

**CITY OF BALTIMORE
COUNCIL BILL 08-0115
(First Reader)**

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

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Housing and Community Development, Environmental Control Board, Police Department, Department of Public Works, Fire Department, Department of Transportation, Baltimore City Parking Authority Board, Minority and Women's Business Opportunity Office

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Corrective Bill 2008**

3 FOR the purpose of correcting certain technical errors and omissions in the City Code and other
4 enactments; repealing certain obsolete provisions; correcting, clarifying, and conforming
5 certain language; and providing for a special effective date.

6 BY repealing and reordaining, with amendments

7 Article - Building, Fire, and Related Codes

8 Section(s) 8-102 (FC § 109.7)

9 Baltimore City Revised Code

10 (Edition 2000)

11 BY repealing

12 Article 1 - Mayor, City Council, and Municipal Agencies

13 Section(s) 40-14(e)(3)(§ 48-2) and 41-14(2)(§ 48-2 and § 50-22)

14 Baltimore City Code

15 (Edition 2000)

16 BY repealing and reordaining, with amendments

17 Article 1 - Mayor, City Council, and Municipal Agencies

18 Section(s) 40-14(3)(6) and (6a) and 41-14(5)

19 Baltimore City Code

20 (Edition 2000)

21 BY repealing and reordaining, with amendments

22 Article 5 - Finance, Property, and Procurement

23 Section(s) 28-78(a)

24 Baltimore City Code

25 (Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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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) 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:

34 **Chapter 1. Administration**

35 **Section 109 Violations**

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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] |
|---|--------|

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 |
| § 110.1. Unsafe buildings: General | \$100 |
| § 1001.2. Means of Egress: Minimum requirements | \$250 |

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[§ 1001.3. Means of Egress: Overcrowding

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

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 reference to those provisions.

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

[§§ 304 - 307. Sanitary maintenance]

§§ 305 - 308. SANITARY MAINTENANCE

| | |
|------------------------|-------|
| Residential properties | \$ 50 |
| Commercial properties | \$100 |

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

Subtitle 41. Civil Citations

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

(2) *Article 19. Police Ordinances*

...

| | |
|---|--------|
| [§ 48-2. Resale of tickets near sports facilities | \$ 50] |
|---|--------|

COMMENT: Section 48-2 was repealed by Ord. 07-471. This removes the now-obsolete citation penalty.

...

| | |
|--|--------|
| [§ 50-22. Street sales near farmers’ markets | \$100] |
|--|--------|

COMMENT: Section 50-222 was repealed by Ord. 04-854. This removes the now-obsolete citation penalty. For similar provisions, subject to similar penalties, see Article 15, § 17-26.

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

§ 107.6. MAINTENANCE; 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 | § 1001.2. Means of Egress: Minimum requirements | \$250 |
| 5 | [§ 1001.3. Means of Egress: Overcrowding | |
| 6 | | |
| 7 | 1-99 persons over capacity | \$100 |
| 8 | 100-199 persons over capacity | \$250 |
| 9 | 200 or more persons over capacity | \$500] |
| 10 | COMMENT: In accord with the International Fire Code, as adopted by Ord. | |
| 11 | 07-552, the provisions on overcrowding were transferred from § 1001.3 to | |
| 12 | § 107.6. This conforms a reference to those provisions. | |

Article 5. Finance, Property, and Procurement

Subtitle 28. Minority and Women's Business Enterprises

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

(a) *General eligibility requirements.*

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

- (1) be an independent, operating business;
- (2) be at least 51% minority- or women-owned;
- (3) be a small business;
- (4) [(4)] before applying for certification, have been in operation for at least 12 months before applying for certification;
- (5) [(5)] have been minority- or women-owned for at least 12 months before applying for certification; and
- (6) [(6)] have an operating office in the Baltimore City Market Area.

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.

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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.

Article 19. Police Ordinances

Subtitle 71. Special Enforcement Officers

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§ 71-2. Prepayable criminal citations.

(i) *Enumeration of code violations and penalties.*

(1) *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

§ 110.1. Unsafe Buildings: General \$100

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

[§ 1001.3. Means of Egress: Overcrowding

1-99 persons over capacity \$100

100-199 persons over capacity \$250

200 or more persons over capacity \$500]

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 reference to those provisions.

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

[§§ 304 - 307. Sanitary maintenance]

§§ 305 - 308. SANITARY MAINTENANCE

Residential properties \$ 50

Commercial properties \$100

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

Article 26. Surveys, Streets, and Highways

Subtitle 3. Opening, Widening, Closing Streets

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§ 3-2. Notice of proposed ordinance.

(a) *Notice by publication.*

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

(2) The notice:

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

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

(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.

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§ 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.

§ 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.

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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.

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