CHARTER
OF
BALTIMORE CITY

(As Last Amended by Ch. 624, Acts of 2013)

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For information – call, write, or fax:

Department of Legislative Reference
626 City Hall
Baltimore, Maryland 21202
Tel: (410) 396-4730 ☎ Fax: (410) 396-8483

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CHARTER
OF
BALTIMORE CITY

Editor's Notes: This Edition of the Charter was proposed by Resolution 94-025, and ratified November 8, 1994. Detailed legislative histories of enactments and amendments before 1949 are included in the 1949 Edition of the "Charter and Public Local Laws of Baltimore City". The reports of the Charter Revision Commissions that drafted the subsequent 1964 and 1994 Revisions are on file in the Library of the Department of Legislative Reference in City Hall.

Charter amendments adopted after the 1994 Revision are identified in parenthesis at the end of the affected section or subsection.

Captions or headings for various subsections have been added for convenience of reference. Like the preexisting headings to sections, these are intended solely for convenience of reference. They are not part of the Charter and should not be taken as affecting the meaning or effect of the law. *Cf.* Article I, § 2(m).

ARTICLE I
GENERAL PROVISIONS

§ 1. Corporate entity.

The inhabitants of the City of Baltimore are a corporation, by the name of the "Mayor and City Council of Baltimore," and by that name shall have perpetual succession, may sue and be sued, may purchase and hold real, personal and mixed property and dispose of the same for the benefit of the City, as herein provided, and may have and use a common seal, which may be altered at pleasure.

§ 2. Definitions.

As used in this Charter, unless the context otherwise requires:

(a) *City.*

"City" means the Mayor and City Council of Baltimore, the body corporate as established by Section 1 of this Article I.

(b) *Voter.*

"Voter" means any person whose name appears on the election records kept by the Board of Supervisors of Elections of Baltimore City, as a qualified voter in the City.

(c) *Charter.*

"Charter" means this Charter, composed of Articles I to IX, inclusive, and any amendments and additions thereto which may hereafter be duly adopted; reference herein to articles and sections by number are references to articles and sections of the Charter.

(d) *Person.*

"Person" means any individual, firm, partnership, corporation, company, association, or body politic except the City; and includes any personal representative, agent, trustee, receiver, assignee or other similar representative thereof.

(e) *Number; gender.*

Except where such construction would be unreasonable, the singular always includes the plural, and vice versa, and the masculine includes all genders.

(f) *Officer; municipal officer.*

"Officer" and "municipal officer" shall include, but shall not be limited to, the heads of all departments and bureaus, the members of all commissions and boards, and persons who exercise authority comparable to that of heads of departments or bureaus.

(g) *Term of office.*

"Term of office" means the period of time for which any person shall have been elected or appointed to hold office, and in addition such time as shall elapse after the expiration of his term until his successor shall have been elected or appointed and qualified.

(h) *Ordinance of Estimates.*

"Ordinance of Estimates" and "annual Ordinance of Estimates" shall include supplementary appropriation ordinances.

(i) *Subject to the authority.*

"Subject to the authority" shall mean that the person or body possessed of such authority may amend or revoke the action or decision subject to such authority or reserve to himself or itself such action or decision.

(j) *Municipal agency.*

"Municipal agency" shall include all departments, bureaus, boards and commissions and persons not embraced in a department who exercise authority comparable to that of heads of departments or bureaus.

(k) *Street.*

"Street", unless the contrary clearly appears from the context, shall include any public street, boulevard, road, alley, lane, sidewalk, footway or other public way owned by the city or habitually used as such by the public.

(1) *Members.*

Wherever provision is made in the Charter that the City Council shall act by a majority or other proportion of its members, the term "members" in the phrase "of its members" shall mean the total number of members provided for by law, including the President, whether or not any vacancies due to death, resignation, disqualification or other cause may then exist.

(m) *Headings*.

Any headings preceding the text of the several articles and sections hereof are inserted solely for convenience of reference, and shall not constitute a part of the Charter, nor shall they affect its meaning, construction or effect.

(n) *Acting.*

"Acting" status authorizes one who is substituting for another to exercise the powers and perform the duties of the other's office.

(o) *Law.*

"Law" consists of those rules that bind or control the actions of Baltimore City and its officers and agents, including, when applicable, federal law, state law and city ordinances.

§ 3. Property rights; trusts; gifts.

All the property and franchises of every kind belonging to, in the possession of, or hereafter acquired by the City are vested in it and it may dispose of any property belonging to it in the manner and upon the terms provided in the Charter.

The City may receive in trust, and may control for the purposes of such trust, all moneys and assets which may have been or shall be bestowed upon it by will, deed or any other form of gift or conveyance in trust for any corporate purpose, or in aid of the indigent poor, or for the general purposes of education or for charitable purposes of any description. All trust funds now held or subsequently received shall be administered with respect to investment and reinvestment, subject to any limitations in the trust, by the Board of Finance.

The City may also accept grants for its corporate purposes from any government, governmental agency or person.

§ 4. Condemnation interests.

Whenever the City shall condemn any land for any public or municipal purpose, in all cases the absolute and unqualified fee simple title to such land, or, when the proceeding is in personam, all the right, title and interest of the owner or owners who are made parties to the proceeding, if they should not be the owners of the entire fee simple title, shall be condemned and acquired; so that neither the land nor any interest therein, shall under any circumstances revert to the person or persons who shall be the owners thereof at the time of the condemnation, or who shall be parties to the proceeding in personam, nor to any person or persons claiming under him, her or them; provided, however, that when the condemnation shall be provided for by ordinance, the City may determine, and in the ordinance providing for the condemnation declare, that an interest, less than the fee simple interest, for a fixed and limited period of time, or some other limited interest, will suffice for the purpose or purposes for which the property is to be acquired, and under such circumstances, only such interest shall be condemned and acquired.

§ 5. Uniform application throughout City; public ways.

The Charter shall apply in every section of Baltimore City without distinction because of the date at which it became a part of the City, and all existing streets, avenues, roads, alleys and bridges within the City, heretofore dedicated and accepted or condemned or otherwise established as roads or streets by any then proper public authority, are in all respects validly constituted public streets and highways of the City.

§ 6. Uniform taxation.

The taxes levied by the City with respect to ownership of the same class of property or property rights, shall be uniform in rate throughout the entire City.

§ 7. Records; reports

(a) *Required maintenance; admissibility; public inspection.*

A suitable record of all the proceedings, financial transactions and official acts of all municipal agencies, shall be kept, and a certified copy of the record, or any part thereof, under the corporate seal of the City shall be admissible in evidence in any court of this State as proof of such record, or a part thereof. A record shall be available for public inspection unless otherwise expressly ordered by the head of the agency or the municipal officer by or on behalf of whom the record is kept; and in the event that written demand shall be made for the public disclosure of any matter deemed confidential by the head of an agency or by a municipal officer, the demand shall at once be referred to the Board of Estimates and the Board, after consultation with the City Solicitor as to the legal propriety of its action, may order the demanded disclosure to be made in whole or in part.

(b) *Microfilm, etc.*

The City may provide by ordinance for the making and keeping of all or some records on microfilm or by other method of reproduction and, when so made, for the destruction of the original records. Any such reproduction or print therefrom shall be in all respects the equivalent of the original from which made, and when authenticated as above provided shall be admissible in evidence in any court of this State as proof of that record, or part thereof.

(c) *Annual report; other information.*

Unless otherwise directed by the Board of Estimates, every municipal agency of the City shall prepare annually a written report of its work and proceedings. A copy of each report shall be filed with the Mayor and a copy shall also be filed with the Department of Legislative Reference; additional copies of each report, or parts thereof, shall be prepared and made available as from time to time may be directed by the Board of Estimates.

Upon request of the Mayor or Board of Estimates every municipal agency shall promptly supply the Mayor or the Board with all requested information with respect to the practice and proceedings of the agency; provided, however, that this information need not be given with

respect to any undetermined policy or opinion, nor shall the Board of Municipal and Zoning Appeals make any disclosure as to any pending appeal other than to furnish a copy of the testimony and papers filed with it pertaining to that appeal.

§ 8. Official time.

The official time of the City of Baltimore shall conform to standard time based upon the time of the seventy-fifth meridian, except that, from two o'clock a.m. of the last Sunday in April until two o'clock a.m. of the last Sunday in September of each year, the official time throughout the City of Baltimore shall be advanced one hour, and all courts, public offices, legal and official proceedings, insofar as the same are subject to or under the control of the Mayor and City Council of Baltimore, shall be regulated thereby, and all time shown by the public clocks shall agree therewith. Provided, however, that the Mayor and City Council by ordinance passed not less than fifteen days before the change would become effective, may extend the period during which the one hour variation from standard time shall be effective in any year or years. The extension may be to change the advance in time up to two o'clock a.m. on the last Sunday in March, or back to two o'clock a.m. on the last Sunday in October, or both such changes, or any portion or portions of either. Any such extension may be provided only if other municipalities or sections of the United States shall have made such a change, and in the opinion of the Mayor and City Council thereby have caused inconvenience and annoyance to the commercial, economic, industrial or social affairs of the residents of Baltimore City.

§ 9. Inner Harbor Park

There is hereby dedicated to public park uses for the benefit of this and future generations of the City of Baltimore and the State of Maryland the portion of the City that lies along the north, west and south shores of the Inner Harbor, south of Pratt Street to the water's edge, east of Light Street to the water's edge and north of Key Highway to the water's edge, from the World Trade Center around the shoreline of the Inner Harbor to and including Rash Field, except that, in order to provide eating places and other commercial uses, areas totalling not more than 3.2 acres plus access thereto, within the dedicated space and north of an easterly extension of the south side of Conway Street shall be set aside for such purposes; and except that an area of not more than 3.4 acres shall be set aside for use by the Maryland Science Center, plus access thereto.

§ 10. Affordable housing funds.

(a) *Authorization.*

By Ordinance, the Mayor and City Council of Baltimore may establish 1 or more continuing, nonlapsing funds for purposes of promoting economically diverse housing in City neighborhoods, including:

(1) providing assistance, by loan, grant, or otherwise, for the planning, production, maintenance, or expansion of affordable housing in the City;

(2) providing assistance, by loan, grant, or otherwise, to persons unable to obtain affordable housing; and

(3) otherwise increasing housing opportunities for working families and other persons of low and moderate income.

(b) *Revenue sources.*

A fund established under this section may comprise:

(1) money appropriated to the fund in the annual Ordinances of Estimates; and

(2) grants or donations made to the fund.

(c) *Continuing nature of fund.*

Notwithstanding any other provision of this Charter, unspent portions of a fund established under this section:

(1) remain in the fund, to be used exclusively for their ordained purposes;

(2) do not revert to the general revenues of the City; and

(3) their appropriations do not lapse.

(Res. 06-015, ratified Nov. 7, 2006.)

§ 11. Sustainability and related funds.

(a) *Authorization.*

By Ordinance, the Mayor and City Council of Baltimore may establish 1 or more continuing, nonlapsing funds for purposes of promoting sustainability, maintaining and establishing parks and other open spaces, and cleaning and preserving the natural environment within the City of Baltimore, including:

(1) supporting the activities of a City office of sustainability and of other offices necessary or appropriate for these purposes and goals;

(2) performing educational outreach on these purposes and goals;

(3) providing assistance by loan, grant, or otherwise to individuals and organizations undertaking activities to further these purposes and goals; and

(4) conducting research to advance theses purposes and goals.

(b) *Revenue sources.*

A fund established under this section may comprise:

(1) money appropriated to the fund in the annual Ordinances of Estimates; and

(2) grants or donations made to the fund.

(c) *Continuing nature of fund*.

Notwithstanding any other provision of this Charter, unspent portions of a fund established under this section:

(1) remain in the fund, to be used exclusively for their ordained purposes;

(2) do not revert to the general revenues of the City; and

(3) their appropriations do not lapse.

(Res. 10-021, ratified Nov. 2, 2010.)

§ 12. Special funds for education.

(a) *Authorization.*

(1) By Ordinance, the Mayor and City Council of Baltimore may establish 1 or more continuing, nonlapsing funds for purposes of enhancing the educational environment in Baltimore City by creating modern, state-of-the-art schools.

(2) These purposes include supporting and augmenting programs and activities of the Baltimore City Public School System that are designed to:

(i) increase new school construction;

(ii) renovate and improve existing City school building;

(iii) renew athletic facilities and provide recreational equipment and supplies; and

(iv) modernize education-related equipment and supplies.

(b) *Revenue sources.*

A fund established under this section may comprise:

(1) money appropriated to the fund in the annual Ordinances of Estimates; and

(2) grants or donations made to the fund.

(c) *Continuing nature of fund*.

Notwithstanding any other provision of this Charter, unspent portions of a fund established under this section:

(1) remain in the fund, to be used exclusively for their ordained purposes;

(2) do not revert to the general revenues of the City; and

(3) their appropriations do not lapse.

(Res. 11-032, ratified Nov. 9, 2011.)

ARTICLE II
GENERAL POWERS

Editor's Notes: Article II contains the "express powers" of the Mayor and City Council of Baltimore, as enacted and amended over the years by the Maryland General Assembly. Enactments since the 1964 Revision are indicated in the parentheses at the end of the affected sections.

The Mayor and City Council of Baltimore shall have full power and authority to exercise all of the powers heretofore or hereafter granted to it by the Constitution of Maryland or by any Public General or Public Local Laws of the State of Maryland; and in particular, without limitation upon the foregoing, shall have power by ordinance, or such other method as may be provided for in its Charter, subject to the provisions of said Constitution and Public General Laws:

§ (1) Buildings.

To regulate the location, construction, use, operation, maintenance and removal of buildings and structures, or any part thereof, of every kind.

§ (2) Condemnation.

(a) *In general.*

To acquire by purchase or condemnation any property, or interest therein, of any kind for any public purpose, and to provide for the procedure, with reasonable notice to the owner, by which such purchase or condemnation shall be made; and to acquire property adjoining or near to property to be used for any public purpose and to sell or dispose of such property subject to restrictions and reservations, and to assess benefits on any person benefited by any public works, construction or improvement.

Nothing in this subsection shall be construed to authorize the condemnation of property beyond the City limits. Provided, however, that nothing contained in this subsection shall be construed to authorize the City of Baltimore to acquire the franchise of any existing public utility, for the purpose of operation thereof, unless such acquisition has first been approved at a special or regular election by the duly qualified voters of said City.

(b) *Sports franchises.*

To acquire by purchase or condemnation any professional sports franchise which has or had the territorial rights to represent Baltimore City on or after January 1, 1983, including, without limitation,

(1) the franchise right to compete in an organized league or association;

(2) the business entity owning or operating such franchise;

(3) all contractual rights owned by the business entity which are necessary, incident, and appropriate to ownership and operation of such franchise;

(4) all interests in and rights to real property owned by the business entity which are necessary, incident, and appropriate to ownership and operation of such franchise; and

(5) any and all other property rights;

wheresoever the same may be located in the State of Maryland, whether tangible, intangible, real, personal, or mixed owned by the business entity, or to which the business entity has a claim, which are necessary, incident to and appropriate to the operation of a professional sports franchise in Baltimore City; and to sell or otherwise dispose of such franchise and collateral rights, in whole or in part, subject to such restrictions and reservations as may be necessary or appropriate.

(Ch. 6, Acts of 1984.)

§ (3) Federal grants and contracts.

To accept from the United States or any agency thereof any grant or aid of any character, and, upon approval of the Board of Estimates, to make any contract with the United States or any agency thereof.

§ (4) Wage and hour requirements for public contracts.

To provide by ordinance for incorporating in any and all contracts made by the Mayor and City Council of Baltimore, or on its behalf, with any person, firm or corporation for the performance of any work, labor or services for said municipal corporation, the maximum number of hours which shall constitute a day's work for, and the minimum rate of wages or salaries to be paid to any and all classes of, employees of contractors and subcontractors performing any kind of work, labor or services for said municipal corporation while such employees are engaged or employed in the performance of such work, labor or services, and for penalties to be imposed on such contractors or subcontractors failing to comply with any and all hour and wage provisions contained in any such contract in which they are interested; and by ordinance to empower the Board of Estimates of said municipal corporation to exercise any and all the power and authority herein granted to said municipality and make any and all rules and regulations and do any and all things, from time to time, that may be necessary or proper to put into operation and effect any and all of the aforegoing provisions.

§ (4A) Contract disputes.

(a) *Sovereign immunity.*

Unless otherwise specifically provided by the laws of Maryland, Baltimore City, its officers, departments, agencies, boards, commissions, or other units of government may not raise the defense of sovereign immunity in the courts of this State in an action in contract based on a written contract executed on behalf of the City, department, agency, board, commission, or unit by an official or employee acting within the scope of authority.

(b) *Statutory immunity.*

In any action in contract described in subsection (a) of this section, Baltimore City, its officers, departments, agencies, boards, commissions, and other units of government have the immunity from liability described in § 5-509 of the Courts and Judicial Proceedings Article.

(c) *Limitations.*

A claim is barred unless the claimant files suit within 1 year from the date on which the claim arose or within 1 year after completion of the contract giving rise to the claim, whichever is later.

(d) *Funds to satisfy final judgment.*

The Mayor and City Council of Baltimore shall make available adequate funds for the satisfaction, after the exhaustion of any right of appeal, of a final judgment that has been rendered against the City or any officer, department, agency, board, commission, or other unit of government in an action in contract as provided in this section.

(e) *Construction contracts – In general.*

Except as provided in subsections (f) and (g) of this section, Baltimore City may not require in a construction contract, or otherwise provide with regard to a construction contract, to which it is a party, that a dispute between the parties involving $10,000 or more over the terms of the contract or performance under the contract be subject to final binding or conclusive determination by an officer or official body of Baltimore City.

(f) *Construction contracts – Decision by neutral party or arbitration panel.*

With regard to a construction contract to which it is a party, Baltimore City may provide or require that if there is a dispute over the terms of the contract or performance under the contract, the questions involved in the dispute shall be subject to a determination that is final and conclusive on all parties, made either by:

(1) a neutral person or entity selected by or in accordance with a procedure established by the Mayor of Baltimore City; or

(2) if the other party does not accept as neutral a person or entity selected under paragraph (1) of this subsection, by an arbitration panel composed of the following:

(i) one member designated by the Mayor of Baltimore City;

(ii) one member designated by the other party to the dispute; and

(iii) one member selected by mutual agreement of the 2 designated members from lists to be submitted by the parties to the dispute.

(g) *Construction contracts – Decision by City officer subject to judicial review.*

Notwithstanding the provisions of subsections (e) and (f) of this section, with regard to a construction contract to which it is a party, Baltimore City may provide or require that if there is a dispute between the parties involving $10,000 or more over the terms of the contract or performance under the contract, the dispute is subject to a determination of questions of fact by an officer or official body of Baltimore City, subject to review on the record by a court of competent jurisdiction.

(Ch. 539, Acts of 1984; Ch. 521, Acts of 2002.)

§ (5) Entry on private property.

To enter, by its officers or agents, the land or possessions of any person for the purpose of carrying out the powers enumerated in this Article II.

§ (6) Ferries.

To establish, acquire, own and operate municipal ferries in the harbor of Baltimore.

§ (7) Fire.

To provide for protection against fires, and to establish and to regulate all matters relating to a Fire Department.

§ (8) Food.

To license, regulate and inspect the manufacture, transportation, storage, sale and disposition of food of every kind.

§ (9) Foreign trade zones.

To make application for establishing, maintaining and operating foreign trade zones in the Baltimore port of entry and in the State of Maryland within a radius of 60 miles beyond the port of entry limits, and to maintain and operate such foreign trade zones when established agreeable to and pursuant to the provisions of the Act of the 73rd Congress No. 397, approved June 18, 1934, entitled "A Bill to provide for the establishment, operation and maintenance of Foreign Trade Zones in ports of entry in the United States and to expedite and encourage foreign commerce", and any amendment thereof.
(Chs. 52 and 43, Acts of 2009.)

§ (10) Harbor, docks, and wharves.

To provide for the preservation of the navigation of the Patapsco River and tributaries, including the establishment of lines throughout the entire length of said Patapsco River and tributaries, beyond which lines no piers, bulkheads, wharf, pilings, structures, obstructions or extensions of any character may be built, erected, constructed, made or extended; to provide for and regulate the stationing, anchoring and moving of vessels or other watercraft, and to prevent any material, refuse or matter of any kind from being thrown into, deposited in or placed where the same may fall, or be washed, into said river or tributaries; to make surveys or charts of the Patapsco River and tributaries, and to ascertain the depth and course of the channels of the same; to erect and maintain and to authorize the erection and maintenance of, and to make such regulations as it may deem proper, respecting wharves, bulkheads, piers and piling, and the keeping of the same in repair, so as to prevent injury to navigation or health; to regulate the use of public wharves, docks, piers, bulkheads or pilings, and to lease or rent the same, and to impose and collect dockage from all vessels and watercraft lying at or using the same, and to collect wharfage and other charges upon all goods, wares, merchandise or other articles landed at, shipped from, stored on or passed over the same.

Except with respect to docks or wharves owned by the City, nothing contained in this subsection (10) shall be construed to impose any duty upon the City to any person using said river, or any of its tributaries, in regard to the safety thereof, or to render the said City liable for any loss of life, or

injury or damage to person or property, by reason of any obstruction in, or unsafe condition of, any part of said river, or of said tributaries, nor shall anything contained in this subsection (10) be so construed as to render the City or any municipal agency or officer, liable in damage or otherwise to any person for any omissions to pass or enforce any ordinance, regulation or resolution pursuant to the provisions hereof.

§ (11) Health and nuisances.

To provide for the preservation of the health of all persons within the City; to prevent the introduction of contagious diseases within the City, and within three miles of the same upon land, and within fifteen miles thereof upon the navigable waters leading thereto; and to prevent and remove nuisances.

§ (12) Hospitals, etc.

To erect, establish and maintain hospitals, reformatories and almshouses, within or without the limits of the City.

§ (13) Jail.
{Repealed by Ch. 59, Acts of 1991.}

§ (14) Jones' Falls.

To make such improvements in connection with Jones' Falls as in its judgment are desirable, and for this purpose to change the course, lines, depth and boundaries of said stream, in whole or part; to compel any person owning property binding on Jones' Falls, within the limits of the City, to wall up such property, so far as the same may bind on the Falls, with a good and sufficient wall to such height as in its judgment the public good may require, so as to secure the same and the adjacent property from the danger of being inundated with water; to compel any person to rebuild or repair any wall owned by him binding on the Falls within the limits of the City, and upon neglect or refusal so to do the City may cause the same to be done, in which event the City is authorized and empowered to recover the cost thereof by suit at law, which costs shall be a lien on the property so walled or repaired.

§ (15) Land development and redevelopment.

(a) *Property acquisition.*

To acquire, within the boundary lines of Baltimore City, land and property of every kind, and any right, interest, franchise, easement or privilege therein, including land or property and any right or interest therein already devoted to public use, by purchase, lease, gift, condemnation or any other legal means, for development or redevelopment, including but not limited to, the comprehensive renovation or rehabilitation thereof; provided, however that any land or property owned by the State of Maryland or the Housing Authority of Baltimore City shall not be acquired by the Mayor and City Council of Baltimore without the prior consent of the State or the Housing Authority of Baltimore City, as the case may be;

(b) *Development.*

To develop or redevelop, including but not limited to, the comprehensive renovation or rehabilitation of, any and all land or property acquired by any of the methods hereinbefore mentioned;

(c) *Property disposition.*

To sell, lease, convey, transfer or otherwise dispose of any of said land or property, regardless of whether or not it has been developed, redeveloped, altered or improved and irrespective of the manner or means in or by which it may have been acquired, to the United States of America or the State of Maryland, or any department or agency thereof, or to any private, public or quasi-public corporation, partnership, association, person or other legal entity, for development or redevelopment, including but not limited to, the comprehensive renovation or rehabilitation thereof; any lease or rental agreement entered into based upon, or pursuant to, the power and authority contained in this subsection (15) or entered into in connection with any of the purposes or objects contemplated by said subsection is hereby declared to be exclusively for business or commercial purposes, and any lessee or tenant who is a party to any such lease or rental agreement, or any successor in interest or title, shall not have any right to redeem the rent, fee or charge reserved or to be paid by any such lessee or tenant, or any successor in interest or title, under the terms of any such lease or rental agreement, except to the extent and in the manner set forth in any such particular lease or rental agreement, if any such right is specifically and definitely granted therein;

(d) *Preservation for public use.*

To preserve for the United States of America, the State of Maryland or the Mayor and City Council of Baltimore, or any departments or agencies thereof, any of said land or property, or any rights or interests therein, for public use, irrespective of the manner or means in or by which it may have been acquired;

(e) *Grants and loans.*

To petition for, and accept from, the United States of America, or the State of Maryland, or any department or agency thereof, or any other source, any loan, grant or aid of any character and, upon the sole approval of the Board of Estimates, make and execute any contract or other legal instrument with any of said parties, in connection with any and all of the purposes and objects mentioned in or contemplated by the provisions of this subsection (15); and, in order to enable the Mayor and City Council of Baltimore to obtain such financial assistance from the United States of America, or the State of Maryland, or any department or agency thereof, or any other source, as may be available from time to time, for assisting said municipality in carrying out the purposes and objects mentioned in or contemplated by the provisions of this subsection (15), in addition to its general and special powers, to borrow money to finance undertakings for the accomplishment of the purposes and objects mentioned in or contemplated by the provisions of this subsection (15) and in connection therewith to issue bonds, notes or other obligations (including refunding bonds, notes or other obligations), all of which shall be fully negotiable, payable, as to both principal and interest, solely from, and secured solely by a pledge of and lien upon either or both of the following (a) and (b):

(a) any or all of the income, receipts, proceeds, revenues, and funds derived from, or available or to be made available for, any undertakings for the accomplishment of the purposes and objects mentioned in or contemplated by the provisions of this subsection (15), including, but not limited to, the proceeds of grants or contributions from the United States of America, or the State of Maryland, or any department or agency thereof, or from any funds of the Mayor and City Council of Baltimore that may be lawfully available therefor, or any other source, and compensation paid from appropriated funds by the Mayor and City Council of Baltimore for land retained by it; and

(b) any contract or rights thereunder then existing between the United States of America, or any department or agency thereof, and the Mayor and City Council of Baltimore with respect to any undertakings for the accomplishment of the purposes and objects mentioned in or contemplated by the provisions of this subsection (15).

Any and all of such bonds, notes or other obligations shall not be general obligations of the Mayor and City Council of Baltimore and shall not be a pledge of or involve the faith and credit or the taxing power of the Mayor and City Council of Baltimore and shall not pledge, convey or mortgage any real property of the Mayor and City Council of Baltimore, and shall not constitute a debt of the Mayor and City Council of Baltimore, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or within the meaning of any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of said municipality.

Any and all such bonds, notes or other obligations shall be issued by the Mayor and City Council of Baltimore pursuant to an ordinance of said municipality without the necessity of submitting the question of such issuance to the legal voters of Baltimore City for approval or disapproval. Any such ordinance may prescribe, among other things, the form, terms, provisions, manner or method of issuing, and the time or times of issuance, and any and all other details of any such bonds, notes or other obligations, and vest in the Board of Estimates any or all of the power and authority which the Mayor and City Council of Baltimore has or may hereafter have in connection with the issuance of any of the notes, bonds, or other obligations authorized to be issued under the provisions of this paragraph (e);

(f) *Contract restrictions.*

To require the insertion of appropriate provisions in any legal instrument pertaining to the sale, lease, conveyance, transfer or other disposition of any of said land or property to any legal entity for any of the purposes and objects contemplated by this subsection (15), providing that such legal entity shall begin its operations within a predetermined reasonable period of time; that the standards of population density, property maintenance, type of land use and other standards established for the particular parcel of land or property involved shall be maintained, and that all covenants and restrictions contained in any such legal instrument shall be binding on any subsequent purchaser, lessee, transferee or any other successor in interest;

(g) *Administration.*

To vest jurisdiction or authority to exercise or perform all or any part of the aforegoing powers in any suitable board, commission, department, bureau or other agency of the Mayor and City Council of Baltimore now in being or in any new board, commission, department, bureau or

agency of the Mayor and City Council of Baltimore, which it is hereby empowered to create and establish for such purposes; and

(h) *Conflicts of interest.*

No officer, official or employee of any agency of the Mayor and City Council of Baltimore, which is vested with any power or authority to be exercised under the provisions of this subsection (15), shall become financially interested in any way in any land or property which may be acquired under any of the provisions of this subsection (15), and no such officer, official or employee shall be or become financially interested in any way in any legal entity, other than the United States of America, the State of Maryland or the Mayor and City Council of Baltimore, who may undertake to develop or redevelop any land or property under or pursuant to the provisions of this subsection (15);

(i) *Revenue bond financing.*

(1) To borrow money and use the same for the public purpose of assisting the financing of development and redevelopment, including but not limited to, new construction or the comprehensive renovation or rehabilitation, of land or property located within the boundary lines of Baltimore City, to be used for residential housing purposes, including related commercial and community facilities, which financing may be effected through loans made directly or indirectly (including, in whole or in part, the purchase of mortgages, notes or other securities) to any public, quasi-public or private corporation, partnership, association, person or other legal entity, or through subsidizing rent or interest payments with respect to such development and redevelopment, and in connection therewith to issue bonds, notes or other obligations (including refunding bonds, notes or other obligations), all of which shall be fully negotiable, and payable, as to both principal and interest, solely from, and secured solely by, a pledge of and lien upon the revenues realized from or produced by the property, facilities, developments and improvements whose financing is undertaken by issuance of said bonds, notes or other obligations, and realized from or produced by existing facilities to which such new facilities and improvements are related, or upon mortgages, notes, or other securities which may be acquired for or in connection with such purpose with bond sale proceeds and pledged to debt service payments on such bonds.

(2) To enter into agreements with any legal entity or entities and to ordain any ordinance or ordinances that may be necessary or proper to exercise any and all of the power and authority vested in the municipality by this subparagraph (i). Any and all loans to be made pursuant to the provisions of this subparagraph (i) shall be subject to the prior approval of the Board of Estimates of the Mayor and City Council of Baltimore, and the terms and provisions of any agreement relative to any such loan shall be subject to the approval of the Board of Estimates and the City Solicitor of the municipality.

(3) Any and all of such bonds, notes or other obligations shall not be general obligations of the Mayor and City Council of Baltimore and shall not be a pledge of or involve the faith and credit or the taxing power of the Mayor and City Council of Baltimore and shall not constitute a debt of the Mayor and City Council of Baltimore, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or within the meaning of any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of said municipality.

The debt authorized by the provisions of this subparagraph (i), and the bonds, notes or other obligations 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.

Any and all such bonds, notes or other obligations shall be issued by the Mayor and City Council of Baltimore pursuant to an ordinance of said municipality without the necessity of submitting the question of such issuance to the legal voters of Baltimore City for approval or disapproval. Any such ordinance may prescribe, among other things, but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of any such bonds, notes or other obligations, and the issuance and sale thereof, and may authorize and empower the Commissioners of Finance *{Board of Finance}* by resolution to determine and set forth any and all of the things hereinabove mentioned, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of such notes, bonds, or other obligations authorized to be issued under the provisions of this subparagraph.

(Chs. 190 and 738, Acts of 1973.)

§ (15A) Industrial and economic development.

(a) *Property acquisition.*

(1) Subject to paragraph (2) of this subsection, to acquire, within the boundary lines of Baltimore City, land and property of every kind, by purchase, gift, condemnation, or any other legal means for or in connection with the public purpose of the industrial growth of Baltimore City.

(2) Except as authorized by Section (15) of this article, property zoned and occupied exclusively for residential use may not be acquired by condemnation for industrial growth.

(b) *Property disposition.*

To sell, lease, convey, transfer or otherwise dispose of any of said land or property, irrespective of the manner or means in or by which it may have been acquired, to the United States of America or the State of Maryland, or any department or agency thereof, or to any private, public or quasi-public corporation, partnership, association, person or other legal entity, to be used for or in connection with the industrial and economic growth or expansion of Baltimore City: any lease or rental agreement entered into based upon, or pursuant to, the power and authority contained in this paragraph (15A) or entered into in connection with any of the purposes or objects contemplated by said paragraph is hereby declared to be exclusively for business purposes, and any lessee or tenant who is a party to any such lease or rental agreement, or any successor in interest or title, shall not have any right to redeem the rent, fee or charge reserved or to be paid by any such lessee or tenant, or any successor in interest or title, under the terms of any such lease or rental agreement, except to the extent and in the manner set forth in any such particular lease or rental agreement, if any such right is specifically and definitely granted therein.

(c) *Required determinations; approvals.*

Before any land or property is acquired by the municipality as provided in subparagraph (a) hereof the Board of Estimates, in its sole and absolute discretion, shall first determine whether such land or property is needed for or in connection with the industrial and economic growth of the City of Baltimore as contemplated by this paragraph; and prior to the disposition of any such land or property by the City by sale, lease, or otherwise to any legal entity, the Board of Estimates, in its sole and absolute discretion, shall first determine that the land or property to be disposed of will be used for or in connection with industrial and economic development or expansion in Baltimore City as contemplated by this paragraph; and the terms and provisions of any and all agreements either for the acquisition or disposition of any such land or property shall be approved by the Board of Estimates.

(d) *Grants and loans.*

To petition for, and accept from, the United States of America, or the State of Maryland, or any department or agency thereof, or any other source, any loan, grant or aid of any character and, upon the sole approval of the Board of Estimates, make and execute any contract or other legal instrument with any of said parties, in connection with any and all of the purposes and objects mentioned in or contemplated by the provisions of this paragraph (15A).

(e) *Administration.*

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

(Ch. 433, Acts of 1968; Ch. 648, Acts of 1981; Ch. 362, Acts of 1986; Ch. 354, Acts of 1988; Ch. 36, Acts of 2001.)

§ (16) Libraries, art galleries, and museums.

To maintain and support the Enoch Pratt Free Library, or other free public libraries, art galleries and museums.

§ (17) Licences.

To license, tax and regulate all businesses, trades, vocations or professions; to license, regulate, tax or suppress hawkers, peddlers, brokers, pawnbrokers, intelligence officers, street exhibitions or fortune-tellers.

§ (18) Markets.

To erect, regulate, control and maintain markets; to regulate and control the sale of all articles therein; and to lease or otherwise dispose of stalls therein.

§ (19) Municipal liens.

(a) *In general.*

To establish a Bureau of Liens and to provide for the issuance of certificates stating what, if any, State and municipal taxes, charges and assessments exist against any particular property, all of which taxes, charges and assessments shall be liens against the property affected until paid, and to make a reasonable charge for furnishing each such certificate. No charge not shown on such certificate shall be a lien against the property mentioned therein. No statute of limitations shall run against charges listed on such certificate.

(b) *Environmental citations*.

Real property may not be offered for sale in a Baltimore City tax sale solely for nonpayment of environmental citations issued under Article 1, Subtitle 40 of the Baltimore City Code.
(Ch. 502, Acts of 2005.)

§ (20) Parking facilities.

(a) *Acquisition, development, etc.*

Within the City of Baltimore to acquire, by purchase, lease, condemnation or any other legal means, land and property of any kind and establish, construct, erect, alter, expand, enlarge, improve, equip, repair, maintain, operate, control and regulate buildings, structures and other facilities thereon, thereunder or therein, or on, under or in any land or property that is now or hereafter may be owned or controlled by the Mayor and City Council of Baltimore, for storing, parking and servicing self-propelled vehicles, and establish and collect fees or charges for the use thereof; no petroleum products shall be sold or offered for sale at any entrance to, or exit from, any land so acquired or at any entrance to, or exit from, any structure erected thereon, when any entrance to, or exit from, any such land or structure faces a street or highway which is more than 25 feet wide from curb to curb; to vest jurisdiction or authority to exercise or perform any or all of the aforegoing powers in any suitable board, commission, department, bureau or other agency of the Mayor and City Council of Baltimore, and to create any such agency for such purposes.

(b) *Property disposition.*

To sell, lease, convey, transfer or otherwise dispose of any of said land or property regardless of whether or not it has been developed, redeveloped, altered or improved, and irrespective of the manner or means in or by which it may have been acquired, to any private, public or quasi-public corporation, partnership, association, person or other legal entity.

(c) *Revenue bond financing.*

In addition to the powers granted and exercised under this article, the Mayor and City Council of Baltimore may, by ordinance, borrow money to finance the establishment, construction, erection, alteration, expansion, enlarging, improving, equipping, repairing, maintaining, operating, controlling, and regulating of off-street parking facilities owned by the Mayor and City Council of Baltimore, and evidence such borrowing by the issuance of revenue bonds, notes or other obligations to be secured by a pledge of the revenues derived from such facilities, and may

further pledge revenues collected from parking taxes, parking fees or charges, parking fines or any other revenue derived from the parking of motor vehicles in the City of Baltimore to or for the payment of such revenue bonds, notes or other obligations; and for such purposes the Commissioners of Finance *{Board of Finance}* are empowered to maintain a fund consisting of the revenue pledged herein.

The bonds, notes or other obligations issued hereunder and the pledge of revenues, taxes, fees, charges or fines provided for herein shall not constitute a general obligation of nor a pledge of the faith and credit or taxing power of the Mayor and City Council of Baltimore and shall not constitute a debt of the Mayor and City Council of Baltimore within the meaning of Section 7 of Article XI of the Constitution of Maryland.

The ordinance may prescribe the form and terms of the bonds, notes or other obligations, the time and manner of public or private sale thereof, and the method and terms of payment therefor, and may authorize the Commissioners of Finance *{Board of Finance}* by resolution to determine any matters hereinabove recited and to do any and all things necessary or appropriate in connection with the issuance and sale thereof.

(Ch. 216, Acts of 1976.)

§ (21) Parks, recreational facilities, etc.

To establish, maintain, control and regulate parks, squares, monuments and recreation facilities.

§ (22) Park tax.

To reduce, from time to time, by ordinance, the tax on gross receipts of passenger street railway companies imposed under the provisions of Chapter 229 of the Acts of the General Assembly of 1882, provided that no reduction shall impair the right of the City to collect so much of said tax as may be necessary to meet its obligations under the provisions of Chapter 338 of the Acts of the General Assembly of 1904 and Ordinance No. 228 of the City, approved March 20, 1905.

§ (23) Peddlers.

The Mayor may grant permits, upon the payment of the sum of seven dollars to the City, to such number of poor persons as to him may seem proper, to peddle within the limits of the City, notions, and small wares without a license; provided, that the stock in trade of such peddler shall not exceed twenty-five dollars in value, and the said Mayor at any time may revoke any such permit.

§ (24) Pensions.

(a) *In general.*

To establish and maintain a general system of pensions and retirement benefits for the officers and employees of the City, the Police Department of Baltimore City, the Enoch Pratt Free Library, the Walters Art Gallery, the Baltimore Museum of Art, the Municipal Museum of Baltimore City, and the officers and employees, by whatever authority appointed, whose compensation is paid by the City; to fix the terms of and restrictions on admission to such system and the classifications therein; to provide for the separate maintenance, or inclusion in such general pension system, of any existing pension system (with the consent of a majority of its participants) for officers and employees, by whatever authority appointed, whose compensation

is paid by the City; to provide that persons eligible for admission in such general pension system shall not be eligible, except as hereinafter provided, for admission to any other pension system, the revenues of which are derived wholly or in part from appropriations made by the City, from license fees or from fines and forfeitures imposed under laws or ordinances in force in Baltimore City; to provide, in connection with such general pension system, a system of benefits payable to the beneficiaries and dependents of any participant in such general pension system after the death of such participant (whether accidental or otherwise and/or whether occurring in the actual performance of duty or otherwise), subject to such exceptions, conditions, restrictions and classifications as may be provided by ordinance; provided, however,

(1) that upon the adoption of an ordinance providing for their participation in the general pension system, officers and employees of said Police Department who do not elect to participate in such general pension system shall be entitled to pensions, benefits or allowances for themselves, their widows or dependents, under laws or ordinances in force immediately prior to the adoption of such ordinance; and

(2) that nothing in this subsection shall operate or be construed to diminish in any way the rights of any members of the Fire Department who are not participants in the presently existing general pension system of the City, their widows or dependents, to pensions, benefits or allowances provided for by laws or ordinances in force as of January 1, 1926.

(a-l) *Elected officials.*

To establish and maintain a separate system of pension and retirement benefits for elected officials of Baltimore City; to fix the terms of and restrictions on admission to that system and the classifications therein; to provide that persons eligible for admission in that pension system shall not be eligible to receive credit for the same years of service for which they received credit in any other pension system supported wholly or in part by the City of Baltimore or State of Maryland; to provide for the optional transfer to that pension system of any elected official who is eligible to join it, from any other system of pensions and retirement benefits operated and maintained by the Mayor and City Council of Baltimore; to provide in connection with that pension system, benefits payable to the beneficiaries and dependents of any participant in that pension system after the death of that participant (whether accidental or otherwise and whether occurring in the actual performance of duty or otherwise), subject to any exceptions, restrictions aud classifications that may be provided by ordinance; provided, however, that upon the adoption of an ordinance providing for their participation in that pension system, eligible elected officials who do not elect to participate in that pension system, shall be entitled to the pensions, retirement benefits and other benefits or allowances, for themselves, their widows and dependents, under the laws or ordinances in force immediately prior to the adoption of that ordinance.

(b) *New system.*

To establish and maintain a new system of pensions and retirement benefits applicable to all future entrants into the service of the City of Baltimore, whose entrance therein occurs after the establishment of such new system; to provide the conditions under which employees in service at the time of the establishment of such new system who desire to be covered by the provisions of the Federal Social Security Act and who are not specifically excluded therefrom may elect to enter such new system, such conditions to include appropriate limitations on the period during which members of the existing system may transfer to such new system; to provide for the

transfer to such new system of the reserves held in the existing system on account of members who so transfer; provided, however, that the benefits of any member of the existing system shall not be changed by reason of his coverage under Social Security without his consent; and provided further that except as this paragraph specifically provides otherwise, and except where inconsistent herewith, the provisions of paragraph (a) of this subsection (24) concerning the existing system shall apply to such new system.

(c) *Savings clause.*

Until amended by ordinance, the presently existing pension systems of the City shall remain in force.

(Ch. 702, Acts of 1982.)

§ (25) Pensions for school cafeteria employees.

To grant to any and all persons regularly employed in, or associated with, any cafeteria system or department operated in connection with the public school system of the Mayor and City Council of Baltimore, such of the benefits and advantages of the Employees' Retirement System of the City of Baltimore, established by Ordinance No. 553, approved February 1, 1926, and amendments thereto, as the Mayor and City Council of Baltimore may by ordinance provide, except that the Retirement System shall not be liable for the payment of any pensions or other benefits on account of said persons, for which reserves have not been previously created from funds contributed specifically for such benefits by the City or said persons.

