

ARTICLE 14
SPECIAL BENEFITS DISTRICTS

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SPECIAL BENEFITS DISTRICTS

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SUBTITLE 1
DOWNTOWN MANAGEMENT DISTRICT

§ 1-1. Definitions.

(a) *In general.*

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

(b) *Administrator.*

“Administrator” means the individual or entity engaged to administer the programs and undertakings of the Authority.

(c) *Authority.*

“Authority” means the Downtown Management Authority established by this subtitle.

(d) *Board.*

“Board” means the Board of Directors of the Authority.

(e) *CBD.*

“CBD” means the downtown or central business district of the City.

(f) *District.*

“District” means the Downtown Management District established by this subtitle.

(g) *Enabling Legislation.*

“Enabling Legislation” means Article II, § (61) of the City Charter.

(h) *Partnership.*

“Partnership” means the Downtown Partnership of Baltimore, Inc.

(i) *Property-owner representative.*

“Property-owner representative” means a member of the Board who is an owner, or representative of an owner, of property subject to the tax imposed by this subtitle.

(*Ord. 92-057; Ord. 10-304.*)

§ 1-2. Findings.

(a) *In general.*

The following findings are critical to the exercise of the authority set forth in Article II, § (61) of the Charter of Baltimore.

(b) *Importance of Downtown.*

- (1) The downtown or central business district (“CBD”) of the City of Baltimore is the center of employment for the entire metropolitan region and is the source for a very substantial portion of all jobs within the City.
- (2) The CBD is also the center for tourism for the entire State of Maryland, having within its boundaries some of the most popular attractions in the country.
- (3) The CBD is an important part of the tax base of the City, contributing taxes totally disproportionate to the relative area involved.
- (4) The CBD is a vital link to the long-term health of the City and the focus of critical decisions as to the source of employment for the future.

(c) *Problems facing CBD.*

- (1) While an undeniable asset to the region, the CBD is very dependent on public perception regarding safety and cleanliness.
- (2) Studies conducted by a task force of the Partnership have identified the existence of significant concern among CBD residents and workers of being a victim of crime, despite statistics indicating that the CBD is as safe or safer than other parts of the City.
- (3) Because of the high influx of workers and visitors, the CBD is likely to generate higher amounts of trash, litter, and graffiti than other parts of the City.
- (4) In order to maintain the CBD as an attractive destination for visitors, there need to be efforts made to improve the perceptions regarding safety and cleanliness.
- (5) Traditional sources of funding, enhancing public services, are no longer available, and a variety of financial crises have suggested that future funding from existing sources will become ever more difficult.

(d) *Concept of Special Benefit District.*

- (1) A special benefit district is a mechanism by which property owners within a defined area can agree to impose additional taxes and charges on themselves in order to provide enhanced and supplemental public services.
- (2) Special benefit districts have been created in numerous cities across the country, and the reports received suggest that they are almost uniformly highly successful in achieving their objectives.
- (3) Critical to any special benefit district is the creation of a partnership between the public and private sector, with the public sector committing to maintain services at specified levels and the private sector agreeing to accept new taxes and charges for the purpose of supplementing public services.

- (4) A district in this City cannot be successful without the full cooperation of the City, the State of Maryland, and the various private property owners within that district.

(e) *Considerations.*

- (1) The Council has considered the materials compiled by the Downtown Partnership of Baltimore, Inc., regarding the alternatives to the creation of a district and the pattern of success for such districts elsewhere.
- (2) The Council has considered the comments and suggestions of property owners, retail merchants, hotel and motel operators and owners, property tenants, and workers in the CBD.
- (3) The Council finds that a special benefit district of the kind authorized by the Enabling Legislation would be an important and vital element of the long-term health and growth of the CBD, the City, and the region.
- (4) Although 1 or more districts would be of great value throughout the CBD, the district created herein will be a significant start towards achieving the goals and objectives outlined above.
- (5) Since 1982, the Partnership has been responsible for the management and operation of ever-increasing parts of the CBD, and has demonstrated its ability to deal with the kinds of problems such a district needs to address.
- (6) The City should not burden a district with unnecessary layers of administration, nor should the City deny itself the benefit of the experience and expertise acquired by the Partnership.
- (7) The Council finds that the existing system of assessments, appeals, and adjustments for vacancies on income-producing properties adequately addresses the concerns raised in the Enabling Legislation.
- (8) The Council finds that an assessment system for a district should be uncomplicated, direct, and fair. The system provided for in this subtitle satisfies such criteria.
- (9) The Council finds that the district should encourage the involvement of minorities in the operation of the district and in the business community itself.

(Ord. 92-057.)

§ 1-3. District created; boundaries.

(a) *In general.*

- (1) Pursuant to the Enabling Legislation, and within the boundaries that are authorized by that law, the “Downtown Management District” is created.
- (2) The boundaries of the District are as set forth on Exhibit A to this subtitle.

(b) *Expansions.*

The District may be expanded (and as so expanded, shall be deemed included within the term “District” as used hereafter), in 1 or more resolutions of this Council, up to, but not beyond, the boundaries authorized in the Enabling Legislation upon a recommendation from the governing board of the Authority created by this subtitle which is endorsed by the Board of Estimates of the City.

(Ord. 92-057; Ord. 96-093; Ord. 09-191.)

§ 1-4. Authority created.

(a) *In general.*

As authorized by the Enabling Legislation, there is hereby created a downtown commercial district management authority to be known as the “Downtown Management Authority for Baltimore City”.

(b) *Status.*

The Authority:

- (1) shall not be or constitute or be deemed an agency of the City or the State of Maryland;
- (2) shall, to the greatest extent allowable by law, be deemed a special taxing district, and therefore a governmental body, both politic and corporate, exercising only such powers as are provided for in this subtitle;
- (3) shall not exercise any power specifically withheld by the terms of either the Enabling Legislation or, if more restrictive, this subtitle.

(c) *Interpretation of powers.*

However, the powers of the Authority shall be broadly interpreted in order to allow the Authority to achieve the goals of the Enabling Legislation, including the provision of supplementary security and maintenance services, the promotion and marketing of the District, and the provision of amenities in public areas.

(Ord. 92-057.)

§ 1-5. Powers of Authority.

Except as limited by the Enabling Legislation and this subtitle, the Authority shall possess the following powers:

- (1) to acquire, hold, and use both real and personal property necessary to achieve its purposes, including the acquisition by purchase, lease, use, or other rights;
- (2) to make contracts, including contracts to provide services for areas adjoining the District;

- (3) to engage the services of an administrator, which may be an individual or an entity, including the Partnership, to administer the programs and undertakings of the Authority;
- (4) to sue and be sued, provided that the District, the Authority, and the Administrator shall benefit, to the fullest extent allowable by law, from any provisions of federal, state, and local law limiting the liability of employees, officers, agents, and officials of governmental bodies;
- (5) to accept grants;
- (6) to borrow funds for purposes consistent with the public purposes of the Authority, provided that unless specific approval is provided by the Board of Estimates no borrowing shall be for a term beyond the date for renewal of the District under § 1-20 of this subtitle;
- (7) to adopt an annual budget and impose, charge, and collect the taxes or charges on benefitted properties within the District authorized by the Enabling Legislation and this subtitle; provided, however, that no taxes shall be levied against (i) residential properties with fewer than 4 dwelling units, or (ii) properties which are exempt under state law from ordinary property taxes;
- (8) to create and enter into partnerships between the Authority and various property owners otherwise exempt from ordinary property taxes, which partnerships may provide for the provision of permitted services and benefits by the Authority in exchange for payments arranged by contract, donation, gift, services in kind, or other mechanism by which funds or benefits are provided to the Authority;
- (9) to establish and elect such officers as are not specified in this subtitle and provide for their terms and duties;
- (10) to contract for and purchase goods and services, but as provided in the Enabling Legislation, such contracting shall not be subject to Baltimore City requirements regarding wage scales, competitive bidding, or other local procurement laws, but nonetheless shall be subject to applicable ordinances regarding City policy on encouraging and achieving goals for minority and women's business enterprises participation in the contracting activities of the Authority;
- (11) to adopt, amend, and modify bylaws, consistent with the Enabling Legislation and this subtitle;
- (12) to implement the programs and goals of the Authority directly through employees, or through 1 or more contracts, which contracts can be with independent contractors or contract employees;
- (13) to assist the leasing, marketing, and promotion activities within the District, to the extent such activities are approved by the governing board of the Authority;
- (14) to appoint, hire, or engage such auditors, accountants, attorneys, assistants, aides, employees, and advisors as may be deemed necessary for the proper performance of the duties of said Authority, but consistent with this subtitle; and

(15) to do all other things necessary or convenient to carry out its goals, objectives, and powers.
(*Ord. 92-057; Ord. 96-093.*)

§ 1-6. Limitations on Authority.

The Authority shall be subject to the following limitations:

- (1) The Authority is not permitted to exercise any police or general powers other than those authorized by the Enabling Legislation, State law, or this subtitle;
- (2) The Authority may not pledge the full faith and credit of the City;
- (3) The Authority shall comply with the requirements of City ordinances and City policies requiring achievement of goals regarding participation of minority and women's business enterprises and shall submit a quarterly report on the status of minority participation in the operation and governance of the Downtown Management District to the President and each member of the City Council;
- (4) The Authority shall not extend its life and shall not modify the boundaries of the District except in accordance with this subtitle;
- (5) The Authority shall not impose taxes, fees, and assessments in excess of those authorized by this subtitle or those approved by the Board of Estimates of the City or the City Council;
- (6) The Authority shall not exercise powers of eminent domain;
- (7) In order to adhere to the requirement of the Enabling Legislation that employees of the Authority reside in the City of Baltimore, the Authority shall not hire any new employee that does not voluntarily deliver to the Authority an affidavit certifying that the employee's residence is within the political boundaries of the City of Baltimore and that such employee intends to remain as a resident for the foreseeable future;
- (8) Any fees, charges, or taxes collected by the Authority pursuant to this subtitle shall be used only for the purposes set forth in this subtitle and for no other purposes;
- (9) Except as otherwise authorized by law, including the Enabling Legislation and this subtitle, and as necessary to exercise the powers provided for herein, the Authority shall not engage in competition with the private sector; and
- (10) Notwithstanding any other provisions of this subtitle, unless specifically approved by the Board of Estimates, no borrowing, leasing, contracting, or other agreement or obligation shall be for a term beyond the date for renewal of the District under § 1-20 of this subtitle.
(*Ord. 92-057; Ord. 96-093.*)

§ 1-7. Board of Directors.(a) *In general.*

The Authority shall be governed by and administered through a Board of Directors. The Board shall be subject to the following requirements.

(b) *Interim Board.*

- (1) The initial interim Board of the Authority shall be those individuals whose names are set forth on the list attached to Ordinance 92-057 as Exhibit B.
- (2) As described below, the interim Board shall be primarily responsible for recommending a full Board for the Authority to the Board of Estimates, and is not expected to engage in any other substantive activity.

(c) *Term.*

- (1) The initial interim members shall serve as the members of the Board for a period not to exceed 6 months, unless extended by the Board of Estimates, and only until a full Board is approved by the Board of Estimates as provided hereafter.
- (2) In the event of resignation, expiration, or other departure from the Board, or removal in accordance with the bylaws of the Authority, of any member of the Board, successors shall be elected by the remaining members of the Board.

(d) *Number and appointment.*

- (1) The number of members of the full Board shall be not less than 10, excluding vacancies, and no more than 25.
- (2) The interim membership of the Board shall be the 5 individuals listed on Exhibit B. The interim Board, upon approval of the District and the Authority in accordance with § 1-19 of this subtitle, shall propose to the Board of Estimates the initial full membership of the Board and the proposed terms for each director.
- (3) Interim Board members may be included in the recommended full Board list.
- (4) Such recommendation shall occur within 10 days of approval of the District, and shall be subject to the consent and concurrence of the Board of Estimates.
- (5) The Board shall have the full authority to increase or decrease its membership, within the above limits, provided that at all times after approval of the initial full Board by the Board of Estimates, the requirements of this subtitle are adhered to.

(e) *Minimum representation.*

The following minimum representation shall be present on the Board, except during periods of temporary vacancies:

- (1) 1 member shall be appointed by the Mayor.
- (2) 1 member shall be appointed by the Governor.
- (3) 1 member shall be selected by and approved through Resolution of the City Council.
- (4) The Administrator shall designate an individual to be on the Board.
- (5) At least 1 member, each of whom must be a property-owner representative, shall be appointed by and shall represent each of the following constituent groups within the District:
 - (i) a trade group recognized by the Board as representing the hotels and motels within the District, which at the time of passage of this subtitle is acknowledged to be the Hotel and Motel Association of Greater Baltimore;
 - (ii) a trade group recognized by the Board as representing the retail merchants within the Market Center area, which at the time of passage of this subtitle is acknowledged to be the Market Center Association;
 - (iii) a trade group recognized by the Board as representing the retail merchants within the Charles Street corridor, which at the time of passage of this subtitle is acknowledged to be the Charles Street Association;
 - (iv) a trade group recognized by the Board as representing the property owners and managers within the District, which at the time of passage of this subtitle is acknowledged to be the Building Owners and Managers Association of Metropolitan Baltimore;
 - (v) a group recognized by the Board as representing the leaders of major institutional and business interests within the District, which at the time of passage of this subtitle is acknowledged to be the Greater Baltimore Committee;
 - (vi) a professional trade organization recognized by the Board as representing the users of commercial real estate space within the District. which at the time of passage of this subtitle is acknowledged to be the Greater Baltimore Board of Realtors; and
 - (vii) in the event that the Partnership is not the Administrator, the Partnership or any successor organization having similar functions and constituent boundaries, as determined by the Board.

- (6) At least $\frac{2}{3}$ of the Board members must be property-owner representatives; members of the Board elected under clauses (1) through (5) above may be counted as property-owner representatives for this purpose if they otherwise qualify.
- (7) The Board shall endeavor to maintain representatives on the Board from the tourist and convention industry, professionals practicing in the District, retail merchants in the District, and tenants of properties in the District; however, no minimum representation applies.
- (8) Consistent with the encouragement of partnerships between the Authority and property owners exempt from the tax imposed by this subtitle, the Board should consider representation of such partners within the Board.

(f) *Exercise of Authority powers.*

All powers of the Authority shall be exercised by and through the Board, unless delegated by the Board to 1 or more officers thereof or to the Administrator.

(g) *Bylaws, rules, and regulations.*

- (1) The Board may adopt such bylaws, rules, and regulations as it deems necessary in carrying out the powers of the Authority, so long as the same shall not be inconsistent with the terms of this subtitle or of any ordinance amendatory or supplementary hereof or of the Enabling Legislation.
- (2) All bylaws shall be subject to the approval of the Board of Estimates.
- (3) The Board may establish its own procedures relating to the internal administration of the Authority, except as may be restricted by the Enabling Legislation or this subtitle.

(h) *Officers.*

The Board shall select from among its members, individuals to serve, at the pleasure of the Board, as president, vice-president, treasurer, and secretary of the Authority, delegating to such individuals such responsibilities as the Board deems appropriate.

(Ord. 92-057; Ord. 04-672; Ord. 10-304.)

§ 1-8. Fiscal affairs.

The fiscal affairs of the Authority shall be conducted in accordance with the following provisions.
(Ord. 92-057.)

§ 1-9. Annual Financial Plan.

(a) *Board to adopt.*

The Board shall adopt an annual Financial Plan, based on the City's fiscal year, which at the time of the passage of this subtitle is July 1 through June 30, consisting of at least:

- (1) a proposed schedule of taxes or charges to be imposed throughout the District;
- (2) in the first Financial Plan submitted, a budget for the current fiscal year of the City; and
- (3) in Financial Plans for each fiscal year after the year of approval of this subtitle, a budget for the full fiscal year.

(b) *Public hearing.*

Before adopting the Financial Plan, the Board of the Authority shall arrange for a public hearing to be held on the Financial Plan. Such hearing shall not occur any sooner than after notice of such hearing has been published in a newspaper of general circulation in Baltimore City at least once a week for 3 consecutive weeks.

(c) *Board of Estimates approval required.*

- (1) The Financial Plan shall be subject to the approval of the Board of Estimates in accordance with the procedures set forth in this subtitle.
- (2) The Authority may approve taxes and charges that are subject to subsequent approval by the Board of Estimates.

(d) *Initial budget.*

- (1) The initial budget for the Authority shall include all of the fiscal year ending on June 30, 1993 (the "Initial Fiscal Year"), and may include the costs of preparing the Financial Plan and implementing the Authority and the District, so long as such costs were incurred during that fiscal year.
- (2) In the event that the Authority is not implemented as a result of the operation of § 1-19 of this subtitle, neither the Authority nor the District, nor the City, shall have any liability for costs incurred prior to the initiation of operations, whether or not incurred by the Administrator or on behalf of the District or the Authority.

(Ord. 92-057; Ord. 96-093; Ord. 10-304.)

§ 1-10. Supplemental Tax.

(a) *In general.*

A portion of the funding for the operation of the Authority shall be provided by a supplemental annual property tax, levied on all properties subject to real property taxation, unless exempt under this subtitle, the Enabling Legislation, or other applicable laws (the "Supplemental Tax").

(b) *Assessment, collection, enforcement.*

- (1) The Supplemental Tax shall be assessed and collected in conjunction with the property taxes assessed and collected by the City (the "Regular Tax"), unless otherwise established by the Board and approved by the Board of Estimates.

- (2) Enforcement of the Supplemental Tax shall be in accordance with the enforcement of the Regular Tax, and all provisions applicable to the assessment, collection, enforcement, and refunding of the Regular Tax shall apply to the Supplemental Tax unless modified herein.

(c) *Determination of tax.*

- (1) The Supplemental Tax rate must be set each year by the Board as part of the annual financial plan.

- (2) Any increase in the rate of the Supplemental Tax must be approved by:

(i) a majority of the Board's voting members; and

(ii) if a rate increase of 10% or more is proposed, 80% or more of the property-owner representatives on the Board.

(Ord. 92-057; Ord. 96-093; Ord. 10-304.)

§ 1-11. Other charges.

(a) *Property subject to Supplemental Tax.*

- (1) Properties within the District subject to the Supplemental Tax shall not be required to pay any other charges or fees for services generally provided within the District by the Authority.

- (2) However, the Authority may impose charges and fees for any special services requested by and performed for 1 or more property owners.

(b) *Others.*

The Board of the Authority, with the approval of the Board of Estimates, may establish other fees and charges for specific services performed within the District, within areas adjoining the District, for properties and owners not subject to the Supplemental Tax and in conjunction with partnerships encouraged by this subtitle.

(Ord. 92-057.)

§ 1-12. Baseline City services.

(a) *Agreement to maintain.*

Prior to imposing and collecting the Supplemental Tax authorized by this subtitle, the Authority shall enter into a memorandum of understanding with the Mayor of the City regarding the level of services to be maintained by the City as the City's partnership obligation to the Authority and the District's taxpayers.

(b) *Scope of agreement.*

- (1) Such a memorandum shall:

(i) describe the existing levels of service within the District;

(ii) commit the City to the maintenance of such levels of service; and

(iii) outline the further undertakings of the City in response to the initiative represented by the creation of the District (the “Baseline Plus”).

(2) In addition, the City may include in the memorandum a process by which the Authority and the City shall cooperate on a comprehensive sidewalk repair program, which shall include the issuing of notices by the City relating to footways requiring repair, repaving, or regrading, and the arranging for repairs to be made by the Authority, with the enforcement support of City assessments, where appropriate.

(c) *Governing principles.*

The maintenance of existing services shall be governed by 2 principles:

(1) No decrease in such services shall occur except as part of an overall decrease in services necessitated by changes in funding, policy, or resources, and then only in proportion to the decreases implemented elsewhere in the City.

(2) Any increase in such services generally throughout the City shall be matched with increases in such services within the District, in proportion to the increases implemented elsewhere in the City.

(*Ord. 92-057; Ord. 96-093.*)

§ 1-13. Partnerships.

(a) *Authority encouraged to create.*

The Authority is authorized and encouraged to enter into partnerships with the property owners and users within the District and adjoining areas that are not subject to the Supplemental Tax (“Exempt Partners”) for the purpose of furthering the broad objectives of improving and enhancing public services throughout the CBD.

(b) *Specific powers.*

In furtherance of that objective, the Authority may:

(1) contract to provide varying levels of services to areas adjoining the District;

(2) agree to accept donations, contributions, and voluntary payments of any kind from Exempt Partners (collectively, “Voluntary Payments”), with or without agreements regarding specific services and functions;

(3) enter into agreements with Exempt Partners to include property owned by those Exempt Partners within the District in return for Voluntary Payments and/or commitments regarding the provision of similar services and functions within properties owned by Exempt Partners; and

(4) establish rates and charges for the provision of services to Exempt Partners.
(*Ord. 92-057; Ord. 04-672.*)

§ 1-14. Vacancy factor.

The Authority is directed to recommend to the Board of Estimates whether some process or automatic adjustment is necessary to reflect the direction of the Enabling Legislation regarding current rates of occupancy in buildings.
(*Ord. 92-057.*)

§ 1-15. Collection and disbursement.

(a) *In general.*

The Authority is authorized and directed to establish with the appropriate City agencies the methods by which the Supplemental Tax is to be assessed, collected, and disbursed to the Authority.

(b) *Funds not part of City revenues.*

Amounts collected by the City on behalf of the Authority:

- (1) shall not be included in the revenues of the City;
- (2) shall not be deemed subject to the budgetary and appropriation process; and
- (3) shall be disbursed promptly upon collection.

(c) *City to bear expense of collection, etc.*

As part of the City's contribution to the District, such collection, assessment, disbursement, record-keeping, and enforcement as may be involved in the process shall not be a charge to or against the Authority or the District but shall be an element of the Baseline Plus.

(d) *Department of Finance authorized to collect.*

- (1) The Department of Finance of the City is authorized to collect the Supplemental Tax and such other charges as are approved by the Board of Estimates.
- (2) The assessment for the Supplemental Tax may be included with the periodic real property tax bill submitted to the owners of properties within the District.
- (3) The Department of Finance shall make regular remittances of the amounts collected to the Board of the Authority.

(e) *Penalties and interest.*

The penalties and interest applicable to delinquent taxes shall be applied to delinquencies in payment of the Supplemental Tax.

(f) *Lien on property.*

(1) The amount of any outstanding assessment on any property, and accrued interest and other charges, shall constitute a lien on the property.

(2) The lien:

(i) shall take precedence over all other liens, whether created prior to or subsequent to the assessment, commensurate with a lien for state and county taxes, general municipal taxes, and prior improvement assessments; and

(ii) shall not be defeated or postponed by any private or judicial sale, by any mortgage, or by any error or mistake in the description of the property or in the names of the owners.

(3) No error in the proceedings of the City or the Board of the Authority shall exempt any property from the lien, or from payment thereof, or from the penalties or interest thereon, as herein provided.

(Ord. 92-057; Ord. 96-093.)

§ 1-16. Long-term debt.(a) *In general.*

Any borrowing by the Authority that is intended to survive beyond the next date for renewal of the District (“Long-Term Debt”) is subject to the following conditions.

(b) *Maximum amount.*

(1) The aggregate amount of Long-Term Debt outstanding at any one time may not exceed \$2,000,000.

(2) No Financing Plan may be submitted and no Long-Term Debt may be approved if the current and projected payments for the sum of (i) debt service on the Long-Term Debt and (ii) any other debt having a maturity in excess of 1 year, in any year exceed 10% of the revenues of the Authority.

(c) *Required Financing Plan.*

(1) No Long-Term Debt may be issued by the Authority until after a Financing Plan has been presented for review and approval by the Board, the Department of Finance of the City, and the Board of Estimates of the City.

(2) Each Financing Plan shall provide information on:

(i) the use of the proceeds of the Long-Term Debt;

(ii) the anticipated term of the obligations;

- (iii) the annual maximum debt service anticipated for the Long-Term Debt; and
- (iv) the means by which the Long-Term Debt will be retired if a terminating event described in § 1-20 occurs.

(3) In addition, the Plan shall consider the operation and maintenance costs of any improvements funded with the Long-Term Debt and the means by which those expenses will be paid.

(d) *Public hearing.*

Before submitting a Financing Plan for approval under subsection (c) above, the Authority shall, after notice to all taxpayers in the District, hold a public hearing at which the Plan is presented.

(e) *Limitation on sales.*

No Long-Term Debt may be issued and sold to the general public or to other than institutional investors, lending institutions, and other sophisticated purchasers of debt obligations.

(f) *Capital projects.*

Capital projects for which both City funds and Long-Term Debt proceeds are to be used must be approved in accordance with applicable requirements, including, but not limited to, approval in the Capital Budget and the Ordinance of Estimates.

(Ord. 96-093.)

§ 1-17. Administrator.

(a) *Initial Administrator.*

The initial Administrator of the Authority shall be the Partnership, unless otherwise determined by the Board.

(b) *Powers of Administrator.*

The Administrator shall have the following powers with regard to the District and the Authority:

- (1) The Administrator shall prepare the Financial Plan for review and approval by the Board of the Authority.
- (2) The Administrator shall implement the approved Financial Plan and arrange for the collection and disbursement of the Supplemental Tax and all other charges, fees, and revenues of the Authority.
- (3) The Administrator shall establish such procedures and processes as are necessary to perform the functions called for under the Financial Plan and the budget.
- (4) The Administrator is hereby charged with responsibility for the day-to-day operations of the Board and its employees and contractors.

- (5) The Administrator shall be empowered to exercise the powers granted to the Authority under this subtitle, provided that the Board of the Authority shall retain final discretion and power with regard to all substantive agreements, contracts, and other arrangements binding on the Authority.
- (6) The Administrator shall hire and retain such employees, agents, and contractors as are needed to perform its functions for the Authority, provided that all such hiring and contracting shall comply with §§ 1-5(10) and 1-6(3) of this subtitle.
- (7) The Administrator shall be deemed to be the direct agent of the Authority, such that any immunity afforded to the Authority and its officers, employees, and agents shall be afforded as well to the Administrator.
- (8) The Administrator shall have such further rights, powers, and authority as may be granted to it by the Board of the Authority.
- (9) Any limitations on the powers and authority of the Authority shall apply as well to the Administrator in performing the functions charged to the Administrator by this subtitle or by the Board of the Authority.

(Ord. 92-057.)

§ 1-18. Oversight by Board of Estimates.

(a) *In general.*

The Board of Estimates shall have the following powers with regard to the District and the Authority.

(b) *Establishment of full Board.*

The full Board of the Authority proposed by the interim Board in accordance with § 1-7 of this subtitle shall be subject to the approval of the Board of Estimates.

(c) *Financial Plan; rates and charges.*

- (1) The Financial Plan and the schedule of rates and charges shall be subject to the approval of the Board of Estimates.
- (2) Beginning with the Financial Plan for Fiscal 1994, the Board of the Authority shall submit such materials at least 2 months prior to the proposed effective date of a budget or Supplemental Tax.
- (3) In considering a proposed budget and schedule of taxes and charges, the Board of Estimates shall not have the power to exceed or increase either the budget or the schedule of taxes, rates, and charges beyond those proposed by the Authority.

(d) *Occupancy-based adjustments.*

The Board of Estimates shall review and consider any request by the Authority regarding adjustments to reflect existing occupancy of properties. Such adjustments shall be matters of policy and not decisions on specific properties.

(e) *Bylaws.*

The Board of Estimates shall review and approve the initial bylaws of the Authority and any proposed amendments thereto.

(f) *Approval and renewal process.*

The Board of Estimates shall be the final arbiter and decision maker regarding the approval and renewal process for the District specified in this subtitle.

(Ord. 92-057.)

§ 1-19. Election approval process.(a) *In general.*

The Authority shall not impose any taxes or charges until the approval process set forth below is completed and certified by the Board of Estimates.

(b) *Assessable Base and Ownership Roll.*

- (1) The Board of Estimates shall obtain from the Director of Finance the “Assessable Base” of the District, which shall constitute a listing by property and a calculation of the sum of assessments on properties subject to the Supplemental Tax. The Assessable Base shall provide the total assessable value for purposes of calculating voting percentages by value.
- (2) The Board of Estimates shall also obtain from the Director of Finance a list of all properties and their owners, each property thereby counting as 1 vote regardless of the number of owners (the “Ownership Roll”). The Ownership Roll shall be used to determine votes based on the number of property owners.
- (3) In the event of dispute or uncertainty, the Board of Estimates shall determine, with finality, the Assessable Base and Ownership Roll upon which the procedures shall be based.

(c) *Notices.*

Notices shall be provided to each property affected by this subtitle regarding the passage of the subtitle and the rights of protest available hereunder.

(d) *Protest period.*

- (1) Upon enactment of this subtitle, there shall ensue a 30-day period within which the Board of Estimates is directed to accept notarized petitions of protest (the “Protest Period”).

- (2) Such petitions shall be on any form which, to the satisfaction of the Board of Estimates, specifies the location of the property, the name of the owner and such additional information as would enable the Director of Finance to certify the current assessment of such property.

(e) *Percentage opposition.*

- (1) If within the Protest Period, the Board of Estimates does not receive protests (the “Base Level Protests”), determined to be valid by the Board of Estimates, either
- (i) representing property owners owning more than 40% of the Assessable Base, or
 - (ii) representing the same percentage of property owners from the Ownership Roll,
- the Authority shall, at the conclusion of the Protest Period, be certified as approved for operations.
- (2) In the event of a dispute as to ownership or representation, the Board shall disregard the protest unless satisfied as to the person properly authorized to act on behalf of the property owner.

(f) *Referendum.*

If protests in excess of the Base Level Protests are received, the Board of Estimates shall establish procedures it deems appropriate for a referendum of property owners within the District, to determine whether property owners of at least 50% of both the Assessable Base and the Ownership Roll are in support of the District. Such a referendum shall be conducted and completed within 30 days after the end of the Protest Period.

(Ord. 92-057.)

§ 1-20. Renewal and expiration.

(a) *In general.*

The Authority and the District shall be subject to the following provisions regarding renewal and expiration.

(b) *Renewal.*

- (1) It is the expectation of the Council that the District will be successful.
- (2) No sooner than 4 years and no later than 5 years from the passage of this subtitle, the Council shall hold 1 or more public hearings to evaluate the activities and undertakings of the Authority and the District. At the conclusion of the hearings, the Council shall utilize the procedures described in § 1-19 to determine whether the opposition in excess of the Base Level Protests exists to the continuation of the District.
- (3) If such opposition exists, the Board of Estimates shall conduct a referendum comparable to that described in § 1-19 to determine whether the District is to continue for another 5 years.

- (4) This process shall be repeated periodically to satisfy the requirements of the Enabling Legislation.

Editor's Note: By a series of enactments (the most recent being Resolution 17-005), the Mayor and City Council has continued the Authority and District through June 30, 2022, subject to the protest and referendum renewal process described in § 1-19 of this subtitle.

(c) *Expiration.*

- (1) If the District and the Authority are not approved through the process described in § 1-19 of this subtitle, or are not renewed as provided above, the Authority shall cease its operations and the District ceases to exist, with the end of the fiscal year of the City in which the terminating event occurs.
- (2) The Authority shall continue its existence only so long as is necessary to terminate operations in a reasonable fashion and shall include, as part of the Financing Plan required by § 1-16, a mechanism by which Long-Term Debt can be retired if a terminating event occurs.
- (3) If a terminating event occurs, in addition, the Authority shall arrange for the refunding of all funds not needed to satisfy outstanding obligations and reserves for uncertain obligations and liabilities.

(Ord. 92-057; Ord. 96-093; Ord. 04-672; Ord. 09-217.)

§ 1-21. Minority involvement.

(a) *In general.*

It is the intent of the Council that involvement by minorities in the business community and in the affairs of the District is to be encouraged.

(b) *MBE/WBE goals to apply.*

Accordingly, City policies regarding the achievement of goals for minority and women's business enterprises shall apply to the District and the Authority, and furthermore, the Authority is encouraged to seek means by which greater minority involvement can take place with the District and the larger central business district of the City.

(Ord. 92-057.)

**EXHIBIT A
DISTRICT BOUNDARIES**

The Boundaries of the Downtown Management District are:

Beginning at the point of intersection of the center lines of Greene Street and Saratoga Street; then, east along the center line of Saratoga Street to a point of intersection with Eutaw Street; then north along the west side of Eutaw Street (and encompassing all properties binding on the west side of Eutaw Street) to intersect with the center line of Martin Luther King, Jr. Boulevard; then northeast along the center line of Martin Luther King, Jr. Boulevard to intersect with the center line of Read Street; then southeast along the center line of Read Street to intersect the center line of Park Avenue; then south along the center line of Park Avenue to intersect the center line of Franklin Street; then east along the center line of Franklin Street to intersect with the property line between Lot 4 and Lot 5 of Block 551; then north along that property line continuing across Hamilton Street to intersect with the center line of W. Centre Street; then east on Centre Street to intersect with the center line of I-83; then south and southeast on I-83 to intersect with the center line of the Fallway; then south on the center line of the Fallway to a point of intersection with the center line of Pratt Street; then west along the center line of Pratt Street to the center line of Light Street; then south on the center line of Light Street to intersect with the center line of Lee Street; then west on Lee Street to intersect with the center line of Charles Street; then north on Charles Street to intersect with the center line of Conway Street; then west along the center line of Conway Street to the center line of Sharp Street; then north on the center line of Sharp Street to intersect with the center line of Camden Street; then west along the center line of Camden Street to and past Paca Street and continuing west along the center line of Washington Boulevard to intersect with the center line of Greene Street; then north along the center line of Greene Street to the point of beginning.

(Ord. 92-057; Ord. 09-191.)

