

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 08-0115

Introduced by: The Council President
At the request of: Department of Legislative Reference
Introduced and read first time: May 5, 2008
Assigned to: Judiciary and Legislative Investigations Committee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: July 21, 2008

AN ORDINANCE CONCERNING

Corrective Bill 2008

- 1
- 2 FOR the purpose of correcting certain technical errors and omissions in the City Code and other
3 enactments; repealing certain obsolete provisions; correcting, clarifying, and conforming
4 certain language; and providing for a special effective date.
- 5 BY repealing and reordaining, with amendments
6 Article - Building, Fire, and Related Codes
7 Section(s) 8-102 (FC § 109.7)
8 Baltimore City Revised Code
9 (Edition 2000)
- 10 BY repealing
11 Article 1 - Mayor, City Council, and Municipal Agencies
12 Section(s) 40-14(e)(3)(§ 48-2) and 41-14(2)(§ 48-2 and § 50-22)
13 Baltimore City Code
14 (Edition 2000)
- 15 BY repealing and reordaining, with amendments
16 Article 1 - Mayor, City Council, and Municipal Agencies
17 Section(s) 40-14(3)(6) and (6a) and 41-14(5)
18 Baltimore City Code
19 (Edition 2000)
- 20 BY repealing and reordaining, with amendments
21 Article 5 - Finance, Property, and Procurement
22 Section(s) 28-78(a)
23 Baltimore City Code
24 (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.

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1 BY repealing and reordaining, with amendments
2 Article 6 - Historical and Architectural Preservation
3 Section(s) 4-5(a)
4 Baltimore City Code
5 (Edition 2000)

6 BY adding
7 Article 8 - Ethics
8 Section(s) 7-8(39)
9 Baltimore City Code
10 (Edition 2000)

11 BY repealing and reordaining, with amendments
12 Article 19 - Police Ordinances
13 Section(s) 40-1(c) and (d), 43-12(a), 71-2(i)(1) and (2)
14 Baltimore City Code
15 (Edition 2000)

16 BY repealing and reordaining, with amendments
17 Article 26 - Surveys, Streets, and Highways
18 Section(s) 3-2(a) and (b)(1)(ii), 3-7(b)(1)(ii), 3-15, and 3-21(a)
19 Baltimore City Code
20 (Edition 2000)

21 BY repealing and reordaining, with amendments
22 Article 31 - Transit and Traffic
23 Section(s) 36-7(2)
24 Baltimore City Code
25 (Edition 2000)

26 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
27 Laws of Baltimore City read as follows:

28 **Baltimore City Revised Code**

29 **Article – Building, Fire, and Related Codes**

30 **Part VIII. International Fire Code**

31 **§ 8-102. City modifications.**

32 The additions, deletions, amendments, and other modifications adopted by the City are
33 as follows:

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Chapter 1. Administration

Section 109 Violations

109.7 Citations for certain offenses. In accordance with City Code Article 1, Subtitle 40 {"Environmental Control Board"}, City Code Article 1, Subtitle 41 {"Civil Citations"}, or City Code Article 19, Subtitle 71 {"Special Enforcement Officers"}, a prepayable citation may be issued to the owner, agent, or person responsible for the operation or in charge of any occupancy that fails to comply with:

- 1. § 107.6. {"MAINTENANCE: OVERCROWDING"}
- 2. [1.] § 110.1 {"Unsafe Buildings: General"}, OR
- 3. [2.] § 1001.2 {"Means of Egress: Minimum Requirements"}[, or].
- [3. § 1001.3 {"Means of Egress: Overcrowding"}.]

COMMENT: In accord with the International Fire Code, as adopted by Ord. 07-552, the provisions on overcrowding were transferred from § 1001.3 to § 107.6. This conforms a cross-reference to those provisions.

Baltimore City Code

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 40. Environmental Control Board

§ 40-14. Violations to which subtitle applies.

(e) *Provisions and penalties enumerated.*

(3) *Article 19. Police Ordinances*

. . .

[§ 48-2. Resale of tickets near sports facilities	\$ 50]
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COMMENT: Section 48-2 was repealed by Ord. 07-471. This removes the now-obsolete citation penalty.

(6) *Building, Fire, and Related Codes – Fire Code*

§ 107.6. MAINTENANCE; OVERCROWDING	
1-99 PERSONS OVER CAPACITY	\$100
100-199 PERSONS OVER CAPACITY	\$250
200 OR MORE PERSONS OVER CAPACITY	\$500

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1	§ 110.1. Unsafe buildings: General	\$100
2	§ 1001.2. Means of Egress: Minimum requirements	\$250
3	[§ 1001.3. Means of Egress: Overcrowding	
4		
5	1-99 persons over capacity	\$100
6	100-199 persons over capacity	\$250
7	200 or more persons over capacity	\$500]
8	COMMENT: In accord with the International Fire Code, as adopted by Ord.	
9	07-552, the provisions on overcrowding were transferred from § 1001.3 to	
10	§ 107.6. This conforms a reference to those provisions.	

