the Department of Legislative Reference.

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

Approved May 28, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-689
(Council Bill 04-1335)**

AN ORDINANCE CONCERNING

City Streets — Closing — Buren Street

FOR the purpose of condemning and closing Buren Street, extending from Madison Street southerly to Monument Street, as shown on Plat 293-A-3E 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 Buren Street, extending from Madison Street southerly to Monument Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the west side of Buren Street, 60 feet wide, and the south side of Madison Street, 66 feet wide, and running thence binding on the south side of said Madison Street, Easterly 60.4 feet, more or less, to intersect the east side of said Buren Street; thence binding on the east side of said Buren Street, Southerly 300.5 feet, more or less, to the northeast side of Buren Street, varying in width; thence binding on the northeast side of last said Buren Street, Southeasterly 35.2 feet, more or less, to intersect the north side of Monument Street, varying in width; thence binding on the north side of said Monument Street, Westerly 85.4 feet, more or less, to intersect the west side of last said Buren Street, and thence binding in part on the west side of last said Buren Street, in part on Buren Street, mentioned firstly herein, and in all, Northerly 322.7 feet, more or less, to the place of beginning.

As delineated on Plat 293-A-3E, prepared by the Survey Control Section and filed on April 4, 2002, in the Office of the Department of Public Works.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and closing of Buren 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 May 28, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-690
(Council Bill 04-1336)**

AN ORDINANCE CONCERNING

City Streets — Opening — Cardiff Avenue and a 19-foot Alley

FOR the purpose of condemning and opening (1) Cardiff Avenue, extending from Baylis Street westerly to Highland Avenue, (2) Cardiff Avenue, extending from Highland Avenue westerly to Clinton Street, and (3) a 19-foot alley laid out in the rear of the properties known as Nos. 1501/05 through 1555 South Clinton Street, extending from Cardiff Avenue southerly to the end thereof, as shown on Plat 314-A-11 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) Cardiff Avenue, extending from Baylis Street westerly to Highland Avenue, (2) Cardiff Avenue, extending from Highland Avenue westerly to Clinton Street, and (3) a 19-foot alley laid out in the rear of the properties known as Nos. 1501/05 through 1555 South Clinton Street, extending from Cardiff Avenue southerly 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 Cardiff Avenue, 70 feet wide, and the west side of Baylis Street, 60 feet wide, and running thence binding on the west side of said Baylis Street, Southerly 70.0 feet to intersect the south side of said Cardiff Avenue; thence binding on the south side of said Cardiff Avenue, Westerly 204.0 feet, more or less, to intersect the east side of Highland Avenue, 60 feet wide; thence binding on the east side of said Highland Avenue, Northerly 70.0 feet to intersect the north side of said Cardiff Avenue, and thence binding on the north side of said Cardiff Avenue, Easterly 204.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the north side of Cardiff Avenue, 70 feet wide, and the west side of Highland Avenue, 60 feet wide, and running thence binding on the west side of said Highland Avenue, Southerly 70.0 feet to intersect the south side of said Cardiff Avenue; thence binding on the south side of said Cardiff Avenue, Westerly 204.0 feet, more or less, to intersect the east side of Clinton Street 70 feet wide; thence binding on the east side of said Clinton Street, Northerly

70.0 feet to intersect the north side of said Cardiff Avenue, and thence binding on the north side of said Cardiff Avenue, Easterly 204.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the west side of a 19-foot alley laid out in the rear of the properties known as Nos. 1501/05 through No. 1555 South Clinton Street and the south side of Cardiff Avenue, 70 feet wide, said point of beginning being distant easterly 95.0 feet, measured along the south side of said Cardiff Avenue, from the east side of Clinton Street, 70 feet wide, and running thence binding on the south side of said Cardiff Avenue, Easterly 19.0 feet to intersect the east side of said alley; thence binding on the east side of said alley, Southerly 458.3 feet, more or less, to the southernmost extremity of said alley; thence binding on the southernmost extremity of said alley, Westerly 19.0 feet to the west side of said alley, and thence binding on the west side of said alley, Northerly 458.3 feet, more or less, to the place of beginning

As delineated on Plat 314-A-11, prepared by the Survey Control Section and filed on April 7, 2004, 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 Cardiff Avenue and a 19-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 May 28, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-691
(Council Bill 04-1337)**

AN ORDINANCE CONCERNING

City Streets — Closing — Cardiff Avenue and a 19-foot Alley

FOR the purpose of condemning and closing (1) Cardiff Avenue, extending from Baylis Street westerly to Highland Avenue, (2) Cardiff Avenue, extending from Highland Avenue westerly to Clinton Street, and (3) a 19-foot alley laid out in the rear of the properties known as Nos. 1501/05 through 1555 South Clinton Street, extending from Cardiff Avenue southerly to the end thereof, as shown on Plat 314-A-11A 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) Cardiff Avenue, extending from Baylis Street westerly to Highland Avenue, (2) Cardiff Avenue, extending from Highland Avenue westerly to Clinton

Street, and (3) a 19-foot alley laid out in the rear of the properties known as Nos. 1501/05 through 1555 South Clinton Street, extending from Cardiff Avenue southerly 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 Cardiff Avenue, 70 feet wide, and the west side of Baylis Street, 60 feet wide, and running thence binding on the west side of said Baylis Street, Southerly 70.0 feet to intersect the south side of said Cardiff Avenue; thence binding on the south side of said Cardiff Avenue, Westerly 204.0 feet, more or less, to intersect the east side of Highland Avenue, 60 feet wide; thence binding on the east side of said Highland Avenue, Northerly 70.0 feet to intersect the north side of said Cardiff Avenue, and thence binding on the north side of said Cardiff Avenue, Easterly 204.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the north side of Cardiff Avenue, 70 feet wide, and the west side of Highland Avenue, 60 feet wide, and running thence binding on the west side of said Highland Avenue, Southerly 70.0 feet to intersect the south side of said Cardiff Avenue; thence binding on the south side of said Cardiff Avenue, Westerly 204.0 feet, more or less, to intersect the east side of Clinton Street 70 feet wide; thence binding on the east side of said Clinton Street, Northerly 70.0 feet to intersect the north side of said Cardiff Avenue, and thence binding on the north side of said Cardiff Avenue, Easterly 204.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the west side of a 19-foot alley laid out in the rear of the properties known as Nos. 1501/05 through No. 1555 S. Clinton Street and the south side of Cardiff Avenue, 70 feet wide, said point of beginning being distant easterly 95.0 feet, measured along the south side of said Cardiff Avenue, from the east side of Clinton Street, 70 feet wide, and running thence binding on the south side of said Cardiff Avenue, Easterly 19.0 feet to intersect the east side of said alley; thence binding on the east side of said alley, Southerly 458.3 feet, more or less, to the southernmost extremity of said alley; thence binding on the southernmost extremity of said alley, Westerly 19.0 feet to the west side of said alley, and thence binding on the west side of said alley, Northerly 458.3 feet, more or less, to the place of beginning.

As delineated on Plat 314-A-11A, prepared by the Survey Control Section and filed on April 7, 2004, 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 Cardiff Avenue and a 19-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 28, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-692
(Council Bill 03-1064)**

AN ORDINANCE CONCERNING

Solid Waste Haulers — Scrap Metal Processors

FOR the purpose of exempting from the regulations governing solid waste collection certain scrap metal processors under certain conditions; and generally related to scrap metal processors and solid waste collection.

BY repealing and reordaining, with amendments

Article - Health
Section(s) 7-202
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 – Health

Title 7. Waste Control

Subtitle 2. Solid Waste Collection

§ 7-202. Scope of subtitle.

This subtitle does not apply to:

- (1) any person while employed by or under contract with the City for public work; [or]
- (2) a 1- or 2-day community clean-up where neighbors join in to pay the cost of hiring a truck; OR

(3) A SCRAP METAL PROCESSOR WHO:

(I) IS LICENSED UNDER CITY CODE ARTICLE 2, SUBTITLE 8; AND

(II) IS TRANSPORTING MATERIALS FOR PURCHASE, SALE, RECYCLING, OR STORAGE (BUT NOT FOR DISPOSAL).

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 23, 2004

MARTIN O'MALLEY, Mayor

ENROLLED

**CITY OF BALTIMORE
ORDINANCE 04-693
(Council Bill 03-1084)**

AN ORDINANCE CONCERNING

East Baltimore Research Park - Development District

FOR the purpose of designating a "development district" to be known as the "East Baltimore Research Park 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~~ payment of notes or other debt instruments delivered 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 City of Baltimore Department of Housing and Community Development is requesting a Section 108 Loan (defined herein) to finance the acquisition of land and property, demolition, relocation assistance, and installation of certain infrastructure improvements within the development district and other necessary and related improvements as permitted by Section (62) of the Charter, as amended. The City will secure the Section 108 Loan with certain collateral. First, as required, the City is pledging its future Community Development Block Grant ("CDBG") allocation for repayment. The City fully expects and intends that the CDBG funds will be the actual source of repayment for the Section 108 Loan. To the extent that principal and interest on the Section 108 Loan are not paid, the additional collateral described in the following sentences will be the actual source of repayment of the Section 108 Loan. A lien will be placed on the property acquired with the Section 108 Loan and the proceeds from the sale and/or lease of the property acquired with or substantially improved with the proceeds of the Section 108 Loan will act as a secondary source of collateral. A third source of collateral is a pledge of incremental tax revenues generated through the City's creation of the development district.

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 redevelopment of the development district into a comprehensive project containing residential, commercial, institutional and public uses and the repayment of a note, notes or other similar debt instruments that secure the Section 108 Loan.

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) "Adjusted assessable base" means, for real property that qualifies for farm or agricultural use under § 8-209 of the Tax-Property Article of the Annotated Code of Maryland, as amended, replaced or supplemented from time to time, the fair market value of the property without regard to its agricultural use assessment as of January 1, ~~2002~~ 2003.
- (c) "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.
- (d) (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.
- ~~(e) "Bonds" or "Bond" means any bonds or bond, notes or note, or other similar instruments or instrument issued by the Mayor and City Council of Baltimore under the Act.~~
- ~~(e)~~ (f) "Comprehensive Redevelopment of the Project" means:
 - (1) the purchasing, leasing, condemning, or otherwise acquiring land or other property, or an interest in them, in the Development District or as necessary for a right-of-way or other easement to or from the Development District; and

- (2) site removal, which shall include the demolition of any structures or facilities, the removal of all debris, the clearance and preparation of sites for redevelopment or construction and the remediation, through removal or otherwise, of any dangerous or hazardous materials; and
- (3) surveys and studies; and
- (4) relocation of businesses or residents; and
- (5) installation of utilities, construction of parks and playgrounds, and other necessary improvements including streets and roads to, from, or within the Development District, parking, lighting, and other facilities; and
- (6) construction or rehabilitation of buildings provided that such buildings are to be devoted to a governmental use or purpose; and
- (7) reserves and capitalized interest on any ~~Bonds or Bond~~ note or notes; and
- (8) necessary costs of ~~issuing any Bonds or Bond~~ issuance; and
- (9) structured and surface parking facilities that are:
 - (i) publicly owned; or
 - (ii) privately owned but serve a public purpose; and
- (10) payment of the principal and interest on loans, money advanced, or indebtedness incurred by the Mayor and City Council of Baltimore for any of the purposes set out herein or in the Act or in the Inclusion Agreement, including indebtedness incurred in connection with:
 - ~~(i) one or more Section 108 Loans for the Development District; and~~
 - ~~(ii) outstanding but unpaid commitments due and owing for community reinvestment in East Baltimore under the Inclusion Agreement.~~
- ~~(f)~~ (g) “Development” includes new development, redevelopment, revitalization, and renovation.
- ~~(h)~~ “Development agreement” means an agreement between the Mayor and City Council of Baltimore and any person involved in or responsible for development of property within a development district pursuant to which such person shall agree to pay in each year in which any bonds are outstanding an amount equal to all or a portion of the debt service on bonds issued under the Act to finance or refinance development in such development district.
- ~~(g)~~ (i) “Development District” means the area in the City designated in Section 3 of this Ordinance as a development district under the Act.
- ~~(h)~~ (j) “HUD” means the Department of Housing and Urban Development of the United States.
- ~~(i)~~ (k) “Inclusion Agreement” means that certain Agreement for Minority Inclusion in the East Baltimore Housing/Biotech Park Development Project dated April 15, 2002, by and among the Mayor and City Council of Baltimore, Johns Hopkins Medicine, acting through Johns Hopkins University, Johns Hopkins Health System Corporation, and East Baltimore Development, Inc., together with all related agreements, addendums, and modifications.

- (i) ~~(j)~~ “Note(s)” means any bond, note, or other similar instrument issued and delivered by the Mayor and City Council of Baltimore under the Act, including, but not limited to a note, notes or other similar debt instruments issued and delivered by HUD in connection with Section 108 financing under Title I of the Housing and Community Development Act of 1974, as amended.
- (j) ~~(k)~~ “Original assessable base” means the assessable base as of January 1, 2002.
- (k) ~~(l)~~ “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.
- (l) ~~(m)~~ “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; or
 - (3) if an adjusted assessable base applies, then the “original taxable value” is the adjusted assessable base.
- (m) ~~(n)~~ “Section 108 Loan” means any loan or other financing received by the City from HUD under Title I of the Housing and Community Development Act of 1974, as amended.
- (n) ~~(o)~~ “Supervisor of Assessments” means the Supervisor of Assessments for Baltimore City.
- (o) ~~(p)~~ “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.
- (p) ~~(q)~~ “Tax Increment Fund” means the special fund established by Section 4 of this Ordinance.
- (q) ~~(r)~~ “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 East Baltimore Research Park Development District, the creation of a Tax Increment Fund for that District, and the issuance of ~~bonds~~ notes from time to time, all for the purpose of providing funds for the financing of the Comprehensive Redevelopment of the Project, from time to time, 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 East Baltimore area, and generally promotes the health, welfare, and safety of the residents of the State of Maryland and of the City of Baltimore.

SECTION 3. AND BE IT FURTHER ORDAINED, That the area consisting of the properties listed on Exhibit 1 attached to and made part of this Ordinance, together with the adjoining roads, highways, alleys, rights-of-way, and other similar property forming the two areas shown on the map attached to this Ordinance as Exhibit 2 and made a part of this Ordinance, is designated as a development district to be known as the “East Baltimore Research Park Development District”.

SECTION 4. AND BE IT FURTHER ORDAINED, That a special fund is established for the Development District, to be known as the “East Baltimore Research Park Development District Tax Increment Fund”, which fund may be used from time to time to provide funds for the Comprehensive Redevelopment of the Project or for any other legal purpose as may be determined by the Mayor and City Council of Baltimore. The Director

of Finance and other officers and employees of the City shall take all necessary steps to establish the Tax Increment Fund as a separate fund to be held by or for the account of the City.

SECTION 5. AND BE IT FURTHER ORDAINED, That:

- (a) For each tax year that begins after the effective date of this Ordinance, the Director of Finance shall divide the property taxes on real property within the Development District so that:
 - (1) the portion of the taxes that would be produced by the rate at which taxes are levied each year by the City on the original taxable value shall be allocated to and, when collected, paid into the funds of the City in the same manner as taxes levied and collected by the City on all other property are paid; and
 - (2) the portion of the taxes representing the levy on the tax increment that would normally be paid to the City shall be paid into the Tax Increment Fund, to be applied in accordance with the provisions of the Act for the Comprehensive Redevelopment of the Project or for other legal purposes as may be determined by the Mayor and City Council of Baltimore.
- (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) One or more notes may be issued and delivered by HUD from time to time in an aggregate principal amount not to exceed \$22,000,000.
- (b) The proceeds of the notes may be utilized solely for the following purposes, as the Mayor and City Council determines pursuant to the terms of this Ordinance:
 - (1) to finance all or part of the costs of the acquisition of land and property, demolition, relocation assistance, and installation of certain infrastructure improvements within the development district and other necessary and related improvements as permitted by Section (62) of the Charter, as amended;
 - (2) to provide security for the repayment of principal and interest on the Section 108 Loan to the extent that principal and interest on the Section 108 Loan are not otherwise paid; and
 - (3) to pay costs and expenses of issuing the notes.

SECTION 7. AND BE IT FURTHER ORDAINED, That the tax increment revenues are pledged to the payment of the principal of and interest on the Section 108 Loan and any note delivered in connection with the Section 108 Loan, to the extent provided for under the terms of this Ordinance. However, the tax increment revenues are not irrevocably pledged to the payment of the principal of and interest on the Section 108 Loan, and the obligation to pay the principal of and interest on the Section 108 Loan from the tax increment revenues is subject to annual appropriation by the City.

SECTION 6 8. AND BE IT FURTHER ORDAINED, That:

- (a) If no ~~bonds~~ notes 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, or this Ordinance, including the Comprehensive Redevelopment of the Project;
 - (2) accumulated for payment of debt service on ~~bonds~~ notes, bonds, or other similar instruments 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 this Ordinance or 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~~ Mayor and City Council, 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.
 - (c) If no additional action is taken by the Mayor and City Council concerning the use of money in the Tax Increment Fund, any money on deposit in the Tax Increment Fund will be transferred to the General Fund on June 1 of each year.

SECTION 7 9. AND BE IT FURTHER ORDAINED, That:

- (a) If any ~~bonds~~ notes 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 8(a)~~ 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~~ any principal and interest on the Section 108 Loan and note that is past due has been paid and sufficient money remains in the Tax Increment Fund to pay the principal and interest on the Section 108 Loan due and owing on the next two successive payment dates, provided that the money is not otherwise restricted so as to prohibit its use.
- (b) In each case, the use must be approved by appropriate action of the ~~Board of Estimates~~ Mayor and City Council, 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.
- (c) If no additional action is taken by the Mayor and City Council and the principal and interest of the Section 108 Loan and note are paid from other sources, on June 1 and December 1 of each year any money on deposit in the Tax Increment Fund in excess of the amount required to pay the principal and interest due and owing on the Section 108 Loan on the next two successive payment dates will be transferred to the General Fund.

SECTION 8 10. AND BE IT FURTHER ORDAINED, That the Director of Finance may do all acts and things and execute ~~all~~ any pledge or security agreements or other documents and certificates relating to the pledge or payment of tax increment revenues, Development District and the Tax Increment Fund.

SECTION 9 11. 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 12. 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 or provide for a future pledge of the Tax Increment Fund other than as contemplated under this Ordinance. ~~In addition, a subsequent ordinance may divide the Development District into two or more separate districts, each with its own Tax Increment Fund, and each such Tax Increment Fund may be independently calculated and accumulated from its Original Assessable Base.~~ However, no ordinance may be effective to reduce the size of the Development District ~~or divide the Development District~~ so long as there are any outstanding bonds notes secured by the Tax Increment Fund, unless the ordinance authorizing the issuance of the bonds notes permits the City to reduce or divide the area constituting the Development District, or the holders of the bonds notes or an authorized representative on their behalf consents to the reduction or division, ~~or the indenture authorizing the issuance of the bonds permits the reduction or division.~~

SECTION 11 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 12 14. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

EXHIBIT 1

{ As Amended }

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

EDITOR'S NOTE

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-694
(Council Bill 03-1135)**

AN ORDINANCE CONCERNING

Transfer Tax — Taxable Basis

FOR the purpose of redefining, to conform to changes in State law, the taxable basis to be used in assessing the City transfer tax; clarifying, correcting, and conforming certain language; and generally relating to the transfer tax imposed on transfers of property or interests in property.

BY repealing and reordaining, with amendments

Article 28 - Taxes
Section(s) 17-5
Baltimore City Code
(Edition 2000)

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

Baltimore City Code

Article 28. Taxes

Subtitle 17. Transfer Tax

§ 17-5. Taxable basis.

(a) *“Taxable basis” defined.*

(1) IN THIS SUBTITLE, “TAXABLE BASIS” HAS THE MEANING.

(2) [The term “taxable basis” as used in this subtitle, except] EXCEPT as OTHERWISE provided in [subsections (c), (d), and (e) hereof] THIS SECTION, [shall mean] “TAXABLE BASIS” MEANS the cash consideration [and/or] AND the value of any other consideration paid [and/or] OR agreed to be paid[,] for the property transferred, including the amount of any liens or encumbrances [upon such] ON THE property[, except] OTHER THAN current property taxes and other municipal charges.

(b) *Documentation.*

(1) [Such] THE cash consideration[,] plus the value of any other consideration paid or agreed to be paid for the property [transferred], including the amount of [any such] liens or encumbrances [upon] ON the property [transferred], shall be stated in [writing, under oath,] A WRITTEN AFFIDAVIT, [upon] MADE ON personal knowledge of the [informant] AFFIANT AND UNDER PENALTIES OF PERJURY, on forms to be furnished by the Director of Finance[, which shall contain a declaration, preceding the signature of the informant, to the effect that it is made under the penalties of perjury].

(2) [This] THE DIRECTOR OF FINANCE MAY NOT ACCEPT THE affidavit [shall not be accepted by the Director of Finance] unless it is accompanied by written proof of the purchase price for the property. [Written] THIS proof shall [be] INCLUDE a copy of the settlement sheet [,and/or] contract of sale, [and/or such] OR other [documents deemed adequate by] DOCUMENT the Director of Finance FINDS ADEQUATE.

- (3) [These papers properly completed and signed,] THE AFFIDAVIT AND ACCOMPANYING DOCUMENTS shall be filed with the Director of Finance at the time that the tax [levied and imposed hereunder] is paid.

(c) *Consideration other than cash, etc. — in general.*

If any part of the consideration paid or agreed to be paid for the property [transferred] consists of anything other than (i) cash paid or agreed to be paid[, and/or] OR (ii) the amount of [any] liens or encumbrances[upon such] ON THE property, [the term] “taxable basis” [shall mean] MEANS THE GREATER OF:

- (1) the consideration [as so] stated [pursuant to] IN ACCORDANCE WITH subsections (a) and (b) [hereinabove] OF THIS SECTION; ~~for~~ ~~AND~~
- (2) [1½ times the assessed value of the property,] THE FULL CASH VALUE OF THE PROPERTY, AS MOST RECENTLY DETERMINED BY THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION.

[whichever amount is greater.]

(d) *Consideration other than cash, etc.— transfer of ground rent.*

[In the case of] FOR a transfer of a perpetually renewable ground rent, if any part of the consideration paid or agreed to be paid [for the same] consists of anything other than (i) cash paid or agreed to be paid[, and/or] OR (ii) the amount of [any] liens or encumbrances [thereon], [the term] “taxable basis” [shall mean] MEANS THE GREATER OF:

- (1) the consideration [as so] stated [pursuant to] IN ACCORDANCE WITH subsections (a) and (b) [hereinabove] OF THIS SECTION; ~~for~~ ~~AND~~
- (2) either:
 - (i) the redemption value of [such] THE ground rent, if redeemable; or
 - (ii) if irredeemable, the capitalization at 5% of the ground rent [issuing out of the property transferred,].

[whichever amount is greater.]

(e) *Leases not perpetually renewable.*

- (1) [In the case of] FOR a lease for a term above 7 years, not perpetually renewable, [the term] “taxable basis” [shall mean] MEANS the capitalization at 10% of the average annual base rental for the property [transferred] over the entire term of the lease, including [any] ALL renewal [term or] terms, plus the cash consideration [and/or] AND the value of any other consideration paid or agreed to be paid, other than [such] THE base rent.
- (2) [Where] IF the average annual rental cannot be determined at the time of [the] recording [of] the lease[, or] THE attornment agreement, memorandum of lease, assignment of lease, or other instrument intended to give notice of the [existence of a] lease, or if any part of the consideration paid or agreed to be paid for the rental of the property consists of anything other than cash paid or agreed to be paid, the value of which cannot be readily determined, then in either case:
 - (i) the stipulated cash base rental (excluding indeterminable items of every [character and description] KIND, such as[, but not limited to,] percentage of sales, taxes, maintenance, and repair costs and utilities) shall be used as the basis for tax computation; and

(ii) “taxable basis” [shall mean] MEANS THE GREATER OF:

- (A) the minimum average annual rental ascertainable from the terms of the lease, plus 5% [thereof] OF THE MINIMUM AVERAGE ANNUAL RENTAL, the whole to be capitalized at 10%, plus [and actual] ANY consideration PAID OR AGREED TO BE PAID, other than rent[, paid or to be paid]; or
- (B) [the assessed value of the property covered by the lease multiplied by 1½,] THE FULL CASH VALUE OF THE PROPERTY, AS MOST RECENTLY DETERMINED BY THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION.

[whichever is the greater.]

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 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-695
(Council Bill 03-1143)**

AN ORDINANCE CONCERNING

**Urban Renewal — Charles/North Revitalization Area —
Amendment 5**

FOR the purpose of amending the Urban Renewal Plan for Charles/North Revitalization Area to authorize the acquisition by purchase or by condemnation of certain properties for urban renewal purposes, create new disposition lots, and revise exhibits attached to the Plan 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 Charles/North Revitalization Area was originally approved by the Mayor and City Council of Baltimore by Ordinance 82-799 and last amended by Ordinance 93-195.

Minor technical changes to the text are not contained in this Ordinance because substantial planning of this and adjacent areas will be underway in the near future, and this area may be consolidated into a larger urban renewal plan.

An amendment to the Urban Renewal Plan for Charles/North Revitalization Area is necessary to authorize the acquisition by purchase or by condemnation of certain properties for urban renewal purposes, create new disposition lots, and revise certain exhibits attached to the Plan to reflect the changes in the Plan.

The Renewal Plan for Charles/North Revitalization Area 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.

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

1701-05 North Charles Street
1707-09 North Charles Street
1816 North Charles Street
1818 North Charles Street
1820 North Charles Street
1904-06 North Charles Street
1908 North Charles Street
1910-16 North Charles Street
1918 North Charles Street
1920 North Charles Street
1922 North Charles Street
1924 North Charles Street
1926 North Charles Street

20 East Lanvale Street
22 East Lanvale Street
24 East Lanvale Street

1 West North Avenue
3-9 West North Avenue
4 West North Avenue

10' alley east of 1701-09 North Charles Street

5' alley north of 20 East Lanvale Street

10' alley west of 1816-20 North Charles Street

10' alley south of 1910-16 North Charles Street

5' alley south of 1-9 West North Avenue

SECTION 2. AND BE IT FURTHER ORDAINED, That Exhibit 2, “Property Acquisition”, dated as revised March 28, 2003, and Exhibit 3, “Land Disposition”, dated as revised March 28, 2003, are approved.

SECTION 3. AND BE IT FURTHER ORDAINED, That the Urban Renewal Plan for Charles/North Revitalization Area, as amended by this Ordinance and identified as “Urban Renewal Plan, Charles/North Revitalization Area, revised to include Amendment 5, dated March 28, 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 June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-696
(Council Bill 03-1248)**

AN ORDINANCE CONCERNING

Baltimore City Landmark List — First English Lutheran Church

FOR the purpose of designating First English Lutheran Church, 3807 North Charles Street, as a historical landmark.

BY adding

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

§ 12-12. FIRST ENGLISH LUTHERAN CHURCH.

FIRST ENGLISH LUTHERAN CHURCH, 3807 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 June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-697
(Council Bill 03-1263)**

AN ORDINANCE CONCERNING

**Planned Unit Development — Designation —
1800 East Fort Avenue and 1700 Beason Street**

FOR the purpose of approving the application of Silo Point II, LLC, owner of 1800 East Fort Avenue and 1700 Beason Street (collectively, the "Property"), to have that Property designated ~~an Industrial~~ a Residential Planned Unit Development; and approving the Development Plan submitted by the applicant.

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

Recitals

Silo Point II, LLC, is the owner of the fee simple interest in the properties known as 1800 East Fort Avenue and 1700 Beason Street, consisting of 14.866 acres, more or less. Silo Point II, LLC, plans to develop the Property for business, industrial and/or residential uses.

On December 4, 2003, representatives of the applicant met with the Department of Planning for a preliminary conference, to explain the scope and nature of existing and proposed development on the property and to institute proceedings to have the Property designated ~~an Industrial~~ a Residential Planned Unit Development.

The representatives of the applicant have now applied to the Baltimore City Council for designation of the property as ~~an Industrial~~ a Residential Planned Unit Development, and they have submitted a Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 5 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 Silo Point II, LLC, owner of the fee simple interest in the properties known as 1800 East Fort Avenue and 1700 Beason Street, consisting of 14.866 acres, more or less, as outlined on the accompanying Development Plan entitled "Silo Point", consisting of Sheet 1, "Existing Conditions Plan", dated December 1, 2003, and Sheet 2, "Proposed Conditions Plan", dated ~~December 1, 2003~~ May 20, 2004*, to designate the Property ~~an Industrial~~ a Residential 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 Silo Point II, LLC, 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 permitted within the Planned Unit Development:

- (a) ~~all permitted, accessory and conditional uses as allowed in the M-1 Zoning District. The total site is limited to 500 dwelling units, including up to 150 dwelling units of housing for the elderly. If after 2 years from the initial certificate of occupancy of the final building, no more than 80,000 square feet of office space has been leased, the additional up to 50,000 square feet may be developed for up to 50 dwelling units. Townhouses shall be limited to 35 feet in height as defined in R-8 zoning.~~
- (b) Office space is limited to 130,000 square feet but may include gymnasiums, physical culture and health services, reducing salons, and public baths.
- (c) Retail spaces are limited to a total of 50,000 square feet. The net leasable area for any individual retail space may not exceed 10,000 square feet except for a food store, grocery store, bakery or delicatessen, which may not exceed 25,000 square feet.
- (d) The site is limited to no more than 3 Class B restaurant liquor licenses, subject to approval of the Board of Liquor License Commissioners.
- (e) The off-premise sale of alcoholic beverages is limited to accessory to a grocery or food store and no more than 15% of the total store area.
- (f) Outdoor table service accessory to a restaurant is permitted in Area B, but no off premise sale of alcoholic beverages is allowed.
- (g) Parking must be at least 2 spaces per dwelling unit and 3 spaces per 1000 square feet of office, 1 space per 300 square feet in excess of 1000 square feet of retail use, and 1 space per 4 employees for industrial use plus at least 1 space for a company vehicle.
- (h) ~~(b)~~ All uses as allowed in the R-8 Zoning District are allowed. In addition, the following use is permitted in Area A: a maximum of ~~150~~ 130 dwelling units, with two off-street parking spaces per dwelling unit required.
- (i) The following M-1 uses are allowed within Area B:
Artisans' and craft work; athletic fields; automatic teller machines; banks and savings and loan associations; bookbinding; bus and transit turnarounds and passenger shelters; carpet and rug cleaning establishments; computer centers; contractor and construction shops; dry cleaning

establishments; employment agencies; greenhouses; jewelry: manufacturing; machinery and machines, household, business, and office: manufacturing; 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; maritime suppliers; massage therapists' offices; medical equipment: manufacturing; metal products and machinery, medium and light: manufacturing; mirrors: manufacturing; musical instruments, including organs and pianos: manufacturing; newsstands; novelty products: manufacturing; optical equipment: manufacturing; orthopedic and medical appliances: manufacturing; paper products: manufacturing from previously prepared materials; photography film: manufacturing and processing; printing and publishing; public utility service centers; radio and television antennas and towers, including microwave antennas (satellite dishes), that extend no more than 25 feet above the building on which they are mounted; recording studios; rugs: manufacturing; sporting and athletic goods: manufacturing; telephone exchanges; tool, die, or pattern making shops; toys and games: manufacturing; umbrellas: manufacturing; upholstery shops; warehousing and storage; wholesale establishments; window blinds, shades, and awnings: manufacturing; wood products: manufacturing; auction rooms; day nurseries and nursery schools; offices: business and professional, other than accessory; post offices; public utility services and transportation uses, as follows: (i) bus and transit passenger stations and terminals, (ii) electric distribution centers and substations, (iii) electric power generator stations, (iv) radio and television stations and studios, (v) repeater, transformer, pumping, booster, switching, conditioning, and regulating stations, and similar installations, (vi) sewerage pumping stations, and (vii) water filtration plants, reservoirs, and pumping stations; recreation buildings and community centers; recreational facilities: outdoor; recycling collection stations; schools: industrial trade; and union halls.

(j) The showing of outdoor movies as a community event on Fridays, Saturdays, and holidays is permitted within Area B.

(k) ~~(c)~~ In addition, the following uses are permitted only on the first or ground floor of all buildings in Area B:

automatic teller machines; banks and savings and loan associations; barber shops; beauty shops; candy and ice cream stores; financial institutions; florist shops; food stores, grocery stores, bakeries and delicatessens; gift and card shops; industrial supplies – sales; newsstands; office supply stores; outdoor table service when accessory to a restaurant ~~or hotel~~, subject to Planning Commission approval; photographic printing and development establishments; picture framing shops - retail on premises; tailor or dressmaking shops; sign printing shops; tobacco shops; and woodworking; custom and custom furniture making shops.

(l) ~~(d)~~ In addition the following uses are permitted on all floors of all buildings in Area B:

automobile rental as an accessory use to an off-street parking garage ~~or hotel; hotel with a maximum of 300 rooms or suites and all uses in subsection (c) above as accessory to a hotel;~~ housing for the elderly ~~with a maximum of 150 dwelling units;~~ laboratories – medical and dental; medical and dental clinics; offices – business, governmental and professional; parking, open, off-street areas and garages other than accessory for the parking of four or more motor vehicles; philanthropic and charitable institutions; physical culture and health services – gymnasiums, reducing salons and public baths; recording studios; restaurants; secretarial and telephone answering services; and travel bureaus; ~~and a maximum of 500 dwelling units.~~

~~(e) The overall density of the Planned Unit Development is 750 square feet per dwelling unit. The overall maximum lot coverage of the Planned Unit Development is 60%.~~

~~(m) (f) No freestanding food stores, grocery stores or other retail uses, except a restaurant use, are allowed, unless in existing buildings, as shown on "Existing Conditions Plan", dated December 1, 2003.~~

SECTION 4. AND BE IT FURTHER ORDAINED, That the following uses are prohibited in the Planned Unit Development: hotels; gambling of any kind including but not limited to casinos, video lottery terminals (slot machines); general advertising signs (billboards); helipads; heliports; and freestanding cellular towers.

SECTION 4 5. AND BE IT FURTHER ORDAINED, That the Locust Point Civic Association, Silo Point Task Force or its successor shall be the lead for community review of design, and they shall have a minimum of 4 weeks to review the designs prior to a Planning Commission hearing. The drawings must include site plan, landscaping, and building elevations with materials. The community shall review the plans prior to the Design Advisory Panel review of the plans. ~~at~~ 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 use of vinyl or aluminum siding is prohibited in the renovation of existing buildings and the fronts and sides of new buildings, including townhouses.

SECTION 6. AND BE IT FURTHER ORDAINED, That the following signs are permitted within the Planned Unit Development, provided that the signs are subject to Final Design Approval by the Planning Commission:

- (a) In Area A, 1 project identification sign.
- (b) In Area B, business identification signs as authorized in the B-3 Zoning District.

SECTION 5 7. AND BE IT FURTHER ORDAINED, That the Planning Department may determine what constitutes minor or major modifications to the Plan. Minor modifications require approval by the Planning Commission. Major modifications require approval by Ordinance.

SECTION 8. AND BE IT FURTHER ORDAINED, That the City, at the Developer's expense, shall install the following traffic improvements:

- (a) Westbound right-turn overlap phase at Lawrence and Fort.
- (b) Northbound double left at Lawrence and Key.
- (c) Northbound right-turn overlap at Lawrence and Key.
- (d) Southbound double left turn at Lawrence and Fort (with 1 northbound receiving lane).
- (e) Coordination/optimization of signals at Key Highway and East Key Highway, Key Highway and Lawrence, and Key Highway and Fort Avenue.

The improvements must be completed before occupancy permits are issued for new development on the site.

SECTION 6 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 7 10. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-698
(Council Bill 04-1268)**

AN ORDINANCE CONCERNING

Zoning – Restaurants – Outdoor Table Service

FOR the purpose of authorizing in the B-1 District, as a conditional use requiring Board approval, outdoor table service when accessory to a restaurant use; clarifying the status of this accessory use in other districts; and generally relating to table service that is accessory to a restaurant use.

BY repealing and reordaining, with amendments

Article - Zoning

Section(s) 6-205(d)(2), 6-208(15), 6-306(71), 6-406(57), 6-506(23), and 7-306(56)

Baltimore City Revised Code

(Edition 2000)

BY repealing and reordaining, without amendments

Article - Zoning

Section(s) 6-305(c)(2), 6-308(1), 6-405(b)(2), 6-408(1), 6-505(b)(2), 6-605(b)(2),
6-606(1), and 7-406(1)

Baltimore City Revised Code

(Edition 2000)

BY repealing

Article - Zoning

Section(s) 6-308(15)

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

§ 6-205. {B-1} General requirements.

(d) *Uses to be enclosed; exceptions.*

(2) *Exceptions.*

This subsection does not apply to:

(I) off-street parking and loading; AND

(II) OUTDOOR TABLE SERVICE THAT IS ACCESSORY TO A RESTAURANT USE AND HAS BEEN APPROVED BY THE BOARD.

§ 6-208. {B-1} Conditional use – Board approval required.

In a B-1 District, conditional uses that require Board approval are as follows:

- (15) Restaurants and lunch rooms – INCLUDING ACCESSORY OUTDOOR TABLE SERVICE, but not including live entertainment or dancing.

§ 6-305. {B-2} General requirements.

(c) *Uses to be enclosed; exceptions.*

(2) This subsection does not apply to:

- (i) off-street parking and loading; and
- (ii) outdoor table service that is accessory to a restaurant use and has been approved by the Board.

§ 6-306. {B-2} Permitted uses.

In a B-2 District, permitted uses are as follows:

- (71) Restaurants and lunch rooms – but not including live entertainment or dancing, AND NOT INCLUDING ACCESSORY OUTDOOR TABLE SERVICE.

§ 6-308. {B-2} Conditional uses – Board approval required.

In a B-2 District, conditional uses that require Board approval are as follows:

- (1) As in a B-1 District (unless it is a permitted use under § 6-306).
- [(15) Outdoor table service when accessory to a restaurant use.]

§ 6-405. {B-3} General requirements.

(b) *Uses to be enclosed; exceptions.*

(2) *Exceptions.*

This subsection does not apply to:

- (i) off-street parking and loading;
- (ii) outdoor table service that is accessory to a restaurant use and has been approved by the Board;
- (iii) drive-in establishments; and
- (iv) the display of merchandise for sale to the public.

§ 6-406. {B-3} Permitted uses.

In a B-3 District, permitted uses are as follows:

- (57) Restaurants and lunch rooms – including live entertainment and dancing, BUT NOT INCLUDING ACCESSORY OUTDOOR TABLE SERVICE.

§ 6-408. {B-3} Conditional uses – Board approval required.

In a B-3 District, conditional uses that require Board approval are as follows:

- (1) As in a B-2 District (unless it is a permitted use under § 6-406).

§ 6-505. {B-4} General requirements.

(b) *Uses to be enclosed; exceptions.*

(2) *Exceptions.*

This subsection does not apply to:

- (i) off-street parking and loading;
- (ii) outdoor table service that is accessory to a restaurant use; and
- (iii) the display of merchandise for sale to the public.

§ 6-506. {B-4} Permitted uses.

In a B-4 District, permitted uses are as follows:

- (23) Restaurants and lunch rooms – including live entertainment and dancing, AND INCLUDING ACCESSORY OUTDOOR TABLE SERVICE.

§ 6-605. {B-5} General requirements.

(b) *Uses to be enclosed; exceptions.*

(2) *Exceptions.*

This subsection does not apply to:

- (i) off-street parking and loading;
- (ii) outdoor table service that is accessory to a restaurant use;
- (iii) drive-in establishments; and
- (iv) the display of merchandise for sale to the public.

§ 6-606. {B-5} Permitted uses.

In a B-5 District, permitted uses are as follows:

- (1) As in a B-3 or B-4 District.

§ 7-306. {M-2} Permitted uses.

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

- (56) Restaurants and lunch rooms – INCLUDING ACCESSORY OUTDOOR TABLE SERVICE, but not including live entertainment or dancing.

§ 7-406. {M-3} Permitted uses.

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

- (1) As in an M-2 District.

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

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-699
(Council Bill 04-1275)**

AN ORDINANCE CONCERNING

Baltimore City Landmark List — Cherry Hill Elementary School #159

FOR the purpose of designating Cherry Hill Elementary School #159, 801 Bridgeview Road, as a historical landmark.

BY adding

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

§ 12-12. CHERRY HILL ELEMENTARY SCHOOL #159.

CHERRY HILL ELEMENTARY SCHOOL #159, 801 BRIDGEVIEW ROAD.

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

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor\

**CITY OF BALTIMORE
ORDINANCE 04-700
(Council Bill 04-1277)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use Parking, Open Off-Street Area —
Rear Portion of 3609 and 3613 Seven Mile Lane**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a parking, open off-street area on the rear portion of the properties known as 3609 and 3613 Seven Mile Lane, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning
Section(s) 4-804 and 14-102
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of a parking, open off-street area on the rear portion of the properties known as 3609 and 3613 Seven Mile Lane, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 4-804 and 14-102 of the Baltimore City Code, subject to the condition that the parking, open off-street area complies with all applicable federal, state, and local licensing and certification requirements.

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

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-701
(Council Bill 04-1281)**

AN ORDINANCE CONCERNING

**Urban Renewal — Washington Hill - Chapel —
Amendment 11**

FOR the purpose of amending the Urban Renewal Plan for Washington Hill - Chapel to change the land use category for ~~11-31~~ 11/23, 25, 27, 29, and 31 Yogurt Lane and 1704, 1706/12, ~~1712, 1714~~, and 1716, and ~~1718~~ East Lombard Street and to revise Exhibit 1 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 Washington Hill - Chapel was originally approved by the Mayor and City Council of Baltimore by Ordinance 72-40 and last amended by Ordinance 01-175.

An amendment to the Urban Renewal Plan for Washington Hill - Chapel is necessary to change the land use category for ~~11-31~~ 11/23, 25, 27, 29, and 31 Yogurt Lane and 1704, 1706/12, ~~1712, 1714~~, and 1716, and ~~1718~~ East Lombard Street and to reflect the change in the land use category on Exhibit 1.

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 Washington Hill - Chapel is approved:

Amend Exhibit 1, "General Land Use Plan", to reflect a change in land use category for ~~11-31~~ 11/23, 25, 27, 29, and 31 Yogurt Lane and 1704, 1706/12, ~~1712, 1714~~, and 1716, and ~~1718~~ East Lombard Street from Wholesale/Service Commercial to Community Commercial.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Urban Renewal Plan for Washington Hill - Chapel, as amended by this Ordinance and identified as "Urban Renewal Plan, Washington Hill - Chapel, revised to include Amendment 11, dated January 26, 2004", 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 June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-702
(Council Bill 04-1298)**

AN ORDINANCE CONCERNING

**Sale of Property — S/S West 34th Street, 69 Feet 11 Inches
West of Elm Avenue**

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain property known as the S/S West 34th Street, 69 feet 11 inches west of Elm Avenue, Block 3511, Lot 017 and no longer needed for public use; and providing for a special effective date.

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

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That, in accordance with Article V, § 5(b) of the City Charter, the City Comptroller may sell, at either public or private sale, all the interest of the Mayor and City Council of Baltimore in the property, known as S/S West 34th Street, 69 feet 11 inches west of Elm Avenue, Block 3511, Lot 017 and more particularly described as follows:

The subject parcel (Block 3511, Lot 017) is an unimproved lot. The site is located on the south side of West 34th Street, 69 feet 11 inches west of Elm Avenue,

containing ~~1,425~~ 1,200 square feet, more or less, this property being no longer needed for public use.

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

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-703
(Council Bill 04-1299)**

AN ORDINANCE CONCERNING

Sale of Property — the Former Bed of Clinton 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 a certain parcel of land known as the former bed of Clinton Street, extending from Mertens Avenue southerly 444 feet to Newgate 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 a certain parcel of land known as the former bed of Clinton Street, extending from Mertens Avenue southerly 444 feet to Newgate Avenue, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the south side of Mertens Avenue, 70 feet wide and the east side of the former bed of Clinton Street, 70 feet wide, and running thence binding on the east side of the former bed of said Clinton Street, Southerly 444.0 feet to intersect the north side of Newgate Avenue, 70 feet wide; thence binding on the north side of said Newgate Avenue, Westerly 70.0 feet to intersect the west side of the former bed of said Clinton Street; thence binding on the west side of the former bed of said Clinton Street, Northerly 444.0 feet to intersect the south side of said Mertens Avenue, and thence binding on the south side of said Mertens Avenue, Easterly 70.0 feet to the place of beginning.

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

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 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-704
(Council Bill 04-1300)**

AN ORDINANCE CONCERNING

City Streets — Closing — Clinton Street

FOR the purpose of condemning and closing Clinton Street, extending from Mertens Avenue southerly 444 feet to Newgate Avenue, as shown on Plat 347-A-64 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 Clinton Street, extending from Mertens Avenue southerly 444 feet to Newgate Avenue, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the south side of Mertens Avenue, 70 feet wide and the east side of Clinton Street, 70 feet wide, and running thence binding on the east side of said Clinton Street, Southerly 444.0 feet to intersect the north side of Newgate Avenue, 70 feet wide; thence binding on the north side of said Newgate Avenue, Westerly 70.0 feet to intersect the west side of said Clinton Street; thence binding on the west side of said Clinton Street, Northerly 444.0 feet to intersect the south side of said Mertens Avenue, and thence binding on the south side of said Mertens Avenue, Easterly 70.0 feet to the place of beginning.

As delineated on Plat 347-A-63, prepared by the Survey Control Section and filed on October 16, 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 Clinton 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 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-705
(Council Bill 04-1301)**

AN ORDINANCE CONCERNING

Taxes – 911 Telephone Fee

FOR the purpose of increasing the additional charge for the 911 system; correcting a codification omission; correcting, clarifying, and conforming certain language; and generally relating to the imposition of a charge for the operation and maintenance of the 911 system.

BY repealing

Article 28 - Taxes
Section(s) 26-1 through 26-3
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 28 - Taxes
Section(s) 75
Baltimore City Code
(1983 Edition, as amended by Ordinance 95-602)

BY renumbering

Article 28 - Taxes

Section(s) 75

Baltimore City Code

(1983 Edition, as amended by Ordinance 95-602)

to be

Article 28 - Taxes

Section(s) 26-1 and 26-2

Baltimore City Code

(Edition 2000)

Recitals

The 911 Telephone Fee was last substantively amended by Ordinance 95-602, effective January 1, 1996. By error, however, the changes made by Ordinance 95-602 were not codified in the subsequent Supplements to the 1983 Code nor, therefore, incorporated into the Code's Edition 2000.

New amendments are now proposed for the 911 Telephone Fee. To show them in their proper context, and to assure the proper codification of the law as ultimately amended, they are shown here as amendments to the law as last substantively amended by Ordinance 95-602.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Article 28, §§ 26-1 through 26-3, are repealed.

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

Baltimore City Code

Article 28. Taxes

Subtitle 26. 911 Telephone Fee

[§ 75. 911 Emergency Telephone System additional charge.]

§ 26-1. FEE IMPOSED.

[There is hereby levied and imposed under the provisions of and in compliance] IN ACCORDANCE with ~~Article 41, [Section] § 18-105(c) of the [Annotated Code of Maryland (1994 Repl. Vol.)] MARYLAND CODE STATE PUBLIC SAFETY ARTICLE § 1-311,~~ an additional charge of [47 cents] 75¢ per month IS LEVIED AND IMPOSED[, to be applied to] ON all current bills rendered for switched local exchange access service, wireless telephone service, or other 911-accessible service within Baltimore City.

§ 26-2. APPLICATION.

This charge:

- (1) [shall be] IS in addition to the 911 fee imposed by ~~ARTICLE 41, [Section] § 18-105(b) of the [said article and code] MARYLAND CODE STATE PUBLIC SAFETY ARTICLE § 1-310;~~ and
- (2) [it] shall be applied to all current bills rendered for switched local exchange access service, wireless telephone service, or other 911-accessible service within Baltimore City [after January 1, 1996].

[The amount of this levy may not exceed a level necessary to cover the total amount of the eligible 911 system operating and maintenance costs of the City.]

SECTION 3. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 4. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted and applies to all current bills rendered 90 days or after the effective date of this Ordinance.

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-706
(Council Bill 04-1302)**

AN ORDINANCE CONCERNING

Amusement Devices – Licensing and Regulation

FOR the purpose of consolidating and expanding the provisions governing the licensing, registration, and regulation of amusement devices; defining certain terms; requiring certain devices to be licensed and registered; establishing certain fees; correcting, clarifying, and conforming certain language; imposing certain penalties; authorizing the confiscation or disabling of unlicensed or unregistered devices under certain circumstances; and generally relating to the licensing, registration, and regulation of amusement devices.

BY repealing

Article 15 - Licensing and Regulation
Section(s) 2-11 through 2-16, inclusive
Baltimore City Code
(Edition 2000)

BY adding

Article 15 - Licensing and Regulation
Section(s) 2-11 through ~~2-18~~ 2-19, inclusive
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 15 - Licensing and Regulation
Section(s) 2-41, 2-42, 2-51, and 3-1(b)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article - Zoning
Section(s) 1-110
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 15. Licensing and Regulation

Subtitle 2. Amusements

Part 3. [Pinball Machines and Other] AMUSEMENT Devices

[§ 2-11. License required.

(a) *In general.*

Any person, firm, association, or corporation that owns, operates, places, or maintains or that permits another to use, operate, or maintain, in Baltimore City, any amusement device described in this subsection for purposes of public entertainment or amusement must obtain an annual license from the Director of Finance and pay an annual license fee as set forth below, before that amusement device is placed in use or operation.

(b) *Fees.*

(1) *Pinball machines.*

\$225 for each and every pinball machine.

(2) *Coin-operated amusement devices.*

(i) \$175 for each coin-operated device, except those devices specifically covered by other paragraphs of this subsection.

(ii) For this purpose:

(A) “coin-operated amusement device” includes, but is not limited to, the following devices, if operated or activated by coins or tokens: video games, electronic games, claw machines, bowling machines, shuffleboard machines, pool tables, poolettes, console machines, target machines, baseball machines, and other similar devices;

(B) “coin-operated amusement device” does not include a vending machine that does not incorporate any amusement feature; and

(C) a peep booth with 1 or more coin slots in which only 1 of the coin slots operates at any one time, activating a motion picture or slide film, is considered a single coin-operated amusement device.

(3) *Music boxes, etc.*

\$90 for each and every music box, mechanical player piano, graphophone, or similar mechanical musical device played by the insertion of a coin or token.

(4) *Non-coin shuffleboards.*

\$130 for each and every shuffleboard which is not coin operated.

(c) *Transfers.*

The licenses provided for in this section may be transferred from one licensee to another upon written application to the Director of Finance and his approval thereof.]

[§ 2-12. Fee allocations and payment.

(a) *Proration for initial license.*

(1) In the case of any amusement device specified in § 2-11 of this Part, which is first being placed in use or operation and which is being licensed for the first time under this Part, a license may be secured for less than a period of 1 full year.

(2) In such case:

(i) the license fee for $\frac{3}{4}$ of the year shall be 75% of that indicated for a full year;

(ii) the fee for $\frac{1}{2}$ of the year shall be 50% of that indicated for the full year; and

(iii) the fee for $\frac{1}{4}$ of the year shall be 25% of that indicated for the full year.

(3) For any such amusement device, a license shall be obtained and a fee shall be paid for the number of full and partial quarters remaining in that calendar year.

(b) *Substituted devices.*

If any 1 device mentioned in § 2-11 hereof is substituted by the same licensee, for any reason, by another device which is subject to the same license fee as provided herein, then such replacement device shall not be subject to an additional license fee.

(c) *When fees due.*

(1) Except as herein provided otherwise, any and all license fees provided for in § 2-11 shall be due and payable in full on January 1 of each and every year.

(2) No refunds, in whole or in part, of any of the license fees provided for in this Part shall be made for any reason or under any circumstances.]

[§ 2-13. Metal tags.

Each device licensed as required by this Part shall have a metal tag or other indicia, as prescribed and issued by the Director of Finance, showing that the license fee for such device has been paid, and such metal tag or other indicia shall be posted on the premises, by the legal entity who is required to secure a license for such device as prescribed by § 2-11 hereof.]

[§ 2-14. Rules and regulations.

In order to properly carry out and enforce the provisions of this Part and to collect the license fees levied and imposed upon this Part, the Director of Finance is hereby authorized and empowered to make, adopt, promulgate, and amend, from time to time, such rules and regulations as he may deem necessary or proper

to carry out and enforce the provisions of this Part and to fully collect the license fees imposed under this Part, and to define or construe any of the terms and provisions used in this Part.]

[§ 2-15. Severability.

If any part, section, clause, sentence, or provision of this Part or any application thereof is held invalid for any reason, the remainder of this Part and any application thereof shall not be affected thereby, and to this end, the provisions of this Part are declared to be severable.]

[§ 2-16. Penalties.

Any person or other legal entity who shall participate or aid in any manner in the evasion of the payment of the licensee fees imposed under this Part, or who shall violate any of the terms or provisions of this Part or any of the rules or regulations made, adopted, or promulgated by the Director of Finance under the provisions of this Part, shall be deemed guilty of a misdemeanor and upon conviction thereof by a court of competent jurisdiction shall be subject to a fine of not more than \$1,000 for each offense.]

§ 2-11. DEFINITIONS.

(A) *IN GENERAL.*

IN THIS PART 3, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) *AMUSEMENT DEVICE.*

(1) *IN GENERAL.*

“AMUSEMENT DEVICE” MEANS ANY ELECTRONIC OR MECHANICAL DEVICE THAT IS DESIGNED TO PROVIDE AMUSEMENT OR ENTERTAINMENT AND FOR WHICH A FEE IS CHARGED TO OPERATE OR USE.

(2) *ILLUSTRATIONS.*

“AMUSEMENT DEVICE” INCLUDES ANY OF THE FOLLOWING FOR WHICH A FEE IS CHARGED TO OPERATE OR USE:

- (I) VIDEO OR ELECTRONIC GAME;
- (II) COMPUTER CONSOLE OR INTERNET CONNECTION;
- (III) PINBALL OR CONSOLE MACHINE;
- (IV) BOWLING OR SHUFFLEBOARD MACHINE;
- (V) POOL TABLE OR POOLETTE;
- (VI) TARGET MACHINE;
- (VII) BASEBALL MACHINE;
- (VIII) RIDING DEVICE;
- (IX) CLAW MACHINE, DIGGER, OR ROTARY MERCHANDISER;
- (X) JUKEBOX OR OTHER MUSIC PLAYER;

(XI) PLAYER PIANO;

(XII) PEEP SHOW DEVICE; OR

(XIII) SIMILAR DEVICE.

(3) *EXCLUSION.*

“AMUSEMENT DEVICE” DOES NOT INCLUDE A BONA FIDE VENDING MACHINE THAT DOES NOT INCORPORATE AN AMUSEMENT OR ENTERTAINMENT FEATURE.

(C) *DIRECTOR.*

“DIRECTOR” MEANS THE DIRECTOR OF FINANCE OF HIS OR HER DESIGNEE.

(D) *INCLUDES; INCLUDING.*

“INCLUDES” OR “INCLUDING” MEANS BY WAY OF ILLUSTRATION AND NOT BY WAY OF LIMITATION.

(E) *PERSON.*

(1) *IN GENERAL.*

“PERSON” MEANS:

(I) AN INDIVIDUAL;

(II) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR REPRESENTATIVE OF ANY KIND; OR

(III) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY KIND.

(2) *EXCLUSIONS.*

“PERSON” DOES NOT INCLUDE, UNLESS OTHERWISE EXPRESSLY PROVIDED, A GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR UNIT OF A GOVERNMENTAL ENTITY.

§ 2-12. LICENSE REQUIRED.

(A) *IN GENERAL.*

NO PERSON MAY PERMIT ANY AMUSEMENT ~~DEVICE~~ DEVICE ON HIS, HER, OR ITS PREMISES TO BE USED BY THE PUBLIC UNLESS THE PERSON FIRST OBTAINS FROM THE DIRECTOR A LICENSE FOR THAT DEVICE.

(B) *APPLICATION.*

(1) THE APPLICATION FOR A LICENSE MUST BE IN THE FORM THAT THE DIRECTOR REQUIRES.

(2) IN ADDITION TO ANY OTHER INFORMATION THAT THE DIRECTOR REQUIRES, THE APPLICATION MUST INCLUDE:

(I) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE APPLICANT;

(II) A DESCRIPTION OF THE DEVICE;

(III) THE LOCATION OF THE DEVICE; AND

(IV) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE OWNER OF THE DEVICE.

(C) *TRANSFERS.*

A LICENSE MAY BE TRANSFERRED TO ANOTHER LICENSEE OR TO ANOTHER LOCATION ON:

(1) APPROVAL FROM THE DIRECTOR; AND

(2) PAYMENT OF THE REQUIRED TRANSFER FEE.

§ 2-13. REGISTRATION REQUIRED.

(A) *IN GENERAL.*

(1) ~~EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE~~ THE OWNER OF ANY AMUSEMENT DEVICE THAT IS LOCATED IN THE CITY MUST REGISTER THAT DEVICE WITH THE DIRECTOR.

(2) ~~A DEVICE NEED NOT BE REGISTERED UNDER THIS SECTION IF~~ IF THE DEVICE IS MAINTAINED ON THE OWNER'S PREMISES AND LICENSED BY THE OWNER UNDER § 2-12 OF THIS SUBTITLE, THE DEVICE IS EXEMPT FROM THE REGISTRATION FEE PROVIDED FOR IN § 2-15(B) OF THIS SUBTITLE.

(B) *APPLICATION.*

(1) THE REGISTRATION MUST BE MADE IN THE FORM THAT THE DIRECTOR REQUIRES.

(2) IN ADDITION TO ANY OTHER INFORMATION THAT THE DIRECTOR REQUIRES, THE REGISTRATION MUST INCLUDE:

(I) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE OWNER;

(II) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF ANY LESSEE OR OTHER PERSON WHO POSSESSES THE DEVICE; AND

(III) A DESCRIPTION OF THE DEVICE.

(C) *SUPPLEMENTAL INFORMATION.*

THE OWNER MUST REPORT TO THE DIRECTOR, WITHIN 30 DAYS OF THE EVENT:

(I) ANY NEWLY ACQUIRED AMUSEMENT DEVICES;

(II) THE TRANSFER OF OWNERSHIP OR LOCATION OF ANY REGISTERED AMUSEMENT DEVICE; AND

(III) ANY OTHER CHANGE IN THE REGISTRATION INFORMATION PROVIDED.

§ 2-14. TERM AND RENEWAL.

(A) *TERM.*

EACH LICENSE ISSUED AND EACH REGISTRATION FILED UNDER THIS PART 3 EXPIRES ANNUALLY ON DECEMBER 31, UNLESS RENEWED.

(B) *RENEWAL.*

THE APPLICATION FOR RENEWAL OF A LICENSE OR REGISTRATION MUST BE MADE IN THE FORM THAT THE DIRECTOR REQUIRES.

§ 2-15. FEES.

(A) *LICENSE FEE.*

(1) THE ANNUAL FEE FOR AN AMUSEMENT DEVICE LICENSE IS \$180 PER DEVICE.

(2) THE FEE FOR A TRANSFER OF A LICENSED DEVICE IS \$10.

(B) *REGISTRATION FEE.*

THE ANNUAL FEE FOR AN AMUSEMENT DEVICE REGISTRATION IS:

(1) \$200; PLUS

(2) \$50 PER DEVICE.

(C) *FEE FOR LESS THAN FULL YEAR..*

THE ANNUAL FEE FOR LESS THAN A FULL INITIAL YEAR IS PRORATED QUARTERLY.

(D) *FEES NOT REFUNDABLE.*

NO REFUNDS, IN WHOLE OR IN PART, MAY BE MADE OF ANY OF THE FEES REQUIRED BY THIS PART 3.

§ 2-16. LICENSE TO BE POSTED.

THE LICENSE FOR EACH AMUSEMENT DEVICE MUST BE:

(1) SECURELY AFFIXED TO THE DEVICE; OR

(2) PROMINENTLY DISPLAYED ON THE PREMISES.

§ 2-17. RULES AND REGULATIONS.

(A) *DIRECTOR MAY ADOPT.*

THE DIRECTOR MAY ADOPT AND ENFORCE RULES AND REGULATIONS TO CARRY OUT THIS PART 3.

(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.

§ 2-18. OPERATING WITHOUT LICENSE.**(A) ORDER.**

IF AN AMUSEMENT DEVICE IS OPERATED WITHOUT A LICENSE OR REGISTRATION REQUIRED BY THIS SUBTITLE, THE DIRECTOR SHALL ISSUE A WRITTEN ORDER TO THE PROPRIETOR OR OTHER PERSON IN CHARGE OF THE PREMISES TO:

- (1) IMMEDIATELY RENDER THE DEVICE INOPERABLE; AND
- (2) WITHIN 5 WORKING DAYS OF THE ORDER:
 - (I) OBTAIN THE REQUIRED LICENSE OR REGISTRATION; OR
 - (II) REMOVE THE DEVICE FROM THE PREMISES.

(B) CONFISCATION OR DISABLEMENT.

THE DIRECTOR MAY CONFISCATE THE AMUSEMENT DEVICE OR RENDER IT INOPERABLE IF:

- (1) THE DEVICE IS NOT IMMEDIATELY RENDERED INOPERABLE, AS ORDERED UNDER SUBSECTION (A)(1) OF THIS SECTION;
- (2) AFTER HAVING BEEN RENDERED INOPERABLE, THE DEVICE IS PLACED BACK IN OPERATION WITHOUT THE REQUIRED LICENSE OR REGISTRATION; OR
- (3) THE REQUIRED LICENSE OR REGISTRATION IS NOT OBTAINED WITHIN THE PERIOD SPECIFIED IN SUBSECTION (A)(2) OF THIS SECTION AND THE DEVICE HAS NOT BEEN REMOVED FROM THE PREMISES.

(C) REDEEMING CONFISCATED DEVICE.

- (1) IF AN AMUSEMENT DEVICE IS CONFISCATED BY THE DIRECTOR UNDER THIS SECTION, THE OWNER MAY REDEEM THE DEVICE ON PAYMENT OF:
 - (I) A RECOVERY CHARGE, AS ESTABLISHED BY THE BOARD OF ESTIMATES FROM TIME TO TIME; AND
 - (II) ALL OUTSTANDING REGISTRATION AND LICENSING FEES, INTEREST, AND PENALTIES.
- (2) THE RECOVERY CHARGE WILL BE SET TO COVER THE COSTS OF TRANSPORTATION, STORAGE, AND OTHER RELATED EXPENSES.
- (3) IF A DEVICE IS NOT REDEEMED WITHIN 180 DAYS AFTER ITS CONFISCATION, THE DEVICE IS CONSIDERED ABANDONED.

(D) REINSTATING DISABLED DEVICE.

- (1) IF AN AMUSEMENT DEVICE IS RENDERED INOPERABLE BY THE DIRECTOR UNDER THIS SECTION, THE OWNER MAY HAVE THE DEVICE REINSTATED ON PAYMENT OF:
 - (I) A REINSTATEMENT CHARGE, AS ESTABLISHED BY THE BOARD OF ESTIMATES FROM TIME TO TIME; AND
 - (II) ALL OUTSTANDING REGISTRATION AND LICENSING FEES, INTEREST, AND PENALTIES.

(2) THE REINSTATEMENT CHARGE WILL BE SET TO COVER ALL COSTS ASSOCIATED WITH RENDERING THE DEVICE INOPERABLE AND OPERABLE.

~~§ 2-18~~ § 2-19. PENALTIES.

(A) *IN GENERAL.*

ANY PERSON WHO VIOLATES ANY PROVISION OF THIS PART 3 OR OF A RULE OR REGULATION ADOPTED UNDER THIS PART 3 IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 FOR EACH OFFENSE.

(B) *EACH DAY A SEPARATE OFFENSE.*

EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

PART 7. ANIMATED RIDING DEVICES

§ 2-41. [“Animated riding device” defined] DEFINITIONS.

(A) *IN GENERAL.*

[For the purpose of] In this Part 7, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) *AMUSEMENT DEVICE.*

“AMUSEMENT DEVICE” HAS THE MEANING STATED IN § 2-11 OF THIS ARTICLE.

(C) *ANIMATED RIDING DEVICE.*

(1) *IN GENERAL.*

[an “animated” “ANIMATED riding device” [is defined as] MEANS [a mechanical and/or electrical contrivance in some such form as a rocking horse, airplane, boat, or “space ship” (this list being illustrative only, and not exclusive), or other similar or comparable contrivance which, upon the insertion of a coin or from other motivation, gives] AN AMUSEMENT DEVICE THAT PROVIDES a moving ride or activated operation.

(2) *ILLUSTRATIONS.*

“ANIMATED RIDING DEVICE” INCLUDES ANY ROCKING HORSE, AIRPLANE, BOAT, SPACESHIP, OR SIMILAR DEVICE.

§ 2-42. License required; FEE.

(A) *LICENSE REQUIRED.*

No person, firm, [or] corporation, OR OTHER ENTITY [shall] MAY operate [for pay or reward] any [type of] animated riding device unless [he or it shall first have obtained an annual license so to do from the Director of Finance and shall have paid an annual license fee of \$20 for each such device] THE DEVICE IS LICENSED UNDER PART 3 OF THIS SUBTITLE.

(B) *FEE.*

NOTWITHSTANDING THE FEES SET IN PART 3 OF THIS SUBTITLE, THE ANNUAL FEE FOR AN ANIMATED RIDING DEVICE LICENSE IS \$25 PER DEVICE.

Part 8. Mobile Riding Units**§ 2-51. License required.**

No person, firm, [or] corporation, OR OTHER ENTITY [shall] MAY operate any type of ride or riding device mounted on mobile equipment unless [he or it shall first have obtained an annual license so to do from the Director of Finance, and shall have paid an annual license fee of \$80 for each such ride or riding device mounted on mobile equipment] THE DEVICE IS LICENSED UNDER PART 3 OF THIS SUBTITLE.

Subtitle 3. Amusement Device Location Permits**§ 3-1. Definitions.**(b) *Amusement device.*

“Amusement device” has the meaning stated in [§ 1-110 {“Amusement device”} of the Zoning Code of Baltimore City] § 2-11 OF THIS ARTICLE.

Article – Zoning**§1-110. Amusement device.**(a) *In general.*

“Amusement device” [means, except as specified in subsection (c) of this section, any electronic or mechanical device that is designed to provide amusement and for which a fee is charged to operate or use] HAS THE MEANING STATED IN CITY CODE ARTICLE 15, § 2-11, EXCEPT AS SPECIFIED IN SUBSECTION (B) OF THIS SECTION.

(b) *Illustrations.*

“Amusement device” includes any video game, electronic game, claw machine, bowling machine, pinball machine, shuffleboard machine, pool table, console machine, target machine, baseball machine, or similar device.

(c) *Exclusions.*

“Amusement device” does not include any[:

(1)] peep show device[;

(2) music box; or

(3) bona fide vending machine in which amusement features are not incorporated or made a part].

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 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-707
(Council Bill 04-1307)**

AN ORDINANCE CONCERNING

**Sale of Property — The Former Bed of High Street and a
Portion of the Former Bed of Temple Street, Block 1266, Lot 30
and Block 1267, Lots 1/14, 44A and 44 B**

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 the former bed of High Street and a portion of the former bed of Temple Street, Block 1266, Lot 30, and Block 1267, Lots 1/14, 44A and 44B 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 as the former bed of High Street and a portion of the former bed of Temple Street, Block 1266, Lot 30, and Block 1267, Lots 1/14, 44A and 44B, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the southwest side of the former bed of High Street, 49.5 feet wide, and the south side of the Orleans Street Viaduct, 70 feet wide, and running thence binding on the south side of said Orleans Street Viaduct, Easterly 65.7 feet to intersect the northeast side of the former bed of said High Street; thence binding on the northeast side of the former bed of said High Street, Southeasterly 8.0 feet, more or less, to intersect a line drawn parallel with and distant 6.00 feet southerly measured at right angles from the south side of said Orleans Street Viaduct; thence binding on said line so drawn, Westerly 32.8 feet, more or less, to the centerline of the former bed of said High Street; thence by a straight line drawn at right angles to the southwest side of the former bed of said High Street, Southwesterly 24.7 feet, more or less, to intersect the southwest side of the former bed of said High Street, and thence binding on the southwest side of the former bed of said High Street, Northwesterly 30.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the northeast side of the former bed of High Street, 49.5 feet wide, and the southeast side of Hillen Street, 66 feet wide, and running thence binding on the northeast side of the former bed of said High Street, Southeasterly 55.5 feet to intersect the north side of the Orleans Street Viaduct, 70 feet wide; thence binding on the north side of said Orleans Street Viaduct, Westerly 83.5 feet, more or less, to intersect the southeast side of said Hillen Street, and

thence binding on the southeast side of said Hillen Street, Northeasterly 62.5 feet, more or less, to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the northeast side of High Street, 49.5 feet wide, and the south side of the Orleans Street Viaduct, 70 feet wide, and at a plane 8.00 feet below the bottom of the superstructure of said Orleans Street Viaduct and descending to an unlimited depth, and running thence binding on the south side of said Orleans Street Viaduct, Westerly 65.7 feet to intersect the southwest side of said High Street; thence binding on the southwest side of said High Street, Northwesterly 92.8 feet to intersect the north side of said Orleans Street Viaduct; thence binding on the north side of said Orleans Street Viaduct, Easterly 65.7 feet to intersect the northeast side of said High Street and thence binding on the northeast side of said High Street, Southeasterly 92.8 feet to the place of beginning.

Beginning for Parcel No. 4 at the point formed by the intersection of the southwest side of the former bed of Temple Street, 15 feet wide and the north side of the Orleans Street Viaduct, 70 feet wide, said point of beginning being distant 206.72 feet easterly measured along the north side of said Orleans Street Viaduct from the northeast side of the former bed of High Street, 49.5 feet wide, and running thence binding on the southwest side of the former bed of said Temple Street, Northwesterly 6.6 feet, more or less, to intersect a line drawn parallel with and distant 5.00 feet northerly measured at right angles from the north side of said Orleans Street Viaduct; thence binding on said line so drawn, Easterly 9.9 feet, more or less, to the centerline of the former bed of said Temple Street; thence binding on the centerline of the former bed of said Temple Street, Southeasterly 6.6 feet, more or less, to intersect the north side of said Orleans Street Viaduct, and thence binding on the north side of said Orleans Street Viaduct, Westerly 9.9 feet, more or less, to the place of beginning.

Beginning for Parcel No. 5 at the point formed by the intersection of the south side of the Orleans Street Viaduct, 70 feet wide and the southwest side of the former bed of High Street, 49.5 feet wide, and running thence binding on the southwest side of the former bed of said High Street, Southeasterly 6.6 feet, more or less, to intersect a line drawn parallel with and distant 5.00 feet southerly measured at right angles from the south side of said Orleans Street Viaduct; thence binding on said line so drawn, Westerly 127.6 feet, more or less, to the west outline of the parcel of land now being described known as Lot 30 of Ward 5 Section 4 Block 1266; thence binding on the west outline of said Lot 30 the three following courses and distances; namely, Northerly 2.75 feet, Northeasterly 2.87 feet and Northwesterly 0.65 foot to intersect the south side of said Orleans Street Viaduct, and thence binding on the south side of said Orleans Street Viaduct, Easterly 120.7 feet, more or less, to the place of beginning.

