

ARTICLE 18
EDUCATIONAL AND CULTURAL PROGRAMS

(As Last Amended by Ord. 15-435)

Published by
BALTIMORE CITY DEPARTMENT OF LEGISLATIVE REFERENCE
Avery Aisenstark, Director
2015

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DIVISION I: EDUCATION**SUBTITLE 1
CITY PUBLIC SCHOOLS*****Part 1. Bequests and Donations*****§ 1-1. In general.****(a) *Board may receive.***

The Board of School Commissioners is hereby authorized to receive all devises, bequests, and donations which may be made for the benefit of said public schools.

(b) *Credit to school fund.*

All devises, bequests, and donations received by said board, by virtue either of this section or of any act or acts of the General Assembly of Maryland, shall be paid over by it to the Director of Finance, who shall place the same to the credit of the school fund.

(City Code, 1879, art. 43, §24(1st cl.); 1893, art. 44, §29(1st cl.); 1927, art. 41, §23(1st cl.); 1950, art. 32, §1(1st cl.); 1966, art. 24, §1(1st cl.); 1976/83, art. 24, §1(1st cl.)) (Rev. Ords.1858-040; Ord. 76-145.)

§ 1-2. Allocation of funds.**(a) *Conditioned funds.***

If any condition or conditions be prescribed in any such devise, bequest, or donation, the same shall be applied under the direction of said Board, with the sanction of the Mayor and City Council, agreeably to the intention of the testator or donor.

(b) *Unconditioned funds.*

(1) If no condition be prescribed in any such devise, bequest, or donation, it shall not be lawful for said Board to draw all or any part of the amount thereof out of the City Treasury during the year in which it was received, unless:

- (i) the collections from the resources and levy of the school fund for said year should fall short of the estimated expenditures forming the basis of said levy; or
- (ii) it shall have been already allowed in the estimated resources of the fund for said year.

(2) Otherwise, the same shall be included in the estimate of the ensuing year.

(City Code, 1879, art. 43, §24(2nd - 4th cls.); 1893, art. 44, §29(2nd - 4th cls.); 1927, art. 41, §23(2nd - 4th cls.); 1950, art. 32, §1(2nd - 4th cls.); 1966, art. 24, §1(2nd - 4th cls.); 1976/83, art. 24, §1(2nd - 4th cls.)) (Rev. Ords. 1858-040.)

§§ 1-3 to 1-5. {Reserved}

Part 2. Intestate's Estate

§ 1-6. Scope of Part.

This Part applies to all funds which shall be paid to or received by the Director of Finance, or in any other way, or through any other person or persons, passed over and transferred to the Mayor and City Council of Baltimore, pursuant to the provisions of §§ 19-1 through 19-4 of the Baltimore City Public Local Laws.

(City Code, 1893, art. 44, §30(1st cl.); 1927, art. 41, §24(1st cl.); 1950, art. 32, §2(1st cl.); 1966, art. 24, §2(1st cl.); 1976/83, art. 24, §2(1st cl.). (Ord. 1883-088; Ord. 76-145.)

§ 1-7. Allocation of funds.

Funds received from an intestate's estate:

- (1) shall be held subject to the order of the Board of School Commissioners of the City of Baltimore, in like manner as the funds derived from taxation for said purposes are held; and
- (2) are declared to be a separate and distinct revenue, to be applied to the use and support of the public schools, in addition to the annual tax levied and the annual appropriation made for that purpose.

(City Code, 1893, art. 44, §30(2nd cl.); 1927, art. 41, §24(2nd cl.); 1950, art. 32, §2(2nd cl.); 1966, art. 24, §2(2nd cl.); 1976/83, art. 24, §2(2nd cl.). (Ord. 1883-088.)

§ 1-8. Notice to Board.

It shall be the duty of the Director of Finance to notify and inform the Board of School Commissioners, by a communication in writing, whenever any funds arising from the aforesaid source shall be hereafter received by him, and the amount of the same.

(City Code, 1893, art. 44, §31; 1927, art. 41, §25; 1950, art. 32, §3; 1966, art. 24, §3; 1976/83, art. 24, §3.) (Ord. 1883-088; Ord. 76-145.)

§ 1-9. Accounts.

(a) *In general.*

Whenever said Board shall intend to apply any portion or all of the aforesaid funds, hereafter received from intestate estates, the warrant or order drawn for said funds, or any portion thereof, shall show upon its face that it is drawn upon said funds.

(b) *Separate account.*

It shall be the duty of the City Comptroller and the Director of Finance to keep a separate account of all receipts and disbursements for said special and specific fund.

(City Code, 1893, art. 44, §32; 1927, art. 41, §26; 1950, art. 32, §4; 1966, art. 24, §4; 1976/83, art. 24, §4.) (Ord. 1883-088; Ord. 76-145.)

§ 1-10. Collection of claims.

The Mayor is authorized, upon the presentation to him of satisfactory evidence of the existence of any just and valid claim on the part of the corporation, on account of the school fund, against a certain estate, and which claim it is, in his judgment, judicious to prosecute, to employ for that purpose the services of one or more agents, and to agree with such agent or agents for such compensation to him or them as he may deem fair and reasonable, provided the said compensation shall be entirely contingent upon the recovery of the money.

(*City Code, 1893, art. 44, §33; 1927, art. 41, §27; 1950, art. 32, §5; 1966, art. 24, §5; 1976/83, art. 24, §5.*) (*Res. 1881-256.*)

§§ 1-11 to 1-15. {Reserved}***Part 3. Tuition*****§ 1-16. Free attendance for residents and certain others.****(a) *In general.***

There shall be no charge for tuition or for the use of books or stationery in any of the public schools, but it shall be the duty of the Board of School Commissioners to furnish, free of all costs to the pupils and their parents, all the necessary tuition and the use of books and stationery for the several schools, and in general, whatever fuel or other supplies the schools may require, the same to be paid for from the public school fund.

(b) *Persons entitled to free attendance.*

- (1) The public schools of the City of Baltimore are intended to promote the general welfare of its citizens and are maintained exclusively for the education of the children whose parents or guardians are actual residents of said City.
- (2) But the children of any member of the U. S. Army, Navy, Marine Corps, or Coast Guard stationed in the City of Baltimore shall be admitted to said schools without paying any tuition while the said member is stationed in the City.
- (3) But children residing in Baltimore whose parents or guardians are residents of the insular territories or possessions of the United States and children attending and residing at the Maryland School for the Blind shall be admitted to said schools.

(c) *Programs subject to tuition.*

Provided, however, that in the maintenance of junior colleges or similar institutions for post-high school instruction, in the maintenance of extended-care nursery schools, in offering courses to adults, and in offering summer school enrichment non-credit courses to pupils deemed qualified by the Board of School Commissioners, authority for the establishment and maintenance of said types of instruction being thereby granted, the Board of School Commissioners is hereby authorized to charge such fees as it shall from time to time determine.

(*City Code, 1879, art. 43, §§20, 21; 1893, art. 44, §§25, 26; 1927, art. 41, §§18, 20(1st, 2nd cls.); 1950, art. 32, §§25, 27(1st - 3rd cls.); 1966, art. 24, §§13, 15(1st - 3rd cls.); 1976/83, art. 24, §§14, 16(1st - 3rd*)

cls..) (Ord. 1866-074; Ord. 1884-141; Ord. 02-055; Ord. 10-595; Ord. 11-629; Ord. 40-296; Ord. 46-668; Ord. 50-977; Ord. 64-253.)

§ 1-17. Tuition for nonresidents.

(a) *In general.*

Children of non-resident parents or guardians may be admitted to said schools upon payment for tuition as prescribed in this section, subject to such rules as the Board of School Commissioners may from time to time prescribe, and subject always to the prior right of the children of residents of Baltimore to the use of said schools.

(b) *Schedule of tuition fees.*

The Board of Estimates is authorized and directed upon recommendation of the Board of School Commissioners to establish a scale of tuition fees and to change the same from time to time upon recommendation of the Board of School Commissioners.

(c) *Waivers.*

The Board of Estimates shall have power and authority upon recommendation of the Board of School Commissioners to waive tuition fees in any case where the said Board of Estimates shall find that the public interest and welfare will be promoted by such waiver.

(City Code, 1879, art. 43, §22; 1893, art. 44, §27; 1927, art. 41, §§20(3rd cl.), 21; 1950, art. 32, §§27(4th cl.), 28; 1966, art. 24, §§15(4th cl.), 16; 1976/83, art. 24, §§16(4th cl.), 17.) (Ord. 1874-053; Ord. 1887-049; Ord. 1899-153; Ord. 02-055; Ord. 10-595; Ord. 11-629; Ord. 22-710; Ord. 26-569; Ord. 48-475.)