Provided, that any ordinance passed under authority of this paragraph may provide that every such person shall be entitled to credit for all service rendered prior to January 1, 1926, and for one half of all service rendered between January 1, 1926, and the date of admission to the said Employees' Retirement System; provided, further, that any ordinance passed under authority hereof shall provide that any such person who shall become employed in, or associated with, any such cafeteria system or department after the passage of said ordinance shall, before becoming a member of the said Employees' Retirement System of the City of Baltimore, first submit to a medical examination similar to that required for employees in the Classified Service of the City of Baltimore.

§ (26) Pensions for police and fire employees.

To establish and maintain a separate system of pensions and retirement benefits for such officers and employees of the Department of Aviation, of the Police Department and of the Fire Department of Baltimore City as may be designated or described by ordinance of the Mayor and City Council of Baltimore; to fix the terms of and restrictions on admission to such system and the classifications therein; to provide that persons eligible for admission in such pension system shall not be eligible except as hereinafter provided for admission to any other pension system, the revenues of which are derived wholly or in part from appropriations made by the City, from license fees or from fines and forfeitures imposed under the laws or ordinances in force in Baltimore City; to provide for the optional transfer to such pension system of any officer or employee of either the Department of Aviation, the Police Department or the Fire Department of Baltimore City who is eligible to join such separate pension system, from any other system of pensions and retirement benefits operated and maintained by the Mayor and City Council of Baltimore; to provide in connection with such pension system, a system of benefits payable to the beneficiaries and dependents of any participant in such pension system after the death of such participant (whether accidental or otherwise and/or

whether occurring in the actual performance of duty or otherwise), subject to such exceptions, conditions, restrictions and classifications as may be provided by ordinance; provided, however,

(1) that upon the adoption of an ordinance providing for their participation in such pension system, eligible officers and employees of the Department of Aviation, of the Police Department and of the Fire Department who do not elect to participate in such pension system, shall be entitled to the pensions, retirement benefits, other benefits or allowances for themselves, their widows or dependents, under the laws or ordinances in force immediately prior to the adoption of such ordinance;

(2) nothing in this subsection shall operate or be construed to diminish in any way the rights of any eligible members of the Police Department or of the Fire Department who are not participants in the presently existing general pension system of the City of Baltimore, their widows or dependents, to pensions, retirement benefits, other benefits or allowances provided for by laws or ordinances in force as of January 1, 1926.

Until amended by ordinance, the presently existing pension and retirement systems of the City shall remain in force. The provisions of this subsection shall be deemed to be in addition to and not in substitution of any other powers or authorizations now conferred upon the Mayor and City Council of Baltimore.

§ (27) Police power.

To have and exercise within the limits of Baltimore City all the power commonly known as the Police Power to the same extent as the State has or could exercise that power within the limits of Baltimore City; provided, however, that no ordinance of the City or act of any municipal officer, other than an act of the Mayor pursuant to Article IV of this Charter, shall conflict, impede, obstruct, hinder or interfere with the powers of the Police Commissioner.
(Chs. 39 and 40, Acts of 2009.)

§ (28) Port development.

(a) *Property acquisition.*

To acquire land and property of every kind, and any right, interest, franchise, easement or privilege therein, including land or property and any right or interest therein already devoted to any public use, in, adjoining or in the vicinity of the Patapsco River or its tributaries, by purchase, lease, gift, condemnation, or any other legal means, for or in connection with extending, developing or improving the harbor or Port of Baltimore and its facilities and the highways and approaches thereto; provided, however, that any land or property owned by the State of Maryland shall not be acquired by the Mayor and City Council of Baltimore without the prior consent of the State; and providing further that the Mayor and City Council of Baltimore shall not acquire any such land or property or any such right, interest, franchise, easement or privilege therein, for any of said purposes, in Anne Arundel County without prior consent and approval by resolution duly passed after a public hearing, by the Board of County Commissioners of Anne Arundel County; and provided, further, that Anne Arundel County shall retain jurisdiction and power to tax any land so acquired by the Mayor and City Council of Baltimore under the provisions hereof;

(b) *Development.*

To establish, develop, redevelop, construct, erect, enlarge, extend, alter, improve, renovate, modernize, equip, repair, maintain, operate, control and regulate piers, docks, wharves, warehouses, sheds, transit sheds, buildings, structures and other facilities or appurtenances necessary or useful in connection with the operation of a modern port, on, above, under or in any land or property now or which hereafter may be owned or otherwise held or controlled by the Mayor and City Council of Baltimore or by any private, public or quasi-public corporation, partnership, association, person or other legal entity;

(c) *Charges.*

To establish and collect fees, rentals or charges for the use of any of the aforesaid buildings, structures or other facilities or appurtenances owned or otherwise held or controlled by the Mayor and City Council of Baltimore;

(d) *Property disposition.*

To sell, lease, convey, transfer or otherwise dispose of any of said land or property, regardless of whether or not it is undeveloped or has been developed, redeveloped, altered, or improved and irrespective of the manner or means in or by which it may have been acquired, to the United States of America, or the State of Maryland or any political subdivision thereof, or any department or agency of any of them, or to any private, public or quasi-public corporation, partnership, association, person or other legal entity, for or in connection with extending, developing or improving the harbor or Port of Baltimore and its facilities and the highways and approaches thereto; any lease or rental agreement entered into based upon or pursuant to, the power and authority contained in this subsection (28) or entered into in connection with any of the purposes or objects contemplated by said subsection is hereby declared to be exclusively for business or commercial purposes, and any lessee or tenant who is a party to any such lease or rental agreement, or any successor in interest or title, shall not have any right to redeem the rent, fee or charge reserved or to be paid by any such lessee or tenant, or any successor in interest or title, under the terms of any such lease or rental agreement, except to the extent and in the manner set forth in any such particular lease or rental agreement, if any such right is specifically and definitely granted therein;

(e) *Preservation for public use.*

To preserve for the United States of America, the State of Maryland or any political subdivision thereof, including the Mayor and City Council of Baltimore, or any departments or agencies of any of them, any of said land or property, or any rights or interests therein, for public use, irrespective of the manner or means in or by which it may have been acquired;

(f) *Grants and loans.*

To petition for, and accept from, the United States of America, or the State of Maryland, or any departments or agencies thereof, or any other source, any loan, grant or aid of any character and, upon the sole approval of the Board of Estimates of the Mayor and City Council of Baltimore, make and execute any contract or other legal instrument, with any of said parties, in connection with any and all of the purposes and objects contemplated by the provisions of this subsection (28);

(g) *Contract restrictions.*

To insert appropriate provisions in any legal instrument pertaining to the sale, lease, conveyance, transfer or other disposition of any of said land or property to any legal entity for any of the purposes and objects contemplated by this subsection (28) to safeguard and protect the rights and interests of the Mayor and City Council of Baltimore and all covenants, provisions and restrictions contained in any such legal instrument shall be binding on any subsequent purchaser, lessee, transferee or any other successor in interest;

(h) *Administration.*

To vest jurisdiction or authority to exercise or perform all or any part of the aforegoing powers, except the power to condemn land and property or any right, interest, franchise, easement or privilege therein, in any suitable board, commission, department, bureau or other agency of the Mayor and City Council of Baltimore now in being, or in any new board, commission, department, bureau or agency of the Mayor and City Council of Baltimore; and said municipality is hereby empowered to create and establish such new board, commission, department, bureau or agency of the Mayor and City Council of Baltimore for such purposes;

(i) *Conflicts of interest.*

No officer, official, member or employee of any agency of the Mayor and City Council of Baltimore, which is vested with any power or authority to be exercised under the provisions of this subsection (28), shall be or become financially interested in any way in any land or property which may be acquired under any of the provisions of this subsection (28); and

(j) *Howard County excluded.*

The power and authority herein conferred upon the Mayor and City Council of Baltimore shall not be exercised or construed to apply in any respect within the territorial limits of Howard County.

§ (29) Railroads.

To control and regulate the use of streets by street railways and railroads.

§ (30) Schools.

Subject to the applicable provisions of the Education Article of the Annotated Code of Maryland, to establish and maintain a system of free public schools.
(Ch. 105, Acts of 1997.)

§ (31) Sewers.

To establish, maintain, operate and control sewers, drains and sewage disposal facilities and to make charges for the use of said sewers, drains and sewage disposal facilities; to make any and all costs and expenses incurred in or about the regulation, making or repairing of private sewers or drains a lien upon the interests of the owners in the real and leasehold property served by said sewers or drains, and to provide for the enforcement of such liens by sale of the property, whether real or leasehold.

No charge shall be made by any municipal officer or agency for inspecting any work in the public streets, lanes or alleys done in connection with private sewers or drains.

§ (32) Storm water courses and flood areas.

(a) *Management and control.*

To formulate and adopt a plan or plans to control and regulate within Baltimore City such open natural streams, storm and surface water drains, runs and natural storm and surface water drainage courses, public or private, as in its judgment is desirable, and for this purpose to change the course, lines, depth and boundaries of said water courses, in whole or in part; to compel any person or corporation owning property binding on said water courses within Baltimore City to wall up or by other methods to stabilize and maintain such other property insofar as the same may bind the said water courses with a good and sufficient wall, or by other stabilizing methods and to such height as in its judgment the public good may require, so as to secure the same and adjacent property in a reasonable manner from the danger of being inundated with water and to secure the property abutting said water courses from interfering with the flow of drainage water in said water courses; to compel the owner or owners of the land abutting on said water courses to maintain, rebuild and repair any wall or other stabilizing structure, including the banks binding on said water courses, within the limits of Baltimore City, and upon neglect or refusal so to do, the City may cause the same to be done, in which event the City of Baltimore is authorized and empowered to recover the costs thereof by suit at law, which costs shall be a lien on the property of the person or corporation abutting the water course on which said work is done.

(b) *Use regulation.*

To establish and regulate within Baltimore City the uses of any area or areas of land and future construction thereon adjacent to, abutting on or in proximity to said water courses which are, in its judgment, due to the grade and elevation in relation to the beds of said water courses susceptible to flooding and to control and regulate the use, maintenance, and development, including the grading and filling and future construction within said area.

(c) *Scope of authority.*

The powers herein granted to the Mayor and City Council of Baltimore shall also apply to said natural water courses that may have been heretofore or may hereafter be relocated, straightened or established within the City of Baltimore.

§ (33) Stocks, loans, and finance.

(a) *Issuance of stocks, bonds, etc.*

To issue stocks, bonds or certificates of indebtedness, and to involve its credit as provided by Section 7, Article XI of the Constitution of Maryland; to levy upon the assessable property within the City, and collect, by tax, any sum which may be necessary to pay and discharge the principal and interest of any loan which heretofore have been, or which may hereafter be, obtained by the City according to law.

(b) *Sinking fund.*

To create a sinking fund to meet the liability thus incurred, and to levy upon the assessable property in the City, from time to time, such sums as may be necessary to provide therefor. The City may invest moneys belonging to the sinking fund in annuities or ground rents reserved out of lands leased to the City and payable by the City; and the conveyance thereof may be made to the City, in trust for the benefit and purpose of such sinking fund; in every such case, such conveyance shall not work as a merger of the lease or term, but the rent shall continue to be payable to the City as if such purchase had not been made and shall be received and applied as the income of other investments of the sinking fund may be applied.

(c) *Emergency loans.*

The making of any emergency loan provided for by the Constitution shall be authorized by an ordinance declaring the existence of such an emergency, the amount required to meet the same and the form and character of the loan and the terms of the securities issued by the City therefor; such ordinance shall also provide for the discharge thereof within the period of 40 years from the time of contracting the same.

(d) *Temporary loans.*

Any temporary loan provided for by the Constitution shall be authorized by an ordinance for the conversion, discharge or payment thereof, or of any part thereof remaining unpaid or unprovided for, at the close of each fiscal year, by the issuance of certificates of indebtedness in such amount as may be necessary to convert, discharge or pay any such temporary indebtedness unpaid or unprovided for prior to the passage of the annual Ordinance of Estimates for the next succeeding year.

(e) *Approvals not required.*

Indebtedness, emergency or temporary, may be created without the previous authority of the General Assembly of Maryland or submission to or approval by the voters of Baltimore City.

(f) *Reduced interest.*

To provide in any ordinance submitting to the voters of Baltimore City for their approval any loan authorized by the General Assembly of Maryland that the bonds, stocks or certificates of indebtedness of the City to be issued in respect to such loan may, when actually issued, provide for a rate of interest per annum less than that which may have been stated in such ordinance.

§ (34) Streets, bridges, and tunnels.

(a) *In general.*

To construct, open, extend, widen, straighten or close streets, bridges, tunnels or approaches to them and other public ways of every kind within the bounds of the City; to assess and collect benefits and to award and pay damages resulting therefrom; and to assess and collect tolls on any bridge, tunnel or approach thereto to finance the construction, maintenance and operation of any

such facilities constructed as part of the interstate system of highways pursuant to Title 23 of the United States Code, and to pledge any toll revenues, less the actual cost of the maintenance and operation of such facilities, pursuant to subsection (50) of Article II of this Charter, in connection with any bonds, notes or other obligations issued to finance the cost of construction of any such bridge, tunnel, or approach thereto; provided that vehicles owned by the State and Baltimore City are exempt from the payment of any such toll;

(b) *Grading, paving, etc.*

To establish grade lines and to grade, pave and curb streets and public ways of every kind;

(c) *Assessing costs*.

To provide for grading, paving and curbing of streets and public ways at the cost of the owners of properties binding thereon;

(d) *Regulating use.*

To regulate the use of streets and public ways by persons, animals and vehicles; to prohibit the use of such streets and public ways by any or all motor vehicles under such circumstances or upon such conditions as it may, from time to time, by ordinance, deem necessary or expedient in the interest of the public.

Except as permitted in subsection (a) of this section, any such regulations shall not involve any charge of any kind for the use of such street or public way, other than reasonable charges for parking within areas set aside exclusively for that purpose;

(e) *Surface openings.*

To regulate the opening of street surface for the purposes authorized by law or ordinance;

(f) *Naming and numbering.*

To regulate the numbering or designation of buildings, lots or parcels of land and the naming of streets and public ways and places;

(g) *Poles, wires, and conduits.*

To regulate the use of streets and public ways for poles, wires and conduits and to construct and maintain poles, wires and conduits for use by the City or by others upon terms fixed by the City;

(h) *Cleaning and lighting.*

To provide for the cleaning and lighting of streets and public ways and places;

(i) *Trees.*

To provide for and regulate the planting, maintenance and removal of trees on streets and public ways and places;

(j) *Development plans.*

To provide for the making and enforcement of plans for the development of areas and properties within the City.

(Ch. 497, Acts of 1977.)

§ (34A) Parking at intersections.

To regulate the distance from a crosswalk at an intersection in Baltimore City within which a person may not stand or park a vehicle.

(Ch. 507, Acts of 2006.)

§ (35) Streets, lanes, and alleys.

(a) *Construction and installation.*

To regulate the construction and installation of public streets, lanes and alleys, and private streets, lanes and alleys used or intended to be used by the public;

(b) *Lines and grades.*

To ascertain, fix, establish and mark on the ground, from time to time, the lines and grades of any or all such public or private streets, lanes and alleys, or any part or parts thereof, and to require conformity thereto;

(c) *Utilities and other facilities.*

To regulate the construction and installation of utilities and other facilities in, under or over any or all such public or private streets, lanes and alleys;

(d) *Preventing encroachments and obstructions.*

To prevent encroachment on, or obstruction of, any of such public or private streets, lanes or alleys, or any public places;

(e) *Gated alleys – authorized*.

To close or gate an alley that is no longer needed for through pedestrian or vehicular traffic, in order to promote the public health, safety, or welfare; and

(f) *Gated alleys – leasing*.

To lease a closed or gated alley to an entity that consists of property owners whose lots abut the alley.

(Ch. 423, Acts of 2004.)

§ (35A) Cable television franchises.

To grant one or more exclusive or nonexclusive franchises for a community antenna system or other cable television system that utilizes any public right of way, highway, street, road, lane, alley, or bridge, to impose franchise fees, and to establish rates, rules, and regulations for franchises granted under this section.

Editor's Note: For a description of what constitutes a "cable television system" for purposes of this section, *see* Section 2 of Chapter 562, Acts of 1982.

(Ch. 562, Acts of 1982.)

§ (36) Public or private alley.

To do or have done any or all of the following work in, adjacent to, in connection with, or in the vicinity of, any public or private alley located in Baltimore City, at any time or times and from time to time, to promote the public health, safety and convenience:

(a) grade, regrade, repair, pave or repave any such alleys;

(b) construct, reconstruct, install, alter or repair any and all necessary drains, drainage facilities and appurtenances; and

(c) construct, reconstruct, install, alter, repair, remove or relocate any guard rail, guard fence, wall embankment, support, hedge, driveway, apron or approach in or immediately adjacent to any such alley.

Said municipality is authorized to determine the costs of said work and to assess such costs, in whole or in part, upon the owner of, or upon the interests of any and all owners of, property binding or abutting on any such alley, or upon the owner of, or upon the interests of any and all owners of, property in the vicinity of any such alley who are benefited by any or all of the work done, and all such assessments shall be liens on the properties involved until paid. Such assessments may be collected as taxes or special assessments are now collected by said City.

Such assessments shall be made upon such basis as may be determined by the City and the City is hereby empowered to classify the work mentioned in subparagraphs (a), (b), and (c) above, the owners of such abutting or benefited properties and the assessments against them, and to exempt any class or classes of properties or property owners from such assessments, in whole or in part.

Notice shall be given and all interested parties shall be afforded an opportunity to be heard in connection with the necessity for doing any work not actually in the bed of, or immediately adjacent to, or in the vicinity of, any such alley, and notice shall be given in connection with the liability of all interested parties to pay the whole or any part of the costs of doing any or all the work mentioned in subparagraphs (a), (b) or (c) above, and such parties shall have the right to appeal to any duly constituted authority or court having jurisdiction in connection with any and all questions pertaining to the rights or liabilities of any such parties.

The City is authorized, by ordinance, to do any and all things necessary or proper in connection with, and to put into effect, any and all of the matters and things mentioned hereinabove.

§ (37) Sundays.

To prohibit, or permit and regulate, from time to time by ordinance, amusements, entertainments or games to be held, shown or played for recreation or profit within Baltimore City on Sunday; provided that no ordinance passed in the exercise of this power shall become effective until it has been submitted to and approved by the voters of Baltimore City at such general, municipal or special election as may be provided in such ordinance. At any such election the general election laws of the State are applicable and the City is authorized to make use of the facilities and equipment of the Board of Supervisors of Election of Baltimore City.

Article 27 of the Annotated Code of Maryland (1957 Edition), title "Crimes and Punishments", subtitle "Sabbath Breaking", does not apply to Baltimore City except for §§ 534L, 534L-1 and 534L-2.

(Ch. 864, Acts of 1980.)

§ (38) Surveyor.

To prescribe the duties and compensation of the City Surveyor; provided, however, that if at any time the election of such officer shall no longer be required by the Constitution of Maryland, said office may be abolished by ordinance.

Editor's Note: The Office of City Surveyor was abolished by Ordinance 74-625.

§ (39) Property taxes.

(a) *In general.*

To assess for tax purposes, levy annually and collect taxes upon every description of property found within the corporate limits of the City which the City is authorized by law to levy tax upon for the purpose of defraying the expenses of the municipal government, whether the owners thereof reside within or without the limits of the City.

(b) *Administration.*

To create such department, bureau or other agency as it may deem appropriate to make all such assessments, and to confer upon the Board of Municipal and Zoning Appeals, or other similar body, appellate jurisdiction from and over such assessing agency to the same extent that the State Tax Commission now has over the Board of Municipal and Zoning Appeals, reserving, however, to the State Tax Commission appellate jurisdiction over the Board of Municipal and Zoning Appeals, or other similar body, as now or hereafter provided by law; to have power to provide by ordinance or otherwise for the prompt collection of taxes due the City, and to have power to sell real estate, as well as personal property, for the payment of taxes; provided, that no authority is given by this subsection (39) to impose taxes on any property which is now or may hereafter be exempted from taxation by any general or special act of the General Assembly of Maryland, nor upon any property which may be stored or deposited in the City for temporary purposes.

(c) *Exemptions.*

To provide by general ordinance, whenever it shall seem expedient for the encouragement of the growth and development of manufacturing industry in the said City, for the exemption, from any

or all taxes levied by authority of the said Mayor and City Council of Baltimore, of any or all tools (including mechanical tools), implements, whether worked by hand, steam or other motive power, machinery, manufacturing apparatus or engines used in manufacturing, whether temporarily idle or not, raw materials on hand and manufactured products in the hands of the manufacturer, and any or all other personal property actually employed or used in the business of manufacturing in the said City.

Any such exemption from taxes shall apply to all persons, firms and corporations engaged in the branches of manufacturing industry proposed to be benefited by any ordinance passed under the provisions of this paragraph.

Laundry machinery, when employed or used in the business of laundering, shall be classed as used in the business of manufacturing within the purposes of this paragraph.

§ (40) Additional taxing powers.

(a) *In general.*

To have and exercise, within the limits of Baltimore City, in addition to any and all taxing powers heretofore granted by the General Assembly of Maryland to the Mayor and City Council of Baltimore, the power to tax to the same extent as the State of Maryland has or could exercise said power within the limits of Baltimore City as a part of its general taxing power; and to provide by ordinance for the imposition, assessment, levy and collection of any tax or taxes authorized by this subsection; and from time to time to grant exemptions and to modify or repeal existing or future exemptions, provided, however, that any tax on distilled spirits shall not exceed $.50 per wine gallon of 100 proof or less and any tax on alcoholic beverages imposed under the authority of this section shall expire as of December 31, 1955, but nothing in this section shall be construed to prevent the collection of taxes imposed on alcoholic beverages after said date if said taxes are due and payable on or before December 31, 1955.

(b) *Limitations.*

The Mayor and City Council of Baltimore shall not have the power to impose any tax upon intangible personal property or upon the subject matter of

Sections 242 to 261 of Article 56 of the Code of Public General Laws of Maryland (gasoline tax);

Section 74 of Article 66½ (motor vehicle registration);

Section 25A of Article 66½ (titling tax);

Sections 293 and 294 of Article 56 and Section 218 of Article 81 (motor vehicle taxation);

Section 7(32) of Article 81 (Class A and Class D Motor Vehicles);

Sections 222 to 258 of Article 81 (tax on incomes);

Article 78B (horse racing and pari-mutuel betting);

Sections 141 and 143 of Article 81 (bonus tax);

Sections 144 to 147 of Article 81 (tax on franchise to be a corporation);

Section 5 of Article 23 (recording corporate papers);

Section 94 of Article 81 (deposits of savings banks);

Sections 101 to 103F of Article 81 (insurance premiums);

Sections 109 to 140 of Article 81 (inheritances);

Article 62A (estate tax); or

Section 104 of Article 81 (tax on commissions of executors and administrators);

but the limitations herein shall not apply to any tax levied or imposed upon the gross receipts of any person, association or corporation other than the gross receipts of corporations taxed under Section 95 of Article 81 of the Code, savings banks, insurance companies, safe deposit and trust companies, and the gross receipts of a person, association or corporation conducting race meetings; provided, however, that Baltimore City, in taxing the receipts from motor vehicles operations, may only tax receipts from operations of motor vehicles having a permit or permits from the Public Service Commission of Maryland authorizing both the taking on and discharging of passengers at more than one point within Baltimore City and/or the transportation of passengers between two or more points within said City.

(c) *Existing powers unimpaired.*

Subject to the limitations herein provided, the powers herein granted to the Mayor and City Council of Baltimore shall be in addition to any powers which it now has and nothing herein shall be construed in any way to impair or diminish the powers now possessed by the Mayor and City Council of Baltimore; and the collection of any tax or taxes heretofore imposed under the authority of Chapter 1 of the Acts of the Extraordinary Session of 1945 or Chapter 1 of the Acts of the Extraordinary Session of 1947, shall not be affected hereby.

(d) *Section prevails over inconsistent provisions.*

The restrictions contained in Section 1 of Article 66½ , Section 218 of Article 81 and Sections 8A, 293 and 294 of Article 56 of the Annotated Code of Maryland, shall not restrain or limit the exercise by the Mayor and City Council of Baltimore of the powers herein granted to tax gross receipts, and to the extent of any inconsistency in said sections and this subsection (40), the provisions of this subsection (40) shall prevail; and all other laws, or parts of laws, inconsistent with the provisions of this subsection (40) be and they are hereby repealed to the extent of any such inconsistency.

(e) *Hotel room tax.*

(1) For each fiscal year beginning on or after July 1, 1997 but before July 1, 2017, the Mayor and City Council shall appropriate from its General Fund to Visit Baltimore specifically for Convention Center marketing and tourism promotion an amount equal to at least 40% of the proceeds of any hotel room tax imposed.

(2) If the appropriation made for any fiscal year pursuant to paragraph (1) of this subsection is less than the amount required when compared to actual receipts for the completed fiscal year, the difference shall be added to the appropriation to be made for the second succeeding fiscal year. If the appropriation made for any fiscal year pursuant to paragraph (1) of this subsection is more than the amount required when compared to actual receipts for the completed fiscal year, the difference may be deleted from the appropriation to be made for the second succeeding fiscal year.

(Ch. 665, Acts of 1996; Chs. 611 and 612, Acts of 1997; Ch. 387, Acts of 2001; Ch. 151, Acts of 2007; Ch. 197, Acts of 2012.)

§ (41) Theatrical and public amusements.

To license, regulate and restrain theatrical and other public amusements.

§ (42) Traffic.

(a) *Traffic Commission.*

To create a Traffic Commission and prescribe its powers and duties, including the right to transfer to said Commission the powers and duties now exercised and performed by the Traffic Bureau of the Police Department of the City.

(b) *Personnel transfer.*

To provide by ordinance for the transfer of the personnel, including the Traffic Engineer of the Traffic Bureau of the Police Department, but such transfer shall not operate to deprive the employees so transferred of any rights they may have in the Special Fund or Special Fund for Widows of the Police Department. Any employee so transferred may, however, elect to become a member of the Employees' Retirement System of Baltimore City, under such rules and regulations as the Trustees of said Employees' Retirement System shall provide, including the right of withdrawal of his contributions to either or both of said Special Police Funds and depositing the same with the Employees' Retirement System; and any employee so electing to become a member of the Employees' Retirement System shall thereafter have no further rights in said Special Police Funds. Any employee so transferred who elects not to become a member of the Employees' Retirement System shall be entitled to pensions, benefits or allowances for himself, his widow or dependents under the laws or ordinances in force immediately before the adoption of such ordinance.

(c) *Classification of positions.*

The ordinance providing for said transfer shall contain a provision authorizing and directing the Civil Service Commission to classify all positions so transferred and all persons so transferred

shall be included in the new classifications of their respective positions without examination and without any reduction in pay.

(d) *Transferred members of Special Funds*.

Employees of the present Department of Transit and Traffic who were transferred from the Traffic Bureau of the Police Department in 1951, and who are members of either the Special Fund or Special Fund for Widows of the Police Department, shall continue to be assessed 2% for each fund, based on their current salaries, which will include pay increases and changes in classification subsequent to their transfer in 1951, and shall be pensioned in accordance with the scale observed by the Police Department for members of the two special funds.

When future general pay increases are granted and salaries of members of the Police Department and pensioned employees are raised in proportion, all employees of the Department of Transit and Traffic who were members of the special funds and who are pensioned under their provisions, shall be granted raises in their pension payments in the same proportion as those pensioned from the Police Department.

§ (43) Vehicles.

To license and regulate all vehicles, other than motor vehicles owned or used for business or pleasure or kept for hire in the City; and to license and regulate the employment of all hackmen, draymen, wagoners, carters, porters and watermen, plying for hire within the limits of the City.

§ (44) Veterans.

To provide by ordinance for such additional credits to honorably discharged war veterans, as may be recommended to the Mayor and City Council of Baltimore by the Civil Service Commission of Baltimore City, as being just and appropriate to the several positions in the Classified Civil Service, in determining the relative standing of persons upon eligible lists for such positions.

§ (45) Water.

To establish, operate, maintain, regulate and control a system of water supply and to make charges for the consumption or use of such water; to appoint watchmen or police officers for the protection of its water supply within or without the City limits.

To turn off and discontinue the supply of water furnished by the Mayor and City Council of Baltimore to any person or property located in or outside of the City of Baltimore because of the nonpayment of any fee or charge for water supplied or for work done in connection with the furnishing of such water until such unpaid fee or charge is fully paid; and to regulate, in or outside of the City of Baltimore, the installation of water supply service connections from the Baltimore City water supply system in such manner as to prevent the existence of cross connections between such source of supply and any private system of water supply that may exist within the premises served.

§ (46) Weights and measures.

To fix the standard of weights and measures in conformity with the standard in the rest of the State and to enforce the same by inspection.

§ (47) General welfare.

To pass any ordinance, not inconsistent with the provisions of this Charter or the laws of the State, which it may deem proper in the exercise of any of the powers, either express or implied, enumerated in this Charter, as well as any ordinance as it may deem proper in maintaining the peace, good government, health and welfare of Baltimore City and to promote the welfare and temperance of minors exposed to advertisements for alcoholic beverages placed in publicly visible locations.

> **Editor's Note:** Section 2 of Chapter 637, Acts of 1993, which added the last clause on alcoholic-beverage advertisements, provided as follows:
>
> > [T]his Act may only be applied to or interpreted to have an effect on any contract executed after the effective date of this Act *{June 1, 1993}* and to any renewal term of a preexisting contract beginning after October 1, 1993.

(Ch. 637, Acts of 1993.)

§ (48) Fines and penalties.

To provide civil and criminal fines and penalties for the violation of any ordinance, rule or regulations established by the City under or in the execution of any power granted by this Article II; provided that no fine or penalty shall exceed $1000.00 and no imprisonment shall be for a longer period than 12 months.

(Ch. 524, Acts of 1982; Ch. 551, Acts of 1997.)

§ (49) Constitutional and other powers.

The voters of Baltimore City shall have and are hereby expressly granted the power to make such changes in Sections 1 to 6, inclusive, of Article XI of the Constitution of the State of Maryland, as they may deem best; such power shall be exercised only by the adoption or amendment of a charter as provided in Article XI-A of said Constitution; provided, that nothing contained in this subsection (49) shall be construed to authorize the exercise of any powers in excess of those conferred by the Legislature upon said City, as set forth in Article XI-A of said Constitution; and expressly provided, further, that nothing herein contained shall give to the City or to the inhabitants thereof the right to initiate any legislation, laws or ordinances relating to the classification and taxation of real and personal property within the limits of said City.

The powers heretofore or hereafter granted to the City not included in Article II of its Charter shall, nevertheless, be exercisable by said City. Nothing contained in this subsection (49) shall be construed to take away or limit any power vested in the City, under the laws existing prior to June 1, 1945.

§ (50) Revenue bonds and obligations.

(a) *Authority to issue.*

To borrow money to finance undertakings for the accomplishment of any of the purposes, objects and powers of the Mayor and City Council of Baltimore and in connection therewith to issue bonds, notes or other obligations (including refunding bonds, notes or other obligations), all of which shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of

(1) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing is undertaken by issuance of said bonds, notes or other obligations,

(2) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of those bonds, notes or other obligations,

(3) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of those bonds, notes or other obligations, or

(4) any combination of (l), (2), or (3).

Any and all of such bonds, notes or other obligations shall not be general obligations of the Mayor and City Council of Baltimore and shall not be a pledge of or involve the faith and credit or the taxing power of the Mayor and City Council of Baltimore, and shall not constitute a debt of the Mayor and City Council of Baltimore, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or within the meaning of any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the Mayor and City Council of Baltimore.

The obligations authorized by the provisions of this subsection (50), 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.

(b) *Enabling ordinance.*

Any and all such bonds, notes or other obligations shall be issued by the Mayor and City Council of Baltimore pursuant to an ordinance of said municipality without the necessity of submitting the question of such issuance to the legal voters of Baltimore City for approval or disapproval. Any such ordinance may prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of any such bonds, notes or other obligations and the issuance and sale thereof, and may authorize and empower the Commissioners of Finance *{Board of Finance}* by resolution to determine and set forth any and all of the things hereinabove mentioned and to do any and all things necessary, proper or expedient in connection with the issuance and sale of such notes, bonds or other obligations authorized to be issued under the provisions of this subsection (50).

Any moneys from the bonds, notes or other obligations authorized under this subsection (50) shall not be expended for projects within the limits of Baltimore County without the express consent of the County Executive and County Council of Baltimore County.

(c) *Trust agreement.*

Bonds, notes or other obligations authorized to be issued under the provisions of this subsection (50) by an ordinance of the Mayor and City Council of Baltimore may be secured by a trust agreement by and between the Mayor and City Council of Baltimore and a corporate trustee, which may be any trust company, or bank having trust powers, within or without the State.

The ordinance may

(1) approve the form of the agreement,

(2) authorize the Commissioners of Finance *{Board of Finance}* to approve the form of the trust agreement or

(3) provide that counterparts of that ordinance may be executed by the appropriate parties so as to constitute a trust agreement.

The trust agreement, or the authorizing ordinance, may pledge or assign all or any part of

(1) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing is undertaken by issuance of the bonds, notes or other obligations,

(2) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the bonds, notes or other obligations, or

(3) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the bonds, notes or other obligations, or

(4) any combination of (1), (2), or (3).

Any such trust agreement or ordinance authorizing the issuance of bonds may contain whatever provisions for the protection and enforcement of the rights and remedies of the bondholders as may be deemed reasonable and proper. The trust agreement may set forth the rights and remedies of the bondholders of the trustee and may restrict the individual right of action by bondholders. In addition to the foregoing, the trust agreement may contain whatever other provisions as the Mayor and City Council of Baltimore may deem reasonable and proper for the security of the bondholders.

All expenses incurred in carrying out the provisions of the trust agreement or ordinance may be treated as part of the cost of the financing of any project or projects in connection with which the bonds have been issued.

(d) *Enforcement of rights by holders or trustee.*

Any holder of bonds, notes or other obligations issued under this subsection (50), or of any of the coupons appertaining to those bonds, and the trustee, except to the extent the rights herein given may be restricted by the trust agreement, either at law or in equity, by suit, action, mandamus or other proceedings, may protect and enforce any and all rights under the laws of this State or granted hereunder or in the ordinance authorizing the issuance of those bonds, notes or other obligations or under the trust agreement, and may enforce and compel the performance of all duties required by this subsection (50) or in the ordinance authorizing the issuance of those bonds, notes or other obligations or by the trust agreement to be performed by the Mayor and City Council of Baltimore or by any officer thereof.

(e) *Convention Center facilities.*

(1) Notwithstanding any other provision of this section, bonds, notes or other obligations (including refunding bonds, notes or other obligations) issued under this section to finance or refinance the acquisition, demolition, construction, renovation, expansion, improvement, furnishing or equipping of convention center facilities may be payable, as to both principal and interest, from revenues and receipts from the hotel room tax, provided that such revenues and receipts may not be irrevocably pledged to the payment of such principal and interest and the obligation to pay such principal and interest from such revenues and receipts shall be subject to annual appropriation by the Mayor and City Council of Baltimore.

The trust agreement or the authorizing ordinance may pledge or assign:

(i) all or any part of such revenues and receipts, but only to the extent such revenues and receipts are appropriated by the Mayor and City Council of Baltimore to the payment of such principal and interest; and

(ii) any fund into which all or any part of such revenues and receipts are deposited after such revenues and receipts are appropriated by the Mayor and City Council of Baltimore to the payment of such principal and interest.

(2) As used in this subsection, "convention center facilities" means:

(i) convention centers, trade show facilities, meeting halls, or other structures in Baltimore City used for the holding of conventions, trade shows, meetings, displays, or similar events, including, without limitation, the Baltimore City Convention Center;

(ii) offices, parking lots, garages, access roads, hotels, restaurants, railroad sidings, and any other property, structures, furnishings or equipment functionally related to the facilities described in subparagraph (i) of this paragraph; and

(iii) other facilities and properties used or useful or having present capacity for future use as, or in connection with, convention center facilities, including, without limitation:

1. land, buildings, structures, machinery, equipment and all properties and rights therein and appurtenances thereof, and rights-of-way, franchises, easements, and other interests in land;

2. all land and facilities that are functionally related to a convention center facility; and

3. all patents, licenses and other rights necessary or useful in the construction or operation of a convention center facility.

(3) As used in this subsection, "hotel room tax" means the hotel room tax levied by the Mayor and City Council of Baltimore pursuant to Article 28, Sections 37 through 42, inclusive, of the Baltimore City Code, as amended, replaced, or supplemented from time to time.

(Ch. 509, Acts of 1972; Ch. 657, Acts of 1974; Ch. 400, Acts of 1993.)

§ (51) Residential mortgage loan program.

(a) *In general.*

To develop a residential mortgage loan program in Baltimore City to serve a public purpose and need which is expressly found and determined to be the development and perpetuation of readily available sources of money at low and moderate cost for residential mortgage loans within Baltimore City which purpose is essential

(1) to preserve a healthy and viable economy within Baltimore City,

(2) to encourage and facilitate the creation or maintenance of a healthy and ready market for residential real estate in Baltimore City including (without limitation) the ready sale and purchase of existing residential real estate and the purchase, acquisition, construction, erection or development of buildings or structures for residential purposes, including any land necessary therefor, within the boundaries of Baltimore City,

(3) to encourage and facilitate the purchase of such residential real property in order to maintain and encourage growth in real property assessments in Baltimore City, and

(4) to preserve the public health, safety and welfare of the residents of Baltimore City by enabling residents of Baltimore City of all income levels to finance readily their housing needs in Baltimore City, thus discouraging the proliferation of vacant and substandard housing in Baltimore City and retarding or reversing the movement of financially self-sufficient taxpayers to surrounding subdivisions; and

(b) *Loan acquisitions.*

To purchase or contract to purchase or otherwise acquire mortgage loans

(1) bearing interest rates below those generally prevailing (at the time of purchase or contract to purchase) in the private mortgage market (to the extent such a market exists at that time) for loans of comparable quality and term in Baltimore City and

(2) having whatever other terms and characteristics as may be determined by the Mayor and City Council of Baltimore to be appropriate or necessary to accomplish the public purpose set forth in paragraph (a) of this subsection which terms shall require, to the extent deemed practicable by the Mayor and City Council of Baltimore, that the residences securing such mortgage loans be owner occupied;

(c) *Revenue bonds.*

Without in any way limiting the generality of any other provisions of the Charter of the Mayor and City Council of Baltimore, to borrow money by the issuance of its revenue bonds and limited obligations pursuant to Article II, subsection (50), of this Charter in order to obtain the moneys necessary to effect the residential mortgage loan program hereby authorized.

§ (52) Owner-occupancy residential mortgage loan program.

(a) *In general.*

To develop an owner-occupancy residential mortgage loan program in Baltimore City to serve a public purpose and need which is expressly found and determined to be the development and perpetuation of readily available sources of money at low and moderate cost for such residential mortgage loans within Baltimore City, which purpose is essential

(1) to preserve a healthy and viable economy within Baltimore City,

(2) to encourage and facilitate the creation or maintenance of a healthy and ready market for such residential real estate in Baltimore City including (without limitation) the ready sale and purchase of existing residential real estate and the purchase, acquisition, construction, erection or development of buildings or structures for owner-occupancy residential purposes including any land necessary therefor, within the boundaries of Baltimore City,

(3) to encourage and facilitate the purchase of such residential real property in order to maintain and encourage growth in real property assessments in Baltimore City, and

(4) to preserve the public health, safety and welfare of the residents of Baltimore City by enabling residents of Baltimore City of all income levels to finance readily their housing needs in Baltimore City, thus discouraging the proliferation of vacant and substandard housing in Baltimore City and retarding or reversing the movement of financially serf-sufficient taxpayers to surrounding subdivisions; and

(b) *Loan acquisitions.*

To purchase or contract to purchase or otherwise acquire mortgage loans

(1) bearing interest rates below those generally prevailing (at the time of purchase or contract to purchase) in the private mortgage market (to the extent such a market exists at that time) for loans of comparable quality and term in Baltimore City and

(2) having whatever other terms and characteristics as may be determined by the Mayor and City Council of Baltimore to be appropriate or necessary to accomplish the public purpose set forth in paragraph (a) of this subsection;

(c) *Revenue bonds.*

Without in any way limiting the generality of any other provisions of the Charter of the Mayor and City Council of Baltimore, to borrow money by the issuance of its revenue bonds and limited obligations pursuant to Article II, subsection (50), of this Charter in order to obtain the moneys necessary to effect the residential mortgage loan program hereby authorized.

(Ch. 809, Acts of 1974.)

§ (53) Nonresident owners, notice of violation and appointment of receiver.

{Repealed by Ch. 467, Acts of 1993.}

§ (54) Nonresident owners, notice of code violation and appointment of receiver.

(a) *Application for receiver.*

Where real property in the City of Baltimore is owned by a nonresident of the State, and the nonresident owner has received notice of violation of the City's building or housing codes and the violation is not corrected within the time required, the City of Baltimore may apply to any equity court in Baltimore for the appointment of a receiver.

(b) *Prior notice.*

Proper notice to nonresident owners shall consist of notice sent by certified mail, return receipt requested, to the last known address of the nonresident owner; or, if the above method cannot be accomplished, then by publication once a week for a period of three consecutive weeks in a daily newspaper of substantial circulation published in Baltimore of a notice citing the nature of the violation and stating that in the event the notice is not complied with within the time period for correction, the City of Baltimore may apply to an equity court in Baltimore City for the appointment of a receiver.

(c) *Powers and duties of receiver.*

The receiver appointed is responsible for correcting the code violations, continuing maintenance of the property, collecting any rents or other income from the property and applying the rent or other income to all expenditures made for these purposes.

The receiver may let the property to a tenant.

Any expenditures so made, after crediting rent or other income, shall be a lien against the property pursuant to Article II, § (19) of this Charter, and any excess funds received shall be held for the benefit of the owners to be remitted according to law.

(d) *Authority supplemental.*

This section may not be construed to limit the authority of the Mayor and City Council to seek the appointment of a receiver in appropriate code violation cases when conditions at the real property constitute a nuisance or are otherwise a substantial threat to health and safety.

(*Ch. 597, Acts of 1975; Ch. 467, Acts of 1993.)*

§ (55) Municipal employee relations.