Beginning for Parcel No. 6 at the point formed by the intersection of the north side of the Orleans Street Viaduct, 70 feet wide and the northeast side of the former bed of High Street, 49.5 feet wide, and running thence binding on the northeast side of the former bed of said High Street, Northwesterly 6.6 feet, more or less, to intersect a line drawn parallel with and distant 5.00 feet northerly measured at right angles from the north side of said Orleans Street Viaduct; thence binding on said line so drawn and on the north outline of the parcel of land now being described known as Lot 44B of Ward 5 Section 4 Block 1267, there situate, Easterly 206.7 feet, more or less, to intersect the southwest side of the former bed of Temple Street, 15 feet wide; thence binding on the southwest side of the former bed of said Temple Street, Southeasterly 6.6 feet, more or less, to intersect the north side of said Orleans Street Viaduct, and thence binding on the north side of said Orleans Street Viaduct, Westerly 206.7 feet, more or less, to the place of beginning.

Beginning for Parcel No. 7 at the point formed by the intersection of the south side of the Orleans Street Viaduct, 70 feet wide and the northeast side of the former bed of High Street, 49.5 feet wide, and running thence binding on the south side of said Orleans Street Viaduct, Easterly 142.1 feet, more or less, to the northwest outline of the property known as No. 413/417 N. High Street; thence binding on the northwest outline of said property, Southwesterly 9.0 feet, more or less, to intersect a line drawn parallel with and distant 6.00 feet southerly measured at right angles from the south side of said Orleans Street Viaduct; thence binding on said line so drawn and on the south outline of the parcel of land now being described

known as Lot 44A of Ward 5 Section 4 Block 1267, there situate, Westerly 130.2 feet, more or less, to intersect the the northeast side of the former bed of said High Street, and thence binding on the northeast side of the former bed of said High Street, Northwesterly 8.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 8 at the point formed by the intersection of the southwest side of Exeter Street, as now laid out and the northwest side of Orleans Street, varying in width, and running thence binding on the northwest side of said Orleans Street, Southwesterly 27.4 feet, more or less, to intersect the north side of the Orleans Street Viaduct, 70 feet wide; thence binding on the north side of said Orleans Street Viaduct, Westerly 49.3 feet, more or less, to intersect the northwest outline of the parcel of land now being described known as No. 408/410 N. Exeter Street; thence binding on the northwest outline of said parcel of land, Northeasterly 64.8 feet, more or less, to intersect the southwest side of said Exeter Street, and thence binding on the southwest side of said Exeter Street, Southeasterly 32.7 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 23, 2004

Martin O'Malley, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-708
(Council Bill 04-1309)**

AN ORDINANCE CONCERNING

Rezoning — 1800 East Fort Avenue and 1700 Beason Street

FOR the purpose of changing the zoning for the property known as 1800 East Fort Avenue and a portion of the property known as 1700 Beason Street, as outlined in red on the accompanying plat, from the M-3 Zoning District to the R-8 Zoning District, and for changing the zoning for a portion of the property known as 1700 Beason Street, as outlined in blue on the accompanying plat, from the M-2-2 Zoning District to the R-8 Zoning District.

BY amending

Article - Zoning
Zoning District Maps
Sheet(s) 67 and 77
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheets 67 and 77 of the Zoning District Maps are amended by changing from the M-3 Zoning District to the R-8 Zoning District the property known as 1800 East Fort Avenue and a portion of the property known as 1700 Beason

Street, as outlined in red on the plat accompanying this Ordinance, and by changing from the M-2-2 Zoning District to the R-8 Zoning District a portion of the property known as 1700 Beason Street, as outlined in blue 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, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-709
(Council Bill 04-1314)**

AN ORDINANCE CONCERNING

**Acquisition of Property — Perpetual Easements for Public Utilities
needed for the Hawkins Point Sanitary Sewer Force Main 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 properties located along Hawkins Point Road and Pennington Avenue between Chemical Road and Open Street, and needed for the Hawkins Point Sanitary Sewer Force Main Project; 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 Hawkins Point Sanitary Sewer Force Main Project, the fee simple or other interests that the Director of Public Works considers needed or sufficient in the land and improvements located along Hawkins Point Road and Pennington Avenue between Chemical Road and Open Street, and more particularly described as follows:

1. Perpetual Easement through No. 2201 Hawkins Point Road, as shown on plat RW 20-36096 and dated October 24, 2003.

2. Perpetual Easement through No. 5701 Pennington Avenue, as shown on plat RW 20-36097 and dated October 24, 2003.
3. Perpetual Easement through the property of Hess Oil And Chemical Corporation, as shown on plat RW 20-36098 and dated October 24, 2003.

Including all property, rights, interests, easements and/or franchises necessary for the Public Utility Perpetual Easement and the construction and maintenance of the Hawkins Point Sanitary Sewer Force Main Project and/or other municipal utilities and services in the Public Utility Perpetual Easement, the location and course of the Public Utility Perpetual Easement being shown on plats numbered RW 20-36096 through RW 20-36098 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 June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-710
(Council Bill 04-1315)**

AN ORDINANCE CONCERNING

**Sale of Property — a Property Exchange and a Grant of Drainage,
Utility, and Road Easement at or near Liberty Watershed**

FOR the purpose of authorizing the Mayor and City Council of Baltimore to make a property exchange for the benefit of Baltimore County and convey a drainage utility and road easement over and upon the land located at or near the Liberty Watershed in Baltimore County near the intersection of Ivy Mill Road and Wood Gait Court; 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 Comptroller of Baltimore City be and is hereby authorized to make a property exchange with Jean Binkley and/or Baltimore County in accordance with Article V, Section 5 of the City Charter (1996 Edition, as amended) that allows disposition of property no longer needed for public use, whereby the City will acquire the three parcels described as Parcel B, containing 0.211 acre of land, more or less, Parcel C containing 0.147 acre of land, more or less and Parcel D containing 0.107 acre of land, more or less; and convey the drainage, utility and road easement containing 0.821 acre of land, more or less, located near the corner of Ivy Mill Road and Wood Gait Court in the Liberty Reservoir property in Baltimore County, the easements and properties being more particularly described in the metes and bounds descriptions below:

Parcel A – Plat 1

Beginning for the same at the beginning of the thirteenth or South 13 degrees 15 minutes East 164 foot line of the parcel of land described in a deed dated May 21, 1964, and recorded among the Land Records of Baltimore County in Liber R.R.G. No 4302 Folio 225, which was conveyed by Harry M. Shipley and Loney Y. Shipley, his wife, to Harry D. Binkley and Jean D. Binkley, his wife, thence running with and binding on said thirteenth line, as now surveyed, referring all bearings of the present description to the magnetic meridian of May, 1986, South 12 degrees 18 minutes 21 seconds East 164.00 feet; thence South 74 degrees 06 minutes 36 seconds West 47.85 feet to the center of the existing macadam paving of the Ivy Mill Road; thence running in the center of said paving by the two following lines respectively, viz: by a line curving to the right with a radius of 1600.00 feet for a distance of 168.20 feet (the chord of said curving line bearing North 12 degrees 52 minutes 42 seconds West 168.13 feet) and North 09 degrees 52 minutes 00 seconds West 536.29 feet; thence leaving the centerline of said paving and running North 80 degrees 08 minutes 00 seconds East 52.25 feet; thence running South 09 degrees 52 minutes 00 East 142.44 feet to a point in the twelfth or South 10 degrees 24 minutes East 401.63 foot line of the above mentioned parcel of land; thence running with and binding on part of said twelfth line, as now surveyed and crossing Wood Gait Court, South 09 degrees 27 minutes 21 seconds East 392.88 feet to the place of beginning. Being an easement for access to Ivy Mill Road from Wood Gait Court, and drainage, utility and road construction.

Parcel B – Plat 2

Beginning for the same on the east side of Ivy Mill Road and in the boundary of the property of the Mayor and City Council of Baltimore, known as the Liberty Reservoir, said place of beginning being distant, as now surveyed, South 82 degrees 18 minutes 19 seconds East 8.19 feet from a concrete monument heretofore set by others in said boundary, said place of beginning also being in and distant, as now surveyed, South 09 degrees 27 minutes 21 seconds East 8.75 feet from the beginning of the twelfth or South 10 degrees 24 minutes East 401.63 foot line of the parcel of land described in a deed dated May 21, 1964, and recorded among the Land Records of Baltimore County in Liber R.R.G. No. 4302 Folio 225, which was conveyed by Harry M. Shipley and wife to Harry D. Binkley and wife, thence binding on the east side of Ivy Mill Road and running with and binding on a part of said twelfth line, as now surveyed, South 09 degrees 27 minutes 21 seconds East 57.56 feet; thence leaving the Ivy Mill Road and running with and binding on the north side of Wood Gait Court, 50 feet wide, as shown on the Plat of "Ivy Meadows", recorded or intended to be recorded among the Land Records prior hereto, by the four following lines respectively, viz: South 54 degrees 39 minutes 40 seconds East 21.14 feet, North 80 degrees 08 minutes East 54.47 feet, by a line curving to the right with a radius of 1025.00 feet for a distance of 109.43 feet (the chord of said curving line bearing North 83 degrees 11 minutes 30 seconds East 109.37 feet) and North 86 degrees 15 minutes East 105.72 feet to a concrete monument set by others in the above mentioned boundary of Liberty Reservoir; thence binding thereon, as now surveyed, North

82 degrees 18 minutes 19 seconds West 297.13 feet to the place of beginning, as shown on the attached plat.

Containing 0.211 of an acre of land, more or less.

Subject to the right of grantors herein to erect and maintain an entrance wall and sign at the northeast corner of the intersection of Ivy Mill Road and Wood Gait Court, on the property described above. Reserving, however, unto Jean D. Blinkley, her personal representatives, successors or assigns, a revertible slope easement containing a total of 0.134 of an acre (5818 square feet), more or less, and a drainage and utility easement containing 0.007 of an acre (325 square feet), more or less, as shown on the attached plat.

Parcel C – Plat 2

Beginning for the same at the beginning of the tenth or South 17 degrees 12 minutes East 953.70 foot line of the parcel of land described in a deed dated May 21, 1964, and recorded among the Land Records of Baltimore County in Liber R.R.G. No. 4302 Folio 225, which was conveyed by Harry M. Shipley and wife to Harry D. Brinkley and wife, thence running with and binding on said tenth line, and on part of the eleventh line thereof, as now surveyed, by the two following courses and distances respectively, viz: South 16 degrees 23 minutes 59 seconds East 952.22 feet and North 95 degrees 14 minutes 21 seconds West 14.41 feet to intersect the boundary of the Liberty Reservoir property at a point distant North 15 degrees 35 minutes 13 seconds West 25.27 feet from a concrete monument heretofore set by others to mark said boundary; thence running with and binding on part of said boundary, as now surveyed, North 15 degrees 35 minutes 13 seconds West 947.11 feet to the place of beginning, as shown on the attached plat.

Containing 0.147 of an acre of land, more or less.

Being a triangular strip of land lying between the boundary of Liberty Reservoir, the property of the Mayor and City Council of Baltimore, and the tenth or South 17 degrees 12 minutes East 953.70 foot line of the parcel of land described in a deed dated May 21, 1964, and recorded among the Land Records of Baltimore County in Liber R.R.G. No. 4302, Folio 225, which was conveyed by Harry M. Shipley and wife to Harry D. Binkley and wife.

Parcel D – Plat 2

Beginning for the same on the east side of Ivy Mill Road in the boundary of the property of the Mayor and City Council of Baltimore known as the Liberty Reservoir, said place of beginning being distant, as now surveyed, South 82 degrees 18 minutes 19 seconds East 8.19 feet from a concrete monument heretofore set by others in said boundary, thence binding on said boundary, as now surveyed, South 82 degrees 18 minutes 19 seconds East 297.13 feet to a concrete monument heretofore set by others; thence continuing to bind on said boundary, as now surveyed, North 15 degrees 35 minutes 13 seconds West 25.77 feet to intersect the eleventh or North 86 degrees 11 minutes West 304.51 foot line of the parcel of land described in a deed dated May 21, 1994 and recorded among the Land Records of Baltimore County in Liber R.R.G. No. 4302 Folio 225, which was conveyed by Harry M. Shipley and wife to Harry D. Binkley and wife; thence running with and binding on a part of said eleventh line and on a part of the twelfth line thereof, as now surveyed, by the two following courses and distances respectively, viz: North 85 degrees 14 minutes 21 seconds West 290.11 feet and South 09 degrees 27 minutes 21 seconds East binding on the east side of Ivy Mill Road 8.75 feet to the place of beginning, as shown on the attached plat.

Containing 0.107 of an acre of land, more or less.

Being a part of the parcel of land described in a deed dated May 21, 1964 and recorded among the Land Records of Baltimore County in Liber R.R.G. No 4302 Folio 225, which was conveyed by Harry M. Shipley and wife to Harry D. Binkley.

1. The Grantee of easement agrees that any and all construction with the easement limits described herein that affects City-owned facilities shall be in accordance with the requirements of the Baltimore City Department of Public Works and Department of Transportation and subject to inspection and approval of the departments; that any structures of the City within the easement limits described herein shall be fully protected against any possible damage, that the placement of any structures within the limits described herein that affect City utilities or similar property shall be in accordance with the directions of the departments; and that the departments shall have complete access to the areas described herein, at all times.
2. The Grantee of easement agrees that before any entry or acts that affect utilities, the Department of Public Works will be notified.
3. The Grantee of easement agrees to pay all City costs and expenses in connection with the grant of this easement.
4. The Grantee of easement will supervise and maintain the easement described in Parcel A and the revertible slope easements reserved in Parcel B and all work crews and will prevent any interference with City operations; further, in particular, will be responsible for any stream stabilization work that may become necessary due to the increased storm water flow from the Ivy Meadows development onto City-owned land.
5. The Grantee of easement shall indemnify, protect and save harmless and defend the Grantor from and against any and all present and future losses, expenses and claims by reason of injury or death to persons and damage to persons and damage to property arising out of or in connection with this exchange of property and grant of easement and Grantee's use thereof, and to defend at Grantee's own expense any suits of law or in equity arising out of this exchange of property and the use thereof.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proposed use of the property to be conveyed as an easement is not inconsistent or incompatible with the present use of the City's abutting property and since the grant is for the benefit of a public entity, the property will remain in public use.

SECTION 3. AND BE IT FURTHER ORDAINED, That no deed may pass under this Ordinance unless the deed has been approved by the City Solicitor.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-711
(Council Bill 04-1316)**

AN ORDINANCE CONCERNING

Bond Issue — B & O Railroad Museum Loan — \$1,000,000

FOR the purpose of authorizing the Mayor and City Council of Baltimore (pursuant to Resolution II of 2004 approved by the members of the General Assembly of Maryland representing Baltimore City) to issue and sell its certificates of indebtedness in an aggregate principal amount not exceeding \$1,000,000, the proceeds derived from the sale thereof to be used for the cost of issuance, including the expense of engraving, printing, advertising, attorneys' fees, and all other incidental expenses connected therewith, and the remainder of such proceeds to be used for the acquisition, by purchase, condemnation, or any other legal means, of land or property, or any rights therein, in the City of Baltimore, and for constructing and erecting, on said land or property, or on any land or property, new buildings, structures and other auxiliary facilities, and for the renovation, alternation, construction, reconstruction, installation, improvement and repair of existing buildings, structures and facilities to be or now being used in connection with the operations, functions, and activities of the B & O Railroad Museum; and to equip all facilities authorized to be constructed, renovated, altered or improved by the provisions hereof; the payment of any and all costs and expenses incurred for or in connection with doing any or all of the things herein mentioned, including, but not limited to, the costs and expenses of securing administrative, appraisal, economic analysis, engineering, planning, designing, architectural, surveying, and other professional services; and for doing any and all things necessary, proper or expedient in connection with or pertaining to any or all of the matters or things hereinbefore mentioned; authorizing the issuance of refunding bonds; conferring and imposing on the Board of Finance of Baltimore City certain powers and duties; authorizing the submission of this Ordinance to the legal voters of the City of Baltimore, for their approval or disapproval, at the election to be held in Baltimore City on Tuesday, the 2nd day of November, 2004; and providing for the expenditure of the proceeds of sale of said certificates of indebtedness in accordance with the provisions of the Charter of the Mayor and City Council of Baltimore, and by the municipal agency or other entity designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

WHEREAS, By Resolution II of 2004, approved by the members of the General Assembly of Maryland representing Baltimore City, the Mayor and City Council of Baltimore is authorized to create a debt and to issue and sell its certificates of indebtedness (hereinafter called "bonds") as evidence thereof, in an aggregate principal amount not exceeding \$1,000,000 in the manner and upon the terms set forth in the bonds, not exceeding the par value of the bonds, to be used in connection with the operations, functions, and activities of the B & O Railroad Museum as authorized by said Resolution; and

WHEREAS, Funds are now needed for said purposes; now, therefore,

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council of Baltimore, acting by and through the Board of Finance of said municipality, be and it is hereby authorized and empowered to issue bonds of the Mayor and City Council of Baltimore in an aggregate principal amount not exceeding \$1,000,000, from time to time, as may be needed or required for the purposes hereinafter named and said bonds shall be sold by the Board of Finance from time to time and at such times as shall be requisite, and the proceeds derived from the sale of said bonds shall be used for the purposes hereinafter named, provided that this Ordinance shall not become effective unless it shall be approved by a majority of the votes of the legal voters of Baltimore City cast at the time and place hereinafter designated by this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That:

(a) The bonds shall be issued in denominations of not less than \$500 each, but may be in sums of \$500, or any suitable multiple thereof.

(b) The bonds authorized to be issued and sold under the provisions of this Ordinance may be issued to mature on such dates and in such amounts as the Board of Finance may determine; provided that the entire principal amount represented thereby shall be discharged not more than 40 years from the date of issuance of the bonds.

(c) The bonds, when issued, shall bear interest at such rate or rates as may be determined by the Board of Finance, which rate or rates may be fixed or variable or as determined by a method approved by the Board of Finance, and such interest shall be payable at such time or times as may be determined by the Board of Finance.

SECTION 3. AND BE IT FURTHER ORDAINED, That a majority of the Board of Finance of the Mayor and City Council of Baltimore be, and they are hereby, authorized to pass a resolution or resolutions, from time to time, to determine and set forth any or all of the following:

(a) The amount of debt to be incurred by the Mayor and City Council of Baltimore at any particular time, and from time to time, under and pursuant to the provisions of this Ordinance; the date or dates when any bonds representing said debt, or any part thereof, are to mature, and the amount or amounts of said debt, or any part thereof, which shall mature upon the aforesaid date or dates; and the date or dates in each year, during the entire period of time when any of said bonds are outstanding, when interest on any of said bonds shall be payable;

(b) The form or forms of the bonds representing the debt, or any part thereof, authorized to be issued under the provisions of this Ordinance at any particular time; and

(c) If the bonds are to be sold at public sale, the time, place, manner and medium of advertisement of the readiness of the Board of Finance, acting for and on behalf of the Mayor and City Council of Baltimore, to receive bids for the purchase of the bonds authorized to be issued hereunder or any part thereof; the form, terms and conditions of such bids; the time, place and manner of awarding bonds so bid for, including the right whenever any of the bonds authorized by this Ordinance are offered for sale and sold at the same time as other bonds of the City, to establish the conditions for bids and awards and to award all of the bonds on an all or none basis; and the time, place, terms and manner of settlement for the bonds so bid for.

SECTION 4. AND BE IT FURTHER ORDAINED, That:

(a) All premiums resulting from the sale of any of the bonds issued and sold pursuant to the provisions of this Ordinance shall be applied first to defray the cost of issuance thereof and the balance, if any, shall be applied to the payment of interest on any of said bonds becoming due and payable during the fiscal year in which said bonds are issued and sold or during the next succeeding fiscal year.

(b) The debt authorized by the provisions of this Ordinance, and the bonds issued and sold pursuant thereto and their transfer, and the principal and interest payable thereon (including any profit made in the sale thereof), shall be and remain exempt from any and all State, county and municipal taxation in the State of Maryland.

(c) All bonds issued and sold pursuant to the provisions of this Ordinance may be sold at public sale by the solicitation of competitive bids or at private (negotiated) sale without advertisement or solicitation of competitive bids, for a price or prices which may be at, above or below par value of the bonds, as determined by resolution of the Board of Finance of the Mayor and City Council of Baltimore. If the Board of Finance determines to sell the bonds at public sale, the bonds shall be sold to the highest responsible bidder or bidders therefor after due notice of such sale, but the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, shall have the right to reject any or all bids therefor for any reason.

SECTION 5. AND BE IT FURTHER ORDAINED, That until all of the interest on and principal of any bonds issued pursuant to the provisions of this Ordinance have been paid in full, the Mayor and City Council of Baltimore shall levy and impose an annual tax on each \$100 of assessable property in the City of Baltimore at a rate sufficient to produce revenue to pay all interest on and principal of all bonds theretofore issued and outstanding or authorized to be issued and outstanding, payable in the next succeeding year.

SECTION 6. AND BE IT FURTHER ORDAINED, That this Ordinance shall be submitted to the legal voters of the City of Baltimore, for their approval or disapproval, at the election to be held in Baltimore City, on Tuesday, the 2nd day of November, 2004.

SECTION 7. AND BE IT FURTHER ORDAINED, That prior to the date of the election hereinbefore mentioned, notice shall be given to the public of the amount of money which the Mayor and City Council of Baltimore is authorized to borrow, and the general purposes for which such borrowed funds may be expended, under the terms and provisions of this Ordinance, and the time when the election hereinbefore mentioned is to be held; and such public notice shall be given in such manner and by such means or through such media and at such time or times as may be determined, from time to time, by a majority of the Board of Finance.

SECTION 8. AND BE IT FURTHER ORDAINED, That the actual cash proceeds derived from the sale of the bonds authorized to be issued under the provisions of this Ordinance shall be used exclusively for the following purposes, to wit:

(a) So much thereof as may be necessary, in addition to the premium realized from the sale, if any, for the cost of issuance, including the expense of engraving, printing, advertising, attorneys' fees, and all other incidental expenses connected therewith (which may include the proportion of the compensation of employees and general administrative expenses of the Department of Finance reasonably allocated to the issuance of the bonds); and

(b) The remainder of such proceeds shall be used for the acquisition, by purchase, condemnation or any other legal means, of land or property, or any rights therein, in the City of Baltimore, and for constructing and erecting, on said land or property or on any land or property, new buildings, structures and other auxiliary facilities and for the renovation, alteration, construction, reconstruction, installation, improvement and repair of existing buildings, structures and facilities to be or now being used for or in connection with the operations, functions and activities of the B & O Railroad Museum; and to equip all buildings authorized to be constructed, renovated, altered or improved under the provisions hereof; the payment of any and all costs and expenses incurred for or in connection with doing any or all of the things herein mentioned, including, but not limited to, the costs and expenses of securing administrative, appraisal, economic analysis, engineering, planning, designing, architectural, surveying, and other professional services; and for doing any and all things necessary, proper or expedient in connection with or pertaining to any or all of the matters or things hereinbefore mentioned.

SECTION 9. AND BE IT FURTHER ORDAINED, That:

(a) The Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, is hereby authorized and empowered to issue its bonds for the purpose of refunding any bonds authorized to be issued under the provisions of this Ordinance by payment at maturity or the purchase or redemption of bonds in advance of maturity. The validity of any refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the bonds being refunded. Such refunding bonds may be issued by the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, for the purpose of providing it with funds to pay any of its outstanding bonds authorized to be issued under the provisions of this Ordinance at maturity, to purchase in the open market any of its outstanding bonds authorized to be issued under the provisions of this Ordinance prior to their maturity, to redeem prior to their maturity any outstanding bonds which are, by their terms, redeemable, to pay interest on any outstanding bonds prior to their payment at maturity or purchase or redemption in advance of maturity, or to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds authorized to be issued under the provisions of this Ordinance.

(b) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued for the public purpose of:

(1) Realizing savings to Baltimore City in the aggregate cost of debt service on either a direct comparison or present value basis; or

(2) Debt restructuring that:

(i) In the aggregate effects such a reduction in the cost of debt service; or

(ii) Is determined by the Board of Finance of the Mayor and City Council of Baltimore to be in the best interests of Baltimore City, to be consistent with Baltimore City's long-term financial plan, and to realize a financial objective of Baltimore City including, improving the relationship of debt service to a source of payment such as taxes, assessments, or other charges.

(c) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued in whatever principal amount shall be required to achieve the purpose for the issuance of the refunding bonds, which amount may be in excess of the principal amount of the bonds refunded or the maximum principal amount of bonds authorized to be issued under Section 1 of this Ordinance.

(d) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued to mature on such dates and in such amounts as the Board of Finance may determine; provided that the entire principal amount represented by the refunding bonds shall be discharged not more than 40 years from the date of issuance of the bonds being refunded.

(e) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be sold at public sale by the solicitation of competitive bids or at private (negotiated) sale without advertisement or solicitation of competitive bids, for a price or prices which may be at, above or below the par value of the refunding bonds, as determined by resolution of the Board of Finance of the Mayor and City Council of Baltimore. If the Board of Finance determines to sell the refunding bonds at public sale, the refunding bonds shall be sold to the highest responsible bidder or bidders therefor after due notice of such sale, but the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, shall have the right to reject any or all bids therefor for any reason.

(f) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance shall bear interest at such rate or rates as may be determined by the Board of Finance of the Mayor and City Council of Baltimore, which rate or rates may be fixed or variable or as determined by a method approved by the Board of Finance, and such interest shall be payable at such time or times as may be determined by the Board of Finance.

(g) The proceeds of the sale of any refunding bonds authorized to be issued and sold under the provisions of this Ordinance, after the payment of issuance costs relating thereto, shall be set aside by the Mayor and City Council of Baltimore as a separate trust fund to be used solely for the purposes stated in this Section 9.

(h) Except as otherwise provided in this Section 9, the powers granted in, the limitations and obligations imposed by, and the procedures specified in this Ordinance with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds.

(i) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance shall not be subject to any debt policy limitation that may from time to time be established by the Mayor and City Council of Baltimore.

SECTION 10. AND BE IT FURTHER ORDAINED, That the expenditure of the proceeds derived from the sale of the bonds authorized to be issued under the provisions of this Ordinance shall be in accordance with the

provisions of the Charter of the Mayor and City Council of Baltimore, and by the municipal agency or other entity designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-712
(Council Bill 04-1317)**

AN ORDINANCE CONCERNING

Bond Issue — Baltimore Museum of Art Loan — \$500,000

FOR the purpose of authorizing the Mayor and City Council of Baltimore (pursuant to Resolution I of 2004 approved by the members of the General Assembly of Maryland representing Baltimore City) to issue and sell its certificates of indebtedness in an aggregate principal amount not exceeding \$500,000, the proceeds derived from the sale thereof to be used for the cost of issuance, including the expense of engraving, printing, advertising, attorneys' fees, and all other incidental expenses connected therewith, and the remainder of such proceeds to be used for the acquisition, by purchase, condemnation, or any other legal means, of land or property, or any rights therein, in the City of Baltimore, and for constructing and erecting, on said land or property, or on any land or property, new buildings, structures and other auxiliary facilities, and for the renovation, alternation, construction, reconstruction, installation, improvement and repair of existing buildings, structures and facilities to be or now being used in connection with the operations, functions, and activities of the Baltimore Museum of Art; and to equip all facilities authorized to be constructed, renovated, altered or improved by the provisions hereof; the payment of any and all costs and expenses incurred for or in connection with doing any or all of the things herein mentioned, including, but not limited to, the costs and expenses of securing administrative, appraisal, economic analysis, engineering, planning, designing, architectural, surveying, and other professional services; and for doing any and all things necessary, proper or expedient in connection with or pertaining to any or all of the matters or things hereinbefore mentioned; authorizing the issuance of refunding bonds; conferring and imposing upon the Board of Finance of Baltimore City certain powers and duties; authorizing the submission of this Ordinance to the legal voters of the City of Baltimore, for their approval or disapproval, at the General Election to be held in Baltimore City on Tuesday, the 2nd day of November, 2004; and providing for the expenditure of the proceeds of sale of said certificates of indebtedness in accordance with the provisions of the Charter of the Mayor and City Council of Baltimore, and by the municipal agency or other entity designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

WHEREAS, By Resolution I of 2004, approved by the members of the General Assembly of Maryland representing Baltimore City, the Mayor and City Council of Baltimore is authorized to create a debt and to issue and sell its certificates of indebtedness (hereinafter called "bonds") as evidence thereof, in an aggregate principal amount not exceeding \$500,000 in the manner and upon the terms set forth in the bonds, not exceeding the par value of the bonds, to be used in connection with the operations, functions, and activities of the Baltimore Museum of Art as authorized by said Resolution; and

WHEREAS, Funds are now needed for said purposes; now, therefore,

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council of Baltimore, acting by and through the Board of Finance of said municipality, be and it is hereby authorized and empowered to issue bonds of the Mayor and City Council of Baltimore in an aggregate

principal amount not exceeding \$500,000, from time to time, as may be needed or required for the purposes hereinafter named and said bonds shall be sold by the Board of Finance from time to time and at such times as shall be requisite, and the proceeds derived from the sale of said bonds shall be used for the purposes hereinafter named, provided that this Ordinance shall not become effective unless it shall be approved by a majority of the votes of the legal voters of Baltimore City cast at the time and place hereinafter designated by this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That:

(a) The bonds shall be issued in denominations of not less than \$500 each, but may be in sums of \$500, or any suitable multiple thereof.

(b) The bonds authorized to be issued and sold under the provisions of this Ordinance may be issued to mature on such dates and in such amounts as the Board of Finance may determine; provided that the entire principal amount represented thereby shall be discharged not more than 40 years from the date of issuance of the bonds.

(c) The bonds, when issued, shall bear interest at such rate or rates as may be determined by the Board of Finance, which rate or rates may be fixed or variable or as determined by a method approved by the Board of Finance, and such interest shall be payable at such time or times as may be determined by the Board of Finance.

SECTION 3. AND BE IT FURTHER ORDAINED, That a majority of the Board of Finance of the Mayor and City Council of Baltimore be, and they are hereby, authorized to pass a resolution or resolutions, from time to time, to determine and set forth any or all of the following:

(a) The amount of debt to be incurred by the Mayor and City Council of Baltimore at any particular time, and from time to time, under and pursuant to the provisions of this Ordinance; the date or dates when any bonds representing said debt, or any part thereof, are to mature, and the amount or amounts of said debt, or any part thereof, which shall mature upon the aforesaid date or dates; and the date or dates in each year, during the entire period of time when any of said bonds are outstanding, when interest on any of said bonds shall be payable;

(b) The form or forms of the bonds representing the debt, or any part thereof, authorized to be issued under the provisions of this Ordinance at any particular time; and

(c) If the bonds are to be sold at public sale, the time, place, manner and medium of advertisement of the readiness of the Board of Finance, acting for and on behalf of the Mayor and City Council of Baltimore, to receive bids for the purchase of the bonds authorized to be issued hereunder or any part thereof; the form, terms and conditions of such bids; the time, place and manner of awarding bonds so bid for, including the right whenever any of the bonds authorized by this Ordinance are offered for sale and sold at the same time as other bonds of the City, to establish the conditions for bids and awards and to award all of the bonds on an all or none basis; and the time, place, terms and manner of settlement for the bonds so bid for.

SECTION 4. AND BE IT FURTHER ORDAINED, That:

(a) All premiums resulting from the sale of any of the bonds issued and sold pursuant to the provisions of this Ordinance shall be applied first to defray the cost of issuance thereof and the balance, if any, shall be applied to the payment of interest on any of said bonds becoming due and payable during the fiscal year in which said bonds are issued and sold or during the next succeeding fiscal year.

(b) The debt authorized by the provisions of this Ordinance, and the bonds issued and sold pursuant thereto and their transfer, and the principal and interest payable thereon (including any profit made in the sale thereof), shall be and remain exempt from any and all State, county and municipal taxation in the State of Maryland.

(c) All bonds issued and sold pursuant to the provisions of this Ordinance may be sold at public sale by the solicitation of competitive bids or at private (negotiated) sale without advertisement or solicitation of competitive bids, for a price or prices which may be at, above or below par value of the bonds, as determined by resolution of the Board of Finance of the Mayor and City Council of Baltimore. If the Board of Finance determines to sell the bonds at public sale, the bonds shall be sold to the highest responsible bidder or bidders therefor after due notice of such sale, but the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, shall have the right to reject any or all bids therefor for any reason.

SECTION 5. AND BE IT FURTHER ORDAINED, That until all of the interest on and principal of any bonds issued pursuant to the provisions of this Ordinance have been paid in full, the Mayor and City Council of Baltimore shall levy and impose an annual tax on each \$100 of assessable property in the City of Baltimore at a rate sufficient to produce revenue to pay all interest on and principal of all bonds theretofore issued and outstanding or authorized to be issued and outstanding, payable in the next succeeding year.

SECTION 6. AND BE IT FURTHER ORDAINED, That this Ordinance shall be submitted to the legal voters of the City of Baltimore, for their approval or disapproval, at the Municipal Election to be held in Baltimore City, on Tuesday, the 2nd day of November, 2004.

SECTION 7. AND BE IT FURTHER ORDAINED, That prior to the date of the election hereinbefore mentioned, notice shall be given to the public of the amount of money which the Mayor and City Council of Baltimore is authorized to borrow, and the general purposes for which such borrowed funds may be expended, under the terms and provisions of this Ordinance, and the time when the election hereinbefore mentioned is to be held; and such public notice shall be given in such manner and by such means or through such media and at such time or times as may be determined, from time to time, by a majority of the Board of Finance.

SECTION 8. AND BE IT FURTHER ORDAINED, That the actual cash proceeds derived from the sale of the bonds authorized to be issued under the provisions of this Ordinance shall be used exclusively for the following purposes, to wit:

(a) So much thereof as may be necessary, in addition to the premium realized from the sale, if any, for the cost of issuance, including the expense of engraving, printing, advertising, attorneys' fees, and all other incidental expenses connected therewith (which may include the proportion of the compensation of employees and general administrative expenses of the Department of Finance reasonably allocated to the issuance of the bonds); and

(b) The remainder of such proceeds shall be used for the acquisition, by purchase, condemnation or any other legal means, of land or property, or any rights therein, in the City of Baltimore, and for constructing and erecting, on said land or property or on any land or property, new buildings, structures and other auxiliary facilities and for the renovation, alteration, construction, reconstruction, installation, improvement and repair of existing buildings, structures and facilities to be or now being used for or in connection with the operations, functions and activities of the Baltimore Museum of Art; and to equip all buildings authorized to be constructed, renovated, altered or improved under the provisions hereof; the payment of any and all costs and expenses incurred for or in connection with doing any or all of the things herein mentioned, including, but not limited to, the costs and expenses of securing administrative, appraisal, economic analysis, engineering, planning, designing, architectural, surveying, and other professional services; and for doing any and all things necessary, proper or expedient in connection with or pertaining to any or all of the matters or things hereinbefore mentioned.

SECTION 9. AND BE IT FURTHER ORDAINED, That:

(a) The Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, is hereby authorized and empowered to issue its bonds for the purpose of refunding any bonds authorized to be issued under the provisions of this Ordinance by payment at maturity or the purchase or redemption of bonds in advance of maturity. The validity of any refunding bonds shall in no way be dependent upon or related to

the validity or invalidity of the bonds being refunded. Such refunding bonds may be issued by the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, for the purpose of providing it with funds to pay any of its outstanding bonds authorized to be issued under the provisions of this Ordinance at maturity, to purchase in the open market any of its outstanding bonds authorized to be issued under the provisions of this Ordinance prior to their maturity, to redeem prior to their maturity any outstanding bonds which are, by their terms, redeemable, to pay interest on any outstanding bonds prior to their payment at maturity or purchase or redemption in advance of maturity, or to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds authorized to be issued under the provisions of this Ordinance.

(b) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued for the public purpose of:

(1) Realizing savings to Baltimore City in the aggregate cost of debt service on either a direct comparison or present value basis; or

(2) Debt restructuring that:

(i) In the aggregate effects such a reduction in the cost of debt service; or

(ii) Is determined by the Board of Finance of the Mayor and City Council of Baltimore to be in the best interests of Baltimore City, to be consistent with Baltimore City's long-term financial plan, and to realize a financial objective of Baltimore City including, improving the relationship of debt service to a source of payment such as taxes, assessments, or other charges.

(c) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued in whatever principal amount shall be required to achieve the purpose for the issuance of the refunding bonds, which amount may be in excess of the principal amount of the bonds refunded or the maximum principal amount of bonds authorized to be issued under Section 1 of this Ordinance.

(d) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued to mature on such dates and in such amounts as the Board of Finance may determine; provided that the entire principal amount represented by the refunding bonds shall be discharged not more than 40 years from the date of issuance of the bonds being refunded.

(e) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be sold at public sale by the solicitation of competitive bids or at private (negotiated) sale without advertisement or solicitation of competitive bids, for a price or prices which may be at, above or below the par value of the refunding bonds, as determined by resolution of the Board of Finance of the Mayor and City Council of Baltimore. If the Board of Finance determines to sell the refunding bonds at public sale, the refunding bonds shall be sold to the highest responsible bidder or bidders therefor after due notice of such sale, but the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, shall have the right to reject any or all bids therefor for any reason.

(f) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance shall bear interest at such rate or rates as may be determined by the Board of Finance of the Mayor and City Council of Baltimore, which rate or rates may be fixed or variable or as determined by a method approved by the Board of Finance, and such interest shall be payable at such time or times as may be determined by the Board of Finance.

(g) The proceeds of the sale of any refunding bonds authorized to be issued and sold under the provisions of this Ordinance, after the payment of issuance costs relating thereto, shall be set aside by the Mayor and City Council of Baltimore as a separate trust fund to be used solely for the purposes stated in this Section 9.

(h) Except as otherwise provided in this Section 9, the powers granted in, the limitations and obligations imposed by, and the procedures specified in this Ordinance with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds.

(i) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance shall not be subject to any debt policy limitation that may from time to time be established by the Mayor and City Council of Baltimore.

SECTION 10. AND BE IT FURTHER ORDAINED, That the expenditure of the proceeds derived from the sale of the bonds authorized to be issued under the provisions of this Ordinance shall be in accordance with the provisions of the Charter of the Mayor and City Council of Baltimore, and by the municipal agency or other entity designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-713
(Council Bill 04-1318)**

AN ORDINANCE CONCERNING

Bond Issue — Community Development Loan — \$33,500,000

FOR the purpose of authorizing the Mayor and City Council of Baltimore (pursuant to Resolution VI of 2004 approved by the members of the General Assembly of Maryland representing Baltimore City) to issue and sell its certificates of indebtedness in an aggregate principal amount not exceeding \$33,500,000, the proceeds derived from the sale thereof to be used for the cost of issuance, including the expense of engraving, printing, advertising, attorneys' fees, and all other incidental expenses connected therewith, and the remainder of such proceeds to be used for or in connection with planning, developing, executing, and making operative the community development program of the Mayor and City Council of Baltimore, including, but not limited to, the acquisition, by purchase, lease, condemnation or any other legal means, of land or property, or any right, interest, franchise, easement or privilege therein, in the City of Baltimore; the payment of any and all costs and expenses incurred in connection with or incidental to the acquisition and management of said land or property, including any and all rights or interest therein hereinbefore mentioned; the payment of any and all costs and expenses incurred for or in connection with relocating and moving persons or other legal entities displaced by the acquisition of said land or property, or any of the rights or interest therein hereinbefore mentioned; the development, or redevelopment, including, but not limited to, the comprehensive renovation or rehabilitation of any land or property, or any rights or interests therein hereinbefore mentioned, in the City of Baltimore, and the disposition of land and property for such purposes; the elimination of unhealthful, unsanitary or unsafe conditions, lessening density, eliminating obsolete or other uses detrimental to the public welfare or otherwise removing or preventing the spread of blight or deterioration in the City of Baltimore; the demolition, removal, relocation, renovation or alteration of land, buildings, streets, highways, alleys, utilities or services, and other structures or improvements, and for the construction, reconstruction, installation, relocation or repair of buildings, streets, highways, alleys, utilities or services, and other structures or improvements; the payment of any and all costs and expenses incurred for or in connection with doing any or all of the things herein mentioned, including, but not limited to, the costs and expenses of securing administrative, appraisal, economic analysis, engineering, planning, designing, architectural, surveying, and other professional services; and for doing any and all things necessary, proper or expedient in connection with or pertaining to any or all of the matters or things hereinbefore mentioned; authorizing the issuance of

refunding bonds; conferring and imposing upon the Board of Finance of Baltimore City certain powers and duties; authorizing the submission of this Ordinance to the legal voters of the City of Baltimore, for their approval or disapproval, at the General Election to be held in Baltimore City on Tuesday, the 2nd day of November, 2004; and providing for the expenditure of the proceeds of sale of said certificates of indebtedness in accordance with the provisions of the Charter of the Mayor and City Council of Baltimore, and by the municipal agency designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

WHEREAS, By Resolution VI of 2004, approved by the members of the General Assembly of Maryland representing Baltimore City, the Mayor and City Council of Baltimore is authorized to create a debt and to issue and sell its certificates of indebtedness (hereinafter called "bonds") as evidence thereof, in an aggregate principal amount not exceeding \$33,500,000 in the manner and upon the terms set forth in the bonds, not exceeding the par value of the bonds, to be used in connection with the community development program of the Mayor and City Council of Baltimore as authorized by said Resolution; and

WHEREAS, Funds are now needed for said purposes; now, therefore,

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council of Baltimore, acting by and through the Board of Finance of said municipality, be and it is hereby authorized and empowered to issue bonds of the Mayor and City Council of Baltimore in an aggregate principal amount not exceeding \$33,500,000, from time to time, as may be needed or required for the purposes hereinafter named and said bonds shall be sold by the Board of Finance from time to time and at such times as shall be requisite, and the proceeds derived from the sale of said bonds shall be used for the purposes hereinafter named, provided that this Ordinance shall not become effective unless it shall be approved by a majority of the votes of the legal voters of Baltimore City cast at the time and place hereinafter designated by this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That:

(a) The bonds shall be issued in denominations of not less than \$500 each, but may be in sums of \$500, or any suitable multiple thereof.

(b) The bonds authorized to be issued and sold under the provisions of this Ordinance may be issued to mature on such dates and in such amounts as the Board of Finance may determine; provided that the entire principal amount represented thereby shall be discharged not more than 40 years from the date of issuance of the bonds.

(c) The bonds, when issued, shall bear interest at such rate or rates as may be determined by the Board of Finance, which rate or rates may be fixed or variable or as determined by a method approved by the Board of Finance, and such interest shall be payable at such time or times as may be determined by the Board of Finance.

SECTION 3. AND BE IT FURTHER ORDAINED, That a majority of the Board of Finance of the Mayor and City Council of Baltimore be, and they are hereby, authorized to pass a resolution or resolutions, from time to time, to determine and set forth any or all of the following:

(a) The amount of debt to be incurred by the Mayor and City Council of Baltimore at any particular time, and from time to time, under and pursuant to the provisions of this Ordinance; the date or dates when any bonds representing said debt, or any part thereof, are to mature, and the amount or amounts of said debt, or any part thereof, which shall mature upon the aforesaid date or dates; and the date or dates in each year, during the entire period of time when any of said bonds are outstanding, when interest on any of said bonds shall be payable;

(b) The form or forms of the bonds representing the debt, or any part thereof, authorized to be issued under the provisions of this Ordinance at any particular time; and

(c) If the bonds are to be sold at public sale, the time, place, manner and medium of advertisement of the readiness of the Board of Finance, acting for and on behalf of the Mayor and City Council of Baltimore, to receive bids for the purchase of the bonds authorized to be issued hereunder or any part thereof; the form, terms and conditions of such bids; the time, place and manner of awarding bonds so bid for, including the right whenever any of the bonds authorized by this Ordinance are offered for sale and sold at the same time as other bonds of the City, to establish the conditions for bids and awards and to award all of the bonds on an all or none basis; and the time, place, terms and manner of settlement for the bonds so bid for.

SECTION 4. AND BE IT FURTHER ORDAINED, That:

(a) All premiums resulting from the sale of any of the bonds issued and sold pursuant to the provisions of this Ordinance shall be applied first to defray the cost of issuance thereof and the balance, if any, shall be applied to the payment of interest on any of said bonds becoming due and payable during the fiscal year in which said bonds are issued and sold or during the next succeeding fiscal year.

(b) The debt authorized by the provisions of this Ordinance, and the bonds issued and sold pursuant thereto and their transfer, and the principal and interest payable thereon (including any profit made in the sale thereof), shall be and remain exempt from any and all State, county and municipal taxation in the State of Maryland.

(c) All bonds issued and sold pursuant to the provisions of this Ordinance may be sold at public sale by the solicitation of competitive bids or at private (negotiated) sale without advertisement or solicitation of competitive bids, for a price or prices which may be at, above or below par value of the bonds, as determined by resolution of the Board of Finance of the Mayor and City Council of Baltimore. If the Board of Finance determines to sell the bonds at public sale, the bonds shall be sold to the highest responsible bidder or bidders therefor after due notice of such sale, but the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, shall have the right to reject any or all bids therefor for any reason.

SECTION 5. AND BE IT FURTHER ORDAINED, That until all of the interest on and principal of any bonds issued pursuant to the provisions of this Ordinance have been paid in full, the Mayor and City Council of Baltimore shall levy and impose an annual tax on each \$100 of assessable property in the City of Baltimore at a rate sufficient to produce revenue to pay all interest on and principal of all bonds theretofore issued and outstanding or authorized to be issued and outstanding, payable in the next succeeding year.

SECTION 6. AND BE IT FURTHER ORDAINED, That this Ordinance shall be submitted to the legal voters of the City of Baltimore, for their approval or disapproval, at the General Election to be held in Baltimore City, on Tuesday, the 2nd day of November, 2004.

SECTION 7. AND BE IT FURTHER ORDAINED, That prior to the date of the election hereinbefore mentioned, notice shall be given to the public of the amount of money which the Mayor and City Council of Baltimore is authorized to borrow, and the general purposes for which such borrowed funds may be expended, under the terms and provisions of this Ordinance, and the time when the election hereinbefore mentioned is to be held; and such public notice shall be given in such manner and by such means or through such media and at such time or times as may be determined, from time to time, by a majority of the Board of Finance.

SECTION 8. AND BE IT FURTHER ORDAINED, That the actual cash proceeds derived from the sale of the bonds authorized to be issued under the provisions of this Ordinance shall be used exclusively for the following purposes, to wit:

(a) So much thereof as may be necessary, in addition to the premium realized from the sale, if any, for the cost of issuance, including the expense of engraving, printing, advertising, attorneys' fees, and all other incidental expenses connected therewith (which may include the proportion of the compensation of employees and general administrative expenses of the Department of Finance reasonably allocated to the issuance of the bonds); and

(b) The remainder of such proceeds shall be used for or in connection with planning, developing, executing and making operative the community development program of the Mayor and City Council of Baltimore, including, but not limited to:

(i) The acquisition, by purchase, lease, condemnation, or any other legal means, of land or property, or any right, interest, franchise, easement or privilege therein, in the City of Baltimore;

(ii) The payment of any and all costs and expenses incurred in connection with or incidental to the acquisition and management of said land or property, including any and all rights or interest therein hereinbefore mentioned;

(iii) The payment of any and all costs and expenses incurred for or in connection with relocating and moving persons or other legal entities displaced by the acquisition of said land or property, or any of the rights or interests therein hereinbefore mentioned;

(iv) The development or redevelopment, including, but not limited to, the comprehensive renovation or rehabilitation of any land or property, or any rights or interests therein hereinbefore mentioned, in the City of Baltimore, and the disposition of land and property for such purposes;

(v) The elimination of unhealthful, unsanitary or unsafe conditions, lessening density, eliminating obsolete or other uses detrimental to the public welfare or otherwise removing or preventing the spread of blight or deterioration in the City of Baltimore;

(vi) The demolition, removal, relocation, renovation or alteration of land, buildings, streets, highways, alleys, utilities or services, and other structures or improvements, and for the construction, reconstruction, installation, relocation or repair of buildings, streets, highways, alleys, utilities or services, and other structures or improvements;

(vii) The payment of any and all costs and expenses incurred for or in connection with doing any or all of the things herein mentioned, including, but not limited to, the costs and expenses of securing administrative, appraisal, economic analysis, engineering, planning, designing, architectural, surveying, and other professional services; and

(viii) Doing any and all things necessary, proper or expedient in connection with or pertaining to any or all of the matters or things hereinbefore mentioned.

All such land or property shall be acquired, developed, redeveloped, renovated, rehabilitated, altered, improved, held or disposed of, as provided by law.

SECTION 9. AND BE IT FURTHER ORDAINED, That:

(a) The Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, is hereby authorized and empowered to issue its bonds for the purpose of refunding any bonds authorized to be issued under the provisions of this Ordinance by payment at maturity or the purchase or redemption of bonds in advance of maturity. The validity of any refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the bonds being refunded. Such refunding bonds may be issued by the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, for the purpose of providing it with funds to pay any of its outstanding bonds authorized to be issued under the provisions of this Ordinance at maturity, to purchase in the open market any of its outstanding bonds authorized to be issued under the provisions of this Ordinance prior to their maturity, to redeem prior to their maturity any outstanding bonds which are, by their terms, redeemable, to pay interest on any outstanding bonds prior to their payment at maturity or purchase or redemption in advance of maturity, or to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds authorized to be issued under the provisions of this Ordinance.

(b) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued for the public purpose of:

(1) Realizing savings to Baltimore City in the aggregate cost of debt service on either a direct comparison or present value basis; or

(2) Debt restructuring that:

(i) In the aggregate effects such a reduction in the cost of debt service; or

(ii) Is determined by the Board of Finance of the Mayor and City Council of Baltimore to be in the best interests of Baltimore City, to be consistent with Baltimore City's long-term financial plan, and to realize a financial objective of Baltimore City including, improving the relationship of debt service to a source of payment such as taxes, assessments, or other charges.

(c) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued in whatever principal amount shall be required to achieve the purpose for the issuance of the refunding bonds, which amount may be in excess of the principal amount of the bonds refunded or the maximum principal amount of bonds authorized to be issued under Section 1 of this Ordinance.

(d) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued to mature on such dates and in such amounts as the Board of Finance may determine; provided that the entire principal amount represented by the refunding bonds shall be discharged not more than 40 years from the date of issuance of the bonds being refunded.

(e) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be sold at public sale by the solicitation of competitive bids or at private (negotiated) sale without advertisement or solicitation of competitive bids, for a price or prices which may be at, above or below the par value of the refunding bonds, as determined by resolution of the Board of Finance of the Mayor and City Council of Baltimore. If the Board of Finance determines to sell the refunding bonds at public sale, the refunding bonds shall be sold to the highest responsible bidder or bidders therefor after due notice of such sale, but the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, shall have the right to reject any or all bids therefor for any reason.

(f) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance shall bear interest at such rate or rates as may be determined by the Board of Finance of the Mayor and City Council of Baltimore, which rate or rates may be fixed or variable or as determined by a method approved by the Board of Finance, and such interest shall be payable at such time or times as may be determined by the Board of Finance.

(g) The proceeds of the sale of any refunding bonds authorized to be issued and sold under the provisions of this Ordinance, after the payment of issuance costs relating thereto, shall be set aside by the Mayor and City Council of Baltimore as a separate trust fund to be used solely for the purposes stated in this Section 9.

(h) Except as otherwise provided in this Section 9, the powers granted in, the limitations and obligations imposed by, and the procedures specified in this Ordinance with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds.

(i) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance shall not be subject to any debt policy limitation that may from time to time be established by the Mayor and City Council of Baltimore.

SECTION 10. AND BE IT FURTHER ORDAINED, That the expenditure of the proceeds derived from the sale of the bonds authorized to be issued under the provisions of this Ordinance shall be in accordance with the provisions of the Charter of the Mayor and City Council of Baltimore, and by the municipal agency designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-714
(Council Bill 04-1319)**

AN ORDINANCE CONCERNING

Bond Issue — Economic Development Loan — \$29,875,000

FOR the purpose of authorizing the Mayor and City Council of Baltimore (pursuant to Resolution III of 2002 approved by the members of the General Assembly of Maryland representing Baltimore City) to issue and sell its certificates of indebtedness in an aggregate principal amount not exceeding \$29,875,000 the proceeds derived from the sale thereof to be used for the cost of issuance, including the expense of engraving, printing, advertising, attorneys' fees, and all other incidental expenses connected therewith, and the remainder of such proceeds to be used for or in connection with planning, developing, executing, and making operative the commercial and industrial economic development program of the Mayor and City Council of Baltimore, including, but not limited to, the acquisition, by purchase, lease, condemnation or any other legal means, of land or property, or any right, interest, franchise, easement or privilege therein, in the City of Baltimore; the payment of any and all costs and expenses incurred in connection with or incidental to the acquisition and management of said land or property, including any and all rights or interests therein hereinbefore mentioned; the payment of any and all costs and expenses incurred for or in connection with relocating and moving persons or other legal entities displaced by the acquisition of said land or property, or any of the rights or interests therein hereinbefore mentioned; the development, or redevelopment, including, but not limited to, the comprehensive renovation or rehabilitation of any land or property, or any rights or interests therein hereinbefore mentioned, in the City of Baltimore, and the disposition of land and property for such purposes; the elimination of unhealthful, unsanitary or unsafe conditions, lessening density, eliminating obsolete or other uses detrimental to the public welfare or otherwise removing or preventing the spread of blight or deterioration in the City of Baltimore; the demolition, removal, relocation, renovation or alteration of land, buildings, streets, highways, alleys, utilities or services, and other structures or improvements, and for the construction, reconstruction, installation, relocation or repair of buildings, streets, highways, alleys, utilities or services, and other structures or improvements; the payment of any and all costs and expenses incurred for or in connection with doing any or all of the things herein mentioned, including, but not limited to, the costs and expenses of securing administrative, appraisal, economic analysis, engineering, planning, designing, architectural, surveying, and other professional services; authorizing the making of loans and grants to persons and other legal entities; and for doing any and all things necessary, proper or expedient in connection with or pertaining to any or all of the matters or things hereinbefore mentioned; authorizing the issuance of refunding bonds; conferring and imposing upon the Board of Finance of Baltimore City certain powers and duties; authorizing the submission of this Ordinance to the legal voters of the City of Baltimore, for their approval or disapproval, at the General Election to be held in Baltimore City on Tuesday, the 2nd day of November, 2004; and providing for the expenditure of the proceeds of sale of said certificates of indebtedness in accordance with the provisions of the Charter of the Mayor and City Council of Baltimore, and by the municipal agency designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

WHEREAS, By Resolution III of 2004, approved by the members of the General Assembly of Maryland representing Baltimore City, the Mayor and City Council of Baltimore is authorized to create a debt and to issue and sell its certificates of indebtedness (hereinafter called "bonds") as evidence thereof, in an aggregate principal amount not exceeding \$29,875,000 in the manner and upon the terms set forth in the bonds, not exceeding the par value of the bonds, to be used in connection with the economic development program of the Mayor and City Council of Baltimore as authorized by said Resolution; and

WHEREAS, Funds are now needed for said purposes; now, therefore,

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council of Baltimore, acting by and through the Board of Finance of said municipality, be and it is hereby authorized and empowered to issue bonds of the Mayor and City Council of Baltimore in an aggregate principal amount not exceeding \$29,875,000, from time to time, as may be needed or required for the purposes hereinafter named and said bonds shall be sold by the Board of Finance from time to time and at such times as shall be requisite, and the proceeds derived from the sale of said bonds shall be used for the purposes hereinafter named, provided that this Ordinance shall not become effective unless it shall be approved by a majority of the votes of the legal voters of Baltimore City cast at the time and place hereinafter designated by this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That:

(a) The bonds shall be issued in denominations of not less than \$500 each, but may be in sums of \$500, or any suitable multiple thereof.

(b) The bonds authorized to be issued and sold under the provisions of this Ordinance may be issued to mature on such dates and in such amounts as the Board of Finance may determine; provided that the entire principal amount represented thereby shall be discharged not more than 40 years from the date of issuance of the bonds.

(c) The bonds, when issued, shall bear interest at such rate or rates as may be determined by the Board of Finance, which rate or rates may be fixed or variable or as determined by a method approved by the Board of Finance, and such interest shall be payable at such time or times as may be determined by the Board of Finance.

SECTION 3. AND BE IT FURTHER ORDAINED, That a majority of the Board of Finance of the Mayor and City Council of Baltimore be, and they are hereby, authorized to pass a resolution or resolutions, from time to time, to determine and set forth any or all of the following:

(a) The amount of debt to be incurred by the Mayor and City Council of Baltimore at any particular time, and from time to time, under and pursuant to the provisions of this Ordinance; the date or dates when any bonds representing said debt, or any part thereof, are to mature, and the amount or amounts of said debt, or any part thereof, which shall mature upon the aforesaid date or dates; and the date or dates in each year, during the entire period of time when any of said bonds are outstanding, when interest on any of said bonds shall be payable;

(b) The form or forms of the bonds representing the debt, or any part thereof, authorized to be issued under the provisions of this Ordinance at any particular time; and

(c) If the bonds are to be sold at public sale, the time, place, manner and medium of advertisement of the readiness of the Board of Finance, acting for and on behalf of the Mayor and City Council of Baltimore, to receive bids for the purchase of the bonds authorized to be issued hereunder or any part thereof; the form, terms and conditions of such bids; the time, place and manner of awarding bonds so bid for, including the right whenever any of the bonds authorized by this Ordinance are offered for sale and sold at the same time as

other bonds of the City, to establish the conditions for bids and awards and to award all of the bonds on an all or none basis; and the time, place, terms and manner of settlement for the bonds so bid for.

SECTION 4. AND BE IT FURTHER ORDAINED, That:

(a) All premiums resulting from the sale of any of the bonds issued and sold pursuant to the provisions of this Ordinance shall be applied first to defray the cost of issuance thereof and the balance, if any, shall be applied to the payment of interest on any of said bonds becoming due and payable during the fiscal year in which said bonds are issued and sold or during the next succeeding fiscal year.

(b) The debt authorized by the provisions of this Ordinance, and the bonds issued and sold pursuant thereto and their transfer, and the principal and interest payable thereon (including any profit made in the sale thereof), shall be and remain exempt from any and all State, county and municipal taxation in the State of Maryland.

(c) All bonds issued and sold pursuant to the provisions of this Ordinance may be sold at public sale by the solicitation of competitive bids or at private (negotiated) sale without advertisement or solicitation of competitive bids, for a price or prices which may be at, above or below par value of the bonds, as determined by resolution of the Board of Finance of the Mayor and City Council of Baltimore. If the Board of Finance determines to sell the bonds at public sale, the bonds shall be sold to the highest responsible bidder or bidders therefor after due notice of such sale, but the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, shall have the right to reject any or all bids therefor for any reason.

SECTION 5. AND BE IT FURTHER ORDAINED, That until all of the interest on and principal of any bonds issued pursuant to the provisions of this Ordinance have been paid in full, the Mayor and City Council of Baltimore shall levy and impose an annual tax on each \$100 of assessable property in the City of Baltimore at a rate sufficient to produce revenue to pay all interest on and principal of all bonds theretofore issued and outstanding or authorized to be issued and outstanding, payable in the next succeeding year.

SECTION 6. AND BE IT FURTHER ORDAINED, That this Ordinance shall be submitted to the legal voters of the City of Baltimore, for their approval or disapproval, at the General Election to be held in Baltimore City, on Tuesday, the 2nd day of November, 2004.

SECTION 7. AND BE IT FURTHER ORDAINED, That prior to the date of the election hereinbefore mentioned, notice shall be given to the public of the amount of money which the Mayor and City Council of Baltimore is authorized to borrow, and the general purposes for which such borrowed funds may be expended, under the terms and provisions of this Ordinance, and the time when the election hereinbefore mentioned is to be held; and such public notice shall be given in such manner and by such means or through such media and at such time or times as may be determined, from time to time, by a majority of the Board of Finance.

SECTION 8. AND BE IT FURTHER ORDAINED, That the actual cash proceeds derived from the sale of the bonds authorized to be issued under the provisions of this Ordinance shall be used exclusively for the following purposes, to wit:

(a) So much thereof as may be necessary, in addition to the premium realized from the sale, if any, for the cost of issuance, including the expense of engraving, printing, advertising, attorneys' fees, and all other incidental expenses connected therewith (which may include the proportion of the compensation of employees and general administrative expenses of the Department of Finance reasonably allocated to the issuance of the bonds); and

(b) The remainder of such proceeds shall be used for or in connection with planning, developing, executing and making operative the economic development program of the Mayor and City Council of Baltimore, including, but not limited to:

(i) The acquisition, by purchase, lease, condemnation, or any other legal means, of land or property, or any right, interest, franchise, easement or privilege therein, in the City of Baltimore;

(ii) The payment of any and all costs and expenses incurred in connection with or incidental to the acquisition and management of said land or property, including any and all rights or interest therein hereinbefore mentioned;

(iii) The payment of any and all costs and expenses incurred for or in connection with relocating and moving persons or other legal entities displaced by the acquisition of said land or property, or any of the rights or interests therein hereinbefore mentioned;

(iv) The development or redevelopment, including, but not limited to, the comprehensive renovation or rehabilitation of any land or property, or any rights or interests therein hereinbefore mentioned, in the City of Baltimore, and the disposition of land and property for such purposes;

(v) The elimination of unhealthful, unsanitary or unsafe conditions, lessening density, eliminating obsolete or other uses detrimental to the public welfare or otherwise removing or preventing the spread of blight or deterioration in the City of Baltimore;

(vi) The demolition, removal, relocation, renovation or alteration of land, buildings, streets, highways, alleys, utilities or services, and other structures or improvements, and for the construction, reconstruction, installation, relocation or repair of buildings, streets, highways, alleys, utilities or services, and other structures or improvements;

(vii) The payment of any and all costs and expenses incurred for or in connection with doing any or all of the things herein mentioned, including, but not limited to, the costs and expenses of securing administrative, appraisal, economic analysis, engineering, planning, designing, architectural, surveying, and other professional services;

(viii) The making of loans and grants to persons and other legal entities engaged in the acquisition, development, redevelopment, rehabilitation and disposition of land and property, including any right, interest, franchise, easement or privilege therein in the City of Baltimore; and

(ix) Doing any and all things necessary, proper or expedient in connection with or pertaining to any or all of the matters or things hereinbefore mentioned.

All such land or property shall be acquired, developed, redeveloped, renovated, rehabilitated, altered, improved, held or disposed of, as provided by law.

SECTION 9. AND BE IT FURTHER ORDAINED, That:

(a) The Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, is hereby authorized and empowered to issue its bonds for the purpose of refunding any bonds authorized to be issued under the provisions of this Ordinance by payment at maturity or the purchase or redemption of bonds in advance of maturity. The validity of any refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the bonds being refunded. Such refunding bonds may be issued by the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, for the purpose of providing it with funds to pay any of its outstanding bonds authorized to be issued under the provisions of this Ordinance at maturity, to purchase in the open market any of its outstanding bonds authorized to be issued under the provisions of this Ordinance prior to their maturity, to redeem prior to their maturity any outstanding bonds which are, by their terms, redeemable, to pay interest on any outstanding bonds prior to their payment at maturity or purchase or redemption in advance of maturity, or to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds authorized to be issued under the provisions of this Ordinance.

(b) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued for the public purpose of:

(1) Realizing savings to Baltimore City in the aggregate cost of debt service on either a direct comparison or present value basis; or

(2) Debt restructuring that:

(i) In the aggregate effects such a reduction in the cost of debt service; or

(ii) Is determined by the Board of Finance of the Mayor and City Council of Baltimore to be in the best interests of Baltimore City, to be consistent with Baltimore City's long-term financial plan, and to realize a financial objective of Baltimore City including, improving the relationship of debt service to a source of payment such as taxes, assessments, or other charges.

(c) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued in whatever principal amount shall be required to achieve the purpose for the issuance of the refunding bonds, which amount may be in excess of the principal amount of the bonds refunded or the maximum principal amount of bonds authorized to be issued under Section 1 of this Ordinance.

(d) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued to mature on such dates and in such amounts as the Board of Finance may determine; provided that the entire principal amount represented by the refunding bonds shall be discharged not more than 40 years from the date of issuance of the bonds being refunded.

(e) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be sold at public sale by the solicitation of competitive bids or at private (negotiated) sale without advertisement or solicitation of competitive bids, for a price or prices which may be at, above or below the par value of the refunding bonds, as determined by resolution of the Board of Finance of the Mayor and City Council of Baltimore. If the Board of Finance determines to sell the refunding bonds at public sale, the refunding bonds shall be sold to the highest responsible bidder or bidders therefor after due notice of such sale, but the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, shall have the right to reject any or all bids therefor for any reason.

(f) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance shall bear interest at such rate or rates as may be determined by the Board of Finance of the Mayor and City Council of Baltimore, which rate or rates may be fixed or variable or as determined by a method approved by the Board of Finance, and such interest shall be payable at such time or times as may be determined by the Board of Finance.

(g) The proceeds of the sale of any refunding bonds authorized to be issued and sold under the provisions of this Ordinance, after the payment of issuance costs relating thereto, shall be set aside by the Mayor and City Council of Baltimore as a separate trust fund to be used solely for the purposes stated in this Section 9.

(h) Except as otherwise provided in this Section 9, the powers granted in, the limitations and obligations imposed by, and the procedures specified in this Ordinance with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds.

(i) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance shall not be subject to any debt policy limitation that may from time to time be established by the Mayor and City Council of Baltimore.

SECTION 10. AND BE IT FURTHER ORDAINED, That the expenditure of the proceeds derived from the sale of the bonds authorized to be issued under the provisions of this Ordinance shall be in accordance with the

provisions of the Charter of the Mayor and City Council of Baltimore, and by the municipal agency designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-715
(Council Bill 04-1320)**

AN ORDINANCE CONCERNING

Bond Issue — Enoch Pratt Free Library Loan — \$2,600,000

FOR the purpose of authorizing the Mayor and City Council of Baltimore (pursuant to Resolution IV of 2004 approved by the members of the General Assembly of Maryland representing Baltimore City) to issue and sell its certificates of indebtedness in an aggregate principal amount not exceeding \$2,600,000, the proceeds derived from the sale thereof to be used for the cost of issuance, including the expense of engraving, printing, advertising, attorneys' fees, and all other incidental expenses connected therewith, and the remainder of such proceeds to be used for the acquisition, by purchase, condemnation, or any other legal means, of land or property, or any rights therein, in the City of Baltimore, and for constructing and erecting, on said land or property, or on any land or property, new buildings, structures and other auxiliary facilities, and for the renovation, alternation, construction, reconstruction, installation, improvement and repair of existing buildings, structures and facilities to be or now being used in connection with the operations, functions, and activities of the Enoch Pratt Free Library; and to equip all facilities authorized to be constructed, renovated, altered or improved by the provisions hereof; the payment of any and all costs and expenses incurred for or in connection with doing any or all of the things herein mentioned, including, but not limited to, the costs and expenses of securing administrative, appraisal, economic analysis, engineering, planning, designing, architectural, surveying, and other professional services; and for doing any and all things necessary, proper or expedient in connection with or pertaining to any or all of the matters or things hereinbefore mentioned; authorizing the issuance of refunding bonds; conferring and imposing upon the Board of Finance of Baltimore City certain powers and duties; authorizing the submission of this Ordinance to the legal voters of the City of Baltimore, for their approval or disapproval, at the General Election to be held in Baltimore City on Tuesday, the 2nd day of November, 2004; and providing for the expenditure of the proceeds of sale of said certificates of indebtedness in accordance with the provisions of the Charter of the Mayor and City Council of Baltimore, and by the municipal agency designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

WHEREAS, By Resolution IV of 2004, approved by the members of the General Assembly of Maryland representing Baltimore City, the Mayor and City Council of Baltimore is authorized to create a debt and to issue and sell its certificates of indebtedness (hereinafter called "bonds") as evidence thereof, in an aggregate principal amount not exceeding \$2,600,000 in the manner and upon the terms set forth in the bonds, not exceeding the par value of the bonds, to be used in connection with the operations, functions, and activities of the Enoch Pratt Free Library as authorized by said Resolution; and

WHEREAS, Funds are now needed for said purposes; now, therefore,

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council of Baltimore, acting by and through the Board of Finance of said municipality, be and it is hereby authorized and empowered to issue bonds of the Mayor and City Council of Baltimore in an aggregate

principal amount not exceeding \$2,600,000, from time to time, as may be needed or required for the purposes hereinafter named and said bonds shall be sold by the Board of Finance from time to time and at such times as shall be requisite, and the proceeds derived from the sale of said bonds shall be used for the purposes hereinafter named, provided that this Ordinance shall not become effective unless it shall be approved by a majority of the votes of the legal voters of Baltimore City cast at the time and place hereinafter designated by this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That:

(a) The bonds shall be issued in denominations of not less than \$500 each, but may be in sums of \$500, or any suitable multiple thereof.

(b) The bonds authorized to be issued and sold under the provisions of this Ordinance may be issued to mature on such dates and in such amounts as the Board of Finance may determine; provided that the entire principal amount represented thereby shall be discharged not more than 40 years from the date of issuance of the bonds.

(c) The bonds, when issued, shall bear interest at such rate or rates as may be determined by the Board of Finance, which rate or rates may be fixed or variable or as determined by a method approved by the Board of Finance, and such interest shall be payable at such time or times as may be determined by the Board of Finance.

SECTION 3. AND BE IT FURTHER ORDAINED, That a majority of the Board of Finance of the Mayor and City Council of Baltimore be, and they are hereby, authorized to pass a resolution or resolutions, from time to time, to determine and set forth any or all of the following:

(a) The amount of debt to be incurred by the Mayor and City Council of Baltimore at any particular time, and from time to time, under and pursuant to the provisions of this Ordinance; the date or dates when any bonds representing said debt, or any part thereof, are to mature, and the amount or amounts of said debt, or any part thereof, which shall mature upon the aforesaid date or dates; and the date or dates in each year, during the entire period of time when any of said bonds are outstanding, when interest on any of said bonds shall be payable;

(b) The form or forms of the bonds representing the debt, or any part thereof, authorized to be issued under the provisions of this Ordinance at any particular time; and

(c) If the bonds are to be sold at public sale, the time, place, manner and medium of advertisement of the readiness of the Board of Finance, acting for and on behalf of the Mayor and City Council of Baltimore, to receive bids for the purchase of the bonds authorized to be issued hereunder or any part thereof; the form, terms and conditions of such bids; the time, place and manner of awarding bonds so bid for, including the right whenever any of the bonds authorized by this Ordinance are offered for sale and sold at the same time as other bonds of the City, to establish the conditions for bids and awards and to award all of the bonds on an all or none basis; and the time, place, terms and manner of settlement for the bonds so bid for.

SECTION 4. AND BE IT FURTHER ORDAINED, That:

(a) All premiums resulting from the sale of any of the bonds issued and sold pursuant to the provisions of this Ordinance shall be applied first to defray the cost of issuance thereof and the balance, if any, shall be applied to the payment of interest on any of said bonds becoming due and payable during the fiscal year in which said bonds are issued and sold or during the next succeeding fiscal year.

