

**CITY OF BALTIMORE
COUNCIL BILL 07-0743
(First Reader)**

Introduced by: Councilmembers Conaway, Mitchell, Kraft, Middleton, Clarke, Welch, Young, Curran, Reisinger

Introduced and read first time: July 16, 2007

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Public Works, Department of Transportation, Department of Finance

A BILL ENTITLED

1 **AN ORDINANCE** concerning

Street Lamps – Temporary Replacements

3 FOR the purpose of requiring the temporary replacement of street lamps under certain
4 circumstances; correcting, clarifying, and conforming certain language; and generally
5 relating to the provision of lamps and lighting.

6 BY repealing and reordaining, with amendments
7 Article 26 - Surveys, Streets, and Highways
8 Section(s) 13-1 to 13-7
9 Baltimore City Code
10 (Edition 2000)

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

Baltimore City Code

Article 26. Surveys, Streets, and Highways

Subtitle 13. Lamps and Lighting

§ 13-1. Street lamps, etc.

17 (a) *Contracts for services.*

18 The Department of [Public Works] TRANSPORTATION, subject to the powers of the Board
19 of Estimates, shall make all contracts:

20 (1) for furnishing, operating, and maintaining lamps and lamp standards;
21 (2) for furnishing steam for public buildings; and

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

1 (3) for furnishing illuminating gas and electric current for street lamps and public
2 buildings.

3 (b) *Maintaining street lamps.*

4 [It] THE DEPARTMENT OF TRANSPORTATION shall:

5 (1) regulate the lighting and cleaning of the City lamps and see that they are kept in
6 proper repair;

7 (2) erect new lamp standards and lamps for lighting the highways, streets, lanes,
8 alleys, bridges, parks, and squares in the City;

9 (3) remove or relocate any lamp standards and lamps whenever and wherever, in its
10 judgment, convenience and necessity of the public may require; and

11 (4) make monthly statements of the street gas lamps and ascertain the correct rate or
12 rates of gas consumption for all [such] THESE lamps.

13 § 13-2. **Lighting alleys.**

14 (a) *In general.*

15 The Department of [Public Works] TRANSPORTATION may, in its discretion, furnish
16 lighting for any alleyway, either improved or unimproved, public or private, [which]
17 THAT is connected to a public way, and is in general use by the City's sanitation and
18 other municipal vehicles and the public, when, in its judgment, the safety and
19 convenience of the public so require.

20 (b) *Construction of section.*

21 Nothing in this section [shall] MAY be construed as committing the City to the policy of
22 lighting private property; nor [shall] MAY it be construed as investing the Department of
23 [Public Works] TRANSPORTATION with any authority to invade private rights.

24 § 13-3. **Shades on street lamps.**

25 (a) *Department to issue permits.*

26 (1) [The] ON APPLICATION, THE Department of [Public Works] TRANSPORTATION [is
27 hereby authorized and directed to] SHALL issue [on application,] permits for the
28 placing of shades over portions of street lamps when the [same] LAMPS are situated so
29 close to dwelling houses as, in its discretion, to be a special annoyance to the
30 occupants of [such] THOSE houses.

31 (2) No charge or fee [shall] MAY be made for the issuing of [such] THESE permits.

1 (b) *Standards.*

2 In no case [shall] is it [be] lawful to place any shades on or about any street lamps in
3 [such a] ANY manner [as to interfere] THAT INTERFERES with the full and proper lighting
4 of the streets, alleys, lanes, or sidewalks.

5 (c) *Department to supervise placement.*

6 The placing of all [such] THESE shades over street lamps shall be done under the
7 supervision and direction of the Department of [Public Works] TRANSPORTATION.

8 (d) *Removal.*

9 All [such] shades shall be removed [upon] ON notice from [said] THE Department
10 whenever [said] THE Department finds them unnecessary or the public interest requires
11 [such] THEIR removal.

12 **§ 13-4. Interfering with lamps.**

13 (a) *Interference prohibited.*

14 [It shall not be lawful for any] No person, [or persons] other than [such persons as are]
15 ONE legally authorized for [that] THE purpose, MAY:

- 16 (1) [to] light or extinguish any of the public lamps of the City [of Baltimore];
- 17 (2) [to] turn the stopcock of any [such] public lamp or [to] do any other thing to
18 increase or diminish the flow of gas or electricity [therein];
- 19 (3) [to] attach anything to any public lamp or lamp-post;
- 20 (4) [to] interfere in any way with the lighting of the highways, streets, lanes, alleys,
21 bridges, parks, or squares of the City [of Baltimore];
- 22 (5) [to] remove or in any way damage any public lamp or lamp-post [in said] OF THE
23 City; or
- 24 (6) [to] post or paste any notice or advertisement on any [such] lamp or lamp-post.

25 (b) *Penalties.*

26 Any person violating the provisions of this section shall forfeit and pay the sum of \$5 for
27 each [and every] offense[,] and, in addition, shall pay the costs of all damage to [said]
28 THE lamp or lamp-post, to be recovered as other penalties for violating City ordinances
29 are recoverable.

1 **§ 13-5. Schedule for lighting lamps.**

2 (a) *Department to prepare.*

3 [It shall be the duty of the] THE Department of [Public Works] TRANSPORTATION [to]
4 SHALL [prepare and have printed] PRINT on cards, schedules [showing] OF the [time or]
5 times when the City lamps [shall be] ARE lighted and extinguished daily.

6 (b) *Distribution.*

7 These cards shall be furnished to each lighting contractor[,] and the Police Department.

8 **§ 13-6. Police to report problems.**

9 The Police Department shall report to the [Department of Public Works] TRANSPORTATION:

10 (1) all failures to light and extinguish the lamps at the proper time; and
11 (2) all broken or damaged street lamps.

12 **§ 13-7. TEMPORARY LIGHTING.**

13 (A) *REQUIRED.*

14 WHEVER CONSTRUCTION, EXCAVATION, DEMOLITION, OR OTHER WORK BY A UTILITY
15 COMPANY OR BY A DEVELOPER, BUILDER, OR CONTRACTOR CAUSES 2 OR MORE STREET
16 LAMPS ON A BLOCK TO BE OUT OF SERVICE FOR 3 OR MORE DAYS, THE UTILITY COMPANY
17 OR THE DEVELOPER, BUILDER, OR CONTRACTOR SHALL PROVIDE EQUIVALENT TEMPORARY
18 STREET LIGHTING UNTIL THE STREET LAMPS HAVE BEEN PUT BACK INTO SERVICE.

19 (B) *PENALTIES.*

20 (1) ANY PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND, ON
21 CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THEN \$500 FOR EACH OFFENSE.

22 (2) EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

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

26 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
27 after the date it is enacted.