11 (6a) *Building, Fire, and Related Codes –*
12 *Property Maintenance Code*

13	[§§ 304 - 307. Sanitary maintenance]	
14	§§ 305 - 308. SANITARY MAINTENANCE	
15		
16	Residential properties	\$ 50
17	Commercial properties	\$100
18	COMMENT: In accord with the International Property Maintenance Code, as	
19	adopted by Ord. 07-552, the provisions on sanitary maintenance were	
20	renumbered. This conforms a reference to those provisions.	

21 **Subtitle 41. Civil Citations**

22 **§ 41-14. Offenses to which subtitle applies – Listing.**

23	(2) <i>Article 19. Police Ordinances</i>	
24	. . .	
25	[§ 48-2. Resale of tickets near sports facilities	\$ 50]
26	COMMENT: Section 48-2 was repealed by Ord. 07-471. This removes the now-	
27	obsolete citation penalty.	
28	. . .	
29	[§ 50-22. Street sales near farmers’ markets	\$100]
30	COMMENT: Section 50-222 was repealed by Ord. 04-854. This removes the	
31	now-obsolete citation penalty. For similar provisions, subject to similar	
32	penalties, <i>see</i> Article 15, § 17-26.	

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1 (5) *Building, Fire, and Related Codes –*
2 *Fire Code*

3 § 107.6. MAINTENANCE; OVERCROWDING

4
5 1-99 PERSONS OVER CAPACITY \$100

6 100-199 PERSONS OVER CAPACITY \$250

7 200 OR MORE PERSONS OVER CAPACITY \$500

8 § 1001.2. Means of Egress: Minimum requirements \$250

9 [§ 1001.3. Means of Egress: Overcrowding

10
11 1-99 persons over capacity \$100

12 100-199 persons over capacity \$250

13 200 or more persons over capacity \$500]

14 **COMMENT:** In accord with the International Fire Code, as adopted by Ord.
15 07-552, the provisions on overcrowding were transferred from § 1001.3 to
16 § 107.6. This conforms a reference to those provisions.

17 **Article 5. Finance, Property, and Procurement**

18 **Subtitle 28. Minority and Women’s Business Enterprises**

19 **§ 28-78. MBEs and WBEs — General criteria.**

20 (a) *General eligibility requirements.*

21 To be eligible for certification as a minority business enterprise or women’s business
22 enterprise, the business enterprise must:

23 (1) be an independent, operating business;

24 (2) be at least 51% minority- or women-owned;

25 [(3) be a small business;]

26 (3) [(4)] before applying for certification, have been in operation for at least 12
27 months before applying for certification;

28 (4) [(5)] have been minority- or women-owned for at least 12 months before applying
29 for certification; and

30 (5) [(6)] have an operating office in the Baltimore City Market Area.

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COMMENT: This subtitle was last revised by Ord. 07-606 {Bill 07-801}. As introduced, the bill would have defined “small business” and imposed a “small business” criterion for MBEs and WBEs. Before enactment, however, that criterion, and all other references to a “small business”, were deleted. This amendment corrects the oversight.

Article 6. Historical and Architectural Preservation

Subtitle 4. Alterations, etc., to Properties

§ 4-5. Certificate of Appropriateness or Notice to Proceed.

(a) *Issuance.*

If the Commission determines that the proposed excavation, construction, or erection, reconstruction, alteration, removal of an architectural feature, change in color, or demolition of a structure in a District, on a Landmark List, or on a Special List is appropriate or, although inappropriate, is without substantial detriment to the public welfare, [and] IS without substantial derogation from the intent and purposes of this article, AND DENIAL OF THE APPLICATION WILL RESULT IN SUBSTANTIAL HARDSHIP TO THE APPLICANT, the Commission shall forthwith direct the Executive Director or the Executive Director’s designee to forward to the Commissioner of Housing and Community Development a Certificate of Appropriateness or a Notice to Proceed, as applicable, along with the related application, plans, and specifications.

COMMENT: Inserts the third prerequisite for issuance of a Notice to Proceed, as expressly required by § 4-4(a)(2) of this subtitle. Its omission from this iteration was evidently inadvertent.

Article 8. Ethics

Subtitle 7. Financial Disclosure

Part II. Who Must File

§ 7-8. Persons required to file – Agency officials and staff.

Except as provided in § 7-10 {“Person filing with State”} of this subtitle, the following officials and employees must file the financial disclosure statements required by this subtitle:

(39) *SUSTAINABILITY, COMMISSION ON*

(I) MEMBERS OF COMMISSION.