§§ 1-18 to 1-20. {Reserved}

Part 4. Employee Organizations

§ 1-21. Definitions.

(a) *In general.*

As used herein:

(b) *Employees.*

“Employees” means any of the following employees of the Department of Education of the City of Baltimore:

(1) teachers;

(2) personnel concerned with the supervision, administration, and direction of the educational program and related services; and

(3) other employees whose positions require a knowledge of and participation in the educational program.

(c) *Employee organization.*

“Employee organization” means any organization:

(1) which is authorized by employees, or any appropriate unit thereof, to represent them; and

(2) which has as its principal purpose the representation of such employees in presenting their requests to the School Board, the Board of Estimates, and the City Council with respect to their wages and working conditions.

(City Code, 1976/83, art. 24, §18(a).) (Ord. 67-1031.)

§ 1-22. Exclusive representative to be determined by election.

(a) *In general.*

The School Board may determine which employee organization, if any, claiming to represent the employees, or an appropriate unit thereof, shall be the exclusive representative of said employees, or of such unit, as the case may be, or if no employee organization shall be their exclusive representative, such determination to be based upon an election by secret ballot.

(b) *Additional elections for other units.*

(1) If the School Board holds an election hereunder in a unit which does not comprise all of the employees, as defined in § 1-21(b), then the Board shall, if requested, hold an election to select an exclusive representative for any appropriate unit or units of the remaining employees, using the same procedures.

(2) Provided, however, that the provisions in § 1-23(b) and (c) shall not apply in this initial election.

(City Code, 1976/83, art. 24, §18(b).) (Ord. 67-1031; 76-145.)

§ 1-23. Subsequent elections.

(a) *2-year passage required.*

If an election is conducted pursuant to § 1-22, no further election shall be held for an exclusive representative of the employees in the unit in which said election was conducted for a period of 2 years from the date of the School Board's certification of the results of said election.

(b) *Petition.*

Subsequent elections may be held upon the filing of a petition with the School Board, supported by 30% or more of the employees of an appropriate unit, alleging that the said employees in said unit desire:

- (1) that an employee organization be selected as their exclusive representative;
- (2) that an employee organization's certification as exclusive representative be rescinded; or
- (3) that another employee organization be certified as their exclusive representative.

(c) *Election and certification.*

The School Board may, upon verifying the requisite percentage, determine by secret ballot election which employee organization, if any, shall be the exclusive representative of such employees; provided, however, that no valid election shall have been conducted in said unit within the preceding 2 years.

(City Code, 1976/83, art. 24, §18(c), (d).) (Ord. 67-1031.)

§ 1-24. Determining appropriate units.

In all elections, the School Board may determine the appropriate unit, the composition of which shall remain unchanged for a period of 2 years.

(City Code, 1976/83, art. 24, §18(e)(1st sen.)) (Ord. 67-1031.)

§ 1-25. Conduct of elections.

(a) *Rules and regulations.*

The said Board may adopt reasonable rules and regulations for the conduct of said elections and the certification of the results thereof.

(b) *Contracts for services.*

(1) The said Board may, further, employ or contract for such other assistance as it may require in conducting such election.

(2) The School Board may assess all or any part of the cost and expense of said services on the employee organizations seeking to participate in such election.

(c) *Certification of results.*

In all elections, the School Board shall certify the employee organization, if any, selected as the result of said election by a majority of the votes cast, as the exclusive representative of all employees eligible to vote in said election.

(City Code, 1976/83, art. 24, §18(e)(2nd - 4th sens.), (f)(1st sen.)) (Ord. 67-1031.)

§ 1-26. Certified organization as exclusive representative.

(a) *In general.*

The employee organization so designated shall act as the representative of all of the aforesaid employees in the unit, as the case may be, without regard to employee organization membership,

in appearing before, presenting to, and conferring with the School Board, with respect to the wages and working conditions of said employees.

(b) *Individual's rights preserved.*

However, nothing herein contained shall preclude the right of any employee to present and seek adjustment of grievances on his own behalf under any grievance procedure which may be adopted by the School Board nor shall any employee or employees be prevented from appearing on their own behalf before the School Board to urge or protest against any proposed wages or working conditions affecting such employee or employees.

(City Code, 1976/83, art. 24, §18(f)(2nd, 3rd sens.)) (Ord. 67-1031.)

§ 1-27. Strikes, etc., prohibited.

(a) *Prohibited conduct.*

Employee organizations shall be prohibited:

- (1) from calling, maintaining, or participating in a strike; or
- (2) from inducing, encouraging, aiding, or abetting any employee to:
 - (i) engage in a strike;
 - (ii) withhold his services as such employee;
 - (iii) picket in furtherance of either of the aforesaid purposes in front of, about, or in close proximity to any of the school buildings operated and maintained by the School Board; or
 - (iv) picket for any purpose in front of, about, or in close proximity to any school building while school is in session or during such period prior to and following such session, as may be prescribed by the School Board.

(b) *Penalties.*

(1) If a certified employee organization shall violate any of the provisions herein, its certification shall immediately be revoked by the School Board, and said employee organization and any other employee organization which violates any of the provisions herein shall be ineligible to participate in or be considered for election as exclusive representative for a period of 2 years thereafter.

(2) Provided, however, that nothing contained in this subsection shall in any way limit the City in seeking any other legal remedies to prevent or prohibit such illegal conduct.

(City Code, 1976/83, art. 24, §18(g.)) (Ord. 67-1031.)

§§ 1-28 to 1-30. {Reserved}

Part 5. School Board Nominating Committee

§ 1-31. Committee established.

There is a School Board Nominating Committee in the Office of the Mayor.
(*City Code, 1976/83, art. 24, §23(1st sen.)*.) (*Ord. 87-994.*)

§ 1-32. Membership.

(a) *Qualifications — organizational representation.*

Each member shall represent an organization that:

- (1) is a nonprofit organization with City-wide or area-wide activities;
- (2) has a standing Committee on Education which has been in existence for at least 1 year;
- (3) is a broad-based organization that is interested in all educational programs and issues;
- (4) has had an active involvement with the Baltimore City schools; and
- (5) does not have an employee-negotiated agreement with the Department of Education.

(b) *Qualifications — individual requirements.*

Persons who represent an organization on the Committee shall:

- (1) reside in Baltimore City;
- (2) not be employed by the Department of Education;
- (3) not be applicants for the Board of School Commissioners; and
- (4) not have their names included on the eligibility list recommended by said Committee.

(c) *Appointment.*

The Mayor shall appoint the members and their representatives to the Committee.
(*City Code, 1976/83, art. 24, §24.*) (*Ord. 87-994; 87-1057.*)

§ 1-33. Purpose and duties.

(a) *Purpose of Committee.*

The purpose of the Committee is to make recommendations to the Mayor for membership on the Board of School Commissioners.

(b) Duties of Committee.

It shall be the responsibility of the Committee to:

- (1) actively seek qualified candidates, by public recruitment and advertisement when necessary;
- (2) maintain a list of qualified candidates at all times;
- (3) adopt written procedures concerning the minimum number of names to be maintained on the list and the length of time a name will be retained;
- (4) interview possible candidates; and
- (5) include in its considerations any possible conflict of interest the candidate might have if appointed to the Board.

(c) Authority of Committee.

The Committee may include in the list sent to the Mayor comments on any candidate.
(*City Code, 1976/83, art. 24, §§23(2nd sen.), 25.*) (*Ord. 87-994.*)

§ 1-34. Expenditures.

The Committee may expend funds authorized in the Ordinance of Estimates or any supplemental appropriation.
(*City Code, 1976/83, art. 24, §26.*) (*Ord. 87-994.*)

§ 1-35. {Reserved}***Part 6. Miscellaneous*****§ 1-36. Selection of school sites.***(a) Planning Commission to consult others.*

Prior to final selection of a site for the construction of a new school, the Planning Commission shall consult with the Board of Fire Commissioners, the Police Commissioner, the Department of Public Works, the Department of Transportation, and the Department of Housing and Community Development about the proposed site.

(b) Form of consultations.

Such consultations shall be in the form of written communications, accompanied by plats indicating the site.

(c) *Recommendations.*

Recommendations of the parties consulted shall be transmitted to the Planning Commission in writing within 30 days of the proposal.

(*City Code, 1976/83, art. 24, §19.*) (*Ord. 69-418; Ord. 76-145; Ord. 15-435.*)

§ 1-37. Parking on school property.

(a) *Approval of Mayor and City Council required.*

Off-street parking space for teachers and staff shall not be provided on any land under the jurisdiction of the Department of Education, except where approved by the Mayor and City Council.

(b) *Exception.*

Parking space designated for teachers and staff before August 4, 1972, shall not be affected by this section.

