

ARTICLE 26
SURVEYS, STREETS, AND HIGHWAYS

(As Last Amended by Ord. 22-125)

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SUBTITLE 1
SURVEY AUTHORITY

§ 1-1. Right of entry.

Civil engineers and surveyors, and their assistants, when they are in the employ of the Mayor and City Council of Baltimore, shall have the right to enter upon any private lands or property for the purpose of making surveys, running lines of levels, or obtaining any needful information or data for the preparation of plans, reports, or new legislation necessary for any proposed public sewerage system, water work, establishment of corporate boundaries, or any extension of the same, highways or improvements thereto, or any public undertaking.

(City Code, 1976/83, art. 25, §11(b)(3)(ii).) (Ord. 75-914; Ord. 84-129; Ord. 91-775.)

§ 1-2. Setting landmarks.

Civil engineers and surveyors, and their assistants, when acting under the authority of § 1-1 of this subtitle:

(1) shall not damage or destroy any property or lands entered by them in the performance of their work; but

(2) they shall have the right to set stakes, markers, or monuments or other suitable landmarks or reference points where necessary.

(City Code, 1950, art. 36, §3; 1966, art. 27, §3; 1976/83, art. 27, §2.) (Ord. 48-461.)

§ 1-3. Not to be impeded.

(a) *Prohibited conduct.*

No owner, occupant, or agent of private lands so entered:

(1) shall obstruct, impede, or annoy civil engineers or surveyors, or their assistants, in the performance of their work under this subtitle; nor

(2) shall any such owner, occupant, or agent, destroy, obliterate, or remove any stakes, markers, monuments, or other landmarks set or placed by such civil engineers or surveyors.

(b) *Penalties.*

Any owner, occupant, or agent violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, be subject to a fine of not less than \$25, nor more than \$100, or to imprisonment for not less than 30 days nor more than 60 days, or both, in the discretion of the Court.

(City Code, 1950, art. 36, §4; 1966, art. 27, §4; 1976/83, art. 27, §3.) (Ord. 48-461.)

§§ 1-4 to 1-5. {Reserved}

§ 1-6. Authority of DoT.

The Department of Transportation has full power and authority:

- (1) to ascertain and fix and to mark on the ground, with stones or other landmarks, the true lines of any of the private, public, or proposed streets, lanes, and alleys; and
- (2) to so ascertain, fix, and mark any boundary line of any lot or parcel of ground, improved or unimproved, within the City.

(City Code, 1879, art. 47, §73(1st cl.); 1893, art. 48, §74(1st cl.); 1927, art. 45, §135(1st cl.); 1950, art. 35, §62(1st sen.); 1966, art. 26, §50(1st sen.); 1976/83, art. 26, §54(1st sen.).) (Ord. 1863-006; Ord. 50-1392; Ord. 76-139; Ord. 15-435.)

§ 1-7. At owner's request.

In any and all cases where this work is done at the request of any property owner, other than the Mayor and City Council of Baltimore:

- (1) the Department of Transportation shall fix and determine the cost of the work; and

- (2) the property owner or owners shall pay to the Mayor and City Council of Baltimore the entire cost of the work in advance.

(City Code, 1950, art. 35, §62(2nd sen.); 1966, art. 26, §50(2nd sen.); 1976/83, art. 26, §54(2nd sen.).) (Ord. 50-1392; Ord. 76-139; Ord. 15-435.)

§ 1-8. Record of lines.

The Department of Transportation shall keep in its files an official, signed record of every line that is ascertained, fixed, or marked on the ground, in exercise of the power and authority granted by this subtitle.

(City Code, 1879, art. 47, §73(last cl.); 1893, art. 48, §74(last cl.); 1927, art. 45, §135(last cl.); 1950, art. 35, §62(3rd sen.); 1966, art. 26, §50(3rd sen.); 1976/83, art. 26, §54(3rd sen.).) (Ord. 1863-006; Ord. 50-1392; Ord. 76-139; Ord. 15-435.)

§ 1-9. Disturbing landmarks.

Anyone who unlawfully removes, mutilates, or in any manner disturbs any of the landmarks, monuments, survey points, or markers established throughout the City of Baltimore by the Department of Transportation or any City official, department, bureau, board, commission, or other City agency for the purpose of fixing and marking any elevation, line, or lines pertaining to the municipal survey system or to the location of streets, lanes, and alleys, or to any of the lots or other locations within the City, is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$100 for each offense.

(City Code, 1927, art. 45, §136; 1950, art. 35, §63; 1966, art. 26, §51; 1976/83, art. 26, §55.) (Ord. 04-144; Ord. 30-941; Ord. 76-139; Ord. 15-435.)

SUBTITLE 2
GEODETIC AND TOPOGRAPHICAL SURVEYS

§ 2-1. Duties of DoT.

The Department of Transportation shall maintain, extend, and expand the system for precise control of horizontal and vertical surveys, which system was established and installed by a Board of Commissioners authorized by, and acting pursuant to Ordinance 1893-098. This system shall be known as the Baltimore Survey Control System.

(City Code, 1893, art. 1, §68(Supp.); 1927, art. 31, §1; 1950, art. 36, §5; 1966, art. 27, §5; 1976/83, art. 27, §4.) (Ord. 1893-098; Ord. 48-466; Ord. 76-140; Ord. 15-435.)

§ 2-2. Triangulation stations, etc.

In maintaining, extending, and expanding the Baltimore Survey Control System, the Department of Transportation may:

- (1) reestablish and replace any triangulation stations, traverse stations, or bench marks that have been disturbed or removed;
- (2) establish and install new triangulation stations or precise traverse stations or bench marks;
- (3) establish, revise, and correct values for triangulation stations or bench marks; and

- (4) extend the Baltimore Survey Control System beyond the corporate limits of Baltimore City.

(City Code, 1950, art. 36, §6; 1966, art. 27, §6; 1976/83, art. 27, §5.) (Ord. 48-466; Ord. 76-140; Ord. 15-435.)

§ 2-3. Records.

- (a) *Department to keep.*

The Department of Transportation shall maintain adequate, accurate, and comprehensive records showing the location of and the values established, reestablished, revised, and corrected for each of the triangulation stations, traverse stations, and bench marks comprising the Baltimore Survey Control System.

- (b) *Use.*

These records shall be for the use of all City agencies and all engineers or surveyors having occasion to use such records.

(City Code, 1950, art. 36, §7; 1966, art. 27, §7; 1976/83, art. 27, §6.) (Ord. 48-466; Ord. 76-140; Ord. 15-435.)

§ 2-4. Plats and maps - Preparation.

The Department of Transportation shall prepare and maintain original plats, maps, and atlas sheets on which the physical characteristics of the City of Baltimore are delineated, in the manner and form determined by the Director of Transportation.

(City Code, 1950, art. 36, §8; 1966, art. 27, §8; 1976/83, art. 27, §7.) (Ord. 48-466; Ord. 76-140; Ord. 15-435.)

§ 2-5. Plats and maps - Copies.

(a) *Department to make.*

The Department of Transportation shall make or have made from time to time copies of the original plats, maps, and atlas sheets, in the form and quantity determined by the Director of Transportation.

(b) *To be available for purchase.*

(1) These copies shall be purchasable at a cost to be fixed and determined from time to time by the Director of Transportation.

(2) Purchasers, excepting agencies of the Mayor and City Council, shall pay to the Mayor and City Council the cost of all the plats, maps, or atlas sheets purchased, and these costs shall be collected as are other similar charges due the Mayor and City Council.

(City Code, 1950, art. 36, §9; 1966, art. 27, §9; 1976/83, art. 27, §8.) (Ord. 48-466; Ord. 76-140; Ord. 15-435.)

§ 2-6. Plats and maps - Official Map.

(a) *In general.*

The maps prepared under § 2-4 of this article:

(1) shall be revised from time to time by the Department of Transportation, so as to keep them reasonably up-to-date; and

(2) shall be the Official Map of Baltimore City.

(b) *Required use.*

All departments, bureaus, boards, and commissions of the City:

(1) shall use said maps as the Official Map of Baltimore City; and

(2) may require all maps, plats, and drawings submitted to them to be in conformity with the said Official Map.

(City Code, 1950, art. 36, §10; 1966, art. 27, §10; 1976/83, art. 27, §9.) (Ord. 49-704; Ord. 76-140; Ord. 15-435.)

SUBTITLE 3
OPENING, WIDENING, CLOSING STREETS

§ 3-1. Record of benefits, damages.

The Department of Transportation shall keep a record of the proceedings pertaining to the assessment of the amounts to be paid by or to any person for benefits derived, or damage sustained, for the opening, extending, widening, straightening, grading, or closing of any street or alley or part thereof in Baltimore City, which the Mayor and City Council shall hereafter by ordinance direct the Department of Transportation to open, extend, widen, straighten, grade, or close, in a book provided by the Department, and in such form as the City Solicitor may subscribe.

(City Code, 1893, art. 48, §4; 1927, art. 45, §4; 1950, art. 35, §1; 1966, art. 26, §52; 1976/83, art. 26, §56.) (Ord. 1881-024; Ord. 50-1530; Ord. 75-945; Ord. 76-139; Ord. 15-435.)

§ 3-2. Notice of proposed ordinance.

(a) *Notice by publication.*

(1) Before any ordinance is introduced in the City Council under City Charter Article II, § (34) {"Streets, Bridges and Highways"} relating to the laying out, opening, extending, widening, straightening, or closing up, in whole or in part, of any street, square, lane, or alley within Baltimore City, notice shall be given by advertisement published twice a week for 2 consecutive weeks, in 2 of the daily newspapers in the City, that application shall be made for the passage of the ordinance.

(2) The notice:

- (i) shall set forth clearly in the case of laying out, opening, or extending any street, square, lane, or alley, the length or width of the street, square, lane, or alley, or part thereof to be laid out, opened, or extended;
- (ii) in the case of widening or straightening, shall set forth clearly both the present and the intended width and also the length of any street, square, lane, or alley or part thereof intended to be widened or straightened; and
- (iii) in case of closing, shall set forth clearly the length and width of the street, square, lane, or alley, or any part thereof, intended to be closed.

(b) *Notice by map.*

(1) Notice shall also be given by filing with the Department of Transportation, on or before the 1st day of the publication, a map on the scale of not less than 50 feet to the inch, prepared by some competent surveyor, whose name shall be signed to the map, which:

- (i) in case of laying out, opening, extending, widening, or straightening, shall show:
 - (A) the course and the lines of the projected improvement; and also
 - (B) the lots and the buildings that will be taken or destroyed, in whole or in part; and which

(ii) in the case of closing, shall show:

(A) the street, square, lane, or alley, or part thereof, intended to be closed; and also

(B) the abutting lots and improvements thereon.

(2) The Director of Transportation shall:

(i) endorse on the map his or her name, with the date of its being filed; and

(ii) keep the map where the public may have access to it.

(3) Whenever the map may be needed for the purpose of being shown at any meeting of the City Council, or of any committee thereof, he may, on the written order or request of the President of the City Council, or of the chairman of such committee, and, on obtaining his receipt therefor, allow the map to be taken from his office for that purpose, to be returned on the following day.

(c) *Amendments.*

At any time before the final passage of the ordinance, the map and the ordinance may be amended if the amendment does not substantially depart from the published notice, so as to substantially affect parties who would not be warned by the notice.

(City Code, 1976/83, art. 26, §57.) (Ord. 76-139; Ord. 08-063; Ord. 15-435.)

§ 3-3. Notice of proposed action.

Before the Department of Transportation may proceed under these sections to perform its duty, it shall give notice in at least 2 of the daily newspapers in the City of Baltimore of the object of the ordinance under which it proposes to act, at least 10 days before the time of the 1st meeting to execute the same.

(City Code, 1976/83, art. 26, §58.) (Ord. 76-139; Ord. 15-435.)

§ 3-4. Methods of acquiring property.

(a) *In general.*

Whenever the Mayor and City Council of Baltimore provides, by ordinance, for the laying out, opening, extending, widening, or straightening of any highway, street, square, lane, or alley in Baltimore City:

(1) the ordinance may provide that the Department of Transportation shall proceed to acquire the property necessary, in accordance with the City Charter and this subtitle; or

(2) the ordinance may provide:

(i) that the property necessary to be acquired for such laying out, opening, extending, widening, or straightening may be acquired by proceedings in the Circuit Court

for Baltimore City under Title 12 of the Real Property Article of the Maryland Code; and

- (ii) that, after the damages to be awarded have been ascertained by the proceedings, the Department of Transportation may proceed to assess the benefits for the laying out, opening, extending, widening, or straightening, in the same manner as if the damages had been assessed by it under §§ 3-5 through 3-10 of this article; and
- (iii) it shall state in the report the amount of damages assessed by the proceedings in court to the various owners, and the expenses of the court proceedings, and its own proceedings.

(b) *Profile map required.*

Before the benefits and damages are assessed, there shall be filed with the Department of Transportation a profile map or plat showing the grade of the proposed highway, street, square, lane, or alley with respect to the abutting property, which map or plat shall be included by the Department of Transportation in the return of its proceedings.

(City Code, 1976/83, art. 26, §59.) (Ord. 76-139; Ord. 15-435.)

§ 3-5. Determining damages and benefits.

(a) *Determining damages.*

Whenever the Mayor and City Council directs the Department of Transportation to lay out, open, extend, widen, straighten, or close up, in whole or in part, any street, square, lane, or alley within the bounds of this City the Department of Transportation, having given the notice required by law of its 1st meeting to execute the same:

- (1) shall meet at the time and place mentioned in said notice, and from time to time thereafter, as may be necessary, to exercise the powers and perform the duties required of said Department by said ordinance; and
- (2) shall ascertain whether any and what amount of value in damage will thereby be caused to the owner of any right or interest in any ground or improvements within the City of Baltimore, for which, taking into consideration all advantages and disadvantages, such owner ought to be compensated.

(b) *Determining benefits.*

The said Department, having ascertained the whole amount of damages for which compensation ought to be awarded, as aforesaid, and having added thereto an estimate of the probable amount of expenses which will be incurred by the Department in the performance of the duties required by it, as aforesaid, and also of the expenses incurred by the Mayor and City Council of Baltimore by reason of said proceedings, shall proceed to assess all the ground and improvements within the City, the owners of which, as such, the said Department shall decide and deem to be directly benefitted by accomplishing the object authorized in the ordinance aforesaid.

(c) *Benefits less than damages and expenses.*

If the direct benefits, assessed as aforesaid, do not equal the damages and expenses incurred, the balance of the expenses and damages shall be paid by the Department of Transportation from funds appropriated.

(*City Code, 1893, art. 48, §6; 1927, art. 45, §6; 1950, art. 35, §2; 1966, art. 26, §53; 1976/83, art. 26, §60.*) (*Ord. 1881-024; Ord. 50-1530; Ord. 75-945; Ord. 15-435.*)

§ 3-6. Only part of property needed.(a) *Acceptance of whole.*

(1) In every case where:

- (i) it shall be necessary, in order to effect the object proposed, under any of the ordinances provided for laying out, opening, widening, or straightening, in whole or in part, any street, square, lane, or alley, that a portion only of a lot or of a lot and improvements shall be taken and used or destroyed; and
- (ii) the owner or owners thereof shall claim to be compensated for the whole;

the Department of Transportation in such cases may, if it deems it best, and not otherwise, accept a surrender in writing of the whole of the lot or the whole of the lot and improvements, or the whole of the improvements, from the owner or owners.

(2) In that event, the Department of Transportation:

- (i) shall ascertain the full value thereof as if the whole lot, or lots and improvements, or improvements, as the case may be, were necessary to be taken and used for the proposed object; and
- (ii) the whole amount of the valuation, when finally decided on, shall be paid or tendered to the owner or owners before any part thereof shall be destroyed, removed, or used, unless the owner or owners assent thereto in writing as now provided for by law.

(b) *Taking only part.*

Provided, however, that where, in the judgment of the Director of Transportation, only a part of the whole of a lot or a part of the whole of the improvements on any lot, can be taken without destroying the whole of the lot or improvements, for the purpose for which the lot or improvements are used, or for building purposes, then the Department of Transportation shall:

- (1) condemn only that part of the whole lot or improvement that is necessary for the proposed object; and

- (2) shall award to the owner or owners of the part of the lot or improvements so taken, such damages, and assess upon the remainder thereof such benefits as in its judgment shall be right and proper.

(City Code, 1893, art. 48, §§7 and 7A(Supp.); 1927, art. 45, §7; 1950, art. 35, §3; 1966, art. 26, §54; 1976/83, art. 26, §61.) (Ord. 1888-038; Ord. 1888-043; Ord. 1893-159; Ord. 51-1530; Ord. 75-945; Ord. 76-139; Ord. 15-435.)

§ 3-7. Statement of benefits and damages.

- (a) *Department to prepare.*

As soon as the Department of Transportation shall have completed the valuation of damages to be ascertained by it as directed by §§ 3-5 and 3-6 of this article, it shall cause a statement thereof to be made out for the inspection of all persons desiring information of its contents.

- (b) *Contents.*

Such statement, together with an explanatory map or maps, shall contain:

- (1) a description of each separate lot or parcel of ground deemed to have sustained damages, including:
- (i) its dimensions;
 - (ii) the name of the street, square, lane, or alley on which it bounds;
 - (iii) the names of all persons supposed to have any estate or interest in it;
 - (iv) the amount of damages as valued by the Department of Transportation; and
 - (v) if there be any house or other improvements on it, necessary to be removed, in whole or in part, such description thereof as the Department of Transportation shall deem necessary; and
- (2) in like manner, a description of each parcel of ground deemed by the Department of Transportation to be benefitted, including:
- (i) the name or names of such person or persons as may be supposed to have any estate or interest therein; and
 - (ii) the amount assessed thereon for benefits.

(City Code, 1893, art. 48, §8(1st, 2nd cls.); 1927, art. 45, §8(1st, 2nd cls.); 1950, art. 35, §4(1st, 2nd cls.); 1966, art. 26, §55(1st, 2nd cls.); 1976/83, art. 26, §62(1st, 2nd cls.)) (Ord. 1881-024; Ord. 51-1530; Ord. 75-945; Ord. 08-063; Ord. 15-435.)

§ 3-8. Publication of notice.

The Department of Transportation shall cause a notice to be published once a week for 2 successive weeks in 2 daily newspapers of the City, stating:

- (1) the extent of the ground covered by the assessment;
- (2) that such statement and maps are ready for the inspection of all persons interested therein; and
- (3) that the Department of Transportation will meet at its office on a day to be named in the notice, which shall be within 15 days after the 1st publication of the notice, for the purpose of reviewing any of the matters contained in the statement to which any person claiming to be interested shall make objection.

(City Code, 1893, art. 48, §8(3rd, 4th cls.); 1927, art. 45, §8(3rd, 4th cls.); 1950, art. 35, §4(3rd, 4th cls.); 1966, art. 26, §55(3rd, 4th cls.); 1976/83, art. 26, §62(3rd, 4th cls.)) (Ord. 1881-024; Ord. 51-1530; Ord. 75-945; Ord. 15-435.)

§ 3-9. Hearing.

- (a) *In general.*

The Department of Transportation shall meet at the time and place so appointed, and shall hear and consider all representations or testimony on oath or affirmation, verbal or in writing, in relation to any matter in the statement that shall be offered to them on behalf of any person claiming to be interested.

- (b) *Adjournment.*

It may adjourn, from day to day, if necessary, to give all parties claiming a review an opportunity to be heard, not exceeding in the whole 10 days.

- (c) *Corrections.*

And the Department of Transportation shall make all corrections and alterations in the valuations, assessments, and estimates, and all other matters contained in the statements and explanatory map or maps, that appear in its judgment to be just and proper.

(City Code, 1893, art. 48, §8(5th - 7th cls.); 1927, art. 45, §8(5th - 7th cls.); 1950, art. 35, §4(5th - 7th cls.); 1966, art. 26, §55(5th - 7th cls.); 1976/83, art. 26, §62(5th - 7th cls.)) (Ord. 1881-024; Ord. 51-1530; Ord. 75-945; Ord. 15-435.)

§ 3-10. Book of proceedings; Notice of completion.

- (a) *Book of proceedings.*

After closing the review, the Department of Transportation shall make all corrections in its statement and explanatory map or maps that it deems proper, and cause the statement as corrected to be recorded in a book of proceedings, and certified under the hand and seal of the Director of Transportation and the person or persons appointed by the Director as provided by § 3-1 of this subtitle.

(b) *Notice of completion.*

Within 5 days after closing the review, the Department shall notify all persons interested by an advertisement, to be inserted once a week for 2 successive weeks in 2 of the daily newspapers of the City, that the assessment and maps have been completed, and that the parties affected are entitled to appeal therefrom by petition, in writing, to the Board of Municipal and Zoning Appeals.

(*City Code, 1893, art. 48, §8(8th cl.); 1927, art. 45, §8(8th cl.); 1950, art. 35, §4(8th cl.); 1966, art. 26, §55(8th cl.); 1976/83, art. 26, §62(8th cl.).*) (*Ord. 1881-024; Ord. 51-1530; Ord. 75-945; Ord. 15-435.*)

§ 3-11. Personal service of notice.(a) *Notice required.*

The Department of Transportation shall serve written or printed notice upon each and every party or parties assessed for damages, caused by the condemnation and opening of any public highway.

(b) *But not prerequisite.*

However, the service of this notice is not a prerequisite to the condemnation and opening of any street under any ordinance passed by the Mayor and City Council of Baltimore.

(*City Code, 1879, art. 47, §9; 1893, art. 48, §9; 1927, art. 45, §9; 1950, art. 35, §5; 1966, art. 26, §56; 1976/83, art. 26, §63.*) (*Ord. 1973-076; Ord. 51-1530; Ord. 75-945; Ord. 15-435.*)

§ 3-12. Administrative appeal.(a) *How and when taken.*

Any person or persons, or corporation, who is dissatisfied with the assessment of damages or benefits may:

- (1) within 20 days after the completion of the corrected statement and map or maps, as provided in § 3-10 of this article; and
- (2) within 20 days from the date of the 1st publication of the notice thereof, as provided in § 3-10 of this article;

appeal therefrom by petition, in writing, to the Board of Municipal and Zoning Appeals, praying the Board to review the same.

(b) *Scheduling hearing; record transmittal.*

On appeal, the Board:

- (1) may and shall appoint a day for hearing said appeal, which shall not be less than 5 nor more than 30 days after the expiration of the 20 days limited for taking appeals as aforesaid; and

- (2) shall direct the Board's secretary to notify in writing the Department of Transportation, to produce and deliver to the Board the record of the proceedings of the Department in the case, and all maps, plats, documents, and papers connected with that record.

(c) *Board's powers.*

The Board has full power to hear and fully examine the subject and decide on the appeal, and, for that purpose, the Board is authorized and empowered:

- (1) to adjourn from time to time, and
- (2) may cause all such appeals to be consolidated, or may hear and decide them separately, and
- (3) may require the Department of Transportation, its surveyor, or other agents and servants, or any of them, and all such other persons as the Board shall deem necessary, to attend, and examine them on oath or affirmation, and
- (4) may permit and require all such explanations, amendments, and additions to be made to and of the said record of the proceedings as the said Board shall deem requisite.

(City Code, 1879, art. 47, §10(1st - 3rd cls.); 1893, art. 48, §10(1st - 3rd cls.); 1927, art. 45, §10(1st - 3rd cls.); 1950, art. 35, §6(1st - 3rd cls.); 1966, art. 26, §57(1st - 3rd cls.); 1976/83, art. 26, §64(1st - 3rd cls.)) (Ord. 51-1530; Ord. 75-945; Ord. 15-435.)

§ 3-13. Judicial review - In general.

(a) *How and when sought; right to jury and view.*

The persons appealing to the Board, as aforesaid, feeling aggrieved by any decision of the Board:

- (1) may at any time within 30 days of a decision by the Board, appeal therefrom to the Circuit Court for Baltimore City as provided in Article VII, §88 of the City Charter; and
- (2) shall be secured in the right of a jury trial to try any question of facts and, if necessary, to view any property in the City, to ascertain and decide on the amount of damages or benefit, under the direction of the court.

(b) *Court's powers.*

The court:

- (1) may not reject or set aside the record of the proceedings of the Department of Transportation and Board for any defect or omission in either form or substance, but
- (2) shall:
 - (i) amend or supply all defects and omissions;

- (ii) increase or reduce the amount of damages and benefits assessed; and
 - (iii) alter, modify, and correct the return of proceedings, in all or any of its parts, as the court considers just and proper; and
- (3) shall have full power, in his discretion, to add the reasonable costs of any appeal, to be taxed by him, or any part thereof, to the damages to be collected for opening or closing said street, or to require such cost, or any part thereof, to be paid by all or by either of the appellants as the circumstances of each appeal in his opinion shall justify.
- (c) *Record of proceedings.*
- (1) The court shall cause:
- (i) the proceedings and decisions on the returns and appeals to be entered in the book containing the record of the proceedings of the Department of Transportation, certified by the clerk, under the seal of the court; and
 - (ii) the book to be transmitted to the Department of Transportation, which shall be final and conclusive in every respect, unless an appeal be taken to the Court of Special Appeals.
- (2) The record book, or a copy of the proceedings or any part of the proceedings in the record book, whether in court or out of court, certified by the Director of Transportation or the person or persons appointed by the Director as provided by § 3-1 shall be evidence in any court in this State.
- (City Code, 1879, art. 47, §10(4th - 7th cls.); 1893, art. 48, §10(4th - 7th cls.); 1927, art. 45, §10(4th - 7th cls.); 1950, art. 35, §6(4th - 7th cls.); 1966, art. 26, §57(4th - 7th cls.); 1976/83, art. 26, §64(4th - 7th cls.))*
(Ord. 1866-027; Ord. 1868-029; Ord. 51-1530; Ord. 75-945; Ord. 15-435.)