EXHIBIT A-1
{Repealed by Ord. 09-191.}

Editor’s Note: Ordinance 09-191 modified the District’s boundaries, contingent on “the successful completion of a protest period and, if required, referendum.” See Ord. 09-191, at Section 3.

**EXHIBIT B
MEMBERS OF INITIAL INTERIM BOARD**

H. Grant Hathaway
Milt Rosenbaum
Laurie B. Schwartz
Walter Sondheim, Jr.
Otis Warren, Jr.

(Ord. 92-057)

SUBTITLES 2 TO 5
{RESERVED}

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SUBTITLE 6
CHARLES VILLAGE COMMUNITY BENEFITS DISTRICT

§ 6-1. Declarations.

(a) *Findings.*

After giving consideration to the views of property owners, the retail merchants, the property tenants, and other members of the business and residential communities within the District, and after a public hearing, the Mayor and City Council has determined that:

- (1) the District created under this subtitle will reflect a diverse mix of business and residential properties; and
- (2) the District will reflect a diverse economic, social, and racial mix.

(b) *Pilot program.*

(1) The Mayor and City Council intends this subtitle to be a pilot program.

(2) The Mayor and City Council recommends that residents of the District consult a tax advisor before treating the supplemental tax paid to the District as a deductible tax.

(City Code, 1976/83, art. 1, §253.) (Ord. 94-414; Ord. 98-260.)

§ 6-2. District created; boundaries.

(a) *In general.*

The Charles Village Community Benefits District is created. The District comprises all properties within the following boundaries, except as specified in subsection (c) of this section:

- (1) on the south, a line beginning at the intersection of the center lines of 20th Street and Howard Street, running east along the center line of 20th Street to the center line of Guilford Avenue; then
- (2) running north along the center line of Guilford Avenue to the center line of 25th Street; then
- (3) running east along the center line of 25th Street to the center line of Loch Raven Boulevard; then running northeast along the centerline of Loch Raven Boulevard to the center line of the tracks of the CSX Railroad (approximately 500 feet north of 25th Street); then
- (4) running west along the center line of the CSX Railroad tracks to the center line of Greenmount Avenue; then
- (5) running north along the center line of Greenmount Avenue to the center line of Old York Road; then
- (6) running north along the center line of Old York Road to the center line of 35th Street; then
- (7) running west along the center line of 35th Street to the center line of Greenmount Avenue; then
- (8) running south along the center line of Greenmount Avenue to the center line of 33rd Street; then
- (9) running west along the center line of 33rd Street to the center line of Charles Street; then

- (10) running south along the center line of Charles Street to the center line of 29th Street; then
- (11) running west along the center line of 29th Street to the center line of Howard Street; then running south along the center line of Howard Street to the center line of 26th Street; then
- (12) running west along the center line of 26th Street to the center line of Huntingdon Avenue; then running south along the center line of Huntingdon Avenue to the center line of 25th Street; then
- (13) running east along the center line of 25th Street to the center line of Howard Street; then
- (14) running south along the center line of Howard Street to the center line of 24th Street; then
- (15) running west along the center line of 24th Street to the center line of Huntingdon Avenue; then
- (16) running south along the center line of Huntingdon to the center line of 23rd Street; then running west along the center line of 23rd Street to the center line of Huntingdon Avenue; then
- (17) running south along the center line of Huntingdon Avenue to the center line of 21st Street; then
- (18) running east along the center line of 21st Street to the center line of Howard Street; then
- (19) running south along the center line of Howard Street to the center line of 20th Street (point of origin).

(b) *Properties on boundary streets and tracks.*

The Charles Village Community Benefits District shall include properties binding on either side of a street or of the CSX Railroad tracks that constitute part of the boundaries established by this section.

(c) *Excluded properties.*

The following properties are excluded from the District:

- (1) 3336 Old York Road.
- (2) 3338 Old York Road.
- (3) 3340 Old York Road.
- (4) 3342 Old York Road.
- (5) 3344 Old York Road.
- (6) 3346 Old York Road.
- (7) 3400 Old York Road.
- (8) 3402 Old York Road.
- (9) 3404 Old York Road.
- (10) 3406 Old York Road.
- (11) 3408 Old York Road.
- (12) 3410 Old York Road.
- (13) 3412 Old York Road.
- (14) 3414 Old York Road.
- (15) 3424 Old York Road.
- (16) 3426 Old York Road.
- (17) 3428-30 Old York Road.
- (17a) Lot on East side of Old York Road at Southeast corner of Venable Avenue.
- (17b) 600 Venable Avenue.
- (17c) 600 E. 33rd Street.
- (18) 500 E. 34th Street.
- (19) 501 E. 34th Street.
- (20) 502 E. 34th Street.
- (21) 504 E. 34th Street.

- (22) 601 E. 34th Street.
- (23) 500 E. 35th Street.
- (24) 501 E. 35th Street.
- (25) 502 E. 35th Street.
- (26) 503 E. 35th Street.
- (27) 504 E. 35th Street.
- (28) 505 E. 35th Street.
- (29) 506 E. 35th Street.
- (30) 507 E. 35th Street.
- (31) 508 E. 35th Street.
- (32) 509 E. 35th Street.
- (33) 510 E. 35th Street.
- (34) 511 E. 35th Street.
- (35) 512 E. 35th Street.
- (36) 513 E. 35th Street.
- (37) 514 E. 35th Street.
- (38) 515 E. 35th Street.
- (39) 516 E. 35th Street.
- (40) 517 E. 35th Street.
- (41) 518 E. 35th Street.
- (42) 520 E. 35th Street.
- (43) 522 E. 35th Street.
- (44) 524 E. 35th Street.
- (45) 526 E. 35th Street.
- (46) 528 E. 35th Street.
- (47) 530 E. 35th Street.
- (48) 532 E. 35th Street.

(City Code, 1976/83, art. 1, §254.) (Ord. 94-414; Ord. 03-574.)

§ 6-3. Authority created.

(a) Authority created.

There is hereby created the Charles Village Community Benefits District Management Authority, which is referred to hereafter as the “Authority”.

(b) Purpose.

The purpose of the Authority is to promote and market the District, provide supplemental security and maintenance services, provide amenities in public areas, provide park and recreational programs and functions, and after its establishment, other services and functions as requested by the Authority and approved by an ordinance of the Mayor and City Council.

(City Code, 1976/83, art. 1, §255.) (Ord. 94-414.)

§ 6-4. Powers of Authority.

The Authority shall:

- (1) not be or constitute or be deemed an agency of the City or the State of Maryland;
- (2) to the greatest extent allowable by law, be deemed a special taxing district, and therefore a governmental body, both politic and corporate, exercising only such powers as are provided for in this subtitle;

- (3) not exercise any power specifically withheld by the terms of either the Enabling Legislation *{Article II, § (63) of the City Charter (1996 Edition)}*, or if more restrictive, this subtitle. However, the powers of the Authority shall be broadly interpreted in order to allow the Authority to achieve the goals of the Enabling Legislation, including the provision of supplementary security and maintenance services, the promotion and marketing of the District, and the provision of amenities in public areas;
- (4) acquire, hold, and use both real and personal property necessary to achieve its purposes, including the acquisition by purchase, lease, or other means;
- (5) engage the services of an administrator (the “Administrator”), which may be an individual or an entity, to administer the programs and undertakings of the Authority;
- (6) sue and be sued, provided that the District, the Authority, its Board of Directors, and the Administrator shall benefit, to the fullest extent allowable by law, from any provisions of federal, state, and local law limiting the liability of employees, officers, agents, and officials of governmental bodies;
- (7) accept grants;
- (8) borrow funds for purposes consistent with the public purposes of the Authority, provided no borrowing shall be for a term beyond the date for renewal of the District under § 6-16 of this subtitle;
- (9) adopt an annual budget and impose, charge, and collect the taxes or charges on benefitted properties within the District authorized by the Enabling Legislation and this subtitle; provided, however, that no taxes shall be levied against properties which are exempt under state law from ordinary property taxes;
- (10) create and enter into partnerships between the Authority and various property owners otherwise exempt from ordinary property taxes, which partnerships may provide for the provision of permitted services and benefits by the Authority in exchange for payments arranged by contract, donation, gift, services in kind, or other mechanism by which funds or benefits are provided to the Authority;
- (11) establish and elect such officers of the Board as are not specified in this subtitle and provide for their terms and duties;
- (12) contract for and purchase goods and services, without being subject to Baltimore City requirements regarding wage scales, competitive bidding, or other local procurement laws, but nonetheless shall be subject to applicable ordinances regarding City policy on encouraging and achieving goals for minority and women’s business enterprises participation in the contracting activities of the Authority;
- (13) subject to the approval of the Board of Estimates, adopt, amend, and modify bylaws, consistent with the Enabling Legislation and this subtitle;
- (14) implement the programs and goals of the Authority directly through employees, or through 1 or more contracts, which contracts can be with independent contractors or contractual employees;

(15) assist in the leasing, marketing, and promotional activities within the District, to the extent such activities are approved by the governing Board of the Authority;

(16) appoint, hire, or engage such auditors, accountants, attorneys, assistants, aides, employees, and advisors as may be deemed necessary for the proper performance of the duties of said Authority, but consistent with this subtitle; and

(17) do all other things necessary or convenient to carry out its goals, objectives, and powers. *(City Code, 1976/83, art. 1, §256.) (Ord. 94-414.)*

§ 6-5. Limitations on Authority.

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) 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 § 47, revert charges or taxes collected pursuant to this subtitle to the Financial Plan of the City;

(8) be an agency of the Mayor and City of Baltimore or the State of Maryland[,] and its officers and employees may not act as agents or employees of the Mayor and City 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. *(City Code, 1976/83, art. 1, §257.) (Ord. 94-414.)*

§ 6-6. Board of Directors.

(a) *In general.*

The Authority shall be governed by and administered through a Board of Directors (the "Board"). The Board shall be subject to the following requirements.

(b) *Interim Board.*

(1) The interim Board of the Authority shall be those individuals whose names are set forth on the list attached to Ordinance 94-414 as Exhibit A.

(2) The interim Board shall be responsible for:

- (i) drafting the bylaws of the Authority;
- (ii) recommending a full Board for the Authority to the Board of Estimates; and
- (iii) preparing a proposed operations plan and budget.

(c) *Term.*

- (1) The interim Board members shall serve for a period not to exceed 6 months, unless extended by the Board of Estimates, and only until a full Board is approved by the Board of Estimates as provided hereafter.
- (2) The majority of the interim Board members shall be owners or representatives of property owners in the District that are subject to taxes or charges under this subtitle and must be eligible to vote in the election required under § 6-15.
- (3) In the event of resignation, expiration, or other departure from the Board, or removal in accordance with the bylaws of the Authority, of any member of the Board, successors shall be elected by the remaining members of the Board.

(d) *Number and appointment.*

- (1) The number of members of the full Board must be at least 14, excluding vacancies, and no more than 27.
- (2) The interim Board shall propose to the Board of Estimates the initial full membership of the Board and the proposed terms for each director. The terms of the members shall be staggered.
- (3) Interim Board members may be included in the recommended full Board list.
- (4) The recommendation shall occur no later than 10 days after approval of the District, and is subject to the consent and concurrence of the Board of Estimates.
- (5) The Board may increase or decrease its membership, within these limits.

(e) *Minimum representation.*

The following minimum representation shall be present on the full Board, except during periods of temporary vacancies:

- (1) 1 voting member shall be appointed by the Mayor.
- (2) 2 voting members shall be members of the City Council appointed by the President of the City Council.
- (3) At least 8 voting Board members shall be from the following constituent organizations within the District:

- (i) the Abell Improvement Association;
 - (ii) the Charles Village Civic Association;
 - (iii) the Old Goucher Community Association, and
 - (iv) the Harwood Community Association.
- (4) At least 6 voting Board members shall be from the following constituent organizations within the District:
- (i) Waverly Main Street,
 - (ii) the Old Goucher Business Alliance, Inc., and
 - (iii) the North Charles Village Business Association.
- (5) The Board may contain additional members from the following constituent groups:
- (i) 4 non-voting members from the neighborhood associations bordering the District; and
 - (ii) 2 non-voting members from the Midtown Churches, Inc., and the various non-profit organizations within the District.
- (6) The Board may contain 4 at-large voting members.
- (7) At least a majority of the Board shall be composed of owners or representatives of property owners subject to the tax imposed by this subtitle. A voting member of the Board must be eligible to vote in the election under § 6-15 of this subtitle.
- (8) The Board shall endeavor to maintain representatives on the Board from professionals practicing in the District, the retail merchants within the District, and the tenants of properties in the District; however, no minimum representation shall apply.
- (9) Consistent with the encouragement of partnerships between the Authority and property owners exempt from the tax imposed by this subtitle, the Board is encouraged to consider representation of such partners on the Board.
- (f) *Exercise of Authority powers.*
- All powers of the Authority shall be exercised by and through the Board, unless delegated by the Board to 1 or more officers thereof or to the Administrator.
- (g) *Bylaws, rules, and regulations.*
- (1) The Board may adopt such bylaws, rules, and regulations as it deems necessary in carrying out the powers of the Authority, so long as the same shall not be inconsistent with the terms of this subtitle or of any ordinance amendatory or supplementary hereof or of the Enabling Legislation.

(2) All bylaws shall be subject to the approval of the Board of Estimates.

(3) The Board may establish its own procedures relating to the internal administration of the Authority, except as may be restricted by the Enabling Legislation or this subtitle.

(h) *Officers.*

The Board shall select from among its members, individuals to serve as officers, at the pleasure of the Board, as president, vice-president, treasurer, and secretary of the Authority, delegating to these individuals responsibilities the Board deems appropriate.

(City Code, 1976/83, art. 1, §258.) (Ord. 94-414; Ord. 95-679; Ord. 98-260; Ord. 02-349; Ord. 03-574; Ord. 10-305; Ord. 12-008; Ord. 12-016.)

§ 6-7. Annual Financial Plan.

(a) *Board to adopt.*

The Board shall adopt an annual financial plan (the “Financial Plan”), based on the City’s fiscal year, consisting of at least a proposed schedule of taxes or charges to be imposed throughout the District.

(b) *Public hearing.*

Before adopting the Financial Plan, the Board shall arrange for a public hearing to be held on the Financial Plan. The hearing shall not occur until after notice of the hearing has been published in a newspaper of general circulation in Baltimore City at least once a week for 3 consecutive weeks.

(c) *Board of Estimates approval required.*

The Authority may not approve a Financial Plan that includes taxes or charges in excess of those approved by the Board of Estimates.

(d) *Initial plan and budget.*

(1) The first Financial Plan submitted can be for less than a full fiscal year.

(2) The initial budget for the Authority shall include all of the fiscal year ending on June 30, 1995, and may include the costs of preparing the Financial Plan and implementing the Authority and the District, so long as such costs were incurred during that fiscal year.

(3) If the Authority is not implemented as a result of the operation of § 6-15 of this subtitle, neither the Authority nor the District, nor the City, shall have any liability for costs incurred prior to the initiation of operations, whether or not incurred by the Administrator or on behalf of the District or the Authority.

(City Code, 1976/83, art. 1, §259.) (Ord. 94-414.)

§ 6-8. Supplemental Tax.*(a) Board of Estimates to determine assessable base.*

- (1) Upon enactment of this subtitle, the Board of Estimates shall obtain from the Director of Finance the “assessable base” of the District, which shall constitute a listing by property and a calculation of the sum of assessments on properties subject to the Supplemental Tax.
- (2) Properties subject to the tax shall include all properties within the District except those exempt under this subtitle, the Enabling Legislation, or other applicable laws.
- (3) The Board of Estimates shall determine with finality the assessable base upon which the Supplemental Tax will be based.

(b) Assessment; collection; enforcement.

- (1) The funding for operation of the Authority shall be provided by a supplemental property tax (the “Supplemental Tax”) on the assessable base of the District as determined in subsection (a).
- (2) The Supplemental Tax shall be assessed and collected in conjunction with the property taxes assessed and collected by the City (“Regular Tax”), unless otherwise established by the Board of Estimates.
- (3) Except as otherwise specified in paragraph (4) of this subsection, enforcement of the Supplemental Tax shall be in accordance with the enforcement of the Regular Tax, and all provisions applicable to the assessments, refunds, credits, collections, and enforcement which apply to the Regular Tax shall apply to the Supplemental Tax unless modified herein.
- (4) The high-performance market-rate rental housing credit authorized by Article 28, § 10-18 {“High-performance market-rate rental housing – Citywide”} does not apply to the Supplemental Tax.

(c) Determination of tax.

The Supplemental Tax rate shall be determined as follows:

- (1) Any increase in the rate of the Supplemental Tax must be approved by a majority of the voting Board members.
- (2) For the initial budget year, the rate of the Supplemental Tax shall be set to raise revenues equal to the costs of the Financial Plan but shall not exceed a full year rate of 30¢ per \$100 of assessed value.
- (3) For the first full budget year, the rate of the Supplemental Tax shall be set to raise revenues equal to the costs of the Financial Plan but shall not exceed 30¢ per \$100 of assessed value, except that the rate may be adjusted to produce revenue equivalent to the full year 30¢ yield of the initial budget year.

- (4) For any year after the first full budget year, the rate of the Supplemental Tax may be adjusted to yield revenues which are no more than 5% greater than in the prior year.

(d) *Exemption for public service companies.*

Exempt from the provisions of this subtitle relating to a supplemental annual property tax are the poles, conduits, tunnels, pipe lines, manholes, and other similar surface or subsurface structures, including their equipment, owned and controlled by a public service corporation, located on, over, or under streets, alleys, or other public ways or lands, the construction of which is authorized by the City, and the installation of which is regulated and supervised by the Department of Transportation.

(City Code, 1976/83, art. 1, §260(a), (b)(1), (b)(3).) (Ord. 94-414; Ord. 15-435; Ord. 16-532.)

§ 6-9. Other charges.

(a) *Property subject to Supplemental Tax.*

- (1) Properties within the District subject to the Supplemental Tax shall not be required to pay any other charges or fees for services generally provided within the District by the Authority.
- (2) However, the Authority may impose charges and fees for any special services requested by and performed for 1 or more property owners.

(b) *Others.*

The Board, with the approval of the Board of Estimates, may establish other fees and charges for specific services performed within the District, within areas adjoining the District, for properties and owners not subject to the Supplemental Tax and in conjunction with partnerships encouraged by this subtitle.

(City Code, 1976/83, art. 1, §260(b)(2), (c).) (Ord. 94-414.)

§ 6-10. Baseline City services.

(a) *Agreement to maintain.*

Prior to imposing and collecting the Supplemental Tax authorized by this subtitle, the Authority shall enter into a memorandum of understanding with the Mayor of the City regarding the level of services to be maintained by the City as the City's partnership obligation to the Authority and the District's taxpayers.

(b) *Scope of agreement.*

Such a memorandum shall:

- (1) describe the existing levels of service within the District;
- (2) commit the City to the maintenance of such levels of service; and

- (3) outline the further undertakings of the City in response to the initiative represented by the creation of the District (the “Baseline Plus”).

(c) *Governing principles.*

The maintenance of existing services shall be governed by 2 principles:

- (1) No decrease in such services shall occur except as part of an overall decrease in services necessitated by changes in funding, policy, or resources, and then only in proportion to the decreases implemented elsewhere in the City.
- (2) Any increase in such services generally throughout the City shall be matched with increases in such services within the District, in proportion to the increases implemented elsewhere in the City.

(City Code, 1976/83, art. 1, §260(d).) (Ord. 94-414.)

§ 6-11. Partnerships.

(a) *Authority encouraged to create.*

The Authority is authorized and encouraged to enter into partnerships with the property owners and users within the District and adjoining areas that are not subject to the Supplemental Tax (“Exempt Partners”) for the purpose of furthering the broad objectives of improving and enhancing public services throughout the District.

(b) *Specific powers.*

In furtherance of that objective, the Authority may:

- (1) contract to provide varying levels of services to areas adjoining the District;
- (2) agree to accept donations, contributions, and voluntary payments of any kind from Exempt Partners (collectively, “Voluntary Payments”), with or without agreements regarding specific services and functions;
- (3) enter into agreements with Exempt Partners to include property owned by those Exempt Partners within the District in return for Voluntary Payments and/or commitments regarding the provision of similar services and functions within properties owned by Exempt Partners; and

- (4) establish rates and charges for the provision of services to Exempt Partners.

(City Code, 1976/83, art. 1, §260(e).) (Ord. 94-414; Ord. 04-672.)

§ 6-12. Collection and disbursement.

(a) *In general.*

The Authority is authorized and directed to establish with the appropriate City agencies the methods by which the Supplemental Tax is to be assessed, collected, and disbursed to the Authority.

(b) *Funds not part of City revenue.*

Amounts collected by the City on behalf of the Authority:

- (1) shall not be included in the revenues of the City;
- (2) shall not be deemed subject to the budgetary and appropriation process; and
- (3) shall be disbursed promptly upon collection.

(c) *City to bear expense of collection, etc.*

As part of the City's contribution to the District, such collection, assessment, disbursement, record-keeping, and enforcement as may be involved in the process, shall not be a charge to or against the Authority or the District but shall be an element of the Baseline Plus.

(d) *Department of Finance authorized to collect.*

- (1) The Department of Finance of the City is authorized to collect the Supplemental Tax and such other charges as are approved by the Board of Estimates.
- (2) The assessment for the Supplemental Tax may be included with the annual real property tax bill submitted to the owners of properties within the District.
- (3) The Department of Finance shall make regular remittances of the amounts collected to the Board of the Authority.

(e) *Penalties and interest.*

The penalties and interest applicable to delinquent taxes shall be applied to delinquencies in payment of the Supplemental Tax.

(f) *Lien on property.*

- (1) The amount of any outstanding assessment on any property, and accrued interest and other charges, shall constitute a lien on the property.
- (2) The lien:
 - (i) shall take precedence over all other liens, whether created prior to or subsequent to the assessment, commensurate with a lien for state and county taxes, general municipal taxes, and prior improvement assessments; and
 - (ii) shall not be defeated or postponed by any private or judicial sale, by any mortgage, or by any error or mistake in the description of the property or in the names of the owners.

- (3) No error in the proceedings of the City or the Board of the Authority shall exempt any property from the lien, or from payment thereof, or from the penalties or interest thereon, as herein provided.

(City Code, 1976/83, art. 1, §260(f).) (Ord. 94-414.)

§ 6-13. Administrator.

(a) *Powers.*

The Administrator shall have the power to:

- (1) prepare the Financial Plan for review and approval by the Board;
- (2) implement the approved Financial Plan and arrange for the collection and disbursement of the Supplemental Tax and all other charges, fees, and revenues of the Authority;
- (3) establish procedures and processes necessary to perform the functions called for under the Financial Plan and the budget;
- (4) be responsible for the day-to-day operations of the Board and its employees and contractors;
- (5) exercise the powers granted to the Authority under this subtitle, provided that the Board shall retain final discretion and power with regard to all substantive agreements, contracts, and other arrangements binding on the Authority;
- (6) hire and retain such employees, agents, and contractors as are needed to perform its functions for the Authority, provided that all hiring and contracting shall comply with § 6-4(12) of this subtitle;
- (7) be the direct agent of the Authority, so that any immunity afforded to the Authority and its officers, employees and agents, shall be afforded as well to the Administrator; and
- (8) have further rights, powers, and authority as granted to it by the Board.

(b) *Limitations.*

Any limitations on the powers and authority of the Board shall apply as well to the Administrator in performing the functions charged to the Administrator by this subtitle or by the Board.

(c) *Initial Administrator.*

The initial Administrator of the Authority shall be the Greater Homewood Community Corporation, Inc., unless otherwise determined by the interim Board.

(City Code, 1976/83, art. 1, §261.) (Ord. 94-414.)

§ 6-14. Oversight by Board of Estimates.(a) *In general.*

The Board of Estimates shall have the following powers with regard to the District and the Authority.

(b) *Establishment of full Board.*

The full Board proposed by the interim Board in accordance with § 6-6 of this subtitle shall be subject to the approval of the Board of Estimates.

(c) *Financial Plan; rates and charges.*

- (1) The Financial Plan and the schedule of rates and charges shall be subject to the approval of the Board of Estimates.
- (2) Beginning with the Financial Plan for fiscal year 1996, the Board shall submit all materials at least 2 months prior to the proposed effective date of a budget or Supplemental Tax.
- (3) In considering a proposed budget and schedule of taxes and charges, the Board of Estimates shall not have the power to exceed or increase either the budget or the schedule of taxes, rates, and charges beyond those proposed by the Authority.

(d) *Bylaws.*

The Board of Estimates shall review and approve the initial bylaws of the Authority and any proposed amendments thereto.

(e) *Approval and renewal process.*

The Board of Estimates shall be the final arbiter and decision maker regarding the approval and renewal process for the District specified in this subtitle.

(City Code, 1976/83, art. 1, §262.) (Ord. 94-414.)

§ 6-15. Election approval process.(a) *List of eligible voters.*

The Board of Estimates, with the assistance of the interim Board, the Department of Finance, and the Supervisor of the Board of Elections, shall be responsible for compiling a list of those persons eligible to vote on the establishment of the District and on any question relating to its renewal.

(b) *Eligibility criteria.*

The following persons are eligible to vote subject to the limitations that no person may have more than 1 vote:

- (1) owners of property within the District which is subject to tax under § 6-8;

- (2) voters registered to vote within the District; and
- (3) any current member of the Baltimore City Council.

(c) *Election.*

- (1) A ballot shall be provided to each eligible voter regarding approval of the establishment of the District and the Authority consistent with this subtitle.
- (2) Each ballot, with a certified signature of the eligible voter, shall be returned to the Board of Estimates, c/o the Comptroller's Office, within 30 days of the date specified on the ballot.

(d) *Percentage approval.*

- (1) At the end of the election period, the Board of Estimates shall determine the aggregate votes cast by the eligible voters.
- (2) If the Board of Estimates determines that at least 58% of the aggregate votes cast approved the establishment of the Authority, the Board of Estimates shall certify the Authority as approved for operation.

(City Code, 1976/83, art. 1, §263.) (Ord. 94-414; Ord. 12-016.)

§ 6-16. 4-year reviews.

(a) *Public hearings.*

No later than 4 years after the enactment of this subtitle and every 4 years thereafter, the Mayor and City Council shall hold 1 or more public hearings to evaluate the activities and undertakings of the Authority and the District.

(b) *Mayor and Council to decide.*

At the conclusion of the hearings, the Mayor and City Council shall determine whether the District is to continue for another 4 years.

(c) *Process to be repeated.*

This process shall be repeated periodically to satisfy the requirements of the Enabling Legislation.

(City Code, 1976/83, art. 1, §264.) (Ord. 94-414.)

Editor's Note

By a series of enactments (Resolution 98-011, Resolution 02-028, Ordinance 03-574, Resolution 06-012, Resolution 10-022, Resolution 14-015, and Resolution 18-006), the Mayor and City Council has continued the District and the Authority through June 30, 2022.

§ 6-17. Dissolution of District.

(a) *Dissolution on certain events.*

In the event that the District and the Authority are either not approved through the process described in § 6-15, or are not renewed as provided in § 6-16, the Authority shall cease its operations, and the District shall cease to exist, at the end of the City's fiscal year in which such terminating event occurs.

(b) *Limited continuation.*

The Authority shall continue its existence only so long as is necessary to terminate operations in a reasonable fashion and to arrange for the refunding of all funds not needed to satisfy outstanding obligations and reserves for uncertain obligations and liabilities.

(c) *Unspent funds.*

Any unspent funds shall revert back to the City's General Fund.
(*City Code, 1976/83, art. 1, §265.*) (*Ord. 94-414.*)

SUBTITLE 7
MIDTOWN COMMUNITY BENEFITS DISTRICT

§ 7-1. Declarations.

(a) *Findings.*

After giving consideration to the views of property owners, the retail merchants, the property tenants, and other members of the business and residential communities within the District, and after a public hearing, the Mayor and City Council has determined that:

- (1) the District created under this subtitle will reflect a diverse mix of business and residential properties; and
- (2) the District will reflect a diverse economic, social, and racial mix.

(b) *Recommendation.*

The Mayor and City Council recommends that residents of the District consult a tax advisor before treating the supplemental tax paid to the District as a deductible tax.

(City Code, 1976/83, art. 1, §266.) (Ord. 95-613; Ord. 99-432.)

§ 7-2. District created; boundaries.

(a) *In general.*

There is a community benefits district to be known as the Midtown Community Benefits District, within the following boundaries:

Beginning at the point of intersection of the center lines of Franklin Street and Park Avenue; then east along the north side of Franklin Street to intersect with the property line between Lot 4 and Lot 5 of Block 551; then north along that property line continuing across Hamilton Street to intersect with the north side of Centre Street; then east on the north side of Centre Street to intersect with the center line of I-83; then north on I-83 to intersect with the west side of Calvert Street; then north on the west side of Calvert Street to intersect with the north side of North Avenue; then west on the north side of North Avenue except that the properties in the 1900 block of North Charles Street and the 1900 block of St. Paul Street shall be included; then continuing west on the north side of North Avenue to the west side of Charles Street; then north on Charles Street to the southwest corner of Charles and 20-1/2 street; then west on the south side of 20-1/2 street to the east side of Howard Street; then south on Howard Street to the southeast corner of North Avenue and Howard Street then west on the south side of North Avenue to intersect with the southeast side of Gold Street; then southwest on the southeast side of Gold Street to intersect with the northeast side of Tiffany Alley; then southeast on the northeast side of Tiffany Alley to intersect with the northwest side of Dolphin Street; then northeast on the northwest and north sides of Dolphin Street to intersect with the northeast side of Madison Avenue; then southeast on the east side of Madison Avenue to intersect with the southeast side of Martin Luther King, Jr. Boulevard; then southwest on the northeast side of Martin Luther King, Jr. Boulevard to intersect with the northeast side of Read Street; then southeast on the northeast side of Read Street to intersect with the east side of Tyson Street; then south on the east side of Tyson Street to intersect with the south side of Monument Street; then west on the south side of Monument Street to intersect with the east side of Howard Street; then south on the east side of Howard Street to intersect with the north side of Centre Street; then east on the north side of Centre Street to intersect with the east side of Park Avenue; then south on the east side of Park Avenue to the point of beginning.

Provided, however, that the following property is included in the described area: 1801 Falls Road (Block 387, Lots 25b, 26, 35, 36, 37, and 38).

(b) *Properties in 2 or more districts.*

If boundary descriptions result in a property's being located in 2 or more community benefit districts, then the property is considered to be contained in the first community benefit district created.

(*City Code, 1976/83, art. 1, §267.*) (*Ord. 95-613; Ord. 99-432.*)

§ 7-3. Authority created.(a) *Authority created.*

There is a Midtown Community Benefits District Management Authority, referred to in this subtitle as the "Authority".

(b) *Purpose.*

The purpose of the Authority is to promote and market the District, provide supplemental security and maintenance services, provide amenities in public areas, provide park and recreational programs and functions, and after its establishment, other services and functions as requested by the Authority and approved by an ordinance of the Mayor and City Council.

(*City Code, 1976/83, art. 1, §268.*) (*Ord. 95-613.*)

§ 7-4. Powers and functions of Authority.

The Authority shall:

- (1) not be or constitute or be deemed an agency of the City or the State of Maryland;
- (2) to the greatest extent allowable by law, be deemed a special taxing district, and therefore a governmental body, both politic and corporate, exercising only such powers as are provided for in this subtitle;
- (3) not exercise any power specifically withheld by the terms of either the Enabling Legislation {*Article II, § (63) of the City Charter (1996 Edition)*}, or if more restrictive, this subtitle. However, the powers of the Authority shall be broadly interpreted in order to allow the Authority to achieve the goals of the Enabling Legislation, including the provision of supplementary security and maintenance services, the promotion and marketing of the District, and the provision of amenities in public areas;
- (4) acquire, hold, and use both real and personal property necessary to achieve its purposes, including the acquisition by purchase, lease, or other means;
- (5) engage the services of an administrator (the "Administrator"), which may be an individual or an entity, to administer the programs and undertakings of the Authority;
- (6) sue and be sued, provided that the District, the Authority, its Board of Directors, and the Administrator shall benefit, to the fullest extent allowable by law, from any provisions of federal, state, and local law limiting the liability of employees, officers, agents, and officials of governmental bodies;

- (7) accept grants;
- (8) borrow funds for purposes consistent with the public purposes of the Authority, provided no borrowing shall be for a term beyond the date for renewal of the District under § 7-16 of this subtitle;
- (9) adopt an annual budget and impose, charge, and collect the taxes or charges on benefitted properties within the District authorized by the Enabling Legislation and this subtitle; provided, however, that no taxes shall be levied against properties which are exempt under state law from ordinary property taxes;
- (10) create and enter into partnerships between the Authority and various property owners otherwise exempt from ordinary property taxes, which partnerships may provide for the provision of permitted services and benefits by the Authority in exchange for payments arranged by contract, donation, gift, services in kind, or other mechanism by which funds or benefits are provided to the Authority;
- (11) establish and elect such officers of the Board as are not specified in this subtitle and provide for their terms and duties;
- (12) contract for and purchase goods and services, without being subject to Baltimore City requirements regarding wage scales, competitive bidding, or other local procurement laws, but nonetheless shall be subject to applicable ordinances regarding City policy on encouraging and achieving goals for minority and women's business enterprises participation in the contracting activities of the Authority;
- (13) subject to the approval of the Board of Estimates, adopt, amend, and modify bylaws, consistent with the Enabling Legislation and this subtitle;
- (14) implement the programs and goals of the Authority directly through employees, or through 1 or more contracts, which contracts can be with independent contractors or contractual employees;
- (15) assist in the leasing, marketing, and promotional activities within the District, to the extent such activities are approved by the governing Board of the Authority;
- (16) appoint, hire, or engage such auditors, accountants, attorneys, assistants, aides, employees, and advisors as may be deemed necessary for the proper performance of the duties of said Authority, but consistent with this subtitle; and
- (17) do all other things necessary or convenient to carry out its goals, objectives, and powers. *(City Code, 1976/83, art. 1, §269.) (Ord. 95-613.)*

§ 7-5. Limitations on Authority.