(*City Code, 1976/83, art. 24, §20.*) (*Ord. 72-130.*)

§ 1-38. Registration of visitors.

(a) *Registration required.*

It shall be unlawful for any person to enter any public school building owned or leased by the City of Baltimore or its agencies without immediately registering at the office of the principal or other designated head of that school.

(b) *Identification, etc.*

Such registrant shall be required to furnish his name, address, and occupation, and shall state the reason for his presence in the building. In addition, he shall furnish positive identification that he is that person so registering.

(c) *Exceptions.*

The provisions of this section shall not apply to teachers, students, or employees at the particular school.

(d) *Penalties.*

Any violation of the provisions of this section shall be deemed a misdemeanor, subject upon conviction to a fine of not more than \$500 or to imprisonment for not longer than 6 months or to both fine and imprisonment, in the discretion of the Court.

(*City Code, 1976/83, art. 24, §21.*) (*Ord. 69-529.*)

§ 1-39. Return of school property.**(a) *In general.***

The Board of School Commissioners of Baltimore City is hereby empowered to demand and collect from the parents and guardians of children who have attended the public schools but have left the said schools, all books and other property which were furnished the said children during their attendance at said schools if the same are in the possession of said parents or guardians.

(b) *Penalties.*

In case of the refusal or neglect of the said parents or guardians to deliver to the Board of School Commissioners or its agent such books and other property as may be in their possession after demand therefore *{sic}*, they shall be subject to a fine of \$5 for each and every offense, said fines to be collected as other fines are now collected.

(City Code, 1927, art. 41, §19; 1950, art. 32, §26; 1966, art. 24, §14; 1976/83, art. 24, §15.) (Ord. 1898-125; Ord. 48-475.)

§ 1-40. Library book selections.

The selection of the books, which shall be only of an instructive and moral character, shall be made by the said Board, or a committee appointed by it for the purpose, and no book deemed by it to be injurious to the morals of the pupils, or of a sectarian character, whether obtained by purchase or donation, shall be admitted in said libraries.

(City Code, 1879, art. 43, §42; 1893, art. 44, §50; 1927, art. 41, §50; 1950, art. 32, §13; 1966, art. 24, §6; 1976/83, art. 24, §7.) (Ord. 48-434.)

§ 1-41. Peabody Prizes.

The Board of School Commissioners of the City of Baltimore is hereby authorized:

(1) to accept and receive the premiums given by the Trustees of the Peabody Institute to the High Schools of Baltimore City, as specified in Mr. Peabody's letter to his trustees; and

(2) to have the same distributed from time to time in such a manner as it shall deem most conducive to the benefit of the schools and the objects of the donor.

(City Code, 1879, art. 43, §43; 1893, art. 44, §51; 1927, art. 41, §51; 1950, art. 32, § 21; 1966, art. 24, §12; 1976/83, art. 24, §13.) (Ord. 48-433.)

SUBTITLE 2
SCHOLARSHIPS TO MARYLAND INSTITUTE

§ 2-1. Contracts for instruction.

The Mayor, City Comptroller, and Director of Finance annually may contract with the Maryland Institute for the instruction of students in the Institute's schools, at the tuition rate charged by the Institute.

(City Code, 1893, art. 44, §53; 1927, art. 41, §63; 1950, art. 32, §14; 1966, art. 24, §7; 1976/83, art. 24, §8.) (Ord. 00-074; Ord. 08-115; Ord. 65-686; Ord. 76-145.)

§ 2-2. Basic scholarships.

(a) *Number.*

Such number of full tuition scholarships in this program shall equal:

- (1) the number of the members of the City Council of Baltimore, its President, plus the Mayor of Baltimore; plus
- (2) the number of fully accredited high schools in Baltimore City.

(b) *Selection of recipients.*

Prior to September 1 in every year:

- (1) each member of the City Council of Baltimore and its President and the Mayor of Baltimore may each apportion 1 full tuition scholarship among 1 or more students to the Maryland Institute; and
- (2) the Board of School Commissioners may appoint 1 student from each of the accredited high schools in Baltimore City.

(c) *Use of scholarships.*

Each student who receives all or a portion of a full tuition scholarship shall be entitled to such scholarship for instruction and materials for 1 academic year (2 semesters) in the Day School of the Institute, provided each meets the requirements of the Institute that are required of other pupils taking similar courses.

(City Code, 1927, art. 41, §64(1st sen.); 1950, art. 32, §15(1st sen.); 1966, art. 24, §8(a); 1976/83, art. 24, §9(a).) (Ord. 00-074; Ord. 08-115; Ord. 56-670; Ord. 65-686; Ord. 81-240.)

§ 2-3. Continuing studies classes.

Each member of the City Council, its President, and Mayor may, in addition to the scholarships provided for in § 2-2, allocate 3 tuition scholarships each year in the Continuing Studies Division of the Institute to 1 or more students for instruction and materials, provided each appointee meets the requirements of the Institute for such students.

(City Code, 1976/83, art. 24, §9(b).) (Ord. 81-240.)

§ 2-4. Reappointments authorized.

Any appointment provided for in this subtitle may be a new appointment or may be a reappointment, in the discretion of the appointing official.

(City Code, 1976/83, art. 24, §9(c).) (Ord. 81-240.)

§ 2-5. Unfilled appointments; subsequent vacancies.(a) *Unfilled appointments.*

- (1) The President of the Institute, annually in the months of September and January, shall report to the Mayor and City Council the names of the students so appointed and in attendance at its schools, together with a list of vacancies, should any exist.
- (2) If no appointment be made prior to the 1st of October or February by the person entitled to fill a vacancy, the Mayor shall appoint a student to fill the vacancy.

(b) *Subsequent vacancies.*

In case of a vacancy for any reason among any such appointments, the President of the Institute promptly shall notify the person entitled to make any such appointment, who is then entitled to fill the vacancy by awarding the scholarship to another applicant who meets the qualifications of the Institute.

(City Code, 1927, art. 41, §§64(2nd sen.), 65; 1950, art. 32, §§15(2nd sen.), 16; 1966, art. 24, §8(c), 9; 1976/83, art. 24, §9(d), 10.) (Ord. 00-074; Ord. 08-115; Ord. 56-670; Ord. 65-686; Ord. 81-240.)

§ 2-6. Budget submission.

The President of the Institute annually shall submit to the Director of Finance, for inclusion in the preliminary operating budget of the next ensuing fiscal year, an amount for tuition to the Institute computed from the number of appointments provided for in this subtitle.

(City Code, 1966, art. 24, §10; 1976/83, art. 24, §11.) (Ord. 65-686; Ord. 81-240.)

§ 2-7. Inspections; payment.(a) *Annual inspections.*

The Mayor, City Comptroller, and Director of Finance, annually or as much oftener as they may deem expedient, shall inspect the schools of the Institute and the condition and the manner in which the terms of the contract are being fulfilled by the Institute.

(b) *Payments to Institute.*

- (1) If the Director of Finance is satisfied that the contract is being faithfully observed, he shall pay the Institute annually, in installments on the 1st days of October and February, such sums as equal the tuition charges computed under § 2-6 of this subtitle, but the payment in any

instance shall not exceed a sum equal to ½ of the appropriation included in the Ordinance of Estimates for that year.

(2) All sums shall be used for the education of the said students as above provided and for no other purpose whatsoever.

(City Code, 1927, art. 41, §66; 1950, art. 32, §17; 1966, art., §11; 1976/83, art. 24, §12.) (Ord. 00-074; Ord. 08-115; Ord. 65-686.)

SUBTITLE 3
SCHOLARSHIPS TO BALTIMORE CITY COMMUNITY COLLEGE

§ 3-1. Program established.

There is hereby established a program of City scholarships for students enrolled as full-time or half-time students at the Baltimore City Community College.
(*City Code, 1976/83, art. 24, §6(1)(1st sen.)*.) (*Ord. 69-515; Ord. 81-265; Ord. 99-526.*)

§ 3-2. Appointments.

(a) *Number.*

For each academic year, the following appointments may be made for students to be educated by the Baltimore City Community College, free of tuition charge for 1 academic year (2 semesters):

- (1) the Mayor may appoint a total of 5 full-time students;
- (2) the President of the City Council and the Comptroller may each appoint a total of 3 full-time students; and
- (3) each member of the City Council may appoint a total of 2 full-time students.

(b) *Allocation.*

For any of these appointments, the number of half-time students equivalent in terms of tuition may be substituted for a full-time student.

(c) *Reappointments authorized.*

Any appointment may be a new appointment or may be a reappointment, in the discretion of the appointing official.
(*City Code, 1976/83, art. 24, §6(1)(2nd sen.(part)), (3rd, 4th sens.) and (3.)*.) (*Ord. 69-515; Ord. 81-265; Ord. 99-526.*)

§ 3-3. Student qualifications.