(a) *In general.*

To provide by ordinance an orderly procedure for participation by municipal employees and their representatives in the formulation of labor relations and personnel policies, recognizing the right of employees to organize and bargain collectively through representatives of their own choosing and generally authorizing the Mayor and City Council of Baltimore to provide for

(1) the manner of establishing units appropriate for collective bargaining and of designating or selecting exclusive bargaining representatives;

(2) the rights of the employer, employees and the employee organization designated as the exclusive representative in an appropriate unit;

(3) the procedure for the negotiation of a collective bargaining agreement with respect to the terms and conditions of employment and the manner for resolution of a negotiation impasse;

(4) the payment of a service fee, as a condition of continuing employment, for administration of the collective bargaining agreement and the right of the exclusive representative to the checkoff of dues or service fees;

(5) the designation of unfair labor practices and remedies for the same;

(6) the definition of a grievance and the procedure for resolution; and

(7) other related matters to effectuate the ordinance.

The Mayor and City Council of Baltimore are authorized, consistent with the provisions of the Charter of Baltimore City, to submit to binding arbitration any dispute arising from the interpretation of, or the application of, any collective bargaining agreement with an exclusive representative. Binding arbitration for fire fighters and fire officers shall be conducted as provided in subsection (b).

This section does not authorize a strike by any municipal employee or employees.

Until amended by ordinance, the presently existing municipal employee relations ordinance shall remain in force and effect.

(b) *Arbitration for fire personnel.*

(1) If the certified employee organization or organizations representing fire fighters and fire officers within the Fire Department and the employer have not reached a written agreement concerning terms and conditions of employment by March 1 of any year, either party may request arbitration by a board of arbitration, as herein provided, which request must be honored.

(2) The board of arbitration shall be composed of 3 members, 1 appointed by the Mayor, and 1 appointed jointly by the certified employee organizations representing the fire fighters and fire officers involved. These members shall be selected within 4 days of the request for arbitration. The third member shall be selected within 4 additional days by the 2 arbitrators previously chosen and in accordance with the procedures of the American Arbitration Association from a list furnished by the Association. Such member selected shall act as chairman of the board of arbitration.

The board of arbitration thus established shall commence the arbitration proceedings within 7 days after the chairman is selected and shall make its decision, by a majority vote, within 15

days after the commencement of the arbitration proceedings. For good cause the chairman may extend the time requirement set forth herein.

(3) Within 3 days after the selection of the chairman of the board of arbitration, the Labor Commissioner or his designated representative shall provide to each member of the board of arbitration and to all parties, a detailed itemization of the last proposal made by the respective parties during the negotiations.

(4) The board of arbitration shall identify the major issues in the dispute, review the positions of all parties and shall take into consideration wages, benefits, hours, and other working conditions of other fire department and public safety employees in Maryland as well as in comparable metropolitan political subdivisions in other states, and shall also consider the value of other benefits available to or received by other employees of the Mayor and City Council of Baltimore as compared with private sector employees in the metropolitan Baltimore City area and as compared with employees of other fire departments and other public safety employees. The board of arbitration shall further consider consumer prices for goods and services and other related items, cost of living data, and such other factors, not confined to the foregoing, which are normally utilized in the determination of wages and other benefits in the collective bargaining process, and shall also take into account the financial condition of the City.

(5) The board of arbitration shall have the power to administer oaths, compel the attendance of witnesses, and require the production of evidence by subpoena.

(6) The board of arbitration after hearing witnesses and considering and receiving such written evidence as may be submitted shall, by written decision, order the implementation, in its entirety, of the last proposal of one of the respective parties previously submitted in accordance with subparagraph (c) of this section.

(7) The decision of the majority of the board of arbitration thus established shall be final and binding upon the Mayor and City Council of Baltimore and upon the certified employee organizations involved in the proceedings. No appeal therefrom shall be allowed. Such decision shall constitute a mandate to the Mayor of Baltimore City in respect to such matters which can be remedied administratively by him, and as a mandate to the Board of Estimates and the City Council with respect to matter(s) which require legislative action necessary to implement the decision of the board of arbitration.

With respect to matters which require legislative action for implementation, such legislation shall be enacted within 45 days following the date of the arbitration decision.

With respect to salaries and wage scales, the amounts determined by the final decision of the board of arbitration shall be included in the proposed Ordinance of Estimates in accordance with Section 2(c)(1) of Article VI, shall not be reduced by the City Council in accordance with Section 2(g) of Article VI, and shall be adopted by the Board of Estimates as the salary and wage scales for employees of the Fire Department in accordance with Section 5 of Article VI.

(8) The cost of the arbitration proceedings provided for herein shall be borne equally by the parties involved.

(Ch. 704, Acts of 1985.)

§ (56) Volunteer workers.

To provide in its discretion such benefits as may be deemed appropriate to city volunteer workers for injury or death as a result of performing tasks assigned to them as city volunteer workers and to indemnify city volunteer workers against claims and suits under such conditions as may be prescribed.

(Ch. 40, Acts of 1979.)

§ (57) Loans for industrial purposes.

From or in connection with funds available to the Mayor and City Council of Baltimore pursuant to Article XI-I of the Constitution of the State of Maryland, to make, purchase, contract to make, or otherwise acquire financial loans to any person or other legal entity and to guarantee or insure financial loans made by third parties to any person or other legal entity, such financial loans to be used for or in connection with the purchase or acquisition of leasehold or fee simple interests in buildings or structures, and for construction, reconstruction, erection, development, rehabilitation, renovation, redevelopment or improvement of buildings or structures, located within the boundaries of Baltimore City, which buildings or structures are to be used or occupied for industrial purposes.

The term "industrial purposes" shall embrace every type or branch of business, conducted for a livelihood or for profit, or conducted on a nonprofit basis, provided that the building or structure may be financed by obligations the interest on which is exempt from federal income taxation under the provisions of any federal statute, including the provisions of Section 103 of the Internal Revenue Code of 1954, as now or hereafter amended.

It is hereby found and determined that conditions of unemployment exist in Baltimore City and the development of business of all types (including, without limitation, manufacturing, commerce, research, education, real estate development, and recreation) is essential to relieve this unemployment and to establish a balanced economy in Baltimore City.

In connection with such loans and guarantees, the City may make loans directly for qualifying projects and may guarantee or insure loans made by third parties for such projects, including loans made in the form of the acquisition by a third party of revenue bonds or any other evidence of indebtedness.

(Ch. 454, Acts of 1980.)

§ (58) Limitations on competition.

(a) *Public transportation.*

(1) It has been and shall continue to be the policy of the State to authorize Baltimore City to displace or limit competition in the area of public transportation in order to provide for adequate, economical, and efficient delivery of transportation services; to protect its citizens from inconsistent and excessive prices; to provide necessary and desired services in all areas of the City; to enable the City to provide public transportation in order to conserve energy and reduce air pollution, congestion, traffic hazards, and accidents; to encourage the use of public transportation by the contribution by the City of capital and operating funds to enable transportation to be provided at the lowest cost to all citizens, especially the indigent; and to promote the general welfare by conducting a comprehensive transportation system.

(2) Baltimore City has the authority to grant one or more franchises for a transportation system on an exclusive or nonexclusive basis, to impose franchise fees, to establish certain rates, to establish rules, regulations, and licensing requirements to govern the operation of the franchises, and for the enforcement of any such measure, and to conduct a public transportation system on an exclusive basis, including the establishment of rules, regulations, and rates, notwithstanding any anticompetitive effect.

(b) *Water and sewerage systems; waste collection and disposition.*

(1) It has been and shall continue to be the policy of the State to authorize Baltimore City to displace or limit competition in the area of water and sewerage systems in order to assure delivery of adequate, economical, and efficient services to its citizens, to avoid duplication of facilities, to provide for the health and safety of its citizens, to control disease, to prevent blight and other environmental degradation, to utilize efficiently the public right-of-way, to protect limited natural resources for the benefit of the citizens of the City; and to promote the general health and welfare by providing for adequate water and sewerage systems.

(2) (i) Baltimore City has the authority to grant one or more franchises or enter into contracts for water and sewerage systems on an exclusive or nonexclusive basis to any person, to impose franchise fees, to establish certain rates and charges, to establish rules, regulations, and licensing requirements, and to provide for the enforcement of any such measure notwithstanding any anticompetitive effect.

(ii) In the event that Baltimore City has the enabling authority granted by any other law to operate water and sewerage systems, such systems shall be operated by the City without regard to any anticompetitive effect.

(3) It has been and shall continue to be the policy of the State that Baltimore City is directed and authorized to exercise all powers regarding waste collection and disposal notwithstanding any anticompetitive effect. This subsection does not apply to any portion of a generator's waste which is directed by the generator to a specific facility for reuse, reclamation or recycling, or for disposal on its own property.

(c) *Concessions on, leasing of public property.*

(1) It has been and shall continue to be the policy of the State to authorize Baltimore City to displace or limit competition in the award of concessions on, over or under property owned or leased by the City and in the leasing or subleasing of property owned or leased by the City in order to utilize properly the assets of the City for the best public purpose; to provide necessary or desirable governmental services at the lowest possible cost; to protect the public from unscrupulous business practices and excessive prices; to provide for the accessibility to public property by as many citizens as possible; and to promote the general welfare by utilizing public property for the benefit of the citizens of the community.

(2) Baltimore City has the authority to displace or limit competition by granting one or more franchises for any concession on, over or under property owned, or leased, by the City on an exclusive or nonexclusive basis, to control prices and rates for such franchises; to establish rules and regulations to govern the operation of the franchises and for the enforcement thereof; and to lease or sublease publicly owned or leased land, improvements to land or both on terms to be determined by the City without regard to any anticompetitive effect.

(d) *Development and redevelopment.*

(1) It has been and shall continue to be the policy of this State to authorize Baltimore City to displace or limit competition with respect to residential, commercial, industrial, and economic development and redevelopment to ensure the stability and vitality of urban areas.

(2) In order to achieve this public purpose Baltimore City has been granted the authority to displace or limit competition by limiting or controlling the types and number of uses or projects it will authorize, promote, assist, or permit in exercising its powers to undertake, promote, and regulate, and otherwise control residential, commercial, industrial, and economic development and redevelopment, including but not limited to acquiring, leasing, selling or disposing of, and controlling land, structures, and other property and borrowing money, and making loans or providing other forms of financial assistance and guarantees.

(e) *Construction; scope.*

The powers granted to Baltimore City pursuant to this section shall not be construed:

(1) to grant to Baltimore City powers in any substantive area not otherwise granted to the City by other public general or public local law;

(2) to restrict the City from exercising any power granted to the City by other public general or public local law or otherwise;

(3) to authorize the City or its officers to engage in any activity which is beyond their power under other public general law, public local law, or otherwise; or

(4) to preempt or supersede the regulatory authority of any State department or agency under any public general law.

(Ch. 397, Acts of 1983.)

§ (59) Loans and loan guarantees.

To use the proceeds of any debt of the Mayor and City Council of Baltimore, created pursuant to Article XI, Section 7 of the Constitution of Maryland, in order to effectuate any purpose which the General Assembly of Maryland has or may hereafter authorize pursuant to Articles XI-G, XI-H, or XI-I of the Constitution of Maryland, as follows:

(a) to make or contract to make financial loans to any person or other legal entity to be used for or in connection with the rehabilitation, renovation, redevelopment, or improvement of buildings or structures located within the boundaries of Baltimore City, which buildings or structures are to be used or occupied for residential purposes;

(b) to guarantee or insure financial loans made by third parties to any person or other legal entity to be used for or in connection with the rehabilitation, renovation, redevelopment, or improvement of buildings or structures located within the boundaries of Baltimore City, which buildings or structures are to be used or occupied for residential purposes;

(c) to make or contract to make financial loans to any person or other legal entity to be used for or in connection with the purchase or acquisition of leasehold or fee simple interests in

buildings or structures, and for construction, reconstruction, erection, development, rehabilitation, renovation, redevelopment, or improvement of buildings or structures, located within the boundaries of Baltimore City, which buildings or structures are to be used or occupied for commercial purposes;

(d) to guarantee or insure financial loans made by third parties to any person or other legal entity to be used for or in connection with the purchase or acquisition of leasehold or fee simple interests in buildings or structures, and for construction, reconstruction, erection, development, rehabilitation, renovation, redevelopment, or improvement of buildings or structures, located within the boundaries of Baltimore City, which buildings or structures are to be used or occupied for commercial purposes;

(e) to make or contract to make financial loans to any person or other legal entity to be used for or in connection with the purchase, acquisition, construction, erection, or development of buildings or structures, including any land necessary therefor, within the boundaries of Baltimore City, which buildings or structures are to be used or occupied for residential purposes;

(f) to guarantee or insure financial loans made by third parties to any person or other legal entity which are to be used for or in connection with the purchase, acquisition, construction, erection, or development of buildings or structures, including any land necessary therefor, within the boundaries of Baltimore City, which buildings or structures are to be used or occupied for residential purposes;

(g) to make or contract to make financial loans to any person or other legal entity to be used for or in connection with the purchase, acquisition, construction, reconstruction, erection, development, redevelopment, rehabilitation, renovation, modernization, or improvement of buildings or structures, including any land necessary therefor, within the boundaries of Baltimore City, which buildings or structures are to be used or occupied for industrial purposes; and

(h) to guarantee or insure financial loans made by third parties to any person or other legal entity which are to be used for or in connection with the purchase, acquisition, construction, reconstruction, erection, development, redevelopment, rehabilitation, renovation, modernization, or improvement of buildings or structures, including any land necessary therefor, within the boundaries of Baltimore City, which buildings or structures are to be used or occupied for industrial purposes.

(Ch. 645, Acts of 1984.)

§ (60) Reports of loans, loan guarantees, and loan insurance.

To exercise powers which may be granted by the General Assembly of Maryland under Articles XI-G, XI-H, and XI-I of the Constitution of Maryland only if the following requirements are fulfilled:

(a) *Reports required.*

Prior to each regular session of the General Assembly of Maryland, the Board of Estimates of the Mayor and City Council of Baltimore shall submit to each member of the General Assembly representing Baltimore City a report regarding loans and loan guarantees made during the

immediately preceding fiscal year, from the proceeds of any debt created or credit extended under Article XI, Section 7 of the Constitution of Maryland or from the proceeds of any notes issued in anticipation of such proceeds, for the purposes authorized pursuant to Articles XI-G, XI-H, or XI-I of the Constitution of Maryland.

(b) *Contents.*

The report shall contain the following information regarding each loan of $300,000 or more, made or guaranteed as described in subsection (a); provided that the loans or loan guarantees or insurance for any particular project or the particular project itself may not be divided or split for the purpose of being exempted from the reporting requirement:

(1) the recipient of the loan, and a brief description of the purpose of the loan.

(2) the street address and a brief description of each property acquired, constructed, rehabilitated or otherwise improved with the proceeds of the loan.

(3) the amount of each loan made.

(4) the amount of each loan guaranteed and the amount of reserve maintained for each guarantee commitment.

(5) the amount and source of any other funds committed in connection with the loan.

(6) the extent of minority business participation in the proceeds of the loan, determined in accordance with the standards, terms, and conditions of the minority business enterprise program of the Board of Estimates of Baltimore City.

(7) whether and in what manner the provisions of Article VI, Section 4 *{Article VI, § 11}* of the City Charter applied to the loan.

(8) whether and in what manner Sections 19 through 27 inclusive of the Baltimore City Code, "Contracts - Hours and Wages" *Article 5, Subtitle 25, "Hours and Wages - Service Contracts"},* applied to the loan.

(c) *"Guarantee" defined.*

In this section, a loan "guarantee" or a loan "guaranteed" shall include insurance of a loan, or a loan insured.

(d) *Legislative audit.*

At the request of either the Speaker of the House and President of the Senate or the Joint Budget and Audit Committee to the General Assembly, the legislative auditor shall:

(1) examine, evaluate, and audit any report made under this section; and

(2) examine and evaluate any loan or loan guarantee for which a report is not made in order to determine if a report should be made for it under this section.

(e) *Savings clause.*

Failure to file any report required by this section does not affect the validity of any bonds or other obligations issued for the purpose of exercising any of the powers authorized by Articles XI-G, XI-H, and XI-I of the Constitution.

(Ch. 749, Acts of 1984.)

§ (61) Downtown Commercial District Management Authority.

(a) *Establishment, boundaries, etc.*

(1) To establish a Downtown Commercial District Management Authority within the City of Baltimore to do any or all of the following: promote or market the district; provide supplementary security and maintenance services; and provide amenities in public areas.

(2) (i) To specify and modify the boundaries of the district but in no event outside the bounds of lines as follows:

1. on the north, a line beginning at the Jones Falls Expressway, going west on Centre Street to Park Avenue, then north on Park Avenue to Read Street, then northwest on Read Street to Howard Street, then north on Howard Street to Martin Luther King Boulevard, then southwest on Martin Luther King Boulevard to Eutaw Street, then south on Eutaw Street to Franklin Street, then west to Greene Street;

2. on the west, Greene Street and Russell Street;

3. on the south, a line running generally westerly from Russell Street and Lee Street to Lee Street and Light Street, and then following Light Street to Key Highway, and then following Key Highway to Lawrence Street; and

4. on the east, the Jones Falls Expressway and President Street.

(ii) Notwithstanding subparagraph (i) of this paragraph, the district may include properties binding on either side of the boundaries authorized under this subsection.

(3) To specify the powers and functions which may be exercised and conducted by the Authority and the amount of benefit assessment charges which may be imposed on properties in the district.

(4) To specify the duration of the Authority.

(5) To provide for the imposition and collection of the taxes or charges, and for disbursement of the revenue therefrom to the Authority. The financial plan of the Authority, including its annual budget and its tax and fee schedule, shall be subject to approval by the Board of Estimates. Taxes and charges imposed under this paragraph may not exceed those proposed by the Authority.

(6) To determine the organization and method of initial appointment of board members of the Authority, the majority of the members of the board shall be owners or representatives of owners of properties in the district that are subject to taxes or charges under this section.

(b) *Powers of Authority.*

As provided by ordinance, the Authority may have the power:

(1) to be a special tax district or special benefits assessment district and to conduct the functions which are assigned to it by the City.

(2) to acquire, hold and use property necessary to achieve its purposes.

(3) to make contracts; to sue and be sued.

(4) to accept grants.

(5) to borrow for purposes consistent with the public purposes of the Authority.

(6) to propose in its annual budget the taxes or charges on properties within the district. No such amounts shall be levied against residential property with fewer than four dwelling units. Property which is exempt under State law from ordinary property taxes shall be exempt from assessments by the district. Before adopting its proposed budget and before making its recommendation to the City, the Authority shall hold a public hearing on taxes or charges proposed for the district. The Authority shall publish notice of the hearing in a newspaper of general circulation in Baltimore City at least once a week for three consecutive weeks before the hearing.

(7) to do all things necessary or convenient to carry out its powers.

(8) to adopt, amend and modify by-laws, all of which shall be subject to the approval of the Board of Estimates.

(9) to establish and elect officers and provide for their terms and duties.

(10) to contract for and purchase goods and services, not subject to the City requirements regarding wage scales, competitive bidding or other local procurement laws; however the Authority shall be subject to City ordinances and City policy requiring achievement of goals regarding minority and women's business enterprises.

(c) *Limitations.*

The Authority is subject to the following limitations:

(1) It is not permitted to exercise any police or general powers other than those authorized by State law and City ordinance.

(2) It may not pledge the full faith or credit of the City.

(3) It cannot extend its life and it cannot modify its boundaries without City Council approval.

(4) It cannot impose taxes, fees or assessments in excess of those approved by the Board of Estimates.

(5) It cannot exercise the power of eminent domain.

(6) Except as otherwise authorized by law, it cannot engage in competition with the private sector.

(7) Any fees, charges or taxes collected pursuant to this section shall be used only for the purposes authorized under this section and may not revert to the General Fund of the City.

(8) It may not be an agency of the City of Baltimore or the State of Maryland.

(9) Employees of the Authority shall reside in the City of Baltimore.

(10) Subject to the approval of the Board of Estimates, it shall provide an adjustment of any taxes and charges imposed on a specific property pursuant to this section based on the current rate of occupancy of the property.

(d) *Considerations.*

In adopting an ordinance, the City Council shall give consideration to the views of the property owners, the retail merchants, the hotels and motels, the property tenants, and the other members of the business community within the district.

(e) *Periodic review.*

The Mayor and City Council shall review the effectiveness and desirability of continuing the existence of any district established under this section every 5 years from the enactment of the ordinance.

(f) *Approval by property owners.*

The Mayor and City Council shall establish a fair and equitable process for the approval and adoption of an ordinance, under this section, by the property owners who are subject to taxes or charges in the district.

(Ch. 604, Acts of 1992.)

§ (62) Tax increment financing.

(a) *In general.*

(1) To borrow money by issuing and selling bonds, at any time and from time to time, for the purpose of financing and refinancing the development of an industrial, commercial, or residential area in Baltimore City. Such bonds shall be payable from and secured by a

pledge of the special fund described in subsection (d)(3)(ii) of this section and the Mayor and City Council of Baltimore may also establish sinking funds, establish debt service reserve funds, or pledge other assets and revenues towards the payments of the principal and interest, including revenues received by the Mayor and City Council of Baltimore pursuant to a development agreement.

(2) (i) In lieu of the pledges set forth in paragraph (1) of this subsection, the authorizing ordinance or trust agreement, subject to subparagraphs (ii) and (iii) of this paragraph, may pledge or assign:

1. all or any part of that portion of the revenues and receipts from the taxes representing the levy of the tax increment that would normally be paid to the Mayor and City Council of Baltimore to the payment of such principal and interest;

2. the special fund described in subsection (d)(3)(ii) of this section and any other fund into which all or any part of such revenues and receipts are deposited after such revenues and receipts are appropriated by the Mayor and City Council of Baltimore to the payment of such principal and interest;

3. amounts provided to the Mayor and City Council of Baltimore by the State under § 2–222 of the Tax–Property Article of the Annotated Code of Maryland; and

4. any other assets and revenues of the Mayor and City Council of Baltimore.

(ii) The revenues and receipts may not be irrevocably pledged to the payment of such principal and interest and the obligation to pay such principal and interest from such revenues and receipts shall be subject to annual appropriation by the Mayor and City Council of Baltimore.

(iii) The Mayor and City Council of Baltimore may not pledge its full faith and credit or unlimited taxing power to the payment of such bonds.

(b) *Definitions.*

(1) In this section the following words have the meanings indicated, unless the context clearly indicates another or different meaning or intent:

(2) "Abandoned property" has the meaning stated in § 21-17(a) of the Public Local Laws of Baltimore City.

(3) "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 of that year preceding the effective date of the ordinance creating the development district under subsection (d) of this section.

(4) "Affordable housing" means housing that is affordable to households with incomes up to 115% of the regional median income.

(5) "Assessable base" means the total assessable base of all real property in a development district subject to taxation as determined by the Supervisor of Assessments.

(6) (i) "Assessment ratio" means any real property tax assessment ratio, however designated or calculated, which is used or applied under applicable general law in determining the assessable base.

(ii) "Assessment ratio" includes the assessment percentage as provided under § 8-103(c) of the Tax-Property Article of the Annotated Code of Maryland, as amended, replaced, or supplemented from time to time.

(7) "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 pursuant to and in accordance with this section.

(8) "Development" includes new development, redevelopment, revitalization, and renovation.

(9) "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 pursuant to this section to finance or refinance development in such development district.

(10) "Development district" means an area or areas within the City of Baltimore designated by an ordinance of the Mayor and City Council of Baltimore.

(11) "Distressed property" has the meaning stated in § 21-17(a) of the Public Local Laws of Baltimore City.

(12) "Original assessable base" means the assessable base as of January 1 of that year preceding the effective date of the ordinance creating the development district under subsection (d) of this section.

(13) "Original full cash value" means the dollar amount which is determined by dividing the original assessable base by the assessment ratio used to determine the original assessable base.

(14) "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 adjusted assessable base applies, then the "original taxable value" is the adjusted assessable base.

(15) "Supervisor of Assessments" means the Supervisor of Assessments for Baltimore City.

(16) "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.

(17) "Tax year" means the period from July 1 of a calendar year through June 30 of the next calendar year.

(18) "State obligations" means any bonds or bond, notes or note, or other similar instruments or instrument issued by the Maryland Economic Development Corporation, the State of Maryland, or any agency, department, or political subdivision thereof, the proceeds of which have been used for any of the purposes specified in subsection (c) of this section.

(c) *Application of proceeds.*

All proceeds received from any bonds issued and sold pursuant to this section shall be applied solely for:

(1) the cost of purchasing, leasing, condemning, or otherwise acquiring land or other property, or an interest in them, in the designated development district area or as necessary for a right-of-way or other easement to or from the development district area;

(2) site removal;

(3) surveys and studies;

(4) relocation of businesses or residents;

(5) installation of utilities, construction of parks and playgrounds, and other necessary improvements including streets and roads to, from, or within the development district, lighting, and other facilities;

(6) construction or rehabilitation of buildings provided that such buildings:

(i) are to be devoted to a governmental use or purpose;

(ii) are abandoned property;

(iii) are distressed property; or

(iv) will provide units of affordable housing;

(7) reserves and capitalized interest on the bonds;

(8) necessary costs of issuing bonds;

(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 in this section.

(d) *Prerequisites for bond issuance.*

Before issuing any bonds under this section, the Mayor and City Council of Baltimore shall:

(1) designate by ordinance an area or areas within the City of Baltimore as a "development district";

(2) receive from the Supervisor of Assessments a certification as to the amount of the original assessable base, or if applicable, the adjusted assessable base; and

(3) provide that until the bonds have been fully paid or thereafter, the property taxes on real property within the development district shall be divided as follows:

(i) that portion of the taxes which would be produced by the rate at which taxes levied each year by the Mayor and City Council of Baltimore upon the original taxable value shall be allocated to and when collected paid into the funds of the Mayor and City Council of Baltimore in the same manner as taxes by the Mayor and City Council of Baltimore on all other property are paid; and

(ii) that portion of the taxes representing the levy on the tax increment that would normally be paid to the Mayor and City Council of Baltimore shall be paid into a special fund to be applied in accordance with the provisions of subsection (e) of this section. This yield shall not be considered as municipal taxes for the purposes of any constant yield tax limitation or State or local restriction. No State real property taxes may be paid into the special fund.

(e) *Special fund.*

(1) The Mayor and City Council of Baltimore may enact an ordinance creating a special fund described in subsection (d)(3)(ii) of this section with respect to a development district, even though no bonds authorized by this section have been issued by the Mayor and City Council of Baltimore with respect to that development district or are then outstanding. The taxes allocated to such special fund by subsection (d)(3)(ii) of this section shall thereafter be paid over to such special fund, as long as such ordinance remains in effect.

(2) When no bonds authorized by this section are outstanding with respect to a development district and the Mayor and City Council of Baltimore by ordinance so determines, moneys in the special fund for that development district created pursuant to subsection (d)(3)(ii) of this section may be:

(i) used for any of the purposes described in subsection (c) of this section;

(ii) accumulated for payment of debt service on bonds subsequently issued under this section;

(iii) used to pay or to reimburse the Mayor and City Council of Baltimore for debt service which the Mayor and City Council of Baltimore is obligated to pay or has paid (whether such obligation is general or limited) on any bonds or State obligations; or

(iv) paid to the Mayor and City Council of Baltimore to provide funds to be used for any legal purpose as may be determined by the Mayor and City Council of Baltimore.

(3) When any bonds authorized by this section are outstanding with respect to a development district and the Mayor and City Council of Baltimore so determines, moneys in the special fund for that development district created pursuant to subsection (d)(3)(ii) of this section may be used as provided in paragraph (2) of this subsection in any fiscal year by the Mayor and City Council of Baltimore, but only to the extent that:

(i) the amount in such special fund exceeds the unpaid debt service payable on such bonds in such fiscal year and is not restricted so as to prohibit the use of such moneys; and

(ii) such use is not prohibited by the ordinance of the Mayor and City Council of Baltimore or resolution of the Board of Finance authorizing the issuance of such bonds.

(f) *Enabling ordinance.*

(1) Before issuing any bonds under this section the Mayor and City Council of Baltimore shall enact an ordinance which:

(i) specifies and describes the proposed undertaking and states that it has complied with subsection (d) of this section; and

(ii) specifies the maximum principal amount of bonds to be issued, from time to time or at any time, pursuant to such ordinance.

(2) The ordinance, if such bonds constitute debt of the Mayor and City Council of Baltimore under Section 7 of Article XI of the State Constitution, shall be submitted to the legal voters of the City of Baltimore at the time and place specified therein. Such ordinance shall become effective only if it is approved by the majority of the votes cast at the time and place specified in such ordinance. Except as otherwise provided herein, this section may not be construed as requiring the submission to the legal voters of the City of Baltimore of any ordinance creating a development district pursuant to subsection (d) of this section.

(3) Such ordinance may specify that the bonds authorized thereunder may be issued from time to time or at any time.

(4) Such ordinance may authorize the Mayor and City Council of Baltimore by ordinance or the Board of Finance by resolution to specify and prescribe any of the following as it deems appropriate to effect the financing or refinancing of the proposed undertaking:

(i) the actual principal amount of the bonds to be issued;

(ii) the actual rate or rates of interest the bonds are to bear or the method for determining the same;

(iii) the manner in which and the terms upon which the bonds are to be sold;

(iv) the manner in which and the times and places that the interest on the bonds is to be paid;

(v) the time or times that the bonds may be executed, issued, and delivered;

(vi) the form and tenor of the bonds and the denominations in which the bonds may be issued;

(vii) the manner in which and the times and places that the principal of the bonds is to be paid, within the limitations sot forth in this subsection;

(viii) provisions pursuant to which any or all of the bonds may be called for redemption prior to their stated maturity dates;

(ix) the terms and provisions of any development agreement to be executed by the Mayor and City Council of Baltimore and any person in connection with the issuance of such bonds; and

(x) any other provisions not inconsistent with this section, the Charter and applicable law as shall be determined by the Mayor and City Council of Baltimore or the Board of Finance (as the case may be) to be necessary or desirable to effect the financing or refinancing of the proposed undertaking.

(g) *Tax exemption.*

The principal amount of the bonds, the interest payable thereon, their transfer, and any income derived therefrom, including any profit made in the sale or transfer thereof, shall be exempt from taxation by the State of Maryland and by the several counties and municipalities of the State of Maryland but shall be included, to the extent required under Title 8, Subtitle 2 of the Tax-General Article of the Annotated Code of Maryland, as amended, replaced, or supplemented from time to time, in computing the net earnings of financial institutions.

(h) *Form; tenor; sale.*

(1) All bonds may be in bearer form or in coupon form or may be registrable as to principal alone or as to both principal and interest. Each of the bonds shall be deemed to be a "security" within the meaning of § 8-102 of the Commercial Law Article of the Annotated Code of Maryland, as amended, replaced, or supplemented from time to time, whether or not it is either one or a class or series or by its terms is divisible into a class or series of instruments.

(2) All bonds shall be signed manually or in facsimile by the Mayor of the City of Baltimore, and the seal of the Mayor and City Council of Baltimore shall be impressed thereon manually or by facsimile and attested by the custodian of the City seal, manually or by facsimile. If any officer whose signature or countersignature appears on the bonds ceases to be such officer before delivery of the bonds, his signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until delivery thereof.

(3) All bonds shall mature not later than 40 years from their date of issuance.

(4) All bonds shall be sold in such manner, either at public or private sale, and upon such terms as the Mayor and City Council of Baltimore by ordinance or (if authorized in the ordinance authorizing such bonds) the Board of Finance by resolution deems best. Any contract for the acquisition of property may provide that payment shall be in bonds.

(i) *Refunding bonds.*

(1) 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 section 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 section at maturity, to purchase in the open market any of its outstanding bonds authorized to be issued under the provisions of this subsection 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 subsection.

(2) Any refunding bonds authorized to be issued and sold under the provisions of this section may be issued for the public purpose of:

(i) realizing savings to Baltimore City in the aggregate cost of debt service on either a direct comparison or present value basis; or

(ii) debt restructuring that:

1. in the aggregate effects such a reduction in the cost of debt service; or

2. is determined by the Board of Finance of the Mayor and City Council of Baltimore to be in the best interest of Baltimore City, to be consistent with Baltimore City's long-term financial plan, and to realize a financial objective of Baltimore City, including, without limitation, improving the relationship of debt service to a source of payment such as taxes, assessments, or other charges.

(3) Any refunding bonds authorized to be issued and sold under the provisions of this section 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 subsection (f)(4)(i) of this section.

(4) Any refunding bonds authorized to be issued and sold under the provisions of this section 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.

(5) Any refunding bonds authorized to be issued and sold under the provisions of this section 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.

(6) Any refunding bonds authorized to be issued and sold under the provisions of this section 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.

(7) The proceeds of the sale of any refunding bonds authorized to be issued and sold under the provisions of this section, 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 subsection.

(8) Except as otherwise provided in this subsection, the powers granted in, the limitations and obligations imposed by, and the procedures specified in this section with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds.

(9) Any refunding bonds authorized to be issued and sold under the provisions of this section 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.

(j) *Assessment and taxation of property.*

Whenever the Mayor and City Council of Baltimore, as lessor, leases its property within the development district, the property shall be assessed and taxed in the same manner as privately owned property, and the lease or contract shall provide that the lessee shall pay taxes or payments in lieu of taxes upon the assessed value of the entire property and not merely the assessed value of the leasehold interest.

(k) In addition to the powers in this section, the Mayor and City Council of Baltimore may use the authority granted to a political subdivision for tax increment financing in a sustainable community as provided for in Title 12, Subtitle 2 of the Economic Development Article of the Annotated Code of Maryland.

(Ch. 624, Acts of 1994; Chs. 9 and 10, Acts of 1996; Ch. 66, Acts of 2000; Ch. 170, Acts of 2001; Ch. 405, Acts of 2004; Ch. 338, Acts of 2008; Ch. 544, Acts of 2008; Ch. 624, Acts of 2013.)

§ (62A) Special Tax Districts.

(a) *In general.*

(1) Subject to the provisions of this section and for the purpose stated in paragraph (2) of this subsection, to:

(i) create a special taxing district;

(ii) levy ad valorem or special taxes; and

(iii) issue bonds and other obligations.

(2) The purpose of the authority granted under paragraph (1) of this subsection is to provide financing, refinancing, or reimbursement for the cost of the design, construction, establishment, extension, alteration, or acquisition of infrastructure improvements, whether situated within the special taxing district or outside the special taxing district if the infrastructure improvement is reasonably related to other infrastructure improvements within the special taxing district.

(b) *Definitions.*

In this section the following words have the meanings indicated, unless the context clearly indicates another or different meaning or intent:

(1) "Abandoned property" has the meaning stated in § 21-17(a) of the Public Local Laws of Baltimore City.

(2) "Affordable housing" has the meaning stated in § (62)(b) of this article.

(3) "Bond" means a special obligation bond, revenue bond, note, or other similar instrument issued by the Mayor and City Council of Baltimore in accordance with this section.

(4) "Cost" includes the cost of:

(i) construction, reconstruction, and renovation and purchasing, leasing, condemning, or otherwise acquiring any lands, structures, real or personal property, rights, rights-of-way, franchises, easements, and interests acquired or to be acquired by the Mayor and City Council of Baltimore;

(ii) all machinery and equipment including machinery and equipment needed to expand or enhance city services to the special taxing district;

(iii) financing charges and interest prior to and during construction, and, if deemed advisable by the Mayor and City Council of Baltimore, for a limited period after completion of the construction, interest and reserves for principal and interest, including costs of municipal bond insurance and any other type of financial guaranty and costs of issuance;

(iv) extensions, enlargements, additions, and improvements;

(v) architectural, engineering, financial, and legal services;

(vi) plans, specifications, studies, surveys, and estimates of cost and of revenues;

(vii) administrative expenses necessary or incident to determining to proceed with the infrastructure improvements;

(viii) site removal;

(ix) relocation of businesses and residents; and

(x) other expenses as may be necessary or incident to the construction, acquisition, and financing of the infrastructure improvements.

(5) "Distressed property" has the meaning stated in § 21-17(a) of the Public Local Laws of Baltimore City.

(6) "Infrastructure improvement" means adequate storm drainage systems, sewers, water systems, roads, bridges, culverts, tunnels, streets, sidewalks, lighting, surface parking, playgrounds, parks and recreation facilities, libraries, schools, transit facilities, solid waste facilities, buildings devoted to a governmental use or purpose, buildings that are abandoned property or distressed property, buildings that provide units of affordable housing, structured parking facilities that are publicly owned or privately owned, but serve a public purpose, and other infrastructure improvements as necessary for the development and utilization of the land, with respect to any defined geographic region within the City of Baltimore.

(7) "State obligations" means any bonds or bond, notes or note, or other similar instruments or instrument issued by the Maryland Economic Development Corporation, the State of Maryland, or any agency, department, or political subdivision thereof, provided:

(i) such bonds are issued for the purposes specified in subsection (a)(2) of this section;

(ii) a request has been made to the Mayor and City Council of Baltimore by both:

1. the owners of at least two–thirds of the assessed valuation of the real property located within the special taxing district; and

2. at least two–thirds of the owners of the real property located within the special taxing district, provided that multiple owners of a single parcel are treated as a single owner; and a single owner of multiple parcels is treated as one owner; and

(iii) the proceeds of such bonds have been applied in accordance with subsection (d) of this section.

(c) *Bond issuance on request.*

(1) In addition to other powers the Mayor and City Council of Baltimore may have, and notwithstanding the provisions of any other public law, public general law, or the Baltimore City Charter, the Mayor and City Council of Baltimore may borrow money by issuing and selling bonds for the purpose stated in subsection (a)(2) of this section if a request to the Mayor and City Council of Baltimore is made by both:

(i) the owners of at least two-thirds of the assessed valuation of the real property located within the special taxing district; and

(ii) at least two-thirds of the owners of the real property located within the special taxing district, provided that:

1. multiple owners of a single parcel are treated as a single owner; and

2. a single owner of multiple parcels is treated as one owner.

(2) This section is self-executing and does not require the Mayor and City Council of Baltimore to enact legislation to exercise the powers granted under this section.

(d) *Payment of bonds; application of proceeds.*

(1) Bonds shall be payable from the special fund to the extent provided in the authorizing ordinance, as set forth in subsection (e) of this section.

(2) All proceeds received from any bonds issued and sold shall be applied solely to pay the cost of infrastructure improvements, including:

(i) costs of design, construction, establishment, extension, alteration, or acquisition of infrastructure improvements;

(ii) costs of issuing bonds;

(iii) payment of the principal and interest on loans, money advances, or indebtedness incurred by the Mayor and City Council of Baltimore for any of the purposes stated in subsection (a)(2) of this section, including the refunding of bonds previously issued under this section; and

(iv) funding of a debt service reserve fund or payment of interest prior to, during, or for a limited period of time after construction.

(e) *Prerequisites for bond issuance.*

(1) Before issuing bonds, the Mayor and City Council of Baltimore shall by ordinance:

(i) designate an area or areas as a special taxing district;

(i) subject to paragraph (2) of this subsection, create a special fund with respect to the special taxing district; and

(iii) provide for the levy of an ad valorem or special tax on all real and personal property within the special taxing district at a rate or amount designed to provide adequate revenues to pay the principal of, interest on, and redemption premium, if any, on the bonds, to replenish any debt service reserve fund, and for any other purpose related to the ongoing expenses of or security for the bonds. Ad valorem taxes shall be levied in the same manner, upon the same assessments, for the same period or periods, and as of the same date or dates of finality as are now or may hereafter be prescribed for general ad valorem tax purposes within the district, and shall be discontinued when all of the bonds have been paid in full. Special taxes shall be levied pursuant to subsection (k) of this section.

(2) The ordinance creating a special fund under paragraph (1)(ii) of this subsection shall:

(i) pledge to the special fund the proceeds of the ad valorem or special tax to be levied as provided under paragraph (1)(iii) of this subsection;

(ii) require that the proceeds from the tax be paid into the special fund;

(iii) provide that assessments and taxes levied within the special taxing district may not be accelerated by reason of bond default; and

(iv) provide that the maximum special assessments, special taxes, or other fees or charges applicable to any individual property may not be increased in the event that other property owners become delinquent in the payment of a special assessment, special tax, or other fee or charge securing special obligation debt issued under this section.

(3) (i) In lieu of the pledge set forth in paragraph (2)(i) of this subsection, the authorizing ordinance, subject to subparagraph (ii) of this paragraph, may pledge or assign:

1. all or any part of the revenues and receipts from the special taxes to the payment of principal and interest on the bonds; and

2. the special fund and any other fund into which all or any part of such revenues and receipts are deposited after such revenues and receipts are appropriated by the Mayor and City Council of Baltimore to the payment of such principal and interest.

(ii) The revenues and receipts may not be irrevocably pledged to the payment of such principal and interest and the obligation to pay such principal and interest from such revenues and receipts shall be subject to annual appropriation by the Mayor and City Council of Baltimore.

(f) *If bonds not outstanding; termination of district.*

(1) When no bonds authorized by this section are outstanding with respect to a special taxing district and the Mayor and City Council of Baltimore by ordinance so determines, moneys in the special fund for that special taxing district created pursuant to subsection (e)(1) of this section may be:

(i) applied as provided in subsection (d) of this section in accordance with the purposes set forth in subsection (a)(2) of this section;

(ii) accumulated for payment of debt service on bonds subsequently issued under this section for any of the purposes described in subsection (a)(2) and whose proceeds are to be applied in accordance with subsection (d) of this section; or

(iii) used to pay or to reimburse the Mayor and City Council of Baltimore for debt service which the Mayor and City Council of Baltimore is obligated to pay or has paid (whether such obligation is general or limited) on any bonds or State obligations.

(2) (i) The Mayor and City Council of Baltimore may enact an ordinance creating a special fund described in subsection (e)(1)(ii) of this section with respect to a special taxing district, even though no bonds authorized by this section have been issued by the Mayor and City Council of Baltimore with respect to that special taxing district or are then outstanding.

(ii) The taxes allocated to such special fund by subsection (e)(2) of this section shall thereafter be paid over to Such special fund, as long as such ordinance remains in effect.

(3) When no bonds authorized by this section are outstanding with respect to a special taxing district:

(i) the special taxing district shall be terminated; and

(ii) any moneys remaining in the special fund on the date of termination of the special taxing district shall be paid to the general fund of the Mayor and City Council of Baltimore.

(g) *Enabling ordinance.*

(1) In order to implement the authority conferred upon it by this section to issue bonds, the Mayor and City Council of Baltimore shall enact an ordinance that:

(i) specifies and describes the proposed undertaking and states that it has complied with subsection (e) of this section;

(ii) specifies the maximum principal amount of bonds to be issued;

(iii) specifies the maximum rate or rates of interest for the bonds; and

(iv) agrees to a covenant to levy upon all real and personal property within the special taxing district ad valorem taxes or special taxes in rate and amount at least sufficient

in each year in which any of the bonds are outstanding to provide for the payment of the principal of and the interest on the bonds.

