

**CODE OF PUBLIC LOCAL LAWS OF  
BALTIMORE CITY  
(ARTICLE 4, MARYLAND CODE OF PUBLIC LOCAL LAWS)**

**(As Last Amended by Ch. 193, Acts of 2016)**

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**ACT LEGALIZING 1979 EDITION OF THE  
CODE OF PUBLIC LOCAL LAWS OF BALTIMORE CITY  
(Chapter 39, Acts of 1979)**

AN ACT concerning

**Baltimore City — Code of Public Local Laws**

FOR the purpose of legalizing the 1979 Edition of the Code of Public Local Laws of Baltimore City.

**SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,** That the 1979 Edition of the Code of Public Local Laws of Baltimore City, being Article 4 of the Code of Public Local Laws of Maryland, published under the direction of the Mayor and City Council of Baltimore and edited by the Baltimore City Department of Legislative Reference, is legalized. It shall be deemed and taken in all the courts of the State and by all public officials of the State and of its several political subdivisions, to be evidence of the Public Local Laws of Baltimore City in effect at the time of publication.

**SECTION 2. AND BE IT FURTHER ENACTED,** That any Supplement to this Code is similarly legalized and effective to contain changes in the Public Local Laws of Baltimore City as of the time of the publication of that Supplement.

**SECTION 3. AND BE IT FURTHER ENACTED,** That this Act shall take effect July 1, 1979.

## PUBLIC LOCAL LAWS OF BALTIMORE CITY

**Editor's Note:** To assist the reader, captions have been editorially added to various subsections. And, in some instances, existing captions to sections and subsections have been clarified or corrected. These new or modified captions were not enacted as part of the Code and are not law.

### SUBTITLE 1 CIVIC CENTER

#### § 1-1. 1956 Act: Civic Center Commission.

(a) *Establishment.*

Before the issuance of said certificates of indebtedness, or any part thereof *{cf. Ch. 7, Acts of 1956 Sp. Sess.}*, the Mayor and City Council of Baltimore, by ordinance, shall create an agency of the Mayor and City Council of Baltimore, to be known as the “Civic Center Commission of Baltimore”, and confer upon it the powers and duties hereinafter mentioned.

(b) *Members.*

The Commission shall consist of seven (7) members, and all members of the Commission shall be appointed by the Mayor of Baltimore City in the manner prescribed by Section 12 of the Charter of Baltimore City as it now exists or as it hereafter may be amended *{Article IV, § 6 of the City Charter (1996 Edition)}*.

(c) *Terms; officers.*

The term of each member shall be five (5) years, or until his successor qualifies and takes office, except that the respective terms of the seven (7) members of the Commission first appointed shall be as follows:

- two (2) members shall be appointed for one (1) year;
- two (2) members shall be appointed for two (2) years;
- one (1) member shall be appointed for three (3) years,
- one (1) member shall be appointed for four (4) years, and
- one (1) member shall be appointed for five (5) years.

The Mayor of Baltimore City shall designate the terms of the members of the Commission first appointed and the Chairman of the Commission shall be elected by the members of the Commission. The Chairman of the Commission shall serve as such until the expiration of his term or his office otherwise becomes vacant.

The members of the Commission shall annually elect one of its members as Vice Chairman who, in the absence of the Chairman of the Commission, shall preside over the meetings of the Commission and perform such other duties as may be imposed upon him by law or as may be assigned to him by the Commission.

(d) *Vacancies.*

Any vacancy in the membership of the Commission caused by the expiration of a term or by the resignation, removal, death or permanent absence from the State of Maryland of an incumbent or by supervening incapacity on his part, whether physical or mental, to discharge his duties, or by any other cause, create such a vacancy, either actual or in effect, shall be filled for a new term or for the remainder of the term of such incumbent, as the case may be, in the same manner as provided herein for the appointment of the first members of the Commission. Any member of the Commission shall be eligible for reappointment.

(e) *Removals.*

The members of the Commission may be removed from office for cause in accordance with the provisions of Section 12 of the Charter of Baltimore City, as it now exists, or as it may hereafter be amended {*cf. Article IV, § 6 of the City Charter (1996 Edition)*}.

(f) *Compensation.*

No appointed member of the Commission shall receive any compensation for his services on the Commission, but each member shall be reimbursed for his necessary and proper expenses incurred in the performance of his duties as such.

(g) *Rules and regulations; meetings; records.*

The Commission may adopt such rules and regulations as it may deem necessary for the proper transaction of any business.

Four (4) members of the Commission shall constitute a quorum for the transaction of business and the affirmative vote of at least four (4) members shall be necessary for any action taken by the Commission. No vacancy in the membership of the Commission shall impair the right of a quorum to exercise all the rights and perform all the duties of the Commission.

All sessions or meetings of the Commission, except executive sessions, shall be open to the public.

The Commission shall keep records of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact. The Commission shall keep a record of all resolutions, transactions, findings, determinations and decisions, and all the records of the Commission shall be kept in the office of the Commission and shall be public records.

(h) *Executive Director; staff.*

The Commission may be authorized to

appoint an Executive Director who shall serve at the pleasure of the Commission, and who shall perform such duties as may be imposed upon him by ordinance or as may be assigned to him by the Commission, and

appoint, employ, hire or engage such other assistants, aides and employees as may be deemed necessary for the proper performance of the duties and functions of the Commission.

The compensation of said Executive Director and other assistants, aides and employees shall be subject to the approval of the Board of Estimates of the Mayor and City Council of Baltimore and shall be paid as provided in the annual Ordinance of Estimates.

(i) *Skilled personnel.*

The Commission may also be authorized, with the prior approval of the Board of Estimates, to employ or hire, from time to time, by contract, consulting, planning or designing engineers or architects, advertising or promotional agencies, persons having musical, theatrical or entertaining skills or other persons possessing technical or specialized skills in connection with the duties, powers and functions of the Commission.

(j) *Proceeds of bond sale; management, etc., of Center.*

The Commission shall be fully authorized and empowered to administer and supervise the proceeds derived from the sale of the certificates of indebtedness, including but not limited to, the expenditure and disposition thereof.

The Commission may also be empowered to do any and all things necessary, proper or relative to or in connection with the use, occupancy, control, operation, management, promotion, maintenance and repair of the Civic Center, and the Commission shall have such other powers and perform such other duties and shall be subject to such other conditions as may be conferred or imposed upon it, from time to time, by ordinance of the Mayor and City Council of Baltimore.

(k) *Fees, rentals, etc.*

The Commission may be empowered, with the prior approval of the Board of Estimates, to establish fees, rentals or charges for the use or occupancy of the Civic Center, or any part thereof, and collect such fees, rentals or charges and all such collections shall be turned over to the Treasurer of Baltimore City *{City Finance Director}*.

(l) *Contracts.*

All contracts or agreements entered into by the Mayor and City Council of Baltimore for or in connection with the construction, maintenance or repair of the Civic Center and its facilities shall be subject to the terms and provisions of Sections 37 and 38 of the Charter of Baltimore City (1949 Edition) as they now exist or as they hereafter may be amended *{City Finance Director}*.

(m) *Conflicts of interest.*

No officer, official or employee of the Mayor and City Council of Baltimore, or of any agency of the Mayor and City Council of Baltimore which is vested with any power or authority to be exercised under the provisions of this Act, shall become interested in any way in any land or property which may be acquired for or in connection with the Civic Center.

(n) *Other powers.*

The Commission shall exercise all powers and authority conferred upon it in accordance with the provisions of the Charter of the Mayor and City Council of Baltimore as it is now constituted or as it may hereafter be amended.

(P.L.L., 1969, §1-1.) (1956 Sp. Sess., ch. 7, sec. 3.)

**§ 1-2. 1956 Act: Approvals required.**

(a) *Purposes, terms, and conditions.*

No part of the proceeds of sale of the certificates of indebtedness hereby authorized to be issued {cf. Ch. 7, Acts of 1956 Sp. Sess.} shall be expended until after the Commission has submitted its written recommendation, which shall set forth the purposes for, and the terms and conditions upon, which each particular sum of money is to be expended, to the Board of Estimates of the Mayor and City Council of Baltimore and such recommendation has been approved by said Board of Estimates.

(b) *Site, construction plans, etc.*

In addition, no part of the proceeds of sale of the certificates of indebtedness hereby authorized to be issued shall be expended for actually constructing, erecting or equipping any building, structure or facility for or in connection with the Civic Center (as distinguished from funds which are necessary to be expended in connection with obtaining options for the acquisition of land or property, or planning or preparing plans and specifications, or the employment of engineers, architects, an Executive Director, assistants, aides and employees of the Commission, or other matters or things which are usually and generally preliminary to the commencement of actual construction work) until after the proposed site for the Civic Center and the plans and specifications for any building, structure or facility to be constructed, erected or equipped for or in connection with the Civic Center has been submitted by the Commission to the Board of Estimates of the Mayor and City Council of Baltimore and approved by said Board.

(c) *Contract with City.*

Any contract entered into by the Mayor and City Council of Baltimore in connection with any of the matters or things provided for or contemplated by the provisions of this Act, after it has been executed on behalf of the Mayor and City Council of Baltimore by the Mayor of Baltimore City and the corporate seal of the municipality affixed thereto, duly attested by the Treasurer of the municipality {City Finance Director}, and approved by the said Board of Estimates, shall constitute a legal and binding obligation of the Mayor and City Council of Baltimore.

(P.L.L., 1969, §1-2.) (1956 Sp. Sess., ch. 7, sec. 4.)

**§ 1-3. 1958 Act: Use of proceeds.**

The Civic Center Commission of Baltimore, as it is now or hereafter established or constituted, is hereby fully authorized and empowered:

- (1) to administer and supervise the proceeds derived from the sale of the certificates of indebtedness authorized to be issued under the provisions of this Act *{Ch. 3, Acts of 1958, 2<sup>nd</sup> Sp. Sess.}*, including, but not limited to, the expenditure and disposition thereof, and
- (2) to exercise and perform any and all of the powers and duties, which heretofore have been or may hereafter be vested in or imposed upon said Commission by any law or ordinance, in connection with the proceeds derived from the sale of the certificates of indebtedness authorized to be issued under the provisions of this Act and all other matters and things relating or pertaining to or in connection with the construction, establishment and operation of the contemplated Civic Center.

*(P.L.L., 1969, §1-3.) (1958, 2<sup>nd</sup> Sp. Sess., ch. 3, Sec. 3.)*

**§ 1-4. 1958 Act: Approvals required.**

- (a) *Purposes, terms, and conditions.*

No part of the proceeds of sale of the certificates of indebtedness hereby authorized to be issued shall be expended until after the Commission has submitted its written recommendation, which shall set forth the purposes for and the terms and conditions upon which each particular sum of money is to be expended, to the Board of Estimates of the Mayor and City Council of Baltimore and such recommendation has been approved by said Board of Estimates.

- (b) *Site, construction plans, etc.*

In addition, no part of the proceeds of sale of the certificates of indebtedness hereby authorized to be issued shall be expended for actually constructing, erecting or equipping any building, structure or facility for or in connection with the Civic Center (as distinguished from funds which are necessary to be expended in connection with obtaining options for the acquisition of land or property, or planning or preparing plans and specifications, or the employment of engineers, architects, an Executive Director, assistants, aides and employees of the Commission, or other matters or things which are usually and generally preliminary to the commencement of actual construction work) until after the proposed site for the Civic Center and the plans and specifications for any building, structure or facility to be constructed, erected or equipped for or in connection with the Civic Center has been submitted by the Commission to the Board of Estimates of the Mayor and City Council of Baltimore and approved by said Board.

- (c) *Contract with City.*

Any contract entered into by the Mayor and City Council of Baltimore in connection with any of the matters or things provided for or contemplated by the provisions of this Act, after it has been executed on behalf of the Mayor and City Council of Baltimore by the Mayor of Baltimore City and the corporate seal of the municipality affixed thereto, duly attested by the Treasurer of the

municipality *{City Finance Director}*, and approved by the said Board of Estimates, shall constitute a legal and binding obligation of the Mayor and City Council of Baltimore.  
*(P.L.L., 1969, §1-4.) (1958 2<sup>nd</sup> Sp. Sess., ch. 3, sec. 4.)*

**SUBTITLE 2  
COURTS*****WITNESSES, DOCKET ENTRIES, RECORDS*****§ 2-1. Record transcript from other court.**

In any suit now pending, or hereafter to depend, in any court in the City of Baltimore, wherein a transcript of the record of any cause in any other court in the City of Baltimore might be offered in evidence, it shall be sufficient to produce the docket entries and original papers and proceedings in said last-mentioned cause, or the record book in which the same have been recorded, if required by law to be recorded, and actually recorded, and offer the same in evidence; and the same, when so produced and offered in evidence, shall have the same effect, to all intents and purposes, as a transcript of the record thereof, under the seal of the court wherein the same are; and such production may be had by any party to a suit upon a subpoena duces tecum issued to the clerk of the court where such docket entries, original papers and proceedings may be.

*(P.L.L., 1888, §239; 1915, §388; 1927, §388; 1930, §388; 1938, §505; 1949, §308; 1969, §2-1.) (1884, ch. 23; 1898, ch. 123, §388.)*

**§ 2-2. Plat of City.**

A copy of the plat of the City of Baltimore from the record thereof in the Mayor's office, or from the record thereof in the office of the Clerk of the Superior Court of Baltimore City, duly certified under seal by the keeper of such records respectively, shall be evidence.

*(P.L.L., 1860, §865; 1915, §842; 1927, §842; 1930, §842; 1938, §1123; 1949, §309; 1969, §2-2.) (1888, ch. 4, §826; 1898, ch. 123, §842.)*

***COSTS*****§ 2-3. How adjudged.**

In all actions at law for wrongs, independent of contracts, in any of the courts of Baltimore City, where the verdict or inquisition of damages after default made shall be for a sum less than fifty dollars, the cost shall be adjudged to the defendant, unless the Court shall otherwise determine; but the Court, before allowing costs to the plaintiff in such case, shall be satisfied that he had good reason for not bringing suit before a Justice of the Peace; and in all cases of appeals whatsoever from judgments of Justices of the Peace in Baltimore City, costs shall be allowed to plaintiff or defendant, in the discretion of the Court; provided, that in all cases involving the title to real estate, wherein the verdict or judgment is for the plaintiff, he shall be allowed his costs.

*(P.L.L., 1860, §159½; 1888, §240; 1915, §389; 1927, §389; 1930, §389; 1938, §506; 1949, §310; 1969, §2-3.) (1882, ch. 354; 1898, ch. 123, §389.)*

*ST. VINCENT’S AND ST. PETER’S CEMETERIES*

**§ 2-4. Distribution of sales proceeds.**

In an action commenced in the Equity Court by the Roman Catholic Archbishop of Baltimore, a corporation sole, and St. Vincent De Paul Roman Catholic Congregation, Inc. and St. Peter The Apostle Roman Catholic Congregation, Inc. for the sale of St. Vincent’s Cemetery in Clifton Park and St. Peter’s Cemetery bounded by Bentalou, Winchester and Laurens Streets, both cemeteries being located in Baltimore City, for a declaration that the cemeteries have become detrimental to the public health, safety, security or welfare, for the appointment of a Trustee and for a decree ordering the sale of the cemeteries under the provisions of Section 120 of Article 16 of the Annotated Code of Maryland, the proceeds derived from that sale shall be used, distributed and paid over by the Trustees, the provisions of Section 120 of Article 16 or any other provisions of the Annotated Code of Maryland or any local law of Baltimore City to the contrary notwithstanding, in the order, for the purposes, in the manner, to the extent and to the persons hereinafter mentioned, as follows:

First, for the removal, purchase of burial rights and appropriately inscribed bronze markers, and reinterment in the New Cathedral Cemetery, owned and operated by the Roman Catholic Archdiocese of Baltimore, for any and all bodies buried in St. Vincent’s and St. Peter’s Cemeteries for which any party shall respond to the trustees after reasonable notice to all known interested parties and publication of notice, all as directed by the court;

Second, for the removal, purchase of an appropriate common burial area in the New Cathedral Cemetery, reinterment in the common burial area and for the construction of an appropriate altar or monument to commemorate the burial area, for all persons buried in St. Peter’s and St. Vincent’s Cemeteries for whom no party responded to the trustee after reasonable public notice as directed by the court;

Third, for the elimination and removal of any and all existing conditions that are a menace or detrimental to the public health, safety, security or welfare, unless the contract covering the sale of such cemetery or burial ground provides for the abatement of those conditions within a reasonable period of time after the sale has been fully consummated;

Fourth, for the purpose of burial rights in the New Cathedral Cemetery for any party who discloses to the trustee evidence of his ownership of burial rights in St. Vincent’s or St. Peter’s Cemeteries; and for the establishment of an appropriate fund in the New Cathedral Cemetery Company to provide for burial rights for persons disclosing evidence of ownership of burial rights in St. Vincent’s or St. Peter’s Cemeteries to the Chancery Office of the Archdiocese of Baltimore or the management of the New Cathedral Cemetery Company subsequent to the Court’s termination of the trustee’s duties hereunder;

Fifth, after any and all expenses incurred for or in connection with doing any and all of the things mentioned in or contemplated by the first four items hereof, and the costs of conducting the necessary legal proceedings, including court costs, trustee’s commissions and legal fees, and all taxes, if any, have been paid in full, then any balance of the proceeds of sale remaining in the hands of the trustee shall be paid into the perpetual care

trust fund of the New Cathedral Cemetery Company, free, clear and discharged of, and from, any and all claims of any lot owners or other persons having an interest in St. Vincent's and St. Peter's Cemeteries, or the land or property contained therein, regardless of whether they may be entitled as original lot owners or heirs or assignees and regardless of whether they are residents, nonresidents, adults, infants or other persons under any legal incapacity.

*(1974, ch. 885; 1979, ch. 140.)*

**SUBTITLE 3  
ELECTRICAL APPARATUS AND WIRING**

**Editor’s Note:** As indicated in §3-19, this subtitle automatically terminated July 1, 1983. Ordinance 83-931, which enacted §§3-20 and 3-21 of this subtitle, also enacted a new set of provisions governing the licensing and regulation of electricians and electrical work. These provisions are codified in Article 13, Subtitle 17 (“Board of Electrical Examiners and Supervisors”) of the Baltimore City Code.

**§ 3-1. Board of Electrical Examiners — appointment; qualifications; terms.**

The Governor, with the advice of the Secretary of Licensing and Regulation, shall appoint a board subject to the advice and consent of the Senate which shall be known as the Board of Electrical Examiners and Supervisors, consisting of five (5) persons, each of whom shall serve a term of four years, after expiration of the initial terms provided herein, for the purpose of examining into the qualifications and capabilities of all persons who are engaged or desire to engage in the business of Master Electrician as defined in Section 3-5 of this Article. The Board of Electrical Examiners and Supervisors shall be a part of the Department of Licensing and Regulation.

The board so appointed shall be competent practical electricians and representatives of the general public of Baltimore City, all of whom shall be residents of Baltimore City during their entire term, and shall be selected as follows: three members who are practical electricians licensed in the City of Baltimore, one of whom shall be a member of the International Brotherhood of Electrical Workers of Maryland, and two members from the general public, and a majority of said Board shall constitute a quorum to transact the business thereof.

The term of office of the members first appointed after July 1, 1972, shall be as follows:

- one practical electrician shall be appointed for a term of four (4) years;
- one practical electrician shall be appointed for a term of three (3) years;
- one (1) practical electrician shall be appointed for a term of two (2) years;
- one (1) member of the general public shall be appointed for a term of four years and
- one (1) member of the general public shall be appointed for a term of one (1) year.

Should any vacancy occur from any cause during the term of any Board as herein provided, the Governor shall appoint someone from the categories as above provided, to fill such vacancy. The Governor shall have full power to remove any member of the Board for incompetency or improper conduct upon satisfactory evidence being presented to him of such condition.

The Governor shall appoint one member of said Board to act as chairman of the Board who shall serve as chairman, at the pleasure of the Governor.

In no event shall any member of said Board be appointed for more than two consecutive terms. (*P.L.L., 1915, §663A; 1927, §663A; 1930, §663A; 1938, §779; 1949, §479; 1969, §3-1.*) (*1906, ch. 244, sec. 1; 1949, ch. 671; 1961, ch. 667; 1970, ch. 402; 1972, ch. 684.*)

**§ 3-2. Board of Electrical Examiners — oath; officers; procedures.**

The members of said Board shall respectively take and subscribe the oath required by other State officers.

They shall have power to elect out of their number a president, secretary and treasurer, to adopt such rules and bylaws for the transaction of business of the Board as they may deem expedient.

*(P.L.L., 1915, §663B; 1927, §663B; 1930, §663B; 1938, §780; 1949, §480; 1969, §3-2.) (1906, ch. 244, sec. 2.)*

**§ 3-3. Board of Electrical Examiners — salaries.**

Each member of said Board shall receive an annual compensation of Twelve Hundred (\$1200) Dollars per year for actual service in attending meetings of the Board, plus a mileage allowance in accordance with the standard regulations when serving on official Board business, which compensation shall be paid out of any moneys in the hands of the State Treasurer to the credit of said Board; provided, that the secretary of said Board may receive such additional compensation as the Board may deem just and reasonable, and for which the bylaws of the said Board may provide; provided, however, that the compensation and expenses of said Board shall in no event be paid out of the funds in the State Treasury in excess of that credited to this Board or become a charge against the State.

*(P.L.L., 1915, §663C; 1927, §663C; 1930, §663C; 1938, §781; 1949, §481; 1969, §3-3.) (1906, ch. 244, sec. 3; 1957, ch. 450, §481; 1978, ch. 55.)*

**§ 3-4. Board of Electrical Examiners — meetings; powers and duties.**

Said Board shall meet at least twice a month in Baltimore City, and shall hold special meetings as frequently as the proper and efficient discharge of its business shall require, and

said Board shall adopt such rules and regulations for the examination of master or maintenance electricians as herein defined, and for maintaining or servicing or the placing, installing and operating electrical wires, appliances, apparatus or construction in, upon and about buildings in the said City of Baltimore, and when so adopted, such rules and regulations shall have the same force and effect as if herein contained, and the rules of said Board shall also provide for the giving of timely notice of such meetings to all those who shall have made application for a license as herein provided, and

said board shall give in writing to the chief of the municipal electrical inspectors of Baltimore City a detailed statement of all the licenses issued, renewed or revoked at any meeting of said board.

*(P.L.L., 1915, §663D; 1927, §663D; 1930, §663D; 1938, §782; 1949, §482; 1969, §3-4.) (1906, ch. 244, sec. 4; 1957, ch. 450, §482; 1978, ch. 53.)*

**§ 3-5. Master Electrician.**

(a) *“Master Electrician” defined; license.*

The term “Master Electrician”, as used in this subtitle shall be defined as and including any and all persons, firms, and corporations engaged in business of, or holding themselves out to the

public as engaged in the business of installing, erecting, or repairing, or contracting to install, erect, or repair electric wires or conductors, to be used for the transmission of electric current for electric light, heat, or power purposes, or mouldings, ducts, raceways, or conduits for the reception or protection of such wires or conductors, or to any electrical machinery, apparatus, devices, or fixtures to be used for electric light, heat, or power purposes.

A license of “Master Electrician” issued and in accordance with the provisions of this subtitle, shall entitle any such person, firm, or corporation so licensed to engage in the business of and to hold himself or itself out to the public as engaged in the business of installing, erecting, and repairing and of contracting to install, erect, and repair any electric wires or conductors, etc.

(b) *“Master Electrician, Restricted” defined; license.*

The term “Master Electrician, Restricted”, is defined as any person holding a license limited to servicing and installing electrical services and allied components no larger than 150 amperes-110/220 volt capacity restricted to a single phase operation to be used for electric light, heat, or power purposes in dwellings that do not contain more than 3 dwelling units.

A license of “Master Electrician, Restricted” issued under this subsection shall entitle the licensee to engage in the business and advertise to the public as engaging in the business of servicing and installing electrical service and allied components no larger than 150 amperes-110/220 volt capacity restricted to a single phase operation to be used for electric light, heat, or power purposes in dwellings that do not contain more than 3 dwelling units.

(c) *“Restricted Electrician” defined; license.*

The term “Restricted Electrician,” as used in this subtitle, is any person holding a license, or applying for a license, entitling such person, or applicant, to install, maintain, and repair the particular type or types of electrical equipment specified in the license.

A Restricted Electrician’s license shall be issued to any person determined to be qualified by an examination given by the Board and shall permit the holder to install, maintain and repair the particular type or types of electrical equipment specified in the license. The holder of this license shall be permitted to make installation of branch circuit wiring to the equipment being installed. This license may be issued to any firm or corporation if, and so long as, it has in its employ at least one holder of a Restricted Electrician’s license. The provisions of this subsection shall be subject to all existing licensing provisions including fees or bond, or both. (P.L.L., 1915, §663E; 1927, §663E; 1930, §663E; 1938, §783; 1949, §483; 1969, §3-5.) (1906, ch. 244, sec. 5; 1972, ch. 738; 1978, ch. 538.)

**§ 3-6. Maintenance Electrician.**

The term “Maintenance Electrician” as used in this subtitle shall be defined as and including all persons, firms and corporations engaged in the work of maintaining, servicing, and/or repairing any kind of electrically operated or controlled apparatus device, equipment, appliance, machinery, etc., only after the original electrical installations have been made by a master electrician licensed by this board and approved by the inspection authorities.

- (1) Any person, firm or corporation who does not hold a master electrician license and rendering a service to the public to maintain, service and/or repair any kind of electrically operated or controlled equipment, etc., must have at least one representative licensed as a maintenance electrician who is responsible to this board for all employees under his supervision.
- (2) Any person, firm or corporation doing its own maintenance, service and/or repairs, on its own premises, must have at least one representative so licensed who is responsible to this board for all employees working under his or their supervision.

Premises requiring a licensed representative unless they hold a master electrician license are: factories, industrial plants, department stores, theatres, public halls, office buildings, apartment houses, schools, arenas, and any other occupancy other than private dwelling houses, doing their own maintenance service, and/or repairs, doing its own maintenance, service and/or repairs.

Each license so issued shall designate which kinds of apparatus or equipment the licensed representative is qualified to maintain, service and/or repair.

- (3) This section shall not apply to any person, firm or corporation engaged in the repair and maintenance of electrical appliances and electrical home utilities insofar as making minor adjustments and repairs necessary in connection with the installation and repair of electrical appliances and utilities.

*(P.L.L., 1969, §3-6.) (1957, ch. 450, §483A.)*

### **§ 3-7. Licenses — required; examination; fee.**

Before any person, firm or corporation shall hereafter engage in the work or business of a master or maintenance electrician in Baltimore City, as defined in this subtitle, and before any person, firm or corporation now engaged in said work or business or any class thereof shall continue in said work or business of master or maintenance electrician, such person, firm or corporation shall apply to said board for a license, as herein required, whereupon the applicant shall pay an examination fee of fifteen dollars (\$15.00) and shall present himself before the said board at a time and place fixed by said board. In the event that an applicant fails to appear for an examination scheduled by the board, the board may require the applicant to pay another examination fee prior to rescheduling an examination for such applicant.

If the board shall find upon due examination that the applicant presenting himself has a reasonable knowledge of electricity and the natural laws and functions of electric wires, appliances and devices for electric light, heat, signal and power purposes, and is possessed of skill and of knowledge in all matters appertaining to the business of master or maintenance electrician, as defined in Sections 3-5 and 3-6 of this subtitle, then the said board, upon payment of the fee and upon executing the bond herein required for master electricians only

shall issue to the said person, firm or corporation, a license as master or maintenance electrician to practice said work or business for a term of one year; and

shall register such person, firm or corporation, as duly licensed master or maintenance electrician;

provided, however,

no person, firm or corporation who shall have been engaged in electrical maintenance or service work in the City of Baltimore for a period of two (2) years prior to April 2, 1906, shall be required to take the examination as provided in this section, before the issuance of such license, and

provided that no license shall be granted to any person under the age of twenty-one (21) years,

nor shall any license be granted to any person who has not taken and subscribed an oath that he, or in case of a corporation, the one managing the electrical work thereof, and, in case of a firm, the one managing the electrical work has had at least three (3) years actual experience as a master electrician, or two (2) years as a maintenance or service electrician within the meaning of Sections 3-5 and 3-6 of this subtitle, or as a journeyman electrician in such class or classes of electrical business or work as in the opinion of the board, shall have properly fitted the applicant for a license as a master or maintenance electrician.

Any person whose application for license shall have been rejected by said board shall have the right to appeal to a board of arbitration,

which shall consist of one person selected by the person making the appeal, one person selected by the board herein created, and these two to select a third person, and

the decision of said board of arbitration or majority of them, shall be final and binding upon all the parties to said appeal;

the members of said board shall be paid the sum of five dollars (\$5.00) each, which sum shall be deposited with the board herein created by the person taking said appeal, and

if the said board of arbitration shall affirm the decision of the board herein created, the money so deposited shall be used to pay said board;

if, however, such decision be reversed, the said Board of Arbitration shall be paid out of the funds in the hands of the Board herein created, and said deposit of fifteen dollars (\$15.00) shall be returned;

provided, further, that each applicant shall pay to the Treasurer of said Board of Electrical Examiners, the sum of thirty-five dollars (\$35.00) for master or twenty-five dollars (\$25.00) for maintenance license and

provided, further, that every person, firm or corporation before receiving a master electrician's license shall make, execute and deliver to said Board a good and sufficient bond to be approved by said Board, in the name of the State of Maryland, in the penal sum of two thousand five hundred dollars (\$2,500.00), the bond to be conditioned upon the faithful performance of any and all work entered upon or contracted for by said Master Electrician, and to save harmless the owner, or real party in interest in the property for which any such material is furnished, or services performed against loss, damage and injury which shall arise through want of skill, or through the failure to use suitable or proper material in the performance of any work contracted for or undertaken by said

Master Electrician, or his or its agents or employees, and an action may be maintained thereon in the name of such owner or real party in interest only, if commenced within one (1) year from and after the date of the installation of the materials furnished or performance of such work or service.

(*P.L.L., 1915, §663F; 1927, §663F; 1930, §663F; 1938, §784; 1949, §484; 1969, §3-7.*) (*1906, ch. 244, sec. 6; 1957, ch. 450, §484; 1972, ch. 139; 1974, ch. 45.*)

### **§ 3-8. Licenses — expiration date.**

Each and every license issued under the provisions of this subtitle shall be evidence in any Court of the City named herein of the business for which the license is issued. Biennial renewals shall expire on the first day of May in each odd-numbered year.

(*P.L.L., 1915, §663G; 1927, §663G; 1930, §663G; 1938, §785; 1949, §485; 1969, §3-8.*) (*1906, ch. 244, sec. 7; 1982, ch. 776.*)

### **§ 3-9. Licenses —renewals.**

No person, firm or corporation granted a license under the provisions of this subtitle shall install, maintain, service, or repair electrical wires, conductors or apparatus for electric light, heat or power purposes after the expiration of said licenses *{license}*, or after said license shall have been suspended or revoked as herein provided; unless the said license or renewal of same shall have been renewed so *{as}* herein provided; provided, that any person, firm or corporation so granted a license under the provisions of this subtitle (unless the said license shall have been revoked or suspended as hereinafter provided), shall be granted a renewal of said license without examination of the applicant, provided application is made to the said Board by the holder of such license within the three months preceding the expiration of such a license, upon payment of a fee of \$50 for a master electrician's license and \$30 for a maintenance electrician's license, and the said renewal of said license shall be for a period of 2 years, and any such renewal of such license shall have the same weight as evidence in any court of this State as hereinafter provided for said original license; provided also, that renewals shall be granted in like manner upon expiration of any renewal of license upon making like application and paying like fee, within three months preceding the expiration of said renewal.

(*P.L.L., 1915, §663H; 1927, §663H; 1930, §663H; 1938, §786; 1949, §486; 1969, §3-9.*) (*1906, ch. 244, sec. 8; 1957, ch. 450, §486; 1972, ch. 139; 1982, ch. 776.*)

### **§ 3-10. Licenses — suspensions and revocations.**

Said Board shall have full power to suspend for not more than ninety (90) days or revoke for proper cause any license or renewal of same after a full hearing of all parties in interest.

(*P.L.L., 1915, §663-1; 1927, §663-1; 1930, §663-1; 1938, §787; 1949, §487; 1969, §3-10.*) (*1906, ch. 244, sec. 9; 1957, ch. 450, §487.*)

### **§ 3-11. Licenses — surety bond.**

(a) *License inactive if renewed without bond.*

Any licensee required to file a bond may renew the license without the filing of a bond, if the license is held by the Board as inactive until the appropriate bond is filed.

(b) *Work prohibited unless bond in full effect.*

A licensee may not install, maintain, service, or repair electrical wires, conductors, or apparatus for electric heat, light, or power purposes unless the licensee has filed with the Board an approved bond which is in full force and effect as provided in Section 3-7 of this subtitle.

*(P.L.L., 1915, §663J; 1927, §663J; 1930, §663J; 1938, §788; 1949, §488; 1969, §3-11.) (1906, ch 244, sec. 10; 1982, ch. 246.)*

**§ 3-12. Licenses — display.**

Any and all persons granted a license or renewal of same shall display the same in a conspicuous place in the office or place of business of such licensee.

*(P.L.L., 1915, §663K; 1927, §663K; 1930, §663K; 1938, §789; 1949, §489; 1969, §312.) (1906, ch. 244, sec. 11.)*

**§ 3-13. Application of subtitle.**

Nothing in this subtitle shall be construed to prevent any person from doing or performing the kinds of work enumerated in Sections 3-5 and 3-6 of this subtitle, provided that such work is performed under the direction and supervision of a duly licensed Master or Maintenance Electrician; but no such work shall be performed excepting under such direction and supervision of a duly licensed Master or Maintenance Electrician, and the said licensed electrician shall be responsible for any and all work so done under his direction and supervision.

*(P.L.L., 1915, §663L; 1927, §663L; 1930, §663L; 1938, §790; 1949, §490; 1969, §3-13.) (1906, ch. 244, sec. 12; 1957, ch. 450, §490.)*

**§ 3-14. Penalties.**

Any person, firm or corporation who shall practice or engage or continue in the work of a Master or Maintenance Electrician without having complied with all the provisions of this subtitle, and any person not licensed as Master or Maintenance Electrician, who shall do or perform any such work except under the direction of a Master or Maintenance Electrician, and any person having been licensed as a Master or Maintenance Electrician and who shall fail to renew his license as herein provided, and shall do or perform any such work, or who shall violate any of the provisions of this subtitle, shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) or to an imprisonment not exceeding ninety (90) days, or both, in the discretion of the Court, and any such conviction shall ipso facto revoke and annul any license that may have been issued to such person.

*(P.L.L., 1915, §663M; 1927, §663M; 1930, §663M; 1938, §791; 1949, §491; 1969, §3-14.) (1906, ch. 244, sec. 13; 1957, ch. 450, §491.)*

**§ 3-15. Licenses not assignable.**

No license or renewal of same granted or issued under the provisions of this subtitle shall be assignable or transferable, and every such license and renewal of same shall specify the name of the person, firm or corporation to whom it is issued, and in the case of a firm, the member of said firm,

and in case of a corporation, the principal officer or the designated representatives of said corporation, through whom the application for the said license was made.

*(P.L.L., 1915, §663N; 1927, §663N; 1930, §663N; 1938, §792; 1949, §492; 1969, §3-15.)*  
*(1906, ch. 244, sec. 14.)*

### **§ 3-16. Fees.**

All fees collected under the provisions of this subtitle shall be for the use of said Board to defray its necessary expenses.

*(P.L.L., 1915, §663-0; 1927, §663-0; 1930, §663-0; 1938, §793; 1949, §493; 1969, §3-16.)*  
*(1906, ch. 244, sec. 15.)*

### **§ 3-17. Board reports.**

It shall be the duty of the said Board before the first Monday of May of each year to make a report in writing to the Governor of the State, containing a detailed statement of the nature of the receipts and manner of expenditure, and any balance of money remaining at the end of the year, after payment of expenses, shall be reserved by the treasurer of said Board to meet the expenses for the ensuing year.

*(P.L.L., 1915, §663P; 1927, §663P; 1930, §663P; 1938, §794; 1949, §494; 1969, §3-17.)*  
*(1906, ch. 244, sec. 16.)*

### **§ 3-18. Exceptions.**

The provisions of this subtitle shall not apply to journeymen electricians or apprentices while such journeymen or apprentices shall be practicing their trade of journeymen electrician or apprentice, nor to any electric light company, electric railway company, steam railway company, telegraph or telephone company doing such work in its own buildings, upon its own plants.

*(P.L.L., 1915, §663Q; 1927, §663Q; 1930, §663Q; 1938, §795; 1949, §495; 1969, §3-18.)*  
*(1906, ch. 244, sec. 17.)*

### **§ 3-19. Termination of subtitle: July 1, 1983.**

The provisions of this subtitle creating the Board of Electrical Examiners and Supervisors and relating to the regulation of electrical examiners and supervisors and any regulations promulgated under this subtitle are of no effect and may not be enforced after July 1, 1983.

*(1978, ch. 808.)*

### **§ 3-20. Conflict of laws.**

If any part of this subtitle is inconsistent with any provision of any Baltimore City ordinance (whenever enacted) covering the subject matter of licensing and regulating electrical work, the ordinance provision controls and the inconsistent part of this subtitle is repealed to the extent of the inconsistency.

*(Ord. 83-931.)*

**§ 3-21. Transfer of records.**

All official records of the Board of Electrical Examiners and Supervisors of the State of Maryland kept in the ordinary course of business shall be turned over to any successor board created by ordinance of the Mayor and City Council of Baltimore and such successor board may make appropriate disposition of any matter pending before the State Board at the close of business on June 30, 1983.

*(Ord. 83-931.)*

**SUBTITLE 4**  
**EXAMINING ENGINEERS**

*Repealed by Ch. 613, Acts of 2005*

**Editor's Note:** Chapter 613, Acts of 2005, repealed former Subtitle 4 {"Examining Engineers"}, effective October 2, 2005, and enacted a new statewide law governing Stationary Engineers. See State Business Occupations and Professions Article, Title 6.5.

**SUBTITLE 5  
HARBOR****§ 5-1. Title to made land.**

The Mayor and City Council are vested with the right and title to any land made or to be made by them out of the water in making and completing the improvements of the City dock, according to the plan heretofore adopted by them; provided, that nothing contained in this section shall be construed to interfere with the vested rights of individuals.

*(P.L.L., 1860, §193; 1888, §358; 1915, §467; 1927, §467; 1930, §467; 1938, §560; 1949, §316; 1969, §5-1.) (1898, ch. 123, §467.)*

**§ 5-2. Vessel obstructing another — prohibited conduct.**

No vessel shall lie at any wharf, pier or dock, or adjoining same, in such manner as to obstruct or prevent the free passage of any vessel to or from some other berth in the same or another wharf, pier or dock.

The master of any vessel refusing to comply with the provisions of this section within one hour from the time notice to move his said vessel shall have been served upon him by the harbor master or a police officer of Baltimore City, shall be guilty of a misdemeanor, and shall be subject to a fine of not more than twenty dollars for every hour thereafter said obstruction continues.

*(P.L.L., 1860, §194; 1888, §359; 1915, §468; 1927, §468; 1930, §468; 1938, §561; 1949, §317; 1969, §5-2.) (1880, ch. 418; 1898, ch. 123, §468; 1908, ch. 170.)*

**§ 5-3. Vessel obstructing another — limitation of liability.**

Provided, however, that, except in regard to docks and wharves owned by the Mayor and City Council of Baltimore, nothing contained in any section or provision of this Article shall be construed to impose any duty upon the Mayor and City Council of Baltimore to any person or corporation using the Patapsco River, or any branch or tributary thereof, in regard to the safety thereof, or to render the said Mayor and City Council of Baltimore liable for any loss of life or injury or damage to person or property, by reason of any obstruction in, or unsafe condition of, any part of said river or of said branches or tributaries, or either of them.

*(P.L.L., 1860, Art. 4, §§196, 197; 1888, §360; 1915, §469; 1927, §469; 1930, §469; 1938, §562; 1949, §318; 1969, §5-3.) (1880, ch. 418; 1898, ch. 123, §469; 1908, ch. 170; 1912, ch. 32.)*

**SUBTITLE 6**  
**JONES' FALLS**

**§ 6-1. Applicability of sewer and street provisions.**

None of the provisions of this article in reference to constructing sewers and opening and paving streets in the City of Baltimore shall apply to the construction of sewers, and to the opening and paving of the streets and avenues for which provision is made in this article relating to Jones' Falls, except insofar as the said provision may be made applicable thereto by an ordinance of the Mayor and City Council of Baltimore, passed for the purpose; and provided further, that no appeal shall lie from the decisions of the Circuit Court for Baltimore City in proceedings in said Court under the provisions of this article relating to Jones' Falls.

*(P.L.L., 1888, §579; 1915, §600; 1927, §600; 1930, §600; 1938, §685; 1949, §380; 1969, §6-1.) (1870, ch. 115; 1898, ch. 123, §600; 1986, ch. 345.)*

**§ 6-2. Ordinance of 1870.**

All of the provisions of an ordinance of the Mayor and City Council of Baltimore, entitled an ordinance to provide for the improvement of Jones Falls within the limits of the City of Baltimore, approved January 31, 1870, shall have the same force, effect and operation, and be in all respects as valid as if the said ordinance had been passed after the approval of the Act of 1870, Chapter 115, or had been passed after the enactment of a law by the General Assembly of Maryland authorizing and empowering the Mayor and City Council of Baltimore to pass such an ordinance.

*(P.L.L., 1888, §580; 1915, §601; 1927, §601; 1930, §601; 1938, §686; 1949, §381; 1969, §6-2.) (1870, ch. 115; 1898, ch. 123, §601.)*

**SUBTITLE 7  
JURORS**

**§ 7-1. Jury selection policy.**

*Repealed by Ch. 345, Acts of 1986.*

**§ 7-2. Rules; Jury Judge.**

*Repealed by Ch. 345, Acts of 1986.*

**§ 7-3. Qualifications of jurors.**

*Repealed by Ch. 345, Acts of 1986.*

**§ 7-4. Procurement and selection of jurors.**

*Repealed by Ch. 345, Acts of 1986.*

**§ 7-5. Lists of registered voters.**

*Repealed by Ch. 345, Acts of 1986.*

**§ 7-6. Sheriff to summon jurors.**

*Repealed by Ch. 345, Acts of 1986.*

**§ 7-7. Grand Jury Clerk and reporters.**

The Circuit Court for Baltimore City is authorized to appoint a qualified person to serve as Grand Jury Clerk, who shall be on the staff of the Jury Commissioner, serve at the pleasure of the Circuit Court for Baltimore City, and be paid such salary as shall be provided in the budget of the Court.

The Circuit Court for Baltimore City is authorized to employ such official reporters as may be necessary to record the proceedings before the grand jury, and such reporters shall be paid such salaries as shall be provided in the budget of the Court.

*(P.L.L., 1969, §7-8.) (1968, ch. 748, §389; 1986, ch. 345; 2006, ch. 372.)*

**§ 7-8. Duties of Grand Jury.**

*Repealed by Ch. 372, Acts of 2006.*

**§ 7-9. Penalties.**

*Repealed by Ch. 345, Acts of 1986.*

**§ 7-10. General provisions.**

*Repealed by Ch. 372, Acts of 2006.*

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**SUBTITLE 8**  
**JUSTICES OF THE PEACE AND CONSTABLES**

*Repealed by Ch. 783, Acts of 1978*

**SUBTITLE 9  
LANDLORD AND TENANT**

*IN GENERAL*

**§ 9-1. Distress for rent precluded for tenancies of less than 3 months.**

In all cases of any demise or agreement for rental, express or implied, verbal or written, hereafter to be made of lands or tenements, whether real estate or chattels real, within the limits of the City of Baltimore, for less term than three calendar months, the remedy of distress for rent due be and the same is hereby taken away and altogether superseded.

*(P.L.L., 1888, §634; 1915, §650; 1927, §650; 1930, §650; 1938, §750; 1949, §455; 1969, §9-1.) (1888, ch. 487; 1890, ch. 327; 1898, ch. 123, §650.)*

**§ 9-2. Repossession of premises — authorized.**

Whenever the tenant under any demise or agreement of rental, express or implied, verbal or written, of lands or tenements, whether real estate or chattels real within the limits of the City of Baltimore, shall fail to pay the rent thereunder when due and payable, it shall be lawful for the lessor to have again and repossess the premises so rented. The filing of a complaint in summary ejectment under this subtitle, the trial of said cause and the granting of a judgment of restitution shall not preclude the plaintiff or the owner of said premises from filing and maintaining an independent suit for rent due and unpaid.

*(P.L.L., 1888, § 635; 1915, §651; 1927, §651; 1930, §651; 1938, §751; 1949, §456, 1969, §9-2.) (1888, ch. 487; 1890, ch. 327; 1898, ch. 123, §651; 1943, ch. 599; 1987, ch. 245.)*

**§ 9-3. Repossession of premises — procedure.**

Whenever any lessor shall desire to have again and repossess any premises to which he is entitled under the provisions of the preceding section, he or his duly qualified agent or attorney, shall make his written complaint under oath or affirmation, in the District Court of Baltimore City, and describing therein in general terms the property sought to be had again and repossessed as aforesaid, and also setting forth the name of the tenant to whom the same is rented, or his assignee or under tenant or tenants, with the amount of rent thereon due and unpaid; and praying by warrant to have again and repossess the premises, together with judgment for the amount of rent due and costs; and it shall thereupon be the duty of said District Court of Baltimore City forthwith to issue summons directed to a constable of said court, ordering him to notify said tenant, assignee or undertenant forthwith to appear before the said District Court at trial to held on the fifth day after the filing of said complaint, except as hereinafter provided, to show cause why the prayer of said lessor should not be granted as aforesaid, and the said constable shall forthwith proceed to serve said summons on or before the third day after the filing of said complaint, upon said tenant, assignee or under tenant in said premises, or upon his or their known or authorized agent, or said constable shall affix an attested copy of said summons conspicuously upon said premises, and such affixing of said summons shall, for the purposes of this subheading of this article, be deemed and construed a sufficient service upon all persons whomsoever.

*(P.L.L., 1888, §636; 1915, §652; 1927, §652; 1930, §652; 1938, §752; 1949, §457; 1969, §9-3.) (1888, ch. 487; 1890, ch. 327; 1898, ch. 123, §652; 1943, ch. 441; 1970, ch. 731; 1979, ch.125.)*

**§ 9-4. Suit for rent due — authorized.**

The filing of a complaint in summary ejectment under this subtitle, the trial of said cause and the granting of a judgment of restitution shall not preclude the plaintiff or the owner of said premises from filing and maintaining an independent suit for rent due and unpaid.  
*(P.L.L., 1949, §458; 1969, §9-4.) (1949, ch. 215, §752½.)*

**§ 9-5. Suit for rent due — judgment.**

(a) *In general.*

If, at the trial aforesaid, the judge shall be satisfied the interest of justice will be better served by an adjournment, he may adjourn the trial for a period not exceeding seven days, except by consent of the parties, and if at said trial or due adjournment, as aforesaid, it shall appear to the satisfaction of the judge before whom said complaint has been tried as aforesaid, that the rent or any part of the rent for said premises is actually due and unpaid, then the said judge shall give judgment in favor of said lessor for the amount of rent found due, with costs of suit, and shall order that said tenant and all persons claiming or holding by or under said tenant shall yield and render up possession of said premises unto said lessor, or unto his duly qualified agent or attorney within 4 days thereafter; provided, however, that upon presentation of certificate signed by a practicing physician certifying that surrender of said premises within said period of 4 days would endanger the health or life of any occupant thereof, said judge may, at the trial or subsequent thereto, extend the time for such surrender of the premises upon such terms and for such period or periods as he shall deem necessary and just.

If the interval between the filing of the landlord’s complaint and the trial of the cause shall be more than three days, any order or judgment of said court with respect to the payment of rent shall include all rent due and unpaid up to and including the day of trial; and the proceedings amended to set forth the basis of said judgment or order.

(b) *Tenant’s right of redemption.*

(1) *Redemption on payment before eviction.*

In any action of summary ejectment for failure to pay rent where the landlord is awarded a judgment giving him restitution of the leased premises, the tenant has the right to redemption of the leased premises by tendering in cash, certified check or money order to the landlord or his agent all past due rent and late fees, plus all court awarded costs and fees, at any time before actual execution of the eviction order.

(2) *Not available to certain tenants.*

The right of redemption is not available to a tenant if the landlord alleges and shows that more than three judgments of restitution were issued against the tenant in the 12 months preceding the filing of the landlord’s complaint.

(3) *Tenant may raise other defenses.*

Nothing in this section shall preclude a tenant in any summary ejectment action from raising any defense available under the Public Local Laws of Baltimore City. If a tenant prevails on any of these defenses, the judgment, whether or not it includes a judgment of restitution against the tenant, shall not be considered a judgment of restitution for purposes of paragraph (2) of this subsection.

*(P.L.L., 1888, §637; 1915, §653; 1927, §653; 1930, §653; 1938, §753; 1949, §459; 1969, §9-5.) (1888, ch. 487; 1890, ch. 327; 1898, ch. 123, §653; 1939, ch. 742; 1943, ch. 441, §753; 1949, ch. 211, §753; 1955, ch. 176, §459; 1981, ch. 685; 1996, ch. 586.)*

**§ 9-6. Suit for rent due — warrant of restitution.**

In case judgment shall be given in favor of said lessor in the manner aforesaid, and the tenant shall fail to comply with the requirements of the said order there shall issue, on the order of the lessor, a warrant directed to a constable of the District Court, directing said constable to cause said lessor to have again and repossess said premises by putting him in possession thereof, and for that purpose to remove from said premises, by force if necessary, all the furniture, implements, tools, goods, effects or other chattels of every description whatsoever belonging to said tenant, or to any person claiming or holding by or under said tenant.

A Judge of the District Court shall have the power to pass such order or orders as may be necessary, in his discretion, to accomplish the reversion of possession in the landlord.

If the lessor does not order a warrant of restitution within sixty (60) days from date of judgment or from the expiration date of any stay of execution that may have been entered by agreement, whichever shall be the later, the case shall be considered as dismissed.

*(P.L.L., 1888, §638; 1915, §654; 1927, §654; 1930, §654; 1938, §754; 1949, §460; 1969, §9-6.) (1888, ch. 487; 1890, ch. 327; 1898, ch. 123, §654; 1939, ch. 742; 1943, ch. 441, §754; 1955, ch. 176, §460; 1972, ch. 692; 1973, ch. 351.)*

**§ 9-7. Suit for rent due — appeal; bond.**

Any party aggrieved may appeal from the judgment of the District Court to the Circuit Court for Baltimore City, at any time within 4 days from the rendition of such judgment; the tenant in order to stay any execution of the judgment, shall give a bond to the landlord with one or more securities, who are owners of sufficient leasehold or real estate in Baltimore City, or the tenant shall provide such security in the form of either a corporate or cash bond, with condition to prosecute the appeal with effect, and answer to the landlord, or the landlord's personal representative, in all costs and damages mentioned in the judgment and such other damages as shall be incurred and sustained by reason of said appeal; the aforesaid bond shall not affect in any manner the right of the lessor to proceed against said tenant, assignee or under tenant for any and all rents that may become due and payable to the lessor after the rendition of said judgment.

*(P.L.L., 1888, §639; 1915, §655; 1927, §655; 1930, §655; 1938, §755; 1949, §461; 1969, §9-7.) (1888, ch. 487; 1890, ch. 327; 1898, ch. 123, §655; 1943, ch. 441; 1949, ch. 211, §755; 1961, ch. 156; 1986, ch. 345; 1996, ch. 586.)*

**§ 9-8. Death of tenant.**

(a) *General right of spouse, etc.*

If a tenant under any demise for the tenant’s residential use, other than a tenant of housing assisted under a program administered by the Housing Authority of Baltimore City, shall die, the surviving spouse, or any member of his immediate family who has occupied the premises with the deceased tenant at the time of his death shall have the right, upon payment to the landlord of the agreed rent (including any rent that may be in arrears at the time of tenant’s death) to be substituted as tenant to the same extent as the original tenant.

(b) *Housing Authority – General right of spouse, etc.*

If a tenant of housing assisted under a program administered by the Housing Authority of Baltimore City shall die, the surviving spouse or other member of the deceased tenant’s immediate family who is an occupant of the premises at the time of the tenant’s death may be considered eligible to enter into a lease in accordance with federal regulations and the admissions and continued occupancy policy of the housing, if the occupant:

- (1) is listed as a household member on the deceased tenant’s current leasing, recertification, and related documents; and
- (2) qualifies for continued occupancy, based on the eligibility requirements set forth in the admissions and continued occupancy policy of the housing and federal regulations.

(c) *Housing Authority – Failure to satisfy requirements.*

If the surviving spouse or other member of the deceased tenant’s immediate family who is an occupant of the premises at the time of the tenant’s death does not satisfy the conditions in subsection (b)(1) and (2) of this section, the Housing Authority of Baltimore City may initiate legal proceedings to evict the occupant no earlier than 10 days following the date of the tenant’s death.

(d) *Summary ejectment – Personal representative.*

If a tenant shall die, the landlord shall have the right to summary ejectment for nonpayment of rent by making the personal representative of the deceased tenant the party defendant.

(e) *Summary ejectment – No personal representative.*

If a tenant shall die and no letter shall be issued on his estate to a personal representative, then the landlord after he shall have filed a statement under oath setting forth these facts shall have the right to proceed in summary ejectment for nonpayment of rent by naming the estate of the deceased tenant as the defendant. In such case the summons shall be served upon the occupant of the premises; and if the premises be unoccupied, then the summons shall be served upon one of the next of kin of the deceased tenant, if known. If there be no occupant at the premises or known next of kin available for service then the summons shall be affixed to the premises.

*(P.L.L., 1949, §462; 1969, §9-8.) (1949, ch. 215, §755½; 1987, ch. 245; 2007, ch. 624.)*

***RENT ESCROW LAW*****§ 9-9. In general.***(a) Findings and purposes.*

- (1) It is found and declared that there exist in the City of Baltimore structures used for human habitation which are, or may become in the future, substandard with respect to structure, equipment or maintenance; and that such conditions constitute a menace to the health, safety, welfare and reasonable comfort of its citizens.
- (2) It is further declared that in order to assure that dwellings meet certain minimum requirements as established by this Act tenants must have the free, unencumbered right of complaint to their landlords, the courts and governmental agencies.
- (3) It is further declared that retaliation, without cause, by landlords through eviction, rental increases or other action, and tenants' fear of such retaliation, may have restricted the exercise of these rights.
- (4) It is therefore declared that the interests of public policy require that meaningful sanctions be imposed upon those who would perpetrate or perpetuate such conditions and that such retaliatory actions on the part of landlords be proscribed. The sanctions are intended to protect the life, health and safety of tenants and are not to be used to have premises redecorated or to have minor code violations corrected. It is also not the intention that such sanctions be used by either landlords or tenants as a means of harassment.