Any scholarship to be awarded or renewed according to the provisions of this subtitle shall be awarded only to an applicant who has met the following conditions:

- (1) that he shall be, at the time of the appointment, a resident of the City of Baltimore;
- (2) that he shall have been accepted for admission or continuance as a full-time or half-time student to the Baltimore City Community College; and
- (3) that his sponsor has satisfied himself that the applicant has need for financial assistance in order to attend college.

(*City Code, 1976/83, art. 24, §6(2.)*.) (*Ord. 69-515; Ord. 81-265.*)

§ 3-4. Vacancies.

In case of a vacancy for any reason among any such appointments, the President of the Baltimore City Community College shall promptly notify the official entitled to make any such appointment, who is then entitled to fill the vacancy by awarding the scholarship to another applicant who meets the qualifications listed in § 3-3.

(City Code, 1976/83, art. 24, §6(4).) (Ord. 69-515; Ord. 81-265.)

§ 3-5. Budget appropriations.

(a) *Scholarships not to reduce City support.*

The value of the tuition scholarship granted under the provisions of this subtitle shall not be deducted from the appropriation payable out of the City's general funds for the City's share of the cost of supporting the Baltimore City Community College.

(b) *Scholarships not to reduce State or other support.*

The scholarships granted hereunder shall not serve to relieve the State of Maryland or any other third party of its contribution to the cost of operating the Baltimore City Community College.

(City Code, 1976/83, art. 24, §6(5).) (Ord. 69-515; Ord. 81-265.)

§ 3-6. Rules and regulations.

The Board of Trustees of the Community College of Baltimore are hereby empowered to adopt and promulgate such reasonable rules and regulation pertaining to the tuition scholarship program established under this subtitle as are necessary and convenient for the administration of the program.

(City Code, 1976/83, art. 24, §6(6).) (Ord. 69-515; Ord. 81-265.)

SUBTITLE 4
MCDONOGH EDUCATIONAL FUND AND INSTITUTE

§ 4-1. Property invested in Board of Trustees.

All the money, stock, securities, investments, property, and estate of every kind and description, with the increment thereon, which has heretofore come into the possession of the City of Baltimore, or which hereafter may come into its possession, or which is now held by any agent, trustees, or board of trustees, heretofore created by any ordinance, and which has been or may hereafter be received under the bequests and devises contained in the will of John McDonogh, by the City of Baltimore, shall pass to and be invested in said Board of Trustees.

(City Code, 1879, art. 34, §2; 1893, art. 34, §2; 1927, art. 26, §2; 1950, art. 20, §1; 1966, art. 1, §60; 1976/83, art. 1, §55.) (Ord. 1868-068.)

§ 4-2. Trustees - number; vacancies.

(a) *Number.*

The number of Trustees shall not be less than 7 nor more than 9.

(b) *Trustees to fill vacancy within 30 days.*

If at any time they shall be reduced to a less number than 7, by death, resignation, or removal out of Baltimore City, or otherwise, it shall be the duty of the remaining Trustees to fill each vacancy within 30 days after its occurrence.

(c) *Mayor to fill if Trustees fail to act.*

If they do not fill such vacancy within said period, it shall be the duty of the President of the Board to notify the Mayor of the City of Baltimore of the fact of said vacancy, and thereupon it shall be the duty of the Mayor to appoint some person to fill such vacancy or vacancies as often as they may occur in manner aforesaid, and the person so appointed shall be and become one of the Trustees to all intents and purposes.

(City Code, 1879, art. 34, §3; 1893, art. 34, §3; 1927, art. 26, §3; 1950, art. 20, §2; 1966, art. 1, §61; 1976/83, art. 1, §56.) (Ord. 1868-068.)

§ 4-3. Trustees - general powers.

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

A majority of said Trustees shall have power, from time to time, to enact and make bylaws and rules and regulations for the management and government of said Fund and Institute.

(b) *Additional powers.*

They shall also have power:

- (1) to remove any one of their own number who in the opinion of the majority of said Trustees may be negligent of his duty, or otherwise conduct himself improperly;
- (2) to elect annually a president, secretary, and agent, fix their salaries, and prescribe their respective duties, and to remove them at pleasure; and
- (3) to appoint such other officers and servants as they may deem necessary and proper, according to such rules and bylaws as may be prescribed by them.

(c) *Surety bonds.*

Any officer or officers, or agent, who shall be appointed to receive and disburse the money of said Fund and Institute, shall, before he proceeds to act as such, enter into bond with such penalty and conditions as may be prescribed by said Trustees.

(*City Code, 1879, art. 34, §4; 1893, art. 34, §4; 1927, art. 26, §4; 1950, art. 20, §3; 1966, art. 1, §62; 1976/83, art. 1, §57.*) (*Ord. 1868-068.*)

§ 4-4. Purchase of land for school farm.

(a) *In general.*

The said Trustees may:

- (1) sell all the real estate situate in the City of Baltimore, heretofore purchased by the Trustees of the McDonogh Educational Fund and Institute; and
- (2) invest the proceeds in real estate in the vicinity of Baltimore, of such dimensions and at such distance from said City as to them may seem most judicious for the purpose of establishing a school farm, as directed under the will of the said John McDonogh, which real estate shall be in fee simple and adapted to agricultural purposes.

(b) *Use of investment interest.*

- (1) In addition to the proceeds arising from the sale of the real estate aforesaid, the said Trustees are authorized to use all the interest which may accrue from the investment of the sum of \$500,000, in the purchase of said real estate and erection of such buildings and improvements thereon as may be necessary for such school farm, until the purchase money of the land and the erection of said buildings shall have been fully paid.

- (2) Provided, nevertheless, that the principal sum of said fund shall at no time be less than \$500,000, which the said Trustees are required to have well secured at all times.

(*City Code, 1879, art. 34, §5; 1893, art. 34, §5; 1927, art. 26, §5; 1950, art. 20, §4; 1966, art. 1, §63; 1976/83, art. 1, §58.*) (*Ord. 1868-068.*)

§ 4-5. Maintenance of school farm.

So soon as the purchase of the real estate and the erection thereon of the buildings mentioned in § 4-4 shall have been completed and paid for, the said Trustees shall apply the interest issuing from

said funds, as well as the interest which may be derived from all other property devised to the City of Baltimore by the said John McDonogh, to the support and maintenance of said school farm, and the expenses incident to the proper instruction and education of the youth directed by said will of said John McDonogh.

(*City Code, 1879, art. 34, §6; 1893, art. 34, §6; 1927, art. 26, §6; 1950, art. 20, §5; 1966, art. 1, §64; 1976/83, art. 1, §59.*) (*Ord. 1868-068.*)

§ 4-6. Annual report of Trustees.

(a) *In general.*

It shall be the duty of the Board of Trustees to exhibit to the Mayor and City Council of Baltimore, annually, a full report in writing of their proceedings during the year, and of the state of the Institute, showing the number and condition of the scholars and all matters necessary to the full understanding of the affairs and situation of the Institute, which shall be certified by oath or affirmation of the president, secretary, and agent, and at least 1 of the Trustees.

(b) *Accounting of receipts and expenditures.*

It shall be accompanied by an account or statement, certified in like manner, showing the receipts and expenditures for the year, and the assets and pecuniary condition of the Institute.

(c) *When due.*

Said reports shall be addressed to the Mayor at least 10 days before the annual meeting of the City Council in each and every year.

(*City Code, 1879, art. 34, §7; 1893, art. 34, §7; 1927, art. 26, §7; 1950, art. 20, §6; 1966, art. 1, §65; 1976/83, art. 1, §60.*) (*Ord. 1868-068.*)

§ 4-7. Inspection of books and records.

(a) *Mayor.*

The records, books, accounts, papers, grounds, and buildings of the said Institute shall at all times be open to the inspection and examination of the Mayor.

(b) *City Council.*

The City Council shall always have power, by resolution or otherwise, to appoint committees of their body to inquire into the affairs of said Institute.

(*City Code, 1879, art. 34, §8; 1893, art. 34, §8; 1927, art. 26, §8; 1950, art. 20, §7; 1966, art. 1, §66; 1976/83, art. 1, §61.*) (*Ord. 1868-068.*)

§ 4-8. Investment powers of Trustees.

(a) *In general.*

The Trustees of The McDonogh Educational Fund and Institute shall have power with respect to all property which may have been heretofore or which may hereafter be granted, transferred,

delivered to, or otherwise vested in the Mayor and City Council of Baltimore for the Trustees of The McDonogh Educational Fund and Institute or in said McDonogh Fund and Institute to invest and reinvest the same and to change the investments thereof, with full power to sell or otherwise dispose of any of such property or investments from time to time so held, said powers to include, but not by way of limitation, the power to invest monies in their control or possession in the securities of the United States, of states, counties, and municipalities, in mortgages, corporate bonds, notes, or other securities, real estate, and ground rents.