(2) The ordinance may specify, or may authorize the Board of Finance by resolution to specify, any of the following as it deems appropriate to effect the financing of the proposed undertaking:

(i) the actual principal amount of the bonds to be issued;

(ii) the actual rate or rates of interest for the bonds;

(iii) the manner in which and the terms upon which the bonds are to be sold;

(iv) the manner in which and the times and places that the interest on the bonds is to be paid;

(v) the time or times that the bonds may be executed, issued, and delivered;

(vi) the form and tenor of the bonds and the denominations in which the bonds may be issued;

(vii) the manner in which and the times and places that the principal of the bonds is to be paid, within the limitations set forth in this section;

(viii) provisions pursuant to which any or all of the bonds may be called for redemption prior to their stated maturity dates;

(ix) provisions establishing sinking funds or debt service reserve funds for the bonds;

(x) provisions pledging other assets and revenues towards the payments of the principal of and interest on the bonds;

(xi) provisions for municipal bond insurance or any other type of financial guaranty of the bonds; or

(xii) any other provisions not inconsistent with this section as shall be determined by the Mayor and City Council of Baltimore to be necessary or desirable to effect the financing of the proposed undertaking.

(3) (i) Before the ordinance that designates a special taxing district, authorizes the issuance of bonds, or levies ad valorem taxes or special taxes under the provisions of this section may be finally enacted, the Mayor and City Council of Baltimore shall hold a public hearing after giving not less than 10-days notice in a newspaper of general circulation in the City of Baltimore.

(ii) The ordinance enacted pursuant to this subsection, if such bonds constitute debt of the Mayor and City Council of Baltimore under Article XI, § 7 of the Maryland Constitution, shall be submitted to the legal voters of the City of Baltimore at the time and place specified therein. Such ordinance shall become effective only if it is

approved by the majority of the votes cast at the time and place specified in such ordinance.

(iii) Except as required by subparagraph (ii) of this paragraph, any ordinance or resolution enacted or adopted in furtherance of the ordinance enacted pursuant to this subsection, the bonds, the designation of a special taxing district, or the levy of a special ad valorem tax or special tax shall not be subject to any referendum.

(iv) The ordinance authorizing the bonds required under this subsection, any ordinance or resolution enacted or adopted in furtherance of the required ordinance, the bonds, the designation of a special taxing district, or the levy of a special ad valorem tax or special tax shall be subject to the request of the landowners as specified under subsection (c)(1) of this section.

(4) The special fund, any sinking fund established to provide for the payment of the principal of or interest on any bonds issued by the Mayor and City Council of Baltimore under the provisions of this section and any proceeds of the sale of any such bonds may be invested by the fiscal officer of the Mayor and City Council of Baltimore having custody of such funds, pending the expenditure thereof, in the manner prescribed under the provisions of Article 95, § 22 of the Annotated Code, as amended, replaced or supplemented from time to time, and any applicable investment policy adopted by the Board of Finance.

(h) *Tax exemption.*

The principal amount of the bonds, the interest payable on the bonds, their transfer, and any income derived from the transfer, including any profit made in the sale or transfer of the bonds, shall be exempt from taxation by the State and by the counties and municipal corporations of the State.

(i) *Form; tenor; sale.*

(1) All bonds may be in bearer form or in coupon form or may be registrable as to principal alone or as to both principal and interest. Each of the bonds shall be deemed to be a security as defined in § 8-102 of the Commercial Law Article of the Annotated Code, as amended, replaced, or supplemented from time to time, whether or not it is either one of a class or series or by its terms is divisible into a class or series of instruments.

(2) All bonds shall be signed manually or in facsimile by the Mayor of Baltimore, and the seal of the Mayor and City Council of Baltimore shall be affixed to the bonds and attested by the custodian of the city seal, manually or by facsimile. If any officer whose signature or countersignature appears on the bonds ceases to be such officer before delivery of the bonds, the officer's signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if the officer had remained in office until delivery.

(3) All bonds shall mature not later than 40 years from their date of issuance.

(4) All bonds shall be sold in the manner, either at public or private sale, and upon the terms as the Mayor and City Council of Baltimore by ordinance (or if authorized in the ordinance authorizing such bonds, the Board of Finance by resolution) deems best. Any contract for the acquisition of property may provide that payment shall be made in bonds.

(j) *Bonds as legal investments, etc.*

Bonds issued under this section are securities:

(1) in which all public officers and public bodies of the State and its political subdivisions, all insurance companies, state banks and trust companies, national banking associations, savings banks, savings and loan associations, investment companies, executors, administrators, trustees, and other fiduciaries may properly and legally invest funds, including capital in the control or belonging to them; and

(2) which may properly and legally be deposited with and received by any State or county officer or any agency or political subdivision of the State for any purpose for which the deposit of bonds or obligations of the State is now or may hereafter be authorized by law.

(k) *Special tax.*

(1) As an alternative to levying ad valorem taxes under this section, the Mayor and City Council of Baltimore may levy special taxes on property in a special taxing district to cover the cost of infrastructure improvements.

(2) In determining the basis for and amount of the tax, the cost of an infrastructure improvement may be calculated and levied:

(i) equally per front foot, lot, parcel, dwelling unit, or square foot;

(ii) according to the value of the property as determined by the Mayor and City Council of Baltimore, with or without regard to improvements on the property; or

(iii) in any other reasonable manner that results in fairly allocating the cost of the infrastructure improvements.

(3) The Mayor and City Council of Baltimore may provide by ordinance for:

(i) a maximum amount to be assessed with respect to any parcel of property located within a special taxing district;

(ii) a tax year or other date after which no further special taxes under this section shall be levied or collected on a parcel; and

(iii) the circumstances under which the special tax levied against any parcel may be increased, if at all, as a consequence of delinquency or default by the owner of that parcel or any other parcel within the special taxing district.

(4) The Mayor and City Council of Baltimore by ordinance may establish procedures allowing for the prepayment of special taxes under this section and may provide for exemptions, deferrals, and credits.

(5) Special taxes levied under this subsection shall be collected and secured in the same manner as general ad valorem taxes unless otherwise provided in the ordinance or resolution and

shall be subject to the same penalties and the same procedure, sale, and lien priority in case of delinquency as is provided for general ad valorem taxes.

(l) *Consent of governing body.*

Before the Mayor and City Council of Baltimore may designate an area wholly or partly within any county or municipal corporation as a special taxing district, the governing body of such county or municipal corporation must give its consent to the designation.

(m) *No pledge of full faith and credit.*

Bonds issued under this section are a special obligation of the Mayor and City Council of Baltimore and may not constitute a general obligation debt of the Mayor and City Council of Baltimore or a pledge of the Mayor and City Council of Baltimore's full faith and credit or taxing power.

(n) *Required contract disclosures.*

A contract to sell real property within a special taxing district must disclose to the buyer any special assessment, special tax, or other fee or charge for which the buyer would be liable due to the special taxing district. A seller's failure to provide the disclosure required under this subsection renders the contract voidable at the option of the buyer before the date of settlement.

(o) *Liens on property.*

A lien attaches to property within a special taxing district to the extent of that property owners' obligation under any special taxing district financing. Before any bonds are issued, a declaration encumbering all real property located in the special taxing district to the extent of such financing shall be recorded in the land records of Baltimore City and have the same priority as City taxes under State and City law.

(p) *City property leased to another.*

Whenever the Mayor and City Council of Baltimore, as lessor, leases its property within the special taxing district, the property shall be assessed and taxed in the same manner as privately owned property, and the lease or contract shall provide that the lessee shall pay taxes or payments in lieu of special taxes upon the assessed value of the entire property and not merely the assessed value of the leasehold interest.

(q) *Refunding bonds.*

(1) 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 section 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 section at maturity, to purchase in the open market any of its outstanding bonds authorized to be issued under the provisions of this subsection 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 subsection.

(2) Any refunding bonds authorized to be issued and sold under the provisions of this section may be issued for the public purpose of:

(i) realizing savings to Baltimore City in the aggregate cost of debt service on either a direct comparison or present value basis; or

(ii) debt restructuring that:

1. in the aggregate effects such a reduction in the cost of debt service; or

2. is determined by the Board of Finance or the Mayor and City Council of Baltimore to be in the best interest of Baltimore City, to be consistent with Baltimore City's long-term financial plan, and to realize a financial objective of Baltimore City, including, without limitation, improving the relationship of debt service to a source of payment such as taxes, assessments, or other charges.

(3) Any refunding bonds authorized to be issued and sold under the provisions of this section 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 subsection (g)(2)(i) of this section.

(4) Any refunding bonds authorized to be issued and sold under the provisions of this section 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.

(5) Any refunding bonds authorized to be issued and sold under the provisions of this section 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.

(6) Any refunding bonds authorized to be issued and sold under the provisions of this section 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.

(7) The proceeds of the sale of any refunding bonds authorized to be issued and sold under the provisions of this section, 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 subsection.

(8) Except as otherwise provided in this subsection, the powers granted in, the limitations and obligations imposed by, and the procedures specified in this section with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds.

(9) Any refunding bonds authorized to be issued and sold under the provisions of this section 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.

(r) *Powers supplemental.*

The powers granted under this section shall be regarded as supplemental and additional to powers conferred by other laws, and may not be regarded as in derogation of any powers now existing.

(s) *Liberal construction.*

This section, being necessary for the welfare of the City of Baltimore and of its residents, shall be liberally construed to effect the purpose stated in subsection (a)(2) of this section.

(t) In addition to the powers in this section, the Mayor and City Council of Baltimore may use the authority granted to a political subdivision for tax increment financing in a sustainable community as provided for in Title 12, Subtitle 2 of the Economic Development Article of the Annotated Code of Maryland.

(Ch. 626, Acts of 2001; Ch. 510, Acts of 2005; Ch. 544, Acts of 2008; Ch. 624, Acts of 2013.)

§ (63) Community Benefits District Authorities.

(a) *In general.*

(1) To establish, by ordinance, not more than six community benefits district management authorities, including the Charles Village Community Benefits District and the Midtown Community Benefits District, within the City to provide services consistent with paragraph (2) of this subsection to the business interests and residents of the proposed district.

(2) To establish community benefits district management authorities to promote and market districts, provide supplemental security and maintenance services, provide amenities in public areas, provide park and recreational programs and functions, and after an authority is established, other services and functions as requested by the authority and approved through an ordinance by the Mayor and City Council.

(3) To provide that community benefits district management authorities shall be proposed by the Board of Estimates of Baltimore City and approved through an ordinance by the Mayor and City Council.

(b) *Charles Village Community Benefits District.*

(1) The ordinance establishing the Charles Village Community Benefits District Management Authority shall specify and modify the boundaries of the district, but in no event shall the district be outside of the lines, as follows:

(i) on the south, a line beginning at the intersection of the center lines of 20th Street and Howard Street, running east along the center line of 20th Street to the center line of Guilford Avenue; then

(ii) running north along the center line of Guilford Avenue to the center line of 25th Street; then

(iii) running east along the center line of 25th Street to the center line of Loch Raven Boulevard; then running northeast along the centerline of Loch Raven Boulevard to the center line of the tracks of the CSX Railroad (approximately 500 feet north of 25th Street); then

(iv) running west along the center line of the CSX railroad tracks to the center line of Greenmount Avenue; then

(v) running north along the center line of Greenmount Avenue to the center line of Old York Road; then

(vi) running north along the center line of Old York Road to the center line of 43rd Street; then

(vii) running west along the center line of 43rd Street to the center line of Greenmount Avenue; then

(viii) running south along the center line of Greenmount Avenue to the center line of 33rd Street; then

(ix) running west along the center line of 33rd Street to the center line of Charles Street; then

(x) running south along the center line of Charles Street to the center line of 29th Street; then

(xi) running west along the center line of 29th Street to the center line of Howard Street; then running south along the center line of Howard Street to the center line of 26th Street; then

(xii) running west along the center line of 26th Street to the center line of Huntingdon Avenue; then running south along the center line of Huntingdon Avenue to the center line of 25th Street; then

(xiii) running east along the center line of 25th Street to the center line of Howard Street; then

(xiv) running south along the center line of Howard Street to the center line of 24th Street; then

(xv) running west along the center line of 24th Street to the center line of Huntingdon Avenue; then

(xvi) running south along the center line of Huntingdon Avenue to the center line of 23rd Street; then running west along the center line of 23rd Street to the center line of Huntingdon Avenue; then

(xvii) running south along the center line of Huntingdon Avenue to the center line of 21st Street; then

(xviii) running east along the center line of 21st Street to the center line of Howard Street; then

(xix) running south along the center line of Howard Street to the center line of 20th Street (point of origin).

(2) Notwithstanding paragraph (1) of this subsection, the Charles Village Community Benefits District may include properties binding on either side of a street or the CSX railroad tracks where they comprise part of the boundaries under this subsection.

(c) *Scope of establishing ordinance.*

An ordinance establishing a community benefits district management authority shall address the following:

(1) specify the powers and functions within the limits of this section, which may be exercised and conducted by the Authority and the amount of taxes or charges which may be imposed on properties in the district.

(2) specify the duration of the Authority and define the boundaries of the district.

(3) provide for the imposition and collection of the taxes or charges and for disbursement of the revenue therefrom to the Authority. The financial plan of the Authority, including its annual budget and its tax rate and schedule of charges, shall be subject to approval by the Board of Estimates. Taxes and charges imposed under this paragraph may not exceed those proposed by the Authority.

(4) determine the organization and method of initial appointment of officers and board members of the Authority. The majority of the members of the board shall be owners or representatives of owners of properties in the district that are subject to taxes or charges under this section. A voting member of the board must be eligible to vote in the election under subsection (j) *{subsection (k)}* of this section.

(5) determine what classes of property in the district owned by public service companies as defined in Article 78 of the Annotated Code of Maryland *{now, Public Utility Companies Article}* shall be subject to or exempt from taxes or charges under this section.

(d) *Powers of Authority.*

As provided by ordinance, the Authority may have the power:

(1) to be a special tax district and to conduct the functions which are assigned to it by the City;

(2) to acquire, hold and use property necessary to achieve its purposes;

(3) to make contracts;

(4) to sue and be sued;

(5) to borrow and accept grants for purposes consistent with the purposes of the Authority;

(6) to employ and discharge personnel to carry out its public purposes;

(7) to propose in its annual budget the taxes or charges on properties within the district. Property that is exempt under State law from ordinary property taxes shall be exempt from taxes or charges assessed to support the Authority. Before adopting its proposed budget and making its recommendations to the City, an Authority shall hold a public hearing on taxes or charges proposed for the district. The Authority shall publish notice of the hearing in a newspaper of general circulation in Baltimore City at least once a week for 3 consecutive weeks before the hearing;

(8) to adopt, amend and modify bylaws, all of which shall be subject to the approval of the Board of Estimates;

(9) to establish and elect officers and provide for their terms and duties;

(10) to contract for and purchase goods and services, without being subject to the City requirements regarding wage scales, competitive bidding or other local procurement laws. However, the Authority shall be subject to City ordinances and City policy requiring achievement of goals regarding minority and women's business enterprises; and

(11) to do all things necessary or convenient to carry out its powers.

(e) *Limitations.*

An Authority created under this section may not:

(1) exercise any police or general powers other than those authorized by State law and City ordinance;

(2) pledge the full faith or credit of the City;

(3) impose taxes or charges in excess of those approved by the Board of Estimates;

(4) exercise the power of eminent domain;

(5) extend its life without the approval of the City Council;

(6) except as otherwise provided by law, engage in competition with the private sector;

(7) except as otherwise provided in subsection (i) *{subsection (j)}* of this section, revert charges or taxes collected pursuant to this section to the General Fund of the City;

(8) be an agency of the Mayor and City Council of Baltimore or the State of Maryland*{,}* and its officers and employees may not act as agents or employees of the Mayor and City Council of Baltimore or the State of Maryland;

(9) employ individuals who reside outside the City of Baltimore; and

(10) except as required or appropriate to facilitate its normal operations, incur debt.

(f) *Considerations.*

In adopting an ordinance, the City Council shall:

(1) give consideration to the views of the property owners, the retail merchants, the property tenants, and the other members of the business and residential communities within the district;

(2) make a determination that a district created under this section will reflect a diverse mix of business and residential properties; and

(3) make a determination that a district created under this section will reflect a diverse economic, social, and racial mix.

(g) *Periodic review — General.*

The Mayor and City Council shall review the effectiveness and desirability of continuing the existence of any district established under this section every 4 years from the enactment of the ordinance.

(h) *Periodic review — Specific.*

(1) The Mayor and City Council shall review and determine the desirability of continuing the existence of each community benefits district established under this section every 4 years:

(i) beginning with the first meeting of the Mayor and City Council in December 2001 for the Charles Village Community Benefits District, Management Authority;

(ii) beginning with the first meeting of the Mayor and City Council in December, 2003 for the Midtown Community Benefits District; and

(iii) beginning 4 years after the date of the establishment of any other community benefits district created under this section.

(2) If the continuing existence of a community benefits district is not approved:

(i) the district shall cease to exist at the end of the City's fiscal year in which approval was not granted; and

(ii) the District Management Authority shall continue its existence only as long as necessary to terminate operations in a reasonable manner and to arrange for the disposition of all funds not needed to satisfy outstanding obligations and reserves for uncertain obligations and liabilities.

(i) *City not to reduce services.*

The Mayor and City Council of Baltimore may not permit a reduction in the services provided by the City in a district due to the establishment of a community benefits district management authority.

(j) *Dissolution.*

In the event of a dissolution of a community benefits district, any unspent funds shall revert back to the City's General Fund.

(k) *Approval by affected voters.*

(1) An ordinance adopted pursuant to this section shall take effect only if approved by 58% of the aggregate votes cast in a special election by the affected voters.

(2) The ordinance shall provide criteria for the eligibility of voters for purposes of the election required by this subsection.

(3) The ordinance shall provide procedures for a special election as required in this subsection, which may be administered by write-in ballots.

(Ch. 732, Acts of 1994; Ch. 3, Acts of 1995; Ch. 10, Acts of 1996; Ch. 655, Acts of 1997; Ch. 89, Acts of 2000; Ch. 475, Acts of 2003.)

§ (64) "Child First" Authority.

(a) *In general.*

To establish by ordinance an authority known as "Child First" that uses existing facilities for the purpose of providing recreational, cultural, and other enrichment programs for children.

(b) *Nature of Authority.*

The Authority established under this section:

(1) is an independent unit of the Baltimore City government;

(2) shall have those powers and duties consistent with the purposes of the Authority, delegated through the ordinance that the City itself could otherwise exercise; and

(3) is exempt from those laws or procedures that would otherwise apply to any unit of the Baltimore City government to the extent exempted by the ordinance.

(c) *Powers of Authority.*

The Authority established under this section:

(1) shall have a management board and executive director as prescribed in the ordinance adopted under this section;

(2) may sue or be sued;

(3) may acquire, lease, or hold property for the purposes of the Authority;

(4) may incur limited obligation debt that shall be an obligation solely of the Authority if authorized by the ordinance;

(5) may employ staff or contract for any services necessary to carry out the purposes of the Authority;

(6) may adopt bylaws and regulations concerning the operation of the Authority;

(7) may establish fees necessary for the operation of the Authority;

(8) may make contracts of any kind and execute any instrument necessary to carry out the purposes of the Authority;

(9) may accept from any public or private entity grants or other revenue necessary to carry out the purposes of the Authority; and

(10) shall have any additional powers granted under and subject to the ordinance enacted under this section.

(d) *City funding and services.*

The Mayor and the City Council are authorized to provide funding for the Authority and any services through the City government that are deemed appropriate to assist the Authority in its operations.

(Ch. 642, Acts of 1996.)

§ (65) Land Bank Authority.

(a) *Definitions.*

(1) *In general.*

In this section the following words have the meanings indicated.

(2) *Authority"*

"Authority" means a nonprofit or quasi-governmental entity created by Baltimore City under subsection (c) of this section.

(3) *Board.*

"Board" means the Board of Directors of the Authority.

(4) *Bond.*

(i) "Bond" means a bond issued by the Authority under this subtitle.

(ii) "Bond" includes a bond, a refunding bond, a note, and any other obligation.

(5) *Cost.*

"Cost" includes:

(i) the purchase price of property;

(ii) the cost to acquire any right, title, or interest in property;

(iii) the cost of any improvements made to property;

(iv) the amount to be paid to discharge each obligation necessary or desirable to vest title to any part of property in the Authority or other owner;

(v) the cost of any property, right, easement, franchise, and permit associated with a project;

(vi) the cost of labor, machinery, and equipment necessary to implement a project;

(vii) financing charges;

(viii) interest and reserves for principal and interest and for improvements;

(ix) the cost of revenue and cost estimates, engineering and legal services, plans, specifications, studies, surveys, and other expenses necessary or incident to determining the feasibility or practicability of a project;

(x) administrative expenses; and

(xi) other expenses as necessary or incident to:

1. financing a project;

2. acquiring and improving a project;

3. placing a project in operation, including reasonable provision for working capital; and

4. operating and maintaining a project.

(6) *Finance.*

"Finance" includes refinance.

(7) *Project.*

(i) "Project" means any organized plan carried out by the Authority in relation to:

1. acquiring and rehabilitating abandoned and dilapidated properties; and

2. marketing and leasing or selling the rehabilitated properties.

(ii) "Project" includes:

1. acquiring land or an interest in land;

2. acquiring structures, equipment, and furnishings located on a property;

3. acquiring property that is functionally related and subordinate to a project; and

4. obtaining or contracting for any services necessary for the rehabilitation of a property.

(8) *Revenues.*

(i) "Revenues" means the income, revenue, and other money the Authority receives from or in connection with a project and all other income of the Authority.

(ii) "Revenues" includes grants, rentals, rates, fees, and charges.

(9) *Tax sale property.*

"Tax sale property" means property or an interest in property sold by the tax collector of Baltimore City in accordance with Title 14, Subtitle 8, Part III of the Tax - Property Article of the Annotated Code of Maryland.

(10) *Trust agreement.*

(i) "Trust agreement" means an agreement entered into by the Authority to secure a bond.

(ii) "Trust agreement" may include a bond contract, bond resolution, or other contract with or for the benefit of a bondholder.

(b) *Construction of section.*

(1) This section shall be liberally construed to accomplish its purposes.

(2) The powers granted to the Authority under this section shall be construed as supplemental and in addition to powers granted to the Authority under any State or local law.

(3) This section does not authorize the Authority to:

(i) exercise the power of eminent domain; or

(ii) levy any tax or special assessment.

(c) *Establishment of Authority.*

(1) By ordinance, Baltimore City may establish a land bank authority in accordance with this section.

(2) An ordinance adopted under paragraph (1) of this subsection shall include proposed articles of incorporation of the Authority that state:

(i) the name of the Authority, which shall be "Land Bank Authority of Baltimore City";

(ii) that the Authority is formed under this section;

(iii) the names, addresses, and terms of office of the initial members of the Board of Directors of the Authority;

(iv) the address of the principal office of the Authority;

(v) the purposes for which the Authority is formed; and

(vi) the powers of the Authority subject to the limitations on the powers of the Authority under this section.

(3) (i) The Mayor of Baltimore City, or any official designated in the ordinance establishing the Authority, shall execute and file the articles of incorporation of the Authority for recordation with the State Department of Assessments and Taxation.

(ii) When the State Department of Assessments and Taxation accepts the articles of incorporation for recordation, the Authority becomes a body politic and corporate and an instrumentality of Baltimore City.

(iii) Acceptance of the articles of incorporation for recordation by the State Department of Assessments and Taxation is conclusive evidence of the formation of the Authority.

(4) (i) By ordinance, Baltimore City may adopt an amendment to the articles of incorporation of the Authority.

(ii) Articles of amendment may contain any provision that lawfully could be contained in articles of incorporation at the time of the amendment.

(iii) The articles of amendment shall be filed for recordation with the State Department of Assessments and Taxation.

(iv) The articles of amendment are effective as of the time the State Department of Assessments and Taxation accepts the articles for recordation.

(v) Acceptance of the articles of amendment for recordation by the State Department of Assessments and Taxation is conclusive evidence that the articles have been lawfully and properly adopted.

(5) (i) Subject to the provisions of this subsection and any limitations imposed by law on the impairment of contracts, Baltimore City, in its sole discretion, by ordinance may:

1. set or change the structure, organization, procedures, programs, or activities of the Authority; or

2. terminate the Authority.

(ii) On termination of the Authority:

1. title to all property of the Authority shall be transferred to and shall vest in Baltimore City; and

2. all obligations of the Authority shall be transferred to and assumed by Baltimore City.

(d) *Establishment of Board of Directors.*

An ordinance that creates a Land Bank Authority shall establish a Board of Directors to govern the Authority and shall include provisions for:

(1) appointment procedures;

(2) term lengths;

(3) removal procedures;

(4) election of a chair; and

(5) powers of the Board.

(e) *Authority's powers – General.*

(1) Except as limited by the Authority's articles of incorporation, the Authority has all the powers set forth in this section.

(2) The Authority may:

(i) adopt bylaws for the conduct of business of the Authority;

(ii) sue and be sued;

(iii) maintain an office at a place the Authority designates;

(iv) borrow money;

(v) issue bonds and other obligations for any corporate purpose in accordance with this section or an ordinance adopted under this section;

(vi) invest money of the Authority in instruments, obligations, securities, or property;

(vii) enter into contracts and execute the instruments or agreements necessary or convenient to carry out this section or an ordinance adopted under this section to accomplish their purposes;

(viii) solicit and accept gifts, grants, loans, or other assistance in any form from any public or private source, subject to the provisions of this section or any ordinance adopted under this section;

(ix) participate in any way in a program of the federal government, the State, a political subdivision of the State, or an intergovernmental entity created under the laws of the State;

(x) contract for goods and services;

(xi) study, develop, and prepare reports or plans to assist in the Authority's exercise of powers and to monitor and evaluate the Authority's progress;

(xii) contract with public or private entities for the provision of services necessary for the management and operation of the Authority;

(xiii) provide acquisition, management, and sale services to Baltimore City for City-owned property;

(xiv) create, own, control, or be a member of a corporation, limited liability company, partnership, or other person, whether operated for profit or not for profit, for the purposes of developing property in order to maximize marketability;

(xv) exercise a power usually possessed by a private corporation in performing similar functions unless to do so would conflict with State law; and

(xvi) do all things necessary or convenient to carry out the powers expressly granted by this section or by an ordinance adopted under this section.

(3) The Authority may delegate to a member or officer a power granted to the Authority by this section, including the power to execute a bond, obligation, certificate, deed, lease, mortgage agreement, or other document or instrument.

(f) *Authority's powers – Acquisition, etc., of real property.*

(1) The Authority may:

(i) acquire, directly or through a person or governmental entity, by gift, devise, transfer, exchange, foreclosure, purchase, or otherwise on terms and conditions and in a manner the Authority considers proper, real property or rights or interests in real property;

(ii) own in the Authority's name property acquired by or conveyed to the Authority by the State, a local government, an intergovernmental agency created under the laws of this State, or any other public or private person, including tax foreclosed property and property without clear title;

(iii) sell, lease as lessor, transfer, and dispose of the Authority's property or interest in property;

(iv) procure insurance against loss in connection with the property, assets, or activities of the Authority; and

(v) execute deeds, mortgages, contracts, leases, purchases, or other agreements regarding the property of the Authority.

(2) Property purchased, owned, or sold under this subsection may not be located outside of Baltimore City.

(g) *Staff and consultants.*

The Authority may employ staff and retain consultants as employees or agents that the Authority considers necessary and set their compensation.

(h) *Appointment as receiver.*

The court may appoint the Authority to serve as a receiver in a receivership proceeding filed by Baltimore City.

(i) *Code of ethics; policies and procedures; open government.*

(1) The Authority shall:

(i) adopt a code of ethics for the Authority's directors, officers, and employees;

(ii) establish policies and procedures requiring the disclosure of relationships that may give rise to a conflict of interest, including requiring that any member of the Board with a direct or indirect interest in a matter before the Authority disclose the member's interest to the Board before the Board takes any action on the matter; and

(iii) comply with the State Open Meetings Act under Title 10, Subtitle 5 *{of the State Government Article,}* and *{with the State Public Information Act under}* Subtitle 6, Part III of the State Government Article of the Annotated Code of Maryland.

(2) Except as otherwise provided in this section or the ordinance establishing an Authority, the procedures of Baltimore City control any matter relating to the internal administration of the Authority.

(j) *Powers at tax sale; immunities.*

(1) The Authority may exercise the powers granted to Baltimore City under §§ 14-825 through 14-831 of the Tax - Property Article of the Annotated Code of Maryland.

(2) The Authority may have the same immunities as Baltimore City.

(k) *Property rights.*

(1) With respect to property held or owned by the Authority, the Authority may:

(i) grant or acquire a license, easement, or option;

(ii) fix, charge, and collect rents, fees, and charges for use of the property;

(iii) pay taxes or special assessments due;

(iv) take any action, provide any notice, or institute any proceeding required to clear or quiet title in order to establish ownership by and vest title to property in the Authority;

(v) abate violations of the local and State building, fire, health, and related codes; and

(vi) hold, manage, maintain, operate, repair, lease as lessor, secure, prevent the waste or deterioration of, demolish, and take all other actions necessary to preserve the value of the property it holds or owns.

(2) The Authority shall be made a party to, and shall defend any action or proceeding concerning, claims against property held by the Authority.

(l) *Property inventory, classification; recording fee exemption.*

(1) Property held by the Authority shall be inventoried and classified according to title status and suitability for use.

(2) A register of deeds in Baltimore City may not charge a fee to record a document evidencing the transfer under this section of property to the Authority by the State or Baltimore City.

(m) *Tax delinquent properties.*

(1) Following an unsuccessful attempt on the part of Baltimore City to collect outstanding liens at tax sale and subject to the approval of the tax collecting unit of Baltimore City, the Authority may accept from a person with an interest in a parcel of tax delinquent property or tax sale property a deed or assignment conveying that person's interest in the property instead of:

(i) the foreclosure or sale of the property for delinquent taxes, penalties, and interest, as defined by § 14-80l(c) of the Tax - Property Article of the Annotated Code of Maryland; or

(ii) delinquent specific taxes levied by a local taxing jurisdiction.

(2) Except as otherwise provided by law, conveyance of property by deed instead of foreclosure under this section may not affect or impair any other lien against the property or any existing recorded or unrecorded interest in the property, including:

(i) future installments of special assessments;

(ii) liens recorded by the State;

(iii) easements or rights-of-way;

(iv) private deed restrictions;

(v) security interests and mortgages; or

(vi) tax liens of other taxing jurisdictions that do not consent to a release of their liens.

(3) A tax lien against property held by or under the control of the Authority may be released or abated at any time by one or more of the following:

(i) Baltimore City with respect to a lien held by Baltimore City;

(ii) the governing body of any taxing jurisdiction other than the State, county, or municipal corporation with respect to a lien held by the taxing jurisdiction;

(iii) a public water or sewer authority with respect to a tax lien or right to collect a tax held by the public water or sewer authority; or

(iv) the State Comptroller with respect to a State tax lien.

(n) *Money from property redemption or sale.*

(1) Money received by the Authority as payment of taxes, penalties, or interest, or from the redemption or sale of property subject to a tax lien of any taxing unit shall be returned to the local tax collecting unit in the jurisdiction where the property is located for distribution on a pro rata basis to the appropriate taxing units in an amount equal to delinquent taxes, penalties, and interest owed on the property.

(2) Proceeds received by the Authority may be retained by the Authority for the purposes of this section, unless otherwise designated by:

(i) this section;

(ii) the provisions of a deed;

(iii) any other law; or

(iv) an agreement of the Authority.

(o) *Exemption from taxes or assessments.*

(1) Except as provided in paragraph (2) of this subsection, the Authority is exempt from any requirement to pay State or local taxes or assessments on the Authority's properties, activities, or any revenue from the properties or activities.

(2) Property that the Authority sells or leases to a private entity is subject to State and local property taxes from the time of the sale or lease.

(3) The principal of and interest on bonds, the transfer of bonds, and any income derived from the bonds, including profits made on their sale or transfer, are forever exempt from all State and local taxes.

(p) *Civil actions.*

(1) The Authority may bring a civil action to prevent, restrain, or enjoin the waste of or unlawful removal of any property from real property held by the Authority.

(2) (i) The Authority shall be made a party to any action or proceeding instituted for the purpose of setting aside title to property held by the Authority or for the sale of property by the Authority.

(ii) A hearing in any such proceeding may not be held until the Authority is served in accordance with the Maryland Rules.

(q) *Public and governmental function and purpose.*

(1) Property of the Authority is public property devoted to an essential public and governmental function and purpose.

(2) Income of the Authority is considered to be for a public and governmental purpose.

(r) *Local laws.*

The Authority is subject to any local:

(1) zoning laws;

(2) permitting processes for construction, demolition, or repair of a property; and

(3) land use controls.

(s) *Annual reports.*

The Authority shall report annually to the Mayor and City Council of Baltimore City and, in accordance with § 2-1246 of the State Government Article of the Annotated Code of Maryland, the General Assembly on the activities of the Authority.

(t) *Power to issue bonds.*

(1) (i) The Authority may periodically:

1. issue bonds to pay all or part of the cost of acquiring or improving property;

2. fund or refund those bonds;

3. purchase bonds with any funds available; and

4. hold, pledge, cancel, or resell bonds.

(ii) By resolution, the Authority may authorize the chair, one of the Authority's members, or a committee of the members to determine or provide for any matters relating to bonds that the Authority considers appropriate, including:

1. specifying, determining, prescribing, and approving matters, documents, and procedures that relate to the authorization, sale, security, issuance, delivery, and payment of and for the bonds;

2. creating security for the bonds;

3. providing for the administration of bond issues; and

4. taking other actions it considers appropriate concerning the bonds.

(iii) The power granted in subparagraph (ii) of this paragraph is in addition to powers conferred on the Authority by this section and does not limit any power of the Authority under this section.

(iv) 1. Subject to subsubparagraph 2 of this subparagraph, the Authority may authorize the Executive Director to take any of the actions described in subparagraph (ii) of this paragraph.

2. If the Authority authorizes the Executive Director to take any of the actions described in subparagraph (ii) of this paragraph, the Authority shall prescribe limits within which the Executive Director may exercise discretion.

(2) The Authority may issue the bonds at one time or in one or more series from time to time.

(3) For each issue of the Authority's bonds, the Authority shall pass a resolution that:

(i) specifies and describes the project for which the proceeds of the bond issuance are intended;

(ii) generally describes the public purpose and the financing transaction to be accomplished;

(iii) specifies the maximum principal amount of the bonds that may be issued by the Authority; and

(iv) imposes any terms or conditions on the issuance and sale of the bonds that the Authority considers appropriate.

(4) Subject to any provisions for their registration, bonds are negotiable instruments for all purposes regardless of whether they are payable from a special fund.

(5) (i) The bonds may be:

1. serial bonds;

2. term bonds; or

3. both in the discretion of the Authority.

(ii) Subject to any delegation under paragraph (l)(ii) of this subsection, the resolution authorizing bonds may provide:

1. the dates of the bonds;

2. the maturity dates of the bonds;

3. the interest rates on the bonds;

4. the time at which the bonds will be payable;

5. the denominations of the bonds;

6. whether the bonds will be in coupon or registered form;

7. any registration privileges of the bonds;

8. the manner of execution of the bonds;

9. the place at which the bonds will be payable; and

10. any terms of redemption of the bonds.

(iii) The bonds shall mature within a period not to exceed 50 years after the date of issue.

(iv) The bonds shall be payable in United States currency.

(6) (i) The Authority shall sell the bonds at competitive or negotiated sale in a manner and for a price the Authority determines to be in the Authority's best interests.

(ii) Bonds are exempt from §§ 8-206 and 8-208 of the State Finance and Procurement Article of the Annotated Code of Maryland.

(7) An officer's signature or facsimile on a bond remains valid even if the officer leaves office before the bond is delivered.

(8) Pending preparation of the definitive bonds, the Authority may issue interim receipts or certificates that will be exchanged for definitive bonds.

(9) (i) A trust agreement authorizing bonds may contain provisions that are part of the contract with the bondholders.

(ii) The provisions may include:

1. pledging the following to secure payment of bonds, subject to any existing agreements with bondholders:

   A. the full faith and credit of the Authority;

   B. revenues of a project;

   C. a revenue-producing contract the Authority has made with a person or public entity; or

   D. the proceeds of the sale of bonds;

2. the rates, rentals, fees, and other charges, the amounts to be raised in each year, and the use and disposition of the revenues;

3. the setting aside of reserves and sinking funds and their disposition;

4. limits on the right of the Authority or the Authority's agents to restrict and regulate the use of a project;

5. limits on the purpose to which the proceeds of sale of bonds may be applied;

6. limits on issuing additional bonds and refunding bonds and the terms under which additional bonds may be issued and secured;

7. the procedure to amend or abrogate the terms of a contract with bondholders and the requirements for consent;

8. limits on the amount of project revenues to be expended for operating, administrative, or other expenses of the Authority;

9. the acts or omissions that constitute default by the Authority and the rights and remedies of the bondholders in the event of a default;

10. the conveyance or mortgaging of a project and its site to secure the bondholders; and

11. the creation and disposition of a collateral fund for the purpose of securing the bondholders.

(10) The members of the Authority and a person executing the bonds may not be held liable personally on the bonds.

(u) *Trust agreements.*

(1) The corporate trustee under a trust agreement may be a trust company or a bank that has the powers of a trust company in or outside the State.

(2) An expense incurred in carrying out the trust agreement or a resolution may be treated as part of the cost of the operation of a project.

(v) *Authority's bond determinations conclusive.*

Notwithstanding any other provision of this section, in a proceeding involving the validity or enforceability of a bond or the security for a bond, the determination of the Authority under this section is conclusive and binding.

(w) *Bonds as securities.*

Bonds are securities:

(1) in which any of the following persons may legally and properly invest moniey, including capital that the person owns or controls:

(i) an officer or unit of the State or a political subdivision;

(ii) a bank, trust company, savings and loan association, investment company, or other person conducting a banking business;

(iii) an insurance company, insurance association, or other person conducting an insurance business;

(iv) a personal representative, guardian, trustee, or other fiduciary; and

(v) any other person; and

(2) that may be deposited with and received by a unit of the State or a political subdivision of the State for any purpose for which the deposit of bonds or obligations of the State is authorized by law.

(x) *Bonds not debt or liability of State.*

(1) A bond is not:

(i) a debt or liability of the State or a political subdivision of the State; or

(ii) a pledge of the faith and credit of the State or a political subdivision of the State.

(2) Each bond shall state on the face of the bond that neither the State nor a political subdivision of the State is obliged to pay the principal of or interest on the bond except from revenues pledged to the payment of the bond.

(3) The issuance of bonds does not directly, indirectly, or contingently obligate the State or its political subdivisions:

(i) to levy or pledge a tax to pay the bonds; or

(ii) to make an appropriation to pay the bonds.

(4) Nothing in this section prohibits the Authority from pledging its full faith and credit in connection with the issuance of bonds.

(y) *Authority's powers related to projects.*

(1) The Authority may:

(i) fix and collect rates, rents, fees, and charges related to a project and for the services related to a project; and

(ii) contract with any person or governmental entity to exercise its authority under this subsection.

(2) The rates, rents, fees, and charges established by the Authority under this subsection shall be fixed and adjusted so that the aggregate amount of the rates, rents, fees, and charges from the project, when added to other available money, is sufficient to:

(i) pay for the expenses of the project;

(ii) pay the principal of and the interest on the bonds that the Authority issued for the project as they become due and payable; and

(iii) create and maintain reserves required or provided for in a trust agreement.

(3) The rates, rents, fees, and charges established by the Authority under this subsection are not subject to supervision or regulation by any unit of the State other than the Authority.

(z) *Pledge of revenues.*

(1) (i) Any pledge of revenues and other money under subsection (t)(9) of this section is valid and binding from the time the pledge is made.

(ii) 1. The revenue or money that the Authority pledges and receives is subject immediately to the lien of the pledge.

2. Neither physical delivery of the revenue or money nor any other act is required to validate the lien.

(iii) The lien of the pledge is valid and binding against each party with a claim against the Authority in tort, contract, or otherwise, regardless of whether the party has notice of the lien.

(2) The trust agreement and any other agreement or lease creating a pledge under this section need not be filed or recorded, except in the records of the Authority.

(aa) *Revenues are trust funds.*

(1) Proceeds from the sale of bonds and other revenues received under this section are trust funds to be held and applied solely as provided in this section.

(2) (i) Each officer, bank, or trust company that receives trust money from the Authority under this section shall act as trustee of the money and shall hold and apply the money for the purposes specified under this section.

(ii) The officer, bank, or trust company holding money is subject to:

1. any regulation adopted under this section; and

2. the resolution authorizing the issuance of bonds or the trust agreement.

(bb) *Refunding bonds.*

(1) (i) The Authority may issue bonds to refund outstanding bonds of the Authority, including paying:

1. any redemption premium;

2. interest accrued or to accrue to the date of redemption, purchase, or maturity of the bonds; and

3. if considered advisable by the Authority, any part of the cost of acquiring or improving property as part of a project.

(ii) Refunding bonds may be issued for any corporate purpose, including:

1. realizing savings in the effective costs of debt service, directly or through a debt restructuring; or

2. alleviating a potential or actual default.

(2) A refunding bond that the Authority issues under this subsection shall be issued in the same manner and is subject to this section to the same extent as any other bond.

(3) The Authority may issue refunding bonds in one or more series in an amount greater than the amount of the bonds to be refunded.

(cc) *Bond anticipation notes.*

(1) The Authority may issue negotiable bond anticipation notes in anticipation of the sale of bonds for any corporate purpose.

(2) Bond anticipation notes issued under this subsection shall be issued in the same manner as bonds.

(3) Bond anticipation notes issued under this subsection and the resolution authorizing them may contain any provisions, conditions, or limitations that may be included in a trust agreement.

(4) The Authority may issue bond anticipation notes to pay any other bond anticipation notes.

(5) Bond anticipation notes shall be paid from:

(i) revenues of the Authority;

(ii) money available and not otherwise pledged; or

(iii) the proceeds of the sale of the bonds in anticipation of which the notes were issued.

(dd) *Conveyance of title.*

(1) The Authority shall convey title to property relating to a project and release collateral in accordance with this subsection when the following conditions are met:

(i) 1. the principal of and interest on bonds issued to finance the project, including any refunding bonds, have been fully paid and retired; or

2. adequate provision has been made to fully pay and retire the bonds;

(ii) all other conditions of the trust agreement have been satisfied; and

(iii) the lien of the trust agreement has been released.