(II) ALL NON-CLERICAL EMPLOYEES ASSIGNED TO THE COMMISSION.

COMMENT: The Commission on Sustainability was created by Ordinance 07-488. Although that Ordinance did not add the Commission to the list in this section of similar board and commissions, the relative importance of the Commission’s mission suggests that the omission was inadvertent.

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Article 19. Police Ordinances

Subtitle 40. Unregistered Motorcycles and Similar Vehicles

§ 40-1. Definitions.

(c) *Dirt bike.*

(1) “Dirt bike” means, EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, any motorcycle or similar vehicle that is not registered under the Maryland Vehicle Law.

(2) “Dirt bike” includes:

(i) a minibike;

(ii) an all-terrain vehicle of either the 3- or 4-wheel variety; and

(iii) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, any other motorcycle or similar vehicle that is not eligible for registration under the Maryland Vehicle Law.

(3) “DIRT BIKE” DOES NOT INCLUDE:

(i) A MOPED, AS DEFINED IN STATE TRANSPORTATION ARTICLE § 11-134.1; OR

(ii) A MOTOR SCOOTER, AS DEFINED IN STATE TRANSPORTATION ARTICLE § 11-134.4.

(d) *Minibike.*

(1) “Minibike” means, EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, a motor vehicle that:

(i) [(1)] has a saddle for the use of the rider;

(ii) [(2)] is designed to travel on not more than 3 wheels in contact with the ground;

(iii) [(3)] is not eligible for registration under the Maryland Vehicle Law; and

(iv) [(4)] has:

A. [(i)] a 10-inch (254 mm) or less nominal wheel-rim diameter;

B. [(ii)] 40 inches or less wheel base;

C. [(iii)] 25 inches or less seat height, measured at the lowest point on the top of the seat cushion without rider; or

D. [(iv)] a propelling engine with piston displacement of 50 cc or less.

(2) “MINIBIKE” DOES NOT INCLUDE:

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1 (I) A MOPED, AS DEFINED IN STATE TRANSPORTATION ARTICLE § 11-134.1; OR

2 (II) A MOTOR SCOOTER, AS DEFINED IN STATE TRANSPORTATION ARTICLE § 11-134.4.

3 COMMENT: This section was enacted by Ord. 07-398. According the
4 ordinance’s title, one of its purposes was to “reauthoriz[e] the use of certain
5 mopeds and motor scooters”. During deliberations, proposed registration
6 requirements for these vehicles, as well as virtually all references to them, were
7 deleted. Required changes to the remaining, operative definitions, however,
8 were inadvertently overlooked.

9 **Subtitle 43. Public Nuisances**

10 **§ 43-12. Penalties.**

11 (a) In general.

12 Any person who violates a provision of [§ 43A-11] § 43-11 is guilty of a misdemeanor
13 and, on conviction, is subject to the following penalties:

14 (1) for a violation of [§ 43A-11(a)] § 43-11(A) {“Prohibited conduct: Destruction, etc.,
15 of posted order”}, the offender is subject to a fine of not more than \$500; and

16 (2) for a violation of [§ 43A-11(b)] § 43-11(B) {“Prohibited conduct: Failure to obey
17 order”}, the offender is subject to a fine of not more than \$500 or to imprisonment for
18 not more than 90 days or to both fine and imprisonment.

19 COMMENT: Corrects typographical errors in cross-references.

20 **Subtitle 71. Special Enforcement Officers**

21 **§ 71-2. Prepayable criminal citations.**

22 (i) Enumeration of code violations and penalties.

23 (1) Building, Fire, and Related Codes –
24 Fire Code

25 § 107.6. MAINTENANCE: OVERCROWDING

26 1-99 PERSONS OVER CAPACITY \$100

27 100-199 PERSONS OVER CAPACITY \$250

28 200 OR MORE PERSONS OVER CAPACITY \$500

29 § 110.1. Unsafe Buildings: General \$100

30 § 1001.2. Means of Egress: Minimum requirements \$250

31 [§ 1001.3. Means of Egress: Overcrowding

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1	1-99 persons over capacity	\$100
2	100-199 persons over capacity	\$250
3	200 or more persons over capacity	\$500]

4 **COMMENT:** In accord with the International Fire Code, as adopted by Ord.
5 07-552, the provisions on overcrowding were transferred from § 1001.3 to
6 § 107.6. This conforms a reference to those provisions.

7 (2) *Building, Fire, and Related Codes –*
8 *Property Maintenance Code*

9 [§§ 304 - 307. Sanitary maintenance]

10 §§ 305 - 308. SANITARY MAINTENANCE

11		
12	Residential properties	\$ 50
13	Commercial properties	\$100

14 **COMMENT:** In accord with the International Property Maintenance Code, as
15 adopted by Ord. 07-552, the provisions on sanitary maintenance were
16 renumbered. This conforms a reference to those provisions.

