

**SUBTITLE 11**  
**RETAIL BUSINESS DISTRICTS**

***PART 1. GENERAL PROVISIONS***

**§ 11-1. Definitions.**

(a) *Business Association.*

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

(b) *Business establishment.*

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

(c) *Commissioner.*

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

(d) *Exempt establishment.*

“Exempt establishment” means any business establishment which is:

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

(e) *Licensable space.*

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

(f) *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; Ord. 09-137.*)

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

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

*(b) Neighborhood districts serve invaluable function.*

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

*(c) Suburban centers threaten neighborhood districts.*

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

*(d) Commercial Revitalization Program begun.*

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

*(e) Management program needed.*

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



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

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

### **§ 11-3. Establishment of Districts.**

(a) *Ordinance required.*

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

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

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

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

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

### **§ 11-4. Modifications.**

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

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

### **§ 11-5. District license.**

(a) *In general.*

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

(b) *Public market merchants.*

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

(c) *Exempt establishments.*

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

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

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

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

(b) *Manufacturing spaces.*

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

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

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

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

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

(c) *Rate.*

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

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

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

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

(1) Except as otherwise provided in §11-23(d) {"York Road: Semiannual fee collection"} of this subtitle, the Retail Business District License fee shall be due and payable on January 1 each



and every year, and the entire charge prescribed for the year shall be collected when the license is issued.

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

(b) *Commissioner to certify obligors.*

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

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

(c) *Director to collect fees.*

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

**§ 11-8. Transfers and renewals.**

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

**§ 11-9. Business Associations.**

(a) *Incorporation.*

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

(b) *Bylaws.*

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

(c) *General responsibilities.*

The Business Association is responsible for:

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

(d) *Annual reports to Commissioner.*

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

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

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

**§ 11-10. Special fund accounts.**

(a) *Director to maintain and credit fees.*

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

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

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

(c) *Transfer of funds.*

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

(d) *Use of funds.*

The fund comprised of the license fees collected for a District in accordance with this subtitle shall be utilized solely for purposes determined by the licensees.  
(City Code, 1976/83, art. 15, §115.) (Ord. 82-838; Ord. 16-594.)

**§ 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(1<sup>st</sup>, 2<sup>nd</sup> 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(3<sup>rd</sup>, 4<sup>th</sup> 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 1<sup>st</sup> 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 1<sup>st</sup>-floor space, on the floor containing the maximum number of square feet of space occupied for business purposes by such business establishment.