(2) On satisfaction of the conditions under paragraph (1) of this subsection, the Authority promptly shall execute any deeds, conveyances, releases, and documents and take any other action necessary to convey title to the property and release collateral free of all liens and encumbrances created through the Authority.

(ee) *Protection and enforcement of bondholders', etc., rights,*

(1) A bondholder, a holder of any coupons attached to bonds, or a trustee under a trust agreement securing the bonds may sue to:

(i) protect and enforce rights under laws of the State or a trust agreement; and

(ii) enforce and compel the performance of duties by the Authority or its officer, employee, or agent that this section or a trust agreement requires, including fixing and collecting rates, rents, fees, and charges that the trust agreement requires to be fixed and collected.

(2) The rights under this subsection are subject to any trust agreement.
(Ch. 624, Acts of 2009.)

§ (66) Community Benefits District Authority – East Baltimore.

Editor's Note: Chapter 645, Acts of 2010, which enacted this section, designated it as Article II, § (65). Inasmuch as § (65) was already occupied, the new section is codified here as Article II, § (66).

(a) *Definitions.*

(1) *In general.*

In this section the following words have the meanings indicated.

(2) *Authority.*

"Authority" means the Community Benefits District Authority created in accordance with this section and any ordinance enacted under this section.

(3) *Board.*

"Board" means the Board of Directors of the Authority.

(4) *District.*

"District" means a community benefits district created in accordance with this section and any ordinance enacted in accordance with this section.

(5) *District taxes.*

"District taxes" means the taxes and other charges in the nature of property taxes that are authorized in accordance with this section and any ordinance enacted under this section.

(6) *East Baltimore section.*

"East Baltimore section" means that portion of Baltimore City generally bounded:

(i) on the west, by the westernmost property line of the properties facing Broadway;

(ii) on the north, by the right–of–way of the railroad corridor used by Amtrak;

(iii) on the east, by the easternmost property line of the properties facing Patterson Park Avenue; and

(iv) on the south, by the middle of Madison Street.

(7) *Property tax.*

"Property tax" has the same meaning as stated in § 1–101 of the Tax – Property Article of the Annotated Code of Maryland.

(b) *Ordinance to establish District and Authority.*

Subject to subsection (n) of this section, the City may:

(1) establish, by ordinance, a District within the East Baltimore Section of the City of Baltimore to be a special tax district and to provide services consistent with item (2) of this subsection to the businesses and residents of the proposed district; and

(2) establish, by ordinance, an Authority to:

(i) administer the programs and activities to be conducted by the Authority;

(ii) promote and market the District;

(iii) provide supplemental security and maintenance services;

(iv) provide amenities in public areas;

(v) provide park and recreational programs and functions; and

(vi) provide other services and functions as approved by an ordinance of the Mayor and City Council of Baltimore, provided that the services and functions shall be provided within the District, or, to the extent authorized, within areas adjacent or adjoining to the District.

(c) *Elements of ordinance; district taxes.*

The ordinance establishing the District and the Authority shall:

(1) specify the name for the District and the Authority;

(2) specify the method for establishing and modifying the boundaries of the District, which may include methods by which:

(i) property owners may petition to be included in the District; and

(ii) property owners, tenants, or residents of blocks or portions of blocks *{may?}* conduct a referendum to be included in the District;

(3) specify the powers and functions within the limits of this section that may be exercised by the Authority;

(4) authorize the imposition of district taxes as the primary means of support for the District and specify any limits on the district taxes;

(5) specify the duration of the District and the Authority, or the means by which the continuance of the District and the Authority may be the subject of a further ordinance;

(6) provide for the collection of district taxes and for the prompt disbursement of the revenue to the Authority subject to subsection (e) of this section;

(7) determine whether classes and subclasses of property in the District may be established and the extent to which each class or subclass shall be subject to or exempt from district taxes or varying rates of district taxes and the extent to which specific areas of the District may exercise discretion as to the use of district taxes generated by the areas;

(8) specify the method for determining district taxes to be imposed on classes and subclasses of property under this section, including the creation of credits against district taxes to assist low–income families;

(9) specify the extent to which the Authority may provide additional services for a fee either within or outside the District; and

(10) determine the organization and method of initial appointment of officers and board members of the Authority, subject to subsection (f) of this section.

(d) *Financial plan required.*

(1) The Authority shall establish a financial plan for the District when required by an ordinance enacted under this section.

(2) The financial plan, including its annual budget, district tax rates, and schedule of other fees and charges, shall be subject to approval by the Board of Estimates.

(3) The financial plan may include provisions for allocating resources to the particular needs of the District, including allocations to particular sections of the District or to particular uses within the District.

(e) *Public hearing on financial plan; exemptions from district taxes.*

(1) Before adopting its proposed budget and making its recommendations to the City, the Authority shall hold a public hearing on the financial plan proposed for the District.

(2) The Authority shall publish notice of the hearing under paragraph (1) of this subsection in a newspaper of general circulation in Baltimore City at least once a week for 3 consecutive weeks before the hearing.

(3) Property in the District that is exempt under State law from ordinary property taxes shall be exempt from district taxes.

(4) The Authority may request the owners of property exempt from taxes under paragraph (3) of this subsection to voluntarily contribute to the costs of the Authority.

(f) *Board of Directors.*

(1) The governing body of the Authority shall be the Board of Directors.

(2) Each voting member of the Board shall be an owner, or, when the owner is a corporation, limited liability company, partnership, trust, or any other legal entity, representatives of owners of properties in the District that are subject to district taxes under this section.

(3) An ordinance enacted under this section may establish two or more classes of Board members and may require certain actions to be made subject to the approval of each class of board members.

(g) *Powers and duties of Authority.*

As provided by an ordinance enacted under this section, the Authority may:

(1) conduct the functions that are assigned to the Authority by the ordinance;

(2) acquire, hold, and use property necessary to achieve the Authority's purposes;

(3) enter into contracts;

(4) sue and be sued, subject to subsection (h) of this section;

(5) borrow and accept grants;

(6) employ and discharge personnel;

(7) propose in the authority's annual budget the district taxes in accordance with subsection (e) of this section;

(8) adopt, amend, and modify bylaws, all of which shall be subject to the approval of the Board of Estimates;

(9) establish and elect officers, and provide for terms of office and the duties of the officers;

(10) contract for and purchase goods and services in accordance with subsection (i) of this section; and

(11) do all things necessary or convenient to carry out the Authority's powers and obligations under this section and the ordinance enacted under this section.

(h) *Governmental immunity for Authority and District administrators.*

The District, the Authority, the Board, and any administrator of the District shall benefit, to the fullest extent allowable by law, from all provisions of federal, state, and local law limiting the liability of employees, officers, agents, and officials of governmental units.

(i) *Application of MBE/WBE Program.*

The Authority shall be subject to City ordinances and City policy requiring achievement of goals regarding minority and women's business enterprises.

(j) *Limitations on Authority's powers and duties.*

The Authority may not:

(1) exercise any police or general powers other than those authorized by State law and City ordinance;

(2) pledge the full faith or credit of the City;

(3) impose taxes or charges in excess of those approved by the Board of Estimates;

(4) exercise the power of eminent domain;

(5) engage in competition with the private sector, except as otherwise provided by law, and as necessary to exercise the powers provided for under this section and in any ordinance enacted under this section;

(6) except as otherwise provided in subsection (m) of this section, revert charges or taxes collected in accordance with this section to the General Fund of the City;

(7) be an agency of the Mayor and City Council of Baltimore or the State of Maryland, and its officers and employees may not act as agents or employees of the Mayor and City Council of Baltimore or the State of Maryland;

(8) employ individuals who reside outside the City of Baltimore; and

(9) except as required or appropriate to facilitate its normal operations or to the extent permitted by an ordinance enacted under this section, incur debt.

(k) *Prerequisites for establishing District and Authority.*

Before enacting an ordinance under this section, the Mayor and City Council of Baltimore shall:

(1) provide for public hearings during which consideration is given to the views of the property owners, retail merchants, property tenants, and other members of the business and residential communities within the proposed district;

(2) make a determination that the proposed district created reflects a diverse mix of business and residential properties; and

(3) make a determination that the proposed district reflects a diverse economic, social, and racial mix among its residents and within the working population employed in the proposed district.

(l) *City services not to be reduced.*

The Mayor and City Council of Baltimore may not permit a reduction in the services provided by the City in the District due to the establishment of the District or the Authority.

(m) *Unspent funds on dissolution.*

In the event of a dissolution of the District or the Authority, any unspent funds shall revert back to the City's General Fund.

(n) *Process for approving District and Authority.*

(1) An ordinance enacted under this section shall:

(i) establish the process for the approval of the creation of the District and the Authority; and

(ii) provide that until the approval process is conducted and approval is achieved under the process the District and the Authority may not be created, and the ordinance may not become fully effective.

(2) The ordinance may provide:

(i) criteria for the eligibility of voters for purposes of the election required by the ordinance; and

(ii) procedures for a special election required in this subsection, which may be administered by write-in ballots.

(Ch. 645, Acts of 2010.)

§ (67) Investment in Our Youth (IO-YOUth) Pilot Program.

Editor's Note: Chapter 655, Acts of 2012, authorized this pilot program, effective for a 3-year period from October 1, 2012, through September 30, 2015.

(a) *Definitions.*

(1) *In general.*

In this section the following words have the meanings indicated.

(2) *Employer.*

(i) *General.*

"Employer" has the meaning stated in § 3401 of the internal revenue code.

(ii) *Inclusions.*

"Employer" includes:

1. the State and its units;

2. a county and its units; and

3. a municipal government in the State.

(3) *Nonprofit organization.*

"Nonprofit organization" means an organization that is exempt from taxation under § 501 of the Internal Revenue 10 Code.

(4) *Program.*

"Program" means the Investment in Our Youth (IO–YOUth) pilot program.

(5) *Summer.*

"Summer" means the period from June 1 to September 30, inclusive, of each year.

(b) *Establishment of Program.*

(1) The Mayor and City Council of Baltimore may establish an Investment in Our Youth (IO–YOUth) Pilot Program.

(2) The program shall be established as a qualified organization eligible to receive tax–deductible charitable contributions under § 170(c) of the Internal Revenue Code.

(3) The purpose of the Program is to provide summer jobs for youths who are at least 14 years old and not more than 18 years old.

(4) The Program shall provide summer jobs for youths by:

(i) hiring youths to work during the summer for the City of Baltimore; or

(ii) providing grants to nonprofit organizations that will provide summer jobs for youths.

(5) The Mayor and City Council of Baltimore shall establish a committee to carry out the Program.

(6) The Mayor and City Council of Baltimore shall establish a procedure for the disposition of any funds remaining in the Program in the event that the Program is terminated.

(7) To be eligible for a grant from the Program, a nonprofit organization shall:

(i) operate within the City of Baltimore; and

(ii) meet any other requirement established under the Program.

(8) A nonprofit organization that receives a grant from the Program may not use the grant to:

(i) employ youths who do not reside in the City of Baltimore; or

(iii) provide jobs at sites that are located outside of the City of Baltimore.

(c) *Tax-deductible contributions.*

(1) (i) Nothing in this paragraph may be construed to require an employer to make a deduction from the wage of an employee.

(ii) On written request of an employee, an employer may make a deduction from the wage of an employee for the benefit of the Program.

(iii) The written request provided by an employee under subparagraph (ii) of this paragraph shall include the amount of the deduction.

(2) (i) An employer shall:

1. distribute quarterly to the City of Baltimore any funds deducted by the employer from the wage of an employee; and

2. report quarterly to the City of Baltimore the name, address, and other information provided by the employee under subsection (c)(1) of this section.

(ii) The amount of funds distributed to the City of Baltimore under subparagraph (i) of this paragraph shall equal the amount of funds deducted from the wages of employees who have submitted a written request as provided in subsection (c)(1) of this section.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, the Mayor and City Council of Baltimore shall pay the funds into the special fund established under subsection (d) of this section.

(ii) If the Program has ended, the Mayor and City Council of Baltimore shall follow the procedure for the disposition of funds remaining in the Program as provided under subsection (a)(6) of this section.

(4) The City of Baltimore may receive a direct donation from a person for the benefit of the Program.

(5) (i) The City of Baltimore shall provide a receipt to:

1. each employee whose information was reported to the City of Baltimore by the employer under paragraph (2) of this subsection; and

2. each person from which the City of Baltimore receives a direct donation under paragraph (4) of this subsection.

(ii) A receipt provided by the City of Baltimore under subparagraph (i) of this paragraph shall include a statement that the amount of the deduction from the employee's wages or the amount of the donation is tax-deductible under § 170(c) of the Internal Revenue Code.

(d) *Special fund.*

(1) The Mayor and City Council of Baltimore shall establish a special fund to be used to fund the Program.

(2) The Program shall be funded by:

(i) funds distributed to the City of Baltimore under subsection (c) of this section;

(ii) funds appropriated to the Program by the Mayor and City Council of Baltimore; and

(iii) donations received by the City of Baltimore to be used for the Program.

(3) Funds in the special fund may be used only for funding the Program.

(Ch. 655, Acts of 2012.)

ARTICLE III
CITY COUNCIL

§ 1. Legislative Department; qualification and salary of members.

(a) *Legislative Department.*

The Legislative Department of the City shall be the City Council, which shall consist of a single chamber.

(b) *Qualifications.*

Members of the City Council, except the President whose qualifications are provided for in Section 3, shall be citizens of the United States, at least 18 years old, and registered voters of Baltimore City. They also shall be residents of the districts the members have been chosen to represent for at least 1 year next preceding their election, except as provided in Section 7(e), and during their term of office.

(c) *Salaries.*

The salary of each member shall be set as provided in Article VII, §§ 117 through 125 of this Charter.

(Res. 05-009, ratified Nov. 7, 2006; Res. 11-034, ratified Nov. 9, 2011.)

§ 2. Members.

(a) *Election and term.*

(1) The voters shall elect the members of the City Council on the Tuesday next after the first Monday in November 2016, and on the same day and month in every succeeding fourth year.

(2) Their term of office shall commence on the Thursday next after the first Monday in December succeeding their election and shall continue for 4 years.

(b) *Number.*

The Council shall consist of fourteen members in addition to the President. There shall be fourteen districts with one member elected from each district.

(c) *Districts.*

The election of members shall be held by council districts, and no person is entitled to vote for any member of the City Council other than member for the district in which the voter is registered.

(Res. 99-016, ratified Nov. 2, 1999; Initiative ("Question P"), ratified Nov. 5, 2002; Res. 04-049, ratified Nov. 2, 2004; Res. 12-003, ratified Nov. 6, 2012.)

§ 3. President.

(a) *Election, qualifications, duties, etc.*

At the same time that they elect the members, the voters shall elect from Baltimore City at large, a person to be the President of the City Council, who shall possess the qualifications required for the Mayor of the City. It shall be the President's duty to preside over the City Council, vote on all questions and perform such other duties as may be prescribed by law. The salary of the President shall be set in the Ordinance of Estimates.

(b) *Removal.*

The City Council, by a two-thirds vote of its members, may remove the President of the City Council from office for incompetency, wilful neglect of duty or misdemeanor in office upon charges preferred by the Mayor, after notice of such charges, and an opportunity to be heard by the City Council, are given to the President.

§ 4. Vacancy in presidency.

If it becomes necessary for the President of the City Council to fill the unexpired term of the Mayor, or in case of the death, resignation, removal or other disqualification of the President, the City Council, by a majority vote of its members, shall elect a new president for the unexpired term. The person so elected as President may, but need not, be, at the time of election, a member of the City Council.

§ 5. Emergency vacancies.

If, by reason of any catastrophe, a majority of the members elected to the City Council are killed, or are sick, or incapacitated, missing, or otherwise unavailable, so that for a temporary or indefinite period there is not a quorum of the City Council available to permit that body to function, the Mayor, if the Mayor is available, or the Governor of Maryland or the other person acting in that capacity, if the Mayor is unavailable, is authorized to appoint for a temporary or indefinite period persons to fill the vacancies thus existing. If possible, each of the appointees shall have the qualifications required of members of the City Council.

During their tenure, all such appointive members of the City Council shall possess and may exercise the powers and prerogatives of regularly elected members. Each appointee shall continue to hold office during the incapacity or unavailability of the member whose position the appointee was appointed to fill, or until the position is filled pursuant to the regular election and qualification of a successor.

§ 6. Individual vacancies.

Each vacancy in the City Council shall be filled without delay. After public notice, the City Council, by a majority vote of its remaining members, shall elect a person possessing the qualifications prescribed in Section 1 of this article to serve the remainder of the unexpired term of the former incumbent.

(Res. 04-055, ratified Nov. 2, 2004.)

§ 7. Council districts.

(a) *Criteria for redistricting.*

The City shall be divided by ordinance into districts for the election of members of the City Council. The criteria in redistricting shall be equality of population, contiguous territory, compactness, natural boundaries, existing council district lines, and the standards established by the Supreme Court of the United States.

(b) *Redistricting plan.*

Following each census of the United States the Mayor shall prepare a plan for council redistricting. The Mayor shall present the plan to the City Council not later than the first day of February of the first municipal election year following the census.

After the Mayor's plan is presented to the City Council, the Council may adopt it or amend it or the City Council may adopt another plan. If no plan has been adopted by the City Council within sixty days after the Mayor's plan is presented, the Mayor's plan shall take effect as the redistricting ordinance.

(c) *{Vacant}*

(d) *Incumbent's residency.*

No member of the City Council shall be required to vacate that office by reason of a change of boundary lines of that member's council district made during that member's term, as long as that member remains a resident of Baltimore City.

(e) *Residency duration for next election.*

For elections following the adoption of redistricting plans, members of the City Council shall have been residents of the districts they have been chosen to represent since the preceding July 1.
(Initiative ("Question P"), ratified Nov. 5, 2002.)

§ 8. Sessions.

The City Council shall meet annually on the Thursday next after the first Monday in December and may continue in session for such period it deems necessary. The Mayor may convene the City Council in special session when, in the Mayor's opinion, the public business demands it. The President also may call the City Council to meet in special session whenever in the President's opinion such action is desirable, and shall call it into special session upon the written request of two-thirds of its members.

§ 9. Floor privileges of municipal officers.

The heads of departments, municipal officers not embraced in a department, and members of commissions and boards shall appear before the City Council if requested by a majority vote of its members and at other times shall have the privilege of the floor of the City Council at its meetings,

and shall be entitled to participate in the discussion of matters relating to their respective departments, offices, commissions or boards, but shall have no vote. In the case of a commission or board, the President, or a member designated in writing for that purpose by the President, shall be entitled to the privilege provided for in this section.

§ 10. Procedures; Council officers.

(a) *Attendance of members.*

The City Council may compel the attendance of absent members in such manner and under such penalties as it may provide by ordinance.

(b) *Vice-President — in general.*

The City Council, by a majority vote of its members, shall appoint from its members a Vice-President, who in the absence, sickness or disqualification of the President shall preside at all its meetings. The Vice-President also shall be an acting member of the Board of Estimates in the absence, sickness or temporary disqualification of the President.

(c) *Vice-President — as acting Mayor.*

In case of, and during, necessary absence, sickness or the temporary disqualification of both the Mayor and the President of the City Council, the Vice-President shall be acting Mayor.

(d) *Judge of member qualifications; discipline.*

The City Council shall be judge of the election and qualifications of its members, subject to appeal by petition of the party aggrieved as provided by law. With the concurrence of three-fourths of its members, the City Council may expel any member for disorderly behavior or misconduct in office, but not a second time for the same offense.

(e) *Rules of procedure; officers.*

The City Council shall adopt rules of procedure not inconsistent with the Charter, appoint its own officers, regulate their respective compensation, not to exceed in the aggregate the amount appropriated therefor in the Ordinance of Estimates, and remove them at pleasure.

(f) *Journal of proceedings; public deliberations.*

The City Council shall keep a journal of its proceedings and enter yeas and nays on any question, resolution or ordinance at the request of any member, and the deliberations of the City Council shall be public.

§ 11. Legislative powers.

The Mayor and City Council of Baltimore shall have power to pass all ordinances, not inconsistent with the Charter, necessary to give effect and operation to all powers vested in the City.

§ 12. Evidence of legislative acts.

Ordinances and resolutions of the City may be read in evidence from the printed volumes thereof published by its authority.

§ 13. Style of ordinances.

The style of all ordinances shall be: "BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE".

§ 14. Passage of ordinances and resolutions.

(a) *In general.*

Every legislative act of the City shall be by ordinance or resolution. No ordinance or resolution shall be passed by the City Council except by a majority vote of its members, and on its final passage the vote shall be taken by yeas and nays, and the names of members voting for or against the same shall be entered on the Journal.

(b) *Single-subject, title, and content requirements.*

Every ordinance enacted by the City shall embrace but one subject, which shall be described in its title, and no ordinance shall be revived, amended or enacted by mere reference to its title, but the same shall be set forth at length as in the original ordinance.

(c) *Readings and printing requirements.*

No ordinance shall become effective until it be read on three different days of the session, unless the City Council by a vote of three-fourths of its members shall otherwise determine by yeas and nays to be recorded on the Journal, and no ordinance shall be read a third time until it shall have been actually printed or engrossed for a third reading.

(d) *Oaths and witnesses.*

The City Council, by resolution, may authorize any standing or special committee to administer oaths and to summon witnesses as to any matters relevant to its investigation of any municipal agency.

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ARTICLE IV
MAYOR

§ 1. Election, term, etc.

(a) *Election and qualifications.*

(1) The voters of Baltimore City shall elect a Mayor on the Tuesday next after the first Monday in November 2016, and on the same day and month in every succeeding fourth year.

(2) The Mayor shall be a person of known integrity, experience, and sound judgment. The Mayor also shall be over 25 years of age, a citizen of the United States, and a resident of the City for at least 1 year next preceding the election and during the term of office.

Editor's Note: Article 24, §1-108 of the Maryland Code (as enacted by Chs. 8 and 9, Acts of 1999), provides that a candidate "for the office of the chief executive officer of a political subdivision shall be a resident of the political subdivision for at least 6 months preceding the election for the chief executive officer". By definition, this requirement applies to but two "political subdivisions" (Baltimore City and Montgomery County) and two "chief executive officers" (the Mayor of Baltimore City and the County Executive of Montgomery County).

§1-108 further provides that a "political subdivision" may retain a Charter residency requirement that is longer than 6 months if that political subdivision "reaffirms the longer ... requirement by enactment of an Ordinance effective no later than 4 weeks prior to the filing deadline specified in Article 33, § 5-303(a) of the {Maryland} Code."

In response to these provisions, the Mayor and City Council enacted Ordinance 99-433, effective June 1, 1999, to "reaffir[m] and retai[n] the residency requirement for Mayor that is imposed by the Baltimore City Charter".

(b) *Term.*

The term of Mayor shall commence on the Tuesday next after the first Monday in December succeeding the election and continue for four years and until a successor shall have been elected and qualified.

(c) *Salary; expense account.*

The salary of the Mayor shall be set as provided in Article VII, §§ 117 through 125 of this Charter.

(Res. 99-016, ratified Nov. 2, 1999; Res. 04-049, ratified Nov. 2, 2004; Res. 05-009, ratified Nov. 7, 2006; Res. 12-003, ratified Nov. 6, 2012.)

§ 2. Vacancy or absence.

(a) *Vacancy.*

In case of vacancy in the office of the Mayor by death, resignation, or permanent disqualification, the President of the City Council shall be Mayor for the remainder of the term for which the Mayor was elected.

(b) *Absence.*

In case of, and during, sickness, temporary disqualification or necessary absence of the Mayor, the President of the City Council shall be ex officio Mayor of the City.

§ 3. Staff.

The Mayor may appoint such persons to aid in the discharge of the Mayor's duties as provided in the Ordinance of Estimates.

§ 4. General powers.

(a) *Conservator of peace; financial oversight; report on state of City.*

The Mayor, by virtue of the office, shall have all the powers of a conservator of the peace.

The Mayor may call upon any officer of the City entrusted with the receipt or expenditure of public money, for a statement of account as often as the Mayor thinks necessary, and may at any time by expert accountants and bookkeepers, examine the books and accounts of any department, commission, board, officer, assistant, clerk, subordinate or employee.

The Mayor shall report to the City Council as soon as practicable after the end of each fiscal year, the general state of the City, with an accurate account of the money received and expended, to be published for the information of the citizens.

(b) *Chief executive officer.*

The Mayor shall be the chief executive officer of the City, shall see that ordinances and resolutions are duly and faithfully executed, and shall have general supervision over all municipal officers and agencies.

(c) *Economic development.*

Subject to more specific provisions of the Charter, the Mayor shall have general responsibility for the economic development of the City.

§ 5. Approval or veto of legislation.

(a) *Delivery to Mayor; approval.*

All ordinances or resolutions duly passed by the City Council, after being properly certified by the President of the City Council as having been so passed, shall be delivered by the Clerk of the Council to the Mayor for approval. The date of delivery shall be noted on the ordinances or resolutions and, when approved by the Mayor, they shall become ordinances or resolutions of the City.

(b) *Veto; return to Council.*

If the Mayor does not approve of an ordinance or resolution passed by the City Council, the Mayor shall return it with written objections to the City Council within three actual regular meetings, not more than one of which shall occur in any one calendar week, of the City Council after the delivery of the ordinance or resolution to the Mayor.

Upon receipt, the Mayor's objections shall be read forthwith to the Council and entered on its Journal. After five calendar days, and within twenty calendar days after the ordinance or resolution shall have been returned by the Mayor and received by the Council, the Council shall proceed to reconsider and vote upon it.

If the ordinance or resolution, after reconsideration, shall be again passed by the City Council by a vote of three-fourths of its members, it shall become an ordinance or resolution of the City. In such cases, after the reconsideration, the votes on the question of the passage of the ordinance or resolution over the veto of the Mayor shall be determined by yeas and nays, and the names of the persons voting for and against passage of the ordinance or resolution over the veto of the Mayor shall be entered on the Journal of the City Council.

(c) *No action by Mayor.*

If an ordinance or resolution duly passed by the City Council shall not be returned by the Mayor to the City Council within three actual regular meetings, no more than one of which shall occur in any one calendar week, after it shall have been delivered to the Mayor, it shall become an ordinance or resolution of the City in the same manner as if the Mayor had approved it, unless the City Council by an adjournment sine die, or for a period exceeding one month, shall prevent its return, in which case it shall not be law.

(d) *Items of appropriation.*

If an ordinance or resolution duly passed by the City Council shall embrace different items of appropriation, the Mayor may approve the provisions thereof relating to one or more items of appropriation and disapprove the others, and in such case those the Mayor shall approve shall become effective and those which the Mayor shall not approve shall be reconsidered by the City Council, and shall become effective if again passed over the veto of the Mayor by the vote as above prescribed for the passage over the veto of the Mayor of entire ordinances or resolutions. The procedures governing the Mayor's veto of an item of appropriation and the Council's reconsideration of that item shall be the same as those in this section that govern the passage, veto, reconsideration and override of ordinances and resolutions.

§ 6. Appointments of municipal officers.

(a) *Appointment subject to confirmation.*

Except as otherwise provided in the Charter, the Mayor shall have the sole power of appointment of all municipal officers, subject to confirmation by the City Council by a majority vote of its members; provided the Council shall take action on the nomination within the first three regular meetings of the Council after the nomination is sent to it by the Mayor. If the Council fails to take action within this time, then the person nominated shall be, by operation of this subsection,

confirmed by the Council. If the Council, by the required vote and in the prescribed time, shall refuse to confirm the nomination, the Mayor shall send to it another name for the office, who shall be subject to confirmation pursuant to this subsection.

(b) *Terms of officers.*

The terms of all municipal officers appointed by the Mayor shall expire at the end of four years or at the end of the Mayor's term of office, whichever first occurs, with the exception of the terms of some of the members of the Board of School Commissioners, the Civil Service Commission, the Planning Commission, the Board of Municipal and Zoning Appeals, and those boards and commissions governed by State or federal law. The terms of the members of these boards and commissions are prescribed elsewhere in the Charter or by other law.

(c) *Removal – in general.*

The Mayor shall have the power to remove at pleasure all municipal officers, except members of boards and commissions established by Charter or other law, appointed by the Mayor in the manner prescribed in this section and confirmed by the City Council; provided, however, that appointees holding office pursuant to the provisions of the Charter relating to the Civil Service may be removed from office only in accordance with such provisions.

(d) *Removal – boards and commissions.*

Except as otherwise provided by law, the Mayor may remove members of boards and commissions established by Charter or other law by majority vote of the members of the City Council. Removal shall date from the time of City Council approval.

(e) *Term limits.*

No person, except ex officio members, shall serve more than two consecutive full terms, in addition to any unexpired term served, on the same board or commission.

(f) *Vacancies – in general.*

Upon the vacancy in any office subject to this section, whether by resignation, removal, death, end of a term or otherwise, the Mayor shall fill the vacancy by an appointment in the manner prescribed in this section for the remainder of the term, if any, of the former incumbent.

(g) *Vacancies – boards and commissions.*

When a vacancy occurs on a board or commission established by this Charter, or other law, the Mayor shall have, for 120 days after the occurrence of that vacancy, the sole power of appointment to the vacant office. Such appointment shall be subject to confirmation by the City Council in the manner prescribed in this section.

If the Mayor fails to submit a nomination within the time prescribed in this subsection, the power of appointment shall vest and be held by the board or commission to which the vacancy shall apply, and that board or commission, by majority vote, shall certify the name of a person to the City Council for confirmation in the manner prescribed in this section.

For the purposes of this subsection only, a vacancy shall occur upon the occurrence of an event enumerated in subsection (f) hereof, and also upon the rejection by the City Council of a nomination to a board or commission.

(h) *Vacancies – office of director or similar.*

When a vacancy occurs in an office to which a municipal officer may be appointed who is subject to removal as provided in subsection (c), the Mayor may, in the interest of governmental efficiency and in order to provide uninterrupted municipal services, designate a person within the department or agency affected to perform the duties of the vacant office. Such a person shall cease to perform the duties of the office when a municipal officer is appointed and confirmed in the manner prescribed in this section, or one year after designation, or sixty days after the City Council shall by resolution, passed by majority vote and not subject to veto, direct the Mayor to appoint, subject to confirmation, a municipal officer, whichever first occurs; provided, however, that the City Council shall have no power to direct the appointment of any individual.

(i) *Oath and commission.*

All persons appointed by the Mayor, as well as those municipal officers elected by the people or by the City Council, shall qualify for office by taking before the Mayor an oath faithfully to perform the duties of their offices, and to support the laws and constitutions of the United States and of the State of Maryland. A test book shall be kept by the Mayor, which shall be signed at the time of taking the oath, and after qualifying, the Mayor shall issue to the officers a commission signed by the Mayor with the corporate seal attached.

(j) *Recess appointments.*

Whenever a vacancy that the Mayor is empowered to fill subject to confirmation by the City Council shall occur during the recess of the City Council, the Mayor may temporarily appoint a person to fill that vacancy until the next regular meeting of the City Council. At that meeting, the Mayor shall present such appointment for confirmation as provided for in this section for other appointments by the Mayor.

(k) *Holding over; dual offices of profit prohibited.*

All elected municipal officers provided for in the Charter or other law, shall hold their offices until their successors are appointed or elected and qualified.

No person shall at any time hold more than one office yielding pecuniary compensation under the Mayor and City Council of Baltimore.

(l) *Residency requirement.*

All heads of departments and bureaus, including presidents of boards and commissions, provided for by this Charter or any other law, and appointed by the Mayor or by the governing board of the department, shall be residents and registered voters of Baltimore City at the time of their appointment and shall remain residents and registered voters during their entire term of office.

The provisions of this subsection shall not apply to those holding office prior to January 1, 1975, as long as they shall retain that office, and further, shall not apply to a department head or bureau head appointed after January 1, 1975 who signs a declaration of intent to become a City resident and registered voter within six months of the date of appointment. If that department or bureau head fails to abide by this declaration of intent, then the appointment shall be terminated.

Editor's Note: Article 24, §1-107 of the Maryland Code (as enacted by Ch. 619, Acts of 1995, and subsequently broadened by Ch. 426, Acts of 1997), provides, among other things, that a political subdivision "may not require an employee to reside within [the subdivision or] the State or within a required distance of [the subdivision or] the State as a condition of employment" {§ 1-107(b)(1)}.

The sole exceptions are for "elected official[s], department head[s], or an administrator" {§ 1-107(a)(4)}. For this purpose, "administrator" is narrowly defined to mean "the chief administrative officer" of the political subdivision {§ 1-107(a)(2)}. "Department head", in turn, is limited to "the head of a separate unit of [the political subdivision] who reports directly to [the] elected executive or administrator or directly to the governing body of the [political subdivision" {§ 1-107(a)(3)}.

§ 7. Appointment of municipal employees.

The heads of departments, municipal officers not embraced in a department (including the Comptroller), commissions and boards shall have the sole power of appointment and removal of all deputies, assistants, clerks and subordinate employees employed by them, subject to the Civil Service provisions of Article VII, unless otherwise provided in the Charter.

The head of each municipal agency shall designate the functions and prescribe the duties of the several assistants, clerks and employees of such agency, consistent with the Charter and with the classification of such assistant, clerk or employee as previously determined by the Civil Service Commission.

§ 8. Minority party representation.

Except as otherwise provided in the Charter or by other law, at least one member, in the case of commissions or boards composed of not more than five members, and at least two members, in the case of commissions or boards composed of more than five members, shall be registered voters in Baltimore City who are not registered as members of the majority party. The "majority party" shall be that political party which had the largest number of registered voters at the time of the municipal election next preceding the date of the appointment.

(Res. 12-005, ratified Nov. 6, 2012.)

ARTICLE V
COMPTROLLER

§ 1. Election, term, etc.; Deputy Comptroller, staff.

(a) *Election and qualifications; term; salary.*

(1) The voters of Baltimore City shall elect a Comptroller of the City on the Tuesday next after the first Monday in November 2016, and on the same day and month in every succeeding fourth year.

(2) The Comptroller shall possess the same qualifications as prescribed in this Charter for the Mayor.

(3) The term of the Comptroller shall commence on the Tuesday next after the first Monday in December succeeding the election and shall continue for 4 years and until a successor has been elected and qualified.

(4) The Comptroller's salary shall be set as provided in Article VII, §§ 117 through 125 of this Charter.

(b) *Deputy; staff.*

The Comptroller shall appoint, to aid in the discharge of the Comptroller's duties, a Deputy Comptroller and such other employees as provided in the Ordinance of Estimates. In case of temporary absence or disqualification of the Comptroller, the Deputy Comptroller shall, during such absence or disqualification from any cause, perform the duties of the Comptroller, including the Comptroller's duties as a member of the Board of Estimates.

(Res. 99-016, ratified Nov. 2, 1999; Res. 04-049, ratified Nov. 2, 2004; Res. 05-009, ratified Nov. 7, 2006; Res. 12-003, ratified Nov. 6, 2012.)

§ 2. Removal; vacancy.

The City Council by a majority vote of its members may remove the Comptroller from office for incompetency, wilful neglect of duty or misdemeanor in office, upon charges preferred by the Mayor, and after notice of such charges and an opportunity to be heard by the City Council are given to the Comptroller.

In the event of the death, resignation, or removal from office of the Comptroller, a successor, to fill out the unexpired term, shall be elected by the City Council by a majority vote of its members.

§ 3. General duties.

The Comptroller shall:

(a) serve as a member of the Board of Estimates;

(b) serve as a member of the Board of Finance;

(c) have such general supervision of the Department of Audits and the activities of the City Auditor as provided for in the Charter;

(d) be responsible for the proper conduct, management and operation of the Department of Real Estate; and

(e) subject to the approval of the Board of Estimates, and within the limits of the appropriation therefor in the Ordinance of Estimates, obtain such insurance as may be necessary for the proper protection of the City or as may be required by applicable law, and shall, whenever it would be to the City's advantage, seek competitive bids for the insurance; and

(f) perform such other duties, not inconsistent with the office, as prescribed by law.

§ 4. Department of Real Estate – established.

There shall be a Department of Real Estate, the head of which shall be the Comptroller.

For the conduct of the Department, the Comptroller shall appoint a Real Estate Officer and such assistants and employees as may be provided for in the Ordinance of Estimates.

§ 5. Department of Real Estate – duties.

The Department of Real Estate shall have the following responsibilities in all matters relating to the acquisition, sale, lease, exchange or other disposition of real property of the City; provided, however, that nothing in this section shall affect the exercise by the City by ordinance of the powers granted to it in subsection (15) of Article II, or by the Mayor of the powers provided by Section 4(c) of Article IV relating to economic development:

(a) *Negotiation of acquisitions.*

Subject to any limitation on this power elsewhere in the Charter, any purchase (other than by condemnation) of real property or an interest therein by the City shall (unless and to the extent otherwise provided by the Board of Estimates) be negotiated and made on its behalf by the Department of Real Estate in such a manner as the Board of Estimates shall from time to time authorize and instruct.

(b) *Disposition of City property.*

The Department shall (unless and to the extent otherwise provided by the Board of Estimates) arrange for the disposition of any building or parcel of land (or any other real property) no longer needed by the City for public use.

Any such disposition shall be authorized by ordinance, shall be approved by the Board of Estimates with the approval entered in its minutes, and shall be made at public sale unless a private sale or other manner of disposition shall be expressly authorized by the Board of Estimates and entered in its minutes. The instrument of conveyance of any building or parcel of land (or any other real property) whose disposition has been so authorized and approved shall be executed on behalf of the City by the Comptroller or Deputy Comptroller and attested to by the Director of Finance or the Deputy Director of Finance.

(c) *Leasing City property.*

The Department is authorized to lease any building or parcel of land (or any other real property) not needed by the City for public purposes on a month to month basis, unless otherwise provided by ordinance. It is also authorized to lease such property for fixed terms provided such leases are first approved by the Board of Estimates.

(d) *Inventory of City property*.

The Comptroller, working in conjunction with the heads of other affected municipal agencies, shall maintain a public inventory of the City's properties.

§ 6. Real Property Account.

Except as may be otherwise provided by ordinance with regard to the exercise by the City of the powers granted to it in subsection (15) and subsection (15A) of Article II, the Comptroller shall cause to be credited to an account to be known as the "Mayor and City Council Real Property Account", the proceeds from the sale by the City of any real or leasehold property or interest therein.

Moneys received from such sales shall be appropriated in the Ordinance of Estimates only for the purchase of land, and the purchase or construction of buildings, and other construction work and projects, and to carry out the industrial and economic development powers vested in the Mayor and City Council of Baltimore by the provisions of subsection (15A) of Article II, it being the intent of this provision to limit the use of such moneys to the purposes specifically mentioned in this section, and otherwise to prohibit their use for current expenses of the City.

The annual Ordinance of Estimates shall include the appropriations which are proposed to be charged to the "Mayor and City Council Real Property Account", and the state of the account, with the particulars as to sources of receipts, shall be reported by the Comptroller annually to the City Council.

§ 7. Department of Audits – established.

(a) *Establishment; City Auditor.*

There shall be a Department of Audits, the head of which shall be the City Auditor.

The City Auditor shall be a certified public accountant who is licensed by the State of Maryland, shall be appointed by the Comptroller in accordance with the provisions of the Charter relating to the Civil Service, and shall hold office in accordance with these provisions.

(b) *Staff; budget.*

The City Auditor shall appoint such employees as may be provided in the Ordinance of Estimates.

Sufficient funds shall be included in the Ordinance of Estimates for the Department of Audits to enable the City Auditor to perform the duties prescribed herein.

§ 8. Department of Audits – general powers and duties.

(a) *In general.*

In accordance with generally accepted government auditing standards and State and federal law, the City Auditor:

(1) shall at appropriate intervals conduct an audit of the financial transactions of every municipal agency, except the Department of Audits;

(2) shall conduct an annual audit of all accounts, revenues, and receipts of the City;

(3) may audit the expenditure of City-granted funds by any public or private agency that receives such funds;

(4) may audit City contracts, grants, subgrants and other agreements as required by the terms and conditions of these instruments and, when the contracts, grants, subgrants and other agreements require that audits be conducted by other auditors, review such audits; and

(5) shall make such other audits as the Comptroller or the Board of Estimates may request; provided, that, such requested audits shall not, in the judgment of the City Auditor, unduly hinder the performance of regular audits.

(b) *Reports.*

The City Auditor shall make reports of all such audits to the Comptroller and, at the same time, to each of the other members of the Board of Estimates.

§ 9. Department of Audits – comprehensive annual financial report.

(a) *Audit of report.*

The City Auditor, under the supervision of the Comptroller, shall audit the comprehensive annual financial report of the City, prepared by the Director of Finance. This report shall be a public document.

(b) *Access to records.*

To carry out the Auditor's duties, the Auditor shall have access at all times to the financial records of all municipal agencies and the relevant financial records of contractors with, and grantees of, the City.

§ 10. Department of Audits – independent auditors.

(a) *Required engagement.*

The Board of Estimates, at appropriate intervals, shall engage an independent firm of certified public accountants to audit:

(1) the financial transactions of the Department of Audits; and

(2) the comprehensive annual financial report of the City.

(b) *Permissive engagement.*

The Board of Estimates may engage an independent firm of certified public accountants to audit the financial transactions of any municipal agency and to examine the fiscal procedures, records, accounts, and methods of any municipal agency, including the Department of Audits.

(c) *Reports.*

The independent firm of certified public accountants shall make reports of its audits, examinations, and recommendations to the Board of Estimates.

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ARTICLE VI
BOARD OF ESTIMATES

§ 1. Establishment and organization.

(a) *In general.*

There shall be a Board of Estimates composed of the Mayor, President of the City Council, Comptroller, City Solicitor, and Director of Public Works, none of whom shall receive any additional salary as members of the Board.

The President of the City Council shall be President of the Board, and one of the members shall act as Secretary.

The Board may employ such employees as may be necessary to discharge its duties; their number and compensation shall be fixed in the Ordinance of Estimates.

(b) *Meetings.*

The first meeting of the Board in every year shall be called by notice from the Mayor or President of the City Council personally served upon members of the Board. Subsequent meetings shall be called as the Board may direct.

(c) *Representatives.*

If a member is unable to attend a Board meeting, that member's representative, as designated in the Charter, may attend and exercise the powers of the member. The Mayor may designate a municipal officer or member of the Mayor's personal staff to represent the Mayor and exercise the Mayor's power at Board meetings in the Mayor's absence.

§ 2. Powers and duties.

The Board of Estimates shall formulate and execute the fiscal policy of the City to the extent, and in the manner provided for, in the Charter. To exercise its powers and perform its duties, the Board may promulgate rules and regulations and summon before it the heads of departments, bureaus or divisions, municipal officers, and members of commissions and boards.

§ 3. Fiscal year; budget schedule.

