

**CITY OF BALTIMORE
COUNCIL BILL 13-0222
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of Legislative Reference)
Introduced and read first time: April 29, 2013
Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Health Department, Department of Housing and Community Development, Department of Public Works, Baltimore Public Markets Corporation, Baltimore Development Corporation, Department of Finance, Department of Transportation, Baltimore City Parking Authority Board

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Corrective Bill 2013**

3 FOR the purpose of correcting certain technical errors and omissions in the City Code; repealing
4 certain obsolete or otherwise preempted, superseded, or superfluous provisions; correcting,
5 clarifying, and conforming 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) 2-103 (BC § 1009.7.2), 7-102 (PMC § 106.4), and 10-102 (IRC § 311)
9 Baltimore City Revised Code
10 (Edition 2000)

11 BY repealing and reordaining, with amendments

12 Article - Health
13 Section(s) 10-901(b), (c), and (d)
14 Baltimore City Revised Code
15 (Edition 2000)

16 BY adding

17 Article - Health
18 Section(s) 10-1002(c)
19 Baltimore City Revised Code
20 (Edition 2000)

21 BY repealing and reordaining, with amendments

22 Article 13 - Housing and Urban Renewal
23 Section(s) 7-3(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
2 Article 16 - Markets
3 Subtitle 7
4 Baltimore City Code
5 (Edition 2000)

6 BY repealing
7 Article 25 - Sewers
8 Subtitle 2-4(h)
9 Baltimore City Code
10 (Edition 2000)

11 BY repealing
12 Article 28 - Taxes
13 Subtitle 10-17(e)(4)
14 Baltimore City Code
15 (Edition 2000)

16 BY repealing and reordaining, with amendments
17 Article 31 - Transit and Traffic
18 Section(s) 10-9(b)(2) and (3), 10-11(b)(2), 14-9(c)(3), and 22-1(d)
19 Baltimore City Code
20 (Edition 2000)

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

23 **Baltimore City Revised Code**

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

25 **Part II. International Building Code**

26 **§ 2-103. City modifications.**

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

29 **Chapter 10. Means of Egress**

30 **Section 1009 Stairways**

31 **1009.7 Stair treads and risers. *{First paragraph as in IBC}***

32 **1009.7.2 Riser height and tread depth. *{First paragraph as in IBC}***

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Exceptions:

1-4. *{As in IBC}*

5. In GROUP R-3 occupancies [in Group R-3, as applicable in §101.2], in dwelling units in GROUP R-2 occupancies [in Group R-2, as applicable in §101.2], and in GROUP U occupancies [in Group U] that are accessory to [an] A GROUP R-3 occupancy [in Group R-3, as applicable in §101.2] OR ACCESSORY TO INDIVIDUAL DWELLING UNITS IN GROUP R-2 OCCUPANCIES:

- a. the maximum riser height is 8 ¼ inches (210 mm),
- b. the minimum tread depth is 9 inches (229 mm),
- c. the minimum winder tread depth at the walk line is 9 inches (229 mm),
- d. the minimum winder tread depth is 6 inches (152 mm), and
- e. a nosing not less than ¾ inch (19 mm) but not more than 1 ¼ inches (32 mm) must be provided on stairways with solid risers where the tread depth is less than 11 inches (279 mm).

COMMENT: Clarifies and conforms the listing of occupancies here to the listing in the IBC counterpart to this exception.

6. For the replacement of existing stairways, see the Maryland Building Rehabilitation Code, set forth in COMAR 05.16.

7. *{As in IBC}*

Part VII. International Property Maintenance Code

§ 7-102. City modifications.

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

Chapter 1. Scope and Administration

Section 106 Violations

106.4 Violation penalties. The penalties for a violation of this Code are as provided in § 114 {"Violations"} of the Baltimore City BUILDING Code for a violation of that Code.

COMMENT: Corrects a misnomer.

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Part X. International Residential Code

§ 10-102. City modifications.

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

Chapter 3. Building Planning

[Sections] SECTION 310 [to 311] *{As in IRC}*

SECTION 311. MEANS OF EGRESS

311.1 TO 311.6 *{AS IN IRC}*

311.7 STAIRWAYS

311.7.1 TO 311.7.4 *{AS IN IRC}*

311.7.5 STAIR TREADS AND RISERS. *{AS IN IRC}*

311.7.5.1 Risers. The maximum riser height [shall be] IS [7¾ inches (196 mm)] 8¼ INCHES (210 MM). The riser [shall] MUST be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs [shall] MAY not exceed the smallest by more than ¾ inch (9.5 mm). Risers [shall] MUST be vertical or sloped from the underside of the nosing of the tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open risers are permitted [provided that] AS LONG AS the opening between treads does not permit the passage of a 4-inch-diameter (102 mm) sphere.