(b) *Investment criteria.*

They shall make the selection in such manner as will in their judgment afford safe productive investments for the funds in their hands.

(City Code, 1950, art. 20, §8; 1966, art. 1, §67; 1976/83, art. 1, §62.) (Ord. 44-077; Ord. 85-470.)

SUBTITLES 5 TO 6
{RESERVED}

DIVISION II: LIBRARIES**SUBTITLE 7
ENOCH PRATT FREE LIBRARY*****Part 1. Establishment*****§ 7-1. Conveyance and annuity approved.**(a) *Conveyance.*

In pursuance of the power and authority vested in it by said Act of the General Assembly of Maryland {*Chapter 181, Acts of 1882*} and for the purpose of perpetually promoting and diffusing knowledge and education among the people of the City of Baltimore, the said proposed conveyance of the said library building and premises, situate upon Mulberry Street, as aforesaid, and the said proposed payment of \$833,333.33, are agreed to be accepted by said Mayor and City Council of Baltimore.

(b) *Annuity.*

For the purpose of carrying into effect the said proposed object, the said Mayor and City Council of Baltimore, by this Part do hereby contract and agree with the said Enoch Pratt, and with the said “Enoch Pratt Free Library of Baltimore City”, the body corporate aforesaid, in consideration of said conveyance of said library building and premises, and of the payment of said sum of money unto it, to grant and create an annuity of \$50,000, to be paid perpetually hereafter, forever, in equal quarterly payments, for the purposes and maintenance of said library; said annuity to be paid unto the Board of Trustees of said body corporate and their successors, forever, to be applied by them to the purposes and maintenance of said library, as established and defined in the Act of Incorporation thereof.

(*City Code, 1893, art. 39, §1; 1927, art. 34, §1; 1950, art. 26, §1; 1966, art. 1, §71; 1976/83, art. 1, §72.*) (*Ord. 1882-106.*)

§ 7-2. Annual payments by City.

Upon the conveyance by said Enoch Pratt or his representatives, by a valid deed, of the clear, unencumbered fee simple estate in said lot of ground, with the improvements thereon, situate on Mulberry Street, in said City of Baltimore, unto the said Mayor and City Council, and upon the payment by said Enoch Pratt or his representatives, unto said Mayor and City Council, of said sum of \$833,333.33, the Mayor of the City of Baltimore, at the time of the execution of said deed, is authorized and empowered to join in the execution of the same, for and on behalf of the Mayor and City Council of Baltimore, and to contract, covenant and agree, for and on their behalf, to pay perpetually thereafter the yearly sum of \$50,000, in equal quarterly payments, unto the Trustees of the “Enoch Pratt Free Library of Baltimore City”, and their successors, forever, the said “Enoch Pratt Free Library of Baltimore City” also joining in said deed, and agreeing to appropriate said sum for its corporate purposes, and to make an annual report to the Mayor and City Council of Baltimore, of the proceedings of said body corporate, and of the condition of said library and its branches, with a full account of the monies received and expended by said Trustees.

(*City Code, 1893, art. 39, §2; 1927, art. 34, §2; 1950, art. 26, §2; 1966, art. 1, §72; 1976/83, art. 1, §73.*) (*Ord. 1882-106.*)

§ 7-3. Investment in sinking fund.

So soon as Enoch Pratt shall pay to the Mayor and City Council of Baltimore, the sum of \$833,333.33, according to the terms and provisions of § 7-1 of this Part, it shall be the duty of the Board of Finance to invest the same in Baltimore City stock heretofore authorized to be issued at par as a sinking fund, to be known by the name of the “Enoch Pratt Free Library Sinking Fund”.
(*City Code, 1893, art. 39, §3; 1927, art. 34, §3; 1950, art. 26, §3; 1966, art. 1, §73; 1976/83, art. 1, §74.*) (*Ord. 1883-064.*)

§ 7-4. Investment of interest.

The interest upon said investment so as aforesaid directed to be made, shall also be invested from time to time, as the same shall be received, in the public debt of the City of Baltimore, and such investments of said interest, and of the interest upon said interest, shall also constitute a part of said sinking fund; and said investment of said interest, and of interest on said interest, shall continue so to be made in the public debt of the City of Baltimore until the annual income from said investments shall reach the sum of \$50,000; and in the meanwhile, the sum of \$50,000, to pay said annuity, shall be levied for as other city taxes are levied for.
(*City Code, 1893, art. 39, §4; 1927, art. 34, §4; 1950, art. 26, §4; 1966, art. 1, §74; 1976/83, art. 1, §75.*) (*Ord. 1883-064.*)

§ 7-5. Income from investments.

When the said annual income upon the investments in said sinking fund shall reach the sum of \$50,000, the making of said investments for said purpose shall cease, and the said annual income of \$50,000 arising therefrom shall be thereafter appropriated and applied to the payment of the annuity of \$50,000 to the Trustees of the Enoch Pratt Free Library of Baltimore City, and all taxation for the purpose of raising said annuity of \$50,000 for such purpose, shall cease and be discontinued.
(*City Code, 1893, art. 39, §5; 1927, art. 34, §5; 1950, art. 26, §5; 1966, art. 1, §75; 1976/83, art. 1, §76.*) (*Ord. 1883-064.*)

§ 7-6. Mayor to appoint Visitor.

There shall be appointed by the Mayor a Visitor to the Enoch Pratt Free Library of Baltimore City, in accordance with the provisions of the Act of 1882, Chapter 181, and it shall be the duty of the Visitor so appointed, and of his successors in said office, to perform the duties prescribed for such Visitor by said Act of Assembly.
(*City Code, 1893, art. 39, §6; 1927, art. 34, §6; 1950, art. 26, §6; 1966, art. 1, §76; 1976/83, art. 1, §77.*) (*Ord. 1884-145; Ord. 1896-035.*)

§§ 7-7 to 7-10. {Reserved}***Part 2. Carnegie Fund*****§ 7-11. Branch libraries.**

The Mayor and City Council of Baltimore does hereby accept the offer of said Andrew Carnegie, and does hereby undertake and agree that as the sum of \$500,000 offered the City of Baltimore by

said Andrew Carnegie shall be received and expended by the Trustees of the Enoch Pratt Free Library in the erection of branch library buildings upon sites furnished or provided by the said Mayor and City Council and accepted by the said Trustees, that upon the completion of such of said branch libraries, the same shall be maintained by said Mayor and City Council by a yearly provision in the tax levy of a sum not less than 10% of the amount given by said Andrew Carnegie for the construction of each of said buildings, such annual appropriation by the Mayor and City Council to be expended by said Trustees for the maintenance as aforesaid in such manner as may be specified from year to year in the Ordinance of Estimates.

(City Code, 1927, art. 34, §7; 1950, art. 26, §7; 1966, art. 1, §77; 1976/83, art. 1, §78.) (Ord. 07-275; Ord. 20-249.)

§ 7-12. Appropriations subject to approval of General Assembly.

No appropriation shall be effective for the purposes set forth in this Part until authority to make such appropriations by the Mayor and City Council of Baltimore to the Trustees of the Enoch Pratt Library shall be authorized by the General Assembly of Maryland.

(City Code, 1927, art. 34, §8; 1950, art. 26, §8; 1966, art. 1, §78; 1976/83, art. 1, §79.) (Ord. 07-275.)

SUBTITLES 8 TO 9
{RESERVED}

DIVISION III: MUSEUMS AND GALLERIES**SUBTITLE 10
ART MUSEUM BUILDING COMMISSION****§ 10-1. Created; composition.***(a) Commission created.*

There is hereby created an “Art Museum Building Commission”.

(b) Composition.

The Commission shall have 31 members, of whom 3 shall be the Mayor, the President of the City Council, and the City Comptroller. The remaining 28 members of the Commission shall be appointed by the Mayor as soon as this subtitle takes effect.

(City Code, 1927, art. 37, §6; 1950, art. 28, §3; 1966, art. 1, §84; 1976/83, art. 1, §85.) (Ord. 25-402.)

§ 10-2. Powers of Commission.*(a) Construction of art museum.*

Subject to all existing provisions of law, the Commission shall have general advisory and supervisory powers over the selection of a suitable site and the formulation of designs and plans for the construction of a building for the housing, care, and exhibition of works of art and the study thereof.

(b) Site to be approved by Board of Estimates.

Any site which may be selected by the Commission pursuant to the powers conferred by this subtitle shall be subject to the approval of the Board of Estimates.

