

**CITY OF BALTIMORE
COUNCIL BILL 14-0417
(First Reader)**

Introduced by: The Council President

At the request of: The Administration (Department of Legislative Reference)

Introduced and read first time: July 17, 2014

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Housing and Community Development, Fire Department, Health Department, Department of Planning, Board of Ethics, Department of Finance, Police Department, Department of Transportation, Department of General Services

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Corrective Bill 2014**

3 FOR the purpose of correcting certain technical errors and omissions in the City Code; repealing
4 certain obsolete, obsolescent, or otherwise preempted, superseded, or superfluous provisions;
5 correcting, clarifying, and conforming certain language; and providing for a special effective
6 date.

7 BY adding

8 Article - Building, Fire, and Related Codes
9 Section(s) 2-103 (BC § 101.4.8)
10 Baltimore City Revised Code
11 (Edition 2000)

12 BY repealing and reordaining, with amendments

13 Article - Building, Fire, and Related Codes
14 Section(s) 2-103 (BC §§ 202.2.37 and 202.43) and 7-102 (PMC § 102.3)
15 Baltimore City Revised Code
16 (Edition 2000)

17 BY renaming

18 Article - Health
19 Title 12. Tobacco Products
20 Subtitle 7. Mobile Vendors
21 to be
22 Subtitle 7. Smoking in Vendor Trucks
23 Baltimore City Revised Code
24 (Edition 2000)

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

Council Bill 14-0417

- 1 BY repealing and reordaining, with amendments
2 Article - Health
3 Section(s) 12-801(b)(2), (c), and (d) and 12-803
4 Baltimore City Revised Code
5 (Edition 2000)
- 6 By repealing and reordaining, with amendments
7 Article 1 - Mayor, City Council, and Municipal Agencies
8 Section(s) 1-4(a), (b), and (c)
9 Baltimore City Code
10 (Edition 2000)
- 11 By repealing and reordaining, with amendments
12 Article 5 - Finance, Property, and Procurement
13 Section(s) 40-22(b)
14 Baltimore City Code
15 (Edition 2000)
- 16 By repealing and reordaining, with amendments
17 Article 7 - Natural Resources
18 Section(s) 3-24, 4-2(b)(6), 7-1(c), 8-1, 28-5, 35-5, 35-6, and 35-9
19 Baltimore City Code
20 (Edition 2000)
- 21 By repealing and reordaining, without amendment
22 Article 7 - Natural Resources
23 Section(s) 8-2 and 28-6
24 Baltimore City Code
25 (Edition 2000)
- 26 BY renumbering, with amendments
27 Article 8. Ethics
28 Section(s) 2-5
29 to be
30 Section(s) 7-1
31 Baltimore City Code
32 (Edition 2000)
- 33 BY renumbering, without amendment
34 Article 8. Ethics
35 Section(s) 7-1
36 to be
37 Section(s) 7-1.1
38 Baltimore City Code
39 (Edition 2000)

Council Bill 14-0417

- 1 BY repealing and reordaining, with amendments
2 Article 8. Ethics
3 Section(s) 7-8(38)
4 Baltimore City Code
5 (Edition 2000)
- 6 BY repealing and reordaining, with amendments
7 Article 15 - Licensing and Regulation
8 Section(s) 2-36, 17-1(d) and (k), 17-4(b), 17-5(a), (c), and (d), 17-16(b)(5),
9 17-17(b), 17-18(b)(6), 17-20(b)(2) and (3), 17-21(b), 17-24(c),
10 and 17-38
11 Baltimore City Code
12 (Edition 2000)
13 (As enacted by Ordinance 14-237)
- 14 BY repealing and reordaining, without amendment
15 Article 15 - Licensing and Regulation
16 Section(s) 17-18(b)(5)
17 Baltimore City Code
18 (Edition 2000)
19 (As enacted by Ordinance 14-237)
- 20 BY repealing
21 Article 19 - Police Ordinances
22 Section(s) 34-1(c) and (i), 59-3, and 59-4
23 Baltimore City Code
24 (Edition 2000)
- 25 BY repealing and reordaining, with amendments
26 Article 19 - Police Ordinances
27 Section(s) 59-26(b)
28 Baltimore City Code
29 (Edition 2000)
- 30 BY adding
31 Article 19 - Police Ordinances
32 Section(s) 34-1(i)
33 Baltimore City Code
34 (Edition 2000)
- 35 BY repealing and reordaining, with amendments
36 Article 31 - Transit and Traffic
37 Section(s) 6-28 and 36-2(4)
38 Baltimore City Code
39 (Edition 2000)

Council Bill 14-0417

1 BY renaming
2 Article 31 - Transit and Traffic
3 Subtitle 10. Residential Permit Parking Program
4 Part V. Non-Resident Parking Restrictions
5 to be
6 Part V. Non-Permit Parking Restrictions
7 Baltimore City Code
8 (Edition 2000)

9 **SECTION 1. 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 – Building, Fire, and Related Codes**

13 **Part II. International Building Code**

14 **§ 2-103. City modifications.**

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

17 **Chapter 1. Scope and Administration**

18 **Section 101 General**

19 **101.4 Referenced codes.** The standards and codes listed in this § 101.4, as modified by
20 these provisions and as referred to elsewhere in this Code, are part of the requirements of this
21 Code to the extent prescribed by the reference.