(a) *Fiscal year.*

The fiscal, budget, and accounting year of the City shall begin on the first day of July and end on the thirtieth day of June in every year unless otherwise provided by law.

(b) *Notice and hearing.*

At least thirty days prior to the adoption by the Board of Estimates of a proposed Ordinance of Estimates the Board shall make public the Director of Finance's recommended operating budget, the Planning Commission's recommended capital budget and long-range capital improvement

program, and the reports of the Director of Finance and Planning Commission on these documents.

Thereafter, the Board shall hold public hearings at which members of the City Council, heads of municipal agencies, and citizens shall have the opportunity to appear before the Board to speak for or against the inclusion of any appropriation in the proposed Ordinance of Estimates.

(c) *Submission to Council.*

The Board of Estimates shall submit to the City Council the proposed Ordinance of Estimates for the next fiscal year at least forty-five days before the beginning of that fiscal year.

(d) *Adoption by Council.*

The City Council shall have at least forty days after receipt of the Board's proposed Ordinance of Estimates to enact an Ordinance of Estimates. The City Council shall adopt an Ordinance of Estimates at least five days prior to the beginning of the fiscal year to which it is applicable if the Board of Estimates submits its proposed Ordinance of Estimates within the period prescribed by Section 3(c).

§ 4. Assistance from Finance Director and Planning Commission.

To assist the Board of Estimates in the preparation of the proposed Ordinance of Estimates:

(a) *Recommendations on agency estimates.*

The Director of Finance shall submit for the consideration of the Board a recommended operating budget, which shall include the estimates submitted by the municipal agencies for the next fiscal year, the recommendations of the Director of Finance thereon, and all other estimates for appropriations to be made in the next fiscal year, other than for capital improvements; provided, however, the estimates for the Fire Department shall include such amounts, if any, as may be determined by a final decision of a board of arbitration convened to arbitrate unresolved negotiations between the City and the certified employee organizations representing the fire fighters and fire officers, as prescribed by existing Section 53 of Article VII.

(b) *Recommendations on capital budget, etc.*

The Planning Commission shall submit for the consideration of the Board a recommended capital budget, a recommended long-range capital improvement program, and a report on both. The Director and Board of Finance shall review the recommended capital budget and program, and make a report and recommendations about both to the Board of Estimates.

§ 5. Preparation of proposed Ordinance of Estimates.

(a) *Contents.*

After receiving the recommendations of the Department of Finance and the Planning Commission, the Board shall prepare its proposed Ordinance of Estimates, which shall consist of:

(1) an operating budget: estimates for the next fiscal year of the appropriations needed for the operation of each municipal agency and for all other purposes, other than for capital improvements. These estimates shall state the amounts needed by every municipal agency for each particular program, purpose, activity, or project and the source of funds, if other than general funds, for each.

(2) a capital budget: estimates of the amounts to be appropriated to each municipal agency for capital improvements in the next fiscal year. The capital budget proposed by the Board also shall include the projects that the Board includes in the first year of its long-range capital improvement program and the source of funds for all capital improvements. However, no capital project shall be included in the capital budget portion of the proposed Ordinance of Estimates submitted by the Board of Estimates to the City Council unless the Board has received and considered the reports and recommendations of the Planning Commission, the Director of Finance, and the Board of Finance with regard to such capital project. The Board of Estimates may establish additional procedures for the development of a long-range capital improvement program and a capital budget.

(b) *Contingent fund.*

The Board may include annually in the proposed Ordinance of Estimates a sum up to one million dollars ($1,000,000.00) of the General Fund appropriations to be used during the next fiscal year as a contingent fund in case of an emergency or necessity for the expenditure of money in excess of or other than the appropriations regularly passed for any municipal agency.

At least one week before it approves a contingent fund expenditure, the Board shall report to the City Council the reasons for the expenditure.

§ 6. Adoption of proposed Ordinance of Estimates.

(a) *Adoption, submission, and publication.*

After the public notice and hearings prescribed by Section 3(b), the Board shall adopt a proposed Ordinance of Estimates by a majority vote of all the members. The Board shall deliver the proposed Ordinance of Estimates to the President of the City Council and contemporaneously publish a copy of the proposed ordinance in two dally newspapers in Baltimore City.

(b) *Accompanying materials.*

The proposed Ordinance of Estimates that the Board submits to the City Council shall be accompanied by the following materials:

(1) a breakdown of the amounts stated for each program, purpose, activity, or project of each municipal agency in the proposed operating budget by standard categories of expenditure, for

(a) personal services,

(b) materials, supplies, and equipment,

(c) debt service, and

(d) such other categories as the Board of Estimates may deem advisable.

The personal services category shall include the compensation of every officer and salaried employee of the City; provided, however, that the salaries for employees in the same classification who have a uniform salary or salary range may be combined into a single entry, which shall indicate the number of such employees, their aggregate salaries, and the name or title of the classification.

(2) a comparison by standard categories of expenditures of the appropriations contained in the proposed operating budget with

(a) the amounts requested by the municipal agencies in their budget submissions

(b) the amounts appropriated for the current fiscal year and

(c) the amounts expended in the prior fiscal year;

(3) detailed information about the sources of funds to meet the aggregate total of the appropriations contained in the proposed Ordinance of Estimates;

(4) the long-range capital improvement program adopted by the Board and for each capital project included in the capital budget, the following:

a brief description and location,

the total estimated cost,

the appropriations authorized to date,

the appropriations proposed for the next fiscal year,

the appropriations required thereafter to complete the project, and

the estimated additional annual maintenance and operation cost.

(5) a statement setting out:

(a) the revenues which the City can reasonably expect to receive in the next fiscal year from all existing sources of revenue at existing rates other than the full rate property tax but including amounts believed to be collectible from taxes for prior years and including an estimate of the surplus expected at the end of the current fiscal year;

(b) the difference between the revenues expected under (a) above and the total amount of appropriations provided in the proposed Ordinance of Estimates;

(c) the estimated taxable basis for the next ensuing fiscal year for the levy of full rate property taxes;

(d) the rate for the levy of full rate property taxes which, given the revenues expected under (a) above, the total appropriations in the proposed Ordinance of Estimates, and the taxable basis, will be necessary to raise sufficient total revenues to cover total anticipated expenditures;

(e) new sources of revenue or new rates on existing sources of revenue, and the amounts which can reasonably be expected from each of them, which the Board of Estimates believes should be adopted for the next fiscal year; also the rate for the levy of full rate property taxes which, in view of such new sources of revenue or new rates on existing sources of revenue, will be necessary to bring total expected revenues for the next fiscal year into balance with total anticipated expenditures for the year;

(6) a message from the Mayor explaining the major emphasis and objectives of the City's budget for the next fiscal year;

(7) such other information as the Board of Estimates may deem advisable.

§ 7. Enactment of Ordinance of Estimates.

(a) *Introduction; authorized cuts.*

Upon receipt of the proposed Ordinance of Estimates and the accompanying materials, the President of the City Council shall promptly cause it to be introduced in the City Council, and the Council shall thereafter hold public hearings on the proposed Ordinance of Estimates.

By a majority vote of its members, the City Council may reduce or eliminate any of the amounts in the proposed Ordinance of Estimates, except:

(1) amounts fixed by law;

(2) amounts for the Fire Department established by a board of arbitration and included in the proposed Ordinance of Estimates; and

(3) amounts for the payment of the interest and principal of the municipal debt.

(b) *Increases and additions precluded.*

The City Council shall not have the power to increase the amounts fixed by the Board or to insert any amount for any new purpose in the proposed Ordinance of Estimates. If the carrying out of a particular program, purpose, activity, or project depends upon action by a body other than the City, the City Council may insert a specific provision in the proposed Ordinance of Estimates making the appropriation for the particular program, purpose, activity or project contingent upon such action.

(c) *Revenue ordinances.*

As soon as practicable after the passage of the Ordinance of Estimates, the City Council shall enact such revenue ordinances as are necessary to produce sufficient expected revenues, as

estimated by the Board of Estimates, to cover the total anticipated expenditures authorized by the Ordinance of Estimates. The Council may adopt revenue sources or revenue rates other than those proposed by the Board and in each such instance the estimate of the revenue to be yielded by such a source or rate shall be made by the Board of Estimates.

The Board of Estimates shall, taking into account any reductions and eliminations made by the City Council in the anticipated expenditures contained in the proposed Ordinance of Estimates and the revenues to be derived from all existing sources and from any new sources or new rates enacted by the City Council, certify to the Council the difference between the anticipated expenditures for the next fiscal year contained in the Ordinance of Estimates and all expected revenues other than from the full rate property tax. The Board shall then state a rate for the levy of full rate property taxes sufficient to realize the amount required to meet the said difference and the ordinance making the annual levy of full rate property taxes shall fix a rate not less than that stated by the Board so that it shall not be necessary at any time for the City to create a floating debt to meet any deficiency, and it shall not be lawful for the City to create a floating debt for any such purpose.

§ 8. Deficiencies; supplementary appropriations.

(a) *Deficiencies.*

No temporary loan shall be authorized or made to pay any deficiency arising from a failure to realize sufficient income from all sources to meet the amounts provided in the Ordinance of Estimates, but the City may temporarily borrow money for its use in anticipation of the receipts of taxes levied for any year. In case of any such deficiency the Board of Estimates shall effect reductions (which need not be pro rata) in appropriations other than those for the payment of the principal and interest of the City debt and such amounts as are fixed by law and contained in the Ordinance of Estimates, except to the extent that the City Council shall, upon the recommendation of the Board of Estimates, enact an ordinance which shall supply revenues to meet all or any part of such deficiency. No emergency loan shall be made except in accordance with the provisions of Article XI of the Constitution of Maryland.

(b) *Supplementary appropriations — when authorized.*

Except as provided herein, the Ordinance of Estimates shall include all the moneys to be appropriated by the City for all purposes for the fiscal year for which the ordinance is applicable.

Additional appropriations shall be permitted during the fiscal year only in the following circumstances and under the following conditions:

(1) *Excess revenues.*

Revenues from any source other than the full rate property tax and other taxes imposed under the authority of Article II, in excess of or in addition to those relied upon by the Board of Estimates in determining the tax levy required to balance the budget, may be made available for expenditure by the municipal agency responsible for the production of such revenues by a supplementary appropriation ordinance recommended to the City Council by the Board of Estimates, duly passed by the City Council by a majority vote of its members and approved by the Mayor.

(2) *Unanticipated grants.*

Grants from private or governmental sources which could not be expected with reasonable certainty at the time of the formulation of the proposed Ordinance of Estimates may be made available to the appropriate municipal agency for expenditure by a supplementary appropriation ordinance recommended to the City Council by the Board of Estimates, duly passed by the City Council by a majority vote of its members and approved by the Mayor.

(3) *Material changes; new programs.*

Further appropriations for programs included in the proposed Ordinance of Estimates made necessary by a material change in circumstances, or additional appropriations for new programs which could not reasonably be anticipated at the time of the formulation of the proposed Ordinance of Estimates may be made available to the appropriate municipal agency for expenditure by a supplementary appropriation ordinance recommended to the City Council by the Board of Estimates, duly passed by the City Council by a vote of three-fourths of its members and approved by the Mayor.

(c) *Supplementary appropriations — requisites of ordinance.*

Every such further or additional appropriation shall be embodied in a separate ordinance limited to a single program, purpose, activity or project therein stated, and each such supplementary appropriation ordinance shall also, anything contained in the Charter to the contrary notwithstanding, provide the revenue necessary to pay the appropriation by a source, other than the full rate property tax, imposed under the authority of Article II. The revenue shall be levied and collected as directed in the ordinance. The estimate of the revenues to be derived from any source proposed in a supplementary appropriation ordinance shall be made by the Board of Estimates.

§ 9. Uses of appropriations.

(a) *In general.*

Following the passage of the Ordinance of Estimates and the enactment of the revenue measures necessary to achieve a balance between expected revenues and anticipated expenditures for the next fiscal year, the sums contained in the Ordinance of Estimates shall, after the beginning of the fiscal year to which it is applicable, be and become appropriated for the purposes therein named.

No appropriation provided for in the Ordinance of Estimates shall be used for any purpose other than that named in that ordinance, except:

(1) the Board of Estimates may increase the amount for a particular program, purpose, activity, or project or introduce an amount for a new program, purpose, activity or project by transferring thereto amounts already appropriated to that agency; and

(2) upon the recommendation of the Board of Estimates, the City Council by ordinance may authorize the transfer of an appropriation contained in the Ordinance of Estimates from one municipal agency to another municipal agency;

provided, however, that new or different amounts for capital projects from those stated in the capital budget portion of the Ordinance of Estimates shall not be authorized unless the Board of Estimates has received and considered the reports and recommendations thereon of the Planning Commission and the Director of Finance.

(b) *Expenditure schedule.*

Upon the authorization of the Board of Estimates and under procedures established by the Board, the Director of Finance shall establish an expenditure schedule, applicable to any or all municipal agencies whenever, in the opinion of the Board, financial conditions warrant such budgetary allotments.

(c) *Carry-overs; lapses.*

(1) Appropriations contained in the Ordinance of Estimates for a particular program, purpose, activity, or project may, upon the recommendation of the head of the municipal agency concerned and the Director of Finance, and with the approval of the Board of Estimates, be carried over to fiscal years subsequent to the one for which the appropriation is initially made if necessary to accomplish that program, purpose, activity, or project.

(2) Funds encumbered for contracts, projects or other actual commitments and funds dedicated by any act of Congress or by State law or by the terms of any private grant to some specific purpose shall be carried over to the next fiscal year.

(3) All appropriations not so carried over shall lapse at the end of the fiscal year from which made, except as provided in paragraph (4) of this subsection.

(4) Any balance remaining in the fund of the water, sanitary wastewater, or stormwater utility (under Section 18 of this article) at the end of the fiscal year shall remain to the credit of that utility and an estimate of that balance shall be included in that utility's budget for the next year as an estimated receipt.

(d) *Surpluses.*

(1) In case of any surplus arising in any fiscal year by reason of an excess of revenue over the expenditures (including any appropriation carried over) for that year, the surplus shall become a part of the general revenue of the City and shall be available for the general expenditures of the City for the next fiscal year, in accordance with the Ordinance of Estimates for that year. An estimate of the surplus shall be made by the Board of Estimates and included in expected revenues for the next year.

(2) However, any surplus or retained earnings of the water, sanitary wastewater, or stormwater utility fund (under § 18 of this article) at the end of the fiscal year shall remain to the credit of that utility and the estimate of that balance shall be included in that utility's budget for the next year as an estimated receipt.

(Res. 10-019, ratified Nov. 2, 2010; Res. 12-004, ratified Nov. 6, 2012.)

§ 10. Salaries.

(a) *In-term increases or decreases — in general.*

(1) In preparing the Ordinance of Estimates, the Board of Estimates may increase or decrease the salaries of all municipal officers, except:

(i) the elected officials subject to Article VII, §§ 117 through 125 of this Charter; and

(ii) the appointed municipal officers who serve as members of the Board of Estimates,

(2) If the salary of an appointed municipal officer is so increased or decreased, it may not again be increased or decreased, as the case may be, during that officer's term.

(b) *In-term increases or decreases — Board members.*

(1) The Mayor and City Council may, by ordinance, increase or decrease the salaries of the appointed municipal officers who serve as members of the Board of Estimates.

(2) If the salary of an appointed municipal officer on the Board is so increased or decreased, it may not again be increased or decreased, as the case may be, during that officer's term.

(c) *Employment contingent on appropriation.*

No person shall be appointed or employed as a paid municipal officer or employee unless an appropriation to cover that person's compensation is included in the Ordinance of Estimates;

provided, however, that this provision shall not apply to:

(1) appointments or employments approved by resolution of the Board of Estimates, where funds are available for payment of the designated compensation; and

(2) persons whose appointment or employment is to be made and whose compensation is to be fixed by the Board of School Commissioners as provided in Section 63 of Article VII.

(d) *Increases beyond Ordinance of Estimates.*

Except in cases of promotion, the salary or compensation of no officer or employee of the City shall be increased beyond that set forth in the materials accompanying the proposed Ordinance of Estimates unless the increase be approved by the Board of Estimates upon the recommendation of the head of the agency concerned, and funds therefor are available in the appropriation allotted in the Ordinance of Estimates to the agency in question;

provided, however, that the Board of Estimates may adopt rules and regulations governing increments to be granted to employees whose classifications call for an annual increment until the maximum of such classification is reached;

provided, further, that nothing in this provision shall affect the power conferred by Section 63 of Article VII upon the Board of School Commissioners.

(e) *Payment intervals.*

The salaries of all municipal officers and employees, whether or not fixed by the Charter, shall be paid at such intervals, but not less frequently than semi-monthly, as the Board of Estimates may determine from time to time.

(Res. 05-009, ratified Nov. 7, 2006.)

§ 11. Procurement.

(a) *Board of Estimates responsible.*

The Board of Estimates shall be responsible for awarding contracts and supervising all purchasing by the City as provided in this section and elsewhere in the Charter.

(b) *Authority of City Council.*

(1) By ordinance passed by two-thirds of the City Council members, the Mayor and City Council shall set the dollar thresholds for:

(i) contracts that must be formally advertised; and

(ii) contracts that must be approved by the Board of Estimates.

(2) Pending enactment of an Ordinance under this subsection, the Board of Estimates shall set initial threshold amounts. Those initial amounts shall remain in effect until different amounts have been set by Ordinance under this subsection.

Editor's Note: Initial threshold amounts were set by Board of Estimates Resolution adopted December 22, 2010, as follows: § 11(c), which requires formal advertisements, applies to procurements involving expenditures of more than $50,000. § 11(f), which requires contracts to be approved by the Board of Estimates, applies to contracts involving expenditures of more than $25,000.

(c) *Formal advertisement.*

In contracting for any public work, or the purchase of any supplies (unless otherwise provided by ordinance for foodstuffs and related perishables), materials, equipment, or services other than professional services, for the City or by any municipal agency, involving an expenditure of greater than the threshold set under subsection (b) of this section, advertisements for proposals shall first be published at least twice in two or more newspapers of general circulation published in Baltimore City, and published electronically to the public, unless otherwise provided by the Charter. The first publication shall be made not less than 10 nor more than 90 days prior to the day set for opening the bids.

(d) *Professional services.*

All professional services contracted for by the City shall be engaged in the manner prescribed by resolution of the Board of Estimates.

(e) *Emergencies, etc.*

(i) When any supplies, materials, equipment, services, or public works are of such a nature that no advantage will result in seeking, or it is not practicable to obtain, competitive bids, or when the need for supplies, materials, equipment, services, or public works is of an emergency nature and the using agency certifies this in writing to the Board of Estimates, with written notice to the Department of Finance, the provisions of subsection (c) of this section may be dispensed with. However, the purchase may not be made, nor may the City incur any obligation for it, until approved by the Board of Estimates after considering the recommendation of the Department of Finance. When practicable, the City's intent to make a purchase under this exception shall be posted electronically to the public for comment prior to the approval of the purchase by the Board of Estimates.

(ii) In the event of an emergency of such a nature that the public welfare would be adversely affected by awaiting the approval of the Board of Estimates, the Department of Finance, upon application by the head of the municipal agency involved, may proceed to obtain the supplies, materials, equipment, services, or public works required without reference to the provisions of subsection (c) of this section. A full report of any this action shall be promptly submitted to the Board of Estimates.

(f) *Contracts subject to Board of Estimates approval.*

All purchases of services other than professional services, of property other than real estate or interests therein (except as may be otherwise provided by ordinance for foodstuffs and related perishables), and all other contracts involving an expenditure greater than an amount set under subsection (b) of this section, except those awarded by the Board of Estimates pursuant to the provisions of subsection (h) of this section, made by any municipal agency, in addition to compliance with other applicable provisions of the Charter, shall be submitted to the Board of Estimates for its approval and shall be binding upon the City only when so approved. The Board of Estimates may adopt rules and regulations governing the procedures and requirements to be followed by any municipal agency in making purchases or other contracts involving an expenditure that does not require formal advertising under subsection (c) of this section.

(g) *Prequalification of bidders.*

In contracting for any public work or the purchase of any supplies, materials, equipment, or services for the City or by any municipal agency, the Board of Estimates may establish, maintain, and modify rules, regulations, and standards for the prequalification of bidders.

(h) *Bid awards.*

(1) (i) All bids made to the City in response to the formal advertising procedures contained in this section, for materials, supplies, equipment, services, or public works, or for any other purpose, unless otherwise provided in the Charter, shall be opened by the Board of Estimates.

(ii) After opening the bids, the Board of Estimates shall award the contract, as an entirety to the lowest responsive and responsible bidder or by items to the respective lowest responsive and responsible bidders, or in the case of Requests for Proposals to the highest scoring responsive and responsible bidder, or shall reject all bids. However, whenever

alternative bids are invited for two or more different things, then, after all bids have been opened, the Board may select the particular item that will be procured, and shall award the contract to the lowest responsive and responsible bidder or in the case of Requests for Proposals to the highest scoring responsive and responsible bidder for that particular item.

(iii) In the event of tie bids, the using agency, with written notice to the Department of Finance, shall make a written recommendation and report to the Board of Estimates setting forth all pertinent considerations and the reasons for its recommendation. The Board, after also considering the recommendation of the Department of Finance, may then award the contract in its discretion, as long as the total cost to the City does not exceed the amount of the tie bid.

(iv) Once filed, bids are irrevocable.

(v) Any recommendation that is made by any municipal agency to the Board of Estimates as to the appropriate award to be made by the Board is advisory only and not binding on the Board.

(vi) Notwithstanding the competitive bid provisions of this Charter, the Board of Estimates may adopt rules and regulations that establish uniform procedures for providing, on a neighborhood service, neighborhood public work, or neighborhood public improvement contract, limited bid preferences to responsive and responsible bidders who are residents of, or have their principal places of business in, that neighborhood.

(2) (i) All bids for construction contracts let for the Department of Public Works, the Department of General Services, and the Department of Transportation and any other contracts for public works shall be accompanied by a check or bid bond. For all other contracts, the Director of Finance shall implement policies and procedures to determine whether a bid bond is required for a contract, the term and face value of the bond, and the manner in which the bond shall be provided and refunded.

(ii) Except as otherwise provided in this paragraph (2), the check shall be a certified check of the bidder, a bank cashier's check, or a bank treasurer's check, drawn on a clearing house bank. The check shall be in an amount provided by ordinance, by the bid specifications, or by an order or regulation of the using agency. In the case of bid checks of $5,000 or less, the check may be of any type drawn on any banking institution of the United States.

(iii) The bid bond shall be in the form and amount provided by the rules and regulations of the Board of Estimates, and shall be filed by the bidder with the Department of Finance.

(3) (i) The successful bidder promptly shall execute a formal contract, to be approved as to its form, terms, and conditions by the City Solicitor.

(ii) For all construction contracts let for the Department of Public Works, the Department of General Services, and the Department of Transportation and any other contracts for public works , the bidder shall execute and deliver to the Mayor a good and sufficient

performance bond, irrevocable letter of credit, or certification that the successful bidder meets the requirements under the City's self-insurance program for performance coverage. For all other contracts, the Director of Finance shall implement policies and procedures to determine whether a performance bond is required for a contract, the term and face value of the bond, and the manner in which the bond shall be provided.

(iii) The bond, letter of credit, or certification shall be:

1. in an amount equal to the full contract price; or

2. for each year in a multi-year contract (other than a construction contract), in an amount equal to the estimated contract price for that year, as determined by the Director of Finance.

(iv) Any successful bidder who fails to execute promptly and properly the required contract, performance bond, irrevocable letter of credit, or certification, as applicable, shall forfeit the amount deposited, or an equivalent amount under the bid bond. This amount shall be taken and considered as liquidated damages and not as penalty for the bidder's failure.

(4) When the successful bidder executes the contract and, if required, the performance bond, the bid checks shall be returned to all bidders or the equivalent amounts charged against their bid bond shall be released. If the City has deposited bid checks, the City shall reimburse these bidders in the amounts of the bid checks.

(5) If a bidder is not required to file a bid bond under the policies and procedures adopted by the Director of Finance and the bidder fails to execute and perform any contract awarded to that bidder, the exempted bidder shall forfeit the right to bid on any future City contract for a period of time determined by the Board of Estimates, and shall be liable for any costs incurred by the City as a result of the default.

(Res. 07-031, ratified Nov. 6, 2007; Res. 10-024, ratified Nov. 2, 2010.)

§ 12. Salary and wage scales; work conditions.

(a) *In general.*

(1) The Board shall fix the salary or wage scales for the several classifications of the City employee in the Classified Civil Service, and such scales, so far as practicable, shall be uniform for all like classifications except that where a final decision of a board of arbitration convened to arbitrate unresolved negotiations between the City and the certified employee organization representing the fire fighters and fire officers has been rendered in any year, the amounts as determined shall be adopted by the Board of Estimates as the salary and wage scales for employees of the Fire Department.

(2) The Board shall also adopt such rules and regulations as it may deem appropriate to insure, so far as practicable, like working conditions for the employees in the several municipal agencies, including vacation and sick leave.

(b) *Multi-year collective bargaining agreements*.

(1) The Board of Estimates may approve collective bargaining agreements between the City and either or both the Baltimore Fire Fighters, IAFF Local 734, and the Baltimore Fire Officers, IAFF Local 964, for terms of not less than 1 fiscal year and not more than 3 consecutive fiscal years, so long as the term of any collective bargaining agreement does not extend beyond the fiscal year in which the current Mayor's term of office ends.

(2) The Board shall annually include in the Ordinance of Estimates submitted to the City Council an amount sufficient to fund the salaries provided for in any collective bargaining agreement between the City and the local unions listed in paragraph (1) of this subsection.

(Res. 06-016, ratified Nov. 7, 2006.)

§ 13. Command appearance of municipal officers.

The Board shall have power at any time to summon before it the heads of departments and their respective bureaus or divisions, all municipal officers, and members of commissions, and boards.

§ 14. Bonds of municipal officers.

Except as otherwise provided by State law, the Board of Estimates shall determine which officials of the City shall be bonded for the faithful performance of their duties and the form and amount of such bonds. All premiums on official bonds shall be paid by the City. All bonds executed in favor of the City shall be approved by the Mayor.

§ 15. Claims against or by City.

No private claims against the City shall be paid nor shall any claims held by the City be compromised or released except in accordance with procedures established by the Board of Estimates. Nothing contained in this section shall be held to apply to claims against the City or held by the City in any case where, by the express terms of any contract, an engineer, architect or other agent or representative of the City is authorized to decide as to such claims.

§ 16. Salaries of State's Attorney's Office.

The Board of Estimates is hereby authorized and empowered to fix the salaries of the State's Attorney, the Deputy State's Attorney, and Assistant State's Attorneys of Baltimore City, in amounts not less than those prescribed by the Constitution of Maryland.

§ 17. Expenditures for new improvements.

Except as provided in Section 61 of Article VII, no expenditure for any new improvement shall be made out of any appropriation in the Ordinance of Estimates unless the plans for such improvement are first submitted to and approved by the Board of Estimates.

§ 18. Water, sanitary wastewater, and stormwater utilities.

(a) *To be separate enterprises.*

(1) Water, sanitary wastewater, and stormwater utilities each shall be conducted as a separate enterprise.

(2) Each of the utilities shall be financially self-sustaining and shall be operated without profit or loss to the other funds or programs of the City.

(b) *Utility budgets; agency budget estimates.*

(1) Separate budgets, which shall include estimates of revenue and expense for the ensuing fiscal year, shall be prepared annually for the water, sanitary wastewater, and stormwater utilities. The actions of the Board of Estimates and the City Council on the utilities' budgets are subject to this section.

(2) The budget estimates of each agency of the City shall include items for the use of services provided by the water, sanitary wastewater, and stormwater utilities, as applicable.

(c) *Interfund and other borrowing.*

Nothing in this section prevents the following, if otherwise in accordance with law:

(1) interfund cash borrowings between the water, sanitary wastewater, and stormwater utilities to meet temporary cash requirements; or

(2) borrowings by these utilities from the General Fund or any other fund of the City.

(d) *Transfer of employees.*

Nothing in this section prevents:

(1) the transfer or assignment of employees from one utility to another utility or to any department, board, commission, or agency of the City; or

(2) the division of employees' time among the utilities or between a utility and any department, board, commission, or agency of the City.

(e) *Supplemental legislation.*

The Mayor and City Council may enact, from time to time, ordinances not inconsistent with this Charter, as necessary or desirable to implement the provisions of this section.

(Res. 12-004, ratified Nov. 6, 2012.)

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ARTICLE VII
EXECUTIVE DEPARTMENTS

GENERAL PROVISIONS

§ 1. General provisions: executive power; rules and regulations.

(a) *Executive power of City*.

Except as committed to the Board of Estimates, the executive power of the City is vested in the Mayor, the departments, commissions and boards provided for in this article and the special officers, departments, commissions and boards that may be created by law.

(b) *Rulemaking authority.*

Departments, acting through their directors, and commissions and boards, may adopt rules and regulations, not inconsistent with laws or ordinances, for the operation of their respective departments, commissions and boards as they may deem appropriate.

§ 2. General provisions: powers and duties; contracts.

(a) *Powers and duties prescribed by ordinance.*

Consistent with the Charter, and subject to the supervision of a superior municipal officer or agency, a department, officer, commission, board or other municipal agency provided for in the Charter shall perform additional duties and possess additional powers, as may be prescribed by ordinance.

(b) *Execution of contracts.*

All contracts on behalf of a municipal agency shall be executed on behalf of the City either by the Mayor or the Mayor's designee, or the head of the agency.

§ 3. General provisions: bureaus and divisions.

(a) *Establishment or abolishment.*

With the approval of the Board of Estimates, the head of a municipal department (except as otherwise provided for the Department of Public Works), commission, or board provided for by the Charter may establish and abolish bureaus and divisions within that department, commission or board.

Bureaus in the Department of Public Works shall be established or abolished from time to time by an ordinance which shall have been recommended to the City Council by the Board of Estimates and shall have been duly passed by the City Council by a majority vote of its members and shall have been approved by the Mayor.

(b) *Allocation of powers and duties.*

Subject to the authority of the Board of Estimates, the head of any department, commission, or board may assign among the bureaus or divisions in that department, commission, or board, duties and powers of that department, commission, or board. A board or commission may act under this subsection only by the majority vote of its membership.

§ 4. General provisions: members of boards and commissions.

(a) *Removal for nonattendance.*

The Mayor, at will, may remove any member of a board or commission who shall fail to attend at least fifty percent of the meetings of that board or commission during any period of twelve consecutive months.

(b) *Qualifications.*

A member shall be qualified by personal background, education or experience to exercise the powers and perform the duties of the board or commission.

(c) *Compensation.*

Members of boards and commissions established by the Charter shall not receive compensation unless it is authorized by the Charter.

§ 4.5. Agency audits.

(a) *Definitions.*

(1) *General.*

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

(2) *Audit.*

(i) "Audit" means an audit undertaken in accordance with generally accepted government auditing standards and federal and state law.

(ii) "Audit" includes both:

(A) a financial audit of an agency's financial transactions, including all accounts, revenues, and receipts; and

(B) a performance audit that assesses an agency's practices to determine whether the agency is operating economically and efficiently and whether corrective actions for improving its performance are appropriate.

(3) *Principal agency.*

"Principal agency" means any of the following executive departments:

(i) Department of Finance.

(ii) Department of Law.

(iii) Department of Public Works.

(iv) Fire Department.

(v) Police Department.

(vi) Department of Housing and Community Development.

(vii) Baltimore Development Corporation.

(viii) Department of Recreation and Parks.

(ix) Department of Transportation.

(x) Department of General Services.

(xi) Department of Planning.

(xii) Department of Human Resources.

(xiii) Mayor's Office of Information Technology.

(b) *Quadrennial audit required.*

At least once during every 4-year term of the Mayor and City Council, each principal agency shall arrange for an audit of its operations for the preceding 4 fiscal years.

(c) *By whom to be conducted.*

The audit shall be conducted by:

(1) the City Auditor; or

(2) an independent certified public accountant or firm of certified public accountants.

(d) *Costs of audit.*

In each fiscal year preceding the fiscal year in which an audit is to be conducted under this section, the principal agency shall include the costs of the audit in the estimates that it submits for the next year's Ordinance of Estimates.

(e) *Reports.*

Reports of audits conducted under this subtitle shall be submitted to:

(1) the Mayor;

(2) the City Comptroller; and

(3) the President of the City Council.

(Res. 12-009, ratified Nov. 6, 2012.)

DEPARTMENT OF FINANCE

§ 5. Department of Finance: established.

There is a Department of Finance, the head of which shall be the Director of Finance.

§ 6. Department of Finance: Director.

(a) *Duties; qualifications.*

The Director of Finance shall supervise and direct the Department. The Director shall have substantial experience in financial administration.

(b) *Appointment; term.*

The Director shall be appointed, must be confirmed, and shall serve, pursuant to Article IV, Section 6.

(c) *Salary.*

The Director's salary shall be set in the Ordinance of Estimates.

§ 7. Department of Finance: Deputy Director; employees.

(a) *Deputy – appointment.*

The Director shall appoint a Deputy Director of Finance pursuant to this section.

(b) *Deputy – as Acting Director.*

Whenever a vacancy shall occur in the office of Director, or whenever the Director shall be incapacitated or otherwise unavailable for duty for any cause, the Deputy Director appointed pursuant to this section shall be the Acting Director.

(c) *Other employees.*

The Director may appoint such other employees as provided in the Ordinance of Estimates.

§ 8. Department of Finance: budget preparation.

In accordance with rules established by the Board of Estimates, the Department shall prepare the preliminary operating budget for the consideration of the Board of Estimates, shall make reports and recommendations on the capital budget and capital improvement program, and shall otherwise participate in the making of the proposed Ordinance of Estimates.

§ 9. Department of Finance: budget administration.

Under the direction of the Board of Estimates, the Director shall implement the Ordinance of Estimates. In the interest of economy and efficiency, the Director shall survey the administration and organization of municipal agencies to support the Director's recommendations to the Board of Estimates on the budget requests of the agencies and the Director's reports to the Mayor on measures which might be taken to improve the organization and administration of City government.

§ 10. Department of Finance: disbursements.

The Department shall have general supervision and charge over all payments and disbursements made by the City and no payment or disbursement shall be made by the City without the approval of the Department.

§ 11. Department of Finance: accounting.

(a) *In general.*

The Department shall keep all general accounts of the City, prepare the City's financial statements, and maintain an adequate system of accounting that, at all times, reflects the actual financial condition of the City resulting from income accrued and liabilities incurred, property owned, and funded obligations, estimated revenue and authorized appropriations, cash received and disbursed, among other factors. The Department shall also maintain complete physical and cost records of all property owned by the City, including perpetual inventory records itemizing materials and supplies on hand.

(b) *Agency oversight.*

The Department shall supervise and direct the accounting and bookkeeping of all municipal agencies. After consulting with the City Auditor, the Director shall install, maintain and prescribe the accounts and financial records that municipal agencies must keep to assure proper accounting. The accounting methods that the Director prescribes and uses shall prevent, where possible, unnecessary and unlawful expenditures.

(c) *Submissions.*

On a monthly basis, the Director shall submit general operating statements to the Board of Estimates and the Board of Finance. At least once annually, the Director shall submit to both these boards financial statements that include total municipal income and expenses and the City's assets and liabilities.

§ 12. Department of Finance: collections, deposits, withdrawals, etc.

(a) *In general.*

The Director shall receive, collect, and account for all moneys due the City and deposit these moneys in depositories selected by the Board of Finance.

(b) *Withdrawals.*

The Director shall approve the withdrawal of City moneys from its depositories.

(c) *Required signatures for checks.*

Unless otherwise provided by law, all checks of the City shall be signed by the Director or Deputy Director, and counter-signed by the Mayor, except payroll, pension, and similar checks, which shall bear the signatures of the Director or Deputy Director and of a person in the Department of Finance designated by the Director to sign as disbursing officer; such designation shall be made in writing by the Director and filed with all banks on which such checks are drawn. Any signature on checks of the City may be manual or facsimile.

(d) *Local and state taxes.*

In addition to collecting all taxes and assessments levied or made by the City, the Director shall collect such State taxes and perform such other duties for the State as may be prescribed by law. The salary provided the Director in the Ordinance of Estimates shall include compensation for collecting State taxes and such other duties as the Director may perform for the State.

After the levy of the full rate property tax has been made, the Director shall prepare the tax bills and shall have them ready for payment by the taxpayers on the first day of the fiscal year for which the levy is made or as soon thereafter as is possible. To encourage the payment of taxes prior to the date on which they become in arrears, the Department shall allow such discounts upon payment prior to such date as may be provided by law.

(e) *{Repealed by Res. 00-010, ratified November 2000.}*

§ 13. Department of Finance: lien records.

(a) *Keeping records; issuing lien certificates.*

The Department shall keep a record of all municipal charges and assessments and shall provide for the issuance of a lien certificate stating whether any, and, if so, what municipal charges or assessments exist against any particular property. The Department shall make such charge for the issuance of a lien certificate as may be fixed by the Board of Estimates.

(b) *Contents of certificates; charges constitute liens.*

A lien certificate shall show all charges and assessments of every character due the City, including State and City taxes and special paving tax, water and sewer billings, street benefit assessments, minor privilege charges, charges for street, alley and footway paving, sewerage connections, nuisance abatements and other charges. All of the charges and assessments shall be

liens, until paid, against the property named in the lien certificate; provided that no then existing charge shall be a lien against a property after the issuance of a lien certificate for that property unless that charge be shown on the lien certificate.

(c) *Tax lien records*.

The Department shall maintain at all times tax lien records that record tax liens and all other municipal liens. The tax lien records shall show the location of the property, the character of the liens against the property, and the amount of the liens as of the date of recording. After a lien shall have been recorded in the tax lien records, it shall remain a lien until paid and no statute of limitations shall operate as a bar to the collection of the lien.

§ 14. Department of Finance: notices of lien.

The Director shall provide notice of a lien to a property owner as provided by law.

§ 15. Department of Finance: distraint or levy for taxes.

(a) *Good or chattels – notice of proposed sale.*

Whenever the Director shall distrain or levy upon any goods or chattels in Baltimore City for nonpayment of any taxes, state or municipal, due by the owner thereof, before making sale of property so distrained or levied upon, the Director shall give notice as required by law, including notice by advertisement published twice a week for one week prior to the day of sale, and also on the day of sale, in three of the daily newspapers published in the City, that the Director will sell for cash, at public auction, to the highest bidder, on the day and at the time and place mentioned in the advertisement, the property therein specified, unless on or before the day of sale the entire amount of taxes for which such distraint or levy shall have been made, with interest thereon, and costs of making the levy and advertisement, shall be paid.

(b) *Goods or chattels – application of proceeds.*

Whenever the Director shall sell any goods or chattels levied or distrained upon for taxes, state or municipal, in Baltimore City, after due advertisement as required in the preceding paragraph, the Director shall retain out of the proceeds of sale the amount of taxes due from the delinquent, for which the levy or distraint shall have been made, with interest thereon, and all costs incurred in making the sale, and shall pay over the surplus, if any, to the owner of the property so levied upon and sold.

(c) *Other sales.*

All other sales of real or personal property, or interests therein, for nonpayment of taxes or other charges shall be conducted by such persons and in such manner as may be prescribed by law.

§ 16. Department of Finance: taxes as personal debt and lien.

All taxes and charges in the nature of taxes shall be the personal debt of the person against whom they are charged and recoverable as such, and shall also become a lien against the property assessed in the manner and to the extent provided by law.

§ 17. Department of Finance: purchasing.

(a) *Central purchasing system.*

The City shall have a centralized purchasing system, and the Department of Finance and all other municipal agencies shall cooperate fully to obtain the maximum benefits from this system.

(b) *Department to procure or approve procurement; competitive bidding.*

The Department shall procure, by purchase, lease or other acquisition, or shall approve the procurement of, all materials, supplies, and equipment, and all services, other than professional services, that municipal agencies use ("using agencies").

The Department shall insure that competitive bidding is used, and competitive prices are obtained, in purchasing these materials, supplies, equipment and services, to the fullest practicable extent.

(c) *Rules and regulations; standards.*

Subject to the approval of the Board of Estimates, the Department shall adopt rules and regulations that prescribe when, and the manner and form in which, using agencies will submit estimates of their procurement needs, make requisitions, and enter into contracts.

In cooperation with the using agencies, the Department shall adopt standards for materials, supplies, equipment, and services required by the using agencies.

(d) *Responsibility for storing, distributing, etc.*

Unless special exception is made by resolution of the Board of Estimates, the Department shall be responsible for disposing of and reclaiming materials, supplies, and equipment purchased for municipal agencies.

(Res. 10-024, ratified Nov. 2, 2010.)

(e) *Exceptions.*

Unless otherwise provided by the Board of Estimates, nothing in this section shall be construed to apply to public works done under contract, to records and briefs printed for the Department of Law, or to professional services.

(f) *Board of Estimates to settle agency disputes.*

In the event of a disagreement between departments, the Board of Estimates shall determine whether a proposed procurement is for public works, materials, supplies, equipment, services or professional services.

§ 18. Department of Finance: registrar of debt; custodian of funds and securities; keeper of Seal.

(a) *Registrar of debt; custodian of funds and securities.*

The Director shall be the registrar of the public debt and responsible for all moneys and securities belonging to the City including the actuarial retirement systems and shall provide for the safekeeping and transfer of stocks, bonds, and securities owned or held by the City or any agency thereof, provided, however, that the designation of depository institutions shall be as set forth in Article VII, Section 21(b).

To help the Director discharge the Director's duties as custodian of the moneys and securities of the actuarial retirement systems of the City, the administrators of those systems shall provide the Director with the financial information and assurances that he may request. The Director, acting under the supervision of the Board of Estimates, may contract with banks or trust companies that have appropriate charter authority to be custodians of cash and securities of the retirement systems. The Director shall have no personal liability for the performance, lack of performance, misfeasance or malfeasance of a bank or trust company so selected.

(b) *Securities; advancements.*

The Director shall perform such duties relating to the stocks, bonds, and other evidences of indebtedness or securities issued by the City as may be directed by the Board of Finance. In exercising powers as the custodian of the moneys of the City, the Director may advance funds in the Director's custody for the discharge of obligations incurred in connection with projects for which bond issues of the City have been approved and moneys therefor appropriated, prior to the issuance of the bonds; provided that repayment of any advances shall be made out of the proceeds of sale of the bond issue concerned.

(c) *Keeper of City Seal.*

The Director or the Director's delegate, designated in writing by the Director, shall have charge of the corporate seal of the City and shall use it in all cases where the use of the seal is required by federal or State laws, ordinances, or the uses and customs of nations, and shall charge a fee as may be fixed from time to time by the Board of Estimates for each impression of the seal except such as shall be affixed to or impressed upon documents for the City.

