

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 09-0368

Introduced by: Councilmembers Reisinger, Kraft, Curran, Middleton, Welch, Cole
At the request of: Baltimore Metal Recycling Association, LLC
Address: c/o AB Associates, One S. Calvert Street, Suite 1150, Baltimore, Maryland 21202
Telephone: 410-547-6900
Introduced and read first time: July 13, 2009
Assigned to: Land Use and Transportation Committee

Committee Report: Favorable
Council action: Adopted

Read second time: November 16, 2009

AN ORDINANCE CONCERNING

Zoning – Junk or Scrap Storage and Yards – Critical Area Overlay District

FOR the purpose of defining “junk or scrap storage and yards” to clarify the scope of that term; expressly prohibiting the storage of junk or scrap on barges, ~~docks, piers,~~ and belt conveyor systems in the Critical Area Overlay District, but excepting certain activities limited to unloading and loading; ~~prohibiting construction- and demolition-debris processing facilities in the Critical Area Overlay District;~~ increasing certain related penalties; and generally relating to prohibited and permitted uses in the Critical Area Overlay District.

BY renumbering

Article - Zoning

Section(s) 1-153.1

to be

Section(s) 1-153.2

Baltimore City Revised Code

(Edition 2000)

BY adding

Article - Zoning

Section(s) 1-153.1, ~~8-310(a)(11),~~ 17-510

Baltimore City Revised Code

(Edition 2000)

BY repealing and reordaining, without amendments

Article - Zoning

Section(s) 7-407(7)

Baltimore City Revised Code

(Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

Council Bill 09-0368

1 BY repealing and reordaining, with amendments

2 Article - Zoning

3 Section(s) 8-310(a)(5)

4 Baltimore City Revised Code

5 (Edition 2000)

6 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
7 Zoning Code § 1-153.1 {"Live entertainment"} is renumbered to be Zoning Code § 1-153.2
8 {"Live entertainment"}.

9 **SECTION 2. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
10 Laws of Baltimore City read as follows:

11 **Baltimore City Revised Code**

12 **Article – Zoning**

13 **Title 1. Definitions; General Provisions**

14 **§ 1-153.1. JUNK OR SCRAP STORAGE AND YARDS.**

15 (A) SUPPLEMENTAL TERMS DEFINED.

16 (1) GENERAL.

17 IN THIS ARTICLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

18 (2) PROCESSED METAL.

19 “PROCESSED METAL” MEANS ANY SCRAP METAL THAT HAS BEEN SORTED, BALED,
20 SEPARATED, SHEARED, SHREDDED, OR TORCHED IN A MANNER SUITABLE FOR
21 RE MELTING.

22 (3) UNPROCESSED METAL.

23 “UNPROCESSED METAL” MEANS ANY SCRAP METAL THAT HAS NOT BEEN SORTED,
24 BALED, SEPARATED, SHEARED, SHREDDED, OR TORCHED IN A MANNER SUITABLE FOR
25 RE MELTING.

26 (B) JUNK ... YARDS.

27 “JUNK OR SCRAP STORAGE AND YARDS” MEANS ANY PREMISES USED FOR ANY ONE OR MORE
28 OF THE FOLLOWING:

29 (1) THE COMMERCIAL OR INDUSTRIAL STORAGE, TEMPORARY OR OTHERWISE, OF ~~SCRAP~~
30 ~~METAL~~ UNPROCESSED METAL, PROCESSED METAL, WASTEPAPER, RAGS, OR OTHER
31 JUNK;

32 (2) THE PURCHASE OR SALE, BY WEIGHT ACROSS AN ON-SITE SCALE, OF ~~SCRAP METAL~~
33 UNPROCESSED METAL, PROCESSED METAL, WASTEPAPER, RAGS, OR OTHER JUNK; OR

Council Bill 09-0368

1 (3) THE ~~SHREDDING~~ SORTING, BALING, SEPARATING, SHEARING, ~~SORTING~~ SHREDDING, OR
2 TORCH PREPARATION OF ~~SCRAP~~ METAL OR ANY OTHER FORM OF SCRAP-METAL
3 PROCESSING, INCLUDING AUTOMOBILE FLATTENING AND CRUSHING.

4 **Title 7. Industrial Districts**

5 **§ 7-407. {M-3} Conditional uses – Board approval required.**

6 In an M-3 District, conditional uses that require Board approval are as follows:

7 (7) Junk or scrap storage and yards.

8 **Title 8. Overlay Districts**

9 ***Subtitle 3. Critical Area Overlay District***

10 **§ 8-310. Prohibited uses.**

11 (a) *Within Critical Area.*

12 Except as specified in subsection (c) of this section, the following uses are prohibited
13 within the Critical Area:

14 (5) Junk or scrap storage and yards, INCLUDING STORAGE ON BARGES, ~~DOCKS, PIERS,~~
15 AND BELT CONVEYOR SYSTEMS USED FOR THE TRANSFER OF ~~SCRAP METAL~~
16 MATERIALS – BUT THIS PROHIBITION DOES NOT APPLY TO THE CONTINUOUS
17 PROCESS OF UNLOADING OR LOADING ~~SCRAP METAL~~ PROCESSED METAL FOR AND
18 DURING ITS TRANSFER TO OR FROM A DOCKED BARGE OR VESSEL AWAITING
19 SHIPMENT, AS LONG AS THAT PROCESS DOES NOT OTHERWISE INCLUDE ANY OF THE
20 ACTIVITIES DESCRIBED IN § 1-153.1 {“JUNK OR SCRAP STORAGE AND YARDS”} OF
21 THIS ARTICLE.

22 ~~(11) CONSTRUCTION AND DEMOLITION DEBRIS PROCESSING FACILITIES.~~

23 **Title 17. Enforcement and Penalties**

24 **Subtitle 5. Criminal Penalties**

25 **§ 17-510. JUNK OR SCRAP STORAGE IN CRITICAL AREA: \$1,000 / 12 MONTHS.**

26 FOR VIOLATING ANY PROVISION OF § 8-310(A)(5) {“CRITICAL AREA OVERLAY: JUNK OR
27 SCRAP STORAGE AND YARDS”} OF THIS ARTICLE, THE PENALTY IS A FINE OF NOT MORE THAN
28 \$1,000 OR IMPRISONMENT OF NOT MORE THAN 12 MONTHS OR BOTH FINE AND IMPRISONMENT
29 FOR EACH OFFENSE.

30 **SECTION 3. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
31 are not law and may not be considered to have been enacted as a part of this or any prior
32 Ordinance.

Council Bill 09-0368

1 **SECTION 4. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
2 ~~after the date it is enacted~~ later of (i) the 30th day after this Ordinance is enacted and (ii) the date
3 on which this Ordinance is approved by the Chesapeake Bay Critical Area Commission.

Certified as duly passed this ____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this ____ day of _____, 20__

Chief Clerk

Approved this ____ day of _____, 20__

Mayor, Baltimore City