§ 3-14. Judicial review - Awards.

(a) *Proceedings de novo.*

Whenever there is any appeal from the action of the Board of Municipal and Zoning Appeals to the Circuit Court for Baltimore City, either by the Mayor and City Council of Baltimore, or by any person having or claiming to have any interest in any lot or parcel of ground assessed with benefits, or the whole, or any part of which is taken for the laying out, opening, extending, widening, or straightening of any street, square, lane, or alley, the jury shall award and assess de novo the damages and benefits to be allowed and charged for and to such lot of ground.

(b) *Valuation method.*

In assessing the value of any lot taken in whole or in part for the public use, the jury shall:

- (1) value the fee simple interest of the part taken;
- (2) add thereto compensation for such damages, if any, as is done by the taking of the fee simple interest in the part not taken; and

- (3) apportion the damages so awarded among the owners of the different estates therein according to the value of their respective interests.

(City Code, 1927, art. 45, §11; 1950, art. 35, §7; 1966, art. 26, §58; 1976/83, art. 26, §65.) (Ord. 1895-039; Ord. 51-1530.)

§ 3-15. Ordinance repealed or set aside.

Whenever any ordinance passed by the Mayor and City Council of Baltimore, providing for the condemnation and opening, widening, or closing of any street, square, lane, or alley in said City, shall be set aside or declared null and void by a court of competent jurisdiction, to wit: the Circuit Court for Baltimore City, the Court of Special Appeals, or the Court of Appeals, in the event of an appeal to that tribunal, or the same shall be repealed by the Mayor and City Council of Baltimore, it shall be the duty of the Director of Finance immediately thereafter to refund to any and all persons, or their legal representatives, such sums of money as they may have paid to the City by reason of the assessment of benefits by virtue of such ordinance. The Director of Finance shall likewise pay all expenses which may have been incurred by virtue of any such ordinance, in carrying out the provisions thereof, for which the City may be liable under existing ordinances.

(City Code, 1879, art. 47, §11; 1893, art. 48, §11; 1927, art. 45, §12; 1950, art. 35, §8; 1966, art. 26, §59; 1976/83, art. 26, §66.) (Ord. 1877-008; Ord. 51-1530; Ord. 75-945; Ord. 08-063.)

§ 3-16. Billing assessments for benefits.

- (a) *Transfer to Finance.*

If no appeal has been prayed, then within 20 days after the time hereinbefore limited therefor or after the return of the decision on appeal has been made to the Board of Municipal and Zoning Appeals or to the Circuit Court for Baltimore City, the Department of Transportation shall transfer its return to the Director of Finance.

- (b) *Finance to notify parties.*

The Director of Finance shall proceed forthwith to notify the parties assessed for benefits by means of bills:

- (1) specifying the several sums so assessed; and
- (2) warning them that if the same be not paid within 3 months from the date of the transfer of the Department of Transportation's returns, he will proceed to collect the same by way of sale of the specific pieces or parts of property on which the unpaid sum or sums of money have been assessed, in the manner provided by law for the sale of property for the nonpayment of taxes on real estate situate in Baltimore City.

(City Code, 1879, art. 47, §12; 1893, art. 48, §12; 1927, art. 45, §13; 1950, art. 35, §9; 1966, art. 26, §60; 1976/83, art. 26, §67.) (Ord. 1866-026; Ord. 1889-002; Ord. 51-1530; Ord. 75-945; Ord. 15-435.)

§ 3-17. Failure to make payments.(a) *Sale of property.*

If the sums assessed upon the property specified shall not be paid within the time above limited, the Director of Finance is hereby directed to sell the property, or any part thereof, on which such assessment has been laid after the expiration of the time limited in § 3-16 for the payment of said benefits in the manner provided by law for the sale of property for the nonpayment of taxes on real estate situate in Baltimore City.

(b) *Payments.*

And the monies so collected by the Director of Finance shall be paid over by him to the Mayor and City Council of Baltimore as other monies are directed to be paid over, to be by it paid to the persons entitled to receive the same.

(*City Code, 1893, art. 48, §13; 1927, art. 45, §14; 1950, art. 35, §9A; 1966, art. 26, §61; 1976/83, art. 26, §68.*) (*Ord. 1889-002; Ord. 51-1530; Ord. 75-945.*)

§ 3-18. Assessment as lien.

All sums of money assessed by the Department of Transportation on property deemed by it to be benefitted shall be and continue as liens on each several piece of property so assessed, to the amount of its particular assessment, until paid to the City.

(*City Code, 1879, art. 47, §16(1st cl.); 1893, art. 48, §16(1st cl.); 1927, art. 45, §17(1st cl.); 1950, art. 35, §9B(1st cl.); 1966, art. 26, §62(1st cl.); 1976/83, art. 26, §69(1st cl.).*) (*Ord. 1866-026; Ord. 51-1530; Ord. 75-945; Ord. 15-435.*)

§ 3-19. Payment of damages.

But no part of any street, square, lane, or alley may be opened on or over the ground of any person or persons or corporation adjudged by the Department of Transportation to be entitled to damages for the opening, without the consent, in writing, of the person or corporation so entitled, until:

(1) such damages shall be paid; or

(2) the amount thereof held in trust by the Director of Finance for the use of each person or corporation entitled to any part of the compensation for such damages, to the amount of his, her, or their respective right and interest therein, and shall be invested by the Director of Finance in such investments as the Director of Finance is authorized by law to make for City funds, and the income derived from such investments shall be applied by the Director of Finance to the respective amounts due each person or corporation for whom such compensation is held in trust, in proportion that each amount so held in trust bears to the total of such amounts held in trust under this section.

(*City Code, 1879, art. 47, §16(balance); 1893, art. 48, §16(balance); 1927, art. 45, §17(balance); 1950, art. 35, §9B(balance); 1966, art. 26, §62(balance); 1976/83, art. 26, §69(balance).*) (*Ord. 1866-026; Ord. 51-1530; Ord. 75-945; Ord. 15-435.*)

§ 3-20. Deposit of books and papers.

As soon as the Department of Transportation has completed its work on each street, the Department shall file all related papers and books in the Department, in a manner as to insure a permanent record of the proceedings.

(City Code, 1879, art. 47, §24; 1893, art. 48, §24; 1927, art. 45, §25; 1950, art. 35, §9C; 1966, art. 26, §63; 1976/83, art. 26, §70.) (Ord. 1866-026; Ord. 1867-053; Ord. 51-1530; Ord. 75-945; Ord. 15-435.)

§ 3-21. Offer to convey property.**(a) In general.**

Whenever the owner or owners of the bed of any existing or proposed street, square, lane, or alley in the City shall offer to convey the same to the City:

- (1) it shall be the duty of the Mayor to obtain the opinion of the City Solicitor in relation to the title to the property and the legality of the deed or deeds; and
- (2) if, in the opinion of the Mayor, it will be right and proper and the public good will result therefrom, he is authorized to receive, in the name of the Mayor and City Council of Baltimore, any deed or deeds so offered to the City.

(b) Deed endorsements.

The written approval of the Director of Transportation and the City Solicitor shall be endorsed on all of the deeds and conveyances before acceptance by the Mayor.

(City Code, 1879, art. 47, §25; 1893, art. 48, §25; 1927, art. 45, §§26, 27; 1950, art. 35, §10; 1966, art. 26, §64; 1976/83, art. 26, §71.) (Ord. 1859-092; Ord. 1866-026; Ord. 1897-073; Ord. 48-481; Ord. 76-139; Ord. 08-063; Ord. 15-435.)

SUBTITLE 4
PAVING OF PRIVATE STREETS

§ 4-1. City's authority.

(a) *Director may maintain.*

The Director of Transportation is authorized and empowered to repair and maintain existing private streets and roads that are open and used by the public, but have not been actually accepted as public highways by the Mayor and City Council of Baltimore.

(b) *Scope of maintenance.*

(1) The repairs and maintenance shall be of the character that, in the judgment of the Director of Transportation, will make private streets and roads safe for public travel and will prevent nuisances dangerous to the public health arising thereon.

(2) Provided that private streets and roads shall be repaired and maintained in the same manner and with the same character of materials as originally constructed.

(City Code, 1927, art. 45, §119; 1950, art. 35, §59; 1966, art. 26, §65; 1976/83, art. 26, §72.)
(Ord. 22-751; Ord. 76-139; Ord. 15-435.)

§ 4-2. Appropriations.

In order to provide for the cost and expenses of the abovementioned repairs and maintenance, the Board of Estimates is requested to provide a sufficient sum of money therefor in the annual Ordinances of Estimates, beginning with the year 1923.

(City Code, 1927, art. 45, §120; 1950, art. 35, §60; 1966, art. 26, §66; 1976/83, art. 26, §73.)
(Ord. 22-751.)

§ 4-3. Effect of work done.

Nothing in this subtitle, nor any acts done by the Director of Transportation under this subtitle, may be construed as an acceptance of the dedication of any private street or road or as in any way affecting the status of these streets or roads.

(City Code, 1927, art. 45, §121; 1950, art. 35, §61; 1966, art. 26, §67; 1976/83, art. 26, §74.)
(Ord. 22-751; Ord. 50-1281; Ord. 76-139; Ord. 15-435.)

SUBTITLE 5
PAVING ON PETITION

§ 5-1. Signatures required.

Upon the written request of the owners of 60% of the front feet of ground binding on the whole, or any part, of any street, avenue, lane, or alley of the City of Baltimore, which is now open, or may hereafter be opened, the Director of Transportation, acting under the provisions of Chapter 401, Laws of Maryland 1906, and any amendment or amendments thereof, may, if in the Director's judgment the public interests will be served, grade, curb and pave, grade and pave, or pave, as the Director considers necessary, the street, avenue, lane, or alley, or part thereof, at the expense pro rata of the owners of all the property binding thereon in accordance with the provisions of this subtitle. (City Code, 1927, art. 45, §107; 1950, art. 35, §43; 1966, art. 26, §68; 1976/83, art. 26, §75.) (Ord. 22-739; Ord. 29-735; Ord. 76-139; Ord. 15-435.)

§ 5-2. Notice by publication.

Upon the receipt of a completed application, the Director of Transportation shall give 10 days' notice, in at least 2 of the daily newspapers published in the City of Baltimore, of the fact that the application has been made, and of the intention of the Director to consider the same, and also of the time when and place where objections to the application will be received and heard. (City Code, 1927, art. 45, §108; 1950, art. 35, §44; 1966, art. 26, §69; 1976/83, art. 26, §76.) (Ord. 22-739; Ord. 76-139; Ord. 15-435.)

§ 5-3. Who deemed owners.(a) *In general.*

A tenant having a 99-year lease, renewable forever, or the executor or administrator of such a tenant, or the guardian of an infant owner, or a mortgagor in possession, shall be deemed and taken as an owner for the purpose of any application authorized by this subtitle, and the application of any such person shall bind the property so represented for any assessment or tax made under it.

(b) *Mayor acts for City.*(1) *Iteration 1.*

The Mayor of Baltimore City is hereby authorized to sign any such application on behalf of the Mayor and City Council of Baltimore as owner or any property binding on said street, avenue, lane, or alley, or any part thereof, whenever the said Mayor shall deem it advisable to do so.

(2) *Iteration 2.*

The Mayor shall have full power, whenever he may deem it advisable, to sign, on behalf of the City corporation, for the paving, grading, or curbing of streets, lanes, which may front any property belonging to the City.

(City Code, 1879, art. 47, §41; 1893, art. 48, §42; 1927, art. 45, §§54, 109; 1950, art. 35, §§45, 52; 1966, art. 26, §§70, 77; 1976/83, art. 26, §§77, 84.) (Ord. 1874-044; Ord. 22-739; Ord. 76-139.)

§ 5-4. Assessment of costs.(a) *Assessment on abutting properties.*

After any contract for the work of grading, paving, or curbing the street, avenue, lane, or alley, or part thereof, has been awarded in the manner provided by law, the Director of Transportation shall impose a tax upon the property binding on the street, avenue, lane, or alley, or any part thereof, so to be graded, paved, or curbed, equal in amount to the part of the expense that the Director, in his or her discretion, determines is to be borne by the owner or owners of the property, and also 3% on the amount so to be assessed against the property for the costs and expenses of collecting the same.

(b) *Allocation by frontage.*

- (1) The Director of Transportation shall apportion the tax so that the several lots of ground binding on both sides of the street, avenue, lane, or alley, or part thereof, to be graded, paved, or curbed, become liable for a pro rata part thereof, according to the frontage of the property thereon.
- (2) Provided that, in counting the number of feet which any property abuts upon the street, avenue, lane, or alley to be paved:
 - (i) the actual number of such feet shall be taken as to all lots having their front or rear upon said street, avenue, lane, or alley; but
 - (ii) corner lots, having their front on some intersecting or crossing street, avenue, lane, or alley, and having their side upon the street, avenue, lane, or alley to be paved, shall be counted for only $\frac{1}{3}$ of the length of such side;

and the property owners' share of the expense of paving such street, avenue, lane, or alley shall be divided equally in proportion to the number of feet abutting upon such street, avenue, lane, or alley, counted as herein directed.

(c) *Maximum assessment.*

Provided that the cost of paving streets, avenues, lanes, or alleys under the provisions of this subtitle shall be assessed in the aforementioned proportion upon the abutting property owner in every case, in no instance, however, to exceed $\frac{2}{3}$ of said cost.

(d) *Statement of assessments.*

The Director of Transportation shall then prepare a statement showing the amount of assessment upon each of the lots of ground.

(City Code, 1927, art. 45, §110; 1950, art. 35, §46; 1966, art. 26, §71; 1976/83, art. 26, §78.)
(Ord. 22-739; Ord. 29-735; Ord. 76-139; Ord. 15-435.)

§ 5-5. Deferred payments.(a) *In general.*

Whenever any street, avenue, lane, or alley, or part thereof, shall be graded, paved, or curbed, in accordance with this subtitle, the Director of Transportation may, if it appears advisable to the Director, provide in the statement of benefit assessments that the payment of the amount so assessed may, at the option of the owners of the respective lots of ground assessed:

- (1) be deferred for such definite period of time as the said Director shall determine, not to exceed 5 years from the date of the delivery of the statement aforesaid, to the Director of Finance, as hereinafter provided;
- (2) with interest on the deferred payments as the Director of Transportation determines to be just and proper.

(b) *Continuing lien.*

The assessments so made shall be and continue liens on the respective lots of ground from the date of the award of the contract for the grading, paving, and curbing of such street, lane, or alley, or part thereof, until paid.

(*City Code, 1927, art. 45, §111; 1950, art. 35, §47; 1966, art. 26, §72; 1976/83, art. 26, §79.*)
(*Ord. 22-739; Ord. 29-735; Ord. 76-139; Ord. 15-435.*)

§ 5-6. Publication of notice.

After the Director of Transportation has completed his or her apportionment of the costs and expenses to be assessed, and the statement thereof, the Director shall give notice by advertisement inserted twice a week for 2 successive weeks in 2 of the daily newspapers published in the City of Baltimore:

- (1) that such apportionment has been made;
- (2) that the statement thereof is on file in the office of the Department of Transportation for the inspection of all persons interested; and
- (3) that he will attend, at his said office on a day in such notice to be named, which shall be not less than 10 nor more than 20 days from the 1st publication of such notice, to review any of the matters set forth in such statement, to which any persons claiming to be interested therein shall on or before the day so appointed, make objection.

(*City Code, 1927, art. 45, §112(1st cl.); 1950, art. 35, §48(1st cl.); 1966, art. 26, §73(1st cl.); 1976/83, art. 26, §80(1st cl.).*) (*Ord. 22-739; Ord. 76-139; Ord. 15-435.*)

§ 5-7. Hearing.

The Director of Transportation:

- (1) shall attend, at the time and place so appointed, and consider all such representations and testimony, verbal or in writing, in relation to any matter in such statement which shall be offered to him on behalf of any person claiming to be interested therein;

(2) shall make all such corrections and alterations in the said apportionment and statement as shall be necessary to make the same correct and just; and

(3) he may adjourn from time to time, if necessary, to give all persons claiming a review an opportunity to be heard.

(City Code, 1927, art. 45, §112(2nd cl.); 1950, art. 35, §48(2nd cl.); 1966, art. 26, §73(2nd cl.); 1976/83, art. 26, §80(2nd cl.) (Ord. 22-739; Ord. 76-139; Ord. 15-435.)

§ 5-8. Corrected list of assessments; notice.

After closing such review, he:

(1) shall make all such corrections as shall be proper;

(2) shall make a correct list of the property and of the owners, or reputed owners thereof, liable to pay the assessments in the manner aforesaid, and the amount for which each piece of property, or the owner thereof, shall be liable;

(3) shall cause the statement to be certified under the hand and seal of the Director of Transportation; and

(4) shall notify persons interested by an advertisement to be inserted once a week for 4 successive weeks in 2 of the daily newspapers of the City, that:

(i) the said assessments have been completed; and

(ii) that the persons affected thereby are entitled to appeal therefrom by a petition in writing to the Circuit Court for Baltimore City within 30 days after the 1st publication of said notice.

(City Code, 1927, art. 45, §112(3rd cl.); 1950, art. 35, §48(3rd cl.); 1966, art. 26, §73(3rd cl.); 1976/83, art. 26, §80(3rd cl.) (Ord. 22-739; Ord. 76-139; Ord. 15-435.)

§ 5-9. Appeals.

And if any appeal shall be taken, the proceedings therein shall be similar to those in the trial of street appeals and the same right shall be had to appeal to the Court of Special Appeals.

(City Code, 1927, art. 45, §112(4th cl.); 1950, art. 35, §48(4th cl.); 1966, art. 26, §73(4th cl.); 1976/83, art. 26, §80(4th cl.) (Ord. 22-739; Ord. 76-139.)

§ 5-10. Collections

(a) *Transfer to Finance.*

If no appeal has been prayed at the expiration of the time allowed for appeals, then within 10 days thereafter or after the return of the decision on appeal has been made to the Director of Transportation, the Director shall transfer the statement and list to the Director of Finance.

(b) *Finance to notify parties.*

The Director of Finance shall proceed to collect the same in all respects as the Director does in cases where persons or property are assessed for benefits for opening, closing, widening, or straightening any street, avenue, lane, or alley, and, unless otherwise provided in the statement, the assessments shall be due and payable on the date of the transfer of the statement to the Director of Finance.

*(City Code, 1927, art. 45, §113, 1950, art. 35, §49; 1966, art. 26, §74; 1976/83, art. 26, §81.)
(Ord. 22-739; Ord. 76-139; Ord. 15-435.)*

§ 5-11. New Paving Fund.

Whenever any money has been collected by the Director of Finance under this subtitle, that money shall be paid over in the manner required by law, to be placed to the credit of the “New Paving Fund” provided for in Section 6 of Chapter 401, Laws of Maryland 1906, and may be appropriated by the Director of Transportation for the purpose designated in that Act and this subtitle.

*(City Code, 1927, art. 45, §114; 1950, art. 35, §50; 1966, art. 26, §75; 1976/83, art. 26, §82.)
(Ord. 22-739; Ord. 76-139; Ord. 15-435.)*

§ 5-12. Paving materials.

No street, avenue, lane, or alley, or part thereof, shall be paved, in whole or in part, under the provisions of this subtitle, with any paving material of a grade or quality lower than that of water-bound macadam oiled.

*(City Code, 1927, art. 45, §115; 1950, art. 35, §51; 1966, art. 26, §76; 1976/83, art. 26, §83.)
(Ord. 22-739; Ord. 50-1282.)*

SUBTITLE 6
BUILDING ADDRESS NUMBERS

§ 6-1. Numbering scheme.

(a) *Decimal system.*

The houses and buildings within the City shall be numbered according to the decimal system.

(b) *Central points.*

(1) For streets running generally east and west, the point of commencement shall be at Charles Street, going thence easterly and westerly.

(2) For streets running generally north and south, the point of commencement shall be Baltimore Street, going thence northerly and southerly.

(c) *Allocation per block.*

100 numbers shall be the proportion for each square, and each successive square shall have its enumeration begin with an even 100.

(d) *Beginning elsewhere than Baltimore or Charles.*

Where any street does not commence at Baltimore Street or at Charles Street, the enumeration shall conform to other adjacent streets running in the same general direction with an even successive hundred for each additional square, and in all respects adherence to the decimal system shall be observed.

*(City Code, 1927, art. 31, §24; 1950, art. 36, §11; 1966, art. 27, §11; 1976/83, art. 27, §10.)
(Ord. 1899-195; Ord. 48-516.)*

§ 6-2. Conformity required.

No house or building and no row of houses or series of buildings, whether or not denominated as or on a "Place", "Terrace", or "Square", now erected or in process of erection or hereafter to be erected, shall be numbered or by figures, letters, or names distinguished in any way different from or in violation of the provisions of this subtitle.

(City Code, 1950, art. 36, §12; 1966, art. 27, §12; 1976/83, art. 27, §11.) (Ord. 48-516.)

§ 6-3. Duty to affix numbers.

(a) *Affixing to new buildings.*

The owner of any new house or other building shall affix or place on the premises, in the manner prescribed in this subtitle, the correct number of that house or other building, as determined and fixed by the Department of Transportation.

(b) *Maintaining on all.*

The owner or occupant of any house or other building shall affix and shall at all times maintain on the premises the correct number of that house or other building, as determined and fixed by the Department of Transportation.

(*City Code, 1950, art. 36, §13; 1966, art. 27, §13; 1976/83, art. 27, §12.*) (*Ord. 48-516; Ord. 76-140; Ord. 09-113; Ord. 15-435.*)

§ 6-4. Notice of noncompliance.(a) *Director to notify.*

If a house or other building is found to be without the correct numbers prescribed by this subtitle, the Director of Transportation shall give written notice to the owner or occupant of the house or other building of the deficiency and of the steps necessary to correct it.

(b) *Owner or occupant to comply.*

(1) The owner or occupant shall place or affix the correct number of the house or other building, as ordered by the Director of Transportation, within 30 days of receiving the notice.

(2) Failure to comply with the notice is subject to enforcement under §§ 6-9 and 6-10 of this subtitle.

(*City Code, 1950, art. 36, §14; 1966, art. 27, §14; 1976/83, art. 27, §13.*) (*Ord. 48-516; Ord. 76-140; Ord. 09-113; Ord. 15-435.*)

§ 6-5. Change of number.

Whenever the number of any house or other building is changed by the Department of Transportation, the owner or occupant of that building shall completely remove or obliterate the old number within 10 days after receiving from the Department of Transportation a written notice reporting the changing of the number and notifying the owner or occupant of the new number that has been determined and fixed for the house or other building.

(*City Code, 1950, art. 36, §15; 1966, art. 27, §15; 1976/83, art. 27, §14.*) (*Ord. 48-516; Ord. 76-140; Ord. 15-435.*)

§ 6-6. Correct number required.

No owner or occupant may place or affix or permit to remain placed or affixed or otherwise displayed on any house, building, or premises, any number or number plate except the correct number as determined and fixed or as changed by the Department of Transportation.

(*City Code, 1950, art. 36, §16; 1966, art. 27, §16; 1976/83, art. 27, §15.*) (*Ord. 48-516; Ord. 76-140; Ord. 15-435.*)

§ 6-7. Required display.

The correct number of every house or other building:

(1) shall be displayed as provided in International Building Code § 502 {"Business Address"}; and

(2) shall be affixed or otherwise placed:

(i) at the front entrance of the house or other building or the front entrance to the premises on which the house or other building is located so that the number is plainly visible and legible in daytime from a point located 4 feet above the curb line immediately in front of the entrance on which the number is placed; and

(ii) for a property whose rear borders an alley (as defined in Baltimore City Zoning Code § 1-302(1) {"Alley"}), at the rear of the property so that the number is plainly visible and legible in daytime from a point located 4 feet above the grade level of the alley.

(City Code, 1950, art. 36, §17; 1966, art. 27, §17; 1976/83, art. 27, §16.) (Ord. 48-516; Ord. 76-140; Ord. 09-113; Ord. 15-427; Ord. 16-581; Ord. 20-361.)

§ 6-8. {Reserved}

§ 6-9. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of an environmental citation as authorized by City Code Article 1, Subtitle 40 {"Environmental Control Board"}.

(b) *Process not exclusive.*

The issuance of an environmental citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(Ord. 09-113.)

§ 6-10. Penalties.

(a) *In general.*

Any person who violates any provision of this subtitle is guilty of a misdemeanor and, on conviction, subject to a fine of not more than \$500 for each offense.

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense.

(City Code, 1950, art. 36, §18; 1966, art. 27, §18; 1976/83, art. 27, §17.) (Ord. 48-516; Ord. 09-113.)

**SUBTITLE 7
STREET NAMES**

§ 7-1. Brune report approved.

The report of William H. Brune to the Commissioners for Opening Streets is hereby approved, concurred in, and adopted, and the revision and the change of the names of such public streets, avenues, and highways in the City of Baltimore, as suggested and recommended in said report is hereby approved, ordered, and directed, as therein recommended.

*(City Code, 1927, art. 31, §28; 1950, art. 36, §19; 1966, art. 27, §19; 1976/83, art. 27, §18.)
(Ord. 08-162.)*

§ 7-2. Procedure for new streets.

(a) Referral to Department.

Whenever a proposed ordinance or resolution is introduced in the City Council to authorize the acceptance by the Mayor or by the Mayor and City Council of a deed to the bed of any street, avenue, or other thoroughfare in the City, the proposal shall at once be referred to the Department of Transportation for a report as to the name of the street, avenue, or other thoroughfare.

(b) Change of duplicative name.

If the same name by which such street, avenue, or other thoroughfare has been known is a duplicate of the name of any public street, avenue, or thoroughfare in the City of Baltimore, the said Department in its report shall so state, and in that event, it shall suggest to the City Council in said report a new name for such street, avenue, or thoroughfare.