(b) The debt authorized by the provisions of this Ordinance, and the bonds issued and sold pursuant thereto and their transfer, and the principal and interest payable thereon (including any profit made in the sale thereof), shall be and remain exempt from any and all State, county and municipal taxation in the State of Maryland.

(c) All bonds issued and sold pursuant to the provisions of this Ordinance may be sold at public sale by the solicitation of competitive bids or at private (negotiated) sale without advertisement or solicitation of competitive bids, for a price or prices which may be at, above or below par value of the bonds, as determined by resolution of the Board of Finance of the Mayor and City Council of Baltimore. If the Board of Finance determines to sell the bonds at public sale, the bonds shall be sold to the highest responsible bidder or bidders therefor after due notice of such sale, but the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, shall have the right to reject any or all bids therefor for any reason.

SECTION 5. AND BE IT FURTHER ORDAINED, That until all of the interest on and principal of any bonds issued pursuant to the provisions of this Ordinance have been paid in full, the Mayor and City Council of Baltimore shall levy and impose an annual tax on each \$100 of assessable property in the City of Baltimore at a rate sufficient to produce revenue to pay all interest on and principal of all bonds theretofore issued and outstanding or authorized to be issued and outstanding, payable in the next succeeding year.

SECTION 6. AND BE IT FURTHER ORDAINED, That this Ordinance shall be submitted to the legal voters of the City of Baltimore, for their approval or disapproval, at the General Election to be held in Baltimore City, on Tuesday, the 2nd day of November, 2004.

SECTION 7. AND BE IT FURTHER ORDAINED, That prior to the date of the election hereinbefore mentioned, notice shall be given to the public of the amount of money which the Mayor and City Council of Baltimore is authorized to borrow, and the general purposes for which such borrowed funds may be expended, under the terms and provisions of this Ordinance, and the time when the election hereinbefore mentioned is to be held; and such public notice shall be given in such manner and by such means or through such media and at such time or times as may be determined, from time to time, by a majority of the Board of Finance.

SECTION 8. AND BE IT FURTHER ORDAINED, That the actual cash proceeds derived from the sale of the bonds authorized to be issued under the provisions of this Ordinance shall be used exclusively for the following purposes, to wit:

(a) So much thereof as may be necessary, in addition to the premium realized from the sale, if any, for the cost of issuance, including the expense of engraving, printing, advertising, attorneys' fees, and all other incidental expenses connected therewith (which may include the proportion of the compensation of employees and general administrative expenses of the Department of Finance reasonably allocated to the issuance of the bonds); and

(b) The remainder of such proceeds shall be used for the acquisition, by purchase, condemnation or any other legal means, of land or property, or any rights therein, in the City of Baltimore, and for constructing and erecting, on said land or property or on any land or property new buildings, structures and other auxiliary facilities and for the renovation, alteration, construction, reconstruction, installation, improvement and repair of existing buildings, structures and facilities to be or now being used for or in connection with the operations, functions and activities of the Enoch Pratt Free Library; and to equip all buildings authorized to be constructed, renovated, altered or improved under the provisions hereof; the payment of any and all costs and expenses incurred for or in connection with doing any or all of the things herein mentioned, including, but not limited to, the costs and expenses of securing administrative, appraisal, economic analysis, engineering, planning, designing, architectural, surveying, and other professional services; and for doing any and all things necessary, proper or expedient in connection with or pertaining to any or all of the matters or things hereinbefore mentioned.

SECTION 9. AND BE IT FURTHER ORDAINED, That:

(a) The Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, is hereby authorized and empowered to issue its bonds for the purpose of refunding any bonds authorized to be issued under the provisions of this Ordinance by payment at maturity or the purchase or redemption of bonds in advance of maturity. The validity of any refunding bonds shall in no way be dependent upon or related to

the validity or invalidity of the bonds being refunded. Such refunding bonds may be issued by the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, for the purpose of providing it with funds to pay any of its outstanding bonds authorized to be issued under the provisions of this Ordinance at maturity, to purchase in the open market any of its outstanding bonds authorized to be issued under the provisions of this Ordinance prior to their maturity, to redeem prior to their maturity any outstanding bonds which are, by their terms, redeemable, to pay interest on any outstanding bonds prior to their payment at maturity or purchase or redemption in advance of maturity, or to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds authorized to be issued under the provisions of this Ordinance.

(b) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued for the public purpose of:

(1) Realizing savings to Baltimore City in the aggregate cost of debt service on either a direct comparison or present value basis; or

(2) Debt restructuring that:

(i) In the aggregate effects such a reduction in the cost of debt service; or

(ii) Is determined by the Board of Finance of the Mayor and City Council of Baltimore to be in the best interests of Baltimore City, to be consistent with Baltimore City's long-term financial plan, and to realize a financial objective of Baltimore City including, improving the relationship of debt service to a source of payment such as taxes, assessments, or other charges.

(c) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued in whatever principal amount shall be required to achieve the purpose for the issuance of the refunding bonds, which amount may be in excess of the principal amount of the bonds refunded or the maximum principal amount of bonds authorized to be issued under Section 1 of this Ordinance.

(d) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued to mature on such dates and in such amounts as the Board of Finance may determine; provided that the entire principal amount represented by the refunding bonds shall be discharged not more than 40 years from the date of issuance of the bonds being refunded.

(e) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be sold at public sale by the solicitation of competitive bids or at private (negotiated) sale without advertisement or solicitation of competitive bids, for a price or prices which may be at, above or below the par value of the refunding bonds, as determined by resolution of the Board of Finance of the Mayor and City Council of Baltimore. If the Board of Finance determines to sell the refunding bonds at public sale, the refunding bonds shall be sold to the highest responsible bidder or bidders therefor after due notice of such sale, but the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, shall have the right to reject any or all bids therefor for any reason.

(f) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance shall bear interest at such rate or rates as may be determined by the Board of Finance of the Mayor and City Council of Baltimore, which rate or rates may be fixed or variable or as determined by a method approved by the Board of Finance, and such interest shall be payable at such time or times as may be determined by the Board of Finance.

(g) The proceeds of the sale of any refunding bonds authorized to be issued and sold under the provisions of this Ordinance, after the payment of issuance costs relating thereto, shall be set aside by the Mayor and City Council of Baltimore as a separate trust fund to be used solely for the purposes stated in this Section 9.

(h) Except as otherwise provided in this Section 9, the powers granted in, the limitations and obligations imposed by, and the procedures specified in this Ordinance with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds.

(i) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance shall not be subject to any debt policy limitation that may from time to time be established by the Mayor and City Council of Baltimore.

SECTION 10. AND BE IT FURTHER ORDAINED, That the expenditure of the proceeds derived from the sale of the bonds authorized to be issued under the provisions of this Ordinance shall be in accordance with the provisions of the Charter of the Mayor and City Council of Baltimore, and by the municipal agency designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-716
(Council Bill 04-1321)**

AN ORDINANCE CONCERNING

Bond Issue — Health Care for the Homeless Loan — \$1,300,000

FOR the purpose of authorizing the Mayor and City Council of Baltimore (pursuant to Resolution V of 2004 approved by the members of the General Assembly of Maryland representing Baltimore City) to issue and sell its certificates of indebtedness in an aggregate principal amount not exceeding \$1,300,000, the proceeds derived from the sale thereof to be used for the cost of issuance, including the expense of engraving, printing, advertising, attorneys' fees, and all other incidental expenses connected therewith, and the remainder of such proceeds to be used for the acquisition, by purchase, condemnation, or any other legal means, of land or property, or any rights therein, in the City of Baltimore, and for constructing and erecting, on said land or property, or on any land or property, new buildings, structures and other auxiliary facilities, and for the renovation, alternation, construction, reconstruction, installation, improvement and repair of existing buildings, structures and facilities to be or now being used in connection with the operations, functions, and activities of Health Care for the Homeless; and to equip all facilities authorized to be constructed, renovated, altered or improved by the provisions hereof; the payment of any and all costs and expenses incurred for or in connection with doing any or all of the things herein mentioned, including, but not limited to, the costs and expenses of securing administrative, appraisal, economic analysis, engineering, planning, designing, architectural, surveying, and other professional services; and for doing any and all things necessary, proper or expedient in connection with or pertaining to any or all of the matters or things hereinbefore mentioned; authorizing the issuance of refunding bonds; conferring and imposing upon the Board of Finance of Baltimore City certain powers and duties; authorizing the submission of this Ordinance to the legal voters of the City of Baltimore, for their approval or disapproval, at the election to be held in Baltimore City on Tuesday, the 2nd day of November, 2004; and providing for the expenditure of the proceeds of sale of said certificates of indebtedness in accordance with the provisions of the Charter of the Mayor and City Council of Baltimore, and by the municipal agency designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

WHEREAS, By Resolution V of 2004, approved by the members of the General Assembly of Maryland representing Baltimore City, the Mayor and City Council of Baltimore is authorized to create a debt and to

issue and sell its certificates of indebtedness (hereinafter called "bonds") as evidence thereof, in an aggregate principal amount not exceeding \$1,300,000 in the manner and upon the terms set forth in the bonds, not exceeding the par value of the bonds, to be used in connection with the operations, functions, and activities of Health Care for Homeless as authorized by said Resolution; and

WHEREAS, Funds are now needed for said purposes; now, therefore,

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council of Baltimore, acting by and through the Board of Finance of said municipality, be and it is hereby authorized and empowered to issue bonds of the Mayor and City Council of Baltimore in an aggregate principal amount not exceeding \$1,300,000, from time to time, as may be needed or required for the purposes hereinafter named and said bonds shall be sold by the Board of Finance from time to time and at such times as shall be requisite, and the proceeds derived from the sale of said bonds shall be used for the purposes hereinafter named, provided that this Ordinance shall not become effective unless it shall be approved by a majority of the votes of the legal voters of Baltimore City cast at the time and place hereinafter designated by this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That:

(a) The bonds shall be issued in denominations of not less than \$500 each, but may be in sums of \$500, or any suitable multiple thereof.

(b) The bonds authorized to be issued and sold under the provisions of this Ordinance may be issued to mature on such dates and in such amounts as the Board of Finance may determine; provided that the entire principal amount represented thereby shall be discharged not more than 40 years from the date of issuance of the bonds.

(c) The bonds, when issued, shall bear interest at such rate or rates as may be determined by the Board of Finance, which rate or rates may be fixed or variable or as determined by a method approved by the Board of Finance, and such interest shall be payable at such time or times as may be determined by the Board of Finance.

SECTION 3. AND BE IT FURTHER ORDAINED, That a majority of the Board of Finance of the Mayor and City Council of Baltimore be, and they are hereby, authorized to pass a resolution or resolutions, from time to time, to determine and set forth any or all of the following:

(a) The amount of debt to be incurred by the Mayor and City Council of Baltimore at any particular time, and from time to time, under and pursuant to the provisions of this Ordinance; the date or dates when any bonds representing said debt, or any part thereof, are to mature, and the amount or amounts of said debt, or any part thereof, which shall mature upon the aforesaid date or dates; and the date or dates in each year, during the entire period of time when any of said bonds are outstanding, when interest on any of said bonds shall be payable;

(b) The form or forms of the bonds representing the debt, or any part thereof, authorized to be issued under the provisions of this Ordinance at any particular time; and

(c) If the bonds are to be sold at public sale, the time, place, manner and medium of advertisement of the readiness of the Board of Finance, acting for and on behalf of the Mayor and City Council of Baltimore, to receive bids for the purchase of the bonds authorized to be issued hereunder or any part thereof; the form, terms and conditions of such bids; the time, place and manner of awarding bonds so bid for, including the right whenever any of the bonds authorized by this Ordinance are offered for sale and sold at the same time as other bonds of the City, to establish the conditions for bids and awards and to award all of the bonds on an all or none basis; and the time, place, terms and manner of settlement for the bonds so bid for.

SECTION 4. AND BE IT FURTHER ORDAINED, That:

(a) All premiums resulting from the sale of any of the bonds issued and sold pursuant to the provisions of this Ordinance shall be applied first to defray the cost of issuance thereof and the balance, if any, shall be applied to the payment of interest on any of said bonds becoming due and payable during the fiscal year in which said bonds are issued and sold or during the next succeeding fiscal year.

(b) The debt authorized by the provisions of this Ordinance, and the bonds issued and sold pursuant thereto and their transfer, and the principal and interest payable thereon (including any profit made in the sale thereof), shall be and remain exempt from any and all State, county and municipal taxation in the State of Maryland.

(c) All bonds issued and sold pursuant to the provisions of this Ordinance may be sold at public sale by the solicitation of competitive bids or at private (negotiated) sale without advertisement or solicitation of competitive bids, for a price or prices which may be at, above or below par value of the bonds, as determined by resolution of the Board of Finance of the Mayor and City Council of Baltimore. If the Board of Finance determines to sell the bonds at public sale, the bonds shall be sold to the highest responsible bidder or bidders therefor after due notice of such sale, but the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, shall have the right to reject any or all bids therefor for any reason.

SECTION 5. AND BE IT FURTHER ORDAINED, That until all of the interest on and principal of any bonds issued pursuant to the provisions of this Ordinance have been paid in full, the Mayor and City Council of Baltimore shall levy and impose an annual tax on each \$100 of assessable property in the City of Baltimore at a rate sufficient to produce revenue to pay all interest on and principal of all bonds theretofore issued and outstanding or authorized to be issued and outstanding, payable in the next succeeding year.

SECTION 6. AND BE IT FURTHER ORDAINED, That this Ordinance shall be submitted to the legal voters of the City of Baltimore, for their approval or disapproval, at the election to be held in Baltimore City, on Tuesday, the 2nd day of November, 2004.

SECTION 7. AND BE IT FURTHER ORDAINED, That prior to the date of the election hereinbefore mentioned, notice shall be given to the public of the amount of money which the Mayor and City Council of Baltimore is authorized to borrow, and the general purposes for which such borrowed funds may be expended, under the terms and provisions of this Ordinance, and the time when the election hereinbefore mentioned is to be held; and such public notice shall be given in such manner and by such means or through such media and at such time or times as may be determined, from time to time, by a majority of the Board of Finance.

SECTION 8. AND BE IT FURTHER ORDAINED, That the actual cash proceeds derived from the sale of the bonds authorized to be issued under the provisions of this Ordinance shall be used exclusively for the following purposes, to wit:

(a) So much thereof as may be necessary, in addition to the premium realized from the sale, if any, for the cost of issuance, including the expense of engraving, printing, advertising, attorneys' fees, and all other incidental expenses connected therewith (which may include the proportion of the compensation of employees and general administrative expenses of the Department of Finance reasonably allocated to the issuance of the bonds); and

(b) The remainder of such proceeds shall be used for the acquisition, by purchase, condemnation or any other legal means, of land or property, or any rights therein, in the City of Baltimore, and for constructing and erecting, on said land or property or on any land or property, new buildings, structures and other auxiliary facilities and for the renovation, alteration, construction, reconstruction, installation, improvement and repair of existing buildings, structures and facilities to be or now being used for or in connection with the operations, functions and activities of Health Care for the Homeless; and to equip all buildings authorized to be constructed, renovated, altered or improved under the provisions hereof; the payment of any and all costs and expenses incurred for or in connection with doing any or all of the things herein mentioned, including, but not limited to, the costs and expenses of securing administrative, appraisal, economic analysis, engineering,

planning, designing, architectural, surveying, and other professional services; and for doing any and all things necessary, proper or expedient in connection with or pertaining to any or all of the matters or things hereinbefore mentioned.

SECTION 9. AND BE IT FURTHER ORDAINED, That:

(a) The Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, is hereby authorized and empowered to issue its bonds for the purpose of refunding any bonds authorized to be issued under the provisions of this Ordinance by payment at maturity or the purchase or redemption of bonds in advance of maturity. The validity of any refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the bonds being refunded. Such refunding bonds may be issued by the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, for the purpose of providing it with funds to pay any of its outstanding bonds authorized to be issued under the provisions of this Ordinance at maturity, to purchase in the open market any of its outstanding bonds authorized to be issued under the provisions of this Ordinance prior to their maturity, to redeem prior to their maturity any outstanding bonds which are, by their terms, redeemable, to pay interest on any outstanding bonds prior to their payment at maturity or purchase or redemption in advance of maturity, or to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds authorized to be issued under the provisions of this Ordinance.

(b) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued for the public purpose of:

(1) Realizing savings to Baltimore City in the aggregate cost of debt service on either a direct comparison or present value basis; or

(2) Debt restructuring that:

(i) In the aggregate effects such a reduction in the cost of debt service; or

(ii) Is determined by the Board of Finance of the Mayor and City Council of Baltimore to be in the best interests of Baltimore City, to be consistent with Baltimore City's long-term financial plan, and to realize a financial objective of Baltimore City including, improving the relationship of debt service to a source of payment such as taxes, assessments, or other charges.

(c) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued in whatever principal amount shall be required to achieve the purpose for the issuance of the refunding bonds, which amount may be in excess of the principal amount of the bonds refunded or the maximum principal amount of bonds authorized to be issued under Section 1 of this Ordinance.

(d) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued to mature on such dates and in such amounts as the Board of Finance may determine; provided that the entire principal amount represented by the refunding bonds shall be discharged not more than 40 years from the date of issuance of the bonds being refunded.

(e) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be sold at public sale by the solicitation of competitive bids or at private (negotiated) sale without advertisement or solicitation of competitive bids, for a price or prices which may be at, above or below the par value of the refunding bonds, as determined by resolution of the Board of Finance of the Mayor and City Council of Baltimore. If the Board of Finance determines to sell the refunding bonds at public sale, the refunding bonds shall be sold to the highest responsible bidder or bidders therefor after due notice of such sale, but the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, shall have the right to reject any or all bids therefor for any reason.

(f) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance shall bear interest at such rate or rates as may be determined by the Board of Finance of the Mayor and City Council of Baltimore, which rate or rates may be fixed or variable or as determined by a method approved by the Board of Finance, and such interest shall be payable at such time or times as may be determined by the Board of Finance.

(g) The proceeds of the sale of any refunding bonds authorized to be issued and sold under the provisions of this Ordinance, after the payment of issuance costs relating thereto, shall be set aside by the Mayor and City Council of Baltimore as a separate trust fund to be used solely for the purposes stated in this Section 9.

(h) Except as otherwise provided in this Section 9, the powers granted in, the limitations and obligations imposed by, and the procedures specified in this Ordinance with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds.

(i) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance shall not be subject to any debt policy limitation that may from time to time be established by the Mayor and City Council of Baltimore.

SECTION 10. AND BE IT FURTHER ORDAINED, That the expenditure of the proceeds derived from the sale of the bonds authorized to be issued under the provisions of this Ordinance shall be in accordance with the provisions of the Charter of the Mayor and City Council of Baltimore, and by the municipal agency designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-717
(Council Bill 04-1322)**

AN ORDINANCE CONCERNING

Bond Issue — Maryland Science Center Loan — \$700,000

FOR the purpose of authorizing the Mayor and City Council of Baltimore (pursuant to Resolution VII of 2004 approved by the members of the General Assembly of Maryland representing Baltimore City) to issue and sell its certificates of indebtedness in an aggregate principal amount not exceeding \$700,000, the proceeds derived from the sale thereof to be used for the cost of issuance, including the expense of engraving, printing, advertising, attorneys' fees, and all other incidental expenses connected therewith, and the remainder of such proceeds to be used for the acquisition, by purchase, condemnation, or any other legal means, of land or property, or any rights therein, in the City of Baltimore, and for constructing and erecting, on said land or property, or on any land or property, new buildings, structures and other auxiliary facilities, and for the renovation, alternation, construction, reconstruction, installation, improvement and repair of existing buildings, structures and facilities to be or now being used in connection with the operations, functions, and activities of the Maryland Science Center; and to equip all facilities authorized to be constructed, renovated, altered or improved by the provisions hereof; the payment of any and all costs and expenses incurred for or in connection with doing any or all of the things herein mentioned, including, but not limited to, the costs and expenses of securing administrative, appraisal, economic analysis, engineering, planning, designing, architectural, surveying, and other professional services; and for doing any and all things necessary, proper or expedient in connection with or pertaining to any or all

of the matters or things hereinbefore mentioned; authorizing the issuance of refunding bonds; conferring and imposing upon the Board of Finance of Baltimore City certain powers and duties; authorizing the submission of this Ordinance to the legal voters of the City of Baltimore, for their approval or disapproval, at the General Election to be held in Baltimore City on Tuesday, the 2nd day of November, ~~2002~~ 2004; and providing for the expenditure of the proceeds of sale of said certificates of indebtedness in accordance with the provisions of the Charter of the Mayor and City Council of Baltimore, and by the municipal agency designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

WHEREAS, By Resolution VII of 2004, approved by the members of the General Assembly of Maryland representing Baltimore City, the Mayor and City Council of Baltimore is authorized to create a debt and to issue and sell its certificates of indebtedness (hereinafter called "bonds") as evidence thereof, in an aggregate principal amount not exceeding \$700,000 in the manner and upon the terms set forth in the bonds, not exceeding the par value of the bonds, to be used in connection with the operations, functions, and activities of the Maryland Science Center as authorized by said Resolution; and

WHEREAS, Funds are now needed for said purposes; now, therefore,

SECTION. 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council of Baltimore, acting by and through the Board of Finance of said municipality, be and it is hereby authorized and empowered to issue bonds of the Mayor and City Council of Baltimore in an aggregate principal amount not exceeding \$700,000, from time to time, as may be needed or required for the purposes hereinafter named and said bonds shall be sold by the Board of Finance from time to time and at such times as shall be requisite, and the proceeds derived from the sale of said bonds shall be used for the purposes hereinafter named, provided that this Ordinance shall not become effective unless it shall be approved by a majority of the votes of the legal voters of Baltimore City cast at the time and place hereinafter designated by this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That:

(a) The bonds shall be issued in denominations of not less than \$500 each, but may be in sums of \$500, or any suitable multiple thereof.

(b) The bonds authorized to be issued and sold under the provisions of this Ordinance may be issued to mature on such dates and in such amounts as the Board of Finance may determine; provided that the entire principal amount represented thereby shall be discharged not more than 40 years from the date of issuance of the bonds.

(c) The bonds, when issued, shall bear interest at such rate or rates as may be determined by the Board of Finance, which rate or rates may be fixed or variable or as determined by a method approved by the Board of Finance, and such interest shall be payable at such time or times as may be determined by the Board of Finance.

SECTION 3. AND BE IT FURTHER ORDAINED, That a majority of the Board of Finance of the Mayor and City Council of Baltimore be, and they are hereby, authorized to pass a resolution or resolutions, from time to time, to determine and set forth any or all of the following:

(a) The amount of debt to be incurred by the Mayor and City Council of Baltimore at any particular time, and from time to time, under and pursuant to the provisions of this Ordinance; the date or dates when any bonds representing said debt, or any part thereof, are to mature, and the amount or amounts of said debt, or any part thereof, which shall mature upon the aforesaid date or dates; and the date or dates in each year, during the entire period of time when any of said bonds are outstanding, when interest on any of said bonds shall be payable;

(b) The form or forms of the bonds representing the debt, or any part thereof, authorized to be issued under the provisions of this Ordinance at any particular time; and

(c) If the bonds are to be sold at public sale, the time, place, manner and medium of advertisement of the readiness of the Board of Finance, acting for and on behalf of the Mayor and City Council of Baltimore, to receive bids for the purchase of the bonds authorized to be issued hereunder or any part thereof; the form, terms and conditions of such bids; the time, place and manner of awarding bonds so bid for, including the right whenever any of the bonds authorized by this Ordinance are offered for sale and sold at the same time as other bonds of the City, to establish the conditions for bids and awards and to award all of the bonds on an all or none basis; and the time, place, terms and manner of settlement for the bonds so bid for.

SECTION 4. AND BE IT FURTHER ORDAINED, That:

(a) All premiums resulting from the sale of any of the bonds issued and sold pursuant to the provisions of this Ordinance shall be applied first to defray the cost of issuance thereof and the balance, if any, shall be applied to the payment of interest on any of said bonds becoming due and payable during the fiscal year in which said bonds are issued and sold or during the next succeeding fiscal year.

(b) The debt authorized by the provisions of this Ordinance, and the bonds issued and sold pursuant thereto and their transfer, and the principal and interest payable thereon (including any profit made in the sale thereof), shall be and remain exempt from any and all State, county and municipal taxation in the State of Maryland.

(c) All bonds issued and sold pursuant to the provisions of this Ordinance may be sold at public sale by the solicitation of competitive bids or at private (negotiated) sale without advertisement or solicitation of competitive bids, for a price or prices which may be at, above or below par value of the bonds, as determined by resolution of the Board of Finance of the Mayor and City Council of Baltimore. If the Board of Finance determines to sell the bonds at public sale, the bonds shall be sold to the highest responsible bidder or bidders therefor after due notice of such sale, but the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, shall have the right to reject any or all bids therefor for any reason.

SECTION 5. AND BE IT FURTHER ORDAINED, That until all of the interest on and principal of any bonds issued pursuant to the provisions of this Ordinance have been paid in full, the Mayor and City Council of Baltimore shall levy and impose an annual tax on each \$100 of assessable property in the City of Baltimore at a rate sufficient to produce revenue to pay all interest on and principal of all bonds theretofore issued and outstanding or authorized to be issued and outstanding, payable in the next succeeding year.

SECTION 6. AND BE IT FURTHER ORDAINED, That this Ordinance shall be submitted to the legal voters of the City of Baltimore, for their approval or disapproval, at the Municipal Election to be held in Baltimore City, on Tuesday, the 2nd day of November, 2004.

SECTION 7. AND BE IT FURTHER ORDAINED, That prior to the date of the election hereinbefore mentioned, notice shall be given to the public of the amount of money which the Mayor and City Council of Baltimore is authorized to borrow, and the general purposes for which such borrowed funds may be expended, under the terms and provisions of this Ordinance, and the time when the election hereinbefore mentioned is to be held; and such public notice shall be given in such manner and by such means or through such media and at such time or times as may be determined, from time to time, by a majority of the Board of Finance.

SECTION 8. AND BE IT FURTHER ORDAINED, That the actual cash proceeds derived from the sale of the bonds authorized to be issued under the provisions of this Ordinance shall be used exclusively for the following purposes, to wit:

(a) So much thereof as may be necessary, in addition to the premium realized from the sale, if any, for the cost of issuance, including the expense of engraving, printing, advertising, attorneys' fees, and all other

incidental expenses connected therewith (which may include the proportion of the compensation of employees and general administrative expenses of the Department of Finance reasonably allocated to the issuance of the bonds); and

(b) The remainder of such proceeds shall be used for the acquisition, by purchase, condemnation or any other legal means, of land or property, or any rights therein, in the City of Baltimore, and for constructing and erecting, on said land or property or on any land or property, new buildings, structures and other auxiliary facilities and for the renovation, alteration, construction, reconstruction, installation, improvement and repair of existing buildings, structures and facilities to be or now being used for or in connection with the operations, functions and activities of the Maryland Science Center; and to equip all buildings authorized to be constructed, renovated, altered or improved under the provisions hereof; the payment of any and all costs and expenses incurred for or in connection with doing any or all of the things herein mentioned, including, but not limited to, the costs and expenses of securing administrative, appraisal, economic analysis, engineering, planning, designing, architectural, surveying, and other professional services; and for doing any and all things necessary, proper or expedient in connection with or pertaining to any or all of the matters or things hereinbefore mentioned.

SECTION 9. AND BE IT FURTHER ORDAINED, That:

(a) The Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, is hereby authorized and empowered to issue its bonds for the purpose of refunding any bonds authorized to be issued under the provisions of this Ordinance by payment at maturity or the purchase or redemption of bonds in advance of maturity. The validity of any refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the bonds being refunded. Such refunding bonds may be issued by the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, for the purpose of providing it with funds to pay any of its outstanding bonds authorized to be issued under the provisions of this Ordinance at maturity, to purchase in the open market any of its outstanding bonds authorized to be issued under the provisions of this Ordinance prior to their maturity, to redeem prior to their maturity any outstanding bonds which are, by their terms, redeemable, to pay interest on any outstanding bonds prior to their payment at maturity or purchase or redemption in advance of maturity, or to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds authorized to be issued under the provisions of this Ordinance.

(b) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued for the public purpose of:

(1) Realizing savings to Baltimore City in the aggregate cost of debt service on either a direct comparison or present value basis; or

(2) Debt restructuring that:

(i) In the aggregate effects such a reduction in the cost of debt service; or

(ii) Is determined by the Board of Finance of the Mayor and City Council of Baltimore to be in the best interests of Baltimore City, to be consistent with Baltimore City's long-term financial plan, and to realize a financial objective of Baltimore City including, improving the relationship of debt service to a source of payment such as taxes, assessments, or other charges.

(c) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued in whatever principal amount shall be required to achieve the purpose for the issuance of the refunding bonds, which amount may be in excess of the principal amount of the bonds refunded or the maximum principal amount of bonds authorized to be issued under Section 1 of this Ordinance.

(d) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued to mature on such dates and in such amounts as the Board of Finance may determine; provided that

the entire principal amount represented by the refunding bonds shall be discharged not more than 40 years from the date of issuance of the bonds being refunded.

(e) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be sold at public sale by the solicitation of competitive bids or at private (negotiated) sale without advertisement or solicitation of competitive bids, for a price or prices which may be at, above or below the par value of the refunding bonds, as determined by resolution of the Board of Finance of the Mayor and City Council of Baltimore. If the Board of Finance determines to sell the refunding bonds at public sale, the refunding bonds shall be sold to the highest responsible bidder or bidders therefor after due notice of such sale, but the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, shall have the right to reject any or all bids therefor for any reason.

(f) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance shall bear interest at such rate or rates as may be determined by the Board of Finance of the Mayor and City Council of Baltimore, which rate or rates may be fixed or variable or as determined by a method approved by the Board of Finance, and such interest shall be payable at such time or times as may be determined by the Board of Finance.

(g) The proceeds of the sale of any refunding bonds authorized to be issued and sold under the provisions of this Ordinance, after the payment of issuance costs relating thereto, shall be set aside by the Mayor and City Council of Baltimore as a separate trust fund to be used solely for the purposes stated in this Section 9.

(h) Except as otherwise provided in this Section 9, the powers granted in, the limitations and obligations imposed by, and the procedures specified in this Ordinance with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds.

(i) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance shall not be subject to any debt policy limitation that may from time to time be established by the Mayor and City Council of Baltimore.

SECTION 10. AND BE IT FURTHER ORDAINED, That the expenditure of the proceeds derived from the sale of the bonds authorized to be issued under the provisions of this Ordinance shall be in accordance with the provisions of the Charter of the Mayor and City Council of Baltimore, and by the municipal agency designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-718
(Council Bill 04-1323)**

AN ORDINANCE CONCERNING

Bond Issue — National Aquarium in Baltimore — \$1,500,000

FOR the purpose of authorizing the Mayor and City Council of Baltimore (pursuant to Resolution VIII of 2004 approved by the members of the General Assembly of Maryland representing Baltimore City) to issue and sell its certificates of indebtedness in an aggregate principal amount not exceeding \$1,500,000, the proceeds derived from the sale thereof to be used for the cost of issuance, including the expense of

engraving, printing, advertising, attorneys' fees, and all other incidental expenses connected therewith, and the remainder of such proceeds to be used for the acquisition, by purchase, condemnation, or any other legal means, of land or property, or any rights therein, in the City of Baltimore, and for constructing and erecting, on said land or property, or on any land or property, new buildings, structures and other auxiliary facilities, and for the renovation, alternation, construction, reconstruction, installation, improvement and repair of existing buildings, structures and facilities to be or now being used in connection with the operations, functions, and activities of the National Aquarium in Baltimore; and to equip all facilities authorized to be constructed, renovated, altered or improved by the provisions hereof; the payment of any and all costs and expenses incurred for or in connection with doing any or all of the things herein mentioned, including, but not limited to, the costs and expenses of securing administrative, appraisal, economic analysis, engineering, planning, designing, architectural, surveying, and other professional services; and for doing any and all things necessary, proper or expedient in connection with or pertaining to any or all of the matters or things hereinbefore mentioned; authorizing the issuance of refunding bonds; conferring and imposing upon the Board of Finance of Baltimore City certain powers and duties; authorizing the submission of this Ordinance to the legal voters of the City of Baltimore, for their approval or disapproval, at the General Election to be held in Baltimore City on Tuesday, the 2nd day of November, 2004; and providing for the expenditure of the proceeds of sale of said certificates of indebtedness in accordance with the provisions of the Charter of the Mayor and City Council of Baltimore, and by the municipal agency designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

WHEREAS, By Resolution VIII of 2004, approved by the members of the General Assembly of Maryland representing Baltimore City, the Mayor and City Council of Baltimore is authorized to create a debt and to issue and sell its certificates of indebtedness (hereinafter called "bonds") as evidence thereof, in an aggregate principal amount not exceeding \$1,500,000 in the manner and upon the terms set forth in the bonds, not exceeding the par value of the bonds, to be used in connection with the operations, functions, and activities of the National Aquarium in Baltimore as authorized by said Resolution; and

WHEREAS, Funds are now needed for said purposes; now, therefore,

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council of Baltimore, acting by and through the Board of Finance of said municipality, be and it is hereby authorized and empowered to issue bonds of the Mayor and City Council of Baltimore in an aggregate principal amount not exceeding \$1,500,000, from time to time, as may be needed or required for the purposes hereinafter named and said bonds shall be sold by the Board of Finance from time to time and at such times as shall be requisite, and the proceeds derived from the sale of said bonds shall be used for the purposes hereinafter named, provided that this Ordinance shall not become effective unless it shall be approved by a majority of the votes of the legal voters of Baltimore City cast at the time and place hereinafter designated by this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That:

(a) The bonds shall be issued in denominations of not less than \$500 each, but may be in sums of \$500, or any suitable multiple thereof.

(b) The bonds authorized to be issued and sold under the provisions of this Ordinance may be issued to mature on such dates and in such amounts as the Board of Finance may determine; provided that the entire principal amount represented thereby shall be discharged not more than 40 years from the date of issuance of the bonds.

(c) The bonds, when issued, shall bear interest at such rate or rates as may be determined by the Board of Finance, which rate or rates may be fixed or variable or as determined by a method approved by the Board of Finance, and such interest shall be payable at such time or times as may be determined by the Board of Finance.

SECTION 3. AND BE IT FURTHER ORDAINED, That a majority of the Board of Finance of the Mayor and City Council of Baltimore be, and they are hereby, authorized to pass a resolution or resolutions, from time to time, to determine and set forth any or all of the following:

(a) The amount of debt to be incurred by the Mayor and City Council of Baltimore at any particular time, and from time to time, under and pursuant to the provisions of this Ordinance; the date or dates when any bonds representing said debt, or any part thereof, are to mature, and the amount or amounts of said debt, or any part thereof, which shall mature upon the aforesaid date or dates; and the date or dates in each year, during the entire period of time when any of said bonds are outstanding, when interest on any of said bonds shall be payable;

(b) The form or forms of the bonds representing the debt, or any part thereof, authorized to be issued under the provisions of this Ordinance at any particular time; and

(c) If the bonds are to be sold at public sale, the time, place, manner and medium of advertisement of the readiness of the Board of Finance, acting for and on behalf of the Mayor and City Council of Baltimore, to receive bids for the purchase of the bonds authorized to be issued hereunder or any part thereof; the form, terms and conditions of such bids; the time, place and manner of awarding bonds so bid for, including the right whenever any of the bonds authorized by this Ordinance are offered for sale and sold at the same time as other bonds of the City, to establish the conditions for bids and awards and to award all of the bonds on an all or none basis; and the time, place, terms and manner of settlement for the bonds so bid for.

SECTION 4. AND BE IT FURTHER ORDAINED, That:

(a) All premiums resulting from the sale of any of the bonds issued and sold pursuant to the provisions of this Ordinance shall be applied first to defray the cost of issuance thereof and the balance, if any, shall be applied to the payment of interest on any of said bonds becoming due and payable during the fiscal year in which said bonds are issued and sold or during the next succeeding fiscal year.

(b) The debt authorized by the provisions of this Ordinance, and the bonds issued and sold pursuant thereto and their transfer, and the principal and interest payable thereon (including any profit made in the sale thereof), shall be and remain exempt from any and all State, county and municipal taxation in the State of Maryland.

(c) All bonds issued and sold pursuant to the provisions of this Ordinance may be sold at public sale by the solicitation of competitive bids or at private (negotiated) sale without advertisement or solicitation of competitive bids, for a price or prices which may be at, above or below par value of the bonds, as determined by resolution of the Board of Finance of the Mayor and City Council of Baltimore. If the Board of Finance determines to sell the bonds at public sale, the bonds shall be sold to the highest responsible bidder or bidders therefor after due notice of such sale, but the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, shall have the right to reject any or all bids therefor for any reason.

SECTION 5. AND BE IT FURTHER ORDAINED, That until all of the interest on and principal of any bonds issued pursuant to the provisions of this Ordinance have been paid in full, the Mayor and City Council of Baltimore shall levy and impose an annual tax on each \$100 of assessable property in the City of Baltimore at a rate sufficient to produce revenue to pay all interest on and principal of all bonds theretofore issued and outstanding or authorized to be issued and outstanding, payable in the next succeeding year.

SECTION 6. AND BE IT FURTHER ORDAINED, That this Ordinance shall be submitted to the legal voters of the City of Baltimore, for their approval or disapproval, at the General Election to be held in Baltimore City, on Tuesday, the 2nd day of November, 2004.

SECTION 7. AND BE IT FURTHER ORDAINED, That prior to the date of the election hereinbefore mentioned, notice shall be given to the public of the amount of money which the Mayor and City Council of

Baltimore is authorized to borrow, and the general purposes for which such borrowed funds may be expended, under the terms and provisions of this Ordinance, and the time when the election hereinbefore mentioned is to be held; and such public notice shall be given in such manner and by such means or through such media and at such time or times as may be determined, from time to time, by a majority of the Board of Finance.

SECTION 8. AND BE IT FURTHER ORDAINED, That the actual cash proceeds derived from the sale of the bonds authorized to be issued under the provisions of this Ordinance shall be used exclusively for the following purposes, to wit:

(a) So much thereof as may be necessary, in addition to the premium realized from the sale, if any, for the cost of issuance, including the expense of engraving, printing, advertising, attorneys' fees, and all other incidental expenses connected therewith (which may include the proportion of the compensation of employees and general administrative expenses of the Department of Finance reasonably allocated to the issuance of the bonds); and

(b) The remainder of such proceeds shall be used for the acquisition, by purchase, condemnation or any other legal means, of land or property, or any rights therein, in the City of Baltimore, and for constructing and erecting, on said land or property or on any land or property, new buildings, structures and other auxiliary facilities and for the renovation, alteration, construction, reconstruction, installation, improvement and repair of existing buildings, structures and facilities to be or now being used for or in connection with the operations, functions and activities of the National Aquarium in Baltimore; and to equip all buildings authorized to be constructed, renovated, altered or improved under the provisions hereof; the payment of any and all costs and expenses incurred for or in connection with doing any or all of the things herein mentioned, including, but not limited to, the costs and expenses of securing administrative, appraisal, economic analysis, engineering, planning, designing, architectural, surveying, and other professional services; and for doing any and all things necessary, proper or expedient in connection with or pertaining to any or all of the matters or things hereinbefore mentioned.

SECTION 9. AND BE IT FURTHER ORDAINED, That:

(a) The Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, is hereby authorized and empowered to issue its bonds for the purpose of refunding any bonds authorized to be issued under the provisions of this Ordinance by payment at maturity or the purchase or redemption of bonds in advance of maturity. The validity of any refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the bonds being refunded. Such refunding bonds may be issued by the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, for the purpose of providing it with funds to pay any of its outstanding bonds authorized to be issued under the provisions of this Ordinance at maturity, to purchase in the open market any of its outstanding bonds authorized to be issued under the provisions of this Ordinance prior to their maturity, to redeem prior to their maturity any outstanding bonds which are, by their terms, redeemable, to pay interest on any outstanding bonds prior to their payment at maturity or purchase or redemption in advance of maturity, or to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds authorized to be issued under the provisions of this Ordinance.

(b) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued for the public purpose of:

(1) Realizing savings to Baltimore City in the aggregate cost of debt service on either a direct comparison or present value basis; or

(2) Debt restructuring that:

(i) In the aggregate effects such a reduction in the cost of debt service; or

(ii) Is determined by the Board of Finance of the Mayor and City Council of Baltimore to be in the best interests of Baltimore City, to be consistent with Baltimore City's long-term financial plan, and to realize a financial objective of Baltimore City including, improving the relationship of debt service to a source of payment such as taxes, assessments, or other charges.

(c) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued in whatever principal amount shall be required to achieve the purpose for the issuance of the refunding bonds, which amount may be in excess of the principal amount of the bonds refunded or the maximum principal amount of bonds authorized to be issued under Section 1 of this Ordinance.

(d) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued to mature on such dates and in such amounts as the Board of Finance may determine; provided that the entire principal amount represented by the refunding bonds shall be discharged not more than 40 years from the date of issuance of the bonds being refunded.

(e) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be sold at public sale by the solicitation of competitive bids or at private (negotiated) sale without advertisement or solicitation of competitive bids, for a price or prices which may be at, above or below the par value of the refunding bonds, as determined by resolution of the Board of Finance of the Mayor and City Council of Baltimore. If the Board of Finance determines to sell the refunding bonds at public sale, the refunding bonds shall be sold to the highest responsible bidder or bidders therefor after due notice of such sale, but the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, shall have the right to reject any or all bids therefor for any reason.

(f) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance shall bear interest at such rate or rates as may be determined by the Board of Finance of the Mayor and City Council of Baltimore, which rate or rates may be fixed or variable or as determined by a method approved by the Board of Finance, and such interest shall be payable at such time or times as may be determined by the Board of Finance.

(g) The proceeds of the sale of any refunding bonds authorized to be issued and sold under the provisions of this Ordinance, after the payment of issuance costs relating thereto, shall be set aside by the Mayor and City Council of Baltimore as a separate trust fund to be used solely for the purposes stated in this Section 9.

(h) Except as otherwise provided in this Section 9, the powers granted in, the limitations and obligations imposed by, and the procedures specified in this Ordinance with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds.

(i) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance shall not be subject to any debt policy limitation that may from time to time be established by the Mayor and City Council of Baltimore.

SECTION 10. AND BE IT FURTHER ORDAINED, That the expenditure of the proceeds derived from the sale of the bonds authorized to be issued under the provisions of this Ordinance shall be in accordance with the provisions of the Charter of the Mayor and City Council of Baltimore, and by the municipal agency designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-719
(Council Bill 04-1325)**

AN ORDINANCE CONCERNING

Bond Issue — Recreation and Parks Loan — \$6,945,000

FOR the purpose of authorizing the Mayor and City Council of Baltimore (pursuant to Resolution X of 2004 approved by the members of the General Assembly of Maryland representing Baltimore City) to issue and sell its certificates of indebtedness in an aggregate principal amount not exceeding \$6,945,000, the proceeds derived from the sale thereof to be used for the cost of issuance, including the expense of engraving, printing, advertising, attorneys' fees, and all other incidental expenses connected therewith, and the remainder of such proceeds to be used for the acquisition, construction, reconstruction, installation, erection, protection, extension, enlargement, renovation or modernization of, and additions to, public park or recreational land, property, buildings, structures or facilities; and for the acquisition and installation of equipment for any and all existing facilities or new facilities authorized to be acquired, constructed, reconstructed, erected, protected, extended, enlarged, renovated, modernized, improved or added to by the provisions hereof; the payment of any and all costs and expenses incurred for or in connection with doing any or all of the things herein mentioned, including, but not limited to, the costs and expenses of securing administrative, appraisal, economic analysis, engineering, planning, designing, architectural, surveying, and other professional services; and for doing any and all things necessary, proper or expedient in connection with or pertaining to any or all of the matters or things hereinbefore mentioned; authorizing the issuance of refunding bonds; conferring and imposing upon the Board of Finance of Baltimore City certain powers and duties; authorizing the submission of this Ordinance to the legal voters of the City of Baltimore, for their approval or disapproval, at the General Election to be held in Baltimore City on Tuesday, the 2nd day of November, 2004; and providing for the expenditure of the proceeds of sale of said certificates of indebtedness in accordance with the provisions of the Charter of the Mayor and City Council of Baltimore, and by the municipal agency designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

WHEREAS, By Resolution X of 2004, approved by the members of the General Assembly of Maryland representing Baltimore City, the Mayor and City Council of Baltimore is authorized to create a debt and to issue and sell its certificates of indebtedness (hereinafter called "bonds") as evidence thereof, in an aggregate principal amount not exceeding \$6,945,000 in the manner and upon the terms set forth in the bonds, not exceeding the par value of the bonds, to be used for recreation and parks purposes as authorized by said Resolution; and

WHEREAS, Funds are now needed for said purposes; now, therefore,

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council of Baltimore, acting by and through the Board of Finance of said municipality, be and it is hereby authorized and empowered to issue bonds of the Mayor and City Council of Baltimore in an aggregate principal amount not exceeding \$6,945,000, from time to time, as may be needed or required for the purposes hereinafter named and said bonds shall be sold by the Board of Finance from time to time and at such times as shall be requisite, and the proceeds derived from the sale of said bonds shall be used for the purposes hereinafter named, provided that this Ordinance shall not become effective unless it shall be approved by a majority of the votes of the legal voters of Baltimore City cast at the time and place hereinafter designated by this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That:

(a) The bonds shall be issued in denominations of not less than \$500 each, but may be in sums of \$500, or any suitable multiple thereof.

(b) The bonds authorized to be issued and sold under the provisions of this Ordinance may be issued to mature on such dates and in such amounts as the Board of Finance may determine; provided that the entire principal amount represented thereby shall be discharged not more than 40 years from the date of issuance of the bonds.

(c) The bonds, when issued, shall bear interest at such rate or rates as may be determined by the Board of Finance, which rate or rates may be fixed or variable or as determined by a method approved by the Board of Finance, and such interest shall be payable at such time or times as may be determined by the Board of Finance.

SECTION 3. AND BE IT FURTHER ORDAINED, That a majority of the Board of Finance of the Mayor and City Council of Baltimore be, and they are hereby, authorized to pass a resolution or resolutions, from time to time, to determine and set forth any or all of the following:

(a) The amount of debt to be incurred by the Mayor and City Council of Baltimore at any particular time, and from time to time, under and pursuant to the provisions of this Ordinance; the date or dates when any bonds representing said debt, or any part thereof, are to mature, and the amount or amounts of said debt, or any part thereof, which shall mature upon the aforesaid date or dates; and the date or dates in each year, during the entire period of time when any of said bonds are outstanding, when interest on any of said bonds shall be payable;

(b) The form or forms of the bonds representing the debt, or any part thereof, authorized to be issued under the provisions of this Ordinance at any particular time; and

(c) If the bonds are to be sold at public sale, the time, place, manner and medium of advertisement of the readiness of the Board of Finance, acting for and on behalf of the Mayor and City Council of Baltimore, to receive bids for the purchase of the bonds authorized to be issued hereunder or any part thereof; the form, terms and conditions of such bids; the time, place and manner of awarding bonds so bid for, including the right whenever any of the bonds authorized by this Ordinance are offered for sale and sold at the same time as other bonds of the City, to establish the conditions for bids and awards and to award all of the bonds on an all or none basis; and the time, place, terms and manner of settlement for the bonds so bid for.

SECTION 4. AND BE IT FURTHER ORDAINED, That:

(a) All premiums resulting from the sale of any of the bonds issued and sold pursuant to the provisions of this Ordinance shall be applied first to defray the cost of issuance thereof and the balance, if any, shall be applied to the payment of interest on any of said bonds becoming due and payable during the fiscal year in which said bonds are issued and sold or during the next succeeding fiscal year.

(b) The debt authorized by the provisions of this Ordinance, and the bonds issued and sold pursuant thereto and their transfer, and the principal and interest payable thereon (including any profit made in the sale thereof), shall be and remain exempt from any and all State, county and municipal taxation in the State of Maryland.

(c) All bonds issued and sold pursuant to the provisions of this Ordinance may be sold at public sale by the solicitation of competitive bids or at private (negotiated) sale without advertisement or solicitation of competitive bids, for a price or prices which may be at, above or below par value of the bonds, as determined by resolution of the Board of Finance of the Mayor and City Council of Baltimore. If the Board of Finance determines to sell the bonds at public sale, the bonds shall be sold to the highest responsible bidder or bidders therefor after due notice of such sale, but the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, shall have the right to reject any or all bids therefor for any reason.

SECTION 5. AND BE IT FURTHER ORDAINED, That until all of the interest on and principal of any bonds issued pursuant to the provisions of this Ordinance have been paid in full, the Mayor and City Council of

Baltimore shall levy and impose an annual tax on each \$100 of assessable property in the City of Baltimore at a rate sufficient to produce revenue to pay all interest on and principal of all bonds theretofore issued and outstanding or authorized to be issued and outstanding, payable in the next succeeding year.

SECTION 6. AND BE IT FURTHER ORDAINED, That this Ordinance shall be submitted to the legal voters of the City of Baltimore, for their approval or disapproval, at the General Election to be held in Baltimore City, on Tuesday, the 2nd day of November, 2004.

SECTION 7. AND BE IT FURTHER ORDAINED, That prior to the date of the election hereinbefore mentioned, notice shall be given to the public of the amount of money which the Mayor and City Council of Baltimore is authorized to borrow, and the general purposes for which such borrowed funds may be expended, under the terms and provisions of this Ordinance, and the time when the election hereinbefore mentioned is to be held; and such public notice shall be given in such manner and by such means or through such media and at such time or times as may be determined, from time to time, by a majority of the Board of Finance.

SECTION 8. AND BE IT FURTHER ORDAINED, That the actual cash proceeds derived from the sale of the bonds authorized to be issued under the provisions of this Ordinance shall be used exclusively for the following purposes, to wit:

(a) So much thereof as may be necessary, in addition to the premium realized from the sale, if any, for the cost of issuance, including the expense of engraving, printing, advertising, attorneys' fees, and all other incidental expenses connected therewith (which may include the proportion of the compensation of employees and general administrative expenses of the Department of Finance reasonably allocated to the issuance of the bonds);

(b) The remainder of such proceeds shall be used for the acquisition, construction, reconstruction, installation, erection, protection, extension, enlargement, renovation or modernization of, and additions to, public park or recreational land, property, buildings, structures or facilities; and for the acquisition and installation of equipment for any and all existing facilities or new facilities authorized to be acquired, constructed, reconstructed, erected, extended, enlarged, renovated, modernized, improved or added to by the provisions hereof; the payment of any and all costs and expenses incurred for or in connection with doing any or all of the things herein mentioned, including, but not limited to, the costs and expenses of securing administrative, appraisal, economic analysis, engineering, planning, designing, architectural, surveying, and other professional services; and for doing any and all things necessary, proper or expedient in connection with or pertaining to any or all of the matters or things hereinbefore mentioned.

SECTION 9. AND BE IT FURTHER ORDAINED, That:

(a) The Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, is hereby authorized and empowered to issue its bonds for the purpose of refunding any bonds authorized to be issued under the provisions of this Ordinance by payment at maturity or the purchase or redemption of bonds in advance of maturity. The validity of any refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the bonds being refunded. Such refunding bonds may be issued by the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, for the purpose of providing it with funds to pay any of its outstanding bonds authorized to be issued under the provisions of this Ordinance at maturity, to purchase in the open market any of its outstanding bonds authorized to be issued under the provisions of this Ordinance prior to their maturity, to redeem prior to their maturity any outstanding bonds which are, by their terms, redeemable, to pay interest on any outstanding bonds prior to their payment at maturity or purchase or redemption in advance of maturity, or to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds authorized to be issued under the provisions of this Ordinance.

(b) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued for the public purpose of:

(1) Realizing savings to Baltimore City in the aggregate cost of debt service on either a direct comparison or present value basis; or

(2) Debt restructuring that:

(i) In the aggregate effects such a reduction in the cost of debt service; or

(ii) Is determined by the Board of Finance of the Mayor and City Council of Baltimore to be in the best interests of Baltimore City, to be consistent with Baltimore City's long-term financial plan, and to realize a financial objective of Baltimore City including, improving the relationship of debt service to a source of payment such as taxes, assessments, or other charges.

(c) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued in whatever principal amount shall be required to achieve the purpose for the issuance of the refunding bonds, which amount may be in excess of the principal amount of the bonds refunded or the maximum principal amount of bonds authorized to be issued under Section 1 of this Ordinance.

(d) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued to mature on such dates and in such amounts as the Board of Finance may determine; provided that the entire principal amount represented by the refunding bonds shall be discharged not more than 40 years from the date of issuance of the bonds being refunded.

(e) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be sold at public sale by the solicitation of competitive bids or at private (negotiated) sale without advertisement or solicitation of competitive bids, for a price or prices which may be at, above or below the par value of the refunding bonds, as determined by resolution of the Board of Finance of the Mayor and City Council of Baltimore. If the Board of Finance determines to sell the refunding bonds at public sale, the refunding bonds shall be sold to the highest responsible bidder or bidders therefor after due notice of such sale, but the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, shall have the right to reject any or all bids therefor for any reason.

(f) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance shall bear interest at such rate or rates as may be determined by the Board of Finance of the Mayor and City Council of Baltimore, which rate or rates may be fixed or variable or as determined by a method approved by the Board of Finance, and such interest shall be payable at such time or times as may be determined by the Board of Finance.

(g) The proceeds of the sale of any refunding bonds authorized to be issued and sold under the provisions of this Ordinance, after the payment of issuance costs relating thereto, shall be set aside by the Mayor and City Council of Baltimore as a separate trust fund to be used solely for the purposes stated in this Section 9.

(h) Except as otherwise provided in this Section 9, the powers granted in, the limitations and obligations imposed by, and the procedures specified in this Ordinance with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds.

(i) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance shall not be subject to any debt policy limitation that may from time to time be established by the Mayor and City Council of Baltimore.

SECTION 10. AND BE IT FURTHER ORDAINED, That the expenditure of the proceeds derived from the sale of the bonds authorized to be issued under the provisions of this Ordinance shall be in accordance with the

provisions of the Charter of the Mayor and City Council of Baltimore, and by the municipal agency designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-720
(Council Bill 04-1327)**

AN ORDINANCE CONCERNING

Bond Issue — Walters Art Museum Loan — \$500,000

FOR the purpose of authorizing the Mayor and City Council of Baltimore (pursuant to Resolution XII of 2004 approved by the members of the General Assembly of Maryland representing Baltimore City) to issue and sell its certificates of indebtedness in an aggregate principal amount not exceeding \$500,000, the proceeds derived from the sale thereof to be used for the cost of issuance, including the expense of engraving, printing, advertising, attorneys' fees, and all other incidental expenses connected therewith, and the remainder of such proceeds to be used for the acquisition, by purchase, condemnation, or any other legal means, of land or property, or any rights therein, in the City of Baltimore, and for constructing and erecting, on said land or property, or on any land or property, new buildings, structures and other auxiliary facilities, and for the renovation, alternation, construction, reconstruction, installation, improvement and repair of existing buildings, structures and facilities to be or now being used in connection with the operations, functions, and activities of the Walters Art Museum; and to equip all facilities authorized to be constructed, renovated, altered or improved by the provisions hereof; the payment of any and all costs and expenses incurred for or in connection with doing any or all of the things herein mentioned, including, but not limited to, the costs and expenses of securing administrative, appraisal, economic analysis, engineering, planning, designing, architectural, surveying, and other professional services; and for doing any and all things necessary, proper or expedient in connection with or pertaining to any or all of the matters or things hereinbefore mentioned; authorizing the issuance of refunding bonds; conferring and imposing upon the Board of Finance of Baltimore City certain powers and duties; authorizing the submission of this Ordinance to the legal voters of the City of Baltimore, for their approval or disapproval, at the election to be held in Baltimore City on Tuesday, the 2nd day of November, 2004; and providing for the expenditure of the proceeds of sale of said certificates of indebtedness in accordance with the provisions of the Charter of the Mayor and City Council of Baltimore, and by the municipal agency or other entity designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

WHEREAS, By Resolution XII of 2004, approved by the members of the General Assembly of Maryland representing Baltimore City, the Mayor and City Council of Baltimore is authorized to create a debt and to issue and sell its certificates of indebtedness (hereinafter called "bonds") as evidence thereof, in an aggregate principal amount not exceeding \$500,000 in the manner and upon the terms set forth in the bonds, not exceeding the par value of the bonds, to be used in connection with the operations, functions, and activities of the Walters Art Museum as authorized by said Resolution; and

WHEREAS, Funds are now needed for said purposes; now, therefore,

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council of Baltimore, acting by and through the Board of Finance of said municipality, be and it is

hereby authorized and empowered to issue bonds of the Mayor and City Council of Baltimore in an aggregate principal amount not exceeding \$500,000, from time to time, as may be needed or required for the purposes hereinafter named and said bonds shall be sold by the Board of Finance from time to time and at such times as shall be requisite, and the proceeds derived from the sale of said bonds shall be used for the purposes hereinafter named, provided that this Ordinance shall not become effective unless it shall be approved by a majority of the votes of the legal voters of Baltimore City cast at the time and place hereinafter designated by this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That:

(a) The bonds shall be issued in denominations of not less than \$500 each, but may be in sums of \$500, or any suitable multiple thereof.

(b) The bonds authorized to be issued and sold under the provisions of this Ordinance may be issued to mature on such dates and in such amounts as the Board of Finance may determine; provided that the entire principal amount represented thereby shall be discharged not more than 40 years from the date of issuance of the bonds.

(c) The bonds, when issued, shall bear interest at such rate or rates as may be determined by the Board of Finance, which rate or rates may be fixed or variable or as determined by a method approved by the Board of Finance, and such interest shall be payable at such time or times as may be determined by the Board of Finance.

SECTION 3. AND BE IT FURTHER ORDAINED, That a majority of the Board of Finance of the Mayor and City Council of Baltimore be, and they are hereby, authorized to pass a resolution or resolutions, from time to time, to determine and set forth any or all of the following:

(a) The amount of debt to be incurred by the Mayor and City Council of Baltimore at any particular time, and from time to time, under and pursuant to the provisions of this Ordinance; the date or dates when any bonds representing said debt, or any part thereof, are to mature, and the amount or amounts of said debt, or any part thereof, which shall mature upon the aforesaid date or dates; and the date or dates in each year, during the entire period of time when any of said bonds are outstanding, when interest on any of said bonds shall be payable;

(b) The form or forms of the bonds representing the debt, or any part thereof, authorized to be issued under the provisions of this Ordinance at any particular time; and

(c) If the bonds are to be sold at public sale, the time, place, manner and medium of advertisement of the readiness of the Board of Finance, acting for and on behalf of the Mayor and City Council of Baltimore, to receive bids for the purchase of the bonds authorized to be issued hereunder or any part thereof; the form, terms and conditions of such bids; the time, place and manner of awarding bonds so bid for, including the right whenever any of the bonds authorized by this Ordinance are offered for sale and sold at the same time as other bonds of the City, to establish the conditions for bids and awards and to award all of the bonds on an all or none basis; and the time, place, terms and manner of settlement for the bonds so bid for.

SECTION 4. AND BE IT FURTHER ORDAINED, That:

(a) All premiums resulting from the sale of any of the bonds issued and sold pursuant to the provisions of this Ordinance shall be applied first to defray the cost of issuance thereof and the balance, if any, shall be applied to the payment of interest on any of said bonds becoming due and payable during the fiscal year in which said bonds are issued and sold or during the next succeeding fiscal year.

(b) The debt authorized by the provisions of this Ordinance, and the bonds issued and sold pursuant thereto and their transfer, and the principal and interest payable thereon (including any profit made in the sale

thereof), shall be and remain exempt from any and all State, county and municipal taxation in the State of Maryland.

(c) All bonds issued and sold pursuant to the provisions of this Ordinance may be sold at public sale by the solicitation of competitive bids or at private (negotiated) sale without advertisement or solicitation of competitive bids, for a price or prices which may be at, above or below par value of the bonds, as determined by resolution of the Board of Finance of the Mayor and City Council of Baltimore. If the Board of Finance determines to sell the bonds at public sale, the bonds shall be sold to the highest responsible bidder or bidders therefor after due notice of such sale, but the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, shall have the right to reject any or all bids therefor for any reason.

SECTION 5. AND BE IT FURTHER ORDAINED, That until all of the interest on and principal of any bonds issued pursuant to the provisions of this Ordinance have been paid in full, the Mayor and City Council of Baltimore shall levy and impose an annual tax on each \$100 of assessable property in the City of Baltimore at a rate sufficient to produce revenue to pay all interest on and principal of all bonds theretofore issued and outstanding or authorized to be issued and outstanding, payable in the next succeeding year.

SECTION 6. AND BE IT FURTHER ORDAINED, That this Ordinance shall be submitted to the legal voters of the City of Baltimore, for their approval or disapproval, at the election to be held in Baltimore City, on Tuesday, the 2nd day of November, 2004.

SECTION 7. AND BE IT FURTHER ORDAINED, That prior to the date of the election hereinbefore mentioned, notice shall be given to the public of the amount of money which the Mayor and City Council of Baltimore is authorized to borrow, and the general purposes for which such borrowed funds may be expended, under the terms and provisions of this Ordinance, and the time when the election hereinbefore mentioned is to be held; and such public notice shall be given in such manner and by such means or through such media and at such time or times as may be determined, from time to time, by a majority of the Board of Finance.

SECTION 8. AND BE IT FURTHER ORDAINED, That the actual cash proceeds derived from the sale of the bonds authorized to be issued under the provisions of this Ordinance shall be used exclusively for the following purposes, to wit:

(a) So much thereof as may be necessary, in addition to the premium realized from the sale, if any, for the cost of issuance, including the expense of engraving, printing, advertising, attorneys' fees, and all other incidental expenses connected therewith (which may include the proportion of the compensation of employees and general administrative expenses of the Department of Finance reasonably allocated to the issuance of the bonds); and

(b) The remainder of such proceeds shall be used for the acquisition, by purchase, condemnation or any other legal means, of land or property, or any rights therein, in the City of Baltimore, and for constructing and erecting, on said land or property or on any land or property, new buildings, structures and other auxiliary facilities and for the renovation, alteration, construction, reconstruction, installation, improvement and repair of existing buildings, structures and facilities to be or now being used for or in connection with the operations, functions and activities of the Walters Art Museum; and to equip all buildings authorized to be constructed, renovated, altered or improved under the provisions hereof; the payment of any and all costs and expenses incurred for or in connection with doing any or all of the things herein mentioned, including, but not limited to, the costs and expenses of securing administrative, appraisal, economic analysis, engineering, planning, designing, architectural, surveying, and other professional services; and for doing any and all things necessary, proper or expedient in connection with or pertaining to any or all of the matters or things hereinbefore mentioned.

SECTION 9. AND BE IT FURTHER ORDAINED, That:

(a) The Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, is hereby authorized and empowered to issue its bonds for the purpose of refunding any bonds authorized to be

issued under the provisions of this Ordinance by payment at maturity or the purchase or redemption of bonds in advance of maturity. The validity of any refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the bonds being refunded. Such refunding bonds may be issued by the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, for the purpose of providing it with funds to pay any of its outstanding bonds authorized to be issued under the provisions of this Ordinance at maturity, to purchase in the open market any of its outstanding bonds authorized to be issued under the provisions of this Ordinance prior to their maturity, to redeem prior to their maturity any outstanding bonds which are, by their terms, redeemable, to pay interest on any outstanding bonds prior to their payment at maturity or purchase or redemption in advance of maturity, or to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds authorized to be issued under the provisions of this Ordinance.

(b) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued for the public purpose of:

(1) Realizing savings to Baltimore City in the aggregate cost of debt service on either a direct comparison or present value basis; or

(2) Debt restructuring that:

(i) In the aggregate effects such a reduction in the cost of debt service; or

(ii) Is determined by the Board of Finance of the Mayor and City Council of Baltimore to be in the best interests of Baltimore City, to be consistent with Baltimore City's long-term financial plan, and to realize a financial objective of Baltimore City including, improving the relationship of debt service to a source of payment such as taxes, assessments, or other charges.

(c) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued in whatever principal amount shall be required to achieve the purpose for the issuance of the refunding bonds, which amount may be in excess of the principal amount of the bonds refunded or the maximum principal amount of bonds authorized to be issued under Section 1 of this Ordinance.

(d) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be issued to mature on such dates and in such amounts as the Board of Finance may determine; provided that the entire principal amount represented by the refunding bonds shall be discharged not more than 40 years from the date of issuance of the bonds being refunded.

(e) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance may be sold at public sale by the solicitation of competitive bids or at private (negotiated) sale without advertisement or solicitation of competitive bids, for a price or prices which may be at, above or below the par value of the refunding bonds, as determined by resolution of the Board of Finance of the Mayor and City Council of Baltimore. If the Board of Finance determines to sell the refunding bonds at public sale, the refunding bonds shall be sold to the highest responsible bidder or bidders therefor after due notice of such sale, but the Mayor and City Council of Baltimore, acting by and through the Board of Finance thereof, shall have the right to reject any or all bids therefor for any reason.

(f) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance shall bear interest at such rate or rates as may be determined by the Board of Finance of the Mayor and City Council of Baltimore, which rate or rates may be fixed or variable or as determined by a method approved by the Board of Finance, and such interest shall be payable at such time or times as may be determined by the Board of Finance.

(g) The proceeds of the sale of any refunding bonds authorized to be issued and sold under the provisions of this Ordinance, after the payment of issuance costs relating thereto, shall be set aside by the

Mayor and City Council of Baltimore as a separate trust fund to be used solely for the purposes stated in this Section 9.

(h) Except as otherwise provided in this Section 9, the powers granted in, the limitations and obligations imposed by, and the procedures specified in this Ordinance with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds.

(i) Any refunding bonds authorized to be issued and sold under the provisions of this Ordinance shall not be subject to any debt policy limitation that may from time to time be established by the Mayor and City Council of Baltimore.

SECTION 10. AND BE IT FURTHER ORDAINED, That the expenditure of the proceeds derived from the sale of the bonds authorized to be issued under the provisions of this Ordinance shall be in accordance with the provisions of the Charter of the Mayor and City Council of Baltimore, and by the municipal agency or other entity designated in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-721
(Council Bill 04-1328)**

AN ORDINANCE CONCERNING

**Franchise — Private Ornamental Fence and Gate Enclosing
a Portion of the Albemarle Street Right-of-Way**

FOR the purpose of granting a franchise to TV Realty Associates LLC and Piazza Enterprises LLC to construct, use, and maintain an 8-foot high ornamental steel fence and gate enclosing an approximately 459 square foot portion of the Albemarle Street right-of-way, located to the rear of 801 Eastern Avenue, and beginning at the southwest corner of Albemarle Street and Duker Alley extending southerly along the west side of Albemarle Street, 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

TV Realty Associates LLC and Piazza Enterprises LLC, owners of 801 Eastern Avenue and known as Ristorante Della Notte, have a parking lot located to the rear of the restaurant for use by its patrons and its employees. Access to the parking area is from Albemarle Street and from Eastern Avenue.

TV Realty Associates LLC and Piazza Enterprises LLC wish to construct an 8-foot high ornamental steel fence and gate to enclose the rear parking area, with a portion of the fence to be an 8-foot high wood privacy fence along the south side of Duker Alley. The proposed fencing is for security purposes.

Most of the fencing will be built along the private property line. A portion of the ornamental fencing will extend into a portion of the Albemarle Street right-of-way, paralleling the property line, approximately 2.5 feet west of the 5-foot wide paved sidewalk area.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That a franchise or right is granted to TV Realty Associates LLC and Piazza Enterprises LLC, 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 8-foot high ornamental steel fence and gate, enclosing an approximately 459 square foot portion of the Albemarle Street right-of-way, more particularly described as follows:

All that piece or parcel of land lying, situate and being in Ward 3, Section 6, Block 1439, of Baltimore City, Maryland and beginning for the same at the Southwest corner of Albemarle Street (60’ right-of-way) and Duker Alley (10’ right-of-way), and running thence Southerly along the west side of Albemarle Street (1) South 03 degrees 06 minutes 55 seconds East 119.04 feet; thence leaving said west side of Albemarle Street, and running in the right-of-way of Albemarle Street the 3 following lines viz; (2) North 86 degrees 53 minutes 05 seconds East 4.00 feet; (3) North 03 degrees 06 minutes 55 seconds West 110.32 feet, and (4) North 28 degrees 27 minutes 05 seconds West 9.60 feet to the place of beginning.

Containing approximately 459 square feet in plane, or 0.011 acres, more or less.

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 \$647.19 a year, subject to increase or decrease as provided in Section 5 of this Ordinance. The franchise charge must be paid annually, at least 30 days before the initial and each renewal term of the Franchise.

SECTION 4. AND BE IT FURTHER ORDAINED, That:

(a) The initial term of the Franchise is 1 year, commencing on the effective date of this Ordinance. Unless sooner terminated as provided in this Ordinance, the Franchise will automatically renew, without any action by either the Mayor and City Council of Baltimore or the Grantee, for 24 consecutive 1-year renewal terms. Except as otherwise provided in this Ordinance, each renewal term will be on the same terms and conditions as the initial term. The maximum duration for which the Franchise may operate, including the initial and all renewal terms, is 25 years.

(b) Either the Mayor and City Council of Baltimore, acting by and through the Director of Public Works, or the Grantee may cancel the Franchise as at the end of the initial or any renewal term by giving written notice of cancellation to the other at least 90 days before the end of that term.

SECTION 5. AND BE IT FURTHER ORDAINED, That the Mayor and City Council of Baltimore, acting by and through the Board of Estimates, may increase or decrease the annual franchise charge by giving written notice of the increase or decrease to the Grantee at least 150 days before the end of the original or renewal term immediately preceding the renewal term to which the increase or decrease will first apply. The new franchise charge will apply to all subsequent annual renewal terms, unless again increased or decreased in accordance with this section.

SECTION 6. AND BE IT FURTHER ORDAINED, That the Mayor and City Council of Baltimore expressly reserves the right at all times to exercise, in the interest of the public, full municipal superintendence, regulation, and control over and in respect to all matters connected with the Franchise and not inconsistent with the terms of this Ordinance.

SECTION 7. AND BE IT FURTHER ORDAINED, That the Grantee, at its own cost and expense, shall maintain in good condition and in compliance with all applicable laws and regulations of Baltimore City, all structures for which the Franchise is granted. The maintenance of these structures shall be at all times subject to the regulation and control of the Commissioner of Housing and Community Development and the Director of Public Works. If any structure for which the Franchise is granted must be readjusted, relocated, protected, or supported to accommodate a public improvement, the Grantee shall pay all costs and expenses in connection with the readjustment, relocation, protection, or support.

SECTION 8. AND BE IT FURTHER ORDAINED, That at the option of the Mayor and City Council of Baltimore, acting by and through the Director of Public Works, the Grantee's failure to comply with any term or condition of this Ordinance constitutes a forfeiture of the Franchise. Immediately on written notice to the Grantee of the exercise of this option, the Franchise terminates. Once so terminated, only an ordinance of the Mayor and City Council of Baltimore may waive the forfeiture or otherwise reinstate the Franchise.