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) 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 § 7-17, revert charges or taxes collected pursuant to this subtitle to the General Fund of the City;
- (8) be an agency of the Mayor and City of Baltimore or the State of Maryland[,] and its officers and employees may not act as agents or employees of the Mayor and City 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.
(*City Code, 1976/83, art. 1, §270.*) (*Ord. 95-613.*)

§ 7-6. Board of Directors.

(a) In general.

The Authority shall be governed by and administered through a Board of Directors (the "Board"). The Board shall be subject to the following requirements.

(b) Interim Board.

- (1) The interim Board of the Authority shall be those individuals whose names are set forth on the list attached to Ordinance 95-613 as Exhibit A.
- (2) The interim Board shall be responsible for:
 - (i) drafting the bylaws of the Authority;
 - (ii) recommending a full Board for the Authority to the Board of Estimates; and
 - (iii) preparing a proposed operations plan and budget.

(c) Term.

- (1) The interim Board members shall serve for a period not to exceed 6 months, unless extended by the Board of Estimates, and only until a full Board is approved by the Board of Estimates as provided hereafter.

- (2) The majority of the interim Board members shall be property owners or representatives of property owners in the District that are subject to taxes or charges under this subtitle and are eligible to vote in the election required under § 7-15.
- (3) In the event of resignation, expiration of term, or removal in accordance with the bylaws of the Authority of any member of the Board, successors shall be elected by the remaining members of the Board.

(d) *Number and appointment.*

- (1) The number of voting members of the full Board shall be not less than 14, excluding vacancies, and no more than 25.
- (2) The interim Board shall propose to the Board of Estimates the initial full membership of the Board and the proposed terms for each director. The terms of the members shall be staggered.
- (3) Interim Board members may be included in the recommended full Board list.
- (4) That recommendation shall occur no later than 10 days after approval of the District, and shall be subject to the consent and concurrence of the Board of Estimates.
- (5) The Board has full authority to increase or decrease its membership, within the limits specified above.

(e) *Composition.*

- (1) The Board comprises the following voting members:
 - (i) 1 member appointed by the Mayor.
 - (ii) 1 member shall be a member of the City Council appointed by the President of the City Council.
 - (iii) At least 2 members from each of the following constituent organizations within the District:
 - (A) Charles-North Community Association;
 - (B) Mt. Royal Improvement Association;
 - (C) Madison Park Improvement Association, Inc.; and
 - (D) Mt. Vernon-Belvedere Improvement Association.
 - (iv) The Board shall contain 4 at-large members, 1 from each of the following communities comprising the District:

- (A) Charles-North;
- (B) Bolton Hill;
- (C) Madison-Park; and
- (D) Mt. Vernon-Belvedere.

- (2) The Board may contain additional members from the following constituent groups, as determined by the Board from time to time:
- (i) up to 4 members from the neighborhood associations bordering the District, the Downtown Management District Authority and the Charles Village Benefits Authority, who shall be voting or nonvoting, as determined by the Board from time to time;
 - (ii) up to 3 voting members from the churches and non-profit organizations within the District that make voluntary contributions to the District;
 - (iii) up to 4 voting members representing constituencies that the Board determines in its discretion will enhance the Authority's success in furthering the broad objectives of improving and enhancing public services throughout the District, including, by way of example only, retail merchants, major employers, professionals practicing in the District, and residential tenants.
- (3) At least $\frac{2}{3}$ of the Board must be owners or representatives of property owners subject to the tax imposed by this subtitle.
- (4) Consistent with the encouragement of partnerships between the Authority and property owners exempt from the tax imposed by this subtitle, the Board is encouraged to consider representation of exempt partners on the Board.

(f) *Exercise of Authority powers.*

All powers of the Authority shall be exercised by and through the Board, unless delegated by the Board to 1 or more officers thereof or to the Administrator.

(g) *Bylaws, rules, and regulations.*

- (1) The Board may adopt such bylaws, rules, and regulations as it deems necessary in carrying out the powers of the Authority, so long as the same shall not be inconsistent with the terms of this subtitle or of any ordinance amendatory or supplementary hereof or of the Enabling Legislation.
- (2) All bylaws shall be subject to the approval of the Board of Estimates.
- (3) The Board may establish its own procedures relating to the internal administration of the Authority, except as may be restricted by the Enabling Legislation or this subtitle.

(h) *Officers.*

The Board shall select from among its members individuals to serve as officers, at the pleasure of the Board, as chair, vice-chair, treasurer, and secretary of the Authority, delegating to these individuals responsibilities the Board deems appropriate.

(*City Code, 1976/83, art. 1, §271.*) (*Ord. 95-613; Ord. 99-432.*)

§ 7-7. Annual Financial Plan.(a) *Board to adopt.*

The Board shall adopt an annual financial plan (the “Financial Plan”), based on the City’s fiscal year, consisting of at least a proposed schedule of taxes or charges to be imposed throughout the District.

(b) *Public hearing.*

Before adopting the Financial Plan, the Board shall arrange for a public hearing to be held on the Financial Plan. The hearing shall not occur until after notice of the hearing has been published in a newspaper of general circulation in Baltimore City at least once a week for 3 consecutive weeks.

(c) *Board of Estimates approval required.*

The Authority may not approve a Financial Plan that includes taxes or charges in excess of those approved by the Board of Estimates.

(d) *Initial plan and budget.*

(1) The first Financial Plan submitted can be for less than a full fiscal year.

(2) The initial budget for the Authority shall include all of the fiscal year ending on June 30, 1997, and may include the costs of preparing the Financial Plan and implementing the Authority and the District, so long as such costs were incurred during that fiscal year.

(3) If the Authority is not implemented as a result of the operation of § 7-15 of this subtitle, neither the Authority nor the District, nor the City, shall have any liability for costs incurred prior to the initiation of operations, whether or not incurred by the Administrator or on behalf of the District or the Authority.

(*City Code, 1976/83, art. 1, §272.*) (*Ord. 95-613.*)

§ 7-8. Supplemental Tax.(a) *Board of Estimates to determine assessable base.*

(1) Upon enactment of this subtitle, the Board of Estimates shall obtain from the Director of Finance the “assessable base” of the District, which shall constitute a listing by property and a calculation of the sum of assessments on properties subject to the Supplemental Tax.

- (2) Properties subject to the tax shall include all properties within the District except those exempt under this subtitle, the Enabling Legislation or other applicable laws.
- (3) The Board of Estimates shall determine with finality the assessable base upon which the Supplemental Tax will be based.

(b) *Assessment; collection; enforcement.*

- (1) The funding for operation of the Authority shall be provided by a supplemental property tax (the "Supplemental Tax") on the assessable base of the District as determined in subsection (a).
- (2) The Supplemental Tax shall be assessed and collected in conjunction with the property taxes assessed and collected by the City ("Regular Tax"), unless otherwise established by the Board of Estimates.
- (3) Enforcement of the Supplemental Tax shall be in accordance with the enforcement of the Regular Tax, and all provisions applicable to the assessments, refunds, credits, collections, and enforcement which apply to the Regular Tax shall apply to the Supplemental Tax unless modified herein.

(c) *Determination of tax.*

The Supplemental Tax rate shall be determined as follows:

- (1) Any increase in the rate of the Supplemental Tax must be approved by a majority of the voting Board members.
- (2) For the initial budget year, the rate of the Supplemental Tax shall be set to raise revenues equal to the costs of the Financial Plan but shall not exceed a full year rate of 30¢ per \$100 of assessed value.
- (3) For the first full budget year, the rate of the Supplemental Tax shall be set to raise revenues equal to the costs of the Financial Plan but shall not exceed 30¢ per \$100 of assessed value, except that the rate may be adjusted to produce revenue equivalent to the full year 30¢ yield of the initial budget year.
- (4) For any year after the first full budget year, the rate of the Supplemental Tax may be adjusted to yield revenues which are no more than 5% greater than in the prior year.

(d) *Exemption for public service companies.*

Exempt from the provisions of this subtitle relating to a supplemental annual property tax are the poles, conduits, tunnels, pipe lines, manholes, and other similar surface or subsurface structures, including their equipment, owned and controlled by a public service corporation, located on, over, or under streets, alleys, or other public ways or lands, the construction of which is

authorized by the City, and the installation of which is regulated and supervised by the Department of Transportation.

(City Code, 1976/83, art. 1, §273(a), (b)(1), (b)(3).) (Ord. 95-613; Ord. 15-435.)

§ 7-9. Other charges.

(a) Property subject to Supplemental Tax.

- (1) Properties within the District subject to the Supplemental Tax shall not be required to pay any other charges or fees for services generally provided within the District by the Authority.
- (2) However, the Authority may impose charges and fees for any special services requested by and performed for 1 or more property owners.

(b) Others.

The Board, with the approval of the Board of Estimates, may establish other fees and charges for specific services performed within the District, within areas adjoining the District, for properties and owners not subject to the Supplemental Tax and in conjunction with partnerships encouraged by this subtitle.

(City Code, 1976/83, art. 1, §273(b)(2), (c).) (Ord. 95-613.)

§ 7-10. Baseline City services.

(a) Agreement to maintain.

Prior to imposing and collecting the Supplemental Tax authorized by this subtitle, the Authority shall enter into a memorandum of understanding with the Mayor of the City regarding the level of services to be maintained by the City as the City's partnership obligation to the Authority and the District's taxpayers.

(b) Scope of agreement.

Such a memorandum shall:

- (1) describe the existing levels of service within the District;
- (2) commit the City to the maintenance of such levels of service; and
- (3) outline the further undertakings of the City in response to the initiative represented by the creation of the District (the "Baseline Plus").

(c) Governing principles.

The maintenance of existing services shall be governed by 2 principles:

(1) No decrease in such services shall occur except as part of an overall decrease in services necessitated by changes in funding, policy, or resources, and then only in proportion to the decreases implemented elsewhere in the City.

(2) Any increase in such services generally throughout the City shall be matched with increases in such services within the District, in proportion to the increases implemented elsewhere in the City.

(City Code, 1976/83, art. 1, §273(d).) (Ord. 95-613.)

§ 7-11. Partnerships.

(a) *Authority encouraged to create.*

The Authority is authorized and encouraged to enter into partnerships with the property owners and users within the District and adjoining areas that are not subject to the Supplemental Tax (“Exempt Partners”) for the purpose of furthering the broad objectives of improving and enhancing public services throughout the District.

(b) *Specific powers.*

In furtherance of that objective, the Authority may:

(1) contract to provide varying levels of services to areas adjoining the District;

(2) agree to accept donations, contributions, and voluntary payments of any kind from Exempt Partners (collectively, “Voluntary Payments”), with or without agreements regarding specific services and functions;

(3) enter into agreements with Exempt Partners to include property owned by those Exempt Partners within the District in return for Voluntary Payments and/or commitments regarding the provision of similar services and functions within properties owned by Exempt Partners; and

(4) establish rates and charges for the provision of services to Exempt Partners.

(City Code, 1976/83, art. 1, §273(e).) (Ord. 95-613; Ord. 04-672.)

§ 7-12. Collection and disbursement.

(a) *In general.*

The Authority is authorized and directed to establish with the appropriate City agencies the methods by which the Supplemental Tax is to be assessed, collected, and disbursed to the Authority.

(b) *Funds not part of City revenue.*

Amounts collected by the City on behalf of the Authority:

- (1) shall not be included in the revenues of the City;
- (2) shall not be deemed subject to the budgetary and appropriation process; and
- (3) shall be disbursed promptly upon collection.

(c) *City to bear expense of collection, etc.*

As part of the City's contribution to the District, such collection, assessment, disbursement, record-keeping, and enforcement as may be involved in the process, shall not be a charge to or against the Authority or the District but shall be an element of the Baseline Plus.

(d) *Department of Finance authorized to collect.*

- (1) The Department of Finance of the City is authorized to collect the Supplemental Tax and such other charges as are approved by the Board of Estimates.
- (2) The assessment for the Supplemental Tax may be included with the annual real property tax bill submitted to the owners of properties within the District.
- (3) The Department of Finance shall make regular remittances of the amounts collected to the Board of the Authority.

(e) *Penalties and interest.*

The penalties and interest applicable to delinquent taxes shall be applied to delinquencies in payment of the Supplemental Tax.

(f) *Lien on property.*

- (1) The amount of any outstanding assessment on any property, and accrued interest and other charges, shall constitute a lien on the property.
- (2) The lien:
 - (i) shall take precedence over all other liens, whether created prior to or subsequent to the assessment, commensurate with a lien for state and county taxes, general municipal taxes, and prior improvement assessments; and
 - (ii) shall not be defeated or postponed by any private or judicial sale, by any mortgage, or by any error or mistake in the description of the property or in the names of the owners.
- (3) No error in the proceedings of the City or the Board of the Authority shall exempt any property from the lien, or from payment thereof, or from the penalties or interest thereon, as herein provided.

(City Code, 1976/83, art. 1, §273(f).) (Ord. 95-613.)

§ 7-13. Administrator.

(a) *Powers.*

The Administrator shall have the power to:

- (1) prepare the Financial Plan for review and approval by the Board;
- (2) implement the approved Financial Plan and arrange for the collection and disbursement of the Supplemental Tax and all other charges, fees, and revenues of the Authority;
- (3) establish procedures and processes necessary to perform the functions called for under the Financial Plan and the budget;
- (4) be responsible for the day-to-day operations of the Board and its employees and contractors;
- (5) exercise the powers granted to the Authority under this subtitle, provided that the Board shall retain final discretion and power with regard to all substantive agreements, contracts, and other arrangements binding on the Authority;
- (6) hire and retain such employees, agents, and contractors as are needed to perform its functions for the Authority, provided that all hiring and contracting shall comply with § 7-4(12) of this subtitle;
- (7) be the direct agent of the Authority, so that any immunity afforded to the Authority and its officers, employees, and agents, shall be afforded as well to the Administrator; and
- (8) have further rights, powers, and authority as granted to it by the Board.

(b) *Limitations.*

Any limitations on the powers and authority of the Board shall apply as well to the Administrator in performing the functions charged to the Administrator by this subtitle or by the Board.

(c) *Initial Administrator.*

The initial Administrator of the Authority shall be the Midtown Special Benefits District, Inc., unless otherwise determined by the interim Board.
(City Code, 1976/83, art. 1, §274.) (Ord. 95-613.)

§ 7-14. Oversight by Board of Estimates.

(a) *In general.*

The Board of Estimates shall have the following powers with regard to the District and the Authority.

(b) *Establishment of full Board.*

The full Board proposed by the interim Board in accordance with § 7-6 of this subtitle shall be subject to the approval of the Board of Estimates.

(c) *Financial Plan; rates and charges.*

- (1) The Financial Plan and the schedule of rates and charges shall be subject to the approval of the Board of Estimates.
- (2) Beginning with the Financial Plan for fiscal year 1997, the Board shall submit all materials at least 2 months prior to the proposed effective date of a budget or Supplemental Tax.
- (3) In considering a proposed budget and schedule of taxes and charges, the Board of Estimates shall not have the power to exceed or increase either the budget or the schedule of taxes, rates, and charges beyond those proposed by the Authority.

(d) *Bylaws.*

The Board of Estimates shall review and approve the initial bylaws of the Authority and any proposed amendments thereto.

(e) *Approval and renewal process.*

The Board of Estimates shall be the final arbiter and decision maker regarding the approval and renewal process for the District specified in this subtitle.

(City Code, 1976/83, art. 1, §275.) (Ord. 95-613.)

§ 7-15. Election approval process.

(a) *List of eligible voters.*

The Board of Estimates, with the assistance of the interim Board, the Department of Finance, and the Supervisor of the Board of Elections, shall be responsible for compiling a list of those persons eligible to vote on the establishment of the District and on any question relating to its renewal.

(b) *Eligibility criteria.*

The following persons are eligible to vote subject to the limitations that no person may have more than 1 vote:

- (1) owners of property within the District which is subject to tax under § 7-8; and
- (2) voters registered to vote within the District.

(c) *Election.*

- (1) A ballot shall be provided to each eligible voter regarding approval of the establishment of the District and the Authority consistent with this subtitle.
- (2) Each ballot, with a certified signature of the eligible voter, shall be returned to the Board of Estimates, c/o the Comptroller's Office, within 30 days of the date specified on the ballot.

(d) *Percentage approval.*

- (1) At the end of the election period, the Board of Estimates shall determine the aggregate votes cast by the eligible voters.
- (2) If the Board of Estimates determines that at least 58% of the aggregate votes cast approved the establishment of the Authority, the Board of Estimates shall certify the Authority as approved for operation.

(City Code, 1976/83, art. 1, §276.) (Ord. 95-613.)

§ 7-16. 4-year reviews.(a) *Public hearings.*

No later than 4 years after the enactment of this subtitle and every 4 years thereafter, the Mayor and City Council shall hold 1 or more public hearings to evaluate the activities and undertakings of the Authority and the District.

(b) *Mayor and Council to decide.*

At the conclusion of the hearings, the Mayor and City Council shall determine whether the District is to continue for another 4 years.

(c) *Process to be repeated.*

This process shall be repeated periodically to satisfy the requirements of the Enabling Legislation.

(City Code, 1976/83, art. 1, §277.) (Ord. 95-613.)

§ 7-17. Dissolution of District.(a) *Dissolution on certain events.*

In the event that the District and the Authority are either not approved through the process described in § 7-15, or are not renewed as provided in § 7-16, the Authority shall cease its operations, and the District shall cease to exist, at the end of the City's fiscal year in which such terminating event occurs.

(b) *Limited continuation.*

The Authority shall continue its existence only so long as is necessary to terminate operations in a reasonable fashion and to arrange for the refunding of all funds not needed to satisfy outstanding obligations and reserves for uncertain obligations and liabilities.

(c) *Unspent funds.*

Any unspent funds shall revert back to the City's general fund.
(*City Code, 1976/83, art. 1, §278.*) (*Ord. 95-613.*)

Editor's Note

By a series of enactments (the most recent being Resolution 20-017), the Mayor and City Council has continued the Authority and District through June 30, 2024.

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SUBTITLE 8
WATERFRONT MANAGEMENT DISTRICT

§ 8-1. Findings.

(a) *Importance of Inner Harbor and Waterfront.*

- (1) The Inner Harbor of the Patapsco River is the civic, financial, and symbolic heart of Baltimore City.
- (2) The area fronting on the Inner Harbor (the “Waterfront”) is home to many of Baltimore’s largest employers.
- (3) The Inner Harbor is the center of tourism for the City and State, attracting over 12 million visitors a year. It was the development of the Inner Harbor that first spawned the creation of a tourism industry in Baltimore, now considered to be the Baltimore area’s seventh largest employer.
- (4) The Waterfront is an important part of the City’s tax base; the Inner Harbor alone contributed over \$60 million in tax revenues to the City in 2005.
- (5) The Waterfront is the site of some of the region’s largest real estate investments and, as a result of the location and quality of development, many office tenants and residents are relocating here from outside the City.
- (6) The Waterfront is a critical link to the long term health of the City and region.

(b) *Opportunities facing City.*

- (1) The Waterfront is undeniably a tremendous asset to the region. Still, to remain competitive as a destination, the Waterfront must be on a par with first-class destinations around the world.
- (2) A study conducted by the Greater Baltimore Committee in 2005 concluded that “the Inner Harbor suffered from a complete lack of focus and attention to the quality of its facilities, supervision of responsibilities, and maintenance of the integrity of the harbor and its activities”.
- (3) More specifically, the study focused on two key deficiencies: (i) the lack of a single person, government, or quasi-governmental entity that is charged with the specific oversight of the management and operation of the Harbor; and (ii) the lack of money or the influence to secure the needed manpower and equipment resources necessary to maintain the care and upkeep of the Inner Harbor properly.
- (4) In 2006, a Task Force recommended that a business improvement or special benefits district be created that would advocate for, participate in, and financially support City and private sector efforts to create and maintain a world-class system of public and private parks, promenades, and open spaces in the Inner Harbor.

- (5) In order to establish the Waterfront as a world-class destination, additional steps must be taken to create a consistently clean, attractive, easy to navigate, and appealing experience for residents, workers, and visitors along Baltimore's waterfront area.

(c) *Special Benefit Districts.*

- (1) A special benefit district is a mechanism by which property owners within a defined area can agree to impose additional taxes and charges on themselves in order to provide enhanced and supplemental public services.
- (2) Critical to the success of a benefit district is the creation of a partnership between the public and private sector, with the public sector committing to maintain services at specified levels and the private sector agreeing to accept new taxes and charges for the purpose of supplementing public services.
- (3) This kind of a district in Baltimore cannot be successful without the full cooperation of the City, the State of Maryland, and the various private property owners within the district.

(d) *Council considerations.*

- (1) The City Council has considered the materials presented that reflect the compelling reasons for creation of a special benefits district.
- (2) The Council has considered the comments and suggestions of property owners, retail merchants, hotel operators and owners, office property tenants, service providers, and neighborhood organizations that represent interests along the Waterfront area.
- (3) The Council has considered the fact that, while the Waterfront Partnership of Baltimore, Inc., has operated successfully along the waterfront for approximately 18 months and has provided noticeable improvements to the attractiveness of the Waterfront and the overall experience for visitors to the Waterfront, the ability to provide a consistent set of services and to maintain a high quality standard requires a consistent and reliable funding stream. The assessment system for a benefit district provides an uncomplicated, direct and fair funding process.
- (4) The Council has given consideration to and made the findings required by City Charter Article II, § 63.

(Ord. 07-417.)

§ 8-2. District created; boundaries.

(a) *In general.*

- (1) There is a community benefits district, to be known as the Waterfront Management District (the "District"), within the following boundaries:
- (i) Beginning for the same at the point formed by the intersection of the east side of Light Street, varying in width, and the south side of Pratt Street, 65 feet wide, and running thence binding on the south side of said Pratt Street, Easterly 329.1 feet, more or less, to intersect the west side of Calvert Street, varying in width; thence binding on the west side of said Calvert Street, the two following courses and distances; namely,

- Southerly 11.1 feet, more or less and Southerly by a line curving to the right with a radius of 300.00 feet the distance of 10.6 feet, more or less, to intersect the line of the south side of Pratt Street, 86 feet wide, if projected westerly; thence binding reversely in part on the line of the south side of last said Pratt Street, so projected, in part on the south side of last said Pratt Street, and in all, Easterly 989.5 feet, more or less, to intersect the west side of Pratt Street, 101 feet wide; thence binding on the west side of last said Pratt Street, Southerly 15.0 feet, more or less, to intersect the south side of last said Pratt Street; thence binding on the south side of last said Pratt Street, Easterly 1093.5 feet, more or less, to the south side of Pratt Street, varying in width; thence binding on the south side of last said Pratt Street, the three following courses and distances; namely, Easterly 101.6 feet, more or less, Easterly 40.6 feet, more or less, and Easterly 57.4 feet, more or less, to intersect the southwest side of President Street, varying in width; thence binding on the southwest and west sides of said President Street, the eleven following courses and distances; namely, Southeasterly by a line curving to the right with a radius of 10.00 feet the distance of 15.1 feet, more or less, Southeasterly by a line curving to the left with a radius of 11,478.66 feet the distance of 36.1 feet, more or less, Southeasterly 568.7 feet, more or less, Southeasterly 76.2 feet, more or less, Southeasterly 63.0 feet, more or less, Southeasterly 55.5 feet, more or less, Southeasterly 58.5 feet, more or less, Southerly 57.5 feet, more or less, Southerly 56.0 feet, more or less, Southerly 25.2 feet, more or less, and Southerly 71.9 feet, more or less, to intersect the south side of Fleet Street, 70 feet wide; thence binding on the south side of said Fleet Street, Easterly 969.5 feet, more or less, to intersect the west side of Central Avenue, 100 feet wide; thence binding on the west side of said Central Avenue, Southerly 372.2 feet, more or less, to intersect the south side of Aliceanna Street, 70 feet wide; thence binding on the south side of said Aliceanna Street, Easterly 700.0 feet, more or less, to intersect the west side of Caroline Street, 80 feet wide; thence binding on the west and southwest sides of said Caroline Street, the two following courses and distances; namely, Southerly 721.9 feet, more or less, and Southeasterly 545.2 feet, more or less, to intersect the southeast side of Thames Street, 60 feet wide; thence binding on the southeast side of said Thames Street, the four following courses and distances; namely, Northeasterly 127.8 feet, more or less, Northeasterly 261.2 feet, more or less, Northeasterly 89.3 feet, more or less, Northeasterly 189.9 feet, more or less; thence by a straight line, Southeasterly 649.2 feet, more or less, to intersect the Pierhead and Bulkhead Line of the Northwest Branch of the Patapsco River, there situate; thence binding on the said Pierhead and Bulkhead Line of the Northwest Branch of the Patapsco River, the ten following courses and distances; namely, Southwesterly 687.0 feet, more or less, Southwesterly 487.3 feet, more or less, Northwesterly 532.9 feet, more or less, Northwesterly 402.5 feet, more or less, Northwesterly 1018.7 feet, more or less, Northerly 424.3 feet, more or less, Northwesterly 1119.4 feet, more or less, Northwesterly 851.6 feet, more or less, Southerly 731.5 feet, more or less, and Southeasterly 643.8 feet, more or less, to intersect the line of the east outline of Rash Field, if projected northerly; thence binding reversely in part on the line of the east outline of said Rash Field, so projected in part on the east outline of said Rash Field, and in all, Southerly 382.3 feet, more or less, to intersect the north side of Key Highway, 66 feet wide; thence binding on the north and northeast sides of said Key Highway, the six following courses and distances; namely, Westerly 597.8 feet, more or less, Westerly by a line curving to the right with a radius of 1,138.51 feet the distance of 145.6 feet, more or less, Westerly 131.8 feet, more or less, Westerly by a line curving to the left with a radius of 1,153.330 feet the distance of 7.4 feet, more or less, Westerly 482.8 feet, more or less, and Northwesterly by a line curving to the right with a radius of 84.00 feet the distance of 132.0 feet, more or less, to intersect the east side of Light Street, 159 feet wide; thence binding on the east side of last said Light Street, the three following courses and distances; namely, Northerly 898.4 feet, more or less, Northerly 357.5 feet, more or less, and Northerly 211.4 feet, more or less; thence by a straight line, Northwesterly 172.3 feet, more or less, to intersect the east side of Light Street, mentioned firstly herein, and thence binding on the east side of said Light Street, mentioned firstly herein, Northerly 394.2 feet, more or less, to the place of beginning. Containing 7,884,000.8 square feet, more or less, or 181.0 acres of land, more or less; and
- (ii) Beginning at the southwest corner of the intersection of southbound South President Street and Eastern Avenue and running east along the south side of Eastern Avenue to the southwest corner of the intersection of Eastern Avenue and South Caroline Street; then running south along the west side of South Caroline Street to the southwest corner of the intersection of South Caroline Street and Aliceanna Street; then running west along the south side of Aliceanna street to the southwest corner of the intersection of Aliceanna Street and South Central Avenue; then running north along the west side of South Central Avenue to the southwest corner of the intersection of South Central Avenue and Fleet Street; then running west along the south side of Fleet Street to the southwest corner of the western most intersection of Fleet Street and southbound South President Street, then north along the west side of the western most section of southbound South President Street to the beginning point at the southwest corner of the intersection of

southbound South President Street and Eastern Avenue – comprising City Blocks 1439, 1440, 1441, 1442, 1443, 1804, and 1805 in their entireties; and

- (iii) Block 1818, as bounded by Lancaster Street to the North, South Bond Street to the east, Thames Street to the south, and South Caroline Street to the west, but limited exclusively to the individual lots 030, 030A, 043D, 044A, 044B, 044C, 044D, 044E, 055, and 057; and
- (iv) Beginning at the southwest corner of the intersection of South Bond Street and Thames Street and running east along Thames Street to include properties on the north and south side of Thames Street to South Broadway; then running north to include properties facing South Broadway on the east side of South Broadway to Eastern Avenue; and including properties facing Aliceanna Street on the north and south sides of Aliceanna Street between South Broadway and South Bethel Streets; and including properties on the north side and south side facing Fleet Avenue between South Bethel Street and South Broadway; and including properties on the north and south sides facing Eastern Avenue between South Bond Street and South Broadway; and including properties on the north and south sides of Eastern Avenue facing Eastern Avenue between South Broadway and South Register; then running south along South Broadway to Aliceanna Street including all properties facing South Broadway on the east side of South Broadway; and including properties on the west side of South Register street facing South Register street between Eastern Avenue and Aliceanna Street; and including properties on the north side and south side facing Fleet Street between South Register Street and South Broadway; and including properties on the north side of Aliceanna Street between South Broadway and South Register Street; then running East along Aliceanna Street to South Chester Street including properties on the south side of Aliceanna Street except those properties excluded as shown in the Block Plat map detail attached to Ordinance 17-039; then running south on South Chester Street to the water line of the Harbor; then running generally west following the Harbor to the southwest point of South Broadway Street adjoining to Thames Street facing properties; and including all properties enclosed by these boundaries except those properties excluded as shown in the Block Plat map details attached to Ordinance 17-039.

- (2) The boundaries of the District are as shown on map dated May 22, 2017, and, in greater detail, on the accompanying Block Plats, as attached to Ordinance 17-039.

Editor’s Note: Ordinance 17-039 amended this subsection to extend the District to include the areas described in ¶ (1)(iv). Section 3 of that Ordinance provides that this amendment

is contingent on a successful referendum, to be conducted substantially in accordance with the requirements of City Code Article 14, § 8-15 {“Election approval process”}, but with participation limited to the owners of the properties being added to the District.

- (b) *Properties in 2 or more districts.*

If boundary descriptions result in a property’s being located in 2 or more community benefit districts, then the property is considered to be contained in the first community benefit district created.

(Ord. 07-417; Ord. 15-433; Ord. 17-039.)

§ 8-3. Authority created.

- (a) *Authority created.*

There is a Waterfront Management Authority, referred to in this subtitle as the “Authority”.

(b) *Purpose.*

The purpose of the Authority is to:

- (1) promote and market the District;
- (2) provide supplemental security and maintenance services;
- (3) provide amenities in public areas;
- (4) provide park and recreational programs and functions; and
- (5) provide other services and functions as may be requested by the Authority and approved by an ordinance of the Mayor and City Council.

(Ord. 07-417.)

§ 8-4. Powers and functions of Authority.

(a) *Governmental body.*

To the greatest extent allowable by law, the Authority is and shall be deemed to be a special taxing district and, therefore, a governmental body, both politic and corporate, exercising only those powers as are provided for in this subtitle.

(b) *Authorized actions.*

- (1) The Authority may acquire, hold, and use both real and personal property as necessary to achieve its purposes, including acquisition by purchase, lease, or other means.
- (2) The Authority may engage the services of an administrator (the “Administrator”), who may be an individual or an entity, to administer the programs and undertakings of the Authority.
- (3) The Authority may sue and be sued. However, the District, the Authority, its Board of Directors, and its Administrator 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 bodies.
- (4) The Authority may accept grants.
- (5) The Authority may borrow funds for purposes consistent with the public purposes of the Authority. However, no borrowing may be for a term beyond the date for the District’s renewal under § 8-16 of this subtitle;
- (6) The Authority shall adopt an annual budget and impose, charge, and collect the taxes or charges on benefitted properties within the District, as authorized by City Charter Article II, § (63) and this subtitle.

- (7) The Authority may create and enter into partnerships between it and various property owners. These partnerships may provide for the provision of permitted services and benefits by the Authority in exchange for payments arranged by contract, donation, gift, services in kind, or other mechanism by which funds or benefits are provided to the Authority.
- (8) The Authority may establish and elect officers not already provided for in this subtitle and provide for their terms and duties.
- (9) The Authority may contract for and purchase goods and services, without having to comply with City requirements governing wage scales, competitive bidding, or other procurement matters. However, the Authority nonetheless shall be subject to applicable ordinances regarding City policy on encouraging and achieving goals for participation of minority and women's business enterprises in the contracting activities.
- (10) Subject to the approval of the Board of Estimates, the Authority may adopt, amend, and modify bylaws, consistent with City Charter Article II, § (63) and this subtitle.
- (11) The Authority may implement its programs and goals directly through its employees or through 1 or more contracts. These contracts may be with independent contractors or contractual employees.
- (12) The Authority may assist in the leasing, marketing, and promotional activities within the District, to the extent those activities are approved by the governing Board of the Authority.
- (13) The Authority may appoint, hire, or engage auditors, accountants, attorneys, assistants, aides, employees, and advisors as it considers necessary for the proper performance of its duties, but consistent with this subtitle.
- (14) The Authority may do all other things necessary or convenient to carry out its goals, objectives, and powers.

(Ord. 07-417.)

§ 8-5. Limitations on Authority.

(a) *Not agency of City or State.*

- (1) The Authority is not and may not be deemed to be an agency of the Mayor and City of Baltimore or of the State of Maryland.
- (2) The officers and employees of the Authority are not and may not act as agents or employees of the Mayor and City of Baltimore or the State of Maryland.

(b) *Unauthorized actions.*

- (1) The Authority may not exercise any police or general powers other than those authorized by State law and City ordinance.
- (2) The Authority may not pledge the full faith or credit of the City.