*(City Code, 1927, art. 31, §30; 1950, art. 36, §21; 1966, art. 27, §21; 1976/83, art. 27, §20.)
(Ord. 08-163; Ord. 28-281; Ord. 76-140; Ord. 15-435.)*

§ 7-3. Procedure for naming or renaming.

(a) Referral to agencies.

Whenever a bill is introduced in the City Council to name or rename any public street, avenue, or other thoroughfare in Baltimore City, the bill shall at once be referred to the Department of Transportation and to the Department of Planning's Historical and Architectural Preservation Division for a written report as to the advisability of the proposed name.

(b) Reports required for action.

The Department of Transportation and the Historical and Architectural Preservation Division shall submit their reports as soon as practicable, and no further action may be taken by the City Council on the bill pending the receipt of those reports.

(c) *Guidelines.*

In naming or changing the name of any street, avenue, or other thoroughfare, the following guidelines shall be observed:

- (1) the name may not be the same as the name of an existing street, avenue, or thoroughfare;
- (2) the name may not be the name of a living person or persons;
- (3) the name may not be the name of an existing or proposed business or of an existing or proposed product of a business; and

- (4) the name shall be given to the entire length of the street, avenue, or thoroughfare.

(*City Code, 1927, art. 31, §29; 1950, art. 36, §20; 1966, art. 27, §20; 1976/83, art. 27, §19.*)
(*Ord. 08-163; Ord. 28-281; Ord. 76-140; Ord. 91-799; Ord. 15-408; Ord. 15-435.*)

§ 7-4. Procedure for revisions.(a) *Department to revise.*

The Department of Transportation is authorized and directed to revise or change the names of any public streets, avenues, and highways of the City as may appear to be necessary and beneficial to the interests of the City.

(b) *Mayor and Council approval required.*

Such revision or change shall become effective only upon and after the approval and concurrence of the Mayor and City Council of Baltimore.

(*City Code, 1927, art. 31, §31; 1950, art. 36, §22; 1966, art. 27, §22; 1976/83, art. 27, §21.*)
(*Ord. 06-088; Ord. 76-140; Ord. 15-435.*)

§ 7-5. Renaming private streets.(a) *Petition by majority of owners.*

Whenever a majority of the owners on any private street desire the name of the street to be changed on the municipal records and on the street signs, they shall file a petition with the Department of Transportation requesting the change.

(b) *Referral to Council.*

The Department of Transportation shall refer to the City Council the petition and a written report with a recommendation as to the advisability of the name change.

(c) *Change of signs, maps, etc.*

(1) If the proposed change is satisfactory to the Department of Transportation and is approved by ordinance of the Mayor and City Council, the Department shall then change the street signs on the streets.

(2) When the street name signs have been changed, the Department of Transportation shall enter the new name on its official maps, plats, and records, and thenceforth all records of the City shall carry the street under the new name.

(City Code, 1950, art. 36, §23; 1966, art. 27, §23; 1976/83, art. 27, §22.) (Ord. 48-511; Ord. 76-140; Ord. 92-029; Ord. 15-435.)

SUBTITLE 8
ALLEYS

§ 8-1. Abutting owners' duty to perform.

It shall be the duty of the owners of property abutting upon or in the vicinity of public or private alleys in Baltimore City to:

- (1) do or have done any or all of the work hereinafter described which may be or become necessary from time to time; and
- (2) place and keep said alleys in proper condition;

for and to promote the public welfare, health, safety, and convenience, and for the local benefit of the property owners in the vicinity.

(City Code, 1950, art. 35, §53; 1966, art. 26, §1; 1976/83, art. 26, §1.) (Ord. 45-273; Ord. 49-599.)

§ 8-2. Alley work required.

(a) *In general.*

(1) *DoT's responsibilities.*

The Director of Transportation is authorized, at any time or times and from time to time, to do or have done, on the assessment plan hereinafter set forth, any or all of the following work in or adjacent to any public or private alleys of the City that he finds to be necessary for and to promote the public welfare, health, safety, and convenience, and for the local benefit of the property owners in the vicinity:

- (i) the proper grading or regrading of any alley;
- (ii) the paving or repaving of any alley with concrete or bituminous paving as, in the judgment of the Director of Transportation, may be necessary;
- (iii) the repair or paving of any alley in the manner and to the extent as, in the judgment of the Director of Transportation, may be necessary; and
- (iv) the construction, reconstruction, alteration, repair, removal, or relocation of any guard rails, guard fences, walls, embankments, supports, hedges, driveways, aprons, or approaches in or immediately adjacent to an alley as, in the judgment of the Director of Transportation, may be necessary.

(2) *DPW's responsibilities.*

The construction, reconstruction, alteration, or repair of any and all drains, drainage facilities, and their appurtenances in or adjacent to these alleys shall be done by, under the supervision of, or with the approval of the Director of Public Works.

(b) *Charter requirements.*

Any and all such work shall be done in accordance with the provisions of the City Charter relating to public contracts and work, insofar as said Charter provisions may be applicable to said work.

(*City Code, 1950, art. 35, §54(a), (b); 1966, art. 26, §2(a), (b); 1976/83, art. 26, §2(a), (b).*)
(*Ord. 45-273; Ord. 49-599; Ord. 73-438; Ord. 15-435.*)

§ 8-3. Plats and estimates.

20 days before beginning any of work on the assessment plan, the Director of Transportation:

- (1) shall prepare and file, in his office, a location plan showing the proposed work and an estimate of the cost thereof; and
- (2) shall send notice of the proposed work and an estimate of its cost, by mail, to each abutting property owner as shown on the assessment books:
 - (i) stating that after the expiration of 20 days from the date of 1st mailing, he will proceed to do said work (describing said work, generally, in said notice and referring to said estimate and location plat) on the assessment plan provided in this ordinance;
 - (ii) warning all persons and corporations desiring to put in any pipes or conduits in said alleys or to do other work requiring the digging up of the same, to proceed at once to do such work; and
 - (iii) further warning all persons interested that they may appear in the Director's office, on a day certain, at the time and location stated in the notice and make known to the Director any objections they may have to doing the work on the assessment plan.

(*City Code, 1950, art. 35, §54(c); 1966, art. 26, §2(c); 1976/83, art. 26, §2(c).*) (*Ord. 45-273; Ord. 49-599; Ord. 73-438; Ord. 15-435.*)

§ 8-4. Assessment of costs.(a) *Assessment on abutting properties.*

After any contract for the work of grading, paving, or curbing an alley or part thereof has been awarded in a manner provided by the law, the Director of Transportation shall assess the costs thereof upon the property binding on the alley or any part thereof to be graded, paved, or curbed equally in amount to the part of the expense that the Director of Transportation, with the concurrence of the Board of Estimates, determines to be borne by the owner or owners of the property.

(b) *Allocation by frontage.*

- (1) The Director of Transportation shall apportion the costs so that the several lots of ground binding on both sides of the alley or part thereof to be graded, paved, or curbed shall become liable for pro rata parts thereof according to the frontage of the property thereon.

(2) In counting the number of feet which any property abuts upon the alley to be paved:

- (i) the actual number of such feet shall be taken as to all lots having their front or rear upon said alley; but
- (ii) corner lots, having their front on some intersecting or crossing alley and having their side upon the alley to be paved, shall be counted for 1/5 the length of such side;

and the property owners' share of the expense of paving such alley shall be divided equally in proportion to the number of feet abutting upon such alley counting as herein directed.

(3) Provided that if within a period of 5 years, alleys are graded, paved, or curbed abutting a corner lot, the owner of the corner lot abutting the alleys graded, paved, or curbed shall be assessed for the improvements to either the side alley or rear alley whichever assessment is greater.

(c) *Maximum assessment; exclusions.*

- (1) The cost of paving alleys under the provisions of this subtitle shall be assessed in the aforementioned proportion upon the abutting property owners in every case, in no instance, however, to exceed $\frac{2}{3}$ of said cost.
- (2) No assessment made for said work shall include any of the following costs and expenses, which costs shall be borne by the City of Baltimore:
 - (i) Exception 1. The cost and expense for the construction, reconstruction, alteration, or repair of drains or drainage facilities.
 - (ii) Exception 2. The cost and expense for the acquisition of necessary easements or rights of way.

(d) *Statement of assessments.*

The Director of Transportation shall then prepare a statement showing the amount of assessment upon each of the lots of ground.

(City Code, 1950, art. 35, §55(a), (c)(parts); 1966, art. 26, §3(a), (c)(parts); 1976/83, art. 26, §3, §4(2nd par.)) (Ord. 45-273; Ord. 49-599; Ord. 73-438; Ord. 76-139; Ord. 79-985; Ord. 85-505; Ord. 85-553; Ord. 91-660A; Ord. 15-435.)

§ 8-5. Deferred payments.

(a) *In general.*

Whenever any alley or part thereof is graded, paved, or curbed, the Director of Transportation may, if it appears advisable to the Director, provide in the statement of assessments that the payment of the amount so assessed may, at the option of the owners of the respective lots of ground assessed, be made:

- (1) in equal annual payments,

- (2) plus interest on the unpaid balance as the Director of Transportation, with the concurrence of the Board of Estimates, determines to be just and proper, and
- (3) over a definite period of time as the Director of Transportation determines, not to exceed 5 years from the date of the delivery of the statement to the Director of Finance.

(b) *Continuing lien.*

The assessments so made shall be and continue liens on the respective lots of ground from the date of completion of the contract or portion thereof for the grading, paving, and curbing of such alley, or part thereof, until paid.

(City Code, 1950, art. 35, §56; 1966, art. 26, §4; 1976/83, art. 26, §4(1st par.)) (Ord. 45-273; Ord. 49-599; Ord. 56-644; Ord. 73-438; Ord. 15-435.)

§ 8-6. Appeals.

(a) *Administrative appeal.*

Within 30 days of the mailing of a notice of assessment, the owner of the property may appeal the assessment to the Board of Municipal and Zoning Appeals in accordance with the City Charter.

(a-1) *Judicial and appellate review.*

(1) A person aggrieved by a decision of the Board of Municipal and Zoning Appeals under this section may seek judicial review of that decision by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

(2) A party to the judicial review may appeal the court's final judgment to the Court of Special Appeals in accordance with the Maryland Rules of Procedure.

(b) *Relation back.*

If the assessment is sustained, in whole or in part, by the Board or, if further appealed, by the Court, the lien relates back to the time the work was completed.

(City Code, 1950, art 35, §56(1st, 4th sens.); 1966, art. 26, §4(1st, 4th sens.); 1976/83, art. 26, §5(1st, 4th sens).) (Ord. 45-273; Ord. 49-599; Ord. 73-438; Ord. 76-139; Ord. 04-672; Ord. 19-332.)

§ 8-7. Collections.

(a) *Director of Finance to collect.*

After the completion of the contract or portion thereof or as soon as possible thereafter, the Director of Transportation shall report the assessment so made to the Director of Finance, who shall proceed to collect the same in the same manner as taxes upon real estate are collected.

(b) *When payable; election to defer.*

(1) These assessments:

- (i) shall be due and payable as soon as reported to the Director of Finance; and
 - (ii) may be paid in deferred payments as provided in § 8-5 of this subtitle.
- (2) This election, with the 1st installment, must be made prior to the interest date and may also be paid in full, without interest, at any time prior to 30 days after the 1st of the month succeeding the date of such report to the Director of Finance and, unless paid within that time, shall thereafter bear interest until paid in full.

(c) *Assessment as lien.*

Said assessments shall be liens upon the property, the owners of which are so assessed, from the date of the completion of the contract or portion thereof for the work for which such assessments are made, subject, as to any party who may have appealed, to the final determination of the Board of Municipal and Zoning Appeals or the court or jury upon such appeal.

(d) *Remedies.*

(1) The Director of Finance:

- (i) shall have the same remedies for the collection of said assessments, interest, and penalties as are provided by law or ordinance for the collection of ordinary taxes upon real estate; and
- (ii) may use these remedies upon default of any 1 annual payment.

(2) Said default shall cause the whole of the remainder of the amount so assessed and yet unpaid to be due and owing.

(*City Code, 1950, art 35, §56(2nd - 3rd, 5th - 8th sens.); 1966, art. 26, §4(2nd - 3rd, 5th - 8th sens.); 1976/83, art. 26, §5(2nd - 3rd, 5th - 8th sens.) (Ord. 45-273; Ord. 49-599; Ord. 73-438; Ord. 76-139; Ord. 04-672; Ord. 15-435.)*)

§ 8-8. Projects excepted from assessments – Permissive exceptions.

Notwithstanding any other terms and provisions of this subtitle, in each and every case, from time to time, where the Director of Transportation estimates that the entire cost of all the work required to be done under this subtitle will not be more than 5% of the cost of the total construction or reconstruction of the alley, exclusive of the exceptions of § 8-4 of this subtitle, the Director of Transportation is authorized, but not required, to do or to have that work done at the entire expense of the City.

(*City Code, 1950, art. 35, §57; 1966, art. 26, §5; 1976/83, art. 26, §6.) (Ord. 45-273; Ord. 49-599; Ord. 74-438; Ord. 76-139; Ord. 15-435.)*)

§ 8-9. Projects excepted from assessments – Mandatory exceptions.

(a) *In general.*

Notwithstanding any other terms and provisions of this subtitle, when work is:

- (1) required to be done:

(i) pursuant to the provisions of this subtitle; and

(ii) in accordance with Area Code Enforcement or Urban Renewal Plan approved by ordinance of the Mayor and City Council of Baltimore; and

(2) financed either wholly or partially by Federal funds,

then and in that event said work shall be done at the entire expense of the City, and shall in no event become a lien against any adjacent property owner.

(b) *Allocation of costs.*

The cost of the work shall be shared by the Department of Housing and Community Development and the Department of Transportation, consistent with the adopted policy of the Board of Estimates and fee schedule.

(City Code, 1976/83, art. 26, §7.) (Ord. 74-764; Ord. 15-435.)

§ 8-10. Maintenance of alleys.

The Director of Transportation is authorized to maintain the alleys that have been paved, constructed, or reconstructed under this subtitle for a period not to exceed 10 years without further charge to the property owner.

(City Code, 1976/83, art. 26, §8.) (Ord. 73-438; Ord. 15-435.)

§ 8-11. Effect of work done.

The doing of any of the aforesaid work on the said assessment plan, or at the general expense and without assessment therefor, shall not be held, taken, or construed as:

(1) acceptance of any dedication of any alley; or

(2) obligating the City to thereafter maintain any of the said alleys except as herein provided; or

(3) in any way affecting the legal status of any alley.

(City Code, 1976/83, art. 26, §9.) (Ord. 73-438.)

SUBTITLE 8A
GATING AND GREENING ALLEYS

§ 8A-1. Definitions.

(a) *In general.*

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

(b) *Abandoned property.*

“Abandoned property” means:

(1) an unoccupied structure or vacant lot on which taxes are in arrears for at least 2 years; or

(2) a building that:

(i) is unoccupied by an owner or tenant;

(ii) is unfit for habitation;

(iii) has deteriorated to the point at which:

A. it is structurally unsound; or

B. the cost of rehabilitating the building would significantly exceed the building’s post-rehabilitation market value; and

(iv) has been the subject of a violation notice or order from the City that requires the owner to:

A. rehabilitate the building to conform to minimum code habitability requirements; or

B. demolish the building for health and safety reasons.

(c) *Department.*

“Department” means the Department of Transportation.

(d) *Director.*

“Director” or “Director of Transportation” means the Director of the Department of Transportation or the Director’s designee.

(e) *Greening.*

(1) “Greening” means any alteration to an alley, beyond mere gating, that newly restricts vehicular access to or in the alley.

(2) “Greening” includes, but is not limited to, the installation of a fixed object, plant, or tree that newly restricts vehicular access to or in the alley.
(*Ord. 07-409; Ord. 11-580; Ord. 15-405.*)

§ 8A-2. {Repealed by Ord. 22-125}

Editor’s Note: For the Code-wide standard rules of interpretation, uses of mandatory, prohibitory, and permissive terms, time computations, and the like.

§ 8A-3. {Reserved}

§ 8A-4. Scope; General standards.

(a) *Scope of subtitle.*

This subtitle governs the procedures for gating, greening, and leasing alleys under the authority of City Charter Article II, § 35(e) and (f).

(b) *Standards for authorizing gating and greening.*

The Director of Transportation may authorize the gating and, if applicable, the greening of an alley if, on petition, public notice, and hearing as provided in this subtitle, the Director determines that:

- (1) the alley is no longer needed for through pedestrian or vehicular traffic;
- (2) the gating and, if applicable, the greening will promote the public health, safety, or welfare; and
- (3) the majority of the structures abutting the alley:
 - (i) are residential; or
 - (ii) contain, above a non-residential ground floor, 1 or more upper stories that, as allowed by the applicable Use Table of the Baltimore City Zoning Code, are being used or are designed and intended to be used as residential dwellings.

(*Ord. 07-409; Ord. 11-580; Ord. 15-405; Ord. 18-107.*)

§ 8A-5. Rules and regulations; Fees.

(a) *Rules and regulations.*

Subject to Title 4 {“Administrative Procedure Act – Regulations”} of the City General Provisions Article, the Director of Transportation must adopt rules and regulations to 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 subsection 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.

(b) *Fees.*

The rules and regulations adopted under this subtitle may set reasonable fees to cover the costs incurred by the Department in processing a petition.

(*Ord. 07-409; Ord. 11-580; Ord. 15-405; Text Conformed 02/23/21.*)

§ 8A-6. {Reserved}**§ 8A-7. Record of abutting owners.**

At the request of any person interested in the gating or greening of an alley, the Department of Transportation must provide that person with a list of the names and addresses, as then shown on the Department's records, of the owners of all properties abutting that alley.

(*Ord. 07-409; Ord. 11-580; Ord. 15-405.*)

§ 8A-8. Petition required.(a) *In general.*

To initiate a proceeding under this subtitle, a petition by abutting owners must be submitted to the Director of Transportation.

(b) *Scope of petition.*

The petition must specify whether it is for:

- (1) gating, but not greening, an alley;
- (2) gating and greening an alley; or
- (3) greening an alley for which gating already has been approved.

(c) *Accompanying statement and consents.*

The petition must be accompanied by:

- (1) a statement that specifies how the proposed gating and, if applicable, the proposed greening would promote the public health, safety, or welfare; and
- (2) the signed consents of abutting owners, as required by § 8A-9 {"Consents – Gating only"} or § 8A-10 {"Consents – Greening"} of this subtitle, as the case may be.

(d) *Forms and contents.*

Each petition and its accompanying statement and consents must be in the form and contain the information that the Director requires by rule or regulation.

(*Ord. 07-409; Ord. 11-580; Ord. 15-405; Ord. 19-332.*)

§ 8A-9. Consents of abutting owners – Gating only.

(a) *Required consents.*

A petition to gate, but not to green an alley must be accompanied by the signed consents of at least 75% of the owners of all abutting properties, not including abandoned properties.

(b) *Statement of diligent attempts.*

If 1 or more abutting owners has not consented in writing to the proposed gating, the petition must be accompanied by an affidavit, made under the penalties of perjury, that describes and substantiates diligent attempts made by the petitioners to obtain the consents of all of the owners of all abutting properties.

(Ord. 07-409; Ord. 15-405.)

§ 8A-10. Consents of abutting owners – Greening.

(a) *In general.*

Except as provided in subsection (b) of this section, a petition to gate and green an alley or a petition to green an alley for which gating already has been approved must be accompanied by the signed consents of 100% of the owners of all abutting properties.

(b) *Excepted properties.*

If 1 or more abutting properties are unoccupied or abandoned and, notwithstanding due diligence, their owners have not been found, the petition may still be filed and considered if:

- (1) the petition is accompanied by the signed consents of 100% of the owners of all occupied properties abutting the alley;
- (2) the properties for which signed consents have been obtained constitute at least 80% of all of the properties, not including any abandoned properties, abutting the alley; and
- (3) the petition is accompanied by an affidavit, made under the penalties of perjury, that:
 - (i) describes and substantiates diligent attempts made by the petitioners to obtain the consents of 100% of the owners of all unoccupied properties and abandoned properties abutting the alley; and
 - (ii) affirms that no owner of any abutting property has refused to sign a consent or otherwise is known to object to the petition.

(Ord. 07-409; Ord. 15-405.)

§ 8A-11. Reviews by Police and Fire Departments.(a) *Referral by Director.*

On receipt of a completed petition, the Director of Transportation must refer the petition to both the Police Commissioner and the Fire Marshall for their respective reviews and, within 30 days of the referral, submission of reports.

(b) *Effect of failure to report.*

If the Police Commissioner or the Fire Marshall fails to submit a report to the Director of Transportation within the 30-day submission period, that official is deemed to have no objections to the petition.

(Ord. 07-409; Ord. 15-405.)

§ 8A-12. Public hearing.(a) *Director to schedule.*

During the 30-day period for submission of reports under § 8A-11 {“Reviews by Police and Fire Departments”}, the Director of Transportation must:

- (1) determine whether the petition satisfies all legal requirements for a petition; and
- (2) if it does, schedule a public hearing to be held as soon as practicable after the determination and, in any event, within 30 days of that determination.

(b) *Posting notice.*

- (1) At least 10 days before the hearing, the petitioners must post notice of the hearing at each end of the alley.
- (2) The posted notice must be of the size and contain the information that the Director requires by rule or regulation.

(c) *Mailed notice.*

- (1) At least 10 days before the hearing, the petitioners must also mail notice of the hearing to the owners of all properties abutting the alley, as then shown on the Department’s records.
- (2) The mailed notice must contain the information that the Director requires by rule or regulation.

(Ord. 07-409; Ord. 11-580; Ord. 15-405.)

§ 8A-13. Decision.

Within 30 days of the hearing, the Director of Transportation must:

- (1) issue a written decision on the petition; and

(2) send a copy of the decision to the person designated for this purpose by the petitioners.
(*Ord. 07-409; Ord. 11-580; Ord. 15-405.*)

§ 8A-14. {Reserved}

§ 8A-15. Required lease.

(a) *In general.*

The approval of any petition to gate or green an alley is subject to the entry into a lease, in the form and on the terms approved by the Board of Estimates, between the City, as lessor, and a neighborhood association or other non-profit entity that consists of property owners whose properties abut the alley or otherwise represents the area in which the alley and its abutting properties are located, as lessee.

(b) *Terms and conditions.*

The lease must include, at a minimum, provisions to the following effect:

- (1) All plans for the design and construction of gates, for any sodding, seeding, pavement removal, or other landscaping of the alley, and, if within the scope of the approved petition, for any greening of the alley must be reviewed and approved by the Department of Public Works, by the Department of Transportation, and, if the alley is located within an Historical and Architectural Preservation District or is on or adjacent to property included on the City's Landmark List or Special List, by the Commission for Historical and Architectural Preservation.
- (2) All costs related to the preparation of these plans, to the purchase, installation, and maintenance of gates, to sodding, seeding, pavement removal, or other landscaping of the alley, or, if within the scope of the approved petition, to any greening of the alley, and all costs related to general maintenance of the alley, including all fees for building, fire, or related permits, are at the lessee's expense.
- (3) If the approved petition is for gating, but not greening, the alley, the lessee may not cause or permit any greening of the alley or otherwise cause or permit any alteration to the alley, beyond mere gating, that would newly restrict vehicular access to or in the alley.
- (4) If the approved petition is for gating and greening the alley or for greening an alley for which gating already has been approved, no greening activities may be undertaken until the lessee has first entered into a developer's agreement with the Department.
- (5) Access to the alley must be available to the City's Police, Fire, Public Works, and Transportation Departments, to all other appropriate agencies of the City, and to all companies that have utilities lawfully located in the alley.
- (6) A Knox box must be placed on each gate for access by authorized vehicles and pedestrians.

- (7) No utilities in the alley may be disturbed or built upon, and all easements for utilities must be preserved.
- (8) If the Public Works Department, the Transportation Department, or their employees, agents, or contractors enter the alley for maintenance, repair, or replacement of City utilities, the Department:
- (i) is responsible, on completion of its work, for restoring the alley to grade; but
 - (ii) is not responsible for any other work in the alley or for any other costs incurred in restoring the alley.
- (9) Nothing in the lease may affect or be construed to affect any person's private rights in the alley.
- (10) The Director of Transportation may terminate the lease and may order or cause, at the lessee's expense, the removal of all gates and other obstructions and the alley's restoration if:
- (i) at any time, the owners of two-thirds of the abutting properties, not including any abandoned properties, so request in writing;
 - (ii) at any time, the lessee is in default of any term of the lease and has failed to cure that default in accordance with the terms of the lease; or
 - (iii) after a public hearing, with prior notice as provided in the lease, the Director determines that:
 - A. the alley is needed for through pedestrian or vehicular traffic; or
 - B. the gating and, if applicable, the greening no longer promotes the public health, safety, or welfare.

(Ord. 07-409; Ord. 11-580; Ord. 15-405.)

§ 8A-16. Restoration of alley by utility companies.

If a company that has utilities lawfully located in a leased alley enters the alley for maintenance, repair, or replacement of the utilities, the company:

- (1) is responsible, on completion of its work, for restoring the alley to grade; but
- (2) is not responsible to the lessee for any other work in the alley or for any other costs incurred in restoring the alley.

(Ord. 07-409; Ord. 15-405.)

§ 8A-17. {Reserved}

§ 8A-18. Judicial and appellate review.

(a) *Judicial review.*

A person aggrieved by a final decision of the Director under this subtitle may seek judicial review of that decision by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

(b) *Appellate review.*

A party to the judicial review may appeal the court's final judgment to the Court of Special Appeals in accordance with the Maryland Rules of Procedure.
(*Ord. 07-409; Ord. 11-580.*)

**SUBTITLE 9
FOOTWAYS - IN GENERAL**

§ 9-1. General standards.