SECTION 9. AND BE IT FURTHER ORDAINED, That at any time and without prior notice, the Mayor of Baltimore City may revoke the Franchise if, in the Mayor's judgment, the public interest, welfare, safety, or convenience so requires. Immediately on written notice to the Grantee of the exercise of this right, the Franchise terminates.

SECTION 10. AND BE IT FURTHER ORDAINED, That on cancellation, expiration, forfeiture, revocation, or other termination of the Franchise for any reason, the Grantee shall remove all structures for which the Franchise is granted. The removal of these structures shall be (i) undertaken at the cost and expense of the Grantee, without any compensation from the Mayor and City Council of Baltimore, (ii) made in a manner satisfactory to the Commissioner of Housing and Community Development and the Director of Public Works, and (iii) completed within the time specified in writing by the Director of Public Works.

SECTION 11. AND BE IT FURTHER ORDAINED, That the Grantee is liable for and shall indemnify and save harmless the Mayor and City Council of Baltimore against all suits, losses, costs, claims, damages, or expenses to which the Mayor and City Council of Baltimore is at any time subjected on account of, or in any way resulting from, (i) the presence, construction, use, operation, maintenance, alteration, repair, location, relocation, or removal of any of the structures for which the Franchise is granted, or (ii) any failure of the Grantee, its officers, employees, or agents, to perform promptly and properly any duty or obligation imposed on the Grantee by this Ordinance.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-722
(Council Bill 04-1333)**

AN ORDINANCE CONCERNING

**Franchise — Private Electric and Communications
Ductbank under East Lombard Street**

FOR the purpose of granting a franchise to Cambrex Bio Science Baltimore, Inc., to construct, use, and maintain a private communications ductbank under and across the 5900 block of East Lombard Street, 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

Cambrex Bio Science Baltimore, Inc., owns property located on opposite sides of East Lombard Street.

Cambrex Bio Science Baltimore, Inc. wishes to link data and voice networks through a fiber optic cable connection from its building at 5500 East Lombard Street, to its building at 5901 East Lombard Street.

A portion of the private electric and communications ductbank will be located below the surface of and approximately perpendicular to the 5900 block of East Lombard Street right-of-way. At no point will the ductbank be less than 30 inches below the finished grade of the right-of-way.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That a franchise or right is granted to Cambrex Bio Science Baltimore, 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 private electric and communications ductbank approximately 82 feet long by 3 feet wide by 3.5 feet deep that will connect an existing building on the northwest side of Lombard Street, to the main campus located on the southeast side of East Lombard Street, by crossing beneath the East Lombard Street right-of-way, and more particularly described as follows:

Beginning at a point located at the southeast side of East Lombard Street, variable width right-of-way, 175.65 feet from the beginning of the North 28 degrees 39 minutes 16 seconds East, 240.54 foot line as shown on "Record Plat #5601, #5901 and #6001 East Lombard Street Bayview Avenue Subdivision" which is intended to be recorded among the land records of Baltimore City; thence North 59 degrees 26 minutes 30 seconds West a distance of 82.1 feet; thence running with and binding on the northwest side of said East Lombard Street, in a northeasterly direction a distance of 3 feet; thence leaving said East Lombard Street South 59 degrees 26 minutes 30 seconds East a distance of 82.0 feet; thence running with and binding on the southeast side of said East Lombard Street, in a southwesterly direction a distance of 3 feet to the point of beginning.

Said easement shall be approximately 3 feet wide by 82 feet long and 3.5 feet deep.

Containing a volume of approximately 861 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 \$2910.18 a year, subject to increase or decrease as provided in Section 5 of this Ordinance. The franchise charge must be paid annually, at least 30 days before the initial and each renewal term of the Franchise.

SECTION 4. AND BE IT FURTHER ORDAINED, That:

(a) The initial term of the Franchise is 1 year, commencing on the effective date of this Ordinance. Unless sooner terminated as provided in this Ordinance, the Franchise will automatically renew, without any action by either the Mayor and City Council of Baltimore or the Grantee, for 24 consecutive 1-year renewal terms. Except as otherwise provided in this Ordinance, each renewal term will be on the same terms and conditions

as the initial term. The maximum duration for which the Franchise may operate, including the initial and all renewal terms, is 25 years.

(b) Either the Mayor and City Council of Baltimore, acting by and through the Director of Public Works, or the Grantee may cancel the Franchise as at the end of the initial or any renewal term by giving written notice of cancellation to the other at least 90 days before the end of that term.

SECTION 5. AND BE IT FURTHER ORDAINED, That the Mayor and City Council of Baltimore, acting by and through the Board of Estimates, may increase or decrease the annual franchise charge by giving written notice of the increase or decrease to the Grantee at least 150 days before the end of the original or renewal term immediately preceding the renewal term to which the increase or decrease will first apply. The new franchise charge will apply to all subsequent annual renewal terms, unless again increased or decreased in accordance with this section.

SECTION 6. AND BE IT FURTHER ORDAINED, That the Mayor and City Council of Baltimore expressly reserves the right at all times to exercise, in the interest of the public, full municipal superintendence, regulation, and control over and in respect to all matters connected with the Franchise and not inconsistent with the terms of this Ordinance.

SECTION 7. AND BE IT FURTHER ORDAINED, That the Grantee, at its own cost and expense, shall maintain in good condition and in compliance with all applicable laws and regulations of Baltimore City, all structures for which the Franchise is granted. The maintenance of these structures shall be at all times subject to the regulation and control of the Commissioner of Housing and Community Development and the Director of Public Works. If any structure for which the Franchise is granted must be readjusted, relocated, protected, or supported to accommodate a public improvement, the Grantee shall pay all costs and expenses in connection with the readjustment, relocation, protection, or support.

SECTION 8. AND BE IT FURTHER ORDAINED, That at the option of the Mayor and City Council of Baltimore, acting by and through the Director of Public Works, the Grantee's failure to comply with any term or condition of this Ordinance constitutes a forfeiture of the Franchise. Immediately on written notice to the Grantee of the exercise of this option, the Franchise terminates. Once so terminated, only an ordinance of the Mayor and City Council of Baltimore may waive the forfeiture or otherwise reinstate the Franchise.

SECTION 9. AND BE IT FURTHER ORDAINED, That at any time and without prior notice, the Mayor of Baltimore City may revoke the Franchise if, in the Mayor's judgment, the public interest, welfare, safety, or convenience so requires. Immediately on written notice to the Grantee of the exercise of this right, the Franchise terminates.

SECTION 10. AND BE IT FURTHER ORDAINED, That on cancellation, expiration, forfeiture, revocation, or other termination of the Franchise for any reason, the Grantee shall remove all structures for which the Franchise is granted. The removal of these structures shall be (i) undertaken at the cost and expense of the Grantee, without any compensation from the Mayor and City Council of Baltimore, (ii) made in a manner satisfactory to the Commissioner of Housing and Community Development and the Director of Public Works, and (iii) completed within the time specified in writing by the Director of Public Works.

SECTION 11. AND BE IT FURTHER ORDAINED, That the Grantee is liable for and shall indemnify and save harmless the Mayor and City Council of Baltimore against all suits, losses, costs, claims, damages, or expenses to which the Mayor and City Council of Baltimore is at any time subjected on account of, or in any way resulting from, (i) the presence, construction, use, operation, maintenance, alteration, repair, location, relocation, or removal of any of the structures for which the Franchise is granted, or (ii) any failure of the Grantee, its officers, employees, or agents, to perform promptly and properly any duty or obligation imposed on the Grantee by this Ordinance.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-723
(Council Bill 04-1338)**

AN ORDINANCE CONCERNING

Sale of Property — Cardiff Avenue and a 19-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 known as the former bed of (1) Cardiff Avenue, extending from Baylis Street westerly to Highland Avenue, (2) Cardiff Avenue, extending from Highland Avenue westerly to Clinton Street, and (3) a 19-foot alley laid out in the rear of the properties known as Nos. 1501/05 through 1555 South Clinton Street, extending from Cardiff Avenue southerly 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 certain parcels of land known as the former bed of (1) Cardiff Avenue, extending from Baylis Street westerly to Highland Avenue, (2) Cardiff Avenue, extending from Highland Avenue westerly to Clinton Street, and (3) a 19-foot alley laid out in the rear of the properties known as Nos. 1501/05 through 1555 South Clinton Street, extending from Cardiff Avenue, southerly 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 the former bed of Cardiff Avenue, 70 feet wide, and the west side of Baylis Street, 60 feet wide, and running thence binding on the west side of said Baylis Street, Southerly 70.0 feet to intersect the south side of the former bed of said Cardiff Avenue; thence binding on the south side of the former bed of Cardiff Avenue, Westerly 204.0 feet, more or less, to intersect the east side of Highland Avenue, 60 feet wide; thence binding on the east side of said Highland Avenue, Northerly 70.0 feet, to intersect the north side of the former bed of said Cardiff Avenue, and thence binding on the north side of the former bed of said Cardiff Avenue, Easterly 204.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the north side of the former bed of Cardiff Avenue, 70 feet wide and the west side of Highland Avenue, 60 feet wide, and running thence binding on the west side of said Highland Avenue, Southerly 70.0 feet to intersect the south side of the former bed of said Cardiff Avenue; thence binding on south side of the former bed of said Cardiff Avenue, Westerly 204.0 feet, more or less, to intersect the east side of Clinton Street, 70 feet wide; thence binding on the east side of said Clinton Street, Northerly 70.0 feet to intersect the north side of the former bed of said Cardiff Avenue, and thence binding on the north side of the former bed of said Cardiff Avenue, Easterly 204.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the west side of the former bed of a 19 foot alley laid out in the rear of the properties known as Nos. 1501/05 through No.1555 S. Clinton Street and the south side of the former bed of Cardiff Avenue, 70 feet wide, said point of beginning being distant easterly 95.0 feet measured along the south side of the former bed of said Cardiff Avenue from the east side of Clinton Street, 70 feet wide, and running thence binding on the south side of former bed of said Cardiff Avenue, Easterly 19.0 feet to intersect the east side of the former bed of said alley; thence binding on the east side of the former bed of said alley, Southerly 458.3 feet, more or less, to the southernmost extremity of the former bed of said alley; thence binding on the southernmost extremity of the former bed of said alley, Westerly 19.0 feet to the west side of the former bed of said alley, and thence binding on the west side of the former bed of said alley, Northerly 458.3 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 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 June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-724
(Council Bill 04-1354)**

AN ORDINANCE CONCERNING

Ordinance of Estimates for the Fiscal Year Ending June 30, 2005

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 2005 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, 2005.

A. Operating Budget

Baltimore City Public Schools

352	Baltimore City Public Schools		
	General Fund Appropriation	\$	203,948,545
	Motor Vehicle Appropriation	\$	3,654,000

Board of Elections

180	Voter Registration and Conduct of Elections		
	General Fund Appropriation	\$	3,054,405

City Council

100	City Legislation		
	General Fund Appropriation	\$	3,545,000

Community Relations Commission

156	Development of Intergroup Relations		
	General Fund Appropriation	\$	854,000
	Federal Fund Appropriation	\$	55,902

Comptroller

130	Executive Direction and Control		
	General Fund Appropriation	\$	479,139

131	Audits		
	General Fund Appropriation	\$	3,053,526

132	Real Estate Acquisition and Management		
	General Fund Appropriation	\$	530,335

Council Services

103	Council Services		
	General Fund Appropriation	\$	477,000

Courts: Circuit Court

110	Circuit Court		
	General Fund Appropriation	\$	7,567,000
	Federal Fund Appropriation	\$	1,181,261
	State Fund Appropriation	\$	3,466,975

Courts: Orphans' Court

112	Orphans' Court		
	General Fund Appropriation	\$	420,000

Employees' Retirement Systems

152	Employees' Retirement System		
	Special Fund Appropriation	\$	3,976,832

154	Fire and Police Retirement System		
	Special Fund Appropriation	\$	3,457,303

Enoch Pratt Free Library

450	Administrative and Technical Services		
	General Fund Appropriation	\$	5,503,854
	State Fund Appropriation	\$	584,060
	Special Fund Appropriation	\$	737,870

452	Neighborhood Services		
	General Fund Appropriation	\$	7,928,942

453	State Library Resource Center		
	General Fund Appropriation	\$	5,105,204
	State Fund Appropriation	\$	9,799,533
Finance			
140	Administrative Direction and Control		
	General Fund Appropriation	\$	805,971
141	Budget and Management Research		
	General Fund Appropriation	\$	837,193
142	Accounting and Payroll Services		
	General Fund Appropriation	\$	2,393,539
	Loan and Guarantee Fund Appropriation	\$	3,003,133
144	Purchasing		
	General Fund Appropriation	\$	1,903,209
150	Treasury Management		
	General Fund Appropriation	\$	2,516,088
Fire			
210	Administrative Direction and Control		
	General Fund Appropriation	\$	3,541,821
211	Training		
	General Fund Appropriation	\$	2,071,484
212	Fire Suppression		
	General Fund Appropriation	\$	82,982,933
	Federal Fund Appropriation	\$	1,554,000
	State Fund Appropriation	\$	100,000
213	Fire Marshal		
	General Fund Appropriation	\$	2,834,308
	State Fund Appropriation	\$	60,000
	Special Fund Appropriation	\$	10,000
214	Support Services		
	General Fund Appropriation	\$	4,747,045
	State Fund Appropriation	\$	978,160
215	Fire Alarm and Communications		
	General Fund Appropriation	\$	3,024,059
	State Fund Appropriation	\$	5,000
219	Non-actuarial Retirement Benefits		
	General Fund Appropriation	\$	135,000
319	Ambulance Service		
	General Fund Appropriation	\$	3,798,350
	Federal Fund Appropriation	\$	200,000
	State Fund Appropriation	\$	79,300
	Special Fund Appropriation	\$	10,000,000

Health

240	Animal Control		
	General Fund Appropriation	\$	1,945,346
	Special Fund Appropriation	\$	8,500
300	Administrative Direction and Control		
	General Fund Appropriation	\$	2,424,297
302	Environmental Health		
	General Fund Appropriation	\$	2,528,743
	Federal Fund Appropriation	\$	1,330,920
	State Fund Appropriation	\$	867,334
	Special Fund Appropriation	\$	50,000
303	Special Purpose Grants		
	Special Fund Appropriation	\$	2,000,000
304	Health Promotion and Disease Prevention		
	General Fund Appropriation	\$	3,523,552
	Federal Fund Appropriation	\$	34,030,719
	State Fund Appropriation	\$	578,993
	Special Fund Appropriation	\$	123,000
305	Health Services Initiatives		
	General Fund Appropriation	\$	314,212
	Federal Fund Appropriation	\$	2,249,658
	State Fund Appropriation	\$	2,597,308
	Special Fund Appropriation	\$	378,550
306	General Nursing Services		
	General Fund Appropriation	\$	972,547
	Federal Fund Appropriation	\$	30,000
	State Fund Appropriation	\$	8,312,299
307	Mental Health Services		
	General Fund Appropriation	\$	1,649,359
	Federal Fund Appropriation	\$	4,671,785
	State Fund Appropriation	\$	1,835,500
308	Maternal and Child Health		
	General Fund Appropriation	\$	1,018,108
	Federal Fund Appropriation	\$	16,099,328
	State Fund Appropriation	\$	499,026
	Special Fund Appropriation	\$	375,679
309	Child and Adult Care - Food		
	Federal Fund Appropriation	\$	6,169,212
310	School Health Services		
	General Fund Appropriation	\$	4,200,000
	Federal Fund Appropriation	\$	545,818
	State Fund Appropriation	\$	534,875
	Special Fund Appropriation	\$	5,314,377

311	Health Services for the Aging		
	General Fund Appropriation	\$	117,836
	Federal Fund Appropriation	\$	29,507,118
	State Fund Appropriation	\$	896,353
	Special Fund Appropriation	\$	300,000
Housing and Community Development			
119	Neighborhood Service Centers		
	General Fund Appropriation	\$	5,000
	Federal Fund Appropriation	\$	1,689,716
	State Fund Appropriation	\$	2,715,834
177	Administrative Direction and Control		
	General Fund Appropriation	\$	2,166,319
	Federal Fund Appropriation	\$	996,657
	Special Fund Appropriation	\$	1,433,511
184	Energy Assistance and Emergency Food		
	State Fund Appropriation	\$	1,934,500
260	Construction and Building Inspection		
	General Fund Appropriation	\$	2,533,796
	Federal Fund Appropriation	\$	820,299
	Special Fund Appropriation	\$	1,623,000
357	Services for Homeless Persons		
	General Fund Appropriation	\$	258,377
	Federal Fund Appropriation	\$	21,389,856
	State Fund Appropriation	\$	3,224,780
582	Finance and Development		
	General Fund Appropriation	\$	403,031
	Federal Fund Appropriation	\$	4,480,957
	Special Fund Appropriation	\$	217,800
583	Neighborhood Services		
	General Fund Appropriation	\$	1,658,686
	Federal Fund Appropriation	\$	6,672,144
	State Fund Appropriation	\$	48,000
	Special Fund Appropriation	\$	1,699,200
585	Baltimore Development Corporation		
	General Fund Appropriation	\$	2,497,000
	Federal Fund Appropriation	\$	928,236
	Special Fund Appropriation	\$	410,000
592	Special Housing Grants		
	State Fund Appropriation	\$	110,000
593	Community Support Projects		
	Federal Fund Appropriation	\$	6,113,700
597	Weatherization		
	State Fund Appropriation	\$	800,000

604	Child Care Centers Federal Fund Appropriation	\$	1,554,407
605	Head Start Federal Fund Appropriation	\$	28,521,993
	State Fund Appropriation	\$	2,104,544
606	Arts and Education State Fund Appropriation	\$	78,610
Human Resources			
160	Personnel Administration General Fund Appropriation	\$	1,549,485
Law			
175	Legal Services General Fund Appropriation	\$	2,524,552
Legislative Reference			
106	Legislative Reference Services General Fund Appropriation	\$	483,102
	Special Fund Appropriation	\$	11,400
107	Archives and Records Management General Fund Appropriation	\$	243,898
Liquor License Board			
250	Liquor Control General Fund Appropriation	\$	1,735,000
Mayorality			
125	Executive Direction and Control General Fund Appropriation	\$	2,477,474
127	Office of State Relations General Fund Appropriation	\$	511,673
353	Office of Community Projects General Fund Appropriation	\$	194,853
	Special Fund Appropriation	\$	140,000
M-R: Art and Culture			
493	Art and Culture Grants General Fund Appropriation	\$	5,825,700
M-R: Cable and Communications			
572	Cable and Communications Coordination General Fund Appropriation	\$	304,000
	Special Fund Appropriation	\$	822,854
M-R: Civic Promotion			
589	Office of Promotion and the Arts General Fund Appropriation	\$	1,678,611

590	Civic Promotion		
	General Fund Appropriation	\$	7,927,483
M-R: Commission on Aging and Retirement Education			
325	Senior Services		
	General Fund Appropriation	\$	623,013
	Motor Vehicle Appropriation	\$	325,000
	Federal Fund Appropriation	\$	5,342,291
	State Fund Appropriation	\$	3,667,569
	Special Fund Appropriation	\$	544,641
M-R: Conditional Purchase Agreement			
129	Conditional Purchase Agreement Payments		
	General Fund Appropriation	\$	16,467,675
	Loan and Guarantee Fund Appropriation	\$	614,867
	Special Fund Appropriation	\$	451
M-R: Contingent Fund			
121	Contingent Fund		
	General Fund Appropriation	\$	750,000
M-R: Convention Complex			
531	Convention Center Operations		
	General Fund Appropriation	\$	12,080,000
	Convention Center Bond Fund Appropriation	\$	4,631,000
	State Fund Appropriation	\$	3,418,635
540	1st Mariner Arena Operations		
	General Fund Appropriation	\$	450,000
M-R: Debt Service			
123	General Debt Service		
	General Fund Appropriation	\$	64,276,202
	Motor Vehicle Appropriation	\$	4,746,057
M-R: Educational Grants			
446	Educational Grants		
	General Fund Appropriation	\$	1,140,006
M-R: Employees' Retirement Contribution			
355	Employees' Retirement Contribution		
	General Fund Appropriation	\$	53,808,484
	Motor Vehicle Appropriation	\$	3,855,000
M-R: Environmental Control Board			
117	Environmental Control		
	General Fund Appropriation	\$	325,022
M-R: Health and Welfare Grants			
385	Health and Welfare Grants		
	General Fund Appropriation	\$	58,600

M-R: Miscellaneous General Expenses

122	Miscellaneous General Expenses		
	General Fund Appropriation	\$	5,804,144
	Motor Vehicle Appropriation	\$	1,236,850

M-R: Office of Children, Youth and Fam

350	Office of Children, Youth and Families		
	General Fund Appropriation	\$	510,000
	Federal Fund Appropriation	\$	412,900
	State Fund Appropriation	\$	1,687,028
	Special Fund Appropriation	\$	100,000

M-R: Office of CitiStat Operations

347	CitiStat Operations		
	General Fund Appropriation	\$	437,965

M-R: Office of Employment Development

630	Administration (Title I)		
	General Fund Appropriation	\$	198,840
	Federal Fund Appropriation	\$	92,434
631	Job Training Partnership (Titles II/III)		
	Federal Fund Appropriation	\$	13,555,542
633	Youth Initiatives		
	Federal Fund Appropriation	\$	7,983,175
639	Special Services		
	General Fund Appropriation	\$	551,160
	Federal Fund Appropriation	\$	3,300,000
	State Fund Appropriation	\$	818,316
	Special Fund Appropriation	\$	95,109

M-R: Office of Information Technology

147	Information Technology Services		
	General Fund Appropriation	\$	2,584,000
151	Information Technology Support Services		
	General Fund Appropriation	\$	5,908,000

M-R: Office of Neighborhoods

354	Neighborhoods		
	General Fund Appropriation	\$	629,000

M-R: Office of the Labor Commissione

128	Labor Relations		
	General Fund Appropriation	\$	458,400

M-R: Retirees' Benefits

351	Retirees' Benefits		
	General Fund Appropriation	\$	73,652,000
	Motor Vehicle Appropriation	\$	9,917,000

M-R: Self-Insurance Fund

126	Contribution to Self-Insurance Fund		
	General Fund Appropriation	\$	22,506,022
	Motor Vehicle Appropriation	\$	6,704,966

Municipal and Zoning Appeals

185	Zoning, Tax and Other Appeals		
	General Fund Appropriation	\$	309,000

Planning

187	City Planning		
	General Fund Appropriation	\$	801,791
	Motor Vehicle Appropriation	\$	719,000
	Federal Fund Appropriation	\$	932,384
	State Fund Appropriation	\$	40,000

Police

200	Administrative Direction and Control		
	General Fund Appropriation	\$	20,634,869
201	Field Operations Bureau		
	General Fund Appropriation	\$	162,642,497
	Federal Fund Appropriation	\$	9,263,934
	State Fund Appropriation	\$	6,920,284
202	Investigations		
	General Fund Appropriation	\$	31,190,531
	Federal Fund Appropriation	\$	79,660
	Special Fund Appropriation	\$	960,000
203	Traffic		
	Motor Vehicle Appropriation	\$	10,519,000
204	Services Bureau		
	General Fund Appropriation	\$	21,915,846
	Special Fund Appropriation	\$	2,890,671
205	Non-actuarial Retirement Benefits		
	General Fund Appropriation	\$	3,599,785
207	Research and Development		
	General Fund Appropriation	\$	4,106,511
224	Office of Criminal Justice		
	General Fund Appropriation	\$	553,961
	Federal Fund Appropriation	\$	4,623,513
	Special Fund Appropriation	\$	275,000

Public Works

190	Departmental Administration		
	General Fund Appropriation	\$	96,708
	Motor Vehicle Appropriation	\$	609,980

191	Permits		
	General Fund Appropriation	\$	205,876
	Motor Vehicle Appropriation	\$	1,680,000
193	Facilities Management		
	General Fund Appropriation	\$	9,897,987
198	Engineering/Construction Management		
	General Fund Appropriation	\$	1,525,019
513	Solid Waste Special Services		
	Motor Vehicle Appropriation	\$	25,608,775
515	Solid Waste Collection		
	General Fund Appropriation	\$	8,255,737
	Motor Vehicle Appropriation	\$	1,769,085
516	Solid Waste Environmental Services		
	General Fund Appropriation	\$	16,507,673
	Motor Vehicle Appropriation	\$	1,418,160
518	Storm Water Maintenance		
	Motor Vehicle Appropriation	\$	3,475,000
544	Sanitary Maintenance		
	Waste Water Utility Fund Appropriation	\$	16,620,112
546	Water Maintenance		
	Water Utility Fund Appropriation	\$	26,266,202
550	Waste Water Facilities		
	Waste Water Utility Fund Appropriation	\$	81,729,997
552	Water Facilities		
	Water Utility Fund Appropriation	\$	30,190,595
553	Water Engineering		
	Water Utility Fund Appropriation	\$	12,712,464
554	Waste Water Engineering		
	Waste Water Utility Fund Appropriation	\$	17,738,914
555	Environmental Services		
	Waste Water Utility Fund Appropriation	\$	3,250,082
	Water Utility Fund Appropriation	\$	490,009
560	Facilities Engineering		
	Waste Water Utility Fund Appropriation	\$	362,742
	Water Utility Fund Appropriation	\$	185,611
561	Utility Billing		
	Water Utility Fund Appropriation	\$	8,786,005
565	Utility Debt Service		
	Waste Water Utility Fund Appropriation	\$	18,562,153
	Water Utility Fund Appropriation	\$	19,305,114

Recreation and Parks

471	Administrative Direction and Control		
	General Fund Appropriation	\$	2,121,773
	State Fund Appropriation	\$	28,095
	Special Fund Appropriation	\$	9,000
473	Municipal Concerts and Other Musical Events		
	General Fund Appropriation	\$	37,497
478	General Park Services		
	General Fund Appropriation	\$	7,010,715
	Federal Fund Appropriation	\$	155,000
	State Fund Appropriation	\$	41,775
479	Special Facilities		
	General Fund Appropriation	\$	970,670
	Special Fund Appropriation	\$	135,400
480	Regular Recreational Services		
	General Fund Appropriation	\$	9,709,345
	State Fund Appropriation	\$	120,000
	Special Fund Appropriation	\$	437,630
482	Supplementary Recreational Services		
	State Fund Appropriation	\$	1,412,320
	Special Fund Appropriation	\$	430,818
505	Park and Street Trees		
	Motor Vehicle Appropriation	\$	2,492,000

Sheriff

118	Sheriff Services		
	General Fund Appropriation	\$	9,261,000
	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	\$	17,562,000
	Federal Fund Appropriation	\$	2,263,573
	State Fund Appropriation	\$	3,934,623
	Special Fund Appropriation	\$	50,000

Transportation

195	Towing		
	General Fund Appropriation	\$	405,100
	Motor Vehicle Appropriation	\$	7,326,256
	State Fund Appropriation	\$	25,000

230	Administration		
	Motor Vehicle Appropriation	\$	5,423,010
	Federal Fund Appropriation	\$	375,000
	State Fund Appropriation	\$	131,203
231	Traffic Engineering		
	Motor Vehicle Appropriation	\$	5,598,092
232	Parking Management		
	Parking Management Fund Appropriation	\$	4,455,920
233	Signs and Markings		
	Motor Vehicle Appropriation	\$	7,328,380
	State Fund Appropriation	\$	6,000
235	Parking Enforcement		
	Parking Management Fund Appropriation	\$	5,728,080
239	Traffic Safety		
	Motor Vehicle Appropriation	\$	2,477,842
500	Street Lighting		
	Motor Vehicle Appropriation	\$	16,747,052
501	Highway Maintenance		
	Motor Vehicle Appropriation	\$	23,747,058
503	Engineering and Construction		
	Motor Vehicle Appropriation	\$	647,437
548	Conduits		
	Conduit Management Fund Appropriation	\$	2,875,000
580	Parking Enterprise Facilities		
	Parking Enterprise Fund Appropriation	\$	24,684,000
Wage Commission			
165	Wage Enforcement		
	General Fund Appropriation	\$	448,586
War Memorial Commission			
487	Operation of War Memorial Building		
	General Fund Appropriation	\$	314,000

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.

153 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	\$	3,250,000
Other State Fund Appropriation	\$	4,500,000

601-354 West Baltimore Industrial/Commercial Development

General Obligation Bond Appropriation	\$	1,000,000
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601-483 South Baltimore Commercial/Industrial Development

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

General Obligation Bond Appropriation	\$	500,000
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601-575 East Baltimore Commercial/Economic Development

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

General Obligation Bond Appropriation	\$	2,750,000
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601-870 Business Centers - Capital Repairs

General Obligation Bond Appropriation	\$	375,000
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601-873 Brownfield Incentive Fund

General Obligation Bond Appropriation	\$	1,000,000
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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	\$	1,750,000
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601-983 Arts & Entertainment Initiatives

General Obligation Bond Appropriation	\$	775,000
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Baltimore City Public Schools**417-209 School Buildings Systemic Improvements**

General Obligation Bond Appropriation	\$	742,000
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418-019 Lexington Terrace Elementary / Middle School #19

General Obligation Bond Appropriation	\$	1,000,000
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418-020 School Construction - Environmental Abatement

General Obligation Bond Appropriation	\$	500,000
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418-070 Digital Harbor High (Southern)		
General Obligation Bond Appropriation	\$	3,000,000
418-237 Highlandtown Elementary School #237		
General Obligation Bond Appropriation	\$	5,501,000
418-245 Leith Walk Elementary School #245		
General Obligation Bond Appropriation	\$	1,015,000
418-414 Paul Laurence Dunbar High School #414		
General Obligation Bond Appropriation	\$	1,000,000
418-415 Baltimore School for the Arts		
General Obligation Bond Appropriation	\$	1,075,000
418-454 Carver High School #454		
General Obligation Bond Appropriation	\$	2,167,000
Department of Housing and Community Development		
588-979 East Baltimore Redevelopment		
General Obligation Bond Appropriation	\$	2,000,000
Other State Fund Appropriation	\$	4,500,000
588-981 Acquisition/Relocation Fund		
General Obligation Bond Appropriation	\$	3,325,000
588-983 Demolition Program		
General Obligation Bond Appropriation	\$	3,600,000
588-984 Homeownership Incentive Program		
General Obligation Bond Appropriation	\$	2,355,000
Community Development Block Grant Appropriation	\$	550,000
588-985 Housing Development		
General Obligation Bond Appropriation	\$	2,775,000
Community Development Block Grant Appropriation	\$	591,000
Other Federal Fund Appropriation	\$	7,500,000
588-986 Housing Repair Assistance Programs		
General Obligation Bond Appropriation	\$	500,000
Community Development Block Grant Appropriation	\$	1,550,000
Other Federal Fund Appropriation	\$	100,000
588-987 Housing & Services - Special Needs Population		
General Obligation Bond Appropriation	\$	1,170,000
Community Development Block Grant Appropriation	\$	500,000
Other Federal Fund Appropriation	\$	500,000
588-989 Loan Repayment		
General Obligation Bond Appropriation	\$	500,000
Community Development Block Grant Appropriation	\$	5,800,000

588-991 Public Housing Redevelopment		
General Obligation Bond Appropriation	\$	1,060,000
588-992 Flag House Courts Infrastructure Improvements		
City Motor Vehicle Fund Appropriation	\$	4,250,000
588-994 Special Capital Projects		
General Obligation Bond Appropriation	\$	1,855,000
Community Development Block Grant Appropriation	\$	250,000
Other Federal Fund Appropriation	\$	3,500,000
State Race Track Grant Appropriation	\$	500,000
Sale of City Real Property Appropriation	\$	500,000
Urban Development Action Grant Repayment Appropriation	\$	500,000
588-996 Stabilization Program		
General Obligation Bond Appropriation	\$	1,960,000
Enoch Pratt Free Library		
457-024 Central Library - Expansion & Renovation		
General Obligation Bond Appropriation	\$	850,000
Mayoralty		
127-002 Myrtle Tyler Faithful Senior Center		
General Fund Appropriation	\$	200,000
127-030 City Council Information Technology Project		
General Fund Appropriation	\$	100,000
127-135 Walters Art Museum - Expansion		
General Obligation Bond Appropriation	\$	750,000
127-147 Meyerhoff Symphony Hall Renovation		
General Obligation Bond Appropriation	\$	500,000
127-152 Baltimore City Heritage Area Projects		
General Fund Appropriation	\$	100,000
127-155 Waxter Center for Senior Citizens		
General Obligation Bond Appropriation	\$	850,000
Other State Fund Appropriation	\$	1,000,000
Other Fund Appropriation	\$	1,000,000
127-910 Forest Park Senior Center		
General Fund Appropriation	\$	200,000
127-970 The Lyric Opera House		
General Obligation Bond Appropriation	\$	2,000,000
488-023 BMA- Chiller Plant and HVAC Upgrade		
General Obligation Bond Appropriation	\$	750,000

529-057 Aquarium - Pier 3 HVAC System Infrastructure Upgrade		
General Obligation Bond Appropriation	\$	500,000
607-002 Downtown Streetscape Improvement Program		
General Obligation Bond Appropriation	\$	650,000
Department of Public Works		
197-148 Health District Buildings Repair		
General Fund Appropriation	\$	125,000
197-826 Fire Station Roof and Window Improvements		
General Fund Appropriation	\$	75,000
520-099 Small Storm Drain and Inlet Repairs		
City Motor Vehicle Fund Appropriation	\$	1,000,000
520-634 Critical Areas Storm Water Mitigation		
Other Fund Appropriation	\$	550,000
525-303 Flood Alert System Upgrades		
City Motor Vehicle Fund Appropriation	\$	300,000
525-435 Gwynns Falls Habitat Improvements		
City Motor Vehicle Fund Appropriation	\$	300,000
525-625 Middle Stony Run Open Channel Improvements		
City Motor Vehicle Fund Appropriation	\$	600,000
525-645 Upper Stony Run Open Channel Improvements		
City Motor Vehicle Fund Appropriation	\$	500,000
551-144 Mapping Program		
Waste Water Utility Fund Appropriation	\$	450,000
551-233 Wastewater Collection System - Annual Improvements		
Waste Water Revenue Bond Appropriation	\$	1,000,000
County Grant Appropriation	\$	1,000,000
551-401 Sewer Replacement Projects		
Waste Water Revenue Bond Appropriation	\$	1,875,000
Waste Water Utility Fund Appropriation	\$	1,475,000
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
551-440 Hawkins Point Sewerage Study		
Waste Water Revenue Bond Appropriation	\$	3,000,000
551-444 Eastern Avenue Pump Station Improvements		
Waste Water Revenue Bond Appropriation	\$	11,000,000

551-528 Patapsco WWTP - Biological Nitrogen Removal		
Waste Water Revenue Bond Appropriation	\$	1,280,000
Other State Fund Appropriation	\$	4,000,000
County Grant Appropriation	\$	2,720,000
551-533 Annual Facilities Improvements		
Waste Water Revenue Bond Appropriation	\$	1,000,000
County Grant Appropriation	\$	1,000,000
551-557 Biological Nutrient Removal Enhancements at Back River WWTP		
Waste Water Revenue Bond Appropriation	\$	1,250,000
Other State Fund Appropriation	\$	2,500,000
County Grant Appropriation	\$	1,250,000
551-563 Blower Building Renovations at Back River - SC-798		
Waste Water Revenue Bond Appropriation	\$	3,500,000
County Grant Appropriation	\$	3,500,000
551-565 Miscellaneous Mechanical Improvements - Patapsco WWTP		
Waste Water Revenue Bond Appropriation	\$	800,000
County Grant Appropriation	\$	1,700,000
551-569 Urgent Sanitary A/E Services		
Waste Water Revenue Bond Appropriation	\$	1,500,000
551-601 Greenmount Ave Interceptor and Pumping Station		
Waste Water Revenue Bond Appropriation	\$	500,000
551-605 Jones Falls Pumping Station Capacity Upgrade		
Waste Water Revenue Bond Appropriation	\$	3,750,000
County Grant Appropriation	\$	2,750,000
551-614 Sewer System Rehabilitation Program - Dundalk Sewershed		
Waste Water Revenue Bond Appropriation	\$	1,500,000
551-615 Sewer System Evaluation Program - Dundalk Sewershed		
Waste Water Revenue Bond Appropriation	\$	4,800,000
551-634 Gwynns Run Interceptor Improvements		
Waste Water Revenue Bond Appropriation	\$	13,100,000
551-670 Franklin Street Maintenance Yard Renovations - SC-816		
Waste Water Revenue Bond Appropriation	\$	2,000,000
551-671 Patapsco Return Sludge Pump Station No. 1 Rehabilitation		
Waste Water Revenue Bond Appropriation	\$	1,920,000
County Grant Appropriation	\$	4,080,000
551-672 Back River Secondary Clarifier Rehabilitation		
Waste Water Revenue Bond Appropriation	\$	7,800,000
County Grant Appropriation	\$	7,800,000

551-681 Wastewater Facilities Security Improvements

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

551-683 Rehabilitation of Patapsco WWTP Gravity Sludge Thickeners

Waste Water Revenue Bond Appropriation	\$	160,000
County Grant Appropriation	\$	340,000

551-757 Eastern Ave Pump Station Valve Replacement

Waste Water Revenue Bond Appropriation	\$	1,000,000
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557-031 Water Distribution System - Improvements

Water Revenue Bond Appropriation	\$	1,600,000
County Grant Appropriation	\$	4,400,000

557-070 Watershed Road and Bridge Maintenance

Water Revenue Bond Appropriation	\$	1,547,000
County Grant Appropriation	\$	908,000

557-099 Mapping Program - Water Supply System

Water Utility Fund Appropriation	\$	450,000
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557-100 Water Infrastructure Rehabilitation

Water Revenue Bond Appropriation	\$	10,000,000
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557-101 Water Mains - Installation

Water Revenue Bond Appropriation	\$	2,000,000
County Grant Appropriation	\$	1,000,000

557-130 Water System Cathodic Protection

Water Revenue Bond Appropriation	\$	267,000
County Grant Appropriation	\$	133,000

557-133 Meter Replacement Program

Water Utility Fund Appropriation	\$	2,625,000
County Grant Appropriation	\$	1,375,000

557-300 Water Facilities - Annual Improvements

Water Revenue Bond Appropriation	\$	1,575,000
County Grant Appropriation	\$	925,000

557-400 Valve and Hydrant Replacement - Annual

Water Revenue Bond Appropriation	\$	2,825,000
Water Utility Fund Appropriation	\$	175,000
County Grant Appropriation	\$	2,000,000

557-638 Water Audit

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

557-689 Urgent Needs Water Engineering Services

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

557-691 Raw Water Conduit Dewatering Facility Improvements

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

557-692 Inspect Loch Raven/Liberty Water Conduits

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

557-696 Chlorine Handling Safety Improvements WC-1150

Water Revenue Bond Appropriation	\$	11,500,000
County Grant Appropriation	\$	11,500,000

557-698 Reservoir Valve Improvements

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

557-704 Water Security/Protection

Water Revenue Bond Appropriation	\$	3,150,000
County Grant Appropriation	\$	1,850,000

557-709 Finished Water Reservoir Improvements

Water Revenue Bond Appropriation	\$	1,850,000
County Grant Appropriation	\$	3,150,000

557-730 Fullerton Water Filtration Plant

Water Revenue Bond Appropriation	\$	400,000
County Grant Appropriation	\$	3,600,000

557-731 Montebello Water Recycle Program WC-1131

Water Revenue Bond Appropriation	\$	504,000
County Grant Appropriation	\$	296,000

557-732 Monitoring Water Transmission Mains

Water Utility Fund Appropriation	\$	250,000
County Grant Appropriation	\$	250,000

557-733 Sedimentation Basin Improvements at Montebello WTP

Water Revenue Bond Appropriation	\$	1,890,000
County Grant Appropriation	\$	1,110,000

Department of Recreation and Parks**474-457 Critical Areas Mitigation - Buffer Zone**

Other Fund Appropriation	\$	900,000
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474-523 Gwynns Falls Trail Phase III

City Motor Vehicle Fund Appropriation	\$	16,000
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474-567 Robert E Lee Park - Bridge Replacement

City Motor Vehicle Fund Appropriation	\$	800,000
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474-619 Recreation Center Renovation- Roosevelt

State Open Space Matching Grant Appropriation	\$	250,000
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474-651 Druid Hill Park: Pedestrian Entrance Improvements

City Motor Vehicle Fund Appropriation	\$	300,000
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474-652 Druid Hill Park: Jones Falls Greenway Extension

Federal Highway Transportation Fund Appropriation	\$	600,000
City Motor Vehicle Fund Appropriation	\$	600,000

474-666 War Memorial Plaza Renovation

General Obligation Bond Appropriation	\$	1,000,000
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474-671 Street Tree Operations FY05

City Motor Vehicle Fund Appropriation	\$	80,000
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474-675 Recreation Facility Renovations

General Fund Appropriation	\$	50,000
State Open Space Matching Grant Appropriation	\$	135,000

474-678 John E. Howard Recreation Center

State Open Space Matching Grant Appropriation	\$	500,000
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474-679 Athletic Court and Playing Field Renovation

General Fund Appropriation	\$	150,000
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474-680 Park Structures and Building Renovations FY05

General Obligation Bond Appropriation	\$	500,000
State Open Space Matching Grant Appropriation	\$	115,000

Department of Transportation**504-165 Footway Reconstruction**

City Motor Vehicle Fund Appropriation	\$	200,000
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504-200 Alley Reconstruction

City Motor Vehicle Fund Appropriation	\$	700,000
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504-300 Tree Root Damage

City Motor Vehicle Fund Appropriation	\$	700,000
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506-311 Russell Street Viaduct

Federal Highway Transportation Fund Appropriation	\$	10,400,000
City Motor Vehicle Fund Appropriation	\$	2,600,000

506-510 Bowleys Lane Resurfacing

Federal Highway Transportation Fund Appropriation	\$	1,200,000
City Motor Vehicle Fund Appropriation	\$	300,000

506-511 Exeter Hall Resurfacing

Federal Highway Transportation Fund Appropriation	\$	960,000
City Motor Vehicle Fund Appropriation	\$	240,000

506-513 Gwynns Falls Parkway

Federal Highway Transportation Fund Appropriation	\$	600,000
City Motor Vehicle Fund Appropriation	\$	150,000

506-514 Liberty Heights Avenue Resurfacing		
Federal Highway Transportation Fund Appropriation	\$	2,000,000
City Motor Vehicle Fund Appropriation	\$	400,000
506-528 Federal Resurfacing Northwest		
City Motor Vehicle Fund Appropriation	\$	120,000
506-529 Federal Resurfacing Southwest		
City Motor Vehicle Fund Appropriation	\$	100,000
506-530 Federal Resurfacing Southeast		
City Motor Vehicle Fund Appropriation	\$	100,000
507-752 Bridge Inspection Program		
Federal Highway Transportation Fund Appropriation	\$	1,440,000
City Motor Vehicle Fund Appropriation	\$	360,000
507-820 West Side Corridor Transportation Improvements		
City Motor Vehicle Fund Appropriation	\$	500,000
508-079 North Avenue Bridge Over Amtrak		
Federal Highway Transportation Fund Appropriation	\$	300,000
City Motor Vehicle Fund Appropriation	\$	300,000
508-117 Eutaw Street Streetscape		
Federal Highway Transportation Fund Appropriation	\$	2,000,000
City Motor Vehicle Fund Appropriation	\$	500,000
508-255 Orleans Street Streetscape		
Federal Highway Transportation Fund Appropriation	\$	2,920,000
City Motor Vehicle Fund Appropriation	\$	200,000
508-321 Washington Boulevard (I-95 to Monroe Street)		
Federal Highway Transportation Fund Appropriation	\$	2,800,000
City Motor Vehicle Fund Appropriation	\$	750,000
508-379 Union Wharf		
Other Federal Fund Appropriation	\$	1,708,000
City Motor Vehicle Fund Appropriation	\$	600,000
Other Fund Appropriation	\$	408,000
508-399 President Street Extension		
City Motor Vehicle Fund Appropriation	\$	1,300,000
508-407 Andre Street Reconstruction		
City Motor Vehicle Fund Appropriation	\$	30,000
508-424 Dundalk Transportation Study		
City Motor Vehicle Fund Appropriation	\$	200,000
508-427 Charles Street Two-Way Study		
City Motor Vehicle Fund Appropriation	\$	250,000

508-429 Charles Street Two-Way Implementation

City Motor Vehicle Fund Appropriation	\$	1,000,000
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508-512 Argonne Drive & 39th Street

Federal Highway Transportation Fund Appropriation	\$	2,000,000
City Motor Vehicle Fund Appropriation	\$	500,000

508-834 Forest Park Bridge Over Gwynns Falls

Federal Highway Transportation Fund Appropriation	\$	3,360,000
City Motor Vehicle Fund Appropriation	\$	840,000

508-989 Harford Road Modifications and Streetscape Enhancements

Federal Highway Transportation Fund Appropriation	\$	4,400,000
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509-035 Calvert Street Rehabilitation and Streetscape

Federal Highway Transportation Fund Appropriation	\$	400,000
City Motor Vehicle Fund Appropriation	\$	30,000

512-032 Traffic Surveillance Camera Expansion

Federal Highway Transportation Fund Appropriation	\$	272,000
City Motor Vehicle Fund Appropriation	\$	68,000

512-034 Signal Timing Optimization Citywide

Federal Highway Transportation Fund Appropriation	\$	800,000
City Motor Vehicle Fund Appropriation	\$	200,000

512-035 Traffic Signal System Integration

Federal Highway Transportation Fund Appropriation	\$	3,323,000
City Motor Vehicle Fund Appropriation	\$	830,000

514-200 Emergency Resurfacing Program

City Motor Vehicle Fund Appropriation	\$	1,500,000
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514-213 Local Resurfacing Northeast

City Motor Vehicle Fund Appropriation	\$	1,000,000
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514-214 Local Resurfacing Northwest

City Motor Vehicle Fund Appropriation	\$	1,000,000
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514-215 Local Resurfacing Southwest

City Motor Vehicle Fund Appropriation	\$	1,000,000
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514-216 Local Resurfacing Southeast

City Motor Vehicle Fund Appropriation	\$	1,000,000
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514-543 Fayette Street Streetscape

Federal Highway Transportation Fund Appropriation	\$	6,200,000
City Motor Vehicle Fund Appropriation	\$	1,500,000

514-596 Eastern Avenue Rehabilitation

Federal Highway Transportation Fund Appropriation	\$	5,600,000
City Motor Vehicle Fund Appropriation	\$	1,400,000

527-016 Cherry Hill Streets Phase 3	
City Motor Vehicle Fund Appropriation	\$ 700,000
527-108 Canton Industrial Area: Haven Street	
City Motor Vehicle Fund Appropriation	\$ 100,000
527-112 Hopkins Bayview: Bioscience Drive (Stormwater Retention Pond)	
City Motor Vehicle Fund Appropriation	\$ 300,000
527-117 Main Street Program: Street/Streetscaping	
City Motor Vehicle Fund Appropriation	\$ 465,000
527-129 Carroll Camden Industrial Area: Various Streets	
City Motor Vehicle Fund Appropriation	\$ 200,000
527-150 Wicomico Street (Scott to Monroe Streets)	
City Motor Vehicle Fund Appropriation	\$ 600,000
527-166 East Baltimore Redevelopment Area Street Improvements	
City Motor Vehicle Fund Appropriation	\$ 1,326,000
527-191 Center Plaza Improvements	
Federal Highway Transportation Fund Appropriation	\$ 600,000
Other State Fund Appropriation	\$ 2,000,000
City Motor Vehicle Fund Appropriation	\$ 600,000
Other Fund Appropriation	\$ 2,000,000
527-493 Uplands	
City Motor Vehicle Fund Appropriation	\$ 1,300,000

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	\$ 1,001,263,000	\$ 1,000,000	\$1,002,263,000
Motor Vehicle	148,025,000	36,805,000	184,830,000
Parking Management	10,184,000	0	10,184,000
Convention Center Bond	4,631,000	0	4,631,000
Waste Water Utility	138,264,000	2,675,000	140,939,000
Water Utility	97,936,000	3,500,000	101,436,000
Parking Enterprise	24,684,000	0	24,684,000
Loan and Guarantee Enterprise	3,618,000	0	3,618,000
Conduit Enterprise	2,875,000	0	2,875,000
Federal	219,259,392	74,724,000	293,983,392
State	64,461,832	20,000,000	84,461,832
Special	39,018,596	171,838,000*	210,856,596
General Obligation Bonds	0	59,850,000	59,850,000
	\$1,754,219,820	\$370,392,000	\$2,124,611,820

*Consisting of

County.	\$ 59,997,000
Revenue Bonds and Notes.	\$ 105, 983,000
Other Fund Sources.	\$ 5,858,000
	\$ 171,838,000

Approved by the Board of Estimates

President

Mayor

Comptroller

Director of Public Works

City Solicitor

BOARD OF ESTIMATES

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-725
(Council Bill 04-1355)**

AN ORDINANCE CONCERNING

Annual Property Tax — Fiscal Year 2005

FOR the purpose of providing a tax for the use of the Mayor and City Council of Baltimore for the period July 1, 2004, through June 30, 2005; 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, 2004, through June 30, 2005, 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, 2004, through June 30, 2005, the semiannual payment service charge to be imposed under State Tax-Property Article § 10-204.3 is 0.33%.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-726
(Council Bill 04-1357)**

AN ORDINANCE CONCERNING

Telecommunications Tax – Reconstitution

FOR the purpose of reconstituting and reformulating the telecommunications tax; imposing a telecommunications tax on persons who lease, license, or sell wired or wireless ~~telephone~~ telecommunications lines to certain customers; defining certain terms; establishing certain exemptions; requiring certain reports to be made and records to be kept; imposing interest on unpaid taxes; imposing certain other civil and criminal penalties; providing for a special effective date; and generally relating to the imposition and collection of a telecommunications tax.

BY repealing and reordaining, with amendments

Article 28 - Taxes
Section(s) 25-1 through 25-6, 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 25. Public Utilities Taxes

Part 1. Telecommunications Tax

[§ 25-1. Tax imposed; rate.

(a) *In general.*

There is levied and imposed on all sales of exchange service for the transmission of telecommunications originating within the limits of Baltimore City and billed after the effective date hereof, a tax at the rate of 12% upon the gross sales price for sales of exchange service for the transmission of telecommunications originating within the limits of Baltimore City.

(b) *Reduced rate for certain services.*

Except for the tax levied and imposed by this Part upon the gross sales price for business and residence exchange telephone lines or trunks, Centrex exchange access lines, and telecommunications messages, effective with bills rendered after December 31, 1982, the tax rate shall be 5%.]

§ 25-1. DEFINITIONS.

(A) *IN GENERAL.*

IN THIS PART 1, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) *PERSON.*

(1) "PERSON" MEANS:

(I) AN INDIVIDUAL;

(II) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR REPRESENTATIVE OF ANY KIND; OR

(III) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY KIND.

(2) "PERSON" DOES NOT INCLUDE A GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR UNIT OF A GOVERNMENTAL ENTITY.

(C) *PLACE OF PRIMARY USE.*

“PLACE OF PRIMARY USE” HAS THE MEANING STATED IN THE SOURCING ACT.

(D) *SOURCING ACT.*

“SOURCING ACT” MEANS THE FEDERAL MOBILE TELECOMMUNICATIONS SOURCING ACT, 4 U.S.C. §§ 116 THROUGH 126 (PUB.L. 106-252).

(E) *TELECOMMUNICATIONS LINE.*

“TELECOMMUNICATIONS LINE” MEANS A WIRED OR WIRELESS CONNECTION, IDENTIFIABLE BY A UNIQUE TELEPHONE NUMBER, TO AN EXCHANGE, WIRELESS, OR OTHER TELECOMMUNICATIONS SERVICE.

(F) *WIRELESS SERVICE.*

(1) “WIRELESS SERVICE” MEANS ANY MOBILE TELECOMMUNICATIONS SERVICE, AS THAT TERM IS USED IN THE SOURCING ACT.

(2) “WIRELESS SERVICE” INCLUDES ANY:

1. CELLULAR TELEPHONE SERVICE;
2. PERSONAL COMMUNICATION SERVICE (“PSC”);
3. COMMERCIAL MOBILE RADIO SERVICE (“CMRS”); OR
4. GLOBAL SYSTEM FOR MOBILE COMMUNICATIONS (“GSM”).

§ 25-2. TAX IMPOSED.

A TAX IS LEVIED AND IMPOSED ON EACH PERSON WHO LEASES, LICENSES, OR SELLS A TELECOMMUNICATIONS LINE TO ANY CUSTOMER:

- (1) FOR WIRED SERVICE, WHOSE BILLING ADDRESS OR FIXED SERVICE ADDRESS IS IN THE CITY; OR
- (2) FOR WIRELESS SERVICE, WHOSE PLACE OF PRIMARY USE IS IN THE CITY.

§ 25-3. RATE OF TAX.

THE ~~AMOUNT~~ RATE OF THE TAX IMPOSED BY THIS PART 1 IS

- (1) \$0.35 PER MONTH OR PART OF A MONTH FOR EACH CENTREX LOCAL EXCHANGE ACCESS LINE OR TRUNK LINE; AND
- (2) \$3.50 PER MONTH OR PART OF A MONTH FOR EACH EVERY OTHER TELECOMMUNICATIONS LINE, WHETHER A RESIDENCE, BUSINESS, CENTREX, PBX LOCAL EXCHANGE, OR OTHER WIRED OR WIRELESS TELECOMMUNICATIONS LINE.

§ 25-4. [§ 25-2.] Exemptions.

The tax imposed by this Part 1 does not apply to A TELECOMMUNICATIONS LINE FURNISHED TO A TELECOMMUNICATIONS "LIFELINE SERVICE" CUSTOMER, AS DEFINED BY THE RULES OF THE FEDERAL COMMUNICATIONS COMMISSION AND THE STATE PUBLIC SERVICE COMMISSION [any of the following:

- (1) sales to the United States and its agencies, unless subject to local tax under federal law;
- (2) sales to the State of Maryland, or any of its political subdivisions, or the Mayor and City Council of Baltimore, or any of their agencies;
- (3) sales to any nonprofit hospital, religious, charitable, or educational institution or organization for use in carrying on the work of the nonprofit institution or organization; and
- (4) sales to any inpatient medical care or nursing facility licensed by the State or City Health Departments for use in carrying on the work of the facility].

[§ 25-3. Collection and remittance.

Every person, firm, or corporation making any of these sales within the City of Baltimore shall:

- (1) collect the tax from the purchasers of the products or services;
- (2) report it to the Director of Finance, under oath on forms supplied by the Director, on or before the 25th day of the succeeding calendar month; and
- (3) pay to the Director of Finance the amount collected from all purchasers during the preceding calendar month.]

§ 25-5. REPORT AND REMITTANCE.**(A) *IN GENERAL.***

EACH PERSON SUBJECT TO THE TAX IMPOSED BY THIS PART I MUST REMIT THE TAX TO THE DIRECTOR OF FINANCE, TOGETHER WITH A MONTHLY REPORT, ON OR BEFORE THE 25TH DAY OF THE MONTH FOLLOWING THE MONTH FOR WHICH THE TAX IS DUE.

(B) *REPORT.*

THE REPORT MUST BE MADE UNDER OATH, IN THE FORM THAT THE DIRECTOR OF FINANCE REQUIRES.

§ 25-6. RECORDS.

EVERY PERSON WHO LEASES, LICENSES, OR SELLS TELECOMMUNICATIONS LINES SUBJECT TO THE TAX IMPOSED BY THE PART 1 MUST:

- (1) KEEP COMPLETE AND ACCURATE RECORDS OF ALL TRANSACTIONS INVOLVING THOSE TELECOMMUNICATIONS LINES, AS NECESSARY OR OTHERWISE REQUIRED BY THE DIRECTOR OF FINANCE TO DETERMINE WHETHER TAXES DUE UNDER THIS PART 1 HAVE BEEN PAID; AND
- (2) MAKE THESE RECORDS AVAILABLE, AT ALL TIMES DURING BUSINESS HOURS, FOR INSPECTION AND AUDIT BY AUTHORIZED REPRESENTATIVES OF THE CITY.

§ 25-7. INTEREST AND CIVIL PENALTIES.

IF A PERSON FAILS TO PAY THE TAX IMPOSED BY THIS PART 1 WHEN DUE, THE PERSON MUST PAY TO THE DIRECTOR OF FINANCE, IN ADDITION TO THE TAX DUE:

- (1) INTEREST AT THE RATE OF 1% FOR EACH MONTH OR PART OF A MONTH THAT THE TAX IS OVERDUE;
AND
- (2) A PENALTY OF 10% OF THE AMOUNT OF THE TAX DUE.

§ 25-8. [§ 25-4.] Rules and regulations.

(A) *DIRECTOR MAY ADOPT.*

The Director of Finance [is hereby authorized to] MAY adopt [such] rules and regulations as [may be] necessary OR APPROPRIATE:

- (1) to insure the PAYMENT, collection, AND ACCOUNTING of the tax imposed by this Part 1; and
- (2) to define OR FURTHER DEFINE any terms used in this Part 1.

(B) *FILING.*

A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS SECTION MUST BE FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

§ 25-9. {RESERVED}**§ 25-10. [§ 25-6.] Penalties.**

Any person[, firm, or corporation refusing or failing to comply with the provisions] WHO VIOLATES ANY PROVISION of this Part 1[, or [any] OF [rules or regulations prescribed, adopted, or promulgated by the Director of Finance pursuant to the authority granted him in] ANY RULE OR REGULATION ADOPTED UNDER this Part 1, or [making] WHO MAKES any false statement or improper return, [shall be] IS guilty of a misdemeanor and, [upon] ON conviction [thereof], [be] IS subject to a fine of not more than [\$500] \$1,000 OR TO IMPRISONMENT FOR NOT MORE THAN 12 MONTHS OR TO BOTH FINE AND IMPRISONMENT for each [such] offense.

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

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on ~~June~~ August 1, 2004.

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

ENROLLED

**CITY OF BALTIMORE
ORDINANCE 04-727
(Council Bill 04-1358)**

AN ORDINANCE CONCERNING

Recordation Tax – Rate

FOR the purpose of modifying the recordation tax rate; establishing a partial exemption for certain residential properties; correcting, clarifying, and conforming certain language; and providing for a special effective date.

BY repealing and reordaining, with amendments

Article 28 - Taxes
Section(s) 16-1
Baltimore City Code
(Edition 2000)

BY adding

Article 28 - Taxes
Section(s) 16-2
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 16. Recordation Tax

§ 16-1. Tax imposed.

Pursuant to [the authority conferred by] State Tax-Property Article § 12-103(b), the rate of tax applicable to instruments recorded with the Clerk of the Circuit Court for Baltimore City [shall be as follows] is:

- (1) in the case of instruments conveying title to property, [the tax shall be at the rate of \$2.75] \$5 for each \$500 or fractional part [thereof] OF \$500 of the actual consideration paid or to be paid; and
- (2) in the case of instruments securing a debt, [the tax shall be at the rate of \$2.75] \$5 for each \$500 OR FRACTIONAL PART OF \$500 of the principal amount of the debt secured.

§ 16-2. PARTIAL EXEMPTION FOR OWNER-OCCUPIED RESIDENCE.

THE TAX IMPOSED BY THIS SUBTITLE DOES NOT APPLY TO THE FIRST \$22,000 OF THE CONSIDERATION PAYABLE ON THE CONVEYANCE OF OWNER-OCCUPIED RESIDENTIAL PROPERTY IF THE INSTRUMENT IN WRITING IS ACCOMPANIED BY A STATEMENT, SIGNED UNDER OATH BY THE BUYER, THAT THE BUYER WILL USE THE PROPERTY AS THE BUYER'S PRINCIPAL RESIDENCE BY ACTUALLY OCCUPYING THE PROPERTY FOR AT LEAST 7 MONTHS OF THE 12-MONTH PERIOD IMMEDIATELY FOLLOWING THE CONVEYANCE.

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~~ September 1, 2004, as to any instrument conveying title or securing a debt that contains a notary acknowledgment dated on or after September 1, 2004, and is presented for recordation on or after September 1, 2004.

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-728
(Council Bill 04-1359)**

AN ORDINANCE CONCERNING

Energy Tax – Reconstitution

FOR the purpose of reconstituting and reformulating the energy tax; imposing an energy tax on persons who deliver, manufacture, or produce energy repealing separate provisions for a fuel tax; defining certain terms; establishing certain rates; requiring certain reports to be made and records to be kept; imposing interest on unpaid taxes; imposing certain other civil and criminal penalties; providing for a special effective date; and generally relating to the imposition and collection of an energy tax.

BY repealing and reordaining, with amendments

Article 28 - Taxes
Section(s) 25-11 through 25-22, inclusive
Baltimore City Code
(Edition 2000)

BY repealing

Article 28 - Taxes
Section(s) 20-1 through 20-17, inclusive, and
the subtitle “Subtitle 20. Fuel Tax”
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 25. Public Utilities Taxes

Part 2. Energy Tax

§ 25-11. Definitions.(a) *In general.*

In this Part 2, the following terms have the meanings indicated.

(b) *Director.*

“Director” means the Director of Finance or THE DIRECTOR’S designee.

(c) *Energy.*

“Energy” means artificial or natural gas, electricity, COAL, FUEL OIL, LIQUIFIED PETROLEUM GAS, or steam delivered FOR CONSUMPTION in Baltimore City [through pipes, wires, or conduits].

(D) *PERSON.*

(1) “PERSON” MEANS:

(I) AN INDIVIDUAL;

(II) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR REPRESENTATIVE OF ANY KIND; OR

(III) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY KIND.

(2) “PERSON” DOES NOT INCLUDE A GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR UNIT OF A GOVERNMENTAL ENTITY.

(E) [(d)] *Revenue.*

(1) “Revenue” means the total amount billed for the {sale,} delivery[, or distribution] of energy to users.

(2) “Revenue” includes, by way of description and not limitation, the amount billed for energy or fuel cost adjustments, delivery or system charges, and service charges.

(3) “Revenue” does not include finance charges, late payment charges, other government taxes or surcharges, the tax imposed by this Part, charges associated with the initial hook-up or re-connection to the vendor’s system.

(F) [(e)] *User.*

“User” includes any person; [firm, or corporation] ~~GOVERNMENTAL ENTITY, OR INSTRUMENTALITY OR UNIT OF A GOVERNMENTAL ENTITY~~ that receives delivery of energy, other than for resale or for [use in the production of other forms] ~~CONVERSION INTO ANOTHER FORM~~ of energy [taxed under] ~~SUBJECT TO THE TAX IMPOSED BY~~ this Part 2.

(G) [(f)] *Vendor.*

“Vendor” means any person[, firm, or corporation] that delivers energy {subject to the tax imposed by this Part 2 directly} to a user.

§ 25-12. Tax imposed.

There is levied and imposed a tax on ~~EACH PERSON WHO DELIVERS~~ energy [delivered through pipes, wires, or conduits] to [all users] ~~ANY USER~~ in the City [other than those exempted by § 25-13 of this Part].

§ 25-13. Exemptions.

The tax imposed by this Part 2 does not apply to energy delivered to any of the following:

- (1) the United States and its agencies, unless subject to local tax under federal law;
- (2) the State of Maryland and its agencies; AND
- (3) the City of Baltimore and its agencies;
- [(4) any nonprofit hospital, religious, charitable, or educational institution or organization, or any in-patient medical care or nursing facility licensed by the State or City Health Departments, with respect to energy used in carrying on the work of the nonprofit institution or organization or the in-patient medical care or nursing facility;
- (5) residential energy users subject to residential schedules that are applicable to the City of Baltimore and are on file with the Public Service Commission of Maryland; and
- (6) energy users that are exempt from the Maryland State Retail Sales and Use Tax as direct users of energy in manufacturing, assembling, processing, or refining operations, but not including their energy use for:
 - (i) maintaining, servicing, or repairing;
 - (ii) testing finished products;
 - (iii) providing for the comfort or health of employees;
 - (iv) operating administrative or commercial facilities such as offices, sales or display rooms, retail outlets, and storage facilities (including refrigerated storage facilities); or
 - (v) any other exclusions that the State Comptroller incorporates from time to time in the regulations governing the administration of the Maryland State Retail Sales and Use Tax, as those inclusions relate to manufacturing, assembling, processing or refining.]

~~§ 25-13.~~ [§ 25-14.] Rates.**(a) *In general.***

For each fiscal year, the rates of the tax will be established as [follows] PROVIDED IN THIS SECTION.

(b) *Certification of revenues and units.*

On or before the preceding February 1, each person[, firm, or corporation] that [sells, distributes, or] delivers energy shall certify to the Director, on THE forms [provided] AND IN THE MANNER REQUIRED by the Director[.]:

- (1) the [revenues from and] AGGREGATE units of energy (E.G., KWHS, THERMS, GALLONS, POUNDS, TONS) supplied and delivered during the prior calendar year directly to all ~~users~~

PERSONS, GOVERNMENTAL ENTITIES, INSTRUMENTALITIES, AND UNITS, AND OTHERS {, whether subject to or exempt from the tax imposed by this Part 2};

- (2) THE AGGREGATE REVENUES DERIVED FROM THE SALE, DISTRIBUTION, OR DELIVERY OF THAT ENERGY; AND
- (3) A BREAKDOWN OF THESE AGGREGATE ~~RATES~~ UNITS AND REVENUES BY CLASS OF USER, AS DEFINED AND PRESCRIBED BY THE DIRECTOR.

(c) *Computation ~~on certified data~~ OF BASE YEAR RATES.*

[(1)] ~~THE~~ FOR EACH CLASS OF ENERGY AND EACH CLASS OF USER, THE Director shall compute the ~~proposed [tax rate] RATES for the next fiscal year~~ A BASE YEAR TAX RATE FOR FISCAL YEAR 2005 by:

- (1) multiplying the sum of the revenues [from taxable users] ~~for each [classification]~~ FROM EACH CLASS OF USER FOR EACH CLASS of energy ~~AND USER~~ by ~~{0.08;}~~ THE FACTOR SPECIFIED IN SUBSECTION (D) OF THIS SECTION; and
- (2) then dividing that product by the sum of the units OF EACH CLASS OF ENERGY delivered to [taxable] THE CLASS OF users ~~for that classification.~~

[(2)] The rates shall be included in the proposed operating budget submitted by the Director to the Board of Estimates.]

(D) ANNUAL ADJUSTMENTS.

FOR FISCAL YEAR 2006 AND EACH SUBSEQUENT FISCAL YEAR, THESE TAX RATES SHALL BE ADJUSTED BY THE PERCENTAGE CHANGE IN THE WASHINGTON-BALTIMORE CONSUMER PRICE INDEX, AS REPORTED BY THE UNITED STATES DEPARTMENT OF LABOR, COMPARING DECEMBER OF THE PRECEDING CALENDAR YEAR TO THE DECEMBER OF THE NEXT PRECEDING CALENDAR YEAR.

(E) PERCENTAGE TO BE PAID. ~~(D) FACTOR TO BE APPLIED.~~

(1) ~~EXCEPT AS OTHERWISE SPECIFIED IN THIS SUBSECTION, THE FACTOR TO BE APPLIED UNDER SUBSECTION (C)(1) OF THIS SECTION IS 0.08.~~

(2) FOR EACH OF THE FOLLOWING CLASSES OF USERS, THE FACTOR TO BE APPLIED IS 0.04 THE USER IS REQUIRED TO PAY THE FOLLOWING PERCENTAGE OF THAT YEAR'S TAX RATE:

(1) ~~(I)~~ RESIDENTIAL ENERGY USERS SUBJECT TO RESIDENTIAL SCHEDULES ON FILE WITH THE PUBLIC SERVICE COMMISSION OF MARYLAND; =
- FISCAL YEAR 2005 AND SUBSEQUENT, 25%.

~~(II) THE UNITED STATES, THE STATE OF MARYLAND, THE CITY OF BALTIMORE, AND ANY OF THEIR RESPECTIVE AGENCIES; AND~~

(2) ~~(III)~~ DIRECT USERS OF ENERGY IN MANUFACTURING, ASSEMBLING, PROCESSING, OR REFINING OPERATIONS THAT ARE EXEMPT FROM THE MARYLAND STATE RETAIL SALES AND USE TAX, BUT NOT INCLUDING USES OF ENERGY FOR THE FOLLOWING (FOR WHICH ~~THE FACTOR TO BE APPLIED IS~~ FULL TAX SHALL BE PAID, AS STATED IN PARAGRAPH ~~(I)~~ (4) OF THIS SUBSECTION):

(A) MAINTAINING, SERVICING, OR REPAIRING;

(B) TESTING FINISHED PRODUCTS;

(C) PROVIDING FOR THE COMFORT OR HEALTH OF EMPLOYEES;

(D) OPERATING ADMINISTRATIVE OR COMMERCIAL FACILITIES, SUCH AS OFFICES, SALES OR DISPLAY ROOMS, RETAIL OUTLETS, AND STORAGE FACILITIES (INCLUDING REFRIGERATED STORAGE FACILITIES); OR

(E) ANY OTHER OPERATIONS THAT THE STATE COMPTROLLER INCORPORATES FROM TIME TO TIME IN THE REGULATIONS GOVERNING THE ADMINISTRATION OF THE MARYLAND STATE RETAIL SALES AND USE TAX, AS THOSE INCLUSIONS RELATE TO MANUFACTURING, ASSEMBLING, PROCESSING, OR REFINING: –
– FISCAL YEARS 2005 AND 2006, 25%; FISCAL YEAR 2007 AND SUBSEQUENT, 0%.

~~(3) FOR ANY OF THE FOLLOWING CLASSES OF USERS, THE FACTOR TO BE APPLIED IS 0.00:~~

~~(3) (H)~~ ANY NONPROFIT HOSPITAL, RELIGIOUS, CHARITABLE, OR EDUCATIONAL INSTITUTION OR ORGANIZATION, OR ANY IN-PATIENT MEDICAL CARE OR NURSING FACILITY LICENSED BY THE STATE OR CITY HEALTH DEPARTMENTS, WITH RESPECT TO ENERGY USED IN CARRYING ON THE WORK OF THE NONPROFIT INSTITUTION OR ORGANIZATION OR THE IN-PATIENT MEDICAL CARE OR NURSING FACILITY: –
– FISCAL YEAR 2005, 0%; FISCAL YEAR 2006 AND SUBSEQUENT, 75%.

~~(4)~~ ALL OTHER USERS –
– FISCAL YEAR 2005 AND SUBSEQUENT, 100%.

~~(F) (E)~~ [(d)] *Computation in absence of certification.*

(1) If a {person, firm, or corporation that sells, distributes, or delivers energy} ~~VENDOR~~ fails to provide the certification required by subsection (b) of this section, the Director may use any reasonable data to establish a proposed rate of taxation.

(2) A determination made by the Director is presumed valid.

~~(G) (F)~~ [(e)] *Director to certify rates.*

(1) THE RATES COMPUTED BY THE DIRECTOR SHALL BE INCLUDED IN THE PROPOSED OPERATING BUDGET SUBMITTED BY THE DIRECTOR TO THE BOARD OF ESTIMATES.

(2) After the adoption of the operating budget, the Director shall certify to each vendor the rates of tax for the fiscal year as included in the adopted budget.

†§ 25-15. Collection.