- (3) The Authority may not levy any taxes against properties that are exempt under State law from ordinary property taxes.
- (4) The Authority may not impose any taxes or charges in excess of those approved by the Board of Estimates.
- (5) The Authority may not exercise the power of eminent domain.
- (6) The Authority may not extend its life without the approval of the City Council.
- (7) Except as otherwise provided by law, the Authority may not engage in competition with the private sector.
- (8) Except as otherwise provided in § 8-17 of this subtitle, the Authority may not revert charges or taxes collected under this subtitle to the General Fund of the City.
- (9) The Authority may not employ individuals who reside outside of the City.
- (10) Except as required or appropriate to facilitate its normal operations, The Authority may not incur debt.
- (11) The Authority may not exercise any power specifically withheld by the terms of either this subtitle or, if more restrictive, City Charter Article II, § (63).

(c) *Interpretation of powers.*

The powers of the Authority shall be broadly interpreted to allow the Authority to achieve the goals of City Charter Article II, § (63), including the provision of supplementary security and maintenance services, the promotion and marketing of the District, and the provision of amenities in public areas.

(Ord. 07-417.)

§ 8-6. Board of Directors.

(a) *In general.*

The Authority shall be governed by and administered through a Board of Directors (the "Board").

(b) *Number and appointment.*

- (1) The number of voting members of the full Board may not be less than 13, excluding vacancies, nor more than 25.
- (2) The Board has full authority to increase or decrease its membership, within the limits specified in this subsection.

(c) *Composition.*

(1) Of the voting members of the Board:

- (i) 1 shall be appointed by the Mayor;
- (ii) 1 shall be a Councilmember appointed by the President of the City Council; and
- (iii) at least 3 shall be representatives selected from among various businesses, organizations, and residents in the District.

(2) At all times, at least $\frac{2}{3}$ of the Board must be representatives of property owners subject to the tax imposed by this subtitle. These must be so designated by the Board and entered into the minutes of the Authority.

(3) Consistent with the encouragement of partnerships between the Authority and property owners exempt from the tax imposed by this subtitle, the Board is encouraged to consider representation of those partners on the Board.

(d) *Terms to be staggered.*

The terms of the members are staggered as required by the terms of the members first appointed.

(e) *Exercise of Authority powers.*

All powers of the Authority are exercised by and through the Board, unless delegated by the Board to 1 or more officers of the Board or to the Administrator.

(f) *Bylaws, rules, and regulations.*

(1) The Board may adopt bylaws, rules, and regulations as it considers necessary to carry out the powers of the Authority. However, these bylaws, rules, and regulations may not be inconsistent with the terms of this subtitle or of City Charter Article II, § (63).

(2) All bylaws are subject to the approval of the Board of Estimates.

(3) The Board may establish its own procedures relating to the internal administration of the Authority, except as may be restricted by City Charter Article II, § (63) or this subtitle.

(g) *Officers.*

(1) The Board shall select from among its members individuals to serve as the chair, vice-chair, treasurer, and secretary of the Authority.

(2) These officers serve at the pleasure of the Board.

(3) The Board may delegate to these officers those responsibilities that the Board considers appropriate.

(Ord. 07-417; Ord. 15-433.)

§ 8-7. Annual Financial Plan.*(a) Board to adopt.*

The Board shall adopt an annual financial plan (the “Financial Plan”), based on the City’s fiscal year, consisting of at least a budget and a proposed schedule of taxes or charges to be imposed throughout the District.

(b) Public hearing.

Before adopting the Financial Plan, the Board shall arrange for a public hearing on the proposed Plan. Notice of the hearing must be published in a newspaper of general circulation in Baltimore City at least once a week for 3 consecutive weeks.

(c) Board of Estimates approval required.

The Authority may not approve a Financial Plan that includes taxes or charges in excess of those approved by the Board of Estimates.

(Ord. 07-417.)

§ 8-8. Supplemental Tax.*(a) Board of Estimates to determine assessable base.*

(1) The Board of Estimates shall obtain from the Director of Finance the “assessable base” of the District, which shall constitute a listing by property and a calculation of the sum of assessments on properties subject to the Supplemental Tax.

(2) Properties subject to the tax shall include all properties within the District except:

(i) residential units in a condominium building, whether or not the units are owner-occupied;

(ii) all other buildings used exclusively for residential purposes, other than a building that contains 4 or more residential rental units;

(iii) properties containing 4 or fewer residential units, with a non-residential use on the ground or first level only, if the property owner can document, in the manner approved by the Board of Estimates, that the owner:

(A) operates the non-residential use; and

(B) occupies a residential portion of the property as their primary residence; and

(iv) properties otherwise exempt under:

(A) this subtitle;

(B) City Charter Article II, § (63); or

(C) any other applicable law.

(3) The Board of Estimates shall determine with finality the assessable base on which the Supplemental Tax will be based.

(b) *Assessment; collection; enforcement.*

(1) Funding for Authority operations shall be provided by a supplemental property tax (the “Supplemental Tax”) on the assessable base of the District as determined under subsection (a) of this section.

(2) The Supplemental Tax shall be assessed and collected in conjunction with the property taxes assessed and collected by the City (the “Regular Tax”), unless otherwise established by the Board of Estimates.

(3) Except as otherwise provided in this subtitle:

(i) the Supplemental Tax shall be enforced in the same way as the Regular Tax is enforced;

(ii) all provisions that apply to assessments, refunds, collections, and enforcement of the Regular Tax apply to the Supplemental Tax; and

(iii) credits that apply to the Regular Tax do not apply to the Supplemental Tax unless otherwise specifically provided by Ordinance.

(c) *Determination of tax.*

The Supplemental Tax rate shall be determined as follows:

(1) Any increase in the rate of the Supplemental Tax must be approved by a majority of the Board’s voting members.

(2) For the first full budget year, the rate of the Supplemental Tax shall be set to raise revenues equal to the costs of the Financial Plan.

(3) For any year after the first full budget year, the rate of the Supplemental Tax may be adjusted to yield revenues equal to the costs of the Financial Plan. That rate, however, may not be increased by more than 10% a year unless the increase is approved by 80% or more of the property-owner representatives on the Board.

(d) *Exemption for public service companies.*

Exempt from the Supplemental Tax are the poles, conduits, tunnels, pipe lines, manholes, and other similar surface or subsurface structures, including their equipment, owned and controlled by a public service corporation, located on, over, or under streets, alleys, or other public ways or lands, the construction of which is authorized by the City, and the installation of which is regulated and supervised by the Department of Transportation.

(Ord. 07-417; Ord. 09-132; Ord. 15-435; Ord. 17-039; Ord. 18-143.)

§ 8-9. Other charges.*(a) Property subject to Supplemental Tax.*

- (1) Properties that are subject to the Supplemental Tax are not required to pay any other charges or fees for services generally provided within the District by the Authority.
- (2) However, the Authority may impose charges and fees for any special services requested by and performed for 1 or more property owners.

(b) Others.

With the approval of the Board of Estimates, the Board may establish other fees and charges for specific services performed:

- (1) within the District;
- (2) within areas adjoining the District;
- (3) for properties and owners not subject to the Supplemental Tax; and
- (4) in conjunction with partnerships encouraged by this subtitle.

(Ord. 07-417.)

§ 8-10. Baseline City services.*(a) Agreement to maintain.*

Before imposing and collecting the Supplemental Tax, the Authority shall enter into a memorandum of understanding with the Mayor regarding the level of services to be maintained by the City as the City's partnership obligation to the Authority and the District's taxpayers.

(b) Scope of agreement.

This memorandum of understanding shall:

- (1) describe the existing levels of service within the District;
- (2) commit the City to the maintenance of those levels of service; and
- (3) outline the further undertakings of the City in response to the initiative represented by the creation of the District (the "Baseline Plus").

(c) Governing principles.

The maintenance of existing services shall be governed by 2 principles:

- (1) Those services may not be decreased except:

(i) as part of an overall decrease in services necessitated by changes in funding, policy, or resources; and

(ii) only in proportion to the decreases implemented elsewhere in the City.

(2) Any increase in services generally throughout the City shall be matched with increases in those services within the District, in proportion to the increases implemented elsewhere in the City.

(Ord. 07-417.)

§ 8-11. Partnerships.

(a) *Authority encouraged to create.*

The Authority is authorized and encouraged to enter into partnerships with the property owners and users within the District and adjoining areas that are not subject to the Supplemental Tax (“Exempt Partners”) (including the Friends of Federal Hill Inc.) for the purpose of furthering the broad objectives of improving and enhancing public services throughout the District and in adjoining areas.

(b) *Specific powers.*

In furtherance of that objective, the Authority may:

(1) contract to provide varying levels of services to areas adjoining the District;

(2) agree to accept donations, contributions, and voluntary payments of any kind from Exempt Partners (collectively, “Voluntary Payments”), with or without agreements regarding specific services and functions;

(3) enter into agreements with Exempt Partners to include property owned by those Exempt Partners within the District in return for Voluntary Payments or commitments regarding the provision of similar services and functions within properties owned by Exempt Partners; and

(4) establish rates and charges for the provision of services to Exempt Partners.

(Ord. 07-417.)

§ 8-12. Collection and disbursement.

(a) *In general.*

The Authority shall establish with the appropriate City agencies the methods by which the Supplemental Tax is to be assessed, collected, and disbursed to the Authority.

(b) *Funds not part of City revenue.*

Amounts collected by the City on behalf of the Authority:

- (1) may not be included in the revenues of the City;
- (2) are not and may not be deemed to be subject to the budgetary and appropriation process; and
- (3) shall be disbursed promptly on collection.

(c) *City to bear expense of collection, etc.*

As part of the City's contribution to the District, the collection, assessment, disbursement, record-keeping, and enforcement involved in the process may not be a charge to or against the Authority or the District, but shall be an element of the Baseline Plus.

(d) *Department of Finance authorized to collect.*

- (1) The Department of Finance may collect the Supplemental Tax and other charges as are approved by the Board of Estimates.
- (2) The assessment for the Supplemental Tax may be included with the annual real property tax bill submitted to the owners of properties within the District.
- (3) The Department of Finance shall make regular remittances of the amounts collected to the Board of the Authority.

(e) *Penalties and interest.*

The penalties and interest applicable to delinquent taxes shall be applied to delinquencies in payment of the Supplemental Tax.

(f) *Lien on property.*

- (1) The amount of any outstanding assessment on any property and of accrued interest and other charges constitutes a lien on the property.
- (2) This lien:
 - (i) takes precedence over all other liens, whether created before or after the assessment, commensurate with a lien for state and county taxes, general municipal taxes, and prior improvement assessments; and
 - (ii) may not be defeated or postponed by any private or judicial sale, by any mortgage, or by any error or mistake in the description of the property or in the names of the owners.
- (3) No error in the proceedings of the City or the Board exempts any property from the lien, from its payment, or from the penalties or interest on it.

(Ord. 07-417.)

§ 8-13. Administrator.(a) *In general.*

The Administrator is responsible for the day-to-day operations of the Board and its employees and contractors.

(b) *Powers.*

The Administrator may:

- (1) prepare the Financial Plan for review and approval by the Board;
- (2) implement the approved Financial Plan and arrange for the collection and disbursement of the Supplemental Tax and all other charges, fees, and revenues of the Authority;
- (3) establish procedures and processes necessary to perform the functions called for under the Financial Plan and the budget;
- (4) hire and retain employees, agents, and contractors as needed to perform the Administrator's functions for the Authority, subject to § 8-4(b)(9) of this subtitle;
- (5) exercise the powers granted to the Authority by this subtitle, except that the Board retains final discretion and power with regard to all substantive agreements, contracts, and other arrangements binding on the Authority; and
- (6) exercise the additional rights, powers, and authority granted to the Administrator by the Board.

(c) *Immunity.*

The Administrator is the direct agent of the Authority, so that any immunity afforded to the Authority and its officers, employees, and agents, is afforded as well to the Administrator.

(Ord. 07-417.)

§ 8-14. Oversight by Board of Estimates.(a) *In general.*

The Board of Estimates has the following powers with regard to the District and the Authority.

(b) *Financial Plan; rates and charges.*

- (1) The Financial Plan and the schedule of rates and charges are subject to the approval of the Board of Estimates.
- (2) The Board of the Authority shall submit all materials at least 2 months before the proposed effective date of a budget or Supplemental Tax.

- (3) In considering a proposed budget and schedule of taxes and charges, the Board of Estimates may not exceed or increase either the budget or the schedule of taxes, rates, and charges beyond those proposed by the Authority.

(c) *Bylaws.*

The Board of Estimates must approve the bylaws of the Authority and any proposed amendments to it.

(d) *Approval and renewal process.*

The Board of Estimates is the final arbiter and decision maker regarding the approval and renewal process for the District.

(Ord. 07-417.)

§ 8-15. Election approval process.

(a) *List of eligible voters.*

The Board of Estimates, with the assistance of the Board and the Department of Finance, shall compile a list of those persons eligible to vote on the establishment of the District and on any question relating to its renewal.

(b) *Eligibility criteria.*

- (1) Persons eligible to vote are the owners of property subject to tax under § 8-8 of this subtitle.
- (2) No more than 1 vote may be cast for each tax parcel.

(c) *Election.*

- (1) A ballot shall be provided to each eligible voter for the approval of the establishment of the District.
- (2) Each ballot, with a certified signature of the eligible voter or duly authorized representative, must be returned to the Board of Estimates, c/o the Comptroller's Office, within 30 days of the date specified on the ballot.

(d) *Percentage approval.*

- (1) Within 20 days of the end of the election period, the Board of Estimates shall determine the aggregate votes cast by the eligible voters.
- (2) If the Board of Estimates determines that at least 58% of the aggregate votes cast approved the establishment of the District, the Board of Estimates shall certify the District and Authority as approved for operation.

(Ord. 07-417.)

§ 8-16. 4-year reviews.

(a) *Public hearings.*

No later than 4 years after the establishment of the District, and every 4 years following, the Mayor and City Council shall hold 1 or more public hearings to evaluate the activities and undertakings of the Authority and the District.

(b) *Mayor and Council to decide.*

At the conclusion of the hearings, the Mayor and City Council shall determine whether the District is to continue for another 4 years.

(c) *Process to be repeated.*

This process shall be repeated periodically to satisfy the requirements of City Charter Article II, § (63) .

Editor’s Note: By Resolution 19-015, the Mayor and City Council continued the Authority and District through April 23, 2023.

(Ord. 07-417.)

§ 8-17. Dissolution of District.

(a) *Dissolution on certain events.*

If the District is not approved as provided in § 8-15 of this subtitle, or is not renewed as provided in § 8-16 of this subtitle, the Authority shall cease its operations, and the District shall cease to exist, at the end of the City’s fiscal year in which the terminating event occurs.

(b) *Limited continuation.*

The Authority shall continue its existence only as long as necessary to:

- (1) terminate operations in a reasonable fashion; and
- (2) arrange for the refunding of all funds not needed to satisfy outstanding obligations and reserves for uncertain obligations and liabilities.

(c) *Unspent funds.*

Any unspent funds revert to the City’s general fund.

(Ord. 07-417.)

SUBTITLE 9
YORK CORRIDOR BUSINESS IMPROVEMENT DISTRICT

Editor’s Note: This subtitle was enacted by Ordinance 19-249, effective May 6, 2019, by authority of City Charter Article II, § (63). Although Ord. 19-249 proposed to codify the new district in “Subtitle 20” of this article, that designation was already taken. The new subtitle has therefore been codified here, in Subtitle 9, to closely accompany the other special districts (codified in Subtitles 6, 7, and 8) that have also been established by authority of Charter Art. II, § (63).

§ 9-1. Findings.

(a) *Importance of the York Road Corridor.*

- (1) The York Road Corridor is a 2-mile long strip of commercial development that serves as a linear collection of at least 3 principal nodes focused on major crossroads intersections (Belvedere Avenue, Woodbourne Avenue, Cold Spring Lane), which serve the local commercial/retail needs of their adjoining neighborhoods to the east and west.
- (2) In many ways the York Road market area is now split by the road itself. To the west are very affluent residential neighborhoods with high residential values. To the east are more modest neighborhoods with lower residential values, homeownership rates, and household incomes.
- (3) The York Road Corridor can and does serve as a meeting ground for all adjoining neighborhoods and commercial uses that can achieve their highest potential when they appeal to all consumer households.

(b) *Needs and opportunities facing the District.*

- (1) The York Road Corridor and Vision Action Plan of 2015 identified a variety of needs and opportunities facing the York Road Corridor.
- (2) According to the Plan:
 - (i) Household spending within the York Road Market Area is estimated at \$265.9 million annually, and spending on food and drink is estimated at \$29.9 million. These estimates do not include spending by the area’s sizeable student population. It is also estimated that the Area presently captures only 29.8% of that total spending, with the remaining spending going to businesses elsewhere. This disposable income in the local corridor marketplace would be captured within York Road with an expanded mix of appropriate businesses and services to meet the on-going needs of the local community.
 - (ii) Given its largely built-out nature, the York Road Corridor operates within multiple constraints as regards to the attraction of new commercial/retail development opportunities. In particular, land parcels along York Road are typically small, shallow, and in multiple ownership; arduous assemblage of parcels is typically required to accommodate the needs of many retailers. There are few larger (2+ acre) parcels along York Road, and none are vacant land. Over time the York Road Corridor will manage its

real estate resources in such a way that uses along York Road will better serve the Market Area population, by attracting retailers who will serve unmet demand and by upgrading underutilized properties.

(3) Recommendation of the Plan:

Establishment of a York Road Business Improvement District (BID) is recommended as the management entity for the Corridor. In order to advance and ultimately achieve its full potential, the Corridor will profit from active management – a group specifically tasked to supervise day-to-day operations (e.g., sanitation, safety/security), but also tasked with longer-term, strategic efforts such as working with existing businesses to help them succeed, improving the business mix to grow sales, marketing the corridor to new businesses, and capturing real estate development opportunities as they occur. The BID structure (as codified in State of Maryland and Baltimore City authorizing legislation) is focused on commercial issues, deriving its revenues principally from a mandatory assessment on commercial property owners, thus dedicating its attention to improving the Corridor’s business environment. The BID will also derive operating revenues from fee-for-service arrangements and grants from City government, foundations, etc., to provide various services that are better delivered locally.

(c) *Considerations.*

In adopting this Ordinance, the City Council has:

- (1) considered the views of the property owners, the retail merchants, the property tenants, and the other members of the business and residential communities within the York Corridor Business Improvement District.
- (2) made a determination that the York Corridor Business Improvement District will reflect:
 - (i) a diverse mix of business properties; and
 - (ii) a diverse economic, social, and racial mix

(Ord. 19-249.)

§ 9-2. District established.

(a) *In general.*

There is a business improvement district, to be known as the York Road *{Corridor}* Business Improvement District (the “District”).

(b) *Boundaries.*

The boundaries of the District are as shown on *{the Map appended to Ordinance 19-249, titled “Proposed York Road BID”}*.

(Ord. 19-249.)

§ 9-3. Authority created.*(a) Authority created.*

There is a York Corridor Business Improvement District Management Authority, referred to in this subtitle as the “Authority”.

(b) Purpose.

The purpose of the Authority is to:

- (1) promote and market the District;
- (2) provide supplemental security and maintenance services;
- (3) provide amenities in public areas; and
- (4) provide other services and functions as may be requested by the Authority and approved by an ordinance of the Mayor and City Council.

(Ord. 19-249.)

§ 9-4. Powers and functions of Authority.*(a) Powers.*

To the greatest extent allowable by law, the Authority is and shall be deemed to be a special tax district, exercising only those powers as are provided for in this subtitle.

(b) Authorized actions.

- (1) The Authority may acquire, hold, and use property as necessary to achieve its purposes.
- (2) The Authority may engage the services of an administrator (the “Administrator”), who may be an individual or an entity, to administer the programs and undertakings of the Authority.
- (3) The Authority may sue and be sued. However, the District, the Authority, its Board of Directors, and its Administrator 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 bodies.
- (4) The Authority may accept grants.
- (5) The Authority may borrow funds for purposes consistent with the public purposes of the Authority. However, no borrowing may be for a term beyond the date for the District’s renewal under § 9-16 {“4-year reviews”} of this subtitle;
- (6) The Authority shall adopt an annual budget and impose, charge, and collect the taxes or charges on benefitted properties within the District, as authorized by City Charter Article II, § (63) and this subtitle.

- (7) The Authority may create and enter into partnerships between it and various property owners. These partnerships may provide for the provision of permitted services and benefits by the Authority in exchange for payments arranged by contract, donation, gift, services in kind, or other mechanism by which funds or benefits are provided to the Authority.
- (8) The Authority may establish and elect officers not already provided for in this subtitle and provide for their terms and duties.
- (9) The Authority may contract for and purchase goods and services, without having to comply with City requirements governing wage scales, competitive bidding, or other procurement matters. However, the Authority nonetheless shall be subject to applicable ordinances regarding City policy on encouraging and achieving goals for participation of minority and women's business enterprises in the contracting activities.
- (10) Subject to the approval of the Board of Estimates, the Authority may adopt, amend, and modify bylaws, consistent with City Charter Article II, § (63) and this subtitle.
- (11) The Authority may implement its programs and goals directly through its employees or through 1 or more contracts. These contracts may be with independent contractors or contractual employees.
- (12) The Authority may assist in the leasing, marketing, and promotional activities within the District, to the extent those activities are approved by the governing Board of the Authority.
- (13) The Authority may appoint, hire, or engage auditors, accountants, attorneys, assistants, aides, employees, and advisors as it considers necessary for the proper performance of its duties, but consistent with this subtitle.
- (14) The Authority may do all other things necessary or convenient to carry out its goals, objectives, and powers.

(Ord. 19-249.)

§ 9-5. Limitations on Authority.

(a) *Not agency of City or State.*

- (1) The Authority is not and may not be deemed to be an agency of the Mayor and City of Baltimore or of the State of Maryland.
- (2) The officers and employees of the Authority are not and may not act as agents or employees of the Mayor and City of Baltimore or the State of Maryland.

(b) *Unauthorized actions.*

- (1) The Authority may not exercise any police or general powers other than those authorized by State law and City ordinance.
- (2) The Authority may not pledge the full faith or credit of the City.

- (3) The Authority may not impose taxes against properties that are exempt under State law from ordinary property taxes.
- (4) The Authority may not impose any taxes or charges in excess of those approved by the Board of Estimates.
- (5) The Authority may not exercise the power of eminent domain.
- (6) The Authority may not extend its life without the approval of the City Council.
- (7) Except as otherwise provided by law, the Authority may not engage in competition with the private sector.
- (8) Except as otherwise provided in § 9-17 {"Dissolution of District"} of this subtitle, the Authority may not revert charges or taxes collected under this subtitle to the General Fund of the City.
- (9) The Authority may not employ individuals who reside outside of the City.
- (10) Except as required or appropriate to facilitate its normal operations, the Authority may not incur debt.
- (11) The Authority may not exercise any power specifically withheld by the terms of either this subtitle or, if more restrictive, City Charter Article II, § (63).

(c) *Interpretation of powers.*

The powers of the Authority shall be broadly interpreted to allow the Authority to achieve the goals of City Charter Article II, § (63), including the provision of supplementary security and maintenance services, the promotion and marketing of the District, and the provision of amenities in public areas.

(Ord. 19-249.)

§ 9-6. Board of Directors.

(a) *In general.*

The Authority shall be governed by and administered through a Board of Directors (the "Board").

(b) *Number and appointment.*

- (1) The number of voting members of the full Board must be not less than 9, excluding vacancies, and no more than 15.
- (2) The Board has full authority to increase or decrease its membership, within the limits specified in this subsection.

(c) *Composition.*

(1) Of the voting members of the Board:

- (i) 1 shall be the Councilmember for the district;
- (ii) 1 shall represent a not-for-profit institution with significant property holdings along the York Road corridor;
- (iii) 1 shall be a community representative, appointed by the York Road Partnership or its successor organization;
- (iv) at least 1 shall be a business operator in the District, who does not own the property in which his or her business is located; and
- (v) at least 1 shall be a business operator in the District, who owns the property in which his or her business is located.

(2) At all times, a majority of the Board must be representatives of property owners subject to the tax imposed by this subtitle and must be so designated by the Board.

(d) *Terms to be staggered.*

The terms of the members are staggered, as required by the terms of the members first appointed.

(e) *Exercise of Authority powers.*

All powers of the Authority are exercised by and through the Board, unless delegated by the Board to 1 or more officers of the Board or to the Administrator.

(f) *Bylaws.*

- (1) The Board may adopt bylaws as it considers necessary to carry out the powers of the Authority. However, these bylaws may not be inconsistent with the terms of this subtitle or of City Charter Article II, § (63).
- (2) All bylaws are subject to the approval of the Board of Estimates.
- (3) The Board may establish its own procedures relating to the internal administration of the Authority, except as may be restricted by City Charter Article II, § (63) or this subtitle.

(g) *Officers.*

- (1) The Board shall select from among its members individuals to serve as the chair, vice-chair, treasurer, and secretary of the Authority.
- (2) These officers serve at the pleasure of the Board.

(3) The Board may delegate to these officers those responsibilities that the Board considers appropriate.

(Ord. 19-249.)

§ 9-7. Annual Financial Plan.

(a) *Board to adopt.*

The Board shall adopt an annual financial plan (the “Financial Plan”), based on the City’s fiscal year, consisting of at least a budget and a proposed schedule of taxes or charges to be imposed throughout the District.

(b) *Public hearing.*

Before adopting the Financial Plan, the Board shall arrange for a public hearing on the proposed Plan. Notice of the hearing must be published in a newspaper of general circulation in Baltimore City at least once a week for 3 consecutive weeks.

(c) *Board of Estimates approval required.*

The Authority may not approve a Financial Plan that includes taxes or charges in excess of those approved by the Board of Estimates.

(Ord. 19-249.)

§ 9-8. Supplemental Tax.

(a) *Board of Estimates to determine assessable base.*

(1) The Board of Estimates shall obtain from the Director of Finance the “assessable base” of the District, which shall constitute a listing by property and a calculation of the sum of assessments on properties subject to the Supplemental Tax.

(2) Properties subject to the tax shall include all properties within the District except:

(i) residential units in a condominium building, whether or not the units are owner-occupied; and

(ii) all other buildings used for residential purposes, other than a building that contains 4 or more rental units; and

(iii) subject to proration, all other buildings or portions of buildings used exclusively for the consumption and enjoyment of arts and culture; and

(iv) properties exempt under:

(A) this subtitle;

(B) City Charter Article II, § (63); or

(C) any other applicable law.

(3) The Board of Estimates shall determine with finality the assessable base on which the Supplemental Tax will be based.

(b) *Assessment; collection; enforcement.*

(1) Funding for Authority operations shall be provided by a supplemental property tax (the “Supplemental Tax”) on the assessable base of the District as determined under subsection (a) of this section.

(2) The Supplemental Tax shall be assessed and collected in conjunction with the property taxes assessed and collected by the City (the “Regular Tax”), unless otherwise established by the Board of Estimates.

(3) Except as otherwise provided in this subtitle:

(i) the Supplemental Tax shall be enforced in the same way as the Regular Tax is enforced; and

(ii) all provisions that apply to assessments, refunds, credits, collections, and enforcement of the Regular Tax apply to the Supplemental Tax.

(c) *Determination of tax.*

The Supplemental Tax rate shall be determined as follows:

(1) Any increase in the rate of the Supplemental Tax must be approved by a majority of the Board’s voting members.

(2) For the first full budget year, the rate of the Supplemental Tax shall be set to raise revenues equal to the costs of the Financial Plan.

(3) For any year after the first full budget year, the rate of the Supplemental Tax may be adjusted to yield revenues equal to the costs of the Financial Plan. That rate, however, may not be increased by more than 5% a year unless the increase is approved by 80% or more of the property-owner representatives on the Board.

(d) *Exemption for public service companies.*

Exempt from the Supplemental Tax are the poles, conduits, tunnels, pipe lines, manholes, and other similar surface or subsurface structures, including their equipment, owned and controlled by a public service corporation, located on, over, or under streets, alleys, or other public ways or lands, the construction of which is authorized by the City, and the installation of which is regulated and supervised by the Director of Public Works or the Director’s designee or the Director of the Department of Transportation or the Director’s designee.

(Ord. 19-249.)

§ 9-9. Other charges.*(a) Property subject to Supplemental Tax.*

- (1) Properties that are subject to the Supplemental Tax are not required to pay any other charges or fees for services generally provided within the District by the Authority.
- (2) However, the Authority may impose charges and fees for any special services requested by and performed for 1 or more property owners.

(b) Others.

With the approval of the Board of Estimates, the Board may establish other fees and charges for specific services performed:

- (1) within the District;
- (2) within areas adjoining the District;
- (3) for properties and owners not subject to the Supplemental Tax; and
- (4) in conjunction with partnerships encouraged by this subtitle.

(Ord. 19-249.)

§ 9-10. Baseline City services.*(a) Agreement to maintain.*

Before imposing and collecting the Supplemental Tax, the Authority shall enter into a memorandum of understanding with the Mayor regarding the level of services to be maintained by the City as the City's partnership obligation to the Authority and the District's taxpayers.

(b) Scope of agreement.

This memorandum of understanding shall:

- (1) describe the existing levels of service within the District;
- (2) commit the City to the maintenance of those levels of service; and
- (3) outline the further undertakings of the City in response to the initiative represented by the creation of the District (the "Baseline Plus").

(c) Governing principles.

The maintenance of existing services shall be governed by 2 principles:

- (1) Those services may not be decreased except:

(i) as part of an overall decrease in services necessitated by changes in funding, policy, or resources; and

(ii) only in proportion to the decreases implemented elsewhere in the City.

(2) Any increase in services generally throughout the City shall be matched with increases in those services within the District, in proportion to the increases implemented elsewhere in the City.

(Ord. 19-249.)

§ 9-11. Partnerships.

(a) *Authority encouraged to create.*

The Authority is authorized and encouraged to enter into partnerships with the property owners and users within the District and adjoining areas that are not subject to the Supplemental Tax (“Exempt Partners”) for the purpose of furthering the broad objectives of improving and enhancing public services throughout the District and in adjoining areas.

(b) *Specific powers.*

In furtherance of that objective, the Authority may:

(1) contract to provide varying levels of services to areas adjoining the District;

(2) agree to accept donations, contributions, and voluntary payments of any kind from Exempt Partners (collectively, “Voluntary Payments”), with or without agreements regarding specific services and functions;

(3) enter into agreements with Exempt Partners to include property owned by those Exempt Partners within the District in return for Voluntary Payments or commitments regarding the provision of similar services and functions within properties owned by Exempt Partners; and

(4) establish rates and charges for the provision of services to Exempt Partners.

(Ord. 19-249.)

§ 9-12. Collection and disbursement.

(a) *In general.*

The Authority shall establish with the appropriate City agencies the methods by which the Supplemental Tax is to be assessed, collected, and disbursed to the Authority.

(b) *Funds not part of City revenue.*

Amounts collected by the City on behalf of the Authority:

(1) may not be included in the revenues of the City;

(2) are not and may not be deemed to be subject to the budgetary and appropriation process;
and

(3) shall be disbursed promptly on collection.

(c) *City to bear expense of collection, etc.*

As part of the City's contribution to the District, the collection, assessment, disbursement, record-keeping, and enforcement involved in the process may not be a charge to or against the Authority or the District, but shall be an element of the Baseline Plus.

(d) *Department of Finance authorized to collect.*

(1) The Department of Finance may collect the Supplemental Tax and other charges as are approved by the Board of Estimates.

(2) The assessment for the Supplemental Tax may be included with the annual real property tax bill submitted to the owners of properties within the District.

(3) The Department of Finance shall make regular remittances of the amounts collected to the Board of the Authority.

(e) *Penalties and interest.*

The penalties and interest applicable to delinquent taxes shall be applied to delinquencies in payment of the Supplemental Tax.

(f) *Lien on property.*

(1) The amount of any outstanding assessment on any property and of accrued interest and other charges constitutes a lien on the property.

(2) This lien:

(i) takes precedence over all other liens, whether created before or after the assessment, commensurate with a lien for state and county taxes, general municipal taxes, and prior improvement assessments; and

(ii) may not be defeated or postponed by any private or judicial sale, by any mortgage, or by any error or mistake in the description of the property or in the names of the owners.

(3) No error in the proceedings of the City or the Board exempts any property from the lien, from its payment, or from the penalties or interest on it.

(Ord. 19-249.)

§ 9-13. Administrator.*(a) In general.*

The Administrator is responsible for the day-to-day operations of the Board and its employees and contractors.

(b) Powers.

The Administrator may:

- (1) prepare the Financial Plan for review and approval by the Board;
- (2) implement the approved Financial Plan and arrange for the collection and disbursement of the Supplemental Tax and all other charges, fees, and revenues of the Authority;
- (3) establish procedures and processes necessary to perform the functions called for under the Financial Plan and the budget;
- (4) hire and retain employees, agents, and contractors as needed to perform the Administrator's functions for the Authority, subject to § 9-4(b)(9) of this subtitle;
- (5) exercise the powers granted to the Authority by this subtitle, except that the Board retains final discretion and power with regard to all substantive agreements, contracts, and other arrangements binding on the Authority; and
- (6) exercise the additional rights, powers, and authority granted to the Administrator by the Board.

(c) Immunity.

The Administrator is the direct agent of the Authority, so that any immunity afforded to the Authority and its officers, employees, and agents, is afforded as well to the Administrator.

(Ord. 19-249.)

§ 9-14. Oversight by Board of Estimates.*(a) In general.*

The Board of Estimates has the following powers with regard to the District and the Authority.