Exception: The opening between adjacent treads is not limited on stairs with a total rise of 30 inches (762 mm) or less.

311.7.5.2 Treads. The minimum tread depth [shall be] IS [10 inches (254 mm)] 9 INCHES (229 MM). The tread depth [shall] MUST be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. The greatest tread depth within any flight of stairs [shall] MAY not exceed the smallest by more than ¾ inch (9.5 mm).

311.7.5.2.1 Winder treads. Winder treads [shall] MUST have a minimum tread depth of [10 inches (254 mm)] 9 INCHES (229 MM) measured between the vertical planes of the foremost projection of adjacent treads at the intersections with the walkline. Winder treads [shall] MUST have a minimum tread depth of 6 inches (152 mm) at any point within the clear width of the stair. Within any flight of stairs, the largest winder tread depth at the walkline [shall] MAY not exceed the smallest winder tread by more than ¾ inch (9.5 mm). Consistently shaped winders at the walkline [shall be] ARE allowed within the same flight of stairs as rectangular treads and do not have to be within ¾ inch (9.5 mm) of the rectangular tread depth.

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311.7.5.3 TO 311.7.5.4 {AS IN IRC}

311.7.6 TO 311.7.10 {AS IN IRC}

311.8 RAMPS {AS IN IRC}

COMMENT: Corrects an unintended inconsistency. Ordinance 13-093 amended IBC § 1009.7.2, Exception 5, to modify the stair treads and riser requirements for, among others, Group R-3 occupancies (1- and 2-family dwellings). The ordinance failed, however, to conform the counterpart requirements for 1- and 2-family dwellings in this IRC § 311.7.5.

Article – Health

Title 10. Animal Control and Protection

Subtitle 9. Horse Riding and Driving

§ 10-901. Definitions.

(B) [(c)] *Driving.*

“Driving” means the process of using a horse:

(1) for riding; or

(2) for pulling a wagon, cart, carriage, or other vehicle or device.

(C) [(d)] *Driving license.*

“Driving license” means a license issued by the Commissioner to use a horse:

(1) for riding; or

(2) for pulling a wagon, cart, carriage, or other vehicle or device.

(D) [(b)] *Horse.*

“Horse” means a horse, pony, donkey, or mule that is:

(1) owned, driven, used, or quartered in the City, whether permanently or temporarily;
and

(2) used for:

(i) riding, driving, or breeding;

(ii) showing or performing in any exhibition or animal show; or

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1 (iii) any work or labor.

2 **COMMENT:** Reorders definitions alphabetically.

3 ***Subtitle 10. Hearings and Judicial Review***

4 ***Part I. Animal Hearing Panel***

5 **§ 10-1002. Appointment and organization.**

6 (C) **COMPENSATION.**

7 PANEL MEMBERS ARE COMPENSATED AS PROVIDED IN THE ORDINANCE OF ESTIMATES,
8 BUT RECEIVE NO BENEFITS FROM THE CITY.

9 **COMMENT:** Corrects a clerical error in Ordinance 11-573, which rewrote Title 10 of the
10 Health Article. As introduced, the bill included the language shown here, allowing for
11 possible compensation. On second reader, one of several committee amendments would
12 have stricken this language and substituted new language to *preclude* any compensation.
13 A subsequent floor amendment, however, was adopted to reject that committee
14 amendment. The net legal effect of this procedure was to fully reinstate the language as
15 initially introduced. By error, however, the enacted bill showed that language as having
16 been stricken from the bill. This amendment formally affirms the intended reinstatement.

17 **Baltimore City Code**

18 **Article 13. Housing and Urban Renewal**

19 **Subtitle 7. Residential Lease Requirements**

20 **§ 7-3. Information required.**

21 (a) *In general.*

22 (1) Each residential lease shall contain the following information:

23 (i) the name, residence address, and RESIDENCE telephone number or THE NAME,
24 business address, and BUSINESS telephone number of the owner of the
25 property, or

26 (ii) the name, residence address, and RESIDENCE telephone number or THE NAME,
27 business address, and BUSINESS telephone number of [the person designated
28 under Subtitle 4 of this article as the authorized] AN agent of the owner [or
29 managing operator responsible for maintenance and operation of the property
30 and] WHO IS authorized to receive court process on behalf of the owner in
31 connection with the property.

32 (2) Any owner who is not customarily present in an office in the metropolitan Baltimore
33 area shall include in the lease the information required above for [a managing agent]
34 AN AGENT AUTHORIZED TO RECEIVE COURT PROCESS ON BEHALF OF THE OWNER.

