

ARTICLE 14
SPECIAL BENEFITS DISTRICTS
(Current through December 31, 2006)

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TABLE OF SUBTITLES

- Subtitle 1. Downtown Management District**
- Subtitles 2 to 5. *{Reserved}***
- Subtitle 6. Charles Village Community Benefits District**
- Subtitle 7. Midtown Community Benefits District**
- Subtitles 8 to 10. *{Reserved}***
- Subtitle 11. Retail Business Districts**
- Subtitles 12 to 15. *{Reserved}***
- Subtitle 16. Public Safety Conservation Areas**

TABLE OF SECTIONS

**SUBTITLE 1
DOWNTOWN MANAGEMENT DISTRICT**

- § 1-1. Definitions.
- § 1-2. Findings.
- § 1-3. District created; boundaries.
- § 1-4. Authority created.
- § 1-5. Powers of Authority.
- § 1-6. Limitations on Authority.
- § 1-7. Board of Directors.
- § 1-8. Fiscal affairs.
- § 1-9. Annual Financial Plan.
- § 1-10. Supplemental Tax.
- § 1-11. Other charges.
- § 1-12. Baseline City services.
- § 1-13. Partnerships.
- § 1-14. Vacancy factor.
- § 1-15. Collection and disbursement.
- § 1-16. Long-term debt.
- § 1-17. Administrator.
- § 1-18. Oversight by Board of Estimates.
- § 1-19. Election approval process.
- § 1-20. Renewal and expiration.
- § 1-21. Minority involvement.

**SUBTITLES 2 TO 5
{RESERVED}**

**SUBTITLE 6
CHARLES VILLAGE
COMMUNITY BENEFITS DISTRICT**

- § 6-1. Declarations.
- § 6-2. District created; boundaries.
- § 6-3. Authority created.
- § 6-4. Powers of Authority.
- § 6-5. Limitations on Authority.
- § 6-6. Board of Directors.
- § 6-7. Annual Financial Plan.
- § 6-8. Supplemental Tax.
- § 6-9. Other charges.
- § 6-10. Baseline City services.
- § 6-11. Partnerships.
- § 6-12. Collection and disbursement.
- § 6-13. Administrator.
- § 6-14. Oversight by Board of Estimates.
- § 6-15. Election approval process.
- § 6-16. 4-year reviews.
- § 6-17. Dissolution of District.

**SUBTITLE 7
MIDTOWN COMMUNITY BENEFITS DISTRICT**

- § 7-1. Declarations.
- § 7-2. District created; boundaries.
- § 7-3. Authority created.

- § 7-4. Powers and functions of Authority.
- § 7-5. Limitations on Authority.
- § 7-6. Board of Directors.
- § 7-7. Annual Financial Plan.
- § 7-8. Supplemental Tax.
- § 7-9. Other charges.
- § 7-10. Baseline City services.
- § 7-11. Partnerships.
- § 7-12. Collection and disbursement.
- § 7-13. Administrator.
- § 7-14. Oversight by Board of Estimates.
- § 7-15. Election approval process.
- § 7-16. 4-year reviews.
- § 7-17. Dissolution of District.

**SUBTITLES 8 TO 10
{RESERVED}**

**SUBTITLE 11
RETAIL BUSINESS DISTRICTS**

Part 1. General Provisions

- § 11-1. Definitions.
- § 11-2. Legislative intent .
- § 11-3. Establishment of Districts.
- § 11-4. Modifications.
- § 11-5. District license.
- § 11-6. Establishment of fee.
- § 11-7. Collection of fee.
- § 11-8. Transfers and renewals.
- § 11-9. Business Associations.
- § 11-10. Special fund accounts.
- § 11-11. Penalty for nonpayment.
- § 11-12. Appeals Board.
- § 11-13. Appeals procedure.
- § 11-14. Rules and regulations.
- § 11-15. Compliance with other laws.
- §§ 11-16 to 11-20. {Reserved}

Part 2. Designated Districts

- § 11-21. Oldtown Mall.
- § 11-22. Market Center.
- § 11-23. York Road.
- § 11-24. Pimlico.
- § 11-25. Monument Street.
- § 11-26. Highlandtown.
- § 11-27. Hamilton.
- § 11-28. Federal Hill Market Place.
- § 11-29. Pennsylvania Avenue/Lafayette Market.
- § 11-30. Mount Washington.

**SUBTITLES 12 TO 15
{RESERVED}**

SPECIAL BENEFITS DISTRICTS

SUBTITLE 16
PUBLIC SAFETY CONSERVATION AREAS

- § 16-1. Definitions.
- § 16-2. Program established.
- § 16-3. Advisory Board.
- § 16-4. Rules and regulations.
- § 16-5. Applications for participation.
- § 16-6. Referral to police district.
- § 16-7. Action by Board.
- § 16-8. Operation of Program.

SUBTITLE 1
DOWNTOWN MANAGEMENT DISTRICT

§ 1-1. Definitions.

(a) *In general.*

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

(b) *Administrator.*

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

(c) *Authority.*

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

(d) *Board.*

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

(e) *CBD.*

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

(f) *District.*

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

(g) *Enabling Legislation.*

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

(h) *Partnership.*

“Partnership” means the Downtown Partnership of Baltimore, Inc.
(Ord. 92-057.)

§ 1-2. Findings.

(a) *In general.*

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

(b) *Importance of Downtown.*

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

(c) *Problems facing CBD.*

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

(d) *Concept of Special Benefit District.*

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

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

(e) *Considerations.*

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

(Ord. 92-057.)

§ 1-3. District created; boundaries.

(a) *In general.*

Pursuant to the Enabling Legislation, and within boundaries that are authorized by such laws, there is hereby created a district to be known as the “Downtown Management District”, within the boundaries set forth on Exhibit A and Exhibit A-1 to this subtitle (which are part hereof).

(b) *Expansions.*

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

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

§ 1-4. Authority created.

(a) *In general.*

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

(b) *Status.*

The Authority:

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

(c) *Interpretation of powers.*

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

(Ord. 92-057.)

§ 1-5. Powers of Authority.

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

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

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

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

§ 1-6. Limitations on Authority.

The Authority shall be subject to the following limitations:

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

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

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

(b) *Interim Board.*

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

(c) *Term.*

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

(d) *Number and appointment.*

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

(e) *Minimum representation.*

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

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

provided that each such member of the Board shall also be or represent an owner of property subject to the tax imposed by this subtitle.

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

(f) *Exercise of Authority powers.*

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

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

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

(h) *Officers.*

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

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

§ 1-8. Fiscal affairs.

The fiscal affairs of the Authority shall be conducted in accordance with the following provisions.

(Ord. 92-057.)

§ 1-9. Annual Financial Plan.*(a) Board to adopt.*

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

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

(b) Public hearing.

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

(c) Board of Estimates approval required.

- (1) The Financial Plan shall be subject to the approval of the Board of Estimates in accordance with the procedures set forth in this subtitle.
- (2) The Authority may not approve a Financial Plan that includes taxes or charges in excess of those approved by the Board of Estimates.

(d) Initial budget.

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

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

§ 1-10. Supplemental Tax.*(a) In general.*

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

(b) *Assessment, collection, enforcement.*

- (1) The Supplemental Tax shall be assessed and collected in conjunction with the property taxes assessed and collected by the City (the "Regular Tax"), unless otherwise established by the Board and approved by the Board of Estimates.
- (2) Enforcement of the Supplemental Tax shall be in accordance with the enforcement of the Regular Tax, and all provisions applicable to the assessment, collection, enforcement, and refunding of the Regular Tax shall apply to the Supplemental Tax unless modified herein.

(c) *Limitations.*

The Supplemental Tax shall be further subject to the following limitations.