(b) Financial Plan; rates and charges.

- (1) The Financial Plan and the schedule of rates and charges are subject to the approval of the Board of Estimates.
- (2) The Board of the Authority shall submit all materials at least 2 months before the proposed effective date of a budget or Supplemental Tax.

- (3) In considering a proposed budget and schedule of taxes and charges, the Board of Estimates may not exceed or increase either the budget or the schedule of taxes, rates, and charges beyond those proposed by the Authority.

(c) *Bylaws.*

The Board of Estimates must approve the bylaws of the Authority and any proposed amendments to it.

(d) *Approval and renewal process.*

The Board of Estimates is the final arbiter and decision maker regarding the approval and renewal process for the District.

(Ord. 19-249.)

§ 9-15. Election approval process.

(a) *List of eligible voters.*

The Board of Estimates, with the assistance of the Board and the Department of Finance, shall compile a list of those persons eligible to vote on the establishment of the District and on any question relating to its renewal.

(b) *Eligibility criteria.*

- (1) Persons eligible to vote are the owners of property subject to tax under § 9-8 {"Supplemental Tax"} of this subtitle.
- (2) No more than 1 vote may be cast for each tax parcel.

(c) *Election.*

- (1) A ballot shall be provided to each eligible voter for the approval of the establishment of the District.
- (2) Each ballot, with a certified signature of the eligible voter or duly authorized representative, must be returned to the Board of Estimates, c/o the Comptroller's Office, within 30 days of the date specified on the ballot.

(d) *Percentage approval.*

- (1) Within 20 days of the end of the election period, the Board of Estimates shall determine the aggregate votes cast by the eligible voters.
- (2) If the Board of Estimates determines that at least 58% of the aggregate votes cast approved the establishment of the District, the Board of Estimates shall certify the District and Authority as approved for operation.

(Ord. 19-249.)

§ 9-16. 4-year reviews.

(a) *Public hearings.*

No later than 4 years after the establishment of the District, and every 4 years following, the Mayor and City Council shall hold 1 or more public hearings to evaluate the activities and undertakings of the Authority and the District.

(b) *Mayor and Council to decide.*

At the conclusion of the hearings, the Mayor and City Council shall determine whether the District is to continue for another 4 years.

(c) *Process to be repeated.*

This process shall be repeated periodically to satisfy the requirements of City Charter Article II, § (63).
(Ord. 19-249.)

§ 9-17. Dissolution of District.

(a) *Dissolution on certain events.*

If the District is not approved as provided in § 9-15 {"Election approval process"} of this subtitle, or is not renewed as provided in § 9-16 {"4-year reviews"} of this subtitle, the Authority shall cease its operations, and the District shall cease to exist, at the end of the City's fiscal year in which the terminating event occurs.

(b) *Limited continuation.*

The Authority shall continue its existence only as long as necessary to:

- (1) terminate operations in a reasonable fashion; and
- (2) arrange for the refunding of all funds not needed to satisfy outstanding obligations and reserves for uncertain obligations and liabilities.

(c) *Unspent funds.*

Any unspent funds revert to the City's general fund.
(Ord. 19-249.)

SUBTITLE 10
PORT COVINGTON COMMUNITY BENEFITS DISTRICT

§ 10-1. Findings.(a) *Importance of Port Covington.*

- (1) Port Covington is undergoing significant redevelopment that will benefit the City by creating a new clean, green, and safe neighborhood, which will reflect a diverse mix of business and residential properties and a diverse economic, social, and racial mix of residents and workers.
- (2) In order to maintain Port Covington as an attractive location of choice by office and retail owners and tenants and by residents, the area must be kept attractive, clean, and safe at all times.

(b) *Considerations.*

In adopting this Ordinance, the City Council:

- (1) considered the views of the property owners, residents, property tenants, community groups and workers in South Baltimore. The Council is particularly sensitive to the input of community groups that have partnered with the development team of Port Covington to facilitate the investment of funds not only in Port Covington, but throughout South Baltimore and the rest of the City.
- (2) finds that a community benefits district would be an important and vital element of the long-term health and growth of Port Covington, South Baltimore, the rest of Baltimore City, and the region.
- (3) finds that the District will encourage the involvement of minority and women-owned businesses in the operation of the District and in the business community itself.
- (4) finds that the District and Port Covington will reflect:
 - (i) a diverse mix of business and residential properties; and
 - (ii) a diverse economic, social, and racial mix of residents and workers.

(c) *Recommendation.*

The Mayor and City Council recommends that residents of the District consult a tax advisor before treating the supplemental tax paid to the District as a deductible tax.

(*Ord. 20-358.*)

§ 10-2. District established.(a) *In general.*

There is a community benefits district, to be known as the Port Covington Community Benefits District.

(b) *Boundaries.*

The boundaries of the District are as shown on the {map appended to Ordinance 20-358}, titled “Exhibit A – District Boundaries”.
(Ord. 20-358.)

§ 10-3. Authority created.

(a) *Authority created.*

There is a Port Covington Community Benefits District Management Authority, referred to in this subtitle as the “Authority”.

(b) *Purpose.*

The purpose of the Authority is to:

- (1) promote and market the District;
- (2) provide supplemental security and maintenance services;
- (3) provide amenities in public areas; and
- (4) provide other services and functions as may be requested by the Authority and approved by an ordinance of the Mayor and City Council.

(Ord. 20-358.)

§ 10-4. Powers and functions of Authority.

(a) *Powers.*

To the greatest extent allowable by law, the Authority is and shall be deemed to be a special tax district, exercising only those powers as are provided for in this subtitle.

(b) *Authorized actions.*

- (1) The Authority may acquire, hold, and use property as necessary to achieve its purposes, including:
 - (i) the acquisition by purchase, lease, use or other rights; and
 - (ii) the construction and installation of buildings and structures to further the mission of the Authority.
- (2) The Authority may make a contract:
 - (i) to provide services for areas adjoining the District;

- (ii) with an administrator who may or may not be an administrator for another benefits district in Baltimore City; and
 - (iii) with agencies of Baltimore City to provide permitted services within the District.
- (3) The Authority may engage the services of an administrator (the “Administrator”), who may be an individual or an entity, including the Waterfront Partnership of Baltimore, Inc., but not limited to non-profit entities, to administer the programs and undertakings of the Authority.
 - (4) The Authority may sue and be sued. However, the District, the Authority, its Board of Directors, and its Administrator shall benefit, to the fullest extent allowable by law, from all provisions of federal, state, and local law limiting the liability of directors, employees, officers, agents, and officials of governmental bodies.
 - (5) The Authority may apply for and accept grants, donations, and voluntary contributions, whether in funds or property.
 - (6) The Authority may borrow funds for purposes consistent with the public purposes of the Authority and pledge some or all of its revenues in support of such borrowings. However, no borrowing may be for a term beyond the date for the District’s renewal under § 10-16 of this subtitle.
 - (7) The Authority shall adopt an annual budget and impose, charge, and collect the taxes or charges on benefitted properties within the District, as authorized by City Charter Article II, § (63), and this subtitle; however, no taxes may be levied against properties that are exempt under state law from ordinary property taxes.
 - (8) The Authority may create and enter into partnerships between it and various property owners. These partnerships may provide for the provision of permitted services and benefits by the Authority in exchange for payments arranged by contract, donation, gift, services in kind, or other mechanism by which funds or benefits are provided to the Authority.
 - (9) The Authority may establish and elect officers not already provided for in this subtitle and provide for their terms and duties.
 - (10) The Authority may contract for and purchase goods and services, without having to comply with City requirements governing wage scales, competitive bidding, or other procurement matters. However, the Authority shall be subject to City ordinances and City policy requiring achievement of goals regarding minority and women’s business enterprises.
 - (11) Subject to the approval of the Board of Estimates, the Authority may adopt, amend, and modify bylaws, consistent with City Charter Article II, § (63) and this subtitle.
 - (12) The Authority may implement its programs and goals directly through its employees or through 1 or more contracts. These contracts may be with independent contractors or contractual employees.

- (13) The Authority may provide additional services beyond those generally provided within the District, to individual properties within or close to the District for a fee that fairly recovers for the Authority the cost of providing the services.
- (14) The Authority may assist in the leasing, marketing, and promotional activities within the District, to the extent those activities are approved by the governing Board of the Authority.
- (15) The Authority may appoint, hire, or engage auditors, accountants, attorneys, assistants, aides, employees, and advisors as it considers necessary for the proper performance of its duties, but consistent with this subtitle.
- (16) The Authority may do all other things necessary or convenient to carry out its goals, objectives, and powers.

(Ord. 20-358.)

§ 10-5. Limitations on Authority.

(a) Not agency of City or State.

- (1) The Authority is not and may not be deemed to be an agency of the Mayor and City of Baltimore or of the State of Maryland.
- (2) The officers and employees of the Authority are not and may not act as agents or employees of the Mayor and City of Baltimore or the State of Maryland.

(b) Unauthorized actions.

- (1) The Authority may not exercise any police or general powers other than those authorized by State law and City ordinance.
- (2) The Authority may not pledge the full faith or credit of the City.
- (3) The Authority may not impose taxes against properties that are exempt under State law from ordinary property taxes.
- (4) The Authority may not impose any taxes or charges in excess of those approved by the Board of Estimates.
- (5) The Authority may not exercise the power of eminent domain.
- (6) The Authority may not extend its life without the approval of the City Council.
- (7) Except as otherwise provided by law, the Authority may not engage in competition with the private sector.
- (8) Except as otherwise provided in § 10-17 of this subtitle, the Authority may not revert charges or taxes collected under this subtitle to the General Fund of the City.

(9) Except as required or appropriate to facilitate its normal operations, the Authority may not incur debt.

(10) The Authority may not exercise any power specifically withheld by the terms of this subtitle or City Charter Article II, § (63).

(c) *Interpretation of powers.*

The powers of the Authority shall be broadly interpreted to allow the Authority to achieve the goals of City Charter Article II, § (63), including the provision of supplementary security and maintenance services, the promotion and marketing of the District, and the provision of amenities in public areas.

(Ord. 20-358.)

§ 10-6. Board of Directors.

(a) *In general.*

The Authority shall be governed by and administered through a Board of Directors (the "Board").

(b) *Number and appointment.*

(1) The number of voting members of the full Board must be not less than 10, excluding vacancies, and no more than 25.

(2) The Board has full authority to increase or decrease its membership, within the limits specified in this subsection.

(c) *Composition.*

Of the voting members of the Board:

(1) 1 shall be appointed by the Mayor;

(2) each Councilmember representing areas within the boundaries for the District;

(3) 1 shall be a business operator in the District, who may or may not own the property on which his or her business is located;

(4) 1 shall be a resident;

(5) 3 shall be designated by the Administrator;

(6) at least two-thirds of the Board shall be comprised of owners or representatives of owners of property subject to the tax imposed by this subtitle, provided that members of the Board selected under items (1) through (3) of this subsection may be included in such group as they otherwise qualify.

(d) *Exercise of Authority powers.*

All powers of the Authority are exercised by and through the Board, unless delegated by the Board to 1 or more officers of the Board or to the Administrator.

(e) *Bylaws.*

(1) The Board may adopt bylaws as it considers necessary to carry out the powers of the Authority. However, these bylaws may not be inconsistent with the terms of this subtitle or of City Charter Article II, § (63).

(2) All bylaws are subject to the approval of the Board of Estimates.

(3) The Board may establish its own procedures relating to the internal administration of the Authority, except as may be restricted by City Charter Article II, § (63) or this subtitle.

(f) *Officers.*

(1) The Board shall select from among its members individuals to serve as the chair, vice-chair, treasurer, and secretary of the Authority.

(2) These officers serve at the pleasure of the Board.

(3) The Board may delegate to these officers those responsibilities that the Board considers appropriate.

(Ord. 20-358.)

§ 10-7. Annual Financial Plan.(a) *Board to adopt.*

The Board shall adopt an annual financial plan (the “Financial Plan”), based on the City’s fiscal year, consisting of at least a budget and a proposed schedule of taxes or charges to be imposed throughout the District.

(b) *First annual financial plan.*

The initial financial plan for the Authority shall include all of the fiscal year ending on June 30, 2020, and may include the costs of preparing the Financial Plan and implementing the Authority and the District, so long as the costs were incurred prior to or during the fiscal year.

(c) *Public hearing.*

Before adopting the Financial Plan, the Board shall arrange for a public hearing on the proposed Plan. Notice of the hearing must be published in a newspaper of general circulation in Baltimore City at least once a week for 3 consecutive weeks.

(d) *Board of Estimates approval required.*

The Authority may not implement a Financial Plan that includes taxes or charges in excess of those approved by the Board of Estimates.

(Ord. 20-358.)

§ 10-8. Supplemental Tax.(a) *Board of Estimates to determine assessable base.*

- (1) The Board of Estimates shall obtain from the Director of Finance the “assessable base” of the District, which shall constitute a listing by property and a calculation of the sum of assessments on properties subject to the Supplemental Tax.
- (2) Properties subject to the tax shall include all properties within the District except properties exempt under City Charter Article II, § (63) or any other applicable law.
- (3) The Board of Estimates shall determine with finality the assessable base on which the Supplemental Tax will be based.

(b) *Assessment; collection; enforcement.*

- (1) Funding for Authority operations shall be provided by a supplemental property tax (the “Supplemental Tax”) on the assessable base of the District as determined under subsection (a) of this section.
- (2) The Supplemental Tax shall be assessed and collected in conjunction with the property taxes assessed and collected by the City (the “Regular Tax”), unless otherwise established by the Board of Estimates.
- (3) Except as otherwise provided in this subtitle:
 - (i) the Supplemental Tax shall be enforced in the same way as the Regular Tax is enforced; and
 - (ii) all provisions that apply to assessments, refunds, credits, collections, and enforcement of the Regular Tax apply to the Supplemental Tax.

(c) *Determination of tax.*

The Supplemental Tax rate shall be determined as follows:

- (1) Any increase in the rate of the Supplemental Tax must be approved by a majority of the Board’s voting members that are property owner representatives.
- (2) Each of the actions taken under this subsection must be set forth in detail in the Financial Plan and approved by the Board of Estimates.

(d) *Public Service Companies.*

Poles, conduits, cables, tunnels, pipe lines, manholes, and other similar surface or subsurface structures, including their equipment (“Ancillary Assets”), owned and controlled by “public service companies”, as defined in the Public Utilities Article of the Maryland Code, located on, over, or under street, alleys, or other public ways or lands or park properties, the construction of which is authorized by the City, and the installation of which is regulated and supervised by the Director of Public Works or the Director’s designee or the Director of the Department of Transportation or the Director’s designee or the Director of the Department of Recreation and Parks or the Director’s designee are subject to the Supplemental Tax to the same extent as treated by the Maryland Department of Assessments and Taxation.

(Ord. 20-358.)

§ 10-9. Other charges.(a) *Property subject to Supplemental Tax.*

- (1) Properties that are subject to the Supplemental Tax are not required to pay any other charges or fees for services generally provided within the District by the Authority.
- (2) However, the Authority may impose charges and fees for any special services requested by and performed for 1 or more property owners.

(b) *Others.*

With the approval of the Board of Estimates, the Board may establish other fees and charges for specific services performed:

- (1) within the District;
- (2) within areas adjoining the District;
- (3) for properties and owners not subject to the Supplemental Tax; and
- (4) in conjunction with partnerships encouraged by this subtitle.

(c) *Allocation of Resources.*

The Financial Plan may provide for the allocation of resources and services to particular sections of the District, including allocations that reflect, in part, the contributions made by those sections of the District to the financial resources available to the Authority, and, in part, the needs of those sections.

(Ord. 20-358.)

§ 10-10. Baseline City Services.*(a) Agreement to maintain.*

Before imposing and collecting the Supplemental Tax, the Authority shall enter into a memorandum of understanding with the Mayor regarding the level of services to be maintained by the City as the City's partnership obligation to the Authority and the District's taxpayers.

(b) Scope of agreement.

This memorandum of understanding shall:

- (1) describe the existing levels of service within the District;
- (2) commit the City to the maintenance of those levels of service; and
- (3) outline the further undertakings of the City in response to the initiative represented by the creation of the District (the "Baseline Plus").

(c) Governing principles.

The maintenance of existing services shall be governed by 2 principles:

- (1) Those services may not be decreased except:
 - (i) as part of an overall decrease in services necessitated by changes in funding, policy, or resources; and
 - (ii) only in proportion to the decreases implemented elsewhere in the City.
- (2) Any increase in services generally throughout the City shall be matched with increases in those services within the District, in proportion to the increases implemented elsewhere in the City.

(Ord. 20-358.)

§ 10-11. Partnerships.*(a) Authority encouraged to create.*

The Authority is authorized and encouraged to enter into partnerships with the property owners and users within the District and adjoining areas that are not subject to the Supplemental Tax ("Exempt Partners") for the purpose of furthering the broad objectives of improving and enhancing public services throughout the District and in adjoining areas.

(b) Specific powers.

In furtherance of that objective, the Authority may:

- (1) contract to provide varying levels of services to areas adjoining the District;

(2) agree to accept donations, contributions, and voluntary payments of any kind from Exempt Partners (collectively, “Voluntary Payments”), with or without agreements regarding specific services and functions;

(3) enter into agreements with Exempt Partners to include property owned by those Exempt Partners within the District in return for Voluntary Payments or commitments regarding the provision of similar services and functions within properties owned by Exempt Partners; and

(4) establish rates and charges for the provision of services to Exempt Partners.

(Ord. 20-358.)

§ 10-12. Collection and disbursement.

(a) *In general.*

The Authority shall establish with the appropriate City agencies the methods by which the Supplemental Tax is to be assessed, collected, and disbursed to the Authority.

(b) *Funds not part of City revenue.*

Amounts collected by the City on behalf of the Authority:

(1) may not be included in the revenues of the City;

(2) are not and may not be deemed to be subject to the budgetary and appropriation process; and

(3) shall be disbursed promptly on collection.

(c) *City to bear expense of collection, etc.*

As part of the City’s contribution to the District, the collection, assessment, disbursement, record-keeping, and enforcement involved in the process may not be a charge to or against the Authority or the District, but shall be an element of the Baseline Plus.

(d) *Department of Finance authorized to collect.*

(1) The Department of Finance may collect the Supplemental Tax and other charges as are approved by the Board of Estimates.

(2) The assessment for the Supplemental Tax may be included with the annual real property tax bill submitted to the owners of properties within the District.

(3) The Department of Finance shall make regular remittances of the amounts collected to the Board of the Authority.

(e) *Penalties and interest.*

The penalties and interest applicable to delinquent taxes shall be applied to delinquencies in payment of the Supplemental Tax.

(f) *Lien on property.*

(1) The amount of any outstanding assessment on any property and of accrued interest and other charges constitutes a lien on the property.

(2) This lien:

- (i) takes precedence over all other liens, whether created before or after the assessment, commensurate with a lien for state and county taxes, general municipal taxes, and prior improvement assessments; and
- (ii) may not be defeated or postponed by any private or judicial sale, by any mortgage, or by any error or mistake in the description of the property or in the names of the owners.

(3) No error in the proceedings of the City or the Board exempts any property from the lien, from its payment, or from the penalties or interest on it.

(Ord. 20-358.)

§ 10-13. Administrator.(a) *In general.*

The Administrator is responsible for the day-to-day operations of the Board and its employees and contractors.

(b) *Powers.*

The Administrator may:

- (1) prepare the Financial Plan for review and approval by the Board;
- (2) implement the approved Financial Plan and arrange for the collection and disbursement of the Supplemental Tax and all other charges, fees, and revenues of the Authority;
- (3) establish procedures and processes necessary to perform the functions called for under the Financial Plan and the budget;
- (4) hire and retain employees, agents, and contractors as needed to perform the Administrator's functions for the Authority, subject to § 10-4(b) of this subtitle;

- (5) exercise the powers granted to the Authority by this subtitle, except that the Board retains final discretion and power with regard to all substantive agreements, contracts, and other arrangements binding on the Authority; and
- (6) exercise the additional rights, powers, and authority granted to the Administrator by the Board.

(c) *Immunity.*

The Administrator is the direct agent of the Authority, so that any immunity afforded to the Authority and its officers, employees, and agents, is afforded as well to the Administrator.
(Ord. 20-358.)

§ 10-14. Oversight by Board of Estimates.

(a) *In general.*

The Board of Estimates has the following powers with regard to the District and the Authority.

(b) *Financial Plan; Rates and charges.*

- (1) The Financial Plan and the schedule of rates and charges are subject to the approval of the Board of Estimates.
- (2) The Board of the Authority shall submit all materials at least 2 months before the proposed effective date of a budget or Supplemental Tax.
- (3) In considering a proposed budget and schedule of taxes and charges, the Board of Estimates may not exceed or increase either the budget or the schedule of taxes, rates, and charges beyond those proposed by the Authority.

(c) *Bylaws.*

The Board of Estimates must approve the bylaws of the Authority and any proposed amendments to it.

(d) *Approval and renewal process.*

The Board of Estimates is the final arbiter and decision maker regarding the approval and renewal process for the District.
(Ord. 20-358.)

§ 10-15. Election approval process.*(a) List of eligible voters.*

The Board of Estimates, with the assistance of the Board and the Department of Finance, shall compile a list of those persons eligible to vote on the establishment of the District and on any question relating to its renewal.

(b) Eligibility criteria.

- (1) Each real property tax parcel is entitled to one vote to be exercised by the owner of that real property tax parcel.
- (2) Any Public Service Company that owns one or more fixtures or Ancillary Assets described in § 10-8(d) is entitled to one vote regardless of how many fixtures or Assets owned. This is in addition to, and not in substitution for, any votes that the Company is entitled to by virtue of paragraph (1), above.

(c) Election.

- (1) A ballot shall be provided to each eligible voter for the approval of the establishment of the District.
- (2) Each ballot, with a certified signature of the eligible voter or duly authorized representative, must be returned to the Board of Estimates, c/o the Comptroller's Office, within 30 days of the date specified on the ballot.

(d) Percentage approval.

- (1) Within 20 days of the end of the election period, the Board of Estimates shall determine the aggregate votes cast by the eligible voters.
- (2) If the Board of Estimates determines that at least 58% of the aggregate votes cast approved the establishment of the District, the Board of Estimates shall certify the District and Authority as approved for operation.

(Ord. 20-358.)

§ 10-16. 4-year reviews.*(a) Public hearings.*

No later than 4 years after the establishment of the District, and every 4 years following, the Mayor and City Council shall hold 1 or more public hearings to evaluate the activities and undertakings of the Authority and the District.

(b) Mayor and Council to decide.

At the conclusion of the hearings, the Mayor and City Council shall determine whether the District is to continue for another 4 years.

(c) *Process to be repeated.*

This process shall be repeated periodically to satisfy the requirements of City Charter Article II, § (63) .
(Ord. 20-358.)

§ 10-17. Dissolution of District.

(a) *Dissolution on certain events.*

If the District is not approved as provided in § 10-15 of this subtitle, or is not renewed as provided in § 10-16 of this subtitle, the Authority shall cease its operations, and the District shall cease to exist, at the end of the City’s fiscal year in which the terminating event occurs.

(b) *Limited continuation.*

The Authority shall continue its existence only as long as necessary to:

- (1) terminate operations in a reasonable fashion; and
- (2) arrange for the refunding of all funds not needed to satisfy outstanding obligations and reserves for uncertain obligations and liabilities.

(c) *Unspent funds.*

Any unspent funds revert to the City’s general fund, except as necessary to secure a borrowing permitted under Section 10-4(b)(6). In no other circumstances may charges or taxes collected by the Authority become part of the general fund of the City.
(Ord. 20-358.)

SUBTITLE 11
RETAIL BUSINESS DISTRICTS

PART 1. GENERAL PROVISIONS

§ 11-1. Definitions.

(a) *Business Association.*

“Business Association” means the incorporated organization of persons who operate retail, service, rental, or professional businesses within a particular Retail Business District that provides management services under this subtitle.

(b) *Business establishment.*

“Business establishment” means any retail, service, rental, or professional business entity.

(c) *Commissioner.*

“Commissioner” means the Commissioner of the Baltimore City Department of Housing and Community Development.

(d) *Exempt establishment.*

“Exempt establishment” means any business establishment which is:

- (1) operated solely by a federal, state, or local government entity, except for City-owned markets as described in § 11-5(b);
- (2) operated by a non-profit organization which is not engaged in a retail business; or
- (3) a parking lot.

(e) *Licensable space.*

“Licensable space” means the number of square feet of space in a business establishment subject to the license fee in accordance with the fee calculation method as set forth in a specific Retail Business District Ordinance.

(f) *{Repealed}*

Editor’s Note: For the Code-wide standard definition of “person”, see General Provisions Article, § 1-107,.

(g) *Retail Business District.*

“Retail Business District” means a geographic area in Baltimore City, designated by an ordinance under this subtitle, encompassing a concentration of business establishments. (*City Code, 1976/83, art. 15, §110.*) (*Ord. 82-838; Ord. 09-137; Ord. 22-125.*)

§ 11-2. Legislative intent.(a) *In general.*

The Mayor and City Council of Baltimore makes the following declaration of its legislative intent in the enactment of this subtitle.

(b) *Neighborhood districts serve invaluable function.*

Neighborhood retail shopping districts in Baltimore City, when maintained and operated properly, serve invaluable functions in City life. They provide a convenient marketplace for neighborhood residents and play an important role in the identity of the community.

(c) *Suburban centers threaten neighborhood districts.*

- (1) The growth of suburban shopping centers has threatened many neighborhood retail business districts. Many cannot satisfactorily compete with new facilities that offer convenience, adequate parking, pleasing physical environment, diversification of retail services, and a management system that provides for promotional activities and for enhanced sanitation and security services.
- (2) Retail sales in these neighborhood shopping areas have decreased, and the loss of revenue has caused a gradual disinvestment in the commercial properties, vacancies and, in the worst cases, abandonment by property owners. This disinvestment negatively affects the surrounding residential community, results in the loss of jobs and property taxes to the City and requires the City to assume responsibility for these properties.

(d) *Commercial Revitalization Program begun.*

To counter this trend Baltimore City established the Commercial Revitalization Program. Selected neighborhood shopping districts were targeted for public improvements which would enhance the physical appearance of the area. In return, retail merchants and commercial property owners were required to rehabilitate their properties in conformance with a unified design developed for the area.

(e) *Management program needed.*

- (1) However, in order for neighborhood business districts to compete more efficiently for business with suburban shopping centers, funds and a management system are necessary to provide advertising and promotional activities and enhanced sanitation and security services for the entire district.
- (2) The Commercial Revitalization Program has always been founded on self-help by the business community. The merchant associations in neighborhood business districts are voluntary organizations of business persons who have limited time to plan and implement a management program and limited capacity to raise funds. They have indicated to the City a strong need for such a management program and fund raising mechanism.
- (3) The management program created in this subtitle will harness the energies of the business community and provide it with the necessary funding through a Retail Business District

License Fee. Furthermore, the proposed program will enable all business establishments within the boundaries of a given Retail Business District to join in promotional, sanitation, and public safety efforts not economically feasible for many individual businesses without a program of this sort. The City Council finds that this program serves a public purpose and enhances the general welfare of the citizens of Baltimore City.

(City Code, 1976/83, art. 15, §109.) (Ord. 82-838; Ord. 09-137.)

§ 11-3. Establishment of Districts.

(a) *Ordinance required.*

Subject to the recommendation of the Commissioner, the Mayor and City Council shall establish each Retail Business District by the adoption of an ordinance containing the following information:

- (1) a statement that a Retail Business District has been established, including its name;
- (2) a description of the boundaries of the District; and
- (3) a description of the method by which the license fee is calculated, including the method of determining the number of square feet of licensable space and the rate per square foot to be imposed.

(b) *Ordinance prevails in case of conflict.*

In the event of any conflict between any provision of this subtitle and that of a specific Retail Business District ordinance, the provision of the specific Retail Business District ordinance shall prevail.

(City Code, 1976/83, art. 15, §111.) (Ord. 82-838.)

§ 11-4. Modifications.

By ordinance, the Mayor and City Council may modify the boundaries, licensing procedures, fee calculation method, or rates for any Retail Business District established pursuant to the provisions of § 11-3.

(City Code, 1976/83, art. 15, §112.) (Ord. 82-838.)

§ 11-5. District license.

(a) *In general.*

No person shall operate any business establishment within a designated Retail Business District without obtaining an annual license, to be known as the “Retail Business District License”, from the Director of Finance of Baltimore City.

(b) *Public market merchants.*

To the extent that any Retail Business District includes within its boundaries a public market owned by the Mayor and City Council of Baltimore, any business operated by any merchant in such market shall be included within the Retail Business District and subject to this subtitle.

(c) *Exempt establishments.*

The operator of any exempt establishment shall not be required to obtain a Retail Business District License and shall not be eligible to use the management services provided by the Business Association for the District.

(City Code, 1976/83, art. 15, §113(a).) (Ord. 82-838.)

§ 11-6. Establishment of fee.(a) *To be based on licensable space.*

The fee for the Retail Business District License in any District shall be determined by multiplying the total number of square feet of licensable space occupied by the business establishment by the rate per square foot, as set forth for that District, in accordance with the fee calculation method established for that specific District.

(b) *Manufacturing spaces.*

(1) Provided, however, that in the event a portion of a licensee's space is used both for

- (i) the manufacture of products to be sold by the licensee at retail in the District, and
- (ii) the manufacture of products to be sold in retail outlets wholly owned by the licensee located in areas outside of the District,

then the licensee shall, with regard to that manufacturing space, pay a license fee only on that portion of the manufacturing space which is attributable to the licensee's retail operations within the Retail Business District.

(2) The portion of a licensee's manufacturing space subject to the license fee shall be determined by the Commissioner under the authority granted him in § 11-14 of this subtitle.

(c) *Rate.*

(1) The Retail Business District License fee shall be based upon a rate per square foot of licensable space to be established by the Mayor and City Council. This rate shall be the rate to which all licensees in the District shall be subject.

(2) There shall be no rate change unless a District, by vote of the licensees therein, suggests a rate per square foot which differs from the base rate. Any such rate change shall be ratified by the Mayor and City Council by ordinance.

(City Code, 1976/83, art. 15, §113(b), (d).) (Ord. 82-838.)

§ 11-7. Collection of fee.(a) *When due.*

(1) The Retail Business District License fee shall be due and payable on January 1 each and every year, and the entire charge prescribed for the year shall be collected when the license is issued.

- (2) In the event that a person commences business operations in a district subsequent to January 1 in any year, the Commissioner may prorate the amount of the fee due and payable based on the number of months of operation during the licensing year.

(b) *Commissioner to certify obligors.*

The Commissioner shall certify to the Director of Finance on a yearly basis:

- (1) the name and business address of the person(s) responsible for payment of the Retail Business District License Fee for each business establishment;
- (2) the number of square feet of licensable space occupied by each separate business establishment other than an exempt establishment;
- (3) the rate to be charged per square foot in that District; and
- (4) the fee due from each business establishment.

(c) *Director to collect fees.*

The Director of Finance shall collect the fee from the operator of said business establishment. (*City Code, 1976/83, art. 15, §113(c), (e), (g).*) (*Ord. 82-838; Ord. 16-594; Ord. 17-183.*)

§ 11-8. Transfers and renewals.

Subject to all applicable provisions of other ordinances of Baltimore City, statutes of Maryland, and laws of the Federal Government, the Retail Business District License shall be transferable, upon written notice to the Director of Finance, and renewable from year to year during the continuous operation of the business by the Retail Business District licensee within the Retail Business District, and so long as such area continues to be designated as a Retail Business District. (*City Code, 1976/83, art. 15, §113(f).*) (*Ord. 82-838.*)

§ 11-9. Business Associations.

(a) *Incorporation.*

Upon the establishment of a Retail Business District, a Business Association of the District, comprised of the licensees, shall be incorporated under the laws of Maryland and a copy of its charter and by-laws shall be filed with the Commissioner.

(b) *Bylaws.*

The by-laws shall include, without limitation, membership requirements, procedures for calling meetings and voting on rates, budgets, and related matters.

(c) *General responsibilities.*

The Business Association is responsible for:

- (1) conducting a management program to provide promotional services, which may include enhanced sanitation and public safety efforts, for the District; and
- (2) administering the funds provided through the license fee procedure set forth in this subtitle.

(d) *Annual reports to Commissioner.*

On an annual basis, the Business Association representing the District shall file with the Commissioner:

- (1) an annual budget setting forth projected expenditures for advertising, promotions, sanitation, public safety, and related activities and administrative expenses;
- (2) any amendments to the charter or by-laws made during the preceding year; and
- (3) a copy of an agreement between the Business Association and the Mayor and City Council of Baltimore specifying the intent of the Business Association to expend the funds transferred to that Retail Business District in accordance with the annual budget.

(City Code, 1976/83, art. 15, §114.) (Ord. 82-838; Ord. 09-137.)

§ 11-10. Special fund accounts.(a) *Director to maintain and credit fees.*

- (1) Pursuant to appropriations made in accordance with the annual Ordinance of Estimates, the Director of Finance shall maintain a special fund, with a separate fund account for each Retail Business District.
- (2) Said special fund shall be credited with the collections of the Retail Business District License fees from each District.

(b) *Fee for Director's services.*

The Director of Finance, with the approval of the Board of Estimates, may set a reasonable fee to be charged to each District for the collection, accounting, and administrative services performed by the City, in an amount not to exceed the actual cost of said services.

(c) *Transfer of funds.*

Each year, within 75 days of receipt, the Director shall transfer by agreement to the appropriate Business Association for the District the license fees collected for that District, less any administrative fee charged.