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1 **COMMENT:** In paragraph (1)(i) and (ii), specifies more clearly the contact information
2 required.

3 In paragraph (1)(ii), deletes an obsolete reference to an “authorized agent” who has been
4 “designated under Subtitle 4 of this article”. Subtitle 4 was amended by Ordinance
5 10-342 to, among other things, repeal the subtitle’s provisions for the designation of an
6 authorized agent.

7 In paragraph (2), corrects the reference to “information required above for a managing
8 agent”. No mention is made in the preceding provisions of a “managing agent”.

9 **Article 16. Markets**

10 **[Subtitle 7. Market Advisory Committee]**

11 **[§ 7-1. Committee created.]**

12 *[(a) In general.]*

13 There is created the Baltimore Market Advisory Committee, consisting of 7 members:

- 14 (1) 1 of whom shall be a member of the City Council appointed by the President, who
15 will serve during his term of office; and
- 16 (2) the remaining 6 shall be appointed by the Mayor in the manner prescribed by
17 Article IV, § 6 of the City Charter.]

18 *[(b) Qualifications.]*

- 19 (1) Members shall be chosen from among those deemed most interested in the
20 development and preservation of the City's markets.
- 21 (2) 3 of the members shall be active merchants in those markets, each of whom shall
22 represent a different market.
- 23 (3) All appointments shall be made without regard to political affiliations.]

24 *[(c) Compensation.]*

25 The members receive no compensation for their services on the Committee, but are
26 entitled to reimbursement for the reasonable and necessary expenses incurred in the
27 performance of their duties.]

28 **[§ 7-2. Conduct of business.]**

29 *[(a) Rules.]*

30 The Committee may adopt such rules and regulations as it may deem necessary for the
31 proper transaction of any business.]

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1 **[(b) Quorum.**

2 The majority of the Committee shall constitute a quorum to transact any business.]

3 **[\§ 7-3. Duties.]**

4 [The Committee shall have the following duties:

5 (1) investigate the operation of other governmentally owned markets and report the
6 findings to the Mayor and the City Council;

7 (2) study and make recommendations to the Mayor and the City Council for the financial
8 self-sufficiency of the Markets;

9 (3) advise the Mayor and the City Council on the terms, fees, and rates of the market stall
10 leases;

11 (4) provide whatever other service is deemed appropriate by the Mayor; and

12 (5) report to the City Council annually on its activities and recommendations.]

13 **COMMENT:** The Market Advisory Committee, established in 1983, is no longer
14 functioning. Its functions and duties have since been assumed by the Baltimore Public
15 Markets Corporation, established in 1994.

16 **Article 25. Sewers**

17 **Subtitle 2. Control of Sanitary and Storm Sewers**

18 **§ 2-4. Prohibited discharges into sanitary or storm sewers.**

19 **(h) Wastewater from hydraulic fracturing.**

20 (1) *Definitions.*

21 In this subsection, “flow back” and “hydraulic fracturing” have the [means]
22 MEANINGS stated in City Health Article § 7-501.

23 (2) *Discharge prohibited.*

24 No person may discharge or cause to be discharged into any sanitary or storm sewer
25 any flow back or other wastewater resulting from hydraulic fracturing.

26 **COMMENT:** Corrects a typographical error.

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Article 28. Taxes

Subtitle 10. Credits

§ 10-17. High-performance market-rate rental housing.

(e) Qualified locations.

The property tax credit granted under this section applies only to eligible improvements that are located within the following areas:

....

(4) W. Cold Spring Lane Area, within Census Tract [13086] 130806, Census Blocks 1002-1004 and 1006;

....

COMMENT: Corrects missing digit.

Article 31. Transit and Traffic

Subtitle 10. Residential Permit Parking Program

§ 10-9. Advisory Board.

(b) Membership.

(2) Of these members:

(i) 2 must be residents of a Residential Permit Parking Area that is within District 1, nominated by a neighborhood association representing a Residential Permit Parking Area in that district (that district being bounded as follows: beginning at the point where Harford Road meets the City Line, moving southwest on Harford Road to North Avenue, then west along North Avenue to the Jones Falls Expressway, then north on the Jones Falls Expressway, then west on West 28th Street continuing on to Druid Park Lake Drive, then northwest on Auchentrolly Terrace, then northwest on Reisterstown Road, then north on Park Heights Avenue to the City Line).

(ii) 2 must be residents of a Residential Parking Area within District 2, nominated by a neighborhood association representing a Residential Permit Parking Area in that district (that district being bounded as follows: beginning where Park Heights Avenue meets the northern City line, moving southeast to Reisterstown Road, then southeast on Auchentrolly Terrace, then east on Druid Park Lake Drive, then south on I-83, then west on Orleans Street/W. Franklin Street/Rt. 40, then south on N. Hilton St., then west on Frederick Avenue/Frederick Road to the City Line).

