

CITY OF BALTIMORE  
ORDINANCE 24-367  
Council Bill 24-0559

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Introduced by: The Council President  
At the request of: The Administration (Department of Law)  
Introduced and read first time: July 22, 2024  
Assigned to: Rules and Legislative Oversight

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Committee Report: Favorable  
Council action: Adopted  
Read second time: August 26, 2024

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AN ORDINANCE CONCERNING

Francis Scott Key Bridge – Actions and Remedies

FOR the purpose of exercising the City’s authority granted under City Charter, Article II, §§ (10) {“Harbor, docks, and wharves”} and (47) {“General welfare”} to: (1) provide for the preservation of the navigation of the Patapsco River and its tributaries; (2) prevent injury to navigation or health; and (3) maintain the peace, good government, and health and welfare of the City of Baltimore, by establishing that in a cause of action arising out of the allision between a ship, the M/V Dali, and the Francis Scott Key Bridge on March 26, 2024, the City of Baltimore shall be entitled to recover for economic loss; providing the City Solicitor with the authority to establish certain rules and regulations to carry out the provisions of this Ordinance; providing for a special effective date; and generally relating to the allision between a ship, the M/V Dali, and the Francis Scott Key Bridge on March 26, 2024.

BY adding

Article 10 - Harbors, Docks, and Wharves  
Sections 10-1 to 10-3 to be under the new subtitle designation,  
“Subtitle 10. Actions and Remedies”  
Baltimore City Code  
(Edition 2000)

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

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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**Baltimore City Code**

**Article 10. Harbors, Docks, and Wharves**

**SUBTITLE 10. ACTIONS AND REMEDIES**

**§ 10-1. SCOPE OF SUBTITLE.**

EXCEPT AS OTHERWISE PROVIDED HEREIN, THE PROVISIONS OF THIS SUBTITLE SHALL APPLY SOLELY TO CLAIMS WHICH MAY ARISE OR HAVE ARISEN AS A RESULT OF THE ALLISION BETWEEN A SHIP, THE M/V DALI, AND THE FRANCIS SCOTT KEY BRIDGE ON MARCH 26, 2024.

**§ 10-2. RULES AND REGULATIONS.**

SUBJECT TO TITLE 4 {"ADMINISTRATIVE PROCEDURE ACT – REGULATIONS"} OF THE CITY GENERAL PROVISIONS ARTICLE, THE CITY SOLICITOR MAY ADOPT SUCH RULES AND REGULATIONS DEEMED NECESSARY AND PROPER TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE 10, AS THE SAME MAY BE AMENDED FROM TIME TO TIME.

**§ 10-3. ECONOMIC LOSS.**

**(A) RECOVERY.**

**(1) IN GENERAL.**

IN A CAUSE OF ACTION ARISING OUT OF THE ALLISION BETWEEN A SHIP, THE M/V DALI, AND THE FRANCIS SCOTT KEY BRIDGE ON MARCH 26, 2024, THE CITY OF BALTIMORE SHALL BE ENTITLED TO RECOVER FOR ECONOMIC LOSS INCLUDING, WITHOUT LIMITATION, THE FOLLOWING, IF THE FOLLOWING WERE CAUSED BY ANY VIOLATION OF ANY PERMIT, RULE, REGULATION, OR ORDER TO WHICH THE OWNER OR OPERATOR OF THE M/V DALI OR THE OWNER OR OPERATOR'S AGENTS WERE SUBJECT, OR CAUSED BY THE NEGLIGENCE OF THE OWNER OR OPERATOR OF THE M/V DALI OR THE OWNER OR OPERATOR'S AGENTS:

(i) LOSS OF INCOME;

(ii) LOSS OF MEANS OF PRODUCING INCOME;

(iii) LOSS OF AN ECONOMIC BENEFIT;

(iv) LOSS OF TAX REVENUE;

(v) LOSS CAUSED BY DAMAGE TO THE NATURAL RESOURCES OF THE CITY OF BALTIMORE;

(vi) THE COSTS OF RESPONSE, CONTAINMENT, REMOVAL, OR REMEDIAL ACTION INCURRED BY THE CITY OF BALTIMORE;

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1 (VII) LOSS DUE TO ADMINISTRATIVE EXPENDITURES FOR THE INCREMENTAL COSTS  
2 OF PROVIDING THE FUNCTIONS OR SERVICES THAT ARE INCURRED BY THE CITY  
3 OF BALTIMORE; AND

4 (VIII) THE COSTS OF PROJECTS OR ACTIVITIES THAT ARE DELAYED OR LOST  
5 BECAUSE OF THE EFFORTS OF THE CITY OF BALTIMORE.

6 (2) *CLAIMS AND DEFENSES.*

7 IN ANY ACTION BROUGHT TO RECOVER SUCH ECONOMIC LOSS, IT IS NOT NECESSARY TO  
8 PROVE THAT THE LOSS WAS SUSTAINED AS A RESULT OF PHYSICAL INJURY TO A PERSON  
9 OR DAMAGE TO THE CITY OF BALTIMORE'S PROPERTY, NOR IS IT A DEFENSE TO CLAIM  
10 THAT THE DEFENDANT OWED NO SPECIAL DUTY TO THE CITY OF BALTIMORE OR THAT  
11 THE LOSS WAS THE RESULT OF GOVERNMENTAL ACTION TAKEN IN RESPONSE TO THE  
12 VIOLATION OF ANY PERMIT, RULE, REGULATION, OR ORDER BY DEFENDANT OR  
13 NEGLIGENCE OF DEFENDANT.

14 (B) *NO LIMIT ON CAUSE OF ACTION.*

15 NOTHING IN THIS SUBTITLE MAY BE DEEMED TO LIMIT ANY OTHER CAUSE OF ACTION THAT  
16 MAY EXIST UNDER FEDERAL, STATE, MUNICIPAL, OR COMMON LAW.

17 (C) *NO CONFLICT.*

18 NOTHING IN THIS SUBTITLE SHALL BE DEEMED TO BE IN CONFLICT WITH A PERSON'S  
19 ABILITY TO INVOKE 46 U.S.C. § 30523 {"MARITIME LIABILITY — EXONERATION AND  
20 LIMITATION OF LIABILITY — GENERAL LIMIT OF LIABILITY"} TO LIMIT LIABILITY.

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

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Certified as duly passed this 26 day of August, 2024



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President, Baltimore City Council

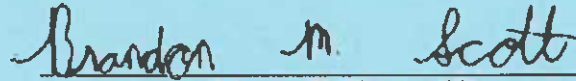
Certified as duly delivered to His Honor, the Mayor,

this 26 day of August, 2024



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Chief Clerk

Approved this 29th day of August, 2024



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Mayor, Baltimore City

Approved for Form and Legal Sufficiency  
This 28th Day of August, 2024.

*Elena R. DiPietro*

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Chief Solicitor