

**CITY OF BALTIMORE
COUNCIL BILL 12-0115
(First Reader)**

Introduced by: President Young, Councilmembers Stokes, Kraft, Cole, Branch, Henry, Scott,
Reisinger, Clarke, Welch, Curran, Mosby

Introduced and read first time: July 16, 2012

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Fire Department, Department of
Finance

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Fire Suppression and Prevention — Closings**

3 FOR the purpose of requiring a public hearing to be held and certain other actions to be taken
4 before consolidating, relocating, or closing any fire suppression company or unit, emergency
5 medical care company or unit, or truck company or unit; clarifying, conforming, and
6 correcting certain language; conforming certain statutory provisions to subsequent Charter
7 amendments; providing for a special effective date; and generally relating to the adoption and
8 implementation of the City Comprehensive Fire Protection Plan and to the procedures for the
9 consolidation, relocation, or closing of fire companies and units.

10 BY repealing and reordaining, with amendments
11 Article 9 - Fire Suppression and Prevention
12 Section(s) 2-1 through 2-4
13 Baltimore City Code
14 (Edition 2000)

15 BY adding
16 Article 9 - Fire Suppression and Prevention
17 Section(s) 2-5
18 Baltimore City Code
19 (Edition 2000)

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

22 **Baltimore City Code**

23 **Article 9 - Fire Suppression and Prevention**

24 **Subtitle 2 - Comprehensive Fire Protection Plan**

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

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1 **§ 2-1. Plan required.**

2 [Commencing] BEGINNING January 1, 1989, and every 5 years [thereafter] FOLLOWING, [it
3 shall be the duty of the Board of Fire Commissioners to] THE CHIEF OF THE FIRE
4 DEPARTMENT SHALL present to the Mayor and City Council a written, comprehensive
5 Baltimore City Fire Protection Plan [in which] FOR the City [is regarded] as 1 territorial unit.

6 **§ 2-2. Required elements and factors.**

7 (a) *Elements of plan.*

8 The plan [shall] MUST include, but NEED not be limited to:

- 9 (1) specific recommendations for equipment, [and] personnel, and [their] locations
10 for the DEPARTMENT'S fire suppression companies AND UNITS, [truck companies,
11 and the] emergency medical care companies AND UNITS, AND TRUCK COMPANIES
12 AND UNITS for the next 5 [fiscal] years;
- 13 (2) proposed future consolidations, relocations, or reductions of fire suppression
14 COMPANIES AND UNITS, [and] emergency medical care COMPANIES AND UNITS,
15 AND TRUCK COMPANIES AND units; and
- 16 (3) the criteria used [by the Board in determining that] TO DETERMINE WHETHER a fire
17 suppression COMPANY OR unit, [a truck company, or an] emergency medical care
18 COMPANY OR unit, OR TRUCK COMPANY OR UNIT should be [closed or]
19 consolidated, RELOCATED, OR CLOSED.

20 (b) *Factors on which plan to be based.*

21 The plan [shall] MUST be based on the following factors:

- 22 (1) population density;
- 23 (2) street and traffic patterns;
- 24 (3) geological and topographic considerations;
- 25 (4) modernization of equipment;
- 26 (5) types and uses of structures;
- 27 (6) financial considerations;
- 28 (7) the presence of any hazardous materials; and
- 29 (8) any other factors [determined by the Board] THE CHIEF DETERMINES to be
30 connected with fire protection and emergency medical service.

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§ 2-3. Adoption procedures.

(a) *Public hearing.*

Before the CHIEF ADOPTS THE plan [is adopted by], THE CHIEF AND the Board of Fire Commissioners[, the Board shall] MUST hold a public hearing to offer concerned citizens an opportunity to present testimony on the proposed plan.

(b) *Review by Mayor and City Council.*

(1) After the fire protection plan has been adopted by the [Board of Fire Commissioners] CHIEF, the [Fire Commissioners] CHIEF shall present it to the Mayor for review and recommendation.

(2) After the Mayor reviews the plan, the Mayor shall forward it to the City Council for hearing and review.

§ 2-4. Adherence to adopted plan.

Following review of the plan by the Mayor and City Council:

(1) the [Board of Fire Commissioners shall] CHIEF MUST act in conformance with the plan; and

(2) no permanent, substantive [changes shall] CHANGE MAY be made to the [fire protection] plan without [the changes] THAT CHANGE first being adopted and reviewed in the same [manner] WAY as [set forth in this subtitle] THAT REQUIRED for the PLAN'S INITIAL approval [of the plan originally].

§ 2-5. CONSOLIDATIONS, RELOCATIONS, AND CLOSINGS.

(A) *HEARING REQUIRED.*

BEFORE A FINAL DECISION IS MADE TO CONSOLIDATE, RELOCATE, OR CLOSE ANY FIRE SUPPRESSION COMPANY OR UNIT, EMERGENCY MEDICAL CARE COMPANY OR UNIT, OR TRUCK COMPANY OR UNIT, A PUBLIC HEARING MUST BE HELD TO PROVIDE CITIZENS WITH AN OPPORTUNITY TO SUBMIT ORAL OR WRITTEN TESTIMONY OR OTHER INFORMATION ON THE PROPOSED CLOSING.

(B) *NOTICE OF HEARING.*

(1) AT LEAST 2 WEEKS BEFORE THE HEARING, NOTICE OF THE HEARING MUST BE:

(I) PUBLISHED IN AT LEAST 2 NEWSPAPERS OF GENERAL CIRCULATION IN THE GEOGRAPHIC AREA OF THE COMPANY OR UNIT PROPOSED FOR CONSOLIDATION, RELOCATION, OR CLOSING; AND

(II) POSTED PROMINENTLY OUTSIDE THAT UNIT OR COMPANY.

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1 (2) THE NOTICE MUST INCLUDE:

2 (I) A STATEMENT OF THE PROCEDURES THAT WILL BE FOLLOWED IN MAKING THE
3 FINAL DECISION; AND

4 (II) ANY TIME LIMITS IMPOSED ON THE SUBMISSION OF TESTIMONY OR OTHER
5 INFORMATION.

6 (C) *FINAL DECISION.*

7 ANY FINAL DECISION TO CONSOLIDATE, RELOCATE, OR CLOSE A COMPANY OR UNIT MUST
8 BE:

9 (1) IN WRITING;

10 (2) ACCOMPANIED BY A STATEMENT OF THE FACTORS CONSIDERED IN MAKING THE
11 DECISION; AND

12 (3) ANNOUNCED IN A PUBLIC MEETING.

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

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