17 **Article 26. Surveys, Streets, and Highways**

18 **Subtitle 3. Opening, Widening, Closing Streets**

19 **§ 3-2. Notice of proposed ordinance.**

20 (a) *Notice by publication.*

21 (1) Before any ordinance is introduced in the City Council under CITY CHARTER Article
22 II, § (34) {"Streets, Bridges and Highways"} relating to the laying out, opening,
23 extending, widening, straightening, or closing up, in whole or in part, of any street,
24 square, lane, or alley within Baltimore City, notice shall be given by advertisement
25 published twice a week for 2 consecutive weeks, in 2 of the daily newspapers in the
26 City, that application shall be made for the passage of the ordinance.

27 (2) The notice:

28 (i) shall set forth clearly in the case of laying out, opening, or extending any
29 street, square, lane, or alley, the length or width of the street, square, lane, or
30 alley, or part thereof to be laid out, opened, or extended;

31 (ii) in the case of widening or straightening, shall set forth clearly both the present
32 and the intended width and also the length of any street, SQUARE, lane, or
33 alley or part thereof intended to be widened or straightened; and
34

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(iii) in case of closing, shall set forth clearly the length and width of the street, SQUARE, lane, or alley, or any part thereof, intended to be closed.

(b) *Notice by map.*

(1) Notice shall also be given by filing, with the Department of Public Works on or before the 1st day of the publication, a map on the scale, not smaller than 50 feet to the inch, prepared by some competent surveyor, whose name shall be signed to the same, which:

...

(ii) in the case of closing, shall show:

(A) the street, SQUARE, lane, or alley, or part thereof, intended to be closed; and also

(B) the abutting lots and improvements thereon.

COMMENT: Throughout most of this subtitle, the phrase “street, square, lane, or alley” is consistently used as the counterpart to the Charter’s broad reference in Article II, § 34, to “streets ... and other public ways of every kind”. See §§ 3-4, 3-5, 3-6, 3-14, and 3-19. In a few instances, however, the word “square” was omitted. The omission has no apparent substantive purpose. In this § 3-2, for example, “square” appears in the introductory provisions of subsection (a)(1); notwithstanding the word’s omission from subsection (a)(2)(iii), public notice for the closing of a square would still be required under (a)(1), but without the specifics required by (a)(2)(iii) for all other closings. Presumably, the omission was an oversight.

§ 3-7. Statement of benefits and damages.

(b) *Contents.*

Such statement, together with an explanatory map or maps, shall contain:

(1) a description of each separate lot or parcel of ground deemed to have sustained damages, including:

...

(ii) the name of the street, SQUARE, lane, or alley on which it bounds;

...

....

COMMENT: See Comment to § 3-2.

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§ 3-15. Ordinance repealed or set aside.

Whenever any ordinance passed by the Mayor and City Council of Baltimore, providing for the condemnation and opening, widening, or closing of any street, SQUARE, lane, or alley in said City, shall be set aside or declared null and void by a court of competent jurisdiction, to wit: the Circuit Court for Baltimore City, the Court of Special Appeals, or the Court of Appeals, in the event of an appeal to that tribunal, or the same shall be repealed by the Mayor and City Council of Baltimore, it shall be the duty of the Director of Finance immediately thereafter to refund to any and all persons, or their legal representatives, such sums of money as they may have paid to the City by reason of the assessment of benefits by virtue of such ordinance. The Director of Finance shall likewise pay all expenses which may have been incurred by virtue of any such ordinance, in carrying out the provisions thereof, for which the City may be liable under existing ordinances.

COMMENT: See Comment to § 3-2.

§ 3-21. Offer to convey property.

(a) *In general.*

Whenever the owner or owners of the bed of any existing or proposed street, SQUARE, lane, or alley in the City shall offer to convey the same to the City:

(1) it shall be the duty of the Mayor to obtain the opinion of the City Solicitor in relation to the title to the property and the legality of the deed or deeds; and

(2) if, in the opinion of the Mayor, it will be right and proper and the public good will result therefrom, he is authorized to receive, in the name of the Mayor and City Council of Baltimore, any deed or deeds so offered to the City.

COMMENT: See Comment to § 3-2.

Article 31. Transit and Traffic

Subtitle 36. Parking, etc., Fines, Penalties, and Procedures

§ 36-7. \$75 fines.

(2) Parking, stopping, or standing in VIOLATION OF POSTED RESTRICTIONS FOR the Pimlico Race Track Area [in violation of § 31-7(c)(3) of this article] is punishable by a fine of \$75.

COMMENT: Deletes an obsolete cross-reference to a repealed (Ord. 03-591) provision.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

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1 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it
2 is enacted.

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