(d) *Use of funds.*

The fund comprised of the license fees collected for a District in accordance with this subtitle shall be utilized solely for purposes determined by the licensees.

(City Code, 1976/83, art. 15, §115.) (Ord. 82-838; Ord. 16-594; Ord. 17-183.)

§ 11-11. Penalty for nonpayment.(a) *In general.*

(1) Any person liable to pay the Retail Business District License fee who fails to pay the same within 30 days after it is due and payable shall be subject to, in addition to the annual license fee:

(i) a civil penalty of 10% of the fee; and

(ii) interest at the rate of 1% per month or a fraction thereof.

(2) The provisions of Article 15, §§ 46-2, 47-1, and 47-2 shall not apply.

(b) *Waivers.*

The Appeals Board created in § 11-12 of this subtitle is hereby authorized for good and sufficient cause to waive the imposition of this penalty and interest in its entirety or a portion thereof prior to institution of civil prosecution.

(City Code, 1976/83, art. 15, §116.) (Ord. 82-838.)

§ 11-12. Appeals Board.(a) *Board established.*

There shall be an Appeals Board to hear and decide appeals arising under this subtitle.

(b) *Composition.*

The members of the Appeals Board shall be:

(1) the Commissioner of Housing and Community Development or designee,

(2) the Director of Finance or designee, and

(3) a designee of the Mayor's Office.

(City Code, 1976/83, art. 15, §118(1st, 2nd sens.)) (Ord. 82-838; Ord. 90-527.)

§ 11-13. Appeals procedure.*(a) In general.*

If any licensee or prospective licensee who is or will be liable for the payment of the Retail Business District License fee disagrees with or is aggrieved by any determination, decision, order, or notice of any kind, which is made, rendered, issued, or given under the provisions of this subtitle, such licensee or prospective licensee, within 15 calendar days after written notice of such action or determination has been given or mailed to him, shall have the right to bring the matter in dispute before the Appeals Board by written request, setting forth in full the reason(s) for said appeal.

(b) Powers of Board.

Upon reasonable notice, in accordance with the Commissioner's rules and regulations and the provisions of the Baltimore City Charter, the Appeals Board, by a majority vote thereof, shall have the authority to reverse or affirm, wholly or partly, or modify the determination, decision, order, or notice appealed from, and may give or make such determination, decision, order, or notice as ought to be made.

(c) Limitations.

Provided, however that nothing contained herein shall be construed as authorizing the Appeals Board to waive, set aside, or in any manner change any provision or provisions of this subtitle, other than as authorized in § 11-11 herein, nor any decision made by the Mayor and City Council pursuant to § 11-4 of this subtitle.

(City Code, 1976/83, art. 15, §118(3rd, 4th sens.), §119.) (Ord. 82-838.)

§ 11-14. Rules and regulations.

Subject to Title 4 {"Administrative Procedure Act – Regulations"} of the City General Provisions Article, the Commissioner is hereby authorized and empowered to make, adopt, promulgate, and amend, from time to time, such rules and regulations as the Commissioner may deem necessary or proper:

- (1) to carry out and enforce the provisions of this subtitle;
- (2) to define or construe any of the terms and provisions of this subtitle; and
- (3) to provide for the procedures of the Appeals Board created herein.

Editor's Note: By authority of Ordinance 20-431, Section 5, the Director of Legislative Reference, in consultation with the Law Department, has conformed this section to refer expressly to the requirements of the recently-enacted Administrative Procedure Act that, effective January 15, 2021, governs the proposal, adoption, and publication of administrative rules and regulations.

(City Code, 1976/83, art. 15, §117.) (Ord. 82-838; Text Conformed 02/21/21.)

§ 11-15. Compliance with other laws.

Any person who operates or owns a business in a Retail Business District shall be subject to all applicable provisions of all other ordinances of Baltimore City, statutes of Maryland, and laws of the Federal Government.

(City Code, 1976/83, art. 15, §120.) (Ord. 82-838.)

§§ 11-16 to 11-20. {Reserved}***PART 2. DESIGNATED DISTRICTS*****§ 11-21. Oldtown Mall.****(a) District established.**

The area located within the boundaries set forth in this section is hereby declared to be a Retail Business District and may be referred to as “Oldtown Mall Retail Business District”:

Beginning for the same at a point formed by the intersection of an extended line of the eastern right-of-way line of Aisquith Street and the northern right-of-way line of Monument Street; thence running in a southerly direction and binding on said extended line, and the eastern right-of-way line of Aisquith Street to a point of intersection with an extended line of the southern right-of-way line of McElderry Street; thence running in a westerly direction crossing Aisquith Street and binding on said extended line, and the southern right-of-way line of McElderry Street to a point of intersection with the southeastern right-of-way line of McElderry Street; thence running in a southwesterly direction and binding on said line to a point of intersection with the northeastern right-of-way line of Forrest Street; thence running in a southeasterly direction and binding on said line to a point of intersection with the eastern right-of-way line of Forrest Street; thence running in a southerly direction and binding on said right-of-way crossing Orleans Street to a point of intersection with the southern right-of-way line of Orleans Street; thence running in a westerly direction and binding on said right-of-way line to a point of intersection with the southwestern right-of-way line of Colvin Street; thence running in a northwesterly direction and binding on an extended line of the southwestern right-of-way line of Colvin Street to a point of intersection with the northwestern right-of-way of Ensor Street; thence running in a northeasterly direction and binding on said right-of-way line to a point of intersection with the southwestern right-of-way line of Mott Street; thence running in a southeasterly direction and binding on said right-of-way line of Mott Street to the point of intersection with the northwestern right-of-way line of Flatiron Alley (40 feet); thence running in an easterly direction and binding on said right-of-way line to the point of intersection with the northern right-of-way line of Monument Street; thence running in an easterly direction and binding on said right-of-way line to the point of the beginning, excluding the area comprised by Lots 2 and 4/5, Ward 5, Section 3, Block 1273, known as Belair Market.

(b) Calculation of fee.

(1) The fee for the Oldtown Mall Retail Business District License shall be based upon the total number of square feet of space:

- (i) on the 1st floor occupied for business purposes by such business establishment, whether the premises are owned, leased, or otherwise held by such business establishment; or
- (ii) if such business establishment does not occupy any 1st-floor space, on the floor containing the maximum number of square feet of space occupied for business purposes by such business establishment.

- (2) The Oldtown Mall Retail Business District License fee shall be calculated by multiplying the number of square feet of space occupied for business purposes by each business establishment as specified above, by a rate of \$0.15 per square foot.

(c) *Voting.*

Voting on all budgetary matters shall be by majority of the licensees, as represented by 1 vote per square foot of licensable space, and no vote shall carry except by a majority of votes cast. (*City Code, 1976/83, art. 15, §121(a).*) (*Ord. 82-839.*)

§ 11-22. Market Center.

(a) *District established.*

The area located within the boundaries set forth in this section is hereby declared to be a Retail Business District and may be referred to as “Market Center Retail Business District”:

Beginning for the same at the point formed by the intersection of the east side of Eutaw Street, as now laid out 66 feet wide, and the south side of Madison Street, as now laid out 66 feet wide, thence binding on the south side of said Madison Street, Easterly 143 feet, more or less, to intersect the west side of Linden Avenue; thence binding on the west side of said Linden Avenue, Southerly 400 feet, more or less, to intersect the south side of Monument Street, as now laid out 66 feet wide; thence binding on the south side of said Monument Street, crossing Linden Avenue, Easterly 250 feet, more or less, to intersect the center line of Howard Street, as now laid out 82.5 feet wide; thence binding on the center line of Howard Street, crossing Centre Street, and on the west outline of the Department of Housing and Community Development — Mount Vernon Urban Renewal Project, Southerly 450 feet, more or less, to intersect the south side of Centre Street, as now laid out 66 feet wide; thence binding on the south side of said Centre Street, crossing Park Avenue, and on the south outline of said Mount Vernon Urban Renewal Project, Easterly 800 feet, more or less, to intersect the west side of Cathedral Street, as now laid out 66 feet wide, thence binding on the west side of said Cathedral Street, crossing Hamilton Street, Franklin Street, Mulberry Street, and Pleasant Street, Southerly 1,125 feet, more or less, to intersect the north side of Saratoga Street, as now laid out 66 feet wide; and running thence by a straight line crossing said Saratoga Street, and on the west outline of the Department of Housing and Community Development — Charles Center Urban Renewal Project, Southerly 66 feet, more or less, to intersect the west side of Liberty Street, as now laid out varying in width; thence binding on the west side of said Liberty Street, and on the west outline of said Charles Center Urban Renewal Project, Southerly 89 feet, more or less; thence binding on the northwest side of said Liberty Street, crossing Clay Street, Lexington Street, and Marion Street, and on the northwest outline of said Charles Center Urban Renewal Project, Southwesterly 799 feet, more or less, to intersect the north side of Fayette Street, as now laid out; thence binding on the north side of said Fayette Street, crossing Park Avenue, and on a north outline of said Charles Center Urban Renewal Project, Westerly 96 feet, more or less, to intersect the west side of Park Avenue, as now laid out; thence binding on the west side of said Park Avenue, crossing Fayette Street, Fairmount Avenue, and Baltimore Street, and on the west outline of said Charles Center Urban Renewal Project, Southerly 500 feet, more or less, to intersect the south side of Baltimore Street, as now laid out 72 feet wide; thence binding on the south side of said Baltimore Street, crossing Howard Street, and on the proposed north outline of the Department of Housing and Community Development Loft District Urban Renewal Project, Westerly 340 feet, more or less, to intersect the west side of Howard Street, as now laid out 66 feet wide; thence binding on the west side of said Howard Street, Northerly 17 feet, more or less, to intersect the south side of Baltimore Street; thence binding on the south side of said Baltimore Street and on the north outline of said Loft District Urban Renewal Project, Westerly 430 feet, more or less, to intersect the west side of Eutaw Street; thence binding on the west side of said Eutaw Street, Southerly 60 feet, more or less, to intersect the north side of Napoleon Alley; thence binding on the north side of Napoleon Alley and on the north outline of said Loft District Urban Renewal Project, Westerly 340 feet, more or less, to intersect the center line of Paca Street, as now laid out 82.5 feet wide; thence binding on the center line of Paca Street, and on the east outline of the Department of Housing and Community Development — University of Maryland Project II, Northerly 500 feet, more or less, to intersect the center line of Fayette Street; thence binding on the center line of said Fayette Street, crossing Diamond Street, and on the north outline of said University of Maryland Project II, Westerly 361 feet, more or less, to intersect the east side of Greene Street, as now laid out 66 feet wide; thence binding on the east side of said Greene Street, crossing Lexington

Street, and on the east outline of the Department of Housing and Community Development—Orchard-Biddle Urban Renewal Project, Northerly 860 feet, more or less, to intersect the south side of said Saratoga Street, thence binding on the south side of said Saratoga Street, and on a south outline of said Orchard-Biddle Urban Renewal Project, crossing Paca Street, Easterly 394 feet, more or less, to intersect the east side of Paca Street, as now laid out 82.5 feet wide; thence binding on the east side of Paca Street, and on the east outline of said Orchard-Biddle Urban Renewal Project crossing Saratoga Street and Mulberry Street, Northerly 747 feet, more or less, to intersect the south side of Franklin Street, as now laid out 70 feet wide; thence binding on the south side of said Franklin Street, crossing Jasper Street and Eutaw Street, and on a south outline of said Orchard-Biddle Urban Renewal Project, Easterly 388 feet, more or less, to intersect the east side of said Eutaw Street and thence binding on the east side of said Eutaw Street, crossing Franklin Street, George Street, Centre Street, Druid Hill Avenue, McCulloh Street, and Monument Street and on the east outline of said Orchard-Biddle Urban Renewal Project, Northerly 1,275 feet, more or less, to the place of beginning.

(b) *Calculation of fee.*

- (1) The fee for the Market Center Retail Business District License shall apply to any business establishment which occupies space on the 1st floor in a premises located within the Market Center Retail Business District.
- (2) The fee for the Market Center Retail Business District License shall be based upon:
 - (i) for all business establishments other than movie theaters, the total number of square feet of 1st-floor space occupied by a business establishment in the premises, whether owned, leased or otherwise held by such business establishment; and
 - (ii) for movie theaters, 70% of the total number of square feet of 1st-floor space occupied by the theater in the premises owned, leased, or otherwise held by such movie theater.
- (3) The Market Center Retail Business District License fee shall be calculated by multiplying the number of square feet occupied for business purposes by each business establishment, as specified above, by a rate of \$0.20 per square foot.

(c) *Voting.*

Voting on all budgetary matters shall be by majority of the licensees, as represented by 1 vote per square foot of licensable space, and no vote shall carry except by a majority of votes cast. (*City Code, 1976/83, art. 15, §121(b).*) (*Ord. 82-840.*)

§ 11-23. York Road. *{Repealed by Ord. 19-249, effective Dec. 31, 2019.}*

§ 11-24. Pimlico.

(a) *District established.*

The area located within the boundaries set forth in this section is hereby declared to be a Retail Business District and may be referred to as “Pimlico Business District”:

Beginning for the same at the point formed by the intersecting center lines of Park Heights Avenue and W. Garrison Avenue; thence running Southwesterly along said center line 161 feet ± to a point formed by extending the center line of the first 10 foot alley; thence running Northwesterly 150 feet ± intersecting the center line of the adjoining 15 foot alley; thence running Southwesterly 169 feet ± intersecting the center line of the adjoining

15 foot alley; thence running Northwesterly 300 feet ± to the center line of Spaulding Avenue; thence running Northeastly along said center line 28 feet ± to a point 257 feet ± Southwesterly from the center line of Park Heights Avenue, also known as the extended Southwestern lot line of lots 21, 8/9, 22, 11, 12, 13 and 14, Ward 27, Section 21, block 4582; thence running Northwesterly along said lot line 369 feet ± to the center line of W. Belvedere Avenue; thence running Southwesterly along said center line 100 feet ± to a point 79 feet ± Northeastly from the intersecting center line of Denmore Avenue, also known as the point formed by extending the lot line between lots 1 and 2, Ward 27, Section 21, block 4552; thence running Northwesterly along said lot line 275 feet ± adjoining the Northeastly right-of-way line of the 10 foot alley extending said line to the center line of Paton Avenue at a point 145 feet ± Southwesterly from the center line of Park Heights Avenue; thence running Southwesterly 5 feet ± along said center line 235 feet ± Northeastly from the intersecting center lines of Denmore Avenue and Paton Avenue, also known as the extended lot line between lots 1, 2, 3, 4, 5, 6, and 29, Ward 27, Section 21, block 4553; thence running Northwesterly 115 feet ± along said lot line to a point 149 ± feet Southwesterly from the center line of Park Heights Avenue approximately 200 feet ± Northeastly from the intersecting center lines of Denmore Avenue and Paton Avenue, also known as the lot line between lots 6 and 7, Ward 27, Section 21, block 4553; thence running Southwesterly along said lot line 70 feet ± to the center line of the adjoining 15 foot alley; thence running Northwesterly 593 feet ± crossing Hayward Avenue to intersect the center line of the next adjoining 15 foot alley, as extended, at a point 140 feet ± Northeastly from the center line of Denmore Avenue; thence running Westerly and Northwesterly along said center line 800 feet ± to intersect the southwestern lot line of Lot 16, Ward 27, Section 21, block 527; thence running Northwesterly 35 feet ± to intersect the northwestern lot line of said lot, also known as the lot line dividing lots 16, 16a and 17, Ward 27, Section 21, block 527; thence running Southwesterly 30 feet ± to intersect the center line of the adjoining 15 foot alley; thence running Southwesterly 145 feet ± to the center line of Denmore Avenue; thence running Northwesterly 390 feet ± to intersect the center line of West Rogers Avenue; thence running Southwesterly 140 feet ± to intersect the center line of the next 20 foot alley, as extended, at a point 175 feet ± Northeastly from the center line of Magnolia Avenue; thence running Northwesterly 415 feet ± to intersect the center line of West Northern Parkway; thence running Northeastly 486 feet ± to intersect the lot line dividing lots 5/8 and 9, Ward 27, Section 22, block 444-a, as extended; thence running Southeasterly along said lot line 179 feet ± to intersect the center line of the 16 foot alley; thence running Northeastly 210 feet ± to intersect the center line of Clover Road; thence running Southeasterly 209 feet ± to intersect the center line of the next 15 foot alley, as extended, thence running Southeasterly 762 feet ± to intersect the center line of Clover Road at a point 120 feet ± Northeastly from the center line of Park Heights Avenue; thence running Northeastly 60 feet ± to intersect the northern lot line, as extended, of lot 16, Ward 27, Section 19, block 4536, also known as the lot line dividing said lot and lots 17, 18, 19, 20, 21, and 22, Ward 27, Section 19, block 4536; thence running Easterly 249 feet ± to intersect the center line of Hamlin Avenue; thence running Southeasterly 140 feet ± to intersect the center line of Court Street; thence running Southwesterly 120 feet ± to intersect the center line of the 10 foot unimproved alley; thence running Southeasterly 90 feet ± to intersect the center line of the closed 6 foot alley; thence running Northwesterly 115 feet ± to intersect the center line of Hamlin Avenue; thence running Southeasterly 350 feet ± intersect the center line of Hayward Avenue; thence running Southwesterly 100 feet ± to intersect the intersecting center line of Park Heights Avenue; thence running Southeasterly along the center line of Park Heights Avenue 195 feet ± to a point formed by extending the Western lot line of lot 22, Ward 27, Section 19, block 4554, also known as the lot line dividing lots 23/26 and lot 22; thence running Northerly along said lot line 135 feet ± to a point 115 feet ± Southeasterly from the center line of Hayward Avenue, also known as the northern lot line of lot 22, Ward 27, Section 19, block 4554; thence running Southeasterly along said lot line 29 feet ± to the eastern lot line of said lot, also known as the lot line dividing lots 22 and 19/21, Ward 27, Section 19, block 4554; thence running Southerly along said lot line 135 feet ± to the center line of Park Heights Avenue; thence running Southeasterly to the center line of W. Belvedere Avenue; thence running Northeastly 304 feet ± to a point 430 feet ± Northwesterly from the center line of Spaulding Avenue, also known as the extended lot line between lots 7, 8 and 9, Ward 27, Section 19, block 4584; thence running Southeasterly 130 feet ±; thence running Southeasterly 50 feet ± to the western right-of-way line of the Municipal parking lot at a point 250 feet ± Northwesterly from the intersecting center lines of Spaulding and Palmer Avenues; thence running Northeastly along said right-of-way line 20 feet ± to the Northern right-of-way line of said parking lot; thence running Southeasterly 240 feet ± to the center line of Spaulding Avenue; thence running Southwesterly 140 feet ± to a point where extending the center line of the 10 foot alley intersects the center lines of Spaulding and Palmer Avenues; thence running Southeasterly along said extended 10 foot alley center line 45 feet ±; thence running easterly along said center line 85 feet ± to the eastern right-of-way line of said 10 foot alley, also known as the lot line dividing lots 19D and 20, Ward 27, Section 19, block 4585; thence running Southerly 5 feet ± to a point approximately 280 feet Northerly from the point of beginning, also known as the Southwesterly lot line of Lots 20, 21, 22, 23 and 24, Ward 27, Section 19, block 4585; thence running Southeasterly along said line 40 feet ± to a point 268 feet Northerly from the point of beginning, also known as the lot line dividing Lots 24 and 25, Ward 27, Section 19,

block 4585; thence running Northeasterly along said line 48 feet ± to the center line of Palmer Avenue; thence running Southeasterly 50 feet ± to a point 383 feet ± Northeasterly from the point of beginning also known as the extended lot line dividing Lots 25 and Lots 1, 2, 3, 4, 5, 6, 7, 8, Ward 27, Section 19, block 4585; thence running Southwesterly along said lot line 200 feet ± to a point 185 feet ± northerly from the point of beginning, also known as the lot line dividing lots 8, 9/10, Ward 27, Section 19, block 4585; thence running Southeasterly 127 feet ± to the center line of Garrison Avenue; thence running Southwesterly 186 feet ± to the center line of Park Heights Avenue; thence running Northwesterly along said center line to the point of beginning.

(b) *Calculation of fee.*

- (1) The fee for the Pimlico Business District license shall be based on the total number of square feet of 1st-floor space occupied for retail, service, rental, or professional services rendered by that establishment, whether the premises are owned, leased, or otherwise held by such business establishment.
- (2) Parking lots and warehouses are exempt from the payment of any fee. However, storage space incidental to a business establishment's primary business is not exempt hereunder for the purposes of calculation and payment of this license fee.
- (3) The Pimlico Business District license fee shall be calculated as follows:
 - (i) the first 1,200 square feet is to be rated at \$0.15 per square foot, with minimum fee of \$100;
 - (ii) the next 1,800 square feet is to be rated \$0.11 per square foot;
 - (iii) the next 3,000 square feet is to be rated at 0.05 per square foot; and
 - (iv) all remaining square feet are to be rated at \$0.01 per square foot.
- (4) Notwithstanding the provisions of § 11-7(b) of this subtitle, it is further understood that the license fee due from business establishments shall be calculated by the Merchants' Association and certified to the Commissioner of Housing and Community Development on a yearly basis.

(c) *Voting.*

- (1) Voting on the annual budget shall be by a majority of the licensees, represented by 1 vote per \$100 of assessment rounded to the nearest hundred, at a meeting called for such purposes by the Pimlico Merchants' Association, and no vote shall carry except by a majority of the votes cast.

- (2) All other voting shall be by 1 vote per licensed business establishment.

(City Code, 1976/83, art. 15, §121(d).) (Ord. 85-546.)

§ 11-25. Monument Street.

(a) *District established.*

The area located within the boundaries set forth in this section is hereby declared to be a Retail Business District and may be referred to as "Monument Street Business District":

Beginning for the same at the point formed by the intersecting center lines of E. Monument Street and N. Milton Avenue; thence running Northerly along said center line 105 feet ± to intersect the extended center line of the first 10 foot alley; thence running Westerly along said center line 321 feet ± crossing N. Port Street to the center line of N. Montford Avenue; thence running Southerly along said center line 5 feet ± to intersect the center line of the 10 foot alley 65 feet ± north of E. Monument Street and east of N. Bradford Street; thence running Westerly along said center line 156 feet ± intersecting the center line of N. Bradford Street; thence running Northerly along said center line 25 feet ± intersecting the center line of the 10 foot alley 90 feet north of E. Monument Street and west of N. Bradford Street; thence running Westerly along said center line 76 feet ± intersecting the center line of the 10 foot alley parallel to and approximately 75 feet east of N. Patterson Park Avenue; thence running Southerly along said center line 79 feet ± to a point 75 feet Easterly from N. Patterson Park Avenue also known as the lot line between Lots 48 and 49, Ward 7, Section 2, block 1623; thence running Westerly along said lot line 110 feet ± intersecting the center line of N. Patterson Park Avenue; thence running Northerly, along said center line 90 feet ± intersecting the center line of the 10 foot alley 100 feet north of E. Monument Street and east from N. Madeira Street; thence running Easterly 146 feet ± along said center line intersecting the center line of N. Madeira Street; thence running Southerly along said center line 20 feet ± intersecting the center line of the 10 foot alley 80 feet ± north of E. Monument Street and east of N. Collington Avenue; thence running Westerly along said center line of N. Collington Avenue; thence running Northerly 10 feet ± intersecting the extended center line of the 9 foot alley 90 feet north of E. Monument Street; thence running Westerly 298 feet ± crossing N. Duncan Street intersecting the center line of N. Chester Street; thence running Northerly along said center line 265 feet ± intersecting the center line of E. Madison Street; thence running Westerly along said center line 480 feet ± intersecting the center line of N. Washington Street; thence running Southerly 515 feet ± along said center line intersecting the extended center line of the 10 foot alley 85 feet south of E. Monument Street and west from N. Castle Street; thence running Easterly 200 feet ± along said center line intersecting the center line of N. Castle Street; thence running Southerly 40 feet ± along said center line intersecting the extended center line of the 10 foot alley 127 feet ± south of E. Monument Street and east of N. Castle Street; thence running Easterly 112 feet ± along said center line intersecting the center line of the 10 foot alley 85 feet ± south of E. Monument Street; thence running Northerly 43 feet ± along said center line intersecting the center line of the 5 foot alley 85 feet south of E. Monument Street; thence running Easterly 92 feet ± along said center line intersecting the center line of N. Chester Street; thence running Southerly 280 feet ± along said center line intersecting the center line of McElderry Street; thence running northerly 300 feet ± along said center line intersecting the extended center line of the 10 foot alley 72 feet south of E. Monument Street; thence running Easterly 175 feet ± along said center line to the center line of N. Collington Street; thence running Northerly 45 feet ± to a point 27 feet ± south of East Monument Street, being also the lot line between Lots 16/17 and 18, Ward 7, Section 14, block 1638; thence running Easterly 77 feet ± to the center line of the adjoining 3 feet 8 inch alley; thence running Southerly approximately 24 feet ±; thence running 25 feet ± Southeasterly to a point that intersects the center line of the adjoining 15 foot ± alley 62 feet ± south of E. Monument Street; thence running south 65 feet ± to the center line of the adjoining 10 foot alley; thence running 85 feet Easterly ± to the center line of N. Madeira Street; thence running Northerly 45 feet ± to the center line of the 10 foot alley 74 feet ± south from E. Monument Street; thence running Easterly 83 feet ± to the center line of the adjoining 10 foot alley; thence running Southerly 59 feet to the center line of the 3 foot to 6 foot adjoining alley; thence running Easterly 135 feet ± to the center line of N. Patterson Park Avenue; thence running northerly 64 feet ± to the center line of the 10 foot alley 75 feet ± south of E. Monument Street; thence running 347 feet ± crossing N. Bradford Street and Dimling Court to the center line of the adjoining 4 foot alley; thence running Southerly 35 feet ± to the center line of the adjoining 6 foot alley; thence running Easterly 53 feet ± to the center line of N. Montford Avenue; thence running Northerly 49 feet ± crossing N. Port Street to the center line of the adjoining 4 foot 4 inch alley; thence running Easterly 120 feet ± to the center line of N. Milton Avenue; thence running Northerly to the point of beginning.

(b) *Calculation of fee.*

- (1) The fee for the Monument Street Business District license shall be based upon the total number of square feet of 1st-floor space, up to a maximum of 6,666 square feet, of a business establishment occupied for retail, service, rental, or professional services rendered by that establishment, whether the premises are owned, leased, or otherwise held by such business establishment.

- (2) Parking lots and warehouses are exempt from the payment of any fee. However, storage space incidental to a business establishment's primary business is not exempt hereunder for the purposes of calculation and payment of this license fee.
- (3) The Monument Street Business District fee shall be calculated by multiplying the number of square feet of licensable space as specified above for each business establishment by a rate of \$0.15 per square foot.

(c) *Voting.*

- (1) Voting on the annual budget shall be by a majority vote of the licensees voting, in person or by proxy, at a meeting called by the Monument Street Merchants' Association for that purpose. Each licensee shall have 1 vote per square foot of licensable space and no vote shall carry except by a majority of votes cast.

- (2) All other voting shall be by 1 vote per licensed business establishment.

(City Code, 1976/83, art. 15, §121(e).) (Ord. 85-548.)

§ 11-26. Highlandtown.

(a) *District established.*

The area located within the boundaries set forth in this section is hereby declared to be a Retail Business District and may be referred to as "Highlandtown Business District":

Beginning for the same at the point formed by the intersecting center lines of Eastern Avenue and S. Robinson Street; thence running Southerly on center line of said S. Robinson Street 145 feet ± intersecting the extended centerline of the 10 foot alley located 100 feet ± south of Eastern Avenue; thence running Easterly, along center line of said 10 foot alley, 205 feet ± to intersect the center line of S. East Avenue; thence running Northerly along the last mentioned center line, 10 feet ± intersecting the extended center line of the 10 foot alley located 90 feet ± south of Eastern Avenue; thence running 220 feet ± Easterly along the last mentioned center line to intersect the center line of S. Bouldin Street; thence running Northerly along the last mentioned center line 2 feet ± intersecting the extended center line of the 10 foot alley located 88 feet ± south from Eastern Avenue; thence running Easterly along the last mentioned center line 111 feet ± to intersect the center line of the adjoining 27 foot alley located 72.5 feet east from S. Bouldin Street; thence running Southerly along the last mentioned center line 17 feet ± to intersect the center line of the adjoining 10 foot alley located 105 feet ± south from Eastern Avenue; thence running Easterly along the last mentioned center line 108 feet ± to intersect the center line of S. Clinton Street; thence running Northerly along the last mentioned center line 30 feet ± to intersect the extended center line of the 10 foot alley located 75 feet ± south from Eastern Avenue; thence running Easterly along the last mentioned center line 175 feet ± crossing the eastern right-of-way line of the adjoining 20 foot alley located 80 feet ± east from S. Clinton Street, to the extended center line of the 3 foot alley south from Marshall Court; thence running Northerly 6 feet ± to the center line of the Marshall Court Driveway; thence running Easterly 100 feet ± to intersect the center line of S. Highland Avenue; thence running Southerly 270 feet ± to intersect the center line of Fleet Street; thence running Easterly 445 feet ± to the center line of S. Conkling Street; thence running Southerly 185 feet ± to a point formed by extending the southern property line of Lot 1, Ward 26, Section 9, block 6433; thence running Easterly 265 feet along said property line through the 20 foot alley south of Fleet Street to the center line of Fleet Street; thence running Southerly 5 feet ± to the extended southern property line of Lot 26/27, Ward 26, Section 9, block 6434; thence Easterly 180 feet ± along said line to the center line of the 10 foot alley south of Fleet Street; thence running Northerly 136 feet ± to a point 50 feet ± south of the center line of Fleet Street, also known as the lot line between Lots 25K and 25J, Ward 26, Section 9, block 6434; thence running Easterly 195 feet ± crossing S. Eaton Street to the center line of the 12 foot alley south of Fleet Street; thence running Southerly 210 feet ± to the center line of the adjoining 12 foot alley; thence running Easterly 70 feet ± to the center line of the adjoining 10 foot alley; thence running northerly 210 feet ± to a point 49 feet 8 inches ± south of the center line of Fleet Street, also known as the lot line between Lots 35 and 36, Ward 26, Section 9, block 6435; thence running Easterly 100 feet ± to the center

line of Fagley Street; thence running Southerly 136 feet \pm to a point formed by extending the lot line between Lots 1 and 1A, Ward 26, Section 9, block 6436; thence running Easterly along said line 132 feet \pm to the center line of the 14 foot alley abutting the north property line of Lot 5A, Ward 26, Section 9, block 6436 at a point 185 feet \pm south of the center line of Fleet Street; thence running north 134 feet \pm to a point 49 feet \pm south of the center line of Fleet Street, also known as the lot line between Lots 33 and 34, Ward 26, Section 9, block 6436; thence running Easterly 102 feet \pm crossing Grundy Street to a point 45 feet 4 1/2 inches \pm south of Fleet Street, also known as the lot line between Lots 1 and 2, Ward 26, Section 9, block 6437; thence running Easterly 102 feet \pm to the center line of the adjoining 10 foot alley; thence running Southerly 330 feet \pm to the center line of Foster Avenue; thence running 125 feet \pm Easterly to the center line of S. Haven Street; thence running northerly 378 feet \pm to the center line of Fleet Street; thence running Easterly 245 feet \pm to the center line of the unnamed 17 foot S. Iris Avenue right-of-way; thence running Northerly 365 feet \pm to the center line of Eastern Avenue; thence running Westerly 235 feet \pm to the center line of S. Haven Street; thence running Northerly 360 feet \pm to the center line of Bank Street; thence running Westerly 815 feet \pm to the center line of Eaton Street; thence running Northerly 185 feet \pm to the center line of Chestle Place; thence running Westerly 315 feet to the center line of S. Dean Street; thence running Southerly 90 feet \pm to a point 94 feet \pm north from Bank Street, also known as the extended lot line between Lots 14 and 50, Ward 26, Section 16, Block 6312; thence running Westerly 85 feet \pm to a point 94 feet \pm north from Bank Street, also known as the western property line of said Lot 50; thence running Southerly 25 feet \pm to a point 65 feet \pm north from Bank Street, also known as the northern lot line of Lot 17, Ward 26, Section 16, block 6312; thence running Westerly 110 feet \pm to the center line of S. Conkling Street; thence running Northerly 53 feet \pm to a point formed by extending the center line of the 10 foot alley north from Bank Street; thence running Westerly 290 feet \pm to the center line of Baylis Street; thence running Southerly 135 feet \pm to the center line of Bank Street; thence running Westerly 250 feet \pm to the center line of S. Highland Avenue; thence running Northerly 135 feet \pm to a point 240 feet \pm Southerly from the center line of Gough Street, also known as the extended lot line between Lots 34 and 35, Ward 26, Section 12, block 6299A; thence running Westerly 139 feet \pm to the center line of the 15 foot alley Easterly from S. Clinton Street; thence running Southerly 427 feet \pm crossing Bank Street to the center line of the adjoining 20 foot alley 185 feet Northerly from Eastern Avenue; thence running Westerly 130 feet \pm to the center line of S. Clinton Street; thence running Northerly 14 feet \pm to a point 162 feet \pm Southerly from the center line of Bank Street; also known as the extended lot line between Lots 20 and 21, Ward 26, Section 12, block 6298; thence running Westerly 123 feet \pm to the center line of the 10 foot alley Easterly from S. Bouldin Street; thence running Southerly 23 feet \pm to the center line of the adjoining 20 foot alley; thence running Westerly 13 feet \pm crossing S. Bouldin Street to the center line of the 10 foot alley Westerly from S. Bouldin Street at a point 185 feet \pm Southerly from Bank Street; thence running Northerly 25 feet \pm to a point 160 feet \pm Southerly from Bank Street, also known as the lot line between Lots 35 and 36, Ward 26, Section 12, block 6297; thence running Westerly 120 feet \pm to the center line of S. East Avenue; thence running Southerly 5 feet \pm to a point 165 feet \pm Northerly from Eastern Avenue, also known as the extended lot line between Lots 80 and 68/69, Ward 1, Section 14, block 1779; thence running Westerly 115 feet \pm to the center line of the 10 foot alley Easterly from Robinson Street; thence running Southerly 185 feet \pm to the center line of Eastern Avenue; thence running Easterly along said center line to the point of beginning.