*(b) Assertion of hazard or threat — authorized.*

Where property situated in the City of Baltimore is leased for the purpose of human habitation, the tenant of such property may assert that there exists upon the leased premises, or upon the property used in common of which the leased premises form a part, a condition or conditions which constitute, or if not promptly corrected, will constitute a fire hazard or serious threat to the life, health, or safety of occupants thereof, including but not limited to, a lack of heat or of hot or cold running water (except if the property is a one-family dwelling or a multiple dwelling where the tenant is responsible for payment of the water charge and where the lack of such water is the direct result of the tenant's failure to pay the water charge) or of light or of electricity or of adequate sewage disposal facilities or an infestation of rodents (except if the property is a one-family dwelling) or of the existence of paint containing lead pigment on surfaces within the dwelling, provided that the landlord has notice of the painted surfaces, and if such condition would be in violation of the Baltimore City Housing Code.

*(c) Assertion of hazard or threat — how made.*

The assertion described in subsection (b), above, may be made:

- (1) on the initiative of the tenant by his filing in District Court in Baltimore City a declaration setting forth such assertion and praying for one or more forms of relief as enumerated in subsection (f) below, or

(2) by the tenant as a defense in answer to an action of distress for rent or in any complaint proceeding brought by a landlord to recover rent or the possession of leased premises for nonpayment of rent (including a proceeding brought under Section 9-2 hereof).

(d) *Assertion of hazard or threat — preconditions.*

The assertion by the tenant, whether made by complaint or answer, shall be conditioned upon the following:

(1) *Prior notice to landlord.*

Prior to the commencement of the action by the tenant or by the landlord, the landlord or his agent was notified in writing by certified mail (return receipt) of the condition or conditions described in subsection (b), above, or was notified of such condition or conditions by a violation or condemnation notice from an appropriate State or municipal agency, or received actual notice of the defects or conditions, but that the landlord has refused, or having a reasonable opportunity to do so, has failed to remedy the same.

For the purposes of this subsection, what period of time shall be deemed to be unreasonable delay is left to the discretion of the court except that there shall be a rebuttable presumption that a period in excess of thirty (30) days from receipt of the notification by the landlord is unreasonable; and

(2) *Payment of rent into court.*

Payment by the tenant into court of the amount of rent called for under the lease at the time of any assertion of rent escrow, unless or until such amount is modified by subsequent order of the court under subsection (f)(4), below.

(3) *Tenant’s prior payment record.*

The court has entered against the tenant not more than five judgments of restitution for rent due and unpaid in the year immediately prior to the initiation of the action by the tenant or by the landlord. If the tenant has lived on the premises six months or less and the court has entered against the tenant three judgments of restitution for rent due and unpaid, the tenant shall not be entitled to make an assertion against the landlord as described in subsection (b) of this section.

(e) *Landlord’s defenses.*

It shall be sufficient answer or rejoinder to such a declaration or defense if the landlord establishes to the satisfaction of the court that

- (1) the notice requirement as set forth in subsection (d)(1) has not been met, or
- (2) the condition or conditions alleged by the tenant do not in fact exist, or
- (3) such condition or conditions have been removed or remedied, or

- (4) such condition or conditions have been caused by the tenant or members of his family or his or their invitees or assignees, or
- (5) the tenant has unreasonably refused entry or unreasonably failed to make arrangements to be home for the entry to the landlord or his agent to the premises for the purpose of correcting such condition or conditions.

(f) *Court order.*

The court shall make findings of fact on the issues before it and shall make any order that the justice of the case may require. Such an order may include, but is not limited to, any one or more of the following:

- (1) Termination of the lease or ordering the premises surrendered to the landlord.
- (2) Ordering all monies already accumulated in escrow disbursed to the landlord or to the tenant in accordance with subsections (f)(4), (f)(5), or (g).
- (3) Ordering that the escrow be continued until the complained-of condition or conditions be remedied.
- (4) Ordering that the amount of rent, whether paid into the escrow account or paid to the landlord, be abated as determined by the court in such an amount as may be equitable to represent the existence of the condition or conditions found by the court to exist. In all such cases where the court deems that the tenant is entitled to relief under this Act, the burden shall be upon the landlord to show cause why there should not be an abatement of the rent.
- (5) Ordering any amount of monies accumulated in escrow disbursed to the tenant (where the landlord refuses to make repairs after a reasonable time) or to the landlord or to a contractor chosen by the landlord in order to make repairs or to otherwise remedy the condition. In either case, the court shall make an order to insure that monies thus disbursed will be in fact used for the purpose of making repairs or effecting a remedy.
- (6) Referring any matter before the court to the proper State or municipal agency for investigation and report and granting a continuance of the action or complaint pending receipt of such investigation and report. When such a continuance is granted, the tenant shall deposit with the court rents, subject to any abatement under subsection (f)(4), above, which become due during the period of the continuance to be held by the court pending its further order; or
- (7) In its discretion, ordering escrow funds disbursed to pay a mortgage on the property in order to stay a foreclosure.
- (8) Order the landlord to make the repairs or correct the conditions complained of by the tenant and found by the court to exist.

(g) *Award of escrow to tenant.*

Notwithstanding any provision of subsection (f), above, where an escrow account is established by the court and the condition or conditions are not fully remedied within six months of the establishment of such account, and the landlord has not made reasonable attempts to remedy the condition, the court shall award all monies accumulated in escrow shall be disbursed to the tenant. In such event, the escrow shall not be terminated, but shall begin upon a new six month period with the same result if, at the end thereof, the condition or conditions have not been remedied.

(h) *Initial hearing.*

The initial hearing must be held within fifteen (15) calendar days from the posting by the court of notification of the hearing as provided in paragraph (j), except that the court shall order an earlier hearing where emergency conditions are alleged to exist upon the premises such as, failure of heat in winter, lack of adequate sewage facilities or any other condition which constitutes an immediate threat to the health or safety of the inhabitants of the leased premises.

(i) *Additional hearings.*

The court, on motion of either party or on its own motion, may hold hearings subsequent to the initial proceeding in order to further determine the rights and obligations of the parties.

Distribution of escrow monies may only occur by order of the court after a hearing after both parties are given reasonable notice or upon motion of both the landlord and tenant or upon certification by the housing inspector that the work required by the court to be done has been satisfactorily completed.

(j) *Notice of hearings.*

In the case of all motions and other papers requiring a hearing thereon, the court shall notify by certified mail (return receipt) the opposite party, and all other persons required to be notified, stating the date, time and purpose of the hearing. Refusal by a party to accept such notification or his unreasonable delay in accepting it shall not bar any remedy to which the opposite party may otherwise be entitled.

(k) *Rent increase, eviction, etc.*

No tenant shall be subject to an increase in rent, eviction from the premises or decrease in services which by law are required to be provided by the landlord, for a period of six months following determination of the merits of the case by the court, unless the court finds that the complaint or defense by the tenant has not been raised in good faith, or unless the court finds that the rent has been increased or the tenant evicted for good cause. After a period of six months following the determination of the merits of the initial case by the court, the burden of proof shall be on the tenant.

- (l) Failure of the tenant to raise the complaint or defense in good faith is not equivalent to failure to raise the complaint or defense successfully. To raise the complaint or defense in good faith, the tenant must have to have had the reasonable expectation that such complaint or defense would be successful under this Act.

- (2) Good cause to evict or to raise the rent includes a finding that:
- (a) the condition or conditions which formed the basis of the tenant's complaint or defense were caused by an act or omission of the tenant or members of his family or his invitees or assignees, but such acts or omissions are beyond those which constitute ordinary wear and tear; or
  - (b) the landlord seeks in good faith to recover possession of the property for his immediate personal use as a dwelling; or
  - (c) the landlord has contracted in good faith and in writing, to sell the property for immediate personal use and occupancy as a dwelling by the purchaser; or
  - (d) the landlord must increase the rent due to a substantial increase in taxes or a substantial increase in maintenance or operating costs not associated with the condition or conditions asserted in any proceeding under this Act; or
  - (e) The landlord has completed a substantial capital improvement of the leased premises or the property of which the leased premises are a part and which improvement benefits the leased premises, but that such improvement is not associated with the condition or conditions asserted in any proceeding under this Act.
- (3) The provisions of this subsection (subsection (k)) shall apply also to a tenant who in good faith reports a potential housing code violation to the appropriate State or municipal agency regardless of his intent to proceed under any other portion of this Act except that no landlord shall be bound not to increase the rent of such a tenant in excess of six (6) months following the determination of the merits of the initial case by the court. Nothing in this subsection shall alter the landlord's or tenant's right to terminate or not renew a written lease for one year or longer under the forms contained therein; provided, however, that such written lease shall not be used to defeat the intent and provisions of this Act.

(l) *Repossession to raze or board up premises*

A landlord may repossess his premises after giving a proper sixty-day notice to the tenant of the landlord's desire to repossess the premises provided that the landlord, in good faith, intends to raze or board up his premises and intends to obtain a permit to do so.

(m) *Waiver prohibited.*

Any provision of a lease or other agreement whereby any provision of this Act for the benefit of a tenant, resident or occupant of a dwelling is waived shall be deemed to be against public policy and shall be void.

(n) *Application to State and City.*

This Act shall also apply to any residential premises located in Baltimore City leased by an agency of the State of Maryland or the City of Baltimore.

(P.L.L., 1969, §9-9.) (1968, ch 459; 1971, ch. 687; 1979, ch. 455; 1986, ch. 557; 1988, ch. 488; 1989, ch. 813.)

**§ 9-9A. Landlord’s noncompliance with lease.**

(a) *Tenant may raise.*

In addition to the provisions of Section 9-9, in an action for recovery of rent or for the possession of leased premises for nonpayment of rent, or in an action brought by a tenant praying for one or more of the forms of relief enumerated in Section 9-9, the tenant may assert as a defense or as the basis for affirmative relief, that there exists on the leased premises a condition which constitutes a material noncompliance by the landlord with the written lease or a condition which constitutes a repudiation of a written inducement to rent the premises, such as but not limited to the following:

- (1) lack of functional and sufficient laundry, cooking, or dishwashing facilities;
- (2) lack of functional refrigeration or air conditioning;
- (3) lack of proper maintenance; or
- (4) lack of specified recreational facilities.

(b) *Applicable provisions.*

The provisions of Sections 9-9(d) through 9-9(n) shall apply to any action or defense based upon this Section.

(1978, ch. 623.)

**§ 9-10. Retaliatory actions.**

(a) *Actions prohibited.*

In addition to the protections afforded to the tenant by Section 9-9, a landlord may not evict a tenant of any residential property in Baltimore City or increase the rent or decrease the services to which the tenant is entitled for any of the following reasons:

- (1) solely because the tenant has complained, in good faith, to the landlord or to any public agency concerning the tenant’s rights or specific housing deficiencies; or
- (2) solely because the tenant is a member of any tenant’s organization; or
- (3) solely because the tenant files suit against the landlord; or
- (4) solely because the tenant consults an attorney on any matter involving tenant’s rights.

(b) “*Retaliatory evictions*”.

Evictions described in subsection (a) shall be called “retaliatory evictions”.

(c) *Attorneys’ fees and costs.*

If, in any eviction proceeding, the judgment is in favor of the tenant for any of the aforementioned defenses, the court may enter judgment for reasonable attorney’s fees and court costs against the landlord.

(*P.L.L., 1969, §9-10.*) (*1969, ch. 223; 1971, ch. 21; 1971, ch. 687; 1974, ch. 595; 1978, ch. 576.*)

***TENANT FOR YEARS OR LESS OR AT WILL*****§ 9-11. Tenancies from year to year.**

Where any lands or tenements in the City of Baltimore are held from year to year, the tenancy shall be terminated if the lessor give to the tenant ninety days’ notice before the end of the year.

(*P.L.L., 1860, §882; 1888, §857; 1915, §844; 1927, §844; 1930, §844; 1938, §1125; 1949, §728; 1969, §9-11.*) (*1898, ch. 123, §844.*)

**§ 9-12. Tenant carrying over.**

If any land be held in said City under the lease for a month, or any less period than a year, and the tenant continues to occupy under such lease after its expiration, he shall be deemed a tenant for such period as the premises were originally leased to him, and so from such period to such period; and if his landlord give him the notice required to be given by Section 9-14 before the termination of any period of his tenancy, it shall terminate such tenancy.

(*P.L.L., 1860, §883; 1888, §858; 1915, §845; 1927, §845; 1930, §845; 1938, §1126; 1949, §729; 1969, §9-12.*) (*1898, ch. 123, §845; Ord. 42-684, §1126.*)

**§ 9-13. Tenancy by sufferance.**

If land or tenements be held in said City by tenancy at will, at sufferance or per autre vie, the notice required to be given by Section 9-14 by the landlord or reversioner to the tenant or occupant shall terminate such tenancy at the expiration of such notice.

(*P.L.L., 1860, §884; 1888, §859; 1915, §846; 1927, §846; 1930, §846; 1938, §1127; 1949, §730; 1969, §9-13.*) (*1898, ch. 123, §846; Ord. 42-684, §1127.*)

**§ 9-14. Tenancies covered by §§ 9-11, 9-12, and 9-13.**

Notwithstanding the provisions of Section 9-20 of this Article, the notice required to be given by any landlord to any tenant to terminate the tenancies of dwelling units for the terms mentioned in Sections 9-11, 9-12, and 9-13 of this Article shall be sixty (60) days notice previous to the date upon which the landlord shall be entitled to the remedy contained in Section 9-19, and no landlord leasing, renting or demising any dwelling unit in the City of Baltimore under a lease for a year or any period less than a year, at sufferance or per autre vie, shall be entitled to the remedy provided by Section 9-19 if he has not given sixty (60) days’ notice before exercising such remedy unless:

- (1) the tenant is violating an obligation of his tenancy such as unreasonably refusing the landlord access to the dwelling unit or failing to comply with sanitation standards set by law; or
- (2) the tenant is committing or permitting a nuisance on the premises or is using or permitting the use of the dwelling unit for immoral or illegal purposes or for other than living or dwelling purposes; or
- (3) the dwelling unit is occupied under a seasonal occupancy, which is hereby defined to be a tenancy for not more than five (5) months; or
- (4) the dwelling unit is and was, at the effective date hereof, a nonhousekeeping furnished room or unit without cooking facilities; or
- (5) the tenant’s lease or other rental agreement has expired or otherwise terminated and, at the time of termination, the occupants of the housing accommodations are subtenants or other persons who occupied under a rental agreement with the tenant and no part of the accommodations is used by the tenant as his dwelling.

If the landlord seeks to evict the tenant under the provisions of Paragraphs 1, 2, 3, 4 or 5 above, the notice to the tenant shall be thirty (30) days before the end of the term unless otherwise provided in the lease.

In addition, no such landlord shall be entitled to the remedy provided by Section 9-19 if he has not given sixty (60) days’ notice before exercising such remedy unless:

- (1) the landlord, who is the owner of the housing accommodations, seeks in good faith to recover possession thereof for his immediate and personal use and occupancy as housing accommodations, or for the immediate and personal use and occupancy as housing accommodations by a member or members of his immediate family, which shall include a son, son-in-law, daughter, daughter-in-law, father, father-in-law, mother, mother-in-law, stepchild and adopted child; or
- (2) the landlord seeks in good faith, to recover possession for the immediate purpose of substantially altering or remodeling the housing accommodations for continued use as housing accommodations, in a manner which cannot practically be done with the tenant in possession, or for the immediate purpose of demolishing them, provided that the landlord has obtained such approval for the proposed alterations or remodeling or demolition as may be required under the law; or
- (3) the landlord seeks in good faith to recover possession of the housing accommodations for the immediate purpose of:
  - (i) making a permanent conversion to commercial use by substantially altering or remodeling them; or
  - (ii) personally making a permanent use of them for nonhousing purposes; or
  - (iii) permanently withdrawing them from both housing and nonhousing rental markets without any intent to sell housing accommodations.

If the landlord seeks to evict the tenant under the provisions of Paragraphs 1, 2 and 3 above, the notice to the tenant shall be sixty (60) days before the end of the term, unless otherwise provided in the lease.

(P.L.L., 1969, §9-14.) (Ord. 42-684, §1127A; Ord. 46-526; Ord. 46-604; Ord. 47-027; Ord. 48-546; Ord. 49-966; Ord. 50-1504; Ord. 51-153; Ord. 52-496; Ord. 53-876; Ord. 54-1187; Ord. 55-018 Ord. 64-349; Ord. 93-162.)

**§ 9-14.1. Implied warranty of fitness — in general.**

(a) *Established; remedies for breach.*

In any written or oral lease or agreement for rental of a dwelling intended for human habitation, the landlord shall be deemed to covenant and warrant that the dwelling is fit for human habitation.

If the dwelling is not fit for human habitation, the tenant, in addition to any remedies which he otherwise has, is entitled to the following remedies that shall be exercised within thirty (30) days of occupancy:

- (1) an action or proceeding for breach of contract or warranty which may include a prayer for rescission of the contract;
- (2) rescission of the contract including the return of all deposits and money towards rent paid during the period of the breach of the warranty of habitability and within the thirty (30) days of occupancy period.

Provided, however, that no action or proceeding for breach of the warranty of habitability shall be instituted by any tenant unless the landlord has notice of the conditions on the premises which constitute the breach of the warranty of habitability.

(b) *Definitions.*

(1) *Dwelling.*

For the purpose of this section “dwelling” shall mean a structure or that part of a structure which is used for or is intended for use, as a home or residence by one person or by two or more persons maintaining a common household.

(2) *Notice.*

For the purpose of this section “notice” shall mean

- (a) a violation notice from the Department of Housing and Community Development or any other municipal or governmental agency,
- (b) a letter sent by the tenant or his agent to the landlord by certified mail, or
- (c) actual notice of the defects or conditions.

(3) *Fit for human habitation.*

For the purpose of this section “fit for human habitation” shall mean the premises shall not have any conditions which endanger the life, health and safety of the tenants, including, but not limited to vermin or rodent infestation, lack of sanitation, lack of heat, lack of running water, or lack of electricity.

(c) *Misconduct by tenant.*

Where the tenant or a member of his family or his invitee, or his agent has in bad faith refused entry to the landlord or his agent for the purpose of correcting the condition or conditions, the court shall impose upon the tenant the reasonable cost of defense by the landlord including counsel’s fees and court costs, or where the tenant or a member of his family or his invitee or his agent has caused condition or conditions which are alleged to exist, the cost of the repair of such conditions shall be imposed upon the tenant.

(d) *Waiver prohibited.*

The provisions of this section shall not be waived by any written or oral lease or agreement for rental of a dwelling intended for human habitation.  
(1971, ch. 481; 1986, ch. 557.)

**§ 9-14.2. Implied warranty of fitness — continuation during tenancy.**

(a) *Definitions.*

(1) *In general.*

In this section the following words have the meaning indicated unless otherwise apparent from context.

(2) *Dwelling.*

“Dwelling” means a structure or that part of a structure which is used for or is intended for use, as a home or residence by one person or by two or more persons maintaining a common household.

(3) *Notice.*

“Notice” means a violation notice from the Department of Housing and Community Development or any other municipal or governmental agency, or a letter sent by the tenant or his agent to the landlord by certified mail, or actual notice of the defects or conditions.

(4) *Fit for human habitation.*

“Fit for human habitation” means the premises shall not have any conditions which endanger the life, health and safety of the tenants involving vermin or rodent infestation in two or more units, lack of sanitation, lack of heat, lack of running water, or lack of electricity, except where the tenant is responsible for payment of the water and electric charges and where lack

of water or electricity is the direct result of the tenant's failure to pay the water and electric charges.

(5) *Reasonable time.*

"Reasonable time" means that period of time, after notification, which is required to restore a dwelling to a state fit for human habitation if the landlord pursues the work of restoration with diligence and without culpable delay. Where there is a dispute between the landlord and the tenant as to what is a reasonable time in a particular instance, it shall be determined as a fact in any legal proceeding in which it is an issue.

(b) *Continuing warranty.*

The warranty of habitability provided in Section 9-14.1 is a continuing warranty, and the tenant may maintain an action for breach of this warranty, at any time during the tenancy, if the dwelling becomes unfit for human habitation. An action for breach of this warranty may also be maintained as a defense in an action of summary ejection or distress for rent.

(c) *Notice to landlord; reasonable time to repair*

No action for breach of warranty may be maintained unless the landlord has notice or knowledge of the conditions which constitute the alleged breach of the warranty of habitability.

The landlord has a reasonable time after notification to repair the defect or damage alleged by the tenant except that there should be a rebuttable presumption that a period in excess of 30 days by the landlord would be unreasonable. Upon completion of the repairs, the landlord shall notify the tenant or the Department of Housing and Community Development in writing.

(d) *Breach as defense to action by landlord.*

The tenant may maintain a defense based on this section to the landlord's action in summary ejection or distress for rent. Damages shall be computed retroactively to the date of the landlord's actual knowledge of the breach of warranty and shall be the amount of rent paid or owed by the tenant during the time of the breach less the reasonable rental value of the dwelling in its deteriorated condition.

(e) *Fault of tenant.*

The landlord is not responsible for any defect or damage caused by the tenant, a member of his family, or his visitors which contributes to the uninhabitability of the dwelling; in this instance the tenant shall bear the cost of repair and the cost shall be collected as rent.

(1975, ch. 841; 1986, ch. 557.)

**§ 9-15. Misrepresentation and other prohibited acts.**

Any person, whether as an individual, member of a firm, or officer of a corporation, who falsely makes any representation or statement required by Sections 9-12, 9-13, 9-14, 9-15, or 9-19 to be made, or who falsely makes any representation or statement in connection with the giving of the notice required by Sections 9-12, 9-13, 9-14, 9-15, or 9-19 to be given, or who falsely makes any

representation or statement at, during, or in connection with any proceeding for the enforcement of any rights for the speedy recovery of lands or tenements held over by tenants, or who, in an attempt to circumvent the protection accorded tenants by Sections 9-12, 9-13, 9-14, 9-15, and 9-19, wilfully deprives a tenant of ingress to or egress from his dwelling, or who, without the consent of the tenant, diminishes essential services to the tenant, such as the providing of gas, electricity, water, heat, light, furniture, furnishings, or similar services, to which under the expressed or implied terms of the tenancy the tenant may be entitled, is guilty of a misdemeanor and, on conviction, is subject to a fine not exceeding \$500 or imprisonment of not more than 10 days, or both fine and imprisonment for each offense.

*(P.L.L., 1969, §9-15.) (Ord. 42-684, §4; Ord. 42-769; Ord. 91-662; Ord. 09-217.)*

**§ 9-16. Tenant’s notice to quit.**

Any of the tenancies mentioned in Sections 9-11, 9-12, and 9-13 may be terminated by the tenant’s giving notice to the landlord thirty (30) days previous to the end of the year, or other period for which he holds the same.

*(P.L.L., 1860, §885; 1888, §860; 1915, §847; 1927, §847; 1930, §847; 1938, §1128; 1949, §731; 1969, §9-16.) (1898, ch. 123, §847.)*

**§ 9-17. Notices — service.**

The notice required by the preceding sections shall be in writing and served on the tenant, or left at his place of abode or business, or served on his agent or servant, or served on any occupant of the premises; and if there be no person living on the premises the same may be served by being set upon a conspicuous part of the premises.

*(P.L.L., 1860, §886; 1888, §861; 1915, §848; 1927, §848; 1930, §848; 1938, §1129; 1949, §732; 1969, §9-17.) (1898, ch. 123, §848.)*

**§ 9-18. Notices — request to leave.**

Such notice shall be sufficient in form if it contains a request by the landlord to the tenant to leave the premises, or if it states the intention of the tenant to leave the same, and it need not state the time when the tenant is requested to leave the same, or when the tenant intends to do so.

*(P.L.L., 1860, § 887; 1888, §863; 1915, §849; 1927, §849; 1930, §849; 1938, §1130; 1949, §733; 1969, §9-18.) (1898, ch. 123, §849.)*

**§ 9-19. Notices — effect.**

Such notice, without any additional notice, shall entitle the landlord to the benefit of the law providing for the speedy recovery of the possession of lands or tenements held over by tenants.

*(P.L.L., 1860, §888; 1888, §863; 1915, §850; 1927, §850; 1930, §850; 1938, §1131; 1949, §734; 1969, §9-18.) (1898, ch. 123, §850; Ord. 19-036; Ord. 42-684.)*

**§ 9-20. Notices — agreement governs.**

If by agreement of the parties the time and manner of notice is specified, such notice shall be given as the agreement provides, and when given by the landlord, shall entitle him to all the benefits of the preceding sections, without any other notice.

*(P.L.L., 1860, §889; 1888, §864; 1915, §851; 1927, §851; 1930, §851; 1938, §1132; 1949, §735; 1969, §9-20.) (1898, ch. 123, §851.)*

**§ 9-21. Notices —tenant's notice of removal.**

In addition to any other notice required under this article to terminate any lease or rental contract, any tenant vacating any such tenement shall notify the landlord or his agent, at least seventy-two hours before such removal, as to the date upon which he proposes to vacate.

Upon receiving such 72-hour notice, the landlord or his duly authorized agent has a right to inspect the premises in search of any violation of the tenancy; and if, after this personal inspection, the tenant is found to be in default as to any of the terms, covenants or conditions of his tenancy or if the tenant is found to be in violation of any other provisions of this section, the landlord may advise the tenant it is the tenant's duty to give notice of the address to which he intends to move; and upon receiving such further notice, the tenant shall advise the landlord or the landlord's agent of the address of the property to which he will move. Upon vacating, such tenant shall secure and lock all doors and windows, and openings in cellar and cellar way, and shall leave the premises clean and free from debris and trash. Within twenty-four hours thereafter, such tenant shall deliver all keys to the demised premises in his possession to the landlord or his agent, in person or by registered mail, and receive a receipt therefor.

Any tenant failing to comply with the provisions of this section shall be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars, such fine to be assessed by any court having jurisdiction thereof; provided, however, that neither the delivery of such keys nor the acceptance thereof by the landlord or his agent, shall relieve the tenant of any liability for rent due or to become due, or for any other obligation, under the terms of his lease or rental agreement.

*(P.L.L., 1969, §9-21.) (Ord. 58-1294; Ord. 60-342.)*

**§ 9-22. Summons.**

If the summons issued for the tenant in a proceeding to dispossess him be returned non est, a second summons, returnable in not less than five days shall be issued, and a notice shall be sent to the tenant by first class mail, and if the tenant shall not be found, a copy of the second summons shall be left with the occupant of the premises, or if they be vacant, affixed to some principal building, or if no building then set up on the premises and on the day assigned in the summons for the appearance of the party the Judge shall proceed as if he had appeared, provided notice has been sent to the tenant at the time the second summons is issued.

*(P.L.L., 1860, §891; 1888, §886; 1915, §853; 1927, §853; 1930, §853; 1938, §1134; 1949, §737; 1969, §9-23.) (1898, ch. 123, §853; 1973, ch. 797; 1979, ch. 125.)*

**§ 9-23. Interrogatories — filing by landlord.**

The landlord or reversioner may file with the District Court interrogatories to be answered by the tenant touching the tenancy or notice, or for any other matter of evidence in support of the pretensions of said landlord or reversioner, in and about such proceeding.

*(P.L.L., 1860, §892; 1888, §867; 1915, §854; 1927, §854; 1930, §854; 1938, §1135; 1949, §738; 1969, §9-24.) (1898, ch. 123, §854; 1979, ch. 125.)*

**§ 9-24. Interrogatories — tenant’s answer.**

If a copy of such interrogatories be served on the tenant, he shall answer the same before the third day, exclusive of the day of service; and upon his failure to answer the matters inquired of by such interrogatories, they shall be taken as confessed by him; but on cause shown, the judge may give further time for answering; not exceeding eight days in the whole, from and exclusive of the day of service.

*(P.L.L., 1860, §893; 1888, §868; 1915, §855; 1927, §855; 1930, §855; 1938, §1136; 1949, §739; 1969, §9-25.) (1898, ch. 123, §855; 1979, ch. 125.)*

**§ 9-25. Interrogatories — service.**

The copies of said interrogatories may be served in the same manner that notices to quit are directed to be served.

*(P.L.L., 1860, §894; 1888, §869; 1915, §856; 1927, §856; 1930, §856; 1938, §1137; 1949, §740; 1969, §9-26.) (1898, ch. 123, §856.)*

**§ 9-26. Judgment against tenant.**

If in any proceeding by a landlord to dispossess a tenant the judgment be in his favor, the judge shall assess against the tenant holding over the premises, damages not exceeding double the rate of the rent of said tenancy, and also for the expenses of said landlord or reversioner in and about said proceeding, over and above the legal cost thereof, and shall render a judgment therefor in favor of the lessor or reversioner, to be enforced by execution.

*(P.L.L., 1860, §895; 1888, §870; 1915, §857; 1927, §857; 1930, §857; 1938, §1138; 1949, §741; 1969, §9-27.) (1898, ch. 123, §857; 1979, ch. 125.)*

**§ 9-27. Judgment against landlord.**

If the Judge shall find against the landlord or reversioner he shall assess such damages, as he shall deem just to be paid by him to the tenant, for which, and costs, judgment shall be rendered and enforced as aforesaid.

*(P.L.L., 1860, §896; 1888, §871; 1915, §858; 1927, §858; 1930, §858; 1938, §1139; 1949, §742; 1969, §9-28.) (1898, ch. 123, §858; 1979, ch. 125.)*

**§ 9-28. Tenant holding over.**

In all cases the tenancy mentioned in this subheading, if the tenant, after notice, fail to quit at the end of the term, or at a period when he shall begin as aforesaid to be holding over, such tenant, his executors or administrators, may, at the election of the lessor, his heirs, executors, administrators or assigns, be held as a tenant and bound to pay double the rent to which the said tenancy was subject, and payable and recoverable in all respects and to every effect as if, by the original agreement or the understanding as to such tenancy, said double rent were the reserved rent of the demised premises, according to the terms and conditions of payment of such originally reserved rent.

*(P.L.L., 1860, §899; 1888, §872; 1915, §859; 1927, §859; 1930, §859; 1938, §1140; 1949, §743; 1969, §9-29.) (1898, ch. 123, §859.)*

**§ 9-29. Appeals — in general.**

An appeal may be prosecuted from any judgment of the District Court rendered under the provisions of this subheading to the Circuit Court for Baltimore City, in the manner and under the rules prescribed in cases within the ordinary jurisdiction of the District Court; the tenant, or the tenant's personal representative, in order to stay any execution of the judgment against them, giving, on such appeals, bond with security, with condition to prosecute the appeal with effect, and to answer to the landlord, or the landlord's personal representative, all costs and damages mentioned in the judgment, and such as shall be further incurred and sustained by reason of said appeal and the delay arising from that time.

*(P.L.L., 1860, §900; 1888, §873; 1915, §860; 1927, §860; 1930, §860; 1938, §1141; 1949, §744; 1969, §9-30.) (1898, ch. 123, §860; 1979, ch. 125; 1986, ch. 345.)*

**§ 9-30. Appeals — exclusive procedure for removal.**

Landlord and tenant cases shall not be removable to the Circuit Court for Baltimore City, at any stage except by and upon appeal as authorized under this title.

*(P.L.L., 1860, §901; 1888, §874; 1915, §861; 1927, §861; 1930, §861; 1938, §1142; 1949, §745; 1969, §9-31.) (1898, ch. 123, §861; 1986, ch. 345.)*

**§ 9-31. Appeals — reversals for substance only.**

No proceeding to dispossess a tenant holding over, had before the District Court and removed by appeal to the Circuit Court for Baltimore City, shall by such Court be reversed or set aside for matter of form; and any case thus removed by appeal, if the proceeding thereunder shall be set aside or appear to be substantially defective, shall be proceeded within said Court in the same manner and to the same effect, upon the claim and complaint and merits, and upon evidence to be adduced therein as it was or might have been competent to said District Court to have proceeded therewith.

*(P.L.L., 1860, §902; 1888, §875; 1915, §862; 1927, §862; 1930, §862; 1938, §1143; 1949, §746; 1969, §9-32.) (1898, ch. 123, §862; 1979, ch. 125; 1986, ch. 345.)*

**§ 9-32. Appeals — trial at first term.**

Every such appeal shall be tried and finally determined and proceeded with at the first term to which such case shall be removed to the said court, unless for cause shown upon affidavit the court shall otherwise order.

*(P.L.L., 1860, §903; 1888, §876; 1915, §863; 1927, §863; 1930, §863; 1938, §1144; 1949, §747; 1969, §9-33.) (1898, ch. 123, §863.)*

**§ 9-33. Application of provisions governing holding over.**

The provisions of the preceding sections of this subheading, relating to tenants holding over, shall extend to the heirs, executors and assigns of lessors and reversioners, and to the executors and all persons holding under tenants, and to all cases where there are two or more tenants, in which case each tenant shall be entitled to the notices and the benefit of each condition contained in the preceding sections of the subheading.

*(P.L.L., 1860, §904; 1888, §877; 1915, §864; 1927, §864; 1930, §864; 1938, §1145; 1949, §748; 1969, §9-34.) (1898, ch. 123, §864.)*

**SUBTITLE 10  
MARKETS**

***LEXINGTON MARKET AUTHORITY***

**§ 10-1. Short title.**

This subheading may be cited as the “Lexington Market Authority Act”.  
(*P.L.L., 1969, §10-1.*) (*1945, ch. 863.*)

**§ 10-2. Lexington Market Authority.**

(a) *Created; members.*

There is hereby created a body corporate and politic to be known as the “Lexington Market Authority”, which shall be deemed an instrumentality of the Mayor and City Council of Baltimore and a public corporation, and by that name, style and title said body may contract and be contracted with, sue and be sued, implead and be impleaded, and complain and defend in all courts of law and equity.

The Authority shall consist of five members to be appointed by the Mayor of Baltimore, each of whom shall be a citizen of the State and a resident of the Baltimore Metropolitan District at the time of his respective appointment or reappointment, at least three of whom shall be residents of Baltimore City at the time of their respective appointments or reappointments.

The original appointments shall be made in such manner that

- the term of one member shall expire on July 1, 1946,
- the term of another member shall expire on July 1, 1947,
- the term of another member shall expire on July 1, 1948,
- the term of another member shall expire on July 1, 1949, and
- the term of the remaining members shall expire on July 1, 1950.

Their successors shall be appointed for terms of five years from the dates of expiration of their respective terms of office, except that any person appointed to fill a vacancy shall serve only for the unexpired term, and any member of the Authority shall be eligible for reappointment. Immediately after such appointment, the members of the Authority shall enter upon their duties.

The Authority shall elect one of its members as Chairman and another as Vice-Chairman, and shall also elect a Secretary-Treasurer who may or may not be a member of the Authority.

Three members of the Authority shall constitute a quorum. No vacancy in the Authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the Authority.

The members of the Authority shall not be entitled to compensation for their services, but they shall be reimbursed for actual expenses necessarily incurred in the performance of their duties; provided, however, such reimbursement shall be made solely from funds provided under the authority of this subheading.

(b) *Operations.*

The Authority shall make necessary rules and regulations for its own government.

The Authority may delegate to one or more of its members, or to its officers, agents and employees such powers and duties as it may deem proper.

When all of the revenue bonds or revenue refunding bonds issued pursuant to the terms of this subheading shall have been paid and retired, the Authority shall thereupon promptly close out its business and affairs, and all real and personal property, leases, contracts, rights and other property of the Authority shall thereupon revert to and be assumed by the Mayor and City Council of Baltimore, and the Authority shall execute such deeds and assignments as may be necessary to transfer and convey to the Mayor and City Council of Baltimore title to such property, assets and rights, and the Authority shall thereupon be considered as automatically dissolved without the necessity of any formal dissolution proceedings.

The Mayor and City Council of Baltimore shall thereafter own, possess, utilize, manage, operate and conduct said Market and its facilities in such manner as is or may be provided by the City Charter of Baltimore with reference to properties of like kind and character, or in such manner as may be determined by ordinance or ordinances of the City Council.

*(P.L.L., 1969, §10-2.) (1945, ch. 863; 1951, ch. 525.)*

**§ 10-3. Definitions.**

As used in this subheading, the following words and terms shall have the following meanings:

- (1) The word “Authority” shall mean the Lexington Market Authority created by Section 10-2 of this subheading.
- (2) The word “City” shall mean the Mayor and City Council of Baltimore, a corporation of the State of Maryland.
- (3) The word “Council” shall mean the City Council, the Legislative Department of the Mayor and City Council of Baltimore.
- (4) The term “existing market” shall mean and shall include, all lands, buildings, structures, parking lot sites, stalls, facilities and properties constituting the market commonly known as the “Lexington Market” and located within the boundaries set forth in Section 129, Article 27, Baltimore City Code *{(1927 Edition)}*, as amended by Ordinance No. 126, approved February 19, 1940.
- (5) The term “purchase price of the existing market” shall mean the price agreed upon by the Authority and the City, to be paid in cash or in bonds of the Authority at par, for the existing

market or so much thereof as the Authority shall agree to purchase from the City, and in determining such purchase price the Authority and the City shall take into consideration the original cost of the existing market, reasonable depreciation, reproduction cost, revenues, cost of operation and maintenance, and all other available information relating thereto.

- (6) The word “Market” shall mean and include the existing market or so much thereof as shall be purchased by the Authority, such existing market or portion thereof as remodeled or reconstructed, any and all buildings, sites, structures, facilities, and properties used or useful in connection with the buying, storing, refrigerating, processing or sale of food products of all kinds, whether on the site of the existing market or on property adjacent thereto or useful in connection therewith, and any enlargements, improvements, reconstruction or extension thereof, and shall include parking and other ancillary facilities.
- (7) The term “cost of the Market” shall mean and include the purchase price of the existing market, the cost of all land, property, rights, easements, and franchises deemed necessary for the construction and establishment of the Market, the cost of all labor, materials, machinery and equipment, financing charges, interest prior to and during construction and for six months after completion of construction, cost of engineering, architectural and legal services, plans, specifications, surveys, estimates of cost and of revenues, other expenses necessary or incident to determining the feasibility or practicability of such construction, administrative expense and such other expenses as may be necessary or incident to the financing herein authorized and the construction and establishment of the Market, including the remodeling or reconstruction of the existing market, and the placing of the Market in operation. Any expense heretofore or hereafter incurred by the City and included in the foregoing definition of cost of the Market shall be regarded as a part of such cost and shall be reimbursed to the City out of the proceeds of the revenue bonds issued under the provisions and authority of this subheading.

*(P.L.L., 1969, §10-3.) (1945, ch. 863.)*

**§ 10-4. Powers of Authority.**

The Authority shall have power:

- (1) to have a seal and alter the same at pleasure;
- (2) to acquire, hold, and dispose of real and personal property for its corporate purposes;
- (3) to acquire from the City the whole or any part of the existing market at a purchase price to be agreed upon between the City and the Authority, and to pay such purchase price in cash or in bonds of the Authority at the par value of such bonds;
- (4) to establish, construct, erect, acquire, own, repair, remodel, add to, extend, improve, equip, operate and maintain the Market, and to pay the cost of the Market solely from the proceeds of revenue bonds of the Authority or from such proceeds and any grant from the United States of America or any agency or instrumentality thereof;
- (5) to make contracts and leases and to execute all instruments necessary or convenient, including contracts or leases with respect to the use of the facilities of the Market, parking

facilities, concessions, stalls, or other facilities on such terms and for such of its corporate purposes as the Authority may deem advisable;

- (6) to acquire in its own name by purchase, on such terms and conditions and in such manner as it may deem proper, or by condemnation and in accordance with and subject to the provisions of any and all existing laws applicable to the condemnation of property for public use, real property or rights or easements therein or franchises or licenses convenient for its corporate purposes, and to use the same so long as its corporate existence shall continue, and to lease or make contracts with respect to the use of the same or to dispose thereof in any manner it may deem to the best advantage of the Authority; but the Authority shall be under no obligation to accept and pay for any property condemned under this subheading, except from the funds provided under the Authority of this subheading.

In any proceedings to condemn, such orders may be made by the court having jurisdiction of the suit, action or proceeding as may be just to the Authority and to the owners of the property to be condemned; and if the Authority shall deem it expedient to establish or construct the Market on any lands, streets, alleys or public places, the title to which shall then be in the City, the City, through its proper officials is hereby authorized to convey title to such lands, streets, alleys, or public places to the Authority upon payment to the City the reasonable value of such lands, such value to be determined by the Authority and by the City Council; such payment to be in cash or in bonds of the Authority at par.

- (7) to appoint and dismiss officers, agents and employees including engineering, architectural and construction experts and attorneys, and to fix their compensation;
- (8) to borrow money for any of its corporate purposes and to issue negotiable revenue bonds payable solely from earnings of the Market, and to provide for the payment of the same and for the rights of the holders thereof;
- (9) to have and exercise jurisdiction, control, possession and supervision of the existing market, or so much thereof as the Authority shall purchase from the City, upon payment of the purchase price of the existing market; and the Authority shall be and is hereby authorized to abandon, remodel or reconstruct the whole or any part of the existing market, or incorporate the existing market or any part thereof into the Market;
- (10) to exercise any power usually possessed by private corporations in performing similar functions, which is not in conflict with the Constitution and laws of this State; and
- (11 ) to do all things necessary and convenient to carry out the powers expressly granted by this subheading.

*(P.L.L., 1969, §10-4.) (1945, ch. 863.)*

#### **§ 10-5. Powers of City.**

The City is hereby authorized and empowered to convey to the Authority the existing market or any part thereof upon receipt by the City of the purchase price therefor, either in cash or in bonds.

The City is hereby authorized and empowered to vacate any or all streets, alleys or other public places required to insure proper operation of the Market and the full and complete utilization of its

facilities, and the City may grant to the Authority the exclusive right to use such vacated streets, alleys or other public places for the purpose of the Market, subject to such terms and conditions and in such manner as the City and the Authority may lawfully agree upon.

*(P.L.L., 1969, §10-5.) (1945, ch. 863.)*

**§ 10-6. Credit of City not pledged.**

Revenue bonds issued under the provisions of this subheading shall not be deemed to constitute a debt of the City or a pledge of the faith and credit of the City, but such bonds shall be payable solely from the funds of the Authority hereinafter provided therefor from revenues of the Market. All such bonds shall contain a statement on their face to the effect that the City is not obligated to pay such bonds or the interest thereon. The issuance of revenue bonds under the provisions of this subheading shall not directly or indirectly or contingently obligate the City to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment.

*(P.L.L., 1969, §10-6.) (1945, ch. 863.)*

**§ 10-7. Rights of stall-holders.**

In the operation of the Market the Authority shall preserve, to the extent required by law, all rights of any persons in or to any of the stalls now located in the existing market, and shall give first choice as to location in the rental of stalls in the Market to the present tenants of stalls in the existing market.

*(P.L.L., 1969, §10-7.) (1945, ch. 863.)*

**§ 10-8. Revenue bonds.**

(a) *Authorized; issue.*

The Authority shall have power and is hereby authorized at one time or from time to time to provide by resolution for the issuance of negotiable revenue bonds of the Authority for the purpose of paying all or a part of the cost of the Market. The resolution authorizing the issuance of revenue bonds under the provisions of this subheading shall state the purchase price of the existing market, and revenue bonds in an amount equal to such purchase price shall be included in the authorized issue of bonds hereunder.

(b) *Provisions.*

The revenue bonds shall be dated, shall bear interest at such rate or rates not exceeding six per centum per annum, payable semi-annually, and shall mature at such time or times not exceeding forty years from their date or dates, as may be determined by the Authority, and may be made redeemable before maturity, at the option of the Authority, at such price or prices and under such terms and conditions as may be fixed by the Authority prior to the issuance of the bonds.

The principal of and the interest on such bonds may be made payable in any lawful medium and shall be payable solely from the special fund provided by this subheading for such payment.

The Authority shall determine the form of the bonds, including any interest coupons to be attached thereto, the manner of executing the bonds, the denomination or denominations of the

bonds, and the place or places of payment of principal and interest thereof, which may be a bank or trust company within or without the State.

In case any officer whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery.

All revenue bonds issued under the provisions of this subheading shall have and are hereby declared to have, as between successive holders, all the qualities and incidents of negotiable instruments under the negotiable instruments law of the State.

Provision may be made for the registration of any of the bonds in the name of the owner as to principal alone and also as to both principal and interest, and for the issuance of new coupon bonds in exchange for bonds registered as to both principal and interest.

Such bonds shall be sold by the Authority in such manner and for such price as it may determine to be for its best interests, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than six per centum per annum, computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values; provided, however, that if the purchase price of the existing market shall be paid to the City in bonds of the Authority such bonds shall be registered in the name of the City as to both principal and interest and deposited with the City.

None of the provisions of Sections 35 and 36 of Article 31 of the Code of Public General Laws of Maryland (1939 Edition) shall have any application to the bonds hereby authorized and such bonds are hereby explicitly exempted therefrom, but all such bonds shall be treated as negotiable instruments, as provided in Section 33 of said Article 31.

If the proceeds of the revenue bonds, by error of calculation or otherwise, shall be less than the cost of the Market, additional bonds may be issued to provide the amount of such deficit, and unless otherwise provided by the authorizing resolution or in the trust indenture hereinafter mentioned, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued for such purposes.

If the proceeds of such bonds shall exceed such costs, the surplus shall be paid into the sinking fund hereinafter provided for the payment of the principal of and interest on the bonds.

Prior to the preparation of definitive bonds, the Authority may, under like restrictions, issue temporary bonds, with or without coupons, exchangeable for definitive bonds upon the issuance of the latter.

The Authority may also provide for the replacement of any bond which shall become mutilated or be destroyed or lost. Such revenue bonds may be issued without an election or any other proceedings or the happening of any other conditions or things than those proceedings, conditions and things which are specified and required by this subheading.

(c) *Additional bonds.*

The resolution providing for the issuance of revenue bonds may also provide for the issuance of additional revenue bonds, not exceeding an amount to be fixed in such resolution or trust

indenture, for the purpose of paying the cost of any extensions, additions and improvements which may thereafter become necessary; such additional revenue bonds may be sold from time to time in the manner hereinabove provided, and shall be deemed a part of the original issue authorized by such resolution, and shall be issued under such restrictions and limitations as may be prescribed by such resolution or trust indenture; provided, however, that such additional bonds shall rank equally and on a parity with the other bonds authorized thereby.

(d) *Refunding bonds.*

The Authority is hereby authorized to provide by resolution for the issuance of its revenue refunding bonds for the purpose of refunding any revenue bonds then outstanding and issued under the provisions of this subheading. The issuance of such revenue refunding bonds, the maturities and other details thereof, the rights of the holders thereof, and the duties of the Authority in respect to the same, shall be governed by the provisions of this Act insofar as the same may be applicable.

(e) *Single issue for combined purpose.*

The Authority is further authorized to provide by resolution for the issuance of a single issue of its revenue bonds for the combined purposes of

- (1) paying the cost of any improvement, extension, enlargement or reconstruction of the Market, and
- (2) of refunding its revenue bonds which shall theretofore have been issued for such Market and shall then be outstanding and which shall then have matured or be subject to redemption or can be acquired for retirement.

*(P.L.L., 1969, §10-8.) (1945, ch. 863.)*

**§ 10-9. Use of bond proceeds.**

All monies received from any revenue bonds issued and sold under the provisions of this subheading shall be applied solely for the purposes for which the bonds shall be authorized or to the sinking fund created for the payment of such bonds, and there shall be and there hereby is created and granted a lien upon such monies until so applied in favor of the holders of such bonds or the trustee hereinafter provided for in respect of such bonds.

*(P.L.L., 1969, §10-9.) (1945, ch. 863.)*

**§ 10-10. Trust indenture.**

In the discretion of the Authority, such revenue bonds may be secured by a trust indenture by and between the Authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or outside of the State. Such trust indenture may pledge or assign all revenues to be received from the Market but shall not convey or mortgage the Market or any part thereof.

Either the resolution providing for the issuance of revenue bonds or such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be

reasonable and proper, not in violation of law, including covenants setting forth the duties of the Authority in relation to the construction, acquisition, improvement, installation, maintenance, operation, repair and insurance of the Market and the custody, safeguarding and application of all monies, and may provide that the Market shall be constructed and paid for under the supervision and approval of consulting engineers employed or designated by the Authority and satisfactory to the original purchasers of the bonds issued hereunder, and may further provide that the security given by contractors and by any depository of the proceeds of the bonds or revenues of the Market or other monies pertaining thereto, be satisfactory to such purchasers.

It shall be lawful for any bank or trust company incorporated under the laws of this State to act as depository of the proceeds of the bonds or revenues and to furnish such indemnity bonds or to pledge such securities as may be required by the Authority.

Such resolution or such trust indenture may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action of bondholders as is customary in trust indentures securing bonds and debentures of corporations.

Except as in this subheading otherwise provided, the Authority may provide by resolution or by such trust indenture for the payment of the proceeds of the sale of the bonds and the revenues of the Market to such officer, board or depository as it may determine for the custody thereof, and for the method of disbursement thereof, with such safeguards and restrictions as it may determine.

All expenses incurred in carrying out such trust indenture may be treated as a part of the cost of maintenance, operation and repair of the Market.

*(P.L.L., 1969, §10-10.) (1945, ch. 863.)*

## **§ 10-11. Revenues.**

### *(a) Rates and charges.*

The Authority is hereby authorized to fix and revise from time to time rates or charges for the use of the facilities of the Market, including parking facilities, and to charge and collect the same, and to contract with any person, partnership, association or corporation desiring the use of any of the facilities of the Market or any part thereof, and to fix the terms, conditions and rates of charges for such use.

### *(b) Requirements.*

Such rates or charges shall be so fixed and adjusted as to provide a fund sufficient with other revenues of the Market, if any, to pay

- (1) the cost of maintaining, repairing and operating the Market unless such cost shall be otherwise provided for, including reserves for such purposes and for replacements, depreciation and necessary extensions, and
- (2) the bonds and the interest thereon as the same shall become due, and reserves for such purpose.

Such rates or charges shall not be subject to supervision or regulation by any other State or City commission, board, bureau or agency.

The rates, charges and all other revenues derived from the Market, except such part thereof as may be required to pay the cost of maintaining, repairing and operating the Market and to provide such reserves as may be provided for in the resolution authorizing the issuance of the bonds or in the trust indenture, shall be set aside at such regular intervals as may be provided in such resolution or such trust indenture, in a sinking fund which is hereby pledged to, and charged with payment of,

- (1) the interest upon such bonds as such interest shall fall due,
- (2) the principal of the bonds as the same shall fall due,
- (3) the necessary fiscal agency charges for paying principal and interest, and
- (4) any premium upon bonds retired by call or purchase as herein provided.

The use and disposition of such sinking fund shall be subject to such regulations as may be provided in the resolution authorizing the issuance of bonds, or in the trust indenture, but, except as may otherwise be provided in such resolution or trust indenture, such sinking fund shall be a fund for the benefit of all bonds without distinction or priority of one over another.

Subject to the provisions of the resolution authorizing the issuance of bonds or of the trust indenture, any monies in such sinking fund in excess of an amount equal to one year's interest on all bonds then outstanding may be applied to the purchase or redemption of bonds. All bonds so purchased or redeemed shall forthwith be cancelled.

(c) *Exception for cleaning market.*

Notwithstanding the foregoing provisions of this section, the Mayor and City Council may at its discretion, by ordinance, provide for cleaning the Market and removing garbage therefrom, subject to such limitations, terms and conditions as the Mayor and City Council may in its discretion determine, but such ordinance shall not have the force of a contract with the bondholders and shall be subject to amendment or repeal at anytime.

*(P.L.L., 1969, §10-11.) (1945, ch. 863.)*

**§ 10-12. Remedies of bondholder and trustee.**

Any holder of revenue bonds issued under the provisions of this subheading or of any of the coupons attached thereto, and the trustee under the trust indenture, if any, except to the extent the rights herein given may be restricted by resolution passed before the issuance of the bonds or by the trust indenture, may, either at law or in equity, by suit, action, mandamus, or other proceedings, protect and enforce any and all rights under the laws of Maryland or granted hereunder or under such resolution or trust indenture, or under any ordinance of the Council, and may enforce and compel performance of all duties required by this subheading or by such resolution, trust indenture or ordinance to be performed by the Authority or the City or by any officer thereof, including the fixing, charging, and collecting of rates and charges for the use of the facilities of the Market.

*(P.L.L., 1969, §10-12.) (1945, ch. 863.)*

**§ 10-13. Tax exemption.**

It is hereby found, determined and declared that the establishment of the Market under the provisions of this subheading is in all respects for the benefit of the inhabitants of the City and is a public purpose, and that the City and the Authority will be performing an essential governmental function in the exercise of the powers conferred by this subheading, and the Authority shall not be required to pay any taxes or assessments upon the Market or any part thereof or upon its activities in the operation and maintenance of the Market or upon any revenues therefrom, and the Market and the bonds of the Authority and the interest thereon shall be and remain forever exempt from all State, municipal and local taxation; provided, however, that the Authority may pay to the City within three months after the close of each fiscal year of the Authority, the amount determined by any contract entered into by and between the Authority and the City as the amount to be paid to the City in lieu of taxes;

provided, further, the amount so to be paid pursuant to any such contract shall not be in excess of the amount of the annual ad valorem property tax which shall have been levied by the City upon any part of the Market property in the last tax levy prior to the acquisition thereof by the Authority, such payments, however, to be made only from the net revenues, if any, of the Authority for each such fiscal years which remain after

- (1) paying all expenses of maintaining, repairing and operating the Market,
- (2) making all required payments or transfers of monies to the credit of the Sinking Fund for the bonds issued under the provisions of this subheading and then outstanding,
- (3) setting aside reserves for such purposes, and
- (4) setting aside reserves for depreciation, improvements and extensions of the Market, all as may be required by any such contract or by the resolution authorizing such revenue bonds or by the trust indenture securing the same.

*(P.L.L., 1969, §10-13.) (1945, ch. 863.)*

**§ 10-14. Alternative method.**

The provisions of this subheading shall be deemed to provide an additional and alternative method for the doings of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws and shall, except as provided in Section 15 *{sic}* hereof, not be regarded as in derogation of any powers now existing, and such provisions shall be liberally construed to effect the purposes thereof.

