

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 06-0334

Introduced by: The Council President
At the request of: Department of Legislative Reference
Introduced and read first time: February 6, 2006
Assigned to: Judiciary and Legislative Investigations Committee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: June 5, 2006

AN ORDINANCE CONCERNING

Corrective Bill 2006

- 1
- 2 FOR the purpose of correcting certain technical errors and omissions in the City Code;
3 correcting, clarifying, and conforming certain language; and providing for a special effective
4 date.
- 5 BY repealing and reordaining, with amendments
6 Article - Building, Fire, and Related Codes
7 Section(s) 2-103 (BC §§ 106 and 415.7.3) and 8-102 (FC §§ 1403.3, 2207(caption), 3803.1,
8 and title of Chapter 38)
9 Baltimore City Revised Code
10 (Edition 2000)
- 11 BY repealing and reordaining, with amendments
12 Article - Health
13 Section(s) 6-406
14 Baltimore City Revised Code
15 (Edition 2000)
- 16 BY repealing and reordaining, without amendments
17 Article - Zoning
18 Section(s) 5-201(2a)
19 Baltimore City Revised Code
20 (Edition 2000)
- 21 BY repealing
22 Article - Zoning
23 Section(s) 5-204(.5)
24 Baltimore City Revised Code
25 (Edition 2000)

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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1 BY repealing and reordaining, with amendments
2 Article - Zoning
3 Section(s) 8-407(b)(4), 10-405(21)(i) and (22)(i), 17-302
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) 2-3(b)(3), 40-14(e)(2), and 41-14(1)
9 Baltimore City Code
10 (Edition 2000)

11 BY repealing and reordaining, with amendments
12 Article 6 - Historical and Architectural Preservation
13 Section(s) 2-2(a) and (b)(1)(iv) and 4-5(a)
14 Baltimore City Code
15 (Edition 2000)

16 BY repealing and reordaining, with amendments
17 Article 28 - Taxes
18 Section(s) 25-3, 25-11(c)
19 Baltimore City Code
20 (Edition 2000)

21 BY repealing and reordaining, with amendments
22 Article 31 - Transit and Traffic
23 Section(s) 31-2(a)(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 II. International Building Code***

31 **§ 2-103. City modifications.**

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

34 **Section 106 Construction Documents**

35 **106.1 Submittal documents. [As in IBC]**

36 **106.2 Site plan. The construction documents submitted with the application for permit must**
37 **be accompanied by a site plan that:**

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- 1 a. shows to scale the size and location of new construction and existing structures on the
- 2 site, distances from lot lines, the established street grades, and the proposed finished
- 3 grades,
- 4 b. is drawn in accordance with an accurate boundary line survey, and
- 5 c. comports with all other requirements of this section.

6 **106.2.1 Demolition.** In the case of demolition, the site plan must show construction to
7 be demolished and the location and size of existing structures and construction that are to
8 remain on the site or plot.

9 **106.2.2 Specifications; additional information.** The site plan must:

- 10 a. be drawn in accordance with the specifications required by rules or regulations
- 11 adopted by the Building Official in consultation WITH the Director of Public
- 12 Works, and
- 13 b. contain any additional information required by those rules or regulations.

14 **106.2.3 Waiver or modification.** The Building Official may waive or modify the
15 requirement for a site plan if the application is for alteration or repair or if otherwise
16 warranted.

17 **106.3 EXAMINATION OF DOCUMENTS. [As in IBC]**

18 **106.4 AMENDED CONSTRUCTION DOCUMENTS. [As in IBC]**

19 **106.5 RETENTION OF CONSTRUCTION DOCUMENTS. [As in IBC]**

20 COMMENT: As introduced, Ordinance 02-475 {"Building, Fire, and Related
21 Codes – 2003 Edition"} proposed to adopt all of § 106 "as in IBC". Before
22 passage, the bill was amended to adopt certain local modifications to § 106.2,
23 dealing with site plans. The amendment inadvertently failed to indicate the
24 intended retention of §§ 106.3 through 106.5 "as in IBC". Also, in § 106.2.2a,
25 a missing preposition ("with") is inserted."