(a) *Vendor to collect.*

Each vendor shall itemize the tax on each bill and collect the tax from the user.

(b) *Vendor's rights.*

The vendor has the same rights against the user for collection of the tax as it has for collection of the energy bill.†

§ 25-14. [§ 25-16.] Remittance.

[(a) *Vendor to remit monthly.*]

By the 25th day of the month, each vendor shall:

- (1) file a return with the Director, under oath and on a form provided by the Director; and
- (2) pay the amount of tax {billed to a user [during] FOR the [2nd] preceding month.

[(b) *Liability for failure to remit tax.*]

- (1) Each vendor is individually liable for the taxes required to be remitted under this section.
- (2) Whenever a vendor fails to remit the tax within the time required, the Director shall assess the vendor:
 - (i) the amount of tax due;
 - (ii) interest at the rate of 1% per month or any fraction of a month the tax remains unpaid; and
 - (iii) a penalty of 10% of the tax due.]

†§ 25-17. Refunds - uncollectible accounts; tax erroneously paid.

(a) *Uncollectible accounts.*

- (1) If a vendor is unable to collect an account receivable for which the tax already has been remitted and the vendor has charged off that account as worthless, the vendor may deduct the amount of the tax from its monthly remittance, subject to the requirements of this subsection.
- (2) The vendor must:
 - (i) before availing itself of this privilege, provide the Director with a written statement of its policies governing the determination of worthless accounts; and
 - (ii) as a condition of taking any deduction:
 - (A) keep records of every worthless account for which the vendor has taken a deduction; and
 - (B) make those records available to the Director, on request, for review or collection efforts.

(b) *Tax paid erroneously, etc.*

Whenever a tax imposed under this Part 2 has been erroneously, illegally, or unconstitutionally paid, the Director shall refund the tax if the application for refund:

- (1) is made within 3 years from the payment of the tax; and
- (2) states a proper ground for refund.†

†§ 25-18. Refunds - residential uses.*(a) In general.*

Any person, ~~firm, or corporation~~ that has paid the tax imposed under this Part 2 for any energy delivered to residential users or to combined residential and commercial users may apply annually to the Director for a refund of that portion of the taxes paid in excess of the applicable rate reasonably allocable to residential users only.

*(b) Application.**(1) The application shall:*

- (i) be signed by the applicant;*
- (ii) contain a sworn affidavit as to the truth and accuracy of the information set forth in it;*
- (iii) be filed not later than April 1 of each year; and*
- (iv) cover the preceding 12 months.*

(2) Any application not received by April 1 in any particular year may not be given consideration.

(c) Director's authority.

- (1) The Director may refund that portion of the taxes determined to have been paid in connection with energy delivered to residential users only.*
- (2) The Director may adopt rules and regulations to assist in making that determination.*

(d) Reserve fund.

- (1) Any refund shall be made from a reserve fund created out of a portion of the tax receipts collected under this Part 2.*
- (2) The reserve fund shall be in an amount estimated to be sufficient to pay the refunds authorized by this section.†*

~~§ 25-15.~~ †§ 25-19.† Records.*[(a) Vendor to keep.*

Each vendor shall keep complete and accurate records of all taxable deliveries of energy made directly to users, together with a record of the tax collected on them, and shall keep all invoices, bills of lading, and other pertinent records and documents necessary to determine the amount of tax due.

(b) Inspection.

The records and other documents shall be available at all times during business hours for inspection and examination by the Director or other authorized agent of the City.]

(A) IN GENERAL.

EVERY VENDOR MUST:

- (1) KEEP COMPLETE AND ACCURATE RECORDS OF ALL TRANSACTIONS, AS NECESSARY OR OTHERWISE REQUIRED BY THE DIRECTOR TO DETERMINE WHETHER TAXES DUE UNDER THIS PART ~~+~~ 2 HAVE BEEN PAID; AND
- (2) MAKE THESE RECORDS AVAILABLE, AT ALL TIMES DURING BUSINESS HOURS, FOR INSPECTION AND AUDIT BY AUTHORIZED REPRESENTATIVES OF THE CITY.

(B) [(c)] *Failure to keep.*

[Whenever] If a vendor fails to keep records from which the tax imposed by this Part 2 may be accurately computed, the Director may [make] use [of a factor] CRITERIA developed by surveying other taxpayers of the same type or otherwise, compute the amount of tax due, and this computation [shall be prima facie correct] IS PRESUMED CORRECT.

§ 25-20. ~~§ 25-16.~~ INTEREST AND CIVIL PENALTIES.

IF A VENDOR FAILS TO PAY THE TAX IMPOSED BY THIS PART ~~+~~ 2 WHEN DUE, THE VENDOR MUST PAY TO THE DIRECTOR, IN ADDITION TO THE TAX DUE:

- (1) INTEREST AT THE RATE OF 1% FOR EACH MONTH OR PART OF A MONTH THAT THE TAX IS OVERDUE;
AND
- (2) A PENALTY OF 10% OF THE AMOUNT OF THE TAX DUE.

[§ 25-20. Director's powers.

In addition to the powers granted to the Director elsewhere in this Part 2, the Director may:

- (1) adopt rules and regulations necessary to collect the tax;
- (2) define any terms used in connection with the collection of the tax;
- (3) compromise disputed claims in connection with the tax;
- (4) for good cause shown, remit interest and penalties collected;
- (5) delegate powers in connection with the collection of the tax to the City Collector or any other agent or employee of the City; and
- (6) for good cause shown, extend the time of filing of any return for a reasonable period.]

§ 25-21. ~~§ 25-17.~~ RULES AND REGULATIONS.

(A) *DIRECTOR MAY ADOPT.*

THE DIRECTOR OF FINANCE MAY ADOPT RULES AND REGULATIONS AS NECESSARY OR APPROPRIATE:

- (1) TO INSURE THE PAYMENT, COLLECTION, AND ACCOUNTING OF THE TAX IMPOSED BY THIS PART ~~+~~ 2; AND
- (2) TO DEFINE OR FURTHER DEFINE ANY TERMS USED IN THIS PART ~~+~~ 2.

(B) *FILING.*

A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS SECTION MUST BE FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

§ 25-22. § 25-18. [§ 25-21.] {Reserved}**§ 25-23. § 25-19. [§ 25-22.] Penalties.**

Any [vndor that] PERSON WHO violates any provision of this Part 2 OR OF ANY RULE OR REGULATION ADOPTED UNDER THIS PART 2, OR WHO MAKES ANY FALSE STATEMENT OR IMPROPER RETURN, is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than [\$500] \$1,000 or imprisonment for not more than [6] 12 months or TO both FINE AND IMPRISONMENT FOR EACH OFFENSE.

SECTION 2. ~~AND BE IT FURTHER ORDAINED,~~ That the Laws of Maryland, as amended by Section 1 of this Ordinance, be further amended as follows:

Baltimore City Code**~~Article 28. Taxes~~****~~Subtitle 25. Public Utilities Taxes~~****~~Part 2. Energy Tax~~****~~§ 25-13. Rates.~~****~~(d) Factor to be applied.~~**

~~(1) Except as otherwise specified in this subsection, the factor to be applied under subsection (c)(1) of this section is 0.08.~~

~~(2) For each of the following classes of users, the factor to be applied is 0.04:~~

~~(i) residential energy users subject to residential schedules on file with the Public Service Commission of Maryland;~~

~~(ii) ANY NONPROFIT HOSPITAL, RELIGIOUS, CHARITABLE, OR EDUCATIONAL INSTITUTION OR ORGANIZATION, OR ANY IN-PATIENT MEDICAL CARE OR NURSING FACILITY LICENSED BY THE STATE OR CITY HEALTH DEPARTMENTS, WITH RESPECT TO ENERGY USED IN CARRYING ON THE WORK OF THE NONPROFIT INSTITUTION OR ORGANIZATION OR THE IN-PATIENT MEDICAL CARE OR NURSING FACILITY;~~

~~(iii) [(ii)] the United States, the State of Maryland, the City of Baltimore, and any of their respective agencies; and~~

~~(iv) [(iii)] direct users of energy in manufacturing, assembling, processing, or refining operations that are exempt from the Maryland State Retail Sales and Use Tax, but not including uses of energy for the following (for which the factor to be applied is as stated in paragraph (1) of this subsection):~~

~~(A) maintaining, servicing, or repairing;~~

~~(B) testing finished products;~~

- ~~(C) providing for the comfort or health of employees;~~
- ~~(D) operating administrative or commercial facilities, such as offices, sales or display rooms, retail outlets, and storage facilities (including refrigerated storage facilities); or~~
- ~~(E) any other operations that the State Comptroller incorporates from time to time in the regulations governing the administration of the Maryland State Retail Sales and Use Tax, as those inclusions relate to manufacturing, assembling, processing, or refining.~~

~~{(3) For any of the following classes of users, the factor to be applied is 0.00:~~

- ~~(i) any nonprofit hospital, religious, charitable, or educational institution or organization, or any in-patient medical care or nursing facility licensed by the State or City Health Departments, with respect to energy used in carrying on the work of the nonprofit institution or organization or the in-patient medical care or nursing facility.]~~

SECTION 3. AND BE IT FURTHER ORDAINED, That for taxable/fiscal year 2005 only, vendors of fuel oil, coal, and liquid petroleum gas subject to the tax imposed by this Ordinance shall file a certification for calendar year 2003, as required by § 25-13(b), within 30 days of the effective date of this Ordinance. The Director of Finance shall compute the applicable rates, in accordance with § 25-13(c) or (e) as the case may be, and certify those rates to the vendors within 60 days of the effective date of this Ordinance. The vendor shall then begin paying the tax for the then-current and all future months as provided in § 25-14. Payment for preceding months shall be paid within 30 days of the Director's certification of rates.

SECTION 2. AND BE IT FURTHER ORDAINED, That §§ 20-1 through 20-17, inclusive, and the subtitle designation "Subtitle 20. Fuel Tax" of Article 28, Baltimore City Code (Edition 2000), are repealed.

SECTION 3. AND BE IT FURTHER ORDAINED, That notwithstanding §25-14(g), for Fiscal Year 2005, the rates computed shall be published in the summary of the adopted budget.

SECTION 4. AND BE IT FURTHER ORDAINED, That the provisions of this Ordinance are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any person or circumstances is invalid, the remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision.

SECTION 5. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 6. AND BE IT FURTHER ORDAINED, That, on or before October 1, 2005, and October 1 of each 5th year following, the Director of Finance shall submit a report to the City Council on the revenues derived from and the effect of the tax established under this Ordinance during the preceding fiscal years.

SECTION 6 7. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted for all units of energy delivered after July 1, 2004 and billed after August 1, 2004, as follows:

- ~~(a) Sections 1, 3, 4, and 5 take effect on the date this Ordinance is enacted for taxable/fiscal year 2005 and each subsequent taxable/fiscal year.~~

~~(b) Section 2 takes effect on June 1, 2005, for taxable/fiscal year 2006 and each subsequent taxable/fiscal year.~~

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-729
(Council Bill 04-1378)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Baltimore City Fire Department — \$2,528,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$2,528,000 to the Baltimore City Fire Department — Program 319 (Ambulance Service), for additional operating expenses for Fiscal Year 2004; and providing for a special effective date.

BY authority of

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

Recitals

The revenue appropriated by this Ordinance represents funds from the Recordation Tax in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 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 May 19, 2004, 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 \$2,528,000 shall be made available to the Baltimore City Fire Department — Program 319 (Ambulance Service) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2004, to provide funding for additional operating expenses for Fiscal Year 2004. The source of revenue for this appropriation is from the Recordation Tax in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2004.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-730
(Council Bill 04-1379)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Baltimore City Health Department — \$100,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$100,000 to the Baltimore City Health Department — Program 304 (Health Promotion and Disease Prevention), for additional operating expenses for Fiscal Year 2004; 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 Lien Reports 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 May 19, 2004, 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 \$100,000 shall be made available to the Baltimore City Health Department — Program 304 (Health Promotion and Disease Prevention) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2004, to provide funding for additional operating expenses for Fiscal Year 2004. The source of revenue for this appropriation is from Lien Reports 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 June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-731
(Council Bill 04-1380)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Baltimore City Health Department — \$50,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$50,000 to the Baltimore City Health Department — Program 300 (Administration), for additional operating expenses for Fiscal Year 2004; 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 Lien Reports 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 May 19, 2004, 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 \$50,000 shall be made available to the Baltimore City Health Department — Program 300 (Administration) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2004, to provide funding for additional operating expenses for Fiscal Year 2004. The source of revenue for this appropriation is from Lien Reports 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 June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-732
(Council Bill 04-1381)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Baltimore City Health Department — \$50,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$50,000 to the Baltimore City Health Department — Program 306 (General Nursing Service), for additional operating expenses for Fiscal Year 2004; 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 Lien Reports 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 May 19, 2004, 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 \$50,000 shall be made available to the Baltimore City Health Department — Program 306 (General Nursing Service) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2004, to provide funding for additional operating expenses for Fiscal Year 2004. The source of revenue for this appropriation is from Lien Reports 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 June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-733
(Council Bill 04-1382)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Baltimore City Police Department — \$3,500,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$3,500,000 to the Baltimore City Police Department — Program 201 (Field Operations), for additional operating expenses for Fiscal Year 2004; and providing for a special effective date.

BY authority of

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

Recitals

The revenue appropriated by this Ordinance represents funds from the Property Transfer Tax in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 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 May 19, 2004, 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 \$3,500,000 shall be made available to the Baltimore City Police Department — Program 201 (Field Operations) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2004, to provide funding for additional operating expenses for Fiscal Year 2004. The source of revenue for this appropriation is from the Property Transfer Tax in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2004.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-734
(Council Bill 04-1383)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Baltimore City Police Department — \$1,700,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$1,700,000 to the Baltimore City Police Department — Program 204 (Services), for additional operating expenses for Fiscal Year 2004 ; and providing for a special effective date.

BY authority of

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

Recitals

The revenue appropriated by this Ordinance represents funds from the Fiscal 2003 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 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 May 19, 2004, 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 \$1,700,000 shall be made available to the Baltimore City Police Department — Program 204 (Services) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2004, to provide funding for additional operating expenses for Fiscal Year 2004. The source of revenue for this appropriation is from the Fiscal 2003 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 2004.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-735
(Council Bill 04-1384)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Baltimore City Police Department — \$2,500,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$2,500,000 to the Baltimore City Police Department — Program 202 (Investigations), for additional operating expenses for Fiscal Year 2004; and providing for a special effective date.

BY authority of

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

Recitals

The revenue appropriated by this Ordinance represents funds from the Fiscal 2003 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 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 May 19, 2004, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$2,500,000 shall be made available to the Baltimore City Police Department — Program 202 (Investigations) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2004, to provide funding for additional operating expenses for Fiscal Year 2004. The source of revenue for this appropriation is from the Fiscal 2003 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 2004.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-736
(Council Bill 04-1385)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Baltimore City Police Department — \$1,800,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$1,800,000 to the Baltimore City Police Department — Program 200 (Administration), for additional operating expenses for Fiscal Year 2004; 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 Forfeitures Drug/Gambling Contraband 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 May 19, 2004, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$1,800,000 shall be made available to the Baltimore City Police Department — Program 200 (Administration) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2004, to provide funding for additional operating expenses for Fiscal Year 2004. The source of revenue for this appropriation is from Forfeitures Drug/Gambling Contraband 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 June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-737
(Council Bill 04-1386)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Capital Appropriation —
Department of Public Works — \$280,000**

FOR the purpose of providing a Supplementary General Fund Capital Appropriation in the amount of \$280,000 to the Department of Public Works — (Account #9916-194-149), to provide funding for handicapped access modifications to the Charles L. Benton, Jr. Building; and providing for a special effective date.

BY authority of

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

Recitals

The revenue appropriated by this Ordinance represents funds from the Fiscal 2003 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 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 May 19, 2004, 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 \$280,000 shall be made available to the Department of Public Works — (Account #9916-194-149) as a Supplementary General Fund Capital Appropriation for Fiscal Year 2004, to provide funding for handicapped access modifications to the Charles L. Benton, Jr. Building. The source of revenue for this appropriation is from the Fiscal 2003 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 2004.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-738
(Council Bill 04-1387)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Department of Public Works — \$800,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$800,000 to the Department of Public Works — Program 515 (Solid Waste Collection), for additional operating expenses for Fiscal Year 2004; 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 Principal Payment - Economic Development Loan in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 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 May 19, 2004, 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 Public Works — Program 515 (Solid Waste Collection) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2004, to provide funding for additional operating expenses for Fiscal Year 2004. The source of revenue for this appropriation is from Principal Payment - Economic Development Loan 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 June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-739
(Council Bill 04-1388)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Department of Public Works — \$6,266,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$6,266,000 to the Department of Public Works — Program 193 (Facilities Management), for additional operating expenses for Fiscal Year 2004; 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 Fiscal 2003 Fund Balance and Principal Payment - Economic Development Loan in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 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 May 19, 2004, 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 \$6,266,000 shall be made available to the Department of Public Works — Program 193 (Facilities Management) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2004, to provide funding for additional operating expenses for Fiscal Year 2004. The source of revenue for this appropriation is from Fiscal 2003 Fund Balance (\$5,802,000) and Principal Payment - Economic Development Loan (\$464,000) in excess of the amount from these sources 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 June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-740
(Council Bill 04-1389)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Capital Appropriation —
Department of Recreation and Parks — \$515,000**

FOR the purpose of providing a Supplementary General Fund Capital Appropriation in the amount of \$515,000 to the Department of Recreation and Parks — (Account #9938-474-488), to provide funding for the Gwynns Falls Greenway 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 Recordation Tax (\$200,000), Principal Payment - Economic Development Loan (\$165,000), and Impounding Cars - Storage (\$150,000) 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 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 May 19, 2004, 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 \$515,000 shall be made available to the Department of Recreation and Parks — (Account #9938-474-488) as a Supplementary General Fund Capital Appropriation for Fiscal Year 2004, to provide funding for the Gwynns Falls Greenway Project. The source of revenue for this appropriation is from the Recordation Tax (\$200,000), Principal Payment - Economic Development Loan (\$165,000), and Impounding Cars - Storage (\$150,000) 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 2004.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-741
(Council Bill 04-1390)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Department of Recreation and Parks — \$750,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$750,000 to the Department of Recreation and Parks — Program 478 (General Park Services), for additional operating expenses for Fiscal Year 2004; and providing for a special effective date.

BY authority of

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

Recitals

The revenue appropriated by this Ordinance represents funds from the Property Transfer Tax and Building Construction Permits 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 May 19, 2004, 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 \$750,000 shall be made available to the Department of Recreation and Parks — Program 478 (General Park Services) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2004, to provide funding for additional operating expenses for Fiscal Year 2004. The source of revenue for this appropriation is from the Property Transfer Tax (\$40,000) and Building Construction Permits (\$710,000) 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 2004.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-742
(Council Bill 04-1391)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Department of Recreation and Parks — \$500,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$500,000 to the Department of Recreation and Parks — Program 480 (Regular Recreational Services), for additional operating expenses for Fiscal Year 2004; and providing for a special effective date.

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

Recitals

The revenue appropriated by this Ordinance represents funds from the Property Transfer Tax in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 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 May 19, 2004, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$500,000 shall be made available to the Department of Recreation and Parks — Program 480 (Regular Recreational Services) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2004, to provide funding for additional operating expenses for Fiscal Year 2004. The source of revenue for this appropriation is from the Property Transfer Tax in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2004.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor\

**CITY OF BALTIMORE
ORDINANCE 04-743
(Council Bill 04-1392)**

AN ORDINANCE CONCERNING

**Supplementary Motor Vehicle Fund Capital Appropriation —
Department of Recreation and Parks — \$395,000**

FOR the purpose of providing a Supplementary Motor Vehicle Fund Capital Appropriation in the amount of \$395,000 to the Department of Recreation and Parks — (Account #9938-474), to provide funding for the Gwynns Falls Greenway Project; and providing for a special effective date.

BY authority of

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

Recitals

The revenue appropriated by this Ordinance represents funds from the Fiscal 2003 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 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 May 19, 2004, 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 \$395,000 shall be made available to the Department of Recreation and Parks — (Account #9938-474) as a Supplementary Motor Vehicle Fund Capital Appropriation for Fiscal Year 2004, to provide funding for the Gwynns Falls Greenway Project. The source of revenue for this appropriation is from the Fiscal 2003 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 2004.

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

Approved June 23, 2004

Martin O'Malley, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-744
(Council Bill 04-1393)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
State's Attorney Office — \$400,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$400,000 to the State's Attorney Office — Program 115 (Prosecution of Criminals), for additional operating expenses for Fiscal Year 2004; and providing for a special effective date.

BY authority of

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

Recitals

The revenue appropriated by this Ordinance represents funds from Impounding Cars - Storage in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 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 May 19, 2004, 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 \$400,000 shall be made available to the State's Attorney Office — Program 115 (Prosecution of Criminals) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2004, to provide funding for additional operating expenses for Fiscal Year 2004. The source of revenue for this appropriation is from Impounding Cars - Storage in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2004.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-745
(Council Bill 04-1394)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Department of Transportation — \$250,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$250,000 to the Department of Transportation — Program 195 (Towing), for additional operating expenses for Fiscal Year 2004; and providing for a special effective date.

BY authority of

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

Recitals

The revenue appropriated by this Ordinance represents funds from Impounding Cars - Storage in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 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 May 19, 2004, 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 \$250,000 shall be made available to the Department of Transportation — Program 195 (Towing) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2004, to provide funding for additional operating expenses for Fiscal Year 2004. The source of revenue for this appropriation is from Impounding Cars - Storage in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2004.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-746
(Council Bill 04-1431)**

AN ORDINANCE CONCERNING

**Supplementary Motor Vehicle Fund Capital Appropriation —
Department of Public Works — \$1,000,000**

FOR the purpose of providing a Supplementary Motor Vehicle Fund Capital Appropriation in the amount of \$1,000,000 to the Department of Public Works (Account #525-648), to provide funds for Lower Stony Run Open Channel Improvements; 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 State Highway User Revenues in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$1,000,000 shall be made available to the Department of Public Works (Account #525-648) as a Supplementary Motor Vehicle Fund Capital Appropriation for Fiscal Year 2005, to provide funding for Lower Stony Run Open Channel Improvements for Fiscal 2005. The source of revenue for this appropriation is from the State Highway User Revenues in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-747
(Council Bill 04-1432)**

AN ORDINANCE CONCERNING

**Supplementary Motor Vehicle Fund Capital Appropriation —
Department of Public Works — \$900,000**

FOR the purpose of providing a Supplementary Motor Vehicle Fund Capital Appropriation in the amount of \$900,000 to the Department of Public Works (Account #526-625), to provide funds for Middle Stony Run Open Channel Improvements; 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 State Highway User Revenues in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$900,000 shall be made available to the Department of Public Works (Account #526-625) as a Supplementary Motor Vehicle Fund Capital Appropriation for Fiscal Year 2005, to provide funding for Middle Stony Run Open Channel Improvements for Fiscal 2005. The source of revenue for this appropriation is from the State Highway User Revenues in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-748
(Council Bill 04-1433)**

AN ORDINANCE CONCERNING

**Supplementary Motor Vehicle Fund Capital Appropriation —
Department of Public Works — \$700,000**

FOR the purpose of providing a Supplementary Motor Vehicle Fund Capital Appropriation in the amount of \$700,000 to the Department of Public Works (Account #526-648), to provide funds for Lower Stony Run Open Channel Improvements; 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 State Highway User Revenues in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$700,000 shall be made available to the Department of Public Works (Account #526-648) as a Supplementary Motor Vehicle Fund Capital Appropriation for Fiscal Year 2005, to provide funding for Lower Stony Run Open Channel Improvements for Fiscal 2005. The source of revenue for this appropriation is from the State Highway User Revenues in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-749
(Council Bill 04-1434)**

AN ORDINANCE CONCERNING

**Supplementary Motor Vehicle Fund Capital Appropriation —
Department of Recreation and Parks — \$200,000**

FOR the purpose of providing a Supplementary Motor Vehicle Fund Capital Appropriation in the amount of \$200,000 to the Department of Recreation and Parks (Account #474-651), to provide funds for Druid Hill Park Zoo Pedestrian Improvements; 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 State Highway User Revenues in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$200,000 shall be made available to the Department of Recreation and Parks (Account #474-651) as a Supplementary Motor Vehicle Fund Capital Appropriation for Fiscal Year 2005, to provide funding for Druid Hill Park Zoo Pedestrian Improvements for Fiscal 2005. The source of revenue for this appropriation is from the State Highway User Revenues in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-750
(Council Bill 04-1435)**

AN ORDINANCE CONCERNING

**Supplementary Motor Vehicle Fund Capital Appropriation —
Department of Recreation and Parks — \$150,000**

FOR the purpose of providing a Supplementary Motor Vehicle Fund Capital Appropriation in the amount of \$150,000 to the Department of Recreation and Parks (Account #474-657), to provide funds for Park Roadways Lighting Improvements; 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 State Highway User Revenues in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, 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 \$150,000 shall be made available to the Department of Recreation and Parks (Account #474-657) as a Supplementary Motor Vehicle Fund Capital Appropriation for Fiscal Year 2005, to provide funding for Park Roadways Lighting Improvements for Fiscal 2005. The source of revenue for this appropriation is from the State Highway User Revenues in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-751
(Council Bill 04-1436)**

AN ORDINANCE CONCERNING

**Supplementary Motor Vehicle Fund Capital Appropriation —
Department of Recreation and Parks — \$120,000**

FOR the purpose of providing a Supplementary Motor Vehicle Fund Capital Appropriation in the amount of \$120,000 to the Department of Recreation and Parks (Account #474-671), to provide funds for Street Tree Operations; 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 State Highway User Revenues in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, 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 \$120,000 shall be made available to the Department of Recreation and Parks (Account #474-671) as a Supplementary Motor Vehicle Fund Capital Appropriation for Fiscal Year 2005, to provide funding for Street Tree Operations for Fiscal 2005. The source of revenue for this appropriation is from the State Highway User Revenues in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-752
(Council Bill 04-1437)**

AN ORDINANCE CONCERNING

**Supplementary Motor Vehicle Fund Capital Appropriation —
Department of Recreation and Parks — \$278,000**

FOR the purpose of providing a Supplementary Motor Vehicle Fund Capital Appropriation in the amount of \$278,000 to the Department of Recreation and Parks (Account #475-624), to provide funds for Gateway Improvements; 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 State Highway User Revenues in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, 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 \$278,000 shall be made available to the Department of Recreation and Parks (Account #475-624) as a Supplementary Motor Vehicle Fund Capital Appropriation for Fiscal Year 2005, to provide funding for Gateway Improvements for Fiscal 2005. The source of revenue for this appropriation is from the State Highway User Revenues in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-753
(Council Bill 04-1438)**

AN ORDINANCE CONCERNING

**Supplementary MVR Fund Operating Appropriation —
Department of Recreation and Parks — \$300,000**

FOR the purpose of providing a Supplementary MVR Fund Operating Appropriation in the amount of \$300,000 to the Department of Recreation and Parks — Program 478 (General Park Services), to provide funding for additional horticultural services; 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 State Highway User Revenues in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, 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 \$300,000 shall be made available to the Department of Recreation and Parks — Program 478 (General Park Services) as a Supplementary MVR Fund Operating Appropriation for Fiscal Year 2005, to provide funding for additional horticultural services for Fiscal Year 2005. The source of revenue for this appropriation is from the State Highway User Revenues in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-754
(Council Bill 04-1439)**

AN ORDINANCE CONCERNING

**Supplementary MVR Fund Operating Appropriation —
Department of Transportation — \$476,000**

FOR the purpose of providing a Supplementary MVR Fund Operating Appropriation in the amount of \$476,000 to the Department of Transportation — Program 500 (Street Lighting), to provide funding for anticipated increases in power costs; 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 State Highway User Revenues in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, 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 \$476,000 shall be made available to the Department of Transportation — Program 500 (Street Lighting) as a Supplementary MVR Fund Operating Appropriation for Fiscal Year 2005, to provide funding for anticipated increases in power costs for Fiscal 2005. The source of revenue for this appropriation is from the State Highway User Revenues in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-755
(Council Bill 04-1440)**

AN ORDINANCE CONCERNING

**Supplementary Motor Vehicle Fund Capital Appropriation —
Department of Transportation — \$300,000**

FOR the purpose of providing a Supplementary Motor Vehicle Fund Capital Appropriation in the amount of \$300,000 to the Department of Transportation (Account #504-165), to provide funds for Footway Reconstruction; 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 State Highway User Revenues in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, 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 \$300,000 shall be made available to the Department of Transportation (Account #504-165) as a Supplementary Motor Vehicle Fund Capital Appropriation for Fiscal Year 2004, to provide funding for Footway Reconstruction for Fiscal 2005. The source of revenue for this appropriation is from the State Highway User Revenues in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-756
(Council Bill 04-1441)**

AN ORDINANCE CONCERNING

**Supplementary Motor Vehicle Fund Capital Appropriation —
Department of Transportation — \$300,000**

FOR the purpose of providing a Supplementary Motor Vehicle Fund Capital Appropriation in the amount of \$300,000 to the Department of Transportation (Account #504-200), to provide funds for Alley Reconstruction; 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 State Highway User Revenues in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, 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 \$300,000 shall be made available to the Department of Transportation (Account #504-200) as a Supplementary Motor Vehicle Fund Capital Appropriation for Fiscal Year 2005, to provide funding for Alley Reconstruction for Fiscal 2005. The source of revenue for this appropriation is from the State Highway User Revenues in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-757
(Council Bill 04-1442)**

AN ORDINANCE CONCERNING

**Supplementary Motor Vehicle Fund Capital Appropriation —
Department of Transportation — \$300,000**

FOR the purpose of providing a Supplementary Motor Vehicle Fund Capital Appropriation in the amount of \$300,000 to the Department of Transportation (Account #504-300), to provide funds for Tree Root Damage; 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 State Highway User Revenues in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, 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 \$300,000 shall be made available to the Department of Transportation (Account #504-300) as a Supplementary Motor Vehicle Fund Capital Appropriation for Fiscal Year 2005, to provide funding for Tree Root Damage for Fiscal 2005. The source of revenue for this appropriation is from the State Highway User Revenues in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-758
(Council Bill 04-1443)**

AN ORDINANCE CONCERNING

**Supplementary Motor Vehicle Fund Capital Appropriation —
Department of Transportation — \$100,000**

FOR the purpose of providing a Supplementary Motor Vehicle Fund Capital Appropriation in the amount of \$100,000 to the Department of Transportation (Account #506-523), to provide funds for the Fulton Avenue Streetscape Design; 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 State Highway User Revenues in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, 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 \$100,000 shall be made available to the Department of Transportation (Account #506-523) as a Supplementary Motor Vehicle Fund Capital Appropriation for Fiscal Year 2005, to provide funding for the Fulton Avenue Streetscape Design for Fiscal 2005. The source of revenue for this appropriation is from the State Highway User Revenues in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-759
(Council Bill 04-1444)**

AN ORDINANCE CONCERNING

**Supplementary Motor Vehicle Fund Capital Appropriation —
Department of Transportation — \$3,100,000**

FOR the purpose of providing a Supplementary Motor Vehicle Fund Capital Appropriation in the amount of \$3,100,000 to the Department of Transportation (Account #507-311), to provide funds for the Russell Street Bridge; 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 State Highway User Revenues in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, 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 \$3,100,000 shall be made available to the Department of Transportation (Account #507-311) as a Supplementary Motor Vehicle Fund Capital Appropriation for Fiscal Year 2005, to provide funding for the Russell Street Bridge for Fiscal 2005. The source of revenue for this appropriation is from the State Highway User Revenues in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-760
(Council Bill 04-1445)**

AN ORDINANCE CONCERNING

**Supplementary Motor Vehicle Fund Capital Appropriation —
Department of Transportation — \$1,000,000**

FOR the purpose of providing a Supplementary Motor Vehicle Fund Capital Appropriation in the amount of \$1,000,000 to the Department of Transportation (Account #507-416), to provide funds for Hawkins Point; 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 State Highway User Revenues in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$1,000,000 shall be made available to the Department of Transportation (Account #507-416) as a Supplementary Motor Vehicle Fund Capital Appropriation for Fiscal Year 2005, to provide funding for Hawkins Point for Fiscal 2005. The source of revenue for this appropriation is from the State Highway User Revenues in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-761
(Council Bill 04-1446)**

AN ORDINANCE CONCERNING

**Supplementary Motor Vehicle Fund Capital Appropriation —
Department of Transportation — \$500,000**

FOR the purpose of providing a Supplementary Motor Vehicle Fund Capital Appropriation in the amount of \$500,000 to the Department of Transportation (Account #509-091), to provide funds for the Maisel Street Bridge; 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 State Highway User Revenues in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$500,000 shall be made available to the Department of Transportation (Account #509-091) as a Supplementary Motor Vehicle Fund Capital Appropriation for Fiscal Year 2005, to provide funding for the Maisel Street Bridge for Fiscal 2005. The source of revenue for this appropriation is from the State Highway User Revenues in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-762
(Council Bill 04-1447)**

AN ORDINANCE CONCERNING

**Supplementary Motor Vehicle Fund Capital Appropriation —
Department of Transportation — \$1,000,000**

FOR the purpose of providing a Supplementary Motor Vehicle Fund Capital Appropriation in the amount of \$1,000,000 to the Department of Transportation (Account #509-255), to provide funds for Orleans Street; 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 State Highway User Revenues in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$1,000,000 shall be made available to the Department of Transportation (Account #509-255) as a Supplementary Motor Vehicle Fund Capital Appropriation for Fiscal Year 2005, to provide funding for Orleans Street for Fiscal 2005. The source of revenue for this appropriation is from the State Highway User Revenues in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-763
(Council Bill 04-1448)**

AN ORDINANCE CONCERNING

**Supplementary Motor Vehicle Fund Capital Appropriation —
Department of Transportation — \$400,000**

FOR the purpose of providing a Supplementary Motor Vehicle Fund Capital Appropriation in the amount of \$400,000 to the Department of Transportation (Account #509-882), to provide funds for the Annapolis Road Bridge; 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 State Highway User Revenues in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, 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 \$400,000 shall be made available to the Department of Transportation (Account #509-882) as a Supplementary Motor Vehicle Fund Capital Appropriation for Fiscal Year 2004, to provide funding for the Annapolis Road Bridge for Fiscal 2005. The source of revenue for this appropriation is from the State Highway User Revenues in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-764
(Council Bill 04-1449)**

AN ORDINANCE CONCERNING

**Supplementary Motor Vehicle Fund Capital Appropriation —
Department of Transportation — \$1,000,000**

FOR the purpose of providing a Supplementary Motor Vehicle Fund Capital Appropriation in the amount of \$1,000,000 to the Department of Transportation (Account #509-989), to provide funds for Harford Road Enhancements; 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 State Highway User Revenues in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$1,000,000 shall be made available to the Department of Transportation (Account #509-989) as a Supplementary Motor Vehicle Fund Capital Appropriation for Fiscal Year 2005, to provide funding for Harford Road Enhancements for Fiscal 2005. The source of revenue for this appropriation is from the State Highway User Revenues in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-765
(Council Bill 04-1450)**

AN ORDINANCE CONCERNING

**Supplementary Motor Vehicle Fund Capital Appropriation —
Department of Transportation — \$800,000**

FOR the purpose of providing a Supplementary Motor Vehicle Fund Capital Appropriation in the amount of \$800,000 to the Department of Transportation (Account #514-058), to provide funds for Madison Street Resurfacing (Fallsway to Chester Street); 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 State Highway User Revenues in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, 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 Transportation (Account #514-058) as a Supplementary Motor Vehicle Fund Capital Appropriation for Fiscal Year 2005, to provide funding for Madison Street Resurfacing (Fallsway to Chester Street) for Fiscal 2005. The source of revenue for this appropriation is from State Highway User Revenues in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-766
(Council Bill 04-1451)**

AN ORDINANCE CONCERNING

**Supplementary Motor Vehicle Fund Capital Appropriation —
Department of Transportation — \$500,000**

FOR the purpose of providing a Supplementary Motor Vehicle Fund Capital Appropriation in the amount of \$500,000 to the Department of Transportation (Account #514-200), to provide funds for the Emergency Resurfacing Job Order Contract; 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 State Highway User Revenues in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$500,000 shall be made available to the Department of Transportation (Account #514-200) as a Supplementary Motor Vehicle Fund Capital Appropriation for Fiscal Year 2005, to provide funding for the Emergency Resurfacing Job Order Contract for Fiscal 2005. The source of revenue for this appropriation is from the State Highway User Revenues in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-767
(Council Bill 04-1452)**

AN ORDINANCE CONCERNING

**Supplementary Motor Vehicle Fund Capital Appropriation —
Department of Transportation — \$350,000**

FOR the purpose of providing a Supplementary Motor Vehicle Fund Capital Appropriation in the amount of \$350,000 to the Department of Transportation (Account #514-215), to provide funds for Local Resurfacing - Southwest; 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 State Highway User Revenues in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, 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 \$350,000 shall be made available to the Department of Transportation (Account #514-215) as a Supplementary Motor Vehicle Fund Capital Appropriation for Fiscal Year 2005, to provide funding for Local Resurfacing - Southwest for Fiscal 2005. The source of revenue for this appropriation is from the State Highway User Revenues in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-768
(Council Bill 04-1453)**

AN ORDINANCE CONCERNING

**Supplementary Motor Vehicle Fund Capital Appropriation —
Department of Transportation — \$1,200,000**

FOR the purpose of providing a Supplementary Motor Vehicle Fund Capital Appropriation in the amount of \$1,200,000 to the Department of Transportation (Account #514-664), to provide funds for the Russell Street Gateway Rehabilitation Design; 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 State Highway User Revenues in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, 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 \$1,200,000 shall be made available to the Department of Transportation (Account #514-664) as a Supplementary Motor Vehicle Fund Capital Appropriation for Fiscal Year 2005, to provide funding for the Russell Street Gateway Rehabilitation Design for Fiscal 2005. The source of revenue for this appropriation is from the State Highway User Revenues in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-769
(Council Bill 04-1454)**

AN ORDINANCE CONCERNING

**Supplementary Motor Vehicle Fund Capital Appropriation —
Department of Transportation — \$500,000**

FOR the purpose of providing a Supplementary Motor Vehicle Fund Capital Appropriation in the amount of \$500,000 to the Department of Transportation (Account #527-106), to provide funds for the Canton Industrial Area: Newkirk Street (Boston Street to Keith Street); 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 State Highway User Revenues in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$500,000 shall be made available to the Department of Transportation (Account #527-106) as a Supplementary Motor Vehicle Fund Capital Appropriation for Fiscal Year 2005, to provide funding for the Canton Industrial Area: Newkirk Street (Boston Street to Keith Street) for Fiscal 2005. The source of revenue for this appropriation is from the State Highway User Revenues in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-770
(Council Bill 04-1455)**

AN ORDINANCE CONCERNING

**Supplementary Motor Vehicle Fund Capital Appropriation —
Department of Transportation — \$235,000**

FOR the purpose of providing a Supplementary Motor Vehicle Fund Capital Appropriation in the amount of \$235,000 to the Department of Transportation (Account #527-117), to provide funds for Main Streets Improvements: 36th Street and East Monument Street; 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 State Highway User Revenues in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, 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 \$235,000 shall be made available to the Department of Transportation (Account #527-117) as a Supplementary Motor Vehicle Fund Capital Appropriation for Fiscal Year 2005, to provide funding for Main Street Improvements: 36th Street and East Monument Street for Fiscal 2005. The source of revenue for this appropriation is from the State Highway User Revenues in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-771
(Council Bill 04-1456)**

AN ORDINANCE CONCERNING

**Supplementary Motor Vehicle Fund Capital Appropriation —
Department of Transportation — \$500,000**

FOR the purpose of providing a Supplementary Motor Vehicle Fund Capital Appropriation in the amount of \$500,000 to the Department of Transportation (Account #527-146), to provide funds for the Museum Walk Streetscaping Program (Vicinity of Pratt and President Streets); 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 State Highway User Revenues in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$500,000 shall be made available to the Department of Transportation (Account #527-146) as a Supplementary Motor Vehicle Fund Capital Appropriation for Fiscal Year 2005, to provide funding for the Museum Walk Streetscaping Program (Vicinity of Pratt and President Streets) for Fiscal 2005. The source of revenue for this appropriation is from the State Highway User Revenues in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-772
(Council Bill 04-1457)**

AN ORDINANCE CONCERNING

**Supplementary Motor Vehicle Fund Capital Appropriation —
Department of Transportation — \$660,000**

FOR the purpose of providing a Supplementary Motor Vehicle Fund Capital Appropriation in the amount of \$660,000 to the Department of Transportation (Account #527-173), to provide funds for Downtown Pedestrian Lighting (Various); 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 State Highway User Revenues in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, 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 \$660,000 shall be made available to the Department of Transportation (Account #527-173) as a Supplementary Motor Vehicle Fund Capital Appropriation for Fiscal Year 2005, to provide funding for Downtown Pedestrian Lighting (Various) for Fiscal 2005. The source of revenue for this appropriation is from State Highway User Revenues in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-773
(Council Bill 04-1458)**

AN ORDINANCE CONCERNING

**Supplementary Motor Vehicle Fund Capital Appropriation —
Department of Transportation — \$137,000**

FOR the purpose of providing a Supplementary Motor Vehicle Fund Capital Appropriation in the amount of \$137,000 to the Department of Transportation (Account #527-186), to provide funds for Commercial District Lighting (Various); 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 State Highway User Revenues in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, 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 \$137,000 shall be made available to the Department of Transportation (Account #527-186) as a Supplementary Motor Vehicle Fund Capital Appropriation for Fiscal Year 2005, to provide funding for Commercial District Lighting (Various) for Fiscal 2005. The source of revenue for this appropriation is from the State Highway User Revenues in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-774
(Council Bill 04-1459)**

AN ORDINANCE CONCERNING

**Supplementary Motor Vehicle Fund Capital Appropriation —
Department of Transportation — \$230,000**

FOR the purpose of providing a Supplementary Motor Vehicle Fund Capital Appropriation in the amount of \$230,000 to the Department of Transportation (Account #527-200), to provide funds for the Heritage Trail Phase II (Monument Street to Penn Station); 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 State Highway User Revenues in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, 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 \$230,000 shall be made available to the Department of Transportation (Account #527-200) as a Supplementary Motor Vehicle Fund Capital Appropriation for Fiscal Year 2005, to provide funding for the Heritage Trail Phase II (Monument Street to Penn Station). The source of revenue for this appropriation is from the State Highway User Revenues in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-775
(Council Bill 04-1460)**

AN ORDINANCE CONCERNING

**Supplementary MVR Fund Operating Appropriation —
Department of Public Works — \$890,000**

FOR the purpose of providing a Supplementary MVR Fund Operating Appropriation in the amount of \$890,000 to the Department of Public Works — Program 513 (Solid Waste Special Services), to provide funding to restore program reductions; 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 State Highway User Revenues in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, 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 \$890,000 shall be made available to the Department of Public Works — Program 513 (Solid Waste Special Services) as a Supplementary MVR Fund Operating Appropriation for Fiscal Year 2005, to provide funding to restore program reductions for Fiscal 2005. The source of revenue for this appropriation is from the State Highway User Revenues in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-776
(Council Bill 04-1461)**

AN ORDINANCE CONCERNING

**Supplementary Special Grant Fund Operating Appropriation —
Office of the Comptroller — \$172,096.37**

FOR the purpose of providing a Supplementary Special Grant Fund Operating Appropriation in the amount of \$172,096.37 to the Office of the Comptroller — Program 132 (Real Estate Acquisition and Management), to provide appropriations to support requirements of a grant; and providing for a special effective date.

BY authority of

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

Recitals

The revenue appropriated by this Ordinance represents funds from a private grant (East Baltimore Development Initiative) 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 2005.

That grant could not have been expected with reasonable certainty when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

On June 21, 2004, 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 \$172,096.37 shall be made available to the Office of the Comptroller — Program 132 (Real Estate Acquisition and Management) as a Supplementary Special Grant Fund Operating Appropriation for Fiscal Year 2005, to provide an appropriation to support requirements of a grant for Fiscal 2005. The source of revenue for this appropriation is from a private grant 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 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-777
(Council Bill 04-1462)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Mayoralty Related - Office of Employment Development — \$1,000,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$1,000,000 to the Mayoralty Related - Office of Employment Development — Program 639 (M-R - Special Services), to provide funding for summer jobs for youths; 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 energy tax in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$1,000,000 shall be made available to the Mayoralty Related - Office of Employment Development — Program 639 (M-R - Special Services) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2005, to provide funding for summer jobs for youths for Fiscal 2005 . The source of revenue for this appropriation is from the energy tax in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-778
(Council Bill 04-1463)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Baltimore City Fire Department — \$3,020,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$3,020,000 to the Baltimore City Fire Department — Program 212 (Fire Suppression), to provide funds to restore program reductions; 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 telecommunications tax in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, 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 \$3,020,000 shall be made available to the Baltimore City Fire Department — Program 212 (Fire Suppression) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2005, to provide funding to restore program reductions for Fiscal 2005. The source of revenue for this appropriation is from the telecommunications tax in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-779
(Council Bill 04-1464)**

AN ORDINANCE CONCERNING

**Supplementary Special Fund Operating Appropriation —
Baltimore City Fire Department — \$1,000,000**

FOR the purpose of providing a Supplementary Special Fund Operating Appropriation in the amount of \$1,000,000 to the Baltimore City Fire Department — Program 319 (Ambulance Service), 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 Ambulance Service Fees 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 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$1,000,000 shall be made available to the Baltimore City Fire Department — Program 319 (Ambulance Service) as a Supplementary Special Fund Operating Appropriation for Fiscal Year 2005, to provide funding for additional operating expenses for Fiscal 2005. The source of revenue for this appropriation is from Ambulance Service Fees 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 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-780
(Council Bill 04-1465)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Baltimore City Health Department — \$656,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$656,000 to the Baltimore City Health Department — Program 304 (Health Promotion and Disease Prevention), to provide funds to restore program reductions; 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 energy tax, amusement device licenses, and the public utility deregulation grant 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 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, 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 \$656,000 shall be made available to the Baltimore City Health Department — Program 304 (Health Promotion and Disease Prevention) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2005, to provide funding to restore program reductions. The source of revenue for this appropriation is from the energy tax (\$51,000), amusement device licenses (\$152,000), and the public utility deregulation grant (\$453,000) 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 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-781
(Council Bill 04-1466)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Baltimore City Police Department — \$1,645,093**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$1,645,093 to the Baltimore City Police Department — Program 200 (Administrative Direction and Control), to provide funds to restore program reductions; 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 telecommunications tax in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, 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 \$1,645,093 shall be made available to the Baltimore City Police Department — Program 200 (Administrative Direction and Control) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2005, to provide funding to restore program reductions for Fiscal 2005. The source of revenue for this appropriation is from the telecommunications tax in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-782
(Council Bill 04-1467)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Baltimore City Police Department — \$3,237,224**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$3,237,224 to the Baltimore City Police Department — Program 201 (Field Operations Bureau), to provide funds to restore program reductions; 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 telecommunications tax and the energy tax in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, 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 \$3,237,224 shall be made available to the Baltimore City Police Department — Program 201 (Field Operations Bureau) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2005, to provide funding to restore program reductions for Fiscal 2005. The source of revenue for this appropriation is from the telecommunications tax (\$495,907) and the energy tax (\$2,741,317) 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 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-783
(Council Bill 04-1468)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Baltimore City Police Department — \$1,615,921**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$1,615,921 to the Baltimore City Police Department — Program 202 (Criminal Investigations), to provide funds to restore program reductions; 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 energy tax in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, 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 \$1,615,921 shall be made available to the Baltimore City Police Department — Program 202 (Criminal Investigations) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2005, to provide funding to restore program reductions for Fiscal 2005. The source of revenue for this appropriation is from the energy tax in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-784
(Council Bill 04-1469)**

AN ORDINANCE CONCERNING

**Supplementary Special Fund Operating Appropriation —
Baltimore City Police Department — \$1,600,000**

FOR the purpose of providing a Supplementary Special Fund Operating Appropriation in the amount of \$1,600,000 to the Baltimore City Police Department — Program 204 (Services Bureau), to provide additional funding for the 911 communication system; 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 911 Telephone Fee 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 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$1,600,000 shall be made available to the Baltimore City Police Department — Program 204 (Services Bureau) as a Supplementary Special Fund Operating Appropriation for Fiscal Year 2005, to provide additional funding for the 911 communication system for Fiscal 2005. The source of revenue for this appropriation is from the 911 Telephone Fee 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 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-785
(Council Bill 04-1470)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Baltimore City Police Department — \$1,976,266**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$1,976,266 to the Baltimore City Police Department — Program 204 (Services Bureau), to provide funds to restore program reductions; 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 energy tax in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, 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 \$1,976,266 shall be made available to the Baltimore City Police Department — Program 204 (Services Bureau) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2005, to provide funding for to restore program reductions for Fiscal 2005. The source of revenue for this appropriation is from the energy tax in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-786
(Council Bill 04-1471)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Baltimore City Police Department — \$742,496**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$742,496 to the Baltimore City Police Department — Program 207 (Research and Development), to provide funds to restore program reductions; 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 energy tax in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, 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 \$742,496 shall be made available to the Baltimore City Police Department — Program 207 (Research and Development) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2005, to provide funding to restore program reductions for Fiscal 2005. The source of revenue for this appropriation is from the energy tax in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-787
(Council Bill 04-1472)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Department of Public Works — \$6,758,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$6,758,000 to the Department of Public Works — Program 193 (Facilities Management), to provide funds to restore program reductions; 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 telecommunications tax in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, 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 \$6,758,000 shall be made available to the Department of Public Works — Program 193 (Facilities Management) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2005, to provide funding to restore program reductions for Fiscal 2005. The source of revenue for this appropriation is from the telecommunications tax in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-788
Council Bill 04-1473**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Department of Public Works — \$7,225,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$7,225,000 to the Department of Public Works — Program 515 (Solid Waste Collection), to provide funds to restore program reductions; and providing for a special effective date.

BY authority of

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

Recitals

The revenue appropriated by this Ordinance represents funds from the recordation tax and the telecommunications tax in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, 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 \$7,225,000 shall be made available to the Department of Public Works — Program 515 (Solid Waste Collection) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2005, to provide funding to restore program reductions for Fiscal 2005. The source of revenue for this appropriation is from the recordation tax (\$5,400,000) and the telecommunications tax (\$1,825,000) 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 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-789
(Council Bill 04-1474)**

AN ORDINANCE CONCERNING

**Supplementary Motor Vehicle Fund Operating Appropriation —
Department of Public Works — \$30,200**

FOR the purpose of providing a Supplementary Motor Vehicle Fund Operating Appropriation in the amount of \$30,200 to the Department of Public Works — Program 198 (Engineering/Construction Management), to provide an appropriation in support of the Energy Conservation Office; 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 Revenue Highways 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 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, 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 \$30,200 shall be made available to the Department of Public Works — Program 198 (Engineering/Construction Management) as a Supplementary Motor Vehicle Fund Operating Appropriation for Fiscal Year 2005, to provide an appropriation in support of the Energy Conservation Office for Fiscal 2005. The source of revenue for this appropriation is from General Revenue Highways 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 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-790
(Council Bill 04-1475)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Department of Public Works — \$114,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$114,000 to the Department of Public Works — Program 198 (Engineering/Construction Management), to provide appropriations in support of the Energy Conservation Office; 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 Amusement Device Licenses 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 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2005, 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 \$114,000 shall be made available to the Department of Public Works — Program 198 (Engineering/Construction Management) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2005, to provide appropriations in support of the Energy Conservation Office for Fiscal 2005. The source of revenue for this appropriation is from Amusement Device Licenses 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 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-791
(Council Bill 04-1476)**

AN ORDINANCE CONCERNING

**Supplementary Special Fund Operating Appropriation —
Department of Public Works — \$500,000**

FOR the purpose of providing a Supplementary Special Fund Operating Appropriation in the amount of \$500,000 to the Department of Public Works — Program 515 (Solid Waste Collection), to provide funding to restore program reductions; 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 Sanitation Enforcement Fines in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$500,000 shall be made available to the Department of Public Works — Program 515 (Solid Waste Collection) as a Supplementary Special Fund Operating Appropriation for Fiscal Year 2005, to provide funding to restore program reductions for Fiscal 2005. The source of revenue for this appropriation is from Sanitation Enforcement Fines in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-792
(Council Bill 04-1477)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Department of Public Works — \$156,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$156,000 to the Department of Public Works — Program 516 (Solid Waste Environmental Services), to provide funds to restore program reductions; 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 telecommunications tax in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, 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 \$156,000 shall be made available to the Department of Public Works — Program 516 (Solid Waste Environmental Services) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2005, to provide funding to restore program reductions for Fiscal 2005. The source of revenue for this appropriation is from the telecommunications tax in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-793
(Council Bill 04-1478)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
State's Attorney's Office — \$1,500,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$1,500,000 to the State's Attorney's Office — Program 115 (Prosecution of Criminals), to provide funding for salary upgrades for prosecutors and support staff effective January 1, 2005; 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 energy tax in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, 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 State's Attorney's Office — Program 115 (Prosecution of Criminals) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2005, to provide funding for prosecutor salary upgrades (\$1.33 million) and support staff salary upgrades (\$170,000) for Fiscal 2005 effective January 1, 2005. The source of revenue for this appropriation is from the energy tax in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

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

Approved June 23, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-794
(Council Bill 04-1479)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Department of Recreation and Parks — \$973,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$973,000 to the Department of Recreation and Parks — Program 480 (Regular Recreational Services), to provide funding to support after school programs through the Family League for Baltimore City; 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 energy tax in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2005 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2005 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2004, 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 \$973,000 shall be made available to the Department of Recreation and Parks — Program 480 (Regular Recreational Services) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2005, to provide funding for after school programs through the Family League for Baltimore City for Fiscal 2005. The source of revenue for this appropriation is from the energy tax in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2005.

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

Approved July 8, 2004

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 04-795
(Council Bill 03-11162)**

AN ORDINANCE CONCERNING

Ethics – “Raising the Bar”

FOR the purpose of making substantive, technical, and stylistic changes to the City Public Ethics Law; altering, repealing, or adding provisions governing conflicts of interest, financial disclosures, and lobbying; prohibiting certain actions or activities by City officials and employees, persons doing business with or regulated by the City, lobbyists, and others; requiring certain disclosures and reports from officials, employees, lobbyists, and others; providing for the administration and enforcement of these prohibitions, requirements, and other provisions; defining certain terms; imposing certain penalties; providing for a special effective date; and generally relating to the establishment of a new Baltimore City Public Ethics Law.

BY authority of
Article VII - Executive Departments
Section(s) 110
Baltimore City Charter
(1996 Edition)

BY repealing
Article 8 - Ethics
In its entirety
Baltimore City Code
(Edition 2000)

BY adding
Article 8 - Ethics
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments
Article 13 - Housing and Urban Renewal
Section(s) 2-14(c)
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Article 8 - Ethics of the Baltimore City Code is repealed in its entirety.

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

Baltimore City Code

ARTICLE 8. ETHICS

SUBTITLE 1. FINDINGS; POLICY; SHORT TITLE

§ 1-1. FINDINGS.

(A) *TRUST IN GOVERNMENT ESSENTIAL.*

THE MAYOR AND CITY COUNCIL OF BALTIMORE RECOGNIZES THAT OUR SYSTEM OF REPRESENTATIVE GOVERNMENT LARGELY DEPENDS ON THE PEOPLE'S TRUST IN THEIR PUBLIC SERVANTS.

(B) *NEED FOR IMPARTIALITY.*

THE CITIZENS OF BALTIMORE CITY RELY ON THEIR PUBLIC SERVANTS TO PRESERVE THEIR SAFETY, HEALTH, AND WELFARE THROUGH FAIR AND IMPARTIAL ENFORCEMENT OF LAWS, IMPOSITION OF TAXES, AND EXPENDITURE OF PUBLIC FUNDS.

(C) *CITIZENS' RIGHT OF RELIANCE.*

EACH CITIZEN OF BALTIMORE CITY HAS A RIGHT TO BE ASSURED OF THE FAIR, IMPARTIAL, AND INDEPENDENT JUDGMENT OF ALL PUBLIC SERVANTS.

COMMENT

This section is derived from former Article 8, §1-2(a) to (c), with modifications borrowed from SG §15-101.

Defined terms:

Public servant §2-23

§ 1-2. GOALS; PURPOSE.

TO GUARD AGAINST IMPROPER INFLUENCE OR EVEN THE APPEARANCE OF IMPROPER INFLUENCE, AND TO ENSURE PUBLIC TRUST IN THE GOVERNMENT, THE MAYOR AND CITY COUNCIL OF BALTIMORE ENACTS THIS ARTICLE TO:

- (1) SET MINIMUM ETHICAL STANDARDS OF CONDUCT FOR CITY OFFICIALS AND EMPLOYEES;
- (2) REQUIRE CERTAIN OFFICIALS AND EMPLOYEES TO DISCLOSE THEIR FINANCIAL INTERESTS;
- (3) REQUIRE PERSONS ENGAGED IN LOBBYING ACTIVITIES TO REGISTER AND DISCLOSE THOSE ACTIVITIES; AND
- (3) GENERALLY PROTECT THE PUBLIC WELFARE.

COMMENT

This section is derived from former Article 8, §1-2(d), with modifications borrowed from SG §15-101.

Defined terms:

<i>Employee</i>	§2-9	<i>Official</i>	§2-21
<i>Financial interest</i>	§2-16	<i>Person</i>	§2-22
<i>Interest</i>	§2-19		

§ 1-3. SHORT TITLE.

THIS ARTICLE MAY BE CITED AS THE “BALTIMORE CITY PUBLIC ETHICS LAW”.

COMMENT

This section is derived from former Article 8, §1-1, modified to delete the unnecessary reference to Charter Article VII, §§105 to 110.

SUBTITLE 2. DEFINITIONS; GENERAL PROVISIONS***PART I. DEFINITIONS*****§ 2-1. IN GENERAL.**

IN THIS ARTICLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED UNLESS THE CONTEXT CLEARLY REQUIRES A DIFFERENT MEANING OR A DIFFERENT DEFINITION IS ADOPTED FOR A PARTICULAR STATUTORY UNIT.

COMMENT

This section is derived from former Article 8, §2-1(a).

§ 2-2. “AGENCY”.**(A) *IN GENERAL.***

“AGENCY” MEANS ANY DEPARTMENT, BOARD, COMMISSION, COUNCIL, AUTHORITY, COMMITTEE, OFFICE, OR OTHER UNIT OF CITY GOVERNMENT.

(B) *INCLUSIONS.*

“AGENCY” ALSO INCLUDES:

- (1) BALTIMORE CITY PARKING AUTHORITY;
- (2) BALTIMORE POLICE DEPARTMENT;
- (3) BOARD OF LIQUOR LICENSE COMMISSIONERS FOR BALTIMORE CITY;
- (4) ENOCH PRATT FREE LIBRARY OF BALTIMORE CITY;
- (5) HOUSING AUTHORITY OF BALTIMORE CITY; AND
- (6) ANY INDIVIDUAL NOT EMBRACED IN A UNIT OF CITY GOVERNMENT WHO EXERCISES AUTHORITY COMPARABLE TO THAT OF THE HEAD OF A UNIT OF CITY GOVERNMENT.

COMMENT

This section is derived from former Article 8, §2-1(b).

Subsections (b)(2) and (4) of this section are new, added to reflect long-standing practice. Although the Police Department is “constituted and established as an agency and instrumentality of the State of Maryland” (Public Local Laws §16-2(a)), its officers and other personnel have long been considered local personnel for purposes of ethics law coverage. Similarly, “the Pratt” is a City agency.

In subsection (b)(6) of this section, the generic phrase “unit of City government”, as used in subsection (a), is substituted for the former, unduly narrow references to a “department” and a “bureau or division with a department”.

Defined terms:

<i>Board</i>	§2-3	<i>Includes...</i>	§2-18
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§ 2-3. “BOARD”.**(A) *IN GENERAL.***

“BOARD” MEANS ANY BOARD, COMMISSION, COUNCIL, AUTHORITY, COMMITTEE, OR OTHER UNIT OF CITY GOVERNMENT THAT COMPRISES 2 OR MORE MEMBERS, ALL OF WHOM ARE APPOINTED AND SERVE ON A PART-TIME BASIS.

(B) *INCLUSIONS.*

“BOARD” ALSO INCLUDES:

- (1) BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF BALTIMORE CITY;
- (2) BOARD OF DIRECTORS OF THE BALTIMORE CITY PARKING AUTHORITY;
- (3) BOARD OF LIQUOR LICENSE COMMISSIONERS FOR BALTIMORE CITY; AND
- (4) CIVILIAN REVIEW BOARD OF BALTIMORE CITY.

COMMENT

This section is derived from former Article 8, §2-1(d) (defining “board member”), with modifications borrowed from SG §15-102(d) (“Board”).

The inclusion of the Civilian Review Board is new.

Defined terms:

<i>Includes...</i>	§2-18
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§ 2-4. “BUSINESS ENTITY”.

“BUSINESS ENTITY” MEANS ANY PERSON ENGAGED IN BUSINESS OR OTHER ORGANIZED ACTIVITY, WHETHER FOR-PROFIT OR NOT-FOR-PROFIT AND REGARDLESS OF FORM.

COMMENT

This section is derived from former Article 8, §2-1(e), modified in accord with SG §15-102(e) (“Business entity”) and the definition below of “person”.

The phrase “or other organized activity” is added to clarify that the term “business” is used in the broad sense of any “affair”, “activity”, or the like and is not limited to commercial activities.

Defined terms:

Person

§2-22

§ 2-5. “BUSINESS WITH CITY”.**(A) *IN GENERAL.***

“BUSINESS WITH THE CITY” MEANS ANY 1 OR COMBINATION OF SALES, PURCHASES, LEASES, OR CONTRACTS TO, FROM, OR WITH THE CITY OR ANY AGENCY THAT:

- (1) IS MADE OR ENTERED INTO DURING THE REPORTING PERIOD FOR WHICH A DISCLOSURE STATEMENT IS REQUIRED BY SUBTITLE 7 {“FINANCIAL DISCLOSURE”} OF THIS ARTICLE; AND
- (2) INVOLVES CONSIDERATION OF \$5,000 OR MORE ON A CUMULATIVE BASIS.

(B) *DETERMINING CONSIDERATION.*

FOR PURPOSES OF THIS SECTION, THE TOTAL CONSIDERATION COMMITTED TO BE PAID AS OF THE AWARD OR EXECUTION OF A CONTRACT OR LEASE, TO THE EXTENT THEN ASCERTAINABLE, IS INCLUDED, REGARDLESS OF THE PERIOD OVER WHICH PAYMENTS ARE TO BE MADE.

COMMENT

This section is derived from former Article 8, §2-1(f), with modifications borrowed from SG §15-102(j) (“Entity doing business with the State”).

The former references to lobbyists and to persons regulated by an agency are omitted here and, for greater clarity, have been incorporated into the appropriate substantive text.

Defined terms:

Agency

§2-2

Includes...

§2-18

§ 2-6. “CHILD”.

“CHILD” MEANS A BIOLOGICAL CHILD, ADOPTED CHILD, STEPCHILD, WARD, OR FOSTER CHILD, REGARDLESS OF AGE.

COMMENT

This section is derived from former Article 8, §2-1(h), with “ward” added for clarity.

§ 2-7. “COMPENSATION”.

“COMPENSATION” MEANS ANY MONEY OR THING OF VALUE, REGARDLESS OF FORM, RECEIVED OR TO BE RECEIVED BY A PERSON FOR SERVICES RENDERED.

COMMENT

This section is derived from former Article 8, §6-1(b) (1), which applied only to lobbying, and is placed here to cover the term’s use in other parts of the article as well.

Defined terms:

<i>Person</i>	§2-22
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§ 2-8. “ELECTED OFFICIAL”.

“ELECTED OFFICIAL” MEANS:

- (1) THE MAYOR;
- (2) THE CITY COMPTROLLER;
- (3) THE PRESIDENT OF THE CITY COUNCIL; AND
- (4) ANY MEMBER OF THE CITY COUNCIL.

COMMENT

This section is derived from former Article 8, §2-1(m).

§ 2-9. “EMPLOYEE”.

(A) *IN GENERAL.*

“EMPLOYEE” MEANS ANY EMPLOYEE OF THE CITY WHO IS NOT AN OFFICIAL.

(B) *INCLUSIONS.*

“EMPLOYEE” ALSO INCLUDES AN EMPLOYEE OF ANY AGENCY OR BOARD INCLUDED WITHIN THE SCOPE OF § 2-2 {“AGENCY”} OR § 2-3 {“BOARD”} OF THIS SUBTITLE.

COMMENT

This section is derived from former Article 8, §2-1(r) (defining “municipal employee”), with a cross-reference substituted for the former listing of additional agencies and boards being covered.

Defined terms:

<i>Agency</i>	§2-2	<i>Includes...</i>	§2-18
<i>Board</i>	§2-3	<i>Official</i>	§2-21

§ 2-10. “ETHICS BOARD”.

“ETHICS BOARD” MEANS THE BALTIMORE CITY BOARD OF ETHICS, ESTABLISHED UNDER ARTICLE VII, § 106 OF THE CITY CHARTER AND SUBTITLE 3 {“ADMINISTRATION”) OF THIS ARTICLE.

COMMENT

This section is derived from former Article 8, §2-1(c), with an added reference to the applicable statutory provisions as well.

§ 2-11. “EXECUTIVE DIRECTOR”.

“EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF THE ETHICS BOARD OR THE EXECUTIVE DIRECTOR’S DESIGNEE.

COMMENT

This section is derived from former Article 8, §2-1(l).

“Executive Director” is substituted for “Director” to distinguish references to this position from references to the Directors of other agencies or directors of business entities.

The phrase “or ... designee” is added for clarity, reflecting long-standing practice.

Defined terms:

<i>Ethics Board</i>	§2-10
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§§ 2-12 TO 2-15. {RESERVED}**§ 2-16. “FINANCIAL INTEREST”.**

“FINANCIAL INTEREST” MEANS OWNERSHIP OF:

- (1) MORE THAN 3% OF A BUSINESS ENTITY;
- (2) SECURITIES OF ANY KIND THAT REPRESENT OR ARE CONVERTIBLE INTO OWNERSHIP OF MORE THAN 3% OF A BUSINESS ENTITY; OR
- (3) ANY INTEREST AS THE RESULT OF WHICH THE OWNER:
 - (I) RECEIVED MORE THAN \$1,000 IN ANY 1 OF THE PRECEDING 3 CALENDAR YEARS; OR
 - (II) IS ENTITLED TO RECEIVE MORE THAN \$1,000 IN THE CURRENT OR ANY SUBSEQUENT CALENDAR YEAR.

COMMENT

This section is derived from former Article 8, §2-1(o). In item (3) of this section, “calendar year” is substituted for the former, ambiguous “year”.

Defined terms:

Business entity

§2-4

Interest

§2-19

§ 2-17. “GIFT”.

(A) *IN GENERAL.*

“GIFT” MEANS, EXCEPT AS SPECIFIED IN SUBSECTION (B) OF THIS SECTION, THE TRANSFER OF ANYTHING OF ECONOMIC VALUE, REGARDLESS OF THE FORM, WITHOUT ADEQUATE AND LAWFUL CONSIDERATION.

(B) *EXCLUSIONS.*

“GIFT” DOES NOT INCLUDE THE SOLICITATION, ACCEPTANCE, RECEIPT, OR DISPOSITION OF A POLITICAL CONTRIBUTION THAT IS REGULATED UNDER STATE CODE ARTICLE 33, TITLE 13 {“CAMPAIGN FINANCE”} OR UNDER ANY OTHER STATE LAW THAT REGULATES THE CONDUCT OF ELECTIONS OR THE RECEIPT OF POLITICAL CONTRIBUTIONS.

COMMENT

This section is derived from former Article 8, §2-1(p).

§ 2-18. “INCLUDES”; “INCLUDING”.

“INCLUDES” OR “INCLUDING” MEANS BY WAY OF ILLUSTRATION AND NOT BY WAY OF LIMITATION.

COMMENT

This section is new language patterned after like definitions in the new Health and Zoning Codes.

§ 2-19. “INTEREST”.

(A) *IN GENERAL.*

“INTEREST” MEANS, EXCEPT AS SPECIFIED IN SUBSECTION (B) OF THIS SECTION, ANY LEGAL OR EQUITABLE ECONOMIC INTEREST, WHETHER OR NOT SUBJECT TO AN ENCUMBRANCE OR A CONDITION, THAT IS OWNED OR HELD WHOLLY OR PARTLY, JOINTLY OR SEVERALLY, OR DIRECTLY OR INDIRECTLY.

(B) *EXCLUSIONS.*

“INTEREST” DOES NOT INCLUDE:

- (1) AN INTEREST HELD IN THE CAPACITY OF A PERSONAL REPRESENTATIVE, AGENT, CUSTODIAN, FIDUCIARY, OR TRUSTEE, UNLESS THE HOLDER HAS AN EQUITABLE INTEREST IN THE SUBJECT MATTER;
- (2) AN INTEREST IN A TIME OR DEMAND DEPOSIT IN A FINANCIAL INSTITUTION;

- (3) AN INTEREST IN AN INSURANCE POLICY, ENDOWMENT POLICY, OR ANNUITY CONTRACT UNDER WHICH AN INSURER PROMISES TO PAY A FIXED AMOUNT OF MONEY, EITHER IN A LUMP SUM OR PERIODICALLY FOR LIFE OR SOME OTHER SPECIFIED PERIOD; OR
- (4) A COMMON TRUST FUND OR A TRUST THAT FORMS PART OF A PENSION OR A PROFIT-SHARING PLAN THAT:
 - (I) HAS MORE THAN 25 PARTICIPANTS; AND
 - (II) IS DETERMINED BY THE INTERNAL REVENUE SERVICE TO BE A QUALIFIED TRUST UNDER § 401 OR § 501 OF THE INTERNAL REVENUE CODE.

COMMENT

This section is derived from former Article 8, §2-1(q), modified to conform to SG §15-102(t) ("Interest").

§ 2-20. "LOBBYIST".

"LOBBYIST" MEANS ANY PERSON REQUIRED TO REGISTER WITH THE ETHICS BOARD UNDER SUBTITLE 8 {"LOBBYING"} OF THIS ARTICLE.

COMMENT

This section is derived from former Article 8, §2-1(u) (defining "registrant"), modified to adopt less misleading term.

"Registrant" properly refers to someone who *has* registered, not (as here intended) to anyone who is "required" to register (whether that person has complied or not). Accordingly, "lobbyist" is defined and used here much like the State law defines and uses "regulated lobbyist".

Defined terms:

<i>Ethics Board</i>	§2-10	<i>Person</i>	§2-22
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§ 2-21. "Official".

(a) *In general.*

"Official" means:

- (1) an elected official;
- (2) the head of any department;
- (3) the head of any bureau or division within a department; and
- (4) any other individual in a unit of City government who, whether acting alone or as a member of a board acting jointly with other board members:
 - (i) has authority comparable to that of the head of a department or the head of a bureau or division;

- (ii) has decision-making authority in making City policy;
- (iii) has decision-making authority in the exercise of quasi-judicial, regulatory, licensing, inspecting, or auditing functions; or
- (iv) acts as a principal advisor to one who has authority of the type listed.