*(P.L.L., 1969, §10-14.) (1945, ch. 863.)*

**§ 10-15. Severability.**

The provisions of this subheading are severable, and it is the intention to confer the whole or any part of the powers herein provided for, and if any of the provisions of this subheading shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions of this subheading. It is hereby declared to be the legislative

intent that this subheading would have been adopted had such unconstitutional provision not been included therein.

*(P.L.L., 1969, §10-15.) (1945, ch. 863.)*

***MEAT SALES***

**§ 10-16. Standards.**

*(a) In general.*

It shall be unlawful for any retail grocery, food market, butcher or any other person, firm or corporation to sell, offer or expose for sale or to keep in any establishment from or in which food products are sold, any meat products which are labeled or represented as hamburger or ground or chopped beef unless the composition of these products complies with the following standards:

- (1) Hamburger shall consist of chopped fresh beef, with or without the addition of beef fat as such and/or seasoning, and shall not contain more than thirty (30) per cent of fat.
- (2) Ground or chopped beef shall consist of chopped fresh beef, with or without the addition of beef fat as such and/or seasoning, and shall not contain more than thirty (30) per cent of fat.

*(b) Penalties.*

Any violation or failure to comply with any of the provisions of this section shall be punishable by a fine of not more than one hundred dollars (\$100.00) for each violation.

*(P.L.L., 1969, §10-32.) (1969, ch. 519.)*

**SUBTITLE 11**  
**MOVING PICTURE MACHINE OPERATORS**

*Repealed by Ch. 345, Acts of 1986*

**SUBTITLE 12  
OFF-STREET PARKING**

**§ 12-1. 1948 Act: Off-Street Parking Commission.**

Before the issuance of said certificates of indebtedness, or any part thereof *{cf. Ch. 29, Acts of 1951}*, the Mayor and City Council of Baltimore, by ordinance, shall create a board, body, commission or other agency of the Mayor and City Council of Baltimore and confer upon such agency full power to administer and supervise the proceeds derived from the sale of the certificates of indebtedness, including, but not limited to, the expenditure and disposition thereof, and to appoint, employ, hire or engage such assistants, aides and employees as may be deemed necessary for the proper performance of the duties of the agency, and, with the approval of the Board of Estimates of the Mayor and City Council of Baltimore, to employ or hire, from time to time, by contract, consulting, planning or designing engineers or architects or other persons possessing technical or specialized skills in connection with the duties and powers of the agency; and such agency shall exercise all powers and authority conferred upon it in accordance with the provisions of the Charter of the Mayor and City Council of Baltimore as it is now constituted or as it hereafter may be amended.

*(P.L.L., 1949, §706; 1969, §12-1.) (1948 Sp. Sess., ch. 28.)*

**§ 12-2. 1951 Act: Approvals required.**

(a) *Purposes, terms, conditions.*

No part of the proceeds of sale of the certificates of indebtedness hereby authorized to be issued *{cf. Ch. 29, Acts of 1951}* shall be expended until after the Off-Street Parking Commission of Baltimore City has submitted its written recommendation, which shall set forth the purposes for, and the terms and conditions upon, which each particular sum of money is to be expended, to the Board of Estimates of the Mayor and City Council of Baltimore and such recommendation has been approved by said Board of Estimates.

(b) *Required contract.*

In addition, no part of the proceeds of sale of the certificates of indebtedness hereby authorized to be issued shall be expended for actually constructing, erecting, altering, expanding, enlarging, improving or equipping any building, structure or facility on, under or in any land or property, regardless of who owns or otherwise holds or controls any such land or property, for storing, parking and servicing self-propelled vehicles (as distinguished from funds which are necessary to be expended in connection with the acquisition of land or property or the preparation of plans or the employment of assistants, aides and employees of the Off-Street Parking Commission of Baltimore City or other matters or things which are usually and generally preliminary to the commencement of actual construction work) until after the municipal corporation, with the approval of its Board of Estimates, shall have entered into a binding contract with a private, public or quasi-public corporation, partnership, association, person or other legal entity secured to the satisfaction of the said Board of Estimates, under the terms of which the Mayor and City Council of Baltimore will be reimbursed for at least all expenditures of money made by it in connection with the particular project involved, and for all interest charges paid or to be paid by the Mayor and City Council of Baltimore on all funds borrowed by it and expended in connection with the particular project involved, and for all estimated real estate taxes that the

Mayor and City Council of Baltimore will lose as a result of it acquiring any land or property involved in the particular project.

Any such contract, after it has been executed on behalf of the Mayor and City Council of Baltimore by the Mayor of Baltimore City and the corporate seal of the municipality affixed thereto duly attested by the Treasurer of the Municipality *{City Finance Director}* and approved by the said Board of Estimates, shall constitute a legal and binding obligation of the Mayor and City Council of Baltimore.

In case any construction or improvement be made on, under, in or appurtenant to any land or other property now or hereafter owned by the Mayor and City Council of Baltimore, the appraised value of said land or other property shall be included and considered as a part of the expenditures of money made by the Mayor and City Council of Baltimore in connection with the particular project involved and shall be given full consideration in any such contract entered into by the Mayor and City Council of Baltimore.

*(P.L.L., 1969, §12-2.) (1951, ch. 29.)*

**§ 12-3. 1961 Act: Use of proceeds; staff; general powers.**

The Off-Street Parking Commission of Baltimore City is hereby vested with full power to administer and supervise the proceeds derived from the sale of the bonds *{cf. Ch. 212, Acts of 1961}*, including, but not limited to, the expenditure and disposition thereof.

The Commission may appoint a Secretary who shall perform such duties as may be imposed upon him by ordinance of the Mayor and City Council of Baltimore or as may be assigned to him by the Commission, and appoint, employ, hire or engage such assistants, aides and employees as may be deemed necessary for the proper performance of the duties of the Commission. The compensation of said Secretary and other assistants, aides and employees shall be subject to the approval of the Board of Estimates of the Mayor and City Council of Baltimore and shall be paid as provided in the annual Ordinance of Estimates of said municipality.

The Commission, with the prior approval of the Board of Estimates, may employ or hire, from time to time, by contract, consulting, planning or designing engineers or architects or other persons possessing technical or specialized skills in connection with the duties and powers of the Commission.

The Commission shall exercise all powers and authority conferred upon it in accordance with the provisions of the Charter of the Mayor and City Council of Baltimore as it is now constituted or as it hereafter may be amended.

*(P.L.L., 1969, §12-3.) (1961, ch. 212.)*

**§ 12-4. 1961 Act: Approvals required.**

(a) *Purpose, terms, conditions.*

No part of the proceeds of sale of the bonds hereby authorized to be issued *{cf. Ch. 212, Acts of 1961}* shall be expended until after the Off-Street Parking Commission of Baltimore City has submitted its written recommendation, which shall set forth the purposes for, and the terms and conditions upon, which each particular sum of money is to be expended, to the Board of

Estimates of the Mayor and City Council of Baltimore and such recommendation has been approved by said Board of Estimates.

(b) *Required contract.*

In addition, no part of the proceeds of sale of the bonds hereby authorized to be issued shall be expended for actually constructing, erecting, altering, expanding, enlarging, improving or equipping any building, structure or facility on, under or in any land or property, regardless of who owns or otherwise holds or controls any such land or property, for storing, parking and servicing self-propelled vehicles (as distinguished from funds which are necessary to be expended in connection with the acquisition of land or property or the preparation of plans or the employment of assistants, aides and employees of the Off-Street Parking Commission of Baltimore City or other matters or things which are usually and generally preliminary to the commencement of actual construction work) until after the municipal corporation, with the approval of its Board of Estimates, shall have entered into a binding contract with a private, public or quasi-public corporation, partnership, association, person or other legal entity secured to the satisfaction of the said Board of Estimates, under the terms of which the Mayor and City Council of Baltimore will be reimbursed for at least all expenditures of money made by it in connection with the particular project involved, and for all interest charges paid or to be paid by the Mayor and City Council of Baltimore on all funds borrowed by it and expended in connection with the particular project involved, and for all estimated real estate taxes that the Mayor and City Council of Baltimore will lose as a result of it acquiring any land or property involved in the particular project.

Any such contract, after it has been executed on behalf of the Mayor and City Council of Baltimore by the Mayor of Baltimore City and the corporate seal of the municipality affixed thereto duly attested by the Treasurer of the municipality *{City Finance Director}* and approved by the said Board of Estimates, shall constitute a legal and binding obligation of the Mayor and City Council of Baltimore.

(c) *Conveyance of property.*

In case any land or property now or hereafter owned by the Mayor and City Council of Baltimore is sold by it to any legal entity for the purpose of establishing and constructing on, under or in said land or property and structure or facility contemplated by the provisions of this Act, then the purchaser of said land or property shall pay to the municipality at least an amount of money equal to the full appraised value of said land or property, and in case any such land or property is leased by the municipality to any legal entity for any of the purposes hereinbefore mentioned, then the lessee shall pay annually to the municipality an amount of money equal to the reasonable rental value of said land or property.

In the event any such land or property is sold by the municipality as aforesaid and such land or property is then reconveyed back to the municipality as security for any loan made by the municipality to the purchaser under the provisions of this Act, then such purchaser shall pay annually to the municipality in lieu of taxes a sum of money equal to an amount arrived at by multiplying the assessed valuation of said land or property for the year in which the municipality sells such land or property by the then current tax rate of the municipality.

All payments made in lieu of taxes shall be made when real estate taxes of the municipality ordinarily become due and payable.  
*(P.L.L., 1969. §12-4.) (1961, ch. 212.)*

**SUBTITLE 13  
ORPHANS' COURT**

**§ 13-1. Bailiffs: compensation; retirement.**

(a) *Compensation.*

The Bailiff of the said Orphans' Court of Baltimore City shall receive a salary of not less than \$4,500.00 nor more than \$5,250.00 per annum, payable in monthly installments at the end of each and every month by the Mayor and City Council of Baltimore, said salary to be determined and certified to by the Judges of the Orphans' Court of Baltimore City.

(b) *Retirement.*

From and after July 1, 1965, whenever any bailiff has served for at least ten (10) preceding consecutive years or whenever at any time any bailiff becomes physically or mentally incapacitated from performing his duties as a bailiff from disease or accident not resulting from his own misconduct, he is entitled to be retired and to receive a pension of two thousand dollars (\$2,000.00) per annum.

No bailiff may be retired unless a certificate is approved by the Orphans' Court and presented to the Treasurer of Baltimore City {*City Finance Director*}, stating that the bailiff is entitled to retirement under the provisions of this section.

Nothing in this subsection shall relate to or affect the retirement of any bailiff who retired or who left his position under this section prior to July 1, 1965, unless the bailiff had served at least ten (10) consecutive years as a bailiff prior to his retirement.

*(P.L.L. 1888, Art. 4, §209; 1915, §353; 1927, §353; 1930, §353; 1938, §464; 1949, §289; 1969, §13-1.) (1868, ch 20; 1898, ch. 123, §353; 1900, ch 192; 1920, ch. 125; 1927, ch. 97; 1947 Sp. Sess., ch. 7; 1949, ch. 599; 1951, ch. 377; 1953, ch. 731; 1955, ch. 245; 1957, ch. 420; 1965, ch. 177.)*

**§ 13-2. Appraisers: appointment; duties; salary.**

The Register of Wills of Baltimore City shall appoint a number of appraisers as approved from time to time by the State Comptroller, for his full term of office, unless their places shall become vacant by removal from cause, death, resignation or otherwise.

The said appraisers shall appraise the goods, chattels and personal estates of all decedents under administration in the Orphans' Court of Baltimore City; and shall in each case make the charges therefor now allowed by law and certify the same to the Register of Wills; they shall receive such annual salary respectively as may be established by the State Comptroller from time to time, to be paid by said Register out of the fees of the office.

The said Register shall keep an accurate account of all monies received for such appraisements, and shall account for and pay the same into the State Treasury, as he is now required by law to account for and pay other monies for which he is accountable to the State.

*(P.L.L., 1915, §354A; 1927, §354A; 1930, §354A; 1938, §467; 1949, §290; 1969, §13-2.) (1908, ch. 119; 1919, ch. 250; 1924, ch. 356; 1941, ch. 228; 1969, ch. 658.)*

**SUBTITLE 14**  
**PARKS AND SQUARES**

**§ 14-1. Buildings near Washington Monument.**

From and after March 15, 1904, no building, except churches, shall be erected or altered in the City of Baltimore on the territory bounded by the south side of Madison Street, the west side of St. Paul Street, the north side of Centre Street, and the east side of Cathedral Street, to exceed in height a point seventy feet above the surface of the street at the base line of the Washington Monument. (P.L.L., 1915, §739A; 1927, §739A; 1930, §739A; 1938, §865; 1949, §524; 1969, §14-1.) (1904, ch. 42.)

**§ 14-2. Power to acquire park lands.**

The Mayor and City Council of Baltimore, acting by and through the agency of the Board of Park Commissioners *{Department of Recreation and Parks}*, may acquire by gift, purchase, lease, whatever the duration of the lease, or other like methods of acquisition or by condemnation, any land situate wholly or partly within the City of Baltimore, or within the counties of Baltimore, Anne Arundel, and Howard, or any interest, franchise, easement, right or privilege therein, which may be required for the purpose of extending said park system, as aforesaid, or any part or parts thereof, and when and so often as resort shall be had to condemnation proceedings, the procedure shall be that marked out by Sections 248 to 253, inclusive, of Article 23 of the Code of Public General Laws of Maryland *{cf. Title 12, Chapter 200 of the Maryland Rules of Procedure}*, relating to condemnation of property by corporations, or so far as the acquisition by condemnation of any such lands situate wholly or partly within the City of Baltimore, or any interest, franchise, easement, right or privilege therein is concerned, may, in such case or cases, at the option of the Board of Park Commissioners, be such as may now or at any time hereafter provided for by any lawful ordinance or ordinances of the Mayor and City Council of Baltimore, adopted pursuant to the powers conferred upon it by Section 6 of this Article, "General Powers", subtitle "Condemnation of Property" *{Sic. Cf. Article II, §2 of the City Charter (1996 Edition)}*, for the condemnation of any land or property or interest therein situate wholly or partly within the City of Baltimore, or such as may be provided for the very purpose by any lawful ordinance or ordinances of the Mayor and City Council of Baltimore, which said ordinance or ordinances the said Mayor and City Council of Baltimore is hereby fully authorized to adopt; provided, provision is made therein for reasonable notice to the owner or owners, and for appeals to the Baltimore City Court by any person interested, including the Mayor and City Council of Baltimore, from the decision of any Commissioners or other persons appointed to value any such land or interest, franchise, easement, right or privilege therein. (P.L.L., 1915, §739B; 1927, §739B; 1930, §739B; 1938, §866; 1949, §525; 1969, §14-2.) (1904, ch. 338.)

**SUBTITLE 15**  
**PEOPLE'S COURT**

*Repealed by Ch. 783, Acts of 1978*

**SUBTITLE 16**  
**POLICE DEPARTMENT**

*GENERAL PROVISIONS*

**§ 16-1. Definitions.**

The following words and phrases as used in this subtitle shall have or include the following meanings.

- (1) “Board” shall mean the Civilian Review Board established in § 16-42 of this subtitle.
- (2) “Department” shall mean the Police Department of Baltimore City as constituted and established by this subtitle.
- (3) “Commissioner” or “Commissioner of Police” shall mean the Police Commissioner of Baltimore City.
- (4) “Internal Investigative Division” shall mean an official internal investigative unit under the organizational structure of the Department or other law enforcement unit.
- (5) “Internal Investigative Division Report” shall mean the official file of an investigation conducted by the Internal Investigative Division as the result of a complaint against a police officer.
- (6) “Members of the department” shall mean and include all persons and personnel employed by the department, whether civilian employees or police officers.
- (7) “Police officers” shall mean all those members of the department having and exercising the powers of police officers, as provided in this subtitle, and shall specifically include the Police Commissioner of Baltimore City, all deputy police commissioners, and such other ranks or positions which the Commissioner may determine require experience as a police officer as a prerequisite.
- (8) “Civilian employees” shall mean all members of the department other than police officers.
- (9) “Examining authority” shall mean the Civil Service Commission of Baltimore.  
*(P.L.L., 1969, §16-1.) (1966, ch. 203, §526; 1999, chs. 196, 197; 2000, ch. 290.)*

**§ 16-2. Department established.**

(a) *Purpose; powers and duties.*

The Police Department of Baltimore City is hereby constituted and established as an agency and instrumentality of the State of Maryland.

The purpose generally of the department shall be

to safeguard the lives and safety of all persons within the City of Baltimore,

to protect property therein, and

to assist in securing to all persons the equal protection of the laws.

The department shall have, within the boundaries of said City, the specific duty and responsibility

to preserve the public peace;

to detect and prevent the commission of crime;

to enforce the laws of this State, and of the Mayor and City Council of Baltimore not inconsistent with the provisions of this subtitle;

to apprehend and arrest criminals and persons who violate or are lawfully accused of violating such laws and ordinances;

to preserve order at public places;

to maintain the orderly flow of traffic on public streets and highways;

to assist law enforcement agencies of this State, any municipality of the United States in carrying out their respective duties; and

to discharge its duties and responsibilities with the dignity and manner which will inspire public confidence and respect.

(b) *Duties outside City.*

The department shall also perform the duties set forth in subsection (a) of this section within those areas, outside the corporate limits of the City of Baltimore, which are, from time to time, owned, controlled, operated or leased by the Mayor and City Council of Baltimore, or any agency, commission or department thereof.

In such areas, the authority and duties of the department shall be concurrent with that of any police department or police agency in the jurisdiction in which such areas are located, and nothing contained herein shall limit or adversely affect the jurisdiction and authority of any police department or police agency in the jurisdiction in which such areas are located.

*(P.L.L., 1969, §16-2.) (1966, ch. 203, §527.)*

**§ 16-3. Police officers.**

(a) *Powers and duties.*

All police officers of the department, including such other members thereof who may be designated by the Commissioner from time to time to exercise the powers and duties of police officers, shall be peace officers and shall have the same powers, with respect to criminal matters, and the enforcement of the laws related thereto, as sheriffs, constables, police and peace officers possessed at common law and have in their respective jurisdictions.

Any person charged with commission of crime in the City of Baltimore, or in those areas outside the corporate limits of Baltimore City owned, controlled, operated or leased by the Mayor and City Council of Baltimore, and against whom criminal process shall have issued, may be arrested upon the same in any part of the State by police officers of the department, as constituted and established by this subtitle.

(b) *Immunities and defenses.*

All police officers of the department shall have and enjoy all the immunities and matters of defense now available, or such as hereafter may be made available, to sheriffs, constables, police and peace officers in any suit, civil or criminal, brought against them in consequence of acts done in the course of their official duties.

(P.L.L., 1969, §16-3.) (1966, ch. 203, §528.)

**§ 16-4. Police Commissioner — office established.**

The affairs and operations of the department shall be supervised and directed by a commissioner of police, who shall function as the chief police and executive officer of the department, and be known as the Police Commissioner of Baltimore City.

(P.L.L., 1969, §16-4.) (1966, ch. 203, §529.)

**§ 16-5. Police Commissioner — appointment, etc.**

(a) *Appointment, term, qualifications.*

- (1) The Police Commissioner of Baltimore City shall be appointed by the Mayor of Baltimore City, subject to confirmation by the City Council by a majority vote of its members, and shall serve at the pleasure of the Mayor of Baltimore City, but no person is eligible for the appointment unless that person is a citizen of the United States, not less than 30 years of age, and has not had less than five years' administrative experience that is sufficiently broad, responsible and technical to prepare that person to function effectively at the desired level as police commissioner.
- (2) In determining and assessing the qualifications for appointment to the office of police commissioner, the Mayor shall give full consideration to the depth, breadth, quality and importance of relevant experience, the degree of progression achieved therein, and in educational subjects related thereto, and shall further consider evidence of demonstrated ability to accept and successfully meet increasing responsibilities, as well as evidence respecting excellence of character, professional reputation and employment record.
- (3) To assure selection of the most qualified individual available for the office, the Mayor may employ any recognized testing agency to evaluate and make recommendations concerning the qualifications of prospective appointees.

(b) *Salary.*

The Police Commissioner shall receive a salary as may be provided in the annual Ordinance of Estimates of Baltimore City, but in no event less than \$25,000 per year.

(c) *Retirement benefits.*

If a person appointed Police Commissioner is a member of a retirement or pension system of the State of Maryland or City of Baltimore, or any other municipality within this State participating in the Employees' Retirement System of the State of Maryland, that person has the right to continue as a member of the system with all the rights, privileges and benefits which the members of the system have as to retirement or pension, or the payment of a pension, or other benefits, to that person's widow, widower, or other beneficiary, provided he or she continues to pay the same rate of contribution to the retirement system or pension fund which the individual was paying when the individual became Police Commissioner.

If the person appointed Police Commissioner is not a member of a retirement system, that person may, at his or her option, become a member of the Fire and Police Employees' Retirement System of the City of Baltimore.

(d) *Oath and bond.*

Before entering upon the duties of the Police Commissioner's office, the Commissioner shall take and subscribe to, before a judge of the Circuit Court for Baltimore City, or the clerk thereof, the oath or affirmation prescribed by Section 9 of Article 1 of the Constitution of Maryland and shall give bond to the Mayor and City Council of Baltimore in a form and in an amount as determined by the Mayor and City Council.

(e) *Removal.*

The Police Commissioner is subject to removal at the pleasure of the Mayor, as provided in § 6(c) of Article IV of the Charter of Baltimore City.

(f) *Vacancy.*

In case of death, resignation, retirement, removal or disqualification of the Police Commissioner, the Mayor shall appoint a successor for the remainder of the term so vacated. (P.L.L., 1969, §16-5.) (1966, ch. 1; 1966, ch. 203, §530; 1976, ch. 920; 1986, ch. 345; 1987, ch. 2; 1988, ch. 5; 2009, chs. 39 and 40; 2016, chs 192 and 193.)

**§ 16-6. Police Commissioner — acting Commissioner.**

The Police Commissioner may at any time, subject to removal by him at his pleasure, designate some member of the department to be acting commissioner.

In case of the absence or incapacitating disability of the Police Commissioner without his having designated an acting commissioner, the next ranking member of the department, as may be determined by order promulgated by the Police Commissioner in accordance with the authority vested in him by this subtitle, shall be acting police commissioner while the absence or disability continues.

In no case shall the appointment of an acting police commissioner continue for a period longer than 90 days unless approval is expressly given by the Mayor, nor in any event shall the appointment continue beyond the term for which the Police Commissioner was appointed.

Should the Mayor withhold the approval, he shall designate an acting police commissioner to serve at his pleasure until the Police Commissioner reassumes the duties and responsibilities of his office, but in no event shall the appointment continue beyond the term for which the Police Commissioner was appointed.

An acting police commissioner appointed under the provisions of this section shall have, during the time in which he acts as police commissioner, all the powers and duties conferred by law upon the Police Commissioner.

An acting police commissioner appointed from within the department shall receive no extra compensation for his services. An acting police commissioner appointed by the Mayor, who is not a member of the department, shall receive a salary during his service which shall not be less in amount than that then authorized for payment to the commissioner.

*(P.L.L., 1969, §16-6.) (1966, ch. 203, §531; 1976, ch. 920.)*

### **§ 16-7. Police Commissioner — powers and duties.**

In directing and supervising the operations and affairs of the Department, the Commissioner shall, subject to the provisions of this subtitle, and subject to the provisions of Article VI and Sections 4 - 14 both inclusive, of Article VII of the Charter of Baltimore City (1964 Revision) as amended from time to time *{Article VI and Article VII, §§ 5 to 17 of the City Charter (1996 Edition)}*, be vested with all the powers, rights and privileges attending the responsibility of management, and may exercise the same, where appropriate, by rule, regulation, order or other departmental directive which shall be binding on all members of the Department when duly promulgated. In the event of a conflict between the provisions of Article VI and Sections 4 - 14, both inclusive, of Article VII of the Charter *{Article VI and Article VII, §§ 5 to 17 of the City Charter (1996 Edition)}*, and the provisions of this subtitle, the provisions of Article VI and Sections 4 - 14 of Article VII *{Article VI and Article VII, §§ 5 to 17 of the City Charter (1996 Edition)}* shall control.

The authority herein vested in the Police Commissioner shall specifically include, but not be limited to, the following:

- (1) To determine and establish the form of organization of the Department.
- (2) To create bureaus, divisions, districts, sections, units, squads or other subordinate organizational subdivisions or segments within the Department, including departmental boards and commissions, and to determine and define the functions, duties and responsibilities of each.
- (3) To appoint without examination and to serve at his pleasure during satisfactory performance, Deputy Commissioners and other ranks and positions above the rank of Lieutenant which the Commissioner has determined require the experience of a Lieutenant as a prerequisite in order to insure the effective and efficient staffing and operation of the major functional subdivisions of the Department.
- (4) To assign, reassign, allocate and reallocate members of the Department to those duties, and to those organizational subdivisions of the Department as the Commissioner in his judgment may deem necessary to best serve the interests of the public and the Department.

- (5) To determine and establish classifications of ranks, grades and positions for Police Officer within the Department as he may deem appropriate; to prescribe the uniform insignia for all ranks; to define and designate the authority, responsibility, duties, assignments, rights and privileges for each rank, grade or position, to establish the order of succession to positions of command within the Department, including the order of succession to the position of Acting Police Commissioner, as provided for in Section 16-6 of this subtitle,
- (6) To determine and establish, with consent of the Civil Service Commission of Baltimore, those civil service ranks within the Department for civilian employees as he may deem necessary and appropriate.
- (7) To appoint, promote, reduce in rank, grade or position, reassign, reclassify, retire and discharge all members of the Department in the manner prescribed by law.
- (8) To regulate attendance, conduct, training, discipline and procedure for all members of the Department and to make all other rules, regulations and orders as may be necessary for the good government of the Department and of its members.
- (9) To institute a system of periodic performance evaluation for all members of the Department through the rank of captain.
- (10) To provide procedures for regular periodical physical examination of all members of the Department.
- (11) To make and execute contracts and other instruments as may be authorized in the exercise and performance of the powers vested in him and the Department.
- (12) To acquire, hold, control and maintain all property, equipment, facilities and premises necessary to the operation of the Department, and to dispose of those in the manner as may be authorized by law.
- (13) To establish and modify systems for the reception, processing and maintenance of reports and records of occurrences, or alleged occurrences, of crime in the City of Baltimore, and of the administration, management and operations of the Department; and to establish procedures, not inconsistent with law, for the safekeeping, photocopying, micro-photocopying and destruction of departmental records.
- (14) To suspend, amend, rescind, abrogate or cancel any rule, regulation, order or other department directive adopted by him or by any former Police Commissioner and to adopt all other reasonable rules, regulations and orders as he may deem necessary to enable the Department effectively to discharge the duties imposed upon it by this subtitle.
- (15) To create within the Police Department an auxiliary police force. This force shall be staffed as far as possible with the volunteers from the citizens of Baltimore City. The Auxiliary Police Force so created shall be used only to render assistance to the Police Department in service functions including, but not limited to, traffic, communications and clerical duties. The purpose of the Auxiliary Police Force is to relieve the regular police personnel for law enforcement duties.

*(P.L.L., 1969, §16- 7.) (1966, ch. 203, §532; 1973, ch. 304; 2012, ch. 70.)*

**§ 16-8. Departmental budget.***(a) Estimates; contingent fund.*

It shall be the responsibility of the Commissioner to estimate annually the sum of money which will be necessary for the next ensuing fiscal year to enable the Department to meet the obligations and discharge the duties imposed upon it by this subtitle. In preparing such estimate, the Commissioner shall, under procedures established by the Board of Estimates, cooperate with the Director of Finance of the City of Baltimore in the same manner as provided for other municipal agencies of the City of Baltimore by the Charter of Baltimore City (1964 Revision) as amended from time to time. Thereafter, such estimate shall be considered by the Board of Estimates of the City of Baltimore in the preparation of the annual proposed ordinance of estimates in the same manner and subject to the same provisions as for other municipal agencies of the City of Baltimore.

Provided, however, anything contained herein to the contrary notwithstanding, there shall be included annually in the said ordinance of estimates a sum of \$100,000 which may be used during the fiscal year as a contingent fund by the Department in case of an emergency or necessity for the expenditure of money in excess of or other than the appropriations regularly passed for the Department; provided further that no part of said contingent fund shall be used as compensation for overtime or for court appearances; provided, however, that the Commissioner, in the event that any expenditure is authorized to be made from such fund, shall promptly transmit a report to the Board of Estimates, which shall contain a description of the amount of money expended, the purpose of the expenditures, and the nature of the emergency which necessitated same.

*(b) Number and compensation.*

The authorized number of members of the Department, both police officers and civilian employees, and the compensation to be paid thereto, shall be as provided in the annual Ordinance of Estimates of Baltimore City, but in no event shall any person who was a member of the Department on July 1, 1966, be reduced in salary or compensation, or removed or dismissed from the Department except as provided by law.

*(c) Witness fees; overtime.*

All police officers of the Department below the rank of captain may, in addition to all other compensation authorized by law, receive witness fees in such amount, and in accordance with such rules and regulations as may be established and determined by the Board of Estimates of Baltimore City, for off-duty time spent as witnesses in connection with official duties, including but not limited to any appearances in State or Federal Courts, any duly constituted Grand Jury and the Department of Motor Vehicles.

Members of the Department required to work overtime, or whose optional leave time is of necessity cancelled, may be compensated therefor in accordance with such rules and procedures as may be promulgated by the Commissioner and approved by said Board of Estimates.

*(P.L.L., 1969, §16-8.) (1966, ch. 203, §533; 1971, ch. 125.)*

**§ 16-8A. Labor relations; collective bargaining.**

(a) *Municipal Employee Relations Law to apply.*

Except as otherwise provided in this section, the provisions of Sections 119 through 136 of Article 1 of the Baltimore City Code (1976 Edition) *{Article 12 of the City Code {Edition 2000}*, as amended from time to time, and any rules and regulations adopted pursuant thereto, governing or relating to labor relations or collective bargaining with general municipal employees of Baltimore City shall apply to labor relations and collective bargaining between the City and uniformed and civilian employees of the Baltimore City Police Department.

(b) *Negotiations.*

(1) Negotiations with a certified exclusive representative of police officers shall be conducted jointly by the Police Commissioner of Baltimore City and the Labor Commissioner, or their designees, on behalf of the employer.

(2) An employee organization may not be denied certification as the exclusive representative of any police officers solely for the reason that it:

(i) admits to membership rank and file employees in addition to supervisory and/or professional employees; or

(ii) affiliates with another employee organization which admits to membership rank and file, supervisory, or professional employees.

(3) (i) 1. In this paragraph and for purposes of arbitration, “direct compensation” means wages, salaries, longevity, shift differential, bonuses if applicable, and leave with monetary value.

2. “Direct compensation” does not include:

A. pensions or any benefit that is to be paid on or after an employee’s retirement or termination of employment; or

B. issues that do not relate to direct compensation, such as, but not limited to, job security, disciplinary procedures, investigations and actions, promotions, deployment or scheduling, including eligibility and assignment to details and positions, loss of leave as provided in the general orders, or issues relating to eligibility for overtime compensation.

(ii) If the certified employee organization or organizations representing police officers within the Police Department and the employer have not reached a written agreement concerning all issues of direct compensation by March 1 of any year, either party may at any time thereafter request arbitration by a board of arbitration, as provided in this paragraph, which request must be honored.

(iii) 1. The board of arbitration shall be composed of three members, of which one is appointed by the Mayor and one is appointed jointly by the certified employee organizations representing the police officers involved. The two members appointed

by the Mayor and the employee organizations shall be selected within 4 days of the request for arbitration. The third member shall be selected within 4 additional days by the two arbitrators previously chosen and, in accordance with the procedures of the American Arbitration Association, must be selected from a list of seven arbitrators furnished by the American Arbitration Association. All of the arbitrators on the list furnished by the American Arbitration Association must be members of the National Academy of Arbitrators. Unless the parties mutually agree on the third arbitrator, the parties alternately shall strike names from the list until one name remains. The party requesting arbitration shall strike the first name. The third member selected is the chairman of the board of arbitration.

2. The board of arbitration shall begin the arbitration proceedings within 7 days after the chairman is selected and make its decision, by a majority vote, within 30 days after beginning the proceedings. For good cause the chairman may extend any of the time requirements set forth herein.
- (iv) Within 3 days after the selection of the chairman of the board of arbitration, the Labor Commissioner or the designated representative of the Labor Commissioner shall provide each member of the board of arbitration and all parties with a detailed itemization of the last proposal made by each of the respective parties during the negotiations with respect to issues of direct compensation.
  - (v) The provisions of this paragraph governing interest arbitration for police officers shall apply only to the terms of collective bargaining agreements directly relating to direct compensation. The provisions of this paragraph may not be construed as being contradictory to the provisions of the general orders. If there is a dispute over whether an issue is an issue of direct compensation, the board of arbitration shall decide the issue and the decision by the board of arbitration is final and binding on both parties.
  - (vi) 1. The board of arbitration shall identify the major issues in the dispute, review the positions of all parties, and base the award on the following factors:
    - A. the lawful authority of the City;
    - B. the financial conditions of the City;
    - C. the stipulations of the parties;
    - D. the terms of the existing collective bargaining agreement negotiated between the parties in the past providing for direct compensation for employees involved in the arbitration proceeding;
    - E. the overall compensation and benefits paid to the employees involved in the arbitration proceeding, whether reached by a collective bargaining agreement or otherwise, including any increased cost to the City for providing the benefits;
    - F. the terms and conditions of other employees of the Mayor and City Council of Baltimore, including both employees represented in other bargaining units

and the City’s unrepresented employees, and including any changes in the terms and conditions for the period to be covered by the arbitration award;

- G. the overall compensation and benefits of other police departments and public safety employees in the State, as well as of comparable metropolitan political subdivisions in other states, and the consideration of the value of other benefits available to or received by other employees of the Mayor and City Council of Baltimore as compared with private sector employees in the metropolitan Baltimore City area and as compared with employees of other police departments and other public safety employees;
- H. the consumer prices for goods and services and other related items, cost-of-living data, and other factors that are normally utilized in the determination of wages and other benefits in the collective bargaining process;
- I. the increases and decreases in the Consumer Price Index published by the Bureau of Labor Statistics in the United States Department of Labor; and
- J. the public welfare, including the impact of the award on the City’s ability to continue providing services generally to the residents of the City.

2. Notwithstanding subparagraph 1 of this subparagraph, the board of arbitration in rendering an award may not provide for issues relating to direct compensation that adversely affect the City’s ability to continue to fund other public services generally. The board of arbitration shall issue a written decision that demonstrates that all the factors set forth above have been considered and applied and includes the evidence on record relied on in making the award.

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

(viii) The board of arbitration after hearing witnesses and receiving and considering the written evidence that is submitted shall issue its written decision that orders the implementation, in its entirety, of the last proposal of one of the respective parties submitted in accordance with subparagraph (iv) of this paragraph.

(ix) 1. The decision of a majority of the members of the board of arbitration shall be final and binding on the Mayor and City Council of Baltimore and on the certified employee organizations involved in the proceedings. No appeal of the decision shall be allowed. The decision constitutes a mandate to the Mayor of Baltimore City with respect to the matters that can be remedied administratively by the Mayor and a mandate to the Board of Estimates and the City Council with respect to the matters which require legislative action necessary to implement the decision of the board of arbitration.

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

3. With respect to salaries and wage scales, the amounts determined by the final decision of the board of arbitration shall be included in the proposed Ordinance of Estimates in accordance with Article VI, § 5 of the Baltimore City Charter, may not be reduced by the City Council in accordance with Article VI, § 7 of the Baltimore City Charter, and shall be adopted by the Board of Estimates as the salary and wage scales for employees of the Police Department in accordance with Article VI, § 9 of the Baltimore City Charter.

- (x) The cost of the arbitration proceedings, including the cost for a court reporter, provided under this paragraph shall be paid equally by the parties involved.

(c) *Section not to supersede other provisions.*

This section shall be construed to be consistent with and not to supersede other provisions of this subtitle, including, by way of illustration and not as a limitation:

- (1) the provisions of this subtitle regarding the departmental budget; and

- (2) the procedures or authority of the Board of Estimates, or the City Council.

(1982, ch. 265; 1987, ch. 268; 2011, ch. 600.)

**§ 16-9. Reports.**

The Commissioner shall make an annual report to the Mayor and City Council of Baltimore, covering and reporting upon the operations and work of the Department in detail as to enable the Mayor and City Council of Baltimore to maintain a continuing familiarity with the program and operations of the Department.

The Commissioner shall also make special reports and provide specific information as may be required from time to time by the Mayor for normal administrative, financial and managerial purposes.

(P.L.L., 1969, §16-9.) (1966, ch. 203, §534; 1976, ch. 920.)

**§ 16-10. Members — qualifications, appointment, promotion, probation.**

(a) *Examinations.*

The examining authority shall ascertain the relative qualifications for all candidates for appointment at the entrance level to the department and for promotional appointment within the department by competitive examinations and such other tests as in its judgment may be necessary.

The examinations shall be public and of such character as to test fairly the relative capacity and fitness of the candidates to discharge the duties of the position for which they are seeking to qualify. In preparing said examinations the examining authority shall consult with and may be guided by a nationally recognized police agency or testing group as designated by the Police Commissioner.

The examining authority shall prepare graded lists of qualified candidates determined from the written examinations and other tests established by the examining authority.

(b) *Appointments at the entrance level.*

Those applicants for appointment to the department at the entrance level who possess the minimum qualifications and meet the other eligibility criteria established by the Commissioner after consultation with examining authority, as determined by the tests and procedures administered pursuant to subsection (a) shall be included on an eligible list prepared by the examining authority setting forth the names of the successful applicants listed in order from the highest to the lowest qualifying score.

When making appointments to the department, the Commissioner shall be required to make such appointment from those applicants who place within the top or highest five positions on the eligible list. When an applicant is so appointed, the Commissioner shall be required to fill the next vacancy in the department, if any, from a list of applicants composed of the remaining and available four highest candidates on such list, plus the next or sixth highest scoring available applicant appearing on the eligible list.

The procedure herein established for appointment to the department shall be known and designated as the "Rule of Five" and all subsequent appointments shall be made only in accordance with this procedure until the eligible list is exhausted by such appointments.

No such list, or where the list consists of a combination of more than one eligible list, no part of such list, shall continue in force for longer than one year, unless extended upon request of the Commissioner by the examining authority, but in no event for more than two years, dating from the time that such list was first established.

The Commissioner shall not be empowered to remove the name of an applicant from the list for any reason, except if the applicant is no longer available, or for wilful misrepresentation of a material fact made in any application for examination to establish the eligible list, or for conviction of any crime subsequent to eligibility having been established.

The eligibility lists shall at all times be open to the inspection of the public, and the examination papers and other material used in determining an applicant's eligibility shall be open to inspection of the Commissioner (or his designated representative) or the applicant.

(c) *Promotional appointments.*

Those applicants for promotional appointments within the department who possess the minimum qualifications and meet the other eligibility criteria established by the Commissioner after consultation with the examining authority, as determined by the tests and procedures administered pursuant to subsection (a) shall be included on an eligible list prepared by the examining authority setting forth the names of the successful applicants listed in order from the highest to lowest qualifying score.

When making a promotional appointment within the department, the Commissioner shall be required to make such appointment from those applicants who place within the top or highest five positions on the eligible list. When an applicant is so appointed, the Commissioner shall be required to fill the next vacancy in the department, if any, from a list of applicants composed of the remaining and available four highest candidates on such list, plus the next or sixth highest scoring available applicant appearing on the eligible list.

The procedure herein established for promotional appointment within the department shall be known and designated as the "Rule of Five" and all subsequent promotional appointments shall be made only in accordance with this procedure until the eligible list is exhausted by such appointments.

No such list, or where the list consists of a combination of more than one eligible list, no part of such list, shall continue in force for longer than one year, unless extended upon request of the Commissioner by the examining authority, but in no event for more than two years, dating from the time that such list was first established.

The Commissioner shall not be empowered to remove the name of an applicant from the list for any reason, except if the applicant is no longer available.

The eligibility lists shall at all times be open to the inspection of the public, and the examination papers and other material used in determining an applicant's eligibility shall be open to inspection of the Commissioner (or his designated representative) or the applicant for promotion.

(d) *Appointments without examination.*

Notwithstanding any provisions of this section, or of this subtitle, the Commissioner may make any appointment to the Department above the rank of Lieutenant, without examination, except that no such position shall be filled by a police officer within the Department of a rank less than Lieutenant, and where any such appointment is made the police officer so appointed shall, upon the termination of his service in such position, be returned to the rank from which he was elevated, or to such higher rank as he became eligible to serve in during his appointment.

(e) *Probation.*

Any provisions relating to the examining authority contained in Sections 108 to 121, both inclusive, of Article VII of the Charter of Baltimore City (1964 Revision) as amended from time to time *{Article VII, §§ 94 to 103 of the City Charter (1996 Edition)}*, to the contrary notwithstanding, all appointments and promotional appointments shall be probationary in accordance with the following rules:

- (1) All appointments to the Department at the entrance level of civilian employees shall, during the first year of service, be known and regarded as probationary. If, at any time during the probationary period, the services of such appointees are not satisfactory to the Commissioner, or if such appointees are not certified by the police physician as physically qualified to continue to discharge their duties, such person's employment may, in the discretion of the Commissioner, at any time within the one-year period, be forthwith terminated without the necessity for a hearing, and when so terminated such appointee shall cease to be a member of the Department.
- (2) All appointments of police officers to the Department shall, during the first year of service following completion of entrance level training, be known and regarded as probationary. If, at any time during the probationary period, the services of such appointees are not satisfactory to the Commissioner or if such appointees are not certified by the police physician as physically qualified to continue to discharge their duties, such person's employment may, in the discretion of the Commissioner, at any time within a

one-year period, be forthwith terminated without the necessity for a hearing, and when so terminated such appointee shall cease to be a member of the Department.

- (3) All promotional appointees, both police officers and civilian employees, shall be probationary for one year after which, if their services are satisfactory to the Commissioner, and the appointee is physically able to perform the duties of his rank, grade, or position, as certified by the police physician, such promotional appointment shall be made permanent. If, in the judgment of the Commissioner, the services of a promotional appointee have not been satisfactory, or he is not physically qualified for such promotional appointment, he shall be reduced to the rank, grade, or position from which he was promoted.

- (f) *Department not part of State Personnel Management System.*

Members and employees of the Department are not in the State Personnel Management System, it being intended that this subtitle shall remain in effect independently of the State Personnel Article.

*(P.L.L., 1969, §16-10.) (1966, ch. 203, §535; 1971, ch. 368; 1993, ch. 10; 2012, ch. 70.)*

**§ 16-11. Members — disciplinary proceedings.**

- (a) *In general.*

All members of the Department, except those serving at the pleasure of the Commissioner, and those on probationary status under Section 16-10(e)(1), shall be retained in the Department during good behavior and efficiency and may be dismissed or removed, from the Department only for cause, in accordance with rules, regulations, or orders to be prescribed by the Commissioner for the government and discipline of members of the Department.

Nothing herein shall prevent the Commissioner from adopting rules and regulations prescribing procedures for the suspension from duty, with or without pay, of any member of the Department pending investigation or filing of disciplinary charges against him.

- (b) *Procedures.*

No member of the Police Department may be dismissed or removed except after written charges have been preferred, reasonable notice provided, and full opportunity afforded to be heard in the member's own defense, either before the Police Commissioner, or before a Police Disciplinary Board which may be created by the Commissioner, consisting of such members of the Department as the Commissioner may from time to time determine.

The Commissioner, or Disciplinary Board, as the case may be, shall, in connection with any such disciplinary hearing, have the power to administer oaths and to issue subpoenas to compel the attendance and testimony of witnesses, and the production of books, papers, records, and documents as may be relevant or necessary. Any such subpoena may be served by any police officer of the Department or, without cost, by the sheriff or deputy sheriff of the political subdivision in which is located the residence of the person, or the main office of the firm, association, partnership, or corporation against whom or which the subpoena is issued.

In case of disobedience or refusal to obey any such subpoena, the Police Commissioner, or Disciplinary Board, may apply to the Circuit Court for Baltimore City, or the Circuit Court of any county, as the case may be, wherein the subpoenaed party resides or conducts business, for an order requiring the attendance and testimony of such witness and the production of such books, papers, records, and documents. Upon a finding that the attendance and testimony of the witness, or the production of the books, papers, records, and documents so sought is relevant or necessary, the court may issue an order requiring such attendance, testimony, or production of books, papers, records, and documents, and any failure to obey such an order of court may be punished by the court as a contempt of court.

(c) *Punishment.*

The Commissioner, or Disciplinary Board, shall be empowered, after such disciplinary hearings, to impose such punishment as shall be deemed appropriate under the circumstances, including, but not limited to, dismissal or removal from the Department, fine or forfeiture of pay or leave time, reduction in rank, grade, or position, assignment of extra duty, or any other punishment deemed proper by the Commissioner or the Board.

(d) *Review.*

The Commissioner shall be empowered to review the findings and conclusions of the Disciplinary Board in connection with any disciplinary hearing held before it and he may, in his discretion, affirm, reverse, or otherwise modify the action taken by the Disciplinary Board.

(e) *Administrative Procedure Act.*

The provisions of the Administrative Procedure Act, Title 10, Subtitle 2 of the State Government Article, Annotated Code of Maryland (1984 Edition) shall govern the procedure to be followed in disciplinary hearings before the Police Commissioner or Police Disciplinary Board, including any appeals therefrom to the courts, including the Court of Special Appeals of Maryland. The Police Commissioner shall be considered an aggrieved party for the purposes of appeal from any adverse ruling of the Circuit Court for Baltimore City.

(P.L.L., 1969, §16-11.) (1966, ch. 203, §536; 1967, ch. 497, §536(a); 1972, ch. 333; 1986, ch. 345.)

**§ 16-12. Grievance procedure; personnel service board.**

(a) *Department to maintain procedures.*

The Department shall at all times maintain procedures for the review and evaluation of personnel problems and suggestions as provided in this section.

These procedures shall include alternate methods of review and evaluation

- (i) through the regular chain of command to and including the supervisory member of the Department who holds the grade or rank immediately below that of the Commissioner or
- (ii) through the procedures provided in this section.

Such procedures shall be available to any member of the Department, except those appointed pursuant to Section 16-7(3).

No member shall be reduced in rank, disciplined, reprimanded, or subjected to any form of reproach whatsoever for the use of any such procedure unless the manner or purpose of such use is insolent, scandalous, or unjustifiably or unnecessarily abusive of another member of the Department.

(b) *Establishment and duties of personnel service board.*

There is hereby created within the Department a personnel service board.

The board

shall consider and evaluate specific suggestions by members of the Department bearing upon the efficiency, economy, or other improvement of departmental operations or procedures and

shall consider and evaluate the problems of individual members concerning remuneration, hours of duty, training, safety, promotion and advancement, and personal misunderstandings and disputes.

The board shall not consider any matter which is the subject of a disciplinary proceeding as provided in Section 16-11.

(c) *Additional duties of board.*

In addition to the duties imposed by subsection (b), the board

shall recommend to the Commissioner members of the Department who are deserving of commendation and

shall consider such other matters of a nature related to the provisions of subsection (b) as may be designated from time to time by the Commissioner.

(d) *Board composition.*

The board shall consist of seventeen members, one of whom shall be appointed by the Commissioner and shall serve at his pleasure, and sixteen other members of the Department elected during the month of July of each year as provided herein. The chief personnel officer of the Department shall attend all meetings of the board but shall have no vote. The board, with the approval of the Commissioner, may make additional rules and regulations for the conduct of elections, nominations and filling of vacancies which are not inconsistent with this subsection.

(1) *Nominations.*

At any time prior to fifteen days before any such election, nominations may be submitted to the chairman or secretary of the board in writing and signed by not less than twenty patrolmen, twenty civilian employees, ten lieutenants, fifteen sergeants or five captains, as the case may be. All persons signing a nomination must be of the same rank; and no more than half of the persons signing a nomination may be from the same district or unit. The members of any rank may nominate a person who holds another rank.

(2) *Manner of election.*

At each yearly election, all police officers holding the rank of patrolman shall elect from the nominations made by patrolmen two representatives to serve on the board and one alternate representative; and all police officers holding the rank of sergeant shall elect from the nominations made by sergeants one representative to serve on the board and one alternate representative. At elections held in even-numbered years, all police officers holding the rank of lieutenant shall elect from the nominations made by lieutenants one representative to serve on the board and one alternate representative. At elections held every fourth year, all police officers holding the rank of captain shall elect from the nominations made by captains one representative to serve on the board and one alternate representative; and all civilian employees shall elect from the nominations made by civilian employees one representative to serve on the board and one alternate representative. At such elections, the nominees corresponding with the number of representatives to be elected, who receive the highest number of votes shall be declared elected as representatives; and the nominee receiving the next largest number of votes shall be declared the alternate representative. All persons so elected shall serve a term of four years and until their respective successors are elected and qualified.

(3) *Vacancies.*

If a representative dies, resigns, retires, or ceases to be a member of the Department, the alternate elected at the same election as such representative shall become a permanent member of the board for the unexpired term of the member who died, resigned, retired, or ceased to be a member of the Department; and at the next election after such vacancy occurs, a new alternate representative shall be elected for the unexpired term by the members of the rank which elected the alternate to be replaced. If more than one vacancy occurs during any year among the representatives and alternates elected by any rank, the remaining members of the board who were elected by the same rank as the representatives to be replaced shall appoint temporary alternates from among any other alternate members of the board to serve as permanent representatives until the next election. In addition, if a representative is disqualified by reason of the provisions of subsection (e) or is unable to attend any meeting of the board or any committee of which he is a member, he may designate any alternate representative as a temporary representative in his place.

(4) *Continuation of prior board.*

Any board heretofore elected in substantially the manner provided in this subsection under departmental order, shall continue in office until the expiration of the terms of the various members as provided in such order. As such terms expire, new elections shall be held as provided herein.

(e) *Officers; operation.*

The chairman of the board, a vice chairman, who shall act as chairman in the absence of the person so appointed, and a secretary shall be elected by the board from its members.

The board may summon any member of the Department in connection with any matter pending before it, but due regard shall be given to the convenience of the person summoned and the manpower needs of his district or unit.

The board shall, with the approval of the Commissioner, adopt procedures for the submission of matters which it is empowered to consider and for the time and conduct of its meetings and the meetings of its committees. Such rules and regulations shall contain, but shall not be limited to,

a provision that no person other than a member of the board or a representative of the Attorney General may attend any meeting of the board or any committee without the consent of the member whose suggestion or problem is under consideration and a majority vote of the board except during the time that such person is called to present views to the board or committee;

a provision that a board member from the same district or unit as a person whose suggestion or problem is under consideration may not participate in the consideration or decision of such matter without the permission of such person; and

a provision that twelve members of the board shall constitute a quorum and the concurrence of nine members is required to take any action authorized by this section.

The board may recommend disciplinary action against any member of the Department whose conduct before the board violates any Departmental rule.

(f) *Committees.*

The board may establish from its membership committees of not more than five members to consider and evaluate any subject or matter it is empowered to consider, provided that at least one sergeant and a captain or lieutenant shall be a member of each such committee. Committee chairmen shall be appointed by the chairman of the board.

Any committee shall have the same power to summon members of the Department and recommend disciplinary action as the board. Three members of a committee, at least one of whom is a captain or lieutenant, shall constitute a quorum; and the concurrence of the same number, but without regard to rank, shall be required to take any action.

All actions and decisions of a committee shall be reported to the next meeting of the board.

(g) *Board review of committee decisions.*

Any member of the Department who has submitted a suggestion or problem or who has been considered by a committee for commendation and is not satisfied with the decision of the committee, or any two members of the committee, or any six members of the board may request in writing, within a time to be established by the procedures of the board, review of any committee decision by the entire board.

The board shall consider such written request and may, if it deems necessary, conduct a hearing on the matter decided by the committee. The board may, with or without such hearing, affirm, reverse, or modify any decision of a committee so reviewed; and the board may also, at the meeting at which a decision of a committee is reported, reverse, modify, or suspend for future

consideration any decision of a committee although no request for review has been filed as provided herein.

Unless reversed, modified or suspended as provided herein, any action or decision by a committee shall be deemed to be the decision of the board.

(h) *Final decision.*

The decision or action of the board shall be reported to the member involved in such manner as may be provided by the procedures adopted by the board.

When further departmental action is considered necessary or desirable, such report shall also be forwarded to the Commissioner with the affirmative recommendations of the board of the manner in which the matter considered may be corrected or improved. The Commissioner shall report his disposition of the matter to the board; and his decision shall be final.

(i) *Modifications.*

The Commissioner may by rule or regulation and with the approval of a majority of the board, alter, amend, or supersede any of the provisions of subsections (c) through (h), inclusive.

Such rules and regulations amending, altering, or superseding any of the provisions of this section shall be made only after a determination by the Commissioner, which shall be conclusive, that such action is in the interest of the Department and will more properly or efficiently provide for consideration and evaluation of the suggestions and problems referred to in subsection (b).

*(P.L.L., 1969, §16-12.) (1966, ch. 203, §537.)*

**§ 16-13. Defense of police officers.**

In any case, civil or criminal where a police officer of the Baltimore City Police Department is charged with the commission of any wrong, in consequence of an act done in the course of his official duty, the Police Commissioner may, when in his sole judgment the best interests of the public, and/or the Department, and/or the police officer so charged would appear to warrant it, expend any funds under his control and jurisdiction which may have been appropriated either by the City Council of Baltimore or by the General Assembly of Maryland for the express purpose of reimbursing such officers for legal expenses incurred in defending against such charges; and provided further that said Police Commissioner is authorized to expend for this purpose any other funds, not restricted to specific uses and purposes, which said Police Commissioner may have under his jurisdiction and control, though not appropriated either by the City Council of Baltimore or by the General Assembly of Maryland. No such fees or expenses shall be paid by the Commissioner until the Attorney General has approved the same for payment.

*(P.L.L., 1969, §16-13.) (1966, ch. 203, §538.)*

**§ 16-14. Administrative Procedure Act inapplicable.**

Except as provided in Section 16-11 of this subtitle, none of the provisions of the Administrative Procedure Act of Maryland shall be applicable to the Police Department or Police Commissioner of Baltimore City and the Commissioner shall not be required, when promulgating or adopting any

rule, regulation or order, to comply with the provisions of Section 9 of Article 41 of the Annotated Code of Maryland (1965 Replacement Volume) *{State Government Article, Title 10, Subtitle 1}*. (P.L.L., 1969, §16-14.) (1966, ch. 203, §539.)