- (1) The rate of the Supplemental Tax for the Initial Fiscal Year shall be that amount (the "Initial Base Rate") required to generate \$1,700,000 in revenues for a full budget year from properties subject to the Supplemental Tax (the "Initial Base Budget").
- (2) For any year after the Initial Fiscal Year, the rate of the Supplemental Tax may be increased to generate revenues equal to the "Adjusted Base Budget", which is the Initial Base Budget plus a cumulative annual increase in the Initial Base Budget equal to 5% of the Initial Base Budget for each year after the Initial Fiscal Year, but shall be subject to the further limitations set forth below:
 - (i) Any increase in the rate of the Supplemental Tax must be approved by a majority of the Board members that are property owner representatives for purposes of § 1-7(e)(6).
 - (ii) The rate of the Supplemental Tax shall not at any time exceed the then current equivalent of a limitation on March 1992 of 30¢ per \$100 of assessed value. This limitation shall be adjusted for any increases in the cost-of-living, using standards approved by the Board, up to a maximum cost-of-living adjustment of 5% from the prior year. This clause (ii) limitation shall not apply to any portion of the Supplemental Tax imposed to retire obligations ("Approved Debt Service") incurred with the approval of the Board of Estimates under §§ 1-5(6), 1-6(10), and 1-16 of this subtitle.

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

§ 1-11. Other charges.(a) *Property subject to Supplemental Tax.*

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

(b) *Others.*

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

(Ord. 92-057.)

§ 1-12. Baseline City services.

(a) *Agreement to maintain.*

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

(b) *Scope of agreement.*

(1) Such a memorandum shall:

- (i) describe the existing levels of service within the District;
- (ii) commit the City to the maintenance of such levels of service; and
- (iii) outline the further undertakings of the City in response to the initiative represented by the creation of the District (the “Baseline Plus”).

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

(c) *Governing principles.*

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

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

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

§ 1-13. Partnerships.(a) *Authority encouraged to create.*

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

(b) *Specific powers.*

In furtherance of that objective, the Authority may:

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

(*Ord. 92-057; Ord. 04-672.*)

§ 1-14. Vacancy factor.

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

(*Ord. 92-057.*)

§ 1-15. Collection and disbursement.(a) *In general.*

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

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

Amounts collected by the City on behalf of the Authority:

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

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

(3) shall be disbursed promptly upon collection.

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

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

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

(1) The Department of Finance of the City is authorized to collect the Supplemental Tax and such other charges as are approved by the Board of Estimates.

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

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

(e) *Penalties and interest.*

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

(f) *Lien on property.*

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

(2) The lien:

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

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

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

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

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

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

(b) *Maximum amount.*

- (1) The aggregate amount of Long-Term Debt outstanding at any one time may not exceed \$2,000,000.
- (2) No Financing Plan may be submitted and no Long-Term Debt may be approved if the current and projected payments for the sum of (i) debt service on the Long-Term Debt and (ii) any other debt having a maturity in excess of 1 year, in any year exceed 10% of the revenues of the Authority.

(c) *Required Financing Plan.*

- (1) No Long-Term Debt may be issued by the Authority until after a Financing Plan has been presented for review and approval by the Board, the Department of Finance of the City, and the Board of Estimates of the City.
- (2) Each Financing Plan shall provide information on:
 - (i) the use of the proceeds of the Long-Term Debt;
 - (ii) the anticipated term of the obligations;
 - (iii) the annual maximum debt service anticipated for the Long-Term Debt; and
 - (iv) the means by which the Long-Term Debt will be retired if a terminating event described in § 1-20 occurs.
- (3) In addition, the Plan shall consider the operation and maintenance costs of any improvements funded with the Long-Term Debt and the means by which those expenses will be paid.

(d) *Public hearing.*

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

(e) *Limitation on sales.*

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

(f) *Capital projects.*

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

(Ord. 96-093.)

§ 1-17. Administrator.

(a) *Initial Administrator.*

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

(b) *Powers of Administrator.*

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

- (1) The Administrator shall prepare the Financial Plan for review and approval by the Board of the Authority.
- (2) The Administrator shall implement the approved Financial Plan and arrange for the collection and disbursement of the Supplemental Tax and all other charges, fees, and revenues of the Authority.
- (3) The Administrator shall establish such procedures and processes as are necessary to perform the functions called for under the Financial Plan and the budget.
- (4) The Administrator is hereby charged with responsibility for the day-to-day operations of the Board and its employees and contractors.
- (5) The Administrator shall be empowered to exercise the powers granted to the Authority under this subtitle, provided that the Board of the Authority shall retain final discretion and power with regard to all substantive agreements, contracts, and other arrangements binding on the Authority.
- (6) The Administrator shall hire and retain such employees, agents, and contractors as are needed to perform its functions for the Authority, provided that all such hiring and contracting shall comply with §§ 1-5(10) and 1-6(3) of this subtitle.
- (7) The Administrator shall be deemed to be the direct agent of the Authority, such that any immunity afforded to the Authority and its officers, employees, and agents shall be afforded as well to the Administrator.
- (8) The Administrator shall have such further rights, powers, and authority as may be granted to it by the Board of the Authority.

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

(Ord. 92-057.)

§ 1-18. Oversight by Board of Estimates.

- (a) *In general.*

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

- (b) *Establishment of full Board.*

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

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

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

- (d) *Occupancy-based adjustments.*

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

- (e) *Bylaws.*

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

- (f) *Approval and renewal process.*

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

(Ord. 92-057.)

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

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

(b) Assessable Base and Ownership Roll.

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

(c) Notices.

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

(d) Protest period.

- (1) Upon enactment of this subtitle, there shall ensue a 30-day period within which the Board of Estimates is directed to accept notarized petitions of protest (the “Protest Period”).
- (2) Such petitions shall be on any form which, to the satisfaction of the Board of Estimates, specifies the location of the property, the name of the owner and such additional information as would enable the Director of Finance to certify the current assessment of such property.

(e) Percentage opposition.

- (1) If within the Protest Period, the Board of Estimates does not receive protests (the “Base Level Protests”), determined to be valid by the Board of Estimates, either
 - (i) representing property owners owning more than 40% of the Assessable Base, or
 - (ii) representing the same percentage of property owners from the Ownership Roll,the Authority shall, at the conclusion of the Protest Period, be certified as approved for operations.

- (2) In the event of a dispute as to ownership or representation, the Board shall disregard the protest unless satisfied as to the person properly authorized to act on behalf of the property owner.

(f) *Referendum.*

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

(Ord. 92-057.)

§ 1-20. Renewal and expiration.

(a) *In general.*

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

(b) *Renewal.*

- (1) It is the expectation of the Council that the District will be successful.
- (2) No sooner than 4 years and no later than 5 years from the passage of this subtitle, the Council shall hold 1 or more public hearings to evaluate the activities and undertakings of the Authority and the District. At the conclusion of the hearings, the Council shall utilize the procedures described in § 1-19 to determine whether the opposition in excess of the Base Level Protests exists to the continuation of the District.
- (3) If such opposition exists, the Board of Estimates shall conduct a referendum comparable to that described in § 1-20 to determine whether the District is to continue for another 5 years.
- (4) This process shall be repeated periodically to satisfy the requirements of the Enabling Legislation.

(c) *Expiration.*

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

(3) If a terminating event occurs, in addition, the Authority shall arrange for the refunding of all funds not needed to satisfy outstanding obligations and reserves for uncertain obligations and liabilities.

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

§ 1-21. Minority involvement.

(a) *In general.*

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

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

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

(Ord. 92-057.)