(b) *Calculation of fee.*

(1) The fee for the Highlandtown Business District License shall be based upon:

- (i) for all business establishments other than movie theaters, the total number of square feet of 1st-floor space occupied for retail, service, rental, or professional services by that business establishment; and
- (ii) for all movie theaters, whether owned, leased, or otherwise held by such business establishment, 70% of the total number of square feet of 1st-floor space occupied by the theater.

(3) Parking lots and warehouses are exempt from the payment of any fee. However, storage space incidental to a business establishment's primary business is not exempt hereunder for the purposes of calculation and payment of the license fee.

- (4) The Highlandtown Business District License fee shall be calculated as follows:
- (i) the first 5,000 square feet occupied for business purposes by each business establishment is to be rated at \$0.14 per square foot; and
 - (ii) any square footage in excess of 5,000 square feet shall be rated at \$0.07 per square foot.
- (5) Notwithstanding the provisions of § 11-7(b) of this subtitle, the license fee due from business establishments shall be calculated by the Highlandtown Merchants' Association and certified to the Commissioner annually.

(c) *Voting.*

Voting on the annual budget shall be by a majority vote of the licensees voting, in person or by proxy, at a meeting called by the Highlandtown Merchants' Association for this purpose. Each licensee shall have 1 vote per licensed business establishment.

(City Code, 1976/83, art. 15, §121(f).) (Ord. 85-556.)

§ 11-27. Hamilton.

(a) *District established.*

The area located within the boundaries set forth in this section is hereby declared to be a Retail Business District and may be referred to as "Hamilton Business District":

Beginning for the same at the point formed by the intersecting centerlines of Harford Road and E. Strathmore Avenue; thence running northwesterly 110 feet ± along the center line of E. Strathmore Avenue; thence running northeasterly 125 feet ±; thence running northwesterly 68 feet ± to intersect the centerline of the adjoining alley; thence running northeasterly along said centerline 128 feet ±; thence running northwesterly 5 feet ±; thence running northeasterly 217 feet ±; thence running northwesterly 190 feet ±; thence running northeasterly 121 feet ± to intersect the centerline of the 20 foot ± alley; thence running northeasterly 185 feet ± along said centerline; thence running northwesterly 160 feet ± along the last mentioned centerline; thence running northeasterly 220 feet ± to intersect the centerline of Gibbons Avenue; thence running southeasterly 80 feet ± along said centerline to intersect the centerline of a 20 foot alley as extended; thence running northeasterly 210 feet ± along said centerline to intersect the centerline of the adjoining 20 foot alley; thence running northwesterly 380 feet ± along the last mentioned centerline; thence running northeasterly 230 feet ± to intersect the centerline of Hamilton Avenue; thence running northwesterly along said centerline 55 feet ± to intersect the centerline of Hampnett Avenue; thence running northeasterly 340 feet ±; then running southeasterly 105 feet ±; thence running northeasterly 138 feet ± to intersect centerline of Evergreen Avenue; thence running southeasterly 110 feet ± along said centerline; thence running northeasterly 154 feet ±; thence running northwesterly 180 feet ±; thence running northeasterly 140 feet ± to intersect the centerline of Bayonne Avenue; thence running southeasterly 70 feet ± to intersect the centerline of Harford Road; thence running northeasterly 83 feet ± to intersect the centerline of Bayonne Avenue; thence running southeasterly 273 feet ±; thence running southwesterly 175 feet ±; thence running southeasterly 131 feet ±; thence running southwesterly 90 feet ±; thence running northwesterly 188 feet ±; thence running southwesterly 133 feet ± to intersect the centerline of Evergreen Avenue; thence running southeasterly 40 feet ± along said centerline; thence running southwesterly 97 feet ±; thence running southeasterly 131 feet ±; to intersect the centerline of Richard Avenue; thence running 210 feet ± along said centerline to intersect the centerline of Wisteria Avenue; thence running 400 feet ± along the last mentioned centerline to intersect the centerline of Arabia Avenue; thence running southwesterly 283 feet ± along the last mentioned centerline to intersect the centerline of Hamilton Avenue; thence running northwesterly 60 feet ± along the centerline of Hamilton Avenue; thence running southwesterly 230 feet ± to intersect the centerline of Saint Johns Avenue; thence running northwesterly 375 feet ± along said centerline; thence running southwesterly 228 feet ± to intersect the centerline of Gibbons Avenue; thence running southeasterly 185 feet ±; thence running southwesterly 268 feet ±; thence running northwesterly 140 feet ±;

thence running southwesterly 53 feet \pm ; thence running northwesterly 50 feet \pm ; thence running southwesterly 111 feet \pm to intersect the centerline of Echodale Avenue; thence running northwesterly 20 feet \pm along said centerline to intersect the centerline of a 12 foot alley as extended; thence running southwesterly along said centerline 249 feet \pm ; thence running southeasterly 90 feet \pm to intersect the centerline of a 13 foot alley; thence running southwesterly 173 feet \pm to intersect the centerline of Batavia Avenue; thence running northwesterly along said centerline 243 feet \pm to intersect the centerline of Harford Road; thence running southwesterly 60 feet \pm along said centerline to the point of beginning.

(b) *Calculation of fee.*

- (1) The fee for the Hamilton Business District license shall be based upon the total number of square feet of 1st-floor space for each business establishment occupied for retail, service, rental, or professional services rendered by that establishment, whether the premises are owned, leased, or otherwise held by such business establishment.
- (2) Parking lots and warehouses are exempt from the payment of any fee. However, storage space incidental to a business establishment's primary business is not exempt hereunder for purposes of calculation and payment of this license fee.
- (3) The Hamilton Business District fee shall be calculated by determining the number of square feet of licensable space as specified above for each business establishment and assessing them as follows:
 - (i) from 0 to 1,000 square feet, the fee shall be \$100;
 - (ii) from 1,001 to 2,000 square feet, the fee shall be \$175;
 - (iii) from 2,001 to 3,000 square feet, the fee shall be \$250; and
 - (iv) all establishments having greater than 3,000 square feet shall be assessed \$325.
- (4) Wholly-owned subsidiaries shall be billed as a separate business if operating under a name different from the parent organization.

(c) *Voting.*

Voting on the annual budget shall be by a majority vote of the licensees, voting in person or by written proxy, at a meeting called by the Hamilton Business Association for that purpose. Each licensee shall have 1 vote per licensed establishment, and no vote shall carry except by a majority of votes cast.

(City Code, 1976/83, art. 15, §121(g).) (Ord. 88-139.)

§ 11-28. Federal Hill Market Place.

(a) *District established.*

The area located within the boundaries set forth in this subsection is hereby declared to be a Retail Business District and may be referred to as "Federal Hill Market Place Business District":

Beginning for the same at the point formed by the intersecting center lines of S. Light Street and E. Montgomery Street; thence running Easterly 92 feet \pm along the center line of E. Montgomery Street; thence running

Southerly 92 feet ±; thence running Easterly 15 feet ±; thence running Southerly 22 feet ±; thence running Easterly 47 feet ±; thence running Southerly 80 feet ± to the center line of E. Churchill Street; thence running Westerly 58 feet ± to the center line of the 3 foot alley as extended; thence running Southerly 46 feet ±; thence running Easterly 1 foot 6 inches ±; thence running Southerly 15 feet ±; thence running Easterly 33 feet ±; thence running Southerly 30 feet ±; thence running Westerly 33 feet ±; thence running Southerly 102 feet ± to the center line of Warren Avenue; thence running Westerly 50 feet ±; thence running Southerly 124 feet ± to the center line of E. Wheeling Street; thence running Easterly 54 feet ±; thence running Southerly 32 feet ±; thence running Easterly 2 feet ± to the center line of the 4 foot alley; thence running Southerly 70 feet ± to the center line of E. Hamburg Street; thence running Easterly 10 feet ± to the center line of Vanhorns Court as extended; thence running Southerly 260 feet ±; thence running Easterly 54 feet ±; thence running Southerly 31 feet ±; thence running Westerly 40 feet ±; thence running Southerly 15 feet ±; thence running Westerly 124 feet ± to the center line of S. Light Street; thence running Southerly 120 feet ± to the center line of E. Cross Street; thence running Easterly 314 feet ±; thence running Southerly 77 feet ±; thence running Westerly 43 feet ±; thence running Southerly 29 feet ±; thence running Westerly 29 feet ±; thence running Southerly 30 feet ±; thence running Easterly 47 feet ±; thence running Southerly 96 feet ± to the center line of Weber Street; thence running Westerly 176 feet ±; thence running Southerly 53 feet ±; thence running Westerly 30 feet ±; thence running Southerly 102 feet ± to the center line of E. West Street; thence running Easterly 152 feet ± to the center line of Wall Street; thence running Southerly 480 feet ± to the center line of E. Ostend Street; thence running Westerly 958 feet ± or to a point 230 feet ± Easterly from the center line of S. Hanover Street; thence running Northerly 104 feet ±; thence running Westerly 63 feet ± to the center line of Goodman Alley; thence running Northerly 125 feet ± to the center line of Ropewalk Lane; thence running Easterly 50 feet ± to the center line of Goodman Alley; thence running Northerly 130 feet ± to the center line of W. West Street; thence running Easterly 15 feet ±; thence running Northerly 73 feet ±; thence running Easterly 4 feet ±; thence running Northerly 19 feet ±; thence running Westerly 100 feet ± to the center line of Olive Street; thence running Northerly 124 feet ±; thence running Easterly 23 feet ± to the center line of Olive Street; thence running Northerly 577 feet ± to the center line of Hamburg Street; thence running Westerly 40 feet ±; thence running Northerly 86 feet ±; thence running Easterly 5 feet ± to the center line of Olive Street; thence running Northerly 160 feet ± to the center line of W. Wheeling Street; thence running Easterly 103 feet ±; thence running Northerly 160 feet ± to the center line of W. Henrietta Street; thence running Westerly 17 feet ±; thence running Northerly 94 feet ±; thence running Westerly 65 feet ±; thence running Northerly 70 feet ± to the center line of W. Churchill Street; thence running Westerly 40 feet ±; thence running Northerly 48 feet ±; thence running Westerly 112 feet ± to intersect the centerline of S. Hanover Street; thence running Northerly 125 feet ± to intersect the centerline of W. Montgomery Street; thence running Easterly 335 feet ± to intersect the centerline of S. Charles Street; thence running Southerly 168 feet ± to intersect the centerline of E. Churchill Street; thence running Easterly 395 feet ±; thence running Northerly 165 feet ± to intersect the centerline of E. Montgomery Street; thence running Easterly to the point of beginning.

(b) *Calculation of fee.*

- (1) The fee for the Federal Hill Market Place Business District license shall be based upon the total number of square feet of 1st-floor space for each business establishment occupied for retail, service, rental, or professional services rendered by that establishment, whether the premises are owned, leased, or otherwise held by such business establishment.
- (2) Parking lots and warehouses are exempt from payment of any fee. However, storage space incidental to a business establishment's primary business is not exempt hereunder for purposes of calculation and payment of this license fee.
- (3) The Federal Hill Market Place Business District fee shall be calculated by multiplying the number of square feet of licensable space, as specified above, for each business establishment, by a rate of \$0.15 per square foot, with a maximum fee of \$450, except the Cross Street Market shall be billed as the Cross Street Market Association with a flat fee of \$2,625.

(c) *Voting.*

(1) Voting on the annual budget shall be by a majority vote of the licensees, voting in person or by proxy, at a meeting called by the Federal Hill Market Place Business Association for that purpose. Each licensee shall have 1 vote per square foot of licensable space, and no vote shall carry except by a majority of votes cast.

(2) All other voting shall be by 1 per licensed business establishment.

(*City Code, 1976/83, art. 15, §121(h).*) (*Ord. 88-218.*)

§ 11-29. Pennsylvania Avenue/Lafayette Market Business District.(a) *District established.*

The area located within the boundaries set forth in this section is hereby declared to be a Retail Business District and may be referred to as “Pennsylvania Avenue/Lafayette Market Business District”:

Beginning for the same at the point formed by the intersecting center lines of Pennsylvania Avenue and Mosher Street, thence running Northeasterly 180 feet ±, thence running Northwesterly 400 feet ± to intersect the centerline of McMechen Street, thence running Northeasterly 33 feet ± to intersect the centerline of Brunt Street, thence running Northwesterly 88 feet ±, thence running Northeasterly 88 feet ±, thence running Northwesterly 201 feet ±, thence running Southwesterly 88 feet ± to intersect the centerline of Brunt Street, thence running Northwesterly 105 feet ± to intersect the centerline of Wilson Street, thence running Southwesterly 90 feet ± to intersect the southwestern lot line of Lot 56, Ward 14, Section 9, Block 338 as extended, thence running Northwesterly 78 feet ± to intersect the centerline of the next 3 foot alley, thence running Northeasterly 94 feet ± to intersect the centerline of Brunt Street, thence running Northwesterly 77 feet to intersect the centerline of Brunt Court, thence running Southwesterly 92 feet ± to intersect the centerline of the next 10-foot alley, thence running Northwesterly 144 feet ± to intersect the centerline of the next 8 foot alley, thence running Northeasterly 92 feet ± to intersect the centerline of Brunt Street, thence running Northwesterly 200 feet ± to intersect the division line between Lots 55/56 and 64, Ward 14, Section 7, Block 327 as extended, thence running Southwesterly 82 feet ± to intersect the center line of the next 15-foot alley, thence running Northwesterly 305 feet ± to intersect the centerline of Robert Street, thence running Southwesterly 123 feet ± to intersect the centerline of Pennsylvania Avenue, thence running Northwesterly 45 feet ± to intersect the centerline of Robert Street, thence running Southwesterly 317 feet ± to intersect the centerline of N. Fremont Avenue; thence running Southeasterly along the centerline of N. Fremont Avenue 590 feet ± to intersect the centerline of Sewell Street, thence running Northeasterly 154 feet to intersect the centerline of Argyle Avenue (60 feet wide) if projected Northwesterly, thence binding reversely on said line so drawn and on the centerline of Argyle Avenue in all Southeasterly 360 feet ± to intersect the northern lot line of Lot 36, Ward 14, Section 10, Block 337 as extended, thence running Northeasterly 130 feet to intersect the centerline of the next 3-foot alley, thence running Southeasterly 37 feet ± to intersect the next 3-foot alley, thence running Northeasterly 110 feet ± to intersect the centerline of the next 5-foot alley, thence running Southeasterly 103 feet ± to intersect the centerline of Pitcher Street, thence running Northeasterly 120 feet ± to intersect the centerline of Pennsylvania Avenue, thence running Southeasterly 591 feet ± to the point of beginning.

(b) *Calculation of fee.*

(1) The fee for the Pennsylvania Avenue/Lafayette Market Business District license shall be based upon the total number of square feet of 1st-floor space for each business establishment occupied for retail, service, rental, or professional services rendered by that establishment, including storage space incidental to the business establishment’s primary business, whether the premises are owned, leased, or otherwise held by such business establishment.

- (2) Parking lots and warehouses are exempt from payment of any fee.
- (3) The Pennsylvania Avenue/Lafayette Market Business District fee shall be calculated by multiplying the number of square feet of licensable space, as specified above, for each business establishment by a rate of \$0.25 per square foot, except for the Lafayette Market Association which shall pay a flat fee of \$2,625 as a single business establishment.

(c) *Voting.*

- (1) Voting on the annual budget shall be by a vote of the licensees, voting in person or by written proxy, at a meeting called by the Pennsylvania Avenue/Lafayette Market Association for that purpose. Each licensee shall have 1 vote per square foot of licensable space, and no vote shall carry except by a majority of votes cast.

- (2) All other voting shall be by 1 vote per licensed business establishment.

(City Code, 1976/83, art. 15, §121(i).) (Ord. 89-379.)

§ 11-30. Mount Washington Business District.

(a) *District established.*

The area within the following boundaries is declared to be a Retail Business District, to be known as the “Mount Washington Business District”:

Beginning for the same at a point formed by the intersection of the eastern right-of-way of the MTA Light Rail and an extended line of the northern right-of-way line of Smith Avenue; thence running in a westerly direction, crossing the MTA Light Rail along said extended line and binding on said line and the northern right-of-way line of Smith Avenue to a point of intersection with an extended line of the western right-of-way line of Greely Road; thence running in a southerly direction crossing Smith Avenue along said extended line and binding on said line and the western right-of-way line of Greely Road to a point of intersection with the northern right-of-way line of Kelly Avenue; thence running in a southeasterly direction crossing Kelly Avenue in a straight line and binding on that line, to a point formed by the intersection of the western right-of-way line of Kelly Avenue and the southern right-of-way line of Sulgrave Avenue; thence running easterly along the southern right-of-way line of Kelly Avenue and binding on that line to a point of intersection with the eastern property line of Lot 1, Ward 27, Section 17, Block 4700-A; thence running in an easterly direction in a straight line and binding on that line, across South Road to a point formed by the intersection of the southern right-of-way line of South Road with the western property line of Lot 9, Ward 27, Section 17, Block 4706-E; thence running in an easterly direction along the south side of Kelly Avenue to intersect with the eastern right-of-way line of the MTA Light Rail right of way; thence running northerly and binding on the eastern right-of-way line of the MTA Light Rail to intersect an extended straight line of the northern boundary of Lot 1, Ward 27, Section 17, Block 4656-B; thence running westerly along said extended straight line to the point of beginning.

(b) *Calculation of fee.*

- (1) The fee for the Mount Washington Business District license shall be based on the total number of square feet for each business establishment occupied for retail, service, rental, or professional services rendered by that establishment, whether the premises are owned, leased, or otherwise held by that establishment.
- (2) Parking lots and warehouses are exempt from the payment of any fee. However, storage space incidental to a business establishment’s primary business is not exempt for purposes of calculating and paying the license fee.

(3) The Mount Washington Business District fee shall be calculated by:

(i) determining the number of square feet of licensable space for each business establishment, as specified in paragraphs (1) and (2) of this subsection; and

(ii) assessing that establishment as follows:

(A) for each establishment with less than 800 square feet, the fee is \$200; and

(B) for each establishment with 800 or more square feet, the fee is \$400.

(c) *Voting.*

Voting on the annual budget shall be by a majority of the licensees voting, in person or by written proxy, at a meeting called by the Mount Washington Merchants Association for that purpose. Each licensee is entitled to 1 vote per licensed establishment.

(Ord. 02-433.)

SUBTITLES 12 TO 15
{RESERVED}

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SUBTITLE 16
BMORE SAFE PLACES
 {A/K/A “NEIGHBORWATCH AREAS”}

§ 16-1. Definitions.

(a) *In general.*

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

(b) *Area.*

“Area” means an area consisting of 2 or more block faces.

(c) *Block face.*

“Block face” means all properties, including commercial, religious, and residential properties, on 1 side of a street between 2 consecutive intersecting streets.

(d) *Board.*

“Board” means the Bmore Safe Places Board established by this subtitle.

(e) *NeighborWatch Area.*

“NeighborWatch Area” means an area designated as a NeighborWatch Area under this subtitle. (*City Code, 1976/83, art. 19, §239.*) (*Ord. 93-209; Ord. 10-399; Ord. 18-106.*)

§ 16-2. Program established.

(a) *In general.*

There is a NeighborWatch Area Program to promote a crime-free environment in neighborhoods, with priority attention for public upgrades given to neighborhoods that organize themselves to:

- (1) improve their own private lighting and trimming of greenery to reduce interference with the lighting of the neighborhood; and
- (2) either:
 - (i) register privately-owned security cameras with the City; or
 - (ii) run their own resident-based or privately-funded security patrol.

(b) *Availability.*

The Program is available to all qualified areas of the City.

(c) *Qualifications.*

To qualify for the Program, an area must meet the criteria set forth in this subtitle and in the rules and regulations adopted by the Board under this subtitle.

(City Code, 1976/83, art. 19, §240(intro)(1st - 3rd sens.).) (Ord. 93-209; Ord. 10-399; Ord. 18-106.)

§ 16-3. Board established.

(a) *In general.*

There is a Bmore Safe Places Board.

(b) *Composition.*

The Board comprises the following 21 members:

(1) 14 members appointed by the Mayor in accordance with Article IV, § 6 of the City Charter.

(2) 1 Councilmember appointed by the City Council President.

(3) The Police Commissioner or the Commissioner’s designee.

(4) The Director of Recreation and Parks or the Director’s designee.

(5) The Commissioner of Housing and Community Development or the Commissioner’s designee.

(6) The Director of Transportation or the Director’s designee.

(7) The Director of Planning or the Director’s designee.

(8) The Director of the Mayor’s Office on Criminal Justice or the Director’s designee.

(City Code, 1976/83, art. 19, §240(a)(part).) (Ord. 93-209; Ord. 10-399; Ord. 18-106.)

§ 16-4. Quorum.

(a) *Quorum.*

A majority of the members of the Board constitutes a quorum for the transaction of business..

(b) *Voting.*

An affirmative vote by the majority of a quorum is sufficient for any official action.

(Ord. 10-399.)

§ 16-5. Officers.(a) *Chair.*

The Chair of the Board is designated by the Mayor from among the appointed members.

(b) *Others.*

The Board may elect, from among its members, any other officers needed from time to time.
(*Ord. 10-399.*)

§ 16-6. General duties.

The Board shall:

(1) publicize and promote the NeighborWatch Area Program established by this subtitle using materials approved by the Board;

(2) consider applications requesting designation of areas as NeighborWatch Areas; and

(3) approve the design and specifications of the signs that the Department of Transportation provides in accordance with § 16-12(f) {"Operation[s]: Signage"} of this subtitle.

(*City Code, 1976/83, art. 19, §240(a)(part).*) (*Ord. 93-209; Ord. 10-399; Ord. 18-106; Ord. 19-332.*)

§ 16-7. Meetings.

The Board shall meet on the call of the its Chair or the Mayor as frequently as required to perform its duties, but not less than once every 6 months.

(*Ord. 10-399.*)

§ 16-8. Rules and regulations.

Subject to Title 4 {"Administrative Procedure Act – Regulations"} of the City General Provisions Article, the Board shall adopt rules and regulations to:

(1) govern its procedures;

(2) implement the NeighborWatch Area Program; and

(3) otherwise carry out this subtitle.

Editor's Note: By authority of Ordinance 20-431, Section 5, the Director of Legislative Reference, in consultation with the Law Department, has conformed this section to refer expressly to the requirements of the recently-enacted Administrative Procedure Act that, effective January 15, 2021, governs the proposal, adoption, and publication of administrative rules and regulations.

(*City Code, 1976/83, art. 19, §242.*) (*Ord. 93-209; Ord. 10-399; Ord. 18-106; Text Conformed 02/21/21.*)

§ 16-9. Applications for designation.*(a) Applications by residents.*

- (1) To be considered for the NeighborWatch Area Program, a neighborhood group, group of residents, or community association shall submit an application to the Board indicating that at least 60% of the residents of the area wish to be designated a NeighborWatch Area.
- (2) The boundary of the proposed NeighborWatch Area must be clearly identified in the application.
- (3) In addition, the residents must certify in the application which of the following they are able to provide:
 - (i) the location and ownership of all privately-owned security cameras to be registered with the City;
 - (ii) the frequency of any resident-based or privately-funded security patrol;
 - (iii) a commitment that they have and will use front and rear outdoor lights on their individual homes; or
 - (iv) a commitment that they will trim back – and keep trimmed – any privately owned greenery that might interfere with either public or private lighting of the neighborhood.

(b) Applications by Police Commissioner.

If the Police Commissioner determines that a delay would be harmful to the public safety and welfare, the Commissioner may apply directly to the Board to have an area designated a NeighborWatch Area.

(City Code, 1976/83, art. 19, §240(intro)(4th sen.), (b).) (Ord. 93-209; Ord. 10-399; Ord. 18-106; Ord. 19-332.)

§ 16-10. Referral to police district.*(a) Required referral.*

The Board shall refer each application to the local police district.

(b) Confirmation of need.

The Major of that district must confirm that calls for service and incident reports from the area demonstrate a need for increased public-safety measures.

(City Code, 1976/83, art. 19, §240(c)(1st sen.).) (Ord. 93-209; Ord. 10-399.)

§ 16-11. Action by Board.*(a) In general.*

The Board may approve or deny an application.

(b) Reasons to be given for denial.

If an application is denied, the Board must state the reasons for the denial. *(City Code, 1976/83, art. 19, §240(c)(2nd, 3rd sens.).) (Ord. 93-209; Ord. 10-399.)*

§ 16-12. Operation of Program.*(a) In general.*

On designation of a NeighborWatch Area, the City will take the following steps in the Area.

(b) Private lighting confirmed.

Private lighting will be confirmed.

(c) Privately owned greenery.

The City Forester will inspect greenery on private property and make recommendations to the owners for trimming any privately owned greenery that might interfere with either public or private lighting of the neighborhood.

(d) Publicly owned trees.

The City Forester will trim all trees on public property that interfere with or decrease the effectiveness of the street lighting.

(e) Upgraded street lighting.

Street lighting will be upgraded on a priority basis, using state-of-the-art technology to achieve the most acceptable level of lighting at the most reasonable cost.

(f) Signage.

The Department of Transportation will post at least one sign on each blockface of the Area, stating that this block is part of a NeighborWatch Area. *(City Code, 1976/83, art. 19, §241.)(Ord. 93-209; Ord. 10-399; Ord. 18-106; Ord. 19-332.)*

SUBTITLES 17 TO 18
{RESERVED}

SUBTITLE 19
SOUTH BALTIMORE GATEWAY COMMUNITY IMPACT DISTRICT

§ 19-1. Findings.

(a) *Improving neighborhoods affected by the casino.*

- (1) The neighborhoods in the South Baltimore Gateway Community Impact District are anticipated to be the neighborhoods most affected by the presence of the nearby casino (the “Casino” or the “video lottery facility”).
- (2) These neighborhoods (the “Casino Impact Area”) are also communities capable and desirous of improvement and economic development.
- (3) In recognition of these facts, the State:
 - (i) has designated certain funds (the “local impact grants”) to mitigate the effect of the Casino on the Casino Impact Area and to improve the social and economic conditions within the Area; and
 - (ii) has instituted a Local Development Council to oversee and make recommendations regarding the use of those funds.
- (4) To be effective, these funds must be distributed in a manner that is strategic, transparent, and responsive to the needs of the citizens of the District.

(b) *Needs and opportunities facing the District.*

- (1) The South Baltimore Gateway Master Plan of 2015 identified a variety of needs and opportunities facing the Casino Impact Area.
- (2) According to the Plan:

“Residents raised a range of concerns about their communities from the small-scale, such as a lack of adequate signage around a transit stop, to the big picture – a shortage of family-supporting jobs. And they voiced support for the steps needed to bring new resources, energy and opportunities to their neighborhoods and to [the] area as a whole. While the plan focuses on improving the lives of people already living in the area, it also seeks to create an environment that will attract new residents and Development.”
- (3) The Plan clearly emphasizes the importance of local impact grants in accomplishing this vision. It specifically notes:

“If used effectively, this new funding source will help to strengthen communities in South Baltimore by supplementing, not replacing, what is available for community services and development initiatives through existing City resources. City and community leaders envision this new revenue as leveraging other funding sources to help realize the goals outlined within the plan.”

(c) *Considerations.*

In adopting this Ordinance, the City Council has:

- (1) considered the views of the property owners, the retail merchants, the property tenants, and the other members of the business and residential communities within the South Baltimore Gateway Community Impact District; and
- (2) made a determination that the South Baltimore Gateway Community Impact District will reflect:
 - (i) a diverse mix of business and residential properties; and
 - (ii) a diverse economic, social, and racial mix.

(Ord. 16-509.)

§ 19-2. District established.(a) *In general.*

There is a community impact district, to be known as the South Baltimore Gateway Community Impact District (the “District”).

(b) *Boundaries.*

The boundaries of the District are as follows:

On the south, a line beginning at the intersection of the city line and the center line of the Patapsco River, running north along the center line of the Patapsco River to Hanover Street; then running north along Hanover Street to McComas Street; then running east along McComas Street to the center line of Key Highway; then running northeast along the center line of Key Highway to the center line of East Fort Avenue; then running southeast along the center line of East Fort Avenue to the center line of Stevenson Street; then running northeast along the center line of Stevenson Street to the center line of Key Highway; then running north along the center line of Key Highway to the center line of Light Street; then running north along the center line of Light Street to the center line of East Conway Street; then running west along the center line of East Conway Street to the center line of South Howard Street; then running north along the center line of South Howard Street to the center line of West Camden Street; then running west along the center line of West Camden Street to the center line of Washington Boulevard; then running southwest along the center line of Washington Boulevard to the center line of South Green Street; then running north along South Green Street to the center line of West Pratt Street; then running west along the center line of West Pratt Street to the center line of South Martin Luther King Junior Boulevard; then running north along the center line of South Martin Luther King Junior Boulevard to the center line of West Lombard Street; then running west along the center line of West Lombard Street to the center line of Scott Street; then running south along the center line of Scott Street to the center line of Pratt Street; then running west along the center line of Pratt Street to the center line of Carey Street; then running south along the center line of Carey Street to the center line of the tracks of the Baltimore and Ohio Railroad; then running west along the center line of the tracks of the Baltimore and Ohio Railroad to the Gwynns Falls; then running south along the center line of the Gwynns Falls to the center line of Washington Boulevard; then running west along the center line of Washington Boulevard to the center line of Hollins Ferry Road; then running south along the center line of Hollins Ferry Road to the center line of the tracks of the CSX Railroad;

then running southwest along the center line of the tracks of the CSX Railroad to the city line; then running southeast along the city line to the center line of the Patapsco River (point of origin).

(c) *Neighborhoods included.*

These boundaries are designed and intended to encompass all of the following Neighborhood Statistical Areas, according to the 2011 Neighborhood Statistical Areas Map:

- (1) Barre Circle;
- (2) Carroll Park;
- (3) Carroll-Camden Industrial Area;
- (4) Cherry Hill;
- (5) Federal Hill;
- (6) Lakeland;
- (7) Middle Branch/Reedbird Parks;
- (8) Mount Winans;
- (9) Otterbein;
- (10) Pigtown/washington Village;
- (11) Ridgely's Delight;
- (12) Riverside;
- (13) Saint Paul;
- (14) Sharp-Leadenhall;
- (15) South Baltimore;
- (16) Spring Garden Industrial Area;
- (17) Stadium Area; and
- (18) Westport.

(Ord. 16-509.)

§ 19-3. Authority established.

(a) *In general.*

There is a South Baltimore Gateway Community Impact District Management Authority (the "Authority").

(b) *Purpose.*

The purpose of the Authority is to:

- (1) provide the District with supplemental security, maintenance, sanitation, and other public services above and beyond those already provided by City government (the “enhanced services”);
- (2) disperse grants to local community and nonprofit organizations within the District (the “community grants”);
- (3) undertake transformational community development and economic development projects, designed to improve the quality of life and economic conditions within the District (the “transformational projects”);
- (4) implement the recommendations outlined in the South Baltimore Gateway Master Plan adopted by the Planning Commission in 2015, as that Plan may be modified or superseded from time to time by the Planning Commission; and
- (5) provide other services and functions determined by the Board to be in the best interests of the District.

(c) *Funding.*

- (1) In Fiscal Year 2017, the City shall fund the Authority at the amount appropriated in the Ordinance of Estimates for Fiscal Year 2017.
- (2) Beginning in Fiscal Year 2018, the City shall fund the Authority with not less than 50% of the local impact grants that are distributed to the City under State Government Article § 9-1A-31(a)(1)(i).

(Ord. 16-509.)

§ 19-4. Powers and functions of Authority.(a) *Governmental body.*

To the greatest extent allowable by law, the Authority is and shall be deemed to be a governmental body, both politic and corporate, exercising only those powers as are provided for in this subtitle.

(b) *Powers and duties.*

- (1) After consultation with the Administrator, the Local Development Council, and residents of and businesses in the District, the Authority shall adopt and update at least once every 5 years a 5-year strategic plan. At a minimum, the strategic plan shall lay out the strategic priorities of the Authority and how these will be expressed through enhanced services, community grants, transformational projects, and other efforts. The strategic plan shall be made available to the general public, at no charge, through a combination of print and electronic media.