(c) Preparation of designs and plans.

The selection of an architect and the adoption of designs and plans for the building shall be arranged by the Commission with the Architectural Commission in the manner provided by Article 5, Subtitle 29 of the City Code.

(d) Building construction.

When the plans and specifications are duly approved, the building shall be erected under the supervision of the Buildings Engineer, as provided by Article VII, § 31 of the City Charter.

(City Code, 1927, art. 37, §7; 1950, art. 28, §4; 1966 art. 1, §85; 1976/83, art. 1, §86.) (Ord. 25-402.)

§ 10-3. Lease of building to corporation.

In the event that the members of the Art Museum Building Commission form a corporation under the laws of this State, or in the event that the members of the Art Museum Building Commission

become the board of directors or trustees of any existing body corporate with charter powers enabling such corporation to acquire and exhibit objects of art, then plans shall be formulated by the proper City officials to lease the building provided for herein to such corporation at a nominal rental, provided that the board of directors or trustees of such corporation shall always include the Mayor, the President of the City Council, and the City Comptroller; and provided further that the terms under which such lease is made shall, before it take effect, be approved by an ordinance of the Mayor and City Council.

(City Code, 1927, art. 37, §8; 1950, art. 28, §5; 1966, art. 1, §86; 1976/83, art. 1, §87.) (Ord. 25-402.)

SUBTITLE 11
BALTIMORE MUSEUM OF ART

§ 11-1. Agreement with City ratified.

The said Mayor and City Council of Baltimore does hereby approve, ratify, and confirm said Agreement dated October 7, 1930, entered into by and between the Mayor and City Council of Baltimore and The Baltimore Museum of Art, Incorporated, which said Agreement is as follows.

This lease and agreement made this seventh day of October, in the year 1930, by and between the Mayor and City Council of Baltimore, party of the first part, and The Baltimore Museum of Art, Incorporated, a corporation of the State of Maryland, party of the second part.

Whereas, the Mayor and City Council of Baltimore by Ordinance No. 402, approved May 21, 1925, provided for the construction of an art institute or museum for the housing, care and exhibition of works of art, and the study thereof, and to this end for the creation of an Art Museum Building Commission having general advisory and supervisory powers over the selection of a suitable site and the formulation of the necessary designs and plans; and

Whereas, said Ordinance further provided that

“In the event that the members of the Art Museum Building Commission become the Board of Directors or Trustees of any existing body corporate with charter powers enabling such corporation to acquire and exhibit objects of art, then plans shall be formulated by the proper City officials to lease the building provided for herein to such corporation at a nominal rental, provided that the Board of Directors or Trustees of such corporation shall always include the Mayor, the President of the City Council, and the City Comptroller; and provided further that the terms under which such lease is made shall, before it takes effect, be approved by an ordinance of the Mayor and City Council.”

Whereas, the said building has been completed, and the corporation contemplated as the lessee thereof by the above provision of said Ordinance was The Baltimore Museum of Art, Incorporated, the party of the second part hereto; and

Whereas, the members of the Art Museum Building Commission, including the Mayor, the President of the City Council and the City Comptroller, have been elected directors and trustees of said The Baltimore Museum of Art, Incorporated, and this lease is a plan formulated pursuant to said Ordinance.

Now, Therefore, this Lease Witnesseth:

First: That the party of the first part has granted and demised and let and does by these presents grant, demise and let unto the party of the second part, its successors and assigns, the said Art Museum Building referred to in the aforesaid Ordinance, situate on or near the west side of North Charles Street in Wyman Park. To have and to hold, until terminated as by this Agreement hereinafter provided, the said building for so long a time as the said party hereto of the second part, its successors and assigns, shall continue to carry out the objects and purposes defined in its charter, as now or hereafter in force, provided such objects and purposes are in accord with the objects and purposes as set out in said Ordinance No. 402, approved May 21, 1925.

Secondly: That neither party hereto shall be responsible or liable to the other for injury or damage to said building by fire or casualty, nor shall the Mayor and City Council of Baltimore be in any event responsible to the party of the second part for any loss, injury or damage of any kind to the contents of said building belonging to said party of the second part, but each party shall have the right to insure its own interest in said building or contents and at its own cost.

Thirdly: That the said party of the second part shall have and enjoy the exclusive use of the whole of said building, subject to the provisions herein contained and the rules and regulations herein prescribed, during the continuance of the term hereby granted, or until the termination thereof, as herein provided.

Fourthly: That the Museum shall have the right to charge a fee for admission to the Museum and to special exhibits and programs in the Museum, and the exhibition halls of the Museum shall be kept open and accessible to the public, and the Museum shall have the right to prescribe rules and regulations for the management, operation and use of the Museum. A copy of such rules and regulations shall be filed with the Department of Legislative Reference.

Fifthly: That the library, apparatus and collections, and all other property of the said party of the second part which shall or may be placed in said building, shall continue to be and remain absolutely the property of said party of the second part; and the said party of the first part shall not, by reason of said property being placed in said building, or continuing therein, have any right, title, property or interest therein; nor shall the said party of the second part, by reason of its occupation and use of said building under this agreement, acquire, or be deemed to have any right, title, property or interest in said building, except so far as expressly granted by this agreement.

Sixthly: That the said party of the second part shall, on or before the first day of May in every year during the continuance of this agreement, submit to the said party of the first part, its successor or successors, a detailed printed report of the operations and transactions of the said party of the second part, and all its receipts and payments, for the year ending with the thirty-first day of December next preceding.

Seventhly: That the said party of the first part shall have, at all times, access to every part of said building for general visitation and supervision, and also for the purpose of the performance of the duties devolved upon it by the laws of the State of Maryland, or ordinances of the City of Baltimore. That the police powers and supervision of said party of the first part shall extend in, through and about said building. That the said party of the second part may appoint, direct, control and remove all persons employed within said building, and in and about the care of said building, and the library, apparatus and collections therein contained.

Eighthly: That the said party of the second part may, at any time after the expiration of three, and before the expiration of nine months from the date of the service of a notice in writing on said party of the first part, its successor or successors, or on the Mayor of the City of Baltimore, of its intention so to do, quit and surrender the said premises, and remove all its property therefrom; and the party hereto of the first part may serve a notice in writing upon the party hereto of the second part terminating this agreement and to vacate the premises, within nine months from the date of such notice; and upon and after such notice served by either of the parties hereto upon the other, the said party of the second part shall quietly and peacefully yield up and surrender unto the said party of the first part, or its successors and assigns, all and singular the aforesaid demised premises, and remove all its property therefrom.

Ninthly: And it is further expressly understood and agreed by and between the parties hereto, that this Agreement may be wholly cancelled and annulled, or from time to time altered or modified, as may be agreed in writing between the said parties or their successors, anything herein contained to the contrary in anywise notwithstanding.

In witness whereof, the party hereto of the second part has caused this Agreement to be executed by its President and Secretary, and its corporate seal duly attested by its Secretary, to be hereunto affixed, and the party of the first part has caused these presents to be signed by the Mayor, and its corporate seal duly attested by its City Register to be hereunto affixed.

Attest:
A. M. Denhard,
City Register.

Mayor and City Council of Baltimore,
By Wm. F. Broening, Mayor.

Attest:
Henry H. Weigand,
Secretary.

The Baltimore Museum of Art,
By Blanchard Randall, President

Approved:
Wm. F. Broening,
Augustus M. Denhard,
R. Walter Graham,
Albert G. Towers,
Commissioners of Finance.

Approved as to form and legal sufficiency:
A. Walter Kraus, City Solicitor.
Joseph R. Walter, Assistant City Solicitor.

(City Code, 1950, art. 2, §1; 1966, art. 18, § 1; 1976/83, art. 18, §1.) (Ord. 30-1184.)

SUBTITLE 12
PEALE MUSEUM

§ 12-1. Agreement with City ratified.

The Mayor and City Council of Baltimore does hereby approve, ratify, and confirm said Agreement dated April 29, 1931, entered into by and between the Mayor and City Council of Baltimore and the Trustees of the Municipal Museum of the City of Baltimore, Incorporated, which said Agreement is as follows:

This Lease and Agreement, made this 29th day of April, 1931, by and between the Mayor and City Council of Baltimore, party of the first part, and the Trustees of the Municipal Museum of the City of Baltimore, Incorporated, a corporation of the State of Maryland, party of the second part.