**EXHIBIT A
DISTRICT BOUNDARIES**

The Boundaries of the Downtown Management District are:

Beginning at the point of intersection of the center lines of Greene Street and Saratoga Street; then, east along the center line of Saratoga Street to a point of intersection with an alley located immediately west of Howard Street; then north along the center line of said alley to intersect with the center line of Franklin Street; then east along the center line of Franklin Street to intersect with the property line between Lot 4 and Lot 5 of Block 551; then north along that property line continuing across Hamilton Street to intersect with the center line of W. Centre Street; then east on Centre Street to intersect with the center line of I-83; then south and southeast on I-83 to intersect with the center line of the Fallsway; then south on the center line of the Fallsway to a point of intersection with the center line of Pratt Street; then west along the center line of Pratt Street to the center line of Light Street; then south on the center line of Light Street to intersect with the center line of Lee Street; then west on Lee Street to intersect with the center line of Charles Street; then north on Charles Street to intersect with the center line of Conway Street; then west along the center line of Conway Street to the center line of Sharp Street; then north on the center line of Sharp Street to intersect with the center line of Camden Street; then west along the center line of Camden Street to intersect with the center line of Greene Street; then north along the center line of Greene Street to the point of beginning.

**EXHIBIT A-1
ADJACENT AREA**

Adjacent Area A-1 is hereby defined as that area bounded generally by Franklin Street to the south, Eutaw Street to the west, Martin Luther King, Jr. Boulevard and Read Street to the north, and Park Avenue to the east. As of January 1, 1993, the Downtown Management District shall be automatically expanded to encompass and include adjacent Area A-1

EXHIBIT B
MEMBERS OF INITIAL INTERIM BOARD

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

SUBTITLES 2 TO 5
{RESERVED}

SUBTITLE 6
CHARLES VILLAGE COMMUNITY BENEFITS DISTRICT

§ 6-1. Declarations.

(a) *Findings.*

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

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

(b) *Pilot program.*

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

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

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

§ 6-2. District created; boundaries.

(a) *In general.*

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

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

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

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

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

(c) *Excluded properties.*

The following properties are excluded from the District:

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

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

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

§ 6-3. Authority created.

(a) *Authority created.*

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

(b) *Purpose.*

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

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

§ 6-4. Powers of Authority.

The Authority shall:

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

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

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

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

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

§ 6-5. Limitations on Authority.

The Authority may not:

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

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

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

(4) exercise the power of eminent domain;

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

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

(7) except as otherwise provided in § 47, revert charges or taxes collected pursuant to this subtitle to the Financial Plan of the City;

(8) be an agency of the Mayor and City of Baltimore or the State of Maryland[,/] and its officers and employees may not act as agents or employees of the Mayor and City of Baltimore or the State of Maryland;

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

(10) except as required or appropriate to facilitate its normal operations, incur debt. *(City Code, 1976/83, art. 1, §257.) (Ord. 94-414.)*

§ 6-6. Board of Directors.

(a) *In general.*

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

(b) *Interim Board.*

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

(2) The interim Board shall be responsible for:

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

(c) *Term.*

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

(d) *Number and appointment.*

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

(e) *Minimum representation.*

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

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

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

- (2) All bylaws shall be subject to the approval of the Board of Estimates.
- (3) The Board may establish its own procedures relating to the internal administration of the Authority, except as may be restricted by the Enabling Legislation or this subtitle.

(h) *Officers.*

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

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

§ 6-7. Annual Financial Plan.

(a) *Board to adopt.*

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

(b) *Public hearing.*

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

(c) *Board of Estimates approval required.*

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

(d) *Initial plan and budget.*

- (1) The first Financial Plan submitted can be for less than a full fiscal year.
- (2) The initial budget for the Authority shall include all of the fiscal year ending on June 30, 1995, and may include the costs of preparing the Financial Plan and implementing the Authority and the District, so long as such costs were incurred during that fiscal year.
- (3) If the Authority is not implemented as a result of the operation of § 6-15 of this subtitle, neither the Authority nor the District, nor the City, shall have any liability for costs incurred prior to the initiation of operations, whether or not incurred by the Administrator or on behalf of the District or the Authority.

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

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

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

(b) Assessment; collection; enforcement.

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

(c) Determination of tax.

The Supplemental Tax rate shall be determined as follows:

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

(d) *Exemption for public service companies.*

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

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

§ 6-9. Other charges.(a) *Property subject to Supplemental Tax.*

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

(b) *Others.*

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

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

§ 6-10. Baseline City services.(a) *Agreement to maintain.*

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

(b) *Scope of agreement.*

Such a memorandum shall:

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

(c) *Governing principles.*

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

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

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

§ 6-11. Partnerships.(a) *Authority encouraged to create.*

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

(b) *Specific powers.*

In furtherance of that objective, the Authority may:

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

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

§ 6-12. Collection and disbursement.(a) *In general.*

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

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

Amounts collected by the City on behalf of the Authority:

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

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

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

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

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

(e) *Penalties and interest.*

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

(f) *Lien on property.*

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

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

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

§ 6-13. Administrator.

(a) *Powers.*

The Administrator shall have the power to:

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

(b) *Limitations.*

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

(c) *Initial Administrator.*

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

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

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

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

(b) Establishment of full Board.

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

(c) Financial Plan; rates and charges.

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

(d) Bylaws.

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

(e) Approval and renewal process.

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

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

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

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

(b) Eligibility criteria.

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

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

(2) voters registered to vote within the District.

(c) *Election.*

(1) A ballot shall be provided to each eligible voter regarding approval of the establishment of the District and the Authority consistent with this subtitle.

(2) Each ballot, with a certified signature of the eligible voter, shall be returned to the Board of Estimates, c/o the Comptroller's Office, within 30 days of the date specified on the ballot.

(d) *Percentage approval.*

(1) At the end of the election period, the Board of Estimates shall determine the aggregate votes cast by the eligible voters.

(2) If the Board of Estimates determines that at least 58% of the aggregate votes cast approved the establishment of the Authority, the Board of Estimates shall certify the Authority as approved for operation.

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

§ 6-16. 4-year reviews.

(a) *Public hearings.*

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

(b) *Mayor and Council to decide.*

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

(c) *Process to be repeated.*

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

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

Editor's Note

By Resolution 98-011, Resolution 02-028, Ordinance 03-574, and Resolution 06-012, the Mayor and City Council has continued the Authority and District through June 30, 2010.

§ 6-17. Dissolution of District.

(a) *Dissolution on certain events.*

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

(b) *Limited continuation.*

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

(c) *Unspent funds.*

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

SUBTITLE 7
MIDTOWN COMMUNITY BENEFITS DISTRICT

§ 7-1. Declarations.

(a) *Findings.*

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

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

(b) *Recommendation.*

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

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

§ 7-2. District created; boundaries.

(a) *In general.*

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

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

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

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

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

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

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

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

(b) *Purpose.*

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

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

§ 7-4. Powers and functions of Authority.

The Authority shall:

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

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

§ 7-5. Limitations on Authority.

The Authority may not:

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

- (2) pledge the full faith or credit of the City;
- (3) impose taxes or charges in excess of those approved by the Board of Estimates;
- (4) exercise the power of eminent domain;
- (5) extend its life without the approval of the City Council;
- (6) except as otherwise provided by law, engage in competition with the private sector;
- (7) except as otherwise provided in § 7-17, revert charges or taxes collected pursuant to this subtitle to the General Fund of the City;
- (8) be an agency of the Mayor and City of Baltimore or the State of Maryland[,] and its officers and employees may not act as agents or employees of the Mayor and City of Baltimore or the State of Maryland;
- (9) employ individuals who reside outside the City of Baltimore; and
- (10) except as required or appropriate to facilitate its normal operations, incur debt.
(*City Code, 1976/83, art. 1, §270.*) (*Ord. 95-613.*)

§ 7-6. Board of Directors.

(a) In general.

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

(b) Interim Board.

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

(c) Term.