26 **Section 415 Groups H-1, H-2, H-3, H-4, and H-5**

27 **415.7 Group H-2. [As in IBC]**

28 **415.7.3 [Liquified] LIQUEFIED petroleum gas distribution facilities.** The design and
29 construction of propane, butane, propylene, butylene, and other [liquified] LIQUEFIED
30 petroleum gas distribution facilities must conform to the applicable provisions of
31 §§ 415.7.3.1 through 415.7.3.5.2. The storage and handling of [liquified] LIQUEFIED
32 petroleum gas systems must conform to the International Fire Code. The design and
33 installation of piping, equipment, and systems that utilize [liquified] LIQUEFIED petroleum
34 gas must be in accordance with the National Fuel Gas Code. [Liquified] LIQUEFIED
35 petroleum gas distribution facilities must be ventilated in accordance with the
36 International Mechanical Code and § 415.7.3.1.

37 **COMMENT:** Corrects misspelling.

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Part VIII. International Fire Code

§ 8-102. City modifications.

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

Section 1403 Temporary Heating Equipment

1403.3 LP-gas heaters. Fuel supplies for [liquified] LIQUEFIED -petroleum gas-fired heaters must comply with NFPA 58 and the National Fuel Gas Code.

COMMENT: Corrects misspelling.

Section 2207 [Liquified] LIQUEFIED Petroleum Gas Motor-Vehicle Fuel-Dispensing Stations [As in IFC]

COMMENT: Corrects misspelling.

Chapter 38. [Liquified] LIQUEFIED Petroleum Gases

Section 3803 Installation of Equipment

3803.1 General. [Liquified] LIQUEFIED petroleum gas equipment must be installed in accordance with the National Fuel Gas Code and NFPA 58, except as otherwise provided in this chapter.

COMMENT: Corrects misspelling.

Article – Health

§ 6-406. Late fees.

Any licensee who is required to pay a license FEE and who fails to renew the license within 5 days of its expiration must pay an additional fee of \$25 for each day after the expiration date that the license remains unrenewed.

COMMENT: Inserts inadvertently omitted word.

Article – Zoning

§ 5-201. Permitted uses.

In an O-R District, permitted uses are as follows:

(2a) Bus passenger shelters – including advertising signs that comply with § 11-424 of this article.

COMMENT: See Comment to Zg § 5-204.

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§ 5-204. Conditional uses – Ordinance required.

In an O-R District, conditional uses that require approval by ordinance are as follows:

[(.5) Bus passenger shelters – including advertising signs that comply with § 11-424 of this article.]

COMMENT: Deletes obsolete listing. Under Zg § 5-201(2a), as added by Ord. 03-638, this use is now a permitted one in an O-R District.

§ 8-407. Use regulations.

(b) *Prohibited uses.*

Notwithstanding any other provision of this article, the following uses are prohibited within the Overlay District:

(4) Restaurants [and lunch rooms], other than accessory without live entertainment or dancing.

COMMENT: Conforms nomenclature to changes made by Ord. 04-831.

§ 10-405. Schedule of required spaces.

Off-street parking spaces must be provided as follows:

(21) *Prepared food.*

(i) Restaurants [and lunch rooms];
carry-out food shops

B-2-4, B-4-1, B-4-2,
B-5-1, B-5-2

No requirement

B-1-2, B-1-3, B-2-2, B-2-3,
B-3-2, B-3-3, M-2-2

1 per 400 square feet of floor area, plus, for drive-in establishments, the number of stacking spaces the Department of Public Works requires to avoid street congestion

All other districts

1 per 200 square feet of floor area., plus, for drive-in establishments, the number of stacking spaces the Department of Public Works requires to avoid street congestion

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1 (22) *Public assemblies; recreational facilities.*

2 (i) Auditoriums and concert halls; convention
3 halls; [meeting and] banquet halls; auction
4 rooms; exhibit rooms; amusement
5 establishments; theaters; dance halls

6 B-2-4, B-4-1, B-4-2,
7 B-5-1, B-5-2

No requirement

8 All other districts

9 1 per 10 persons of rated
capacity

10 **COMMENT:** Conforms nomenclature to changes made by Ord. 04-831.

11 **§ 17-302. Who may appeal.**

12 [Any of the following may seek judicial] JUDICIAL review of a final administrative decision
13 of the Board MAY BE SOUGHT by THOSE AUTHORIZED TO DO SO UNDER STATE CODE ARTICLE
14 66B, § 2.09(A) [petition to the Circuit Court for Baltimore City:

15 (1) any person aggrieved by the decision;

16 (2) any officer, department, board, or bureau of the City; or

17 (3) any taxpayer].