22 **101.4.8 RESIDENTIAL.** THE INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-
23 FAMILY DWELLINGS (2012 EDITION), AS MODIFIED IN PART X OF THIS CODE, APPLIES TO
24 DETACHED 1- AND 2-FAMILY DWELLINGS AND MULTIPLE SINGLE-FAMILY DWELLINGS
25 (TOWNHOUSES), NOT MORE THAN 3 STORIES ABOVE GRADE PLANE IN HEIGHT, AND THEIR
26 ACCESSORY STRUCTURES.

27 **COMMENT:** Adds to the IBC’s list of “referenced codes” an inadvertently omitted
28 reference to the Residential Code for One- and Two-Family Dwellings.

29 **Chapter 2. Definitions; Rules of Construction**

30 **Section 202 Definitions**

31 **202.2 Supplemental definitions.** Notwithstanding any different definition in the
32 International Building Code, the following terms have the meanings given in this § 202.2.

33 **202.2.37 International Codes.**

34 **202.2.37.1 Energy Conservation Code.** “Energy Conservation Code”, “Baltimore
35 City Energy Conservation Code”, [or] “International Energy Conservation Code”, OR

Council Bill 14-0417

1 “IECC” means the International Energy Conservation Code (2012 Edition), as
2 supplemented, amended, or otherwise modified by Baltimore City.

3 **202.2.37.2 Fire Code.** “Fire Code”, “Baltimore City Fire Code”, [or] “International
4 Fire Code”, OR “IFC” means the International Fire Code (2012 Edition),
5 as supplemented, amended, or otherwise modified by Baltimore City.

6 **202.2.37.3 Fuel Gas Code.** “Fuel Gas Code”, “Baltimore City Fuel Gas Code”, [or]
7 “International Fuel Gas Code”. OR “IFGC” means the International Fuel Gas Code
8 (2012 Edition), as supplemented, amended, or otherwise modified by Baltimore City.

9 **202.2.37.4 Mechanical Code.** “Mechanical Code”, “Baltimore City Mechanical
10 Code”, [or] “International Mechanical Code”, OR “IMC” means the International
11 Mechanical Code (2012 Edition), as supplemented, amended, or otherwise modified
12 by Baltimore City.

13 **202.2.37.5 Plumbing Code.** “Plumbing Code”, “Baltimore City Plumbing Code”,
14 [or] “International Plumbing Code”, OR “IPC” means the International Plumbing
15 Code (2012 Edition), as supplemented, amended, or otherwise modified by Baltimore
16 City.

17 **202.2.37.6 Property Maintenance Code.** “Property Maintenance Code”,
18 “Baltimore City Property Maintenance Code”, [or] “International Property
19 Maintenance Code”, OR “IPMC” means the International Property Maintenance Code
20 (2012 Edition), as supplemented, amended, or otherwise modified by Baltimore City.

21 **202.2.37.7 Residential Code.** “Residential Code”, “Baltimore City Residential
22 Code”, [or] “International Residential Code”, OR “IRC” means the International
23 Residential Code for One- and Two-Family Dwellings (2012 Edition), as
24 supplemented, amended, or otherwise modified by Baltimore City.

25 **202.2.43 National Codes.**

26 **202.2.43.1 Electrical Code.** “Electrical Code”, “Baltimore City Electrical Code”,
27 [or] “National Electrical Code”, OR “NEC” means the National Electrical Code (2011
28 Edition), as supplemented, amended, or otherwise modified by Baltimore City.

29 **COMMENT:** Listings amended to incorporate and the initialisms used to refer to these
30 various codes.

31 **Part VII. International Property Maintenance Code**

32 **§ 7-102. City modifications.**

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

Council Bill 14-0417

Chapter 1. Scope and Administration

Section 102 Applicability

102.3 Application of other codes. All repairs, additions, or alterations to a structure and all changes of occupancy must be done in accordance with this Code and with the following codes and standards, as modified by Baltimore City:

- 1. the International Building Code (2012 Edition),
- 2. the National Electrical Code (2011 Edition),
- 3. the International Fuel Gas Code (2012 Edition),
- 4. the International Mechanical Code (2012 Edition),
- 5. the International Plumbing Code (2012 Edition),
- 6. the International Fire Code (2012 Edition),
- 7. the International Energy Conservation Code (2012 Edition),
- 8. THE INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS (2012 EDITION), and
- 9. [8.] the Zoning Code of Baltimore City.