**§ 16-15. {Vacant}**

**§ 16-16. Special police officers.**

*Repealed by Ch. 453, Acts of 2014.*

**§ 16-16A. Special enforcement officers.**

(a) *In general.*

- (1) The Commissioner may appoint persons as special enforcement officers of the City of Baltimore which may provide by ordinance for their duties, functions, and procedures as special officers. The officers may issue and serve citations and summonses to appear before the appropriate division of the District Court in proceedings for enforcement of any City code, ordinance, regulation, or provision of public local law pertaining to building, housing, zoning, fire, public health, sanitation, and parks.
- (2) These officers may receive complaints and investigate all violations enumerated in paragraph (1) of this subsection and all violations of any State law or regulation concerning buildings, public health, fire, or sanitation reported to them by any State department or agency.
- (3) The officers may not arrest or take into custody any violator under this subsection or otherwise have the power of arrest in their official capacity. A record of appointment of officers shall be kept by the Commissioner and any appointment may be revoked by the Commissioner at any time. The form of badge and the type of uniform that may be worn by the special enforcement officers shall be approved by the Police Commissioner.

(b) *Prepayable citations — Authority to issue.*

These officers may issue citations pursuant to subsection (a) of this section requiring a recipient to stand trial for a violation or, alternatively, to prepay a specified fine.

(c) *Prepayable citations — Designation by ordinance; procedures.*

The City of Baltimore shall designate by ordinance the violations for which citations may be issued and the amount of the fine for each violation. The amount of the fine shall be within the range of a petty offense but may not exceed the maximum monetary penalty provided by the ordinance or other law that has been violated. A violation for which incarceration is a penalty may not be charged by prepayable citation.

- (1) On each citation the issuing officer shall sign a certification under penalty of perjury that the facts contained in the citation are true to the best of the officer’s information, knowledge, and belief.
- (2) Promptly after issuance and service, the issuing officer shall file the original of each citation in the appropriate division of the District Court.

- (3) A certified and filed citation shall constitute prima facie evidence of the facts contained if the recipient waives trial and prepays the fine.
- (4) If the presence of the issuing officer is not requested at trial, a certified and filed citation shall constitute a stipulation that if present the issuing officer would testify that the facts are as set forth in the citation. The stipulation may not be deemed a waiver of the recipient's right to testify and to controvert the officer's version at trial.

(d) *Effect of citation.*

A citation issued under this section shall command and require the recipient to:

- (1) stand trial for the offense charged or prepay the amount of the fine indicated, in the time, place, and manner directed;
- (2) appear in the District Court for a trial when notified or at the time and place indicated on the citation;
- (3) provide accurate information regarding any change in or correction of the address to which notification is to be sent as to the trial date or any other notice that relates to the citation; and
- (4) sign a statement on the citation that acknowledges the receipt of the citation and that promises compliance with all of the requirements of the citation set forth in this subsection.

(e) *Information to be in citation.*

The following information shall be contained in a citation issued pursuant to subsection (a) of this section:

- (1) the name and address of the recipient;
- (2) essential facts of the violation charged and the provision of law violated;
- (3) notice to the recipient that prepayment of the fine is a waiver of the right to trial and that prepayment authorizes the entry of a plea of no contest to the violation charged and a disposition by the court in accordance with the plea and the facts contained in the citation;
- (4) notice to the recipient that the citation constitutes prima facie evidence of the facts contained if trial is waived or where the presence of the issuing officer is not requested at trial;
- (5) notice to the recipient that failure to obey any requirement of the citation could result in the issuance of an arrest warrant and increased or additional fines and penalties;
- (6) notice to the recipient as required by the provisions of the Maryland Rules relating to the content of charging documents; and

(7) any other necessary information.

(f) *Procedures implementing section.*

In consultation with the District Court, the City of Baltimore shall adopt by ordinance and regulation necessary and appropriate provisions and procedures to implement this section.

(g) *Citation containing summons.*

(1) If approved by the Chief Judge of the District Court, the form of a citation under this section may contain the summons.

(2) Subject to paragraph (1) of this subsection, a special enforcement officer may issue and serve a civil citation that constitutes a complaint and a summons for a violation of any codes enumerated under subsection (a) of this section that, by ordinance, are subject to civil penalties or equitable remedies.

(h) *Service on defendant — in general.*

A civil citation shall be served on the defendant:

(1) in accordance with Maryland Rule 3-121; or

(2) for violations related to real property, if proof is made by affidavit that a good faith effort to serve the defendant by personal delivery or by certified mail, return receipt requested has not succeeded, by:

(i) regular mail to the defendant’s last known address; and

(ii) 1. if the last known address of the defendant in the State is not a post office box:

A. delivery to an adult at the last known address of the defendant; or

B. posting at the last known address of the defendant; or

2. if the last known address of the defendant is outside of the State or is a post office box, posting the citation at the property where the violation occurred.

(i) *Service on defendant — additional addresses.*

For the purposes of service of a civil citation as provided under subsection (h) of this section:

(1) the address provided in the rental property registration records of Baltimore City may be used as the last known address of a defendant who is an absentee owner of residential real property; or

(2) the mail-to address provided in the real property tax records of Baltimore City may be used as the last known address of a defendant who:

- (i) is an absentee owner of residential real property; and
- (ii) has failed to register in the rental property registration records of Baltimore City.

(j) *Contents of citation.*

(1) The civil citation shall contain:

- (i) the enforcement officer's certification attesting to the truth of the matter set forth in the citation;
- (ii) the name and address of the person charged;
- (iii) the nature of the violation and citation of the specific section of law that is violated;
- (iv) the location, date, and time the violation was observed;
- (v) the amount of the civil fine assessed;
- (vi) the manner, location, and time in which the fine may be paid to the City;
- (vii) the nature of equitable relief requested, if applicable;
- (viii) notice of the right of the person to elect to stand trial for the violation and to contest the City's claim to the requested relief;
- (ix) notice of the effect of failing to pay the assessed fine or appear for trial at the prescribed time; and
- (x) notice of the right of the person to request the presence of the issuing enforcement officer at trial.

(2) If a citation is issued for a violation arising from the condition of real property owned by the defendant, the citation may include a count demanding judgment for outstanding municipal liens against the property if the property is:

- (i) a vacant lot; or
- (ii) a structure that is vacant and unfit for habitation.

(k) *Summons; penalty for failure to pay or appear.*

(1) (i) The civil citation may contain a summons in a form approved by the District Court.

- (ii) Except where the civil citation contains a demand for injunctive or other equitable relief or a demand for judgment in the amount of outstanding municipal liens against the property that is the subject of the citation, the summons shall specify that the defendant is not required to appear in District Court if the fine is paid as provided in the citation.

(iii) An enforcement officer shall coordinate the selection of court dates with the appropriate District Court officials.

(2) If the defendant fails to pay the fine with a prepayment option as provided in the citation and fails to appear in District Court as provided in the summons:

(i) the City may double the fine to an amount not to exceed \$1,000; and

(ii) notwithstanding any other provision of law, if a proper motion for judgment has been made, the court may:

1. enter judgment against the defendant and in favor of the City in the amount of the fine then due;
2. enter an order granting equitable relief from the violation as requested by the City; or
3. enter judgment for the City in the amount of the outstanding municipal liens against the property that is the subject of the citation.

(1) *Judgment against defendant.*

If a defendant is found by the District Court to have committed a violation that is subject to civil penalty:

(1) (i) the court shall order the defendant to pay an amount not to exceed the fine then due, including any doubling of the fine, not to exceed the amount specified in subsection (k) of this section;

(ii) the fines imposed shall constitute a judgment in favor of the City; and

(iii) if the fine remains unpaid for 30 days following the date of its entry, the judgment shall be enforceable in the same manner and to the same extent as other civil judgments for money unless the court has suspended or deferred the payment of the fine as provided under paragraph (2) of this subsection;

(2) the court may suspend or defer the payment of any fine under conditions that the court sets;

(3) the defendant may be liable for the costs of the proceedings in the court;

(4) the court may order the defendant to abate the violation or grant other equitable relief requested by the City, including entry of an order permitting the City to follow specific actions described in the order to abate any violation at the expense of the defendant; and

(5) if the defendant fails to comply with any order of the court, the court may hold the defendant in contempt under Maryland Rules 15-205 and 15-206 and may enforce the order under Maryland Rule 3-648.

(m) *Payment of abatement expenses.*

- (1) If the City abates a violation pursuant to an order of the District Court, the City shall present the defendant with a bill for the cost of abatement by:
  - (i) regular mail to the defendant's last known address; or
  - (ii) any other means that are reasonably calculated to bring the bill to the defendant's attention.
- (2) If the defendant does not pay the bill within 30 days after presentment, the City may file a motion with the District Court for entry of a judgment against the defendant for the cost of abatement.
- (3) On the filing of a motion under this subsection, the defendant shall be given proper notice and an opportunity for a hearing in accordance with the Maryland Rules.

(n) *Failure to pay is subject to contempt.*

- (1) Except as provided in paragraph (2) of this subsection, if a defendant fails to pay any fine or cost imposed by the District Court in an action for a violation subject to civil penalties, the District Court may punish the failure as contempt of court.
- (2) A money judgment for municipal liens or abatement or enforcement expenses may not be enforced by contempt.

(o) *Court proceedings.*

In any proceeding for a violation subject to civil penalties:

- (1) the District Court shall apply the evidentiary standards as prescribed by law or rule for the trial of civil causes, except it shall be the burden of the City to prove by clear and convincing evidence that the defendant has committed a violation for which imposition of a civil fine is sought;
- (2) the District Court shall ensure that the defendant has received a copy of the citation and that the defendant understands the allegations contained in the citation;
- (3) if a defendant has not requested the presence of the issuing enforcement officer, and the issuing officer is not present, a civil citation sworn to or affirmed by the officer shall be considered prima facie evidence of the facts contained in the civil citation; and
- (4) the defendant may admit or deny a violation, and the court shall enter judgment for the defendant or the City.

(p) *City representative.*

The State’s Attorney, the City Solicitor, or any attorney designated by the City is authorized to represent the City in enforcing a civil citation.

*(P.L.L., 1969, §16-16A.) (1973, ch. 444; 1977, ch. 299; 1988, ch. 759; 1997, ch. 552; 2003, ch. 469.)*

**§ 16-16B. Special parking enforcement officers.**

(1) *Appointment; duties.*

The Commissioner may appoint employees of the City as special parking enforcement officers.

The Mayor and City Council of Baltimore by Ordinance may provide for their nomination, duties, functions and procedures as special parking enforcement officers.

The officers may issue citations to appear before the appropriate division of the District Court for violation within the City of any City or State law or regulation pertaining to parking.

The citations have the same legal effect as if issued by a Baltimore City Police Officer.

(2) *Legal authority.*

Except as limited in (3) the officers have the same power and legal authority to enforce parking ordinances, laws and regulations as do police officers of the Baltimore City Police Department.

(3) *Limitations on authority; record of appointments; badge and uniform.*

The special parking enforcement officers may not arrest or take into custody any person for the violation of parking ordinances, laws or regulations or otherwise have the power of arrest in their official capacity.

A record of the appointment of the officers shall be kept by the Commissioner and any appointment may be revoked by him at any time.

The form of the badge and the type of uniform that may be worn by these officers must be approved by the Police Commissioner.

(4) *Department not relieved of responsibility.*

The Baltimore City Police Department shall continue to enforce the laws regulating parking and are not relieved of any duty by this section.

*(P.L.L., 1969, §16-16B.) (1975, ch. 607.)*

**§ 16-16C. Special traffic enforcement officers.**

(a) *May be authorized by ordinance.*

The Mayor and City Council by ordinance may:

- (1) provide for the nomination of special traffic enforcement officers; and
- (2) set the duties and functions of and procedures governing special traffic enforcement officers.

(b) *Commissioner to appoint officers.*

Subject to the ordinance adopted under subsection (a) of this section, the Commissioner may:

- (1) appoint an employee of the City to be a special traffic enforcement officer; and
- (2) revoke the appointment of a special traffic enforcement officer at any time.

(c) *Record of appointments, training.*

The Commissioner shall keep a record of:

- (1) special traffic enforcement officer appointments; and
- (2) the completion of an accredited conflict resolution training course by each special traffic enforcement officer.

(d) *Badge and uniform.*

The Commissioner shall approve the form of badge and the type of uniform that a special traffic enforcement officer wears.

(e) *Powers and jurisdiction of officers.*

(1) Except as limited by paragraph (2) of this subsection, a special traffic enforcement officer has the same authority to control and direct pedestrian and vehicular traffic under the Maryland Vehicle Law and Baltimore City ordinances regulating motor vehicles as a police officer under the following circumstances:

- (i) during regular high traffic periods;
- (ii) as necessitated by an emergency situation or incident; and
- (iii) in connection with a special event.

(2) A special traffic enforcement officer has no power to:

- (i) issue citations for moving violations other than for a failure to obey lawful traffic direction or traffic control devices; or
- (ii) make arrests.

(f) *Conflict resolution training.*

Each special traffic enforcement officer shall complete an accredited conflict resolution training course in the time period determined by the Commissioner.  
(1993, ch. 345; 2003, ch. 469; 2006, ch. 511.)

**§ 16-17. Status of Department members.**

(a) *Abolition of positions.*

The Commissioner may abolish any rank, grade or position in the Department existing on July 1, 1966, but no such abolition shall operate or be construed to operate to authorize any member of the Department to be dismissed therefrom, other than for cause, or to reduce the salary or other pecuniary rights of such member of the Department.

(b) *Retirement.*

The status of every present and former member of the Department who shall have been or shall have the right to be retired under any of the provisions of Sections 16-19 to 16-39, inclusive, of this subtitle, relating to the Special Fund and Special Fund for Widows, shall in no way be impaired, and nothing in this subtitle shall operate, or be construed to operate in derogation of any such status or right.

Should the Commissioner determine to abolish any rank, grade or position in the Department presently or formerly held by any member of the Department entitled to benefits under any of the aforesaid Sections 16-19 to 16-39, or in pursuance of which his widow and/or children may be entitled to benefits, said Commissioner shall simultaneously, by appropriate directive, establish for the rank, grade, or position so abolished an equivalent rank, grade or position in active use in the Department, the salary for which shall not be lower than the salary then being paid for such rank, grade or position so abolished.

It is the express intention and purpose of this subsection to assure that every member of the Department who shall have been, or shall subsequently have the right to be retired under the aforementioned provisions of Sections 16-19 to 16-39, together with their eligible widows and/or children, shall be entitled to receive, to the extent heretofore required by law, the benefit (for purposes of computing retirement and pension payments to be made to them) of any increase, whenever granted, in the salary of the equivalent rank, grade or position in the Department so established by the Commissioner, as herein provided.

Provided further that any change in the benefits under any of the aforesaid Sections 16-19 to 16-39, shall be subject to the safeguards provided herein and from July 1, 1966, shall be the exclusive province of the Mayor and City Council of Baltimore.

(c) *Seniority.*

Nothing herein shall operate or be construed to operate to impair the seniority rights of any member of the Department existing on June 1, 1966.  
(P.L.L., 1969, §16-17.) (1966. ch. 203, §542.)

**§ 16-18. Retirement.**

The Police Commissioner of the City of Baltimore is empowered whenever in his judgment the efficiency of the service may require it, to retire any officer of police, policeman, detective, clerk or turnkey appointed by him who may be ineligible in the way of length of service to retirement on pay for life under existing pension systems but who has served faithfully and become permanently incapacitated for active duty and to pay such officer of police, policeman, detective, clerk or turnkey, as provided for from funds set forth in the regular budget of the Department, a sum of money not to exceed one year's salary allowed to him by law at the time of his said retirement, provided the said Commissioner shall in all cases before making such retirement procure and file among his records a certificate of a majority of the police physicians of Baltimore City that the person proposed to be retired has been thoroughly examined by them, and that he is incapable of performing active duty.

*(P.L.L., 1915, §756A; 1927, §756A; 1930, §756A; 1938, §911; 1949, §560; 1969, §16-18.)  
(1912, ch. 189; 1969, ch. 301.)*

***SPECIAL FUND*****§ 16-19. Special Fund — established.**

All sums of money which are now in or which may hereafter come into the hands of the Police Commissioner for the City of Baltimore, under and by virtue of the provisions of existing laws, except such sums as may come into his hands under and by virtue of the provisions of Section 747 {§ 16-8} shall constitute a fund to be known and accounted for as the Special Fund.

*(P.L.L., 1888, §755; 1915, §776; 1927, §776; 1930, §776; 1938, §937; 1949, §580; 1969, §16-19.)  
(1886, ch. 459; 1898, ch. 123, §776.)*

**§ 16-20. Special Fund — Trustee; Treasurer.**

The Police Commissioner of the City of Baltimore, and his successors, shall be the trustee of the special fund hereinafter mentioned.

The treasurer of said Commissioner shall be Treasurer of the fund. He shall before entering upon his duties as Treasurer thereof execute and deliver to said Commissioner a bond in the penal sum of five thousand dollars, to be approved by the Comptroller of the City of Baltimore, and conditioned for the faithful discharge of his duties, and that he shall pay over and account for all moneys and property which shall come to his hands as such Treasurer, the expense of such bond, if furnished by a corporation, to be paid out of the special fund.

Such trustee shall have charge of and administer such funds, and from time to time invest the same, or any part thereof, as he shall deem most beneficial to said fund, and he is empowered to make all necessary contracts, and take all necessary and proper actions and proceedings in the premises, and to make payments from such fund of salaries granted in pursuance of this subheading, and also salaries now charged on said fund or any part thereof by or under existing laws. The said trustee may, and he is authorized and empowered from time to time to establish such rules and regulations for the disposition, investment, preservation and administration of the special fund as he may deem

best. He shall report in detail to the Mayor and City Council annually in the month of April the condition of the special fund, and the items of receipts and disbursements on account of the same. (*P.L.L., 1915, §776A; 1927, §776A; 1930, §776A; 1938, §938; 1949, §581; 1969, §16-20.*) (*1900, ch. 266; 1963, ch. 825.*)

**§ 16-21. Special Fund — funds exempt from execution.**

The monies, securities and effects of the Special Fund and all salaries granted and payable from said fund shall be and are exempt from execution and from all process and proceedings to enjoin and recover the same by or on behalf of any creditor or person having or asserting any claims against, or debt or liability, of any sharer of said fund; every person who knowingly or wilfully in anywise procures the making or presentation of any false or fraudulent affidavit or affirmation concerning any claim for a share or payment thereof, shall in every case forfeit a sum not exceeding two hundred dollars, to be sued for and recovered by and in the name of the said trustee, and when recovered to be paid over to and thereupon become a part of the said Special Fund. Any person who shall wilfully swear falsely in any oath or affirmation in obtaining or procuring any shares or payment thereof, under the provisions of this subheading, shall be guilty of perjury. (*P.L.L., 1915, §776B; 1927, §776B; 1930, §776B; 1938, §939; 1949, §582; 1969, §16-21.*) (*1900, ch. 266.*)

**§ 16-22. Special Fund —composition.**

The said Special Fund shall consist of:

- (1) the capital, interest, income, dividends cash deposit, securities and credit of the Special Fund now in existence, with additions thereto from time to time of
- (2) all fines and forfeitures imposed by the Police Commissioner from time to time upon or against any member or members of the police force; and of
- (3) all rewards, fees, gifts, testimonials and emoluments that may be presented, paid or given to any member of the police force on account of police services, except such as have been or shall be allowed by the Police Commissioner to be retained by the said members, and also all gifts or bequests which may be made to the said Special Fund, or to the said Police Commissioner as trustee thereof.
- (4) all lost, abandoned, unclaimed, or stolen money remaining in the possession of the Secretary of the Police Commissioner for the space of one year, and for which there shall be no lawful claimant, and all monies arising from the sale by the said Secretary or said Commissioner of unclaimed, abandoned, lost or stolen property, and all monies realized, derived or received from the sale of any condemned, unfit or unserviceable properly belonging to or in the possession or under the control of the Police Department.
- (5) all monies derived or received from license, certificates, or permits, hereafter authorized by the Mayor and City Council under the general powers granted by Chapter 123, of the Acts of the General Assembly of Maryland, Session 1898, title “City of Baltimore”, subtitle “Charter”, subtitle “General Powers”, subtitle “License”, which are required to be issued and collected by the Police Department.

- (6) any sum hereafter allowed out of or share of liquor license monies specially appropriated to said Special Fund and derived from the granting of license or permission to sell strong or spirituous liquors, ale, wine or beer, and such sum, sums, share or shares shall be paid in to the Treasurer of the Special Fund by the person or officer having the legal custody thereof.
- (7) all moneys derived or received from the granting or issuing the permits, or the giving of permission to give public dances, soirees, masked balls, boxing or athletic contests, circus or tent shows, or either of them, in the City of Baltimore; also the sum of five dollars for each and every permit granted by the Police Commissioner under Section 653P, Chapter 343, of the Acts of the General Assembly of Maryland, Session of 1890, for the sale of liquors at bona fide entertainments.
- (8) a sum of money equal to but not greater than two per centum of the semi-monthly pay, salary or compensation of each member of the police force entitled to participate in the Special Fund, which sum shall be deducted every payday by the Treasurer of the Police Commissioner from their pay, salary or compensation of each and every member of the police force, and the said Treasurer of said Commissioner is hereby authorized, empowered and directed to deduct the said sum of money as aforesaid and forthwith to pay the same to the Treasurer of the trustee of the Special Fund; provided, however, that it shall be optional with any member of said police force to contribute the said two per centum of his salary as above provided, and participate in the benefits of the Special Fund; and provided further, that no member of said force shall participate in said Special Fund unless he contributes to said fund as aforesaid.
- (9) In case the amount derived from the different sources mentioned and included in this section, and from the Special Fund, without deducting charges for patrol services, policeboat and new station-houses, shall not be sufficient at any time to enable the Police Commissioner to pay in full the salaries which have been or may hereafter be granted, which said salaries shall at all times be a first charge on said funds, it shall be the duty of the said Commissioner each year at the time of making up the departmental estimate to prepare a full and detailed statement of the assets of said Special Fund, and the amount which is required to pay in full all such salaries, and to present the same to the Mayor and City Council and the Board of Estimates, together with a statement of the amount of money required to enable the said Police Commissioner to pay the said salaries in full. It shall be the duty of the Mayor and City Council and said Board of Estimates to make an appropriation sufficient to provide for each deficiency, and the amount so appropriated shall be included in the tax levy, and the Comptroller shall pay over the money to the Treasurer of the Special Fund.
- (10) And the said Police Commissioner, as trustee of the Special Fund, is hereby authorized and empowered to take and hold as Trustee of such fund any and all gifts or bequests which may be made to such fund.

*(P.L.L., 1915, §776C; 1927, §776C; 1930, §776C; 1938, §940; 1949, §583; 1969, §16-22.)  
(1900, ch. 266; 1924, ch. 411.)*

**§ 16-23. Special Fund — permit fees for dances, etc.**

No public dances, soirees, mask balls, boxing or athletic contests, or other public entertainment of like kind, to or for which an admission fee shall be charged, shall be held, given or permitted in the

City of Baltimore, except upon condition that a license or permit fee of not less than \$5.00 nor more than \$100.00 shall first be paid to the Secretary of the Police Commissioner who is authorized to demand and receive the same for the benefit of the Special Fund, provided, that nothing herein contained shall interfere with any permits authorized, issued or collected by the authority of the Mayor and City Council of Baltimore.

Any person or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$5.00 nor more than \$100.00.

Provided, however, that this section is not intended to apply to regular dancing schools where the art is regularly taught and where dancing parties are given in connection with the scheduled classes on stated nights from 8 to 12 o'clock and where no liquors are sold or dispensed; that all owners or managers of regular dancing academies or places used for instruction in the art of dancing shall pay an annual license fee of five dollars for such privilege.

*(P.L.L., 1915, §776CA; 1927, §776CA; 1930, §776CA; 1938, §942; 1949, §585; 1969, §16-23.) (1900, ch. 269; 1902, ch. 514; 1906, ch. 267.)*

**§ 16-24. Special Fund — payments to widows.**

The Police Commissioner shall pay to the widow of any member of said police force who shall have been killed while in the actual performance of duty, or shall have died in consequence of injuries received while in the discharge of duty an allowance until she remarries, equal to the sum which her husband would have received, had he been retired, under Section 16-33. If there be no widow, but a child or children, then he shall pay to such child or children whilst under the age of eighteen years, a sum such as parent would have been entitled to out of said Special Fund under said Section 16-33.

*(P.L.L., 1915, §776D; 1927, §776D; 1930, §776D; 1938, §943; 1949, §586; 1969, §16-24.) (1900, ch. 266; 1927, ch. 197; 1961, ch. 291.)*

**§ 16-25. Special Fund for Widows — participation.**

On and after June 1<sup>st</sup>, 1939, every active member of the Police Department of Baltimore City who has established eligibility to participate in the benefits of the Special Fund as provided by Section 16-22 of this article, and every one thereafter appointed to the said Police Department who becomes eligible to participate in the said Special Fund, shall, on his own election and in consideration of the payment of an additional contribution to a special fund to be known as the Special Fund for Widows, in an amount to be prescribed by the Police Commissioner but in no event to exceed two per centum (2%) of the base salary of the grade or position occupied, provide eligibility for the payment of a pension to his widow until she remarries, and if there be no widow, or if the widow should remarry, the pension shall be paid for the benefit of any child or children of the deceased while under the age of eighteen (18) years.

Every active member of the Police Department on June 1<sup>st</sup>, 1939, shall indicate his election to establish eligibility to participate in the benefits of the Special Fund for Widows by filing, on or before June 1<sup>st</sup>, 1939, with the Police Commissioner on a form to be prescribed by said Police Commissioner, his desire so to participate and his consent to the deductions to be made from his salary as shown on the payrolls. Any member who fails to file such election form on or before June 1<sup>st</sup>, 1939, shall thereafter be ineligible to establish eligibility to participate in the Special Fund for Widows.

These benefits shall be due and payable in the event of death of a member either prior to or after retirement, except as hereinafter provided. Contributions to the fund shall be maintained during the active service of such member and shall be terminated upon his death or retirement. Members shall forfeit all claims to benefits if they leave the Department for any cause prior to death or retirement. Participation in this feature of the Special Fund for Widows shall be optional, but for the purpose of providing revenue to meet the obligations incurred, the additional contributions herein before referred to shall be effective June 1<sup>st</sup>, 1939, deductions to be made from salaries and shown on the payrolls of the Police Department of Baltimore City, but the payment of pensions as herein provided, even though a member may die between the period of June 1<sup>st</sup> and December 31<sup>st</sup>, 1939, shall not become effective until January 1<sup>st</sup>, 1940, and then shall be made in the manner as now provided by law for the payment of pensions to retired members of the Department.  
(*P.L.L., 1949, §587; 1969, §16-25.*) (*1939, ch. 280, §943A.*)

**§ 16-26. Special Fund for Widows — pension payments.**

Members of the Police Department of Baltimore City who may be appointed after June 1, 1939, and become members of the Special Fund, may participate in the benefits of the Special Fund for Widows, provided eligibility to do so is established within thirty (30) days after appointment and not otherwise.

In the event a widow, to whom a pension allowance would be paid in accordance with the provisions of Section 16-25, is appointed to any position in the Police Department of Baltimore City, the pension allowance shall be suspended during the period of employment, and if such member is retired on a pension, the provisions of Sections 16-25 and 16-26 shall not be applicable.

On and after July 1, 1968, the pension allowance to the widow or for the benefit of minor children shall be one-quarter (1/4) of the base salary of the grade or position of the deceased member in force at the time of his death, but in no event less than \$150.00 per month, said benefits to be paid to the widow (or children as above provided), conditioned, however, that the provisions of Sections 16-25 and 16-26 shall not apply to a widow unless she shall have been married to the deceased member for at least five years preceding his death.

Nothing in Sections 16-25 and 16-26 shall be construed to be in conflict with the provisions of Section 16-24 of this Article.

All revenue derived in accordance with the terms of Section 16-25 shall be kept in a separate and distinct fund to be known as the Special Fund for Widows, and shall be disbursed only for the purposes provided in Sections 16-25 and 16-26.

(*P.L.L., 1949, §588; 1969, §16-26.*) (*1939, ch. 280, §943B; 1945, ch. 884; 1947, ch. 798; 1963, ch. 445; 1968, ch. 677; 1995, ch. 354.*)

**§ 16-27. Salaries for disability.**

Salaries granted under Chapter 494, of the Acts of the General Assembly of Maryland, passed at the January Session 1898, and all other salaries granted by special Acts shall be for the natural life of the retired or disabled officer, and shall not be revoked, repealed or diminished except for cases therein provided.

(*P.L.L., 1915, §776E; 1927, §776E; 1930, §776E; 1938, §944; 1949, §589; 1969, §16-27.*)  
(*1900, ch. 266.*)

**§ 16-28. Payment for disability.**

No member of the police force, whether policeman, officer of police, detective, clerk, turnkey, or in any other capacity, shall be granted, awarded or paid a retiring salary on account of physical or mental disability or diseases, unless certificate of so many of the police surgeons or other competent and reputable physicians as the Police Commissioner may require, which shall set forth the case, nature and extent of the disability, disease or injury of such member, shall be filed in the office of the Commissioner, and no member shall hereafter be retired upon salary or be salaried, nor shall any money or salary be awarded, granted or paid except as provided in this Chapter, and Chapter 494, of the Acts of the General Assembly of Maryland, passed at the January Session, 1898, any other law to the contrary notwithstanding.

The said Police Commissioner is authorized and empowered to make and adopt all such rules, orders and regulations as are or may be necessary to carry out and enforce the provisions of this subheading.

*(P.L.L., 1915, §776F; 1927, §776F; 1930, §776F; 1938, §945; 1949, §590; 1969, §16-28.)  
(1900, ch. 266.)*

**§ 16-29. Retirement — eligibility payments.**

In addition to the sums of money now authorized by law to be paid out of the fund as above constituted and designated, the said Police Commissioner is empowered whenever, in his opinion, the efficiency of the service may require it, to retire any officer of police, policeman, detective, clerk or turnkey appointed by him; and the said Police Commissioner shall pay to such officers, policeman, detective, clerk or turnkey, so retired, in monthly installments, out of said fund, for life, a sum of money equal to one-half the amount of money currently paid monthly to an officer of police, policeman, detective, clerk, or turnkey as provided by law; provided, however, he shall have served faithfully not less than sixteen years as such officer of police, policeman, detective, clerk or turnkey, or shall have been permanently disabled in the discharge of his duty as such officer of police, policeman, detective, clerk or turnkey.

Provided, however, that no officer of police, policeman, detective, clerk or turnkey appointed after June 1, 1943, shall be retired until he shall have served not less than twenty years or shall have been permanently disabled in the discharge of his duties. Provided further, that on and after June 1, 1947, any employee of the Police Department, who is a member of the special fund of said department may, on his own application, be retired at the age of sixty (60) without the necessity of a physical examination, or when he has served a minimum of thirty (30) years, and shall be retired upon reaching the age of seventy (70).

In the event at any time of an increase in the pay of officers of police, policeman, detective, clerk or turnkey, every officer of police, policeman, detective, clerk or turnkey, who shall have been or shall subsequently be retired by the said Police Commissioner shall be entitled to and the said Police Commissioner shall pay to him in the manner and at and for the length of time provided in this section for the pay of the members of the police force who shall be retired or shall have been retired, a sum equal to one-half of the remuneration of the active members of the Police Department holding the same rank or grade at the time of their retirement, to the end and effect that every retired officer of police, policeman, etc., shall receive the same remuneration as every other retired officer of police, policeman, etc. of like grade or rank, and no less.

The provisions of this section shall extend to and include all members of the police force of Baltimore City heretofore retired by the said Police Commissioner, including those members retired prior to January 1<sup>st</sup>, 1907, and the said Police Commissioner shall in all cases before retiring any officer of police, policeman, detective, clerk or turnkey, procure and file among their records a certificate signed by a majority of the physicians appointed by the Police Commissioner as physicians of the Police Department, that the person proposed to be retired has been thoroughly examined by them, and that he is incapable of performing active police duty; and it shall be the duty of any such officer of police, policeman, detective, clerk or turnkey so retired to perform such police duties, and at such times as the Police Commissioner shall deem proper, said terms of service not to exceed seven days during any year, and for such services no extra compensation shall be allowed by said Commissioner; and the said Police Commissioner shall have the power, in his discretion, to suspend payment to any such officer of police, policeman, detective, clerk or turnkey for a term not to exceed three months for the first offense; for the second offense for a term not to exceed six months, and for the third offense any such officer of police, policeman, detective, clerk or turnkey shall be subject to dismissal, upon proof that the said officer of police, policeman, detective, clerk or turnkey is living an improper or immoral life.

*(P.L.L., 1888, §756; 1915, §777; 1927, §777; 1930, §777; 1938, §946; 1949, §591; 1969, §16-29.) (1886, ch. 450; 1888, ch. 306; 1898, ch. 123, §777; 1912, ch. 567; 1935, ch. 374; 1943, ch. 527; 1947, ch. 703; 1973, ch. 174.)*

**§ 16-30. Retirement — other than disability.**

On and after January 1, 1956, in addition to the payments made to members of the police force and other employees of the Police Department who have been retired or who shall hereafter be retired for reasons other than permanent disability incurred in the discharge of their duties under the provisions of Section 16-29, there shall be paid monthly the following amounts:

- (1) To every officer of police or other employee who has served not less than twenty (20) years and not more than twenty-five (25) years, an amount equal to five per cent (5%) of the monthly base pay or salary of those members of the police force or other employees of the Police Department in active service occupying a grade, rank or classification occupied by the retired member or employee at the time of his retirement.
- (2) To every officer of police or other employee who has served not less than twenty-five (25) years and not more than thirty (30) years, an amount equal to ten per cent (10%) of the monthly base pay or salary of those members of the police force or other employees of the Police Department in active service occupying a grade, rank or classification occupied by the retired member or employee at the time of his retirement.
- (3) To every officer of police or other employee who has served over thirty (30) years, an amount equal to fifteen per cent (15%) of the monthly base pay or salary of those members of the police force or other employees of the Police Department in active service occupying a grade, rank or classification occupied by the retired member or employee at the time of his retirement.

*(P.L.L., 1969, §16-30.) (1951, ch. 465; 1955, ch. 280; 1957, ch. 787, §591A.)*

**§ 16-31. Retirement — disability.***(a) Payments.*

On and after January 1, 1958, in addition to the payments made to members of the police force and other employees of the Police Department who have been retired by reason of permanent disability incurred in the discharge of their duties, or who shall hereafter be retired by reason of permanent injuries incurred in the discharge of their duties under the provisions of Section 16-29, there shall be paid monthly an amount equal to fifteen percent (15%) of the monthly base pay or salary of those members of the police force or other employees of the Police Department in active service occupying a grade, rank or classification occupied by the retired member or employee at the time of his retirement. Under no circumstances shall payments exceed an amount equal to sixty-five per centum of the current base pay. Such disability payments shall be made only upon certification of the chief police physician and three associate police physicians that the permanent disability was incurred during the discharge of duty.

*(b) Appeals.*

Members of the Baltimore City police force in active service on January 1, 1964, who are denied a disability pension under subsection (a) of this Section, have a right to appeal to the Circuit Court for Baltimore City. The Court or jury may affirm, reverse, or modify the action of the Police Department in the case.

*(P.L.L., 1969, §16-31.) (1957, ch. 787, §591B; 1963, ch. 251; 1986, ch. 345.)*

**§ 16-32. Retirement — former members of other retirement systems.**

Any officer or employee of the said Police Department who is eligible to receive retirement payments under the provisions of this subtitle and who prior to his service in the said Department was a member of another pension or retirement system operated by the Mayor and City Council of Baltimore, or was a member of the Department of Maryland State Police, shall be credited for all the purposes of this subtitle with the time so spent as a member of such other pension or retirement system or as a member of the Department of Maryland State Police.

Such officer or employee shall receive such credit only if he pays into the Special Fund established under this subtitle the amount of money which would have been payable by him thereto if for such period he had been such an officer or employee of the Police Department.

Provided, however, if such officer or employee was a member of the Employees' Retirement System of Baltimore City, he shall receive such credit only if he pays into the Special Fund all of his contributions or payments to the said Employees' Retirement System, together with the interest thereon up to the time when he withdrew his contributions, and in the event such contributions have not been withdrawn, then such contributions, together with the accumulated interest, shall be paid into the Special Fund of the Police Department.

*(P.L.L., 1949, §592; 1969, §16-32.) (1949, ch. 528; 1957, ch. 449.)*

**§ 16-33. Retirement — minimum payments.**

This section shall be construed to mean that at all times hereafter the remuneration of every retired member of the police force of Baltimore City shall be one-half the remuneration or pay of those members of the police force in active service occupying a grade or rank similar to the grade or rank occupied by the retired member at the time of his retirement, and that whenever the remuneration for any of the grades or ranks of the active members of the Police Department are increased, the remuneration of those retired members of the Police Department who held the same grade or rank at the time of their retirement that the increased pay applies to, then in that event the remuneration of the retired member of that grade or rank shall be one-half of such remuneration as the increase provides for, and no less.

*(P.L.L., 1915, §777-1; 1927, §777-1; 1930, § 777-1; 1938, §947; 1949, §593; 1969, §16-33.) (1912, ch. 567.)*

**§ 16-34. Payments when employment has ceased.**

Beginning on January 1, 1952, any officer or employee of the said Police Department who is a member of the said Special Fund and who for any reason ceases to be such an officer or employee shall forthwith be paid by the Police Commissioner a sum of money equal to that paid into the said Fund by the said officer or employee during the time he served as such.

Beginning on January 1, 1954, the Police Commissioner shall pay to the personal representative of any deceased officer or employee of the Police Department who was a member of the said Special Fund and who, because of death, ceased to be such officer or employee, a sum of money equal to that paid into the said Fund by the said officer or employee to maintain eligibility for his retirement during the time he served as such.

*(P.L.L., 1969, §16-34.) (1951, ch. 502; 1953, ch. 660.)*

**§ 16-35. Reestablishing eligibility in Fund.**

Any member of the Police Department of Baltimore City who was a member of the Special Fund of said Department prior to January 1, 1947, and who as of June 1, 1953, was a member of the Employees' Retirement System of the City of Baltimore shall have the privilege of reestablishing eligibility in the said Special Fund. In such event he shall receive credit in the said Special Fund for all service rendered to the Police Department, Contributions which he has made to the said Employees' Retirement System, plus the interest thereon, shall be withdrawn therefrom and be deposited in the said Special Fund.

*(P.L.L., 1969, §16-35.) (1951, ch. 514; 1953, ch. 198.)*

**§ 16-36. Waiver of payments.**

Any person entitled to retirement compensation pursuant to the provisions of Sections 559 *{repealed by Ch. 301 Acts of 1969}*, 16-29 and 16-33 of this article and any amendments thereof, may decline to accept all or any part of such retirement compensation by a waiver signed and filed with the Police Commissioner or his designated agent. Such waiver may be revoked in writing at any time, but no payment of the retirement compensation waived shall be made covering the period which such waiver was in effect.

*(P.L.L. 1969, §16-36.) (1959, ch. 314.)*

**§ 16-37. Persons entitled to benefits.**

All officers and employees of the Police Department of Baltimore City who, on January 1, 1947, were members of the Special Police Pension System and did not become members of the Employees' Retirement System of Baltimore City, shall be entitled to all the rights, privileges and benefits of the Special Fund under Sections 16-19 to 16-33, inclusive, of this Article and any amendments thereof.

*(P.L.L., 1949, §594; 1969, §16-37.) (1949, ch. 225.)*

**§ 16-38. City to appropriate funds.**

The Mayor and City Council of Baltimore shall, upon the request of the Police Commissioner of the City of Baltimore, appropriate annually a sum of money for the relief of disabled, and superannuated members of the police force of Baltimore City, and for the relief of widows and children of policemen who are members of the Special Fund for Widows or who may be killed in the discharge of duty, whenever the Special Fund or the Special Fund for Widows of said Police Commissioner is not sufficient for the payments authorized by and under the Acts of the General Assembly heretofore passed.

*(P.L.L., 1915, §777BA; 1927, §777BA; 1930, §777BA; 1938, §952; 1949, §595; 1969, §16-38.) (1900, ch. 263; 1957, ch. 254.)*

**§ 16-39. Former employees of Baltimore and Anne Arundel Counties.**

Any officer of police, policeman, detective, clerk or turnkey formerly employed as such or in similar capacity by the County of Baltimore or the County of Anne Arundel, as the case may be, and who, upon the going into effect of the Act of 1918, Chapter 82, of the General Assembly, commonly known as the New Annexation Act, became an officer of police, policeman, detective, clerk or turnkey of the City of Baltimore, shall for the purposes of sharing or participating in the Special Fund of the Police Department of Baltimore City, provided for by the subtitle of this Article, be entitled to and receive full credit for the number of years and/or months and/or days he shall have been employed as aforesaid by the County of Baltimore or County of Anne Arundel, as the case may be; provided, however, that he shall first contribute and pay into the Special Fund, if he shall have been employed by Baltimore County or Anne Arundel County as the case may be, prior to 1900, a sum equivalent to two per centum on the salary paid to him since the year 1900 and up to the date when he became a member of the Police Force of Baltimore City, or if he shall have been employed by either of said counties, subsequently to the year 1900, a sum equivalent to two per centum on the salary paid to him since the date of his employment and up to the date when he became a member of the Police Force of Baltimore City; provided further, that he shall, if he has not already done so, pay into the Special Fund two per centum of the salary paid to him, since the date when he became a member of the Police Force of Baltimore City and up to the date, when he makes the payment if he does so, herein provided for; and provided further, that he shall have, in all other respects, complied with the requirements of the Act creating the Special Fund and providing for its expenditure. The Police Commissioner is hereby authorized, empowered and directed to allow the credit provided for in this section upon the fulfillment of the conditions herein provided.

*(P.L.L., 1927, §777F; 1930, §777F; 1938, §958; 1949, §596; 1969, §16-39.) (1924, ch. 145.)*

***PARK POLICE*****§ 16-40. Status in Police Department.**

Any person who became a member of the Baltimore City Police Department as a result of the merger of the Park Police, a Division of the Department of Recreation and Parks, of the City of Baltimore, with the Police Department shall be deemed to have been a member of the Baltimore City Police Department for the period such person was employed as a member of the said Park Police Division; and the period of each person's employment time spent with the Park Police Division prior to the effective date of the merger on January 1, 1961, shall be held to have been spent in the service of the Baltimore City Police Department for purposes of probationary period, seniority rating, length of service for compensation, or additional compensation, eligibility for promotion and all other purposes except eligibility for membership in the Special Fund for Widows; and each person shall continue in the rank attained in the Park Police Division during his tenure in the Baltimore City Police Department, until promoted, reduced, retired, dropped, dismissed, or otherwise altered, according to law, and in the same manner as other members of the Baltimore City Police Department. Any person who is a member of the Baltimore City Police Department shall be given credit for all the purposes aforesaid for all time spent as a member of the said Park Police Division. (*P.L.L., 1969, §16-40.*) (*1961, ch. 290.*)

***CIVILIAN REVIEW BOARD*****§ 16-41. Definitions.**(a) *In general.*

In this subheading the following words have the meanings indicated.

(b) *Abusive language.*

“Abusive language” means the use of remarks intended to be demeaning, humiliating, mocking, insulting, or belittling that may or may not be based on the actual or perceived race, color, religion, sex, national origin, sexual orientation, or gender identity of an individual.

(c) *Excessive force.*

(1) “Excessive force” means the use of greater physical force than reasonably necessary to repel an attacker or terminate resistance.

(2) “Excessive force” does not include force that is reasonably necessary to effect a lawful purpose.

(d) *False arrest.*

“False arrest” means an arrest made without legal justification.

(e) *False imprisonment.*

“False imprisonment” means the intentional restriction without legal justification of the freedom of movement of a person who is aware of the restriction and who does not consent.

(f) *Harassment.*

(1) “Harassment” means:

(i) repeated or unwarranted conduct that is intended to be overtly demeaning, humiliating, mocking, insulting, or belittling; or

(ii) any conduct that is intended to cause unnecessary physical discomfort or injury.

(2) “Harassment” does not include conduct that is reasonably necessary to effect a lawful purpose.

(g) *Law enforcement unit.*

“Law enforcement unit” means:

(1) the Police Department of Baltimore City;

(2) the Baltimore City School Police;

(3) the Housing Authority of Baltimore City Police;

(4) the Baltimore City Sheriff’s Department;

(5) the Baltimore City Watershed Police Force;

(6) the police force of the Baltimore City Community College; or

(7) the police force of Morgan State University.

(h) *Police officer.*

“Police officer” means a member of a law enforcement unit authorized to make arrests. (1999, chs. 196, 197; 2000, ch. 290; 2006, ch. 499; 2015, ch. 130.)

**§ 16-42. Board established; jurisdiction; notice of procedures; training.**

(a) *Board established.*

The Civilian Review Board of Baltimore City is established to provide a permanent, statutory agency in Baltimore City through which:

(1) complaints lodged by members of the public regarding abusive language, false arrest, false imprisonment, harassment, or excessive force by police officers of a law

enforcement unit shall be processed, investigated under § 16-46 of this subheading, and evaluated; and

(2) policies of a law enforcement unit may be reviewed.

(b) *Board jurisdiction.*

Jurisdiction of the Board shall extend only to complaints against police officers with respect to abusive language, false arrest, false imprisonment, harassment, and use of excessive force as defined in § 16-41 of this subheading and by the law enforcement unit's rules and regulations.

(c) *Public notice.*

A law enforcement unit shall place posters in all law enforcement unit stations and elsewhere throughout the City to explain the procedure for filing a complaint.

(d) *Notice to officers.*

An explanation of the Board's complaint procedures shall be made to all police officers in a general order to be included in the manual of rules and procedures of a law enforcement unit, and shall be included in the training program for new police officers.

(e) *Training Board members.*

Each member of the Board shall receive training on the issues of abusive language, false arrest, false imprisonment, harassment, and excessive force.

(1999, chs. 196, 197; 2000, ch. 290; 2006, ch. 499.)

**§ 16-43. Composition; officers; meetings; staff.**

(a) *Composition of Board.*

(1) The Board is composed of:

(i) one member of the public from each of the nine police districts in Baltimore City selected by the Mayor, subject to the advice and consent of the City Council;

(ii) one representative of the Fraternal Order of Police;

(iii) one representative of the Vanguard Justice Society;

(iv) the Commissioner or the Commissioner's designee;

(v) one representative of the American Civil Liberties Union of Maryland; and

(vi) one representative of the Baltimore City Branch of the National Association for the Advancement of Colored People.

(2) Each public member of the Board:

- (i) shall be a voting member of the Board; but
- (ii) may not be a current employee of a municipal, county, state, or federal law enforcement agency.

(3) Each voting member of the Board shall be a resident of Baltimore City.

(b) *Officers.*

At its first meeting each year, the Board shall elect a Chairman and Secretary.

(c) *Meetings — frequency.*

- (1) The Board shall meet as often as necessary to perform its functions and duties, but it shall meet at least once a month.
- (2) Each year at least four meetings of the Board shall be held in locations rotated throughout different police districts in the City.

(d) *Meetings — quorum; voting.*

- (1) The Board shall determine what constitutes a quorum.
- (2) In all matters where a quorum is present, a majority of the voting members of the Board shall prevail.

(e) *Terms; voting status.*

- (1) The term of a public member of the Board appointed under subsection (a)(1)(i) of this section is 3 years.
- (2) (i) The terms of the public members are staggered as required by the terms provided for the public members of the Board on October 1, 1999.
  - (ii) A public member of the Board is not eligible to serve for more than two full successive terms.
- (3) At the end of a term, a public member appointed under subsection (a)(1)(i) of this section continues to serve until a successor is appointed and qualifies.
- (4) A public member who is appointed under subsection (a)(1)(i) of this section after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.
- (5) A member who is appointed under subsection (a)(1)(ii), (iii), (iv), (v), or (vi) of this section shall serve in a nonvoting advisory capacity.

(f) *Staff.*

(1) The Mayor of Baltimore City shall assign staff to the Board for the periodic meetings of the Board from the Office of the City Solicitor and the Community Relations Commission.

(2) Baltimore City may hire an independent administrator to serve the Board.  
(1999, chs. 196, 197; 2015, ch. 130.)

**§ 16-44. Filing complaints.**

(a) *Where filed.*

An individual who claims to have been subjected to or witnessed an act of abusive language, false arrest, false imprisonment, harassment, or excessive force, or injury allegedly resulting from excessive force caused by a police officer, may file a complaint at

the Office of the Internal Investigative Division,

the Legal Aid Bureau,

the Maryland Human Relations Commission,

the Baltimore Community Relations Commission, or

at any of the police district stations.

(b) *When filed.*

(1) Except as provided in paragraph (2) of this subsection, a complaint shall be made within 1 year of the action giving rise to the complaint.

(2) A complaint for excessive force shall be made within 90 days of the alleged act of excessive force.

(c) *Form.*

(1) (i) The complaint shall be reduced to writing on a form authorized by the Board, signed by the complainant, and witnessed by a notary public.

(ii) In addition to the requirements of subparagraph (i) of this paragraph, a complaint for excessive force shall be sworn to by the complainant.

(2) The complaint shall include:

(i) the name of the complainant;

(ii) if known, the name of the police officer allegedly involved;

(iii) the date, time, and place of the alleged misconduct;

- (iv) the circumstances of the alleged misconduct; and
- (v) an explanation of the alleged misconduct that is deemed to be wrongful.

(d) *Referral to IID and Board Secretary.*

One copy of the completed form shall be retained by the recipient of the complaint and a copy given to the complainant. A copy shall be sent within 48 hours to the Internal Investigative Division and the Secretary of the Board.

(e) *Docketing; referral to Board members.*

The Secretary of the Board shall assign a consecutive number to each complaint, and within 48 hours, shall send a copy to each member of the Board. The Secretary shall also maintain on file a record of each complaint.

(1999, chs. 196, 197; 2006, ch. 499.)

**§ 16-45. Investigations.**

(a) *IID to investigate within 90 days.*

The Internal Investigative Division shall make a comprehensive investigation of each complaint and submit its Internal Investigative Division Report relating to the incident alleged to the Board within 90 days from the date of the complaint.

(b) *Extension.*

For good cause shown, the Board may extend the time allowed to complete the report required under subsection (a) of this section.

(1999, chs. 196, 197.)

**§ 16-46. Board proceedings.**

(a) *Board review of complaint.*

- (1) The Board shall review all complaints alleging police misconduct described in § 16-42(a)(1) of this subheading.
- (2) The Board may investigate, simultaneously with the Internal Investigative Division, each complaint it deems appropriate and report its findings to the Internal Investigative Division.

(b) *Witnesses and records.*

- (1) The Board may issue a subpoena, signed by the Chairman of the Board, to compel:
  - (i) the attendance and testimony of a witness other than the accused officer; and
  - (ii) the production of any book, record, or other document.

- (2) If a person fails to comply with a subpoena issued under this subsection, on petition of the Board, a court of competent jurisdiction may compel compliance with the subpoena.
  - (3) A police officer may submit a witness list to the Board 10 days or more before the Board takes testimony.
  - (4) The Chairman or the Secretary of the Board may administer oaths in connection with any proceeding of the Board.
  - (5) The police officer or the police officer's representative shall have the right to question witnesses who testify about the complaint.
  - (6) All witness testimony shall be recorded.
- (c) *Board review of report; recommendations.*
- (1) The Board shall review the Internal Investigative Division's Report.
  - (2) On review of the Internal Investigative Division Report and the Board's investigative report, if any, of each case, the Board shall recommend to the head of the appropriate law enforcement unit one of the following actions:
    - (i) sustain the complaint and may recommend the appropriate disciplinary action against the police officer;
    - (ii) not sustain the complaint;
    - (iii) exonerate the police officer;
    - (iv) find that the complaint is unfounded; or
    - (v) require further investigation by the Internal Investigative Division.
- (d) *Submission to unit head.*

The Board shall submit a statement of its findings and recommendations to the head of the appropriate law enforcement unit within 30 days of receipt of the Internal Investigative Division Report.

(1999, chs. 196, 197; 2000, ch. 290; 2006, ch. 499.)

**§ 16-47. Penalty for false statements, etc.**

Any person who knowingly makes a false statement, report, or complaint in the course of an investigation by the Internal Investigative Division or the Board conducted under the provisions of this subheading is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500 or imprisonment not exceeding 6 months or both.

(1999, chs. 196, 197.)

**§ 16-48. Final decision by unit head.**

(a) *Consideration of Board recommendation.*

The head of the appropriate law enforcement unit has final decision-making responsibility for the appropriate disciplinary action in each case, but the head of the appropriate law enforcement unit may not take final action until after reviewing the recommendation of the Board under § 16-46(c)(2) of this subheading.

(b) *Expungement or records.*

If a complaint is not sustained or the police officer is exonerated, on written request by the police officer sent to the Board, the Board shall expunge all records of the complaint.  
(1999, chs. 196, 197; 2000, ch. 290.)

**§ 16-49. Rights preserved.**

The procedures established under this subheading may not be construed to abrogate any constitutional, statutory, or common law right of:

- (1) a police officer against whom a complaint is filed; or
- (2) the complainants, investigators, or witnesses who participate in the complaint procedure under this subheading.

(1999, chs. 196, 197.)

**§ 16-50. Disciplinary proceeding unaffected.**

The procedures established under this subheading may not be construed to affect or change the methods and procedures for suspension or dismissal of police officers.  
(1999, chs. 196, 197.)

**§ 16-51. Officer’s right to notice and hearing.**

A police officer may not be penalized or affected adversely in any way as a result of the procedures established under this subheading without having been first afforded proper written notice of the charges lodged against the officer and the right to a hearing before the Police Trial Board in accordance with due process of law.  
(1999, chs. 196, 197.)

**§ 16-52. Records.**

(a) *Names to be kept confidential.*

Records containing the names or identification of complainants, investigators, and witnesses may not be disclosed or released to the public.

(b) *Records maintenance.*

(1) The Internal Investigative Division shall retain sole custody of an Internal Investigative Division Report.

(2) Except for an Internal Investigative Division Report, the Board shall be the custodian of all records of a proceeding for a complaint under this subheading, including personal notes, audio recordings, memoranda, letters, and forms resulting from a complaint and proceedings before the Board involving the complaint.

(1999, chs. 196, 197.)