(a) *Width and location.*

- (1) Every footway installed along any paved or unpaved street, lane, or alley of the City must be of the width and in the location that the Director of Transportation directs in each instance. In no event, however, may the width be less than 4 feet.
- (2) Wherever required by the Director of Transportation, the streets, lanes, and alleys of the City must be paved to the building line, to the full width of the sidewalk reservation.

(b) *Penalties.*

If the proprietor of any lot refuses or neglects to comply with this section, the owner of the lot is subject to a fine of \$10 for each day the neglect or refusal continues, to be recovered as other fines and forfeitures are recoverable.

(City Code, 1879, art. 47, §60; 1893, art. 48, §61; 1927, art. 45, §81; 1950, art. 35, §33; 1966, art. 26, §28; 1976/83, art. 26, §32.) (Ord. 1868-071; Ord. 12-102; Ord. 15-007; Ord. 48-319, Ord. 76-139; Ord. 00-010; Ord. 15-435.)

§ 9-2. Temporary footway required when digging up sidewalk.

(a) *In general.*

- (1) Whenever any sidewalk is dug or torn up by any person or corporation, that person or corporation must construct a substantial footway over the sidewalk so dug or torn up.
- (2) The footway must:
 - (i) be constructed within 2 days from the start of the digging or tearing up;
 - (ii) be at least 3 feet wide, with proper guards on the side for the use of the public; and
 - (iii) be maintained until the sidewalk is restored and repaved in a proper manner.

(b) *Work under streetscape plan.*

If the work is done in an area subject to a streetscape plan approved in accordance with Subtitle 10A of this article:

- (1) the work performed and the temporary footway must conform to all provisions of the plan that govern temporary footways; and
- (2) all restoration and repair must be performed in accordance with the streetscape plan.

(c) *Penalties.*

Every person or corporation who refuses or neglects to comply with this section is liable to a penalty of \$10 for each day that passes without a footway being in place as required by this section.

(*City Code, 1927, art. 45, §82; 1950, art. 35, §34; 1966, art. 26, §29; 1976/83, art. 26, §33.*) (*Ord. 1894-013; Ord. 00-010.*)

§ 9-3. Director's authority.(a) *In general.*

The Director of Transportation has full power:

- (1) to grade and regulate the footways in all paved streets, lanes, and alleys in the City, and all streets, lanes, and alleys to be paved, repaved, or repaired, to the grade of ½ of an inch ascent (as nearly as practicable in each case) for every 1 foot in width of the footway, from the top of the curb or gutter to the line of the street, lane, or alley; and
- (2) to require that all drainage across footways be carried underground and through the curb to the gutter, in accordance with the specifications of the Director of Public Works.

(b) *Work under streetscape plan.*

In addition, the Director of Transportation may implement a streetscape plan approved in accordance with Subtitle 10A of this article to the same extent and with the same authority as other repairs and work described in Subtitle 10 of this Article.

(*City Code, 1879, art. 47, §49; 1893, art. 48, §50; 1927, art. 45, §62; 1950, art. 35, §27; 1966, art. 26, §22; 1976/83, art. 26, §25.*) (*Rev. Ords. 1858-013; Ord. 48-319; Ord. 76-139; Ord. 00-010; Ord. 15-435.*)

SUBTITLE 10
FOOTWAYS - ALONG PAVED STREETS

§ 10-1. Notice to property owners.

(a) *Scope.*

This section applies whenever the Director of Transportation:

- (1) finds that any footway, in whole or in part, of any paved street, lane, or alley of the City:
 - (i) is not properly graded and paved;
 - (ii) is in bad repair;
 - (iii) is otherwise in a defective condition; or
 - (iv) is inconsistent with a streetscape plan approved in accordance with Subtitle 10A of this article; and
- (2) determines, in his or her judgment, that the footway:
 - (i) needs grading, paving, repaving, or repairing; or
 - (ii) otherwise needs to be brought into compliance with the approved streetscape plan.

(b) *Notice.*

- (1) The Director must:
 - (i) serve each person whose property binds or abuts on the footway with a written notice of the Director's intention to improve, grade, pave, repave, or repair it; and
 - (ii) give all persons interested an opportunity 5 days after the date of notice to show cause, if any, why the footway should not be improved, graded, paved, repaved, or repaired.
- (2) If the owner of any property cannot be found by the Director of Transportation, the Director must cause the notice to be conspicuously posted on the premises.

(c) *Service alternatives.*

- (1) The Director of Transportation must cause the notice provided for in this section to be given to the proprietor of each lot adjacent to which a footway is required to be improved, graded, paved, repaved, or repaired.
- (2) For this purpose, a copy of the order may be:

- (i) left at any house on the lot;
- (ii) served personally on the proprietor or on his, her, or its tenant, agent, or guardian;
- (iii) left at his, her, or its residence;
- (iv) published in 1 or more newspapers of the City; or
- (v) posted or set up on the premises.

(3) Notice given in any of these ways suffices for the purposes of this section and §§ 11-1 and 17-4 of this article.

(City Code, 1879, art. 47, §§50, 51; 1893, art. 48, §§51, 52; 1927, art. 45, §§68(1st, 2nd sens.), 69; 1950, art. 35, §§28(1st, 2nd sens.), 29; 1966, art. 26, §§23(1st, 2nd sens.), 24; 1976/83, art. 26, §§26(1st, 2nd sens.), 28.) (Rev. Ords. 1858-013; Ord. 12-102; Ord. 21-573; Ord. 22-711; Ord. 48-319; Ord. 76-139; Ord. 00-010; Ord. 15-435.)

§ 10-2. Appeal of proposed work.

(a) Appeal to BMZA.

Within 2 days from the date of the hearing by the Director of Transportation, any person dissatisfied with the Director's decision on the need for improving, grading, paving, repaving, or repairing any footway may appeal to the Board of Municipal and Zoning Appeals.

(B) BMZA's decision final.

That Board must hear the appeal, and its decision is final.

(City Code, 1927, art. 45, §68(3rd sen.); 1950, art. 35, §28(3rd sen.); 1966, art. 26, §23(3rd sen.); 1976/83, art. 26, §26(3rd sen.) (Ord. 12-102; Ord. 21-573; Ord. 22-711; Ord. 48-319; Ord. 76-139; Ord. 00-010; Ord. 15-435.)

§ 10-3. By whom work to be done.

(a) Director.

If no appeal is taken from the Director's decision or if, after appeal, the Director's decision is affirmed by the Board of Municipal and Zoning Appeals, the Director must then have the footway properly improved, graded, paved, repaved, or repaired.

(b) Owner.

However, within 15 days after the notice or, if an appeal is taken, within 15 days after the decision of the Board of Municipal and Zoning Appeals, the owner of the property has the option of having the footway improved, graded, paved, repaved, or repaired.

(City Code, 1879, art. 47, §52; 1893, art. 48, §51; 1927, art. 45, §68(4th, 6th sens.); 1950, art. 35, §28(4th, 6th sens.); 1966, art. 26, §23(4th, 6th sens.); 1976/83, art. 26, §26(4th, 6th sens.) (Rev. Ords. 1858-013; Ord. 12-102; Ord. 21-573; Ord. 22-711; Ord. 48-319; Ord. 76-139; Ord. 00-010.)

§ 10-4. Manner of work.

All work by the Director or a property owner must be done as follows:

- (1) where no streetscape plan is in effect, with materials approved by the Director;
- (2) where a streetscape plan is in effect, strictly in accordance with the streetscape plan; and
- (3) in all cases:
 - (i) under the supervision and in accordance with the specifications of the Director of Transportation; and

- (ii) in a sufficient and substantial manner, consistent with modern techniques for improving, paving, repaving, or repairing footways.

(City Code, 1927, art. 45, §68(5th - 8th sens.); 1950, art. 35, §28(5th - 8th sens.); 1966, art. 26, §23(5th - 8th sens.); 1976/83, art. 26, §26(5th - 8th sens.)) (Ord. 12-102; Ord. 21-573; Ord. 22-711; Ord. 48-319; Ord. 76-139; Ord. 00-010; Ord. 15-435.)

§ 10-5. Assessments of costs.**(a) Record.**

When work under this subtitle is completed, the Director of Transportation must determine and record in his or her office:

- (1) the fact that the work has been done;
- (2) the date the work was completed;
- (3) the total expense of doing the work, including expenses reasonably incurred to ascertain the names of abutting property owners;
- (4) the names of the abutting property owners;
- (5) the scope of the work done at each property for which the property or its owner is to be assessed; and
- (6) the total amount proposed to be assessed against each of the abutting properties and their owners.

(b) Publication of notice.

- (1) The Director of Transportation must then publish a notice in 2 of the daily newspapers of Baltimore City.
- (2) The notice must:

- (i) state that the footway has been improved, graded, paved, repaved, or repaired, as the case may be;
- (ii) give the location of the footway; and
- (iii) state that, within 10 days of the notice, the Director of Transportation will hear any owner of property abutting on the footway in reference to his, her, or its liability for all or part of the cost of the work.

(c) *Issuance of assessment.*

- (1) Within 10 days of the notice, the Director of Transportation must hear any aggrieved owner who wants to be heard.
- (2) After the 10 days have expired, the Director of Transportation must assess the entire cost incurred by the Director in doing the work, together with the expense of the notice by publication, on all owners of property abutting on the footway, in proportion to the amount of work done at each property.

(City Code, 1879, art. 47, §52; 1893, art. 48, §53; 1927, art. 45, §70(1st - 3rd sens.); 1950, art. 35, §30(1st - 3rd sens.); 1966, art. 26, §25(1st - 3rd sens.); 1976/83, art. 26, §29(1st - 3rd sens.))
(Rev. Ords. 1858-013; Ord. 12-102; Ord. 15-007; Ord. 21-573; Ord. 48-319; Ord. 56-644; Ord. 76-139; Ord. 89-290; Ord. 00-010; Ord. 15-435.)

§ 10-6. Damage caused by City trees.

(a) *City responsible.*

If the damage to a footway was clearly caused by trees owned by the City, then the Mayor and City Council of Baltimore is responsible for the cost of the necessary improving, grading, paving, repaving, or repairing.

(b) *Dispute resolution.*

The question of responsibility may be determined at the hearing and any appeal taken by the property owner, as authorized in this subtitle.

(c) *Appropriation limitation.*

In any fiscal year, the City's obligation under this section may not exceed the amount appropriated in that fiscal year for these purposes.

(City Code, 1976/83, art. 26, §27.) (Ord. 67-1196; Ord. 73-347; Ord. 00-010.)

§ 10-7. Deferred payments.

(a) *In general.*

Whenever any footway is improved, graded, paved, repaved, or repaired, the Director of Transportation may authorize payment of the assessed amount, if it is for more than \$100, to be made, at the option of the property owner, in equal annual payments, plus interest on the unpaid balance.

(b) *Interest and Term — General.*

Except as provided in subsection (c) of this section:

- (1) interest accrues at the rate that the Director of Transportation, with the concurrence of the Board of Estimates, determines to be just and proper; and
- (2) the number of years over which installments may be paid is as set by the Director of Transportation, not to exceed 5 years from the date of the assessment report to the Director of Finance.

(c) *Interest and Term — Work under streetscape plan.*

For work done under a streetscape plan approved in accordance with Subtitle 10A of this article:

- (1) interest accrues at the rate specified in the plan; and
- (2) the number of years over which installments may be paid is as specified in the plan, not to exceed 10 years from the date of the assessment report to the Director of Finance.

(d) *Continuing lien.*

The assessments continue as liens on the respective lots of ground from the date the work was completed until paid.

(*City Code, 1976/83, art. 26, §29A.*) (*Ord. 89-290; Ord. 00-010; Ord. 15-435.*)

§ 10-8. Appeals.(a) *Administrative appeal.*

Within 30 days of the mailing of a notice of assessment, the owner of the property on which the assessment is levied may appeal the assessment to the Board of Municipal and Zoning Appeals in accordance with the City Charter.

(a-1) *Judicial and appellate review.*

- (1) A person aggrieved by a decision of the Board of Municipal and Zoning Appeals under this section may seek judicial review of that decision by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.
- (2) A party to the judicial review may appeal the court's final judgment to the Court of Special Appeals in accordance with the Maryland Rules of Procedure.

(b) *Relation back.*

If, on appeal, an assessment is sustained in whole or in part, the lien relates back to the time the work was completed.

(*City Code, 1927, art. 45, §70(4th, 7th sens.); 1950, art. 35, §30(4th, 7th sens.); 1966, art. 26, §25(4th, 7th sens.); 1976/83, art. 26, §29(4th, 7th sens.)*) (*Ord. 21-573; Ord. 48-319; Ord. 56-644; Ord. 76-139; Ord. 89-290; Ord. 00-101; Ord. 04-672; Ord. 19-332.*)

§ 10-9. Collections.(a) *Director of Finance to collect.*

After the 30-day appeal period has expired, the Director of Transportation must report the assessments made to the Director of Finance, who must proceed to collect them in the same manner that real estate taxes are collected.

(b) *When payable; election to defer.*

(1) All assessments are due as soon as reported to the Director of Finance.

(2) Assessments may be paid:

- (i) pursuant to an election to be made before the interest date, in deferred payments as provided in § 10-7 of this subtitle; or
- (ii) in full, without interest, at any time prior to 30 days after the 1st of the month succeeding the date of the report to the Director of Finance.

(3) Unless paid on time, all assessments bear interest from the date due until paid in full.

(c) *Assessment as lien.*

The assessments are liens on the property from the date the work is completed, subject, as to any party who has appealed, to the final decision on appeal.

(d) *Remedies.*

(1) The Director of Finance:

- (i) has the same remedies for the collection of assessments, interest, and penalties as those provided by law for the collection of ordinary taxes on real estate; and
- (ii) may use these remedies on default of any 1 annual payment.

(2) A default causes all of the amount assessed and yet unpaid to be due and payable.

(City Code, 1927, art. 45, §70(5th, 6th, 8th - 11th sens.); 1950, art. 35, §30(5th, 6th, 8th - 11th sens.); 1966, art. 26, §25(5th, 6th, 8th - 11th sens.); 1976/83, art. 26, §29(5th, 6th, 8th - 11th sens.)) (Ord. 21-573; Ord. 48-319; Ord. 56-644; Ord. 76-139; Ord. 89-290; Ord. 00-010; Ord. 15-435.)

§ 10-10. Recovery by suit.

In addition to the remedy provided in § 10-9 of this subtitle, the City may recover, by suit or action at law from the owner of any property abutting on any footway that has been improved, graded, paved, repaved, or repaired by the Director of Transportation under this subtitle, the cost of the work done on the footway.

(City Code, 1879, art. 47, §53; 1893, art. 48, §54; 1927, art. 45, §71; 1950, art. 35, §31; 1966, art. 26, §26; 1976/83, art. 26, §30.) (Rev. Ords. 1858-013; Ord. 21-573; Ord. 48-319; Ord. 76-139; Ord. 00-010; Ord. 15-435.)

§ 10-11. Anticipation of collections.

With the Mayor's approval, the Director of Transportation may draw on the City Comptroller, in anticipation of the collections from abutting property owners, for the money needed to improve, grade, pave, repave, or repair any footway under this subtitle.

(City Code, 1879, art. 47, §55; 1893, art. 48, §56; 1927, art. 45, §72; 1950, art. 35, §32; 1966, art. 26, §27; 1976/83, art. 26, §31.) (Rev. Ords. 1858-013; Ord. 21-573; Ord. 76-139; Ord. 00-010; Ord. 15-435.)

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SUBTITLE 10A
FOOTWAYS - STREETSCAPE PLANS

§ 10A-1. Definitions.

(a) *In general.*

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

(b) *District.*

“District” means:

- (1) a Management District established under the City Charter; or
- (2) the Midtown Community Benefits District established under City Code Article 14, Subtitle 7 {“Midtown Community Benefits District”}.

(c) *Streetscape plan.*

“Streetscape plan” means a plan for the consistent treatment of footways, sidewalks, curbs, gutters, and landscaping within all or any part of a District.

(d) *Improved.*

“Improved” or any of its variations:

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

(Ord. 00-010; Ord. 04-671.)

§ 10A-2. Required elements of plan.

(a) *Scope.*

Each streetscape plan must address the repair, replacement, beautification, enhancement, treatment, and future maintenance of all sidewalks, curbs, gutters, and landscaping within the affected area.

(b) *Contents.*

Each streetscape plan must contain:

- (1) standards and guidelines for all materials and work;

- (2) a proposed implementation schedule;
- (3) an estimate of the costs to be incurred in implementing the plan; and
- (4) an estimated allocation and assessment of costs to property owners.

(Ord. 00-010.)

§ 10A-3. Costs.

(a) In general.

Each streetscape plan must provide both an annual and long-term budget for the anticipated costs of the plan.

(b) Limited imposition on owners.

A streetscape plan may not impose costs on a property owner that exceed the estimated obligation the property owner would incur under its repair obligations in the absence of a streetscape plan.

(c) Alternative financing.

A streetscape plan:

- (1) need not be limited to costs imposed directly on each abutting property owner;
- (2) may include or provide for:
 - (i) a deferred payment arrangement of the kind authorized in § 10-7 of this article; and
 - (ii) contributions from any public or private entity or body; and
- (3) may contain elements that are to be implemented only if contributions are obtained or provided from public or private entities or bodies.

(d) Maintenance and repair.

Every streetscape plan must consider and address the costs and allocation of responsibility for regular maintenance and repair.

(Ord. 00-010.)

§ 10A-4. Approval of plan.

(a) In general.

No streetscape plan may be submitted to the Director of Transportation or to the affected property owners unless the board of directors of the District’s Management Authority, after holding a public hearing on it, approves the plan.

(b) *Opportunity to protest.*

- (1) No streetscape plan may be implemented until the property owners affected by the streetscape plan have been given an opportunity to protest the streetscape plan.
- (2) The Director of Transportation must establish a protest period for this purpose, with procedures generally similar to those set forth in Section 11 of Ordinance 92-057.
- (3) The streetscape plan may not be submitted to the Director of Transportation for approval if, by the end of the protest period, protests have been received from more than 40% of the property owners, either as to number or assessable values.

(c) *Approval not appealable.*

The Approval of a streetscape plan is not subject to the appeal rights set forth in Subtitle 10 of this article.

(Ord. 00-010; Ord. 04-671; Ord. 15-435.)

§ 10A-5. Implementation of plan.

(a) *Director to implement.*

On approval by the Director of Transportation of a streetscape plan, the Director must implement the plan in accordance with its terms, working where appropriate with the Management Authority for the District.

(b) *Notice and appeal rights.*

- (1) Work designated under the plan to be done by the Director of Transportation may proceed without regard to the notice and procedures of Subtitle 10 of this article.
- (2) Work designated under the Plan to be done by property owners may only be done by the Director in accordance with the notice and appeal rights of Subtitle 10 of this article.

(Ord. 00-010; Ord. 15-435.)

§ 10A-6. Owners not relieved of maintenance obligations.

Approval of a streetscape plan does not diminish the obligations of adjoining property owners to sweep, clean, and maintain in good order footways and sidewalks adjacent to their properties.

(Ord. 00-010; Ord. 04-671.)

SUBTITLE 11
FOOTWAYS - ALONG UNPAVED STREETS

§ 11-1. Work done by property owners.

(a) *Scope.*

This section applies whenever any unpaved street, lane, avenue, or alley:

- (1) is used as a public thoroughfare; and
- (2) either:
 - (i) is without a proper footway; or
 - (ii) the footway along the street, lane, avenue, or alley is out of repair or in a bad, unsafe, or dangerous condition.

(b) *Director to notify owners.*

The Director of Transportation must notify the owners of the lots binding or abutting on the unpaved street, lane, avenue, or alley in the same manner that notice is required to be given under Subtitle 10 of this article.

(c) *Tenor of notice.*

The notice must require the owner as follows:

- (1) in an area where no streetscape plan is in effect, to construct a footway out of cinders, crushed stone, wood, or other suitable material or to repair or put in good condition any already-existing footway within 5 days from the time the notice is given; and
- (2) in an area subject to a streetscape plan approved in accordance with Subtitle 10A of this article, to construct a footway or to repair or put in good condition an already-existing footway strictly in accordance with the streetscape plan.

*(City Code, 1927, art. 45, §83; 1950, art. 35, §35; 1966, art. 26, §30; 1976/83, art. 26, §34.)
(Ord. 02-051; Ord. 48-319; Ord. 76-139; Ord. 00-010; Ord. 15-435.)*

§ 11-2. Work done by City; assessments.

(a) *City to do work.*

On the failure of the owner of any lot binding or abutting on any unpaved street, lane, avenue, or alley to comply with a notice given under § 11-1 of this article, the Director of Transportation must:

- (1) construct the footways and make the necessary improvements, repairs, and grading; and

(2) charge the cost of that work to the owner to whom notice was given.

(b) *Collections.*

These costs are a debt against the property, and the Director of Transportation must refer them to the Director of Finance, to be collected as the other claims of the City are collected.

*(City Code, 1927, art. 45, §85; 1950, art. 35, §37; 1966, art. 26, §32; 1976/83, art. 26, §36.)
(Ord. 02-051; Ord. 48-319; Ord. 76-139; Ord. 00-010; Ord. 15-435.)*

§ 11-3. Grades.

The Director of Transportation may cause all footways that the Director constructs or that otherwise are constructed in accordance with this subtitle, brought to proper grades, either by excavating where too high or filling in where too low.

*(City Code, 1927, art. 45, §84; 1950, art. 35, §36; 1966, art. 26, §31; 1976/83, art. 26, §35.)
(Ord. 02-051; Ord. 76-139; Ord. 00-010; Ord. 15-435.)*

SUBTITLE 12
ALLEY AND FOOTWAY ASSESSMENT CREDITS

§ 12-1. Persons eligible.

A property owner who receives a statement of assessments from the Director of Transportation for the grading, paving, or repairing of an alley or footway shall be eligible for a credit on the amount assessed if the property owner received a homeowner's property tax credit in the fiscal year immediately previous to the year in which the assessment statement is received.

(City Code, 1976/83, art. 26, §11A(1st sen.)) (Ord. 89-289; Ord. 15-435.)

§ 12-2. Amount of credit.

The credit provided by this subtitle shall be equivalent to the same percentage that the homeowner's property tax credit provided for in Title 9, Subtitle 1 of the Tax-Property Article of the Maryland Code bears to the total real property tax bill.

(City Code, 1976/83, art. 26, §11A(2nd sen.)) (Ord. 89-289.)

**SUBTITLE 13
LAMPS AND LIGHTING**

§ 13-1. Street lamps, etc.

(a) *Contracts for services.*

The Department of Transportation, subject to the powers of the Board of Estimates, shall make all contracts:

- (1) for furnishing, operating, and maintaining lamps and lamp standards;
- (2) for furnishing steam for public buildings; and
- (3) for furnishing illuminating gas and electric current for street lamps and public buildings.

(b) *Maintaining street lamps.*

The Department of Transportation must:

- (1) regulate the lighting and cleaning of the City lamps and see that they are kept in proper repair;
- (2) erect new lamp standards and lamps for lighting the highways, streets, lanes, alleys, bridges, parks, and squares in the City;
- (3) remove or relocate any lamp standards and lamps whenever and wherever, in its judgment, convenience and necessity of the public may require;
- (4) make monthly statements of the street gas lamps and ascertain the correct rate or rates of gas consumption for all such lamps; and
- (5) ensure that, on or before June 30th 2013, all City electric street lamps are equipped with energy efficient light emitting diode lights or similar cost-effective technology.

(City Code, 1893, art. 28, §3; 1927, art. 28, §27; 1950, art. 22, §20(1st - 3rd sens.); 1966, art. 17, §20(1st - 3rd sens.); 1976/83, art. 17, §19(1st - 3rd sens.)) (Ord. 1880-104; Ord. 46-590; Ord. 76-056; Ord. 11-567.)

§ 13-2. Lighting alleys.

(a) *In general.*

The Department of Transportation may, in its discretion, furnish lighting for any alleyway, either improved or unimproved, public or private, that is connected to a public way, and is in general use by the City's sanitation and other municipal vehicles and the public, when, in its judgment, the safety and convenience of the public so require.

(b) *Construction of section.*

Nothing in this section may be construed as committing the City to the policy of lighting private property; nor shall it be construed as investing the Department of Transportation with any authority to invade private rights.

(City Code, 1976/83, art. 17, §19(4th, 6th sens.)) (Ord. 73-471; Ord. 76-056; Ord. 15-435.)

§ 13-3. Shades on street lamps.(a) *Department to issue permits.*

(1) The Department of Transportation shall issue on application, permits for the placing of shades over portions of street lamps when the lamps are situated so close to dwelling houses as, in the Department's discretion, to be a special annoyance to the occupants of these houses.

(2) No charge or fee shall be made for the issuing of such permits.

(b) *Standards.*

In no case shall it be lawful to place any shades on or about any street lamps in such a manner as to interfere with the full and proper lighting of the streets, alleys, lanes or sidewalks.

(c) *Department to supervise placement.*

The placing of all shades over street lamps shall be done under the supervision and direction of the Department of Transportation.

(d) *Removal.*

All shades shall be removed on notice from the Department of Transportation whenever the Department finds them unnecessary or the public interest requires their removal.

(City Code, 1927, art. 28, §§66, 67, 68; 1950, art. 22, §22; 1966, art. 17, §21; 1976/83, art. 17, §20.) (Ord. 00-068; Ord. 46-598; Ord. 76-056; Ord. 15-435.)