BOARD OF FINANCE

§ 19. Board of Finance: established.

There is a Board of Finance, which shall advise the Department and exercise those powers and perform those duties provided by law.

§ 20. Board of Finance: composition.

(a) *Members; salary.*

The Board shall consist of five members: the Mayor, Comptroller, and three members who shall be appointed, must be confirmed, and shall serve, pursuant to Article IV, Section 6.

City officials serving on the Board shall not receive any additional salary for such membership.

(b) *President; Mayor's designee*.

The Mayor shall serve as the President of the Board.

The Mayor may designate a representative to represent the Mayor in the Mayor's absence. In that event, the Board's Vice President shall exercise the powers of the Board President.

(c) *Clerk.*

The Board shall designate a clerk to the Board who shall keep its accounts and a record of its proceedings.

§ 21. Board of Finance: powers and duties.

(a) *Evidences of indebtedness.*

The Board, as authorized by law, shall issue and sell certificates of indebtedness of the City and shall determine all matters pertaining to the issuance and sale of certificates of indebtedness. Unless otherwise provided by ordinance, the Mayor and the Director or Deputy Director of Finance shall sign all certificates or other evidence of indebtedness of the City.

(b) *Depositories of City funds.*

The Board, shall select, from institutions that are chartered by the United States or Maryland, have authority to hold money on deposit, and are appropriately collateralized and insured, a depository or depositories for the funds of the City. The Board may designate, one or more of these depositories as institutions at which taxes and charges may be paid and receipts therefor on behalf of the Department may be given; and the Board shall fix the nature, amount, and the proper custodian of the security to be given by any such institution for the faithful performance of its obligations for deposits or collections.

(c) *Temporary loans.*

No temporary loan shall be made by the City except upon the authorization of the Board, consistent with the Charter. Upon the authorization of such a loan, the Board is empowered to authorize the issue of negotiable, or non-negotiable, obligations of the City, including promissory notes.

(d) *Sinking funds; other duties.*

The Board shall have charge, control and custody of all sinking funds of the City, and shall perform such other duties as shall be prescribed by the Charter or by ordinance.

DEPARTMENT OF LAW

§ 22. Department of Law: established.

There is a Department of Law, the head of which shall be the City Solicitor.

§ 23. Department of Law: City Solicitor.

(a) *Head of Department; qualifications.*

The City Solicitor shall supervise and direct the Department.

The City Solicitor shall be a member of the Maryland Bar, who has practiced the profession of law for not less than ten years.

(b) *Appointment; term.*

The City Solicitor shall be appointed, must be confirmed, and shall serve, pursuant to Article IV, Section 6.

(c) *Salary.*

The City Solicitor's salary shall be set in the Ordinance of Estimates.

§ 24. Department of Law: powers and duties.

(a) *Legal advisor.*

The City Solicitor shall be the legal adviser and representative of the City and its several departments, officers, commissions, boards and authorities, and shall have general supervision and direction of the legal business of the City. Except as provided in subsection (c), no such agency or officer or any authority created in connection with municipal affairs shall have authority to employ or retain counsel other than the City Solicitor.

(b) *Legal proceedings; opinions and advice; deeds, contracts, etc.*

The City Solicitor shall have sole charge and direction of the preparation and trial of all suits, actions and proceedings of every kind to which the City, or any municipal officer or agency, shall be a party.

The City Solicitor shall give advice and opinions in writing upon any legal questions affecting the interest of the City which may be submitted in writing by the Mayor or the City Council, or any committee thereof, or the head of any municipal agency.

All deeds, bonds, contracts, releases and other legal instruments involving the interest of the City or to be executed or approved by the Mayor or other officer of the City before they are executed or accepted, shall be submitted to the City Solicitor and have endorsed upon them the City Solicitor's opinion as to their legal sufficiency.

The City Solicitor shall keep copies of all written opinions furnished by the Department of Law to the City or to any department or officer thereof, and also of all abstracts of title furnished to the City by the Department of Law.

(c) *Outside counsel.*

The City Council, Comptroller and, with the approval of the Mayor, a department, commission, board or other authority, may select outside counsel to represent it if:

(1) the City Solicitor gives it written notice that representation of it by the Department of Law involves an irreconcilable conflict of interest; and

(2) the Board of Estimates authorizes the employment of outside counsel.

§ 25. Department of Law: staff; other assistance.

(a) *Deputy; other employees.*

The City Solicitor shall appoint a Deputy City Solicitor pursuant to this section and such employees as provided in the Ordinance of Estimates.

Whenever a vacancy shall occur in the office of City Solicitor, or whenever the City Solicitor shall be incapacitated or otherwise unavailable for duty for any cause, the Deputy City Solicitor appointed pursuant to this section shall be the acting City Solicitor, until the City Solicitor is again available for duty or the vacancy is filled.

(b) *Additional assistance.*

In connection with the examination of titles on behalf of the City or the representation of a City agency, the City Solicitor may employ, out of the funds appropriated by the Ordinance of Estimates to the Department for general expenses, or out of the proceeds of loans or other sums appropriated by the City, such assistance as the City Solicitor may deem advisable.

§ 26. Department of Law: suits; appeals.

The City Solicitor shall have authority to institute, defend or discontinue on behalf of the City, any suit, action, or proceeding in any local, State or federal court or tribunal, but no appeals on behalf of the City to the Court of Appeals, the Supreme Court of the United States, or the United States Court of Appeals shall be taken except upon the written order of the City Solicitor, or outside counsel employed pursuant to Section 24(c), approved by the Mayor.

DEPARTMENT OF PUBLIC WORKS

§ 27. Department of Public Works: established.

There is a Department of Public Works, the head of which shall be the Director of Public Works.

§ 28. Department of Public Works: Director.

(a) *Head of Department; qualifications.*

The Director of Public Works shall supervise and direct the Department.

The Director shall have had substantial administrative experience in the construction and maintenance of public works, public improvements and the delivery of related public services or ten years experience as an engineer.

(b) *Appointment; term.*

The Director shall be appointed, must be confirmed, and shall serve, pursuant to Article IV, Section 6.

(c) *Salary.*

The Director's salary shall be set in the Ordinance of Estimates.

§ 29. Department of Public Works: staff.

(a) *Deputy; other employees.*

The Director shall appoint a Deputy Director pursuant to this section and such employees as provided in the Ordinance of Estimates, provided, however, that bureau heads in the Department of Public Works shall be appointed by the Mayor in the manner prescribed in Section 6 of Article IV and shall hold their offices as therein provided.

(b) *Deputy as Acting Director.*

Whenever a vacancy shall occur in the office of Director or whenever the Director shall be incapacitated or otherwise unavailable for duty for any cause, the Deputy Director shall be the Acting Director, until the Director is again available for duty or the vacancy is filled.

§ 30. Department of Public Works: supervision of public works.

The Director shall supervise all public works in Baltimore City or elsewhere, made by or for the City or any municipal agency, that relate to the Department's powers under this Charter. All plans and specifications for these public works, including those involving engineering questions, shall be submitted to the Director for approval.
(Res. 08-003, ratified November 4, 2008.)

§ 31. Department of Public Works: construction, maintenance, and repair.

Unless otherwise provided by this Charter, the Department has charge of the construction, demolition, alteration, operation and maintenance of all public works that relate to the Department's powers under this Charter.
(Res. 08-003, ratified November 4, 2008.)

§ 32. *{Repealed by Res. 08-003.}*

§ 33. Department of Public Works: water supply.

The Department shall have charge of the water supply of the City and of all the properties, reservoirs, streams, pumping and filtration stations, pipes, apparatus and equipment appurtenant thereto and shall exercise all the powers and perform all the duties connected with the operation thereof and the supplying of water to the City.

§ 34. Department of Public Works: sewage.

The Department shall have charge of the construction, operation and maintenance of all drains, sewers, and sewage disposal facilities, of the inspection or supervision of sewer or drain construction and repair work, and of waste disposal.

§ 35. Department of Public Works: street cleaning.

The Department shall be responsible for cleaning the streets and for the collection, disposal and recycling of garbage, ashes, refuse, trash, and other waste matter, except as otherwise provided by law.

§ 36. ***{Repealed by Res. 08-003.}***

§ 37. Department of Public Works: testing.

At the request of a municipal agency, the Department shall test materials and supplies purchased or used by the agency.
(Res. 08-003, ratified November 4, 2008.)

§§ 38 to 40. ***{Repealed by Res. 08-003.}***

§ 41. Department of Public Works: correcting physical obstruction.

(a) *Correction required.*

Any person who has, in, over, or under a public street in Baltimore City, any building, structure, conduit, drain, main, pipe, track, work, or other physical obstruction that blocks or impedes the work of the Department shall, on reasonable notice from the Department, promptly shift, adjust, or remove it, at that person's expense, to fully meet the exigencies described in the notice.

(b) *Condemnation.*

The City is empowered, when the exigencies of the Department's work require, to secure the condemnation of the physical obstruction as provided in Article II of this Charter.
(Res. 08-003, ratified November 4, 2008.)

§ 42. Department of Public Works: assistance to other agencies.

On the request of the head of a municipal agency, the Director shall:

(1) supply estimates of the cost of work proposed to be done for that agency during the next fiscal year; and

(2) perform services for the municipal agency of the same general character as those carried on by the Department, the cost of which shall be charged to the agency requesting the services and shall be paid out of the funds appropriated to it.

(Res. 08-003, ratified November 4, 2008.)

§§ 43 to 46. ***{Repealed by Res. 08-003.}***

FIRE DEPARTMENT

§ 47. Fire Department :established.

There is a Fire Department, the head of which shall be the Chief.

§ 48. Fire Department: Chief.

(a) *Head of Department*.

The Chief of the Fire Department shall supervise and direct the Department.

(b) *Appointment; term.*

The Chief shall be appointed, must be confirmed, and shall serve, pursuant to Article IV, Section 6.

(c) *Salary.*

The Chief shall be paid a salary as provided in the Ordinance of Estimates.

(d) *Staff.*

The Chief may appoint such employees as provided in the Ordinance of Estimates.

§ 49. Fire Department: Board of Fire Commissioners – established.

There is a Board of Fire Commissioners, which shall advise the Chief and exercise those powers and perform those duties provided by the Charter.

§ 50. Fire Department: Board of Fire Commissioners – composition; appointment; terms.

(a) *In general.*

The Board shall consist of three persons, which number may be increased by ordinance to five, who shall be appointed, must be confirmed, and shall serve pursuant to Article IV, Section 6.

(b) *President.*

The Mayor shall designate one member of the Board as its President and may withdraw such designation and so designate another member.

§ 51. Fire Department: Board of Fire Commissioners – powers and duties.

(a) *Advise Chief.*

The Board generally shall advise the Chief.

(b) *Review disciplinary policies*.

The Board shall review the disciplinary policies and practices of the Department and make appropriate recommendations to the Chief.

(c) *Investigations of Department conduct.*

In giving advice, the Board may investigate all matters affecting the conduct of the Department.

(d) *Appeal panels.*

The Board may sit in panels of not less than two to hear appeals under the Fire Prevention Code.

§ 52. Fire Department: Board of Fire Commissioners – retirement of employees.

As to employees not covered by the Employees' Retirement System or the Fire and Police Employees' Retirement System of the City, the Board may retire from office in the Department any permanent or call member thereof who has become permanently disabled, while in the actual performance of duties, from risks taken in the performance of those duties and not due to any wilful misconduct on the member's part, or who has performed faithful service in the Department for a period of not less than twenty consecutive years, or who may become unable to perform further service by reason of age or other physical or mental disabilities, and place the member so retired upon a pension roll. The amount of such annual pension to be allowed by the Board to each pensioner shall be equal to one-half the yearly salary received by members of the Department in active service in the same grade or occupying the same position as, or position most similar to, that occupied by the pensioner at the time of his retirement, payable in monthly installments. The Board may also provide for the relief of widows and children of members of the Department who may have been killed in the discharge of their duties or have died as a result of injuries sustained in the performance of their duties, provided that the injuries were caused solely by risks taken in the performance of their duties and not due to the wilful misconduct of the deceased.

The annual amount which shall be paid to the widows and/or to the children under the age of 18 years, of members of the Department who may have been killed in the discharge of their duties or have died as a result of injuries sustained in the performance of their duties shall be in the discretion of the Board, but shall not exceed the full amount of the yearly salary received by members of the Department in active service in the same grade and occupying the same position as, or position most similar to, that occupied by the deceased at the time of his death, payable in monthly installments.

The Board may also provide for the relief of unremarried widows, by marriages existing at the time of retirement or death, of employees of the Department who are not members of the Employees' Retirement System or the Fire and Police Employees' Retirement System who die, whether death occurs before or after their retirement, subject to the Ordinance of Estimates. The annual amount which shall be paid to such widow of such a deceased member shall not exceed fifty per centum

(50%) of the yearly pension to which such deceased member would have been entitled to receive had that member lived and been retired under the provisions of this section.

The City Council may provide by ordinance a system of benefits payable to the unremarried widows and children under age 18 of persons who were employees or retired employees of the Department who were not members of the Employees' Retirement System or the Fire and Police Employees' Retirement System and who died or retired prior to June 7, 1963, subject to such exceptions, conditions, restrictions and classifications as may be provided therein.

§ 53. Fire Department: arbitration for fire fighters and officers.

(a) *Request for arbitration.*

If the certified employee organization or organizations representing fire fighters and fire officers within the Fire Department and the employer have not reached a written agreement concerning terms and conditions of employment by March 1 of any year, either party may request arbitration by a board of arbitration, as herein provided, which request must be honored.

(b) *Board of arbitration – selection; proceedings generally.*

The board of arbitration shall be composed of three members, one appointed by the Mayor, and one appointed jointly by the certified employee organizations representing the fire fighters and fire officers involved. These members shall be selected within four days of the request for arbitration. The third member shall be selected within four additional days by the two arbitrators previously chosen and in accordance with the procedures of the American Arbitration Association from a list furnished by the Association. Such member selected shall act as chairman of the board of arbitration.

The board of arbitration thus established shall commence the arbitration proceedings within seven days after the chairman is selected and shall make its decision, by a majority vote, within fifteen days after the commencement of the arbitration proceedings. For good cause the chairman may extend the time requirement set forth herein.

(c) *Submission of last proposals.*

Within three days after the selection of the chairman of the board of arbitration, the Labor Commissioner or his designated representative shall provide to each member of the board of arbitration and to all parties, a detailed itemization of the last proposal made by the respective parties during the negotiations.

(d) *Considerations.*

The board of arbitration shall identify the major issues in the dispute, review the positions of all parties and shall take into consideration wages, benefits, hours, and other working conditions of other fire department and public safety employees in Maryland as well as in comparable metropolitan political subdivisions in other states, and shall also consider the value of other benefits available to or received by other employees of the Mayor and City Council of Baltimore as compared with private sector employees in the metropolitan Baltimore City area and as compared with employees of other fire departments and other public safety employees. The board of arbitration shall further consider consumer prices for goods and services and other

related items, cost of living data, and such other factors, not confined to the foregoing, which are normally utilized in the determination of wages and other benefits in the collective bargaining process and shall also take into account the financial condition of the City.

(e) *Oaths, subpoenas, etc.*

The board of arbitration shall have the power to administer oaths, compel the attendance of witnesses, and require the production of evidence by subpoena.

(f) *Decision – in general.*

The board of arbitration after hearing witnesses and considering and receiving such written evidence as may be submitted shall, by written decision, order the implementation, in its entirety, of the last proposal of one of the respective parties previously submitted in accordance with subparagraph (c) of this section.

(g) *Decision – implementation.*

The decision of the majority of the board of arbitration thus established shall be final and binding upon the Mayor and City Council of Baltimore and upon the certified employee organizations involved in the proceedings. No appeal therefrom shall be allowed. Such decision shall constitute a mandate to the Mayor of Baltimore City in respect to such matters which can be remedied administratively by him, and as a mandate to the Board of Estimates and the City Council with respect to matters which require legislative action necessary to implement the decision of the Board of Arbitration.

With respect to matters which require legislative action for implementation, such legislation shall be enacted within forty-five days following the date of the arbitration decision.

With respect to salaries and wage scales, the amounts determined by the final decision of the Board of Arbitration shall be included in the proposed Ordinance of Estimates in accordance with Article VI, Section 4(a), shall not be reduced by the City Council in accordance with Article VI, Section 7(a), and shall be adopted by the Board of Estimates as the salary and wage scales for employees of the Fire Department in accordance with Section 12 of Article VI.

(h) *Costs.*

The cost of the arbitration proceedings provided for herein shall be borne equally by the parties involved.

DEPARTMENT OF HEALTH

§ 54. Department of Health: established.

There is a Department of Health, the head of which shall be the Commissioner of Health.

§ 55. Department of Health: Commissioner.

(a) *Head of Department; qualifications.*

The Commissioner of Health shall supervise and direct the Department.

The Commissioner shall have at least five years experience in public health work.

(b) *Appointment; term.*

The Commissioner shall be appointed, must be confirmed, and shall serve, pursuant to Article IV, Section 6.

(c) *Salary.*

The Commissioner shall be paid a salary as provided in the Ordinance of Estimates.

(d) *Staff.*

The Commissioner may appoint such employees as provided in the Ordinance of Estimates.

§ 56. Department of Health: powers and duties.

The Department shall:

(a) cause all laws for the preservation of the health of the inhabitants of Baltimore City to be faithfully executed and exercise those other powers and perform those other duties that are prescribed by law.

(b) establish and implement policy for the treatment and prevention of physical and mental illnesses and for the education of the public with respect to environmental, physical and mental health.

(c) have general care of, and responsibility for, the study and prevention of disease, epidemics, and nuisances affecting public health.

DEPARTMENT OF SOCIAL SERVICES

§ 57. Department of Social Services: established; powers and duties.

There is a Department of Social Services, the head of which shall be the Director of Social Services.

The Director shall be appointed pursuant to, and shall exercise those powers and perform those duties prescribed by law.

§ 58. Department of Social Services: Social Services Commission.

(a) *Established.*

There is a Social Services Commission.

(b) *Powers and duties.*

The Commission has the powers and duties prescribed by law.

(c) *Composition; appointment; terms.*

The Commission shall be composed of at least 9 but no more than 13 members, as specified from time to time by Ordinance of the Mayor and City Council.

(Res. 02-033, ratified Nov. 5, 2002.)

DEPARTMENT OF EDUCATION

§ 59. Department of Education: established.

There is a Department of Education, the head of which shall be a Board of School Commissioners.

§ 60. Department of Education: Board of School Commissioners – established; composition, etc.

(a) *Composition; appointment; terms.*

The Board of School Commissioners shall consist of nine persons, who shall be appointed, must be confirmed, and shall serve, pursuant to Article IV, Section 6.

The terms of five members shall expire on the last day of the year in which the term of the Mayor begins pursuant to Article IV, Section 1, and the four year terms of four members shall expire two years thereafter.

(b) *President.*

The Mayor shall designate one member of the Board as its President, and may withdraw such designation and so designate another member.

(c) *Member qualifications.*

The members of the Board shall be registered voters and residents of Baltimore City at the time, and during the term of their appointment.

(d) *Political and religious ties disregarded.*

Notwithstanding Article IV, Section 8, in the selection of the members of the Board and in their actions in the administration of the public schools, ecclesiastical and party ties shall not be regarded, so that the public schools may be entirely out of the field of political and religious differences and controversies.

§ 61. Department of Education: Board of School Commissioners – powers and duties.

(a) *Educational policies; budget.*

The Board shall determine educational policy for the Department, provide forums at which residents of Baltimore City can express their views about educational policy and decision making, submit the annual budget for the Department of Education, and exercise the other powers and perform the other duties prescribed by law.

(b) *Superintendent.*

Within 120 days of a vacancy in the position of Superintendent of Public Instruction, the Board, by a majority vote of its members, shall provide to the Mayor a list of candidates for the position. The Mayor shall select the Superintendent from the list. If the Board fails to provide a list within the 120 day period, the Mayor may select the Superintendent in the Mayor's discretion.

The Superintendent must be confirmed by the City Council pursuant to Article IV, Section 6(a). The Mayor, after consulting with the Board, may suspend, demote or dismiss the Superintendent at pleasure.

(c) *Assistant Superintendents.*

Upon nomination by the Superintendent, the Board may appoint such Assistant Superintendents as it shall deem necessary and advisable. Upon recommendation of the Superintendent, the Board, at pleasure, may suspend, demote or dismiss an Assistant Superintendent.

(d) *Other professional employees.*

The Board shall confirm or reject all nominations of principals, teachers, supervisors, directors, and other professional employees made to it by the Superintendent in accordance with the rules of the Board.

Professional employees include teachers, personnel concerned with the supervision, administration, and direction of the educational program and related services, other employees whose positions require a knowledge of and participation in the educational program, and any other employee considered a professional employee under State law.

The Board shall not confirm the appointment of any teacher whose name does not appear upon a graded list hereinafter provided for.

Any principal, teacher or other professional employee, below the rank of Assistant Superintendent, may be suspended, demoted or dismissed only for the reasons, and pursuant to the procedures, prescribed by State law.

(e) *Other employees.*

All secretaries, clerks and employees, other than professional employees, shall be appointed and may be suspended, demoted or dismissed by the Superintendent in accordance with the provisions of the Charter relating to the Civil Service.

(f) *Site selection, school buildings, etc.*

(1) Subject to the provisions of this Charter relating to the Planning Commission, the Board has the authority to select sites.

(2) All plans and specifications for school buildings, including changes in plans and specifications, shall be prepared under the direction of and approved by the Board. However, the plans and specifications shall also be submitted to the Director of General Services for the Director's approval.

(3) The Board also has the authority to maintain and repair all school buildings.
(Res. 08-003, ratified November 4, 2008.)

(g) *Education supplies and equipment.*

The Board shall determine the specifications for all educational supplies and equipment used by the Department, and all purchases for the Department shall be made by the Department of Finance in accordance with the procedure provided in Article VI; provided, however, that all tests of samples and analyses of bids for educational supplies shall be made by the Department of Education and a report thereon made by it to the Department of Finance.

(h) *Transportation.*

The Board shall have charge of the transportation of pupils, the maintenance and operation of the vehicles and equipment used for such purposes and the care, storage and distribution of supplies and equipment used by the Department of Education.

§ 62. Department of Education: Superintendent.

The Superintendent shall advise the Board, make recommendations to the Board about educational policy, implement educational policy that is set by the Board, and direct and supervise the Department of Education.

§ 63. Department of Education: budget; salaries.

(a) *Budget.*

In preparing its estimate of requirements for each fiscal year, the Board shall submit an estimate of its requirements during the ensuing year in the forms required by the Board of Estimates. Except with respect to salaries, provision for which is made in the next paragraph, the Board shall have the power to apply the funds appropriated for each of the above designated purposes among the several items making up to the total of the appropriation for that purpose, as it may determine.

(b) *Salaries.*

The salaries of the superintendents, assistant superintendents, directors, supervisors, assistant supervisors, principals, assistant principals, teachers, secretaries, clerks and employees shall be fixed by the Board, not to exceed in the aggregate the amount appropriated for such personnel in the Ordinance of Estimates; provided, however, that salaries of classified employees, whose

classification is common to departments other than the Department of Education, shall not be fixed at a higher rate than is fixed for the same classification in other City departments, except with the approval of the Board of Estimates.

The Board, in submitting its budget each year, shall also include a maximum compensation scale for superintendents, assistant superintendents, directors, supervisors, assistant supervisors, principals, assistant principals, teachers and all other employees except those whose classification is common to departments other than the Department of Education, and no increase above the maximum scale shall be made during the ensuing year without the approval of the Board of Estimates.

§ 64. Department of Education: graded lists; employee duties.

The Board shall prescribe rules and regulations for the establishment by the Superintendent of graded lists of those qualified for employment as teachers and for the submission of these graded lists to the Board as vacancies occur. The names of those qualified for appointment as teachers shall be placed on the graded lists in the order of their relative qualifications, as ascertained by the Superintendent by competitive examinations.

All rules and regulations relative to the classification of professional employees and the establishment of graded lists shall be filed as a public record with the Department of Legislative Reference and no change in or amendment to these rules and regulations shall become effective until thirty days after such filing.

The superintendents, assistant superintendents, directors, supervisors, assistant supervisors, principals, assistant principals, teachers, secretaries, clerks and other employees shall perform such duties as may be prescribed by the Board not inconsistent with the provisions of the Charter.

DEPARTMENT OF RECREATION AND PARKS

§ 65. Department of Recreation and Parks: established.

There is a Department of Recreation and Parks, the head of which shall be the Director of Recreation and Parks.

§ 66. Department of Recreation and Parks: Director – appointment, etc.

(a) *Head of Department; qualifications.*

The Director shall supervise and direct the Department.

The Director shall be qualified by personal background, education and experience to establish, maintain and operate parks and recreational facilities.

(b) *Appointment; term.*

The Director shall be appointed, must be confirmed, and shall serve, pursuant to Article IV, Section 6.

(c) *Salary.*

The Director's salary shall be set in the Ordinance of Estimates.

(d) *Staff.*

The Director may appoint such employees as provided in the Ordinance of Estimates.

§ 67. Department of Recreation and Parks: Director – powers and duties.

The Director of Recreation and Parks shall have the following powers and duties:

(a) subject to the provisions of Article V relating to the acquisition and disposition of real property, to establish, maintain, operate and control parks, zoos, squares, athletic and recreational facilities and activities for the people of Baltimore City, and to have charge and control of all such property and activities belonging to, or conducted by, the City;

(b) to provide concerts, symphonies and other musical entertainment for the people of Baltimore City;

(c) to provide for the protection and maintenance of all monuments belonging to the City;

(d) subject to the provisions of Article V relating to the acquisition and disposition of real property, to rent for department use buildings and other places suitable for the conduct of the activities of the Department. The Director is hereby authorized and empowered, with the consent of any other municipal agency, to organize and conduct play and recreational activities on grounds and in buildings under the control of such other agency and on such conditions as may be agreed to by such other agency.

(e) to charge and collect fees for admission, services and the use of facilities, and rentals for the use of property controlled by the Department; provided, that no lease of such facilities shall be made for a period of thirty days or more (or for successive periods aggregating thirty days or more) without the prior approval of the Board of Estimates. All moneys collected by the Department shall be accounted for as the Director of Finance prescribes.

(f) to adopt and enforce rules and regulations for the management, use, government and preservation of order with respect to all land, property, and activities under the control of the Department. To carry out such regulations, fines may be imposed for breaches of the rules and regulations as provided by law.

§ 68. Department of Recreation and Parks: Board – established; duties.

There is a Board of Recreation and Parks, which shall advise the Director and exercise those other powers and perform those other duties prescribed by law.

§ 69. Department of Recreation and Parks: Board – composition, appointment, terms.

(a) *In general.*

The Board shall consist of seven members, who shall be appointed from among those deemed most capable, by reason of character, education, intelligence, experience, and commitment to conservation and environmental protection, of promoting public recreation, parks, and music for the people of Baltimore City. The members must be confirmed, and shall serve, pursuant to Article IV, Section 6.

(b) *President.*

The Mayor shall designate one member of the Board as its president and may withdraw that designation and so designate another member.

DEPARTMENT OF PLANNING

§ 70. Department of Planning: established.

There is a Department of Planning, the head of which shall be the Planning Commission.

§ 71. Department of Planning: Commission — composition, appointment, terms.

(a) *In general.*

The Planning Commission shall consist of nine members,

one of whom shall be the Director of Public Works ex officio,

one of whom shall be the Mayor of the City ex officio, and

one of whom shall be a member of the City Council ex officio, who shall be elected by that body, and

six of whom shall be appointed, must be confirmed, and shall serve, pursuant to Article IV, Section 6.

The terms of three appointed members shall expire on the last day of the year in which the term of the Mayor begins pursuant to Article IV, Section 1, and the four year terms of three appointed members shall expire two years thereafter.

(b) *President.*

The Mayor shall designate one appointed member of the Commission as its President, and may withdraw such designation and so designate another appointed member.

(c) *Designees of Mayor, Public Works Director.*

The Mayor may designate a municipal officer or member of the Mayor's personal staff to attend meetings of the Commission and to vote thereon in the Mayor's place, and the Director of Public Works may delegate an employee in that department to attend any meeting of the Commission and to vote in the Director's place.

(d) *Salaries.*

Compensation for each of the members of the Commission, excluding those serving ex officio, except the member of the City Council, shall be set in the Ordinance of Estimates.

(e) *Qualifications.*

Each member of the Commission shall be a resident and registered voter at the time, and during the term, of appointment.

§ 72. Department of Planning: Commission – powers and duties.

The Planning Commission:

(a) shall adopt rules and regulations to exercise the powers and perform the duties of the Department.

(b) shall meet regularly as the Commission may determine, and hold special meetings at the call of the President or upon the written request of three members.

(c) shall hold hearings at the Commission's discretion or upon the written request of any member of the City Council.

(d) may, at its hearings, administer oaths and compel the attendance of witnesses.

(e) shall keep minutes of its proceedings and maintain a public record of its decisions, showing the vote of each member.

(f) shall investigate and study land uses, the development of subdivisions of land, and zoning within the City of Baltimore.

(g) shall adopt and revise a master plan for the proposed physical development of Baltimore City.

(h) before adopting or revising the master plan, shall hold a public hearing, reasonable notice of which shall be given in the neighborhood of the properties affected and by publication in a newspaper of general circulation in Baltimore City.

(i) shall consider, and may approve, if they are consistent with the master plan, among other things:

1. development plans

2. an enterprise or public or private improvement that requires a permit

3. urban renewal plans

4. plans for the subdivision and consolidation of public and private parcels of land.

(j) shall submit for the consideration of the Board of Estimates a recommended capital budget for inclusion in the Ordinance of Estimates, a recommended long-range capital improvement program, and a report explaining both, all of which shall be made public.

(k) shall issue a report and recommendation, which shall state the nature of the investigation made by the Commission, whether hearings were held thereon, reasons for the recommendation, and the number of members voting for or against it:

1. on every proposed amendment to the Baltimore City Zoning Ordinance referred to it; and

2. on the creation of, and proposed amendments to, an urban renewal plan.

(l) may report and submit to the City Council amendments to the Baltimore City Zoning Ordinance. Any such amendment shall be submitted only by resolution, adopted by the affirmative vote of two-thirds of the entire membership of the Commission.

(m) shall have reasonable access, through its agents and employees, to the plats and records of all other municipal agencies of the City and, subject to the approval of the Board of Estimates, may require the assistance of any other municipal agency of the City.

(n) may take such other actions, subject to the provisions of this Charter and law, that it deems necessary and appropriate to assure that development is well-planned, efficiently coordinated by the City, and consistent with the health, order, security, safety and morals of the inhabitants of Baltimore City, as well as the aesthetic and natural environment of the City.

§ 73. Department of Planning: Director and staff.

(a) *Director – appointment; term.*

The Mayor shall appoint a Director from a list of candidates provided by the Commission. If, within 120 days of a vacancy in the position of Director, the Commission fails, by a majority vote of its members, to provide such a list to the Mayor, the Mayor may select the Director in the Mayor's discretion.

The Director must be confirmed by the City Council pursuant to Article IV, Section 6(a). The Mayor, after consulting with the Commission, may suspend, demote or dismiss the Director.

(b) *Staff.*

The Commission shall also appoint such other employees (including part time consultants) for the conduct of the office of the Commission, as may be provided for in the Ordinance of Estimates.

(c) *Director – qualifications.*

The Director shall be qualified by personal background, education and experience to advance the development and planning of Baltimore City.

(d) *Director – salary.*

The Director's salary shall be set in the Ordinance of Estimates.

§ 74. Department of Planning: Master Plan.

(a) *Purpose.*

The Master Plan shall be made for the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of Baltimore City to promote the health, order, security, safety, and morals of its inhabitants, and to preserve and enhance the aesthetic and natural environment of the City.

(b) *Scope.*

The Master Plan may consist of a series of component plans.

It shall show, among other things, the future general location and extent of all public improvements and enterprises, including among other things, the general location and extent of streets, highways, boulevards, viaducts, bridges, subways, tunnels and all uses of land for purposes of public transportation, and also the general location and extent of piers, wharves, docks and bulkheads, and buildings or structures thereon, whether publicly or privately owned or operated, and also the general location and extent of publicly owned places of recreation, such as playgrounds, squares, and parks, and all public buildings and other public property, including school buildings, and all existing and proposed zoning areas or districts, and all public utilities, services and terminals, such as water, gas, electricity, sewerage, telephone, telegraph and transportation, whether privately or publicly owned or operated.

(c) *Revisions.*

After the adoption of the Master Plan, or any part thereof, by the Commission, the plan may be revised only by a resolution of the Commission, carried by the affirmative vote of not less than six members of the Commission, or by ordinance adopted by the City Council by the affirmative vote of not less than three-fourths of its members.

An original copy of the revision, duly signed by the President, or by the Mayor if made by ordinance, shall be filed with the Department of Legislative Reference.

(d) *Conformity with Plan required.*

No public improvement or enterprise, including, among other things, streets, highways, boulevards, viaducts, bridges, subways, tunnels or other uses of land for purposes of public transportation, and piers, wharves, docks, and bulkheads, and buildings or structures thereon, whether publicly or privately owned or operated, and publicly owned places of recreation, such as playgrounds, squares or parks, and public buildings, including school buildings, and public utilities, services or terminals, including gas, water, electricity, sewerage, telephone, telegraph or transportation, whether privately or publicly owned or operated, within the scope of the Master Plan shall be authorized or constructed in Baltimore City unless the location and grade thereof and, in cases of the use of land for purposes of transportation, the width thereof, shall be in conformity with the Master Plan and have been first approved by the Commission.

§ 75. Department of Planning: subdivisions – in general.

The Commission shall publish rules and regulations for the development of subdivisions which will require that development plans include adequate provision for all public improvements, enterprises and all public utilities, whether privately or publicly owned or operated; for the proper width, grade and arrangement of streets, and all uses of land for public transportation, and the relation thereof to existing streets; for adequate and convenient open spaces for traffic and the access of fire fighting apparatus; for proper drainage; and which will require that all such subdivisions and the owners thereof comply in all respects with the Master Plan.

§ 76. Department of Planning: subdivisions – definition.

A subdivision plan shall mean a plan submitted by the owner of not less than one-third of the land included therein showing one or more new streets or parks, or showing the division of a lot, tract or parcel of land into two or more lots, tracts or parcels, or other divisions of land for the purpose, whether immediate or future, of sale or building development.

§ 77. Department of Planning: subdivisions – approvals.

(a) *Commission approval required.*

All plans for subdivision of land shall be filed for record with the Commission, and no permits shall be issued by any department of the City for any work of any character whatsoever, to be done in such subdivision of land, until the plan thereof shall have been approved by the Commission as in conformity with the rules and regulations formulated and published by the Commission.

(b) *Deadline for decision.*

In the event the Commission shall fail to approve or disapprove any such subdivision plan within thirty days from the date of submission thereof to the Commission, such plan shall be deemed to have been approved by the commission unless the applicant waives this requirement and consents to an extension of such period.

§ 78. Department of Planning: subdivision regulation – recording.

Every plat showing a subdivision plan shall be filed among the Land Records of Baltimore City and with the Department of Legislative Reference, but not until after the plan has been endorsed with the approval of the Commission and of the Department of General Services.
(Res. 08-003, ratified November 4, 2008.)

§ 79. Department of Planning: appeals.

Any applicant for a permit who is aggrieved by any decision of the Commission may appeal as provided by law.

§ 80. Department of Planning: penalties.

Any person who shall violate any of the provisions or requirements of Sections 71 to 80 shall be guilty of a misdemeanor, and, upon conviction in any court of competent jurisdiction, shall be fined as provided by law. Every day that such violation continues shall be deemed a separate offense.

DEPARTMENT OF MUNICIPAL AND ZONING APPEALS

§ 81. Department of Municipal and Zoning Appeals: established.

There is a Department of Municipal and Zoning Appeals, the head of which shall be the Board of Municipal and Zoning Appeals.

§ 82. Board of Municipal and Zoning Appeals: established; composition, etc.

(a) *Composition, appointment, terms; qualifications.*

The Board shall consist of five members, at least one of whom shall be a lawyer, who shall be appointed, must be confirmed and shall serve pursuant to Article IV, Section 6 and State law.

Each member of the Board shall be a registered voter and resident of the City at the time, and during the term of, appointment.

(b) *President; salaries.*

The Mayor shall designate one member of the Board as its President and may withdraw that designation and so designate another member.

The salary of the President and each member of the Board shall be set in the Ordinance of Estimates.

§ 83. Board of Municipal and Zoning Appeals: general powers and duties.

(a) *Meetings; minutes; hearings.*

The Board shall hold meetings at such times as it may by rule prescribe. Minutes shall be kept of all its proceedings, showing those present and their vote on each question submitted. These

minutes and all other records of the Board shall be public records and kept at the office of the Board. All hearings held by the Board or its panels shall be open to the public.

(b) *Rules of proceedings.*

The Board shall adopt rules for the conduct of its proceedings, which may be modified or repealed by ordinance. The rules shall be in writing and when adopted shall be immediately fled in the office of the Board and shall be a public record. A copy thereof (and of any amendments thereto) shall also be filed with the Department of Legislative Reference.

(c) *Zoning appeals.*

The Board shall sit to hear zoning appeals. The hearing shall be conducted by all members present and if five members of the Board are present, the concurring vote of at least four members of the Board is necessary to reverse any order, requirement, decision, or determination of an administrative official, or to decide in favor of the applicant on any matter on which it is required to pass under a zoning ordinance or to effect any variation in such ordinance. If only four members of the Board are present, the concurring vote of at least three members is necessary to take any action under this subsection. In other cases, the Board may sit in panels of not less than two members each and, in such cases, the concurrence of at least two members shall be required to make a decision of the Board.

(d) *Oaths and subpoenas.*

The Board shall have power to administer oaths in hearings before it, to compel the attendance of witnesses and, pursuant to its rules, to require any person to answer in writing and under oath any interrogatories it may direct to such person as to any matter pending before it or subject to its action or review.

(e) *Executive Secretary; staff.*

The Board shall appoint an Executive Secretary and such other employees as may be provided in the Ordinance of Estimates.

(f) *Access to agency records.*

The Board shall have access, through its agents and employees, to the plats and records of all other departments of the City.

§ 84. Board of Municipal and Zoning Appeals: zoning appeals.

Appeals from the Zoning Commissioner shall be determined by the Board and shall be taken pursuant to law. Upon such appeals, the Board shall have such powers and be subject to such restrictions as may be provided by law. The Board, after public hearing, may grant special individual exceptions to the provisions of the zoning ordinances or regulations as provided by law.

§ 85. Board of Municipal and Zoning Appeals: paving assessments.

(a) *Appeal to Board.*

Whenever the Department of Transportation levies an assessment or charge for the paving of a street, alley, or sidewalk under § 116 of this article, the owner of the property on which the assessment or charge is levied may, within 30 days of the mailing to the owner of a notice of the assessment or charge, bring the assessment or charge to the Board for its review.

(b) *Decision.*

On reasonable notice in accordance with its rules and this Charter, the Board shall:

(1) determine whether the assessment or charge is proper; and

(2) if not, set it at the amount that the Board determines to be proper.

(Res. 08-003, ratified November 4, 2008.)

§ 86. Board of Municipal and Zoning Appeals: review powers conferred by law.

The Board shall have such additional powers to examine, review and revise acts or rulings of other departments and officers of the City affecting the construction, alteration, use or operation of land or buildings in the City or other charges as may from time to time be conferred upon it by law, but the powers conferred upon it in the Charter shall not be diminished or abridged by ordinance, nor may the Board be given power to review or alter determinations of the Planning Commission.

§ 87. Board of Municipal and Zoning Appeals: additional powers conferred by law.

The Board of Municipal and Zoning Appeals shall have and exercise all the rights, powers, duties, obligations and functions conferred by law upon the Board of Zoning Appeals not otherwise conferred by the Charter on other agencies of the City and not inconsistent with its provisions.

§ 88. Board of Municipal and Zoning Appeals: judicial review.

If any person, including the City and the Planning Commission, feeling aggrieved by any decision of the Board within thirty days of a decision by the Board, appeals therefrom to the Baltimore City Circuit Court, the Board shall forthwith transmit all papers, or copies thereof, to the court, certified by its executive secretary.

An appeal shall stay all proceedings in furtherance of the action appealed from. But whenever, in the opinion of the Board, such stay would cause imminent peril to life or property, or serious public inconvenience, it may ask the Circuit Court for an order vacating such stay. From the findings of the Circuit Court in such cases, there shall be such appeal, if any, as may be permitted by law.

§ 89. Board of Municipal and Zoning Appeals: notices; evidence.

(a) *Notice of decisions.*

Whenever the Board shall make a decision it shall give reasonable notice thereof by mail to all parties who, from the papers or testimony before it, seem to be parties in interest. But failure to

give such notice or of a party to receive notice of an order within thirty days of its entry shall not invalidate the decision nor, save by petition to and special order of the Board, extend the time to appeal from the order.

(b) *Evidence; notices of proceedings.*

Parties in interest who appear at a hearing before the Board shall be permitted to offer testimony pertinent to the issue or issues in which they are concerned, but the Board shall not be bound by the technical rules of evidence in force in the courts of Maryland, and may receive in evidence any paper, statement, record or other evidence, with or without prior notice to the parties, which it deems to be material and to have probative force.

Whatever record or notice of the proceedings or action of the Board is required by an act of the General Assembly to be given to any person or public officer shall be observed by the Board.

DEPARTMENT OF LEGISLATIVE REFERENCE

§ 90. Department of Legislative Reference: established.

There is a Department of Legislative Reference, the head of which shall be a Board of Legislative Reference.

§ 91. Department of Legislative Reference: Director – appointment, qualifications, etc.

(a) *Appointment; tenure.*

The Director shall be appointed by the Board of Legislative Reference, shall be a member of the Civil Service, shall hold office during good behavior, and shall be subject to removal by a majority of the Board members for incompetence or neglect of duties.

(b) *Head of Department; qualifications.*

The Director of Legislative Reference shall supervise and direct the Department.

The Director shall have substantial experience in law, legislative drafting or library administration.

(c) *Salary.*

The Director's salary shall be set in the Ordinance of Estimates.

§ 92. Department of Legislative Reference: Director – powers and duties.