**§ 16-53. Rules and regulations.**

Subject to the provisions of this subheading, the Board may adopt reasonable and proper regulations to govern its procedures.

(1999, chs. 196, 197.)

**§ 16-54. Semiannual statistical report.**

(a) *Board to publish.*

The Board shall prepare and publish a semiannual statistical report regarding the complaints processed under this subheading.

(b) *Submission.*

The Board shall submit the report semiannually to the Mayor and City Council of Baltimore City and the Commissioner.

(1999, chs. 196, 197.)

**SUBTITLE 17  
PRATT FREE LIBRARY**

**§ 17-1. Examination of books and accounts.**

It shall be the duty of the Mayor to appoint a visitor, who shall, as often as once a year, examine the books and accounts of the Trustees of the “Enoch Pratt Free Library of Baltimore City”, and make a report thereof to the Mayor and City Council of Baltimore; and said Mayor and City Council shall, in case of any abuse of their powers by said Trustees or their successors, have the right to resort to the proper courts to enforce the performance of the trust imposed on them.

*(P.L.L., 1888, §760; 1915, §789; 1927, §789; 1930, §789; 1938, §969; 1949, §597; 1969, §17-1.)  
(1882, ch. 181; 1898, ch. 123, §789.)*

**§ 17-2. Power to receive and hold property.**

The Enoch Pratt Free Library of Baltimore City is hereby empowered to receive any gifts, bequests, devise or conveyance of real or personal property, which may be made to it or to its Trustees, and to hold the title to said property, and from time to time convey the same by deed or otherwise, according to the nature thereof, to the Mayor and City Council of Baltimore, for the use of said library, so that the title thereto shall be vested in the said Mayor and City Council for Baltimore, in the like manner and for the same uses as the property mentioned in the original Act incorporating said library, passed at the January Session, 1882, Chapter 181, subject to the same management and control.

*(P.L.L., 1915, §789A; 1927, §789A; 1930, §789A; 1938, §970; 1949, §598; 1969, §17-2.)  
(1900, ch. 221.)*

**§ 17-3. Tax exemption.**

The real estate and personal property vested in said Mayor and City Council by virtue of the Acts of 1882, Chapter 181, authorizing the establishing of the Enoch Pratt Free Library of Baltimore City, and to become vested by future purchases under the provisions of said Act, and the funds and franchises of the “Enoch Pratt Free Library of Baltimore City”, shall be exempt from all State and municipal taxes, forever.

*(P.L.L., 1888, §761; 1915, §790; 1927, §790; 1930, §790; 1938, §971; 1949, §599; 1969, §17-3.)  
(1882, ch. 181; 1898, ch. 123, §790.)*

**SUBTITLE 18  
RAILROADS*****GENERAL PROVISIONS*****§ 18-1. Tickets for passage through City — required coupons.**

No railroad company incorporated by or under the authority of this State, or doing business therein, shall issue, sell or receive tickets for passage through the City of Baltimore, or make agreement or agreements with any other railroad company or companies outside of this State to issue or sell tickets for passage over their respective lines through the City of Baltimore, unless there is a coupon on said ticket for passage from a given place in or out of this State to the City of Baltimore, and another coupon on said ticket from the City of Baltimore to a given place in or out of this State.

*(P.L.L., 1915, §792A; 1927, §792A; 1930, §792A; 1938, § 974; 1949, §602; 1969, §18-1.)  
(1902, ch. 615.)*

**§ 18-2. Tickets for passage through City — stopover privilege.**

In issuing or selling all tickets for passage in this State through the City of Baltimore, or making agreements with other railroad companies outside of this State to issue or sell tickets for passage through the City of Baltimore, the said tickets shall permit the holders thereof to a stopover privilege of at least forty-eight (48) hours in the City of Baltimore; provided, that nothing in this section shall prohibit railroad companies from issuing and selling tickets without this stopover privilege in the City of Baltimore, for special occasions, when the tickets for passage are good only on excursion trains not on the regular schedule of the railroad.

*(P.L.L., 1915, §792B; 1927, §792B; 1930, §792B; 1938, §975; 1949, §603; 1969, §18-2.)  
(1902, ch. 615.)*

**§ 18-3. Station stops.**

All passenger trains passing through the City of Baltimore must stop at least three minutes at the principal station of the company operating said trains, and the stoppage of all trains must be announced in such manner as will give passengers ample opportunity to get off.

*(P.L.L., 1915, §792C; 1927, §792C; 1930, §792C; 1938, §976; 1949, §604; 1969, §18-3.)  
(1902, ch. 615.)*

**§ 18-4. Penalties.**

Any manager, officer, agent, conductor, or employee, who shall violate any of the provisions of Sections 18-1 to 18-4 shall be guilty of a misdemeanor and upon indictment and conviction thereof shall be fined not less than one hundred dollars, nor more than five hundred dollars for each offense, one-half of said fine to go to the informer.

*(P.L.L., 1915, §792D; 1927, §792D; 1930, §792D; 1938, §977; 1949, §605; 1969, §18-4.)  
(1902, ch. 615.)*

**FRANCHISES****§ 18-5. Exchange.**

The Board of Estimates of the Mayor and City Council of Baltimore City, subject to ratification and approval by ordinance, is hereby authorized and empowered to agree with any railroad company for the surrender of any of its franchises, easements or rights-of-way and in substitution for the franchise, easement or right-of-way so surrendered, to grant a new franchise, easement or right-of-way on any highway, street, avenue or road and which may be for the same duration as the franchise, easement or right-of-way surrendered.

(*P.L.L., 1949, §605A; 1969, §18-5.*) (*1948 Sp. Sess., ch. 60.*)

**PARK TAX****§ 18-6. Gross receipts tax.**

The said several passenger street railway companies shall pay to the Mayor and City Council of Baltimore, a tax upon their gross receipts of nine percent, in quarterly installments, on the first day of January, April, July and October, in each year.

(*P.L.L., 1888, §769; 1915, §797; 1927, §797; 1930, §797; 1938, §982; 1949, §609; 1969, §18-6.*) (*1882, ch. 229; 1898, ch. 123, §797.*)

**§ 18-7. Inspection of books and accounts.**

The Board of Park Commissioners *{Department of Recreation and Parks}*, or any agent or agents of the said Commissioners, authorized in writing by a certificate signed by the president and secretary thereof, shall have authority and power from time to time, and at any time the said Board of Park Commissioners see fit, to make examination of the books, accounts and car fare registers of any or all of the street railway companies in the City of Baltimore, for the purpose of satisfying said Board of Park Commissioners that returns of the "park tax" are fairly and correctly made by said companies, and by each and every one of them; and any street railway company whose officers shall neglect or refuse, on demand of said Board of Park Commissioners, to permit the said Commissioners of any agent or agents of said Commissioners authorized in writing as above prescribed, to at any time inspect its said books, accounts and carfare registers or any of them, shall forfeit and pay a fine of one hundred dollars for each and every day it shall so neglect or refuse to comply with such demand; said penalty to be collected by an action of debt in the name of the Mayor and City Council of Baltimore.

(*P.L.L., 1888, §769A; 1915, §798; 1927, §798; 1930, §798; 1938, §983; 1949, §610; 1969, §18-7.*) (*1894, ch. 550; 1898, ch. 123, §798.*)

**§ 18-8. Default in payment.**

On default of any of the street railway companies operating street railway lines within the present City limits, in the payment of the park tax of nine per centum of the gross receipts from all street railway lines within the present City limits, for the term of ten days after the expiration of any quarter, the company or companies so in default shall pay a penalty at the rate of thirty percent per

annum, on the amount due from it, for the time it shall continue in default; said penalty to be recovered by an action of debt, in the name of the Mayor and City Council of Baltimore. (*P.L.L., 1888, §769B; 1915, §799; 1927, §799; 1930, §799; 1938, §984; 1949, §611; 1969, §18-8.*) (*1894, ch. 550; 1898, ch. 123, §799.*)

#### **§ 18-9. False certification of tax.**

If any officer, agent or employee of any street railway company within the City of Baltimore shall knowingly, wilfully and corruptly certify to the Board of Park Commissioners a less sum than is actually due as the park tax of nine per centum of the gross receipts from the lines of such company within the City limits, he shall be guilty of a misdemeanor and on conviction thereof shall suffer imprisonment for not more than six months in jail, or pay a fine of not more than one thousand dollars, or both, in the discretion of the Court. (*P.L.L., 1888, §769C; 1915, §800; 1927, §800; 1930, §800; 1938, §985; 1949, §612; 1969, §18-9.*) (*1894, ch. 550; 1898, ch. 123, §800.*)

### *TRACKS ON STREETS*

#### **§ 18-10. Ordinance suffices.**

Wherever any local law for Baltimore City requires the consent of the General Assembly of Maryland for the laying of any railway track in or upon any street within the City of Baltimore, it shall be sufficient if authority to lay or construct such track is granted by an ordinance of the Mayor and City Council of Baltimore. (*P.L.L., 1949, §617; 1969, §18-10.*) (*1931, ch. 217.*)

### *RAILWAY AREA PAVING*

#### **§ 18-11. Obligation on company — in general.**

There is hereby imposed upon every corporation occupying with railroad or street railway track or tracks any portion of any public highway in Baltimore City which shall hereafter be paved or repaved with improved paving by the Paving Commission of Baltimore City, the State Roads Commission, the City Engineer, the Annex Improvement Commission, or any other public commission, board or agency, the obligation to pay for the cost of such paving within the space covered by any such railroad or railway track or tracks and for a distance of two feet outside of each outer rail of such track or tracks. The cost of the paving, as herein used, shall be construed to include the cost of the removal of the old cobble or other paving, and all excavation, ballasting, grading, concreting and other work involved in such paving. This obligation shall apply whether the entire street be paved with the same kind of improved paving or whether one kind be put outside of the railway area and a different kind within the railway area, provided, no more expensive material or construction be used in the railway area than is reasonably necessary, in the judgment of the Paving Commission or other agency doing such paving, for the proper construction of the paving of the entire street. The Paving Commission, or other public agency, having in charge the construction of such paving, may permit said corporation to do any part of the work within the railway area which said Commission or other agency may consider can be done by said corporation without detriment to

the public welfare or the proper progress of the work. In order to give such corporation an opportunity to do any part or parts of the work which it may be authorized to do by said Commission or other agency, the said Commission or other agency, before beginning work upon any portion of a street occupied by a railroad or railway track or tracks, shall give to the corporation owning, operating and using such track or tracks reasonable notice of its intention to do such work and of the time when it proposes to begin such work on such street. The said Commission or other agency, shall an accurate account of the cost of the work the obligation to pay for which is imposed by this subheading upon any corporation.

The obligation hereby imposed shall be a lien upon the property of such corporation to the same extent as ordinary taxes against the property of such corporation, and may be enforced and collected by the same remedies used for the enforcement and collection of taxes, and payment thereof may be enforced by the Mayor and City Council of Baltimore by a suit at law or by any other remedy provided by any law or ordinance, and appropriate for said purpose. All said remedies shall be cumulative. The City, through its Paving Commission, or other Commission, board or agency doing such paving, may pay the cost of the paving in the railway or railroad area in the first instance, and in that event the said cost when paid by the railway or railroad corporation shall be credited to the fund from which the cost of said paving shall have been paid in the first instance; and the amount of the cost shall be due and payable for the work done in the railway area in any street or portion of a street embraced in each separate contract or separate undertaking of construction by said Paving Commission or other agency, upon the completion of such work. Provided, that no corporation shall be required to pay under or by virtue of the provisions of this subheading more than \$100,000 during any one year. If the cost of the work for which any corporation is made liable under this subheading shall exceed \$100,000 in any one year, the excess above \$100,000 shall not be due and payable until the following year; the intent of this proviso being that the entire obligation imposed by this subheading shall be paid by every corporation upon which it is imposed, but that no corporation shall be called on to pay more than \$100,000 thereof in any one year.

*(P.L.L., 1915, §800C; 1927, §800C; 1930, §800C; 1938, §988; 1949, §615; 1969, §18-11.) (1914, ch. 37.)*

**§ 18-12. Obligation on company — existing obligations.**

Nothing herein contained shall be construed to relieve any street railway or railroad corporation of any obligation existing or imposed upon it by any law or ordinance prior to March 10, 1914.

*(P.L.L., 1915, §800D; 1927, §800D; 1930, §800D; 1938, §989; 1949, §616; 1969, §18-12.) (1914, ch. 37.)*

***RAILWAY EASEMENTS IN ANNEX***

**§ 18-13. General provisions.**

In the event that the existing street railway franchises, easements, interests or rights of the United Railways and Electric Company of Baltimore {>*Baltimore Transit Company* > *Mass Transit Administration*} in any of the roads within the limits of that part of Baltimore City known as the Annex as to which roads the said Street Railway Company is not legally liable to the payment of the park tax hereinafter mentioned or in any part or parts of said roads or any of them, shall in any manner, be acquired by the Mayor and City Council of Baltimore pursuant to the authority conferred

upon it by Chapter 274 of the Acts of the General Assembly of Maryland for the year 1904 and ordinance of the Mayor and City Council of Baltimore No, 216, approved March 11, 1905, or by any other laws or ordinances relating to the powers and duties of the Commissioners for Opening Streets under said Acts, and application or applications shall afterward be made by the United Railways and Electric Company of Baltimore, to the Mayor and the City Council of Baltimore, subject to the provisions of Sections 7 to 12, both inclusive, and Section 37 of this article for the franchise or right to use the beds of said roads, or any of them, for its railway lines, and the ordinance or ordinances, making said application, or applications, shall be duly passed by the Mayor and City Council of Baltimore, then with the consent of the Board of Estimates, expressed in said ordinance or ordinances, the park tax of nine per centum upon the gross receipts of passenger street railway companies in the City of Baltimore, now prescribed and regulated by Sections 609 -612, both inclusive, of this article, shall, as to the bed or beds of the public highway or highways covered by said ordinance or ordinances, and for the period of eleven years accounting from the date, or respective dates of passage of said ordinance or ordinances, be payable and paid by the said United Railways and Electric Company of Baltimore, its successors and assigns, to the Mayor and City Council of Baltimore as follows: For the first three years of said period of eleven years the gross receipts of said company from its lines on the bed or beds of the public highway or highways covered by said ordinance or ordinances, shall be exempt from said park tax as at present, for the fourth year of said period of eleven years they shall be subject to said park tax at the rate of one per centum, for the fifth year to said park tax at the rate of two per centum, for the sixth year to said park tax at the rate of three per centum, for the seventh year to said park tax at the rate of four per centum, for the eighth year to said park tax at the rate of five per centum, for the ninth year to said park tax at the rate of six per centum, for the tenth year to said park tax at the rate of seven per centum, for the eleventh year to said park tax at the rate of eight per centum, and thereafter to said park tax at the general rate of nine per centum each year, as now prescribed and regulated as aforesaid by Sections 609 -612 both inclusive, of this article, or at such other rate or rates as may be hereafter prescribed by law; provided, however, that the franchise or right so granted to the United Railways and Electric Company of Baltimore, its successors and assigns in said roads, or any of them, may in the discretion of the Board of Estimates so far as the same may be now perpetual, be in perpetuity; provided, however, that nothing herein shall be construed to make perpetual, or to grant in perpetuity, any franchise or right whatsoever (as a franchise or right in perpetuity) which heretofore has not been owned or enjoyed by the said United Railways and Electric Company of Baltimore as and for a right perpetual, or franchise or right in perpetuity.

*(P.L.L., 1915, §800A; 1927, §800A; 1930, §800A; 1938, §986; 1949, §613; 1969, §18-13.)  
(1906, ch. 566.)*

#### **§ 18-14. Reacquisition of roadbeds.**

In view of the fact that the beds or parts of the beds, of said roads, or some of them are now occupied by the United Railways and Electric Company of Baltimore, and its rights in such roadbeds, or parts of roadbeds, are proposed to be acquired by the Mayor and City Council of Baltimore for the sole purpose of securing for the public the unconditional use thereof as public highways, the Board of Estimates is hereby authorized, in its discretion, after the acquisition of said roadbeds, or parts of roadbeds, by the Mayor and City Council of Baltimore, should the United Railways and Electric Company of Baltimore, its successors and assigns, apply for the franchise or right of using any of said roadbeds, or part of roadbeds, for its railway lines, to fix the compensation or compensations, to be paid therefor, without reference to any other application or applications for the same franchises or rights by any other person or corporation, and free from the obligation cast

upon it by Section 161 of this article, to fix the compensation to the Mayor and City Council of Baltimore in such cases at the largest amount that it may be able by advertisement or otherwise to obtain for the franchise or right; provided, however, that said compensation or compensations shall in no case be fixed by said Board of Estimates at a lower sum or sums than the sum or sums which the Mayor and City Council of Baltimore shall have paid, or become obliged to pay, unto said company, whether as the result of condemnation proceedings or otherwise, under the provisions of Chapter 274 of the Act of the General Assembly of Maryland for the year 1904, for the purpose of acquiring the respective street railway franchises, easements, interests or rights now or hereafter possessed or enjoyed by said company in said respective roadbeds, or parts of roadbeds as to which said application or applications for new franchises or rights shall or may be made by said company as aforesaid.

*(P.L.L., 1915, §800B; 1927, §800 B; 1930, §800B; 1938, §987; 1949, §614; 1969, §18-14.)  
(1906, ch. 566.)*

**SUBTITLE 19  
SCHOOLS****§ 19-1. Unclaimed intestate funds — paid to School Commissioners.**

The Orphans' Court of said City shall order and direct the funds arising from intestates' estates that may be administered upon in said court, and which remains undistributed for want of legal representatives of the intestates to claim the same, to be paid to the Board of School Commissioners. (*P.L.L., 1860, §829; 1888, §781; 1915, §808; 1927, §808; 1930, §808; 1938, §1002; 1949, §622; 1969, §19-1.*) (*1898, ch. 123, §808.*)

**§ 19-2. Unclaimed intestate funds — notice required.**

The Court shall not make such order until they shall be satisfied that the intestate left no legal representatives living at the time of his death; and they shall cause the administrator of such intestates to give notice, by advertisement to be inserted for such periods of time and in newspapers published in such places as they may deem necessary, that upon default of the appearance of any legal representative of the intestate, by a certain day to be fixed by the Court and named in said advertisement, the estate of said intestate will be paid to the Board of School Commissioners. (*P.L.L., 1860, §830; 1888, §782; 1915, §809; 1927, §809; 1930, §809; 1938, §1003; 1949, §623; 1969, §19-2.*) (*1898, ch. 123, §809.*)

**§ 19-3. Unclaimed intestate funds — receipt and release.**

They shall, upon passing an order directing such payment, require from the Director of Finance of the City of Baltimore a receipt and release to the administrator for the same. (*P.L.L., 1860, §831; 1888, §783; 1915, §810; 1927, §810; 1930, §810; 1938, §1004; 1949, §624; 1969, §19-3.*) (*1898, ch. 123, §810; 1969, ch. 37.*)

**§ 19-4. Unclaimed intestate funds — release recorded.**

The release shall contain an obligation that the said funds shall be applied by the Board of School Commissioners to the use and support of the public schools of the City of Baltimore, and shall be recorded and preserved in said court as other records are. (*P.L.L., 1860, §832; 1888, §784; 1915, §811; 1927, §811; 1930, §811; 1938, §1005; 1949, §625; 1969, §19-4.*) (*1898, ch. 123, §811.*)

**§ 19-5. Unclaimed intestate funds — restoration to claimant.**

If the estate of an intestate shall be paid to the Board of School Commissioners under this law, and any legal representatives of the intestate of no remoter degrees among collaterals than brothers' or sisters' children, shall at any time appear and prove him, her or themselves to be such legal representatives, the Board of School Commissioners who received such estate, or their successors, if the same shall be in their hands or shall have been applied to the use of the public schools, shall restore the same to such legal representatives out of the school fund under their direction. (*P.L.L., 1860, §833; 1888, §785; 1915, §812; 1927, §812; 1930, §812; 1938, §1006; 1949, §626; 1969, §19-5.*) (*1898, ch. 123, §812.*)

**SUBTITLE 20  
SEWERS**

**Editor's Note:** The Sewerage Commission referred to in this subtitle was abolished by Chapter 1, Acts of 1916. The Department of Public Works now performs the duties previously assigned to the Sewerage Commission.

***GENERAL PROVISIONS*****§ 20-1. Obstructing sewers prohibited.**

If any person shall wilfully stop up, obstruct, injure or damage the passage of the waters of any of the common or private sewers or drains, he shall be fined a sum not exceeding one hundred dollars, to be collected as other fines are collected.

*(P.L.L., 1860, §836; 1888, §793; 1915, §817; 1927, §817; 1930, §817; 1938, §1012; 1949, §627; 1969, §20-1.) (1898, ch. 123, §817.)*

**§ 20-2. Constructing, etc., sewers — notice and assessment.**

The Mayor and City Council of Baltimore shall have full power to provide for constructing, opening, enlarging or straightening, subject to the provisions hereinbefore contained as to the Board of Public Improvements and the Board of Estimates, any sewer or drain, public or private, through any private property, upon giving thirty days' notice in writing to the owner or agent of said private property, or to one of them, if more than one, leaving such notice at the usual place of abode of such owner or agent, or at the usual place of abode of one of them, if more than one, or if none of said parties live in the City of Baltimore, by setting up said notice on the land or premises; to provide for ascertaining what amount of actual benefit will thereby accrue to the owner or possessor of any ground or improvements within or adjoining the City, being governed as far as practicable by the number of superficial feet drained, and to provide for assessing and levying, either generally on the whole assessable property of the said City, or by a loan for the special purpose of constructing, opening, enlarging or straightening any sewer, the sum necessary to pay the expense or cost, or specially on the property of persons actually benefitted, the whole or any part of the damages and expenses which they shall ascertain will be incurred in constructing, opening, enlarging, or straightening any sewer in any street, lane or alley, or through any private property in said City; to provide for granting appeals to the court having jurisdiction thereof in Baltimore City, from the decision of any commissioners or other persons appointed in virtue of any ordinance to ascertain the damage which will be incurred or the benefits which will accrue to the owners or possessors of any ground or improvements for constructing, opening, enlarging or straightening in any street, lane or alley, or through any private property, any sewer which in their opinion the public welfare or convenience may require, and for securing to every such owner or possessor the right on application within a reasonable time to have decided by a jury trial whether any damage and what amount of damage has been caused, or whether any benefit and what amount of benefit, has accrued to them; and to provide for collecting and paying over the amount of compensation adjudged to each person to receive the same, or investing in stock of said corporation, bearing interest of five per centum per annum, for the use of any person who, because of infancy, absence from the City, or other cause, may be prevented from receiving it, before any sewer shall be constructed, opened, enlarged or

straightened in any street, lane or alley, or through any private property, and to enact and pass all ordinances from time to time which shall be deemed necessary and proper to exercise the power and effect the objects herein specified.

*(P.L.L., 1888, §794; 1915, §818; 1927, §818; 1930, §818; 1938, §1013; 1949, §628; 1969, §20-2.) (1868, ch. 181; 1898, ch. 123, §818.)*

### **§ 20-3. Constructing, etc., sewers — assessments to be lien.**

The amount of benefits assessed on any property for constructing, opening, enlarging or straightening any sewer in any street, lane or alley, or through any private property, constructed, opened, enlarged or straightened by virtue of any ordinance passed by the Mayor and City Council of Baltimore, shall be a lien on the property and recoverable as City taxes are.

*(P.L.L., 1888, §795; 1915, §819; 1927, §819; 1930, §819; 1938, §1014; 1949, §629; 1969, §20-3.) (1868, ch. 181; 1898, ch. 123, §819.)*

### **§ 20-4. Permit required for private sewers.**

No private sewer or drain shall be constructed, altered, or repaired without a permit from the City Engineer.

*(P.L.L., 1915, §820; 1927, §820; 1930, §820; 1938, §1015; 1949, §630; 1969, §20-4.) (1898, ch. 123, §820.)*

### **§ 20-5. Notice of Ordinance.**

Before the Mayor and City Council of Baltimore shall pass any ordinance under this article relating to the constructing, opening, enlarging or straightening any sewer through any private street, lane or alley, or through any private property, notice shall be given of an application for the passage of such an ordinance in at least two of the daily newspapers of said City twice a week for thirty days.

*(P.L.L., 1888, §796; 1915, §821; 1927, §821; 1930, §821; 1938, §1016; 1949, §631; 1969, §20-5.) (1868, ch. 181; 1898, ch. 123, §821; 1906, ch. 103)*

### **§ 20-6. Notice of construction.**

Before any commissioners appointed by any ordinance of said corporation under the preceding sections hereof shall proceed to the performance of their duty, they shall give daily notice, in at least two newspapers in the City of Baltimore, of the object of the ordinance under which they propose to act, at least thirty days before the time of the first meeting to execute the same.

*(P.L.L., 1888, §797; 1915, §822; 1927, §822; 1930, §822; 1938, §1017; 1949, §632; 1969, §20-6.) (1868, ch. 181; 1898, ch. 123, §822.)*

### **§ 20-7. Costs paid by tax or loan.**

Should the commissioners appointed by the Mayor and City Council of Baltimore assess any part of the expense and damage incurred in the construction, opening, enlarging or straightening any sewer in the City, upon the Mayor and City Council of Baltimore, the said Mayor and City Council of Baltimore may levy a tax on the assessable property of the City for the amount of such assessment, or they may raise the necessary amount by a loan, for the payment of which they may create a sinking fund to meet the liabilities incurred; and may also levy on the assessable property of the City of Baltimore from time to time such sums as may be necessary to provide therefor, and for the

principal and interest of the liabilities incurred, and may pass all ordinances necessary to carry out the provisions of the same.

*(P.L.L., 1888, §798; 1915, §823; 1927, §823; 1930, §823; 1938, §1018; 1949, §633; 1969, §20-7.) (1868, ch. 181; 1898, ch. 123, §823.)*

### *NEW SEWERAGE SYSTEM*

#### **§ 20-8. General powers.**

Said Commission shall be charged with the duty of projecting, constructing and establishing a sewerage system for the collection, transmission and disposal of the house and other sewage and drainage of the City of Baltimore, including, either as a combined or separate feature of said system the collection, transmission and disposal of storm and ground water, respectively, and shall be clothed with each and every and all powers which, by anything short of a palpably forced construction, may be held to be necessary or proper for these purposes, or either of them, among which powers shall be the following, that is to say:

- (1) To make all such preliminary investigations and to do all such preliminary work as should, in its judgment, precede the actual projection, construction and establishment of said system of sewerage.
- (2) To project and adopt such a system of sewerage as it may deem best calculated to promote the objects of this subheading.
- (3) To construct and establish all such local, district, lateral, intercepting, outfall or other sewers, and all such conduits, drains and pumping or other plants, and all such buildings, structures, works, apparatus or agencies, and to lay all such mains and pipes and to create or use, or create and use, all such instrumentalities and means, within the City of Baltimore, or any counties of the State, including submerged as well as other lands, as it may deem expedient for carrying said system of sewerage, projected and adopted as aforesaid into full effect. Said commission is hereby specially empowered to lay or construct, and the Mayor and City Council of Baltimore to maintain, without compensation to the State, any part or parts of said system of sewerage, or of its works or appurtenances, over or upon any part or parts of the bed of the Patapsco River or its branches, or of any land covered by any of the navigable waters of this State, the title to which is held by this State, and if the same be deemed advisable by the said commission, the Governor of Maryland is hereby authorized and directed, upon the application of the said commission, to execute, acknowledge and deliver to the Mayor and City Council of Baltimore such deed or deeds as may be proper for the purpose of fully confirming this grant.
- (4) To incorporate with said system of sewerage or otherwise utilize for the purpose of this subheading, so far as it may deem expedient, any or all existing public sewers or drains, including storm water sewers and drains, in the City of Baltimore, and any and all of their appurtenances, either in their present condition or with such repairs, modifications or changes as said commission may see fit to make, and to condemn, close up, abolish or destroy, in its discretion, any or all such existing public sewers and drains, or to alter their functions, or to increase their burdens, as it may think best.

- (5) To appoint or employ a chief engineer and such other professional or technical advisers and experts, and such agents, assistants, clerks, employees and laborers, skilled or unskilled, of all kinds, as it may deem requisite, for the due and proper execution of the duties devolved upon it by this subheading, or any of them, and to fix their respective compensations and to remove or discharge them at pleasure (except such highly trained, experienced or skilled individuals as it may agree to appoint or employ upon special terms for definite and fixed periods of time), and to exact from them such indemnity bonds for the proper performance of their respective duties, as it may deem proper.
- (6) To frame, promulgate and enforce such reasonable rules and regulations for its own government and for the supervision, protection, management and conduct of its work as it may believe expedient.
- (7) To make and enter in the name and on behalf of the Mayor and City Council of Baltimore any and all contracts, agreements or stipulations germane to the scope of its duties and powers under this subtitle.
- (8) To purchase, hire or otherwise lawfully obtain the use of all such machinery, tools, implements, appliances, supplies, materials and working agencies as it may need for its purposes; provided, however, that this enumeration of special powers shall not be construed as restricting in any degree the scope of the general powers hereinbefore conferred upon said commission; and provided, further, that said commission shall have no authority to construct and establish any sewerage system involving the discharge of sewage, as distinguished from storm water or ground drainage, into the Chesapeake Bay or any of its tributaries.

*(P.L.L., 1915, §824B; 1927, §824B; 1930, §824B; 1938, §1021; 1949, §634; 1969, §20-8.)  
(1904, ch. 349.)*

#### **§ 20-9. Acquiring property for system.**

The Mayor and City Council of Baltimore acting by and through the agency of said commission, may acquire by gift, purchase, lease, whatever the duration of the lease, or other like methods of acquisition, or by condemnation, any land or property situated wholly or partly within the City of Baltimore or within any of the counties of this State, or any interest, franchise, easement, right or privilege therein which may be required for the purpose of constructing and establishing said sewerage system, or any part or parts thereof, or that may be needed for the workings of said system when established, and when and so often as resort shall be had to condemnation proceedings, the procedure shall be that of Title 12 of the Real Property Article of the Code of Public General Laws of Maryland, relating to condemnation of property by corporations; or so far as the acquisition by condemnation of any such land or property situated wholly or partly within the City of Baltimore, or any interest, franchise, easement, right or privilege therein is concerned, may in any case or cases, at the option of said commission, be such as may now or at any time hereafter be provided for by any lawful ordinance or ordinances of the Mayor and City Council of Baltimore, adopted pursuant to the powers conferred upon it by the Charter of Baltimore City, 1964 Revision, Article II, "General Powers" Section 2, "Condemnation" for the condemnation of any land or property or interest therein, situated wholly or partly within the City of Baltimore, or such as may be provided for the purpose by any lawful ordinance or ordinances of the Mayor and City Council of Baltimore; which said ordinance or ordinances the Mayor and City Council of Baltimore is hereby fully authorized to adopt; provided, provision is made therein for reasonable notice to the owner or owners, and for

appeals to the Circuit Court for Baltimore City, including the right of appeal to the Court of Special Appeals, by any person interested, including the Mayor and City Council of Baltimore, from the decision of any Commissioners or other persons appointed to value any such land or property, or interest, franchise, easement, right or privilege therein.

*(P.L.L., 1915, §824C; 1927, §824C; 1930, §824C; 1938, §1022; 1949, §635; 1969, §20-9.) (1904, ch. 349; 1986, ch. 345.)*

**§ 20-10. Connections required.**

So often as any portion of said sewerage system shall be in actual operation and in a condition to collect, transmit and dispose of domestic or house sewage, the said commission shall notify the Commissioner of Health of the said City of Baltimore of that fact and impart to him the metes and bounds of said portion of said sewerage system in such state of preparedness, and it shall thereupon become his duty to require all owners of property within such metes and bounds, and shall become the duty of all such owners at their own cost and expense to forthwith connect their respective house drains at their respective building lines with said sewerage system, and to forthwith clean out and fill up their respective privy sinks, wells, cesspools or other sewerage or drainage receptacles, and to abandon the use of their existing arrangements of every sort for the disposal of sewage or drainage under the directions and control of said Commissioner of Health;

and full power is hereby conferred upon the Mayor and City Council of Baltimore to pass any ordinance or ordinances and provide for any remedial proceedings or processes or for any penalty or penalties that may be necessary, in its judgment, to enable said Commissioner of Health to properly and effectively comply with the obligations or any of the obligations hereinbefore imposed upon him by this section, and to keep the drainage connections between said respective building lines and said sewerage system free from obstruction and in good working order; and to do any and all things reasonably necessary to be done to compel said owners of said property to place and maintain the same in relations of full cooperation with said sewerage system.

*(P.L.L., 1915, §824G; 1927, §824G; 1930, §824G; 1938, §1026; 1949, §636; 1969, §20-10.) (1904, ch. 349.)*

**§ 20-11. Use of private sewers.**

The Sewerage Commission *{Department of Public Works}* shall locate its sewers intended for house connections in the rear of said houses whenever practicable and whenever said houses are not already otherwise connected with sewers, but said Sewerage Commission may locate any of said sewers in the front of said houses whenever the cost to the owners of the majority of the houses to be connected with said sewers in any block will be less if laid in front of said houses than if laid in the rear of said houses, and it shall be the duty of the Sewerage Commission to use private sewers whenever suitable and whenever any of said sewers is suitable and of sufficient capacity both to drain the houses connected with each sewer and such other houses as may be built abutting on that part of the street, alley or way in or near which said sewer is located, then the said Commission shall acquire, and it is hereby directed to acquire said sewer if the same can be obtained at a sum not exceeding fifty per cent of what would be the cost of constructing and laying a sewer of the same kind in the same place, and if the same cannot be obtained, then the said Commission shall not be required to acquire said sewer, but said Commission may either build another sewer to take the place of said private sewer, or, in its discretion, may acquire said sewer for a sum exceeding fifty per cent of said cost, or, in its discretion, may acquire said private sewer by condemnation in the method provided by said Chapter 349 of the Acts of 1904 *{§§ 20-8 to 20-10 of this subtitle}*;

provided, however, that when more than one private sewer shall exist in the same part of any street, alley or other way, then the said Commission shall be required to acquire, in the manner and upon the terms hereinbefore set forth, only that private sewer which in the opinion of said Commission will be best suited for said sewerage system, and provided that whenever any private sewer has been built since the passage of said Chapter 349 of the Acts of 1904, or shall hereafter be built upon any agreement with the Sewerage Commission that said sewer should thereafter be taken over by said Commission at a price or on terms agreed upon, then said sewer shall be so taken over by said Commission;

and in the event of any disagreement or dispute between the owner or owners of property or properties or of private sewers, or their representatives, and the said Sewerage Commission as to the location of any lateral sewer or sewers intended for house connections, or the capacity, location or suitability of any private sewer, or the cost of constructing and laying a sewer similar to any private sewer, then the matter shall be referred to a board composed of the four City officials now constituting the Board of Public Improvements of the City of Baltimore, under rules to be adopted by said Board, and the decision of said Board as to any of said matters so referred to said Board shall be final and binding on said Sewerage Commission and the party or parties appealing, and forty days before the work of construction of any lateral sewer or sewers intended for house connections shall be begun, said Sewerage Commission shall give notice by publication in three or more of the daily newspapers of Baltimore City of the general location of said sewer, and any property owner or other person interested in the location of said sewer or in any private sewer intended to be used or which might be used in connection with or instead of the intended sewer, may, within ten days after the first publication of said notice, apply to said Sewerage Commission for detailed information as to the location and construction of said sewer and as to what, if any, private sewers are intended to be used, and said person may, within said ten days, protest in writing to said Sewerage Commission against any part of the proposed plan of said sewer, and thereupon said Sewerage Commission, at some time within a period beginning ten days after said first publication and ending twenty days after said publication, shall make its determination in writing with reference to said protest, which determination shall be open to public inspection;

and any person who has thus protested, or any other person interested in said determination may, within a period beginning twenty days after said first publication and ending thirty days after said first publication, appeal in writing to a board composed of the four City officials now constituting the Board of Public Improvements, against said determination of said Sewerage Commission with reference to said protest, and said Board so composed, within a period beginning thirty days after said first publication and ending forty days after said first publication, shall make its decision with reference to said protest, which decision, as above mentioned, shall be final and binding upon said Sewerage Commission and the party or parties appealing or protesting.

*(P.L.L., 1915, §824J; 1927, §824J; 1930, §824J; 1938, §1029; 1949, §637; 1969, §20-11.)  
(1910, ch. 630.)*

### **§ 20-12. Borrowing power.**

For the purpose of preserving the sanitary condition of the City, the Mayor and City Council of Baltimore is hereby authorized to borrow money temporarily up to such an amount as may be necessary not exceeding the amount of the obligations or indebtedness of property owners to it, under the provisions of Ordinance No. 58, approved December 28, 1911, for the purpose of providing the City Engineer with the necessary funds to make the sewer connections and do the

other work which he is authorized and directed to do by said ordinance, the Mayor and City Council of Baltimore is hereby authorized for the purpose of borrowing such money to give its note to be signed on behalf of the City by the Mayor, the Comptroller and the City Engineer, and to pledge as collateral the obligations or indebtedness of property owners to the City under said Ordinance No. 58 to an amount equal to the amount of the loan, and to renew such note in whole or in part from time to time, not exceeding the time of maturity of the collateral. The method of pledging such indebtedness from the owners of property under said Ordinance 58 as collateral for such loan shall be as follows:

The Director of Finance shall give a certificate over his hand that there is due to the Mayor and City Council of Baltimore a certain sum under said Ordinance No. 58 from the following property owners, giving the number of the property and the name of the owner, and the amount due on each, and that said indebtedness is not pledged for any other loan. Said certificate attached to and delivered with the note of the City, as above provided, shall constitute a pledge of the indebtedness of said parties to the City as collateral security for the said note, or any renewal thereof as above provided. The Director of Finance shall collect said indebtedness, as provided in said ordinance, just as if the same were not pledged, but shall pay over to the holder of any note given under Sections 638 and 639 *{this section and §20-13 of this subtitle}*, all collections of any of the indebtedness pledged as collateral therefor, and such holder shall credit all such payments on such note.

*(P.L.L., 1915, §824K; 1927, §824K; 1930, §824K; 1938, §1030; 1949, §638; 1969, §20-12.) (1912, ch. 24.)*

**§ 20-13. Ordinance 11-058 approved.**

Ordinance No. 58 of the Mayor and City Council of Baltimore, approved December 28, 1911, is hereby ratified and confirmed, and every indebtedness accruing to the Mayor and City Council of Baltimore from any property owner in said City under and in pursuance of the terms of said ordinance is hereby declared to be a lien upon the property of such property owner as in said ordinance declared, and collectible as therein provided.

*(P.L.L., 1915, §824L; 1927, §824L; 1930, §824L; 1938, §1031; 1949, §639; 1969, §20-13.) (1912, ch. 24.)*

**SUBTITLE 21**  
**STREETS, BRIDGES, AND HIGHWAYS**

*CONTROLLED-ACCESS HIGHWAYS*

**§ 21-1. Declaration of policy.**

The Legislature hereby finds, determines and declares that this subheading is necessary for the immediate preservation of the public peace, health and safety, and for the promotion of the general welfare.

*(P.L.L., 1949, §695; 1969, §21-1.) (1948 Sp. Sess., ch. 27.)*

**§ 21-2. “Controlled-access facility” defined.**

For the purposes of this subheading, a controlled-access facility is defined as a highway or street especially designed for through traffic, and over, from, or to which owners or occupants of abutting land or other persons have no right or easement or only a controlled right or easement of access, light, air, or view by reason of the fact that their property abuts upon such controlled-access facility or for any other reason. Such highways or streets may be freeways open to use by all customary forms of street and highway traffic; or they may be parkways from which trucks, buses and other commercial vehicles shall be excluded.

*(P.L.L., 1949, §696; 1969, §21-2.) (1948 Sp. Sess., ch. 27.)*

**§ 21-3. Authority to establish.**

The Mayor and City Council of Baltimore, acting alone or in cooperation with any Federal, State, or local agency having authority to participate in the construction and maintenance of highways, is hereby authorized to plan, designate, establish, regulate, vacate, alter, improve, maintain and provide controlled-access facilities for public use wherever the Mayor and City Council of Baltimore is of the opinion that traffic conditions, present or future, will justify such special facilities.

The Mayor and City Council of Baltimore, in addition to the specific powers granted in this subheading, shall also have and may exercise, relative to controlled-access facilities, any and all additional authority now or hereafter vested in it relative to highways or streets within its jurisdiction. Said Mayor and City Council of Baltimore may regulate, restrict, or prohibit the use of such controlled-access facilities by the various classes of vehicles or traffic in a manner consistent with Section 21-3 *{sic}*.

*(P.L.L., 1949, §697; 1969, §21-3.) (1948 Sp. Sess., ch. 27.)*

**§ 21-4. Design.**

The Mayor and City Council of Baltimore is authorized to so design any controlled-access facility and to so regulate, restrict, or prohibit access as to best serve the traffic for which such facility is intended. In this connection the Mayor and City Council of Baltimore is authorized to divide and separate any controlled-access facility into separate roadways by the construction of raised curbing, dividing sections or other physical separations, or by designating such separate roadways by signs, markers, stripes, and the proper lane for such traffic by appropriate signs, markers, stripes and other devices.

No person shall have any right of ingress or egress to, from, or across controlled-access facilities to or from abutting lands, except at such designated points at which access may be permitted, upon such terms and conditions as may be specified from time to time.

*(P.L.L., 1949, §698; 1969, §21-4.) (1948 Sp. Sess., ch. 27.)*

#### **§ 21-5. Acquisition of property.**

For the purposes of this subheading, the Mayor and City Council of Baltimore may acquire private or public property and property rights for controlled-access facilities and service roads, including rights of access, air, view, and light, by gift, devise, purchase, or condemnation in the same manner as the Mayor and City Council of Baltimore is now or hereafter may be authorized by law to acquire such property or property rights in connection with highways and streets within Baltimore City. All property rights and interests acquired under the provisions of this subheading shall be in fee simple except where the Mayor and City Council of Baltimore may deem other interests sufficient.

In connection with the acquisition of property or property rights for any controlled-access facility or portion thereof, or service road in connection therewith, the Mayor and City Council of Baltimore may acquire an entire lot, block, or tract of land, if, by so doing, the interest of the public will be best served, even though said entire lot, block or tract is not immediately needed for the right-of-way proper.

*(P.L.L., 1949, §699; 1969, §21-5.) (1948 Sp. Sess., ch. 27.)*

#### **§ 21-6. Condemnation cases to have priority.**

Court proceedings necessary to acquire property or property rights for purposes of this subheading shall take precedence over all other causes not involving the public interest in all courts, to the end that the provisions of controlled-access facilities may be expedited.

*(P.L.L., 1949, §700; 1969, §21-6.) (1948 Sp. Sess., ch. 27.)*

#### **§ 21-7. New and existing facilities; grade crossings.**

The Mayor and City Council of Baltimore may designate and establish controlled-access highways as new and additional facilities or may designate and establish an existing street or highway as included within a controlled-access facility.

The Mayor and City Council of Baltimore shall have authority to provide for the elimination of intersections at grade of controlled-access facilities with existing streets, by grade separation or service road, or by closing off such roads and streets at the right-of-way boundary line of such controlled-access facility; and after the establishment of any controlled-access facility, no highway or street which is not part of said facility shall intersect the same at grade. No city, street, or other public way shall be opened into or connected with any such controlled-access facility without the consent and previous approval of the Mayor and City Council of Baltimore. Such consent and approval shall be given only if the public interest shall be served thereby.

*(P.L.L., 1949, §701; 1969, §21-7.) (1948 Sp. Sess., ch. 27.)*

**§ 21-8. Agreements authorized.**

The Mayor and City Council of Baltimore is authorized to enter into agreements with the federal government, and/or with the State of Maryland respecting the financing, planning, establishment, improvement, maintenance, use, regulation or vacation of controlled-access facilities or other public ways in Baltimore City to facilitate the purposes of this subheading.

*(P.L.L., 1949, §702; 1969, §21-8.) (1948 Sp. Sess., ch. 27.)*

**§ 21-9. Local service roads.**

In connection with the development of any controlled-access facility, the Mayor and City Council of Baltimore is authorized to plan, designate, establish, use, regulate, alter, improve, maintain, and vacate local service roads and streets or to designate as local service roads and streets any existing road or street, and to exercise jurisdiction over service roads in the same manner as is authorized over controlled-access facilities under the terms of this subheading, if, in its opinion, such local service roads and streets are necessary or desirable. Such local service roads or streets shall be of appropriate design, and shall be separated from the controlled-access facility proper by means of all devices designated as necessary or desirable by the Mayor and City Council of Baltimore.

*(P.L.L., 1949, §703; 1969, §21-9.) (1948 Sp. Sess., ch. 27.)*

**§ 21-10. Prohibited conduct; penalties.**

It is unlawful for any person

- (1) to drive a vehicle over, upon, or across any curb, central dividing section, or other separation or dividing line on controlled-access facilities;
- (2) to make a left turn or a semicircular or U-turn except through an opening provided for that purpose in the dividing curb section, separation, or line;
- (3) to drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation section or line;
- (4) to drive any vehicle into the controlled-access facility from a local service road except through an opening provided for that purpose in the dividing curb or dividing section or dividing line which separates such service road from the controlled-access facility proper.

Any person who violates any of the provisions of this section is guilty of a misdemeanor and upon arrest and conviction therefor, shall be punished by a fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00), or by imprisonment in the City jail for not less than 5 days nor more than 90 days, or by both such fine and imprisonment.

*(P.L.L., 1949, §704; 1969, §21-10.) (1948 Sp. Sess., ch. 27.)*

**§ 21-11. Severability; conflicts.**

If any section, provision, or clause of this subheading shall be declared invalid or inapplicable to any person or circumstance such invalidity or inapplicability shall not be construed to affect the portions not so held or persons or circumstances not so affected.

All laws or portions of laws inconsistent with the policy and provisions of this subheading are hereby repealed to the extent of such inconsistency in its application to controlled-access facilities provided for in this subheading.

*(P.L.L., 1949, §705; 1969, §21-11.) (1948 Sp. Sess. ch. 27.)*

***OPENING AND MAINTAINING STREETS; CONDEMNATION***

**§ 21-12. Condemnation awards paid into Court.**

Whenever any property shall have been condemned in any form or proceeding for the use of the Mayor and City Council of Baltimore, and in consequence of infancy, insanity or absence from the City of any person or persons entitled to receive any money awarded in any such proceedings, conflicting claims, refusal to accept, or any other cause, such money cannot be safely and reasonably paid to any person or persons, it shall be lawful for the Mayor and City Council of Baltimore to file a bill or petition in any Court of Equity in the City or county where the property is condemned, or any portion thereof, lies, and whenever such Court shall be satisfied that, for any of the reasons aforesaid, that said Mayor and City Council of Baltimore should be permitted to pay the said money into such Court, it shall pass such decree as it shall deem proper, and the payment of any money into Court under any such decree or order shall be considered in all respects equivalent to a tender thereof to any person or persons entitled to such money, and who may be made a party or parties to such proceeding, and upon making such payment, the said Mayor and City Council of Baltimore shall be thereby released from all further liability for the money awarded as aforesaid to any person or persons who may be made a party or parties to such proceeding as aforesaid, and in all cases when one or more persons is or are entitled to an estate for life or years, or an estate tail fee simple, conditional, base or qualified fee, or any other particular, limited or conditional estate in property condemned as aforesaid, and any person or persons is or are entitled to a remainder or remainders, vested or contingent, or an executory devise or devises, or any other interest, vested or contingent, in the same property, if all persons in being who would be entitled to the said property if the contingency had happened at the date of the filing of the aforesaid bill or petition, shall be made parties to such proceeding, the payment into Court of the money awarded for such property shall bind all persons, whether in being or not, who claim or may claim any interest in the said property under any of the parties to the said cause, or under any person from whom any of the parties thereto claim or from or under or by the original deed or will by which such particular, limited or conditional estates with remainders or executory devises were created, and the said Mayor and City Council of Baltimore shall, upon making such payment, be thereby released from all further liability for the money awarded as aforesaid.

*(P.L.L., 1888, §806A; 1915, §827; 1927, §827; 1930, §827; 1938, §1054; 1949, §674; 1969, §21-12.) (1892, ch. 165; 1898, ch. 123, §827; 1906, ch. 25.)*

**§ 21-13. Notice of street work.**

Before they pass any ordinance under Article Two of the Charter of Baltimore City (1964 Revision), paragraph “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 two consecutive weeks, in two of the daily newspapers in the City, that application shall be made for the passage of the ordinance. The notice 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, and, 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, lane or alley or part thereof intended to be widened or straightened, and in case of closing shall set forth clearly the length and width of the street, lane or alley or any part thereof, intended to be closed.

Notice shall also be given by filing, with the Department of Public Works on or before the first day of the publication, a map on the scale not smaller than 50 feet to the inch, prepared by some competent surveyor, whose name shall be signed to the same, which, in case of laying out, opening, extending, widening or straightening, shall show the course and the lines of the projected improvement, and also the lots and buildings thereon which shall be taken or destroyed, in whole or in part, and which, in the case of closing shall show the street, lane or alley, or part thereof, intended to be closed, and also the abutting lots and improvements thereon. The Director of the Department of Public Works shall endorse on the map his name, with the date of it being filed in his office, and keep the map where the public may have access to it.

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 therefore, allow the map to be taken from his office for that purpose, to be returned on the following day.

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.

*(P.L.L., 1860, §838; 1888, §807; 1915, §828; 1927, §828; 1930, §828; 1938, §1055; 1949, §675; 1969, §21-13.) (1838, ch. 226; 1898, ch. 123, §828; 1906, ch. 328; 1912, ch. 32; 1975, ch. 865.)*

#### **§ 21-14. Notice of Ordinance.**

Before the Department of Public Works shall proceed under Sections 21-12 and 21-13 to perform its duty, it shall give notice in a least two of the daily newspapers in the City of Baltimore of the object of the ordinance under which it proposes to act, at least ten days before the time of the first meeting to execute the same.

*(P.L.L., 1860, §839; 1888, §808; 1915, §829; 1927, §829; 1930, §829; 1938, §1056; 1949, §676; 1969, §21-14.) (1898, ch. 123, §829; 1912, ch. 32; 1975, ch. 865.)*

#### **§ 21-15. Acquisition of property.**

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, such ordinance may provide that the Department of Public Works shall proceed to acquire the property necessary, in accordance with Sections 44A, 44B, 44C, and 44D of Article VII of the Charter of Baltimore City (1964 Revision) as amended *{Article VII, §§ 43 to 46 of City Charter (1996 Edition)}*, and Sections 56 through 70 of Article 26 of the Baltimore City Code as amended *{Article 26, Subtitle 3 of City Code (Edition 2000)}*; or the ordinance may provide 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 Article - Real Property, Title 12 of the Annotated Code of Maryland, and that, after the damages to be awarded

shall have been ascertained by such proceedings, then the Department of Public Works 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 Sections 60, 61, and 62 of Article 26 of the Baltimore City Code (1976 Edition) as amended *{Article 26, §§ 3-5 to 3-10 of City Code (Edition 2000)}*, and 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.

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

*(P.L.L., 1915, §829A; 1927, §829A; 1930, §829A; 1938, §1057; 1949, §677; 1969, §21-15.) (1914, ch. 150, §1; 1948 Sp. Sess., ch. 61, §1; 1975, ch. 865; 1986, ch. 345.)*

### **§ 21-16. “Quick-take” condemnation — in general.**

#### *(a) Petition for Immediate Taking.*

Whenever any proceedings are instituted under Title 12 of the Real Property Article of Public General Laws of the State of Maryland by the Mayor and City Council of Baltimore for the acquisition of any property for any public purpose whatsoever, the Mayor and City Council of Baltimore, simultaneously with the filing of said proceedings or at any time thereafter, may file a Petition under oath stating that it is necessary for the City to have immediate possession of, or immediate title to and possession of, said property, and the reasons therefore.

The City shall also set forth in said Petition for Immediate Taking of possession or immediate taking of title the amount it estimates to be the fair value of the said property and/or title to be acquired, and of the respective interest of each of the owners thereof if more than one, which shall be substantiated by the affidavits of two qualified appraisers, attached to said Petition. The City shall deposit into Court simultaneously with the filing of said Petition the amount of said estimate of the fair value of the property to be acquired.

#### *(b) Notice and hearing.*

Upon the filing of any such Petition for Immediate Taking of Possession, the Court may direct the City to give such notice to the Defendants as the Court may deem proper. The Court may set the matter for hearing on the Petition, but any such hearing shall be held within seven days from the date of the filing of such petition; otherwise, the Court shall act on said Petition ex parte within said seven day period.

#### *(c) Vesting of title and possession.*

In cases where the City files a Petition for Immediate Taking of title and possession to the said property in fee simple absolute or such lesser estate or interest as is specified in the Petition, title thereto shall irrevocably vest in the Mayor and City Council of Baltimore ten days after personal service of the Petition upon each and every Defendant or, if the Defendants or any of them shall file an answer to the Petition within the said ten day period alleging that the City does not have the right or power to condemn title to the property, then on the date of the trial court’s decision or on the date of decision in any appeal from the trial court.

In the event the Defendants or any of them should file an answer, the court shall schedule a hearing within fifteen days of the date of the filing of an answer, which hearing shall be only for the purpose of contesting the right or power of the City to condemn title to the property. The trial court shall render its decision within fifteen days from the final day of said hearing. The City or the Defendants or any of them shall have an immediate right of appeal to the Court of Appeals of Maryland from the decision of the trial court.

Possession shall vest in the Mayor and City Council of Baltimore simultaneously with the vesting of title, except when the City has taken possession previously under subsection (d) of this section.

(d) *Immediate possession.*

If it appears from a Petition for Immediate Possession, with or without supporting affidavits or sworn testimony, that the public interest requires the City to have immediate possession of said property, the Court shall, within not more than seven days after the filing of said Petition, pass an order, either ex parte or after a hearing, directing that the City may take possession of said property after the expiration of thirty days from the filing of said Petition or earlier, in the Court's discretion. Upon passing such an order, the Court may direct the City to give such notice of said order to the Defendants as the Court may deem proper, but the Court's requirement of notice shall not extend the time within which the City may take possession of said property.

(e) *Abandonment of proceedings precluded after order.*

After an order has been passed as aforesaid, directing that the City may either take possession of the property or take title and possession of the property, the City shall no longer have the right to abandon said condemnation proceedings except with the consent of all of the owners of said property.

