

**CITY OF BALTIMORE
COUNCIL BILL 06-0334
(First Reader)**

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

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Housing and Community Development, Fire Department, Health Department, Commission for Historical and Architectural Preservation, Department of Transportation, Department of Finance

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Corrective Bill 2006**

3 FOR the purpose of correcting certain technical errors and omissions in the City Code;
4 correcting, clarifying, and conforming certain language; and providing for a special effective
5 date.

6 BY repealing and reordaining, with amendments

7 Article - Building, Fire, and Related Codes

8 Section(s) 2-103 (BC § 415.7.3) and 8-102 (FC §§ 1403.3, 2207(caption), 3803.1,
9 and title of Chapter 38)

10 Baltimore City Revised Code
11 (Edition 2000)

12 BY repealing and reordaining, with amendments

13 Article - Health

14 Section(s) 6-406

15 Baltimore City Revised Code
16 (Edition 2000)

17 BY repealing and reordaining, without amendments

18 Article - Zoning

19 Section(s) 5-201(2a)

20 Baltimore City Revised Code
21 (Edition 2000)

22 BY repealing

23 Article - Zoning

24 Section(s) 5-204(.5)

25 Baltimore City Revised Code
26 (Edition 2000)

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

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

35 **415.7 Group H-2. *[As in IBC]***

36 **415.7.3 [Liquified] LIQUEFIED petroleum gas distribution facilities.** The design and
37 construction of propane, butane, propylene, butylene, and other [liquified] LIQUEFIED

1 petroleum gas distribution facilities must conform to the applicable provisions of
2 §§ 415.7.3.1 through 415.7.3.5.2. The storage and handling of [liquified] LIQUEFIED
3 petroleum gas systems must conform to the International Fire Code. The design and
4 installation of piping, equipment, and systems that utilize [liquified] LIQUEFIED petroleum
5 gas must be in accordance with the National Fuel Gas Code. [Liquified] LIQUEFIED
6 petroleum gas distribution facilities must be ventilated in accordance with the
7 International Mechanical Code and § 415.7.3.1.

8 COMMENT: Corrects misspelling.

9 ***Part VIII. International Fire Code***

10 **§ 8-102. City modifications.**

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

13 **Section 1403 Temporary Heating Equipment**

14 **1403.3 LP-gas heaters.** Fuel supplies for [liquified] LIQUEFIED -petroleum gas-fired heaters
15 must comply with NFPA 58 and the National Fuel Gas Code.

16 COMMENT: Corrects misspelling.

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

19 COMMENT: Corrects misspelling.

20 **Chapter 38. [Liquified] LIQUEFIED Petroleum Gases**

21 **Section 3803 Installation of Equipment**

22 **3803.1 General.** [Liquified] LIQUEFIED petroleum gas equipment must be installed in
23 accordance with the National Fuel Gas Code and NFPA 58, except as otherwise provided in
24 this chapter.

25 COMMENT: Corrects misspelling.

26 **Article – Health**

27 **§ 6-406. Late fees.**

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

31 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.

§ 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

1		requires to avoid street
2		congestion
3	All other districts	1 per 200 square feet of floor
4		area., plus, for drive-in
5		establishments, the number of
6		stacking spaces the
7		Department of Public Works
8		requires to avoid street
9		congestion

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

11 (i) Auditoriums and concert halls; convention
 12 halls; [meeting and] banquet halls; auction
 13 rooms; exhibit rooms; amusement
 14 establishments; theaters; dance halls

15	B-2-4, B-4-1, B-4-2,	
16	B-5-1, B-5-2	No requirement

17	All other districts	1 per 10 persons of rated
18		capacity

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

20 **§ 17-302. Who may appeal.**

21 [Any of the following may seek judicial] JUDICIAL review of a final administrative decision
 22 of the Board MAY BE SOUGHT by THOSE AUTHORIZED TO DO SO UNDER STATE CODE ARTICLE
 23 66B, § 2.09(A) [petition to the Circuit Court for Baltimore City:

- 24 (1) any person aggrieved by the decision;
- 25 (2) any officer, department, board, or bureau of the City; or
- 26 (3) any taxpayer].

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

33 **Baltimore City Code**

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

1 § 2-3. Director – appointment; term; removal.

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

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

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

8 § 40-14. Violations to which subtitle applies.

9 (e) *Provisions and penalties enumerated.*

10 (2) *Article 15. Licensing and Regulation*

11 § 17-23. [Street food] FOOD vendors - [trash containment and removal]
12 RECEPTACLES; CLEAN-UP \$100

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

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

15 (1) *Article 15. Licensing and Regulation*

16 [Subtitle 16. Street Vendors of Food Products \$ 50]
17 Subtitle 17. Street Vendors [in Downtown Area] \$ 50
18 Subtitle 18. Itinerant Wholesale Produce Dealers \$ 50

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

21 **Article 6. Historical and Architectural Preservation**

22 § 2-2. Members.

23 (a) *Composition – General.*

24 The Commission consists of [11] 13 members.

25 COMMENT: Corrects aggregate number of members.

26 (b) *Composition – Appointed members.*

27 (1) 11 members are appointed by the Mayor, in accordance with City Charter Article IV,
28 § 6, as follows:

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

3 COMMENT: Conforms reference to proper name of this entity.

4 **§ 4-5. Certificate of Appropriateness or Notice to Proceed.**

5 (a) *Issuance.*

6 If the Commission determines that the proposed excavation, construction or erection,
7 reconstruction, alteration, removal of an exterior architectural feature, change in exterior
8 color, or demolition of a structure in District, on THE Landmark List, or on the Special
9 List is appropriate or, although inappropriate without substantial detriment to the public
10 welfare and without substantial derogation from the intent and purposes of this article,
11 the Commission shall forthwith direct the Executive Director or the Executive Director's
12 designee to forward to the Commissioner of Housing and Community Development a
13 Certificate of Appropriateness or a Notice to Proceed, as applicable, along with the
14 related application, plans, and specifications.

15 COMMENT: Inserts missing article ("the").

16 **Article 28. Taxes**

17 **§ 25-3. Rate of tax.**

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

- 19 (1) \$0.35 per month or part of a month for each Centrex local exchange access line or
20 trunk line; and
- 21 (2) \$3.50 per month or part of a month for every other telecommunications line,
22 whether a residence, business, PBX local exchange, or other wired or wireless
23 telecommunications line.

24 COMMENT: Corrects punctuation (missing colon).

25 **§ 25-11. Definitions.**

26 (c) *Energy.*

27 "Energy" means artificial or natural gas, electricity, coal, fuel oil, [liquified] LIQUEFIED
28 petroleum gas, or steam delivered for consumption in Baltimore City.

29 COMMENT: Corrects misspelling.

1
2
3
4
5
6
7
8
9
10
11
12
13

Article 31. Transit and Traffic

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

(a) *Lessors' liability.*

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

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

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.