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

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

(d) *Number and appointment.*

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

(e) *Composition.*

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

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

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

(f) *Exercise of Authority powers.*

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

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

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

(h) *Officers.*

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

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

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

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

(b) *Public hearing.*

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

(c) *Board of Estimates approval required.*

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

(d) *Initial plan and budget.*

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

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

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

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

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

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

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

(b) *Assessment; collection; enforcement.*

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

(c) *Determination of tax.*

The Supplemental Tax rate shall be determined as follows:

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

(d) *Exemption for public service companies.*

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

authorized by the City, and the installation of which is regulated and supervised by the Director of Public Works or an authorized representative thereof.

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

§ 7-9. Other charges.

(a) *Property subject to Supplemental Tax.*

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

(b) *Others.*

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

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

§ 7-10. Baseline City services.

(a) *Agreement to maintain.*

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

(b) *Scope of agreement.*

Such a memorandum shall:

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

(c) *Governing principles.*

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

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

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

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

§ 7-11. Partnerships.

(a) *Authority encouraged to create.*

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

(b) *Specific powers.*

In furtherance of that objective, the Authority may:

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

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

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

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

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

§ 7-12. Collection and disbursement.

(a) *In general.*

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

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

Amounts collected by the City on behalf of the Authority:

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

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

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

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

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

(e) *Penalties and interest.*

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

(f) *Lien on property.*

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

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

§ 7-13. Administrator.*(a) Powers.*

The Administrator shall have the power to:

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

(b) Limitations.

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

(c) Initial Administrator.

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

§ 7-14. Oversight by Board of Estimates.*(a) In general.*

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

(b) *Establishment of full Board.*

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

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

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

(d) *Bylaws.*

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

(e) *Approval and renewal process.*

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

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

§ 7-15. Election approval process.(a) *List of eligible voters.*

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

(b) *Eligibility criteria.*

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

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

(c) *Election.*

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

(d) *Percentage approval.*

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

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

§ 7-16. 4-year reviews.

(a) *Public hearings.*

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

(b) *Mayor and Council to decide.*

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

(c) *Process to be repeated.*

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

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

§ 7-17. Dissolution of District.

(a) *Dissolution on certain events.*

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

(b) *Limited continuation.*

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

(c) *Unspent funds.*

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

Editor's Note

By Resolution 99-019, the Mayor and City Council continued the Authority and District through June 30, 2003. By Resolution 03-043, the Authority and District were further continued through June 30, 2004. By Resolution 04-052, the Authority and District were further continued through June 30, 2008.

SUBTITLES 8 TO 10
{RESERVED}

SUBTITLE 11
RETAIL BUSINESS DISTRICTS

PART 1. GENERAL PROVISIONS

§ 11-1. Definitions.

(a) *Business Association.*

“Business Association” means the incorporated organization of persons who operate retail, service, rental, or professional businesses within a particular Retail Business District which provides management and promotional services for the District.

(b) *Business establishment.*

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

(c) *Commissioner.*

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

(d) *Exempt establishment.*

“Exempt establishment” means any business establishment which is:

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

(e) *Licensable space.*

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

(f) *Person.*

“Person” shall include an individual, firm, corporation, partnership, or joint venture.

(g) *Retail Business District.*

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

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

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

(b) *Neighborhood districts serve invaluable function.*

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

(c) *Suburban centers threaten neighborhood districts.*

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

(d) *Commercial Revitalization Program begun.*

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

(e) *Management program needed.*

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

within the boundaries of a given Retail Business District to join in a promotional effort not economically feasible for many individual businesses without such a program. The City Council finds that this program serves a public purpose and enhances the general welfare of the citizens of Baltimore City.

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

§ 11-3. Establishment of Districts.

(a) *Ordinance required.*

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

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

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

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

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

§ 11-4. Modifications.

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

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

§ 11-5. District license.

(a) *In general.*

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

(b) *Public market merchants.*

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

(c) *Exempt establishments.*

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

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

§ 11-6. Establishment of fee.

(a) *To be based on licensable space.*

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

(b) *Manufacturing spaces.*

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

(i) the manufacture of products to be sold by the licensee at retail in the District, and

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

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

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

(c) *Rate.*

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

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

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

§ 11-7. Collection of fee.

(a) *When due.*

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

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

(b) *Commissioner to certify obligors.*

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

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

(c) *Director to collect fees.*

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

§ 11-8. Transfers and renewals.

Subject to all applicable provisions of other ordinances of Baltimore City, statutes of Maryland, and laws of the Federal Government, the Retail Business District License shall be transferable, upon written notice to the Director of Finance, and renewable from year to year during the continuous operation of the business by the Retail Business District licensee within the Retail Business District, and so long as such area continues to be designated as a Retail Business District.

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

§ 11-9. Business Associations.

(a) *Incorporation.*

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

(b) *Bylaws.*

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

(c) *General responsibilities.*

The Business Association shall be responsible for:

- (1) the conduct of a management program to provide promotional services for the District; and
- (2) the administration of the funds provided through the license fee procedure set forth in this subtitle.

(d) *Annual reports to Commissioner.*

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

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

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

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

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

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

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

(c) *Transfer of funds.*

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

(d) *Use of funds.*

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

(City Code, 1976/83, art. 15, §115.) (Ord. 82-838.)

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

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

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

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

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

(b) *Waivers.*

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

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

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

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

(b) *Composition.*

The members of the Appeals Board shall be:

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

(2) the Director of Finance or designee, and

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

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

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

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

(b) Powers of Board.

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

(c) Limitations.

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

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

§ 11-14. Rules and regulations.*(a) Authority of Commissioner.*

The Commissioner is hereby authorized and empowered to make, adopt, promulgate, and amend, from time to time, such rules and regulations as the Commissioner may deem necessary or proper:

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

(b) Filing with Legislative Reference.

A copy of said rules and regulations shall be filed with the Department of Legislative Reference.
(City Code, 1976/83, art. 15, §117.) (Ord. 82-838.)

§ 11-15. Compliance with other laws.

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

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

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

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

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

(b) Calculation of fee.

- (1) The fee for the Oldtown Mall Retail Business District License shall be based upon the total number of square feet of space:
 - (i) on the 1st floor occupied for business purposes by such business establishment, whether the premises are owned, leased, or otherwise held by such business establishment; or
 - (ii) if such business establishment does not occupy any 1st-floor space, on the floor containing the maximum number of square feet of space occupied for business purposes by such business establishment.

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

(c) *Voting.*

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

§ 11-22. Market Center.

(a) *District established.*

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

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

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

(b) *Calculation of fee.*

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

(c) *Voting.*

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

§ 11-23. York Road.

(a) *District established.*

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

Beginning for the same at the point formed by the intersecting center lines of York Road and 43rd Street, thence running westerly 400 feet, thence running northerly approximately 4600 feet to the center line of Markland Avenue, thence running westerly along said center line approximately 60 feet to the center line of the adjoining alley, thence running northwesterly along said center line approximately 370 feet to the center line of Lyman Avenue, thence running easterly along said center line approximately 260 feet to the point where said center line and the center line of the adjoining alley intersect, or at a point 400 feet west of the center line of York Road, thence running northerly approximately 4725 feet to the city-county line, thence running easterly along said line approximately 900 feet, or at a point 500 feet east of the center line of York Road, thence running southerly

approximately 225 feet to the center line of Walker Avenue, thence running westerly along said center line approximately 100 feet, or at a point 400 feet east of the center line of York Road, thence running southerly approximately 2250 feet to the center line of Northern Parkway, thence running easterly along said center line approximately 387 feet to the center line of Clearspring Road, thence running southerly along said center line approximately 250 feet to the center line of East Belvedere Avenue, thence running westerly along said center line approximately 387 feet, or at a point 400 feet east of the center line of York Road, thence running southerly approximately 5100 feet to the center line of East Coldspring Lane, thence running westerly approximately 100 feet, or at a point 300 feet east of the center line of York Road, thence running southerly approximately 1875 feet to the center line of 43rd Street, thence running westerly along said center line to the point of beginning.