COMMENT: Adds to the IPMC’s list of other applicable codes, an inadvertently omitted reference to the Residential Code for One- and Two-Family Dwellings.

Article – Health

Title 12. Tobacco Products

Subtitle 7. [Mobile Vendors] SMOKING IN VENDOR TRUCKS

COMMENT: Name amended to better reflect the scope of the subtitle.

Subtitle 8. Smoking Near Playgrounds

§ 12-801. Definitions.

(b) *Athletic facility.*

(2) *Illustrations.*

“Athletic facility” includes[, but is not limited to,] any:

- (i) baseball diamond[,];

Council Bill 14-0417

1 (ii) soccer, lacrosse, or football field[,];

2 (iii) basketball court[,];

3 (iv) racing track[,];

4 (v) skating rink[,]; or

5 (vi) field hockey pitch.

6 (c) *Playground.*

7 “Playground” means an outdoor area set aside for recreation and play, including[, but not
8 limited to,] an area containing equipment such as seesaws, swings, slides, merry-go-
9 rounds, jungle gyms, monkey bars, overhead ladders, trapeze rings, playhouses,
10 sandboxes, mazes, or similar play structures of any kind.

11 (d) *Public swimming pool.*

12 “Public swimming pool” has the meaning stated in § 11-301(c) {“Definitions: Public
13 swimming pool”} of [the Health Code of Baltimore City] THIS ARTICLE

14 **COMMENT:** Deletes superfluous phrase “but ... not limited to” from subsection (b)(2) and
15 (c), given the general definition of “includes” and “including” in § 1-106 of this article to
16 the same effect.; conforms punctuation in subsection (b)(2); and corrects cross-reference in
17 subsection (d).

18 **§ 12-803. Where smoking prohibited.**

19 Except as otherwise specified in this subtitle, smoking is prohibited in or within 50 feet of
20 any:

21 (1) playground[,];

22 (2) schoolyard[,];

23 (3) athletic facility[,]; OR

24 (4) public swimming pool.

25 **COMMENT:** Conforms punctuation and inserts missing conjunction.

26 **Baltimore City Code**

27 **Article 1. Mayor, City Council, and Municipal Agencies**

28 **Subtitle 1. City Council**

Council Bill 14-0417

§ 1-4. Committee on Legislative [Investigation] INVESTIGATIONS.

(a) *[Created] COMMITTEE ESTABLISHED.*

A standing committee of the City Council is [created] ESTABLISHED, to be known as the Committee on Legislative [Investigation] INVESTIGATIONS[, and to have the powers and duties here provided].

(b) *[Members] COMPOSITION.*

(1) The COMMITTEE COMPRISES 5 COUNCILMEMBERS, TO BE APPOINTED FROM TIME TO TIME BY THE COUNCIL President [of the City Council], with the approval of the CITY Council[, shall appoint from time to time 5 members of the Council to comprise the Committee,].

(2) THE PRESIDENT, WITH THE APPROVAL OF THE COUNCIL, SHALL DESIGNATE [with] 1 member [being designated] as [its Chairman] THE COMMITTEE'S CHAIR and another MEMBER [being designated] as [its Vice-Chairman] THE COMMITTEE'S VICE-CHAIR.

(c) *[Powers] GENERAL FUNCTIONS.*

[The Committee, on] ON its own motion or [upon] AT the request of any [official or employee of the Mayor and City Council of Baltimore, or of any other] person, THE COMMITTEE MAY:

(1) [may] study the continuing operations, efficiency, and functions of the several departments, bureaus, commissions, boards, and agencies of the Mayor and City Council of Baltimore; and

(2) [it may study and] investigate complaints or allegations of faulty operations, inefficiency, [and] OR malfunctioning in any of these departments, bureaus, commissions, boards, and agencies.

COMMENT: Conforms committee's name to that used for the corresponding component of what is now known as the Judiciary and *Legislative Investigations* Committee. Corrects, conforms, and clarifies related language.

Article 5. Finance, Property, and Procurement

Subtitle 40. Debarment from City Contracts

§ 40-22. Petitions for reinstatement.

(b) *Bribery offenses.*

[(1)] For a person debarred under § 40-5 or § 40-6 of this subtitle, the petition may be filed at any time after expiration of 5 years from:

(1) the date of the debarment; or

Council Bill 14-0417

1 (2) in the case of an automatic debarment under § 40-5, the date of the Board’s notice
2 under § 40-16 {“Notice and opportunity for hearing – automatic debarments”}.

3 **COMMENT:** Corrects misnumbering.