(f) *Payment of interests — in general.*

At any time after the order is signed directing that the City may either take possession or title and possession of the property:

- (1) the property owner or owners may petition the Court who shall, by order, direct the clerk to pay such sum so paid into Court unto such owner or owners according to their respective interest, less any public charges, City and State taxes, other assessments, and any ground rent paid by the City for and on behalf of the property owner, all adjusted to the date of taking of possession or to the date of taking title and possession as the case may be; and
- (2) the City may upon proper petition and order, withdraw from the sum so paid into Court, monies in satisfaction of such public charges, City and State taxes, other assessments, and ground rents so paid by the City, all adjusted as aforesaid.

(g) *Payment of interests — to be without prejudice.*

Payment into Court by the Mayor and City Council of Baltimore and receipt of such money by the property owner or owners shall be without prejudice to either party and shall not be construed to prevent either party from requiring a subsequent trial to determine the value of the property.

If the amount of the final award for any property owner, after trial, is more than the amount that was paid into Court by the City for the interest of such property owner, such property owner shall be entitled to a judgment against the City for the difference between such amounts.

If the final award for any property owner, after trial, is less than the amount that was paid into Court by the City for the interest of such property owner, the City shall be entitled to a judgment against such property owner, for the difference between such amounts.

*(P.L.L., 1915, §829B; 1927, §829B; 1930, §829B; 1938, §1058; 1949, §678; 1969, §21-16.) (1914, ch. 150; 1948 Sp. Sess., ch. 61; 1963, ch. 372; 1972, ch. 420; 1999, ch. 692.)*

**§ 21-17. “Quick-take” condemnation — abandoned or distressed property.**

(a) *Definitions.*

(1) *In general.*

In this section the following words have the meanings indicated.

(2) *Abandoned property.*

“Abandoned property” means:

- (i) an unoccupied structure or vacant lot on which taxes are in arrears for at least 2 years;
- (ii) a building:
  - 1. that is unoccupied by owner or tenant;
  - 2. that is unfit for habitation;
  - 3. that has deteriorated to the point where:
    - A. the building is structurally unsound; or
    - B. the cost of rehabilitation significantly exceeds the post rehabilitation market value; and
  - 4. regarding which the owner has been issued a violation notice from the City requiring the owner to:
    - A. rehabilitate the building to conform to minimum code habitability requirements; or

## B. demolish the building for health and safety reasons;

(iii) a vacant lot on which a building has been demolished; or

(iv) any building in a block of row houses where the block:

1. as a whole contains 70% abandoned property as defined under subparagraph (i), (ii), or (iii) of this paragraph; and
2. is determined by the City to require a whole-block remedy, provided that any tenant or owner-occupant has been offered assistance in accordance with subsection (l) of this section.

(3) *Distressed property.*

“Distressed property” means a parcel of real property that is subject to a tax lien or liens with a lien or liens to value ratio equal to or greater than 15%, as determined by the Baltimore City Department of Housing and Community Development, and that:

(i) contains a dwelling unit or other structure that:

1. has deteriorated to the extent that the dwelling unit or other structure constitutes a serious and growing menace to the public health, safety, and welfare; and
2. is subject, under the Building Code of Baltimore City or the Housing Code of Baltimore City, to an expired violation notice and order to correct the deteriorated conditions; or

(ii) is subject to a lien or liens in an amount greater than \$1000 for work done by the Baltimore City Department of Housing and Community Development.

(b) *Petition for immediate taking.*

The Mayor and City Council of Baltimore may file a petition in the District Court, for the public purpose of alleviating nuisance and blight, that seeks:

- (1) the condemnation of abandoned or distressed property; and
- (2) the immediate possession of, or the immediate possession of and title to, the abandoned or distressed property.

(c) *Deposit in court of fair market value.*

When the City files a petition under this section, the City shall deposit with the District Court the amount of money estimated by a licensed appraiser to be the fair market value of the abandoned or distressed property.

(d) *Service of process.*

- (1) Service of process on an owner of abandoned or distressed property under this section shall be made in accordance with the provisions of § 16-16A of the Code of Public Local Laws of Baltimore City.
- (2) If an owner has properly registered a current local agent and local address for service of process under the requirements of the Baltimore City Code relating to rental property registration, and service is effected by mail and posting at a last known address other than that provided in the owner’s rental property registration form, then notice of the proceedings shall be sent by certified mail to the owner at the rental property registration address.

(e) *Participation of judgment creditor.*

- (1) A judgment creditor is not a required party to a proceeding initiated under this section.
- (2) A judgment creditor may join a proceeding initiated under this section by filing a motion under subsection (f) of this section within 10 days of notice being given as required by law.

(f) *Removal to Circuit Court of compensation issue.*

- (1) On motion of any person with an interest in abandoned or distressed property that is the subject of a proceeding initiated under this section, the issue of compensation related to the proceeding may be removed to the Circuit Court of Baltimore City for trial on that issue.
- (2) The motion for removal to the Circuit Court of Baltimore City for trial on the issue of compensation shall be filed within 30 days of the date the title to the abandoned or distressed property vests with the City under § 21-16(c) of this subheading.

(g) *Parties may agree to trial in District Court.*

If the parties agree, trial on the issue of compensation may be held in the District Court.

(h) *Judgment for excess of public charges, etc., over property value.*

If the value of the abandoned or distressed property is determined to be less than the sum of public charges, City and state taxes, and other assessments regarding the abandoned or distressed property, the City is entitled to a judgment against the owner of the abandoned or distressed property for the difference.

(i) *Titleholder.*

When a court vests title to the abandoned or distressed property in the City, at the request of the City, the court may name as titleholder a public or quasi-public corporation that has been designated by the City to hold title to property acquired under this section.

(j) *Provisions of § 21-16 to apply.*

Except as otherwise provided in this section, the provisions of § 21-16 of this subheading apply to a proceeding under this section.

(k) *Limitations on action against City.*

- (1) An action at law or in equity filed against the City by a person with an interest in abandoned or distressed property that is the subject of a proceeding initiated under this section shall be filed within 3 years from the date a court vests title to the abandoned or distressed property in the City.
- (2) The damages awarded to a person for the improper taking of abandoned or distressed property in a proceeding initiated under this section are limited to the fair market value of the abandoned or distressed property at the time of the taking.

(l) *Assistance to certain displaced persons.*

If an owner-occupant or tenant of property described under subsection (a)(2)(iv) or (3) of this section is displaced, regardless of whether the displacement involves the use of federal financial assistance, the City shall assure that the owner-occupant or tenant is offered, at a minimum, assistance and payments to the extent that the owner-occupant or tenant would qualify for assistance and payments as a displaced person under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(m) *Satisfaction of liens.*

If an owner of distressed property that is the subject of a proceeding initiated under this section satisfies the liens described in subsection (a)(3) of this section before a court vests title to the distressed property in the City, the court shall dismiss the petition filed by the City under subsection (b) of this section.

(n) *Section supplemental of other authority.*

This section does not affect the authority of the Mayor and City Council to condemn private property for public use under other provisions of law.  
(1999, ch. 692; 2000, ch. 285; 2003, ch. 429.)

**§ 21-18. Present powers not limited.**

Section 21-15 to 21-17 shall not restrict or limit the present powers and authority vested in the Mayor and City Council of Baltimore, to condemn property situate in Baltimore City for public use.  
(P.L.L., 1949, §681; 1969, §21-18.) (1948 Sp. Sess., ch. 61.)

**§ 21-19. Persons to be taken as owners.**

A tenant for ninety-nine years, or for ninety-nine years, renewable forever, or the executor or administrator of such tenant, or the guardian of an infant owner, or a mortgagee in possession, shall be deemed and taken as an owner for the purposes of any application to the Mayor and City Council authorized by this subdivision of this article; and the application of any such person shall bind the property so represented for any assessment or tax made under an ordinance passed in pursuance of the provisions of this subdivision of this article.  
(P.L.L., 1888, §812; 1915, § 830; 1927, §830; 1930, §830; 1938, §1061; 1949, §682; 1969, §21-19.)  
(1874, ch. 218; 1898, ch. 123, §830.)

**§ 21-20. Real estate surveyed under Act of 1817 — City may open.**

Where real estate within the said City has been or may be divided according to law among heirs, legatees, joint tenants or tenants in common, entitled to the same; and such division calls for any of the streets, lanes or alleys or any part thereof surveyed and laid off under the Act of 1817, Chapter 148, or reserves of any of the streets, lanes or alleys, or any part thereof, as open, and divides such estate with reference thereto, the Mayor and City Council of Baltimore may, on application of one or more persons interested in the ground to be taken on such application, adopt and sanction by ordinance the principle under which such division was had, and open any of the said streets, lanes or alleys, or any parts thereof, in the said division reserved or recognized; provided, at least one week's notice in the newspapers of said City (the cost of the advertisement to be paid by the applicants), be given of such application before any such ordinance shall pass.

*(P.L.L., 1860, §842; 1888, §813; 1915, §831; 1927, §831; 1930, §831; 1938, §1062; 1949, §683; 1969, §21-20.) (1833, ch. 182; 1898, ch. 123, §831.)*

**§ 21-21. Real estate surveyed under Act of 1817 — to be public highways.**

All the streets, lanes, or alleys opened in the manner directed in Section 21-20 shall be public highways, and be subject to the laws, regulations and ordinances applicable to public streets, lanes or alleys, or parts thereof, in said City.

*(P.L.L., 1860, §850; 1888, §814; 1915, §832; 1927, §832; 1930, §832; 1938, §1063; 1949, §684; 1969, §21-21.) (1832, ch. 182; 1898, ch. 123, §832.)*

**§ 21-22. Private streets paved, etc.**

They may, on application of the owners of a majority of feet in front of any private wharf, dock, street, lane or alley, cause the same to be paved, cleaned out, mended or otherwise repaved or kept in good condition or repair, and may impose upon and collect from all the proprietors of the property so to be cleaned out or repaired, a tax sufficient in amount to defray the expenses thereof, which shall be assessed upon the proprietors in proportion to the number of feet held by them, respectively, in front or length, and shall be collected by the Mayor and City Council of Baltimore as taxes levied for paving public streets.

*(P.L.L., 1860, §851; 1888, §815; 1915, §833; 1927, §833; 1930, §833; 1938, §1064; 1949, §685; 1969, §21-22.) (1898, ch. 123, §833.)*

**§ 21-23. Grades on low or made ground.**

Whenever the Commissioner of Health shall certify in writing to the Mayor that it is necessary for the health of the City to alter the grade of any street, lane or alley on low or made ground, the Mayor shall issue his order to the City Engineer, who shall thereupon call upon the several property holders on such street, lane or alley, and procure from them their assent in writing to such alteration; and if any property holder shall refuse to permit the same to be graded, and shall require damages therefor, and cannot agree with the Highways Engineer as to the amount of damages, or should there be any legal disability on the part of those owning property on such street, lane or alley, a judge of the Circuit Court for Baltimore City, on application of the corporation, shall appoint three disinterested persons to assess such damages, who shall return on oath their award to said Court, and the same shall be confirmed by the Court unless case to the contrary be shown; in which case the Court shall at the first term thereafter decide finally thereon; and when the damages so assessed or agreed upon shall be paid by the Mayor and City Council of Baltimore to the persons so assessed, and legally

entitled to receive the same, the Mayor and City Council of Baltimore may proceed to regrade and pave the said street, lane or alley.

*(P.L.L., 1860, §854; 1888, §817; 1915, §834; 1927, §834; 1930, §834; 1938, §1065; 1949, §686; 1969, §21-23.) (1898, ch. 123, §834; 1986, ch. 345.)*

#### **§ 21-24. Turnpike companies.**

The President, directors and companies of the different turnpike companies owning roads running into the City of Baltimore, may cede to said City such parts of said roads as lie within the corporate limits of said City; and the same, when ceded, shall be in all respects subject to the same regulations as unpaved public streets.

*(P.L.L., 1860, §857; 1888, §818; 1915, §835; 1927, §835; 1930, §835; 1938, §1066; 1949, §687; 1969, §21-24.) (1824, ch. 105; 1898, ch. 123, §835.)*

#### **§ 21-25. Eutaw Place — deed to bed of extended street.**

The Mayor and City Council of Baltimore is hereby authorized and empowered to accept from the owners thereof, a deed of the land lying in the bed of Eutaw Place extended, between North Avenue on the southeast and Druid Hill Park on the northwest, in consideration of an agreement on the part of said grantee, to be incorporated therein, that no street car or other railroad tracks shall at any time thereafter be located or placed on any part thereof.

*(P.L.L., 1915, §836; 1927, §836; 1930, §836; 1938, §1067; 1949, §688; 1969, §21-25.) (1894, ch. 123; 1898, ch. 123, §836.)*

#### **§ 21-26. Eutaw Place — car tracks.**

Upon the execution of said deed and acceptance thereof by the Mayor and City Council of Baltimore embodying said contract prohibiting the locating or placing of car tracks upon any part of the land so to be granted, the said contract shall be and is hereby declared to be forever thereafter inviolable; provided, however, that nothing herein contained shall prevent the Mayor and City Council of Baltimore from authorizing by ordinance the location or construction of car tracks on such part of the bed of said street as are contained within the limits of intersecting or cross streets that are now or may hereafter be provided for by ordinance of said Mayor and City Council of Baltimore.

*(P.L.L., 1915, §837; 1927, §837; 1930, §837; 1938, §1068; 1949, §689; 1969, §21-26.) (1894, ch. 123; 1898, ch. 123, §837.)*

#### **§ 21-27. Streets annexed in 1888.**

No avenues, streets or alleys within the territory annexed to the City of Baltimore by the Act of 1888, Chapter 98, shall hereafter be opened, established or condemned, nor shall the dedication of any avenue, street or alley in said territory be hereafter accepted by the Mayor and City Council of Baltimore unless the same shall be approved in writing by the Topographical Survey Commission consisting of the Mayor, Comptroller and Register of the City of Baltimore *{Department of Public Works}*, or unless the said avenues, streets or alleys be so opened, established, condemned or dedicated that the lines and grades thereof shall conform to the general plan of streets for the annex as adopted under Ordinance No. 129, approved December 3<sup>rd</sup>, 1898, or as said plan shall be amended in accordance with the provisions of this section, that is to say: with the approval of the aforesaid Topographical Survey Commission, the Mayor and City Council of Baltimore may by ordinance, from time to time and in any manner, alter or amend the said general plan of streets, and the said Mayor and City Council of Baltimore may thereafter by ordinance open, establish or condemn, or

the Mayor of Baltimore City may receive a deed for any avenue, street or alley laid down on the said general plan of streets as amended, or if any such avenue, street or alley shall be dedicated the same may thereafter be accepted; said Topographical Survey Commission is hereby authorized to make such rules and regulations regarding surveys, plats or plans relating to the location of avenues, streets or alleys as they may deem proper from time to time.

*(P.L.L., 1888, §824½; 1915, §840; 1927, §840; 1930, §840; 1938, §1074; 1949, §690; 1969, §21-27.) (1894, ch. 576; 1898, ch. 123, §840; 1902, ch. 453; 1904, ch. 433; 1906, ch. 158.)*

**§ 21-28. Presumed dedication of certain private roads.**

Every private street, lane, alley or way in the City of Baltimore which shall be hereafter laid out and opened, and which for a period of one year shall connect with, open into, or lead to or from any public street, lane, alley or way of said City, and passage between which said private street, lane, alley or way and said public street, lane, alley or way shall not be barred or obstructed by a wall, fence or similar structure erected along the dividing line between them, either without a gate or gates therein, or with a gate or gates, which shall be kept closed at all time except when in actual use, shall be conclusively presumed to have been dedicated by the owner or owners thereof to public use as public highways, and may, at any time thereafter be accepted as public highways, either by ordinance of the Mayor and City Council of Baltimore or in any other manner in which a dedication of land to public use made in any other way be accepted.

The preceding provisions of this section shall not apply to any private streets, lane, alleys or ways laid out after the passage of this amended Act, upon plans approved by the Topographical Survey Commission of Baltimore City *{Department of Public Works}*, whose owner or owners shall declare them to be private by placing and maintaining a sign or signs at or near the junction or junctions of such private streets, lanes, alleys or ways with such public streets, lanes, alleys or ways on which sign or signs shall be marked with the words “Private Way”, provided and so long as such owner or owners do not grant in such private streets, lanes, alleys or ways, for a longer period than twenty-five years, any franchise, right or easement for a railway or for pipe or conduits for supplying electricity, gas, water or steam or for any other use that would be in the nature of a public service franchise.

*(P.L.L., 1915, §840A; 1927, §840A; 1930, §840A; 1938, §1075; 1949, §691; 1969, §21-28.) (1908, ch. 582; 1912, ch. 659.)*

**§ 21-29. Rights under Act of 1908.**

Nothing herein contained shall affect any right acquired by the Mayor and City Council of Baltimore City under said Act of 1908, Chapter 582, prior to April 11, 1912.

*(P.L.L., 1915, §840B; 1927, §840B; 1930, §840B; 1938, §1076; 1949, §692; 1969, §21-29.) (1912, ch. 659.)*

**§ 21-30. Presumed dedication of certain private streets.**

Every private street, lane, alley or way now existing in the City of Baltimore, which for a period of one year from April 8, 1908, shall connect with, open into, or lead to or from any public street, lane, alley or way of said City, and passage between which said private street, lane, alley or way, and said public street, lane, alley or way shall not be barred or obstructed by a wall, fence or similar structure erected along the dividing line between them, either without a gate or gates therein, or with a gate or gates which shall be kept closed at all times except when in actual use, shall be conclusively presumed to have been dedicated by the owner or owners thereof to public use as public highways,

and may, at any time thereafter, be accepted as public highways, either by ordinance of the Mayor and City Council of Baltimore or in any other manner in which a dedication of land to public use made in any other way, may be accepted.

(*P.L.L., 1915, §840C; 1927, §840C; 1930, §840C; 1938, §1077; 1949, §693; 1969, §21-30.*) (1908, *ch. 583.*)

### **§ 21-31. Streets dedicated before 1888.**

All streets, avenues or alleys lying in that portion of Baltimore City, formerly constituting a portion of Baltimore County, and in pursuance of the Act of the General Assembly of Maryland of 1888, Chapter 98, recently annexed to the said City of Baltimore, which has prior to such annexation become streets, avenues or alleys in Baltimore County, whether by deed or dedication, shall be held for all purposes to validly constitute streets, avenues or alleys of Baltimore City, in all respects as if the same had been legally condemned as such by the Mayor and City Council of Baltimore.

(*P.L.L., 1888, §824A; 1915, §841; 1927, §841; 1930, §841; 1938, §1078; 1949, §694; 1969, §21-31.*) (1890, *ch. 628; 1898, ch. 123, §841.*)

### *STREET DIRT, SWEEPINGS, AND GARBAGE*

### **§ 21-32. Carriage by Transit Company.**

The Mayor and City Council of Baltimore is hereby authorized to enter into an agreement with the United Railways and Electric Company of Baltimore {>*Baltimore Transit Company* > *Mass Transit Administration*}, or any person, company or corporation, for the carriage and disposal from proper places that may be agreed upon for transportation on the cars of said Company for final disposition at proper places situated on or near its system of tracks in this State of such street sweepings, dirt, ashes and garbage as may be collected by the Mayor and City Council of Baltimore, or its duly constituted employees and agents and delivered to said United Railways and Electric Company of Baltimore for final transportation at such places as may be agreed upon, on such terms and conditions as may be agreed upon between the Mayor and City Council of Baltimore, and the United Railways and Electric Company of Baltimore or any person, company or corporation; and should the Mayor and City Council of Baltimore by ordinance provide for the collection of street dirt, sweepings, garbage and ashes by other persons than the duly constituted officers or employees of said City of Baltimore, then said other person or persons shall have the same right to enter into an agreement for the final transportation of said street sweepings, dirt, garbage and ashes as mentioned aforesaid; provided, however, that nothing in this section shall be construed to confer any right upon the Mayor and City Council of Baltimore to contract with said United Railways and Electric Company of Baltimore, or any person, company or corporation, for the collection of street sweepings, ashes and garbage from the streets, lanes, alleys and other ways of the said City of Baltimore, but shall simply apply to the final transportation and disposal of the said street sweepings, dirt, garbage and ashes from certain specified places to the final disposition as heretofore mentioned; provided, further, that the cars, boxes, bins, houses or receptacles in which said street sweepings, dirt, garbage and ashes are deposited and retained awaiting final disposition, and the cars, boxes, bins, or other receptacles in which said street sweepings, dirt, garbage and ashes may, should or are to be transported from said place of deposit to the place of final disposition shall be closed and covered in such manner as may be provided for by the Mayor and City Council of Baltimore, and shall only be transported, conveyed and carried from said places of deposit to the final disposition through the streets of said City only between the hours of one and five o'clock a.m.

(*P.L.L., 1915, §841EE; 1927, §841EE; 1930, §841EE; 1938, §1108; 1949, §712.*) (1902, *ch. 327.*)

**SUBTITLE 22**  
**CIRCUIT COURT FOR BALTIMORE CITY**

*ADMINISTRATIVE OFFICE*

*Powers and Duties*

**§ 22-1. Office created.**

An Administrative Office of the Circuit Court for Baltimore City is created, with an Administrator as its head.

*(P.L.L., 1969, §22-1.) (1966, ch. 244, §303A; 1986, ch. 345.)*

**§ 22-2. Administrator — appointment; compensation.**

The Administrator shall be appointed by the Circuit Court for Baltimore City to serve during its pleasure. The Administrator shall devote full time to official duties and shall not at any time engage in the practice of law. The Administrator shall receive such compensation as is provided from time to time in the Ordinance of Estimates.

*(P.L.L., 1969, §22-2.) (1966, ch. 224, §303B; 1986, ch. 345.)*

**§ 22-3. Administrator — assistants and employees.**

The Administrator, with the approval of the Circuit Court for Baltimore City, shall appoint such assistants and other employees as are necessary to enable the Administrator to perform his duties, including the discharge of the duties of Clerk of the Circuit Court for Baltimore City, under Article IV, Section 25 of the Constitution of Maryland, the administrative duties of the Court, and the persons appointed shall receive such compensation as is provided from time to time in the Ordinance of Estimates.

*(P.L.L., 1969, §22-3.) (1966, ch. 224, §303C; 1986, ch. 345.)*

**§ 22-4. Administrator — duties.**

The Administrator, under the supervision and direction of the Circuit Court for Baltimore City, shall:

- (1) Exercise general administrative supervision of the Circuit Court.
- (2) Serve as personnel officer of the Circuit Court, and in such capacity recommend to the Court:
  - (i) job descriptions and classifications for all employees of the Circuit Court;
  - (ii) appropriate salary scales and standard procedures for the procurement and promotion of personnel of the Circuit Court; and
  - (iii) regulations governing hours of work, leaves of absence, and other conditions of employment of the Circuit Court.
- (3) Formulate and submit to the Circuit Court recommendations for the improvement of its judicial system.

- (4) Examine the administrative and business methods and systems employed in the offices related to and serving the Circuit Court for possible improvement.
- (5) In cooperation with the Administrative Office of the Courts of the State of Maryland, collect and compile statistical data and other information on the work of other offices related to and serving the Circuit Court, and transmit this material to the Circuit Court.
- (6) Examine the condition of the dockets and the practices and procedures of the Circuit Court and make recommendations for expediting litigation.
- (7) Prepare and submit budget estimates of appropriations necessary for the maintenance and operation of the Circuit Court and of the offices related to and serving the Court.
- (8) File requests for permission to spend funds appropriated for the Circuit Court and for offices related to and serving the Court and approve all proper vouchers for the expenditure of such funds.
- (9) Secure and maintain space for courtrooms and office facilities and purchase, exchange, and distribute equipment and supplies for the judges and the offices, officers, and employees of the Circuit Court, as supported by appropriations in the Ordinance of Estimates.
- (10) Collect and compile statistical data and other information on the expenditures and receipts of the Court, and related offices and make periodic reports thereof to the judges of the Circuit Court.
- (11) Consult with and assist the officers and employees of the Circuit Court.
- (12) Investigate complaints with respect to the operation of the Circuit Court and make such recommendations to the judges of the Circuit Court as may be appropriate.
- (13) Perform such additional duties as may be assigned by the Circuit Court.
- (14) Prepare and publish an annual report on the activities of the Administrative Office of the Circuit Court for Baltimore City.

*(P.L.L., 1969, §22-4.) (1966, ch. 224, §303D; 1986, ch. 345.)*

#### **§ 22-5. Other appointive powers retained.**

The authority of the judges of the Circuit Court for Baltimore City to appoint other administrative or clerical personnel is not limited by any provision of this subtitle.

*(P.L.L., 1969, §22-5.) (1966, ch. 224, §303E; 1986, ch. 345.)*

### ***Court House Security***

#### **§ 22-6. Division created.**

A division of Court House Security is created within the Sheriff's Office of Baltimore City. The Sheriff of Baltimore City is the Chief of Court House Security.

*(P.L.L., 1969, §22-6.) (1968, ch. 347, §303F; 1976, ch. 864.)*

**§ 22-7. Chief; employees.**

The Sheriff of Baltimore City shall appoint other court security officers and other employees as are necessary, who shall serve at his pleasure. The Mayor and City Council have the same power with respect to the salaries of court security officers and other employees of the Division of Court House Security as they have under the Charter with respect to all municipal departments.

*(P.L.L., 1969, §22-7.) (1968, ch. 347, §303G; 1976, ch. 864.)*

**§ 22-8. Duties of Division.**

The Chief of the Court House Security Division shall:

- (1) establish qualifications for Court Security Officers, procedures for their recruitment, and suitable examinations to determine their experience, skill, and ability;
- (2) develop a plan for maintaining all necessary security measures within the courtrooms, corridors, and other public facilities within the Baltimore City Court House and any building utilized as an annex thereto;
- (3) recommend the specific duties of the Court Security Officers, including their assignments and work schedules;
- (4) maintain supervision over all Court Security Officers and other employees of the Division of Court House Security, and be responsible for its efficient operation.

*(P.L.L., 1969, §22-8.) (1968, ch. 347, §303H; 1976, ch. 864.)*

**§ 22-9. Powers of Peace Officers.**

Court Security Officers as provided in this subtitle are hereby vested with the powers of police officers within any building used in whole or in part by the Circuit Court for Baltimore City; and with powers to preserve security and protect from damage; and with powers to maintain order and the free and unimpeded passage therein and therefrom; and in furtherance thereof, to arrest any person who defaces or damages said buildings, and any person who by any act or conduct disturbs or interferes with the decorum and tranquility of any courtroom, or any other part of said buildings, as to disrupt and endanger the administration of justice, the integrity and dignity of the judicial processes, the orderly progress of a court proceeding, or the rights of litigants.

Such powers shall extend outside the Court House and any annex whenever such Court House Security Officer may be in pursuit of any person who has committed any offense or breach of peace within such buildings or has escaped from the lawful custody of any sheriff, jail guard, prison guard, or police officer, and whenever a Court House Security Officer accompanies any judge of the Circuit Court for Baltimore City while the judge is performing any official duty or is proceeding from the Court House to, or returning to the Court House from, any place within the City of Baltimore that a judicial duty is performed.

Under no circumstances may a Court Security Officer act as a chauffeur or driver for a judge or perform any other duty not directly related to the functions of the Court and of the judge.

*(P.L.L., 1969, §22-9.) (1968, ch. 347, §303-1; 1969, ch. 751; 1971, ch. 413; 1985, ch. 464; 1986, ch. 345.)*

**§ 22-10. Weapons; uniforms.**

The Chief of the Court House Security Division and all Court House Security Officers are authorized to carry appropriate weapons when so directed by the Sheriff of Baltimore City, and they shall, when on duty, wear uniforms approved and provided by the Sheriff of Baltimore City. (P.L.L., 1969, §22-10.) (1968, ch. 347, §303J; 1976, ch. 864.)

**§ 22-11. Salaries and expenses.**

The salaries of personnel of the Court House Security Division together with funds necessary to provide uniforms, equipment, supplies, and general expenses shall be included in the annual operating budget requests of the Sheriff of Baltimore City as provided in the Annual Ordinance of Estimates of the Mayor and City Council of Baltimore City. (P.L.L., 1969, §22-11.) (1968, ch. 347, §303K; 1976, ch. 864.)

**COURT SERVICES****§ 22-12. Contracts for probation and other services.**

The Circuit Court for Baltimore City is authorized and empowered to enter into a contract or contracts with the Division of Parole and Probation, the State Social Services Administration or with any other agency or instrumentality of the State of Maryland to employ personnel and render services to fulfill the terms of a grant or appropriation from the federal government or another third party with respect to functions related to the suspension of sentences in criminal cases and the placing of persons on probation or parole or related to the collection of civil and criminal orders of support. (P.L.L., 1969, §22-12.) (1969, ch. 467; 1971, ch. 451; 1986, ch. 345.)

**BAIL****§ 22-13. Authority of Clerk to take.**

The Clerk of the Circuit Court for Baltimore City shall have the power at any time to take bail when authorized by the Court, whether the Court is in session or not, and although the defendant is not present or does not join in the recognizance, but in all cases, before bail is taken by the Clerk, the Court shall fix the amount thereof. (P.L.L., 1915, §278A; 1927, §278A; 1930, §278A; 1938, §358; 1949, §185; 1969, §22-13.) (1898, ch. 138, §207A; 1986, ch. 345.)

**§ 22-14. Application.**

Whenever any person charged with a criminal offense desires to be admitted to bail, his recognizer, except as provided for in Section 22-13, shall sign and make oath to an application in which shall be stated the location of his property, his interest therein, its value, ground rent, mortgages, and other recognizances and incumbrances, if any, to which it may be subject, and such other matters as may

be inquired of, and required to be inserted in the application by the Clerk to whom such application is made, to enable such Clerk to determine the value of the security offered.  
*(P.L.L., 1915, §278B; 1927, §278B; 1930, §278B; 1938, §359; 1949, §186; 1969, §22-14.)*  
*(1898, ch. 138, §207B.)*

**§ 22-15. Bail on own recognizance.**

The Clerk of the Circuit Court for Baltimore City may, when ordered by the Court, admit any person to bail on that person’s own recognizance, or may accept a recognizor without stated property qualifications.  
*(P.L.L., 1915, §278C; 1927, §278C; 1930, §278C; 1939, §360; 1949, §187; 1969, §22-15.)*  
*(1898, ch. 138, §207C; 1986, ch. 345.)*

**§ 22-16. Wording of bail.**

It shall be sufficient for recognizances taken in the Circuit Court for Baltimore City, when signed by the judge or the clerk thereof, to conform to the following formula:

“You and each of you acknowledge yourselves to owe and stand indebted to the State of Maryland in the sum of \_\_\_\_\_ dollars for the appearance of \_\_\_\_\_ at this Court on the \_\_\_\_ day of \_\_\_\_\_ 19\_\_ to answer the charge alleged against that person, and to attend this Court thereafter from day to day until discharged therefrom in due course of law.”

*(P.L.L., 1915, §278D; 1927, §278D; 1930, §278D; 1938, §361; 1949, §188; 1969, §22-16.)*  
*(1898, ch. 138, §207D; 1986, ch. 345.)*

**§ 22-17. Recognizance to be lien; judgment.**

Every recognizance taken in any criminal proceeding in Baltimore City shall be a lien upon the property of the recognizor mentioned in the recognizor’s application from the date of the acknowledgment of such recognizance, unless such recognizance shall have been acknowledged before a District Court Commissioner or before a court upon writ of habeas corpus, in which it shall be a lien from the time it is filed with the Clerk of the Circuit Court for Baltimore City.

When any recognizance is forfeited it shall become a judgment, and shall have all the effects of judgments rendered in civil causes, and may be enforced by execution by order of the State’s Attorney at any time within six years from the date of the forfeiture, and not afterwards.

*(P.L.L., 1915, §278E; 1927, §278E; 1930, §278E; 1938, §362; 1949, §189; 1969, §22-17.)*  
*(1898, ch. 138, §207E; 1986, ch. 345.)*

**§ 22-18. Recordation of recognizance.**

It shall be the duty of the Clerk of the Circuit Court for Baltimore City immediately to record, in a properly indexed book to be provided for that purpose, the names of the persons who have entered into recognizances, the date of the filing of the recognizances with the Clerk of the Court, if such recognizance has been acknowledged before a District Court Commissioner or before some other court upon writ of habeas corpus, the amount thereof, and the date of the acknowledgment of the same; the location of the property mentioned in the application, and when any recognizance shall be forfeited; and when any forfeiture shall be stricken out or discharged, it shall be the duty of the

Circuit Court clerk to make an appropriate entry in the recognizance book, showing such disposition of the recognizance or the forfeiture, together with the date thereof.

*(P.L.L., 1915, §278F; 1927, §278F; 1930, §278F; 1936, §363; 1949, §190; 1969, §22-18.) (1898, ch. 138, §207F; 1986, ch. 345.)*

**§ 22-19. Bonding company as recognizor.**

Any officer having power to admit to bail may accept as recognizor any bonding, guarantee or trust company incorporated under the laws of the State of Maryland, or under the laws of any State in the United States, and doing business in the City of Baltimore, which is authorized by its charter to become surety on official bonds.

*(P.L.L., 1915, §278G; 1927, §278G; 1930, §278G; 1938, §364; 1949, §191; 1969, §22-19.) (1898, ch. 138, §207G.)*

**§ 22-20. Accused as own recognizor.**

Any person having power to admit to bail under the provisions of this subtitle may accept the accused as his own recognizor, upon cash or other property owned by him, and upon his conforming otherwise to the provisions of this subtitle.

*(P.L.L., 1949, §192; 1969, §22-20.) (1949, ch. 140.)*

**§ 22-21. District Court — power to accept bail.**

The District Court of Maryland shall not accept bail for persons charged with manslaughter, other than charge for manslaughter arising out of a motor vehicle accident, murder or any offense the punishment for which may be death; such court may, in its discretion, accept the bail for any person charged with the commission of any felony other than those mentioned above; and any misdemeanor the punishment for which may be confinement in the penitentiary; and whenever bail is offered for any person charged with the commission of any misdemeanor other than those already set forth, such Court shall accept the same; provided it is satisfied with the security offered.

*(P.L.L., 1915, §278H; 1927, §278H; 1930, §278H; 1938, §365; 1949, §193; 1969, §22-21.) (1898, ch. 138, §207H; 1941, ch. 462; 1961, ch. 616; 1986, ch. 345.)*

**§ 22-22. District Court — application.**

Whenever a person charged with a bailable, criminal offense before the District Court of Maryland desires to be admitted to bail, his recognizor shall sign and make oath to an application in which shall be stated such matters as may be required of and required to be inserted in such application by the Court to enable it to determine the value of the security offered. Any recognizance acknowledged before such Court shall be good, although the defendant does not join in the same.

*(P.L.L., 1915, §278-I; 1927, §278-I; 1930, §278-I; 1938, §366; 1949, §194; 1969, §22-22.) (1898, ch. 138, §207-I; 1961, ch. 616; 1986, ch. 345.)*

**§ 22-23. District Court — recognizance to Circuit Court.**

Whenever any person charged with the commission of a criminal offense is admitted to bail by the District Court of Maryland for appearance in the Circuit Court for Baltimore City, the Clerk of the District Court of Maryland shall forthwith deliver the recognizance to the Clerk of the Circuit Court. Such recognizance shall then become a record of the Circuit Court, and may be forfeited, and the

forfeiture may be enforced in the same manner as if recognizance has been taken by the Circuit Court.

*(P.L.L., 1915, §278J; 1927, §278J; 1930, §278J; 1938, §367; 1949, §195, 1969, §22-23.) (1898, ch. 138, §207J; 1961, ch. 616; 1986, ch. 345.)*

**§ 22-24. District Court — forfeiture.**

Whenever any person charged with a criminal offense before the District Court of Maryland is admitted to bail for further hearing, if such person does not appear at such hearing according to the tenor of his recognizance, it may be forfeited. If forfeited, the District Court Clerk shall note the forfeiture on the recognizance, and deliver it to the Clerk of the Circuit Court for Baltimore City. The said forfeited recognizance shall then become a record of the Circuit Court, and shall have the same effect and may be enforced in the same manner as if it had been taken and forfeited by the Circuit Court for Baltimore City.

*(P.L.L., 1915, §278K; 1927, §278K; 1930, §278K; 1938, §368; 1949, §196; 1969, §22-24.) (1898, ch. 138, §207K; 1961, ch. 616; 1986, ch. 345.)*

***BAILIFFS AND COURT REPORTERS***

**§ 22-25. Watchmen.**

*Repealed by Ch. 345, Acts of 1986.*

**§ 22-26. Bailiffs — appointment; salaries.**

The Circuit Court for Baltimore City is authorized to appoint Law Clerk-Bailiffs and secretaries as may be needed to assist the judges in the performance of their duties. All such employees appointed prior to July 1, 1968, or who may be appointed thereafter shall hold office at the pleasure of the Circuit Court and be paid such salaries as shall be provided in the annual Ordinance of Estimates of Baltimore City and approved by the Circuit Court under the provisions of Section 22-4 of Article IV of the Code of Public Local Laws of Maryland.

*(P.L.L., 1969, §22-26.) (1968, ch. 334, §294; 1986, ch. 345.)*

**§ 22-27. Bailiffs — longevity retirement.**

(a) *Service.*

- (1) Any bailiffs who, on July 1, 1968, are designated as Jury Commissioner and as Assistant Jury Commissioner, shall after having served twenty preceding consecutive years as a bailiff and/or Jury Commissioner or Assistant Jury Commissioner, be entitled to retirement salaries in the amount of \$7,500 per annum for the Jury Commissioner and \$5,000 per annum for the Assistant Jury Commissioner. Retirement is mandatory upon attainment of age 70 years.
- (2) The surviving spouse of any person eligible for the benefits for which provision is made by this section is entitled to one half of those benefits.

(b) *Amount — 20 years' service.*

All bailiffs who, on July 1, 1968, are receiving retirement pay by reason of having served twenty consecutive years, shall thereafter be entitled to retirement salaries of \$3,000 per annum each.

(c) *Amount — prior appointment.*

All bailiffs appointed prior to January 1, 1952, who, on July 1, 1968, or thereafter, shall have attained age seventy years or have completed the service of twenty preceding consecutive years, shall be entitled to a retirement salary of \$4,000 per annum; provided, however, such retirement shall be mandatory at age seventy years.

All bailiffs appointed prior to January 1, 1952, who on January 1, 1976, have completed the service of 30 preceding consecutive years, shall be entitled to a retirement salary of \$4,000 per annum. However, the retirement shall be mandatory at age 70 years.

(d) *Amount — later appointment.*

All bailiffs appointed after January 1, 1952, but prior to January 1, 1960, shall be retired in accordance with the provisions of the Employees' Retirement System, and shall receive no retirement salary under this section unless, at the time of any such retirement, a bailiff has completed twenty consecutive years of service and his annual benefits under the Retirement System are less than \$3,000 per annum, in which event and notwithstanding the provisions of any ordinance to the contrary, such bailiff shall be paid a retirement salary under this section in such amount that his combined benefits under the Retirement System and this section will total \$3,000 per annum.

(e) *Amount — recent appointment.*

No bailiff appointed after January 1, 1960, shall be entitled to any retirement salary under this section.

*(P.L.L., 1969, §22-27.) (1968, ch. 334, §295; 1976, ch. 744; 1979, ch. 375.)*

**§ 22-28. Bailiffs — disability retirement.**

(a) *In general.*

Any bailiff appointed prior to January 1, 1960, who, being under seventy years of age and having served less than the twenty preceding consecutive years has, or may hereafter become physically or mentally incapable of performing his duties by reason of illness or accident not resulting from his own misconduct, including those bailiffs who, on July 1, 1968, are receiving retirement salary by reason of such incapacity, shall after the said date be entitled to the same retirement salary that such bailiff would have been entitled to receive under either Section 22-28(c) or Section 22-28(d) {§ 22-27(c) or (d)} had he completed the service of twenty consecutive years; provided, however, that after July 1, 1968, no bailiff shall be paid any retirement salary under this section except during the period of his continued incapacity to perform the duties of the position.

(b) *Certification of incapacity required.*

Each bailiff retired by reason of incapacity and claiming continued incapacity to perform the duties of a bailiff shall submit to the Administrator of the Circuit Court for Baltimore City, on or before January 1<sup>st</sup> of each year, a medical statement certifying such incapacity which shall be satisfactory to the Medical Service Division of the Baltimore City Civil Service Commission.

(c) *Benefits limited to pre-1960 appointees.*

No bailiff appointed after January 1, 1960, shall be entitled to any retirement salary under this section.

(P.L.L., 1969, §22-28.) (1968, ch. 324, §296; 1986, ch. 345.)

**§ 22-29. Court reporters — appointment, duties, salary.**

*Repealed by Ch. 345, Acts of 1986.*

**§ 22-30. Court reporters — longevity retirement.**

(a) *Pre-1956 appointees: age 70 or 25 years' service.*

Any official court reporter of the Circuit Court for Baltimore City appointed prior to January 1, 1956, including any reporter assigned to the Grand Jury, who has served twenty-five preceding consecutive years or has attained the age of seventy years while so employed, shall be entitled to retirement with a salary of \$8,000 per year. Retirement shall be mandatory at age seventy years.

(b) *Retirees as of July 1, 1969: age 60 and 25 years' service.*

Every court reporter receiving a retirement salary on July 1, 1969, who was retired upon attainment of sixty or more years of age, and the completion of twenty-five consecutive years of service, shall be entitled to a retirement salary of \$8,000 per year.

(c) *Benefit irrespective of earned income.*

Retirement salaries paid under subsections (a) and (b) of this section shall not be diminished by reason of the retired reporter's having any earned income.

(d) *Benefit limited to pre-1956 appointees.*

No reporter appointed after January 1, 1956, shall be entitled to any retirement salary under this section.

(P.L.L., 1969, §22-30.) (1968, ch. 334, §298; 1969, ch. 545, §298; 1978, ch. 741; 1982, ch. 444; 1986, ch. 345.)

**§ 22-31. Court reporters — disability retirement.**

(a) *Disability retirees as of July 1, 1969.*

Every official court reporter who, on July 1, 1969, is receiving a retirement salary under the provisions of this subtitle by reason of physical or mental incapacity to perform the duties of his

or her position, shall thereafter be entitled to a retirement salary of \$8,000 per year when eligible therefor under subsection (c) of this section.

(b) *Pre-1956 appointees.*

Any official court reporter appointed prior to January 1, 1956, who, having served less than twenty-five preceding consecutive years and being under seventy years of age, shall become physically or mentally incapable of performing the duties of that position by reason of ailments or accidents not resulting from the reporter's own misconduct, shall be entitled during the period of such incapacity to a retirement salary of \$8,000 per year.

(c) *Earned income limits; medical statement.*

Every court reporter otherwise entitled to a retirement salary under subsections (a) or (b) above, shall receive such salary only when such retired reporter's earned income is less than \$4,000 per year; and the amount of such retirement salary shall be the difference between the retired reporter's earned income and the \$4,000 maximum provided herein.

In order to claim a retirement salary under this section, each court reporter retired by reason of incapacity shall, on January 1 of each year, file with the Administrator of the Circuit Court for Baltimore City a statement showing (1) the reporter's earned income for the previous year, and (2) the reporter's anticipated earnings for the ensuing year, together with a medical statement satisfactory to the Medical Service Division of the Baltimore City Civil Service Commission that the reporter remains incapable of performing the duties of a court reporter.

(d) *Benefits limited to pre-1956 appointees.*

No reporter appointed after January 1, 1956, shall be entitled to any retirement salary under this section.

*(P.L.L., 1969, §22-31.) (1968, ch. 334, §299; 1969, ch. 545, §299; 1975, ch. 856; 1978, ch. 741; 1982, ch. 444; 1986, ch. 345.)*

**§ 22-32. Certification and manner of payment.**

The eligibility of any bailiff or court reporter for a retirement salary under this subtitle shall be evidenced by a certificate of the Administrator of the Circuit Court for Baltimore City directed to the Board of Estimates, and all retirement salaries shall be paid in the same manner as the salaries of active bailiffs and court reporters.

*(P.L.L., 1969, §22-32.) (1968, ch. 334, §300; 1986, ch. 345.)*

**CIRCUIT COURT**

**§ 22-33. Filing opinions.**

*Repealed by Ch. 345, Acts of 1986.*

***CIRCUIT COURT NUMBER TWO***

**§ 22-34. Established; operations.**

*Repealed by Ch. 345, Acts of 1986.*

**§ 22-35. Clerk.**

*Repealed by Ch. 345, Acts of 1986.*

***CLERKS OF LAW COURTS***

**§ 22-36. Index of Judgments.**

The Clerk of the Circuit Court for Baltimore City is authorized and required to prepare an index of all judgments rendered in the court, and on each day after the adjournment of court, enter in a book to be provided for that purpose, an index of each judgment rendered in the court.

*(P.L.L., 1888, §218; 1915, §362; 1927, §362; 1930, §362; 1938, §475; 1949, §291; 1969, §22-36.) (1864, ch. 74; 1864, ch. 385; 1898, ch. 123, §362; 1945, ch. 447; 1986, ch. 345.)*

***CLERKS OF COURTS***

**§ 22-37. Trust clerk; deputy.**

*Repealed by Ch. 345, Acts of 1986.*

**§ 22-38. Circuit Court for Baltimore City — licenses.**

There shall be entered in writing by the Clerk of the Circuit Court for Baltimore City upon the face of all licenses obtained by individuals, firms or corporations to conduct business as trades *{traders}* in the City of Baltimore, the name of the street and number of the house or building, or if there be no number, a full designation of the location of said house or building for which a license is applied for; and each license shall only authorize the transaction of business in one house or building, unless the individual, firm or corporation shall occupy more than one adjoining houses or buildings, and said houses or buildings have open, direct, internal communication with each other; in that case one license will cover transactions in said adjoining houses or buildings so arranged and occupied; provided always, that any firm, individual or corporation may obtain any number of licenses to conduct business in any number of separate places of business in the City, upon paying for each license a sum graded according to the amount of stock or merchandise generally kept on hand or proposed to be kept on hand at the principal season of sale in their respective places of business, according to the Code of Public General Laws, 1957 Edition, Article 56, Sections 35 to 55 *{§ 17-1808 of the State Business Regulations Article}*, or such amendments as may hereafter be added thereto.

*(P.L.L., 1888, §669A; 1915, §702; 1927, §702; 1930, §702; 1938, §822; 1949, §507; 1969, 22-38.) (1894 ch. 113; 1898, 123, §702; 1986, ch. 345.)*

**CRIMINAL MATTERS****§ 22-39. Sessions.**

*Repealed by Ch. 345, Acts of 1986.*

**§ 22-40. Motions for new trial.**

*Repealed by Ch. 345, Acts of 1986.*

**§ 22-41. Grand juries — continuance; additional.****(a) Continuance into next court term.**

When the Grand Jury for any regular term of the Circuit Court for Baltimore City has begun an investigation or inquiry and, prior to the end of this term of court, the Judges of the Circuit Court for such term shall deem it necessary or desirable that the investigation or inquiry be continued by the Grand Jury into the next succeeding term of court, these Judges may pass an order directing the Grand Jury to be continued and shall specify the particular investigation or inquiry for which it was continued.

Such Grand Jury shall possess all the powers it had when originally appointed, except that it shall be limited to the investigation or inquiry specified in the order of the Judges of the Circuit Court. Any such Grand Jury shall continue its investigation until the investigation has been completed or until it is discharged by an order of the Judges of the Circuit Court.

Whenever the Judges order any Grand Jury to be continued, the Judges shall proceed to select the Grand Jury for the next succeeding regular term of court as otherwise provided for herein.

**(b) Creation of additional grand jury.**

Whenever the Judges of the Circuit Court for Baltimore City for any term of the court deem it necessary or desirable, they may adopt an order directing that an additional grand jury or juries be selected and sworn in to carry out the specific purpose or purposes stated in the order of these Judges.

Such an additional grand jury or juries shall continue in existence, until it is dissolved by order of these Judges. During its existence, the additional grand jury or juries shall have all of the powers of a Grand Jury with respect to the purpose or purposes stated in the order of these Judges.

Where an additional grand jury is ordered by the Judges, any case presented to and dismissed by one of the grand juries shall not be presented to the other grand jury.

*(P.L.L., 1969, §22-41.) (1969, ch. 740; 1986, ch. 345.)*

**§ 22-42. Return of commitments and recognizances.**

*Repealed by Ch. 345, Acts of 1986.*

**§ 22-43. Return of capias — in general.**

It shall be the duty of the Sheriff to make return of each capias upon presentment or indictment from said court within five days after the same is delivered to him by the clerk; and if said capias is returned non est, the clerk shall, in the discretion of the State’s Attorney of Baltimore City, order said capias to be reissued, and the same capias shall again be delivered to the Sheriff; and the date of the first return thereof shall be endorsed thereon; and the second return shall be made within the time above specified; and in case the said capias is returned the second time non est, the same shall be again so endorsed and delivered to the Sheriff.

*(P.L.L., 1860, §184; 1888, §189; 1915, §333; 1927, §333; 1930, §333; 1938, §430; 1949, §264; 1969, §22-43.) (1898, ch 123, §333.)*

**§ 22-44. Return of capias — fees.**

The clerk of said court and the Sheriff of said City shall be allowed only the fees for the issue of one capias, or for the service of one capias in each term, however often the same may be issued or returned.

*(P.L.L., 1860, §185; 1888, §190; 1915, §334; 1927, §334; 1930, §334; 1938, §431; 1949, §264; 1969, §22- 44.) (1898, ch. 123, §334.)*

**§ 22-45. Subpoenas for witnesses — in general.**

All subpoenas for witnesses from said court shall be returned by the Sheriff within six days after the same are issued by the clerk, or within six days after the day of the renewal of such subpoenas, unless the same are ordered to be returned immediately, in which case they shall be so returned, if practicable.

*(P.L.L., 1860, §186; 1888, §191; 1915, §335; 1927, §335; 1930, §335; 1938, §433; 1949, §266; 1969, §22-45.) (1898, ch. 123, §335.)*

**§ 22-46. Subpoenas for witnesses — Sheriff’s fee.**

The said Sheriff shall be allowed for the service of one subpoena only, against any witness that may be returned non est, and for whom the said subpoena may be renewed, whether once or oftener in one term.

*(P.L.L., 1860, §187; 1888, §192; 1915, §336; 1927, §336; 1930, §336; 1938, §434; 1949, §267; 1969, §22-46.) (1898, ch. 123, §336.)*

**§ 22-47. Subpoenas for witnesses — renewals.**

The clerk of said court, if a subpoena is renewed by order of the State’s Attorney, or by the counsel of the prisoner or traverser, shall endorse the renewal, on the subpoena, and the same shall have the legal effect of a new subpoena issued in the term of said court during which said subpoena was first issued.

*(P.L.L., 1860, §188; 1888, §193; 1915, §337; 1927, §337; 1930, §337; 1938, §435; 1949, §268; 1969, §22-47.) (1898, ch. 123, §337.)*

**§ 22-48. Failure to make returns.**

The Sheriff of said City shall be subject to a penalty of five dollars in each case in which returns are not made within the time prescribed in this subheading.

*(P.L.L., 1860, §189; 1888, §194; 1915, §338; 1927, §338; 1930, §338; 1938, §436; 1949, §269; 1969, §22-48.) (1898, ch. 123, §338.)*

**§ 22-49. Witnesses before Grand Jury.**

Witnesses appearing before the Grand Jury shall be sworn in the presence of the Grand Jury by the foreman or by some other member appointed by the foreman for that purpose.

*(P.L.L., 1888, §194A; 1915, §339; 1927, §339; 1930, §339; 1938, §437; 1949, §270; 1969, §22-49.) (1890, ch. 250; 1898, ch. 123, §339.)*

**§ 22-50. City not liable for appearance fees.**

The Mayor and City Council of Baltimore shall not be liable in any criminal case tried in the Circuit Court for Baltimore City for the appearance fees allowed by law to the attorney of a defendant who formally denies an allegation of fact in an indictment or criminal information.

*(P.L.L., 1888, §198; 1915, §342; 1927, §342; 1930, §342; 1938, §440; 1949, §271; 1969, §22-50.) (1886, ch. 46; 1898, ch. 123, §342; 1986, ch. 345.)*

**§ 22-51. Delivery of principal.**

If any security in any recognizance shall request to deliver up the principal, said court, or the judge thereof in the recess, may accept such surrender, and may require and take other recognizance, or commit the principal to jail until he gives such security as the law requires.

*(P.L.L., 1888, §200; 1915, §344; 1927, §344; 1930, §344; 1938, §442; 1949, §272; 1969, §22-51.) (1898, ch. 123, §344.)*

**§ 22-52. Witness failing to attend.**

If any person who shall be summoned as a witness to said court shall fail to attend as required in said summons, he shall be fined by said court in its discretion, not exceeding one hundred and fifty dollars.

*(P.L.L., 1888, §202; 1915, §346; 1927, §346; 1930, §346; 1938, §444; 1949, §273; 1969, §22-52.) (1898, ch. 123, §346.)*

**§ 22-53. Forfeiture of bail — attachment.**

In all criminal cases in the said court in which bail shall be forfeited, the person who shall have entered into such recognizance for the appearance of any traverser or prisoner shall be liable forthwith to an attachment for contempt for the nonappearance of said party, which attachment shall be issued by the court in which an indictment against said traverser or prisoner is pending, at the instance of the attorney prosecuting therein.

*(P.L.L., 1860, §132; 1888, §203; 1915, §347; 1927, §347; 1930, §347; 1938, §445; 1949, §274; 1969, §22-53.) (1898, ch. 123, §347.)*

**§ 22-54. Forfeiture of bail — discharge.**

In all cases in which bail as aforesaid is forfeited, the court may, on the return of said attachment, order the person attached to stand committed until the amount of said recognizance is fully paid and satisfied, or may order said person to be discharged upon the payment of such lesser sum as it shall, in its discretion, deem proper, provided, such sum be not less than the amount of the costs which may have accrued in the case up to the time of passing such order.

*(P.L.L., 1860, §133; 1888, §204; 1915, §348; 1927, §348; 1930, §348; 1938, §446; 1949, §275; 1969, §22-54.) (1898, ch. 123, §348.)*

*DELINQUENT AND DEPENDENT CHILDREN*

**§ 22-55. Probation officers.**

*Repealed by Ch. 345, Acts of 1986.*

**§ 22-56. Hearings; probations.**

*Repealed by Ch. 345, Acts of 1986.*

**§ 22-57. Custody of probationer.**

The courts aforesaid are hereby authorized and empowered to place any minor sixteen years of age or older, who may be on probation as herein provided for in the custody of such person or persons for such period of time as may be deemed for the best interest and welfare of said minor if it shall appear that the present custodian or parent is not a fit person to have the custody of such minor, or that it would be conducive to the best interests of such minor to have a change of custodian.

