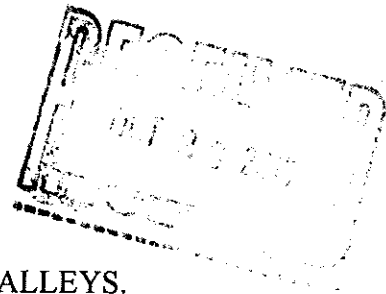


Alley Gating Rules and Regulations



These rules and regulations are in furtherance of Article 26, Subtitle 8A of the Baltimore City Code entitled GATING and GREENING ALLEYS.

As used in these regulations:

- *Act* shall mean of Article 26, Subtitle 8A of the Baltimore City Code entitled GATING and GREENING ALLEYS;
- *Director* shall mean the Director of the Baltimore City Department of General Services and his designees;
- *Alley Gating Office* shall mean a facility or facilities designated by the Director to manage matters pertaining to the Act.
- *Alley* shall mean a passageway connecting to a street usually located in the rear of properties that are fronting on said streets. Alleys do not have street addresses assigned to them.

Any person or organization interested in having an alley gated should contact the office:

- In person at Alley Gating Office, Department of General Services at 204 Abel Wolman Municipal Building, 200 Holliday Street, Baltimore, MD 21202
- By email to Alley.gating@baltimorecity.gov
- Telephone 410.396.GATE (4283); or by
- FAX to 410.837.8225.

An application to start the process must be in writing on the form provided by the Alley Gating Office, together with a Baltimore City block plat with markings showing the location of the proposed gate or gates as well as photographic images of the subject alley. Such applications may be delivered to the Alley Gating Office, by email of image file(s), or U.S.P.S., regular delivery or hand delivery.

The Director must approve the proposed gate locations as being in the best interests of the public.

Upon receipt of a satisfactory application, the Director shall conduct an investigation of the feasibility of the proposed gates by sending copies to the Police and Fire Departments, and other City Agencies including the Departments of Public Works and Transportation, the public utilities, and such other parties as the Director may deem appropriate. The transmittal of such copies shall include an opportunity to object or otherwise comment on the application by a date certain. Such investigation shall be completed within a period of thirty (30) days.

The Baltimore Police and Fire Departments must affirmatively consent to the application in order to be approved. The Director shall maintain liaisons designated by said Departments. These departments are expected to respond to an alley gating request within thirty (30) days.

After the Director has determined that the application is acceptable, the office shall provide consent forms to the applicant to be signed by owners of lots abutting the subject alley and any other lots affected as determined by the Director. These forms, or photocopies thereof, must be used by the applicant in obtaining written consents. No other forms will be accepted.

The applicant shall make *bona fide* efforts to obtain the consents of the owners of all of the lots designated as affected by the Director.

The Director may presume the owner(s) of each lot are the parties identified as such in the City's tax records after the Director has given tentative approval. This presumption may be rebutted.

Once the applicant believes that all the needed consents have been obtained copies are to be sent to the Alley Gating Office via hand delivery, fax or email. Upon receipt the Director shall review said copies and shall advise the applicant of the Director's findings within thirty (30) days. During the thirty (30) day period during which the Department is reviewing the application, changes in ownership totaling not more than three (3) properties which may cause the number of consents to go below the 80% required, will not be cause to disallow the application as related to the requirement of 80%. Should there be a change in ownership of more than three (3) properties during said thirty (30) day period; the applicant shall be required to seek new consents to obtain the total of 80%.

When the Director is satisfied that all other conditions have been satisfactorily met, a public hearing will be scheduled. DGS will provide the applicant with adequate notice of the hearing date.

Once the Director is satisfied that the application has met all requirements, a public hearing shall be scheduled at least two weeks after such approval.

The Applicant must pay a fee of \$250 payable to "Director of Finance".

At least ten (10) days before the public hearing, using guidelines from the office, the applicant must:

- Mail notice to all affected property owners using text provided by the Director.
- Post notice of the hearing at each end of the alley to be gated and at such other places the Director may require.

The Director will conduct the hearings and may require testimony under oath and affidavits. The Director may use informal rules of procedure and evidence. The applicant has the burden of proving every required element by a preponderance of convincing evidence. The hearing may be continued from time to time and place to place without further public notice.

The Director shall issue a written decision on the application to gate the alley within 30 days of the conclusion of hearing. A copy of the decision shall be sent to the applicant and any other party that attended the hearing, or who provided contact information and requested a copy.

If the Director decides that the alley should be gated after the hearing, the Director shall prepare a Lease Agreement using a form prepared by the Law Department. The applicant must supply the City with an incorporated or unincorporated entity which will be the responsible party under the Lease. Such entity shall be the lessee ("Lessee"). Applicant shall submit five (5) executed copies to the office together with all required fees.

After approval by the Law Department and execution by the Director, the Director shall submit the agreement to the Board of Estimates for approval.