§ 13-4. Interfering with lamps.(a) *Interference prohibited.*

It shall not be lawful for any person or persons other than such persons as are legally authorized for that purpose:

- (1) to light or extinguish any of the public lamps of the City of Baltimore;
- (2) to turn the stopcock of any such public lamp or to do any other thing to increase or diminish the flow of gas or electricity therein;
- (3) to attach anything to any public lamp or lamp-post;

- (4) to interfere in any way with the lighting of the highways, streets, lanes, alleys, bridges, parks, or squares of the City of Baltimore;
- (5) to remove or in any way damage any public lamp or lamp-post in said City; or
- (6) to post or paste any notice or advertisement on any such lamp or lamp-post.

(b) *Penalties.*

Any person violating the provisions of this section shall forfeit and pay the sum of \$5 for each and every offense, and in addition shall pay the costs of all damage to said lamp or lamp-post, to be recovered as other penalties for violating City ordinances are recoverable.

(City Code, 1879, art. 47, §90; 1893, art. 48, §101; 1927, art. 28, §71; 1950, art. 22, §23; 1966, art. 17, §22; 1976/83, art. 17, §21.) (Ord. 1877-006; Ord. 1894-018; Ord. 46-600.)

§ 13-5. Police to report problems.

The Police Department shall report to the Department of Transportation:

- (1) all failures to light the lamps at the proper time; and

- (2) all broken or damaged street lamps.

(City Code, 1893, art. 48, §102(5th cl.); 1927, art. 28, §72(5th cl.); 1950, art. 22, §24(3rd sen.); 1966, art. 17, §23(3rd sen.); 1976/83, art. 17, §22(3rd sen.)) (Res. 1887-008; Ord. 1888-83; Res. 1891-118; Ord. 1896-032; Ord. 46-601; Ord. 76-056; Ord. 15-435.)

SUBTITLE 14
BRIDGES

§ 14-1. By whom work to be done.

(a) *By DoT.*

All work of designing, constructing, reconstructing, altering, relocating, or repairing of bridges shall be done by the Department of Transportation.

(b) *By contract or City forces.*

All such work may be done either by contract or by forces employed directly by the City. (*City Code, 1879, art. 47, §79; 1893, art. 48, §80; 1927, art. 45, §146; 1950, art. 35, §71; 1966, art. 26, §7; 1976/83, art. 26, §10.*) (*Ord. 1863-006; Ord. 48-520; Ord. 76-139; Ord. 15-435.*)

SUBTITLE 15
STREET CUTS

Editor's Note: Ordinance 06-245 repealed former Subtitle 15 {"Cuts in Pavements"}, Subtitle 21 {"Permits for Digging Up Streets – Unpaved Streets"}, and Subtitle 22 {"Permits for Digging Up Streets – Paved Streets"} and enacted this new Subtitle 15 {"Street Cuts"} in their stead.

Part 1. Definitions; General Provisions

§ 15-1. Definitions.

(a) *In general.*

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

(b) *Department.*

"Department" means the Department of Transportation.

(c) *Director.*

"Director" means the Director of Transportation or the Director's designee.

(d) *Excavation.*

"Excavation" means any work for or in connection with the installation, improvement, maintenance, or repair of any facilities that:

(1) involves the displacement or removal of materials; and

(2) is performed in or below the surface of a public way.

(e) *Facilities.*

(1) "Facilities" means any equipment or other property that is located or proposed to be located in a public way.

(2) "Facilities" includes access holes, cables, cabinets, ducts, conduits, converters, drains, handholds, pipes, pipelines, splice boxes, surface location markers, tracks, tunnels, valves, vaults, wires, or other appurtenances or property.

(f) *Person.*

(1) *In general.*

"Person" has the meaning stated in § 1-107(a) {"Person: In general"} of the City Code's General Provisions Article.

(2) *Inclusion of governmental entities.*

Notwithstanding § 1-107(b) {"Person: Exclusion"} of the General Provisions Article, in this subtitle "person" also includes a governmental entity or an instrumentality or unit of a governmental entity.

(g) *Public way.*

"Public way" means the entire area within the boundary lines of any public street, alley, sidewalk, footway, or other right-of-way, whether acquired by purchase, grant, dedication, or otherwise.

(h) *Street-cut permit.*

"Street-cut permit" means any permit required by or issued under this subtitle.

(i) *Utility.*

"Utility" means any person that owns or operates facilities used to provide electrical, gas, steam, water, sewer, telecommunications, information, video, or other services to customers.

(Ord. 06-245; Ord. 15-435; Ord. 22-125.)

§ 15-2. Scope of subtitle.(a) *In general.*

This subtitle applies to any excavation on or in a public way by or on behalf of any public or private utility or any other person.

(b) *Subtitle supplemental.*

(1) The requirements of this subtitle are in addition to any other law, rule, regulation, or standard applicable to excavations, construction, maintenance, repair, or other work in a public way.

(2) Other applicable requirements include:

(i) obtaining and complying with the terms of any required franchise, minor privilege permit, developer's agreement, right of entry, or similar authority; and

(ii) notifying the City's One-Call System contractor for the marking of facilities, as required by the State Public Utility Companies Article, Title 12, Subtitle 1.

(c) *No private rights granted.*

(1) The issuance of a street-cut permit does not give any person any property right in or to the use of a public way.

- (2) All permits issued and held under this subtitle are subject to the superior right of the City to control the use of public ways and to ensure the safe and orderly movement of traffic.

(Ord. 06-245.)

§ 15-3. {Reserved}

§ 15-4. Administration.

The Department of Transportation is responsible for administering and enforcing this subtitle.

(Ord. 06-245; Ord. 15-435.)

§ 15-5. Rules and regulations.

(a) *Authorized.*

Subject to Title 4 {“Administrative Procedure Act – Regulations”} of the City General Provisions Article, the Department of Transportation shall adopt rules and regulations to carry out this subtitle.

(b) *Inclusions.*

These rules and regulations shall incorporate standards set by the Department to govern:

- (1) backfilling, repaving, and repair specifications;
- (2) traffic control;
- (3) work hours;
- (4) lighting, fencing, and covering of work areas; and
- (5) incidental related matters.

(c) *Stop-work orders.*

These rules and regulations may include procedures for the issuance, service, and enforcement of administrative orders to stop work being done in violation of this subtitle, a rule or regulation adopted under this subtitle, or a condition imposed on a permit issued under 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 and reflect 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.

(Ord. 06-245; Ord. 15-435; Text Conformed 02/23/21.)

§§ 15-6 to 15-10. {Reserved}

Part 2. Permit Requirements

§ 15-11. In general.

No person may excavate on or in a public way unless:

(1) the person first obtains from the Department a street-cut permit for that excavation; or

(2) the work is emergency excavation performed in accordance with § 15-13 {"Emergency excavation"} of this subtitle.

(Ord. 06-245.)

§ 15-12. Street-cut permit.

(a) Application.

Each application for a street-cut permit must be in the form and contain the information that the Director requires.

(b) Approval of permit; conditions.

If an application is approved, the Director may:

(1) impose conditions on the permit as necessary or appropriate to preserve and maintain the health, safety, welfare, and convenience of the public; and

(2) issue the permit on receipt of:

(i) the permit fees imposed under § 15-14 {"Fees"} of this subtitle; and

(ii) the performance security required under § 15-31 {"Performance security"} of this subtitle.

(c) Denial of permit.

(1) The Director may deny an application if the applicant:

(i) within the preceding 2 years, has done excavation work without a street-cut permit or otherwise in violation of any applicable laws, rules, or regulations;

(ii) has not satisfactorily completed all repairs required under a previously issued street-cut permit; or

(iii) remains indebted to the City for:

(A) expenses previously incurred under this subtitle by the City; or

(B) fines previously imposed under this subtitle by the City.

(2) If an application is denied, the Director must notify the applicant, by written, electronic, or facsimile communication, of:

- (i) the reasons for the denial; and
- (ii) how to obtain administrative review of the denial.

(d) *Term.*

Each street-cut permit shall specify:

- (1) a start date on which work is first authorized to begin; and
- (2) an end date by which all work, inspections, and approvals must be completed.

(e) *Expiration.*

Unless extended by the Department, a street-cut permit expires if the work to be done under the permit:

- (1) has not begun within 30 calendar days of the start date;
- (2) is not pursued diligently; or
- (3) is not completed by the end date.

(f) *Nontransferability.*

A street-cut permit is not transferable.

(Ord. 06-245.)

§ 15-13. Emergency excavation.

(a) *When authorized.*

A person may conduct an emergency excavation without first obtaining a street-cut permit only if:

- (1) the excavation is needed, as a result of an unforeseen event, to prevent or abate a potential danger to life, health, or property;
- (2) before undertaking the excavation:
 - (i) the person notifies the Director of the emergency; and
 - (ii) the Director authorizes the person to proceed with the excavation; and
- (3) the person obtains a street-cut permit for the excavation:
 - (i) within 18 hours after beginning the excavation; or

(ii) if the Department’s offices are closed, on the next day that its offices are open.

(b) *Limitations.*

Under no circumstances may an emergency excavation be closed before:

(1) a street-cut permit is issued; and

(2) the work is inspected and approved by the Department.

(Ord. 06-245.)

§ 15-14. Fees.

(a) *In general.*

Fees for street-cut permits shall be assessed in accordance with a fee schedule established by the Director, with the approval of the Board of Estimates.

(b) *Differentials.*

The fee schedule may set differential rates based on:

(1) size of excavation;

(2) portion of public way affected;

(3) extent of damage to the public way;

(4) recency and nature of any previous repaving or repair; and

(5) any other relevant factor.

(Ord. 06-245.)

§§ 15-15 to 15-20. {Reserved}

Part 3. Performance Schedules and Standards

§ 15-21. Scope.

The requirements of this Part 3 are in addition to any requirements or standards imposed by the Department in its rules and regulations or as a condition of a street-cut permit.

(Ord. 06-245.)

§ 15-22. Display of permit.

Any person doing excavation work must:

(1) maintain the appropriate street-cut permit on site at all times; and

(2) exhibit the permit when requested by the Department.

(Ord. 06-245.)

§ 15-23. Work schedule.

(a) *Start.*

No person may begin work under a street-cut permit until:

(1) in the case of an emergency excavation performed in accordance with § 15-13 {“Emergency excavation”} of this subtitle, the person notifies the Department and obtains permission to begin work; and

(2) in all other cases, the start date specified in the permit.

(b) *Diligent pursuit.*

The permittee must diligently pursue the work until its completion.

(c) *Completion.*

All work to be done under a street-cut permit must be completed, inspected, and approved before the end date specified in the permit.

(Ord. 06-245.)

§ 15-24. Securing public way.

At the end of each workday, the permittee must secure the public way:

(1) with temporary fill or paving;

(2) by trench plating; or

(3) by other protective measures approved by the Department.

(Ord. 06-245.)

§ 15-25. Decorative or landscaped areas.

(a) *Alternative considerations.*

Before disturbing decorative surfaces, streetscapes, and landscaped areas, the applicant for a street-cut permit must provide proof that alternatives, such as rerouting, boring, jacking, or scooping, cannot be used.

(b) *Restoration.*

Restoration of these areas must:

(1) comply with all conditions and other requirements of the permit;

(2) conform with all current rules, regulations, and standards; and

(3) when completed, match preexisting conditions.

(Ord. 06-245.)

§ 15-26. Locating or relocating poles.

(a) *In general.*

Before erecting or relocating any pole, the applicant for a street-cut permit must agree, for itself and its successors in interest, to the conditions specified in this section.

(b) *Locating pole.*

The pole may be placed only in the position that the Director specifies.

(c) *Required removal or relation.*

(1) If, at any time, the Director orders the pole to be removed or relocated, the pole will be removed or relocated within 3 days of the order or, if longer, within the time specified in the order.

(2) All costs of removing or relocating the pole, including the cost of all needed repairs to the public way, will be borne by the applicant or its successors in interest.

(Ord. 06-245.)

§§ 15-27 to 15-28. {Reserved}

Part 4. Warranty; Performance Security; Indemnification

§ 15-29. Scope.

This Part 4 does not apply to excavation work performed by a governmental entity.

(Ord. 06-245.)

§ 15-30. Warranty; Correction of defects.

(a) *1-year warranty.*

By accepting a street-cut permit, the permittee warrants all work done under the permit against all defects in workmanship and materials for a period of 1 year after the work has been completed, inspected, and approved.

(b) *Correction of defect.*

On written notice from the Department of any defect in workmanship or materials during the warranty period, the permittee must make the necessary repairs within the period specified in the notice.

(c) *Abatement by City.*

(1) If the permittee fails to correct the defects within the time specified in the notice, the City may make the repairs at the permittee's expense.

(2) The permittee:

(i) is responsible for all expenses incurred by the City, including any related administrative expenses; and

(ii) shall pay those expenses to the City within 30 days following notice of the amount owed.

(d) *Extension of warranty.*

Any repair during the warranty period automatically extends the warranty period to run for 1 additional year beyond the original warranty period.

(Ord. 06-245.)

§ 15-31. Performance security.

(a) *"Performance security" defined.*

In this section, "performance security" means any one or a combination of:

(1) a performance bond;

(2) an irrevocable letter of credit; or

(3) a cash deposit.

(b) *Required.*

No street-cut permit may be issued to any person unless that person submits performance security as required by this section.

(c) *Form and tenor.*

(1) The performance security must be approved:

(i) as to form and legal sufficiency by the City Solicitor; and

(ii) as to amount by the Director.

(2) The performance security must serve to save the City harmless from:

- (i) any cost, liability, expense, claim, or suit for damages in any manner arising out of or resulting from the work done under the permit; and
- (ii) any loss or cost by reason of the restoring or failure to restore the public way to required conditions and standards.

(d) *Multi-permit security.*

(1) The performance security may be made to cover all street-cut permits issued from time to time to any one person.

(2) In that case, the Director may require from time to time that the amount of the security be increased to an amount sufficient in the Director's judgment to protect the City, based on the volume of work undertaken by the person or the number of permits issued to the person.

(e) *Release of security.*

The Department shall release the performance security, in whole or in part, after completion of the warranty period and the correction of any defects or violations identified during that period.
(*Ord. 06-245.*)

§ 15-32. Indemnification.

(a) *In general.*

By accepting a street-cut permit, the permittee agrees, for and on behalf of itself and, if different, the owner and operator of the facilities, and their respective successors and assigns, to indemnify, defend, protect, and hold harmless the City, its officers, agents, and employees, from and against all claims, actions, costs, damages, demands, expenses, fines, injuries, judgments, liabilities, losses, penalties, suits, fees, and attorneys' fees allegedly arising directly or indirectly from any act, omission, or negligence of the permittee, owner, or operator, their subcontractors, or the officers, agents, or employees of any of them relating to the permit or the activities authorized by the permit.

(b) *Obligation to defend.*

Each permittee, owner, and operator has an immediate and independent obligation to defend the City from any claims that actually or potentially fall within this indemnity obligation, even if the allegations are groundless, false, or fraudulent.

(c) *Action by City.*

The City has a cause of action for indemnity against each permittee, owner, and operator for any costs the City may incur with respect to the permit, except for claims resulting directly from the negligence or willful misconduct of the City.

(d) *Indemnity survives permit, etc.*

This indemnity obligation survives expiration of the permit and completion of the work authorized by it.

(Ord. 06-245.)

§§ 15-33 to 15-35. *{Reserved}*

Part 5. Administrative and Judicial Review

§ 15-36. Administrative review.

(a) *In general.*

(1) Any person aggrieved by a decision or action of the Department under this subtitle, whether as the result of the disapproval of an application, the issuance of a violation notice, an alleged failure to properly enforce this subtitle, or otherwise, may appeal that decision or action to the Director.

(2) The appeal must:

(i) be in writing;

(ii) be filed within 10 days of the decision or action in dispute; and

(iii) clearly state the grounds on which the appeal is based.

(b) *Procedures.*

(1) The Director shall adopt procedures for appeals and administrative hearings.

(2) A copy of these procedures must be filed with the Department of Legislative Reference before they take effect.

(Ord. 06-245.)

§ 15-37. Judicial review.

A party aggrieved by a final decision of the Director under § 15-36 {"Administrative review"} of this subtitle may appeal that decision to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Civil Procedure.

(Ord. 06-245.)

§§ 15-38 to 15-40. *{Reserved}*

Part 6. Penalties

§ 15-41. Civil fines.

(a) *In general.*

The Director may impose civil fines for violations of:

- (1) this subtitle.;
- (2) a rule or regulation adopted under this subtitle;
- (3) a condition imposed on a permit issued under this subtitle; or
- (4) a stop-work order issued under this subtitle.

(b) *Schedule of fines.*

A schedule of fines, not to exceed \$500 for any one offense, shall be established and may be amended from time to time by the Director with the approval of the Board of Estimates.

(Ord. 06-245.)

§ 15-42. Criminal penalties.

Any person who violates any provision of this subtitle, of a rule or regulation adopted under this subtitle, of a condition imposed on a permit issued under this subtitle, or of a stop-work order issued under this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000, imprisonment for not more than 1 year, or both fine and imprisonment, for each offense.

(Ord. 06-245.)

§ 15-43. Each day a separate offense.

Each day that a violation continues is a separate offense.

(Ord. 06-245.)

SUBTITLE 16
PAVEMENT PROTECTION

§ 16-1. In general.

(a) *Prohibited conduct.*

It shall be unlawful to cut, break, dig down, injure, or destroy any abutment, bank, mound, or other public work or structure erected, constructed, or maintained by or under the orders of the Director of Transportation.

(b) *Exception.*

This section shall not be construed to apply to any case covered by § 16-2 of this subtitle.

(c) *Penalties.*

Every person violating the provisions of this section shall be subject to a penalty not exceeding \$200 and, moreover, shall be liable to pay the expenses of repairing and restoring the work or structure.

(City Code, 1879, art. 47, §80; 1893, art. 48, §81; 1927, art. 45, §§148, 149(2nd par.); 1950, art. 35, §§73, 74(2nd par.); 1966, art. 26, §§14, 15(2nd par.); 1976/83, art. 26, §§17, 18(2nd par.) (Ord. 50-1394; Ord. 13-237; Ord. 76-139; Ord. 15-435.)

§ 16-2. Riding on closed streets.

Any person or persons who rides or drives upon any new pavement or new repairs of streets constructed or being constructed by or under the State Roads Commission, the Director of Transportation, or any other official or body representing the City of Baltimore, or by any contractor employed by any such official or body, before the street is open for traffic, and any person or persons who removes any light or guards set up by or under the authority of the Commission, Department, other official or body, or contractor, for the purpose of closing a street or part of a street to traffic, is subject to a fine of not less than \$5, nor more than \$100, and is liable for the expense of repairing the injury done.

(City Code, 1927, art. 45, §149(1st par.); 1950, art. 35, §74(1st par.); 1966, art. 26, §15(1st par.); 1976/83, art. 26, §18(1st par.) (Ord. 13-237; Ord. 76-139; Ord. 15-435.)

§ 16-3. Concrete; oil products; weight on asphalt.

(a) *Mixing mortar, etc.*

It is unlawful for any person, firm, or corporation to mix mortar, cement, or concrete, or to cause mortar, cement, or concrete to be mixed, on any type of pavement on any street, lane, or alley in the City unless the pavement is protected by a tight platform or mixing box constructed to the satisfaction of the Director of Transportation and in accordance with the Baltimore City Building Code.

(b) *Spilling oil products.*

Nor shall it be lawful for any person, firm, or corporation to cause or permit gasoline, kerosene, fuel oil, naphtha, benzine, or any other oil or lubricating or illuminating fluid to fall, flow, or drip on any type of pavement on any street, lane, or alley in the City.

(c) *Weight-bearing devices on asphalt.*

Nor shall it be lawful to place any stick, trestle, or other supporting device bearing any weight whatsoever, for any purpose, upon any sheet asphalt or other bituminous pavement on any street, lane, or alley in the City, unless the said stick, trestle, or other supporting device shall have a flat base resting upon the pavement of not less than 12 inches square.

(d) *Penalties.*

Under a penalty not exceeding \$25 for each violation of any provision of this section. (*City Code, 1893, art. 48, §157-1; 1927, art. 45, §164; 1950, art. 35, §81; 1966, art. 26, §78; 1976/83, art. 26, §85.*) (*Ord. 1898-091; Ord. 16-192; Ord. 50-1287; Ord. 76-139; Ord. 15-435; Ord. 17-068.*)

§ 16-4. Heavy equipment.(a) *Permit required.*

It is unlawful to move, under its own power or otherwise, over any of the public highways of Baltimore City, any traction engine, tractor, roller, shovel, or other heavy equipment or structure whose movement over the highway may, in the judgment of the Director of Transportation, injure the highway, or the surface, foundation, or other part thereof, including but not limited to bridges and utility structures in and along the highway, without a permit therefor from the Director of Transportation.

(b) *Issuance; bond.*

The Director of Transportation is authorized to issue this permit upon such reasonable terms and conditions, including an indemnity bond with corporate surety, as, in the Director's judgment, the public interest or safety requires.

(c) *Exceptions.*

The provisions of this section shall not apply to the operation of railroads, street railways, or other carriers of passengers for hire.

(d) *Penalties.*

Any person, firm, or corporation violating this section shall be subject to a penalty of not less than \$25 nor more than \$100 for each such offense; and, in addition thereto, shall be responsible for any and all injuries and damages caused by such movement, with or without permit. (*City Code, 1927, art. 13, §100; 1950, art 35, §82; 1966, art. 26, §79; 1976/83, art. 26, §86.*) (*Ord. 12-132; Ord. 50-1270; Ord. 76-139; Ord. 15-435.*)

§ 16-5. Penalties for failure to repair.

Any person or corporation:

- (1) upon whom the obligation may be imposed by any law or ordinance:
 - (i) to keep in repair any part of any of the streets, lanes, or alleys within the City; or
 - (ii) to replace and restore in proper order and condition the bed or surface of any street, lane, or alley, or any portion thereof which such person or corporation may, for any purpose, be licensed or permitted to dig up, displace, or remove; and
- (2) who refuses or neglects to make the repairs, replacement, or restoration within 3 days after having been notified in writing by the Director of Transportation to make the repairs, or to replace and restore in proper order and condition the bed or surface of the street, lane, or alley,

shall forfeit and pay the sum of \$20 for each and every case of such refusal or neglect, these fines to be collected as other fines and penalties for the violation of City ordinances are collected.

(City Code, 1893, art. 48, §111; 1927, art. 45, §170; 1950, art. 35, §87; 1966, art. 26, §84; 1976/83, art. 26, §91.) (Ord. 1882-032; Ord. 76-139; Ord. 15-435.)

§ 16-6. Work done by City.

If any person or corporation whose duty it is to keep in repair any part of any of the streets, lanes, or alleys within the City or to replace and restore in proper order and condition the bed or surface of any street, lane, or alley that the person or corporation is licensed or permitted to dig up, displace, or remove neglects this duty after being notified in writing by the Director of Transportation, as provided in § 16-5, and if it appears to the Director that the condition of the street, lane, or alley is attended with possible danger to persons passing over or using it, the Director shall forthwith:

- (1) make repairs as necessary;
- (2) when completed, collect the cost of making the repairs from the person or corporation through whose default or neglect the repairs became necessary; and
- (3) for that purpose, the Director may, with the approval of the Mayor, cause suit to be instituted in the name of the Mayor and City Council of Baltimore against the person or corporation.

(City Code, 1893, art. 48, §112; 1927, art. 45, §171; 1950, art. 35, §88; 1966, art. 26, §85; 1976/83, art. 26, §92.) (Ord. 1882-032; Ord. 76-139; Ord. 15-435.)

§ 16-7. Street repairs on application.

The Director of Transportation is authorized, upon the application of the owners of a majority of the front feet on any private street, lane, or alley:

(1) to cause that street, lane, or alley to be thoroughly repaired and cleaned; and

(2) to assess and collect from the owners of the property a tax sufficient to defray the expense of the work in the manner prescribed by law.

(City Code, 1879, art. 47, §82; 1893, art. 48, §84; 1927, art. 45, §152; 1950, art. 35, §75; 1966, art. 26, §16; 1976/83, art. 26, §19.) (Ord. 1868-083; Ord. 50-1399; Ord. 76-139; Ord. 15-435.)

SUBTITLE 17
DRAINAGE UNDER SIDEWALKS

§ 17-1. Under-sidewalk construction required.

All drainage of every character whatsoever within the City of Baltimore, be it from rain-spouts or from any other conceivable source, which naturally or artificially flows outward and across the line of the public sidewalks into the gutter-ways or other means of discharge, shall be conducted under instead of across the surface of said sidewalks.

(City Code, 1927, art. 45, §88; 1950, art. 35, §38; 1966, art. 26, §17; 1976/83, art. 26, §20.) (Ord. 04-111.)

§ 17-2. Same.

The owner, owners, or occupiers of any building or other structure from which the drip or drainage as above described is carried, or is to be carried, across the line of the public sidewalks aforesaid, shall provide underground pipes or other agencies so as to conduct the same under the surface of the sidewalks, as required by § 17-1 of this article, the scheme of pipes or other agencies to be subject to the approval of the Director of Public Works.

(City Code, 1927, art. 45, §89; 1950, art. 35, §39; 1966, art. 26, §18; 1976/83, art. 26, §21.) (Ord. 04-111; Ord. 76-139.)

§ 17-3. Approval required.

No method of conducting drainage under the public sidewalks in accordance with the provisions of this subtitle, shall be deemed a sufficient compliance with the terms of this subtitle unless such method is approved and so certified by the Director of Public Works.

(City Code, 1927, art. 45, §90; 1950, art. 35, §40; 1966, art. 26, §19; 1976/83, art. 26, §22.) (Ord. 04-111; Ord. 76-139.)

§ 17-4. Work by City.

(a) Director to perform.

In all cases where the owner, owners, or occupiers of buildings or other structures shall refuse or neglect to make provisions for the discharge of the drip or drainage in accordance with the intent and purpose of this subtitle, the Director of Public Works shall proceed to have the necessary means or appliances properly constructed, having first given at least 3 days' notice to such owner, owners, or occupiers to comply with the provisions of this subtitle.