(b) *Inclusions.*

“Official” also includes the Chief Executive Officer, Chief Operating Officer, Chief Financial Officer, and Executive Director or Executive Secretary of any agency or board included within the scope of § 2-2 {“Agency”} or § 2-3 {“Board”} of this subtitle.

COMMENT

This section is derived from former Article 8, §2-1(s) (defining “municipal officer”), with modifications borrowed from SG §15-103 (“Designation of ... public officials”), particularly as regards members of boards, and in subsection (b), with a cross-reference substituted for the former listing of additional officials being covered..

Defined terms:

<i>Agency</i>	§2-2	<i>Elected official</i>	§2-8
<i>Board</i>	§2-3	<i>Includes...</i>	§2-18

§ 2-22. “PERSON”.

“PERSON” MEANS:

- (1) AN INDIVIDUAL;
- (2) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR REPRESENTATIVE OF ANY KIND;
- (3) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY KIND; AND
- (4) EXCEPT AS USED IN SUBTITLE 9 {“ENFORCEMENT”} OF THIS ARTICLE FOR THE IMPOSITION OF CRIMINAL PENALTIES, A GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR UNIT OF A GOVERNMENTAL ENTITY.

COMMENT

This section, which is substituted for former Article 8, §2-1(t), adopts the standard definition being adopted in the ongoing revision of the Code.

As thus defined, “person” is used here much the State law defines and uses “entity”.

§ 2-23. “PUBLIC SERVANT”.

“PUBLIC SERVANT” MEANS ANY OFFICIAL OR EMPLOYEE.

COMMENT

This section is new, added to promote brevity and clarity when referring broadly to all individuals governed by this article.

Defined terms:*Employee*

§2-9

Official

§2-21

§§ 2-24 TO 2-30. {RESERVED}**GENERAL COMMENT TO PART**

The definitions in former Article 8, §2-1, of “Charter” or “City Charter”, “City”, “Court”, and “Department” have been deleted as unnecessary statements of the obvious.

Former Article 8, §2-1(n), defining “family” to mean “spouse and dependent children”, is deleted here and, for greater clarity, express references to spouses and children (whether dependent or no) are incorporated into the appropriate substantive text.

PART II. RULES OF CONSTRUCTION**§ 2-31. IN GENERAL.**

IN INTERPRETING AND APPLYING THIS ARTICLE, THE FOLLOWING RULES OF CONSTRUCTION APPLY.

COMMENT

This section is new, patterned after similar provisions in the recently-revised Zoning and Health Articles.

§ 2-32. CAPTIONS OR HEADINGS.

THE CAPTIONS OR HEADINGS OF THE VARIOUS SECTIONS AND SUBSECTIONS:

- (1) ARE FOR CONVENIENCE OF REFERENCE ONLY, INTENDED TO SUMMARIZE THE STATUTORY PROVISIONS THAT FOLLOW; AND
- (2) ARE NOT LAW AND ARE NOT TO BE TAKEN AS AFFECTING THE MEANING OR EFFECT OF THE LAW.

COMMENT

This section is new, patterned after similar provisions in the recently-revised Zoning and Health Articles.

§ 2-33. CONFLICTING PROVISIONS.

(A) *ARTICLE SETS MINIMUM REQUIREMENTS.*

IN THEIR INTERPRETATION AND APPLICATION, THE PROVISIONS OF THIS ARTICLE MUST BE TAKEN TO BE THE MINIMUM REQUIREMENTS FOR THE PROMOTION OF THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE.

(B) *OTHER LAWS.*

IF ANOTHER APPLICABLE LAW RELATING TO CONFLICTS OF INTEREST, FINANCIAL DISCLOSURE, OR LOBBYING IS MORE STRINGENT THAN THIS ARTICLE, THAT PROVISION ALSO APPLIES.

(C) *AGENCY RULES AND REGULATIONS.*

IF AN AGENCY ADOPTS A RULE OR REGULATION RELATING TO CONFLICTS OF INTEREST THAT IS MORE STRINGENT THAN THIS ARTICLE, THAT PROVISION ALSO APPLIES.

COMMENT

Subsection (a) is new, added for clarity and emphasis.

Subsections (b) and (c) are derived from former Article 8, §1-3, modified to distinguish between laws, on the one hand, and administrative regulations, on the other.

Defined terms:

Agency

§2-2

Must

cf. §2-36

§ 2-34. GENDER.

WORDS DENOTING ONE GENDER INCLUDE AND APPLY TO THE OTHER GENDERS AS WELL.

COMMENT

This section is new, patterned after similar provisions in the recently-revised Zoning and Health Articles.

§ 2-35. LIBERAL CONSTRUCTION.

THE MAYOR AND CITY COUNCIL INTENDS THAT THE PROVISIONS OF THIS ARTICLE, EXCEPT THOSE IMPOSING CRIMINAL SANCTIONS, BE LIBERALLY CONSTRUED TO ACCOMPLISH THEIR PURPOSES.

COMMENT

This section is derived from former Article 8, §1-2(e), with modifications borrowed from SG §15-101(c).

§ 2-36. MANDATORY, PROHIBITORY, AND PERMISSIVE TERMS.**(A) MANDATORY TERMS.**

“MUST” AND “SHALL” ARE EACH MANDATORY TERMS USED TO EXPRESS A REQUIREMENT OR TO IMPOSE A DUTY.

(B) PROHIBITORY TERMS.

“MUST NOT”, “MAY NOT”, AND “NO ... MAY” ARE EACH MANDATORY NEGATIVE TERMS USED TO ESTABLISH A PROHIBITION.

(C) PERMISSIVE TERMS.

“MAY” IS PERMISSIVE.

COMMENT

This section is new, patterned after similar provisions in the recently-revised Zoning and Health Articles.

§ 2-37. NUMBER.

THE SINGULAR INCLUDES THE PLURAL AND VICE VERSA.

COMMENT

This section is new, patterned after similar provisions in the recently-revised Zoning and Health Articles.

§ 2-38. REFERENCES TO OTHER LAWS.

WHENEVER A PROVISION OF THIS ARTICLE 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.

COMMENT

This section is new, patterned after similar provisions in the recently-revised Zoning and Health Articles.

§ 2-39. SEVERABILITY.**(A) IN GENERAL.**

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

- (1) ALL PROVISIONS OF THIS ARTICLE ARE SEVERABLE; AND
- (2) IF A COURT DETERMINES THAT A WORD, PHRASE, CLAUSE, SENTENCE, PARAGRAPH, SUBSECTION, SECTION, OR OTHER PROVISION IS INVALID OR THAT THE APPLICATION OF ANY PART OF THE PROVISION TO ANY PERSON OR CIRCUMSTANCES IS INVALID, THE REMAINING PROVISIONS AND THE APPLICATION OF THOSE PROVISIONS TO OTHER PERSONS OR CIRCUMSTANCES ARE NOT AFFECTED BY THAT DECISION.

(B) *EXCEPTIONS.*

SUBSECTION (A) OF THIS SECTION DOES NOT APPLY:

- (1) TO THE EXTENT THAT A STATUTE SPECIFICALLY PROVIDES OTHERWISE; OR
- (2) IF THE COURT FINDS THAT THE REMAINING PROVISIONS ALONE ARE INCOMPLETE AND INCAPABLE OF BEING EXECUTED IN ACCORDANCE WITH THE LEGISLATIVE INTENT.

COMMENT

This section is new, patterned after similar provisions in the recently-revised Zoning and Health Articles.

Defined terms:

Person §2-22

§ 2-40. TIME COMPUTATIONS.

(A) *COMPUTATION OF TIME AFTER AN ACT, EVENT, OR DEFAULT.*

- (1) IN COMPUTING ANY PERIOD OF TIME PRESCRIBED BY THIS ARTICLE, THE DAY OF THE ACT, EVENT, OR DEFAULT AFTER WHICH THE DESIGNATED PERIOD OF TIME BEGINS TO RUN IS NOT INCLUDED.
- (2) IF THE PERIOD OF TIME ALLOWED IS MORE THAN 7 DAYS, INTERMEDIATE SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS ARE COUNTED.
- (3) IF THE PERIOD OF TIME ALLOWED IS 7 DAYS OR LESS, INTERMEDIATE SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS ARE NOT COUNTED.
- (4) THE LAST DAY OF THE PERIOD SO COMPUTED IS INCLUDED UNLESS IT IS A SATURDAY, SUNDAY, OR LEGAL HOLIDAY, IN WHICH EVENT THE PERIOD RUNS UNTIL THE END OF THE NEXT DAY THAT IS NOT A SATURDAY, SUNDAY, OR LEGAL HOLIDAY.

(B) *COMPUTATION OF TIME BEFORE A DAY, ACT, OR EVENT.*

- (1) IN DETERMINING THE LATEST DAY FOR PERFORMING AN ACT THAT IS REQUIRED BY THIS ARTICLE TO BE PERFORMED A PRESCRIBED NUMBER OF DAYS BEFORE A CERTAIN DAY, ACT, OR EVENT, ALL DAYS PRECEDING THAT DAY, INCLUDING INTERVENING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, ARE COUNTED IN THE NUMBER OF DAYS SO PRESCRIBED.
- (2) THE LATEST DAY IS INCLUDED IN THE DETERMINATION UNLESS IT IS A SATURDAY, SUNDAY, OR LEGAL HOLIDAY, IN WHICH EVENT THE LATEST DAY IS THE FIRST PRECEDING DAY THAT IS NOT A SATURDAY, SUNDAY, OR LEGAL HOLIDAY.

COMMENT

This section is new, patterned after similar provisions in the recently-revised Zoning and Health Articles.

SUBTITLE 3. ADMINISTRATION***PART I. ETHICS BOARD*****§ 3-1. ESTABLISHMENT.**

THERE IS A BALTIMORE CITY BOARD OF ETHICS, AS ESTABLISHED UNDER ARTICLE VII, § 106 OF THE CITY CHARTER AND THIS SUBTITLE.

COMMENT

This section is derived from former Article 8, §3-2, with an added reference to the applicable statutory provisions.

§ 3-2. APPOINTMENT AND QUALIFICATIONS.**(A) COMPOSITION.**

THE ETHICS BOARD COMPRISES THE FOLLOWING 5 MEMBERS:

- (1) 3 MEMBERS APPOINTED BY THE MAYOR IN ACCORDANCE WITH ARTICLE IV, § 6 OF THE CITY CHARTER;
- (2) THE MAYOR OR A PUBLIC SERVANT DESIGNATED BY THE MAYOR; AND
- (3) THE CITY SOLICITOR OR A MEMBER OF THE CITY SOLICITOR'S STAFF DESIGNATED BY THE CITY SOLICITOR.

(B) QUALIFICATIONS.**(1) EACH MEMBER OF THE ETHICS BOARD MUST:**

- (I) BE AN INDIVIDUAL OF KNOWN PERSONAL INTEGRITY; AND
- (II) POSSESS A RECOGNIZED KNOWLEDGE AND INTEREST IN GOVERNMENT AND CIVICS.

(2) EXCEPT FOR ~~A DESIGNEE OF THE MAYOR OR CITY SOLICITOR~~ THE MAYOR, THE CITY SOLICITOR, OR THE DESIGNEE OF EITHER, NO PUBLIC SERVANT MAY BE APPOINTED AS A MEMBER OF THE ETHICS BOARD.**(3) ~~NO~~ EXCEPT FOR THE MAYOR, NO MEMBER OF THE ETHICS BOARD MAY BE A LOBBYIST.****(4) NO MEMBER OF THE ETHICS BOARD MAY CONTINUE TO SERVE IF THE MEMBER BECOMES A CANDIDATE FOR ELECTED PUBLIC OFFICE OF THE UNITED STATES, THE STATE, THE CITY, OR ANY OTHER POLITICAL SUBDIVISION OF THE STATE.****COMMENT**

This section is new, codifying elements of Charter Article VII, §§106(b), 107, and 108(i). As authorized by Article VII, §110, these provisions have been revised to broaden the Mayor's choice of potential designees and otherwise for clarity.

Defined terms:

<i>Employee</i>	§2-9	<i>Must</i>	<i>cf.</i> §2-36
<i>Ethics Board</i>	§2-10	<i>No ... may</i>	<i>cf.</i> §2-36
<i>Lobbyist</i>	§2-20	<i>Official</i>	§2-21

§ 3-3. TENURE; REMOVAL.(A) *TENURE.*

- (1) THE TERM OF AN APPOINTED MEMBER EXPIRES AT THE END OF THE MAYOR'S TERM OF OFFICE.
- (2) THE TERM OF THE MAYOR AND THE SOLICITOR, OR THEIR RESPECTIVE DESIGNEES, EXPIRES WHEN THE MAYOR OR THE SOLICITOR LEAVES OFFICE.
- (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(B) *REMOVAL.*

THE MAYOR MAY REMOVE AN APPOINTED MEMBER AS PROVIDED IN ARTICLE IV, § 6 OF THE CITY CHARTER.

COMMENT

This section is new, codifying elements of Charter Article VII, §§106(c) and 108(a) - (c). As authorized by Article VII, §110, these provisions have been revised to conform to the general requirements of Article IV, §6, and otherwise for clarity.

Defined terms:

<i>May</i>	<i>cf.</i> §2-36
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§ 3-4. OFFICERS.(A) *CHAIR.*

THE MAYOR DESIGNATES THE CHAIR OF THE ETHICS BOARD FROM AMONG ITS APPOINTED MEMBERS.

(B) *OTHERS.*

THE ETHICS BOARD MAY ELECT A VICE-CHAIR AND OTHER OFFICERS FROM AMONG ITS MEMBERS.

COMMENT

Subsection (a) is new language that, as authorized by Article VII, §110, revises the provisions of Article VII, §108(d).

Subsection (b) is new language added for clarity.

Defined terms:

<i>Ethics Board</i>	§2-10	<i>May</i>	<i>cf.</i> §2-36
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§ 3-5. MEETINGS; COMPENSATION.**(A) *QUORUM.***

3 MEMBERS OF THE ETHICS BOARD ARE A QUORUM.

(B) *VOTING.*

(1) AN AFFIRMATIVE VOTE OF AT LEAST 3 MEMBERS IS NEEDED FOR ANY ACTION BY THE ETHICS BOARD.

(2) THE BOARD'S RECORDS MUST SHOW HOW EACH MEMBER VOTED ON EACH QUESTION.

(C) *OPEN MEETINGS.*

ALL MEETINGS OF THE ETHICS BOARD MUST BE CONDUCTED IN ACCORDANCE WITH THE STATE OPEN MEETINGS ACT, TITLE 10, SUBTITLE 5, OF THE STATE GOVERNMENT ARTICLE OF THE MARYLAND CODE.

(D) *COMPENSATION.*

MEMBERS OF THE ETHICS BOARD:

- (1) SERVE WITHOUT COMPENSATION; BUT
- (2) ARE ENTITLED TO REIMBURSEMENT OF REASONABLE EXPENSES INCURRED, AS PROVIDED IN THE ORDINANCE OF ESTIMATES.

COMMENT

This section is new, codifying elements of Charter Article VII, §108(e) - (h).

Subsection (d)(2) is added to conform to actual practice.

Defined terms:

<i>Compensation</i>	§2-7	<i>Must</i>	<i>cf. §2-36</i>
<i>Ethics Board</i>	§2-10		

§ 3-6. RULES AND REGULATIONS; ORDERS.**(A) *RULES AND REGULATIONS.***

(1) THE ETHICS BOARD MAY ADOPT RULES AND REGULATIONS ~~AND ISSUE ORDERS NECESSARY OR APPROPRIATE~~ TO CARRY OUT THE PROVISIONS OF THIS ARTICLE.

(2) A COPY OF ALL RULES AND REGULATIONS MUST BE FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

(B) *ORDERS.*

THE ETHICS BOARD MAY ISSUE ORDERS NECESSARY OR APPROPRIATE TO CARRY OUT THE PROVISIONS OF THIS ARTICLE.

COMMENT

This section is derived from former Article 8, §3-3(a). Subsection (a)(2) is new.

Defined terms:

Ethics Board §2-10 *May* cf. §2-36

§§ 3-7 TO 3-10. {RESERVED}

PART II. STAFF AND OTHER ASSISTANCE

§ 3-11. EXECUTIVE DIRECTOR AND STAFF.

(A) *DIRECTOR*.

THE DIRECTOR OF LEGISLATIVE REFERENCE SERVES AS THE EXECUTIVE DIRECTOR OF THE ETHICS BOARD AND IS RESPONSIBLE FOR ASSISTING THE BOARD IN PERFORMING ITS RESPONSIBILITIES.

(B) *STAFF*.

~~IN CONSULTATION WITH THE BOARD, THE EXECUTIVE DIRECTOR MAY ASSIGN STAFF FROM THE DEPARTMENT OF LEGISLATIVE REFERENCE TO ASSIST THE BOARD AND EXECUTIVE DIRECTOR.~~

COMMENT

This section is derived from former Article 8, §3-3(h).

Defined terms:

<i>Ethics Board</i>	§2-10	<i>May</i>	<i>cf.</i> §2-36
<i>Executive Director</i>	§2-11		

§ 3-12. OTHER ASSISTANCE.

AT THE REQUEST OF THE ETHICS BOARD, THE BALTIMORE POLICE DEPARTMENT, CITY SOLICITOR, CITY COMPTROLLER, AND ALL OTHER CITY OFFICIALS AND AGENCIES MUST PROVIDE REASONABLE INVESTIGATIVE OR OTHER PROFESSIONAL ASSISTANCE TO THE BOARD.

COMMENT

This section is derived from former Article 8, §3-6, with modifications borrowed from SG §15-205(c)(3).

Defined terms:

<i>Agency</i>	§2-2	<i>Must</i>	<i>cf.</i> §2-36
<i>Ethics Board</i>	§2-10	<i>Official</i>	§2-21

§§ 3-13 TO 3-15. {RESERVED}

PART III. GENERAL ADMINISTRATION

§ 3-16. FORMS.

THE ETHICS BOARD MUST PREPARE AND DISTRIBUTE ALL FORMS REQUIRED BY THIS ARTICLE.

COMMENT

This section is derived from former Article 8, §3-3(b).

Defined terms:

Ethics Board §2-10 *Must* cf. §2-36

§ 3-17. REVIEW OF STATEMENTS AND REPORTS.

AS REQUIRED BY THE ETHICS BOARD FROM TIME TO TIME, THE EXECUTIVE DIRECTOR MUST:

- (1) REVIEW STATEMENTS AND REPORTS FILED IN ACCORDANCE WITH SUBTITLE 7 {"FINANCIAL DISCLOSURE"} AND SUBTITLE 8 {"LOBBYING"} OF THIS ARTICLE; AND
- (2) NOTIFY INDIVIDUALS WHO SUBMIT DOCUMENTS UNDER THOSE SUBTITLES OF ANY OMISSIONS OR DEFICIENCIES.

COMMENT

This section is derived from former Article 8, §3-3(e), with modifications borrowed from SG §15-205(a)(5).

Defined terms:

<i>Ethics Board</i>	§2-10	<i>Must</i>	<i>cf.</i> §2-36
<i>Executive Director</i>	§2-11		

§ 3-18. RECORDS.

- (A) *BOARD TO MAINTAIN.*

THE ETHICS BOARD MUST RETAIN ALL DOCUMENTS FILED WITH IT AND ALL OTHER RECORDS OF THE BOARD FOR AT LEAST:

- (1) 4 YEARS; OR
- (2) IF LONGER, THE PERIOD SET BY THE ARCHIVES AND RECORDS MANAGEMENT COMMITTEE IN CONSULTATION WITH THE ETHICS BOARD.

- (B) *PUBLIC ACCESS.*

THE ETHICS BOARD MUST MAKE THESE DOCUMENTS AND OTHER RECORDS AVAILABLE FOR PUBLIC INSPECTION AND COPYING DURING REGULAR OFFICE HOURS.

(C) *FEES AND PROCEDURES.*

THE ETHICS BOARD MAY CHARGE A REASONABLE FEE FOR THE EXAMINATION AND COPYING OF DOCUMENTS OR OTHER RECORDS.

COMMENT

Subsection (a) of this section is derived from former Article 8, §3-3(c), and expanded to cover all Board records, not just documents “filed with” the Board.

Subsection (b) of this section is derived from former Article 8, §3-8(a) (public inspections), §5-4 (governing financial disclosure statements), and §6-7 (governing lobbying registration and reports), and revised to apply generally to all documents.

Subsection (c) of this section is derived from former Article 8, §3-9, as it applied to copying fees. The authorization in former §3-9 to charge filing fees is now in §3-22 of this subtitle. The authorization in former §3-9 to charge fees for “inspections, ... information, and other services” is deleted.

Defined terms:

<i>Ethics Board</i>	§2-10	<i>Must</i>	<i>cf.</i> §2-36
<i>May</i>	<i>cf.</i> §2-36		

§ 3-19. PUBLIC AWARENESS.

THE ETHICS BOARD MUST PUBLISH AND MAKE PUBLICLY AVAILABLE INFORMATION THAT EXPLAINS THE PROVISIONS OF THIS ARTICLE, THE DUTIES IMPOSED BY IT, AND THE MEANS FOR ENFORCING IT.

COMMENT

This section is new, patterned after SG §15-205(a)(6).

Defined terms:

<i>Ethics Board</i>	§2-10	<i>Must</i>	<i>cf.</i> §2-36
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§ 3-20. TRAINING COURSES ~~FOR OFFICIALS.~~(A) *BOARD TO OFFER.*

THE ETHICS BOARD MUST DEVELOP AND OFFER A TRAINING COURSE OF NOT LESS THAN 2 HOURS ON THE REQUIREMENTS OF THIS ARTICLE.

(B) *OFFICIALS REQUIRED TO TAKE.*

(1) EXCEPT AS PROVIDED IN ~~SUBSECTION (C) OF THIS SECTION~~ PARAGRAPH (2) OF THIS SUBSECTION, EVERY OFFICIAL MUST COMPLETE THE TRAINING COURSE WITHIN 6 MONTHS OF HIS OR HER APPOINTMENT OR REAPPOINTMENT TO OFFICE.

~~(C) EXCEPTIONS.~~

(2) THE TRAINING REQUIREMENTS OF THIS ~~SECTION~~ SUBSECTION DO NOT APPLY TO:

(I) ~~(H)~~ AN OFFICIAL WHO, WITHIN THE 5 YEARS PRECEDING HIS OR HER APPOINTMENT OR REAPPOINTMENT, COMPLETED A TRAINING COURSE PROVIDED UNDER THIS SECTION; OR

(II) ~~(2)~~ AN INDIVIDUAL WHO IS AN OFFICIAL ONLY AS A BOARD MEMBER.

(C) AVAILABILITY TO OTHERS.

(1) AFTER CONSULTATION WITH THE BOARD, AN AGENCY HEAD MAY AUTHORIZE OR REQUIRE ONE OR MORE CLASSES OF AGENCY EMPLOYEES TO ATTEND THE TRAINING COURSE.

(2) ON REQUEST OF THE AGENCY HEAD, THE BOARD MUST OFFER THE TRAINING COURSE TO THOSE EMPLOYEES AS SOON AS PRACTICABLE.

(3) THE BOARD MUST ANNUALLY NOTIFY AGENCY HEADS OF THE AVAILABILITY OF THE TRAINING COURSE UNDER THIS SUBSECTION.

(D) ASSISTANCE.

THE DEPARTMENT OF PERSONNEL MUST PROVIDE THE ETHICS BOARD WITH:

- (1) APPROPRIATE FACILITIES FOR CONDUCTING THE TRAINING COURSE;
- (2) NOTICE OF ALL OFFICIALS SUBJECT TO THE TRAINING REQUIREMENTS; AND
- (3) ADMINISTRATIVE AND OTHER ASSISTANCE.

COMMENT

This section is new, patterned after SG §15-205(d).

Defined terms:

<i>Board</i>	§2-3	<i>Must</i>	<i>cf.</i> §2-36
<i>Ethics Board</i>	§2-10	<i>Official</i>	§2-21

§ 3-21. CONFLICTS AFFIDAVIT.

(A) OFFICIALS TO FILE.

EACH OFFICIAL MUST, WITHIN 6 MONTHS OF HIS OR HER APPOINTMENT TO OFFICE, COMPLETE AND FILE WITH THE ETHICS BOARD AND WITH THAT OFFICIAL'S APPOINTING AUTHORITY, AN AFFIDAVIT THAT CERTIFIES, UNDER PENALTIES OF PERJURY, THAT THE OFFICIAL:

- (1) HAS READ AND UNDERSTANDS THE PROVISIONS OF THIS ARTICLE GOVERNING CONFLICTS OF INTEREST;
- (2) IS NOT THEN IN VIOLATION OF THOSE PROVISIONS; AND
- (3) OBLIGATES HIMSELF OR HERSELF TO COMPLY WITH THOSE PROVISIONS IN ALL FUTURE ACTIVITIES.

(B) FORM.

THE AFFIDAVIT MUST BE IN THE FORM THAT THE ETHICS BOARD REQUIRES.

COMMENT

This section is new, added to provide a meaningful way of emphasizing the importance for learning and complying with the law's conflict provisions.

Defined terms:

<i>Ethics Board</i>	§2-10	<i>Official</i>	§2-21
<i>Must</i>	<i>cf.</i> §2-36		

§ 3-22. OATHS AND SUBPOENAS.**(A) IN GENERAL.**

THE ETHICS BOARD AND EXECUTIVE DIRECTOR EACH MAY:

- (1) ADMINISTER OATHS; AND
- (2) ISSUE SUBPOENAS FOR THE ATTENDANCE OF WITNESSES TO TESTIFY OR TO PRODUCE OTHER EVIDENCE.

(B) JUDICIAL ENFORCEMENT.

A SUBPOENA ISSUED UNDER THIS SECTION MAY BE JUDICIALLY ENFORCED.

COMMENT

This section is new, patterned after SG §15-207.

Defined terms:

<i>Ethics Board</i>	§2-10	<i>May</i>	<i>cf.</i> §2-36
<i>Executive Director</i>	§2-11		

§ 3-23. FILING FEES.**(A) IN GENERAL.**

(1) ~~THE~~ EXCEPT AS SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION, THE ETHICS BOARD MAY CHARGE REASONABLE FILING FEES FOR STATEMENTS, REPORTS, AND OTHER DOCUMENTS FILED UNDER THIS ARTICLE.

(2) THE BOARD MAY NOT CHARGE A FEE FOR A DISCLOSURE STATEMENT TIMELY FILED UNDER SUBTITLE 7 {"FINANCIAL DISCLOSURE"} OF THIS ARTICLE.

(B) LATE FEES.

THE FEES CHARGED MAY INCLUDE LATE FEES FOR ANY DOCUMENT THAT IS FILED AFTER THE APPLICABLE DEADLINE.

COMMENT

This section is derived from former Article 8, §3-9, as it applied to filing fees. As to the balance of former §3-9, *see* Comment to §3-18 of this subtitle.

Defined terms:

<i>Ethics Board</i>	§2-10	<i>May</i>	<i>cf. §2-36</i>
<i>Includes...</i>	§2-18		

§ 3-24. NOTICES TO NEW APPOINTEES.**(A) NOTICE REQUIRED.**

AN INDIVIDUAL WHO IS APPOINTED TO FILL A VACANCY IN A POSITION MUST BE GIVEN WRITTEN NOTICE, IN A FORM APPROVED BY THE ETHICS BOARD, OF THE REQUIREMENTS OF:

(1) § 7-12 {"FINANCIAL DISCLOSURE: APPOINTEE TO VACANCY"}; AND

(2) IF APPLICABLE TO THE POSITION:

(I) § 3-20 {"TRAINING COURSES FOR OFFICIALS"}; AND

(II) § 3-21 {"CONFLICTS AFFIDAVIT"}.

(B) BY WHOM GIVEN.

(1) FOR UNCOMPENSATED APPOINTEES OF THE MAYOR, THE NOTICE MUST BE GIVEN BY THE MAYOR OR THE MAYOR'S DESIGNEE.

(2) FOR ALL OTHER APPOINTEES, THE NOTICE MUST BE GIVEN BY THE PERSONNEL DIRECTOR OR THE PERSONNEL DIRECTOR'S DESIGNEE.

(C) WHEN TO BE GIVEN.

THE NOTICE MUST BE GIVEN WITHIN 5 DAYS AFTER THE APPOINTMENT.

COMMENT

This section is new, added to facilitate compliance with the specified sections.

Defined terms:

<i>Compensation</i>	§2-7	<i>Must</i>	<i>cf. §2-36</i>
<i>Ethics Board</i>	§2-10		

§ 3-25. EXEMPTIONS FOR BOARDS.**(A) IN GENERAL.**

THE ETHICS BOARD MAY EXEMPT FROM THIS ARTICLE, OR MODIFY THE APPLICABILITY OF THIS ARTICLE TO, A BOARD OR 1 OR MORE MEMBERS OF A BOARD IF THE ETHICS BOARD DETERMINES THAT, BECAUSE OF THE NATURE OF THE BOARD, THE APPLICATION OF THIS ARTICLE TO THE BOARD OR MEMBER:

(1) WOULD SIGNIFICANTLY REDUCE THE AVAILABILITY OF QUALIFIED INDIVIDUALS FOR PUBLIC SERVICE; AND

(2) IS NOT NEEDED TO PRESERVE THE PURPOSES OF THIS ARTICLE.

(B) *WRITTEN REQUEST REQUIRED.*

AN EXEMPTION UNDER THIS SECTION MAY BE GRANTED ONLY ON THE WRITTEN REQUEST OF THE BOARD INVOLVED.

COMMENT

This section is derived from former Article 8, §3-3(d), narrowed in accord with SG §15-209 to cover boards only.

Defined terms:

<i>Board</i>	§2-3	<i>May</i>	<i>cf.</i> §2-36
<i>Ethics Board</i>	§2-10		

~~GENERAL COMMENT TO PART~~

~~In revising this Part, former Article 8, §3-8 is deleted.~~

~~Subsection (a) of that section, which authorized the Executive Director to establish procedures for public inspection, is unnecessary given the general authority granted to the Board under this and related laws.~~

~~Subsection (b) of that section, which required persons seeking to inspect or copy records to record their names, addresses, telephone numbers, organization, and the record being inspected, is deleted as creating an inappropriate “chilling effect”, inconsistent with the policies and dictates of the State Public Information Act.~~

SUBTITLE 4. ADVISORY OPINIONS**§ 4-1. REQUEST FOR OPINION.**(A) *REQUESTER’S RIGHT.*

AT THE WRITTEN REQUEST OF A PERSON WHO IS SUBJECT TO THIS ARTICLE, THE ETHICS BOARD MUST PROVIDE AN ADVISORY OPINION, IN A TIMELY FASHION, ON THE ARTICLE’S APPLICATION TO THAT PERSON UNDER THE CIRCUMSTANCES DESCRIBED IN THE REQUEST.

(B) *BOARD’S DISCRETION.*

AT THE WRITTEN REQUEST OF ANY PERSON NOT WITHIN THE SCOPE OF SUBSECTION (A) OF THIS SECTION, THE ETHICS BOARD MAY PROVIDE THAT PERSON WITH AN ADVISORY OPINION ON THE ARTICLE’S APPLICATION TO THE CIRCUMSTANCES DESCRIBED IN THE REQUEST.

COMMENT

Subsection (a) of this section is derived from former Article 8, §3-4(a), with an added requirement that the opinion be given “in a timely fashion”.

Subsection (b) of this section is new, patterned after SG §15-301(b).

Defined terms:

<i>Ethics Board</i>	§2-10	<i>Must</i>	<i>cf.</i> §2-36
<i>May</i>	<i>cf.</i> §2-36	<i>Person</i>	§2-22

§ 4-2. EXECUTIVE DIRECTOR'S ASSISTANCE.**(A) REQUESTER'S RIGHT.**

THE EXECUTIVE DIRECTOR MUST ASSIST ANY PERSON WHO NEEDS OR ASKS FOR HELP IN PREPARING A WRITTEN REQUEST UNDER §4-1(A) {"REQUEST FOR OPINION: REQUESTER'S RIGHT"} OF THIS SUBTITLE.

(B) DIRECTOR'S DISCRETION.

THE EXECUTIVE DIRECTOR MAY ASSIST ANY PERSON WHO NEEDS OR ASKS FOR HELP IN PREPARING A WRITTEN REQUEST UNDER §4-1(B) {"REQUEST FOR OPINION: EXECUTIVE DIRECTOR'S DISCRETION"} OF THIS SUBTITLE.

COMMENT

Subsection (a) of this section is derived from former Article 8, §3-4(b).

Subsection (b) of this section is new, added as a counterpart to proposed new §4-1(b).

Defined terms:

<i>Executive Director</i>	§2-11	<i>Must</i>	<i>cf.</i> §2-36
<i>May</i>	<i>cf.</i> §2-36	<i>Person</i>	§2-22

§ 4-3. PUBLICATION.**(A) IN GENERAL.**

EACH ADVISORY OPINION OF THE ETHICS BOARD MUST BE:

- (1) IN WRITING; AND
- (2) SUBJECT TO THE REDACTIONS REQUIRED BY SUBSECTION (B) OF THIS SECTION, FILED AND MADE AVAILABLE FOR PUBLIC INSPECTION.

(B) CONFIDENTIALITY.

- (1) NEITHER THE ETHICS BOARD NOR ITS STAFF MAY REVEAL THE IDENTITY OF THE PERSON THAT IS THE SUBJECT OF AN ADVISORY OPINION.
- (2) BEFORE AN ADVISORY OPINION IS MADE PUBLIC, THE ETHICS BOARD MUST DELETE:
 - (I) THE NAME OF THE PERSON THAT IS THE SUBJECT OF THE OPINION; AND
 - (II) TO THE FULLEST EXTENT POSSIBLE, ANY OTHER INFORMATION THAT MIGHT IDENTIFY THAT PERSON.

COMMENT

This section is derived from former Article 8, §3-4(c) and (d), with modifications adapted from SG §15-303.

Defined terms:

<i>Ethics Board</i>	§2-10	<i>Must</i>	<i>cf.</i> §2-36
<i>May not</i>	<i>cf.</i> §2-36	<i>Person</i>	§2-22

§ 4-4. RELIANCE ON OPINION.

ANY PERSON SUBJECT TO THIS ARTICLE IS ENTITLED TO RELY ON AN ADVISORY OPINION OF THE ETHICS BOARD THAT:

- (1) IS REASONABLY APPLICABLE TO THAT PERSON'S CIRCUMSTANCES; AND
- (2) HAS NOT BEEN:
 - (I) OVERRULED BY A LATER OPINION OF THE ETHICS BOARD; OR
 - (II) SUPERSEDED BY AN AMENDMENT TO THE APPLICABLE PROVISIONS OF THIS ARTICLE OR OF THE RULES AND REGULATIONS ADOPTED UNDER IT.

COMMENT

This section is derived from former Article 8, §3-4(e). The conditions of items (1) and (2) are added for clarity.

Defined terms:

<i>Ethics Board</i>	§2-10	<i>Person</i>	§2-22
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GENERAL COMMENT TO SUBTITLE

Former Article 8, §3-3(f), providing for "advisory opinions defining and interpreting" this article, is deleted as unnecessary given the provisions of this subtitle and the Board's broad rulemaking authority.

SUBTITLE 5. COMPLAINTS**§ 5-1. COMMENCEMENT OF ACTION.****(A) ON COMPLAINT OF OTHER.**

- (1) ANY PERSON MAY FILE A COMPLAINT WITH THE ETHICS BOARD ALLEGING A VIOLATION OF THIS ARTICLE.
- (2) A COMPLAINT FILED UNDER THIS SUBSECTION MUST BE:
 - (I) IN WRITING;
 - (II) UNDER OATH; AND

(III) SIGNED BY THE COMPLAINANT.

(B) *ON BOARD'S MOTION.*

ON ITS OWN MOTION, THE ETHICS BOARD MAY ISSUE A WRITTEN COMPLAINT ALLEGING A VIOLATION OF THIS ARTICLE.

COMMENT

Subsection (a) of this section is derived from former Article 8, §3-5(a) and (b). The reference to a specific form is deleted as inconsistent with long-standing practice.

Subsection (b) of this section is new, patterned after SG §15-401(b).

Defined terms:

<i>Ethics Board</i>	§2-10	<i>Must</i>	<i>cf.</i> §2-36
<i>May</i>	<i>cf.</i> §2-36	<i>Person</i>	§2-22

§ 5-2. COPY TO RESPONDENT.

(A) *IN GENERAL.*

SUBJECT TO THE REDACTIONS REQUIRED BY SUBSECTION (B) OF THIS SECTION, THE EXECUTIVE DIRECTOR MUST PROMPTLY SEND THE RESPONDENT A COPY OF THE COMPLAINT.

(B) *CONFIDENTIALITY.*

FOR A COMPLAINT FILED UNDER § 5-1(A) {"COMMENCEMENT OF ACTION: ON COMPLAINT OF OTHER"} OF THIS SUBTITLE, THE EXECUTIVE DIRECTOR MUST DELETE FROM THE COPY SENT TO THE RESPONDENT:

- (1) THE COMPLAINANT'S NAME; AND
- (2) TO THE FULLEST EXTENT POSSIBLE, ANY OTHER INFORMATION THAT MIGHT IDENTIFY THE COMPLAINANT.

COMMENT

Subsection (a) of this section is derived from former Article 8, §3-5(c).

Subsection (b) of this section is new, added for consistency with the later provisions that limit disclosure of the complainant's identity.

Defined terms:

<i>Ethics Board</i>	§2-10	<i>Must</i>	<i>cf.</i> §2-36
<i>Executive Director</i>	§2-11		

§ 5-3. PRELIMINARY INVESTIGATION.

(A) *IN GENERAL.*

THE EXECUTIVE DIRECTOR MUST PROMPTLY INVESTIGATE THE COMPLAINT.

(B) *REPORT TO BOARD.*

THE EXECUTIVE DIRECTOR MUST REPORT HIS OR HER FINDINGS TO THE ETHICS BOARD WITHIN A REASONABLE TIME.

COMMENT

This section is derived from former Article 8, §3-5(d). It has been revised to permit the Executive Director to begin an immediate preliminary investigation without need for formal Board direction.

Defined terms:

<i>Ethics Board</i>	§2-10	<i>Must</i>	<i>cf.</i> §2-36
<i>Executive Director</i>	§2-11		

§ 5-4. DISMISSAL ON CURE OF VIOLATION.(A) *OPPORTUNITY TO CURE.*

IF THE INVESTIGATION DISCLOSES A PRIMA FACIE VIOLATION, THE EXECUTIVE DIRECTOR MUST:

- (1) SO NOTIFY THE RESPONDENT; AND
- (2) PROVIDE THE RESPONDENT WITH AN OPPORTUNITY TO CURE THE VIOLATION.

(B) *DISMISSAL ON CURE.*

THE ETHICS BOARD MAY DISMISS THE COMPLAINT IF:

- (1) WITHIN 15 DAYS AFTER THE EXECUTIVE DIRECTOR'S NOTICE, THE RESPONDENT CURES THE ALLEGED VIOLATION; AND
- (2) THE BOARD FINDS THAT A DISMISSAL WOULD NOT BE CONTRARY TO THE PURPOSES OF THIS ARTICLE.

(C) *NOTICE OF DISMISSAL.*

IF THE ETHICS BOARD DISMISSES A COMPLAINT UNDER THIS SECTION, THE EXECUTIVE DIRECTOR PROMPTLY MUST NOTIFY THE COMPLAINANT AND RESPONDENT OF THE DISMISSAL.

COMMENT

Subsections (a) and (b) of this section are derived from former Article 8, §3-5(e).

Subsection (c) of this section is new, patterned after the recent addition to the same effect in SG §15-403(b)(3).

In subsection (a)(1) of this section, the former reference to notifying the "complainant" is deleted as inconsistent at this stage with this subtitle's confidentiality requirements.

In subsection (b)(1) of this section, "cures" is substituted for the unduly vague "takes any action ... available to cure".

In subsection (b)(2) of this section, the former reference to a “signed order” is deleted as an unnecessary formality.

Defined terms:

<i>Ethics Board</i>	§2-10	<i>May</i>	<i>cf.</i> §2-36
<i>Executive Director</i>	§2-11	<i>Must</i>	<i>cf.</i> §2-36

§ 5-5. DISMISSAL ON PRELIMINARY REVIEW.

(A) *IN GENERAL.*

AFTER RECEIVING THE REPORT OF THE INVESTIGATION, IF THE ETHICS BOARD DETERMINES THAT THE FACTS DO NOT MERIT FURTHER PROCEEDINGS, THE BOARD MUST DISMISS THE COMPLAINT.

(B) *NOTICE OF DISMISSAL.*

IF THE ETHICS BOARD DISMISSES A COMPLAINT UNDER THIS SECTION, THE EXECUTIVE DIRECTOR PROMPTLY MUST NOTIFY THE COMPLAINANT AND RESPONDENT OF THE DISMISSAL.

COMMENT

Subsection (a) of this section is derived from former Article 8, §3-5(f), with modifications borrowed from SG §15-403(c)(1).

Subsection (b) of this section is new, patterned after the like provision in SG §15-403(c)(2).

Defined terms:

<i>Ethics Board</i>	§2-10	<i>May</i>	<i>cf.</i> §2-36
<i>Executive Director</i>	§2-11	<i>Must</i>	<i>cf.</i> §2-36

§ 5-6. HEARING ON COMPLAINT.

(A) *IN GENERAL.*

IF THE COMPLAINT IS NOT DISMISSED UNDER § 5-4 {“DISMISSAL ON CURE OF VIOLATION”} OR § 5-5 {“DISMISSAL ON PRELIMINARY REVIEW”} OF THIS SUBTITLE, THE ETHICS BOARD MUST PROVIDE THE RESPONDENT WITH NOTICE AND AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

(B) *REPRESENTATION BY COUNSEL.*

AT THE HEARING, THE RESPONDENT IS ENTITLED TO BE REPRESENTED BY COUNSEL.

(C) *PROCEDURES.*

IN ITS RULES AND REGULATIONS, THE ETHICS BOARD MUST ESTABLISH PROCEDURES TO GOVERN THE CONDUCT OF HEARINGS HELD UNDER THIS SUBTITLE.

COMMENT

Subsections (a) and (b) of this section are derived from former Article 8, §3-5(g), with modifications borrowed from SG §15-403(d).

Subsection (c) of this section is derived from former Article 8, §3-3(g).

Defined terms:

<i>Ethics Board</i>	§2-10	<i>Must</i>	<i>cf. §2-36</i>
<i>May</i>	<i>cf. §2-36</i>		

§ 5-7. DISPOSITION.

(A) *DETERMINATION.*

AFTER THE ETHICS BOARD CONSIDERS ALL OF THE EVIDENCE PRESENTED, IT MUST MAKE WRITTEN FINDINGS OF FACT AND CONCLUSION OF LAW ON EACH ALLEGED VIOLATION.

(B) *FINDING OF NO VIOLATION.*

IF THE ETHICS BOARD DETERMINES THAT THE RESPONDENT HAS NOT VIOLATED THIS ARTICLE, THE BOARD MUST:

- (1) DISMISS THE COMPLAINT; AND
- (2) PROMPTLY NOTIFY THE COMPLAINANT AND RESPONDENT OF THE DISMISSAL.

(C) *SANCTIONS FOR VIOLATION — ~~IN GENERAL.~~*

IF THE ETHICS BOARD DETERMINES THAT THE RESPONDENT HAS VIOLATED ANY PROVISION OF THIS ARTICLE, THE BOARD MAY TAKE ANY 1 OR MORE OF THE ~~FOLLOWING ACTIONS~~ AUTHORIZED IN SUBTITLE 19 {"ENFORCEMENT"}, PART II {"ADMINISTRATIVE SANCTIONS"}:

- ~~(1) ISSUE AN ORDER DIRECTING THE RESPONDENT TO CEASE AND DESIST FROM THE VIOLATION;~~
- ~~(2) ISSUE A REPRIMAND;~~
- ~~(3) REFER THE MATTER TO THE APPROPRIATE OFFICIAL OR OTHER AUTHORITY FOR OTHER DISCIPLINARY ACTION AUTHORIZED BY LAW, INCLUDING CENSURE OR REMOVAL; OR~~
- ~~(4) SEEK JUDICIAL RELIEF OR OTHER ENFORCEMENT ACTION UNDER SUBTITLE 9 {"ENFORCEMENT"} OF THIS ARTICLE.~~

~~(D) *SANCTIONS FOR VIOLATION — LOBBYING PROVISIONS.*~~

~~IF THE ETHICS BOARD DETERMINES THAT THE RESPONDENT HAS VIOLATED ANY PROVISION OF SUBTITLE 8 {"LOBBYING"} OF THIS ARTICLE, THE BOARD MAY TAKE ANY 1 OR MORE OF THE FOLLOWING ACTIONS:~~

- ~~(1) REQUIRE A RESPONDENT WHO IS A LOBBYIST TO FILE ANY ADDITIONAL REPORTS OR INFORMATION THAT REASONABLY RELATES TO THE INFORMATION REQUIRED BY SUBTITLE 8;~~
- ~~(2) IMPOSE A CIVIL PENALTY OF NOT MORE THAN \$1,000 FOR EACH VIOLATION; OR~~
- ~~(3) SEEK JUDICIAL RELIEF OR OTHER ENFORCEMENT ACTION UNDER SUBTITLE 9 {"ENFORCEMENT"} OF THIS ARTICLE.~~

COMMENT

Subsection (a) of this section is derived from former Article 8, §3-5(j), with modifications borrowed from SG §15-405(a).

Subsection (b) of this section is new, patterned after SG §15-405(b).

Subsection (c) of this section is new, added as a cross-reference, derived from former Article 8, §3-5(h), with modifications borrowed from SG §15-405(c).

~~Subsection (d) of this section is new, patterned after the recently enacted SG §15-405(d).~~

Defined terms:

<i>Ethics Board</i>	§2-10	<i>May</i>	<i>cf.</i> §2-36
<i>Includes...</i>	§2-18	<i>Must</i>	<i>cf.</i> §2-36
<i>Lobbyist</i>	§2-20	<i>Official</i>	§2-21

§ 5-8. JUDICIAL AND APPELLATE REVIEW.**(A) JUDICIAL REVIEW.**

IF THE RESPONDENT IS AGGRIEVED BY THE ETHICS BOARD'S FINAL DECISION, THE RESPONDENT MAY ~~APPEAL THAT DECISION~~ SEEK JUDICIAL REVIEW OF THAT DECISION BY PETITION TO THE CIRCUIT COURT FOR BALTIMORE CITY IN ACCORDANCE WITH THE MARYLAND RULES OF ~~CIVIL~~ PROCEDURE.

(B) APPELLATE REVIEW.

A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

COMMENT

~~This~~ Subsection (a) of this section is derived from former Article 8, § 3-5(k).
Subsection (b) of this section is new, added to override the application of CJ § 12-302(a).

Defined terms:

<i>Ethics Board</i>	§2-10	<i>May</i>	<i>cf.</i> §2-36
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§ 5-9. CONFIDENTIALITY OF PROCEEDINGS.**(A) IN GENERAL.**

NOTWITHSTANDING ANY OTHER LAW AND EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, AFTER A COMPLAINT IS FILED:

- (1) THE PROCEEDINGS, MEETINGS, AND ACTIVITIES OF THE ETHICS BOARD AND ITS STAFF RELATING TO THE COMPLAINT ARE CONFIDENTIAL; AND
- (2) NEITHER THE ETHICS BOARD NOR ITS STAFF MAY DISCLOSE ANY INFORMATION RELATING TO THE COMPLAINT, INCLUDING THE IDENTITY OF THE COMPLAINANT OR THE RESPONDENT.

(B) *PERMITTED DISCLOSURES.*

- (1) THE ETHICS BOARD MAY RELEASE ANY INFORMATION, OTHER THAN THE COMPLAINANT'S IDENTITY, IF THE RESPONDENT HAS AGREED IN WRITING TO THE RELEASE.
- (2) THE ETHICS BOARD MAY DISCLOSE THE COMPLAINANT'S IDENTITY TO THE RESPONDENT ONLY AT THE RESPONDENT'S REQUEST AND FOR GOOD CAUSE SHOWN.

(C) *DURATION.*

THE RESTRICTIONS IMPOSED BY THIS SECTION TERMINATE WHEN:

- (1) THE MATTER IS REFERRED FOR CRIMINAL PROSECUTION; OR
- (2) THE ETHICS BOARD DETERMINES THAT A VIOLATION HAS OCCURRED.

COMMENT

This section is derived from former Article 8, §3-5(i), with organizational modifications borrowed from SG §15-407.

In subsection (a)(2) of this section, the former prohibition against the complainant and the respondent themselves from disclosing information is deleted as an undue infringement on their constitutionality right to free speech.

Defined terms:

<i>Ethics Board</i>	§2-10	<i>No ... may</i>	<i>cf. §2-36</i>
<i>Includes...</i>	§2-18	<i>May</i>	<i>cf. §2-36</i>

GENERAL COMMENT TO SUBTITLE

Former Article 8, §3-1, defining "complainant" and "respondent", is deleted. These terms are used here in their ordinary, commonly understood senses, without need for definition.

SUBTITLE 6. CONFLICTS OF INTEREST***PART I. DEFINITIONS*****§ 6-1. DEFINITIONS.**(A) *IN GENERAL.*

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

(B) *DISQUALIFYING RELATIVE.*

"DISQUALIFYING RELATIVE", AS APPLIED TO AN INDIVIDUAL, MEANS THAT INDIVIDUAL'S SPOUSE, PARENT, CHILD, OR SIBLING.

COMMENT

This section is new language, patterned after SG §15-102(gg), designed to avoid constant repetition of the relatives involved.

In former Article 8, §4-2, the litany of relatives referred to any sibling but, for some unknown reason, only to a “minor” child. If an adult sibling (whether financially dependent or independent) is considered a disqualifying relative, there is no logical reason to consider one’s adult child to be any less disqualifying. Accordingly, this definition follows the approach of the State law, by including both children and siblings without regard to age.

Defined terms:

Child

§2-6

§§ 6-2 TO 6-5. {RESERVED}***PART II. RESTRICTIONS ON PARTICIPATION*****§ 6-6. PROHIBITED PARTICIPATION.**

EXCEPT AS OTHERWISE PROVIDED IN THIS PART II, A PUBLIC SERVANT MAY NOT PARTICIPATE IN AND MUST DISQUALIFY HIMSELF OR HERSELF FROM ANY MATTER IF:

- (1) THE PUBLIC SERVANT HAS AN INTEREST IN THE MATTER OF WHICH THE PUBLIC SERVANT MIGHT REASONABLY BE EXPECTED TO KNOW;
- (2) TO THE PUBLIC SERVANT’S KNOWLEDGE, A DISQUALIFYING RELATIVE HAS AN INTEREST IN THE MATTER; OR
- (3) ANY OF THE FOLLOWING IS A PARTY TO THE MATTER:
 - (I) ANY BUSINESS ENTITY IN WHICH:
 - (A) THE PUBLIC SERVANT HAS A DIRECT FINANCIAL INTEREST OF WHICH THE PUBLIC SERVANT MIGHT REASONABLY BE EXPECTED TO KNOW; OR
 - (B) TO THE PUBLIC SERVANT’S KNOWLEDGE, A DISQUALIFYING RELATIVE HAS A DIRECT FINANCIAL INTEREST;
 - (II) ANY BUSINESS ENTITY IN WHICH:
 - (A) THE PUBLIC SERVANT IS AN OFFICER, DIRECTOR, TRUSTEE, PARTNER, OR EMPLOYEE; OR
 - (B) TO THE PUBLIC SERVANT’S KNOWLEDGE, A DISQUALIFYING RELATIVE IS AN OFFICER, DIRECTOR, TRUSTEE, PARTNER, OR EMPLOYEE;
 - (III) ANY BUSINESS ENTITY WITH WHICH:
 - (A) THE PUBLIC SERVANT HAS APPLIED FOR A POSITION, IS NEGOTIATING EMPLOYMENT, OR HAS ARRANGED PROSPECTIVE EMPLOYMENT; OR

- (B) TO THE PUBLIC SERVANT'S KNOWLEDGE, A DISQUALIFYING RELATIVE HAS APPLIED FOR A POSITION, IS NEGOTIATING EMPLOYMENT, OR HAS ARRANGED PROSPECTIVE EMPLOYMENT;
- (IV) ANY BUSINESS ENTITY THAT IS A PARTY TO A CONTRACT WITH:
 - (A) THE PUBLIC SERVANT, IF THE CONTRACT COULD REASONABLY BE EXPECTED TO RESULT IN A CONFLICT BETWEEN THE PRIVATE INTERESTS OF THE PUBLIC SERVANT AND THE PUBLIC SERVANT'S OFFICIAL CITY DUTIES; OR
 - (B) TO THE PUBLIC SERVANT'S KNOWLEDGE, A DISQUALIFYING RELATIVE, IF THE CONTRACT COULD REASONABLY BE EXPECTED TO RESULT IN A CONFLICT BETWEEN THE PRIVATE INTERESTS OF THE PUBLIC SERVANT OR DISQUALIFYING RELATIVE AND THE PUBLIC SERVANT'S OFFICIAL CITY DUTIES;
- (V) ANY BUSINESS ENTITY IN WHICH A DIRECT FINANCIAL INTEREST IS HELD BY ANOTHER BUSINESS ENTITY IN WHICH THE PUBLIC SERVANT HAS A DIRECT FINANCIAL INTEREST, IF THE PUBLIC SERVANT MIGHT REASONABLY BE EXPECTED TO KNOW OF BOTH FINANCIAL INTERESTS;
- (VI) ANY BUSINESS ENTITY IN WHICH A DIRECT FINANCIAL INTEREST IS HELD BY ANOTHER BUSINESS ENTITY IN WHICH A DISQUALIFYING RELATIVE HAS A DIRECT FINANCIAL INTEREST, IF THE PUBLIC SERVANT KNOWS OF BOTH FINANCIAL INTERESTS;
- (VII) ANY BUSINESS ENTITY THAT HAS A DIRECT FINANCIAL INTEREST IN ANOTHER BUSINESS ENTITY IN WHICH THE PUBLIC SERVANT ALSO HAS A DIRECT FINANCIAL INTEREST, IF THE PUBLIC SERVANT MIGHT REASONABLY BE EXPECTED TO KNOW OF BOTH FINANCIAL INTERESTS;
- (VIII) ANY BUSINESS ENTITY THAT HAS A DIRECT FINANCIAL INTEREST IN ANOTHER BUSINESS ENTITY IN WHICH A DISQUALIFYING RELATIVE ALSO HAS A DIRECT FINANCIAL INTEREST, IF THE PUBLIC SERVANT KNOWS OF BOTH FINANCIAL INTERESTS; OR
- (IX) ANY BUSINESS ENTITY THAT, TO THE PUBLIC SERVANT'S KNOWLEDGE, IS A CREDITOR OR OBLIGEE OF THE PUBLIC SERVANT OR A DISQUALIFYING RELATIVE AND THAT, AS A CREDITOR OR OBLIGEE, IS IN A POSITION TO AFFECT DIRECTLY AND SUBSTANTIALLY THE INTEREST OF THE PUBLIC SERVANT OR DISQUALIFYING RELATIVE.

COMMENT

This section is derived from former Article 8, §4-2(a) (except for the introductory exceptions).

In item (1) of this section, the phrase "might reasonably be expected to know" is substituted for "to his knowledge". This is consistent with the narrower standard applied in the rest of this section to the interests of a public servant her- or himself, as distinct from a disqualifying relative.

Item (3)(i)(B) of this section is new, added to correct an apparently inadvertent omission. Under item (3)(ii)(B), a relative's mere employment by the business entity creates a disqualification; certainly, a relative's direct financial interest in the entity should have the same disqualifying effect.

Item (3)(vi) of this section also is new, added to cover a disqualifying relative who the public servant knows has an interest of the type proscribed under item (3)(v) to the public servant him- or herself.

Items (3)(vii) and (viii) of this section also are new, added to cover the converse of the situations described in the preceding items (3)(v) and (3)(vi).

In item (3)(ix) of this section, the former limitation to a creditor or obligee “with respect to a thing of economic value” is deleted as unduly restrictive.

Defined terms:

<i>Business entity</i>	§2-4	<i>May not</i>	<i>cf. §2-36</i>
<i>Disqualifying relative</i>	§6-1	<i>Must</i>	<i>cf. §2-36</i>
<i>Financial interest</i>	§2-16	<i>Public servant</i>	§2-23
<i>Interest</i>	§2-19		

§ 6-7. EXCEPTIONS.

(A) *ACTIONS AUTHORIZED BY BOARD OR ARTICLE.*

THE PROHIBITIONS IN § 6-6 {“PROHIBITED PARTICIPATION”} OF THIS SUBTITLE DO NOT APPLY TO THE EXTENT THAT PARTICIPATION IN A MATTER IS EXPRESSLY ALLOWED:

- (1) BY A RULE OR REGULATION OF THE ETHICS BOARD;
- (2) BY AN ADVISORY OPINION OF THE ETHICS BOARD; OR
- (3) BY ANOTHER PROVISION OF THIS ARTICLE.

(B) *MINISTERIAL ACTIVITIES.*

THE PROHIBITIONS IN § 6-6 {“PROHIBITED PARTICIPATION”} OF THIS SUBTITLE DO NOT PROHIBIT THE EXERCISE OF A MINISTERIAL DUTY THAT DOES NOT AFFECT THE DISPOSITION OF OR ANY DECISION RELATING TO THE MATTER INVOLVED.

COMMENT

This section is derived from the introductory exceptions of former Article 8, §4-2(a).

Subsection (a)(2) is new, patterned after the similar reference in SG §15-501(b)(2).

In subsection (b) of this section, “ministerial duty” is substituted for the former reference to an “administrative or ministerial duty”. The term “administrative ... duty” is open to several, inordinately broad interpretations and, in any event, is inconsistent with the concluding, “does not affect” clause.

Defined terms:

<i>Ethics Board</i>	§2-10
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§ 6-8. PARTICIPATION NOTWITHSTANDING CONFLICT.*(A) IN GENERAL.*

SUBJECT TO SUBSECTION (B) OF THIS SECTION, A PUBLIC SERVANT WHO OTHERWISE WOULD BE DISQUALIFIED UNDER § 6-6 {“PROHIBITED PARTICIPATION”} OF THIS SUBTITLE MAY NONETHELESS PARTICIPATE IN A MATTER IF:

- (1) HIS OR HER DISQUALIFICATION WOULD LEAVE A BOARD OR OTHER BODY WITH LESS THAN A QUORUM CAPABLE OF ACTING;
- (2) THE PUBLIC SERVANT IS REQUIRED BY LAW TO ACT; OR
- (3) THE PUBLIC SERVANT IS THE ONLY INDIVIDUAL AUTHORIZED TO ACT.

(B) CONDITIONS OF PARTICIPATION.

- (1) A PUBLIC SERVANT WHO SEEKS TO PARTICIPATE IN A MATTER UNDER THE AUTHORITY OF THIS SECTION MUST COMPLY WITH THE REQUIREMENTS OF THIS SUBSECTION.
- (2) IF ACTING AS A MEMBER OF A BOARD OR OTHER BODY, THE PUBLIC SERVANT MUST, BEFORE PARTICIPATING, PUBLICLY DISCLOSE TO THAT BOARD OR OTHER BODY THE NATURE AND CIRCUMSTANCES OF THE CONFLICT.
- (3) IN ALL CASES, THE PUBLIC SERVANT MUST, AS SOON AS POSSIBLE AFTER PARTICIPATING, FILE WITH THE ETHICS BOARD AND THE PUBLIC SERVANT’S APPOINTING AUTHORITY A WRITTEN NOTICE OF THE NATURE AND CIRCUMSTANCES OF THE CONFLICT AND THE PARTICIPATION.

COMMENT

This section is derived from former Article 8, §4-2(b).

In subsection (b) of this section, the former requirement for prior “approv[al] by the Board of Estimates” is deleted and, as in SG §15-501(c), a disclosure requirement substituted.

Defined terms:

<i>Board</i>	§2-3	<i>Must</i>	<i>cf.</i> §2-36
<i>Ethics Board</i>	§2-10	<i>Public servant</i>	§2-23
<i>May</i>	<i>cf.</i> §2-36		

§ 6-9. SERVICE WITH ENTITY ON CITY’S BEHALF.

THE PROHIBITIONS IN § 6-6 {“PROHIBITED PARTICIPATION”} OF THIS SUBTITLE DO NOT APPLY TO THE SERVICE OF A PUBLIC SERVANT AS A TRUSTEE OR DIRECTOR OF A BUSINESS ENTITY DOING BUSINESS WITH OR SUBJECT TO REGULATION BY THE CITY AS LONG AS:

- (1) THE CITY HAS AN ECONOMIC OR PROGRAMMATIC INTEREST IN THE ENTITY; AND
- (2) THE PUBLIC SERVANT:
 - (I) SERVES ON THE ENTITY AS PART OF HIS OR HER OFFICIAL DUTIES, AT THE DIRECTION OF HIS OR HER AGENCY;

- (II) RECEIVES NO FEE, SALARY, OR OTHER REMUNERATION FOR HIS OR HER SERVICE; AND
- (III) DOES NOT PARTICIPATE IN ANY MATTER IN WHICH THE PUBLIC SERVANT OR ANY DISQUALIFYING RELATIVE HAS A FINANCIAL INTEREST.

COMMENT

This section is derived from former Article 8, §4-2(c).

In item (2)(iii) of this section, the defined term “disqualifying relative” is substituted for the formerly (more narrowly) defined “family”.

Defined terms:

<i>Agency</i>	§2-2	<i>Disqualifying relative</i>	§6-1
<i>Business entity</i>	§2-4	<i>Financial interest</i>	§2-16
<i>Business with City</i>	§2-5	<i>Public servant</i>	§2-23

§ 6-10. {RESERVED}

PART III. RESTRICTIONS ON EMPLOYMENT AND INTERESTS

§ 6-11. PROHIBITED INTERESTS.

EXCEPT AS OTHERWISE PROVIDED IN THIS PART III, A PUBLIC SERVANT MAY NOT:

- (1) BE EMPLOYED BY OR HAVE A FINANCIAL INTEREST IN ANY PERSON THAT IS SUBJECT TO THE AUTHORITY OF THAT PUBLIC SERVANT OR OF THE CITY AGENCY WITH WHICH THE PUBLIC SERVANT IS AFFILIATED;
- (2) BE EMPLOYED BY OR HAVE A FINANCIAL INTEREST IN ANY PERSON THAT IS NEGOTIATING OR HAS ENTERED INTO:
 - (I) A CONTRACT WITH THE CITY AGENCY WITH WHICH THE PUBLIC SERVANT IS AFFILIATED;
OR
 - (II) A SUBCONTRACT ON A CONTRACT THAT IS BEING NEGOTIATED OR HAS BEEN ENTERED INTO WITH THAT CITY AGENCY; OR
- (3) HOLD ANY OTHER EMPLOYMENT RELATIONSHIP THAT WOULD IMPAIR THE IMPARTIALITY AND INDEPENDENT JUDGMENT OF THE PUBLIC SERVANT.

COMMENT

Items (1) and (2)(i) of this section are derived from former Article 8, §4-3(a) (except for the introductory exceptions).

Items (2)(ii) and (3) of this section are new, patterned after their counterparts in SG §15-502(b).

In item (2)(i) of this section, the former limitation to contracts that exceed \$5,000 is deleted, to conform to the similarly unqualified provisions of SG §15-502(b)(1)(ii).

Defined terms:

<i>Agency</i>	§2-2	<i>Person</i>	§2-22
<i>Financial interest</i>	§2-16	<i>Public servant</i>	§2-23
<i>May not</i>	<i>cf. §2-36</i>		

§ 6-12. EXCEPTIONS – BOARD REGULATION.

THE PROHIBITIONS IN § 6-11 {“PROHIBITED INTERESTS”} OF THIS SUBTITLE DO NOT APPLY TO AN EMPLOYMENT OR FINANCIAL INTEREST THAT IS ALLOWED BY A RULE OR REGULATION OF THE ETHICS BOARD IF:

- (1) IN THE CASE OF EMPLOYMENT, THE EMPLOYMENT DOES NOT CREATE A CONFLICT OF INTEREST OR THE APPEARANCE OF A CONFLICT OF INTEREST; AND
- (2) IN THE CASE OF A FINANCIAL INTEREST, THE INTEREST IS DISCLOSED IN THE MANNER REQUIRED BY THE RULE OR REGULATION.

COMMENT

This section is derived from the introductory exceptions of former Article 8, §4-3(a).

Defined terms:

<i>Ethics Board</i>	§2-10	<i>Financial interest</i>	§2-16
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§ 6-13. EXCEPTIONS – INDUSTRY REPRESENTATIVES.

THE PROHIBITIONS IN § 6-11 {“PROHIBITED INTERESTS”} OF THIS SUBTITLE DO NOT APPLY TO AN INDIVIDUAL WHO IS APPOINTED TO A REGULATORY OR LICENSING UNIT PURSUANT TO A REQUIREMENT THAT PERSONS SUBJECT TO THE JURISDICTION OF THE UNIT BE REPRESENTED IN APPOINTMENTS TO IT.

COMMENT

This section is derived from former Article 8, §4-3(b)(1).

Defined terms:

<i>Person</i>	§2-22
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§ 6-14. EXCEPTIONS – NEW BOARD MEMBERS.**(A) IN GENERAL.**

THE PROHIBITIONS IN § 6-11 {“PROHIBITED INTERESTS”} OF THIS SUBTITLE DO NOT APPLY TO A BOARD MEMBER WHO HOLDS THE EMPLOYMENT OR FINANCIAL INTEREST AT THE TIME OF HIS OR HER APPOINTMENT, IF THAT EMPLOYMENT OR FINANCIAL INTEREST IS PUBLICLY DISCLOSED TO THE APPOINTING AUTHORITY, THE ETHICS BOARD, AND, IF APPLICABLE, THE CITY COUNCIL BEFORE CONFIRMATION.

(B) DISCLOSURE BY AFFIDAVIT.

THE DISCLOSURE MUST BE MADE BY AN AFFIDAVIT, UNDER PENALTIES OF PERJURY, IN THE FORM THAT THE ETHICS BOARD REQUIRES.

COMMENT

Subsection (a) of this section is derived from former Article 8, §4-3(b)(2). In conformity with SG §15-502(c)(4), the subsection has been revised to apply only to interests held and disclosed prior to appointment.

Subsection (b) is new, to establish a uniform method of making the required disclosure.

Defined terms:

<i>Board</i>	§2-3	<i>Financial interest</i>	§2-16
<i>Ethics Board</i>	§2-10		

§ 6-15. EXCEPTIONS – SERVICE ON CITY’S BEHALF.

THE PROHIBITIONS IN § 6-11 {“PROHIBITED INTERESTS”} OF THIS SUBTITLE DO NOT APPLY TO THE SERVICE OF A PUBLIC SERVANT AS A TRUSTEE OR DIRECTOR OF A BUSINESS ENTITY IN ACCORD WITH AND SUBJECT TO THE LIMITATIONS SPECIFIED IN § 6-9 {“SERVICE ... ON CITY’S BEHALF”} OF THIS SUBTITLE.

COMMENT

This section is new, added to reflect the intended applicability of former Article 8, §4-2(c) (now §6-9 of this subtitle) to both Part II and Part III.

Defined terms:

<i>Business entity</i>	§2-4	<i>Public servant</i>	§2-23
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§ 6-16. EXTRAORDINARY EXEMPTIONS.**(A) IN GENERAL.**

SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE ETHICS BOARD MAY EXEMPT A PUBLIC SERVANT FROM THE PROHIBITIONS OF § 6-11 {“PROHIBITED INTERESTS”} OF THIS SUBTITLE OR MODIFY THE APPLICABILITY OF THOSE PROHIBITIONS TO A PUBLIC SERVANT IF THE BOARD DETERMINES THAT FAILURE TO GRANT THE EXEMPTION OR MODIFICATION WOULD LIMIT THE CITY’S ABILITY TO:

- (1) RECRUIT AND HIRE HIGHLY QUALIFIED OR UNIQUELY QUALIFIED PROFESSIONALS FOR PUBLIC SERVICE; OR
- (2) ASSURE THE AVAILABILITY OF COMPETENT SERVICES TO THE PUBLIC.

(B) CRITERIA FOR GRANTING.

- (1) THE ETHICS BOARD MAY GRANT AN EXEMPTION OR MODIFICATION UNDER THIS SECTION ONLY:
 - (I) IN EXTRAORDINARY CIRCUMSTANCES;
 - (II) AT THE REQUEST OF THE CITY AGENCY INVOLVED; AND
 - (III) WITH THE MAYOR’S APPROVAL OF THAT REQUEST.
- (2) THE ETHICS BOARD MUST APPLY THIS SECTION AS CONSISTENTLY AS POSSIBLE UNDER SIMILAR FACTS AND CIRCUMSTANCES.

COMMENT

This section is new, patterned after SG §15-502(d).

Defined terms:

<i>Agency</i>	§2-2	<i>Must</i>	<i>cf.</i> §2-36
<i>Ethics Board</i>	§2-10	<i>Public servant</i>	§2-23
<i>May</i>	<i>cf.</i> §2-36		

§ 6-17. PERMITTED TRANSACTIONS.

THE PROHIBITIONS OF § 6-11 {"PROHIBITED INTERESTS"} OF THIS SUBTITLE DO NOT PREVENT:

- (1) AN ELECTED OFFICIAL FROM APPEARING, WITHOUT COMPENSATION, BEFORE ANY CITY AGENCY OR LEGISLATIVE BODY ON BEHALF OF CONSTITUENTS OR IN THE PERFORMANCE OF ANY PUBLIC, OFFICIAL, OR CIVIC OBLIGATION OR DUTY;
- (2) A PUBLIC SERVANT FROM ACCEPTING OR RECEIVING ANY BENEFIT OR FACILITY THAT IS PROVIDED FOR OR MADE AVAILABLE TO CITIZENS OR RESIDENTS UNDER ANY HOUSING OR OTHER GENERAL WELFARE LEGISLATION OR IN THE EXERCISE OF THE POLICE POWER, BUT ONLY IF THE PUBLIC SERVANT DOES NOT EXERCISE ANY RESPONSIBILITY OR AUTHORITY WITH RESPECT TO AUTHORIZING THAT BENEFIT OR FACILITY FOR HIMSELF OR HERSELF; OR
- (3) A PUBLIC SERVANT FROM ENTERING INTO A CONTRACT WITH THE CITY FOR THE CITY'S ACQUISITION OF REAL PROPERTY, IF:
 - (I) THE AMOUNT TO BE PAID FOR THE PROPERTY DOES NOT EXCEED THE PROPERTY'S VALUE, AS ESTABLISHED BY AT LEAST 2 COMPETENT REAL ESTATE APPRAISERS SELECTED BY THE CITY; AND
 - (II) ALL RECORDS OF THE CITY RELATING TO THE TRANSACTION ARE OPEN TO PUBLIC INSPECTION AT ALL TIMES DURING REGULAR BUSINESS HOURS.

COMMENT

This section is derived from former Article 8, §4-3(c)(1), (2), and (3).

Former §4-3(c)(4) is deleted as unnecessary in light of (and as incoherently inconsistent with) the basic definitions of "interest" and "financial interest".