Whereas, the building formerly known as the Peale Museum and afterward used as the City Hall of the City of Baltimore, in the State of Maryland, has been renovated, remodelled and restored to its original style and appearance by the Mayor and City Council of Baltimore with the idea of preserving, collecting, and housing therein pictures, objects of art, and other articles reminiscent of official and industrial life and history of the City of Baltimore of interest to the public generally; and

Whereas, it is believed that the most advantageous results in collecting and caring for and preserving such pictures, objects, and articles, and in exhibiting the same in said Museum, in superintending the maintenance of such a collection in the building in which they are to be kept and established, can best be obtained by entrusting that function to some organization now existing or created for such purpose; and

Whereas, The Trustees of the Municipal Museum of the City of Baltimore, Incorporated, party of the second part, has been incorporated by persons interested in such matters and civic affairs generally, for the purpose of:

- (a) Acquiring by gift, bequest, purchase, or otherwise, objects of interest to the inhabitants of the City of Baltimore, particularly such objects as may be of historical or artistic significance in the life of the City.
- (b) Holding exhibitions and furnishing information to the public by means of lectures, or otherwise, in regard to the foregoing and in regard to any subject of general municipal interest.
- (c) And particularly of establishing and maintaining in the City of Baltimore a municipal museum association, which establishment and maintenance is intended or designed especially for the collecting, housing, and caring for exhibits of the character and kind for which purpose the Mayor and City Council of Baltimore, had, as hereinbefore stated, renovated, remodelled, and restored the aforesaid Peale Museum.

Now, therefore, this lease and agreement witnesseth:

First: That the party of the first part has granted, demised, and let and does by these presents grant, demise, and let unto the party of the second part, its successors and assigns, the said Peale Museum hereinbefore referred to or mentioned, situate on the east side of Holliday Street, north of Lexington Street, and opposite the Municipal Office Building of Baltimore City. To have and to hold, until terminated as by this Agreement hereinafter provided, the said building for so long a time as the said party hereto of the second part, its successors and assigns, shall continue to carry out the objects and purposes defined in its Charter as now or hereafter in force, provided such objects and purposes are

conducted as a non-commercial project, and provided further that the Mayor, the President of the City Council, and the City Comptroller of Baltimore City are elected Trustees of the party of the second part within thirty (30) days after the ratification of this Lease and Agreement by the City Council of Baltimore.

Secondly: That neither party hereto shall be liable or responsible to the other for injury or damage to said building by fire or casualty, nor shall either the Mayor and City Council of Baltimore nor the Trustees of the Municipal Museum of Baltimore, Incorporated, be in any event responsible to the other for any loss, injury or damage of any kind to the contents of said building belonging to or in the custody of the other party hereto, but each party shall have the right to insure its own interest in said building or contents at its own cost.

Thirdly: That the said party of the second part shall have and enjoy the exclusive use of the whole of said building, subject to the provisions herein contained and the rules and regulations herein prescribed, during the continuance of the term hereby granted, or until the termination thereof, as herein provided.

Fourthly: That the exhibition halls of said buildings shall be kept open and accessible to the public on such days, during such hours and under such rules and regulations as the party of the second part shall from time to time prescribe; and all professors and teachers of the public schools of the City of Baltimore shall be admitted to all the advantages afforded by the said party of the second part, through the building, library, apparatus, and collections of either of the parties hereto, for study, research, and investigation, free of any charge therefor.

Fifthly: That the library, apparatus and collections, and all other property which shall or may be placed in said building by either of the parties hereto shall continue to be and remain absolutely the individual property of the respective owners thereof, and neither of the parties hereto shall have any right, title, property, or interest in any property placed by either of them in said museum; nor shall the said party of the second part, by reason of its occupation and use of said building under this agreement, acquire or be deemed to have any right, title, property or interest in said building, except so far as is expressly granted by this Agreement.

Sixthly: That the said party of the second part shall, on or before the first day of May in every year during the continuance of this Agreement, submit to the said party of the first part, its successor or successors, a detailed printed report of the operations and transactions of the said party of the second part, and all its receipts and payments, for the year ending with the thirty-first day of December next preceding.

Seventhly: That the said party of the first part shall have, at all times, access to every part of said building for general visitation and supervision, and also for the purpose of the performance of the duties devolved upon it by the Laws of the State of Maryland, or Ordinances of the City of Baltimore. That the police powers and supervision of said party of the first part shall extend in, through and about said building. That the said party of the second part may appoint, direct, control, and remove all persons employed within said building, and in and about the care of said building, and the library, apparatus and collections therein contained.

Eighthly: That the said party of the second part may, at any time after the expiration of three, and before the expiration of nine months from the date of the service of a notice in writing on said party of the first part, its successor or successors, or on the Mayor and City Council of Baltimore, of its intention so to do, quit and surrender the said premises, and remove all of its property therefrom; and the party hereto of the first part may serve a notice in writing upon the party hereto of the second part terminating this Agreement and to vacate the premises, within one year from the date of such notice; and upon and after such notice served by either of the parties hereto upon the other, the said party of the second part shall quietly and peaceably yield up and surrender unto the said party of the first part, or its successors and assigns, all and singular the aforesaid demised premises, and remove all its property therefrom.

Ninthly: And it is further expressly understood and agreed by and between the parties hereto, that this Agreement may be wholly cancelled and annulled, or from time to time altered or modified, as may be agreed in writing between the said parties or their successors, anything herein contained to the contrary in anywise notwithstanding.

Tenthly: That the Baltimore City Life Museums, Incorporated, is the successor in interest to the Trustees of the Municipal Museum of the City of Baltimore, Incorporated. That any fees charged for admission to the Peale Museum or other City museums operated by the Baltimore City Life Museums, Incorporated, shall be retained by the Baltimore City Life Museums, Incorporated for its operating expenditures. That the Baltimore City Life Museums, Incorporated, shall get approval from the Board of Estimates for any fees charged or any change in fees.

In witness whereof, the party hereto of the first part has caused this Agreement to be signed by the Mayor and its corporate seal to be hereunto affixed, duly attested by its City Register, and the party of the second part has caused this Agreement to be executed by its President and Secretary, and its corporate seal to be hereunto affixed, duly attested by its Secretary.

Attest:
August M. Denhard,
City Register.

Mayor and City Council of Baltimore,
By William F. Broening, Mayor

Attest:
John H. Scarff,
Secretary.

The Trustees of Municipal Museum of the
City of Baltimore, Incorporated,
By Chester Wm. Snyder, President.

Attest:
Wm. F. Broening,
R. Walter Graham,
Augustus M. Denhard,
Commissioners of Finance.

Approved as to form and legal sufficiency:
A. Walter Kraus, City Solicitor.

(City Code, 1950, art. 2, §2; 1966, art. 18, §2; 1976/83, art. 18, §2.) (Ord. 31-1273.)

SUBTITLE 13
{RESERVED}

**SUBTITLE 14
WALTERS ART GALLERY**

Part 1. Acceptance of Property

§ 14-1. Acceptance of property.

The Mayor of the City of Baltimore is hereby authorized and directed to accept from the Safe Deposit and Trust Company of Baltimore, executor under the last will and testament of Henry Walters, late of Baltimore City, deceased, all property and funds which the said executor is required to convey, transfer and pay over to the Mayor and City of Baltimore under the terms and provisions of said last will and testament; and the Mayor of the City of Baltimore is hereby further authorized and directed to give to said executor receipts and releases, adequate in form and substance, for each property and funds so conveyed, transferred, and paid over.

(City Code, 1950, art. 2, §3; 1966, art. 18, §3; 1976/83, art. 18, §3.) (Ord. 33-400.)

§ 14-2. Use of property.

The Walters Art Gallery and the property at 5 West Mount Vernon Place, and the contents of the buildings, shall be used for the benefit of the public, as directed by Item 2 of said last will and testament; and the income from the endowment fund created under paragraph C of Item 3 of said last will and testament shall be used for the purpose of maintaining the Walters Art Gallery for the benefit of the public.

(City Code, 1950, art. 2, §4; 1966, art. 18, §4; 1976/83, art. 18, §4.) (Ord. 33-400; Ord. 76-053.)

§§ 14-3 to 14-5. {Reserved}

Part 2. Trustees of Walters Art Gallery

§ 14-6. Trustees created.

The Trustees of the Walters Art Gallery are created as a body corporate, as provided in Chapter 217, Laws of Maryland 1933.

(City Code, 1950, art. 2, §5(part); 1966, art. 18, §5(part); 1976/83, art. 18, §5.) (Ord. 33-400; Ord. 99-526.)

§ 14-7. Organization.

(a) *Composition.*

The Trustees comprise:

- (1) the Mayor of Baltimore;
- (2) the President of the City Council of Baltimore;
- (3) a representative of the Safe Deposit and Trust Company, trustee under the last will and testament of Henry Walters, to be selected by that company; and

(4) no less than 6 nor more than 40 elected members, as the Bylaws of the Trustees specify.

(b) *Term of elected members.*

(1) The term of an elected member is 3 years.