(b) Assessment of costs.

The cost of said means or appliance and of the laying and construction thereof shall in such case be charged to the owner, owners, or occupier of the building or other structure from which the drip or drainage is so conducted.

(c) *Assessment as lien.*

And the said owner, owners, or occupier shall thereupon become indebted to the Mayor and City Council of Baltimore for the full amount expended as aforesaid, and the claim shall become a lien on the entire lot and premises.

(d) *Collections.*

Should the indebtedness not be paid to the City within 1 year from incurring the expense, the same shall be placed in the hands of the City Solicitor for foreclosure and recovery of the money, including all costs and interest.

(City Code, 1927, art. 45, §91; 1950, art. 35, §41; 1966, art. 26, §20; 1976/83, art. 26, §23.) (Ord. 04-111; Ord. 76-139.)

§ 17-5. {Reserved}

§ 17-6. Penalties.

Any person or persons violating the provisions of this subtitle shall be subject to a penalty of not less than \$50, nor more than \$100, to be enforced and collected as other City fines and penalties are enforced and collected.

(City Code, 1927, art. 45, §92; 1950, art. 35, §42; 1966, art. 26, §21; 1976/83, art. 26, §24.) (Ord. 04-111.)

SUBTITLE 18
GRADES, GRADING, AND PAVING

§ 18-1. Fixing grade line - on application.

(a) *Director to fix lines.*

Upon application in writing to the Director of Transportation by the owner of any property binding upon any private or public street, lane, or alley, or part thereof, now or hereafter to be marked, located, widened, straightened, or laid out in the City of Baltimore, for the fixing and establishing, or changing, as the case may be, of the grade line or lines of that street, lane, or alley, or part thereof, the Director of Transportation shall, provided in his judgment the public interests require the grade line or lines to be fixed and established or changed, proceed to fix and establish, or change, as the case may be, the grade line or lines of the street, lane or alley, or part thereof.

(b) *Costs.*

The Director of Transportation shall fix and determine the cost of establishing or changing the grade line or lines, which cost shall be paid in advance to the Mayor and City Council of Baltimore by the person or persons applying for the establishment or change.
(*City Code, 1879, art. 47, §28; 1893, art. 48, §28; 1927, art. 45, §30; 1950, art. 35, §11; 1966, art. 26, §33; 1976/83, art. 26, §37.*) (*Ord. 1874-044; Ord. 04-116; Ord. 27-1139; Ord. 48-507; Ord. 76-139; Ord. 15-435.*)

§ 18-2. Fixing grade line - Director's initiative.

(a) *Director to fix.*

Whenever the Director of Transportation determines that the public interests require the fixing, establishing, or changing of the grade line or lines of any private or public street, lane, or alley, or part thereof, in the City of Baltimore, the Director shall proceed to fix and establish, or to change, as the case may be, the grade line or lines of all such streets, lanes, or alleys, or parts thereof.

(b) *Costs.*

The cost of so fixing and establishing or changing the grade line or lines shall be paid out of the appropriation allowed the Department of Transportation for the purpose.
(*City Code, 1893, art. 48, §29; 1927, art. 45, §81; 1950, art. 85, §12; 1966, art. 26, §34; 1976/83, art. 26, §38.*) (*Ord. 1888-058; Ord. 1888-105; Ord. 1889-033; Ord. 04-116; Ord. 27-1139; Ord. 48-507; Ord. 76-139; Ord. 15-435.*)

§ 18-3. Fixing grade line - notice.

Before fixing and establishing, or changing, as the case may be, the grade line or lines of any private or public street, lane, or alley, or part thereof, in the City of Baltimore, the Director of Transportation shall give 5 days' notice, in 2 daily papers published in the City of Baltimore, that the Director will be available, at the time and on the day named in the notice, for the purpose of hearing

and considering protests and to explain matters in connection with the fixing and establishing or changing of the grade line or lines of the street, lane, or alley, or part thereof, under consideration. *(City Code, 1927, art. 45, §33; 1950, art. 35, §14; 1966, art. 26, §36; 1976/83, art. 26, §40.) (Ord. 04-116; Ord. 26-604; Ord. 27-1139; Ord. 48-507; Ord. 76-139; Ord. 15-435.)*

§ 18-4. Fixing grade line - grade profiles.

The Director of Transportation shall prepare grade profiles, which shall be kept in the Department of Transportation as a permanent record of the grade lines fixed, established, or changed, as the case may be, in accordance with this subtitle. *(City Code, 1927, art. 45, §32; 1950, art. 35, §13; 1966, art. 26, §35; 1976/83, art. 26, §39.) (Ord. 04-116; Ord. 27-1139; Ord. 48-507; Ord. 76-139; Ord. 15-435.)*

§ 18-5. {Reserved}

§ 18-6. Cobblestones prohibited.

From and after February 24, 1899, no contracts shall be made by the City for paving or repaving any street, avenue, lane, or alley within the limits of said City with what is known as a cobblestone pavement, nor shall any such pavement be permitted to be laid on any street, avenue, lane, or alley within the said City by any individual or corporation. *(City Code, 1927, art. 45, §44; 1950, art. 35, §15; 1966, art. 26, §37; 1976/83, art. 26, §41.) (Ord. 1899-165.)*

§ 18-7. How work done.

In all paving, repaving, grading, or repairing of streets, avenues, lanes, or alleys, including footways, where the work is done by the City, the work shall be done by contract or by labor employed by the City and paid by the City, as in the judgment of the Director of Transportation may be best for the interest of the City, in each instance. *(City Code, 1927, art. 45, §48; 1950, art. 35, §17; 1966, art. 26, §39; 1976/83, art. 16, §43.) (Ord. 1899-165; Ord. 48-478; Ord. 76-139; Ord. 15-435.)*

§ 18-8. Macadamizing permitted.

Nothing contained in this Code is intended to prevent macadamizing of streets, avenues, lanes or alleys in the City of Baltimore when and where macadamizing is deemed necessary or desirable by the Director of Transportation. *(City Code, 1927, art. 45, §49; 1950, art. 35, §18; 1966, art. 26, §40; 1976/83, art. 26, §44.) (Ord. 1899-165; Ord. 48-478; Ord. 76-139; Ord. 15-435.)*

§ 18-9. Paving without curbs permitted.

Any streets, lanes, or alleys in the City to be paved or repaved may be paved or repaved without curbs, provided the Director of Transportation considers it advisable to do so. *(City Code, 1879, art. 47, §38; 1893, art. 48, §39; 1927, art. 45, §51; 1950, art. 35, §19; 1966, art. 26, §41; 1976/83, art. 26, §45.) (Ord. 1874-044; Ord. 48-478; Ord. 76-139; Ord. 15-435.)*

§ 18-10. Center gutters.

In paving or repaving streets, lanes, or alleys not over 25 feet in width, the Director of Transportation may, in his discretion, put the gutter in the center of the street, lane, or alley. (*City Code, 1879, art. 47; §39(5th cl.); 1893, art. 48, §40(5th cl.); 1927, art. 45, §52(5th cl.); 1950, art. 35, §20; 1966, art. 26, §42; 1976/83, art. 26, §46.*) (*Ord. 1874-044; Ord. 48-478; Ord. 76-139; Ord. 15-435.*)

§ 18-11. “Bike-safe” grates required.

(a) *Bike-safe grate defined.*

For purposes of this section “bike-safe grate” means a drainage grate that:

- (1) has bars running perpendicular to the flow of traffic;
- (2) consists of a grating composed of intersecting bars; or
- (3) uses another design that both the City and the State Departments of Transportation have approved as meeting bicycle safety design criteria as well as engineering and structural design demands.

(b) *City contracts*

No contracts may be made by the City that include paving or repaving any street, avenue, lane, or alley within the City limits unless the contract requires that all drainage grates in the affected area that are not bike-safe grates be replaced with bike-safe grates.

(c) *General paving*

No permit may be issued by the Department of Transportation for a paving or repaving project on any street, avenue, lane, or alley within the City, and no paving or repaving project may be undertaken by the City, unless the project plan requires that all drainage grates in the affected area that are not bike-safe grates are replaced with bike-safe grates.

(d) *Exception for emergency resurfacing due to utility failure.*

This section does not apply to emergency resurfacing work that is:

- (1) required due to a utility failure; and
- (2) done in accordance with State law.

(*Ord. 10-367; Ord. 15-435.*)

SUBTITLE 19
GRADING AND PAVING PERMITS

§ 19-1. Requirements for grading or paving.

(a) *In general.*

It is unlawful for any person, firm, or corporation to do any grading, paving, or repaving of any public street, lane, or alley, or of any private street, lane, or alley used or intended to be used by the public:

- (1) without first obtaining from the Director of Transportation a permit for that work;
- (2) without conforming to the construction requirements of the Director of Transportation for these streets, lanes, and alleys; or
- (3) without conforming to the true lines and established grades of such streets, lanes, and alleys.

(b) *Intent.*

Noncompliance with any 1 of the 3 requirements described in subsection (a) of this section constitutes a violation of this section.

(City Code, 1950, art. 35, §21; 1966, art. 26, §43; 1976/83, art. 26, §47.) (Ord. 49-580; Ord. 76-139; Ord. 15-435.)

§ 19-2. Director's powers.

The Director of Transportation is authorized and empowered:

- (1) to refuse to issue a permit for any grading, paving, or repaving that, if done or constructed as proposed, would menace the public safety, security, or health;
- (2) to require that all grading, paving, and repaving work conform to the true lines and established grades of the streets, lanes, and alleys; and
- (3) to require that all grading, paving, and repaving work shall be done under the Director's supervision and in accordance with plans and specifications approved by the Director.

(City Code, 1950, art. 35, §22; 1966, art. 26, §44; 1976/83, art. 26, §48.) (Ord. 49-580; Ord. 76-139; Ord. 15-435.)

§ 19-3. Considerations.

In determining whether any proposed grading, paving, or repaving would menace the public safety, security, or health and in approving or disapproving plans and specifications, the Director of Transportation shall consider the following:

- (1) the plans and specifications for the proposed work;

- (2) the traffic of all kinds that may be reasonably expected on the streets, lanes, and alleys;
- (3) current practice in such grading, paving, and repaving work;
- (4) experience with grading, paving, and repaving theretofore done and installed;
- (5) the probable life of the proposed paving or repaving;
- (6) the estimated cost of the grading, paving or repaving;
- (7) the cost of maintenance of any such paving or repaving;
- (8) whether proper and adequate drainage is existing or will be provided;
- (9) what utilities are to be installed before any paving or repaving is to be done;
- (10) whether the proposed grading, paving, or repaving conforms to the true lines and established grades of the streets, lanes, or alleys involved;
- (11) any risks, hazards, and dangers to the traveling public which may be involved in the proposed grading, paving, or repaving, or any failure or inadequacy thereof; and
- (12) the probability of any of the private streets, lanes, and alleys becoming public highways in the future by operation of law or otherwise.

(City Code, 1950, art. 35, §23; 1966, art. 26, §45; 1976/83, art. 26, §49.) (Ord. 49-580; Ord. 76-139; Ord. 15-435.)

§ 19-4. Paving procedures.

- (a) *Per Director's requirements.*

All grading, paving, and repaving work shall be done in accordance with the requirements of the Director of Transportation as to construction, line, and grade.

- (b) *Stop work.*

The Director of Transportation is further authorized and empowered:

- (1) to stop, at any time or times, any grading, paving, or repaving work that:
 - (i) is being done without a permit from the Director; or
 - (ii) is not being done in accordance with the Director's requirements as to construction, line, or grade; and
- (2) to continue the work stoppage until the nonconformities are corrected by and at the cost and expense of the person, firm, or corporation for whom the work is being done or constructed.

(c) *Failure to correct.*

If the nonconformities are not corrected within a reasonable time or, in the judgment of the Director of Transportation, the work actually done has created conditions that menace the public safety, security, or health in the use of the streets, lanes, or alleys as thoroughfares, then the Director of Transportation is authorized and empowered to do any and all work, acts, and things that, in the Director's judgment, are necessary to eliminate the menace to the public safety, security, or health at the cost and expense of the person, firm, or corporation creating the conditions, which cost and expense shall be a lien on the abutting property of that person, firm, or corporation, until paid.

(City Code, 1950, art. 35, §24; 1966, art. 26, §46; 1976/83, art. 26, §50.) (Ord. 49-580; Ord. 76-139; Ord. 15-435.)

§ 19-5. Public Works sole authority.

No approval of any application nor the issuance of any permit by any municipal officer, department, bureau, or agency other than the Director of Transportation may be construed to authorize the doing of any of the grading, paving, or repaving work described in this subtitle or to relieve any person, firm, or corporation from compliance with the provisions of this subtitle.

(City Code, 1950, art. 35, §25; 1966, art. 26, §47; 1976/83, art. 26, §51.) (Ord. 49-580; Ord. 76-139; Ord. 15-435.)

§ 19-6. {Reserved}

§ 19-7. Penalties.

Any person, firm, or corporation violating any of the provisions of this subtitle or any order or requirement of the Director of Transportation under this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of \$50 for each offense and a like sum of \$50 for each and every day the violation continues.

(City Code, 1950, art. 35, §26; 1966, art. 26, §48; 1976/83, art. 26, §52.) (Ord. 49-580; Ord. 76-139; Ord. 15-435.)

SUBTITLE 20
PERMIT FOR BUILDERS' USE OF STREETS

§ 20-1. Permit required.

Any builder that wants to use a part of the street or sidewalk in front of its property, in accordance with the City Building Code, must obtain a permit from the Director of Transportation.
(*City Code, 1927, art. 45, §172(1st cl.); 1950, art. 35, §89(1st cl.); 1966, art. 26, §8(1st cl.); 1976/83, art. 26, §11(1st cl.)*) (*Ord. 12-192; Ord. 50-1288; Ord. 76-139; Ord. 02-475; Ord. 15-435.*)

§ 20-2. Bond.

The Director of Transportation is authorized, as a condition of issuing the permit, to require from the builder a bond with sufficient corporate surety:

(1) conditioned to protect fully the Mayor and City Council of Baltimore against any liabilities, claims, suits, costs, expenses, damages, injuries, and/or losses arising from or in connection therewith, including but not limited to the expense of repairing any damage which may be done to the paving and curbing of the street and sidewalk by his use of same for his materials; and

(2) upon condition that the Director of Transportation may restore the pavement, curbing, and sidewalk to as good condition as they were in at the time of applying for the permit and charge the expense of restoration against the bond and builder.

(*City Code, 1927, art. 45, §172(2nd cl.); 1950, art. 35, §89(2nd cl.); 1966, art. 26, §8(2nd cl.); 1976/83, art. 26, §11 (2nd cl.)*) (*Ord. 12-192; Ord. 50-1288; Ord. 76-139; Ord. 15-435.*)

§ 20-3. Fees.

The Director of Transportation is also authorized to include in the permit a provision that the applicant shall pay reasonable charges for use of the street or sidewalk, as fixed from time to time by the Board of Estimates.

(*City Code, 1950, art. 35, §89(2nd par.)(1st cl.); 1966, art. 26, §8(2nd par.)(1st cl.); 1976/83, art. 26, §11(2nd par.)(1st cl.)*) (*Ord. 50-1288; Ord. 76-139; Ord. 15-435.*)

§ 20-4. Rules, regulations, terms, conditions.

(a) *In general.*

The Director of Transportation is also authorized to include any other regulations, terms and conditions that the Director considers necessary for the protection of the public interest.

(b) *Stop-work orders.*

These regulations may include procedures for the issuance, service, and enforcement of administrative orders to stop work being done in violation of this subtitle or of a regulation, term, or condition, adopted under this subtitle.

(*City Code, 1950, art. 35, §89(2nd par.)(2nd cl.); 1966, art. 26, §8(2nd par.)(2nd cl.); 1976/83, art. 26, §11(2nd par.)(2nd cl.)*) (*Ord. 50-1288; Ord. 76-139; Ord. 06-245; Ord. 15-435.*)

§ 20-5. Permit revocation.

Nothing in this subtitle may be construed to abridge the right of the Director of Transportation to revoke any permit at any time when the public interests may require it.

(City Code, 1927, art. 45, §172(2nd sen.); 1950, art. 35, §89(3rd par.); 1966, art. 26, §8(3rd par.); 1976/83, art. 26, §11(3rd par.)) (Ord. 12-192; Ord. 50-1288; Ord. 76-139; Ord. 15-435.)

§ 20-6. {Reserved}**§ 20-7. Fines and penalties.****(a) Civil fines.**

(1) The Director may impose civil fines for violations of:

- (i) this subtitle;
- (ii) a regulation, term, or condition imposed under this subtitle; or
- (iii) a stop-work order issued under this subtitle.

(2) A schedule of fines, not to exceed \$500 for any one offense, shall be established and may be amended from time to time by the Director with the approval of the Board of Estimates.

(b) Criminal penalties.

Any person who violates any provision of this subtitle, of a regulation, term, or condition imposed under this subtitle, or of a stop-work order issued under this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000, imprisonment for not more than 1 year, or both fine and imprisonment, for each offense.

(c) Each day a separate offense.

Each day that a violation continues is a separate offense.

(City Code, 1927, art. 45, §172(3rd sen.); 1950, art. 35, §89(4th par.); 1966, art. 26, §8(4th par.); 1976/83, art. 26, §11(4th par.)) (Ord. 12-192; Ord. 50-1288; Ord. 76-139; Ord. 06-245.)

SUBTITLES 21 AND 22
{REPEALED BY ORD. 06-245}

**SUBTITLE 23
UNDERGROUND CONDUIT SYSTEM FOR
CABLES, WIRES, AND SIMILAR FACILITIES**

Part 1. Definitions; General Provisions

§ 23-1. Definitions.

(a) *In general.*

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

(b) *Department.*

“Department” means the City Department of Transportation.

(c) *Director.*

“Director” means the Director of the Department of Transportation or the Director’s designee.

(d) *Facility.*

(1) *In general.*

“Facility” means any type of electrical, communication, or service cable, wire, or similar facility that may be strung over or buried directly under a street, alley, or other right-of-way.

(2) *Exceptions.*

“Facility” does not include any catenary cable used to power a street railway.

(e) *Person.*

(1) *In general.*

“Person” has the meaning stated in § 1-107(a) {“Person: In general”} of the City Code’s General Provisions Article.

(2) *Quaified inclusion of governmental entities.*

Notwithstanding § 1-107(b) {“Person: Exclusion”} of the General Provisions Article, in this subtitle “person” also includes, except as used for the imposition of a civil or criminal penalty, a governmental entity or an instrumentality or unit of a governmental entity.

(Ord. 19-263; Ord. 22-125.)

§ 23-2. {Reserved}

§ 23-3. Administration.

The Department of Transportation is responsible for administering and enforcing this subtitle.
(*Ord. 19-263.*)

§ 23-4. Rules and regulations.(a) *Director to adopt.*

Subject to Title 4 {“Administrative Procedure Act – Regulations”} of the City General Provisions Article, the Director of Transportation shall adopt rules and regulations to carry out this subtitle.

(b) *Procedures for stop-work orders.*

These rules and regulations may include procedures for the issuance, service, and enforcement of administrative orders to stop work being done in violation of this subtitle, a rule or regulation adopted under this subtitle, or a condition imposed on a permit issued under 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 and reflect 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.

(*Ord. 19-263; Text Conformed 02/23/21.*)

§ 23-5. Fees for conduit use.(a) *Board of Estimates to set.*

The Board of Estimates may set and, from time to time, modify the annual charges imposed for the use of the conduit system.

(b) *Billing and payment.*

These charges shall be billed and paid as the Board of Estimates directs.
(*Ord. 19-263.*)

§§ 23-6 to 23-10. {Reserved}***Part 2. Location and Maintenance of Conduit System*****§ 23-11. Location of system.**

A system of conduits for the reception of electrical, communication, and service cables, wires, or similar facilities shall be constructed within the territory or districts determined by the Director pursuant to Chapter 200, Laws of Maryland 1892.
(*Ord. 19-263.*)

§ 23-12. DoT to maintain system.

The Director is responsible for maintaining this conduit system.
(Ord. 19-263.)

§ 23-13. Plans and specifications; Work superintendence.

The Director shall:

(1) cause to be prepared the plans and specifications for the work required to construct, maintain, and repair the conduit system; and

(2) superintend that work.
(Ord. 19-263.)

§ 23-14. Labor and materials.

The Director may employ the labor and purchase the materials necessary to enable the Department to perform the work, or so much of the work that it considers to be in the best interest of the City for the Department to perform.
(Ord. 19-263.)

§ 23-15. {Reserved}

Part 3. Use of Conduit System

§ 23-16. Required permit and authorizations.

(a) *Permit required.*

Use of the conduit system for facility installations is available only to persons to whom the Department has issued one or more permits that expressly authorize those facility installations.

(b) *Additional authorizations.*

In addition to permits, the Department may require the person responsible for the installation to obtain other authorizations, including lease agreements, prior to any installation.

(c) *Unlawful to install without authorizations.*

No person may install facilities in the conduit system without the permit and other authorizations required under this section.

(d) *Removal of unauthorized installations.*

(1) The procedures in paragraph (2) of this subsection for the removal of an unauthorized installation are in addition to any other civil or criminal enforcement action or penalty authorized by Part 4 {"Civil and Criminal Penalties"} of this subtitle or otherwise authorized by law.

- (2) If an installation is determined to have been installed without the required permit or other authorizations:
- (i) the Department shall notify the person responsible for the installation and order its removal;
 - (ii) the person responsible for the installation shall remove the installation within 30 days of the notice; and
 - (iii) if the installation is not removed within the required period:
 - (i) the Department may remove the installation; and
 - (ii) the person responsible for the installation is liable to the Department for all expenses of the removal and of any consequent repairs needed to be made to the conduit.

(Ord. 19-263.)

§ 23-17. Voluntary relocation of facilities.

(a) *In general.*

When the conduit system or any of its parts have been completed and made ready for occupancy and the rates of rental have been set pursuant to this subtitle, the Director shall lease space in the conduit system to any person that complies with the conditions prescribed by this subtitle and with any further conditions that the Director specifies.

(b) *Work to be performed within 6 months.*

A person authorized to install facilities under this subtitle must install the facilities within 6 months from the date the installation is authorized.

(Ord. 19-263.)

§ 23-18. Mandatory relocation of facilities.

(a) *Director may order relocation.*

The Director may:

- (1) order facilities to be removed from above the streets and placed underground in the conduit system in accordance with Chapter 200, Laws of Maryland 1892;
- (2) order facilities to be moved from one underground conduit location to another; and
- (3) use methods that, in the judgment of the Director, are necessary to protect and promote the health, safety, and general welfare of the City.

(b) *Compliance required.*

The person responsible for the facilities shall comply with a relocation order issued under this section within 150 days of the order.

(c) *Relocation by Department.*

If the facilities are not relocated within 6 months of the order:

- (1) the Department may relocate the facilities and remove any poles remaining above the streets; and
- (2) the person responsible for the facilities is liable to the Department for all expenses of the relocation and of the removal of poles remaining above the streets.

(Ord. 19-263.)

§ 23-19. Tampering with conduit.

No person may tamper with, open, or in any way interfere with any of the manholes or facilities in the conduit system without first having obtained:

- (1) a permit from the Department; and
- (2) all other authorizations required by the Department.

(Ord. 19-263.)

§ 23-20. {Reserved}**§ 23-21. Survey of and reports by conduit users.**(a) *Department to survey users.*

The Department shall survey or otherwise identify and retain records of:

- (1) each person whose facilities have been installed in the conduit system;
- (2) the nature of the facilities installed by that person; and
- (3) the total linear footage of conduit occupied by those facilities.

(b) *Users to report annually.*

- (1) No later than June 30 of each year, each person whose facilities have been installed in the conduit system shall report annually to the Department, in the format that the Department requires.
- (2) The report required by this subsection shall consist of:

- (i) one or more maps showing the location of all facilities installed in the conduit system by or on behalf of the person;
- (ii) the total linear footage of conduit occupied by those facilities; and
- (iii) any other information that the Department deems necessary to include in the report.

(c) *Under- or mis-reporting.*

No person that files a report under this section may intentionally misrepresent:

- (1) the nature or location of the person's facilities that have been installed in the conduit system;
- (2) the total linear feet of conduit occupied by those facilities; or
- (3) any other information provided in the report.

(Ord. 19-263.)

§§ 23-22 to 23-25. {Reserved}

Part 4. Civil and Criminal Penalties

Editor's Note: Ordinance 19-263 revised this subtitle effective July 17, 2019. Section 4 of that ordinance provides as follows:

“[T]he civil and criminal penalties imposed by Article 26, § 23-26 and § 23-27, and by Article 1, § 40-14(e)(4b)(Subtitle 23) and § 40-14(3a)(Subtitle 23), as added by this Ordinance, shall be effective for facility installations only if, on or after January 1, 2020, the Department of Transportation has found or determined the installations to be unlawful.”

§ 23-26. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of:

- (1) an environmental citation under City Code Article 1, Subtitle 40 {“Environmental Control Board”}; or
- (2) a civil citation under City Code Article 1, Subtitle 41 {“Civil Citations”}.

(b) *Process not exclusive.*

The issuance of a citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(c) *Each day a separate offense.*

Each day that a violation continues is a separate offense.
(*Ord. 19-263.*)

§ 23-27. Criminal penalties.

(a) *In general.*

Any person who violates a provision of this subtitle, a rule or regulation adopted under this subtitle, a condition imposed on a permit issued under this subtitle, or a stop-work order issued under this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 or imprisonment for not more than 12 months or both fine and imprisonment for each offense.

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense.
(*Ord. 19-263.*)

SUBTITLE 24
TELEPHONE WIRES

§ 24-1. Authority to lay wires.

