

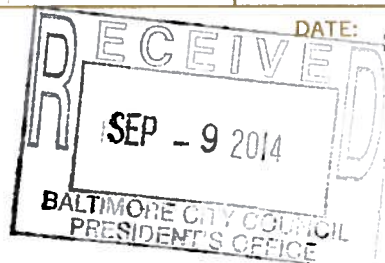
FROM	NAME & TITLE	Rudolph S. Chow, P.E., Director
	AGENCY NAME & ADDRESS	Department of Public Works 600 Abel Wolman Municipal Building
	SUBJECT	CITY COUNCIL BILL 14-0417

CITY of  
BALTIMORE  
**MEMO**



TO

The Honorable President and Members  
of the Baltimore City Council  
c/o Natawna Austin  
Room 400 – City Hall



DATE: September 4, 2014

I am herein reporting on City Council Bill 14-0417, Introduced by Council President Young at the request of the Administration (Department of Legislative Reference).

The purpose of this bill is to correct certain technical errors and omissions in the City Code; repealing certain obsolete, obsolescent, or otherwise preempted, superseded, or superfluous provisions; correcting, clarifying, and conforming certain language; and providing for a special effective date.

Legislation is introduced from time to time to correct errors, omissions, and obsolete references in the Baltimore City Revised Code (Edition 2000). The last corrective measures were adopted under Ordinance 13-175. City Council Bill 14-0417, if approved, would correct certain technical errors and omissions, and would clarify language in the Code that resulted from subsequent legislative additions and deletions. This Bill makes corrections to the following areas of the Code:

- Building, Fire, and Related Codes – Ordinance 13-093 incorporated the most recent iteration of the Building, Fire and Related Codes. As part of that adoption, Chapter 1 of Part II {International Building Code} lists “referenced codes,” which apply elsewhere in that Code. This list inadvertently omitted reference to the Residential Code for One- and Two-Family Dwellings. Adding the International Residential Code for One- and Two-Family Dwellings to this list and stating which structures it applies to will clarify the requirements. The “supplemental definitions” section [§202.2] of Chapter 2 {Definitions; Rules of Construction} will be updated to include abbreviations of the listed international codes. The International Property Maintenance Code [Part VII.] also requires the addition of the International Residential Code for One- and Two-Family Dwellings to the list of applicable codes [§102.3].
- Health Article – Ordinance 14-237 added Subtitle 7 {Mobile Vendors} to the Health Code in conjunction with the adoption of Article 15, Subtitle 17 {Street Vendors}. The purpose of this subtitle is to prohibit smoking in vendor trucks, therefore, the title “Mobile Vendors” is being changed to “Smoking in Vendor Trucks” to better reflect the scope of the subtitle. Ordinance 14-212 prohibited smoking near playgrounds, schoolyards, athletic facilities, and public swimming pools. This legislation will simplify the language of the definitions in the subtitle by deleting the superfluous phrase “but is not limited to.” It also conforms punctuation.
- Article 1 (Mayor, City Council, and Municipal Agencies) – The legislation changes the name of the committee referred to in Subtitle 1 {City Council} from “Committee on Legislative Investigation” to “Committee on Legislative Investigations”. This conforms with the name of the corresponding active committee, the Judiciary and Legislative Investigations Committee. The legislation also corrects, conforms, and clarifies related language in this section.

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- Article 5 (Finance, Property, and Procurement) – The legislation corrects misnumbering in Subtitle 40, Section 22 {Petitions for reinstatement}.
- Article 7 (Natural Resources) – Division I {Floodplain Management} Subtitle 8 {Administrative and Judicial Review}, Division II {Stormwater Management} Subtitle 28 {Administrative Review}, and Division III {Soil Erosion and Sediment Control} Subtitle 35 {Enforcement; Reviews; Penalties} each have sub-sections on “right of appeal.” The legislation adds the line, “On timely request, is entitled to a hearing on that appeal,” to each of these three section, which makes it explicit that any person aggrieved is entitled to a hearing, providing that the appeal is requested in the manner and time specified by that subtitle. The legislation also clarifies that the written statement for an appeal must expressly state that the aggrieved person desires a hearing. Division III, Subtitle 35 addresses administrative review of appeals and hearings. Revisions are made to §35-6(b) to conform with similar hearing procedures in Division I and Division II.
- Article 8 (Ethics) – Subtitle 7 {Financial Disclosure} references “business with the City” in relation to disclosure requirements. Since this phrase is not used elsewhere in the Code, the addition of the phrase “in this subtitle” clarifies that the definition of “business with the City” only applies in this subtitle. The persons required to file financial disclosure forms are listed in §7-8. When Ordinance 14-216 was passed, it created a Board of trustees to administer the Retirement Savings Plans. Adding this board and its staff to the list in §7-8 corrects an oversight made when Ordinance 14-216 was passed.
- Article 15 (Licensing and Regulations) – Ordinance 14-327 rewrote Article 15, Subtitle 17 {Street Vendors} which, among other changes, transferred powers of the Board of Licenses for Street Vendors to the Department of General Services. In §17-1(k) the deletion of “licensed under this subtitle” expands and clarifies the definition of “vendor truck.” This legislation makes various other revisions for clarity and to delete redundancies and to conform grammar and punctuation.
- Article 19 (Police Ordinances) – Ordinance 14-231 amended Subtitle 34 {Minors – Daytime and Nighttime Curfews}, deleting older references to “juvenile holding facility” and “truancy center” and replacing them with the new term “Youth Connection Center.” That Ordinance did not make conforming changes to the definitions section [§34-1]; this legislation will make the definitions conform with the updated Subtitle. Weapons are dealt with in Subtitle 59. This legislation corrects redundancies that occur between §59-3 and §59-26 in reference to prohibitions on selling, giving, or allowing the possession of air rifles, air guns, BB guns, or paintball guns to minors. The phrase “or possession” is added to §59-26, allowing for the repeal of §59-3 since §59-26 has a broader scope. Additionally, §59-4 {Toy cartridge pistols} is repealed, as it is outdated and unenforceable.
- Article 31 (Transit and Traffic) – The parking, standing, and stopping regulations of vendor trucks are dealt with in §6-28. This legislation corrects the placement of definitions and punctuation. Part V. of Subtitle 10 {Residential Permit Parking Program} is titled “Non-Resident Parking Restrictions,” which is misleading in that the section pertains to ‘non-permit holders,’ which is different than ‘non-residents’. This legislation renames the section “Non-Permit Parking Restrictions” to better reflect the content of the section.

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Having reviewed City Council Bill 14-0417, the Department of Public Works finds the proposed changes and corrections to be reasonable and necessary and therefore supports its passage.

Sincerely,



Rudolph S. Chow, P.E.  
Director

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