Any person or persons who may in any manner whatsoever interfere with any probation officer for delinquent and dependent children in the proper discharge of his or her duties, or who may interfere with any person or persons in whose custody any such minor may be placed as aforesaid or who may interfere with or attempt in any manner to entice any such minor from such custody, shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than five nor more than fifty dollars for each offense.

*(P.L.L., 1915, §886C; 1927, §886C; 1930, §886C; 1938, §1171; 1949, §771; 1969, §22-57.) (1912, ch. 618; 1943, ch. 818, §1171.)*

**§ 22-58. Violation of probation.**

The probation officers herein provided for shall have the power to bring any minor or minors who may be on probation as aforesaid before the Court ordering such probation by a process of warrant duly sworn to charging him or them with violation of the terms or conditions of their probation, or by subpoena directed to them, for further proceedings and when such action is taken the Court may reopen or continue proceedings and finally dispose of the same as fully as could have been done had there been no suspension of sentence or proceedings in the first place; provided, however, that in any case where a full trial or hearing has not been had and the charge or crime has not been fully shown, sustained or determined before suspension of sentence or further proceedings, the Court shall hear the case de novo before sentence is passed or a final disposition of the case is made.

*(P.L.L., 1915, §886D; 1927, §886D; 1930, §886D; 1938, §1172; 1949, §772; 1969, §22-58.) (1912, ch. 618; 1943, ch. 818, §1172.)*

**§ 22-59. Extension of probation.**

The Court shall have the authority to extend the term of probation at any time for such additional period as may be deemed proper and may attach thereto the same or additional terms and conditions as were originally attached or may at any time dismiss the probationer and the proceedings in which sentence or further proceedings were originally suspended.

*(P.L.L., 1915, §886E; 1927, §886E; 1930, §886E; 1938, §1173; 1949, §773; 1969, §22-59.) (1912, ch. 618; 1943, ch. 818, §1173.)*

**§ 22-60. Stenographers and typists.**

The Circuit Court for Baltimore City is hereby authorized to appoint three persons as stenographers and typists to serve during its pleasure who shall receive from the Mayor and City Council of Baltimore such salaries as may be appropriated in the annual Ordinance of Estimates. Said persons shall be members of the staff of the judges assigned by the Court to exercise jurisdiction in juvenile causes and shall perform such duties as they may require.

*(P.L.L., 1915, §886F; 1927, §886F; 1930, §886F; 1938, §1174; 1949, §774; 1969, §22-60.) (1912, ch. 618; 1918, ch. 208; 1943, ch. 818, §1174; 1986, ch. 345.)*

**OPERATION OF COURTS****§ 22-61. Motions for new trial; arrest of judgment.**

*Repealed by Ch. 345, Acts of 1986.*

**§ 22-62. "Paper book".**

In no case shall either the plaintiff or defendant be required to file a "paper book" of evidence or brief, in either of the courts of the City of Baltimore.

*(P.L.L., 1888, §156; 1915, §301; 1927, §301; 1930, §301; 1938, §393; 1949, §225; 1969, §22-62.) (1870, ch. 177; 1898, ch. 123, §301.)*

**§ 22-63. Terms of court.**

*Repealed by Ch. 345, Acts of 1986.*

**§ 22-64. Return of original writ.**

On the return of an original writ, not executed in either of said courts, the same may be renewed, returnable to the next return day thereafter, and after two returns of any original writ not executed at the two succeeding return days after the writ is first issued, the same shall be permitted to lie dormant, renewable only on the written order of the plaintiff or his attorney of record to such future return day as the said plaintiff or his attorney may elect, and upon a further return if not executed, said writ shall be again permitted to lie, renewable only as aforesaid, the said plaintiff or his attorney having the right to renew said writ to as many subsequent return days, under the same mode of procedure as may be deemed proper, until the same is executed.

*(P.L.L., 1888, §160; 1915, §305; 1927, §305; 1930, §305; 1938, §397; 1949, §227; 1969, §22-64.) (1864, ch. 6; 1886, ch. 184; 1894, ch. 180; 1898, ch. 123, §305.)*

**§ 22-65. Execution of writ or process.**

After the execution of any writ or other process made returnable to a return day in either of said courts, the same proceedings may be had thereupon as if the same had been made returnable, and had been returned to a term of said court under the practice heretofore existing, except as hereinafter otherwise provided.

*(P.L.L., 1888, §161; 1915, §306; 1927, §306; 1930, §306; 1938, §398; 1949, §228; 1969, §22-65.) (1864, ch. 6; 1898, ch. 123, §306)*

**§ 22-66. Trials set at return day.**

*Repealed by Ch. 345, Acts of 1986.*

**§ 22-67. Continuance.**

In all cases in which a party by law would be entitled to a continuance, the court may, instead of continuing the cause to the next term, postpone the same for thirty days, or such other period as will best subserve the interests of justice.

*(P.L.L., 1888, §166; 1915, §311; 1927, §311; 1930, §311; 1938, §403; 1949, §230; 1969, §22-67.) (1886, ch. 184; 1898, ch. 123, §311.)*

**§ 22-68. Additional judge — 1888.**

*Repealed by Ch. 345, Acts of 1986.*

**§ 22-69. Same — 1922.**

*Repealed by Ch. 345, Acts of 1986.*

**§ 22-70. Same — 1955.**

*Repealed by Ch. 345, Acts of 1986.*

**§ 22-71. Same — 1959.**

*Repealed by Ch. 345, Acts of 1986.*

**§ 22-72. Same — 1964.**

*Repealed by Ch. 345, Acts of 1986.*

**§ 22-73. Same — 1967.**

*Repealed by Ch. 345, Acts of 1986.*

**§ 22-74. Same — 1968.**

*Repealed by Ch. 345, Acts of 1986.*

**§ 22-75. Bills of Exceptions.**

*Repealed by Ch. 345, Acts of 1986.*

**§ 22-76. Appeals from Justices of Peace.**

*Repealed by Ch. 345, Acts of 1986.*

**§ 22-77. Condemnation appeals as to benefits or damages.**

In cases in which appeals are or may be allowed to be litigated in the Circuit Court for Baltimore City from the decisions of any commissioners, or other persons appointed in any manner to determine any benefits or damages in any form of condemnation proceedings, for the use of the Mayor and City Council of Baltimore, it shall be lawful for the City to enter appeals in the same manner and within the same time or times allowed for their entry by other persons; and all such appeals by whomsoever prayed within the time or times limited therefor, shall be heard and determined by the Circuit Court for Baltimore City as soon as possible, each person interested being secured in his, her or its rights to a jury trial; and in case there should be more than one appeal in reference to the same piece of property, they may all be consolidated and heard together, in the discretion of the court, before one jury; provided, a sufficient panel of jurors be furnished, so that the City and the owners or representatives of each separate interest or estate in such property may strike four names from such jury panel; the practice, including the right of appeal to the Court of Special Appeals in all such cases, shall conform as near as may be possible to the practice now prevailing in Circuit Court in the trial of appeals from the decisions of the Department of Public Works.

(*P.L.L., 1888, §173A; 1915, §320; 1927, §320; 1930, §320; 1938, §415; 1949, §233; 1969, §22-77.*)  
(*1892, ch. 186; 1898, ch. 123, §320; 1986, ch. 345.*)

**§ 22-78. Application for naturalization.**

*Repealed by Ch. 345, Acts of 1986.*

**§ 22-79. Same — Regulations; charges.**

*Repealed by Ch. 345, Acts of 1986.*

**§ 22-80. Removal of proceedings.**

Whenever the record of proceedings in any suit, action or issue pending in the Circuit Court for Baltimore City shall be directed to be transmitted for trial to some other court, in accordance with Article 4, Section 8, of the Constitution of Maryland, it shall be the duty of the clerk of the court from which the record of the proceedings is directed to be removed, to immediately deliver to the clerk of the court to which the case is directed to be removed to, all the original papers in the case, together with a certified copy of all docket entries relating to the case which original papers and copy of docket entries shall constitute the record of the proceedings for the purposes of such trial; and it shall become the duty of the judge of the court to which the suit, action or issue shall be removed immediately by special order to assign the case for trial to such day, or in sequence to such other causes, as the judge shall consider just and proper.

(*P.L.L., 1888, §173A; 1915, §322; 1927, §322; 1930, §322; 1938, §418; 1949, §236; 1969, §22-80.*)  
(*1894, ch. 392; 1898, ch. 123, §322; 1986, ch. 345.*)

**PROBATION AND SUSPENSION OF SENTENCE****§ 22-81. Probation Department; unclaimed funds.**

*Repealed by Ch. 345, Acts of 1986.*

**§ 22-82. Suspension of sentence — Probation.**

*Repealed by Ch. 345, Acts of 1986.*

**§ 22-83. Same — Change in conditions.**

*Repealed by Ch. 345, Acts of 1986.*

**§ 22-84. Same — Length of period; termination.**

*Repealed by Ch. 345, Acts of 1986.*

**§ 22-85. Same — Violation.**

*Repealed by Ch. 345, Acts of 1986.*

**§ 22-86. Other powers of judges.**

*Repealed by Ch. 345, Acts of 1986.*

**§ 22-87. Interpretation of subheading.**

The powers named in this subheading are not to be construed in derogation of or in limitation of any power of the Circuit Court for Baltimore City or of any Judge thereof.

*(P.L.L., 1938, §461; 1949, §287; 1969, §22-93.) (1931, ch. 132, §351L; 1986, ch. 345.)*

**§ 22-88. Severability.**

If any part of this subheading shall be declared to be illegal or inoperative, it shall not affect such portions as are found to be legal and operative.

*(P.L.L., 1938, §462; 1949, §288; 1969, §22-94.) (1931, ch. 132, §351M.)*

**RECORDS**

**§ 22-89. Indexes required.**

*Repealed by Ch. 345, Acts of 1986.*

**§ 22-90. Reproduction of worn books.**

Whenever, from age or wear, any of the record books in the custody and control of the Clerk of the Circuit Court for Baltimore City shall be in danger of destruction or obliteration, it shall be the duty of the Clerk of the Circuit Court to have a photo copy or photostatic copy made of such record book. The copy shall have the same legal effect as the original record. After copying, the Clerk of Court shall offer the original record to the State Archivist and if it is refused by the Archivist, the Clerk may destroy the original record after making and sending a microfilm copy to the State Archivist. The Clerk may pay for the cost of such reproductions and microfilm copies out of the fees of the Clerk's office, but if the fees are insufficient, the cost of this reproduction shall be paid by the Mayor and City Council of Baltimore.

*(P.L.L., 1888, §772; 1915, §804; 1927, §804; 1930, §804; 1938, §998; 1949, §619; 1969, §22-96.) (1886, ch. 289; 1898, ch. 123, §804; 1951, ch. 37; 1986, ch. 345.)*

**SUBTITLE 23**  
**TAXES****§ 23-1. Limitations.**

All taxes now levied, or which hereafter may be levied in the City of Baltimore, shall be collected within four years from the levying of the same; and the collection of taxes shall not be enforced by law after the lapse of said four years, and the party from whom said taxes may be demanded may plead this section in bar of any recovery of the same.

*(P.L.L., 1888, §840; 1915, §843; 1927, §843; 1930, §843; 1938, §1124; 1949, §727; 1969, §23-1.)*  
*(1861, ch. 94; 1898, ch. 123, §843; 1933, ch. 498.)*

**SUBTITLE 24  
FORTUNE TELLERS**

**§ 24-1. Fortune tellers.**

Every person who shall demand or accept any remuneration or gratuity for forecasting or foretelling or for pretending to forecast or foretell the future of another by cards, palmreading or any other scheme, practice or device, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500 or subject to imprisonment for not more than 1 year; and in any indictment for a violation of the above provisions, it shall be sufficient to allege that the defendant forecast and foretold or pretended to forecast or foretell the future by a certain scheme, practice or device without setting forth the particular scheme, practice or device employed.

*(P.L.L., 1860, §907; 1888, §878; 1915, §865; 1927, §865; 1930, §865; 1938, §1146; 1949, §749; 1969, §24-1.) (1898, ch. 123, §865; Ord. 94-314.)*

**§ 24-2. Vagrants, Disorderly Persons, etc. — Definitions.**

*Repealed by Ord. 94-314.*

**§ 24-3. Same — Arrests; warrants.**

*Repealed by Ord. 94-314.*

**§ 24-4. Same — Penalties; minors.**

*Repealed by Ord. 94-314.*

**§ 24-5. Same — Workhouse.**

*Repealed by Ord. 94-314.*

**§ 24-6. Same — Custody.**

*Repealed by Ord. 94-314.*

**§ 24-7. Same — Work.**

*Repealed by Ord. 94-314.*

**§ 24-8. Same — Rules and regulations.**

*Repealed by Ord. 94-314.*

**§ 24-9. Same — Minors.**

*Repealed by Ord. 94-314.*

**§24-10. Definition of minor.**

*Repealed by Ch. 345, Acts of 1986.*

**SUBTITLE 25**  
**WATER SUPPLY AND DISTRIBUTION**

***GUNPOWDER RIVER***

**§ 25-1. General authority.**

The Mayor and City Council of Baltimore is hereby authorized and empowered

to convert the entire valley or basin of the Gunpowder River, in Baltimore County, and its dependencies, or so much thereof as may be necessary for the purposes of this subheading, from the present dam, at the lower end of Loch Raven, in said county, to the upper end of the village of Phoenix, in said county, or to such point above said village as may be necessary or proper for the purposes of this subheading, into a reservoir or basin for augmenting and improving the municipal water supply of the City of Baltimore;

to create, establish and maintain said reservoir or lake and its appurtenances, and to conduct the waters of said reservoir or lake, along such route, or routes, and in such manner, and by such instrumentalities and means, as may be necessary or proper for the purposes of this subheading, including such works, and their appurtenances at Lake Roland, and at or near Baltimore City, as may be necessary or proper for the purposes of this subheading, to the City of Baltimore and its environs for the use of said City, and of its inhabitants, and of such other persons as may now or hereafter be lawfully furnished with water by said City

to utilize, appropriate, divert, deflect, straighten, riprap, or otherwise modify or control, for the purposes of this subheading, all springs, brooks, creeks, rivulets, rivers or other water courses, tributary (or capable of being rendered tributary) to, or obstructive of, the purposes of this subheading;

to create, establish, set apart and maintain, regulate and protect, afforest or otherwise improve water sheds and reservations along, and to such full extent of adjacency as may be necessary for the purposes of this subheading, adjacent to the waters of said reservoir or lake, for securing a pure, copious and constant flow of water into said reservoir or lake

to create, establish and maintain, construct, erect, lay, lay out and employ all such dams, walls, bulkheads, dykes, inlets, waste ways, water gates, bridges, tunnels, aqueducts, waterways, conduits, culverts, drains, mains, pipes, settling or other reservoirs, lakes, basins or ponds, power houses, pump houses or other buildings, structures or erections, roads, ways, approaches, appurtenances, agencies, instrumentalities or means, as may be necessary or proper, for the purposes of this subheading, including all instrumentalities or means for diverting, deflecting, disposing of, controlling, collecting, confining, impounding, storing, protecting, clarifying, purifying, transmitting or distributing, or otherwise handling, water that may be necessary or proper for the purpose of promoting or securing the full working efficiency and utility of said reservoir, or lake for the objects for which it is intended by this subheading;

to incorporate with said reservoir or lake and its appurtenances, for the purposes of this subheading, all, or any part, or parts of Loch Raven and its appurtenances or environs, or all or any part, or parts, of Lake Roland and its appurtenances or environs

to utilize, extend, enlarge, reinforce, adapt, reconstruct, alter, re-equip or repair, for the purposes of this subheading, or for other purposes affecting the municipal water supply of Baltimore City, all, or any part, or parts, of the present water system of Baltimore City and its appurtenances;

to appoint or employ such professional or technical advisers and experts and such agents, assistants, clerks, employees, including all members of the police service hereinafter mentioned, and laborers, skilled or unskilled, of all kinds, as it may deem requisite for the due and proper execution of this subheading, and to fix their respective compensations, and to remove and discharge them at its pleasure (except such highly trained, experienced or skilled individuals as it may appoint or employ upon special terms for definite and fixed periods of time) and to exact from them such indemnity bonds for the proper performance of their respective duties as it may deem proper;

to purchase, hire or otherwise lawfully obtain the use of all such machinery, apparatus, tools, implements, appliances, supplies, materials and working agencies as it may need for the purposes of this subheading;

to make and enter into any and all contracts, agreements or stipulations germane to the scope of its powers under this subheading;

to make all such preliminary surveys and investigations, and to do all such preliminary work under this subheading as it may be advised shall be necessary or proper for the purposes of this subheading;

to acquire by gift, purchase, arbitration, exchange, lease, whatever the duration of the lease, or other like methods of acquisition, or by condemnation, any land or property, public, quasi-public, or private, situated wholly or partly in Baltimore County or in Baltimore City, or situated wholly or partly in Anne Arundel County or in any other county of this State, or any interest, franchise, easement, right of privilege therein, which may be required for any of the purposes of this subheading, including springs, brooks, creeks, rivulets, rivers or other water courses, mills, factories, and industrial plants of every description and their appurtenances, workshops, stores, farm buildings, structures, and erections, churches, graveyards, schoolhouses, or other school property, dwelling houses, outhouses, bridges, streets, alleys, roads and ways, and all other buildings, structures, erections, or improvements of every description, on, over, or under, land, or other property, or any interest, franchise, easement, right or privilege therein, and in like manner to acquire any corporate franchises or any other thing including earth, timber, stone, or other materials, or places of temporary or permanent deposit for excavated material or other like facilities for effectuating the objects of this subheading, of any sort that may be required for the purposes of this subheading; and

generally to do and perform all and every such acts or things which, by anything short of a palpably forced construction, could be held to be auxiliary or conducive to the proper exercise of any, or all, of the powers by this subheading conferred upon the Mayor and City Council of Baltimore, or to the effective accomplishment of the leading purpose of this subheading, namely, the collection, accumulation and maintenance of an ample supply of water in said main reservoir or lake, and its transmission and distribution in as abundant, clear, pure, healthful, convenient and satisfactory a character as possible to the City of Baltimore, and its inhabitants, and such other persons as may now or hereafter be lawfully supplied with water by the City of Baltimore for its and their uses.

The title acquired by condemnation, or otherwise, by the Mayor and City Council of Baltimore, under this subheading, for the purposes thereof, shall, as to land, or other property, or things required for said main reservoir or lake, or for subsidiary reservoirs, lakes, ponds or basins, or for said watersheds or reserves, or for surface buildings, erections, structures, works or things of a permanent character, involving the idea of exclusive use and occupation by the Mayor and City Council of Baltimore, be in fee simple but may, as to land, or other property, or things, required for other purposes under this subheading, be in fee simple, or limited to some lesser quantum of interest, in point of estate, or duration, accordingly as the Mayor and City Council of Baltimore may determine. (*P.L.L., 1915, §826Z; 1927, §826B; 1930, §826B; 1938, §1038; 1949, §642; 1969, §25-1.*) (*1908, ch. 214.*)

### **§ 25-2. County powers.**

The County Commissioners of Baltimore County or of any other county, whose interests in any respect may become involved in the execution of this subheading, or any part or parts thereof, or any body politic, quasi-public corporation, turnpike company, or private corporation, whose interest in any respect may become involved in the execution of this subheading, or any part, or parts, thereof, shall be, and is, or are hereby authorized and empowered, anything in the terms of their or its chartered existence or powers, to the contrary notwithstanding, to enter into all such contracts, agreements, stipulations or arrangements, deeds, conveyances or transfers with the Mayor and City Council of Baltimore as may be necessary or proper for the purposes of this subheading, or any of them. (*P.L.L., 1915, §826AA; 1927, §826C; 1930, §826C; 1938, §1039; 1949, §643; 1969, §25-2.*) (*1908, ch. 214.*)

### **§ 25-3. Condemnation.**

When resort shall be had to condemnation proceedings under this subheading,

the procedure, so far as the acquisition by condemnation of any land or property or thing situated within the City of Baltimore, or any interest, franchise, easement, right or privilege therein is concerned, may, in any case, or cases, at the option of the Mayor and City Council of Baltimore, be such as may now, or at any time hereafter, be provided for by any lawful general ordinance, or ordinances of the Mayor and City Council of Baltimore, adopted pursuant to the powers conferred upon it by the Charter of Baltimore City, 1964 Revision, Article 2 “General Powers” Section 2 “Condemnation” for the condemnation of land or property or interest therein for the municipal needs of the City of Baltimore, or such as may be provided for the very purpose by any lawful special ordinance or ordinances of the Mayor and City Council of Baltimore; which said lawful special ordinance or ordinances, the said Mayor and City Council of Baltimore is hereby duly authorized to adopt;

provided, that, in every such special ordinance, provision is made for reasonable notice to the owner or owners, and for appeals to the Circuit Court for Baltimore City, including the right of appeal to the Court of Special Appeals by any person interested, including the Mayor and City Council of Baltimore, from the decision of the commissioners or other persons appointed to value any such land, property thing, or interest, franchise, easement, right or privilege therein;

but so far as the acquisition by condemnation of any land, or property, or thing situated within Baltimore County, or within any other county of this State, or of any interest, franchise,

easement, right, or privilege therein is concerned the procedure shall be that marked out by the Charter of Baltimore City, 1964 Revision, Article 2 Section 45 “Water”.

Nothing in this subheading is to be taken as depriving the Mayor and City Council of Baltimore, of any powers of condemnation now vested in it by law not inconsistent with the provisions of this section.

*(P.L.L., 1915, §826BB; 1927, §826D; 1930, §826D; 1938, §1040; 1949, §644; 1969, §25-3.) (1908, ch. 214; 1986, ch. 345.)*

#### **§ 25-4. Purchases.**

Except as hereinafter provided, all work done or supplies or materials purchased, in carrying out the purposes of this subheading, when involving an expenditure of five hundred dollars or more shall be contract, awarded to the lowest responsible bidder, in accordance with the provisions of Sections 14 and 15 of this article *{cf. Article VI, § 11 of the City Charter (1996 Edition)}*, or any amendment or amendments, thereof, or supplement, or supplements, thereto.

*(P.L.L., 1915, §826CC; 1927, §826E; 1930, §826E; 1938, §1041; 1949, §645; 1969, §25-4.) (1908, ch. 214.)*

#### **§ 25-5. Powers are supplemental.**

The powers of this subheading conferred upon the Mayor and City Council of Baltimore. are intended to be in addition to, and not to be in substitution for, any power heretofore conferred by law upon it, in relation to the municipal water supply of Baltimore City, except where inconsistent therewith.

*(P.L.L., 1915, §826DD; 1927, §826F; 1930, §826F; 1938, §1042; 1949, §646; 1969, §255.) (1908, ch. 214.)*

#### **§ 25-6. Police powers.**

The Mayor and City Council of Baltimore, shall at all times during the progress of work related to the municipal water supply, maintain an efficient police service at its own expense for the purpose of preserving the public peace, protecting property and preventing crime within the territory occupied or used by it or its employees in the performance of such work, or by the employees of contractors or subcontractors engaged in such work.

The officers so employed by Baltimore City shall have the power to make arrests of persons who commit offenses within such territory anywhere in the State; such offenders shall be tried in Baltimore County, and in the event of conviction and imposition of a jail sentence, whether by the Circuit Court, or by the District Court having jurisdiction, shall be committed to the Baltimore City Jail instead of to the Baltimore County Jail; and, in all such cases, the Mayor and City Council of Baltimore shall reimburse Baltimore County for all costs and expenses actually incurred by it, including the sum of thirty cents per day for every person committed for trial to Baltimore County Jail, in proceedings against and the trial and commitment of, such offenders, court costs are to be prorated by the Clerk of the Circuit Court for Baltimore County, upon the basis of time actually spent in such trials or other proceedings; all such costs to be adjusted and paid semiannually.

This police service shall be subject to the supervision and direction of the Chief of Police of Baltimore County.

*(P.L.L., 1915, §826EE; 1927, §826G; 1930, §826G; 1938, §1043; 1949, §647; 1969, §25-6.) (1908, ch. 214; 1979, ch. 125; 1986, ch. 345.)*

**§ 25-7. Payment in lieu of county taxes.**

Immediately upon the approval of the loan of \$5,000,000, hereinafter mentioned, by the legal voters of Baltimore City, but not otherwise, the Mayor and City Council of Baltimore shall pay to the treasurer of Baltimore County, out of the proceeds of said loan, the sum of thirty-five thousand dollars, in lieu, and release of, and, as full compensation for, all county taxes due, or to become due, on any and all land, property, or things, acquired or held, or thereafter to be acquired or held, by said Mayor and City Council of Baltimore, under the loan hereinafter provided for and under the provisions of this subheading, or in connection with the work herein contemplated, and thereafter such land, property, or things, when so held or acquired by said City, shall be exempt from taxation for county purposes; all laws, or parts of laws, inconsistent herewith being hereby repealed to the extent of such inconsistency.

The object of this section is to indemnify Baltimore County against all loss in taxes, immediate or prospective, that may be entailed upon it by the appropriation for public use, by the Mayor and City Council of Baltimore, of any and all such land, property or things.

*(P.L.L., 1915, §826FF; 1927, §826H; 1930, §826H; 1938, §1044; 1949, §648; 1969, §25-7.) (1908, ch. 214.)*

**§ 25-8. City title to stone.**

The Mayor and City Council of Baltimore, in building its proposed conduit from the storage lake herein contemplated to the City of Baltimore, or elsewhere, shall retain title to, and control of, all stone, suitable for said purposes, brought to the surface, from the line of such conduit, where the same is situate in Baltimore County, and shall give the proper authorities of Baltimore County having charge of the roads therein, the option of purchasing so much of said stone as they may require at any time during the progress of such work, and for a period of five years thereafter, at a price not exceeding two cents per cubic yard in the "dump"; such right being subject, however, to the City's prior right to use all of said stone that it may need in the construction of roads, or other works, herein provided for, as contemplated.

*(P.L.L., 1915, §826GG; 1927, §826- I; 1930, §826-1; 1938, §1045; 1949, §649; 1969, §25-8.) (1908, ch. 214.)*

**§ 25-9. Damage to roads and bridges — in general.**

Whenever any public road, or bridge, of Baltimore County shall be destroyed, or rendered impassable, in whole or in part, by the City of Baltimore, in connection with the work herein contemplated, it shall be the duty of said City to replace the same, at its own expense, as nearly as possible, with a suitable and convenient road or bridge in lieu thereof, and, if any such existing public road or bridge, or any bridge or road, so built in lieu of one so destroyed, be on, or through, property acquired by said City for the purposes contemplated by this subheading, it shall be the duty of said City thereafter, at all times to maintain the same in good order and repair for the free use of the public, so far as the same may be on or through such property, subject to such provisions and

conditions, looking to maintain the purity of said City's water supply, as the said Mayor and City Council of Baltimore may by ordinance impose; and provided further, that the said Mayor and City Council of Baltimore shall not have the power, anything in this subheading, or in any other act or law to the contrary notwithstanding, to condemn any such public road or bridge of Baltimore County, but shall have the right to divert, alter, close or destroy any public road or bridge of Baltimore County, when necessary in the course of such work, only by agreement with the Highways Commission of said county, or other proper authorities, having the charge and control thereof, on such terms as to replacing the same for the convenience of the public as may by said Highways Commission, or other proper authorities, be required; in the event that said City and county authorities may not be able to agree upon the terms under which said road or bridge is to be altered, diverted, closed, or destroyed, or upon the location or character of the highway, or bridge to replace the same, or upon any other terms as to the replacing of the same, the matter shall be referred to the Roads Engineer of Baltimore County, for the time being, and the City Engineer of Baltimore City, for the time being, who shall have plenary power to consider and decide all questions in connection with such diversions, alteration, closure, or destruction of such highway or bridge, and to determine where, how, and in what manner, and within what time, the same shall be replaced by the said City, including the right to require that said City shall build bridges over and across the lake contemplated to be formed under this subheading; it being in the contemplation of this subheading that, under §25-9 and 25-11 at least two such bridges shall be built, at locations determined by such engineers to be the most feasible and convenient for the use of the public, injuriously affected by the destruction or alteration of existing bridges and roads.

No road or bridge shall be closed or altered, in whole or in part, under the provisions of this subheading, until another shall have been constructed and opened to the public in lieu thereof as herein provided, said engineers shall have full power and authority to summon, and require the attendance of, all witnesses in connection with their inquiries under this section, and to require that their testimony shall be taken under the oath required by law; the same to be administered by the Clerk of the Circuit Court for Baltimore County, or by the District Court in and for Baltimore County.

The said engineers and the third person hereinafter, if there be such, shall each receive a per diem of \$10 while actually engaged in work imposed or authorized by this section, the same and all other reasonable expenses of said engineers, including compensation to witnesses, at the regular rates, and the employment of a secretary, if such employment be deemed necessary by said engineers, to be paid by the City of Baltimore.

The decision of said engineers in all matters between the City and Baltimore County that may devolve upon them under this section shall be final and conclusive unless impeached for fraud in appropriate proceedings, instituted in the Circuit Court for Baltimore County in equity, to set aside their findings on such ground.

Whenever said engineers may require and determine that the City of Baltimore shall construct a road to replace any road diverted, altered, closed or destroyed, or to be diverted, altered, closed or destroyed, in the course of the work contemplated by this subheading, said City shall have power to agree with the owners of land, property, or things, to be taken or injuriously affected in the construction thereof, and, in default of agreement, to condemn the right-of-way under the provisions of Sections 25-1 and 25-3, authorizing the condemnation of property, land or things for the purposes of this subheading, or may, at its election, make application to the Highways Commission of

Baltimore County, or other proper authorities for the opening or alteration of such road, in which latter event the proceedings upon application shall be those prescribed by law for the opening or alteration of roads in Baltimore County, except that no landowner shall be assessed for any part of the cost thereof, the whole of such cost to be borne by the City of Baltimore.

In the event of disagreement between the said engineers, as to any matter devolved upon them by the terms of this section, they shall call in a third arbiter, a nonresident engineer, skilled in the construction, or maintenance of highways, and bridges, to be selected by the Governor of Maryland, on the application of either of said engineers, in the event of them being unable to agree on such third person, the decision of any two of the board thus selected to be binding on the parties, and to be final and conclusive, unless impeached for fraud as aforesaid.

*(P.L.L., 1915, §826HH; 1927, §826J; 1930, §826J; 1938, §1046; 1949, §650; 1969, §25-9.) (1908, ch. 214; 1979, ch. 125.)*

#### **§ 25-10. Damage to roads and bridges — inspections.**

So soon as the Mayor and City Council of Baltimore shall be ready to begin work under this subheading, the Roads Engineer of Baltimore County, for the time being, and the City Engineer of Baltimore City, for the time being, shall, together, make a careful inspection of all public roads, and portions of public roads, and of all bridges, of Baltimore County, certain or likely, in the opinion of said Roads Engineer, to be used by the Mayor and City Council of Baltimore, or its agents, or contractors, for teaming, or hauling, in connection with said work, and shall thereupon draw up a memorandum, in writing, one duplicate whereof shall be filed and kept in the office of the County Commissioners of Baltimore County, and the other duplicate whereof shall be filed and kept in the office of the Comptroller of Baltimore City, certifying to the precise condition, at that time, in point of repair in their opinion, of all such roads, and portions of roads, and of all such bridges, and thereafter, at regular intervals of six months, there shall be a similar inspection by said officers of all such roads, and portions of roads, and of all such bridges, and immediately after such inspection, said engineers shall, in like manner, draw up a similar memorandum in writing, duplicates whereof shall be filed and kept in like manner as aforesaid, certifying in precise terms to the physical and pecuniary extent, to which, in their opinion, such roads and portions of roads, and such bridges shall have been injured by reason of the extra wear and tear imposed upon them since the next preceding inspection, by such teaming or hauling, and, in said memorandum, the pecuniary extent of said injury shall be computed and set forth in dollars and cents, and, so soon as said memorandum shall be signed by said engineers, and filed in duplicate as aforesaid, the amount of the pecuniary injury, so certified, shall at once become due and payable by the Mayor and City Council of Baltimore out of the proceeds of the loan hereinafter mentioned to the treasurer of Baltimore County, as a fund for the repair of such injury.

In the event of disagreement between said engineers as to any matter devolved upon them by the terms of this section of this subheading, all the provisions of the next preceding section of this subheading, relative to disagreement between said officers as to the diversion, alteration, closure or destruction of highways or bridges of said county, shall likewise be applicable to said disagreement under this section.

Said engineers shall have plenary power to consider and decide all questions arising in the discharge of their duties under this section, and shall have the same power to summon and require the attendance of the witnesses, in connection with their inquiries under this section, and to have them sworn, as is provided for in Section 25~9 of this subheading, and they shall be allowed the same per

diem, and other reasonable expenses, including the same compensation to witnesses; all to be paid by the City of Baltimore.

The powers and duties of the City Engineer under this section may, at any time, with the consent of the Mayor of Baltimore City, be delegated by him to one of his assistant engineers, or to some engineer, named by the persons hereinafter charged with the duty of carrying the work under this subheading into execution.

*(P.L.L., 1915, §826-II; 1927, §826K; 1930, §826K; 1938, §1047; 1949, §1047; 1969, §25-10.) (1908, ch. 214.)*

### **§ 25-11. Damage to roads and bridges — powers.**

All powers of acquiring land, property or things, for the purposes of this subheading, with or without the consent of the owner, or owners, hereinbefore conferred upon the Mayor and City Council of Baltimore, shall include the power to acquire land, property, or things, including corporate franchises of every sort, rights, privileges, or easements, of any turnpike company, or companies, proprietor or proprietors, but whenever any turnpike, or toll road or bridge, the use of which is now enjoyed by the people of Baltimore County, shall be destroyed, or rendered impassable in whole or in part, by the City of Baltimore, in connection with the work herein contemplated, it shall be the duty of said City to replace the same, at its own expense, as nearly as possible with a suitable and convenient public road or bridge, in lieu thereof, and if any such existing road, or part thereof, or bridge or any road, or part thereof, or bridge, so built in lieu of one so destroyed, be on, or through, property acquired by said City for purposes contemplated by this subheading, it shall be the duty of said City thereafter, at all times, to maintain the same in good order and repair for the free use of the public, so far as the same may be on, or through, said property, subject to such provisions and conditions looking to maintaining the purity of said City's water supply as the said Mayor and City Council of Baltimore may by ordinance impose.

Such replacement shall be effected for the convenience of the public upon such terms as may be agreed upon between the Highways Commission of Baltimore County or other proper authorities and the Mayor and City Council of Baltimore.

In the event of a disagreement between them as to the location or character of the substituted road or bridge, or as to any other terms of the replacement, the matter shall be referred to the Roads Engineer of Baltimore County, for the time being, and the City Engineer of Baltimore City, for the time being, who shall have plenary power to consider and decide all questions in connection with such replacement, and to determine where, how, and in what manner and within what time, said replacement shall be effected by said City.

No such road, or part thereof, or bridge of any such turnpike company or companies, proprietor or proprietors, shall be closed or altered, in whole or in part, under the provisions of this subheading, until another shall have been constructed and opened to the the public in lieu thereof as herein provided.

Said engineers shall have full power and authority to summons, and require the attendance of all witnesses in connection with their inquiries under this section, and to require that their testimony shall be taken under the oath required by law, the same to be administered by the Clerk of the Circuit Court for Baltimore County, or by a Judge of the District Court in Baltimore County.

The said engineers and the third person hereinafter mentioned if there be such, shall each receive a per diem of \$10 while actually engaged in work imposed or authorized by this section, the same and all the other reasonable expenses of said engineers, including compensation to witnesses at the regular rates, and the employment of a secretary, if such employment be deemed necessary by said engineers, to be paid by the City of Baltimore.

The decision of said engineers in all matters between the City and Baltimore County, that may devolve upon them under this section, shall be final and conclusive unless impeached for fraud in appropriate proceedings instituted in the Circuit Court for Baltimore County, in equity, to set aside their findings on such ground.

Whenever said engineers may require and determine that the City of Baltimore shall construct a road by way of replacement as aforesaid said City shall have power to agree with the owners of land, property or things to be taken or injuriously affected in the construction thereof, and in default of agreement, to condemn the right of way under the provisions of Sections 25-1 and 25-3 authorizing the condemnation of property, land or things for the purposes of this subheading, or may at its election, make application to the Highways Commission of Baltimore County or other proper authorities for the opening or alteration of such road; in which latter event the proceedings under such application shall be those prescribed by law for the opening or alteration of roads in Baltimore County, except that no landowner shall be assessed for any part of the cost thereof, the whole of such cost to be borne by the City of Baltimore.

In the event of disagreement between the said engineers as to any matter devolved upon them by the terms of this section, they shall call in as a third arbiter a nonresident engineer skilled in the construction or maintenance of highways and bridges, to be selected by the Governor of Maryland, on the application of either of said engineers, in the event of their being unable to agree on such third person, the decision of any two of the board thus selected to be binding on the parties, and to be final and conclusive, unless impeached for fraud as aforesaid.

But nothing in this subheading shall be taken as obliging said City to replace any road or part of a road, or any bridge, or a turnpike company or turnpike companies, proprietor or proprietors, if in the opinion of said engineers, the purpose thereof will be reasonably answered, so far as the public convenience is concerned, by a road or bridge constructed, or required to be constructed by way of replacement by said City under the provisions of Section 25-9 relating to the diversion, alteration, closure or destruction of public roads or bridges of Baltimore County, nor as obliging said City to replace any public road, or part of a road, or bridge of Baltimore County, under Section 25-9, if in the opinion of said engineers, the purpose thereof will be reasonably answered, so far as the public convenience is concerned by a road or bridge constructed, or required to be constructed by way of replacement by said City, under the provisions of this section of this subheading.

*(P.L.L., 1915, §826JJ; 1927, §826L; 1930, §826L; 1938, §1048; 1949, §652; 1969, §25-11.) (1908, ch. 214.)*

### **§ 25-12. County water rights.**

Upon the completion of the storage lake herein contemplated, and forever thereafter until such time as Baltimore City's population and needs require the entire water supply, which said City is entitled to draw from the Gunpowder River, the inhabitants of Baltimore County shall be entitled to use of not more than ten millions of gallons of water per day from such lake, this allotment to include all

water supplied directly by said City to consumers or users in Baltimore County, now or hereafter, through the water mains of said City or through any mains or conduits which may be or become a part of, or be or become connected with, the reservoirs, pumping stations, or water distribution system of said City.

In case it shall be at any time conclusively demonstrated to the County Commissioners of Baltimore County that there is no other adequate and proper water supply for the residents of any portion of the county making application therefor, said commissioners shall have the right to adopt such measures as they may deem expedient to draw from said lake, and distribute any part or all, the remainder of said allotment of ten millions of gallons of water per day, the said County Commissioners to pay or cause to be paid to said Mayor and City Council of Baltimore such sums as may be agreed upon between them; the same not to exceed the rate of one-half cent per one thousand gallons actually withdrawn.

Said County Commissioners shall further have the right and power to use in perpetuity sufficient land near such lake or reservoir upon which to locate a pumping station or stations, together with conduit connections from said lake or reservoir to a well or wells, or suction well or wells, or reservoirs, on said property and other facilities, including rights-of-way for all necessary purposes to the nearest public highway or highways, upon paying or causing to be paid, therefor to Baltimore City a clear annual rental of five per centum of the gross cost to the City of the land so utilized, said connections and pumping stations shall be located at the most convenient and feasible point or points for the withdrawal of such water at the minimum cost to the authorities withdrawing the same, all water so withdrawn is to be taken from said lake or reservoir and transported therefrom without cost or expense to the Mayor and City Council of Baltimore, the whole of such cost and expense to be borne by the authorities withdrawing the same.

The work of making such connections with such lake or reservoir, and laying the pipes through said City's property, contiguous thereto, including the location of said pumping station and other matters in connection therewith shall be done under the joint supervision and control of an official of such county authorities, and the Water Engineer of the City of Baltimore, and in the event of a disagreement between them, they shall call in, as a third arbiter, a nonresident engineer, skilled in the construction or maintenance of water works, to be selected by the Governor of Maryland, on the application of either party; in the event of their being unable to agree on such third person, the decision of any two of the board then selected to be binding on the parties.

The cost of calling in such third party shall be borne equally by the parties, unless for special reasons said board shall otherwise apportion the same; provided, however, that in no event shall said County Commissioners of Baltimore County, or Baltimore County, acting through any agency whatever, farm out, assign, sublet or grant, in whole or in part, to any person, firm, joint stock company, corporation or association, except with the consent in writing of the Board of Estimates of Baltimore City, or its successors in function, the right to withdraw from said lake, use, sell, or in any way distribute or dispose of any of the water so allotted to the inhabitants of Baltimore County, it being the intent of this subheading that this right shall in the absence of said consent in writing, be exercisable solely and exclusively by Baltimore County and Baltimore City in the direct and immediate exercise of their respective municipal functions in the manner hereinbefore mentioned. (*P.L.L., 1915, §826LL; 1927, §826N; 1930, §826N; 1938, §1050; 1949, §654; 1969, §25-12.*) (*1908, ch. 214.*)

**§ 25-13. Map of road changes.**

At least thirty days before proceeding under any other of the provisions of this subheading, after the popular approval of the loan hereinbefore mentioned, if so approved, said Mayor and City Council of Baltimore shall file in the office of the County Commissioners of Baltimore County, one or more maps showing the existing roads and highways, traversing the property to be acquired under this subheading, both public and private, which are to be closed, altered, divided or relocated, in whole or in part, or the grades thereof changed; and also to show all roads or parts of roads which the Mayor and City Council of Baltimore propose to construct in substitution for, or to take the place of any such roads so closed, obstructed, altered or changed.

*(P.L.L., 1915, §826LL; 1927, §826N; 1930, §826N; 1938, §1050; 1949, §654; 1969, §25-13.) (1908, ch. 214.)*

**§ 25-14. City's powers — in general.**

The Mayor and City Council of Baltimore is hereby authorized and empowered to pass any and all ordinances not inconsistent with the terms of this subheading, that it may deem advisable for the purpose of fully effectuating the objects of this subheading.

*(P.L.L., 1915, §826MM; 1927, §826-0; 1930, §826-0; 1938, §1051; 1949, §655; 1969, §25-14.) (1908, ch. 214.)*

**§ 25-15. City's powers — continuing.**

All of the powers, including powers of condemnation, and duties hereinbefore conferred and imposed, and all the discretion hereinbefore lodged by this subheading upon and in the Mayor and City Council of Baltimore, other than the powers of passing ordinances hereinbefore expressly conferred upon it, shall in the name and on behalf of the Mayor and City Council of Baltimore without the necessity for any further legislative action by the Mayor and City Council of Baltimore be exercisable and exercised as one continuous, unbroken delegation of authority by the municipal officials or official who may for the time being have charge of the general municipal water supply of Baltimore City, except that in the event that the charge of said water supply shall at any time or times be confided by law to one municipal official, there shall be associated with him, until said main reservoir or lake and all of its working appurtenances and connections of every sort have been completed, in the exercise of all his powers and discretion, and in the discharge of all of his duties under this subheading by the appointment of the Mayor, subject to the provisions of Section 25 and other related sections of Article 4, of the Code of Public Local Laws of Maryland, and Baltimore City Charter, and any amendment or amendments thereof, two capable and upright citizens of the City of Baltimore, who shall serve without pay in the award of contracts for work under this subheading, the persons clothed with the power of doing the work contemplated by this subheading shall be authorized, if they see fit, to insert in the specifications for any such contract work reasonable and lawful conditions as to hours of labor, wages and the residence or character of workmen to be employed by the contractor, and especially so far as may be practicable in their judgment, such reasonable and lawful conditions as will tend to confine employment on such work, in whole or in part, to permanent and bona fide residents of the State of Maryland only, and said persons, clothed with the power to doing the work contemplated by this subheading may, with the consent of all of their number, themselves do any part or parts of any such work under such conditions, in every respect, as they may prescribe, by day labor, in which event, said persons, in addition to their other powers in the premises shall likewise be authorized to devise, and enforce

such rules and regulations as will make merit and personal fitness, ascertained by some system of open competition or registration, or both the sole test of eligibility for all positions or employments under their control that they may see fit to embrace within the scope of said rules and regulations, which, however, may be limited to permanent and bona fide residents of this State in any particular;

provided, however, that neither any contractor or contractors, nor the persons clothed with the power of doing the work contemplated by this subheading as aforesaid, shall at any time during the progress of said work employ thereon, or permit or allow to be employed thereon, any person who is at the time of such employment, or who shall at any time thereafter and during the progress of such work, be or become a registered voter of Baltimore County, unless such person shall have been a registered voter of said county at the time of the passage of this subheading, or shall be a lineal descendant of some person who was at any time theretofore a registered voter of the State of Maryland; any such contractor, subcontractor superintendent, foreman or the person or persons clothed with the power of doing the work contemplated by this subheading or any part thereof, who shall employ any person in violation of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than fifty dollars, nor more than one hundred dollars, or by imprisonment in jail for a term not exceeding sixty days for each day that such person shall have been so employed in contravention of the provisions of this section.

*(P.L.L., 1915, §826NN; 1927, §826P; 1930, §826P; 1938, §1052; 1949, §656; 1969, §25-15.) (1908, ch. 214.)*

**§ 25-16. Sale of stock; Gunpowder Reservoir Fund.**

In order to provide money to defray the cost of carrying all or any of the purposes of the provisions of this subheading into execution, the Mayor and City Council of Baltimore is hereby authorized to issue the stock of said corporation for a sum not exceeding Five Millions of Dollars; said stock to be issued from time to time as the Mayor and City Council of Baltimore shall by ordinance prescribe, and to be issued for such amounts, and to be payable at such time and to bear such rate of interest as the Mayor and City Council of Baltimore shall by ordinance provide; said stock shall be sold and issued by the Commissioners of Finance of the City of Baltimore at the best prices obtainable in their judgment therefor, and any premiums derived from the sale thereof shall remain in their hands as part of the sinking fund hereinafter mentioned for the redemption of said stock at maturity.

The residue of the money received from the sale of said stock shall be turned over by them to the Comptroller to be by him deposited with the City Register, and to be placed to the credit of a fund to be known as the “Gunpowder Reservoir Fund,” which shall be exclusively applicable to the cost of carrying the purposes and provisions of this subheading into execution, and shall be chargeable with no other items of cost or expense whatsoever, and appropriation to defray said cost, based upon the estimate of the person charged with the duty of doing the work contemplated by this subheading shall be annually included by the Board of Estimates in the usual way in the Ordinance of Estimates, but said stock shall not be issued in whole or in part unless the ordinance of the Mayor and City Council of Baltimore providing for the issuance thereof, shall be submitted to the legal voters of the City of Baltimore at such time and place as may be fixed by said ordinance and approved by a majority of votes cast at such time and place as required by Section 7 of Article XI of the Constitution of Maryland; if issued pursuant to such approval, the Mayor and City Council of Baltimore shall levy in each and every year upon all property liable to taxation in the City of Baltimore, a sum sufficient to pay the interest accruing on said stock, and to create a sinking fund sufficient, with the aid of any premiums on the sale thereof to redeem said stock at its maturity.

*(P.L.L., 1915, §826-00; 1927, §826Q; 1930, §826Q; 1938, §1053; 1949, §657; 1969, §25-16.) (1908, ch. 214.)*

**LAKES AND RESERVOIRS****§ 25-17. Pollution — in general.**

If any person shall wilfully pollute or tend to pollute the water in any lake, dam or reservoir, line of conduit, waterpipe, gatehouse or other work constructed or used for supplying the City of Baltimore with water, by swimming, bathing or washing therein, or by washing or causing to be washed therein, or so near thereto as to tend to pollute the water therein, any clothes, the skin of any dead animal or any impure, fetid or noxious animal or vegetable matter, or shall throw or cause to be thrown therein, or so near thereto as to tend to pollute the water therein, any impure, fetid or noxious animal or vegetable matter, the person so offending shall forfeit and pay a sum not less than five nor more than fifty dollars for each offense.

*(P.L.L., 1888, §931; 1915, §902; 1927, §902; 1930, §902; 1938, §1182; 1949, §778; 1969, §25-17.) (1870, ch. 25; 1898, ch. 123, §902; 1910, ch. 674.)*

**§ 25-18. Pollution — privies, etc.**

If any person shall erect or cause to be erected any privy, hogpen, bleaching or dyeing establishment, or other thing over any lake, dam, reservoir, line of conduit, waterpipe, gatehouse or other work constructed or used for supplying the City of Baltimore with water or so near thereto as to tend to pollute or discolor the water therein, the person so offending shall forfeit and pay a sum not exceeding fifty dollars, and the further sum of ten dollars for each and every day the same shall remain after notice to remove the same shall have been given.

*(P.L.L., 1888, §932; 1915, §903; 1927, §903; 1930, §903; 1938, §1183; 1949, §779; 1969, §25-18.) (1870, ch. 25; 1898, ch. 123, §903; 1910, ch. 674.)*

**§ 25-19. Injuring installations — penalties.**

If any person shall injure, or cause to be injured, defaced or destroyed, any dam, reservoir, line of conduit, waterpipe, gatehouse, stop-cock, or other thing used for supplying the City of Baltimore with water, the person so offending shall forfeit and pay a sum not less than five nor more than fifty dollars for each offense.

*(P.L.L., 1888, §933; 1915, §904; 1927, §904; 1930, §904; 1938, §1184; 1949, §780; 1969, §25-19.) (1861, ch. 240; 1898, ch. 123, §904.)*

**§ 25-20. Injuring installations — enforcement.**

All fines and forfeitures imposed by Section 25-19 shall be recoverable by the City of Baltimore before the District Court in and for the City of Baltimore, or in and for Baltimore County, according to the respective jurisdiction under which any of the offenses herein set forth may be committed.

*(P.L.L., 1888, §934; 1915, §905; 1927, §905; 1930, §905; 1938, §1185; 1949, §781; 1969, §25-20.) (1861, ch. 240; 1898, ch. 123, §905, 1979, ch. 125.)*

**§ 25-21. Injuring installations — civil damages.**

Sections 25-19 and 25-20 shall not be construed to exempt any person who may have been fined for a violation thereof, or who may be charged with a violation thereof, from an action of damages for any injury or destruction of any part of the works used in supplying the City of Baltimore with

water, in any suit for damages on account of said injury, brought by the Mayor and City Council of Baltimore.

*(P.L.L., 1888, §935; 1915, §906; 1927; §906; 1930, §906; 1938, §1186; 1949, §782; 1969, §25-21.) (1861, ch. 240; 1898, ch. 123, §906.)*

**§ 25-22. Supply for County — connections.**

The County Commissioners of Baltimore County, whenever they engage in the installation of a system of water mains for the use of said county and the inhabitants thereof, shall have the right to connect their said water mains with the water mains now or hereafter owned or controlled by the Mayor and City Council of Baltimore at the most convenient point or points and to draw off from the water mains now or hereafter owned or controlled by the Mayor and City Council of Baltimore a sufficient supply of water, equal in purity to the water served to the public in the City of Baltimore, for all public, private, domestic, manufacturing or other needs for which the system of water mains installed by said County Commissioners were designed or intended to supply.

*(P.L.L., 1927, §907; 1938, §1187; 1949, §783; 1969, §25-22.) (1922, ch. 289.)*

**§ 25-23. Supply for County — cost.**

Each and every connection of the water mains installed by said County Commissioners with said water mains of the Mayor and City Council of Baltimore shall be at the expense of said County Commissioners and under the supervision of the Water Engineer of Baltimore City or such other person or persons as the Water Engineer of Baltimore City, the Water Board of said City may appoint or such other body or officials as may for the time being have charge of the water system of said City, and said County Commissioners to bear the expense of said supervision.

Every connection shall include a meter of a make and design approved by the Water Engineer of said City, to the end that all water flowing into each and every water system constructed by said County Commissioners may be measured, and said County Commissioners shall pay the said Mayor and City Council the actual cost of delivering said water at the points of connection and meter, with five per cent added, and the actual cost of purifying said water, with five per cent added, the cost of delivering and of purification to be determined by the Public Service Commission of Maryland and to be subject to review and revision by the said Public Service Commission once only in every five years on application of the County Commissioners of Baltimore County or the Mayor and City Council of Baltimore.

In determining cost of delivering and of purification, the value or cost of impounding water at any source of supply and the value of cost of pipe lines and filtration plants shall be disregarded, it being the intention hereof that the sales price of water by the Mayor and City Council of Baltimore to the County Commissioners of Baltimore County through the connections and meters aforesaid shall be the cost of pumping the water to the points of connection and meter, and the cost of purifying such water, and in addition, a sum equal to five per centum of said cost of pumping and purification, without any allowance for interest on investment or for amortization.

*(P.L.L., 1927, §908; 1938, §1188; 1949, §784; 1969, §25-23.) (1922, ch. 289.)*

**§ 25-24. Supply for County — potential uses.**

Said County Commissioners shall not lay any main as part of any water system to be supplied with water under Sections 25-22 to 25-30, unless said main be of a size sufficient in the opinion of the Roads and Sanitary Engineer of Baltimore County to supply for the following forty years the territory into which said main and extension thereof may be projected.

*(P.L.L., 1927, §909; 1938, §1189; 1949, §785; 1969, §25-24.) (1922, ch. 289.)*

**§ 25-25. Supply for County — agreements with City.**

The Mayor and City Council of Baltimore and the County Commissioners of Baltimore County are hereby authorized to enter into an agreement containing such rules and regulations as they may think proper for the maintenance, repair and protection of said connections and meters and for the examination and inspection of said meters, but said agreement shall not relieve said County Commissioners of the obligation to pay for such connections and meters and for their repair or replacement.

*(P.L.L., 1927, §910; 1938, §1190; 1949, §786; 1969, §25-25.) (1922, ch. 289.)*

**§ 25-26. Supply for County — City's duty to supply.**

The Mayor and City Council of Baltimore shall at all times keep the water systems installed by the said County Commissioners and connected with said water mains of said City supplied with an adequate flow of water fit for human consumption and none the less pure than the water furnished by said Mayor and City Council of Baltimore to the inhabitants of Baltimore City, and there shall be no discrimination by said Mayor and City Council of Baltimore in distribution of water in favor of the inhabitants of the City of Baltimore and against the inhabitants of Baltimore County.