(b) *Calculation of fee.*

(1) The fee for the York Road Retail Business District license shall be based upon:

- (i) for all business establishments other than movie theaters, the total number of square feet of the floor of the business establishment containing the maximum number of square feet of space occupied for business purposes in the premises, whether owned, leased or otherwise held by such business establishment; and
- (ii) for all movie theaters, 70% of the total number of square feet of 1st-floor space occupied by the theater in the premises owned, leased, or otherwise held by such movie theater.

(2) The York Road Retail Business District license fee shall be calculated as follows:

- (i) the first 1,500 square feet occupied for business purposes by each business establishment is to be rated at \$0.10 per square foot, with a minimum fee of \$150;
- (ii) the second 1,500 square feet is to be rated at \$0.08 per square foot;
- (iii) the third 1,500 square feet is to be rated at \$0.06 per square foot;
- (iv) the fourth 1,500 square feet is to be rated at \$0.04 per square foot; and
- (v) all remaining square feet occupied for business purposes is to be rated at \$0.02 per square foot.

(3) Notwithstanding the provisions of § 11-7(b) of this subtitle, it is further understood that the license fee due from business establishments shall be calculated by the Merchants' Association and certified to the Commissioner of Housing and Community Development on a yearly basis.

(c) *Voting.*

Voting on the annual budget shall be by majority of the licensees, as represented by 1 vote per licensed business establishment, and no vote shall carry except by a majority of votes cast.
(*City Code, 1976/83, art. 15, §121(c).*) (*Ord. 83-1129.*)

§ 11-24. Pimlico.*(a) District established.*

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

Beginning for the same at the point formed by the intersecting center lines of Park Heights Avenue and W. Garrison Avenue; thence running Southwesterly along said center line 161 feet ± to a point formed by extending the center line of the first 10 foot alley; thence running Northwesterly 150 feet ± intersecting the center line of the adjoining 15 foot alley; thence running Southwesterly 169 feet ± intersecting the center line of the adjoining 15 foot alley; thence running Northwesterly 300 feet ± to the center line of Spaulding Avenue; thence running Northeasterly along said center line 28 feet ± to a point 257 feet ± Southwesterly from the center line of Park Heights Avenue, also known as the extended Southwestern lot line of lots 21, 8/9, 22, 11, 12, 13 and 14, Ward 27, Section 21, block 4582; thence running Northwesterly along said lot line 369 feet ± to the center line of W. Belvedere Avenue; thence running Southwesterly along said center line 100 feet ± to a point 79 feet ± Northeasterly from the intersecting center line of Denmore Avenue, also known as the point formed by extending the lot line between lots 1 and 2, Ward 27, Section 21, block 4552; thence running Northwesterly along said lot line 275 feet ± adjoining the Northeasterly right-of-way line of the 10 foot alley extending said line to the center line of Paton Avenue at a point 145 feet ± Southwesterly from the center line of Park Heights Avenue; thence running Southwesterly 5 feet ± along said center line 235 feet ± Northeasterly from the intersecting center lines of Denmore Avenue and Paton Avenue, also known as the extended lot line between lots 1, 2, 3, 4, 5, 6, and 29, Ward 27, Section 21, block 4553; thence running Northwesterly 115 feet ± along said lot line to a point 149 ± feet Southwesterly from the center line of Park Heights Avenue approximately 200 feet ± Northeasterly from the intersecting center lines of Denmore Avenue and Paton Avenue, also known as the lot line between lots 6 and 7, Ward 27, Section 21, block 4553; thence running Southwesterly along said lot line 70 feet ± to the center line of the adjoining 15 foot alley; thence running Northwesterly 593 feet ± crossing Hayward Avenue to intersect the center line of the next adjoining 15 foot alley, as extended, at a point 140 feet ± Northeasterly from the center line of Denmore Avenue; thence running Westerly and Northwesterly along said center line 800 feet ± to intersect the southwestern lot line of Lot 16, Ward 27, Section 21, block 527; thence running Northwesterly 35 feet ± to intersect the northwestern lot line of said lot, also known as the lot line dividing lots 16, 16a and 17, Ward 27, Section 21, block 527; thence running Southwesterly 30 feet ± to intersect the center line of the adjoining 15 foot alley; thence running Southwesterly 145 feet ± to the center line of Denmore Avenue; thence running Northwesterly 390 feet ± to intersect the center line of West Rogers Avenue; thence running Southwesterly 140 feet ± to intersect the center line of the next 20 foot alley, as extended, at a point 175 feet ± Northeasterly from the center line of Magnolia Avenue; thence running Northwesterly 415 feet ± to intersect the center line of West Northern Parkway; thence running Northeasterly 486 feet ± to intersect the lot line dividing lots 5/8 and 9, Ward 27, Section 22, block 444-a, as extended; thence running Southeasterly along said lot line 179 feet ± to intersect the center line of the 16 foot alley; thence running Northeasterly 210 feet ± to intersect the center line of Clover Road; thence running Southeasterly 209 feet ± to intersect the center line of the next 15 foot alley, as extended, thence running Southeasterly 762 feet ± to intersect the center line of Clover Road at a point 120 feet ± Northeasterly from the center line of Park Heights Avenue; thence running Northeasterly 60 feet ± to intersect the northern lot line, as extended, of lot 16, Ward 27, Section 19, block 4536, also known as the lot line dividing said lot and lots 17, 18, 19, 20, 21, and 22, Ward 27, Section 19, block 4536; thence running Easterly 249 feet ± to intersect the center line of Hamlin Avenue; thence running Southeasterly 140 feet ± to intersect the center line of Court Street; thence running Southwesterly 120 feet ± to intersect the center line of the 10 foot unimproved alley; thence running Southeasterly 90 feet ± to intersect the center line of the closed 6 foot alley; thence running Northwesterly 115 feet ± to intersect the center line of Hamlin Avenue; thence running Southeasterly 350 feet ± intersect the center line of Hayward Avenue; thence running Southwesterly 100 feet ± to intersect the intersecting the center line of Park Heights Avenue; thence running Southeasterly along the center line of Park Heights Avenue 195 feet ± to a point formed by extending the Western lot line of lot 22, Ward 27, Section 19, block 4554, also known as the lot line dividing lots 23/26 and lot 22; thence running Northerly along said lot line 135 feet ± to a point 115 feet ± Southeasterly from the center line of Hayward Avenue, also known as the northern lot line of lot 22, Ward 27, Section 19, block 4554; thence running Southeasterly along said lot line 29 feet ± to the eastern lot line of said lot, also known as the lot line dividing lots 22 and 19/21, Ward 27, Section 19, block 4554; thence running Southerly along said lot line 135 feet ± to the center line of Park Heights Avenue; thence running Southeasterly to the center line of W. Belvedere Avenue; thence running Northeasterly 304 feet ± to a point 430 feet ± Northwesterly from the center line of Spaulding Avenue, also known as the extended lot line between lots 7, 8