The Director:

(a) *Legislative matters.*

shall investigate and report upon the laws of this and other states and cities relating to any subject requested by the Mayor, any committee of the City Council or the head of any department;

accumulate data in relation to the practical operation and effect of such laws;

investigate and collect all available information relating to any matter which is the subject of proposed legislation by the General Assembly of Maryland, or the City Council of Baltimore;

examine acts, ordinances and records of any state or city, and report the result thereof to the Mayor, any committee of the City Council or the head of any department requesting the same;

prepare or advise in the preparation of any bill, ordinance or resolution when requested so to do by any member of the City Council; and

preserve and collect all information obtained, carefully indexed and arranged so as to be at all times easily accessible to city officers and open to the inspection of the general public.

(b) *Records and archives.*

shall keep all the books, documents, archives, records, official plats, papers and proceedings of the City except those in current use or whose custody the Board of Estimates shall by resolution otherwise direct or authorize;

carefully collect, arrange and safely keep a complete series of the ordinances, resolutions and proceedings of the City;

receive and keep all other documents pertaining to the City which the Director may deem of historic value or be instructed so to do by ordinance or by resolution of the Board of Estimates;

retain such books, documents, papers, plats or archives in the Department, but permit their inspection and reproduction by the public under such reasonable regulations and supervision as the Director may prescribe;

carefully prepare and keep an index of all books, papers, records and documents in the custody of the Department; and

keep a current separate index of all rules and regulations of other departments and agencies of the City.

(c) *Staff.*

may appoint such employees as may be provided in the Ordinance of Estimates.

(d) *Duties prescribed by law.*

perform such other duties as prescribed by law.

§ 93. Department of Legislative Reference: Board.

The Board of Legislative Reference shall be comprised of

the Mayor,

the City Solicitor,

the President of the Johns Hopkins University,

the Deans of the University of Maryland and University of Baltimore Schools of Law,

a member of the City Council selected by the Council and

the Director of the Enoch Pratt Library.

CIVIL SERVICE COMMISSION

§ 94. Civil Service Commission: established.

(a) *Appointment, term, qualifications.*

There is a Civil Service Commission of three members who shall be appointed, must be confirmed and shall serve pursuant to Article IV, Section 6.

The terms of two members shall expire on the last day of the year in which the term of the Mayor begins pursuant to Article IV, Section 1, and the four year term of the third member shall expire two years thereafter.

Each member of the Commission shall be a registered voter and resident of the City at the time, and during the term, of appointment. All appointments to the Commission shall be made from persons friendly to the merit system of appointment to office. No one holding any public office of profit shall be appointed a member of the Commission.

(b) *President.*

The Mayor shall designate one member of the Commission as its President, and may withdraw that designation and so designate another member.

(c) *Staff.*

The Commission may appoint such employees as may be provided in the Ordinance of Estimates.

§ 95. Civil Service Commission: powers and duties.

The Commission:

(a) shall advise the Mayor and Director on personnel matters.

(b) shall provide to the Mayor and City Council at least annually a report on the operations of the Commission.

(c) shall review and approve the different groupings of positions having similar duties, responsibilities and qualifications ("classifications") that are used by the Department.

(d) shall promulgate and make available to the public rules governing the operation of the Commission.

(e) shall review and approve, before they become final, and make available to the public, the rules of the Department.

(f) shall provide a hearing, on written request, to any non-probationary member of the Civil Service who has been discharged from the Civil Service, reduced in pay or position, or suspended for longer than 30 days. If the Commission finds that the intent and spirit of a provision of this Charter has been violated, it shall report its findings to the Mayor; and the appointing officer shall take whatever action the Commission directs to rectify the violation.

(g) may, if it determines after appropriate investigation, that any administrative head of the City, including any commission or board, or any officer having the power of appointment and removal in the Civil Service, has abused such power by making appointments or removals for any reason other than the good of the public service, so report to the Mayor.

(h) may appoint such hearing officers and other employees as provided in the Ordinance of Estimates.

(i) may, in the course of hearings, administer oaths, subpoena documents, summon witnesses, and examine witnesses; and may delegate these powers to a commissioner or hearing officer.

(j) shall render decisions within sixty days of the close of hearings unless the City employee and City both agree to an extension. If the Commission fails to decide within the sixty day time period, the decision of the hearing officer, if there is one, shall be deemed to be the decision of the Commission.

(Res. 06-017, ratified Nov. 7, 2006.)

§ 96. Civil Service Commission: Department of Human Resources — established.

(a) *In general.*

There is a Department of Human Resources.

(b) *Purpose.*

The Department shall:

(1) promote merit and fitness in City employment;

(2) ensure that appointments and promotions in the City's Civil Service are made, and that salaries are established, without regard to political affiliation; and

(3) promote the efficient delivery of services to the public.
(Res. 04-054, ratified Nov. 2, 2004.)

§ 97. Civil Service Commission: Department of Human Resources – powers and duties.

The Department:

(a) shall propose and submit to the Commission for final approval rules and regulations, including rules and regulations governing probationary status, temporary and emergency appointments, classifications, reclassifications, examinations, promotions, demotions, transfers, reinstatements, discharges, and other discipline of employees.

(b) shall propose and submit to the Commission for final approval the different classifications that are used by the Department. Such classifications shall assure that City employees are hired and promoted based on ability, efficiency, character, and industry ("merit"); and shall encourage the recruitment, training and supervision of qualified employees. Classifications may be grouped into categories, which may include a general category for employees who are hired or promoted based, in part, on the results of competitive or non-competitive examinations; a labor category for unskilled or skilled laborers; and other categories that the Commission may deem to be appropriate.

(c) subject to the exceptions in Section 99, shall assign to a classification each position in the City to which appointments are made. The Department shall not assign a position outside of the Civil Service without the approval of the Civil Service Commission. All the classified positions shall constitute the Civil Service, and appointments to positions in the Civil Service shall be made according to the rules of the Commission.

(d) shall provide for competitive examinations, non-competitive examinations, and other evaluative measures to assure that City employees are hired based on merit.

(e) shall provide for competitive examinations, non-competitive examinations, and other evaluative measures, including conduct in office, demonstrated capacity, and seniority, to assure that City employees are promoted based on merit.

(f) shall promptly certify to appointing officers lists of candidates eligible for employment within each classification. The Commission, by rule:

1. shall determine when certifications shall include, in rank order, those persons who have performed best on competitive examinations and when certifications should include persons whose fitness has been otherwise established;

2. shall determine when and how the appointing officer shall fill a vacancy or new position from the certifications; and

3. may provide that honorably discharged veterans of war, including disabled veterans, may receive special credits for their service to the United States in determining the qualifications and relative standing of applicants for City positions.

(g) shall establish a period of probation not exceeding one year during which the appointing officer may remove the employee at pleasure.

(h) shall propose to the Board of Estimates appropriate salaries and wages for each classification.

(i) shall, in conjunction with the employing department, recruit, train and counsel Civil Service members.

(j) may appoint such employees as provided in the Ordinance of Estimates.

(k) shall administer employee benefits and pre-employment screening programs as directed by the Board of Estimates.

§ 98. Civil Service Commission: Department of Human Resources – Director.

(a) *Head of Department; qualifications*.

(1) The Director of Human Resources shall supervise and direct the Department.

(2) The Director shall have substantial experience in personnel administration.

(b) *Appointment; term.*

The Director shall be appointed, must be confirmed, and shall serve, pursuant to Article IV, Section 6.

(c) *Salary*.

The Director shall be paid a salary as provided in the Ordinance of Estimates.
(Res. 04-054, ratified Nov. 2, 2004.)

§ 99. Civil Service Commission: Civil Service positions.

(a) *Positions included*.

1. All employees of the City of Baltimore, except as otherwise provided by the Charter or State law, shall be members of the Civil Service, with the exception of:

a. elected officials and those employees whom the elected officials have designated as members of their personal staffs.

b. Assistant City Solicitors.

c. with the exception of the Director of the Department of Legislative Reference, directors, or by whatever other name the chief administrative officer may be known, and the deputy directors, of all departments of the City.

d. all members of boards and commissions.

e. all professional employees of the Department of Education.

f. persons in positions of temporary or seasonal employment.

g. persons who, in the judgment of the Civil Service Commission, exercise policy-making discretion or occupy a position of special trust and confidence that is inconsistent with membership in the Civil Service.

2. Any dispute about whether a position is within the Civil Service shall be finally resolved by the Commission.

(b) *Reemployment of director or deputy.*

Upon leaving a position of director or deputy director, one who relinquished Civil Service status to assume that position shall, on application and with approval of the Commission, be placed on the re-employment list for his or her former classification.

§ 100. Civil Service Commission: discharges, etc.; reductions in force.

(a) *Discharges, suspensions, reductions in pay or position.*

(1) No person may be discharged from the Civil Service, reduced in pay or position, or suspended because of political opinions or affiliations, or for refusing to contribute to any political fund or refusing to render any political service. But nothing in this Charter relating to the Civil Service forbids the discharge, reduction in pay or position, or suspension of an officer or employee for any just cause.

(2) Whenever a non-probationary employee is discharged, reduced in pay or position, or suspended for more than 30 days, the appointing officer shall furnish a copy of the order of discharge, reduction, or suspension, together with a statement of the reasons for the action, to the employee and to the Commission.

(3) The employee may contest the action by:

(i) requesting a hearing before the Commission; or

(ii) initiating a grievance pursuant to an applicable grievance and arbitration procedure, if any, contained in an applicable collective bargaining agreement.

(4) Once an employee has chosen to contest an action by electing one of the procedures specified in paragraph (3) of this subsection, the employee is bound by that election and may not subsequently choose to follow a different procedure.

(5) In all cases, except one in which an employee elects to contest an action through a grievance and arbitration procedure under paragraph (3)(ii) of this subsection, the Commission may, and on the written request of the employee, the Commission shall investigate the disciplinary action. If the Commission finds that the intent and spirit of the provisions of this Charter have been violated in the discharge, reduction, or suspension, it shall report its findings to the Mayor; and the appointing officer shall take whatever action the Commission directs to rectify the violation.

Editor's Note: Section 2 of Resolution 06-017 states:

> [T]his amendment applies only to grievance and arbitration procedures that, after the effective date of this amendment, have been adopted as part of a collective bargaining agreement to apply to employees who have been discharged, reduced in pay or position, or suspended for more than 30 days.

(b) *Reductions in force — reemployment preference*.

Each person discharged for the purpose of reducing the force and without fault shall receive a certificate so stating and all persons so discharged shall be placed on the eligible list in the order of the length of their service in their classifications at the time of being laid off and in other classifications the civil service in which they may have served previously. The weight to be given to length of service in their last classification and in prior classifications shall be determined in accordance with the rules of the Commission. Persons so discharged shall have preference in the order of their seniority over others on the eligible list, subject, however, to the terms of the next subsection and to any priority to which any person may be entitled by virtue of any preference to veterans or their dependents.

(c) *Reductions in force — seasonal and part-time employees*.

In the case of classes of seasonal or part-time employees the Commission, after notice and a public hearing, may adopt rules excluding them from, or limiting the application to them of, the preference contained in the preceding subsection.

(Res. 06-017, ratified Nov. 7, 2006.)

§ 101. Civil Service Commission: roster of Service employees.

(a) *Commission to keep; contents.*

The Commission shall keep in its office an official roster of the Civil Service, and shall enter thereon the name of every person who has been appointed, employed, promoted, reduced, transferred or reinstated in any Civil Service position.

This roster shall be open to public inspection at all reasonable hours, and shall show in connection with each name the date of appointment, employment, promotion, reduction, transfer or reinstatement and the compensation of the position, its title, the nature of the duties thereof and the date and cause of any termination of such office or employment.

(b) *Reports to Commission.*

It shall be the duty of each appointing officer to report to the Commission forthwith, upon the appointment or employment of any person in the Civil Service, the name of the appointee or employee, the title and character of the office or employment, the date of commencement of service, and to report the separation of a person from the service, or other change in status and other information that the Civil Service Commission may require in order to keep the roster.

(c) *Salary contingent on roster listing.*

It shall be unlawful, after notice from the Commission for the Department of Finance to pay any salary or compensation to any officer, clerk, employee or other person in the Civil Service whose name does not appear upon the roster as being in the employ of the City.

§ 102. Civil Service Commission: political contributions.

No person in the Civil Service shall for any reason be under any obligation to contribute to any political fund, and no person shall knowingly, directly or indirectly, in person or by letter, request or solicit the payment of any political assessment, subscription or contribution from any person in the Civil Service.

§ 103. Civil Service Commission: abolished positions.

Any person holding any position in the Civil Service which may be abolished by the adoption of any amendment to the Charter or in any other lawful manner, shall be placed upon the reemployment list for the classification to which the abolished position belonged in accordance with Sections 100 and 101; or if no position of the same classification as that of the position abolished shall remain in the Civil Service after the abolition of the position, the person shall be placed on the reemployment list for a position that, in the judgment of the Civil Service Commission, shall most nearly approximate the position abolished.

No position shall be deemed to be abolished by reason of being transferred or placed in or under a different municipal agency without substantial change in the nature of the actual duties of the position.

§ 104. Civil Service Commission: penalties.

Any violation of any of the provisions of the Charter relating to the Civil Service, or any willful use of any corrupt means in connection with any examination, appointment, promotion, reduction, transfer or reinstatement shall be deemed a misdemeanor and, upon conviction in a court of competent jurisdiction, shall be punished by a fine or by imprisonment as provided by law.

BOARD OF ETHICS

§ 105. Board of Ethics: State Code requirements.

The Mayor and City Council of Baltimore shall adopt ordinances to execute the provisions of "the Maryland Public Ethics Law" of the Annotated Code of Maryland to be administered by the Board of Ethics.

§ 106. Board of Ethics: established; composition.

(a) *Board established.*

There is a Board of Ethics to be known as the Board of Ethics of Baltimore City.

(b) *Composition.*

The Board of Ethics shall consist of five members:

(1) Three members shall be appointed by the Mayor in conformity with Section 6 of Article IV of the Charter.

(2) (i) The Mayor and the City Solicitor are members ex officio with full voting powers.

(ii) The Mayor may designate a municipal official appointed by him under the provisions of Section 6 of Article IV of the Charter to serve in his position as a member with full voting powers.

(iii) The City Solicitor may designate a member of the Solicitor's staff to serve in his position as a member with full voting powers.

(c) *Term of ex officio members.*

The City Solicitor and the Mayor or their designees on the Board shall only serve during the time that the Mayor or City Solicitor holds elected or appointed office.

§ 107. Board of Ethics: member qualifications.

A person is eligible to serve as a member of the Board if:

(1) the person is of known personal integrity;

(2) the person possesses a recognized knowledge and interest in government and civics;

(3) the person is not required to file as a lobbyist under this article;

(4) except as provided in this subtitle of the Charter, the person is not an elected official, municipal officer, or municipal employee.

§ 108. Board of Ethics: term; vacancies; chair; meetings; etc.

(a) *Terms.*

(1) The term of members appointed under the provision of Section 106 of this subtitle of the Charter is five years or until their successors are appointed and qualify.

(2) The terms of initial appointees shall be arranged so that no more than one shall expire in any year.

(b) *Vacancies.*

Any vacancy occurring on the Board shall be filled for the unexpired term in the same manner as the original appointment to the vacant office.

(c) *Removal.*

Members of the Board may be removed pursuant to the provisions of Article IV, Section 6 of the Charter.

(d) *Chair.*

The Mayor shall designate a member of the Board as chairman.

(e) *Quorum.*

(1) A quorum consists of three members.

(2) An affirmative vote of at least three members shall be necessary for any action of the Board.

(f) *Compensation.*

The members of the Board shall serve without compensation.

(g) *Open meetings.*

Except as provided in this article, meetings of the Board shall be conducted under the Meetings of Public Bodies provisions of the Annotated Code of Maryland.

(h) *Records.*

The records of the Board shall show the vote of each member on each question.

(i) *Disqualification on candidacy.*

A person shall not be a member of the Board if the member becomes a candidate for elected public office of the United States, the State, the City, or any county or municipality of the State.

§ 109. Board of Ethics: powers and duties.

Powers, duties, administration, and other provisions relating to the Board of Ethics shall be set out in the ordinances constituting the Baltimore City Ethics Law.

§ 110. Board of Ethics: modification by ordinance.

The Mayor and City Council, by ordinance, may modify, amend, alter, clarify or implement any or all of the provisions of Sections 105 through 110 of this Article VII.

DEVELOPMENT COMMISSION

§§ 111 to 113. *{Repealed by Res. 00-010, ratified November 2000.}*

DEPARTMENT OF TRANSPORTATION

§ 114. Department established.

There is a Department of Transportation, the head of which is the Director of Transportation. *(Res. 04-056, ratified November 2, 2004.)*

§ 115. Director of Transportation.

(a) *Duties; qualifications.*

(1) The Director shall supervise and direct the Department.

(2) The Director must have substantial administrative experience in transportation or in the delivery of related public service.

(b) *Appointment; term.*

The Director shall be appointed, must be confirmed, and serves pursuant to Article IV, § 6 of this Charter.

(c) *Salary.*

The Director's salary shall be set in the Ordinance of Estimates.

(d) *Employees.*

The Director may appoint the employees provided for in the Ordinance of Estimates. *(Res. 04-056, ratified November 2, 2004.)*

§ 116. Powers and duties of Department.

(a) *In general.*

Notwithstanding anything to the contrary in this Charter, the Department has the following powers and duties.

(b) *Street construction and maintenance.*

(1) The Department has charge of constructing and maintaining the streets of the City.

(2) The Department shall prepare the plans and perform the work required by Ordinances that open, extend, widen, straighten, close, or grade any street in the City. However, the Department of General Services shall prepare all Ordinances for the opening and closing of streets, attend the hearings on the Ordinances, and perform all administrative functions related to these Ordinances.

(3) Before paving or repaving a street, the Director of Transportation shall give notice in one or more daily City newspapers that, not less than 90 days from the first publication date, the Department will proceed with the paving or repaving and warning all persons to obtain

permits for and to complete before that day all work that might involve the digging up of the street.

(4) The Director shall send a copy of this notice to all persons who the Director has reason to believe would be interested in receiving it, but failure to send the notice does not affect the validity of any action taken by the Mayor and the Director t pave or repave a street.

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

(6) Whenever an assessment or charge is to be made against a property for paving a street, alley, or sidewalk, the Department after giving the owner of the property involved due notice and an opportunity to be heard, shall fix the amount of the assessment or charge.

(Res. 08-003, ratified November 4, 2008.)

(c) *Lighting.*

The Department has charge of the lighting of the City.

(d) *Conduit system.*

The Department may exercise all the powers and shall perform all the duties relating to the conduit system, and has charge of all property and equipment pertaining to that system.

(e) *Additional powers and duties.*

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

(Res. 04-056, ratified November 2, 2004.)

§ 116A. Assessment of benefits and damages.

(a) *Elements of enabling ordinance.*

An ordinance to open, extend, widen, straighten, close, or grade any street, alley, or footway in Baltimore City may provide that the benefits assessed may be paid in not more than 5 annual installments, with interest at a rate determined just and proper by the Director of Transportation, with the concurrence of the Board of Estimates, on all deferred installments, accounting from the date that, under subsection (e) of this section, the first annual installment would become in arrears if unpaid.

(b) *Notice to Finance, owner.*

When the physical work required by the ordinance is completed:

(1) the Department of Transportation shall notify the Director of Finance that the work has been completed; and

(2) the Department of Finance shall give written notice to the property owner:

(i) that the work has been completed;

(ii) that the benefits assessed for the work are due; and

(iii) how the owner may obtain a hearing on the assessment.

(c) *Payment for benefits.*

If the ordinance does not provide otherwise, all benefits assessed shall be payable, at the option of the property owner, either at once or in 5 equal annual installments.

(d) *Damages.*

(1) If, in any proceedings, the same person is assessed for benefits and also awarded damages, the damages shall be deducted from the benefits, and the provisions of this section as to payment of benefits apply only to the excess of the benefits over the damages.

(2) The damages awarded to any person in connection with the project shall be payable at the time or times provided in the ordinance.

(3) No part of any street, alley, or footway may be physically opened, extended, widened, or straightened on or over the ground of any person determined by the Department of Transportation to be entitled to damages for the alteration without the written consent of that person, unless the damages have been paid to that person or paid into a special account to the credit of that person.

(e) *Lien for benefits; arrearage.*

(1) An assessment by the Department of Transportation on benefitted property is a lien on that property, in the full amount of the assessment, from the date the Department of Transportation notifies the Director of Finance that the physical work required has been completed until the assessment is paid to the Director of Finance.

(2) Benefits assessed or, if payable in installments, the first installment, are due and payable on the date when the Director of Finance notifies the property owner of the assessment, and are in arrears 6 months from that date.

(f) *Sale on default.*

If the assessment on a property is in arrears, the Director of Finance shall proceed to sell that property in accordance with and subject to the same conditions imposed by the laws governing the sale of real estate charged with the payment of City taxes.

(g) *Resale on purchaser's default.*

If the tax-sale purchaser fails to comply with the terms of the sale, the Director of Finance shall resell the property at the risk of the former purchaser.

(h) *Refunds of assessment*.

If an ordinance providing for the opening, extending, widening, grading, or closing of a street, alley, or footway is invalidated by a court of competent jurisdiction or is repealed, the Director of Finance shall promptly:

(1) refund all assessments paid under the invalidated ordinance; and

(2) pay all expenses incurred, including reasonable attorney's fees, and for which the City is liable in carrying out the ordinance.

(Res. 08-003, ratified November 4, 2008.)

§ 116B. Correcting physical obstruction.

(a) *Correction required.*

Any person who has, in, over, or under a public street in Baltimore City, any building, structure, conduit, drain, main, pipe, track, work, or other physical obstruction that blocks or impedes the work of the Department shall, on reasonable notice from the Department, promptly shift, adjust, or remove it, at that person's expense, to fully meet the exigencies described in the notice.

(b) *Condemnation.*

The City is empowered, when the exigencies of the Department's work require, to secure the condemnation of the physical obstruction as provided in Article II of this Charter.

(Res. 08-003, ratified November 4, 2008.)

COMPENSATION COMMISSION FOR ELECTED OFFICIALS

§ 117. Definitions.

(a) *In general.*

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

(b) *Commission.*

"Commission" means the Compensation Commission for Elected Officials.

(c) *Compensation.*

"Compensation" means all salary and allowances paid to an elected official.

(d) *Elected official*.

"Elected official" means:

(1) the Mayor;

(2) the City Comptroller;

(3) the President of the City Council; and

(4) the Members of the City Council.

(Res. 05-009, ratified Nov. 7, 2006.)

§ 118. Commission established.

There is a Compensation Commission for Elected Officials.

(Res. 05-009, ratified Nov. 7, 2006.)

§ 119. Composition; qualifications; term.

(a) *Composition.*

The Commission comprises the following 7 members:

(1) 3 members appointed by the Mayor in accordance with Article IV, § 6 of this Charter;

(2) 1 member appointed by the City Comptroller, subject to confirmation by the City Council in the same manner as provided in Article IV, § 6 of this Charter for appointments by the Mayor; and

(3) 3 members appointed by the President of the City Council, subject to confirmation by the City Council in the same manner as provided in Article IV, § 6 of this Charter for appointments by the Mayor.

(b) *City officials, employees ineligible.*

No official or employee of the City may be appointed to or serve on the Commission.

(c) *Term.*

(1) A member of the Commission serves for a term of 4 years, beginning October 1 of the second year preceding the mayoral general election, and until a successor is appointed and qualifies.

(2) Members of the Commission are eligible for reappointment.

(Res. 05-009, ratified Nov. 7, 2006.)

§ 120. Compensation; expenses.

Members of the Commission:

(1) serve without compensation; but

(2) are entitled to reimbursement of reasonable expenses incurred, as provided in the Ordinance of Estimates.

(Res. 05-009, ratified Nov. 7, 2006.)

§ 121. Officers.

(a) *Chair.*

The Commission shall elect a chair from among its members.

(b) *Others.*

The Commission may elect a Vice-Chair and other officers from among its members.
(Res. 05-009, ratified Nov. 7, 2006.)

§ 122. Meetings.

(a) *Quorum.*

5 members of the Commission constitute a quorum.

(b) *Votes for action.*

(1) An affirmative vote of at least 4 members is needed for any action by the Commission.

(2) The Commission's records must show how each member voted on each question.

(c) *Open Meetings.*

All meetings of the Commission must be conducted in accordance with the Open Meetings Act, State Government Article Title 10, Subtitle 5.
(Res. 05-009, ratified Nov. 7, 2006.)

§ 123. Commission recommendations.

The Commission shall:

(1) evaluate the compensation of all elected officials; and

(2) recommend that, for the next term of office, the compensation be increased, decreased, or remain unchanged.
(Res. 05-009, ratified Nov. 7, 2006.)

§ 124. Submission to Council.

(a) *When required.*

The Commission shall submit to the President of the City Council its recommendations on or before October 1 of the year preceding the mayoral general election.

(b) *If change proposed*.

If the Commission recommends one or more changes in compensation, the President of the City Council shall cause all of the recommendations to be introduced at the next meeting of the City Council as a proposed Resolution of the Mayor and City Council

(c) *If no change proposed*.

If the Commission recommends no change in any elected official's compensation, or fails to submit a timely recommendation, no Resolution is to be introduced and the compensation to be paid elected officials remains unchanged.

(Res. 05-009, ratified Nov. 7, 2006.)

§ 125. Council action.

(a) *Amendment not authorized.*

The Council may not amend the Resolution to change or affect any recommended compensation.

(b) *Rejection by Council.*

If, by a majority vote of all members, the City Council affirmatively rejects the Resolution on or before December 15 of the year preceding the mayoral general election, the compensation to be paid elected officials remains unchanged.

(c) *Adoption by Council.*

If the Resolution is adopted on or before December 15 of the year preceding the mayoral general election, or if the City Council fails to adopt or reject the Resolution on or before that date, the compensation recommended by the Commission will apply, effective at the beginning of the next term of office.

(Res. 05-009, ratified Nov. 7, 2006.)

DEPARTMENT OF GENERAL SERVICES

§ 130. Department established.

There is a Department of General Services, the head of which is the Director of General Services.

(Res. 08-003, ratified November 4, 2008.)

§ 131. Director of General Services.

(a) *Duties; qualifications.*

(1) The Director shall supervise and direct the Department.

(2) The Director must have:

(i) substantial experience in the construction and maintenance of public works and improvements and in the delivery of related public services; or

(ii) 10 years experience as an engineer.

(b) *Appointment; term.*

The Director shall be appointed, must be confirmed, and serves pursuant to Article IV, § 6 of this Charter.

(c) *Salary.*

The Director's salary shall be set in the Ordinance of Estimates.

(d) *Employees.*

The Director may appoint the employees provided for in the Ordinance of Estimates.
(Res. 08-003, ratified November 4, 2008.)

§ 132. Powers and duties of Department.

(a) *In general.*

The Department has the powers and duties specified in this section.

(b) *Supervision of municipal buildings, related improvements.*

(1) Unless otherwise provided by this Charter, the Director shall supervise all municipal buildings and related improvements made in Baltimore City or elsewhere by or for the City or any municipal agency.

(2) All plans and specifications for these municipal buildings and related improvements, including those involving engineering questions, shall be submitted to the Director for approval.

(c) *Construction, maintenance, etc., of buildings, related improvements.*

(1) Unless otherwise provided by this Charter, the Department has charge of the construction, demolition, alteration, operation and maintenance of all municipal buildings and related improvements.

(2) To carry out these activities, the Director may enter and occupy any municipal property after giving due notice to the agency having control of the property. The Director shall restore any property so entered to the condition in which it was before the entry.

(d) *System of uniform property identification.*

(1) The Department shall maintain a system for the uniform identification of all real property within Baltimore City.

(2) The system shall identify each parcel of real property by a symbol. That symbol shall be used by every municipal agency to identify that parcel, until it is subdivided or the symbol is changed by the Department.

(3) The failure of the Department or of any other municipal agency to identify a parcel of property by its symbol does not affect the validity of any assessment or charge otherwise properly made.

(e) *Plats and records – properties.*

(1) The Department shall maintain adequate plats and other records of all parcels of real property within Baltimore City.

(2) These plats and records shall include:

(i) the ownership of each parcel; and

(ii) the symbol by which each parcel is identified.

(3) These plats and records shall be the official plats and records to be used by all municipal agencies to identify and determine the location of every parcel of real property within Baltimore City.

(f) *Plats and records – underground structures.*

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

(g) *Fleet management.*

(1) The Department is responsible for:

(i) the maintenance, repair, and operation of all motor vehicles and related equipment owned by the City, whether held for general service or assigned for the use of a particular office or agency,

(ii) the maintenance and operation of related garages, depots, and shops;

(iii) the inspection of all City vehicles and related equipment and the keeping of proper records about how these vehicles and equipment are handled and operated;

(iv) the assignment of these vehicles and related equipment for the use of officers and other agencies of the City; and

(v) the maintenance or the hiring of any hauling or passenger service needed by any municipal agency.

(2) This subsection does not apply to motor vehicles and related equipment of the Baltimore City Public School System, except to the extent requested by that department and agreed to by the Department of General Services.

(h) *Assistance to other agencies.*

On the request of the head of a municipal agency, the Director shall:

(1) supply estimates of the cost of work for building improvements and vehicles to be done for that agency during the next fiscal year; and

(2) perform services for the municipal agency of the same general character as those carried on by the Department, the cost of which shall be charged to the agency requesting the services and shall be paid out of the funds appropriated to it.

(i) *Additional powers and duties.*

The Department has the additional powers and duties as are prescribed by law.
(Res. 08-003, ratified November 4, 2008.)

§ 133. Streets.

(a) *Approval of new streets.*

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

(2) If the plat is approved by the Department, the person shall:

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

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

(b) *Street names.*

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

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

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

(c) *Building numbers.*

(1) The Department:

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

(ii) may change existing numbers.

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

(d) *Street plats and plans.*

The Department shall:

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

(2) shall prepare these plats and plans as required by the Board of Estimates or by ordinance.
(Res. 08-003, ratified November 4, 2008.)

§ 134. Correcting physical obstruction.

(a) *Correction required.*

Any person who has, in, over, or under a public street in Baltimore City, any building, structure, conduit, drain, main, pipe, track, work, or other physical obstruction that blocks or impedes the work of the Department shall, on reasonable notice from the Department, promptly shift, adjust, or remove it, at that person's expense, to fully meet the exigencies described in the notice.

(b) *Condemnation.*

The City is empowered, when the exigencies of the Department's work require, to secure the condemnation of the physical obstruction as provided in Article II of this Charter.
(Res. 08-003, ratified November 4, 2008.)

ARTICLE VIII
FRANCHISES

§ 1. Authority to grant.

The title of the City in and to its waterfront, wharf property, land under water, public landings, wharves and docks, streets, lanes, and parks, is hereby declared to be inalienable.

The City may grant for a limited time and subject to the limitations and conditions contained in the Charter, specific franchises or rights in or relating to any of the public property or places mentioned in the preceding sentence; provided that such grant is in compliance with the requirements of the Charter, and that the terms and conditions of the grant shall have first been authorized and set forth in an ordinance duly adopted.

Every such grant shall specifically set forth and define the nature, extent and duration of the franchise or right thereby granted, and no franchise or right shall pass by implication under any such grant; and, notwithstanding any such grant the City shall at all times have and retain the power and right to reasonably regulate in the public interest the exercise of the franchise or right so granted; and the City shall not have the power by grant or ordinance to divest itself of the right or power so to regulate the exercise of such franchise or right.

§ 2. Procedures; compensation; minor privileges.

Whenever an ordinance is introduced into the City Council pursuant to the provisions of Section 1 of this Article VIII, which ordinance shall contain all the terms and conditions of the proposed grant, including a provision as to the rates, fares and charges, if the grant provides for the charging of rates, fares or charges, and a provision that the franchise or right shall be executed and enjoyed within six months after the grant, it shall, after the first reading, be referred forthwith to the Board of Estimates. The said Board shall make diligent inquiry as to the money value of said franchise or right proposed to be granted and the adequacy of the proposed compensation to be paid therefor to the City as offered in said ordinance, and the propriety of the terms and conditions of said ordinance, and said board is empowered to increase the compensation to be paid therefor to the City and to alter the terms and conditions of said ordinance, including the space in or over which the franchise or right is proposed to be granted and the person to whom the franchise or right shall be granted, provided such alterations are not inconsistent with the requirements and provisions of the Charter, and it shall be the duty of said Board to fix in said ordinance the said compensation at the largest amount it may be able to obtain, by advertising or otherwise, for said franchise or right, and no grant thereof by the City Council shall be made except for the compensation and on the terms approved by vote or resolution of the said Board, entered in the minutes or records of said Board and attached to said ordinance with the signature of a majority of said Board signed thereto, and in the absence of such vote or resolution of said Board said proposed ordinance may not be passed but shall lapse and be void.

Provided, that the right to use the streets, or other public property, by any person for steps, porticoes, bay windows, bow windows, show windows, signs, columns, piers, or other projections or structural ornaments of any character except so far as the same may be prohibited by law, and covered vaults, covered areaways, drains, drainpipes, or any other private purpose not prohibited by law or ordinance and not being a franchise or right requiring a formal grant by ordinance, may be granted

by the Board of Estimates for such an amount of money and upon such terms as the said Board may consider right and proper without the necessity of an ordinance or advertising. The applicant for any such right shall make written application therefor to the Board of Estimates, stating therein the use desired and the amount he proposes to pay therefor. Before filing the application with the Board of Estimates, the applicant shall serve copies thereof on the owners of the adjoining properties. The use applied for shall be enjoyed only on the payment of the consideration fixed by said Board and on the terms and conditions prescribed by it in writing, which terms and conditions, including the consideration charged therefor, may be changed from time to time by the Board — but with respect to "permanent" minor privileges, as defined in Section 9 of this Article VIII of the Charter, only after reasonable notice to the holder of the privilege and opportunity to him to be heard before the Board or its designated representative — and provided further, that all grants of minor privileges shall also be subject to the provisions of said Section 9 of this Article VIII. The Board of Estimates may delegate to any department or other municipal agency, and such department or other municipal agency shall exercise, any administrative powers and duties relating to minor privileges.

§ 3. Duration.

No franchise or right in relation to any street, either on, above or below the surface of the same, or franchise or right with respect to any other public property, shall be granted by the City to any person for a longer period than twenty-five years, but such grant may, at the option of the City, provide for giving to the grantee the right (on fair revaluation, including in such revaluation the value derived from the said franchise or right) to renewals not exceeding in the aggregate twenty-five years.

Regardless of the number of previous grants of a given franchise to its holder, or the number of years such holder may have held the same, the City may renew the same to him on the same or different terms from that theretofore granted, including an increase or decrease of the consideration or charge therefor, provided always, no grant by the City of a franchise or right in, over or under any part of its public property, whether an original grant or a renewal thereof, shall (save for a possible provision for renewals in accordance with the first sentence of this section) create a term therefor or a right to obtain a renewal of said term extending more than twenty-five years from the date of the ordinance granting or renewing the same, as the case may be.

Any grant of a franchise may provide that upon the termination of the said franchise or right granted by the City, the plant, as well as the property of the grantee situated in, above or under the streets or other public property aforesaid with its appurtenances, shall thereupon be and become the property of the City, without further or other compensation to the grantee; or such grant may provide that upon such determination, there shall be a fair valuation of the plant and property, which shall be and become the property of the City at its election, on paying the grantee said valuation. If, by virtue of the grant, the plant and property are to become the property of the City without money payment therefor, the City shall have the option either to take and operate the said property on its own account, or to renew the said grant for not exceeding twenty-five years on a revaluation or sell the same to the highest bidder at public sale. If the original grant shall prescribe that the City shall at its election make payment for such plant and property, such payment shall be at a fair valuation of the same as property, excluding any value derived from the franchise or right and if the City shall make payment for such plant and property, it may, in that event, operate the plant and property on its own account for five years, after which it may determine either to continue such operation on its own account or to lease the said plant and property and the said franchise or right to use the streets, or other public property in connection therewith, for limited periods, not to exceed twenty-five years

from the date of the grant, under such rules and regulations as it may prescribe, or to sell the plant and property to the highest bidder at public sale.

Every grant of any such franchise or right shall make provision, by way of forfeiture or otherwise, for the purpose of compelling compliance with the terms of the grant, and to secure efficiency of public service at reasonable rates, and the maintenance of the property in good condition, throughout the full term of the grant. The grant shall also specify the mode of determining the valuations and revaluations which may be provided for therein.

§ 4. Street railways.

The Board of Estimates, subject to ratification and approval by ordinance, is empowered to agree with any street railway company for the surrender of any of its franchises, easements or rights-of-way, and in substitution for the franchise, easement or right-of-way so surrendered to grant a new franchise, easement or right-of-way on any street, and which may be for the same duration as the franchise, easement or right-of-way surrendered; and to provide, in appropriate cases, for a graduated park tax, as prescribed by Chapter 566 of the Acts of the General Assembly of 1906.

§ 5. Trackless trolleys.

The City may, by ordinance, permit any street railway company to operate under its existing franchises vehicles propelled by electricity furnished by overhead wires but not operated upon rails, and any such grant heretofore made is hereby ratified and confirmed.

§ 6. Advertising.

Before any grant of the franchises or right to use any street, or other public property, either on, above or below the surface of the same shall be made, the proposed specific grant, except as provided in the second paragraph of Section 2 of this Article VIII, embodied in the form of a brief advertisement, prepared by the Board of Estimates, at the expense of the applicant, shall be published by the Comptroller for at least three days in one daily newspaper published in Baltimore City to be designated by the Board of Estimates, and all the provisions of the first paragraph of Section 2 of this Article VIII shall be complied with.

§ 7. Reservation of rights.

When the grant of a franchise or right is made in compliance with the foregoing sections, the City shall not part with, but shall expressly reserve the right and duty at all times to exercise in the interest of the public full municipal superintendence, regulation and control in respect to all matters connected with said grant and not inconsistent with the terms thereof.

§ 8. Renewals.

Sections 1, 2, 3, 6, and 7 of this Article VIII shall apply to any renewal or extension of a franchise, whether to the same grantee or to others.

§ 9. Minor privileges.

(a) *Temporary minor privilege charges.*

Beginning with the year 1935, the amount of the lien of the City for charges for temporary minor privileges, as hereinafter defined, shall be limited to the amount of the charge therefor for the last calendar year for which made. The person to whom such temporary minor privilege is granted shall be personally liable to the City for the amount of such charges. If any such charge is not paid by April 1st of the year succeeding that in respect of which the charge was made, the Department of Finance shall record the lien for such previous year's charge in the tax lien record, where it shall continue to be a lien, until paid, upon the property on which such minor privilege is located. The Department of Finance may proceed to enforce the liability above provided for or to sell the property in satisfaction of such lien under the provisions of Article 81 of the Code of Public General Laws of Maryland.

(b) *"Temporary" and "permanent" defined; procedures.*

Temporary minor privileges are those in the nature of awnings, barber poles, signs, skids, clothes racks, sidewalk displays and vending machines and the like, which can be removed without a material alteration of the property where the said privilege is located.

Permanent minor privileges are those in the nature of steps, porticoes, bay windows, bow windows, show windows, columns, tiers, covered vaults, covered areaways, drains or drainpipes, and the like which cannot be removed without a material alteration of the property where the said privilege is located.

The procedure for granting minor privileges is set forth in Section 2 of this Article VIII.

(c) *Savings clause.*

Nothing contained in this section shall affect the payment or collection of any minor privilege charges, temporary, or permanent, accruing before the year 1935 or the payment or collection of charges for permanent minor privileges during and after the year 1935. As to any of such charges which are not paid when due, the Department of Finance may institute suit against the holder of the privilege and the owner of the property at the time the charge arose, and shall record them in the tax lien record, and they shall remain a lien until paid and may sell the property at which the privilege is located under the provisions of said Article 81.

(d) *Designation by Board of Estimates.*

In issuing minor privileges the Board of Estimates shall designate the same as being "temporary" or "permanent" as defined in this section.

ARTICLE IX
TRANSITION PROVISIONS

§ 1. Terminology.

The Charter in effect immediately prior to the general election of November 3, 1994, shall for the purposes of this Article IX be known as the old Charter. The Charter as amended at said general election shall be known as the new Charter.

§ 2. Final effective date.

The new Charter shall, except as hereinafter provided, become fully effective as to all its provisions on July 1, 1996. All municipal officials shall do such acts as may be necessary or convenient in preparation for the new Charter's becoming effective.

§ 3. Advanced effective dates.

By resolution, the Board of Estimates may make effective any provision or provisions of the new Charter as of any date from and after the thirtieth day after the election at which the new Charter is approved by the voters and prior to July 1, 1996, in which case, to the extent of any inconsistency or conflict between such provision or provisions of the new Charter and the old Charter, the provision or provisions of the new Charter shall prevail.

§ 4. Existing employees.

(a) *Positions and salaries unaffected.*

Notwithstanding that the entry into effect of the new Charter will cause the transfer of certain powers and duties among municipal agencies, no position occupied by any employee in the Civil Service as of July 1, 1996, shall be abolished nor shall the salary of any such employee be affected by virtue of the entry into effect of the new Charter.

(b) *Civil Service status.*

The officers and employees of the City who, on July 1, 1996, are in positions that the new Charter removes from the Civil Service shall retain their Civil Service status until they retire or until and unless their positions are abolished or they are removed from them pursuant to law.

§ 5. Records and funds.

The books, records, property and funds of any municipal agency abolished or superseded by the new Charter are hereby transferred to and vested in the municipal agency to which the powers, duties and functions of the agency so abolished or superseded are transferred; and whenever part of the powers, duties and functions of any municipal agency are transferred by the new Charter to another municipal agency, then the books, records, property and funds relating to the powers, duties, and functions so transferred shall be transferred to and vested in the agency to which such transfer is made.

§ 6. Ordinances, orders, regulations.

All ordinances and all orders, rules and regulations heretofore made in accordance with law by any municipal agency, insofar as the same are not in conflict with the provisions of the new Charter, shall remain in full force and effect until revoked or modified by agencies of the City empowered by the new Charter or otherwise by law, to repeal or amend the same.

References in such ordinances, orders, rules and regulations to any municipal agency existing prior to the applicable effective date of the new Charter, shall be deemed to refer to the municipal agency to whom its powers and duties shall have been assigned by the new Charter.

§ 7. Contracts and obligations.

All contracts, leases and obligations to which the City is a party at the applicable effective date of the new Charter shall remain in full force and effect according to their terms, and shall be performed by or for that municipal agency which, by the new Charter or applicable ordinances, shall have jurisdiction over the subject matter of such contracts, leases or obligations.

§ 8. New terms for boards and commissions.

The first terms of office provided by the new Charter for members of boards and commissions that are coterminous with the Mayor's term of office shall begin on the last day of December, 1995, and the first four year terms of office provided by the new Charter for board and commission members that are staggered with the Mayor's term of office shall begin two years thereafter.