Item (1) of this section is revised to apply only to "elected officials".

In item (2) of this section, the concluding qualification is new, similar to the approach taken by the State Ethics Commission in its opinions.

Defined terms:

<i>Agency</i>	§2-2	<i>Elected official</i>	§2-8
<i>Compensation</i>	§2-7	<i>Public servant</i>	§2-23

§§ 6-18 TO 6-20. {RESERVED}

§ 6-21. CONTINGENT COMPENSATION.

A PUBLIC SERVANT MAY NOT ASSIST OR REPRESENT A PARTY FOR CONTINGENT COMPENSATION IN ANY MATTER BEFORE OR INVOLVING ANY CITY AGENCY.

COMMENT

This section is derived from former Article 8, §4-3(e).

The former exception for a “judicial or quasi-judicial proceeding” is deleted. This exception presumably was copied from the similar exception in SG §15-504; however, because the courts are State, not City agencies, it is largely inapposite in the context of a local ethics law.

Defined terms:

<i>Agency</i>	§2-2	<i>May not</i>	<i>cf.</i> §2-36
<i>Compensation</i>	§2-7	<i>Public servant</i>	§2-23

§ 6-22. POST-EMPLOYMENT RESTRICTIONS.

FOR 2 YEARS AFTER LEAVING OFFICE OR TERMINATING EMPLOYMENT, A FORMER PUBLIC SERVANT MAY NOT ASSIST OR REPRESENT A PARTY, OTHER THAN THE CITY, IN A CASE, CONTRACT, OR OTHER SPECIFIC MATTER FOR COMPENSATION IF:

- (1) THE MATTER INVOLVES CITY GOVERNMENT; AND
- (2) THE FORMER PUBLIC SERVANT SIGNIFICANTLY PARTICIPATED IN THE SAME ~~OR SUBSTANTIALLY SIMILAR~~ MATTER AS A PUBLIC SERVANT.

COMMENT

This section is derived from former Article 8, §4-3(d).

As to the period to which this restriction applies, former §4-3(d) set a 1-year limit. Given the relatively narrow scope of the restriction — applicable only if the former public servant had “significantly participated” in the same “specific matter” — even a longer 2-year limit, as here proposed, seems modest. Indeed, the State counterpart to this provision sets no limit at all; the post-employment restriction imposed by SG §15-504(d)(1) applies indefinitely.

In item (2) of this section, the modifier “personally” is deleted as unnecessary, given “significantly”, and to conform to the like provisions of SG §15-504(d)(1).

Defined terms:

<i>Compensation</i>	§2-7	<i>Public servant</i>	§2-23
<i>May not</i>	<i>cf.</i> §2-36		

§§ 6-23 TO 6-25. {RESERVED}

PART IV. GIFTS

§ 6-26. SOLICITATION PROHIBITED.

(A) *IN GENERAL.*

EXCEPT AS PERMITTED UNDER SUBSECTION (B) OF THIS SECTION, A PUBLIC SERVANT MAY NOT SOLICIT OR FACILITATE THE SOLICITATION OF A GIFT, WHETHER ON THE PUBLIC SERVANT'S OWN BEHALF OR ON BEHALF OF ANOTHER PERSON, FROM ANY PERSON WHO:

- (1) DOES OR SEEKS TO DO BUSINESS OF ANY KIND, REGARDLESS OF AMOUNT:
 - (I) WITH THE PUBLIC SERVANT'S AGENCY; OR
 - (II) IF THE PUBLIC SERVANT IS A MEMBER OR EMPLOYEE OF THE CITY COUNCIL, WITH THE CITY COUNCIL;
- (2) ENGAGES IN AN ACTIVITY THAT IS REGULATED OR CONTROLLED BY THE PUBLIC SERVANT'S AGENCY;
- (3) HAS A FINANCIAL INTEREST THAT MIGHT BE SUBSTANTIALLY AND MATERIALLY AFFECTED, IN A MANNER DISTINGUISHABLE FROM THE PUBLIC GENERALLY, BY THE PERFORMANCE OR NONPERFORMANCE OF THE PUBLIC SERVANT'S OFFICIAL DUTIES; OR
- (4) IS A LOBBYIST WITH RESPECT TO MATTERS WITHIN THE JURISDICTION OF THE PUBLIC SERVANT.

(B) *EXCEPTION.*

THE PROHIBITION IN SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO A SOLICITATION IF:

- (1) IT IS FOR THE BENEFIT OF AN OFFICIAL GOVERNMENTAL PROGRAM OR ACTIVITY OR A CITY-ENDORSED CHARITABLE FUNCTION OR ACTIVITY; AND
- (2) IT EITHER:
 - (I) IS EXPRESSLY ALLOWED BY A RULE OR REGULATION OF THE ETHICS BOARD; OR
 - (II) OTHERWISE HAS BEEN APPROVED IN ADVANCE BY THE ETHICS BOARD, ON THE WRITTEN REQUEST OF THE PUBLIC SERVANT AND HIS OR HER AGENCY.

COMMENT

Subsection (a) of this section is patterned after former Article 8, §4-4(a) and SG §15-505(a)(3) and expanded to prohibit the solicitation not only of lobbyists but also of contractors, regulated entities, and the like.

Subsection (b) is new, recognizing that soliciting funds for governmental or, even, some charitable functions, subject to certain safeguards, is not necessarily inappropriate.

Defined terms:

<i>Agency</i>	§2-2	<i>Lobbyist</i>	§2-20
<i>Ethics Board</i>	§2-10	<i>May not</i>	cf. §2-36
<i>Financial interest</i>	§2-16	<i>Person</i>	§2-22
<i>Gift</i>	§2-17	<i>Public servant</i>	§2-23

§ 6-27. ACCEPTANCE PROHIBITED.

EXCEPT AS OTHERWISE PROVIDED IN THIS PART IV, A PUBLIC SERVANT MAY NOT KNOWINGLY ACCEPT ANY GIFT, DIRECTLY OR INDIRECTLY, FROM ANY PERSON THAT THE PUBLIC SERVANT KNOWS OR HAS REASON TO KNOW:

- (1) DOES OR SEEKS TO DO BUSINESS OF ANY KIND, REGARDLESS OF AMOUNT:
 - (I) WITH THE PUBLIC SERVANT'S AGENCY; OR
 - (II) IF THE PUBLIC SERVANT IS A MEMBER OR EMPLOYEE OF THE CITY COUNCIL, WITH THE CITY COUNCIL;
- (2) ENGAGES IN AN ACTIVITY THAT IS REGULATED OR CONTROLLED BY THE PUBLIC SERVANT'S AGENCY;
- (3) HAS A FINANCIAL INTEREST THAT MIGHT BE SUBSTANTIALLY AND MATERIALLY AFFECTED, IN A MANNER DISTINGUISHABLE FROM THE PUBLIC GENERALLY, BY THE PERFORMANCE OR NONPERFORMANCE OF THE PUBLIC SERVANT'S OFFICIAL DUTIES; OR
- (4) IS A LOBBYIST WITH RESPECT TO MATTERS WITHIN THE JURISDICTION OF THE PUBLIC SERVANT.

COMMENT

This section is derived from former Article 8, §4-4(b).

In item (1) of this section, the phrases "or seeks to do" and "regardless of amount" are added to conform with SG §15-505(b)(1).

In item (1)(ii), the reference to an "employee" of the Council is added for clarity.

Defined terms:

<i>Agency</i>	§2-2	<i>Lobbyist</i>	§2-20
<i>Business with City</i>	§2-5	<i>May not</i>	cf. §2-36
<i>Employee</i>	§2-9	<i>Person</i>	§2-22
<i>Financial interest</i>	§2-16	<i>Public servant</i>	§2-23
<i>Gift</i>	§2-17		

§ 6-28. QUALIFIED EXEMPTIONS.

SUBJECT TO § 6-29 {"EXEMPTION LIMITATIONS"} OF THIS SUBTITLE, THE PROHIBITIONS IN § 6-27 {"ACCEPTANCE PROHIBITED"} OF THIS SUBTITLE DO NOT APPLY TO THE UNSOLICITED RECEIPT OF:

- (1) FOOD OR BEVERAGES RECEIVED AND CONSUMED BY THE RECIPIENT IN THE PRESENCE OF THE DONOR OR SPONSORING ENTITY;
- (2) GIFTS OR AWARDS THAT HAVE INSIGNIFICANT MONETARY VALUE;

- (3) IN RETURN FOR A SPEAKING ENGAGEMENT OR PARTICIPATION ON A PANEL AT A MEETING, REASONABLE EXPENSES FOR FOOD, TRAVEL, LODGING, AND SCHEDULED ENTERTAINMENT OF THE PUBLIC SERVANT, BUT ONLY IF:
- (I) THE EXPENSES ARE ASSOCIATED WITH THE MEETING; AND
 - (II) TO THE EXTENT THE EXPENSES ARE ANTICIPATED TO EXCEED \$500, THEY HAVE BEEN APPROVED IN ADVANCE BY THE ETHICS BOARD ~~THE PUBLIC SERVANT HAS NOTIFIED THE ETHICS BOARD BEFORE ATTENDING THE MEETING;~~
- (4) TICKETS OR FREE ADMISSION GIVEN TO AN ELECTED OFFICIAL TO ATTEND A SPECIFIC CHARITABLE, CULTURAL, SPORTING, OR POLITICAL EVENT, IF GIVEN BY THE PERSON SPONSORING OR CONDUCTING THE EVENT AS A COURTESY OR CEREMONY TO THE OFFICE;
- (5) A SPECIFIC GIFT OR CLASS OF GIFTS THAT THE ETHICS BOARD EXEMPTS ON A WRITTEN FINDING THAT ACCEPTANCE OF THE GIFT OR CLASS OF GIFTS WOULD NOT BE DETRIMENTAL TO THE IMPARTIAL CONDUCT OF CITY BUSINESS;
- (6) GIFTS FROM A SPOUSE, PARENT, CHILD, OR SIBLING; OR
- (7) HONORARIA, TO THE EXTENT PROVIDED IN § 6-30 {"HONORARIA"} OF THIS SUBTITLE.

COMMENT

This section is derived from the list of exceptions in former Article 8, §4-4(c), and generally revised to clarify that these exceptions apply only to unsolicited gifts and not to solicitations prohibited under §6-26 of this subtitle.

Item (1) of this section is revised to incorporate the "in the presence" requirement of SG §15-505(c)(2)(i).

Item (2) of this section is an amalgam of three overlapping, if not inconsistent, former exceptions for "ceremonial gifts [of] insignificant value", "gifts of nominal [*sic*] value", and "trivial items of informational value".

Item (3) of this section is revised to delete the inclusion of spouses, conforming to the recent changes made in SG §15-505(c)(2)(vi). The pre-approval notice requirement in subitem (ii) is new, patterned after similar provisions in SG §15-505(c)(2)(vi)

Item (4) of this section is revised to limit the exception to tickets, etc., for a "specific" event (excluding, for example, season or open-ended passes for multiple events) and further limiting the exception, as in SG §15-505(c)(2)(viii), to tickets, etc., donated by the sponsor of the event to an elected official.

In item (5) of this section, the former requirement that the gift be "purely personal and private" is deleted as unduly restrictive, given the necessary finding that, in any event, the gift is "not detrimental to the impartial conduct of [public] business".

In item (6) of this section, a list of specific relatives is substituted for the former, undefined reference to a relative "by blood or marriage, or a member of the household". The relatives listed are the same as those otherwise classified as "disqualifying relatives".

Defined terms:

<i>Child</i>	§2-6	<i>Person</i>	§2-22
<i>Ethics Board</i>	§2-10	<i>Public servant</i>	§2-23
<i>Gift</i>	§2-17		

§ 6-29. EXEMPTION LIMITATIONS.

THE EXEMPTIONS SPECIFIED IN § 6-28 {"QUALIFIED EXEMPTIONS"} OF THIS SUBTITLE DO NOT APPLY TO ANY GIFT IF:

- (1) THE GIFT WOULD TEND TO IMPAIR THE RECIPIENT'S IMPARTIALITY AND INDEPENDENT JUDGMENT;
OR
- (2) FOR A GIFT OF SIGNIFICANT VALUE:
 - (I) THE GIFT WOULD GIVE THE APPEARANCE OF IMPAIRING THE RECIPIENT'S IMPARTIALITY AND INDEPENDENT JUDGMENT; OR
 - (II) THE RECIPIENT BELIEVES OR HAS REASON TO BELIEVE THAT THE GIFT IS DESIGNED TO IMPAIR HIS OR HER IMPARTIALITY AND INDEPENDENT JUDGMENT.

COMMENT

This section is derived from the introductory exceptions in former Article 8, §4-4(c).

Defined terms:

<i>Gift</i>	§2-17
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§ 6-30. HONORARIA.**(A) "HONORARIUM" DEFINED.**

- (1) "HONORARIUM" MEANS THE PAYMENT OF MONEY OR ANYTHING OF VALUE FOR:
 - (I) SPEAKING TO, PARTICIPATING IN, OR ATTENDING A MEETING OR OTHER FUNCTION; OR
 - (II) WRITING AN ARTICLE THAT HAS BEEN OR IS INTENDED TO BE PUBLISHED.
- (2) "HONORARIUM" DOES NOT INCLUDE PAYMENT FOR WRITING A BOOK THAT HAS BEEN OR IS INTENDED TO BE PUBLISHED.

(B) PERMITTED HONORARIA.

SUBJECT TO § 6-29 {"EXEMPTION LIMITATIONS"} OF THIS SUBTITLE, A PUBLIC SERVANT MAY ACCEPT AN HONORARIUM IF:

- (1) THE HONORARIUM CONSISTS OF GIFTS DESCRIBED IN § 6-28(2) OF THIS SUBTITLE; OR
- (2) THE HONORARIUM IS LIMITED TO REASONABLE EXPENSES, ACTUALLY INCURRED AND VERIFIABLE, FOR:

(I) THE PUBLIC SERVANT'S MEALS, TRAVEL, AND LODGING; AND

(II) CARE FOR A CHILD OR DEPENDENT ADULT.

(C) *PROHIBITED HONORARIA.*

OTHER THAN AS ALLOWED BY SUBSECTION (B) OF THIS SECTION, A PUBLIC SERVANT MAY NOT ACCEPT AN HONORARIUM, EVEN IF NOT OTHERWISE DISQUALIFIED UNDER § 6-29 {"EXEMPTION LIMITATIONS"} OF THIS SUBTITLE, IF:

- (1) THE PAYOR OF THE HONORARIUM HAS AN INTEREST THAT MIGHT BE AFFECTED SUBSTANTIALLY AND MATERIALLY, IN A MANNER DISTINGUISHABLE FROM THE PUBLIC GENERALLY, BY THE PERFORMANCE OR NONPERFORMANCE OF THE PUBLIC SERVANT'S OFFICIAL DUTIES; AND
- (2) THE OFFER OF THE HONORARIUM IS IN ANY WAY RELATED TO THE PUBLIC SERVANT'S OFFICIAL DUTIES.

COMMENT

This section is new, patterned after SG §15-505(d) and the applicable definition in §15-102.

Defined terms:

<i>Child</i>	§2-6	<i>May</i>	<i>cf.</i> §2-36
<i>Gift</i>	§2-17	<i>May not</i>	<i>cf.</i> §2-36
<i>Interest</i>	§2-19	<i>Public servant</i>	§2-23

§ 6-31. ADDITIONAL EXEMPTIONS BY BOARD.

BY RULE OR REGULATION, THE ETHICS BOARD MAY ESTABLISH FURTHER EXEMPTIONS FROM OR MODIFICATIONS OF THIS PART IV, AS THE BOARD CONSIDERS NECESSARY.

COMMENT

This section is derived from former Article 8, §4-4(d).

Defined terms:

<i>Ethics Board</i>	§2-10	<i>May</i>	<i>cf.</i> §2-36
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§§ 6-32 TO 6-35. {RESERVED}

PART V. MISCELLANEOUS

§ 6-36. PRESTIGE OF OFFICE.

(A) *IN GENERAL.*

A PUBLIC SERVANT MAY NOT INTENTIONALLY USE THE PRESTIGE OF HIS OR HER OFFICE OR POSITION FOR HIS OR HER OWN PRIVATE GAIN OR THAT OF ANOTHER.

(B) *CONSTITUENT SERVICES.*

THE PERFORMANCE OF USUAL AND CUSTOMARY CONSTITUENT SERVICES, WITHOUT ADDITIONAL COMPENSATION, IS NOT PROHIBITED BY THIS SECTION.

COMMENT

This section is derived from former Article 8, §4-6.

In subsection (a) of this section, the former reference to an exception “permitted by this article” is deleted as misleading. No provision of this article purports to permit the use the prestige of one’s office for personal gain.

Defined terms:

<i>Compensation</i>	§2-7	<i>Public servant</i>	§2-23
<i>May not</i>	<i>cf. §2-36</i>		

§ 6-37. DISCLOSING CONFIDENTIAL INFORMATION.

EXCEPT IN THE DISCHARGE OF AN OFFICIAL DUTY, A PUBLIC SERVANT MAY NOT DISCLOSE OR USE, FOR HIS OR HER OWN ECONOMIC BENEFIT OR THAT OF ANOTHER, CONFIDENTIAL INFORMATION THAT THE PUBLIC SERVANT ACQUIRED BY REASON OF HIS OR HER PUBLIC POSITION AND THAT IS NOT AVAILABLE TO THE PUBLIC.

COMMENT

This section is derived from former Article 8, §4-5.

Defined terms:

<i>May not</i>	<i>cf. §2-36</i>	<i>Public servant</i>	§2-23
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§ 6-38. PARTICIPATION IN PROCUREMENT.(A) *SCOPE OF SECTION.*

THIS SECTION APPLIES TO:

- (1) ANY INDIVIDUAL WHO, FOR A PROPOSED CITY PROCUREMENT, ASSISTS A CITY AGENCY IN THE DRAFTING, DEVELOPMENT, OR ISSUANCE OF SPECIFICATIONS, AN INVITATION FOR BIDS, A REQUEST FOR PROPOSALS, A REQUEST FOR QUALIFICATIONS, OR ANY OTHER DOCUMENT RELATED TO THE PROCUREMENT; AND
- (2) ANY PERSON WHO EMPLOYS THAT INDIVIDUAL.

(B) *PROHIBITED CONDUCT.*

A PERSON DESCRIBED IN SUBSECTION (A) OF THIS SECTION MAY NOT:

- (1) SUBMIT A RESPONSE FOR THAT PROCUREMENT; OR
- (2) DIRECTLY OR INDIRECTLY, ASSIST OR REPRESENT ANOTHER PERSON WHO IS SUBMITTING A RESPONSE FOR THAT PROCUREMENT.

(C) *EXEMPTIONS.*

FOR PURPOSES OF THIS SECTION, THE FOLLOWING TRANSACTIONS DO NOT CONSTITUTE ASSISTING IN THE DRAFTING OF SPECIFICATIONS, AN INVITATION FOR BIDS, A REQUEST FOR PROPOSALS, OR A REQUEST FOR QUALIFICATIONS:

- (1) PROVIDING DESCRIPTIVE LITERATURE, SUCH AS CATALOGUE SHEETS, BROCHURES, TECHNICAL DATA SHEETS, OR STANDARD SPECIFICATION "SAMPLES", WHETHER SOLICITED BY THE CITY AGENCY OR UNSOLICITED;
- (2) SUBMITTING WRITTEN COMMENTS ON A SPECIFICATION PREPARED BY AN AGENCY OR ON A SOLICITATION FOR A BID OR PROPOSAL, IF COMMENTS HAVE BEEN SOLICITED FROM 2 OR MORE PERSONS AS PART OF A REQUEST FOR INFORMATION OR A PREBID OR PREPROPOSAL PROCESS; OR
- (3) PROVIDING SPECIFICATIONS FOR A SOLE-SOURCE OR SELECTED-SOURCE PROCUREMENT AUTHORIZED BY LAW.

COMMENT

This section is new, patterned after SG §15-508 with modifications that reflect local procurement practices and terminology.

Defined terms:

<i>Agency</i>	§2-2	<i>Person</i>	§2-22
<i>May not</i>	<i>cf. §2-36</i>		

§ 6-39. EMPLOYMENT OF RELATIVES BY ELECTED OFFICIALS.(A) "RELATIVE" DEFINED.

IN THIS SECTION, "RELATIVE" MEANS:

- (1) SPOUSE;
- (2) PARENT OR STEPPARENT;
- (3) SIBLING OR STEP SIBLING;
- (4) CHILD, STEPCHILD, FOSTER CHILD, OR WARD;
- (5) MOTHER-IN-LAW OR FATHER-IN-LAW;
- (6) SON-IN-LAW OR DAUGHTER-IN-LAW;
- (7) GRANDPARENT; OR
- (8) GRANDCHILD.

(B) PROHIBITED EMPLOYMENT.

NO ELECTED OFFICIAL MAY USE PUBLIC FUNDS TO EMPLOY A RELATIVE OF THAT ELECTED OFFICIAL OR OF ANY OTHER ELECTED OFFICIAL.

COMMENT

This section is new, patterned after SG §2-107 and made applicable to all City elected officials.

SUBTITLE 7. FINANCIAL DISCLOSURE

PART I. GENERAL PROVISIONS

§ 7-1. CERTIFICATIONS.

(A) *WHEN MADE.*

THE CERTIFICATIONS REQUIRED BY THIS SECTION MUST BE MADE ON OR BEFORE FEBRUARY 1 OF EACH YEAR.

(B) *INDIVIDUALS REQUIRED TO FILE.*

EACH AGENCY HEAD MUST ANNUALLY CERTIFY TO THE ETHICS BOARD THE NAMES OF ALL PUBLIC SERVANTS IN THAT AGENCY WHO ARE REQUIRED TO FILE STATEMENTS WITH THE ETHICS BOARD UNDER:

- (1) § 7-7 { "ELECTED OFFICIALS AND STAFF" };
- (2) § 7-8 { "AGENCY OFFICIALS AND STAFF" };
- (3) § 7-9 { "PROCUREMENT, LEGISLATIVE LIAISON, AND ENFORCEMENT PERSONNEL" }; OR
- (3) § 7-10 { "PERSON FILING WITH STATE" }.

(C) *PROCUREMENT, LEGISLATIVE LIAISON, AND ENFORCEMENT POSITIONS.*

THE PERSONNEL DIRECTOR MUST ANNUALLY CERTIFY TO THE ETHICS BOARD:

- (1) ALL POSITIONS OF THE TYPES DESCRIBED IN § 7-9 { "PROCUREMENT, LEGISLATIVE LIAISON, AND ENFORCEMENT PERSONNEL" } OF THIS SUBTITLE; AND
- (2) THE AGENCIES IN WHICH THOSE POSITIONS ARE FOUND.

(D) *ENTITIES DOING BUSINESS WITH CITY.*

- (1) THE FINANCE DIRECTOR MUST ANNUALLY CERTIFY TO THE ETHICS BOARD A LIST OF ALL BUSINESS ENTITIES DOING BUSINESS WITH THE CITY.
- (2) THE ETHICS BOARD MUST KEEP THIS LIST ON FILE AND AVAILABLE TO ALL PERSONS SUBJECT TO THIS SUBTITLE.

(E) *REGISTERED LOBBYISTS.*

- (1) THE ETHICS BOARD MUST ANNUALLY CERTIFY A LIST OF ALL LOBBYISTS REGISTERED WITH IT.

- (2) THE ETHICS BOARD MUST KEEP THIS LIST ON FILE AND AVAILABLE TO ALL PERSONS SUBJECT TO THIS SUBTITLE.

COMMENT

This section is derived from former Article 8, §§3-7, 5-2(b), and 5-5.

In subsection (a) of this section, the deadline for certifications is changed from August 1 to February 1, reflecting the change of the reporting period to a calendar year.

Defined terms:

<i>Agency</i>	§2-2	<i>Must</i>	<i>cf.</i> §2-36
<i>Business entity</i>	§2-2	<i>Official</i>	§1-21
<i>Business with City</i>	§2-5	<i>Person</i>	§2-22
<i>Ethics Board</i>	§2-10	<i>Public servant</i>	§2-23
<i>Lobbyist</i>	§2-20		

§ 7-2. GENERAL FILING REQUIREMENTS.

(A) *ANNUAL FILING REQUIRED.*

EXCEPT AS OTHERWISE SPECIFIED IN THIS SUBTITLE, EACH STATEMENT MUST BE FILED WITH THE ETHICS BOARD ON OR BEFORE APRIL 30 OF EACH YEAR.

(B) *REPORTING PERIOD; INFORMATION.*

EXCEPT AS OTHERWISE SPECIFIED IN THIS SUBTITLE:

- (1) EACH STATEMENT MUST COVER THE CALENDAR YEAR IMMEDIATELY PRECEDING THE FILING;
AND
- (2) DISCLOSE FOR THAT YEAR ALL OF THE INFORMATION REQUIRED BY PART III {“CONTENTS OF STATEMENTS”} OF THIS SUBTITLE.

(C) *FORM.*

EACH STATEMENT MUST BE:

- (1) FILED ON THE FORM THE ETHICS BOARD PROVIDES; AND
- (2) SIGNED UNDER OATH OR AFFIRMATION, SUBJECT TO THE PENALTIES OF PERJURY.

COMMENT

This section is derived from former Article 8, §5-3(a), (b), and (c).

The reporting period is changed to a calendar year, as is the State practice, to better accommodate statement makers, who for the most part maintain their personal records on a calendar year basis.

Defined terms:*Ethics Board*§2-10 *Must**cf. §2-36***§ 7-3. RECORD OF INSPECTIONS.**

THE DIRECTOR MUST REQUIRE EACH PERSON WHO INSPECTS OR COPIES A STATEMENT FILED UNDER THIS SUBTITLE TO:

(1) IDENTIFY HIMSELF OR HERSELF; AND

(2) RECORD:

(I) HIS OR HER NAME, HOME ADDRESS, TELEPHONE NUMBER, AND ORGANIZATION REPRESENTED; AND

(II) THE NAME OF THE PERSON WHOSE STATEMENT WAS INSPECTED OR COPIED.

COMMENT

This section is derived from former Article 8, § 3-8(b), as applied to financial disclosure statements.

§§ ~~7-4~~ ~~7-3~~ TO 7-5. *{RESERVED}*

GENERAL COMMENT TO PART I

Former Article 8, §5-4, requiring the Executive Director to keep statements as public records, is deleted as unnecessary given the provisions of §3-18 of this article to the same effect.

PART II. WHO MUST FILE**§ 7-6. DEFINITIONS.**

(A) *IN GENERAL.*

IN THIS PART II, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) *“NON-CLERICAL EMPLOYEE”.*

“NON-CLERICAL EMPLOYEE” MEANS ANY PUBLIC SERVANT WHO:

(1) IS COMPENSATED FOR HIS OR HER SERVICES; AND

(2) IS NOT EMPLOYED SOLELY IN A SECRETARIAL, CLERICAL, OR CUSTODIAL CAPACITY.

COMMENT

This section is derived from former Article 8, §5-1(a) and (b).

The definitions in former Article 8, §5-1(c) (“statement”) and (d) (“statement maker”) are deleted as unnecessary statements of the obvious.

Defined terms:

Compensation §2-7 *Public servant* §2-23

§ 7-7. PERSONS REQUIRED TO FILE – ELECTED OFFICIALS AND STAFF.

THE FOLLOWING ELECTED OFFICIALS AND THEIR EMPLOYEES MUST FILE THE FINANCIAL DISCLOSURE STATEMENTS REQUIRED BY THIS SUBTITLE:

(1) *MAYOR'S OFFICE.*

- (I) MAYOR.
- (II) DEPUTY MAYORS.
- (III) CHIEF OF STAFF.
- (IV) ALL NON-CLERICAL EMPLOYEES OF MAYOR'S OFFICE.

(2) *COUNCIL PRESIDENT'S OFFICE.*

- (I) PRESIDENT OF CITY COUNCIL.
- (II) CHIEF OF STAFF.
- (III) DIRECTOR OF LEGISLATIVE AFFAIRS.
- (IV) DIRECTOR OF FISCAL AFFAIRS.
- (V) DIRECTOR OF OPERATIONS/OFFICE MANAGER.
- (VI) ALL NON-CLERICAL EMPLOYEES OF PRESIDENT'S OFFICE.

(3) *CITY COUNCIL.*

- (I) COUNCILMEMBERS.
- (II) EXECUTIVE SECRETARY.
- (III) CHIEF CLERK.
- (IV) JOURNAL CLERK
- (V) PARLIAMENTARIAN.
- (VI) DIRECTOR OF COUNCIL SERVICES.
- (VII) ALL NON-CLERICAL EMPLOYEES OF COUNCIL SERVICES.
- (VIII) ALL NON-CLERICAL EMPLOYEES OF COUNCILMEMBERS.

(4) *COMPTROLLER'S OFFICE.*

- (I) CITY COMPTROLLER.
- (II) DEPUTY CITY COMPTROLLER.
- (III) EXECUTIVE ASSISTANT TO COMPTROLLER.
- (IV) CITY AUDITOR.
- (V) REAL ESTATE OFFICER.
- (VI) DIRECTOR OF COMMUNICATION SERVICES.
- (VII) ALL NON-CLERICAL EMPLOYEES OF COMPTROLLER'S OFFICE.

COMMENT

This section is derived from former Article 8, §5-2(a)(1) - (3).

Former references to since-abolished positions (e.g., Superintendent of Markets) are deleted.

The listings have been expanded, however, by expressly encompassing all non-clerical employees of these particularly sensitive offices.

Defined terms:

<i>Elected official</i>	§2-8	<i>Non-clerical employee</i>	§ 7-7
<i>Employee</i>	§2-9		

§ 7-8. PERSONS REQUIRED TO FILE – AGENCY OFFICIALS AND STAFF.

EXCEPT AS PROVIDED IN § 7-10 {“PERSON FILING WITH STATE”} OF THIS SUBTITLE, THE FOLLOWING OFFICIALS AND EMPLOYEES MUST FILE THE FINANCIAL DISCLOSURE STATEMENTS REQUIRED BY THIS SUBTITLE:

(1) *AGING AND RETIREMENT EDUCATION, COMMISSION ON THE.*

- (I) MEMBERS OF COMMISSION.
- (II) EXECUTIVE DIRECTOR.
- ~~(III) CHIEF OF COMMUNITY SERVICES.~~
- ~~(IV) CHIEF OF ADMINISTRATION, CONTRACTS, AND PROGRAM EVALUATION.~~
- ~~(V) CHIEF OF LONG TERM CARE.~~
- ~~(VI) PERFORMANCE AND QUALITY IMPROVEMENT ADMINISTRATOR.~~
- ~~(VII) ELIGIBILITY / SERVICE SYSTEM ADMINISTRATOR.~~
- (III) ALL BUREAU HEADS, DIVISION CHIEFS, AND ADMINISTRATORS OF THE COMMISSION.

(2) *ARCHITECTURAL AND ENGINEERING AWARDS COMMISSION.*

(I) MEMBERS OF COMMISSION.

(II) DIRECTOR.

(3) *AUCTION ADVISORY BOARD.*

(I) MEMBERS OF BOARD.

(II) DIRECTOR.

(4) *{RESERVED}*

(5) *CIVIC DESIGN COMMISSION.*

(I) MEMBERS OF COMMISSION.

(II) DIRECTOR.

(6) *COMMUNITY RELATIONS COMMISSION.*

(I) MEMBERS OF ~~COMMISSION~~ BOARD OF COMMISSIONERS.

(II) DIRECTOR.

(7) *CONVENTION COMPLEX.*

(I) CONVENTION COMPLEX DIRECTOR.

(II) DEPUTY DIRECTOR.

(III) BALTIMORE ARENA MANAGER.

(IV) CONVENTION CENTER MANAGER.

(V) DIRECTOR, CLIENT SERVICES.

(VI) DIRECTOR, SALES AND MARKETING.

(VII) DIRECTOR, BUILDING SERVICES.

(VIII) DIRECTOR, HUMAN RESOURCES.

(IX) DIRECTOR, PUBLIC SAFETY AND LOSS.

(8) *{RESERVED}*

(9) *ELECTRICAL EXAMINERS AND SUPERVISORS, BOARD OF.*

(I) MEMBERS OF BOARD.

(II) DIRECTOR.

(10) *ENOCH PRATT FREE LIBRARY.*

(I) EXECUTIVE DIRECTOR OF ENOCH PRATT FREE LIBRARY.

(II) ALL DIRECTORS AND ASSISTANT DIRECTORS.

(III) ALL MANAGERS.

(IV) ALL CHIEFS AND ASSISTANT CHIEFS.

(11) *ENVIRONMENTAL CONTROL BOARD.*

(I) MEMBERS OF BOARD.

(II) EXECUTIVE DIRECTOR.

(III) DEPUTY DIRECTOR.

(IV) ALL HEARING EXAMINERS.

(12) *ETHICS BOARD.*

(I) MEMBERS OF BOARD.

(II) EXECUTIVE DIRECTOR.

(13) *FINANCE DEPARTMENT.*

(I) DIRECTOR OF FINANCE.

(II) DEPUTY FINANCE DIRECTOR.

(III) ALL BUREAU HEADS AND DIVISION CHIEFS OF DEPARTMENT.

(IV) DEPUTY CHIEF OF THE BUREAU OF TREASURY MANAGEMENT.

(V) CITY PURCHASING AGENT.

(VI) RISK MANAGER.

(VII) ALL NON-CLERICAL EMPLOYEES OF DEPARTMENT.

(14) *FIRE DEPARTMENT.*

(I) MEMBERS OF BOARD OF FIRE COMMISSIONERS.

(II) CHIEF OF FIRE DEPARTMENT.

- (III) ASSISTANT CHIEFS.
- (IV) FIRE MARSHAL.
- (V) SHIFT COMMANDERS.
- (VI) BATTALION CHIEFS.
- (VII) FIRE INSPECTORS.
- (VIII) PUBLIC SAFETY AND HEALTH OFFICERS.
- (IX) PUBLIC INFORMATION OFFICERS.
- (X) EMERGENCY MEDICAL SERVICES MANAGER.
- (XI) EMERGENCY MEDICAL SERVICES BILLING SUPERVISOR.
- (XII) FISCAL SUPERVISOR.

(15) *{RESERVED}*

(16) ~~HEALTH DEPARTMENT:~~ *{RESERVED}*

- ~~(i) COMMISSIONER OF HEALTH.~~
- ~~(ii) DEPUTY COMMISSIONER OF HEALTH.~~
- ~~(iii) ALL ASSISTANT COMMISSIONERS.~~
- ~~(iv) ALL DIRECTORS.~~
- ~~(v) ALL CHIEFS.~~
- ~~(vi) ALL INSPECTORS.~~

(17) *HISTORICAL AND ARCHITECTURAL PRESERVATION COMMISSION.*

- (I) MEMBERS OF COMMISSION.
- (II) EXECUTIVE DIRECTOR.

(18) *HOUSING AUTHORITY OF BALTIMORE CITY.*

- (I) MEMBERS OF BOARD OF COMMISSIONERS.
- (II) EXECUTIVE DIRECTOR.
- (III) DEPUTY EXECUTIVE DIRECTORS.
- (IV) ASSOCIATE DEPUTY DIRECTORS.
- (V) DIVISION DIRECTORS.

- (VI) SECTION CHIEFS.
- (VII) HOUSING MANAGERS.
- (VIII) HOUSING INSPECTORS.
- (IX) ALL ATTORNEYS.

(19) *HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT.*

- (I) COMMISSIONER OF HOUSING AND COMMUNITY DEVELOPMENT.
- (II) DEPUTY COMMISSIONERS.
- (III) ASSISTANT COMMISSIONERS.
- (IV) ALL BUREAU HEADS, DIRECTORS, AND DIVISION CHIEFS OF DEPARTMENT.
- (V) MEMBERS OF HUMAN SERVICES COMMISSION.
- (VI) ALL NON-CLERICAL EMPLOYEES OF THE FOLLOWING PROGRAMS OR UNITS OF THE DEPARTMENT:
 - 1. ADMINISTRATIVE DIRECTION AND CONTROL.
 - 2. CONSTRUCTION AND BUILDING INSPECTION.
 - 3. FINANCE AND DEVELOPMENT.
 - 4. NEIGHBORHOOD SERVICES.
 - 5. PROPERTY ACQUISITION AND RELOCATION.
 - 6. PROPERTY DISPOSITION.

(20) *HUMAN RESOURCES DEPARTMENT.*

- (I) MEMBERS OF CIVIL SERVICE COMMISSION.
- (II) DIRECTOR OF HUMAN RESOURCES.
- (III) DEPUTY DIRECTOR OF HUMAN RESOURCES.
- (IV) ALL BUREAU HEADS AND DIVISION CHIEFS OF DEPARTMENT.

(21) *INFORMATION TECHNOLOGY, OFFICE OF.*

- (I) CHIEF OF INFORMATION TECHNOLOGY.
- (II) INFORMATION SYSTEMS DIVISION MANAGER.
- (III) SYSTEMS PROGRAMMING MANAGER.

(IV) CLIENT SERVER SYSTEMS ADMINISTRATOR.

(VI) ALL DIVISION CHIEFS.

(22) - (23) *{RESERVED}*

(24) *LABOR COMMISSIONER, OFFICE OF.*

(I) LABOR COMMISSIONER.

(II) DEPUTY LABOR COMMISSIONER.

(25) *LAW DEPARTMENT.*

(I) CITY SOLICITOR.

(II) DEPUTY CITY SOLICITOR.

(III) ALL ATTORNEYS AND INVESTIGATORS.

(26) *LEGISLATIVE REFERENCE DEPARTMENT.*

(I) DIRECTOR.

(II) DEPUTY DIRECTOR.

(III) ALL BILL DRAFTERS.

(27) *LIQUOR LICENSE COMMISSIONERS BOARD.*

(I) MEMBERS OF BOARD.

(II) EXECUTIVE SECRETARY.

(III) ALL INSPECTORS.

(IV) ALL NON-CLERICAL EMPLOYEES OF BOARD.

(28) *MUNICIPAL AND ZONING APPEALS BOARD.*

(I) MEMBERS OF BOARD.

(II) EXECUTIVE SECRETARY.

(III) ALL NON-CLERICAL EMPLOYEES OF BOARD.

(29) - (30) *{RESERVED}*

(31) *PARKING AUTHORITY.*

(I) MEMBERS OF BOARD OF DIRECTORS.

(II) EXECUTIVE DIRECTOR.

(III) ALL NON-CLERICAL EMPLOYEES OF AUTHORITY.

(32) *PAWNBROKERS REVIEW BOARD.*

(I) MEMBERS OF BOARD.

(II) DIRECTOR.

(33) *PLANNING DEPARTMENT.*

(I) MEMBERS OF PLANNING COMMISSION.

(II) DIRECTOR OF PLANNING.

(III) DEPUTY DIRECTOR OF PLANNING.

(IV) ALL NON-CLERICAL EMPLOYEES OF DEPARTMENT.

(34) *POLICE DEPARTMENT.*

(I) COMMISSIONER.

(II) DEPUTY COMMISSIONERS.

(III) SECTION DIRECTORS.

(IV) COMMANDING OFFICERS ~~AND SUPERVISORS.~~

(V) MEMBERS OF CIVILIAN REVIEW BOARD.

(VI) ALL OFFICERS WITH RANK OF COMMAND STAFF I OR ABOVE.

(35) *PUBLIC WORKS DEPARTMENT.*

(I) DIRECTOR OF PUBLIC WORKS.

(II) DEPUTY DIRECTOR OF PUBLIC WORKS.

(III) ALL BUREAU HEADS, DIVISION CHIEFS, AND ASSISTANT DIVISION CHIEFS.

(IV) ALL GENERAL SUPERINTENDENTS.

(V) ALL INSPECTORS.

(36) *{RESERVED}*

(37) *RECREATION AND PARKS DEPARTMENT.*

(I) DIRECTOR OF RECREATION AND PARKS.

(II) ALL DIVISION CHIEFS AND ASSISTANT DIVISION CHIEFS.

(III) ALL INSPECTORS.

(38) *RETIREMENT SYSTEMS.*

- (I) MEMBERS OF BOARD OF TRUSTEES OF EMPLOYEES' RETIREMENT SYSTEM.
- (II) MEMBERS OF BOARD OF TRUSTEES OF FIRE AND POLICE EMPLOYEES' RETIREMENT SYSTEM.
- (III) ~~ADMINISTRATOR AND DEPUTY ADMINISTRATOR~~ EXECUTIVE DIRECTOR AND DEPUTY DIRECTOR OF BOARD OF TRUSTEES OF EMPLOYEES' RETIREMENT SYSTEM.
- (IV) ~~ADMINISTRATOR AND DEPUTY ADMINISTRATOR~~ EXECUTIVE DIRECTOR AND DEPUTY DIRECTOR OF BOARD OF TRUSTEES OF FIRE AND POLICE EMPLOYEES' RETIREMENT SYSTEM.
- (V) MEMBERS OF THE STAFF OF EMPLOYEES' RETIREMENT SYSTEM AS DESIGNATED BY THE EXECUTIVE DIRECTOR.
- (VI) MEMBERS OF THE STAFF OF FIRE AND POLICE EMPLOYEES' RETIREMENT SYSTEM AS DESIGNATED BY THE EXECUTIVE DIRECTOR.

(39) *{RESERVED}*

(40) *TRANSPORTATION DEPARTMENT.*

- (I) DIRECTOR.
- (II) DEPUTY DIRECTOR.
- (III) ALL DIVISION CHIEFS AND ASSISTANT DIVISION CHIEFS.
- (IV) ALL GENERAL SUPERINTENDENTS.
- (V) ALL INSPECTORS.

(41) - (42) *{RESERVED}*

(43) *WAGE COMMISSION.*

- (I) MEMBERS OF COMMISSION.
- (II) DIRECTOR.
- (III) PROGRAM COMPLIANCE OFFICERS.

COMMENT

This section is derived from former Article 8, §5-2(a)(4) - (23).

The listing has been emended to incorporate overlooked entities (e.g., Board of Electrical Examiners and Supervisors), to reflect numerous organizational changes made over the years (e.g., abolishment of the Urban Services Agency), to add certain high-level or sensitive positions not previously covered (e.g., investigators), and generally to clarify and expand its scope.

Defined terms:

<i>Agency</i>	§2-2	<i>Non-clerical employee</i>	§ 7-7
<i>Employee</i>	§2-9	<i>Official</i>	§2-21

§ 7-9. PERSONS REQUIRED TO FILE – PROCUREMENT, LEGISLATIVE LIAISON, AND ENFORCEMENT PERSONNEL.

EXCEPT AS PROVIDED IN § 7-10 {“PERSON FILING WITH STATE”} OF THIS SUBTITLE, THE FOLLOWING PUBLIC SERVANTS MUST FILE THE FINANCIAL DISCLOSURE STATEMENTS REQUIRED BY THIS SUBTITLE:

(1) *PROCUREMENT EMPLOYEES.*

ALL NON-CLERICAL EMPLOYEES WHOSE FUNCTIONS INCLUDE:

- (I) THE DRAFTING, DEVELOPMENT, OR ISSUANCE OF SPECIFICATIONS, INVITATIONS FOR BIDS, REQUESTS FOR PROPOSALS, REQUESTS FOR QUALIFICATIONS, OR OTHER RELATED DOCUMENTS FOR THE PROCUREMENT OF SUPPLIES, MATERIALS, OR SERVICES;
- (II) THE REVIEW OR EVALUATION OF BIDS, PROPOSALS, QUALIFICATIONS, OR CONTRACTS FOR THE PROCUREMENT OF SUPPLIES, MATERIALS, OR SERVICES; OR
- (III) THE INSPECTION, MONITORING, OR OTHER ENFORCEMENT OF CONTRACT STANDARDS AND SPECIFICATIONS.

(2) *LEGISLATIVE LIAISONS.*

ALL PUBLIC SERVANTS WHOSE FUNCTIONS INCLUDE THE INFLUENCE OF LEGISLATIVE ACTION, AS DEFINED IN § 8-1 OF THIS ARTICLE.

(3) *ENFORCEMENT PERSONNEL.*

ALL OTHER PUBLIC SERVANTS WHOSE OFFICIAL DUTIES INCLUDE ENFORCEMENT OF (INCLUDING INSPECTIONS TO ASSURE COMPLIANCE WITH) LAWS, RULES, OR REGULATIONS THAT AFFECT THE RIGHTS OF THE PUBLIC OR THE PROCEDURES AVAILABLE TO THE PUBLIC.

COMMENT

Items (1) and (3) of this section are derived from former Article 8, §5-2(a)(25) and (27). References to inspectors are added for clarity.

Item (2) of this section is new.

Defined terms:

<i>Agency</i>	§2-2	<i>Non-clerical employee</i>	§ 7-7
<i>Includes...</i>	§2-18	<i>Public servant</i>	§2-23

§ 7-10. PERSON FILING WITH STATE.

ANY PUBLIC SERVANT WHO IS REQUIRED BY LAW TO FILE A FINANCIAL DISCLOSURE STATEMENT WITH THE STATE ETHICS COMMISSION:

- (1) NEED NOT FILE THE STATEMENT REQUIRED BY THIS SUBTITLE; BUT
- (2) WHEN FILING WITH THE STATE, MUST FILE A COPY OF THAT STATEMENT WITH THE ETHICS BOARD.

COMMENT

Item (1) of this section is derived from the exception in former Article 8, §5-2(a), for persons required to file with the State. Item (2) is new, added to provide a local depository for those seeking to review these statements.

Defined terms:

<i>Ethics Board</i>	§2-10	<i>Public servant</i>	§2-23
<i>Must</i>	<i>cf. §2-36</i>		

§ 7-11. PERSON VACATING POSITION.

(A) *IN GENERAL.*

EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, AN INDIVIDUAL WHO, OTHER THAN BY REASON OF DEATH, VACATES A POSITION FOR WHICH AN ANNUAL STATEMENT IS REQUIRED MUST FILE A DEPARTURE STATEMENT WITH THE ETHICS BOARD.

(B) *WHEN TO BE FILED.*

THE DEPARTURE STATEMENT MUST BE FILED WITHIN 60 DAYS AFTER VACATING THE POSITION.

(C) *SCOPE OF STATEMENT.*

THE DEPARTURE STATEMENT MUST:

- (1) BE IN THE FORM AND CONTAIN ALL OF THE INFORMATION REQUIRED FOR AN ANNUAL STATEMENT; AND
- (2) COVER A REPORTING PERIOD THAT INCLUDES:
 - (I) THE CALENDAR YEAR IMMEDIATELY PRECEDING THE DATE OF VACATING THE POSITION, UNLESS THE INDIVIDUAL ALREADY HAS FILED AN ANNUAL STATEMENT FOR THAT YEAR; AND
 - (II) THE PART OF THE CURRENT CALENDAR YEAR DURING WHICH THE INDIVIDUAL SERVED.

(D) *EXCEPTIONS.*

A DEPARTURE STATEMENT NEED NOT BE FILED IF:

- (1) AN INDIVIDUAL VACATES A POSITION TO ASSUME ANOTHER POSITION FOR WHICH AN ANNUAL STATEMENT IS REQUIRED UNDER THIS SUBTITLE; AND
- (2) THE DISCLOSURE REQUIREMENTS OF THE NEW POSITION ARE AT LEAST AS EXTENSIVE AS THOSE OF THE FORMER POSITION.

COMMENT

This section is new, patterned after SG §15-604.

Defined terms:

<i>Ethics Board</i>	§2-10	<i>Must</i>	<i>cf.</i> §2-36
<i>Includes...</i>	§2-18		

§ 7-12. PERSONS FILLING VACANCY.**(A) *IN GENERAL.***

EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, AN INDIVIDUAL WHO IS APPOINTED TO FILL A VACANCY IN A POSITION FOR WHICH AN ANNUAL STATEMENT IS REQUIRED MUST FILE AN ENTRY STATEMENT WITH THE ETHICS BOARD.

(B) *WHEN TO BE FILED.*

THE ENTRY STATEMENT MUST BE FILED WITHIN 30 DAYS AFTER THE APPOINTMENT.

(C) *SCOPE.*

THE ENTRY STATEMENT MUST:

- (1) BE IN THE FORM AND CONTAIN ALL OF THE INFORMATION REQUIRED FOR AN ANNUAL STATEMENT; AND
- (2) COVER THE CALENDAR YEAR IMMEDIATELY PRECEDING THE APPOINTMENT.

(D) *EXCEPTIONS.*

AN ENTRY STATEMENT NEED NOT BE FILED IF:

- (1) WHILE IN ANOTHER POSITION, THE INDIVIDUAL ALREADY FILED AN ANNUAL STATEMENT FOR THE PRECEDING CALENDAR YEAR; AND
- (2) THE DISCLOSURE REQUIREMENTS OF THE FORMER POSITION WERE AT LEAST AS EXTENSIVE AS THOSE OF THE NEW POSITION.

COMMENT

This section is new, patterned after SG §15-603.

Defined terms:

<i>Ethics Board</i>	§2-10	<i>Must</i>	<i>cf.</i> §2-36
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§ 7-13. CANDIDATES FOR OFFICE.**(A) *IN GENERAL.***

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A CANDIDATE FOR AN ELECTED OFFICE FOR WHICH AN ANNUAL STATEMENT IS REQUIRED MUST FILE A STATEMENT ANNUALLY:

- (1) BEGINNING WITH THE YEAR IN WHICH THE CANDIDATE FILES A CERTIFICATE OF CANDIDACY ~~OR, IN THE CASE OF A NOMINATION BY PETITION, A DECLARATION OF INTENT~~; AND
- (2) CONTINUING THROUGH THE YEAR OF THE ELECTION.

(B) *EXCEPTION.*

THIS SECTION DOES NOT REQUIRE THE FILING OF A STATEMENT FOR ANY FULL YEAR THAT IS ALREADY COVERED BY A STATEMENT THE INDIVIDUAL HAS OTHERWISE FILED UNDER THIS SUBTITLE.

(C) *FILING REQUIREMENTS — PLACE.*

THE STATEMENT REQUIRED BY THIS SECTION MUST BE FILED WITH THE ~~BOARD OF SUPERVISORS OF ELECTIONS OF BALTIMORE CITY~~ BOARD OF ELECTIONS.

(D) *FILING REQUIREMENTS — TIME.*

- (1) THE INITIAL STATEMENT REQUIRED BY THIS SECTION MUST BE FILED NO LATER THAN WITH THE FILING OF THE CERTIFICATE OF CANDIDACY ~~OR DECLARATION OF INTENT~~.
- (2) IN EACH SUBSEQUENT YEAR, THROUGH AND INCLUDING THE YEAR OF THE ELECTION, THE STATEMENT MUST BE FILED ON OR BEFORE THE EARLIER OF:
 - (I) APRIL 30; OR
 - (II) THE LAST DAY FOR THE WITHDRAWAL OF A CANDIDACY UNDER STATE ~~CODE~~ ELECTION LAW ARTICLE 33, § 5-502.

(E) *FILING PREREQUISITE TO CANDIDACY.*

THE BOARD OF ~~SUPERVISORS OF~~ ELECTIONS MAY NOT ACCEPT A CERTIFICATE OF CANDIDACY ~~OR DECLARATION OF INTENT~~ OF A CANDIDATE COVERED BY THIS SECTION UNLESS THE CANDIDATE HAS FILED THE INITIAL STATEMENT REQUIRED BY SUBSECTION (D)(1) OF THIS SECTION.

(F) *SUBSEQUENT FAILURE TO FILE.*

IF A LATER STATEMENT REQUIRED BY THIS SECTION IS OVERDUE AND IS NOT FILED WITHIN 20 DAYS AFTER THE CANDIDATE RECEIVES FROM THE BOARD OF ~~SUPERVISORS OF~~ ELECTIONS WRITTEN NOTICE OF THE FAILURE TO FILE, THE CANDIDATE IS CONSIDERED TO HAVE WITHDRAWN HIS OR HER CANDIDACY.

(G) *FORWARDING TO ETHICS BOARD.*

WITHIN 30 DAYS AFTER RECEIVING A STATEMENT, THE BOARD OF SUPERVISORS OF ELECTIONS MUST FORWARD THE STATEMENT TO THE ETHICS BOARD.

COMMENT

This section, patterned after SG §15-605, is substituted for the former, rather incomprehensible and unduly cumbersome Article 8, §5-3(d) and (e).

Defined terms:

<i>Ethics Board</i>	§2-10	<i>Must</i>	<i>cf. §2-36</i>
<i>May not</i>	<i>cf. §2-36</i>		

§ 7-14. DESIGNEES OF MAYOR OR PRESIDENT.(A) *IN GENERAL.*

INDIVIDUALS DESIGNATED UNDER THIS SECTION, OTHER THAN ELECTED OFFICIALS, MAY ALSO BE REQUIRED TO DISCLOSE INFORMATION ANNUALLY.

(B) *DESIGNATIONS — BY MAYOR.*

BY EXECUTIVE ORDER, THE MAYOR MAY DESIGNATE FOR DISCLOSURES UNDER THIS SECTION:

- (1) ANY EMPLOYEE OF AN EXECUTIVE AGENCY; AND
- (2) ANY UNCOMPENSATED APPOINTEE OF THE MAYOR.

(C) *DESIGNATIONS — BY CITY COUNCIL PRESIDENT.*

BY WRITTEN ORDER, THE PRESIDENT OF THE CITY COUNCIL MAY DESIGNATE FOR DISCLOSURES UNDER THIS SECTION:

- (1) ANY EMPLOYEE OF THE CITY COUNCIL; AND
- (2) ANY UNCOMPENSATED APPOINTEE OF THE PRESIDENT.

(D) *CONTENTS.*

AN INDIVIDUAL FILING A STATEMENT UNDER THIS SECTION MUST INCLUDE THE RELEVANT INFORMATION THAT THE APPLICABLE DESIGNATING AUTHORITY SPECIFIES.

(E) *STATEMENT A PUBLIC RECORD.*

A STATEMENT FILED UNDER THIS SECTION IS A PUBLIC RECORD.

COMMENT

This section is new, patterned after SG §15-611.

Defined terms:

<i>Agency</i>	§2-2	<i>Includes...</i>	§2-18
<i>Compensation</i>	§2-7	<i>May</i>	<i>cf. §2-36</i>
<i>Elected official</i>	§2-8	<i>Must</i>	<i>cf. §2-36</i>
<i>Employee</i>	§2-9		

§ 7-15. {RESERVED}

PART III. CONTENTS OF STATEMENTS**§ 7-16. IN GENERAL.**

THE STATEMENT REQUIRED TO BE FILED UNDER THIS SUBTITLE MUST INCLUDE SCHEDULES THAT DISCLOSE THE INFORMATION AND INTERESTS SPECIFIED IN THIS PART III, AS DIRECTLY APPLICABLE TO THE PUBLIC SERVANT OR ATTRIBUTABLE TO THE PUBLIC SERVANT FOR THE REPORTING PERIOD FOR WHICH THE STATEMENT IS REQUIRED.

COMMENT

This section is derived from former Article 8, §5-6(a)

Defined terms:

<i>Includes...</i>	§2-18	<i>Public servant</i>	§2-23
<i>Must</i>	<i>cf. §2-36</i>		

§ 7-17. ATTRIBUTABLE INTERESTS.**(A) IN GENERAL.**

FOR PURPOSES OF § 7-21 {"REAL PROPERTY"} OF THIS SUBTITLE AND § 7-22 {"BUSINESS ENTITIES"} OF THIS SUBTITLE, THE FOLLOWING INTERESTS ARE ATTRIBUTABLE TO AND MUST BE REPORTED BY THE PUBLIC SERVANT.

(B) CERTAIN INTERESTS HELD BY SPOUSE, ETC ~~OR CHILD~~.

AN INTEREST IS ATTRIBUTABLE TO THE PUBLIC SERVANT IF, AT ANY TIME DURING THE REPORTING PERIOD, IT WAS:

- (1) HELD BY A SPOUSE, PARENT, CHILD, OR SIBLING ~~OR CHILD~~ OF THE PUBLIC SERVANT; AND
- (2) DIRECTLY OR INDIRECTLY CONTROLLED BY THE PUBLIC SERVANT.

(C) INTERESTS HELD BY CERTAIN BUSINESS ENTITIES.

- (1) AN INTEREST IS ATTRIBUTABLE TO THE PUBLIC SERVANT IF, AT ANY TIME DURING THE REPORTING PERIOD, IT WAS HELD BY A BUSINESS ENTITY IN WHICH THE PUBLIC SERVANT HELD AN EQUITY INTEREST OF 30% OR MORE.

(2) THIS SUBSECTION DOES NOT LIMIT:

- (I) THE REQUIREMENTS OF § 7-21 {"REAL PROPERTY"} OF THIS SUBTITLE TO DISCLOSE REAL PROPERTY INTERESTS HELD BY ENTITIES IN WHICH THE PUBLIC SERVANT HOLDS AN INTEREST; OR
- (II) THE REQUIREMENTS OF § 7-22 {"BUSINESS ENTITIES"} OF THIS SUBTITLE TO DISCLOSE CERTAIN ENTITIES IN WHICH THE PUBLIC SERVANT HOLDS AN INTEREST.

(D) INTERESTS HELD BY CERTAIN TRUSTS.

AN INTEREST IS ATTRIBUTABLE TO THE PUBLIC SERVANT IF, AT ANY TIME DURING THE REPORTING PERIOD, IT WAS HELD BY A TRUST OR ESTATE IN WHICH THE PUBLIC SERVANT:

- (1) HELD A REVERSIONARY INTEREST;
- (2) WAS A BENEFICIARY; OR
- (3) IF A REVOCABLE TRUST, WAS A SETTLOR.

COMMENT

This section is derived from former Article 8, §5-7, with modifications adapted from SG §15-608(a) and (b).

These modifications include, for example, the use in subsection (b)(1) of the term “child”, rather than “dependent child”; the substitution in subsection (c) of “30%” for “25%”; the addition in subsection (c) of paragraph (2) for clarity; and the substitution in subsection (d) of “trust or estate” for the at least partially redundant “trust, other than a common trust fund”.

Subsection (b)(1) is further revised to include the interest of a “parent” or “sibling” that is controlled by the public servant.

Defined terms:

<i>Business entity</i>	§2-4	<i>Must</i>	<i>cf. §2-36</i>
<i>Child</i>	§2-6	<i>Public servant</i>	§2-23
<i>Interest</i>	§2-19		

§ 7-18. BLIND TRUSTS.

FOR PURPOSES OF ANY OF THE DISCLOSURES REQUIRED BY THIS SUBTITLE, INTERESTS HELD BY A BLIND TRUST ARE NOT CONSIDERED INTERESTS OF THE PUBLIC SERVANT MAKING THE STATEMENT IF:

- (1) THE BLIND TRUST IS APPROVED BY THE ETHICS BOARD IN ACCORDANCE WITH RULES AND REGULATIONS ADOPTED UNDER THIS ARTICLE; AND
- (2) THE BLIND TRUST IS OPERATED IN COMPLIANCE WITH THOSE RULES AND REGULATIONS.

COMMENT

This section is new, patterned after SG §15-608(c).

Defined terms:

<i>Ethics Board</i>	§2-10	<i>Public servant</i>	§2-23
<i>Interest</i>	§2-19		

§§ 7-19 TO 7-20. {RESERVED}

§ 7-21. REAL PROPERTY.

(A) IN GENERAL.

THE STATEMENT MUST INCLUDE A SCHEDULE OF EACH INTEREST IN REAL PROPERTY THAT, AT ANY TIME DURING THE REPORTING PERIOD, WAS HELD BY OR, UNDER § 7-17 {“ATTRIBUTABLE INTERESTS”} OF THIS SUBTITLE, WAS ATTRIBUTABLE TO THE PUBLIC SERVANT, INCLUDING EACH INTEREST HELD IN THE NAME OF A PARTNERSHIP, LIMITED LIABILITY PARTNERSHIP, LIMITED LIABILITY COMPANY, OR OTHER

UNINCORPORATED ENTITY IN WHICH AN INTEREST WAS HELD BY OR ATTRIBUTABLE TO THE PUBLIC SERVANT.

(B) *REQUIRED SPECIFICS.*

FOR EACH INTEREST SUBJECT TO THIS SECTION, THE SCHEDULE MUST INCLUDE:

- (1) THE NATURE OF THE PROPERTY;
- (2) THE PROPERTY'S LOCATION BY STREET ADDRESS, MAILING ADDRESS, OR LEGAL DESCRIPTION;
- (3) THE NATURE AND EXTENT OF THE INTEREST HELD, INCLUDING ANY CONDITIONS TO AND ENCUMBRANCES ON THE INTEREST;
- (4) THE IDENTITY OF EACH OTHER PERSON WITH AN INTEREST IN THE PROPERTY;
- (5) THE DATE AND MANNER IN WHICH THE INTEREST WAS ACQUIRED;
- (6) THE IDENTITY OF THE PERSON FROM WHICH THE INTEREST WAS ACQUIRED;
- (7) IF THE INTEREST WAS ACQUIRED BY PURCHASE, THE NATURE AND AMOUNT OF THE CONSIDERATION GIVEN FOR THE INTEREST;
- (8) IF THE INTEREST WAS ACQUIRED IN ANY OTHER MANNER, THE FAIR MARKET VALUE OF THE INTEREST WHEN ACQUIRED;
- (9) IF ANY INTEREST WAS TRANSFERRED, IN WHOLE OR IN PART, AT ANY TIME DURING THE REPORTING PERIOD:
 - (I) A DESCRIPTION OF THE INTEREST TRANSFERRED;
 - (II) THE NATURE AND AMOUNT OF THE CONSIDERATION RECEIVED FOR THE INTEREST; AND
 - (III) THE IDENTITY OF THE PERSON TO WHICH THE INTEREST WAS TRANSFERRED.

COMMENT

This section is derived from former Article 8, §5-6(b), with modifications adapted from SG §15-607(b).

These modifications include, for example, the deletion in subsection (a) of the phrase "in the City"; the addition at the end of subsection (a) of the "including"; and the addition in subsection (b) of items (7) and (8).

Defined terms:

<i>Includes...</i>	§2-18	<i>Person</i>	§2-22
<i>Interest</i>	§2-19	<i>Public servant</i>	§2-23
<i>Must</i>	cf. §2-36		

§ 7-22. BUSINESS ENTITIES.**(A) *IN GENERAL.***

THE STATEMENT MUST INCLUDE A SCHEDULE OF EACH INTEREST IN ANY CORPORATION, PARTNERSHIP, LIMITED LIABILITY COMPANY, OR ANY OTHER BUSINESS ENTITY, WHETHER OR NOT THAT ENTITY DOES BUSINESS WITH OR IS REGULATED BY THE CITY, IF, AT ANY TIME DURING THE REPORTING PERIOD, THE INTEREST WAS HELD BY OR, UNDER § 7-17 {"ATTRIBUTABLE INTERESTS"} OF THIS SUBTITLE, WAS ATTRIBUTABLE TO THE PUBLIC SERVANT.

(B) *REQUIRED SPECIFICS.*

FOR EACH INTEREST SUBJECT TO THIS SECTION, THE SCHEDULE MUST INCLUDE:

- (1) THE NAME AND ADDRESS OF THE PRINCIPAL OFFICE OF THE BUSINESS ENTITY;
- (2) SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE NATURE AND AMOUNT OF THE INTEREST HELD, INCLUDING ANY CONDITIONS TO AND ENCUMBRANCES ON THE INTEREST;
- (3) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, IF ANY INTEREST WAS ACQUIRED DURING THE REPORTING PERIOD:
 - (I) THE DATE AND MANNER IN WHICH THE INTEREST WAS ACQUIRED;
 - (II) THE IDENTITY OF THE PERSON FROM WHICH THE INTEREST WAS ACQUIRED;
 - (III) IF THE INTEREST WAS ACQUIRED BY PURCHASE, THE NATURE AND AMOUNT OF THE CONSIDERATION GIVEN FOR THE INTEREST; AND
 - (IV) IF THE INTEREST WAS ACQUIRED IN ANY OTHER MANNER, THE FAIR MARKET VALUE OF THE INTEREST WHEN IT WAS ACQUIRED; AND
- (4) IF ANY INTEREST WAS TRANSFERRED, IN WHOLE OR IN PART, DURING THE REPORTING PERIOD:
 - (I) A DESCRIPTION OF THE INTEREST TRANSFERRED;
 - (II) THE NATURE AND AMOUNT OF THE CONSIDERATION RECEIVED FOR THE INTEREST; AND
 - (III) IF KNOWN, THE IDENTITY OF THE PERSON TO WHICH THE INTEREST WAS TRANSFERRED.

(C) *REPORTING EQUITY INTERESTS.*

- (1) FOR AN EQUITY INTEREST IN A CORPORATION, THE REPORTING REQUIREMENTS OF SUBSECTION (B)(2) OF THIS SECTION MAY BE SATISFIED BY REPORTING, INSTEAD OF A DOLLAR AMOUNT:
 - (I) THE NUMBER OF SHARES HELD; AND
 - (II) UNLESS THE CORPORATION'S STOCK IS PUBLICLY TRADED, THE PERCENTAGE OF EQUITY INTEREST HELD.
- (2) FOR AN EQUITY INTEREST IN A PARTNERSHIP, LIMITED LIABILITY COMPANY, OR ANY OTHER BUSINESS ENTITY, THE REPORTING REQUIREMENTS OF SUBSECTION (B)(2) OF THIS SECTION MAY BE

SATISFIED BY REPORTING, INSTEAD OF A DOLLAR AMOUNT, THE PERCENTAGE OF EQUITY INTEREST HELD.

(D) *REPORTING DIVIDEND REINVESTMENTS, ETC.*

FOR PURPOSES OF THE REPORTING REQUIREMENTS OF SUBSECTION (B)(3) OF THIS SECTION, ONLY THE MANNER OF ACQUISITION NEED BE DISCLOSED IF:

- (1) THE INTEREST WAS ACQUIRED BY DIVIDEND OR DIVIDEND REINVESTMENT AND CONSISTS SOLELY OF ADDITIONS TO EXISTING, PUBLICLY TRADED CORPORATE INTERESTS; AND
- (2) THE TOTAL VALUE OF THE ACQUISITION IS LESS THAN \$500.

COMMENT

This section consolidates former Article 8, §5-6(c) and (d), with modifications adapted from SG §15-607(c) and (d).

In this revision, corporations, partnerships, and other entities are generally treated alike — thus avoiding several inconsistencies and archaicisms in former §5-6 (and, for that matter, in SG §15-607, as well).

Defined terms:

<i>Business entity</i>	§2-4	<i>May</i>	<i>cf.</i> §2-36
<i>Business with City</i>	§2-5	<i>Must</i>	<i>cf.</i> §2-36
<i>Includes...</i>	§2-18	<i>Person</i>	§2-22
<i>Interest</i>	§2-19	<i>Public servant</i>	§2-23

§ 7-23. GIFTS.

(A) *“SIGNIFICANT GIFT” DEFINED.*

- (1) IN THIS SECTION, “SIGNIFICANT GIFT” MEANS, EXCEPT AS SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION:

- (I) ANY GIFT WITH A VALUE OF MORE THAN \$50; AND
- (II) ANY GIFT IN A SERIES OF GIFTS WITH A CUMULATIVE VALUE OF \$150 OR MORE ~~RECEIVED FROM~~ GIVEN BY OR ON BEHALF OF THE SAME PERSON DURING THE REPORTING PERIOD.

- (2) “SIGNIFICANT GIFT” DOES NOT INCLUDE ANY OF THE FOLLOWING, REGARDLESS OF VALUE:

- (I) A GIFT FROM A SPOUSE, PARENT, CHILD, OR SIBLING;
- (II) A CAMPAIGN CONTRIBUTION THAT IS OTHERWISE REPORTED AS REQUIRED BY LAW; OR
- (III) TICKETS OR FREE ADMISSION GIVEN TO AN ELECTED OFFICIAL TO ATTEND A SPECIFIC CHARITABLE, CULTURAL, SPORTING, OR POLITICAL EVENT, IF GIVEN BY THE PERSON SPONSORING OR CONDUCTING THE EVENT AS A COURTESY OR CEREMONY TO THE OFFICE.

(B) *IN GENERAL.*

THE STATEMENT MUST INCLUDE A SCHEDULE OF EACH SIGNIFICANT GIFT THAT WAS, AT ANY TIME DURING THE REPORTING PERIOD:

- (1) ~~RECEIVED~~ ACCEPTED BY THE PUBLIC SERVANT OR BY ANY OTHER PERSON AT THE DIRECTION OF THE PUBLIC SERVANT; AND
- (2) GIVEN BY OR ON BEHALF OF, DIRECTLY OR INDIRECTLY, ANY PERSON THAT WAS:
 - (I) A LOBBYIST;
 - (II) A PERSON REGULATED BY THE CITY; OR
 - (III) A PERSON DOING BUSINESS WITH THE CITY.

(C) *REQUIRED SPECIFICS.*

FOR EACH GIFT SUBJECT TO THIS SECTION, THE SCHEDULE MUST INCLUDE:

- (1) THE NATURE AND VALUE OF THE GIFT; AND
- (2) THE IDENTITY OF THE PERSON FROM WHOM; OR ON BEHALF OF WHOM, DIRECTLY OR INDIRECTLY, THE GIFT WAS RECEIVED.

(D) *SECTION NOT AN AUTHORIZATION.*

NEITHER THIS SECTION NOR ANY DISCLOSURE MADE UNDER IT AUTHORIZES ANY GIFT THAT IS NOT OTHERWISE ALLOWED BY LAW.

COMMENT

This section is derived from former Article 8, §5-6(e), with modifications adapted from SG §15-607(e).

In subsection (a)(2), the first and third exceptions are revised to conform to their counterparts in §6-28 of this article.

In subsection (b)(2)(ii), the scope is broadened to include any entity regulated by “the City” rather than the public servant’s own specific agency. This conforms to the State’s express reference to an entity “regulated by the State” in place of the narrower, defined phrase, “doing business with the State”.

Defined terms:

<i>Business with City</i>	§2-5	<i>Lobbyist</i>	§2-20
<i>Child</i>	§2-6	<i>Must</i>	<i>cf.</i> §2-36
<i>Gift</i>	§2-17	<i>Person</i>	§2-22
<i>Includes...</i>	§2-18	<i>Public servant</i>	§2-23

§ 7-24. OFFICES, EMPLOYMENT, ETC.**(A) IN GENERAL.**

THE STATEMENT MUST INCLUDE A SCHEDULE OF EACH OFFICE, DIRECTORSHIP, SALARIED EMPLOYMENT, AND OTHER SIMILAR INTEREST NOT OTHERWISE DISCLOSED THAT WAS, AT ANY TIME DURING THE REPORTING PERIOD:

- (1) HELD BY THE PUBLIC SERVANT ~~OR, BY~~ THE PUBLIC SERVANT'S SPOUSE OR CHILD, OR, IF KNOWN TO THE PUBLIC SERVANT, BY THE PUBLIC SERVANT'S PARENT OR SIBLING,
- (2) IN ANY BUSINESS ENTITY THAT WAS:
 - (I) A LOBBYIST,
 - (II) REGULATED BY THE CITY, OR
 - (III) DOING BUSINESS WITH THE CITY.

(B) REQUIRED SPECIFICS.