After approval by the Board of Estimates, and before any improvements can be made, the Lessee's contractor must obtain any necessary permits from the Department of General Services' Permit Office.

Every gate must have lock boxes required by the Director mounted on the gates or a visible adjoining structure.

The applicant for permits shall provide DGS with appropriate plans for the proposed improvements.

The Lessee may not impose any rules relating to the gates without written approval from the Director.


The Lessee may not place any chattels in the Alley that cannot be readily moved.

The Director may find the Alley to be residential in nature based upon the ratio of residential units to non-residential; e.g. a lot occupied by a building with a laundromat on the ground level with an apartment above shall constitute one residential and one other unit. If the number of residential units exceeds the non-residential, then the Alley will be considered Residential.

A Developer's Agreement is required for greening.

If applicable, a change of grade hearing must be held by the Department of Transportation.

The Director may require consents from parties other than the owners who may be affected.

FROM	NAME & TITLE	Nicole S. James, Real Estate Agent <i>NSJ</i>	CITY OF BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Public Works - Bureau of General Services 204 Abel Wolman Municipal Building		
	SUBJECT	Alley Gating Rules and Regulations		

DATE:

TO

May 8, 2007

Avery Aisenstrark, Director
Legislative Reference
City Hall
6th Floor, Room 626
100 N. Holliday Street

Attached please find a copy of the Alley Gating Rules and Regulations .

Please contact me at 410-396-3667 if any additional information is needed.

Attachment

NSJ:nsj
cc:Mr. Paul Barnes

Alley Gating Rules and Regulations

April 18, 2007

1. A written request, with a map indicating the alleys to be gated, should be forwarded to the Director of Public Works, 600 Abel Wolman Municipal Building, 200 N. Holliday Street, Baltimore, Maryland 21202. Written request must indicate a reason or reasons for the gating of the alley(s) as indicated in Section 8A-7 of the Ordinance.
2. The Department of Public Works will contact the Bureau of Solid Waste and the Department of Transportation for approval. Approval from both Solid Waste and Transportation is needed before the process can proceed.
3. If approved by the Bureaus, the Department of Public Works will provide to the applicant a list of all abutting property owners with addresses, as they are shown in its records. The Department will also provide a copy of a consent form, which must be used by the applicant.
4. Applicant must submit all of the following:
 - A. Written consents from at least 80 per cent of the abutting property owners, not to include abandoned properties.
 - B. An affidavit must be submitted for all abandoned properties, where a written consent was not obtained as indicated in Section 8A-5 of the Ordinance.
 - C. A statement with accompanying date that specifies how the alley gating will promote public health, safety or welfare.
 - D. A written approval from the Police Commissioner and the Fire Marshall must be submitted to the Department of Public Works.
 - E. A statement that no parking spaces will be lost and that no additional parking will be required on the street due to the gating of the alley or alleys.
 - F. A fee of \$ 750.00 is to be submitted. Check should be made payable to the Director of Finance.
5. The Department of Public Works will contact the applicant, indicating the date and time that the Director of Public Works, or his designee, will hold a hearing on the alley gating.
6. Applicant will be responsible to mail notice to all abutting property owners, as indicated on the Department of Public Works' records, at least 10 ten days

Alley Gating Rules and Regulations

before the announced hearing. In addition, the applicant must post notice of the hearing at each end of the alley to be gated. The Department of Public Works will provide to the applicant a copy of the guidelines for the Signs.

7. Upon holding a hearing to gate an alley(s), the Director of Public Works shall issue a written decision on the Petition to gate the alley(s) within 30 days of the hearing. A copy of the decision shall be sent to the party designated by the petitioners.
8. The Department of Public Works shall provide to the party designated by the petitioners, a copy of a lease agreement. The applicant shall complete the agreement and forward three copies to the Department of Public Works. Upon approval of the Lease Agreement, by the Board of Estimates, the Department of Public Works will forward a copy of the fully executed agreement to the person designated by the applicant.

Alley Greening

1. If an alley greening is being requested, consents must be obtained from 100 per cent of the abutting property owners as outlined in Section 8A.6 of the Alley Gating Ordinance
2. Before an alley greening can be approved, an engineered drawing must be submitted. The City's Public Works Developers Agreement process must be followed and a Developer's Agreement approved.
3. A change of grade hearing must be held by the Department of Transportation.
4. The applicant or the contractor must have an approved Developer's Agreement and lease agreement prior to beginning work.

Alley Gating Consent Form

This letter is to confirm, that the undersigned party or parties hereby acknowledge and agree to the following:

1. That a _____ alley located between _____
and _____ within the City of Baltimore and
shown on City Block Plat Number _____ shall be gated and
cease to be a public way.
2. The party(parties) hereby release and relinquish any and all rights
that he/she/they or any of them have in said public way.
3. The party's (parties') property is described as

Ward____ Section _____ Block _____ Lot _____
4. This property is Residential _____ Commercial _____ (check one)

Name:
Signature

Witness/Attest

Name:
Signature