and 9, Ward 27, Section 19, block 4584; thence running Southeasterly 130 feet \pm ; thence running Southeasterly 50 feet \pm to the western right-of-way line of the Municipal parking lot at a point 250 feet \pm Northwesterly from the intersecting center lines of Spaulding and Palmer Avenues; thence running Northeasterly along said right-of-way line 20 feet \pm to the Northern right-of-way line of said parking lot; thence running Southeasterly 240 feet \pm to the center line of Spaulding Avenue; thence running Southwesterly 140 feet \pm to a point where extending the center line of the 10 foot alley intersects the center lines of Spaulding and Palmer Avenues; thence running Southeasterly along said extended 10 foot alley center line 45 feet \pm ; thence running easterly along said center line 85 feet \pm to the eastern right-of-way line of said 10 foot alley, also known as the lot line dividing lots 19D and 20, Ward 27, Section 19, block 4585; thence running Southerly 5 feet \pm to a point approximately 280 feet Northerly from the point of beginning, also known as the Southwesterly lot line of Lots 20, 21, 22, 23 and 24, Ward 27, Section 19, block 4585; thence running Southeasterly along said line 40 feet \pm to a point 268 feet Northerly from the point of beginning, also known as the lot line dividing Lots 24 and 25, Ward 27, Section 19, block 4585; thence running Northeasterly along said line 48 feet \pm to the center line of Palmer Avenue; thence running Southeasterly 50 feet \pm to a point 383 feet \pm Northeasterly from the point of beginning also known as the extended lot line dividing Lots 25 and Lots 1, 2, 3, 4, 5, 6, 7, 8, Ward 27, Section 19, block 4585; thence running Southwesterly along said lot line 200 feet \pm to a point 185 feet \pm northerly from the point of beginning, also known as the lot line dividing lots 8, 9/10, Ward 27, Section 19, block 4585; thence running Southeasterly 127 feet \pm to the center line of Garrison Avenue; thence running Southwesterly 186 feet \pm to the center line of Park Heights Avenue; thence running Northwesterly along said center line to the point of beginning.

(b) *Calculation of fee.*

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

(c) *Voting.*

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

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

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

§ 11-25. Monument Street.(a) *District established.*

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

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

alley; thence running Easterly 135 feet \pm to the center line of N. Patterson Park Avenue; thence running northerly 64 feet \pm to the center line of the 10 foot alley 75 feet \pm south of E. Monument Street; thence running 347 feet \pm crossing N. Bradford Street and Dimling Court to the center line of the adjoining 4 foot alley; thence running Southerly 35 feet \pm to the center line of the adjoining 6 foot alley; thence running Easterly 53 feet \pm to the center line of N. Montford Avenue; thence running Northerly 49 feet \pm crossing N. Port Street to the center line of the adjoining 4 foot 4 inch alley; thence running Easterly 120 feet \pm to the center line of N. Milton Avenue; thence running Northerly to the point of beginning.

(b) *Calculation of fee.*

- (1) The fee for the Monument Street Business District license shall be based upon the total number of square feet of 1st-floor space, up to a maximum of 6,666 square feet, of a business establishment occupied for retail, service, rental, or professional services rendered by that establishment, whether the premises are owned, leased, or otherwise held by such business establishment.
- (2) Parking lots and warehouses are exempt from the payment of any fee. However, storage space incidental to a business establishment's primary business is not exempt hereunder for the purposes of calculation and payment of this license fee.
- (3) The Monument Street Business District fee shall be calculated by multiplying the number of square feet of licensable space as specified above for each business establishment by a rate of \$0.15 per square foot.

(c) *Voting.*

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

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

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

§ 11-26. Highlandtown.

(a) *District established.*

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

Beginning for the same at the point formed by the intersecting center lines of Eastern Avenue and S. Robinson Street; thence running Southerly on center line of said S. Robinson Street 145 feet \pm intersecting the extended centerline of the 10 foot alley located 100 feet \pm south of Eastern Avenue; thence running Easterly, along center line of said 10 foot alley, 205 feet \pm to intersect the center line of S. East Avenue; thence running Northerly along the last mentioned center line, 10 feet \pm intersecting the extended center line of the 10 foot alley located 90 feet \pm south of Eastern Avenue; thence running 220 feet \pm Easterly along the last mentioned center line to intersect the center line of S. Bouldin Street; thence running Northerly along the last mentioned center line 2 feet \pm intersecting the extended center line of the 10 foot alley located 88 feet \pm south from Eastern Avenue; thence running Easterly along the last mentioned center line 111 feet \pm to intersect the center line of the adjoining 27 foot alley located 72.5 feet east from S. Bouldin Street; thence running Southerly along the last mentioned center line 17 feet \pm to intersect the center line of the adjoining 10 foot alley located 105 feet \pm south from Eastern Avenue; thence running Easterly along the last mentioned center line 108 feet \pm to intersect the

center line of S. Clinton Street; thence running Northerly along the last mentioned center line 30 feet ± to intersect the extended center line of the 10 foot alley located 75 feet ± south from Eastern Avenue; thence running Easterly along the last mentioned center line 175 feet ± crossing the eastern right-of-way line of the adjoining 20 foot alley located 80 feet ± east from S. Clinton Street, to the extended center line of the 3 foot alley south from Marshall Court; thence running Northerly 6 feet ± to the center line of the Marshall Court Driveway; thence running Easterly 100 feet ± to intersect the center line of S. Highland Avenue; thence running Southerly 270 feet ± to intersect the center line of Fleet Street; thence running Easterly 445 feet ± to the center line of S. Conkling Street; thence running Southerly 185 feet ± to a point formed by extending the southern property line of Lot 1, Ward 26, Section 9, block 6433; thence running Easterly 265 feet along said property line through the 20 foot alley south of Fleet Street to the center line of Fleet Street; thence running Southerly 5 feet ± to the extended southern property line of Lot 26/27, Ward 26, Section 9, block 6434; thence Easterly 180 feet ± along said line to the center line of the 10 foot alley south of Fleet Street; thence running Northerly 136 feet ± to a point 50 feet ± south of the center line of Fleet Street, also known as the lot line between Lots 25K and 25J, Ward 26, Section 9, block 6434; thence running Easterly 195 feet ± crossing S. Eaton Street to the center line of the 12 foot alley south of Fleet Street; thence running Southerly 210 feet ± to the center line of the adjoining 12 foot alley; thence running Easterly 70 feet ± to the center line of the adjoining 10 foot alley; thence running northerly 210 feet ± to a point 49 feet 8 inches ± south of the center line of Fleet Street, also known as the lot line between Lots 35 and 36, Ward 26, Section 9, block 6435; thence running Easterly 100 feet ± to the center line of Fagley Street; thence running Southerly 136 feet ± to a point formed by extending the lot line between Lots 1 and 1A, Ward 26, Section 9, block 6436; thence running Easterly along said line 132 feet ± to the center line of the 14 foot alley abutting the north property line of Lot 5A, Ward 26, Section 9, block 6436 at a point 185 feet ± south of the center line of Fleet Street; thence running north 134 feet ± to a point 49 feet ± south of the center line of Fleet Street, also known as the lot line between Lots 33 and 34, Ward 26, Section 9, block 6436; thence running Easterly 102 feet ± crossing Grundy Street to a point 45 feet 4 1/2 inches ± south of Fleet Street, also known as the lot line between Lots 1 and 2, Ward 26, Section 9, block 6437; thence running Easterly 102 feet ± to the center line of the adjoining 10 foot alley; thence running Southerly 330 feet ± to the center line of Foster Avenue; thence running 125 feet ± Easterly to the center line of S. Haven Street; thence running northerly 378 feet ± to the center line of Fleet Street; thence running Easterly 245 feet ± to the center line of the unnamed 17 foot S. Iris Avenue right-of-way; thence running Northerly 365 feet ± to the center line of Eastern Avenue; thence running Westerly 235 feet ± to the center line of S. Haven Street; thence running Northerly 360 feet ± to the center line of Bank Street; thence running Westerly 815 feet ± to the center line of Eaton Street; thence running Northerly 185 feet ± to the center line of Chestle Place; thence running Westerly 315 feet to the center line of S. Dean Street; thence running Southerly 90 feet ± to a point 94 feet ± north from Bank Street, also known as the extended lot line between Lots 14 and 50, Ward 26, Section 16, Block 6312; thence running Westerly 85 feet ± to a point 94 feet ± north from Bank Street, also known as the western property line of said Lot 50; thence running Southerly 25 feet ± to a point 65 feet ± north from Bank Street, also known as the northern lot line of Lot 17, Ward 26, Section 16, block 6312; thence running Westerly 110 feet ± to the center line of S. Conkling Street; thence running Northerly 53 feet ± to a point formed by extending the center line of the 10 foot alley north from Bank Street; thence running Westerly 290 feet ± to the center line of Baylis Street; thence running Southerly 135 feet ± to the center line of Bank Street; thence running Westerly 250 feet ± to the center line of S. Highland Avenue; thence running Northerly 135 feet ± to a point 240 feet ± Southerly from the center line of Gough Street, also known as the extended lot line between Lots 34 and 35, Ward 26, Section 12, block 6299A; thence running Westerly 139 feet ± to the center line of the 15 foot alley Easterly from S. Clinton Street; thence running Southerly 427 feet ± crossing Bank Street to the center line of the adjoining 20 foot alley 185 feet Northerly from Eastern Avenue; thence running Westerly 130 feet ± to the center line of S. Clinton Street; thence running Northerly 14 feet ± to a point 162 feet ± Southerly from the center line of Bank Street; also known as the extended lot line between Lots 20 and 21, Ward 26, Section 12, block 6298; thence running Westerly 123 feet ± to the center line of the 10 foot alley Easterly from S. Bouldin Street; thence running Southerly 23 feet ± to the center line of the adjoining 20 foot alley; thence running Westerly 13 feet ± crossing S. Bouldin Street to the center line of the 10 foot alley Westerly from S. Bouldin Street at a point 185 feet ± Southerly from Bank Street; thence running Northerly 25 feet ± to a point 160 feet ± Southerly from Bank Street, also known as the lot line between Lots 35 and 36, Ward 26, Section 12, block 6297; thence running Westerly 120 feet ± to the center line of S. East Avenue; thence running Southerly 5 feet ± to a point 165 feet ± Northerly from Eastern Avenue, also known as the extended lot line between Lots 80 and 68/69, Ward 1, Section 14, block 1779; thence running Westerly 115 feet ± to the center line of the 10 foot alley Easterly from Robinson Street; thence running Southerly 185 feet ± to the center line of Eastern Avenue; thence running Easterly along said center line to the point of beginning.