4 **Article 7. Natural Resources**

5 **Division I. Floodplain Management**

6 **Title 3. Development Regulations**

7 **§ 3-24. New private principal structures prohibited.**

8 New construction of private principal structures, whether residential, commercial, or
9 industrial, [are] IS prohibited.

10 **COMMENT:** Corrects subject-verb non-agreement.

11 **Title 4. Development Permits**

12 **§ 4-2. Applications.**

13 (b) *Required information.*

14 The application must contain, in addition to the information otherwise required by the
15 Building Official for a building permit, the following information:

16 . . .

17 (6) plans, drawn to scale, that SHOW the location, dimensions, and NAVD elevation of
18 the site in relation to the stream channel, shoreline, and Floodplain District;

19

20 **Comment:** Inserts omitted verb.

21 **Subtitle 7. Enforcement**

22 **§ 7-1. Compliance required.**

23 (c) *Noncompliant structures as public nuisance.*

24 Any structure or other development that is located, erected, constructed, reconstructed,
25 improved, repaired, extended, converted, enlarged, or altered in violation of this
26 Division I or OF any other applicable Federal, State, and City law, rule, or regulation is
27 declared to be a public nuisance and abatable as such.

28 **Comment:** Inserts omitted preposition.

Council Bill 14-0417

Subtitle 8. Administrative and Judicial Review

§ 8-1. Administrative review – In general.

(a) *Right of appeal AND HEARING.*

Any person aggrieved by the action of the Floodplain Manager or other official charged with the enforcement of this Division I, whether as the result of the disapproval of an application, the issuance of a violation notice, an alleged failure to properly enforce this Division I, or otherwise[,]:

(1) may appeal the action to the Planning Director; AND

(2) ON TIMELY REQUEST, IS ENTITLED TO A HEARING ON THAT APPEAL.

(b) *When and how taken.*

The appeal must:

(1) be in writing;

(2) state clearly the grounds on which the appeal is based;

(3) IF THE PERSON AGGRIEVED DESIRES A HEARING ON THE APPEAL, CONTAIN AN EXPRESS STATEMENT TO THAT EFFECT; and

(4) [(3)] be filed with the Director within 10 days of the action in dispute.

Comment: These changes clarify, in accord with long-standing administrative practice, that the person aggrieved is entitled to a hearing on the appeal, if timely requested.

§ 8-2. Administrative review – Delegation of hearing authority.

(a) *In general.*

Hearings may be conducted by:

(1) the Planning Director; or

(2) a hearing officer designated by the Planning Director.

(b) *Scope of delegation.*

The Director may delegate to a hearing officer the authority to issue:

(1) proposed or final findings of fact;

(2) proposed or final conclusions of law;

(3) proposed or final findings of fact and conclusions of law;

Council Bill 14-0417

1 (4) proposed or final orders; or

2 (5) the final administrative decision of the Department.

3 **Comment:** Shown for context of conforming changes to § 35-6 of this article.

4 **Division II. Stormwater Management**

5 **Subtitle 28. Enforcement; Reviews; Penalties**

6 **§ 28-5. Administrative review – In general.**

7 (a) *Right of appeal.*

8 Any person aggrieved by the action of any official charged with the enforcement of this
9 Division II, whether as the result of the disapproval of an application, the issuance of a
10 violation notice, an alleged failure to properly enforce this Division II, or otherwise[,]:

11 (1) may appeal the action to the Director of Public Works; AND

12 (2) ON TIMELY REQUEST, IS ENTITLED TO A HEARING ON THAT APPEAL.

13 (b) *When and how taken.*

14 The appeal must:

15 (1) be in writing;

16 (2) state clearly the grounds on which the appeal is based;

17 (3) IF THE PERSON AGGRIEVED DESIRES A HEARING ON THE APPEAL, CONTAIN AN
18 EXPRESS STATEMENT TO THAT EFFECT; and

19 (4) [(3)] be filed with the Director within 10 days of the action in dispute.

20 **Comment:** These changes clarify, in accord with long-standing administrative practice,
21 that the person aggrieved is entitled to a hearing on the appeal, if timely requested.

22 **§ 28-6. Administrative review – Delegation of hearing authority.**

23 (a) *In general.*

24 Hearings may be conducted by:

25 (1) the Director of Public Works; or

26 (2) a hearing officer designated by the Director.

Council Bill 14-0417

1 (b) *Scope of delegation.*

2 The Director may delegate to a hearing officer the authority to issue:

- 3 (1) proposed or final findings of fact;
- 4 (2) proposed or final conclusions of law;
- 5 (3) proposed or final findings of fact and conclusions of law;
- 6 (4) proposed or final orders; or
- 7 (5) the final administrative decision of the Department.

8 **Comment:** Shown for context of conforming changes to § 35-6 of this article.