FOR EACH POSITION OR INTEREST SUBJECT TO THIS SECTION, THE SCHEDULE MUST INCLUDE:

- (1) THE NAME AND ADDRESS OF THE PRINCIPAL OFFICE OF THE BUSINESS ENTITY;
- (2) THE TITLE AND NATURE OF THE POSITION OR INTEREST;
- (3) THE DATE WHEN THE POSITION OR INTEREST BEGAN;
- (4) THE NAME OF EACH AGENCY WITH WHICH THE ENTITY IS DOING BUSINESS, BY WHICH IT IS REGULATED, OR IN CONNECTION WITH WHICH IT IS A LOBBYIST;
- (5) THE NATURE OF THE ENTITY'S RELATIONSHIP TO THE CITY, WHICH AT A MINIMUM MUST REFER TO THE APPLICABLE CRITERIA LISTED IN SUBSECTION (A)(2) OF THIS SECTION; AND
- (6) IF THE POSITION OR INTEREST IS HELD BY SOMEONE OTHER THAN THE PUBLIC SERVANT, THE IDENTITY OF THE INDIVIDUAL WHO HELD THE POSITION OR INTEREST.

COMMENT

This section is derived from former Article 8, §5-6(f), with modifications adapted from SG §15-607(f).

These modifications include, for example, the addition in subsection (a) of the phrase "and other similar interest"; the addition in subsection (a)(1) of "spouse or child"; the reference in subsection (a)(2) to being regulated "by the City", rather than by the public servant's own specific agency; and the addition in subsection (b) of items (3), (4), and (5).

Subsection (a)(1) is further revised to include an indebtedness of a "parent" or "sibling" in the creation of which the public servant was involved.

Subsection (b)(6) is also new, added to state expressly that which was only implied until now.

Defined terms:

<i>Agency</i>	§2-2	<i>Interest</i>	§2-19
<i>Business entity</i>	§2-4	<i>Lobbyist</i>	§2-20
<i>Business with City</i>	§2-5	<i>Must</i>	cf. §2-36
<i>Child</i>	§2-6	<i>Public servant</i>	§2-23
<i>Includes...</i>	§2-18		

§ 7-25. INDEBTEDNESS.**(A) IN GENERAL.**

EXCEPT AS SPECIFIED IN SUBSECTION (C) OF THIS SECTION, THE STATEMENT MUST INCLUDE A SCHEDULE OF EACH DEBT THAT WAS, AT ANY TIME DURING THE REPORTING PERIOD, OWED:

- (1) BY THE PUBLIC SERVANT OR, IF THE PUBLIC SERVANT WAS INVOLVED IN THE TRANSACTION GIVING RISE TO THE DEBT, BY THE PUBLIC SERVANT'S SPOUSE , PARENT, CHILD, OR SIBLING OR CHILD,
- (2) TO ANY BUSINESS ENTITY THAT WAS:
 - (I) A LOBBYIST;
 - (II) REGULATED BY THE CITY; OR
 - (III) DOING BUSINESS WITH THE CITY.

(B) REQUIRED SPECIFICS.

FOR EACH DEBT SUBJECT TO THIS SECTION, THE SCHEDULE MUST INCLUDE:

- (1) THE IDENTITY OF THE PERSON TO WHOM THE DEBT WAS OWED;
- (2) THE DATE THE DEBT WAS INCURRED;
- (3) THE AMOUNT OWED AT THE END OF THE REPORTING PERIOD;
- (4) THE TERMS OF PAYMENT;
- (5) THE EXTENT TO WHICH THE PRINCIPAL WAS INCREASED OR DECREASED DURING THE REPORTING PERIOD; AND
- (6) ANY SECURITY GIVEN.

(C) EXCEPTIONS.

THIS SECTION DOES NOT APPLY TO:

- (1) A RETAIL CREDIT ACCOUNT;
- (2) A RETAIL INSTALLMENT SALES ACCOUNT; OR
- (3) (2) A UTILITY ACCOUNT.

COMMENT

This section is derived from former Article 8, §5-6(g), with modifications adapted from SG §15-607(g).

These modifications include, for example, the reference in subsection (a)(2) to being regulated “by the City”, rather than by the public servant’s own specific agency; the addition in subsection (b) of item (2); and the deletion in subsection (c) of the former exceptions for certain mortgages and bank loans.

Subsection (a)(1) is further revised to include the interest of a “parent” or “sibling” that is controlled by the public servant.

Subsection (c) is further revised to include retail installment sales accounts among the exceptions.

Defined terms:

<i>Business entity</i>	§2-4	<i>Lobbyist</i>	§2-20
<i>Business with City</i>	§2-5	<i>Must</i>	cf. §2-36
<i>Includes...</i>	§2-18	<i>Person</i>	§2-22
<i>Child</i>	§2-6	<i>Public servant</i>	§2-23

§ 7-26. FAMILY EMPLOYED BY CITY.**(A) IN GENERAL.**

THE STATEMENT MUST INCLUDE A SCHEDULE OF ~~EACH OF THE PUBLIC SERVANT’S SPOUSE AND CHILDREN~~ ANY SPOUSE, PARENT, CHILD, OR SIBLING WHO WAS, AT ANY TIME DURING THE REPORTING PERIOD, EMPLOYED BY THE CITY IN ANY CAPACITY.

(B) REQUIRED SPECIFICS.

FOR EACH FAMILY MEMBER SUBJECT TO THIS SECTION, THE SCHEDULE MUST INCLUDE:

- (1) THE INDIVIDUAL’S NAME AND RELATIONSHIP TO THE PUBLIC SERVANT; AND
- (2) THE AGENCY AND POSITION IN WHICH THE INDIVIDUAL WAS EMPLOYED.

COMMENT

Subsection (a) of this section is derived from former Article 8, §5-6(h), with modifications adapted from SG §15-607(h).

In subsection (a), the phrase “~~spouse and children~~” “spouse, parent, child, or sibling” is substituted for the former, more limited reference to “family”, which encompassed only a “spouse and “dependent children”.

Subsection (b) is new language, added for clarity.

Defined terms:

<i>Agency</i>	§2-2	<i>Must</i>	cf. §2-36
<i>Child</i>	§2-6	<i>Public servant</i>	§2-23
<i>Includes...</i>	§2-18		

§ 7-27. SOURCES OF EARNED INCOME.**(A) *IN GENERAL.***

THE STATEMENT MUST INCLUDE A SCHEDULE THAT LISTS, FOR THE PUBLIC SERVANT AND FOR EACH OF THE PUBLIC SERVANT'S SPOUSE AND CHILDREN:

- (1) EACH PLACE OF COMPENSATED EMPLOYMENT AT ANY TIME DURING THE REPORTING PERIOD;
AND
- (2) EACH BUSINESS ENTITY:
 - (I) OF WHICH THE PUBLIC SERVANT, SPOUSE, OR CHILD WAS A SOLE OR PARTIAL OWNER;
AND
 - (II) FROM WHICH, AT ANY TIME DURING THE REPORTING PERIOD, HE OR SHE RECEIVED
EARNED INCOME.

(B) *REQUIRED SPECIFICS.*

FOR EACH SOURCE OF INCOME SUBJECT TO THIS SECTION, THE SCHEDULE MUST INCLUDE:

- (1) THE NAME AND ADDRESS OF THE PLACE OF SALARIED EMPLOYMENT OR BUSINESS ENTITY; AND
- (2) FOR EACH FAMILY MEMBER, THAT INDIVIDUAL'S NAME AND RELATIONSHIP TO THE PUBLIC SERVANT.

COMMENT

This section is derived from former Article 8, §5-6(i), with modifications adapted from SG §15-607(i).

These modifications include, for example, the addition of subsection (b)(1).

In subsection (a), the phrase "spouse and children" is substituted for the former, more limited reference to "family", which encompassed only a spouse and "dependent children".

Subsection (b)(2) is added to state expressly that which was only implied until now.

Defined terms:

<i>Business entity</i>	§2-4	<i>Must</i>	<i>cf.</i> §2-36
<i>Child</i>	§2-6	<i>Public servant</i>	§2-23
<i>Includes...</i>	§2-18		

§ 7-28. ADDITIONAL INFORMATION.

THE STATEMENT MAY INCLUDE A SCHEDULE OF ADDITIONAL INTERESTS OR INFORMATION THAT THE PUBLIC SERVANT CHOOSES TO DISCLOSE.

COMMENT

This section is derived from former Article 8, §5-6(j).

Defined terms:

<i>Includes...</i>	§2-18	<i>May</i>	<i>cf.</i> §2-36
<i>Interest</i>	§2-19	<i>Public servant</i>	§2-23

SUBTITLE 8. LOBBYING***PART I. DEFINITIONS*****§ 8-1. DEFINITIONS.****(A) *IN GENERAL.***

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

COMMENT

This subsection is derived from former Article 8, §6-1(a).

(B) *COMPENSATION.*

IF LOBBYING IS ONLY PART OF A PERSON'S EMPLOYMENT, "COMPENSATION" MEANS A PRORATED AMOUNT OF THE PERSON'S TOTAL COMPENSATION, AS DEFINED IN § 2-7 OF THIS ARTICLE, THAT IS BASED ON THE TIME DEVOTED BY THE PERSON TO LOBBYING COMPARED TO THE TIME DEVOTED TO OTHER EMPLOYMENT DUTIES.

COMMENT

This subsection is derived from former Article 8, §6-1(b)(2)(1st sen).

Defined terms:

<i>Compensation</i>	§2-7	<i>Person</i>	§2-22
<i>Lobby</i>	§8-1(e)		

(C) *EXECUTIVE ACTION.*

"EXECUTIVE ACTION" MEANS ANY OFFICIAL ACTION OR NONACTION THAT:

- (1) IS TAKEN BY A PUBLIC SERVANT; AND
- (2) IS NOT LEGISLATIVE ACTION, AS DEFINED IN THIS SECTION.

COMMENT

This subsection is derived from former Article 8, §6-1(e).

A reference to "nonaction" is added for clarity, conforming to the similar reference in subsection (d), as derived from the State's definition of "legislative action".

The former inclusion of contracts for \$5,000 or more is deleted as unnecessary and inconsistent with the broad, general reference to “any action or nonaction” — which, of course, would encompass any contract, whatever the amount.

Defined terms:

Legislative action §8-1(d) *Public servant* §2-23

(D) *LEGISLATIVE ACTION.*

(1) “LEGISLATIVE ACTION” MEANS ANY OFFICIAL ACTION OR NONACTION RELATING TO:

- (I) ANY BILL, RESOLUTION, NOMINATION, APPOINTMENT, REPORT, OR OTHER MATTER WITHIN THE JURISDICTION OF THE CITY COUNCIL; OR
- (II) ANY BILL OR RESOLUTION PRESENTED TO THE MAYOR FOR APPROVAL OR VETO.

(2) “LEGISLATIVE ACTION” INCLUDES:

- (I) INTRODUCTION;
- (II) SPONSORSHIP;
- (III) CONSIDERATION AND DEBATE;
- (IV) AMENDMENT;
- (V) PASSAGE OR DEFEAT; AND
- (VI) APPROVAL OR VETO.

COMMENT

This subsection is derived from former Article 8, §6-1(c), and modified to include the clarifying specifics and Mayoral references found in SG § 15-102(v).

Defined terms:

Includes... §2-18

(E) *LOBBY.*

“LOBBY” MEANS TO DO ANY ACT THAT REQUIRES REGISTRATION UNDER THIS SUBTITLE.

COMMENT

This subsection is new, patterned after the definition of “lobbying” in SG §15-102(x)(1) and substituted for former Article 8, §6-1(d). *See* Comment to §8-2 below.

(F) *REPORTING PERIOD.*

“REPORTING PERIOD” MEANS THE PERIOD FROM JANUARY 1 OF ANY YEAR THROUGH DECEMBER 31 OF THE SAME YEAR.

COMMENT

This subsection is derived from former Article 8, §6-1(i).

As with employee disclosure statements, the reporting period is changed to a calendar year. *See* Comment to § 7-2.

GENERAL COMMENT TO SECTION

The definitions in former Article 8, §6-1 of “registration statement” and “report” have been deleted as unnecessary statements of the obvious.

§§ 8-2 TO 8-5. {RESERVED}***PART II. REGISTRATION REQUIRED*****§ 8-6. IN GENERAL.**

EXCEPT AS OTHERWISE SPECIFIED IN PART V {“EXEMPTIONS”} OF THIS SUBTITLE, A PERSON WHO ENGAGES IN ANY ACTIVITY DESCRIBED IN THIS PART II MUST REGISTER WITH THE ETHICS BOARD.

COMMENT

This section is derived from the introductory clauses of former Article 8, §6-2(a)(1) and (b)(1).

Defined terms:

<i>Ethics Board</i>	§2-10	<i>Person</i>	§2-22
<i>Must</i>	<i>cf.</i> §2-36		

§ 8-7. LEGISLATIVE LOBBYING.

A PERSON MUST REGISTER IF, DURING A REPORTING PERIOD, THE PERSON:

- (1) FOR THE PURPOSE OF INFLUENCING ANY LEGISLATIVE ACTION, COMMUNICATES WITH A PUBLIC SERVANT; AND
- (2) IN FURTHERANCE OF OR IN CONNECTION WITH ~~THAT PURPOSE, EITHER:~~ ALL SUCH COMMUNICATIONS FOR THAT OR ANY OTHER LEGISLATIVE ACTION, AND ALL ACTIVITIES RELATING TO THOSE COMMUNICATIONS:
 - ~~(I) EXPENDS A CUMULATIVE VALUE OF \$250 OR MORE FOR GIFTS, INCLUDING MEALS, BEVERAGES, OR SPECIAL EVENTS, TO 1 OR MORE PUBLIC SERVANTS; OR~~
 - ~~(II) EARNS \$500 OR MORE IN COMPENSATION~~
 - (I) EXPENDS \$100 OR MORE FOR GIFTS, INCLUDING MEALS, BEVERAGES, OR SPECIAL EVENTS, TO 1 OR MORE PUBLIC SERVANTS;
 - (II) INCURS ANY EXPENSES OF \$500 OR MORE; OR
 - (III) EARNS \$2,500 OR MORE IN COMPENSATION.

COMMENT

This section is derived from former Article 8, §6-2(a)(1), other than its reference to exceptions and its timing requirements, and parts of former Article 8, §6-1(d) with modifications adapted from SG §15-701(a).

In item (1) of this section, the former limiting phrase “in the presence of” is deleted, in recognition of the many other, equally effective, means of real-time communication available to those seeking to influence official action (e.g., telephone, email, and the like).

Item (2)(i) has been revised to delimit the applicable expenditures, as in SG §15-701(a)(2), to certain types of expenditures made for the benefit of 1 or more public servants.

Defined terms:

<i>Compensation</i>	§8-1	<i>Person</i>	§2-22
<i>Gift</i>	§2-17	<i>Public servant</i>	§2-23
<i>Legislative action</i>	§8-1	<i>Reporting period</i>	§8-1
<i>Must</i>	cf. §2-36		

§ 8-8. EXECUTIVE LOBBYING.

A PERSON MUST REGISTER IF, DURING A REPORTING PERIOD, THE PERSON:

- (1) FOR THE PURPOSE OF INFLUENCING ANY EXECUTIVE ACTION, COMMUNICATES WITH A PUBLIC SERVANT; AND
- (2) IN FURTHERANCE OF OR IN CONNECTION WITH THAT PURPOSE, EXPENDS A CUMULATIVE VALUE OF \$250 OR MORE FOR GIFTS, INCLUDING MEALS, BEVERAGES, OR SPECIAL EVENTS, TO 1 OR MORE PUBLIC SERVANTS ALL SUCH COMMUNICATIONS FOR THAT OR ANY OTHER EXECUTIVE ACTION, AND ALL ACTIVITIES RELATING TO THOSE COMMUNICATIONS:
 - (I) EXPENDS \$100 OR MORE FOR GIFTS, INCLUDING MEALS, BEVERAGES, OR SPECIAL EVENTS, TO 1 OR MORE PUBLIC SERVANTS;
 - (II) INCURS ANY EXPENSES OF \$500 OR MORE; OR
 - (III) EARNES \$2,500 OR MORE IN COMPENSATION.

COMMENT

This section is derived from former Article 8, §6-2(b)(1), other than its reference to exceptions and its timing requirements, and parts of former Article 8, §6-1(d) with modifications adapted from SG §15-701(a).

In item (1) of this section, the former limiting phrase “in the presence of” is deleted, in recognition of the many other, equally effective, means of real-time communication available to those seeking to influence official action (e.g., telephone, email, and the like). This comports more closely to SG §15-701(a)(2) on executive lobbying.

~~Item (2) has been revised to delimit the applicable expenditures, as in SG §15-701(a)(2), to certain types of expenditures made for the benefit of 1 or more public servants.~~

Defined terms:

<i>Executive action</i>	§8-1	<i>Person</i>	§2-22
<i>Gift</i>	§2-17	<i>Public servant</i>	§2-23
<i>Must</i>	<i>cf.</i> §2-36	<i>Reporting period</i>	§8-1

§ 8-9. “GRASS ROOTS” LOBBYING.

A PERSON MUST REGISTER IF, DURING A REPORTING PERIOD, THE PERSON:

- (1) FOR THE PURPOSE OF INFLUENCING ANY LEGISLATIVE OR EXECUTIVE ACTION, SOLICITS OTHERS TO COMMUNICATE WITH A PUBLIC SERVANT; AND
- (2) IN FURTHERANCE OF OR IN CONNECTION WITH THAT SOLICITATION, EXPENDS \$1,000 OR MORE, INCLUDING EXPENDITURES FOR SALARIES, CONTRACTUAL EMPLOYEES, POSTAGE, TELECOMMUNICATIONS SERVICES, ELECTRONIC SERVICES, ADVERTISING, PRINTING, OR DELIVERY SERVICES.

COMMENT

Item (1) of this section is derived from former Article 8, §6-1(d)(2).

Item (2) is new, patterned after SG §15-701(a)(5), to limit the registration requirements for “grass roots” activities to those who expend in excess of a specified sum.

Defined terms:

<i>Executive action</i>	§8-1	<i>Person</i>	§2-22
<i>Includes...</i>	§2-18	<i>Public servant</i>	§2-23
<i>Legislative action</i>	§8-1	<i>Reporting period</i>	§8-1
<i>Must</i>	<i>cf.</i> §2-36		

§ 8-10. {RESERVED}

PART III. PROCEDURE

§ 8-11. EMPLOYER AUTHORIZATION REQUIRED.

(A) *IN GENERAL.*

ANY PERSON THAT ENGAGES A LOBBYIST FOR THE PURPOSE OF LOBBYING MUST PROVIDE A WRITTEN AUTHORIZATION FOR THE LOBBYIST TO ACT ON THE PERSON’S BEHALF.

(B) *CONTENTS.*

THE AUTHORIZATION MUST INCLUDE:

- (1) THE PERSON’S FULL LEGAL NAME AND BUSINESS ADDRESS;

- (2) THE LOBBYIST'S FULL LEGAL NAME AND BUSINESS ADDRESS;
- (3) THE PERIOD DURING WHICH THE LOBBYIST IS AUTHORIZED TO ACT; AND
- (4) THE LEGISLATIVE ACTION, EXECUTIVE ACTION, OR OTHER MATTER ON WHICH THE LOBBYIST IS AUTHORIZED TO ACT.

(C) *SIGNATURE.*

THE AUTHORIZATION MUST BE SIGNED BY:

- (1) THE PERSON ON WHOSE BEHALF THE LOBBYIST IS BEING AUTHORIZED TO ACT; OR
- (2) IF THAT PERSON IS A CORPORATION, ANY AUTHORIZED OFFICER OR AGENT OF THE CORPORATION OTHER THAN THE LOBBYIST.

COMMENT

This section is derived from former Article 8, §6-3(a)(3), and modified to include specifics akin to those in SG § 15-702.

Defined terms:

<i>Executive action</i>	§8-1	<i>Lobbyist</i>	§2-20
<i>Include...</i>	§2-18	<i>Must</i>	cf. §2-36
<i>Legislative action</i>	§8-1	<i>Person</i>	§2-22
<i>Lobby</i>	§8-1		

§ 8-12. TIME FOR REGISTERING.

(A) *INITIAL REGISTRATION.*

A LOBBYIST MUST REGISTER WITHIN 5 DAYS AFTER FIRST ENGAGING IN ANY ACT THAT REQUIRES REGISTRATION.

(B) *ANNUAL RENEWAL.*

A LOBBYIST MUST FILE A NEW REGISTRATION ON OR BEFORE JANUARY 1 OF EACH YEAR IF, ON THAT DATE, THE LOBBYIST IS ENGAGED IN LOBBYING.

COMMENT

Subsection (a) of this section is derived from the filing deadlines specified in former Article 8, §6-2(a)(1) and (b)(1).

Subsection (b) of this section is new, patterned after the similar provisions of SG §15-703(d)(2).

Defined terms:

<i>Lobby</i>	§8-1	<i>Must</i>	cf. §2-36
<i>Lobbyist</i>	§2-20		

§ 8-13. REGISTRATION SCOPE, FORM, AND CONTENTS.**(A) SEPARATE REGISTRATION PER PRINCIPAL.**

A LOBBYIST WHO ENGAGES IN LOBBYING ON BEHALF OF MORE THAN 1 PERSON MUST FILE A SEPARATE REGISTRATION FOR EACH PERSON.

(B) FORM.

THE REGISTRATION MUST BE FILED ON THE FORM THE ETHICS BOARD PROVIDES.

(C) CONTENTS.

THE REGISTRATION MUST INCLUDE THE FOLLOWING INFORMATION, AS APPLICABLE:

- (1) THE LOBBYIST'S FULL LEGAL NAME AND BUSINESS ADDRESS;
- (2) THE FULL LEGAL NAME AND BUSINESS ADDRESS OF EACH OTHER PERSON THAT WILL BE LOBBYING ON THE LOBBYIST'S BEHALF;
- (3) THE FULL LEGAL NAME, ADDRESS, AND NATURE OF BUSINESS OF THE PERSON ON WHOSE BEHALF THE LOBBYIST IS ACTING;
- (4) A STATEMENT OF WHETHER, BECAUSE OF THE LOBBYIST'S REGISTRATION AND REPORTING, THE PERSON ON WHOSE BEHALF THE LOBBYIST IS ACTING WILL BE EXEMPT FROM REGISTRATION UNDER § 8-33 {"EMPLOYER OF REPORTING LOBBYIST"} OF THIS SUBTITLE; AND
- (5) THE IDENTIFICATION, BY FORMAL DESIGNATION, IF KNOWN, OF THE LEGISLATIVE ACTION, EXECUTIVE ACTION, OR OTHER MATTER ON WHICH THE LOBBYIST IS ACTING OR EXPECTS TO ACT OR ON WHICH THE LOBBYIST HAS ENGAGED OR EXPECTS TO ENGAGE ANOTHER PERSON TO ACT.

(D) WRITTEN AUTHORIZATION

THE REGISTRATION MUST BE ACCOMPANIED BY THE WRITTEN AUTHORIZATION REQUIRED BY § 8-11 {"EMPLOYER AUTHORIZATION REQUIRED"} OF THIS SUBTITLE.

COMMENT

This section is derived from former Article 8, §6-3(a) and (b).

Subsection (c)(2) of this section is new, patterned after the similar provisions of SG §15-703(b)(2).

In subsection (c) of this section, the former requirement for specifying period for which the lobbyist is authorized to act is deleted as unnecessary in light of §8-3(b)(3) of this subtitle to similar effect.

Defined terms:

<i>Ethics Board</i>	§2-10	<i>Lobby</i>	§8-1
<i>Executive action</i>	§8-1	<i>Lobbyist</i>	§2-20
<i>Include...</i>	§2-18	<i>Must</i>	cf. §2-36
<i>Legislative action</i>	§8-1	<i>Person</i>	§2-22

§ 8-14. TERMINATION OF REGISTRATION.**(A) AUTOMATIC TERMINATION.**

UNLESS SOONER TERMINATED UNDER SUBSECTION (B) OF THIS SECTION, EACH REGISTRATION TERMINATES ON THE EARLIER OF:

- (1) THE DECEMBER 31 THAT FIRST FOLLOWS THE REGISTRATION'S FILING; OR
- (2) THE DATE SPECIFIED IN A WRITTEN AUTHORIZATION FILED UNDER § 8-11 {"EMPLOYER AUTHORIZATION REQUIRED"} OF THIS SUBTITLE.

(B) TERMINATION BY LOBBYIST.

A LOBBYIST MAY TERMINATE THE REGISTRATION AS OF AN EARLIER DATE THAN THAT SPECIFIED IN SUBSECTION (A) OF THIS SECTION IF THE LOBBYIST:

- (1) CEASES ALL ACTIVITY THAT REQUIRES REGISTRATION;
- (2) AFTER CEASING ALL ACTIVITY, FILES A NOTICE OF TERMINATION WITH THE ETHICS BOARD;
AND
- (3) WITHIN 30 DAYS AFTER FILING THE NOTICE, FILES ALL REPORTS REQUIRED BY THIS SUBTITLE.

(C) REQUIRED TERMINATION ON APPOINTMENT AS PUBLIC SERVANT.

- (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF A LOBBYIST IS OR BECOMES SUBJECT TO REGULATION UNDER THIS ARTICLE AS A PUBLIC SERVANT, THE LOBBYIST MUST:

- (I) IMMEDIATELY CEASE ALL ACTIVITY THAT REQUIRES REGISTRATION; AND
- (II) TERMINATE HIS OR HER REGISTRATION IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION WITHIN 30 DAYS OF BECOMING A PUBLIC SERVANT:

(A) FILE A NOTICE OF TERMINATION WITH THE ETHICS BOARD; AND

(B) FILE ALL REPORTS REQUIRED BY THIS SUBTITLE.

- (2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO A LOBBYIST APPOINTED TO AN ADVISORY BODY OF LIMITED DURATION.

COMMENT

Subsections (a) and (b) of this section are derived from former Article 8, §6-2(a)(2) and (b)(2) and §6-3(c), revised to conform in part to the similar requirements of SG §15-703(f)(1) and (2).

Subsection (c) of this section is new, patterned after the recently enacted SG §15-703(f)(3).

In subsection (a)(1) of this section, the termination date is changed to conform to the change in the reporting period.

Defined terms:

<i>Ethics Board</i>	§2-10	<i>Public servant</i>	§2-23
<i>Lobbyist</i>	§2-20		
<i>May</i>	cf. §2-36		

§ 8-15. {RESERVED}**PART IV. ACTIVITY REPORTS****§ 8-16. IN GENERAL.****(A) REPORT REQUIRED.**

A LOBBYIST MUST FILE WITH THE ETHICS BOARD AN ACTIVITY REPORT FOR EACH REPORTING PERIOD FOR WHICH THE LOBBYIST IS REGISTERED OR REQUIRED TO BE REGISTERED.

(B) WHEN AND FOR WHOM FILED.

- (1) FOR EACH REPORTING PERIOD, THE ACTIVITY REPORT MUST BE FILED BY THE JANUARY 31 THAT FIRST FOLLOWS THAT REPORTING PERIOD.
- (2) A SEPARATE REPORT MUST BE FILED FOR EACH PERSON ON WHOSE BEHALF THE LOBBYIST ACTED.

(C) FORM.**(1) EACH REPORT MUST BE:**

- (I) FILED ON THE FORM THE ETHICS BOARD PROVIDES; AND
- (II) SIGNED UNDER OATH OR AFFIRMATION, SUBJECT TO THE PENALTIES OF PERJURY.

(2) IF THE LOBBYIST IS NOT AN INDIVIDUAL, THEN AN AUTHORIZED OFFICER OR AGENT OF THE LOBBYIST MUST SIGN THE REPORT.**COMMENT**

This section is derived from former Article 8, §6-4(a) and (b) and the 2nd sentence of §6-1(b)(2).

In subsection (b)(1) of this section, the filing deadline is modified to correspond to the change in the reporting period. *See* Comment to §8-1(f).

Subsection (c)(1) of this section is new, patterned after the form requirements in §7-2 of this article for financial disclosure statements and the oath requirement in SG §15-704(a)(1).

Defined terms:

<i>Ethics Board</i>	§2-10	<i>Person</i>	§2-22
<i>Lobbyist</i>	§2-20	<i>Reporting period</i>	§8-1
<i>Must</i>	cf. §2-36		

§ 8-17. CONTENTS – REGISTRATION INFORMATION

EACH REPORT MUST INCLUDE A COMPLETE, CURRENT STATEMENT OF THE INFORMATION REQUIRED BY § 8-13(C) {“REGISTRATION: CONTENTS”} OF THIS SUBTITLE.

COMMENT

This section is derived from former Article 8, §6-4(c)(1).

Defined terms:

<i>Include...</i>	§2-18	<i>Must</i>	<i>cf. §2-36</i>
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§ 8-18. CONTENTS – COMPENSATION.**(A) IN GENERAL.**

EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SUBSECTION, EACH REPORT MUST INCLUDE THE TOTAL COMPENSATION PAID TO THE LOBBYIST IN CONNECTION WITH LOBBYING ACTIVITIES.

(B) PRORATED AMOUNTS.

IF THE COMPENSATION BEING REPORTED IS A PRORATED AMOUNT, IT MUST BE SO BE LABELED.

(C) EXCEPTIONS.

THIS SECTION DOES NOT APPLY TO:

- (1) EXPENSES OTHERWISE REPORTED UNDER OTHER SECTIONS OF THIS PART IV; OR
- (2) SALARIES, COMPENSATION, AND REIMBURSED EXPENSES FOR THE LOBBYIST’S STAFF.

COMMENT

This section is derived from former Article 8, §6-4(c)(2)(i).

Defined terms:

<i>Compensation</i>	§8-1	<i>Lobbyist</i>	§2-20
<i>Include...</i>	§2-18	<i>Must</i>	<i>cf. §2-36</i>
<i>Lobby</i>	§8-1		

§ 8-19. CONTENTS – EXPENSES.**(A) STAFF, RESEARCH, AND ASSISTANCE.**

EXCEPT AS REPORTED UNDER § 8-18 {“CONTENTS — COMPENSATION”} OF THIS SUBTITLE, EACH REPORT MUST INCLUDE THE TOTAL AMOUNT EXPENDED IN CONNECTION WITH THE LOBBYING ACTIVITIES FOR:

- (1) OFFICE EXPENSES OF THE LOBBYIST; AND
- (2) PROFESSIONAL AND TECHNICAL RESEARCH AND ASSISTANCE.

(B) *PUBLICATIONS.*

EACH REPORT MUST INCLUDE THE TOTAL AMOUNT EXPENDED IN CONNECTION WITH THE LOBBYING ACTIVITIES FOR PUBLICATIONS THAT EXPRESSLY ENCOURAGE OTHERS TO COMMUNICATE WITH 1 OR MORE PUBLIC SERVANTS.

(C) *WITNESSES.*

EACH REPORT MUST INCLUDE:

- (1) THE TOTAL AMOUNT EXPENDED IN CONNECTION WITH LOBBYING ACTIVITIES FOR WITNESSES;
- (2) THE NAME OF EACH WITNESS; AND
- (3) THE FEES AND EXPENSES PAID TO EACH.

(D) *FOOD, BEVERAGES, GIFTS, ETC.*

- (1) EACH REPORT MUST INCLUDE THE TOTAL AMOUNT EXPENDED FOR EACH OF THE FOLLOWING, WHETHER OR NOT EXPENDED IN CONNECTION WITH LOBBYING ACTIVITIES:
 - (I) MEALS AND BEVERAGES FOR A PUBLIC SERVANT OR THE SPOUSE, PARENT, CHILD, OR SIBLING OF A PUBLIC SERVANT;
 - (II) SPECIAL EVENTS, INCLUDING PARTIES, DINNERS, ATHLETIC EVENTS, ENTERTAINMENT, AND OTHER FUNCTIONS, TO WHICH A PUBLIC SERVANT OR THE SPOUSE, PARENT, CHILD, OR SIBLING OF A PUBLIC SERVANT IS INVITED;
 - (III) FOOD, LODGING, OR SCHEDULED ENTERTAINMENT OF A PUBLIC SERVANT OR THE SPOUSE, PARENT, CHILD, OR SIBLING OF A PUBLIC SERVANT WHILE ATTENDING A MEETING;
 - (IV) TICKETS OR FREE ADMISSION FOR A PUBLIC SERVANT OR THE SPOUSE, PARENT, CHILD, OR SIBLING OF A PUBLIC SERVANT TO ATTEND A PROFESSIONAL OR INTERCOLLEGIATE SPORTING EVENT OR A CHARITABLE, CULTURAL, OR POLITICAL EVENT; AND
 - (V) OTHER GIFTS TO OR FOR A PUBLIC SERVANT OR THE SPOUSE, PARENT, CHILD, OR SIBLING OF A PUBLIC SERVANT.
- (2) THE LOBBYIST MUST REPORT THE NAME OF ANY PUBLIC SERVANT OR THE SPOUSE, PARENT, CHILD, OR SIBLING OF A PUBLIC SERVANT WHO BENEFITTED FROM:
 - (I) EXPENSES REPORTED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION; OR
 - (II) EXPENSES REPORTED UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION, IF MORE THAN \$200 WAS EXPENDED FOR THE BENEFIT OF THE PUBLIC SERVANT, SPOUSE, PARENT, CHILD, OR SIBLING.
- (3) EXPENSES REPORTED UNDER PARAGRAPH (1)(II), (III), AND (IV) OF THIS SUBSECTION MUST BE ITEMIZED BY:
 - (I) THE DATE AND LOCATION OF EACH EVENT OR ACTIVITY; AND
 - (II) THE TOTAL EXPENSE OF THE LOBBYIST FOR THE EVENT OR ACTIVITY.

(E) *OTHER EXPENSES.*

EACH REPORT MUST INCLUDE THE TOTAL AMOUNT EXPENDED FOR ALL OTHER EXPENSES INCURRED IN CONNECTION WITH THE LOBBYING ACTIVITIES.

COMMENT

This section is derived from former Article 8, §6-4(c)(2)(ii) through (ix).

Subsection (a)(1) of this section is new, patterned after the like requirement of SG §15-704(b)(2)(ii).

The phrase in subsection (d)(1), “whether or not...”, and the provisions of subsection (d)(2) of this section are new, patterned after like requirements in §8-20(a) of this subtitle and in the pre-2001 version of SG §15-704(b)(2)(vii) and (d)(1).

Subsection (d)(1)(iv) also is new, patterned after the pre-2001 version of SG §15-704(b)(2)(vi)3 but conformed to its counterpart in §6-28 of this article.

Throughout subsection (d), the phrase “spouse, parent, child, or sibling” is substituted for the former, more limited reference to “family”, which encompassed only a “spouse and dependent children”.

Defined terms:

<i>Child</i>	§2-6	<i>Lobbyist</i>	§2-20
<i>Gift</i>	§2-17	<i>Must</i>	cf. §2-36
<i>Include...</i>	§2-18	<i>Public servant</i>	§2-23
<i>Lobby</i>	§8-1		

§ 8-20. CONTENTS – GIFT RECIPIENTS.(A) *IN GENERAL.*

EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, EACH REPORT MUST INCLUDE THE NAME OF EACH PUBLIC SERVANT OR THE SPOUSE, PARENT, CHILD, OR SIBLING OF A PUBLIC SERVANT TO OR FOR WHOM THE LOBBYIST OR ANY PERSON ON THE LOBBYIST’S BEHALF HAS GIVEN, DURING THE REPORTING PERIOD, 1 OR MORE GIFTS WITH A CUMULATIVE VALUE OF \$150 OR MORE, WHETHER OR NOT GIVEN IN CONNECTION WITH LOBBYING ACTIVITIES.

(B) *ITEMIZATION OF CERTAIN GIFTS.*

FOR REPORTS UNDER SUBSECTION (A) OF THIS SECTION, EACH GIFT MADE AFTER THE \$150 CUMULATIVE VALUE IS MET MUST BE ITEMIZED BY:

- (1) DATE;
- (2) BENEFICIARY;
- (3) NATURE OF GIFT; AND
- (4) VALUE OF GIFT.

(C) *EXCEPTION.*

THIS SECTION DOES NOT APPLY TO GIFTS REPORTED UNDER § 8-19(D)(1)(II) OR (III) OF THIS SUBTITLE.

COMMENT

This section is derived from former Article 8, §6-4(c)(3) and (d).

The phrase “spouse, parent, child, or sibling” is substituted for the former, more limited reference to “family”, which encompassed only a “spouse and dependent children”.

Defined terms:

<i>Child</i>	§2-6	<i>Must</i>	<i>cf.</i> §2-36
<i>Gift</i>	§2-17	<i>Person</i>	§2-22
<i>Include...</i>	§2-18	<i>Public servant</i>	§2-23
<i>Lobby</i>	§8-1	<i>Reporting period</i>	§8-1
<i>Lobbyist</i>	§2-20		

§ 8-21. CONTENTS – BUSINESS TRANSACTIONS.(A) *SCOPE OF SECTION.*

(1) THIS SECTION APPLIES TO AN INDIVIDUAL WHO:

(I) IS A LOBBYIST UNDER § 8-7 {“LEGISLATIVE LOBBYING”} OR § 8-8 {“EXECUTIVE LOBBYING”} OF THIS SUBTITLE; AND

(II) ENGAGES IN A BUSINESS TRANSACTION WITH:

(A) ANY OF THE FOLLOWING OFFICIALS:

1. THE MAYOR;
2. THE CITY COMPTROLLER;
3. THE PRESIDENT OF THE CITY COUNCIL;
4. A MEMBER OF THE CITY COUNCIL;
5. THE HEAD OF ANY DEPARTMENT; OR
6. THE HEAD OF ANY BUREAU OR DIVISION WITHIN A DEPARTMENT; OR

(B) ANY OF THE FOLLOWING RELATED PERSONS:

1. THE SPOUSE, PARENT, CHILD, OR SIBLING OF AN OFFICIAL LISTED IN SUBITEM (A);
2. A BUSINESS ENTITY IN WHICH AN OFFICIAL LISTED IN SUBITEM (A) IS A PROPRIETOR OR PARTNER; OR
3. A BUSINESS ENTITY IN WHICH AN OFFICIAL LISTED IN SUBITEM (A) HAS AN OWNERSHIP INTEREST OF 10% OR MORE.

(2) THIS SECTION DOES NOT APPLY TO:

- (I) AN INDIVIDUAL WHO IS A LOBBYIST SOLELY UNDER § 8-9 {“GRASS ROOTS’ LOBBYING”} OF THIS SUBTITLE; OR
- (II) THE PERSON WHO EMPLOYS A LOBBYIST.

(B) *DISCLOSURE REQUIRED.*

EACH REPORT OF A LOBBYIST SUBJECT TO THIS SECTION MUST DISCLOSE ANY BUSINESS TRANSACTION OR SERIES OF BUSINESS TRANSACTIONS THAT:

- (1) WAS WITH A PERSON LISTED IN SUBSECTION (A)(1)(II) OF THIS SECTION;
- (2) OCCURRED DURING THE REPORTING PERIOD; AND
- (3) INVOLVED CONSIDERATION OF:
 - (I) \$1,000 OR MORE FOR A SINGLE TRANSACTION; OR
 - (II) \$5,000 OR MORE FOR A SERIES OF TRANSACTIONS.

(C) *CONTENTS.*

THE DISCLOSURE REQUIRED BY THIS SECTION MUST INCLUDE:

- (1) THE DATE OR DATES OF THE TRANSACTION OR SERIES OF TRANSACTIONS;
- (2) THE NAME AND TITLE OF THE OFFICIAL WHO WAS INVOLVED IN THE TRANSACTION OR SERIES OF TRANSACTIONS;
- (3) THE NATURE OF THE TRANSACTION OR SERIES OF TRANSACTIONS; AND
- (3) THE NATURE AND VALUE OF ANYTHING EXCHANGED IN THE TRANSACTION OR SERIES OF TRANSACTIONS.

COMMENT

This section is new, adapted from SG §15-706.

Defined terms:

<i>Business entity</i>	§2-4	<i>Must</i>	<i>cf.</i> §2-36
<i>Include...</i>	§2-18	<i>Official</i>	§2-21
<i>Interest</i>	§2-19	<i>Person</i>	§2-22
<i>Lobbyist</i>	§2-20	<i>Reporting period</i>	§8-1

§§ 8-22 TO 8-25. {RESERVED}

§ 8-26. SUPPLEMENTAL REPORTS.

THE ETHICS BOARD MAY REQUIRE A LOBBYIST TO FILE ANY ADDITIONAL OR SUPPLEMENTAL REPORTS THAT THE BOARD CONSIDERS NECESSARY.

COMMENT

This section is derived from former Article 8, §6-6.

The former requirement for the Board to first “consult[t] with the Director” is deleted as an inappropriate limitation on the Board’s powers.

Defined terms:

<i>Ethics Board</i>	§2-10	<i>May</i>	<i>cf. §2-36</i>
<i>Lobbyist</i>	§2-20		

§§ 8-27 TO 8-30. {RESERVED}**PART V. EXEMPTIONS****§ 8-31. GENERAL EXEMPTIONS.**

THE FOLLOWING ACTIVITIES ARE EXEMPT FROM REGULATION UNDER THIS SUBTITLE:

- (1) APPEARANCES AS PART OF THE OFFICIAL DUTIES OF AN ELECTED OR APPOINTED OFFICIAL OR EMPLOYEE OF THE CITY, THE STATE, THE UNITED STATES, ANY OTHER STATE, OR A POLITICAL SUBDIVISION OF ANY OF THEM, TO THE EXTENT THAT THE APPEARANCE IS NOT ON BEHALF OF ANY OTHER PERSON;
- (2) ACTIONS OF A MEMBER OF THE NEWS MEDIA, TO THE EXTENT THAT THE ACTIONS ARE IN THE ORDINARY COURSE OF GATHERING AND DISSEMINATING NEWS OR MAKING EDITORIAL COMMENT TO THE GENERAL PUBLIC;
- (3) REPRESENTATION OF A BONA FIDE RELIGIOUS ORGANIZATION, TO THE EXTENT THAT THE REPRESENTATION IS FOR THE PURPOSE OF PROTECTING THE RIGHT OF ITS MEMBERS TO PRACTICE THE DOCTRINE OF THE ORGANIZATION; OR
- (4) APPEARANCES AS PART OF THE OFFICIAL DUTIES OF AN OFFICER, DIRECTOR, MEMBER, OR EMPLOYEE OF AN ASSOCIATION ENGAGED EXCLUSIVELY IN REPRESENTING THE STATE, COUNTIES OR MUNICIPAL CORPORATIONS, TO THE EXTENT THAT THE APPEARANCE IS NOT IN BEHALF OF ANY OTHER PERSON.

COMMENT

This section is derived from former Article 8, §6-10(3), (4), (6), and (7), reorganized and clarified in accord with the similar provisions of SG §15-701(b)(1).

In item (1) of this section, a reference to officials or employees of other states is added for consistency.

Defined terms:

<i>Elected official</i>	§2-8	<i>Person</i>	§2-22
<i>Employee</i>	§2-9		

§ 8-32. QUALIFIED EXEMPTIONS.**(A) APPEARANCES ON REQUEST.**

THE FOLLOWING ACTIVITIES ARE EXEMPT FROM REGULATION UNDER THIS SUBTITLE IF THE INDIVIDUAL ENGAGES IN NO OTHER ACTS DURING THE REPORTING PERIOD THAT REQUIRE REGISTRATION:

- (1) APPEARANCES BEFORE THE CITY COUNCIL, BEFORE A COMMITTEE OR SUBCOMMITTEE OF THE CITY COUNCIL, OR BEFORE A CITY AGENCY AT THE SPECIFIC REQUEST OF THE BODY INVOLVED; OR
- (2) APPEARANCES BEFORE THE CITY COUNCIL, BEFORE A COMMITTEE OR SUBCOMMITTEE OF THE CITY COUNCIL, OR BEFORE A CITY AGENCY AT THE SPECIFIC REQUEST OF A LOBBYIST, IF THE WITNESS NOTIFIES THE BODY THAT HE OR SHE IS TESTIFYING AT THE REQUEST OF THE LOBBYIST.

(B) STUDENT ACTIVITIES.

AN ELEMENTARY, SECONDARY, OR POSTSECONDARY SCHOOL STUDENT OR STUDENT ORGANIZATION THAT COMMUNICATES AS PART OF A COURSE OR STUDENT ACTIVITY IS NOT SUBJECT TO THE REGISTRATION REQUIREMENTS OF THIS SUBTITLE BASED ON THE EXPENSE THRESHOLD OF § 8-7 {"LEGISLATIVE LOBBYING"} OR § 8-8 {"EXECUTIVE LOBBYING"} OF THIS SUBTITLE.

COMMENT

~~This Subsection (a) of this section~~ is derived from former Article 8, §6-10(2) and (5), reorganized and clarified in accord with the similar provisions of SG §15-701(b)(2). Subsection (b) of this section is new, adapted from SG § 15-701(b)(3).

Former Article 8, §6-10(1), which exempts drafting or advisory services “where these services do not otherwise constitute lobbying activities”, is deleted as superfluous. As long as the individual providing these services does not him- or herself communicate with a public servant, registration would not be required in the first place. And if the individual does communicate with a public servant, that would “constitute lobbying activities” to which the exemption does not apply.

Defined terms:

<i>Agency</i>	§2-2	<i>Reporting period</i>	§8-1
<i>Lobbyist</i>	§2-20		

§ 8-33. EMPLOYER OF REPORTING LOBBYIST.***(A) IN GENERAL.***

A PERSON THAT WOULD OTHERWISE BE REQUIRED TO REGISTER AND REPORT UNDER THIS SUBTITLE NEED NOT DO SO IF THAT PERSON:

- (1) EMPLOYS A LOBBYIST; AND
- (2) REASONABLY BELIEVES THAT THE LOBBYIST WILL:

(I) REGISTER AS REQUIRED BY THIS SUBTITLE; AND

(II) TIMELY REPORT ALL EXPENSES INCURRED IN CONNECTION WITH THAT PERSON'S LOBBYING ACTIVITIES.

(B) *AUTHORIZATION STILL REQUIRED.*

A PERSON EXEMPT UNDER SUBSECTION (A) OF THIS SECTION MUST STILL COMPLETE THE AUTHORIZATION REQUIRED BY § 8-11 {"EMPLOYER AUTHORIZATION REQUIRED"} OF THIS SUBTITLE.

(C) *EXEMPTION TERMINATES ON FAILURE TO REPORT.*

IF THE LOBBYIST FAILS TO REPORT THE INFORMATION WHEN REQUIRED BY THIS SUBTITLE, THE PERSON PREVIOUSLY EXEMPT UNDER THIS SUBSECTION IMMEDIATELY BECOMES SUBJECT TO THE REGISTRATION AND REPORTING REQUIREMENTS OF THIS SUBTITLE.

COMMENT

This section is derived from former Article 8, §6-11, and reorganized and clarified in accord with the similar provisions of SG §15-701(c).

Defined terms:

<i>Lobby</i>	§8-1	<i>Must</i>	<i>cf.</i> §2-36
<i>Lobbyist</i>	§2-20	<i>Person</i>	§2-22

§§ 8-34 TO 8-35. {RESERVED}

PART VI. PROHIBITED CONDUCT

§ 8-36. CONTINGENT COMPENSATION.

(A) *LEGISLATIVE LOBBYING.*

A LOBBYIST MAY NOT LOBBY ON BEHALF OF ANY PERSON FOR COMPENSATION THAT IS DEPENDENT IN ANY WAY ON:

- (1) THE PASSAGE, ENACTMENT, OR DEFEAT OF ANY LEGISLATION; OR
- (2) ANY OTHER CONTINGENCY RELATED TO LEGISLATIVE ACTION.

(B) *EXECUTIVE LOBBYING.*

A LOBBYIST MAY NOT LOBBY ON BEHALF OF ANY PERSON FOR COMPENSATION THAT IS DEPENDENT IN ANY WAY ON:

- (1) THE OUTCOME OF ANY EXECUTIVE ACTION RELATING TO THE SOLICITATION OR SECURING OF A PROCUREMENT CONTRACT; OR
- (2) ANY OTHER CONTINGENCY RELATED TO EXECUTIVE ACTION.

COMMENT

Subsection (a) of this section is derived from former Article 8, §6-5.

Subsection (b) of this section is new, patterned after the similar provision in SG §15-713(1).

Defined terms:

<i>Compensation</i>	§2-7	<i>Lobbyist</i>	§2-20
<i>Executive action</i>	§8-1	<i>May not</i>	cf. §2-36
<i>Legislative action</i>	§8-1	<i>Person</i>	§2-22
<i>Lobby</i>	§8-1		

§ 8-37. GIFTS.

A LOBBYIST MAY NOT MAKE A GIFT TO A PUBLIC SERVANT, DIRECTLY OR INDIRECTLY:

- (1) IF THE LOBBYIST KNOWS OR HAS REASON TO KNOW THAT THE PUBLIC SERVANT'S ACCEPTANCE OF THE GIFT WOULD VIOLATE SUBTITLE 6 {"CONFLICTS OF INTEREST"}, PART IV {"GIFTS"} OF THIS ARTICLE; OR
- (2) IF THE GIFT IS MADE AS A RESULT OF A SOLICITATION OR FACILITATION THAT THE LOBBYIST KNOWS OR HAS REASON TO KNOW IS PROHIBITED BY § 6-26(A)(2)(IV).

COMMENT

This section is new, patterned after the recently enacted SG §15-713(8) and (9).

Defined terms:

<i>Gift</i>	§2-17	<i>May not</i>	cf. §2-36
<i>Lobbyist</i>	§2-20	<i>Public servant</i>	§2-23

§ 8-38. LOANS.

UNLESS IN THE ORDINARY COURSE OF THE LOBBYIST'S BUSINESS AS OR FOR A BANKING INSTITUTION, BANKING ASSOCIATION, MORTGAGE BROKER OR LENDER, SALES FINANCE COMPANY, OR OTHER SIMILARLY REGULATED FINANCIAL OR LENDING INSTITUTION, A LOBBYIST MAY NOT MAKE OR FACILITATE THE MAKING OF ANY LOAN OF MONEY, GOODS, OR SERVICES TO A PUBLIC SERVANT.

COMMENT

This section is new, patterned after the recently enacted SG §15-713(11).

Defined terms:

<i>Lobbyist</i>	§2-20	<i>Public servant</i>	§2-23
<i>May not</i>	cf. §2-36		

§ 8-39. FUND RAISERS.

A LOBBYIST WHO IS AN INDIVIDUAL MAY NOT ENGAGE IN ANY CHARITABLE FUND-RAISING ACTIVITY AT THE REQUEST OF A PUBLIC SERVANT, INCLUDING SOLICITING A CHARITABLE CONTRIBUTION, TRANSMITTING THE SOLICITATION OF A CHARITABLE CONTRIBUTION, OR TRANSMITTING A CHARITABLE CONTRIBUTION.

COMMENT

This section is new, patterned after the recently enacted SG §15-713(10).

Defined terms:

<i>Lobbyist</i>	§2-20	<i>Public servant</i>	§2-23
<i>May not</i>	<i>cf. §2-36</i>		

§ 8-40. “BELL RINGING”: PROPOSING LEGISLATION FOR PURPOSE OF OPPOSING IT.

A LOBBYIST MAY NOT INITIATE OR ENCOURAGE THE INTRODUCTION OF LEGISLATION FOR THE PURPOSE OF OPPOSING THAT LEGISLATION.

COMMENT

This section is new, patterned after the recently enacted SG §15-713(2).

Defined terms:

<i>Lobbyist</i>	§2-20	<i>May not</i>	<i>cf. §2-36</i>
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§ 8-41. REQUESTING ENDORSEMENT.

A LOBBYIST MAY NOT ASK A PUBLIC SERVANT TO RECOMMEND TO A POTENTIAL CLIENT THE LOBBYIST’S SERVICES OR THE SERVICES OF ANY OTHER LOBBYIST.

COMMENT

This section is new, patterned after the recently enacted SG §15-713(7).

Defined terms:

<i>Lobbyist</i>	§2-20	<i>Public servant</i>	§2-23
<i>May not</i>	<i>cf. §2-36</i>		

§ 8-42. VERACITY AND CANDOR.

A LOBBYIST MAY NOT:

- (1) WHILE ENGAGING IN LOBBYING ACTIVITIES, KNOWINGLY MAKE TO A PUBLIC SERVANT A STATEMENT OF MATERIAL FACT THAT RELATES TO THE LOBBYING ACTIVITY AND THAT THE LOBBYIST KNOWS TO BE FALSE; OR
- (2) WHILE ENGAGING IN LOBBYING ACTIVITIES ON BEHALF OF A PERSON, KNOWINGLY CONCEAL FROM A PUBLIC SERVANT THE IDENTITY OF THAT PERSON.

COMMENT

This section is new, patterned after the recently enacted SG §15-713(5) and (12).

Defined terms:

<i>Lobby</i>	§8-1	<i>Person</i>	§2-22
<i>Lobbyist</i>	§2-20	<i>Public servant</i>	§2-23
<i>May not</i>	<i>cf. §2-36</i>		

GENERAL COMMENT TO SUBTITLE

The provisions of former Article 8, §6-7 {"Public inspection of records"} and §6-8 {"Review of reports"} have been deleted as unnecessary given the general provisions of §3-17 {"Review of statements and reports"} and §3-18 {"Records"} of this article to the same effect.

The provisions of former Article 8, §6-9 {"Notice to persons named"} are also deleted. Those provisions are essentially unworkable and, in any event, of marginal value.

SUBTITLE 9. ENFORCEMENT***PART I. INSPECTION OF RECORDS*****§ 9-1. RETENTION REQUIRED.**

ANY PERSON REQUIRED TO FILE A REPORT, STATEMENT, OR OTHER ITEM UNDER THIS ARTICLE MUST OBTAIN AND, FOR THE PERIOD SPECIFIED IN § 9-2 {"RETENTION PERIOD"} OF THIS SUBTITLE, RETAIN ALL ACCOUNTS, BILLS, RECEIPTS, BOOKS, PAPERS, DOCUMENTS, AND OTHER RECORDS NECESSARY TO COMPLETE AND SUBSTANTIATE THE REPORT, STATEMENT, OR OTHER ITEM.

COMMENT

This section is derived from former Article 8, §7-6(a), except for the specified retention period.

Defined terms:*Must**cf. §2-36 Person*

§2-22

§ 9-2. RETENTION PERIOD.

THE PERSON MUST RETAIN THE RECORDS REQUIRED BY § 9-1 {"RETENTION REQUIRED"} OF THIS SUBTITLE FOR AT LEAST 3 YEARS FROM:

- (1) THE DATE ON WHICH THE REPORT, STATEMENT, OR OTHER ITEM WAS FILED; OR
- (2) IF THE REPORT, STATEMENT, OR OTHER ITEM WAS NOT FILED, THE DATE BY WHICH IT WAS REQUIRED TO BE FILED.

COMMENT

This section is derived from the provisions of former Article 8, §7-6, that specified the minimum retention period.

Defined terms:*Must**cf. §2-36 Person*

§2-22

§ 9-3. INSPECTION OF RECORDS.

ON REQUEST AND REASONABLE NOTICE, THE RECORDS REQUIRED BY § 9-1 {"RETENTION REQUIRED"} OF THIS SUBTITLE MUST BE MADE AVAILABLE TO THE ETHICS BOARD OR THE CITY SOLICITOR FOR INSPECTION.

COMMENT

This section is derived from former Article 8, §7-6(b).

Defined terms:

Ethics Board

§2-10 *Must*

cf. §2-36

~~§§ 9-4 TO 9-5. {RESERVED}~~**PART II. ADMINISTRATIVE SANCTIONS****§ 9-4. IN GENERAL.**

IF, AFTER CONSIDERING A COMPLAINT BROUGHT UNDER SUBTITLE 5 {"COMPLAINTS"} OF THIS ARTICLE, THE ETHICS BOARD DETERMINES THAT THE RESPONDENT HAS VIOLATED ANY PROVISION OF THIS ARTICLE, THE BOARD MAY TAKE ANY 1 OR MORE OF THE FOLLOWING ACTIONS:

- (1) ISSUE AN ORDER DIRECTING THE RESPONDENT TO CEASE AND DESIST FROM THE VIOLATION;
- (2) ISSUE A REPRIMAND;
- (3) REFER THE MATTER TO THE APPROPRIATE OFFICIAL OR OTHER AUTHORITY FOR OTHER DISCIPLINARY ACTION AUTHORIZED BY LAW, INCLUDING CENSURE OR REMOVAL; OR
- (4) SEEK JUDICIAL RELIEF OR OTHER ENFORCEMENT ACTION UNDER THIS SUBTITLE.

COMMENT

This section is derived from former Article 8, §3-5(h), with modifications borrowed from SG §15-405(c).

§ 9-5. LOBBYING VIOLATIONS.

IF, AFTER CONSIDERING A COMPLAINT BROUGHT UNDER SUBTITLE 5 {"COMPLAINTS"} OF THIS ARTICLE, THE ETHICS BOARD DETERMINES THAT THE RESPONDENT HAS VIOLATED ANY PROVISION OF SUBTITLE 8 {"LOBBYING"} OF THIS ARTICLE, THE BOARD MAY TAKE ANY 1 OR MORE OF THE FOLLOWING ACTIONS:

- (1) REQUIRE A RESPONDENT WHO IS A LOBBYIST TO FILE ANY ADDITIONAL REPORTS OR INFORMATION THAT REASONABLY RELATES TO THE INFORMATION REQUIRED BY SUBTITLE 8;
- (2) IMPOSE A CIVIL PENALTY OF NOT MORE THAN \$1,000 FOR EACH VIOLATION; OR
- (3) TAKE ANY OTHER ACTION AUTHORIZED BY § 9-4 {"IN GENERAL"} OF THIS SUBTITLE.

COMMENT

This section is new, patterned after the recently enacted SG §15-405(d).

PART ~~H~~ III. JUDICIAL RELIEF**§ 9-6. PETITION TO COURT.****(A) *IN GENERAL.***

THE ETHICS BOARD MAY FILE A PETITION IN CIRCUIT COURT, ON BEHALF OF THE MAYOR AND CITY COUNCIL, TO COMPEL COMPLIANCE WITH OR SEEK OTHER RELIEF UNDER THIS ARTICLE.

(B) *REMEDIES CUMULATIVE.*

THE REMEDIES AUTHORIZED IN THIS ARTICLE ARE CUMULATIVE, AND THE COURT MAY GRANT ALL OR PART OF THE RELIEF SOUGHT.

COMMENT

Subsection (a) of this section is derived from former Article 8, §7-1(a).

Subsection (b) of this section is new, patterned after SG §15-902(c).

The former reference to an action being brought by the “City Solicitor” is corrected to refer to the Ethics Board. Under the Charter, of course, the City Solicitor would serve as the City’s lawyer and, as such, would represent the Board in court. But the complaining party is the Ethics Board.

Defined terms:

<i>Ethics Board</i>	§2-10
<i>May</i>	<i>cf.</i> §2-36

§ 9-7. RELIEF GENERALLY.

IN AN ACTION BROUGHT UNDER § 9-6 {“PETITION TO COURT”} OF THIS SUBTITLE, THE COURT MAY COMPEL COMPLIANCE WITH THIS ARTICLE:

- (1) BY ISSUING AN ORDER TO CEASE AND DESIST FROM A VIOLATION; OR
- (2) BY GRANTING OTHER INJUNCTIVE RELIEF.

COMMENT

This section is derived from former Article 8, §7-1(b), with modifications borrowed from SG §15-902(a).

Defined terms:

<i>May</i>	<i>cf.</i> §2-36
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§ 9-8. CIVIL PENALTY.

(A) *PENALTY AUTHORIZED.*

IN AN ACTION BROUGHT UNDER § 9-6 {"PETITION TO COURT"} OF THIS SUBTITLE, THE COURT MAY IMPOSE A CIVIL PENALTY OF UP TO \$1,000 FOR ANY VIOLATION OF THIS ARTICLE.

(B) *EACH DAY A SEPARATE OFFENSE.*

FOR THIS PURPOSE, EACH DAY ON WHICH A VIOLATION OCCURS IS A SEPARATE OFFENSE.

COMMENT

This section is derived from former Article 8, §7-1(c).

Defined terms:

May

cf. §2-36

§ 9-9. VOIDING OFFICIAL ACT.

(A) *IN GENERAL.*

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IN AN ACTION BROUGHT UNDER § 9-6 {"PETITION TO COURT"} OF THIS SUBTITLE, THE COURT MAY VOID AN OFFICIAL ACT OF A PUBLIC SERVANT IF:

- (1) THE PUBLIC SERVANT HAD A CONFLICT OF INTEREST THAT IS PROHIBITED BY THIS ARTICLE;
- (2) THE ACT AROSE FROM OR CONCERNED THE SUBJECT MATTER OF THE CONFLICT;
- (3) THE PROCEEDING WAS BROUGHT WITHIN 90 DAYS AFTER THE ACT OCCURRED; AND
- (4) THE COURT DETERMINES THAT THE CONFLICT HAD AN IMPACT ON THE ACT.

(B) *EXCEPTIONS.*

- (1) THE COURT MAY NOT VOID ANY CONTRACT PREVIOUSLY APPROVED BY THE BOARD OF ESTIMATES WITHOUT THE EXPRESS CONSENT OF THE BOARD OF ESTIMATES.
- (2) THE COURT MAY NOT VOID ANY OFFICIAL ACT THAT:
 - (I) APPROPRIATES PUBLIC FUNDS;
 - (II) LEVIES A TAX; OR
 - (III) PROVIDES FOR THE ISSUANCE OF A BOND, NOTE, OR OTHER EVIDENCE OF PUBLIC OBLIGATION.

COMMENT

This section is new, patterned after SG §15-902(b)(1)(ii) and (2) and derived in part from the otherwise inapposite limitation in former Article 9, §7-3 on a court's "void[ing] or set[ting] aside any ... official action".

The exception in subsection (b)(1) of this action is added to recognize and preserve the plenary authority of the Board of Estimates over contracts. See Part ~~HH~~ IV below.

Defined terms:

<i>May</i>	<i>cf. §2-36</i>	<i>Public servant</i>	§2-23
<i>May not</i>	<i>cf. §2-36</i>		

§ 9-10. {RESERVED}

PART ~~HH~~ IV. CONTRACTS

§ 9-11. ACTION BY BOARD OF ESTIMATES.

(A) *IN GENERAL.*

EXCEPT AS PROVIDED IN § 9-12 {"EXCEPTIONS"} OF THIS SUBTITLE, THE BOARD OF ESTIMATES MAY VOID A CONTRACT WITH THE CITY IF:

- (1) A PUBLIC SERVANT HAD A CONFLICT OF INTEREST THAT IS PROHIBITED BY THIS ARTICLE;
- (2) THE CONTRACT AROSE FROM OR CONCERNED THE SUBJECT MATTER OF THE CONFLICT; AND
- (3) THE BOARD DETERMINES THAT THE CONFLICT HAD AN IMPACT ON THE CONTRACT.

(B) *SCOPE.*

IN TAKING ACTION UNDER THIS SECTION, THE BOARD OF ESTIMATES MAY VOID A CONTRACT:

- (1) IN WHOLE OR IN PART; AND
- (2) ON THE TERMS AND CONDITIONS THAT THE BOARD SETS.

COMMENT

This section is derived from former Article 8, §7-2(a).

In subsection (a) of this section, the listed criteria are derived from SG §15-902(b)(1)(ii), as incorporated also in §9-9 of this subtitle. (The 90-day limitations period is omitted here as inapposite to administrative action by the Board.)

Former Article 8, §7-2(b), referring to the exclusivity of these provisions, is deleted as unnecessary in the current context. Under §9-9(b)(1) and this Part ~~HH~~ IV, the exclusive authority of the Board of Estimates over contracts is preserved.

Defined terms:

<i>May</i>	<i>cf. §2-36</i>	<i>Public servant</i>	§2-23
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§ 9-12. EXCEPTIONS.

THE BOARD OF ESTIMATES MAY NOT VOID ANY CONTRACT UNDER THIS SUBTITLE THAT PROVIDES FOR THE ISSUANCE OF A BOND, NOTE, OR OTHER EVIDENCE OF PUBLIC OBLIGATION.

COMMENT

This section is derived from former Article 8, §7-3, as it relates to contracts.

Defined terms:

May not

cf. §2-36

§§ 9-13 TO 9-15. {RESERVED}***PART ~~IV~~ V. DISCIPLINARY ACTION*****§ 9-16. PERSONS OTHER THAN ELECTED OFFICIALS.**

IN ADDITION TO ANY OTHER PENALTY IMPOSED UNDER THIS ARTICLE, IF THE ETHICS BOARD FINDS THAT A PUBLIC SERVANT, OTHER THAN AN ELECTED OFFICIAL, HAS VIOLATED A PROVISION OF THIS ARTICLE:

- (1) THE PUBLIC SERVANT MAY BE REMOVED OR SUBJECTED TO OTHER DISCIPLINARY ACTION BY THE APPROPRIATE AUTHORITY; AND
- (2) IF THE PUBLIC SERVANT IS SUBJECT TO A BOARD OR COURT ORDER THAT DIRECTS COMPLIANCE, THE PUBLIC SERVANT MAY NOT BE PAID ANY SALARY OR OTHER COMPENSATION PENDING FULL COMPLIANCE WITH THE ORDER.

COMMENT

This section is derived from former Article 8, §7-5.

Item (2) of this section is revised to require, rather than merely permit, the suspension of pay for a recalcitrant public servant. This change conforms to the like provisions of SG §15-904.

Defined terms:

Compensation
Elected official
Ethics Board

§2-7
§2-8
§2-10

May
Public servant

cf. §2-36
§2-23

§ 9-17. ELECTED OFFICIALS.

IF THE ETHICS BOARD FINDS THAT AN ELECTED OFFICIAL HAS VIOLATED A PROVISION OF THIS ARTICLE, THE BOARD MUST REPORT ITS FINDINGS TO THE MAYOR AND THE CITY COUNCIL FOR APPROPRIATE ACTION.

COMMENT

This section is derived from former Article 8, §7-2(c).

The former limitation to violations of the conflicts provisions is deleted and the section made applicable to violations of any of this article's provisions.

Also, the former reference to reporting to the City Solicitor is changed to refer, instead, to the Mayor. In at least two instances under the Charter, the Mayor is the only one authorized to prefer charges. *See* Charter Article III, §3(b) and Article V, §2.

Defined terms:

<i>Elected official</i>	§2-8	<i>Must</i>	<i>cf.</i> §2-36
<i>Ethics Board</i>	§2-10		

§§ 9-18 TO 9-20. {RESERVED}

PART ~~V~~ VI. CRIMINAL PENALTIES

§ 9-21. REFERRAL TO PROSECUTING AUTHORITY.

(A) *IN GENERAL.*

IF, WHILE CONSIDERING A COMPLAINT, THE ETHICS BOARD FINDS THAT THERE ARE REASONABLE GROUNDS TO BELIEVE THAT THE RESPONDENT HAS COMMITTED A CRIMINAL OFFENSE, THE BOARD MUST PROMPTLY REFER THE MATTER TO THE APPROPRIATE PROSECUTING AUTHORITY.

(B) *EVIDENCE.*

THE ETHICS BOARD MUST MAKE AVAILABLE TO THE PROSECUTING AUTHORITY ALL PERTINENT EVIDENCE UNDER ITS CONTROL.

COMMENT

This section is new, patterned after SG §15-408.

Defined terms:

<i>Ethics Board</i>	§2-10	<i>Must</i>	<i>cf.</i> §2-36
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§ 9-22. VIOLATIONS OF LOBBYING SUBTITLE.

(A) *IN GENERAL.*

ANY PERSON WHO KNOWINGLY VIOLATES A PROVISION OF SUBTITLE 8 {"LOBBYING"} OF THIS ARTICLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR IMPRISONMENT OF NOT MORE THAN 12 MONTHS OR BOTH.

(B) *OFFICERS AND PARTNERS.*

IF THE PERSON IS A BUSINESS OR OTHER ENTITY, EACH OFFICER OR PARTNER OF THE ENTITY WHO KNOWINGLY AUTHORIZES OR PARTICIPATES IN THE VIOLATION IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO THE PENALTY SPECIFIED IN SUBSECTION (A) OF THIS SECTION.

COMMENT

This section is derived from former Article 8, §7-4.

The former reference to the City Solicitor's requesting prosecution is deleted as unnecessary.

Defined terms:

Business entity

§2-4

Person

§2-22

Article 13. Housing and Urban Renewal**Subtitle 2. Department of Housing and Community Development****§ 2-14. Conflicts of interest.****(c) Ethics Code prevails.**

[In any or all cases where there is any conflict or inconsistency between] IF any [of the provisions] PROVISION of this [§ 2-14] SECTION[, or the application thereof, and] CONFLICTS WITH any [of the provisions] PROVISION of CITY CODE Article 8 {"ETHICS"} [of the Baltimore City Code (1976 Edition, as amended),] the [provisions of Article 8 shall prevail] MORE STRINGENT PROVISION PREVAILS.

SECTION 3. AND BE IT FURTHER ORDAINED, That the catchlines preceding and the comments following the various sections and subsections in this Ordinance are for guidance only. They are not law and may not be considered to have been enacted as a part of this Ordinance.

SECTION 4. AND BE IT FURTHER ORDAINED, That the Department of Legislative Reference, when publishing supplemental or replacement pages to the City Code, may correct any references in the Code that are rendered obsolete by this Ordinance.

SECTION 5. AND BE IT FURTHER ORDAINED, That each official in office on the effective date of this Ordinance must complete the training course required by § 3-20 and file the affidavit required by § 3-21 within 6 months of the effective date of this Ordinance.

SECTION 6. AND BE IT FURTHER ORDAINED, That:

(a) The Codes of Conduct adopted by the Mayor (Executive Order dated June 13, 1995), the City Council (Resolution 95-1279), and the Comptroller (July 14, 1995), having been specifically drafted to supplement the now-repealed provisions of former City Code Article 8, are repealed.

(b) The Mayor, the City Council, the Comptroller, and all other agencies are encouraged to consult with the Ethics Board and develop, in accord with City Code Article 8, § 2-33(c), as enacted by this Ordinance, rules or regulations to supplement the statutory provisions governing conflicts of interest.

SECTION 6 7. AND BE IT FURTHER ORDAINED, That, to avoid any undue burden that might result from the changes made by this Ordinance in reporting periods and filing deadlines for financial disclosure statements and lobbyist activity reports, the Board of Ethics may advance or delay, as appropriate, the filing deadline for

the first statement or report to be filed after the effective date of this Ordinance and may shorten or lengthen, as appropriate, the reporting period for that first statement or report.

SECTION 8. AND BE IT FURTHER ORDAINED, That City Code Article 8, §§ 6-6 and 6-39, as enacted by this Ordinance, do not prohibit the continued employment of a relative of a public servant if:

- (1) the employment was entered into prior to the enactment of this Ordinance; and
- (2) immediately prior to the enactment of this Ordinance, the employment and the public servant's participation in the employment conformed to all then-applicable laws, rules, and other standards of conduct.

SECTION 7 9. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on ~~the 90th day after~~ the later of (i) ~~the date this Ordinance is enacted, or~~ January 1, 2005, and (ii) the date on which this Ordinance is approved by the State Ethics Commission.

Approved July 8, 2004

MARTIN O'MALLEY, Mayor

{CONTINUED IN VOLUME 2}