(b) *Calculation of fee.*

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

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

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

(4) The Highlandtown Business District License fee shall be calculated as follows:

- (i) the first 5,000 square feet occupied for business purposes by each business establishment is to be rated at \$0.14 per square foot; and
- (ii) any square footage in excess of 5,000 square feet shall be rated at \$0.07 per square foot.

(5) Notwithstanding the provisions of § 11-7(b) of this subtitle, the license fee due from business establishments shall be calculated by the Highlandtown Merchants' Association and certified to the Commissioner annually.

(c) *Voting.*

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

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

§ 11-27. Hamilton.(a) *District established.*

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

Beginning for the same at the point formed by the intersecting centerlines of Harford Road and E. Strathmore Avenue; thence running northwesterly 110 feet ± along the center line of E. Strathmore Avenue; thence running northeasterly 125 feet ±; thence running northwesterly 68 feet ± to intersect the centerline of the adjoining alley; thence running northeasterly along said centerline 128 feet ±; thence running northwesterly 5 feet ±; thence running northeasterly 217 feet ±; thence running northwesterly 190 feet ±; thence running northeasterly 121 feet ± to intersect the centerline of the 20 foot ± alley; thence running northeasterly 185 feet ± along said centerline; thence running northwesterly 160 feet ± along the last mentioned centerline; thence running northeasterly 220 feet ± to intersect the centerline of Gibbons Avenue; thence running southeasterly 80 feet ± along said centerline to intersect the centerline of a 20 foot alley as extended; thence running northeasterly 210 feet ± along

said centerline to intersect the centerline of the adjoining 20 foot alley; thence running northwesterly 380 feet \pm along the last mentioned centerline; thence running northeasterly 230 feet \pm to intersect the centerline of Hamilton Avenue; thence running northwesterly along said centerline 55 feet \pm to intersect the centerline of Hampnett Avenue; thence running northeasterly 340 feet \pm ; then running southeasterly 105 feet \pm ; thence running northeasterly 138 feet \pm to intersect centerline of Evergreen Avenue; thence running southeasterly 110 feet \pm along said centerline; thence running northeasterly 154 feet \pm ; thence running northwesterly 180 feet \pm ; thence running northeasterly 140 feet \pm to intersect the centerline of Bayonne Avenue; thence running southeasterly 70 feet \pm to intersect the centerline of Harford Road; thence running northeasterly 83 feet \pm to intersect the centerline of Bayonne Avenue; thence running southeasterly 273 feet \pm ; thence running southwesterly 175 feet \pm ; thence running southeasterly 131 feet \pm ; thence running southwesterly 90 feet \pm ; thence running northwesterly 188 feet \pm ; thence running southwesterly 133 feet \pm to intersect the centerline of Evergreen Avenue; thence running southeasterly 40 feet \pm along said centerline; thence running southwesterly 97 feet \pm ; thence running southeasterly 131 feet \pm ; to intersect the centerline of Richard Avenue; thence running 210 feet \pm along said centerline to intersect the centerline of Wisteria Avenue; thence running 400 feet \pm along the last mentioned centerline to intersect the centerline of Arabia Avenue; thence running southwesterly 283 feet \pm along the last mentioned centerline to intersect the centerline of Hamilton Avenue; thence running northwesterly 60 feet \pm along the centerline of Hamilton Avenue; thence running southwesterly 230 feet \pm to intersect the centerline of Saint Johns Avenue; thence running northwesterly 375 feet \pm along said centerline; thence running southwesterly 228 feet \pm to intersect the centerline of Gibbons Avenue; thence running southeasterly 185 feet \pm ; thence running southwesterly 268 feet \pm ; thence running northwesterly 140 feet \pm ; thence running southwesterly 53 feet \pm ; thence running northwesterly 50 feet \pm ; thence running southwesterly 111 feet \pm to intersect the centerline of Echodale Avenue; thence running northwesterly 20 feet \pm along said centerline to intersect the centerline of a 12 foot alley as extended; thence running southwesterly along said centerline 249 feet \pm ; thence running southeasterly 90 feet \pm to intersect the centerline of a 13 foot alley; thence running southwesterly 173 feet \pm to intersect the centerline of Batavia Avenue; thence running northwesterly along said centerline 243 feet \pm to intersect the centerline of Harford Road; thence running southwesterly 60 feet \pm along said centerline to the point of beginning.