9 **Division III. Soil Erosion and Sediment Control**

10 **Subtitle 35. Enforcement; Reviews; Penalties**

11 **§ 35-5. Administrative review – In general.**

12 (a) *Right of appeal.*

13 Any person aggrieved by the action of any official charged with the enforcement of this
14 Division III, whether as the result of the disapproval of an application, the issuance of a
15 violation notice, an alleged failure to properly enforce this Division III, or otherwise[,]:

- 16 (1) may appeal the action to the Director of Public Works; AND
- 17 (2) ON TIMELY REQUEST, IS ENTITLED TO A HEARING ON THAT APPEAL.

18 (b) *When and how taken.*

19 The appeal must:

- 20 (1) be in writing;
- 21 (2) state clearly the grounds on which the appeal is based;
- 22 (3) IF THE PERSON AGGRIEVED DESIRES A HEARING ON THE APPEAL, CONTAIN AN
23 EXPRESS STATEMENT TO THAT EFFECT; and
- 24 (4) [(3)] be filed with the Director within 10 days of the action in dispute.

25 **Comment:** These changes clarify, in accord with long-standing administrative practice,
26 that the person aggrieved is entitled to a hearing on the appeal, if timely requested.

Council Bill 14-0417

1 **§ 35-6. Administrative review – Delegation of hearing authority.**

2 (a) *In general.*

3 Hearings may be conducted by:

- 4 (1) the Director of Public Works; or
5 (2) a hearing officer designated by the Director.

6 (b) *Scope of delegation.*

7 The Director may delegate to a hearing officer the authority to issue:

- 8 (1) proposed OR FINAL findings of fact;
9 (2) proposed OR FINAL conclusions of law;
10 (3) proposed OR FINAL findings of fact and conclusions of law; [or]
11 (4) proposed OR FINAL orders; OR
12 (5) THE FINAL ADMINISTRATIVE DECISION OF THE DEPARTMENT.

13 **Comment:** Revised to conform to the more flexible delegation authority provided by
14 §§ 8-2 and 28-6 (which see above) under the otherwise near-identical procedures for
15 hearings under Part I {"Floodplain Management"} and Part II {"Stormwater
16 Management"}, respectively, of this article.

17 **§ 35-9. Administrative review – Final decisions.**

18 [(a) *Director to issue.*]

19 [(1) Only the Director may issue the final administrative decision of the Department.]

20 [(2) If a hearing officer conducted the hearing, the Director must review and consider the
21 hearing officer's proposed findings and conclusions before issuing the final decision.]

22 (A) [(b)] *Form and contents.*

23 The final decision must:

- 24 (1) be in writing; and
25 (2) contain separate statements of:
26 (i) the findings of fact;

Council Bill 14-0417

1 (ii) the conclusions of law; and

2 (iii) the decision or order.

3 (B) [(c)] *Distribution.*

4 A copy of the final decision must be mailed or delivered to each party or that party’s
5 attorney of record.

6 **Comment:** Conforms section to changes made in § 35-6. *Cf.* §§ 8-5 and 28-9.

7 **Article 8. Ethics**

8 **Title 7. Financial Disclosure**

9 **§ 7-1. [§ 2-5.] “Business with the City”.**

10 (a) *In general.*

11 [“Business] IN THIS SUBTITLE, “BUSINESS with the City” means any 1 or combination of
12 sales, purchases, leases, or contracts:

13 (1) that are made:

14 (i) to, from, or with the City or an agency of the City; or

15 (ii) to, from, or with another person in connection with or in furtherance of a
16 contract that is being negotiated or has been entered into by the other
17 person with the City or an agency of the City; and

18 (2) involve consideration of \$5,000 or more on a cumulative basis.

19 (b) *Determining consideration.*

20 For purposes of this section, the total consideration committed to be paid as of the award
21 or execution of a contract or lease, to the extent then ascertainable, is included, regardless
22 of the period over which payments are to be made.

23 **COMMENT:** The phrase “business with the City” appears only in Subtitle 7 of the Ethics
24 Law, applicable (as here specifically defined) to various disclosure requirements. This
25 transfer will help to more clearly distinguish the definition’s limited application
26 (transactions involving “consideration of \$5,000 or more”) from the far broader
27 references elsewhere in the article to, for example, a person who has or is negotiating “a
28 contract with [a] City agency” (§ 6-11), a person who “seeks to do business ... with” a
29 City agency (§ 6-26), and the like. The transfer is for clarity and has no substantive
30 effect.

31 **§ 7-1.1 [§ 7-1.] Certifications.** *{Text unchanged}*

Council Bill 14-0417

§ 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:

(38) *Retirement Systems AND RETIREMENT SAVINGS PLAN.*

(i) Members of THE [Board] BOARDS of Trustees of:

(A) THE Employees’ Retirement System[.];

(B) [(ii) Members of Board of Trustees of] THE Fire and Police Employees’ Retirement System[.]; AND

(C) THE RETIREMENT SAVINGS PLAN.