(iii) 2 must be residents of a Residential Parking Area within District 3, nominated by a neighborhood association representing a Residential Permit Parking Area in that district (that district being bounded as follows: beginning

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1 where Frederick Road meets the western City Line, moving east along
2 Frederick Road continuing onto Frederick Avenue, then north on S. Hilton
3 Street, then east on Rt. 40/W. Franklin Street, then south on N. Calvert Street,
4 then west on E. Pratt Street, then south on S. Greene Street/Baltimore
5 Washington Parkway/Russell Street to the City Line).

6 (iv) 2 must be residents of a Residential Parking Area within District 4, nominated
7 by a neighborhood association representing a Residential Permit Parking Area
8 in that district (that district being bounded as follows: beginning where
9 Baltimore-Washington Parkway meets the City Line, moving north continuing
10 onto Russell Street and Greene Street, then east on W. Pratt Street to S.
11 Calvert Street, then south to the Inner Harbor, the following the western banks
12 of the Inner Harbor to the City Line, then following the southern City Line to
13 the beginning point for District 4).

14 (v) 2 must be residents of a Residential Parking Area within District 5, nominated
15 by a neighborhood association representing a Residential Permit Parking Area
16 in that district (that district being bounded as follows: beginning at the point
17 where Harford Road meets the northern City Line, moving east to the eastern
18 City Line, then south along the City Line to the eastern banks of the Inner
19 Harbor, then northwest along the banks of the Inner Harbor to the point
20 immediately below S. Calvert Street, then north to S. Calvert Street,
21 continuing north to Orleans Street, then east to I-83, then north to North
22 Avenue, then east to Harford Road, then north to the City Line).

23 (vi) 1 is an at-large member, who must be a resident of any Residential Parking
24 Area in the City.

25 (3) [(vii)] If, within 30 days after requesting nominees from a district, the Executive
26 Director receives fewer than 2 nominees from any district, the Executive Director
27 may appoint any resident or residents of an RPP area in that district as needed to bring
28 the number of members from each district up to 2, exclusive of the at-large member
29 appointed under [paragraph (vi)] PARAGRAPH (2)(VI) of this subsection.

30 [(3) Each of the District appointments made under paragraph 2(i) to (v) of this subsection
31 must be made from a list of 1 or more nominees submitted by the community
32 associations that represent a community lying within one or more of that District's
33 Residential Parking Areas.]

34 **COMMENT:** Repeals subsection (b)(3), which has been superseded and rendered
35 redundant by the addition in subsection (b)(2) of provisions to like effect. Ordinance
36 13-092 amended this subtitle to, among other things, add a new subsection (b)(2) and
37 redesignate former subsection (b)(2)(i) as new subsection (b)(3). After its introduction,
38 the bill was amended to insert into each of paragraphs (2)(i) through (2)(v) an express
39 requirement that the members appointed to represent a district must have been
40 "nominated by a neighborhood association representing a Residential Permit Parking
41 Area in that district". These additions essentially restate the substance of then subsection
42 (b)(3), rendering the latter (and its somewhat inconsistent phrasing) superfluous.

43 This amendment also corrects a mis-tabulation in subsection (b)(2), by redesignating
44 subsection (b)(2)(vii) as an independent subsection (b)(3).

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§ 10-11. Participating areas.

(b) *Moratorium for Canton area.*

(2) Until December 31, 2017, the Parking Authority may not:

- (i) entertain any petition for the creation of a new Residential Parking Area that would include any part of the Canton Area; OR
- (ii) approve any amendment to an existing Parking Management Plan that would extend an existing Residential Parking Area into any part of the Canton Area.

COMMENT: Inserts missing conjunction.

Subtitle 14. Valet Parking

§ 14-9. Applications.

(c) *Contents.*

The application must contain:

-
- (3) the street address, telephone number, and email address of any other of THE applicant’s places of business in the City;
-

COMMENT: Inserts missing the definitive article “the”.

Subtitle 22. Towing Services – Accident Towing

§ 22-1. Definitions.

(d) *Medallion towing vehicle.*

“Medallion towing vehicle” means a towing vehicle that:

- (1) is owned [and] OR operated by a medallion towing company; and
- (2) has been specifically authorized to tow vehicles under this subtitle.

COMMENT: Corrects conjunction in item (1), consistent with usage elsewhere in the subtitle. *See, e.g.*, definitions of “medallion towing company” and “towing company” in § 22-1(c) and (h).

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.