The Chesapeake and Potomac Telephone Company, of Baltimore City, and the Chesapeake and Potomac Telephone Company acting separately, or in conjunction, are respectively authorized to lay their or their respective telephone wires intended to be used in connection with the Telephone Exchange to be established in the building belonging to The Chesapeake and Potomac Telephone Company, at the corner of St. Paul Street and Bank Lane, in the City of Baltimore, in cables, laid in suitable conduits under the surface of the streets, alleys, or highways in said City, now traversed, or to be so traversed by their said respective wires, with the necessary manholes for affording access to said cables.

(City Code, 1893, art. 48, §90(1st sen.); 1927, art. 28, §19(1st sen.); 1950, art. 22, §14(1st sen.); 1966, art. 17, §14(1st sen.); 1976/83, art. 17, §13(1st sen.).) (Ord. 1889-041.)

§ 24-2. Conditions and limitations.

(a) *Single system.*

Such conduits and manholes shall be constructed by either or both of said companies as parts of one system, at their, or their respective cost and expense.

(b) *Supervision of DoT.*

(1) Before constructing any portion of the conduit or conduits, the companies shall file with the Director of Transportation a plan showing the location and character of the portion or portions of the conduit or conduits next proposed to be constructed.

(2) Every conduit or part thereof shall be constructed under the supervision of the Director of Transportation.

(c) *Damage to other property.*

(1) Such conduits and manholes shall be constructed in such manner as not to injure any vault, sewer, water pipe, or gas pipe.

(2) All paving that is temporarily removed by the the companies in the course of constructing any conduit or conduits authorized by § 24-1 of this subtitle, shall be restored or replaced, under the direction and superintendence of the Director of Transportation, by the companies or company constructing the conduit or conduits, at their or its expense, in a manner satisfactory to the Director.

(d) *Powers of companies acting jointly.*

Provided, however, that the said two companies, if acting together, shall have and possess the powers and privileges only which might have been exercised by one of said companies if acting alone under this subtitle.

(e) *House connections.*

And said companies so acting separately or jointly in constructing said system of underground wires shall have power to make the necessary house-connections in localities where the same may be required, in such manner as may be best adapted to the location by means of any wire or wires from such cable or cables.

(*City Code, 1893, art. 48, §90(2nd sen.), §92(2nd cl.); 1927, art. 28, §19(2nd sen.), §21(2nd cl.); 1950, art. 22, §14(2nd sen.), §16(2nd cl.); 1966, art. 17, §14(2nd sen.), §16(2nd cl.); 1976/83, art. 17, §13(2nd sen.), §15(2nd cl.)*) (Ord. 1889-041; Ord. 76-056; Ord. 15-435.)

§ 24-3. Agreement; annual fee.(a) *In general.*

Said companies shall, in consideration of the rights and privileges granted to them by this subtitle, before constructing any portion of the conduit or conduits hereinbefore authorized, enter into an agreement in a form to be approved by the Mayor of the City of Baltimore, and with sufficient security, certified by the Comptroller and approved by the Mayor, to pay annually to the Mayor and City Council of Baltimore:

- (1) 30¢ for each lineal yard of the 1st 4 miles in aggregate lineal length of conduit or conduits, constructed under the provisions of this subtitle; and
- (2) 20¢ per lineal yard for each succeeding mile or fraction of a mile of the aggregate lineal length of such conduit or conduits exceeding such aggregate lineal length of 4 miles.

(b) *Minimum payment.*

Provided, however, that the annual payment so to be made in any year accounting from May 9, 1889, shall not be less than the sum of \$3,000.

(*City Code, 1893, art. 48, §92(1st cl.); 1927, art. 28, §21(1st cl.); 1950, art. 22, §16(1st cl.); 1966, art. 17, §16(1st cl.); 1976/83, art. 17, §15(1st cl.)*) (Ord. 1889-041; Ord. 76-056.)

§ 24-4. Bond.

The said companies shall, before exercising any privileges under this subtitle, enter into a bond in the sum of \$10,000, with good and sufficient securities to be approved by the Mayor and Comptroller, conditioned that the company or companies exercising the privileges granted by this subtitle will faithfully perform the obligations imposed upon it or them, respectively, thereby.

(*City Code, 1893, art. 48, §94; 1927, art. 28, §23; 1950, art. 22, §18; 1966, art. 17, §18; 1976/83, art. 17, §17.*) (Ord. 1889-041.)

§ 24-5. Space for police and fire needs.(a) *Police and fire alarm wires.*

In every underground conduit constructed under the provisions of this subtitle, space shall be provided, if required, free of cost or rent for the laying therein by the Fire Department of

Baltimore City of a cable for the exclusive and official use only of the police and the Fire Communications Division and police and patrol wires.

(b) *Police and fire alarm telegraph.*

In every underground conduit heretofore or hereafter constructed by the Chesapeake and Potomac Telephone Company of Baltimore City, or the Chesapeake and Potomac Telephone Company, or both, by virtue of this subtitle, space shall be provided free of cost or rent, if required by the Fire Department, for the laying therein by the said Fire Department of a cable, or cables or wires for the exclusive and official use only of the Police and Fire Communications Division and police and patrol wires and such wire or wires as may be necessary for supplying current to electric lights upon or over the fire alarm boxes under the jurisdiction of the said Fire Department.

(City Code, 1893, art. 48, §93; 1927, art. 28, §§22, 24; 1950, art. 22, §§17, 19; 1966, art. 17, §§17, 19; 1976/83, art. 17, §§16, 18.) (Ord. 1889-041, Ord. 13-177; Ord. 76-056.)

§ 24-6. Grant of authority not exclusive.

Nothing contained in this subtitle may be construed as granting these telephone companies any exclusive right to lay underground wire cables within the limits of the City of Baltimore.

(City Code, 1893, art. 48, §91; 1927, art. 28, §20; 1950, art. 22, §15; 1966, art. 17, §15; 1976/83, art. 17, §14.) (Ord. 1889-041; Ord. 99-526.)

**SUBTITLE 25
INSPECTION COSTS**

§ 25-1. Scope of subtitle.

The provisions of this subtitle shall not apply to contractors doing City work by contract.
(*City Code, 1950, art. 35, §72(2nd sen.); 1966, art. 26, §49(2nd sen.); 1976/83, art. 26, §53(2nd sen.).*)
(*Ord. 50-1280.*)

§ 25-2. Assessment of costs.

In all work to be done under the supervision of the Director of Public Works, Director of Transportation, or Director of General Services that, in the judgment of the Director having jurisdiction, requires the services of an inspector, the party or parties doing the work:

(1) shall pay the City the reasonable costs of the inspection; and

(2) shall make a deposit of money to cover the cost of the inspection if the Director considers a deposit necessary for the protection of the City's interests.

(*City Code, 1927, art 45, §147(1st sen.); 1950, art. 35, §72(1st sen.); 1966, art. 26, §49(1st sen.); 1976/83, art. 26, §53(1st sen.).*) (*Ord 1899-172; Ord 50-1280; Ord. 15-435.*)

SUBTITLE 26
STREET LINES AND GRADES REQUIRED FOR CONSTRUCTION

§ 26-1. True lines required before construction.

It shall be unlawful for any person, firm, or corporation to dig or lay the foundation of any building or to construct or reconstruct any building or any premises binding or abutting on any existing or proposed public or private street, lane, or alley, or to construct any wall or fence binding or abutting on any such street, lane, or alley before the true lines of all such streets, lanes, and alleys have been duly ascertained, fixed, and marked on the ground, either by the Department of Public Works as authorized in § 1-6 or § 1-7 of this article or by a duly licensed private land surveyor, unless the Director of Public Works certifies that in his opinion the true lines of all such streets, lanes, and alleys are already sufficiently marked on the ground by the existing physical improvements or landmarks.

(City Code, 1879, art. 47, §74; 1893, art. 48, §75; 1927, art. 45, §137; 1950, art. 35, §64; 1966, art. 26, §87; 1976/83, art. 26, §94.) (Ord. 49-504; Ord. 76-139.)

§ 26-2. Grades required before construction.

(a) *In general.*

It shall be unlawful for any person, firm, or corporation to dig or lay the foundation of any building or to construct or reconstruct any building on any premises binding or abutting on any existing or proposed public or private street, lane, or alley or to construct any wall or fence binding or abutting on any such street, lane, or alley before the grades of all such streets, lanes, and alleys have been duly established, as provided for in §§ 18-1 through 18-4 of this article and before the said established grades have been duly marked on the ground by or with the approval of the Department of Public Works, unless the Director of Public Works certifies that in his opinion the said duly established grade lines or lines are already sufficiently marked on the ground by the existing physical improvements or landmarks.

(b) *Compliance required for building permit.*

The Commissioner of Housing and Community Development shall not issue any permit to dig or lay the foundation of any building or to construct or reconstruct any building on any premises binding or abutting on any existing or proposed public or private street, lane, or alley or to construct any wall or fence binding or abutting on any such street, lane, or alley before the grades of all such streets, lanes, and alleys have been duly established as provided for in §§ 18-1 through 18-4 of this article.

(City Code, 1950, art. 35, §§65, 67; 1966, art. 26, §§88, 90; 1976/83, art. 26, §§95, 97.) (Ord. 48-504; Ord. 76-139.)

§ 26-3. Conformance required when building.

It shall be unlawful for any person, firm, or corporation to do or perform any of the foundation, construction, or reconstruction work mentioned in §§ 26-1 and 26-2 of this article unless the said

work shall be in conformity with the lines and grades ascertained, fixed, marked, and established as provided in said §§ 26-1 and 26-2.

(City Code, 1950, art. 35, §66; 1966, art. 26, §89; 1976/83, art. 26, §96.) (Ord. 48-504.)

§ 26-4. Housing Commissioner to enforce.

(a) *In general.*

It shall be the duty of the Commissioner of Housing and Community Development to see that any such foundation, construction, or reconstruction work mentioned in §§ 26-1 and 26-2 of this article shall be dug, laid, constructed, or reconstructed in conformity with the lines and grades ascertained, fixed, marked, and established as provided in said §§ 26-1 and 26-2.

(b) *Stop work order.*

The Commissioner of Housing and Community Development is hereby authorized and empowered to stop, at any time or times, any such foundation, construction, or reconstruction work mentioned in §§ 26-1 and 26-2 of this article which the Department of Public Works certifies is not in conformity with the lines and grades ascertained, fixed, marked, and established as provided in said §§ 26-1 and 26-2, and to keep said work stopped until such nonconformities are corrected by and at the cost and expense of the person, firm, or corporation for whom said work is being done or constructed.

(City Code, 1927, art. 45, §§141, 142; 1950, art. 35, §§68, 69; 1966, art. 26, §§91, 92; 1976/83, art. 26, §§98, 99.) (Ord. 00-083; Ord. 48-504; Ord. 76-139.)

§ 26-5. {Reserved}

§ 26-6. Penalties.

Any person, firm, or corporation violating any of the provisions of this subtitle, or violating the provisions of any order of the Commissioner of Housing and Community Development stopping nonconforming work as provided for in § 26-4 of this article, shall, upon conviction thereof, be subject to a fine of \$50 for each such offense, and a like sum of \$50 for each and every day such violation shall continue.

(City Code, 1950, art. 35, §70; 1966, art. 26, §93; 1976/83, art. 26, §100.) (Ord. 48-504; Ord. 76-139.)

SUBTITLES 27 TO 30
{RESERVED}

SUBTITLE 31
DEDICATED STREETS, ETC.

§ 31-1. Declaration as public highways.

(a) *In general.*

All streets, avenues, lanes, and alleys, situated within the corporate limits of the City of Baltimore, which said streets, avenues, lanes, and alleys have been heretofore unconditionally dedicated as highways by deed or plat, or in any other manner by which a street, avenue, lane, or alley may be dedicated as a highway, are hereby declared to be public highways of the City of Baltimore.

(b) *Exceptions*

- (1) Saving and excepting that this section shall not be construed to apply to any street, avenue, lane, or alley less than 10 feet in width.
- (2) And provided that this section shall not apply to any street, avenue, lane, or alley heretofore dedicated, unless the same is directly connected with some street, avenue, lane, or alley already a public highway, or which, under the terms of this section, shall become a public highway.
- (3) And provided further that this section shall not apply to any streets, avenues, lanes, or alleys within the territory annexed to the City of Baltimore by the Chapter 98, Laws of Maryland 1888, unless the same have been so dedicated that the lines thereof conform to the general plan of streets for said territory under § 32-1 of this article, or any lawful amendment or amendments thereof.

(City Code, 1927, art. 45, §173; 1950, art. 35, §90; 1966, art. 26, §86; 1976/83, art. 26, §93.) (Ord. 05-002; Ord. 22-753.)

SUBTITLE 32
STREET PLAN FOR 1888 ANNEXATION

§ 32-1. 1898 Plan.

(a) *Plan approved.*

The plan or scheme of streets, avenues, lanes, etc., in the territory annexed to the City of Baltimore by the Act of 1888, Chapter 98, which plan or scheme has just been completed by the Topographical Survey of the City of Baltimore, is hereby adopted.

(b) *Map.*

The Topographical Survey is hereby directed to proceed with the preparation of a map (based on said plan or scheme) of said proposed streets, lanes, avenues, alleys, etc., showing the length and width of blocks, as well as the widths of all streets, avenues, alleys, lanes, etc., as well as a general system of grades.

(c) *Effect of plan and map.*

In adopting such plan and map, it is expressly understood that the Mayor and City Council in no way assumes any ownership over or recognizes as public any street, avenue, alley, lane, etc., in said territory, except such streets as have been made public by due course of law.

(City Code, 1927, art. 31, §§5 - 7; 1950, art. 36, §§24 - 26; 1966, art. 27, §§24 - 26; 1976/83, art. 27, §§23 - 25.) (Ord. 1898-129.)

§ 32-2. 1907 change in Harford Road section.

With the approval of the Topographical Survey Commission, that part of the general plan of streets, adopted by § 32-1 of this article, for the territory annexed to the City of Baltimore by the Act of 1888, Chapter 98, which relates to that section of the aforesaid territory included between the Baltimore and Harford Turnpike Road, Erdman Avenue, the Belair Road, the eastern City limits, and the Herring Run, is hereby altered and amended by substituting for the above mentioned portion of the aforesaid plan the plan indicated on the plat which is attached to this ordinance as a part thereof, and from and after July 5, 1907, the said amendment shall have the same validity and effect as though it had been a part of the above mentioned general plan of streets at the time of its adoption by the sections hereinbefore mentioned.

(City Code, 1927, art. 31, §8; 1950, art. 36, §27; 1966, art. 27, §27; 1976/83, art. 27, §26.) (Ord. 07-010.)

§ 32-3. 1908 change in Clifton Avenue section.

With the approval of the Topographical Survey Commission, that part of the general plan of streets, adopted by § 32-1 of this article, for the territory annexed to the City of Baltimore by the Act of 1888, Chapter 98, which relates to that section of the aforesaid territory included between Clifton Avenue, North Avenue, Twelfth Street, and Fifteenth Street, is hereby altered and amended by substituting for the above mentioned portion of the aforesaid plan the plan indicated on the plat

which is attached to this ordinance as a part thereof, and from and after April 14, 1908, the said amendment shall have the same validity and effect as though it had been a part of the above general plan of streets at the time of its adoption by the sections hereinbefore mentioned.

(City Code, 1927, art. 31, §9; 1950, art. 36, §28; 1966, art. 27, §28; 1976/83, art. 27, §27.) (Ord. 08-094.)

§ 32-4. 1908 change in 32nd Street section.

With the approval of the Topographical Survey Commission, that part of the general plan of streets, adopted by § 32-1 of this article for the territory annexed to the City of Baltimore by the Act of 1888, Chapter 98, which relates to that section of the aforesaid territory bounded on the north by Thirty-Second Street and Lake Montebello property, on the east and south by the Harford Turnpike Road, and on the south and west by the Alameda, is hereby altered and amended by substituting for the above mentioned portion of the aforesaid plan indicated on the plat which is attached to this ordinance; the said amendment shall have the validity and effect as though it had been a part of the above mentioned general plan of streets at the time of its adoption by the sections hereinbefore mentioned.

(City Code, 1927, art. 31, §10; 1950, art. 36, §29; 1966, art. 27, §29; 1976/83, art. 27, §28.) (Ord. 08-116.)

§ 32-5. 1908 change in North Avenue section.

With the approval of the Topographical Survey Commission, that part of the general plan of streets, adopted by § 32-1 of this article, for the territory annexed to the City of Baltimore by the Act of 1888, Chapter 98, which relates to that section of the aforesaid territory bounded on the north by Clifton Avenue, on the east by Warwick Avenue, on the south by North Avenue, and on the west by Dukeland Street, is hereby altered and amended by substituting for the above mentioned portion of the aforesaid general plan of streets, the plan indicated on the plat which is attached to this ordinance, as a part thereof; and from and after November 16, 1908, the said amendment shall have the same validity and effect as though it had been a part of the above mentioned general plan of streets at the time of its adoption by the sections hereinbefore mentioned.

(City Code, 1927, art. 31, §11; 1950, art. 36, §30; 1966, art. 27, §30; 1976/83, art. 27, §29.) (Ord. 08-216.)

§ 32-6. 1909 change in 39th Street section.

With the approval of the Topographical Survey Commission, that part of the general plan of streets, adopted by § 32-1 of this article, for the territory annexed to the City of Baltimore by the Act of 1888, Chapter 98, which relates to Thirty-Ninth Street between the west side of Charles Street and the east side of Melrose Avenue, formerly called Ash Avenue, is hereby altered and amended by substituting for the above mentioned portion of the aforesaid general plan of streets, the plan indicated on the plat which is attached to this ordinance as a part thereof; and from and after March 10, 1909, the said amendment shall have the same validity and effect as though it had been a part of the above mentioned general plan of streets, at the time of its adoption by the sections hereinbefore mentioned.

(City Code, 1927, art. 31, §12; 1950, art. 36, §31; 1966, art. 27, §31; 1976/83, art. 27, §30.) (Ord. 09-268.)

§ 32-7. 1909 change in Greenmount Avenue section.

With the approval of the Topographical Survey Commission, that part of the general plan of streets, adopted by § 32-1 of this article, for the territory annexed to the City of Baltimore by the Act of 1888, Chapter 98, which relates to that section of the aforesaid territory bounded on the east by Greenmount Avenue (formerly York Road), on the south by Thirty-Fifth Street, on the west by Charles Street, and on the north by the Northern City Boundary is hereby altered and amended by substituting for the above mentioned portion of the aforesaid general plan of streets, the plan indicated on the plat which is attached to this ordinance, as a part thereof; and from and after March 10, 1909, the said amendment shall have the same validity and effect as though it had been a part of the above mentioned general plan of streets, at the time of its adoption by the sections hereinbefore mentioned.

(City Code, 1927, art. 31, §13; 1950, art. 36, §32; 1966, art. 27, §32; 1976/83, art. 27, §31.) (Ord. 09-269.)

§ 32-8. 1909 change in Reisterstown Road section.

With the approval of the Topographical Survey Commission, that part of the general plan of streets, adopted by § 32-1 of this article, for the territory annexed to the City of Baltimore by the Act of 1888, Chapter 98, which relates to that section of the aforesaid territory bounded by the western boundary of Baltimore City, the northern boundary of Baltimore City, the Reisterstown Turnpike Road, and Liberty Heights Avenue, is hereby altered and amended by substituting for the above-mentioned portion of the aforesaid general plan of streets, the plan indicated on the plat which is attached to this ordinance as a part thereof; and from and after July 10, 1909, the said amendment shall have the same validity and effect as though it had been a part of the above-mentioned general plan of streets at the time of its adoption by the sections hereinbefore mentioned.

(City Code, 1927, art. 31, §14; 1950, art. 36, §33; 1966, art. 27, §33; 1976/83, art. 27, §32.) (Ord. 09-356.)

§ 32-9. 1910 change in eastern boundary section.**(a) *In general.***

With the approval of the Topographical Survey Commission, that part of the general plan of streets, adopted by § 32-1 of this article, for the territory annexed to the City of Baltimore by the Act of 1888, Chapter 98, which relates to the location and width of Harford Road, from North Avenue to the eastern boundary of Baltimore City, is hereby altered and amended by substituting for the above-mentioned portion of the aforesaid general plan of streets, the location and width of Harford Road indicated on the plat which is attached to this ordinance as a part thereof, and from and after April 25, 1910, the said amendment shall have the same validity and effect as though it had been a part of the abovementioned general plan of streets at the time of its adoption by the sections hereinbefore mentioned.

(b) *Reservation for United Railways.*

(1) Provided, however, that the United Railways and Electric Company of Baltimore shall be allowed to maintain any structures or buildings it may now own or lease upon the bed of the Harford Road as intended to be opened and widened as indicated on the plat, which is made

part of this ordinance, between the north side of the lane leading to Holy Cross Cemetery and a point 223 feet, more or less, northwardly therefrom, and also the conduits in the bed of said Harford Road, between the north side of North Avenue and said point 223 feet, more or less, northwardly from the aforesaid lane ... until such time as said structures, buildings or conduits, or any of them, shall be voluntarily razed, torn down, destroyed or removed by the owner or owners thereof, after which time, however, any new building or buildings on said property shall conform to the building line as shown on said plat.

- (2) The privilege hereby reserved to the United Railways and Electric Company not to continue, however, as to the frame car house of said company within the limits abovementioned longer than 1 year after said Harford Road shall have been graded, curbed, and macadamized, after which time the part of said building last mentioned which encroaches upon the said limits shall be removed promptly upon notice from the Mayor of Baltimore City.

(c) *Property constituting highway.*

Whenever the property embraced within the lines of said Harford Road, as indicated on the plat attached to this ordinance, shall have been acquired by the Mayor and City Council of Baltimore for the purpose of opening and widening said road, then all property owned by the Mayor and City Council of Baltimore within said lines, shall thereafter be taken to constitute said highway. (City Code, 1927, art. 31, §15; 1950, art. 36, §34; 1966, art. 27, §34; 1976/83, art. 27, §33.) (Ord. 10-480.)

§ 32-10. 1910 change in Gwynn's Falls Park section.

With the approval of the Topographical Survey Commission, that part of the general plan of streets, adopted by § 32-1 of this article, for the territory annexed to the City of Baltimore by the Act of 1888, Chapter 98, which relates to that section of the aforesaid territory bounded by Clifton Avenue, Gwynn's Falls Park, and the eastern and western outlines of the property known as Fairmont, shown on the plat which is attached to this ordinance as a part thereof, is hereby altered and amended by substituting for the above-mentioned portion of the aforesaid general plan of streets, the plan indicated on the aforesaid plat, and from and after May 2, 1910, the said amendment shall have the same validity and effect as though it had been a part of the above-mentioned general plan of streets at the time of its adoption by the sections hereinbefore mentioned. (City Code, 1927, art. 31, §16; 1950, art. 36, §35; 1966, art. 27, §35; 1976/83, art. 27, §34.) (Ord. 10-490.)

§ 32-11. 1910 change in 37th Street section.

With the approval of the Topographical Survey Commission, that part of the general plan of streets, adopted by § 32-1 of this article, and subsequently amended, for the territory annexed to the City of Baltimore by the Act of 1888, Chapter 98, which relates to Thirty-Seventh Street, between the east side of Charles Street and the northwest side of St. Paul Street, is hereby altered and amended by substituting for the above-mentioned portion of the aforesaid general plan of streets the plan indicated on the plat which is attached to this ordinance as a part thereof; and from and after June 3,

1910, the said amendment shall have the same validity and effect as though it had been a part of the abovementioned general plan of streets at the time of its adoption by the sections hereinbefore mentioned.

(City Code, 1927, art. 31, §17; 1950, art. 36, §36; 1966, art. 27, §36; 1976/83, art. 27, §35.) (Ord. 10-523.)

§ 32-12. 1913 change in 25th Street section.

With the approval of the Topographical Survey Commission, that part of the general plan of streets, adopted by § 32-1 of this article, for the territory annexed to the City of Baltimore by the Act of 1888, Chapter 98, which relates to that section of the aforesaid territory bounded on the northeast by Twenty-Fifth Street, on the southeast by Harford Road and Aisquith Street, on the southwest by Curtain Avenue and on the northwest by Taylor Street, is hereby altered and amended by substituting for the above-mentioned portion of the aforesaid plan the plan indicated on the plat which is attached to this ordinance; the said amendment shall have the validity and effect as though it had been a part of the above-mentioned general plan of streets, at the time of its adoption by the sections hereinbefore mentioned.

(City Code, 1927, art. 31, §18; 1950, art. 36, §37; 1966, art. 27, §37; 1976/83, art. 27, §36.) (Ord. 13-363.)

§ 32-13. 1915 change in Patterson Avenue section.

With the approval of the Topographical Survey Commission, that part of the general plan of streets, adopted by § 32-1 of this article, for the territory annexed to the City of Baltimore by the Act of 1888, Chapter 98, which relates to that section of the aforesaid territory bounded by Patterson Avenue, Poplar Grove (formerly Seventh) Street, Riggs Avenue, and Rosedale (formerly Ninth) Street, is hereby altered and amended by substituting for the above-mentioned portion of the aforesaid general plan of streets, the plan indicated on the plat which is attached to this ordinance as a part thereof, and from after March 5, 1915, the said amendment shall have the same validity and effect as though it had been a part of the above mentioned general plan of streets, at the time of its adoption by the sections hereinbefore mentioned.

(City Code, 1927, art. 31, §19; 1950, art. 36, §38; 1966, art. 27, §38; 1976/83, art. 27, §37.) (Ord. 15-582.)

§ 32-14. 1915 change in Montpelier Street section.