(ii) [(iii)] Executive [Director] DIRECTORS and Deputy [Director] DIRECTORS of [Board of Trustees of Employees’ Retirement System] THESE SYSTEMS AND SAVINGS PLAN.

[(iv)] Executive Director and Deputy Director of Board of Trustees of Fire and Police Employees’ Retirement System.]

(iii) [(v)] Members of the [staff of Employees’ Retirement System] STAFFS OF THESE SYSTEMS AND SAVINGS PLAN, as designated by [the] THEIR RESPECTIVE Executive [Director] DIRECTORS.

[(vi) Members of the staff of Fire and Police Employees’ Retirement System as designated by the Executive Director.]

COMMENT: Ordinance 14-216 enacted a new Article 22A {“Retirement Savings Plan”} and established a Board of Trustees to administer that Plan. Among other things, the new law established a special set of ethics rules for the Board and its employees [Art. 22A, § 2-20 {“Conflicts of interest”}], identical to the rules previously adopted for the Boards and employees of the Employees’ Retirement System [Art. 22, § 5(b)(5)] and the Fire and Police Employees’ Retirement System [Art. 22, § 33(b)(9)]. Each of these sets of rules (i) expressly identifies the Boards and their employees as entities and individuals subject to “the standards and requirements” of the City’s Public Ethics Law, and (ii) imposes specific prohibitions against certain additional activities and interests. Notwithstanding the intent to treat the Plan’s Board and employees in the same way that the ERS’ and F&PERS’ Boards and employees are treated, the new law failed to include the Plans Board members and employees in the statutory list of officials and employees required to file financial disclosure statements. This amendment corrects that oversight and, for greater clarity, simplifies the listing.

1 **Article 15. Licensing and Regulation**

2 **Subtitle 2. Amusements**

3 **§ 2-36. Dance schools.**

4 (a) *License required.*

5 A license is required for regular dancing academies or places used for instruction in the
6 art of dancing.

7 (b) *Fee.*

8 THE LICENSEE shall pay an annual license fee of \$50 for such privilege.

9 COMMENT: Inserts a missing, but most important element of any sentence, the subject.

10 **Subtitle 17. Street Vendors**

11 **§ 17-1. Definitions.**

12 (d) *Ice cream truck.*

13 “Ice cream truck” means a vendor [who] THAT earns substantially all of its revenue from
14 the sale of ice cream[,] or similar frozen food confections[,] from a vehicle.

15 COMMENT: Corrects usage and punctuation.

16 (k) *Vendor truck.*

17 “Vendor truck” means any motor vehicle used for the purpose of selling any food
18 product, other merchandise, or service by a mobile vendor [licensed under this subtitle].

19 COMMENT: Deletes an inappropriate limitation on what, in this definitional context, is
20 intended to be a general reference to *any* “mobile vendor”, as defined in subsection (e) of
21 this section. Except as provided in § 17-6 {Newspaper sales excepted}, every “street
22 vendor” (which, by definition, includes any “mobile vendor”) is required to be licensed
23 under this subtitle; failure to abide that licensure requirement does not remove a mobile
24 vendor from its status as a street vendor or, therefore, the obligation to comply with all
25 other applicable requirements of this subtitle applicable to street vendors.

26 **§ 17-4. Rules and regulations.**

27 (b) *Public notice and comment.*

28 [The] BEFORE ADOPTING ANY RULE OR REGULATION UNDER THIS SUBTITLE, THE
29 Department must first:

30 (1) publish THE proposed [rules and regulations,] RULE OR REGULATION; and

Council Bill 14-0417

1 (2) provide adequate public notice and opportunity for public comment at a hearing
2 on the proposed [rules and regulations, before adopting any rules and regulations
3 under this subtitle] RULE OR REGULATION.

4 COMMENT: Recast for clarity.

5 **§ 17-5. Mobile vending zones.**

6 (a) *Designation.*

7 (1) *In general.*

8 At the [Department's] request OF THE DEPARTMENT OF GENERAL SERVICES, and after
9 public notice has been provided to area business and neighborhood organizations, the
10 Director of Transportation may designate spaces on City streets or other public
11 property as "mobile vending zones" for the exclusive use of mobile vendors during
12 designated hours.

13 COMMENT: Clarifies which agency is being referred to.

14 (2) *Required considerations.*

15 A PROPOSED designation under paragraph (1) of this subsection must [include]
16 CONTAIN an assessment of the zone's potential impact on:

- 17 (i) vehicular and pedestrian traffic, including any impediment to ingress TO and
18 egress [for] FROM established businesses;
- 19 (ii) public safety and health;
- 20 (iii) parking in the area; and
- 21 (iv) area residents and businesses.