(2) The terms of the elected members are staggered as required by the terms for members as of May 30, 1996.

(3) On expiration of the term of an elected member, a successor is to be elected by the remaining Trustees.

(4) Elected members are eligible to succeed themselves.

(c) *Vacancies.*

Any vacancy is to be filled by the remaining Trustees for the remainder of the term in which the vacancy occurs.

(d) *Officers.*

The officers of the Trustees are as provided in Chapter 217, Laws of Maryland 1933.

(e) *Compensation.*

The Trustees receive no compensation for the performance of their duties.

(*City Code, 1950, art. 2, §§6(part), 9(part), 11(I), 13(part), 14(part); 1966, art. 18, §§6(part), 9(part), 11(I), 13(part), 14(part); 1976/83, art. 18, §6.*) (*Ord. 33-400; Ord. 33-468; Ord. 38-691; Ord. 45-203; Ord. 50-1084; Ord. 96-016; Ord. 99-526.*)

§ 14-8. Powers and duties.

(a) *In general.*

The Trustees have the powers and duties provided in Chapter 217, Laws of Maryland 1933, and this section.

(b) *Control over legacy.*

The Trustees shall have full and complete control over the property and funds given to the City of Baltimore by Henry Walters, as the agency through which the directions and intent of the donor are to be obeyed and his objects realized.

(c) *Buildings and contents.*

The Trustees may use the Walters Art Gallery and the property at 5 West Mount Vernon Place, together with the contents of those buildings, only for the benefit of the public, as directed in Item 2 of the last will and testament of Henry Walters.

(d) *Endowment fund income.*

- (1) The Safe Deposit and Trust Company is directed to pay the income from the trust fund created under Item C.3 of the last will and testament of Henry Walters to the Trustees of Walters Art Gallery, in quarterly installments, and the Trustees of Walters Art Gallery is appointed agent of the Mayor and City Council of Baltimore to receive those payments.
- (2) Any payment of income by the Safe Deposit and Trust Company to the Trustees is deemed a payment to the Mayor and City Council of Baltimore, and the Safe Deposit and Trust Company is released, acquitted, and discharged of all responsibility and liability for the income so paid to the Trustees.
- (3) The Trustees may receive and expend this income for the purpose of maintaining the Walters Art Gallery for the benefit of the public, including the acquisition and improvement of property incidental to the purposes of the last will and testament.

(e) *Proceeds of property dispositions.*

The Trustees may expend for the same purposes any funds derived from selling any of the contents of Walters Art Gallery or of the property at 5 West Mount Vernon Place found not to be of museum value or interest.

(City Code, 1950, art. 2, §§4(part), 5(part), 10(part); 1966, art. 18, §§4(part), 5(part), 10(part); 1976/83, art. 18, §7.) (Ord. 33-400; Ord. 33-468; Ord. 76-053; Ord. 99-526.)

§ 14-9. Annual report.

As soon as convenient after January 1 of each year, but not later than March 15, the Trustees of Walters Art Gallery shall submit a report of the activities and operations of Walters Art Gallery to the Board of Estimates and each member of the City Council.

(City Code, 1950, art. 2, §12; 1966, art. 18, §12; 1976/83, art. 18, §8.) (Ord. 33-468; Ord. 99-526.)

§ 14-10. Name and continuation of gallery.(a) *Name.*

As a testimonial to the generosity and public spirit of the late Henry Walters, the gallery shall be known in perpetuity as “Walters Art Gallery”.

(b) *Merger prohibited.*

The gallery may not, at any time, be merged or consolidated with any other institution.

(City Code, 1950, art. 2, §11(V)(part); 1966, art. 18, §11(V)(part); 1976/83, art. 18, §9.) (Ord. 33-468; Ord. 50-1084; Ord. 99-526.)

§ 14-11. Dispositions, loans, and exhibitions.*(a) Disposition prohibited without City consent.*

The Trustees may not sell or otherwise dispose of any work of art without the consent of the Mayor and City Council of Baltimore.

(b) Loans and Exhibitions.

Objects of art owned by the Walters Art Gallery may be loaned to or exhibited in any other institution without the approval of the Mayor and City Council. However, the Trustees must provide notice of any loan or exhibition to the Mayor and City Council of Baltimore and the Board of Estimates of Baltimore City.

(City Code, 1950, art. 2, §§10(part), 11(V)(part); 1966, art. 18, §§10(part), 11(V)(part); 1976/83, art. 18, §10.) (Ord. 33-468; Ord. 50-1084; Ord. 99-526.)

§ 14-12. Charter and Bylaws.*(a) Charter amendments.*

No amendment to the Act of Incorporation (Chapter 217, Laws of Maryland 1933) may be accepted or observed by the Trustees of Walters Art Gallery without the consent of the Mayor and City Council of Baltimore.

(b) Bylaws.

A copy of the bylaws of the corporation and any amendments to the bylaws, as adopted from time to time, shall be filed with the Department of Legislative Reference and accessible at all times to the public.

(City Code, 1950, art. 2, §11(II), (IV); 1966, art. 18, §11(II), (IV); 1976/83, art. 18, §11.) (Ord. 33-468; Ord. 50-1084; Ord. 99-526.)

SUBTITLES 15 TO 16
{RESERVED}

DIVISION IV: CONCERTS**SUBTITLE 17
CITY MUSIC PROGRAMS****§ 17-1. In general.**

The Department of Recreation and Parks is hereby authorized to provide concerts, symphonies, and other musical entertainment for the people of Baltimore City, to the end that a proper appreciation of music may be developed and encouraged and that an opportunity may be afforded the residents of Baltimore City with musical talent to develop the same.

(City Code, 1950, art. 30, §12(1st par.); 1966, art. 21, §8(1st par.); 1976/83, art. 21, §7(1st par.)) (Ord. 42-701.)

§ 17-2. Arrangements and contracts.*(a) In general.*

(1) Within the limits of the appropriations made therefor in the Annual Ordinance of Estimates, the Department is hereby authorized and empowered to make any and all arrangements it may deem necessary for its concerts, symphonies, and musical entertainments and for the proper operation of said Departments, including, but not limited to:

- (i) the entering into of contracts with a Director of Music, a Personnel Manager, and such Conductors as it may deem expedient in connection with the musical activities of the Department; and
- (ii) the entering into of contracts with musicians, singers, musical entertainers, and such other persons as it may deem necessary for the proper operation of the Department.

(2) The said Department is also authorized and empowered to hire halls, auditoriums, and other places suitable for the conduct of the activities of the Department.

(b) Residential preference.

In contracting with any musician, singer, or other musical entertainer, the Department shall give preference to persons residing in Baltimore City, if qualified to perform the desired services.

(City Code, 1950, art. 30, §12(2nd par., 3rd par.(2nd sen.)); 1966, art. 21, §8(2nd par., 3rd par.(2nd sen.)); 1976/83, art. 21, §7(2nd par., 3rd par.(2nd sen.)) (Ord. 42-701.)

§ 17-3. Admission fees.

The Department is hereby authorized and empowered to charge and collect admission fees for concerts, symphonies, and other musical activities given or sponsored by it.

(City Code, 1950, art. 30, §12(3rd par.(1st sen.)); 1966, art. 21, §8(3rd par.(1st sen.)); 1976/83, art. 21, §7(3rd par.(1st sen.)) (Ord. 42-701.)

§ 17-4. Administration.

(a) *Records; rules and regulations.*

The Department:

- (1) shall keep a minute book and other records of its proceedings; and
- (2) shall have power to adopt and enforce rules and regulations for the management of the Department and the activities conducted by it.

(b) *Voting by Board.*

A majority of the Board of Recreation and Parks shall constitute a sufficient quorum for the transaction of business.

(City Code, 1950, art. 30, §12(4th par.); 1966, art. 21, §8(4th par.); 1976/83, art. 21, §7(4th par.)) (Ord. 42-701.)

§§ 17-5 to 7-10. {Reserved}

§ 17-11. Using name “Municipal Band”, etc.

(a) *Prohibited conduct.*

No person, association, or corporation shall hereafter give any musical concert or performance within the City of Baltimore under the name or title:

- (1) “Municipal Band”;
- (2) “Baltimore Band”;
- (3) “City Band”;
- (4) “Baltimore Symphony Orchestra”; or
- (5) any similar title which would give the impression that the concert, symphony, or musical performance was being given by or under the auspices of the Mayor and City Council of Baltimore.

(b) *Penalties.*

Any person, association, or corporation violating this section shall be subject to a fine of not less than \$5 nor more than \$100, to be imposed and collected as other penalties imposed by ordinance.

(City Code, 1927, art. 32, §36; 1950, art. 24, §37; 1966, art. 19, §73; 1976/83, art. 19, §86.) (Ord. 18-324.)