With the approval of the Topographical Survey Commission, that part of the general plan of streets, adopted by § 32-1 of this article, for the territory annexed to the City of Baltimore by the Act of 1888, Chapter 98, which relates to that section of the aforesaid territory bounded on the northeast by Montpelier Street, on the southwest by Twenty-Fifth Street, on the northwest by Montebello Avenue, and on the southeast by Harford Road, is hereby altered and amended by substituting for the above-mentioned portion of the aforesaid plan the plan indicated on the plat which is attached to this ordinance; the said amendment shall have the validity and effect as though it had been a part of the abovementioned general plan of streets at the time of its adoption by the sections hereinbefore mentioned.

(City Code, 1927, art. 31, §20; 1950, art. 36, §39; 1966, art. 27, §39; 1976/83, art. 27, §38.) (Ord. 15-614.)

§ 32-15. 1916 change in Belmont Avenue section.

With the approval of the Topographical Survey Commission, that part of the general plan of streets, adopted by § 32-1 of this article, for the territory annexed to the City of Baltimore by the Act of 1888, Chapter 98, and subsequently amended by Ordinance 13-363, which relate to Belmont Avenue between the northwest side of Harford Road and the southeast side of Taylor Street, are hereby altered and amended by substituting for the above mentioned parts of the aforesaid plan the plan indicated on the plat which is attached to this ordinance; the said amendment shall have the validity and effect as if it had been a part of the above mentioned general plan of streets at the time of its adoption by the sections hereinbefore mentioned.

(City Code, 1927, art. 31, §21; 1950, art. 36, §40; 1966, art. 27, §40; 1976/83, art. 27, §39.) (Ord. 16-141.)

§ 32-16. 1920 addition of Charlotte Avenue.

With the approval of the Topographical Survey Commission, the general plan of streets, adopted by § 32-1 of this article, for the territory annexed to the City of Baltimore by the Act of 1888, Chapter 98, is hereby altered and amended so as to show *{on?}* the aforesaid plan a street known as Charlotte Avenue. The said amendment to have the same validity and effect as though it had been a part of the afore-mentioned general plan of streets at the time of its adoption by the sections hereinbefore mentioned, the said street being located and described as follows:

Beginning for the same on the southwest side of Park Heights Avenue, as now laid out seventy-four feet wide, at the distance of three hundred and fifty-one and thirty-two one-hundredths (351.32) feet southeasterly from the southeast side of Gordon Lane, the co-ordinates of said point of beginning, based upon the system used by the City of Baltimore Topographical Survey Commission, being west thirteen thousand five hundred and ninety-five and fifty-four one-hundredths (13595.54) feet and north thirteen thousand nine hundred and fifty-eight and nine one-hundredths (13958.09) feet and running thence, binding on the southwest side of Park Heights Avenue, south, twenty-nine degrees, forty-two minutes and forty-five seconds east, forty and one one-hundredth (40.01) feet to a point eighty feet northwesterly from the southernmost boundary line of the property belonging to Stephen P. Harwood; thence parallel with said southernmost boundary line, south, fifty-eight degrees, forty-seven minutes and thirty seconds west, four hundred and one and one one-hundredth (401.01) feet to the northeast side of the Reisterstown Road, as now laid out eighty feet wide; thence binding on the northeast side of the Reisterstown Road, north thirty-one degrees, one minute and forty seconds west, forty feet; thence parallel with the second line in this description mentioned, north fifty-eight degrees, forty-seven minutes and thirty seconds east, four hundred and two and fifteen one-hundredths (402.15) feet to the place of beginning.

(City Code, 1927, art. 31, §22; 1950, art. 36, §41; 1966, art. 27, §41; 1976/83, art. 27, §40.) (Ord. 20-361.)

§ 32-17. 1920 deletion of part of East Wabash Avenue.

With the approval of the Topographical Survey Commission, the general plan of streets, adopted by § 32-1 of this article, for the territory annexed to the City of Baltimore by the Act of 1888, Chapter 98, as said plan has been amended from time to time, is hereby altered and amended so as to eliminate from the aforesaid plan a portion of the street known as East Wabash Avenue, said portion

of said street lying between Grantly Avenue and Umatilla Avenue, the said amendment to have the same validity and effect as though it had been a part of the aforementioned general plan of streets at the time of its adoption by the sections hereinbefore mentioned, the said portion of said street being located and described as follows:

Beginning for the same at a point formed by the intersection of the northeast side of East Wabash Avenue and the southeast side of Grantly Avenue, the co-ordinates of said point of beginning based upon the system used by the City of Baltimore Topographical Survey Commission, being West 15327.111 feet and North 14096.472 feet, and running thence binding on the northeast side of said East Wabash Avenue South 65 degrees forty minutes East 419.42 feet to the southwest side of Umatilla Avenue, thence binding on the southwest side of said Umatilla Avenue South twenty-six degrees twenty-seven minutes and thirty-three seconds East one hundred and six feet, more or less, to the southeast side of said East Wabash Avenue, thence binding on the southeast side of said East Wabash Avenue North sixty-five degrees, forty minutes west five hundred and forty-eight feet, more or less, to the southeast side of said Grantly Avenue, thence northeasterly binding on the southeast side of said Grantly Avenue eighty feet, more or less to the place of beginning.

The courses of the above description are all referred to the true meridian of the City of Baltimore Topographical Survey Commission.

(City Code, 1927, art. 31, §23; 1950, art. 36, §42; 1966, art. 27, §42; 1976/83, art. 27, §41.) (Ord. 20-481.)

SUBTITLES 33 TO 39
{REPEALED BY ORD. 06-245}

SUBTITLE 40
COMPLETE STREETS

Editor’s Note to Subtitle: This subtitle was enacted by Ordinance 18-197. Ord. 18-197, Section 3, provides for Part V {“Complete Streets Manual”} of this subtitle to take effect on that Ordinance’s date of enactment (December 3, 2018), subject to certain time-phased activities mandated to be undertaken pending the later, effective date for the rest of the subtitle. In turn, Section 5 of Ord. 18-197, as that Section was subsequently amended by Ordinance 19-303, provides for the rest of the subtitle to take effect on the later, amendatory Ordinance’s date of enactment (September 30, 2019). For a description of the interim time-phased activities, *see Editor’s Note* following Part V.

Part I. Definitions; Applicability

§ 40-1. Definitions.

(a) *In general.*

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

(b) *Complete Streets.*

“Complete Streets” means a transportation philosophy that calls for streets to be constructed and operated in a way that considers the needs of all users and enables equitable and safe access.

(c) *Advisory Committee.*

“Advisory Committee” means the Complete Streets Advisory Committee established by this subtitle.

(d) *Public transit vehicle.*

“Public transit vehicle” means any vehicle that:

- (1) is of a type used primarily for the transportation of the general public; and
- (2) has a seating capacity of 10 or more passengers.

(e) *Street.*

“Street” means any street, boulevard, road, highway, alley, lane, sidewalk, footway, mall, esplanade, or other way or place that is owned by the City or habitually used by the public.

(f) *Transportation Department; Department.*

“Transportation Department” or “Department” means the Baltimore City Department of Transportation.

(g) *Transportation Director; Director.*

“Transportation Director” or “Director” means the Director of the Baltimore City Department of Transportation or the Director’s designee.

(Ord. 18-197; Ord. 22-125.)

§ 40-2. Applicability of subtitle.

(a) *In general.*

Except as otherwise provided in this subtitle, this subtitle applies to all project phases undertaken by or, under the authority of the Transportation Department for the improvement of any street and public right of way, including planning, programming, design, acquisition of land, construction, construction engineering, reconstruction, rehabilitation, resurfacing, retrofit, and operation.

(b) *Exceptions – Ordinary maintenance.*

This subtitle does not apply to ordinary maintenance, such as mowing, cleaning, sweeping, pothole filling, concrete joint repair, and other regular or seasonal maintenance. Ordinary maintenance includes local road resurfacing on roadway segments, exclusive of intersections, that experience traffic volumes of fewer than 6,000 vehicles per day, based on the latest available or estimated traffic data.

(c) *Exceptions – Preexisting projects.*

This subtitle does not apply to a project at or above 30% design or under construction as of January 3, 2020.

(d) *Exceptions – Limited-access roads.*

This subtitle does not apply to a street where use by both pedestrians and bicyclists is prohibited by law.

(Ord. 18-197.)

§§ 40-3 to 40-5. {Reserved}

Part II. Complete Streets Transportation System

§ 40-6. Department to construct and operate system.

The Department must construct and operate a comprehensive Complete Streets Transportation System that enables access, mobility, economic development, attractive public spaces, health, and well-being for all people.

(Ord. 18-197; Ord. 19-332.)

§ 40-7. System to ensure safety, etc., and convenience of all users.

This Transportation System must be designed and operated in ways that ensure the safety, security, comfort, access, and convenience of all users of the streets, including pedestrians, bicyclists, public transit users, emergency responders, transporters of commercial goods, motor vehicles, and freight providers.

(Ord. 18-197.)

§ 40-8. System to include connected facilities accommodating all travel modes.

This Transportation System must include integrated networks of connected facilities accommodating all modes of travel.

(Ord. 18-197.)

§ 40-9. System to promote walking, biking, and public transit.

This Transportation System must, to the greatest extent possible, promote walking, biking, and public transit.

(Ord. 18-197.)

§ 40-10. System to promote economic development.

This Transportation System must, to the greatest extent possible, promote economic development.

(Ord. 18-197.)

§ 40-11. System to ensure equity.

This Transportation System must, to the greatest extent possible, ensure equity by actively pursuing the elimination of health, economic, and access disparities.

(Ord. 18-197.)

§ 40-12. System may be constructed incrementally.

This Transportation System may be achieved through projects that fully implement complete streets or projects that incrementally implement complete streets through a series of smaller improvements over time.

(Ord. 18-197.)

§§ 40-13 to 40-15. {Reserved}**Part III. Complete Streets Advisory Committee****§ 40-16. Committee established.**

There is a Complete Streets Advisory Committee.

(Ord. 18-197.)

§ 40-17. Composition.*(a) In general.*

The Advisory Committee comprises the following officials (or their respective designees):

- (1) the Transportation Director;
- (2) the Director of the City Department of Planning;
- (3) the Director of City Department of Public Works;
- (4) The Commissioner of the Department of Housing and Community Development; and
- (5) The Chief of the Baltimore City Fire Department.

(b) Participation by and collaboration with Maryland Transit Administration.

- (1) The Chair of the Committee must include and extend to the Maryland Transit Administration (MTA) all invitations and opportunities for participation with the Advisory Committee as would be extended to any statutory member, exactly as if MTA were a member of the Committee.
- (2) Further, the Chair must, to the greatest extent possible, foster the strongest possible collaboration with MTA to pursue the goals of this subtitle.

(c) Chair.

The Transportation Director is the Chair of the Advisory Committee.

(d) Subcommittees.

Subcommittees may be established.
(*Ord. 18-197; Ord. 19-332.*)

§ 40-18. Meetings; Quorum; Voting.*(a) Meetings.*

The Advisory Committee meets on the call of the Chair as frequently as required to perform its duties and at least once per quarter.

(b) Quorum.

A majority of the members constitutes a quorum for the transaction of business.

(c) Voting.

An affirmative vote of at least a majority of a quorum is needed for any official action.
(*Ord. 18-197.*)

§ 40-19. Minutes.(a) *Required.*

Minutes must be taken of all meetings of the Advisory Committee.

(b) *Public availability.*

The minutes of every meeting must be made publically available by posting on the Transportation Department's website within 7 days of the meeting.

(Ord. 18-197.)

§ 40-20. Staff.

The Transportation Department must provide staff for the Advisory Committee.

(Ord. 18-197.)

§ 40-21. Duties.

In addition to the other duties specified elsewhere in this subtitle, the Advisory Committee is responsible for:

- (1) promoting interagency cooperation in project identification, funding, and planning;
- (2) reviewing proposals for projects brought to the Committee by any of its members;
- (3) reviewing the status of projects to which this subtitle is applicable;
- (4) making recommendations to the Director about prioritization of projects;
- (5) reviewing reports on complete streets implementation, compliance, and performance; and
- (6) coordinating interagency cooperation in community engagement.

(Ord. 18-197.)

§§ 40-22 to 40-25. {Reserved}**Part IV. Design Standards****§ 40-26. Definitions.**(a) *In general.*

In this Part IV, the following terms have the meanings indicated.

(b) *Transit street.*

“Transit street” means any street on which a public transit vehicle provides fixed-route service.

(c) *Truck route.*

“Truck route” means any street so designated on the Transportation Department’s map of “Official Truck Routes”.

(Ord. 18-197.)

§ 40-27. Design vehicles.

(a) *“Design vehicle” defined.*

In this section, “design vehicle” means a selected vehicle, with specific weight, dimensions, and operating characteristics, used to establish street design controls.

(b) *In general.*

The design vehicle used by the Transportation Department for all streets, except for transit streets and truck routes, must be the design vehicle recommended for neighborhood streets by the most recent edition of the National Association of City Transportation Officials, “Urban Street Design Guide”.

(c) *Transit streets.*

The design vehicle used by the Transportation Department for transit streets must be the design vehicle recommended for designated transit streets by the most recent edition of the National Association of City Transportation Officials, “Transit Street Design Guide”.

(d) *Truck routes.*

The design vehicle used by the Transportation Department for truck routes must be the design vehicle recommended for designated truck routes by the most recent edition of the National Association of City Transportation Officials, “Urban Street Design Guide”.

(Ord. 18-197.)

§ 40-28. Design speed.

(a) *Definitions.*

(1) *In general.*

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

(2) *Design speed.*

“Design speed” means the speed used to determine geometric features of a street during the design phase.

(3) *Target speed.*

“Target speed” means the desired driver speed recommended by street typology.

(b) *Standard.*

The design speed must be equal to the target speed and posted speed limit on any local, collector, and non-interstate arterial.

(*Ord. 18-197; Ord. 19-332.*)

§ 40-29. Lane widths.

(a) *“Shared street” defined.*

In this section, “shared street” means a street developed for mixed use by low volumes of slow-moving vehicular traffic mixed with high levels of walking.

(b) *In general.*

Except as provided in this section or otherwise required by law, the lanes of any street may not be more than 10 feet wide, but 9 feet is the preferred width.

(c) *Exceptions.*

(1) *Local streets.*

On a street designated on the Baltimore City Roadway Functional Classification Map as “local”, lanes may not be more than 9 feet wide.

(2) *Transit streets and truck routes.*

On a transit street or truck route, 1 lane in each direction may be up to 11 feet wide.

(3) *Shared streets.*

On a street designated as a “shared street”, lane width restrictions do not apply.

(*Ord. 18-197 Ord. 19-332.*)

§ 40-30. DoT to use latest and best standards.

In constructing and operating its Complete Streets Transportation System, the Transportation Department must use the latest and best standards, including:

(1) National Association of City Transportation Officials:

- (i) “Global Street Design Guide”.
- (ii) “Urban Street Design Guide”.
- (iii) “Transit Street Design Guide”.
- (iv) “Urban Bikeway Design Guide”.
- (v) “Urban Street Stormwater Guide”.

(2) American Association of State Highway and Transportation Officials:

(i) “Guide for Planning Design and Operation of Pedestrian Facilities”.

(ii) “Guide for the Development of Bicycle Facilities”.

(3) Federal Highway Administration:

(i) “Separated Bike Lane Planning and Design Guide”.

(ii) “Report on Incorporating On-Road Bicycle Networks into Resurfacing Projects”.

(4) Institute of Transportation Engineers, “Manual for Context Sensitive Solutions in Designing Major Urban Thoroughfares for Walkable Communities”.

(5) National Cooperative Highway Research Program, Report 616, “Multi-Modal Level of Service Analysis for Urban Streets”.

(Ord. 18-197.)

§ 40-31. Compliance with State and Federal funding requirements.

The technical design standards required for state or federally funded projects will supersede local requirements in this subtitle and the Complete Streets Manual if there is an actual conflict between the local and state or federal standards and if funding will be impacted by adherence to the local standard.

(Ord. 18-197; Ord. 19-332.)

§§ 40-32 to 40-35. {Reserved}

Part V. Complete Streets Manual

§ 40-36. Director to adopt Complete Streets Manual.

The Transportation Director, in consultation with the Complete Streets Advisory Committee, must adopt and may amend from time to time a Complete Streets Manual to carry out this subtitle.

(Ord. 18-197; Ord. 19-332.)

§ 40-37. Modal hierarchy.

The Complete Streets Manual must include a hierarchy of the various modes of travel, indicating the priority to be given to each mode.

(Ord. 18-197.)

§ 40-38. Street typologies.

(a) *In General.*

The Complete Streets Manual must include Complete Streets street typologies for classifying City streets.

(b) *Considerations.*

In creating street typologies, the Transportation Director, in consultation with the Advisory Committee, must consider:

- (1) roadway form and function, including traffic volume, speed, and functional classification;
- (2) intersections and crossings;
- (3) bridges and overpasses;
- (4) loading zones;
- (5) overlays, including for transit streets, truck routes, and fire and emergency routes;
- (6) existing land use;
- (7) zoning designations;
- (8) public space guidelines;
- (9) stormwater management;
- (10) green infrastructure;
- (11) “Main Streets”, as part of the Baltimore Main Streets program;
- (12) public art;
- (13) arts districts;
- (14) historic preservation;
- (15) plans formally adopted by the Planning Commission; and
- (16) any other necessary considerations.

(Ord. 18-197.)

§ 40-39. Project prioritization process.

(a) *In general.*

The Complete Streets Manual must include a process for identifying, screening, and prioritizing projects seeking funding through federal or state grants, the City Capital Improvement Program, or other means.

(b) *Process to include equity assessment.*

This project prioritization process must include an equity assessment. The equity assessment must consider transportation disparity trends based on race, gender, sexual orientation, age, disability, ethnicity, national origin, or income and recommend ways to reverse these trends. It must assess and recommend ways to eliminate structural and institutional discrimination in transportation based on immutable characteristics.

(Ord. 18-197; Ord. 19-332.)

§ 40-40. Project delivery process.(a) *In general.*

The Complete Streets Manual must include a project delivery process.

(b) *Requirements.*

This project delivery process must include:

- (1) project phases from identification through construction through operation;
- (2) a chart listing the types of projects undertaken by, under the authority of, or under the supervision of the Department, and showing project phases for each type, and steps to complete each project phase, and whether, for each project type, a given step is required, optional, or inapplicable;
- (3) a decision tree showing how street typology, existing and planned land use, modal hierarchy, and any additional factors determine street design, and whether various elements are required, recommended, optional, or not required; and
- (4) a project management checklist.

(Ord. 18-197.)

§ 40-41. Equity in community engagement.

The Complete Streets Manual must include community engagement policies that overcome barriers to engagement associated with race, income, age, disability, English language proficiency, and vehicle access of populations affected by a project, including a means of measuring success in overcoming these barriers.

(Ord. 18-197.)

§ 40-42. Public comment period.(a) *Publication of proposed Manual or amendment.*

The Transportation Director must publish the proposed Complete Streets Manual or proposed amendment to the Manual by posting a copy of the proposal to the Department's website at least 45 days before its adoption.

(b) *Notice.*

- (1) A notice of the proposed Manual or proposed amendment to the Manual must also be posted to the Transportation Department's website, social media, and other channels of distribution available to the Department.
- (2) This notice must include:
 - (i) a summary of the proposed Manual or proposed amendment; and
 - (ii) information on how a person can:
 - (A) obtain a copy of the proposal;
 - (B) obtain a schedule of public hearing(s) to be held on the proposal; and
 - (C) submit comments before the proposal is finalized and adopted.

(c) *Public hearing.*

- (1) During the 45-day public comment period, the Director must also advertise and hold 1 or more public hearings on the proposed Manual or proposed amendment.

- (2) At least 1 hearing must be held in whole or in part between 6 pm and 8 pm.

(Ord. 18-197.)

§ 40-43. Final adoption.(a) *In general.*

After the 45-day public comment and hearing period, the Director may modify and adopt the Complete Streets Manual.

(b) *Filing with Legislative Reference.*

A copy of the Complete Streets Manual and, from time to time, any amendment to the Manual must be filed with the Department of Legislative Reference before it becomes effective.

(c) *Complete Streets Manual compliance.*

DOT guidelines, policies, and procedures must be updated for compliance with the Complete Streets Manual.

(Ord. 18-197; Ord. 19-332.)

§§ 40-44 to 40-45. {Reserved}

Editor's Note to Part V: As indicated in the earlier **Editor's Note to Subtitle**, Section 3(1) of Ord. 18-197 provided for the preceding Part V of this subtitle to become effective on that Ordinance's date of enactment (December 3, 2018) – several months before the delayed effective date set for the rest of this title by Section 5 of Ord. 18-197, as amended by Ord. 19-303 (September 30, 2019).

Section 3 also mandated several activities to be undertaken even during the interim between the two effective dates. Specifically, Section 3(2) et seq., as subsequently amended by Ord. 19-303, provides for the following activities and their respective deadlines:

- (2) On or before October 16, 2019, the Transportation Director, in consultation with the Complete Streets Advisory Committee, shall publish and present to the Transportation Committee a Community Engagement Plan, containing a description of the methods of community engagement to be used to obtain public input. The Plan must include methods to overcome barriers to engagement associated with race, income, age, disability, English language proficiency, and vehicle access and include a means of measuring success in overcoming these barriers. The Plan should demonstrate an earnest application of the recommendations set forth in the ... Letter from Councilmember Ryan Dorsey to then-Transportation Director Mchelle Pourciau (October 19, 2018).
- (3) On or before April 1, 2020, the Transportation Director shall, in consultation with the Complete Streets Advisory Committee, propose and publish for public comment a proposed Complete Streets Manual, in accordance with City Code, Article 26, Subtitle 40, Part V, as enacted by this Ordinance.
- (4) On or before July 1, 2020, the Transportation Director shall adopt and publish a Complete Streets Manual.
- (5) From the date of the enactment of this Ordinance and until the Transportation Director has adopted and published the Complete Streets Manual, the Chair of the Complete Streets Advisory Committee shall provide to the Transportation Committee written bi-weekly progress reports on development of the Complete Streets Manual and on the status of community engagement related to the implementation of this Ordinance.

Part VI. Annual Report and Public Accountability

§ 40-46. Annual report required.

On or before August 31 of each year, the Director, in consultation with the Advisory Committee, must:

- (1) prepare a report assessing the status of the Complete Streets Transportation System; and
- (2) submit that report to:
 - (i) the Mayor;
 - (ii) the City Council; and
 - (iii) the Advisory Committee.

§ 40-47. Performance measures.

(a) *In general.*

Performance measures will be established using available data.

(b) *Crash data.*

(1) *In general.*

The annual report must measure year-over-year changes in crash data for all modes of travel as measured by:

- (i) the “Maryland Statewide Vehicle Crashes Data” collected by the Maryland State Police;
- (ii) the “Fatality Analysis Reporting System” data collected by the National Highway Traffic Safety Administration; or
- (iii) other similar data.

(2) *Separate reporting by category.*

Crash data for all modes of travel must be separately reported by the following categories:

- (i) all crashes;
- (ii) injury crashes; and
- (iii) fatal crashes.

(c) *Transit on-time performance.*

The annual report must measure year-over-year change in transit on-time performance, as measured by:

- (1) the performance data collected by the Maryland Transit Administration and published in the Maryland Department of Transportation’s Annual Attainment Report; or
- (2) other similar data collected by the Maryland Transit Administration or the Transportation Department.

(d) *Commute times.*

The annual report must measure commute times for all modes of travel, as measured by the travel-time-to-work data reported in the American Communities Survey’s “Commuting (Journey to Work)”.

(e) *Modal share.*

The annual report must measure modal share, as measured by the means-of-transportation data reported in the American Communities Survey’s “Commuting (Journey to Work)”.

(f) *Infrastructure data.*

(1) *In general.*

The annual report must measure:

- (i) the amount of transportation infrastructure built, upgraded, replaced, or rehabilitated in the previous 1-year period; and
- (ii) the total amount of infrastructure in the City's overall transportation system.

(2) *Separate reporting by type.*

The measurements required by paragraph (1) of this subsection must be separately reported by type, including:

- (i) infrastructure for walking, biking, and public transit;
- (ii) public space infrastructure; and
- (iii) green infrastructure.

(g) *Economic development measures.*

The annual report must measure year-over-year changes in certain economic development data points and conditions:

- (1) in each of the City's "Main Streets", as part of the Baltimore Main Streets program; and
- (2) in any other geographical area otherwise designated by the Advisory Committee.

(h) *Inventory of projects.*

The annual report must include an inventory of all ongoing projects in any phase and the projected cost of those projects.

(i) *Conflicts between local and state or federal standards.*

The annual report must include a list of all instances in which the local standards set forth in this subtitle or in the Complete Streets Manual were or are planned to be superseded by state or federal standards, pursuant to § 40-31 of this subtitle, as well as citations and causes for the local standard being superseded.

(Ord. 18-197.)

§ 40-48. Equity lens.

(a) *Separate reporting by geographic subunit.*

In preparing the annual report, the Department must separately report data by geographic subunit (e.g., census tract, traffic analysis zone, or the like).

(b) *Separate reporting by race, income, and vehicle access.*

The annual report must separately report data into the following categories:

(1) populations that are above and below the median number of persons of color for Baltimore City.

(2) populations above and below 50% no vehicle access.

(3) populations with a median income above and below the median household income for Baltimore City.

(Ord. 18-197.)

§ 40-49. Report and data to be publically available.

(a) *Report to be posted.*

The annual report must be made available to the public by posting it on the Transportation Department's website.

(b) *Data to be made available.*

To the greatest extent possible, all underlying data used in preparing the annual report must be made available to the public.

(Ord. 18-197.)

§ 40-50. Accountability to communities.

The Transportation Department, in consultation with the Complete Streets Advisory Committee, must conduct public meetings and other community engagement and outreach activities to present the Complete Streets annual report to the public and solicit public input.

(Ord. 18-197; Ord. 19-332.)