22 COMMENT: Revised for clarity.

23 (c) *Temporary relocation or suspension.*

24 The Department[,] OF GENERAL SERVICES or [the] Department of Transportation[,] may
25 temporarily relocate or suspend mobile vending zones at any time due to emergencies or
26 to further public safety, public health interests, or City operations.

27 COMMENT: Corrects punctuation and clarifies identity of the agencies authorized to act.

28 (d) *Signage.*

29 Mobile vending zones designated under this section must be marked by clear signs
30 [specifying] THAT SPECIFY the hours and times [that they] DURING WHICH THE ZONES are
31 reserved for the exclusive use of mobile vendors.

32 COMMENT: Revised for clarity.

Council Bill 14-0417

1 **§ 17-16. Classes and scope of licenses.**

2 (b) *Required considerations.*

3 In designating classes and specifying limitations, the Department must consider:

4 . . .

5 (5) comments [and feedback] from area schools, businesses, institutions, and
6 residents.

7 **COMMENT:** Deletes redundancy.

8 **§ 17-17. Limitations and conditions.**

9 (b) *Containers and vendor vehicles.*

10 (1) Except as otherwise [designated by] PROVIDED IN PARAGRAPH (2) OF this subsection,
11 the Department may determine the size, shape, design, and dimensions of any
12 container, conveyance, sign, table, chair, other appurtenance, or vendor vehicle to be
13 used in connection with a license issued under this subtitle.

14 (2) The Department may not issue a new or renewal license for a mobile vendor to
15 operate out of any vehicle with a total operating space that is longer than 25 feet,
16 including any generator, hitch, trailer, or other motor vehicle attachment.

17 **COMMENT:** Revised for clarity.

18 **§ 17-18. Applications.**

19 (b) *Contents.*

20 The application must contain:

21 . . .

22 (5) for the sale of any food product, evidence that the applicant has obtained the
23 appropriate license from the Health Department; and

24 (6) any other information the Department OF GENERAL SERVICES requires.

25 **COMMENT:** Clarifies which agency is being referred to.

26 **§ 17-20. Temporary licenses.**

27 (b) *Term and renewal.*

28 (2) A temporary license may be renewed for 1 additional 4-day [periods] period on
29 application and payment of an additional license fee for that renewal period.

30 **COMMENT:** Deletes typographical redundancy.

Council Bill 14-0417

1 (3) Further renewal periods beyond the 1 authorized by paragraph (2) of this [section]
2 SUBSECTION require the approval of the [Director] DEPARTMENT after consultation
3 with affected businesses, residents, and community organizations.

4 COMMENT: Corrects nomenclature.

5 **§ 17-21. Fees.**

6 (b) *Varying fees.*

7 The fees established by the Board of Estimates may vary based on the LICENSE class [of
8 licenses], [the] VENDOR type [of vendor], or [the locations] LOCATION at which [the] A
9 vendor is authorized to operate.

10 COMMENT: Conforms listing to uniform, singular usage.

11 **§ 17-24. Vendor identification – In general.**

12 (c) *Form and contents.*

13 The identification badge:

14 (1) [shall] MUST be of laminated plastic or other durable substance; and

15 (2) [shall] MUST bear:

16 (i) the street vendor's name and address;

17 (ii) the type of merchandise or service for which the license is issued;

18 (iii) the location or area for which the license is issued;

19 (iv) the days or times to which the license is limited;

20 (v) the date on which the license expires; and

21 (vi) an identifying number that corresponds with number of the license.

22 COMMENT: Conforms mandatory terms to those used in rest of subtitle.

23 **§ 17-38. All vendors – Near school or school transit stop.**

24 From 7 a.m. to 8 p.m., no street vendor may stand or park her or his vendor vehicle within 2
25 blocks of the grounds of:

26 (1) any building used as a public or private kindergarten, elementary school, or secondary
27 school[,]; or

28 (2) any public transit stop serving a kindergarten, elementary school, or secondary school.

29 COMMENT: Conforms punctuation.

Council Bill 14-0417

Article 19. Police Ordinances

Subtitle 34. Minors – Daytime and Nighttime Curfews

§ 34-1. Definitions.

[(c) Juvenile holding facility.]

["Juvenile holding facility" means a place, as established or designated by the City, to which minors believed to be in violation of § 34-3 {"Prohibited conduct of minors – Nighttime curfew"} of this subtitle can be taken to determine an appropriate course of action.]

[(i) Truancy center.]

["Truancy center" means a place, as established or designated by the City, to which minors believed to be in violation of § 34-4 {"Prohibited conduct of minors – Daytime curfew"} of this subtitle can be taken to determine an appropriate course of action.]

(i) YOUTH CONNECTION CENTER.