18 **COMMENT:** Conforms section to the narrower standards in State law on
19 “standing” to seek judicial review. The Court of Special Appeals has held
20 that the State law (Article 66B, § 2.09(a)) controls exclusively, and the City
21 lacks authority to create more liberal review provisions. *Committee for*
22 *Responsible Development on 25th Street v. Mayor and City Council of*
23 *Baltimore*, 137 Md. App. 60, 74-84 (2001).

24 **Baltimore City Code**

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

26 **§ 2-3. Director – appointment; term; removal.**

27 (b) *Term and removal of Director.*

28 (3) When a vacancy occurs in the position of Director, the Oversight Committee shall
29 designate a person to serve on an interim basis until a permanent director is appointed
30 [pursuant to the procedures described herein].

31 **COMMENT:** Deletes obsolete reference. The “procedures described herein”,
32 which referred to the Civil Service Commission, were repealed by Ord. 04-822.

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§ 40-14. Violations to which subtitle applies.

(e) *Provisions and penalties enumerated.*

(2) Article 15. Licensing and Regulation

§ 17-23. [Street food] FOOD vendors - [trash containment and removal]
RECEPTACLES; CLEAN-UP \$100

COMMENT: Conforms section caption to changes made by Ord. 04-854.

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

(1) Article 15. Licensing and Regulation

[Subtitle 16. Street Vendors of Food Products \$ 50]

Subtitle 17. Street Vendors [in Downtown Area] \$ 50

Subtitle 18. Itinerant Wholesale Produce Dealers \$ 50

COMMENT: Conforms references to changes made by Ord. 04-854, which repealed Subtitle 16 and revised and renamed Subtitle 17.

Article 6. Historical and Architectural Preservation

§ 2-2. Members.

(a) *Composition – General.*

The Commission consists of [11] 13 members.

COMMENT: Corrects aggregate number of members.

(b) *Composition – Appointed members.*

(1) 11 members are appointed by the Mayor, in accordance with City Charter Article IV, § 6, as follows:

(iv) 1 to be nominated by the Board of the Baltimore CITY [Historic] HISTORICAL Society, INC.

COMMENT: Conforms reference to proper name of this entity.

§ 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 exterior architectural feature, change in exterior color, or demolition of a structure in A District, on THE Landmark List, or on the Special

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1 List is appropriate or, although inappropriate without substantial detriment to the public
2 welfare and without substantial derogation from the intent and purposes of this article,
3 the Commission shall forthwith direct the Executive Director or the Executive Director’s
4 designee to forward to the Commissioner of Housing and Community Development a
5 Certificate of Appropriateness or a Notice to Proceed, as applicable, along with the
6 related application, plans, and specifications.

7 COMMENT: Inserts missing article (“the”) before “District” and, again, before
8 “Landmark List”.

9 **Article 28. Taxes**

10 **§ 25-3. Rate of tax.**

11 The rate of the tax imposed by this Part 1 is:

12 (1) \$0.35 per month or part of a month for each Centrex local exchange access line or
13 trunk line; and

14 (2) \$3.50 per month or part of a month for every other telecommunications line,
15 whether a residence, business, PBX local exchange, or other wired or wireless
16 telecommunications line.

17 COMMENT: Corrects punctuation (missing colon).

18 **§ 25-11. Definitions.**

19 (c) *Energy*.

20 “Energy” means artificial or natural gas, electricity, coal, fuel oil, [liquified] LIQUEFIED
21 petroleum gas, or steam delivered for consumption in Baltimore City.

22 COMMENT: Corrects misspelling.

23 **Article 31. Transit and Traffic**

24 **§ 31-2. Liability of lessors and other registered owners.**

25 (a) *Lessors’ liability*.

26 (2) A lessor, together with any customer or operator who rents or leases a motor vehicle
27 from it, is jointly and severally liable for fines or penalties imposed for violations of
28 parking ordinances THAT HAVE BEEN COMMITTED BY that customer or operator.

29 COMMENT: Reinserts terms inadvertently omitted when a prior amendment was
30 codified.

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

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

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City