(b) *Calculation of fee.*

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

(c) *Voting.*

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

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

§ 11-28. Federal Hill Market Place.(a) *District established.*

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

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

(b) *Calculation of fee.*

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

(c) *Voting.*

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

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

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

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

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

Beginning for the same at the point formed by the intersecting center lines of Pennsylvania Avenue and Mosher Street, thence running Northeasterly 180 feet ±, thence running Northwesterly 400 feet ± to intersect the centerline of McMechen Street, thence running Northeasterly 33 feet ± to intersect the centerline of Brunt Street, thence running Northwesterly 88 feet ±, thence running Northeasterly 88 feet ±, thence running Northwesterly 201 feet ±, thence running Southwesterly 88 feet ± to intersect the centerline of Brunt Street, thence running Northwesterly 105 feet ± to intersect the centerline of Wilson Street, thence running Southwesterly 90 feet ± to intersect the southwestern lot line of Lot 56, Ward 14, Section 9, Block 338 as extended, thence running Northwesterly 78 feet ± to intersect the centerline of the next 3 foot alley, thence running Northeasterly 94 feet ± to intersect the centerline of Brunt Street, thence running Northwesterly 77 feet to intersect the centerline of Brunt Court, thence running Southwesterly 92 feet ± to intersect the centerline of the next 10-foot alley, thence running Northwesterly 144 feet ± to intersect the centerline of the next 8 foot alley, thence running Northeasterly 92 feet ± to intersect the centerline of Brunt Street, thence running Northwesterly 200 feet ± to intersect the division line between Lots 55/56 and 64, Ward 14, Section 7, Block 327 as extended, thence running Southwesterly 82 feet ± to intersect the center line of the next 15-foot alley, thence running Northwesterly 305 feet ± to intersect the centerline of Robert Street, thence running Southwesterly 123 feet ± to intersect the centerline of Pennsylvania Avenue, thence running Northwesterly 45 feet ± to intersect the centerline of Robert Street, thence running Southwesterly 317 feet ± to intersect the centerline of N. Fremont Avenue; thence running Southeasterly along the centerline of N. Fremont Avenue 590

feet \pm to intersect the centerline of Sewell Street, thence running Northeasterly 154 feet to intersect the centerline of Argyle Avenue (60 feet wide) if projected Northwesterly, thence binding reversely on said line so drawn and on the centerline of Argyle Avenue in all Southeasterly 360 feet \pm to intersect the northern lot line of Lot 36, Ward 14, Section 10, Block 337 as extended, thence running Northeasterly 130 feet to intersect the centerline of the next 3-foot alley, thence running Southeasterly 37 feet \pm to intersect the next 3-foot alley, thence running Northeasterly 110 feet \pm to intersect the centerline of the next 5-foot alley, thence running Southeasterly 103 feet \pm to intersect the centerline of Pitcher Street, thence running Northeasterly 120 feet \pm to intersect the centerline of Pennsylvania Avenue, thence running Southeasterly 591 feet \pm to the point of beginning.

(b) *Calculation of fee.*

- (1) The fee for the Pennsylvania Avenue/Lafayette Market Business District license shall be based upon the total number of square feet of 1st-floor space for each business establishment occupied for retail, service, rental, or professional services rendered by that establishment, including storage space incidental to the business establishment's primary business, whether the premises are owned, leased, or otherwise held by such business establishment.
- (2) Parking lots and warehouses are exempt from payment of any fee.
- (3) The Pennsylvania Avenue/Lafayette Market Business District fee shall be calculated by multiplying the number of square feet of licensable space, as specified above, for each business establishment by a rate of \$0.25 per square foot, except for the Lafayette Market Association which shall pay a flat fee of \$2,625 as a single business establishment.

(c) *Voting.*

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

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

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

§ 11-30. Mount Washington Business District.

(a) *District established.*

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

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

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

(b) *Calculation of fee.*

- (1) The fee for the Mount Washington Business District license shall be based on the total number of square feet for each business establishment occupied for retail, service, rental, or professional services rendered by that establishment, whether the premises are owned, leased, or otherwise held by that establishment.
- (2) Parking lots and warehouses are exempt from the payment of any fee. However, storage space incidental to a business establishment's primary business is not exempt for purposes of calculating and paying the license fee.
- (3) The Mount Washington Business District fee shall be calculated by:
 - (i) determining the number of square feet of licensable space for each business establishment, as specified in paragraphs (1) and (2) of this subsection; and
 - (ii) assessing that establishment as follows:
 - (A) for each establishment with less than 800 square feet, the fee is \$200; and
 - (B) for each establishment with 800 or more square feet, the fee is \$400.

(c) *Voting.*

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

(Ord. 02-433.)

SUBTITLES 12 TO 15
{RESERVED}

SUBTITLE 16
PUBLIC SAFETY CONSERVATION AREAS

§ 16-1. Definitions.

(a) *In general.*

For the purposes of this subtitle, the following terms shall have the meanings listed below.

(b) *Area.*

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

(c) *Block face.*

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

(d) *Public safety conservation area.*

“Public safety conservation area” means an area designated in an application filed pursuant to § 16-5 in which signs provided for in this subtitle may be erected.

(City Code, 1976/83, art. 19, §239.) (Ord. 93-209.)

§ 16-2. Program established.

(a) *In general.*

With the cooperation of neighborhoods and City officials, there is established a Public Safety Conservation Area Advisory Board and Program to promote a crime-free environment in neighborhoods.

(b) *Availability.*

The Program shall be available to all qualified residential blocks and areas of the City.

(c) *Qualifications.*

In order to qualify for the Program, such blocks and areas shall meet the criteria set forth in this subtitle and any rules and regulations established by the Board in consultation with the Director of Public Works and other City agency heads under the requirements of this subtitle.

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

§ 16-3. Advisory Board.

(a) *Board established.*

There will be a Public Safety Conservation Area Advisory Board.

(b) *Composition.*

(1) The Board will be made up of:

- (i) the Police Commissioner;
- (ii) the Director of Recreation and Parks;
- (iii) the Commissioner of the Department of Housing and Community Development;
- (iv) the Director of Public Works;
- (v) the Director of the Mayor’s Coordinating Council on Criminal Justice; and
- (vi) the Chair of the City Council’s Policy and Planning Committee;

who shall serve ex officio; and

- (vii) a member of the Property Owners’ Association and 3 citizens appointed by the Mayor.

(2) Any agency head may designate an agent to serve in his or her stead.

(c) *General duties.*

This Advisory Board will consider petitions received from any community group requesting designation as a Public Safety Conservation Area.

(City Code, 1976/83, art. 19, §240(a).) (Ord. 93-209.)

§ 16-4. Rules and regulations.

The Board shall promulgate rules necessary to carry out the provisions of this subtitle.

(City Code, 1976/83, art. 19, §242.) (Ord. 93-209.)

§ 16-5. Applications for participation.

(a) *In general.*

The procedure shall be as follows.

(b) *Applications by residents.*

- (1) To be considered for the Public Safety Conservation Area Program, a neighborhood group, group of residents, or community association shall submit an application to the Board indicating that at least 60% of the residents of the block or blocks wish to form such an Area.
- (2) The boundary of the Public Safety Conservation Area shall be clearly identified. In addition, on the application the residents applying must certify that they have or will have and will use front and rear outdoor lights.

(c) *Applications by Police Commissioner.*

For good cause shown and when the Police Commissioner determines that a delay would be harmful to the public safety and welfare, the Commissioner may apply directly to the Board to have an area designated a Public Safety Conservation Area.

(City Code, 1976/83, art. 19, §240(intro)(4th sen.), (b).) (Ord. 93-209.)

§ 16-6. Referral to police district.

Upon referral of the application to the local police district, the Major of that district must confirm that calls for service and incident reports from the area requesting designation as a Public Safety Conservation Area demonstrate a need for increased public safety measures.

(City Code, 1976/83, art. 19, §240(c)(1st sen.)) (Ord. 93-209.)

§ 16-7. Action by Board.(a) *In general.*

The Board shall approve or deny the application.

(b) *Reasons to be given for denial.*

When an application is denied, the Board shall state the reasons for the denial.

(City Code, 1976/83, art. 19, §240(c)(2nd, 3rd sens.)) (Ord. 93-209.)

§ 16-8. Operation of Program.(a) *In general.*

Upon approval of a Public Safety Conservation Area, the following steps shall be taken by the City.

(b) *Private lighting confirmed.*

Private lighting will be confirmed.

(c) *Inspection of privately owned trees.*

The trees owned by the property owners in the Area will be inspected by the City Forester and recommendations made to the owners for trimming them.

(d) *Trimming of publicly owned trees.*

The City Forester will trim all trees on public property which interfere to decrease the intensity of the street lighting.

(e) *Upgraded street lighting.*

The street lighting will be upgraded on a priority basis.

(City Code, 1976/83, art. 19, §241.)(Ord. 93-209.)