“YOUTH CONNECTION CENTER” MEANS A PLACE, AS ESTABLISHED OR DESIGNATED BY THE CITY, TO WHICH MINORS BELIEVED TO BE IN VIOLATION OF § 34-3 {"PROHIBITED CONDUCT OF MINORS – NIGHTTIME CURFEW"} OR § 34-4 {"PROHIBITED CONDUCT OF MINORS – DAYTIME CURFEW"} OF THIS SUBTITLE CAN BE TAKEN TO DETERMINE AN APPROPRIATE COURSE OF ACTION.

COMMENT: Ordinance 14-231 amended this subtitle to, among other things, substitute “Youth Connection Center” for outdated references to a “juvenile holding facility” or a “truancy center”. The Ordinance, however, failed to conform the definitions to this new usage.

Subtitle 59. Weapons

[§ 59-3. Air rifles, BB guns, etc.]

[(a) Prohibited conduct.]

[No person may sell, give away, lend, rent, or otherwise transfer to any minor or permit any minor to possess any air rifle, air gun, or BB gun.]

[(b) Penalties.]

[Any person who violates any provision of this section is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$500 or to imprisonment for not more than 60 days or to both fine and imprisonment for each offense.]

Council Bill 14-0417

COMMENT: But for the word “possess”, this section has been effectively superseded by the broader reach (and higher penalties) of § 59-26 {“Gas- or air-pellet guns”} of this article. By amending § 59-26(b) (below) to encompass “use or possession” by a minor, this section becomes redundant.

[§ 59-4. Toy cartridge pistols.]

[(a) Sale, etc., prohibited.]

[It shall not be lawful for any person or persons to sell, give away, or dispose of in any manner, what is known as “the toy cartridge pistol” within the limits of the City of Baltimore under a penalty of \$10 for each and every offense, the same to be collected as other fines and penalties are collected.]

[(b) Discharge prohibited.]

[Any person or persons who shall fire off what is known as “the toy cartridge pistol” within the limits of the City of Baltimore, shall be subject to a fine of \$2 for each offense, the same to be collected as other fines and penalties are collected.]

COMMENT: This section, enacted in 1881 and unamended since, is functionally unenforceable. The object of the section’s prohibitions is but vaguely described (i.e., “what is known as ‘the toy cartridge pistol’”) and penalties are virtually non-existent (\$2 - \$10).

§ 59-26. Gas- or air-pellet guns.

(b) Giving, etc., to minor prohibited.

No person may sell, give away, or otherwise transfer a gas- or air-pellet gun or paintball gun to, or permit the use OR POSSESSION of a gas- or air-pellet gun or paintball gun by, any individual whom that person knows or has reasonable cause to believe is a minor.

COMMENT: The phrase “or possession” is derived from the otherwise redundant provisions of § 59-3, proposed above for repeal.

Article 31. Transit and Traffic

Subtitle 6. Parking, Standing, and Stopping Regulations

§ 6-28. Vendor trucks.

(a) [“Mobile vendor” defined.] DEFINITIONS.

(1) IN GENERAL

In this section, THE FOLLOWING TERMS HAVE THE MEANINGS STATED.

Council Bill 14-0417

1 (2) *MOBILE VENDOR*.

2 “[mobile] MOBILE vendor” has the meaning stated in Article 15, § 17-1
3 {“Definitions”}.

4 (3) [(b) “Vendor truck” defined] *VENDOR TRUCK*.

5 [In this section, “vendor] “VENDOR truck” has the meaning stated in Article 15,
6 § 17-1 {“Definitions”}.

7
8 (B) [(c)] *No parking in prohibited areas*.

9 A mobile vendor may not park a vendor truck within 2 blocks in any direction of:

10 (1) a mobile vending zone;

11 (2) a City market designated in Article 16, § 1-2 {“Scope of article”};

12 (3) the grounds of any building used as a public or private kindergarten, elementary
13 school, or secondary school; or[,]

14 (4) the perimeter of any farmers’ market authorized by the Commissioner of Housing
15 and Community Development when the farmers’ market is in operation, unless
16 the vendor truck prominently displays a document issued in accordance with the
17 rules and regulations adopted under Article 15, § 17-4 {“Rules and Regulations”}
18 that permits a waiver from this paragraph.

19 **COMMENT:** Corrects placement of definitions and punctuation.

20 **§ 36-2. \$500 fines.**

21 (4) Parking or standing a vendor truck [in a prohibited area] in violation of § 6-28 {“Vendor
22 trucks”} of this article is punishable by a fine of \$500.

23 **COMMENT:** Deletes surplusage, conforming to like listings in this subtitle.

24 **Subtitle 10. Residential Permit Parking Program**

25 ***Part V. [Non-Resident] NON-PERMIT Parking Restrictions***

26 **COMMENT:** The current title to this Part V is misleading, inasmuch as non-residents
27 whose vehicles display authorized visitors’ permits are exempt from these parking
28 restrictions.

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

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