- (2) Subject to the requirements of § 9-1A-31 of the State Government Article, the Authority shall adopt and update from time to time written criteria and procedures for determining:
 - (i) which enhanced services it intends to provide; and
 - (ii) which community grants it intends to distribute.
- (3) The Authority shall adopt an annual budget, as provided in § 19-7 of this subtitle.
- (4) The Authority may spend the local impact grants received by it in a manner consistent with State and local law, the strategic plan, and any criteria or procedures adopted by the Board.
- (5) The Authority may contract with a fiscal agent to provide administrative and financial services on behalf of the Authority, so long as the arrangement binds the fiscal agent to the same legal, professional, and ethical standards to which the Authority is itself bound.
- (6) If the Authority determines that the most effective and appropriate means to provide a given service or function is to contract with the City to provide that service or function, it may do so as long as that contract is consistent with the strategic plan.
- (7) To accomplish its purposes, the Authority may create and operate subsidiary entities controlled by the Authority or contract with affiliated nonprofit organizations. These subsidiaries or affiliated nonprofit organizations may receive funding from the Authority if that funding is detailed in the approved financial plan and consistent with the purposes of the Authority and the goals outlined in the strategic plan.
- (8) The Authority shall employ an outside accounting firm to conduct an annual audit of its finances. This audit, once completed, shall be made available to the general public.
- (9) The Authority shall operate in accordance with the State Open Meetings Act and the State Public Information Act.
- (10) The Authority may contract for and purchase goods and services, subject to City ordinances and policy requiring achievement of goals regarding minority and women's business enterprises, but not subject to the City requirements regarding wage scales, competitive bidding, or other local procurement laws.
- (11) The Authority may acquire, hold, and use both real and personal property as necessary to achieve its purposes, including acquisition by purchase, lease, or other means.
- (12) The Authority may engage the services of an Administrator, who may be an individual or an entity, to administer the programs and undertakings of the Authority. The Administrator may also serve as the Chief Executive Officer of the Authority.
- (13) The Authority may sue and be sued. However, the District, the Authority, its Board of Directors, its Administrator, and its staff 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 bodies.

- (14) The Authority may accept grants and donations from public and private sources.
- (15) The Authority may borrow funds for purposes consistent with the public purposes of the Authority. However, no borrowing may be for a term beyond the date for the District's renewal under § 19-16 of this subtitle.
- (16) The Authority may enter into partnerships with various property owners. These partnerships may provide for the provision of permitted services and benefits by the Authority in exchange for payments arranged by contract, donation, gift, services in kind, or other mechanism by which funds or benefits are provided to the Authority.
- (17) The Authority may establish and elect officers not already provided for in this subtitle and provide for their terms and duties.
- (18) The Authority may implement its programs and goals directly through its employees or through 1 or more contracts. These contracts may be with independent contractors, contractual employees, or others.
- (19) The Authority may assist marketing and promotional activities within the District, to the extent those activities are specified in the strategic plan.
- (20) The Authority may appoint, hire, or engage accountants, attorneys, assistants, aides, employees, and advisors as it considers necessary for the proper performance of its duties, but consistent with this subtitle.
- (21) The Authority may do all other things necessary or convenient to carry out its goals, objectives, and powers.

(Ord. 16-509; Ord. 17-068.)

§ 19-5. Limitations on Authority.

(a) *Not agency of City or State.*

- (1) The Authority is not and may not be deemed to be an agency of the Mayor and City of Baltimore or of the State of Maryland.
- (2) The officers and employees of the Authority are not and may not act as agents or employees of the Mayor and City of Baltimore or the State of Maryland.

(b) *Unauthorized actions.*

- (1) The Authority may not exercise any police or general powers other than those authorized by State law or City ordinance.
- (2) The Authority may not pledge the full faith or credit of the City.
- (3) The Authority may not levy any taxes or charges.
- (4) The Authority may not exercise the power of eminent domain.

- (5) The Authority may not extend its life without approval of the Mayor and City Council.
- (6) Except as otherwise provided by law, the Authority may not engage in competition with the private sector.
- (7) Except as otherwise provided in § 19-17 of this subtitle, the Authority may not revert revenues collected under this subtitle to the City's General Fund.
- (8) Except as required or appropriate to facilitate its normal operations, the Authority may not incur debt.
- (9) The Authority may not exercise any power specifically withheld by the terms of either this subtitle or City Charter Article II, § (69).

(10) The Authority may not employ individuals who reside outside the City.

(Ord. 16-509.)

§ 19-6. Board of Directors.

(a) *In general.*

The Authority shall be governed by and administered through a Board of Directors.

(b) *Number.*

The Board comprises 21 members, as provided in this section.

(c) *General composition.*

(1) *Residents.*

The majority of the members of the Board shall be residents of the District. That is, their primary residence must be located within the District.

(2) *Businesses.*

- (i) At least 4 members of the Board shall be representatives of businesses located within the District. To qualify under this paragraph, a business must own, occupy, or lease real property in the District on which it operates an office, headquarters, manufacturing facility, retail store, or other ongoing operation.
- (ii) A nonprofit 501(c)(3) or 502(c)(10) organization that meets this criteria qualifies as a "business".
- (iii) A business representative may, but need not, reside in the District. If a person who resides in the District serves on the Board in the role of a business representative, then for the purpose of allocating Board positions that person does not also constitute a "resident".

(3) *Community representation.*

(i) It is the aspiration of the Mayor and City Council that the Board reflect the full diversity of the District's neighborhoods, residents, and businesses. Accordingly –

(ii) Of the residents serving on the Board:

(A) at least 3 shall reside within the West Sector, as identified in the South Baltimore Gateway Master Plan;

(B) at least 3 shall reside within the East Sector, as identified in the South Baltimore Gateway Master Plan; and

(C) at least 3 shall reside within the South Sector, as identified in the South Baltimore Gateway Master Plan.

(iii) Of the business representatives serving on the Board:

(A) at least 1 shall represent a business that has its place of business within the West Sector, as identified in the South Baltimore Gateway Master Plan;

(B) at least 1 shall represent a business that has its place of business within the East Sector, as identified in the South Baltimore Gateway Master Plan; and

(C) at least 1 shall represent a business that has its place of business within the South Sector, as identified in the South Baltimore Gateway Master Plan.

(d) *Appointment.*(1) *State appointees.*

(i) Subject to subparagraph (iii) of this paragraph, 4 members of the Board shall be designated by the Speaker of the Maryland House of Delegates.

(ii) Subject to subparagraph (iii) of this paragraph, 2 members of the Board shall be designated by the State Senator who represents the legislative district in which the video lottery facility is located.

(iii) Of the 6 members designated under subparagraphs (i) and (ii) of this paragraph:

(A) at least 2 shall be residents of the 40th Legislative District; and

(B) at least 2 shall be residents of the 46th Legislative District.

(2) *Council President appointees.*

2 members of the Board shall be appointed by the City Council President.

(3) *Mayoral appointee.*

1 member of the Board shall be appointed by the Mayor.

(4) *Additional members.*

- (i) The 12 members of the Local Development Council who are not elected officials shall be ex officio members of the Board until at least December 31, 2018.
- (ii) At any time on or after January 1, 2019, the Board may replace some or all of the LDC Board Members as provided in the Authority's Bylaws. If it does so, the 1st replacement shall be appointed by the Mayor (as an additional Mayoral appointee) and the rest shall be replaced through the procedures provided in the Bylaws.

(e) *Quorum; Voting.*

Except as may otherwise be provided in the Authority's Bylaws:

- (1) a majority of the members of the Board constitute a quorum for the transaction of business; and
- (2) an affirmative vote by a majority of a quorum is required for any action by the Board.

(f) *Terms.*(1) *In general.*

Except for the Board's ex officio members:

- (i) the term of a Board member is 2 years;
- (ii) the terms of the members are staggered, as required by the members first appointed and as further provided in the Authority's Bylaws; and
- (iii) at the end of a term, a member continues to serve until a successor is appointed.

(2) *Term limits.*

The Bylaws may specify a maximum number of consecutive terms that an appointed member may serve.

(g) *Exercise of Authority powers.*

All powers of the Authority are exercised by and through the Board, unless delegated by the Board to 1 or more officers of the Board or to the Administrator.

(h) *Bylaws, rules, and regulations.*

- (1) The Board shall adopt Bylaws, rules, and regulations as it considers necessary to carry out the powers of the Authority. These Bylaws, rules, and regulations are subject to approval

by the Board of Estimates and may not be inconsistent with the terms of this subtitle or of City Charter Article II, § (69).

(2) The Board may establish its own procedures relating to the internal administration of the Authority, except as may be restricted by this subtitle or by City Charter Article II, § (69).

(i) *Officers.*

(1) *Board Chair.*

The State Senator who represents the legislative district where the video lottery facility is located shall designate 1 of the members appointed under subsection (d)(1(ii) of this section to serve as the Board’s Chair.

(2) *Others.*

The Board shall select from among its members individuals to serve as the Board’s Vice-Chair, Treasurer, and Secretary.

(3) *Tenure.*

Other than the Chair, these officers serve at the pleasure of the Board.

(4) *Responsibilities.*

The Board may delegate to these officers those responsibilities that the Board considers appropriate.

(Ord. 16-509.)

§ 19-7. Annual financial plan.

(a) *In general.*

Subject to the approval of the Board of Estimates, the Board shall adopt an annual financial plan, based on the City’s fiscal year, consisting of at least a budget indicating the anticipated use of local impact grants received by the Authority.

(b) *Submission to Board of Estimates.*

The Board shall submit to the Board of Estimates all materials relating to the proposed plan at least 2 months before the plan’s proposed effective date.

(c) *Public hearing.*

Before adopting the financial plan and making recommendations to the City, the Board shall arrange for a public hearing on the proposed plan. Notice of the hearing must be published on the Authority’s Website for 3 consecutive weeks before the hearing.

(Ord. 16-509.)

§§ 19-8 to 19-9. {Reserved}

§ 19-10. MoU on baseline City services.*(a) Agreement to maintain.*

The Authority shall enter into a memorandum of understanding with the Mayor regarding the level of services to be maintained by the City as the City's obligation to the Authority and the District.

(b) Scope of agreement.

This memorandum of understanding shall:

- (1) describe the existing levels of service within the District;
- (2) commit the City to the maintenance of those levels of service; and
- (3) detail the process by which the City will expend that portion of the local impact grant funds that:
 - (i) are provided to the City under State Government Article § 9-1A-31(a)(1)(i); but
 - (ii) are not transferred directly to the Authority under § 19-3(c)(2) of this subtitle and § 9-1A-31(b)(3) of the State Government Article.

*(c) Governing principles.**(1) In general.*

The maintenance of existing services shall be governed by the following principles.

(2) No decrease in existing services; Exceptions.

Existing services may not be decreased except:

- (i) as part of an overall decrease in services necessitated by changes in funding, policy, or resources; and
- (ii) only in proportion to the decreases implemented elsewhere in the City.

(3) Citywide increases to be matched.

Any increase in services generally throughout the City shall be matched with increases in those services within the District, in proportion to the increases implemented elsewhere in the City.

(4) *Services provided by indirect local impact grants.*

Services provided by local impact grant funds that, as described in subsection (b)(3) of this section, are not transferred directly to the Authority under § 19-3(c)(2) of this subtitle do not constitute baseline City services.

(Ord. 16-509.)

§ 19-11. {Reserved}

§ 19-12. Disbursement.

(a) *In general.*

(1) Local impact grant funds shall be distributed to the City pursuant to § 9-1A-31(a)(1)(i) of the State Government Article.

(2) Funds will be distributed to the Authority as provided in § 9-1A-31(b)(3) of the State Government Article through the City’s budget and appropriation process.

(b) *City to bear expense of administration, etc.*

As part of the City’s contribution to the District, the disbursement and record-keeping involved in the process may not be a charge to or against the Authority or the District, but shall be an element of the baseline services provided to the District.

(Ord. 16-509.)

§ 19-13. Administrator.

(a) *In general.*

The Administrator is responsible for the day-to-day operations of the Board and its employees and contractors.

(b) *Powers.*

The Administrator may:

- (1) prepare the financial plan and strategic plan for review and approval by the Board;
- (2) implement the approved financial plan and strategic plan;
- (3) establish procedures and processes necessary to perform the functions called for under the financial plan;
- (4) hire and retain employees, agents, and contractors as needed to assist in the Administrator in the performance of the Administrator’s functions, subject to § 19-5(b)(10) of this subtitle;

(5) exercise the powers granted to the Authority by this subtitle, except that the Board retains final discretion and power with regard to all substantive agreements, contracts, and other arrangements binding on the Authority; and

(6) exercise the additional rights, powers, and authority granted to the Administrator by the Board.

(c) *Immunity.*

The Administrator is the direct agent of the Authority, so that any immunity afforded to the Authority and its officers, employees, and agents is afforded as well to the Administrator.

(Ord. 16-509.)

§§ 19-14 to 19-15. {Reserved}

§ 19-16. 4-year reviews.

(a) *Public hearings.*

No later than 4 years after the establishment of the District and every 4 years following, the Mayor and City Council shall hold 1 or more public hearings to evaluate the activities and undertakings of the Authority and the District.

(b) *Mayor and Council to decide.*

At the conclusion of the hearings, the Mayor and City Council shall determine whether the District is to continue for another 4 years.

(c) *Process to be repeated.*

This process shall be repeated periodically to satisfy the requirements of City Charter Article II, § (69).

(Ord. 16-509.)

§ 19-17. Dissolution of District.

(a) *Dissolution on non-renewal.*

If the District is not renewed as provided in § 19-16 of this subtitle, the Authority shall cease its operations and the District shall cease to exist at the end of the City's fiscal year in which approval was not granted, subject to limited continuation as provided in subsection (b) of this section.

(b) *Limited continuation.*

The Authority shall continue its existence only as long as necessary to:

(1) terminate operations in a reasonable fashion;

- (2) arrange for the disposition of all funds not needed to satisfy outstanding obligations or to provide reserves for uncertain obligations and liabilities; and
- (3) arrange for the disposition of all real and personal property owned by the Authority and submit all proceeds to the City.

(c) *Unspent funds.*

Any unspent funds shall revert to the City's general fund and shall be used for improvements in the communities in immediate proximity to the video lottery facility, as required by State Government Article § 9-1A-31(b)(3)(ii).

(Ord. 16-509.)

SUBTITLE 20
BALTIMORE TOURISM IMPROVEMENT DISTRICT

§ 20-1. Definitions.

(a) *In general.*

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

(b) *Association.*

“Association” means an existing private nonprofit destination marketing organization that promotes tourism to Baltimore City and the Convention Center in order to increase the number of visitors to the City that is designated as the “Tourism Improvement District Association” in accordance with this subtitle.

(c) *Board.*

“Board” means the Board of Directors of the Association.

(d) *Assessed business.*

“Assessed business” means any “hotel” as defined in City Code Article 28, § 21-1(c).

(e) *District.*

“District” means the Baltimore Tourism Improvement District.

(f) *District Management Committee.*

“District Management Committee” means a committee of the Board with delegated authority regarding the management of the District on behalf of the Association, including the power to direct the expenditure of District funds.

(g) *District special assessment.*

“District special assessment” means a special assessment levied on assessed businesses.

(h) *Enabling Legislation.*

“Enabling Legislation” means Article II, § 70 of the Charter of Baltimore City, as enacted into law by Chapter 641 of the Laws of Maryland (2018), as the same may be amended from time to time.

(i) *Financial plan.*

“Financial plan” means the financial plan, including the budget and District special assessment to be levied on assessed businesses, as adopted and approved on an annual basis as set forth in this subtitle.

(j) *Non-assessed business.*

“Non-assessed business” means any business in the District that is not an assessed business.
(*Ord. 19-250.*)

§ 20-2. Findings.

(a) *In general.*

The following findings are critical to the exercise of the Authority set forth in the Enabling Legislation.

(b) *Importance of tourism in Baltimore.*

- (1) Tourism is a major contributor to Baltimore’s economy, with visitor spending generating approximately \$10 billion annually in total industry sales. This activity generates \$290 million in taxes and fees to the City of Baltimore annually, revenue that supports valuable City services, while also saving each Baltimore household \$680 in annual personal tax contributions.
- (2) Tourism is a major employer in Baltimore, creating or sustaining more than 85,000 jobs for City residents and across the region each year.
- (3) In addition to generating jobs and tax revenues, a thriving tourism industry benefits Baltimore by sustaining air travel, creating familiarity, attracting decision makers as well as future residents and workers, and improving the quality of life for all residents.

(c) *Opportunities for tourism in Baltimore.*

- (1) Funding for Baltimore convention sales and tourism promotion is allocated by law to Visit Baltimore, Inc., a private and independent not-for-profit, non-stock corporation, in the form of a percentage share of the City hotel occupancy tax collection. This organization has been historically under-resourced in an increasingly competitive tourism market. For example, market research quantifies a lack of overall awareness about and interest in Baltimore as a preferred tourism destination. These challenges can be addressed through increased sales and marketing activities.
- (2) Visit Baltimore is poised to deliver the enhanced marketing and sales infrastructure required to generate impact pending sufficient resources – and the hotel community has identified an opportunity for a self-funding and industry-managed mechanism, involving no new taxes for local residents, to support these programs.
- (3) The ultimate goal of these programs will be to drive increased overnight visitation, in turn, supporting the bottom line of not only the city’s hotel community, but also, benefitting all visitor-facing businesses as well as City residents through additional economic and quality of life benefits for the City of Baltimore.

(d) *Concept of tourism improvement district.*

- (1) A tourism improvement district is a proven mechanism by which assessed business owners within a defined area can agree to impose a special assessment on themselves in order to provide enhanced and supplemental services designed to increase tourism within the district and benefit the assessed businesses paying the special assessment.
- (2) Tourism improvement districts have been created in over 160 destinations in 14 states across the country, and the reports received suggest that they are almost uniformly highly successful in achieving their objectives.
- (3) Critical to any tourism improvement district is the creation of a partnership between the public and private sector, with the public sector committing to maintain funding for tourism promotion services at specified levels and the private sector agreeing to accept new special assessments for the purpose of supplementing publicly funded tourism promotion services.
- (4) A tourism improvement district in this City cannot be successful without the full cooperation of the City and the assessed businesses within the District.

(e) *Considerations.*

- (1) The Council has considered the materials compiled by Visit Baltimore regarding the creation of the Baltimore Tourism Improvement District and the pattern of success for such districts elsewhere.
- (2) The Council finds that establishing the Baltimore Tourism Improvement District is an important and vital element of the long-term health and growth of City's tourism industry and the City.
- (3) The Council finds that a special assessment system for the Baltimore Tourism Improvement District should be uncomplicated, direct, and fair. The system provided for in this subtitle satisfies such criteria.
- (4) The Council finds that the Baltimore Tourism Improvement District should encourage the involvement of minorities in the operation of the District and in the business community itself.

(Ord. 19-250.)

§ 20-3. District created; Boundaries.(a) *In general.*

There is a tourism improvement district, to be known as the "Baltimore Tourism Improvement District" (the "District").

(b) *Boundaries.*

The boundaries of the District are the same as the corporate boundaries of the City of Baltimore.
(Ord. 19-250.)

§ 20-4. Association designated.

(a) *In general.*

Visit Baltimore, Inc. is hereby designated as the District's Association.

(b) *Governing body.*

The governing body of the Association is shall be its Board of Directors.

(c) *Purpose.*

The purpose of the Association regarding the District is to:

- (1) administer the District programs and activities;
- (2) promote and market the District; and
- (3) provide other marketing, promotion, and destination development services, provided that the services and function shall be provided within the District, or, within areas adjoining or adjacent to the District.

(Ord. 19-250.)

§ 20-5. Powers and functions of Association.

(a) *In general.*

The Association may exercise only those powers regarding the District that are provided for in this subtitle.

(b) *Authorized actions.*

The Association shall have the power to:

- (1) conduct District programs and activities, promote and market the District, and provide other marketing, promotion, and destination development services;
- (2) acquire, hold, and use property necessary to achieve the District's purposes;
- (3) enter into contracts for the provision of District services;
- (4) sue and be sued;
- (5) borrow and accept grants;
- (6) employ and discharge personnel;
- (7) propose, in the District's financial plan, the District special assessments in accordance with § 20-8 of this subtitle;

- (8) adopt, amend, and modify bylaws of the District Management Committee, subject to the approval of the Board of Estimates;
- (9) establish and elect officers, and provide for the terms of office and duties of the officers;
- (10) contract for and purchase goods and services in accordance with City ordinances and policy requiring achievement of goals regarding minority and women's business enterprises; and
- (11) do all things necessary or convenient to carry out the purposes of the District under this subtitle.

(c) *Interpretation of powers.*

The powers of the Association shall be broadly interpreted in order to allow the Association to achieve the goals of the Enabling Legislation.

(Ord. 19-250.)

§ 20-6. Limitations on Association.

(a) *Not an agency of City or State.*

- (1) The Association is not and may not be deemed an agency of the Mayor and City Council of Baltimore or of the State of Maryland.
- (2) The officers and employees of the Association are not and may not act as agents or employees of the Mayor and City Council of Baltimore or of the State of Maryland.

(b) *Unauthorized actions.*

- (1) The Association may not exercise any police or general powers other than those authorized by State law or City ordinance.
- (2) The Association may not pledge the full faith or credit of the City.
- (3) The Association may not impose any District special assessments in excess of those approved by the Board of Estimates.
- (4) The Association may not exercise the power of eminent domain.
- (5) Except as otherwise provided in § 20-17 of this subtitle, the Association may not revert charges or District special assessments collected to the General Fund of the City.

(Ord. 19-250.)

§ 20-7. District Management Committee.

(a) *In general.*

- (1) The District Management Committee shall be a committee of the Association's Board.

- (2) Notwithstanding any other provision of this subtitle, any and all powers and authority of the Association or its Board regarding the management of the District including, without limitation, the power to direct the expenditure of District funds, shall be delegated to, and shall be exercised by, the District Management Committee.

(b) *Composition.*

- (1) The voting members of the District Management Committee shall be District assessed business owners, or, when the District assessed business owner is a corporation, limited liability company, partnership, trust, or any other legal entity, representatives of the District assessed business owners of an assessed business in the District that is subject to the District special assessments under this subtitle.
- (2) The District Management Committee shall include owners or representatives of District assessed businesses with 1-75 rooms, assessed businesses with 76-200 rooms, and assessed businesses with 201 rooms and more.
- (3) The District Management Committee shall include owners or representatives of District assessed businesses from diverse geographic areas throughout the District.

(c) *Terms.*

The terms of the members of the District Management Committee may be staggered from time to time in order to promote both rotation of new members and continuity of governance.

(d) *Duties.*

- (1) The District Management Committee shall have the power to direct the expenditure of District funds.
- (2) The District Management Committee may delegate to the president and chief executive officer of the Association the authority to discharge District Management Committee duties deemed appropriate and necessary by the District Management Committee in accordance with § 20-8 of this Subtitle.

(e) *Bylaws.*

Subject to the approval of the Board of Estimates, the District Management Committee may adopt bylaws as it considers necessary to carry out the powers of the District Management Committee.

(f) *Committee chair.*

- (1) The District Management Committee shall select from among its members an individual to serve as the chair of the District Management Committee.
- (2) The chair shall serve at the pleasure of the District Management Committee.

- (3) The District Management Committee may delegate to the chair those powers and responsibilities that the District Management Committee considers appropriate.

(g) *Quorum; Voting.*

Except as may otherwise be provided in the District Management Committee's bylaws:

- (1) at any meeting of the District Management Committee, a majority of the committee members shall constitute a quorum; and
- (2) the affirmative vote of a majority of committee members voting at a meeting for which a quorum is present is required to approve any action by the District Management Committee.

(Ord. 19-250.)

§ 20-8. Annual financial plan.

(a) *Committee to adopt.*

The District Management Committee shall adopt an annual financial plan, based on the City's fiscal year, consisting of at least a budget and a proposed District special assessment to be levied on assessed businesses.

(b) *Public hearing.*

Before adopting the financial plan and making recommendations to the City, the District Management Committee shall arrange for a public hearing on the proposed financial plan. Notice of the hearing must be published in a newspaper of general circulation in Baltimore City at least once a week for 3 consecutive weeks.

(c) *Board of Estimates approval required.*

The District Management Committee may not approve a financial plan that includes District special assessments in excess of those approved by the Board of Estimates.

(Ord. 19-250.; Ord. 22-124)

§ 20-9. District special assessment.

(a) *In general.*

- (1) The Board of Estimates shall obtain from the Director of Finance the "assessable base" of the District, which shall include a listing by individual assessed business and a calculation of the sum of assessments on assessed businesses subject to the District special assessment.
- (2) The District special assessment shall be levied on all assessed businesses at a uniform rate.
- (3) The Board of Estimates shall ensure that the District special assessment proposed in the financial plan is sufficient to pay for the annual expenses of the District.

- (4) The Board of Estimates shall determine with finality the assessable base on which the District special assessment will be levied.

(b) *Assessment; Collection; Enforcement.*

- (1) Funding for Association operations shall be provided by the District special assessment levied on assessed businesses as determined under subsection (a) of this section.
- (2) The District special assessment shall be assessed and collected in conjunction with the City hotel tax assessed and collected by the City, unless otherwise established by the Board of Estimates.
- (3) Except as otherwise provided in this subtitle:
 - (i) the District special assessment shall be enforced in the same way as the City hotel tax is enforced; and
 - (ii) all provisions that apply to assessments, refunds, collections, and enforcement of the City hotel tax shall apply to the District special assessment.

(c) *Setting assessment rate.*

The District special assessment shall be determined as follows:

- (1) The rate of any District special assessment must be approved by a two-thirds vote of the District Management Committee's members voting at a meeting at which a quorum is present.
- (2) For the first full budget year, the rate of the District special assessment shall be set to raise revenues estimated to equal the costs of establishing the District and implementing the initial financial plan.
- (3) Subject to paragraph (1) of this subsection, for any year after the first full budget year, the rate of the District special assessment may be adjusted to yield revenues estimated to equal the costs of administering the District as set forth in the financial plan.

(d) *Exemptions from assessment.*

- (1) All exemptions that exist for the City hotel tax shall apply to the District special assessment.
- (2) At the request of a customer and on receipt of supporting documentation, assessed businesses may grant an exemption from the District special assessment for room nights booked pursuant to contracts executed prior to the establishment date of the District.

(e) *Assessed businesses may pass assessment on to customers.*

- (1) The District special assessment is levied upon and is a direct, sole obligation of the assessed business.

(2) The assessed business may, in its discretion, pass the District special assessment on to its customers, provided that:

- (i) the amount of the District special assessment is disclosed in advance to the customer and separately stated from the amount of consideration charged and any other applicable taxes; and
- (ii) each customer receives a receipt for payment from the assessed business disclosing the District special assessment payment as the “Baltimore Tourism Assessment”.

(Ord. 19-250.)

§ 20-10. Baseline City funding.

To the extent of its authority, the Mayor and City Council shall maintain the requisite level of funding of the Association as set forth in the Baltimore City Charter Article II, § 40(e) and may not reduce the existing funding provided by the City in the District due to the establishment of the District or the designation of the Association.

(Ord. 19-250.)

§ 20-11. Partnerships.

(a) *Association encouraged to create.*

The Association is authorized and encouraged to enter into partnerships with both non-assessed businesses and with lodging and other businesses in adjoining areas outside of the corporate boundaries of the City of Baltimore (“exempt partners”) for the purpose of furthering the broad objectives of increasing tourism in the District and adjoining areas.

(b) *Specific powers.*

In furtherance of that objective, the Association may:

- (1) contract to provide varying levels of services to non-assessed businesses in areas adjoining the District;
- (2) agree to accept donations, contributions, and other voluntary payments of any kind from exempt partners (collectively, “voluntary payments”), with or without agreements regarding specific services and functions;
- (3) enter into agreements with exempt partners to include non-assessed businesses owned by those exempt partners within or adjoining to the District in return for voluntary payments or commitments regarding the provision of similar services and functions for the benefit of non-assessed businesses owned by exempt partners; and
- (4) establish rates and charges for the provision of services to exempt partners.

(c) *Committee approval required.*

The Association may not enter into any partnerships or agreements pursuant to this section that require the expenditure of District funds without the prior approval of the District Management Committee.

(Ord. 19-250.)

§ 20-12. Collection and disbursement.(a) *In general.*

The Association shall establish with the appropriate City agencies the methods by which the District special assessment is to be published, collected, and disbursed to the Association.

(b) *Funds not part of City revenue.*

Except as provided in subsection (c) of this section, amounts collected by the City on behalf of the Association:

- (1) may not be included in the revenues of the City;
- (2) are not and may not be deemed to be subject to the budgetary and appropriation process;
and
- (3) shall be disbursed promptly on collection.

(c) *City's cost of collecting assessment.*

The City may retain 1.5% of the amount of District special assessment collected to cover its costs related to collection, assessment, disbursement, record-keeping, and enforcement of the District special assessment.

(d) *Department of Finance may collect.*

- (1) The Department of Finance may collect the District special assessment.
- (2) The assessment for the District special assessment may be included as a separate line item on the City hotel tax collection form.
- (3) The Department of Finance shall make regular remittances of the amount collected to the Association within 60 days of receipt. A record of all remittances provided to the Association shall be provided to the District Management Committee.

(e) *Penalties and interest.*

The penalties and interest applicable to delinquent City hotel taxes shall be applied to delinquencies in payment of the District special assessment.

(Ord. 19-250.)

§ 20-13. Administration of the District.*(a) In general.*

The president and chief executive officer of the Association is responsible for the day-to-day operations of the Association and its employees and contractors.

(b) Powers.

The president and chief executive officer may:

- (1) prepare the financial plan for review and approval by the District Management Committee;
- (2) implement the approved financial plan and arrange for the collection and disbursement of the District special assessment and all revenues of the Association;
- (3) establish procedures and processes necessary to perform the functions called for under the financial plan and the budget;
- (4) hire and retain employees, agents, and contractors as needed to perform the president and chief executive officer's functions for the Association;
- (5) exercise the powers granted to the Association by this subtitle, except that the District Management Committee retains final discretion and power with regard to all substantive agreements, contracts, and other arrangements binding on the Association related to District funds; and
- (6) exercise the additional rights, powers, and authority delegated to the president and chief executive officer by the District Management Committee.

(Ord. 19-250.)

§ 20-14. Oversight by Board of Estimates.*(a) In general.*

The Board of Estimates has the following powers with regard to the District and the Association.

(b) Financial plan; Assessment rate.

- (1) The financial plan and the District special assessment rate are subject to the approval by the Board of Estimates.
- (2) The District Management Committee shall submit all materials at least 2 months before the proposed effective date of a budget or District special assessment.

- (3) In considering a proposed budget and District special assessment rate, the Board of Estimates may not exceed or increase either the budget or the District special assessment rate beyond those proposed by the District Management Committee.

(c) *Bylaws.*

To the extent required by the Enabling Legislation, the Board of Estimates shall approve the bylaws and any proposed amendments of the District Management Committee.

(d) *Approval and renewal process.*

The Board of Estimates is the final arbiter and decision maker regarding the approval and renewal process for the District.

(Ord. 19-250.)

§ 20-15. Petition process.

(a) *Petition.*

- (1) The District shall be approved and established following a petition process, as set forth in this section.
- (2) Each petition shall include:
 - (i) a signature page for assessed business owners or duly authorized representatives to submit their written approval for the formation of the District;
 - (ii) a map showing the boundaries of the District; and
 - (iii) a brief summary of the details of the proposed District.

(b) *Approval.*

- (1) Petitions, with a signature of assessed business owners or their duly authorized representatives, shall be returned to the Board of Estimates.
- (2) The Board of Estimates shall certify that the District is approved for formation and the Association is approved as the District's Association, if it determines that:
 - (i) 54% of all assessed businesses have submitted petitions in favor of the formation of the District; and
 - (ii) 54% of the total room count of all assessed businesses within the District have submitted petitions in favor of the formation of the District.

(Ord. 19-250.)

§ 20-16. Renewal.*(a) In general.*

No later than 10 years after the establishment of the District, and every 10 years following, the District shall be renewed.

(b) Renewal process

The renewal process shall follow the petition process set forth in § 20-15 of this subtitle. *(Ord. 19-250.)*

§ 20-17. Dissolution of District.*(a) In general.*

If the District is not approved as provided in § 20-15 of this subtitle, or is not renewed as provided in § 20-16 of this subtitle, the Association shall cease its operations related to the District, and the District shall cease to exist, at the end of the City's fiscal year in which the terminating event occurs.

(b) Dissolution by petition.

- (1) During the operation of the District, there shall be a 30-day period each year in which assessed business owners may petition to dissolve the District.
- (2) The first such 30-day request period shall begin on the second anniversary of the date of establishment of the District. Each successive anniversary of such date shall start the same 30-day period in which dissolution may occur.
- (3) In order to dissolve the District, the assessed business owners shall follow a petition process matching the requirements set forth in § 20-15(a)(2) of this subtitle. Petitions, with signatures of assessed business owners or their duly authorized representatives, shall be returned to the Board of Estimates.
- (4) the Board of Estimates shall certify that the District is approved for dissolution, if the Board of Estimates determines that at least:
 - (i) 66% of all assessed businesses within the District have submitted petitions in favor of the dissolution of the District; and
 - (ii) 66% of the total room count of all assessed business within the District have submitted petitions in favor of the dissolution of the District.
- (5) Upon certification that the District is approved for dissolution, the Association shall cease its operations related to the District, and the District shall cease to exist, at the end of the City's fiscal year in which the certification occurs.

(c) *Dissolution by City Council.*

- (1) If the City Council finds that there has been a misappropriation of funds, malfeasance, or violation of law in connection with the management of the District, the City Council shall hold one or more public hearings to consider the dissolution of the District.
- (2) At the conclusion of the public hearings, the City Council may determine whether legislative action is necessary to dissolve the District.

(d) *Limited continuation.*

In the event of District dissolution described in subsections (a) or (b) of this section, the District Management Committee shall continue its existence only as long as necessary to:

- (1) terminate operations related to the District in a reasonable fashion; and
- (2) arrange for the refunding of all funds not needed to satisfy outstanding obligations and reserves for uncertain obligations and liabilities.

(e) *Unspent funds.*

Any unspent funds shall be refunded to the assessed business owners by applying the same method and basis that was used to calculate the District special assessments that were levied.
(*Ord. 19-250; Ord. 22-124.*)