*(P.L.L., 1927, §911; 1938, §1191; 1949, §787; 1969, §25-26.) (1922, ch. 289.)*

**§ 25-27. Supply for County — rates.**

The distribution to consumers of water obtained under Sections 25-22 to 25-30 shall be by meters, and the rates said County Commissioners shall charge for such water shall be determined by the Public Service Commission of Maryland and said Public Service Commission is hereby vested with as full and complete jurisdiction to determine such rates as if said County Commissioners of Baltimore County were a "water company" as defined in Chapter 180 of the Acts of 1910.

*(P.L.L., 1927, §912; 1938, §1192; 1949, §788; 1969, §25-27.) (1922, ch. 289.)*

**§ 25-28. Supply for County — water from Gunpowder River.**

Sections 25-22 to 25-30 shall not be held or taken to repeal or modify Chapter 214 of the Acts of 1908 in any way; provided, however, that should the County Commissioners of Baltimore County avail themselves of the right to take ten million gallons of water from the Gunpowder River pursuant to the terms of said Chapter 214 of said Acts of 1908, then Sections 25-22 to 25-30 shall be void.

*(P.L.L., 1927, §913; 1938, §1193; 1949, §789; 1969, §25-28.) (1922, ch. 289.)*

**§ 25-29. Supply for County — definitions.**

The term “water main” and the term “system of water mains,” as used herein in connection with the County Commissioners of Baltimore County, shall mean any pipe or pipes intended by said County Commissioners to supply any of the inhabitants of Baltimore County with water for domestic or manufacturing purposes or to afford any of said inhabitants with protection against fire. *(P.L.L., 1927, §914; 1938, §1194; 1949, §790; 1969, §25-29.) (1922, ch. 289.)*

**§ 25-30. Supply for County — right to amend.**

Sections 25-22 to 25-30 and each and every section thereof shall be subject to repeal or amendment at any session of the General Assembly of Maryland. *(P.L.L., 1927, §915; 1938, §1195; 1949, §791; 1969, §25-30.) (1922, ch. 289.)*

***PATAPSCO RIVER AND LITTLE GUNPOWDER RIVER***

**§ 25-31. General authority.**

The Mayor and City Council of Baltimore is hereby authorized and empowered

to convert the entire valley or basin of the Patapsco River in Baltimore County, Carroll County and Howard County, and its dependencies, and/or the entire valley or basin of the Little Gunpowder River in Baltimore County and Howard County, and its dependencies, or so much of each and all of said valleys or basins as may be necessary and proper for the purposes of this subheading, into reservoirs or lakes for augmenting, enlarging and improving the municipal water supply of the City of Baltimore;

to create, establish and maintain said reservoirs or lakes and their appurtenances, and to conduct the waters of said reservoirs or lakes along such route or routes and in such manner and by such instrumentalities and means as may be necessary or proper for the purposes of this subheading to the City of Baltimore and its environs, for the use of said City, and of its inhabitants, and of such other persons as may now or hereafter be lawfully furnished with water by said City;

to utilize, appropriate, divert, deflect, straighten, riprap or otherwise modify or control, for the purposes of this subheading, all springs, brooks, creeks, rivulets, rivers or other water courses, tributary (or capable of being rendered tributary) to, or obstructive of, the purposes of this subheading

to create, establish, set apart and maintain, regulate and protect, afforest or otherwise improve water sheds and reservations along, and to such full extent of adjacency as may be necessary for the purposes of this subheading, adjacent to the waters of said reservoirs or lakes, for securing a pure, copious and constant flow of water into said reservoirs or lakes;

to create, establish and maintain, construct, erect, lay, lay out and employ all such dams, walls, bulkheads, dikes, inlets, waste ways, water gates, bridges, tunnels, aqueducts, waterways, conduits, culverts, drains, mains, pipes settling or other reservoirs, lakes, basins or ponds, power houses, pump houses or other buildings, structures or erections, roads, ways, approaches,

appurtenances, agencies, instrumentalities or means as may be necessary or proper for the purposes of this subheading, including all instrumentalities or means for diverting, deflecting, disposing of, controlling, collecting, confining, impounding, storing, protecting, clarifying, purifying, transmitting or distributing, or otherwise handling water that may be necessary or proper for the purpose of promoting or securing the full working efficiency and utility of said reservoirs or lakes for the objects for which they are intended by this subheading;

to utilize, extend, enlarge, reinforce, adapt, reconstruct, alter, re-equip or repair, for the purposes of this subheading, or for other purposes affecting the municipal water supply of Baltimore City, all or any part or parts of the present water system of Baltimore City and its appurtenances;

to make and enter into any and all contracts, agreements or stipulations germane to the scope of its powers under this subheading;

to make all such preliminary surveys and investigations, and to do all such preliminary work under this subheading as it may be advised shall be necessary or proper for the purposes of this subheading;

to acquire by gift, purchase, arbitration, exchange, lease (whatever the duration of the lease), or by other similar methods of acquisition, or by condemnation, any land or property, public, quasi-public or private, situated wholly or partly in Baltimore City, Baltimore County, Howard County, Carroll County, Harford County, Anne Arundel County, and/or in any other county of this State, or any interest, franchise, easement, right or privilege therein, which may be required for any of the purposes of this subheading, including springs, brooks, creeks, rivulets, rivers or other water courses, mills, factories and industrial plants of every description and their appurtenances; workshops, stores, farm buildings, structures and erections, churches, graveyards, school houses or other school property, dwelling houses, outhouses, bridges, streets, alleys, roads and ways, and all other buildings, structures, erections or improvements of every description, on, over or under land or other property, or any interest, franchise, easement, right or privilege therein, and in like manner to acquire any corporate franchises or any other thing, including earth, timber, stone or other materials, or places of temporary or permanent deposit for excavated material or other like facilities for effectuating the objects of this subheading, of any sort that may be required for the purposes of this subheading; and

generally to do and perform all and every such acts or things which, by anything short of a palpably forced construction, could be held to be auxiliary or conducive to the proper exercise of any or all of the powers by this subheading conferred upon the Mayor and City Council of Baltimore, or to the effective accomplishment of the leading purpose of this subheading namely, the collection, accumulation and maintenance of an ample supply of water in said reservoirs or lakes, and its transmission and distribution in as abundant, clear, pure, healthful, convenient and satisfactory a character as possible to the City of Baltimore, and its inhabitants, and such other persons as may now or hereafter be lawfully supplied with water by the City of Baltimore for its and their uses.

The title acquired by condemnation, or otherwise, by the Mayor and City Council of Baltimore, under this subheading, for the purposes thereof, shall, as to land or other property or things required for said reservoirs or lakes, or for said water sheds or reservoirs, or for surface buildings, erections, structures, works or things of a permanent character, involving the idea of exclusive use and

occupation by the Mayor and City Council of Baltimore, be in fee simple, but may, as to land or other property or things, required for other purposes under this subheading, be in fee simple or limited to some lesser quantum of interest, in point of estate or duration, accordingly as the Mayor and City Council of Baltimore may determine.

*(P.L.L., 1949, §658; 1969, §25-31.) (1931, ch. 521.)*

### **§ 25-32. County powers.**

The County Commissioners of any county, whose interests in any respect may become involved in the execution of this subheading, or any part or parts thereof, or any body politic, quasi-public corporation, turnpike company or private corporation, whose interest in any respect may become involved in the execution of this subheading, or any part or parts thereof, shall be, and is, or are hereby authorized and empowered, anything in the terms of their or its chartered existence or powers to the contrary notwithstanding, to enter into all such contracts, agreements, stipulations or arrangements, deeds, conveyances or transfers with the Mayor and City Council of Baltimore as may be necessary or proper for the purposes of this subheading or any of them.

*(P.L.L., 1949, §659; 1969, §25-32.) (1931, ch. 521.)*

### **§ 25-33. Powers are supplemental.**

The powers by this subheading conferred upon the Mayor and City Council of Baltimore are intended to be in addition to, and not to be in substitution for, any power heretofore conferred by law upon it, in relation to the municipal water supply of Baltimore City, except where inconsistent therewith.

*(P.L.L., 1949, §660; 1969, §25-33.) (1931, ch. 521.)*

### **§ 25-34. Police powers.**

The said Mayor and City Council of Baltimore is hereby empowered at any and all times during the progress of the work herein authorized and any and all parts thereof, at its own expense, to maintain an efficient police service for the purpose of preserving the public peace, protecting property and preventing crime within the territory occupied or used by it or its employees in the prosecution of said work, or by the employees of contractors or subcontractors engaged on such work; the officers so employed by said City to have the power to make arrests of persons offending within such territory, wherever found within the State; such offenders shall be tried in the county in which the offense may be committed, and in the event of conviction and imposition of a jail sentence, whether by the Circuit Court for such county, or by the District Court thereof, shall be committed to the Baltimore City Jail instead of to the county jail; and, in all such cases, the Mayor and City Council of Baltimore shall reimburse the county in which such offense is committed for all costs and expenses actually incurred by it, including the sum of eighty-five cents per day for every person committed for trial to the jail of such county, in proceedings against, and the trial and commitment of, such offenders, court costs to be prorated by the Clerk of the Circuit Court for such county upon the basis of time actually consumed in such trials or other proceedings; all such costs to be adjusted and paid semi-annually.

Said police service as to any county affected by the provisions of this subheading shall be subject to the supervision and direction of the marshal or chief of the police force of such county.

*(P.L.L., 1949, §661; 1969, §25-34.) (1931, ch. 521; 1979, ch. 125.)*

**§ 25-35. Damage to roads and bridges — in general.**

Whenever any public road or bridge of any of the counties affected by the provisions of this subheading shall be destroyed or rendered impassable, in whole or in part, by the City of Baltimore, in connection with the work herein contemplated, it shall be the duty of said City to replace the same, at its own expense, as nearly as possible, with a suitable and convenient road or bridge in lieu thereof; and if any such existing public road or bridge, or any bridge or road so built in lieu of one so destroyed, be on or through property acquired by said City for the purposes contemplated by this subheading, it shall be the duty of said City thereafter at all times to maintain the same in good order and repair for the free use of the public, so far as the same may be on or through such property, subject to such provisions and conditions, looking to maintain the purity of the City's water supply, as the said Mayor and City Council of Baltimore may by ordinance impose; and providing further, that the said Mayor and City Council of Baltimore shall not have the power, anything in this subheading or in any other Act to the contrary notwithstanding, to condemn any such public road or bridge of any of the counties affected by the provisions of this subheading, but shall have the right to divert, alter, close or destroy any public road or bridge of any of said counties, when necessary in the course of such work, only by agreement with the Highways Commission of the county affected or other proper authorities having charge and control thereof, on such terms as to replacing the same for the convenience of the public as may be by said Highways Commission or other proper authorities be required.

In the event that said City and the authorities of any county affected may not be able to agree upon the terms under which said road or bridge is to be altered, diverted, closed or destroyed, or upon the location or character of the road or bridge to replace the same, or upon any other terms as to the replacing of the same, the matter shall be referred to the Roads Engineer of the county affected, for the time being, and the Chief Engineer of Baltimore City, for the time being, who shall have plenary power to consider and decide all questions in connection with such diversion, alteration, closure or destruction of such road or bridge, and to determine where, how and in what manner, and within what time, the same shall be replaced by said City.

No road or bridge shall be closed or altered in whole or in part under the provisions of this subheading until another shall have been constructed and opened to the public in lieu thereof as herein provided, and said Engineers shall have full power and authority to summon, and require the attendance of, all witnesses in connection with their inquiries under this section, and to require that their testimony shall be taken under oath, as required by law.

The said Engineers and the third person hereinafter mentioned, if there be such, shall each receive a per diem of ten dollars while actually engaged in work imposed or authorized by this section, the same and all other reasonable expenses of said Engineers, including the employment of a secretary, if such employment be deemed necessary by said Engineers, to be paid by the City of Baltimore.

The decision of said Engineers in all matters between the City and any county affected which may devolve upon them under this section shall be final and conclusive unless impeached for fraud in appropriate proceedings instituted in the Circuit Court for the county affected, to set aside their findings on such ground.

Whenever said Engineers may require and determine that the City of Baltimore shall construct a road to replace any road diverted, altered, closed or destroyed, or to be diverted, altered, closed or

destroyed in the course of the work contemplated by this subheading, said City shall have power to agree with the owners of land, property or things to be taken or injuriously affected in the construction thereof, and, in default of agreement, to condemn the right of way under the provisions of this subheading, authorizing the condemnation of property, land or things for the purposes of this subheading, or may, at its election, make application to the Highways Commission or other proper authorities of the county affected, for the opening or alteration of such road, in which later event the proceedings shall be those prescribed by law for the opening or alteration of roads in such county, except that no landowner shall be assessed for any part of the cost thereof, the whole of such cost to be borne by the City of Baltimore.

In the event of disagreement between the said Engineers as to any matter devolved upon them by the terms of this section, they shall call in as a third arbiter, a nonresident Engineer, skilled in the construction or maintenance of highways and bridges, to be selected by the Governor of Maryland, on the application of either of said Engineers, in the event they are unable to agree on such third person, the decision of any two of the board thus selected to be binding on the parties, and to be final and conclusive, unless impeached for fraud as aforesaid.

The powers and duties of the Chief Engineer of Baltimore City under this section may, at any time, with the consent of the Mayor of Baltimore, be delegated by him to one of his assistant engineers, or such powers may be exercised and duties performed by some third party to be named by the municipal agency hereinafter charged with the duty of carrying the work under this subheading into execution.

The powers conferred and the duties imposed by this section upon the Roads Engineer of any county affected by the provisions of this section may at any time, with the consent of the County Commissioners, of such county, be delegated by him to one of his assistant engineers, or, if there be no Roads Engineer of said county, it shall be the duty of the County Commissioners to said county to appoint some person, preferably an engineer resident in said county, to exercise such powers and to perform such duties.

*(P.L.L., 1949, §662; 1969, §25-35.) (1931, ch. 521.)*

### **§ 25-36. Damage to roads and bridges — State roads and bridges.**

Whenever any State road or bridge under the jurisdiction of the State Roads Commission shall be destroyed or rendered impassable, in whole or in part, by the City of Baltimore, in connection with the work herein contemplated, it shall be the duty of said City to replace the same, as nearly as possible, at its own expense, with a suitable and convenient road or bridge in lieu thereof; provided that the said Mayor and City Council of Baltimore shall not have the power, anything in this section or in any other Act to the contrary notwithstanding, to condemn any such State road or bridge under the jurisdiction of the State Roads Commission, but shall have the right to divert, alter, close or destroy any State road or bridge under the jurisdiction of the State Roads Commission, when necessary in the course of such work, only by agreement with the State Roads Commission, on such terms as to replacing the same for the convenience of the public as may by said State Roads Commission be required.

In the event that said City and the State Roads Commission may not be able to agree upon the terms under which said State road or bridge is to be altered, diverted, closed or destroyed, or upon the location or character of the State road or bridge to replace the same, or upon any other terms as to

the replacing of the same, the matter shall be referred to the Chief Engineer of the State Roads Commission, for the time being, and the Chief Engineer of Baltimore City, for the time being, who shall have plenary power to consider and decide all questions in connection with such diversion, alteration, closure or destruction of such State road or bridge, and to determine where, how and in what matter, and within what time, the same shall be replaced by said City.

No State road or bridge shall be closed or altered in whole or in part under the provisions of this section until another shall have been constructed and opened to the public in lieu thereof as herein provided, and said Engineers shall have full power and authority to summon, and require the attendance of, all witnesses in connection with their inquiries under this section, and to require that their testimony shall be taken under oath, as required by law.

The said Engineers and the third person hereinafter mentioned, if there be such, shall each receive a per diem of ten dollars while actually engaged in work imposed or authorized by this section, the same and all other reasonable expenses of said Engineers, including the employment of a secretary, if such employment be deemed necessary by said Engineers, to be paid by the City of Baltimore.

The decision of said Engineers in all matters between the City and the State Roads Commission which may devolve upon them under this section shall be final and conclusive unless impeached for fraud in appropriate proceedings instituted in the Circuit Court for Baltimore City, to set aside their findings on such ground.

Whenever said Engineers may require and determine that the City of Baltimore shall construct a road to replace any State road diverted, altered, closed or destroyed, or to be diverted, altered, closed or destroyed in the course of the work contemplated by this section, said City shall have power to agree with the owners of land, property or things to be taken or injuriously affected in the construction thereof, and, in default of agreement, to condemn the right of way under the provisions of this section, authorizing the condemnation of property, land or things for the purposes of this section, or may, at its election, make application to the State Roads Commission for the opening or alteration of such State road, in which latter event the proceedings shall be those prescribed by law for the opening or alteration of State roads, except that no landowner shall be assessed for any part of the cost thereof, the whole of such cost to be borne by the City of Baltimore.

In the event of disagreement between the said Engineers as to any matter devolved upon them by the terms of this section, they shall call in as a third arbiter, an engineer skilled in the construction or maintenance of highways and bridges, to be selected by the Governor of Maryland, on the application of either of said Engineers, in the event they are unable to agree on such third person, the decision of any two of the board thus selected to be binding on the parties, and to be final and conclusive, unless impeached for fraud as aforesaid.

The powers and duties of the Chief Engineer of Baltimore City under this section may, at any time, with the consent of the Mayor of Baltimore, be delegated by him to one of his assistant engineers, or such powers may be exercised and duties performed by some third party to be named by the municipal agency hereinafter charged with the duty of carrying the work under this section into execution.

The powers conferred and the duties imposed by this section upon the Chief Engineer of the State Roads Commission may at any time, with the consent of the said State Roads Commission, be delegated by him to one of his assistant engineers.

*(P.L.L., 1949, §663; 1969, §25-36.) (1941, ch. 272.)*

**§ 25-37. Damage to roads and bridges — inspections.**

So soon as the Mayor and City Council of Baltimore shall be ready to begin work under this subheading, the Roads Engineer of any county affected, and the Chief Engineer of Baltimore City, shall together make a careful inspection of all public roads, and portions of public roads, and of all bridges of such county, certain or likely, in the opinion of said Roads Engineer, to be used by the Mayor and City Council of Baltimore, or its agents, or contractors, for teaming or hauling, in connection with said work, and shall thereupon draw up a memorandum, in writing, one duplicate whereof shall be filed and kept in the office of the County Commissioners of such county, and the other duplicate whereof shall be filed and kept in the office of the Comptroller of Baltimore City, certifying to the precise condition, at that time, in point of repair in their opinion, of all such roads, and portions of roads, and of all such bridges, and thereafter, at regular intervals of six months, there shall be a similar inspection by said officers of all such roads, and portions of roads, and of all such bridges, and immediately after such inspection, said engineers shall, in like manner, draw up a similar memorandum, in writing, duplicates whereof shall be filed and kept in like manner as aforesaid, certifying in precise terms to the physical and pecuniary extent, to which, in their opinion, such roads and portions of roads, and such bridges shall have been injured by reason of the extra wear and tear imposed upon them since the next preceding inspection, by such teaming or hauling, and, in said memorandum, the pecuniary extent of said injury shall be computed and set forth in dollars and cents, and, so soon as said memorandum shall be signed by said engineers, and filed in duplicate as aforesaid, the amount of the pecuniary injury, so certified, shall at once become due and payable by the Mayor and City Council of Baltimore out of the proceeds of the loan hereinafter mentioned to the treasurer of the county affected, as a fund for the repair of such injury.

In the event of disagreement between said engineers as to any matter devolved upon them by the terms of this section of this subheading, all of the provisions of the next preceding section of this subheading relative to disagreement between said officers as to the diversion alteration, closure or destruction of highways or bridges, shall likewise be applicable to said disagreement under this section. Said engineers shall have plenary power to consider and decide all questions arising in the discharge of their duties under this section, and shall have the same power to summon and require the attendance of witnesses, in connection with their inquiries under this section, and to have them sworn, as is provided for in section 25-35 of this subheading, and they shall be allowed the same per diem and other reasonable expenses, all to be paid by the City of Baltimore.

The powers and duties of the Chief Engineer of Baltimore City under this section may, at any time, with the consent of the Mayor of Baltimore, be delegated by him to one of his assistant engineers, or such powers may be exercised and duties performed by some third party to be named by the municipal agency hereinafter charged with the duty of carrying the work under this subheading into execution.

The powers conferred and the duties imposed by this section upon the Roads Engineer of any county affected by the provisions of this section may at any time, with the consent of the County Commissioners of such county, be delegated by him to one of his assistant engineers, or, if there be no Roads Engineer of said county, it shall be the duty of the County Commissioners of said county to appoint some person, preferably an engineer resident in said county, to exercise such powers and to perform such duties.

*(P.L.L., 1949, §664; 1969, §25-37.) (1931, ch. 521.)*

**§ 25-38. Roads to be closed.**

At least thirty days prior to the beginning of construction work in any county affected by the provisions of this subheading, the Mayor and City Council of Baltimore shall file in the office of the County Commissioners of such county one or more maps showing the existing public roads and highways traversing the property acquired or to be acquired under this subheading, which are to be closed, altered, diverted or relocated, in whole or in part, or the grades thereof changed; and also to show all roads or parts of roads which the Mayor and City Council of Baltimore proposes to construct in substitution for, or to take the place of, any such roads so closed, obstructed, altered or changed.

*(P.L.L., 1949, §665; 1969, §25-38.) (1931, ch. 521.)*

**§ 25-39. City's powers.**

The Mayor and City Council of Baltimore is hereby authorized and empowered to pass any and all ordinances not inconsistent with the terms of this subheading, that it may deem advisable for the purpose of fully effectuating the objects of this subheading.

The Mayor and City Council of Baltimore is hereby authorized to use any funds appropriated for extending, enlarging, developing and improving the municipal water system of Baltimore City to exercise the powers granted by this subheading.

*(P.L.L., 1949, §666; 1969, §25-39.) (1931, ch. 521.)*

***SUSQUEHANNA RIVER*****§ 25-40. General authority.**

The Mayor and City Council of Baltimore be and it is hereby authorized and empowered

to enter into, and take water from, the Susquehanna River at any point in the State of Maryland above the Conowingo Dam and its hydro-electric generating plant at a point which will not materially interfere with the operation of said dam and its hydro-electric generating plant, in order to add to, augment, enlarge and improve the municipal water supply of the City of Baltimore;

to conduct the water taken from the Susquehanna River along such route or routes and in such manner and by such instrumentalities and means as may be necessary or proper for the purposes of this subheading to the City of Baltimore and its environs, for the use of said City and of its inhabitants, and of such other persons or other legal entities as may now or hereafter be lawfully furnished water by the Mayor and City Council of Baltimore;

to utilize, appropriate, divert, deflect, straighten, riprap or otherwise modify or control, for the purposes of this subheading, all springs, brooks, creeks, rivulets, rivers or other water courses, tributary (or capable of being rendered tributary) to, or obstructive of, the purposes of this subheading;

to create, establish, construct, erect, maintain, protect, lay, lay out, use or employ any and all such dams, walls, bulkheads, dikes, inlets, waste ways, water gates, bridges, tunnels, underground structures or facilities, aqueducts, waterways, conduits, culverts, drains, mains, pipes, settling or other reservoirs, lakes, basins or ponds, power houses, pump houses or other buildings, structures or erections, roads, ways, approaches, appurtenances, agencies, instrumentalities or means as may be necessary or proper for the purposes of this subheading, including, but not limited to, all instrumentalities or means for diverting, deflecting, disposing of, controlling, collecting, confining, impounding, storing, protecting, clarifying, purifying, filtering, transmitting or distributing, or otherwise handling water that may be necessary or proper for the purpose of promoting or securing a pure, copious and constant flow of water from the Susquehanna River to the municipal water supply system of Baltimore City as contemplated by this subheading;

to utilize, extend, enlarge, improve, reinforce, adopt, reconstruct, alter, re-equip or repair, for the purpose of this subheading, or for other purposes affecting the municipal water supply of Baltimore City, all or any part or parts of the present water system of Baltimore City and its appurtenances;

to make and enter into any and all contracts, agreements or stipulations germane to the scope of its powers under this subheading; to make all such preliminary surveys and investigations, and to do all such preliminary work under this subheading as it may be advised shall be necessary or proper for the purposes of this subheading;

to acquire by gift, purchase, arbitration, exchange, lease (whatever the duration of the lease), or by condemnation, or by any other legal means, any land or property of any kind regardless of whether it is public, quasi-public, or privately owned, situated wholly or partly in Baltimore City, Baltimore County, Harford County, or in any other county of this State, or any interest, franchise, easement, right or privilege therein, which may be required for any of the purposes of this subheading, including, but not limited to, springs, brooks, creeks, rivulets, rivers, or other water courses, mills, factories, public utilities, and industrial plants of every description and their appurtenances; workshops, stores, farm buildings, structures and erections, churches, graveyards, schoolhouses and other school property, dwelling houses, outhouses, bridges, streets, alleys, roads and ways of all kind, and all other buildings, structures, erections or improvements of every kind and description, on, in, over or under any land or water or other property, or any interest, franchise, easement, right or privilege therein, and in like manner to acquire any corporate franchises or any other thing, including, but not limited to, earth, timber, stone or other materials, or places of temporary or permanent deposit for excavated material or other like facilities for effectuating the objects of this subheading, of any sort that may be required for the purposes of this subheading; and

generally to do and perform all and every such acts or things which, by anything short of a palpably forced construction, could be held to be auxiliary or conducive to the proper exercise of any or all of the powers by this subheading conferred upon the Mayor and City Council of Baltimore, or to the effective accomplishment of the leading purpose of this subheading, namely, the taking of water from the Susquehanna River in such amount as may be necessary and the transmission and distribution thereof in as abundant, clear, pure, healthful, convenient and satisfactory a character as possible to the City of Baltimore, and its inhabitants, and such other persons or other legal entities as may now or hereafter be lawfully supplied with water by the Mayor and City Council of Baltimore for its and their uses.

The title acquired by condemnation, or otherwise, by the Mayor and City Council of Baltimore, under this subheading, for the purposes thereof, shall, as to any land or other property or things of a permanent nature or character needed or required in connection with the operations of the Mayor and City Council of Baltimore under this subheading, involving the idea of exclusive use and occupation by the Mayor and City Council of Baltimore, be in fee simple, but may, as to land or other property or things, required for other purposes under this subheading, be in fee simple or limited to some lesser quantum of interest, in point of estate or duration, accordingly as the Mayor and City Council of Baltimore may determine.

To the end that the necessary water for the City of Baltimore and adjoining counties can be secured with a minimum loss or damage to the parties interested in the Conowingo hydro-electric project, and at the minimum cost to the City, the Mayor and City Council of Baltimore shall, so far as possible, use or divert water from the surplus only after providing for the maximum requirements of the operations of the said project.

The right is hereby reserved, to all parties interested in said Conowingo hydro-electric project, to proper compensation for all loss or damage resulting to them or any of them by reason of any diversion of water from the pool which forms a part of the said project.

*(P.L.L., 1949, §666; 1969, §25-39.) (1931, ch. 521.)*

#### **§ 25-41. County powers.**

The County Commissioners of any county, whose interests in any respect may become involved in the execution of this subheading, or any part or parts thereof, or any body politic, quasi-public corporation, turnpike company, private corporation, or other legal entity, whose interest in any respect may become involved in the execution of this subheading, or any part or parts thereof, shall be, and is, or are hereby authorized and empowered, anything in the terms of their or its chartered existence or powers to the contrary notwithstanding, to enter into all such contracts, agreements, stipulations or arrangements, deeds, conveyances or transfers with the Mayor and City Council of Baltimore as may be necessary or proper for the purposes of this subheading or any of them.

*(P.L.L., 1969, §25-41.) (1955, ch. 203.)*

#### **§ 25-42. Powers are supplemental.**

The powers by this subheading conferred upon the Mayor and City Council of Baltimore are intended to be in addition to, and not to be in substitution for, any power heretofore conferred by law upon it, in relation to the municipal water supply of Baltimore City, except where inconsistent therewith.

*(P.L.L., 1969, §25-42.) (1955, ch. 203.)*

#### **§ 25-43. Police powers.**

The Mayor and City Council of Baltimore is hereby empowered at any and all times during the progress of the work herein authorized and any and all parts thereof, at its own expense, to maintain an efficient police service for the purpose of preserving the public peace, protecting property and preventing crime within the territory occupied or used by it or its employees in the prosecution of said work, or by the employees of contractors or subcontractors engaged on such work; the officers so employed by said City to have the power to make arrests of persons offending within such

territory, wherever found within the State; such offenders shall be tried in the county in which the offense may be committed, and in the event of conviction and imposition of a jail sentence, whether by the Circuit Court for such county, or the District Court thereof, shall be committed to the Baltimore City Jail instead of to the county jail; and, in all such cases, the Mayor and City Council of Baltimore shall reimburse the county in which such offense is committed for all costs and expenses actually incurred by it, including the sum of eighty-five cents per day for every person committed for trial to the jail of such county, in proceedings against, and the trial and commitment of, such offenders, court costs to be prorated by the Clerk of the Circuit Court for such county upon the basis of time actually consumed in such trials or other proceedings; all such costs to be adjusted and paid semiannually.

Said police service as to any county affected by the provisions of this subheading shall be subject to the supervision and direction of the sheriff or chief of the police force of such county.

*(P.L.L., 1969, §25-43.) (1955, ch. 203; 1979, ch. 125.)*

**§ 25-44. Damage to roads and bridges — in general.**

Whenever any public road or bridge of any of the counties affected by the provisions of this subheading shall be destroyed or rendered impassable, in whole or in part, by the Mayor and City Council of Baltimore, in connection with the work herein contemplated, it shall be the duty of said City to replace the same, at its own expense, as nearly as possible, with a suitable and convenient road or bridge in lieu thereof; and if any such existing public road or bridge, or any bridge or road so built in lieu of one so destroyed, be on or through property acquired by said City for the purposes contemplated by this subheading, it shall be the duty of said City thereafter at all times to maintain the same in good order and repair for the free use of the public, so far as the same may be on or through such property, subject to such provisions and conditions, looking to maintain the purity of the City’s water supply, as the said Mayor and City Council of Baltimore may by ordinance impose; and providing further, that the said Mayor and City Council of Baltimore shall not have the power, anything in this subheading or in any other Act to the contrary notwithstanding, to condemn any such public road or bridge of any of the counties affected by the provisions of this subheading, but shall have the right to divert, alter, close or destroy any public road or bridge of any of said counties, when necessary in the course of such work, only by agreement with the Highways Commission of the county affected or other proper authorities having charge and control thereof, on such terms as to replacing the same for the convenience of the public as may by said Highways Commission or other proper authorities be required.

In the event that said City and the authorities of any county affected may not be able to agree upon the terms under which said road or bridge is to be altered, diverted, closed or destroyed, or upon the location or character of the road or bridge to replace the same, or upon any other terms as to the replacing of the same, the matter shall be referred to the Roads Engineer of the county affected, for the time being, and the Director of Public Works of Baltimore City, for the time being, who shall have plenary power to consider and decide all questions in connection with such diversion, alteration, closure or destruction of such road or bridge, and to determine where, how and in what manner, and within what time, the same shall be replaced by said City.

No road or bridge shall be closed or altered in whole or in part under the provisions of this subheading until another shall have been constructed and opened to the public in lieu thereof as herein provided, and said Engineers shall have full power and authority to summon, require the

attendance of, all witnesses in connection with their inquiries under this section, and to require that their testimony shall be taken under oath, as required by law.

The decision of said Engineers in all matters between the City and any county affected which may devolve upon them under this section shall be final and conclusive unless impeached for fraud in appropriate proceedings instituted in the Circuit Court for the county affected, to set aside their findings on such ground.

Whenever said Engineers may require and determine that the Mayor and City Council of Baltimore shall construct a road to replace any road diverted, altered, closed or destroyed, or to be diverted, altered, closed or destroyed in the course of the work contemplated by this subheading, said City shall have power to agree with the owners of land, property or things to be taken or injuriously affected in the construction thereof, and, in default of agreement, to condemn the right of way under the provisions of this subheading, authorizing the condemnation of property, land or things for the purposes of this subheading, or may, at its election, make application to the Highways Commission or other proper authorities of the county affected, for the opening or alteration of such road, in which latter event the proceedings shall be those prescribed by law for the opening or alteration of roads in such county, except that no land owner shall be assessed for any part of the cost thereof, the whole of such cost to be borne by the Mayor and City Council of Baltimore.

In the event of disagreement between the said Engineers as to any matter devolved upon them by the terms of this section, they shall call in as a third arbiter, a nonresident Engineer, skilled in the construction or maintenance of highways and bridges, to be selected by the Governor of Maryland, on the application of either of said Engineers, in the event they are unable to agree on such third person, the decision of any two of the board thus selected to be binding on the parties, and to be final and conclusive, unless impeached for fraud as aforesaid.

All costs and expenses incurred in connection with any such arbitration proceedings shall be paid by the Mayor and City Council of Baltimore.

The powers and duties of the Director of Public Works of Baltimore City under this section may, at any time, with the consent of the Mayor of Baltimore, be delegated by him to one of his assistant engineers, or such powers may be exercised and duties performed by some third party to be named by the municipal agency charged with the duty of carrying the work under this subheading into execution.

The powers conferred and the duties imposed by this section upon the Roads Engineer of any county affected by the provisions of this section may at any time, with the consent of the County Commissioners of such county, be delegated by him to one of his assistant engineers, or, if there be no Roads Engineer of said county, it shall be the duty of the County Commissioners of said county to appoint some person, preferably an engineer resident in said county, to exercise such powers and to perform such duties.

*(P.L.L., 1969, §25-44.) (1955, ch. 203.)*

#### **§ 25-45. Damage to roads and bridges — State roads and bridges.**

Whenever any State road or bridge under the jurisdiction of the State Highway Administration shall be destroyed or rendered impassable, in whole or in part, by the Mayor and City Council of Baltimore, in connection with the work herein contemplated, it shall be the duty of Baltimore City to

replace the road or bridge, as nearly as possible, at the City's expense, with a suitable and convenient road or bridge in lieu thereof; provided that the Mayor and City Council of Baltimore shall not have the power, anything in this subheading or in any other Act to the contrary notwithstanding, to condemn any such State road or bridge under the jurisdiction of the State Highway Administration, but shall have the right to divert, alter, close or destroy any State road or bridge under the jurisdiction of the State Highway Administration when necessary in the course of such work, only by agreement with the State Highway Administration, on such terms as replacing the road or bridge for the convenience of the public as may be required by the State Highway Administration.

In the event that Baltimore City and the State Highway Administration may not be able to agree upon the terms under which the State road or bridge is to be altered, diverted, closed or destroyed, or upon the location or character of the State road or bridge to replace the same, or upon any other terms concerning the replacement of the road or bridge, the matter shall be referred to the Chief Engineer of the State Highway Administration and the Director of Public Works of Baltimore City, for the time being, who shall have complete power in every respect to consider and decide all questions in connection with such diversion, alteration, closure or destruction of such State road or bridge, and to determine where, how and in what manner, and within what time, the road or bridge shall be replaced by Baltimore City.

No State road or bridge shall be closed or altered in whole or in part under the provisions of this subheading until another is constructed and opened to the public in lieu thereof as herein provided, and these Engineers shall have full power and authority to summon, and require the attendance of, all witnesses in connection with their inquiries under this section, and to require that their testimony shall be taken under oath, as required by law.

The decision of these Engineers in all matters between Baltimore City and the State Highway Administration which may pass by transfer or succession upon them under this section shall be final and conclusive unless impeached for fraud in appropriate proceedings instituted in the Circuit Court for Baltimore City, to set aside their findings on such ground.

Whenever these Engineers may require and determine that the Mayor and City Council of Baltimore shall construct a road to replace any State road diverted, altered, closed or destroyed, or to be diverted, altered, closed or destroyed in the course of the work contemplated by this subheading, Baltimore City shall have the power to agree with the owners of land, property or things to be taken or injuriously affected in the construction thereof, and, in default of agreement, to condemn the right of way under the provisions of this subheading, authorizing the condemnation of property, land or things for the purposes of this subheading, or may, at its election, make application to the State Highway Administration for the opening or alteration of such State road, in which latter event the proceedings shall be those prescribed by law for the opening or alteration of State roads, except that no land owner shall be assessed for any part of the cost thereof, the whole of such cost to be paid by the Mayor and City Council of Baltimore.

In the event of disagreement between the said Engineers as to any matter handed down to them by the terms of this section, they shall call in as a third arbiter, an engineer skilled in the construction or maintenance of highways and bridges, to be selected by the Governor of Maryland, on the application of either of these Engineers, in the event that they are unable to agree on such third person, the decision of any two of the board thus selected to be binding on the parties, and to be final and conclusive, unless impeached for fraud as aforesaid.

All costs and expenses incurred in connection with any such arbitration proceedings shall be paid by the Mayor and City Council of Baltimore.

The powers and duties of the Director of Public Works of Baltimore City under this section may, at any time, with the consent of the Mayor of Baltimore, be delegated by the Director to one of the Director's assistant engineers, or such powers may be exercised and duties performed by some third party to be named by the municipal agency charged with the duty of carrying the work under this subheading into execution.

The powers conferred and the duties imposed by this section upon the Chief Engineer of the State Highway Administration may at any time, with the consent of the State Highway Administration, be delegated by the Chief Engineer to any assistant engineer.

*(P.L.L., 1969, §25-45.)1(955, ch. 203; 1986, ch. 345.)*

**§ 25-46. Damage to roads and bridges — inspections.**

As soon as the Mayor and City Council of Baltimore shall be ready to begin work under this subheading, the Road Engineers of any county affected, and the Director of Public Works of Baltimore City, shall together make a careful inspection of all public roads, and portions of public roads, and of all bridges of such county, certain or likely, in the opinion of said Roads Engineer, to be used by the Mayor and City Council of Baltimore, or its agents, or contractors, for teaming or hauling, in connection with said work, and shall thereupon draw up a memorandum, in writing, one duplicate whereof shall be filed and kept in the office of the County Commissioners of such county, and the other duplicate whereof shall be filed and kept in the office of the Comptroller of Baltimore City, certifying to the precise condition, at that time, in point of repair in their opinion, of all such roads, and portions of roads, and of all such bridges, and thereafter, at regular intervals of six months, there shall be a similar inspection by said officers of all such roads, and portions of roads, and of all such bridges, and immediately after such inspection, said engineers shall, in like manner, draw up a similar memorandum, in writing, duplicates whereof shall be filed and kept in like manner as aforesaid, certifying in precise terms to the physical and pecuniary extent, to which, in their opinion, such roads and portions of roads, and such bridges shall have been injured by reason of the extra wear and tear imposed upon them since the next preceding inspection, by such teaming or hauling, and, in said memorandum, the pecuniary extent of said injury shall be computed and set forth in dollars and cents, and, as soon as said memorandum shall be signed by said engineers, and filed in duplicate as aforesaid, the amount of the pecuniary injury, so certified, shall at once become due and payable by the Mayor and City Council of Baltimore out of any funds which may be available to said City for said purpose to the treasurer of the county affected, as a fund for the repair of such injury.

In the event of disagreement between said engineers as to any matter devolved upon them by the terms of this section of this subheading, all the provisions of Section 25-45 of this subheading, relative to disagreement between said officers as to the diversion, alteration, closure or destruction of highways or bridges, shall likewise be applicable to said disagreement under this section.

Said engineers shall have plenary power to consider and decide all questions arising in the discharge of their duties under this section, and shall have the same power to summon and require the attendance of witnesses, in connection with their inquiries under this section, and to have them sworn, as is provided for in Section 25-45 of this subheading.

In the event of any arbitration proceedings under this section, all costs and expenses incurred in connection therewith shall be paid by the Mayor and City Council of Baltimore.

The powers and duties of the Director of Public Works of Baltimore City under this section may, at any time, with the consent of the Mayor of Baltimore, be delegated by him to one of his assistant engineers, or such powers may be exercised and duties performed by some third party to be named by the municipal agency charged with the duty of carrying the work under this subheading into execution.

The powers conferred and the duties imposed by this section upon the Roads Engineer of any county affected by the provisions of this section may at any time, with the consent of the County Commissioners of such county, be delegated by him to one of his assistant engineers, or, if there be no Roads Engineer of said county, it shall be the duty of the County Commissioners of said county to appoint some person, preferably an engineer resident in said county, to exercise such powers and to perform such duties.

*(P.L.L., 1969, §25-46.) (1955, ch. 203.)*

**§ 25-47. Map of road changes.**

At least thirty days prior to the beginning of construction work in any county affected by the provisions of this subheading, the Mayor and City Council of Baltimore shall file in the office of the county Commissioners of such county one or more maps showing the existing public roads and highways traversing the property acquired or to be acquired under this subheading, which are to be closed, altered, diverted or relocated, in whole or in part, or the grades thereof changed; and also to show all roads or pads of roads which the Mayor and City Council of Baltimore proposes to construct in substitution for, or to take the place of, any such roads so closed, obstructed, altered or changed.

*(P.L.L., 1969, §25-47.) (1955, ch. 203.)*

**§ 25-48. City’s powers.**

The Mayor and City Council of Baltimore is hereby authorized and empowered to pass any and all ordinances not inconsistent with the terms of this subheading, that it may deem advisable for the purpose of fully effectuating the objects of this subheading. The Mayor and City Council of Baltimore is hereby authorized to use any funds appropriated for extending, enlarging, developing and improving the municipal water supply or the water system of Baltimore City to exercise the powers granted by this subheading.

*(P.L.L., 1969, §25-48.) (1955, ch. 203.)*

**§ 25-49. Harford County restrictions.**

The powers vested in the Mayor and City Council of Baltimore by this subheading when exercised in Harford County shall be limited and defined as follows:

- (1) Upon the completion of a line or lines conveying water from the Susquehanna River to Baltimore under the provisions of the subheading, the City of Baltimore shall make available to the municipalities (including sanitary districts) of Harford County a maximum total of ten million (10,000,000) gallons daily at at least four convenient tapping points in Harford

County, the cost of the construction of lines, pumping stations, and pipe connections to and with Baltimore City's line or lines shall be borne by the municipality in Harford County and the cost of the water to said Harford County municipalities shall be fixed by mutual agreement.

In the event of a disagreement in the selection of tapping points or in fixing the rates to be charged for the water furnished to said municipalities, the question shall be referred to the Public Service Commission of Maryland, or its successor, and the decision of said commission shall be binding upon both Baltimore City and the municipalities of Harford County.

In the event that the ten million (10,000,000) gallons daily guaranteed to the municipalities of Harford County do not supply their full needs and Baltimore City is unable to increase this allotment without substantially improving its own water supply system, the division of said allotment among said municipalities shall be made by the Public Service Commission of Maryland or its successor.

- (2) No permanent dams of streams, creeks, or watercourses shall be constructed in Harford County nor shall the courses of streams, creeks, or watercourses be permanently and substantially altered except as hereinafter provided.
- (3) For the purposes of regularizing the taking of water from the Susquehanna River, the Mayor and City Council of Baltimore is hereby authorized to construct, maintain and operate a dam or reservoir on Bucks Branch or Elbow Branch, which are tributaries of Deer Creek.
- (4) The powers of condemnation granted under this subheading shall not be exercised to take any existing public graveyard in Harford County. The strip of land acquired for the construction of the line or lines from the pumping station shall not exceed sixty (60) feet in width, together with an additional twenty-five (25) feet on each side of said strip as a temporary easement during the period of construction.
- (5) Nothing herein shall be construed to impair or limit the right of any municipality in Harford County to take water from the Susquehanna River by independent means under proper legal authority.
- (6) That in the event it can be scientifically demonstrated that the taking of water from the pool by the City of Baltimore would substantially increase the salinity of the water at the Havre de Grace intake to the point where the water would be unpalatable, then the City would cease taking the water during that period.
- (7) That the Mayor and City Council of Baltimore and its representatives shall consult with the County Commissioners of Harford County, and the Harford County Planning and Zoning Commission, as to the route or routes to be followed by the water pipeline across Harford County, and the location of other appurtenant facilities in Harford County in connection with the water supply system.

- (8) The route of the line or lines to be constructed shall follow generally those described as route No. 1 and No. 2 in a report to the City of Baltimore on future sources of water supply and appurtenant problems by the Board of Advisory Engineers on future water supply dated December 15, 1953.

*(P.L.L., 1969, §25-49.) (1955, ch. 203.)*

**SUBTITLE 26**  
**BUSINESS DISPLACEMENT BENEFITS**

*Repealed by Ch. 578, Acts of 1982*

**SUBTITLE 27**  
**ENTERPRISE DEVELOPMENT PROGRAM**

**§ 27-1. Definitions.**

(a) *In general.*

In this subtitle the following words have the meanings indicated.

(b) *Board of Estimates.*

“Board of Estimates” means the Board of Estimates of the City of Baltimore.

(c) *City.*

“City” means Mayor and City Council of Baltimore.

(d) *Economic Development Agency.*

“Economic Development Agency” means an agency, commission or other entity, public or private, so designated for purposes of this subtitle by the Board of Estimates.

(e) *Enterprise.*

“Enterprise” means any individual, partnership, corporation, joint venture or other entity carrying on business, or proposing to carry on business within the limits of Baltimore City.

(f) *Equity.*

“Equity” means equity as determined in accordance with generally accepted accounting principles.

(g) *Fund.*

“Fund” means the Enterprise Development Fund established for purposes of this subtitle by the City.

(h) *Program.*

“Program” means the Enterprise Development Program established for purposes of this subtitle by the City.

(i) *Working capital.*

“Working capital” means working capital as determined in accordance with generally accepted accounting principles.

(1984, ch. 745.)

**§ 27-2. Findings of fact; legislative purpose.***(a) Findings of General Assembly.*

The General Assembly finds that there is a critical need in the City for venture capital to assist in the establishment and growth of enterprises in order to promote the expansion, stability, and diversification of the City's industrial and commercial base and the expansion of employment opportunities in the City.

*(b) Purpose of subtitle.*

The purpose of this subtitle is to establish a program through which the City may commit limited amounts of public funds for the establishment and growth of enterprises through equity investment, loans and loan guaranties to enterprises meeting the criteria established in this subtitle in order to create a business environment in the City which will attract venture capital from private sources. It is the intention and the purpose of the General Assembly to create an enterprise development program that will promote a partnership between the public and private sectors for the essential public purpose of creating new and better employment opportunities and enhancing the long-term economic well-being and general welfare of the residents of the City.

*(c) City discretion.*

It is the intention of the General Assembly that the City shall have complete and absolute discretion to determine the enterprises that will receive the benefit of the financial assistance contemplated and authorized by this subtitle.

*(d) Subtitle to be broadly construed.*

This subtitle shall be broadly construed to effect its purposes.

*(1984, ch. 745.)*

**§ 27-3. Discrimination prohibited.**

The financing, development, operation and administration of any enterprise financially assisted pursuant to this subtitle are subject to the provisions of Article 49B of the Annotated Code of Maryland that concern discrimination and unlawful practices.

*(1984, ch. 745.)*

**§ 27-4. Implementation of subtitle.**

Any finding or determination by or on behalf of the City as to the implementation of this subtitle is conclusive.

*(1984, ch. 745.)*

**§ 27-5. Enterprise Development Fund.**

(a) *City may establish.*

In order to accomplish the legislative purposes of this subtitle, the City may implement the Program and establish the Fund.

(b) *Board of Estimates to manage.*

The Program shall be administered and the Fund shall be held, managed, supervised, and accounted for by or at the direction of the Board of Estimates.

(c) *Delegation by Board.*

The Board of Estimates in its sole and absolute discretion may:

- (1) delegate to an economic development agency the full responsibility and discretion to administer the Program and to hold, manage, supervise and account for the Fund on behalf of the City; or
- (2) create a local authority to administer the Program and to hold, manage, supervise and account for the Fund on behalf of the City and grant it such powers and duties as the Board of Estimates deems necessary or convenient consistent with the conditions, limitations and purposes of this subtitle.

(d) *Components of Fund.*

The funds shall be a continuing, non-lapsing, revolving Fund that consists of:

- (1) moneys appropriated by the City;
- (2) any dividends, profits, royalties or other earnings received as a result of any equity investment made pursuant to this subtitle;
- (3) any repayment of principal of and interest on a loan made pursuant to this subtitle;
- (4) premiums and fees received from loans made or guaranteed pursuant to this subtitle;
- (5) proceeds from the sale, lease, rental or other disposal of property, goods or other collateral held or acquired by the City to secure the repayment of a loan made or guaranteed pursuant to this subtitle;
- (6) moneys from any source to effect the purposes of this subtitle, including, without limitation, any federal or private grant; and
- (7) investment earnings on the Fund.

(e) *Investments.*

- (1) The Fund shall be segregated from other funds of the City.
- (2) The Fund shall be invested and reinvested in the same manner as other funds of the City. Any investment earnings on the Fund (including, without limitation, dividends, profits, royalties or other earnings received as a result of equity investments made by the Fund, interest on loans made from the Fund and premiums and fees received from loans guaranteed by the Fund) to the extent not expended or obligated within any fiscal year pursuant to this subtitle shall be paid into the general fund of the City.

(f) *Uses of Fund.*

The City shall use the Fund exclusively:

- (1) to pay all expenses incurred pursuant to this subtitle, including expenses for administrative, legal, actuarial and other services;
- (2) to make equity investments or loans pursuant to Section 27-6;
- (3) to make any payment required in connection with a loan guaranteed pursuant to Section 27-7; and
- (4) to make any payment on behalf of an enterprise to any third party pursuant to Section 27-7(c) for the extension of credit or for a loan guaranty by that third party.

(g) *Obligations of Fund.*

Any obligation incurred by the City pursuant to this subtitle shall be a limited obligation of the City payable exclusively from moneys on deposit in the Fund. In no event shall the City be held liable for any debts or obligations of an enterprise financially assisted pursuant to this subtitle.

(h) *Limit on unobligated balance.*

The unobligated balance in the Fund as of the beginning of any fiscal year may not exceed \$3,000,000.

(1984, ch. 745.)

**§ 27-6. Equity investments and loans.**

(a) *Enterprise investments or loans authorized.*

To implement the Program, the City may make an equity investment in or a loan to an enterprise, provided that the City in its sole and absolute discretion determines that such equity investment or loan will:

- (1) provide working capital to the enterprise or be used by the enterprise to purchase machinery or equipment; and

- (2) assist in the establishment or growth of an enterprise and likely result in the establishment or expansion of manufacturing, office, research or related activities in the City.

(b) *Conditions.*

Any equity investment or loan made pursuant to paragraph (a):

- (1) shall be made only to and for the benefit of an enterprise; and
- (2) shall be upon the terms and conditions as the City in its sole and absolute discretion may prescribe, provided that:
  - (i) if a loan is made from the proceeds of a bond issue, the loan may not bear interest at a rate that would cause the bonds to be “arbitrage bonds” within the meaning of Section 103(c) of the Internal Revenue Code of 1954, as amended, or any successor provision; and
  - (ii) a loan shall mature at a date no later than 10 years following the date on which the first funds are advanced to the enterprise.

(c) *Fees.*

The City may establish fees in an amount calculated to cover the administrative expense of making the equity investment or the loan.

(d) *Discretion to combine loans, investments, guarantees, etc.*

The City may make an equity investment in or a loan to an enterprise pursuant to this section or may guarantee a loan made by a private lender to an enterprise or procure a third party to guarantee a loan to an enterprise pursuant to Section 27-7 in any combination which the City, in its sole and absolute discretion, deems appropriate.

(1984, ch. 745; 1986, ch. 595; 1990, ch. 6; 1995, ch. 3.)

**§ 27-7. Loan guarantees.**

(a) *Enterprise loan guarantees authorized.*

To implement the Program, the City may guarantee a loan made by a private lender to an enterprise, provided that the City in its sole and absolute discretion determines that the loan to be guaranteed will:

- (1) provide working capital to the enterprise or be used by the enterprise to purchase machinery or equipment; and
- (2) assist in the establishment or growth of an enterprise and likely result in the establishment or expansion of manufacturing, office, research or related activities in the City.

(b) *Conditions; fees.*

The City in its sole and absolute discretion may prescribe the terms upon which a loan is to be guaranteed and may establish premiums and fees in an amount calculated to cover the administrative expense of guaranteeing the loan and the risk of loss arising from a loan default, provided that the loan that is to be guaranteed shall be made to and for the benefit of an enterprise.

(c) *Procuring third-party guarantee.*

In lieu of directly guaranteeing a loan, the City in its sole and absolute discretion may procure a third party to guarantee a loan to an enterprise and may pay the fees therefor on behalf of the enterprise, provided that the conditions and limitations set forth in paragraphs (a) and (b) of this section are fully satisfied.

(d) *City to set Fund reserves.*

The City shall determine in accordance with sound financial principles the reserves that shall be maintained in the Fund to ensure full and prompt payment when due of any amounts payable as a result of any default on a loan guaranteed pursuant to this section, and for purposes of paragraph (2) of Section 27-5(e) such reserves shall be deemed obligated in the fiscal year in which the loan to which such reserves apply is guaranteed.

(e) *Discretion to combine guarantees, loans, investments, etc.*

The City may guarantee a loan made by a private lender to an enterprise or procure a third party to guarantee a loan to an enterprise pursuant to this section or may make an equity investment in or a loan to an enterprise pursuant to Section 27-6 in any combination which the City, in its sole and absolute discretion, deems appropriate.

(1984, ch. 745.)

**§ 27-8. Termination of Program.**

(a) *City may terminate.*

The City, in its sole and absolute discretion, may terminate the Program and cease to make equity investments and loans and to guarantee loans pursuant to this subtitle.

(b) *Liquidation of investments.*

Prior to the termination of the Program, all outstanding equity investments shall be liquidated on terms most favorable to the City and the net proceeds thereof shall be deposited in the Fund.

(c) *Post-termination activities.*

Following termination of the Program, the City shall continue:

- (1) to service from the Fund all outstanding loans and loan guaranties made by the City pursuant to this subtitle prior to the termination of the Program in accordance with their respective terms;
- (2) to deposit in the Fund all repayments of principal of an *{and}* interest on all outstanding loans made by the City pursuant to this subtitle prior to the termination of the Program and any proceeds from the sale, lease, rental or other disposal of property, goods or other collateral held or acquired by the City to secure the repayment of a loan made or guaranteed by the City pursuant to this subtitle prior to the termination of the Program;
- (3) to pay from the Fund, as and when due, any obligations entered into by the City with respect to any loan guaranty made by the City pursuant to this subtitle prior to the termination of the Program; and
- (4) to pay from the Fund all expenses incurred by the City in administering the Fund.

(d) *Fund excess to general fund.*

At such time as all loans made, and all obligations entered into, by the City pursuant to this subtitle prior to the termination of the Program have been paid, satisfied or otherwise terminated, all moneys remaining in the Fund shall be paid over to the general fund of the City.

(1984, ch. 745.)