

**CITY OF BALTIMORE
COUNCIL BILL 22-0205
(First Reader)**

Introduced by: President Mosby, Middleton

Introduced and read first time: March 21, 2022

Assigned to: Economic and Community Development Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Department of Housing and Community Development, Baltimore City Fire Department

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Vacant Structures – Emergency Response Fee**

3 FOR the purpose of establishing a fee structure for City emergency response services provided or
4 rendered at vacant structures; defining certain terms; providing for a special effective date;
5 and generally relating to emergency response fees for vacant structures.

6 BY adding

7 Article 9 - Fire Suppression and Prevention

8 Section(s) 7-1 through 7-2 to be under the new subtitle designation,

9 “Subtitle 7. Vacant Structures”

10 Baltimore City Code

11 (Edition 2000)

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

14 **Baltimore City Code**

15 **Article 9. Fire Suppression and Prevention**

16 **SUBTITLE 7. VACANT STRUCTURES**

17 **§ 7-1. DEFINITIONS.**

18 (A) *IN GENERAL.*

19 IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

20 (B) *DEPARTMENT.*

21 “DEPARTMENT” MEANS THE BALTIMORE CITY FIRE DEPARTMENT.

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

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1 (C) *COLLATERAL SERVICES.*

2 “COLLATERAL SERVICES” MEANS FOLLOW-UP SERVICES DELIVERED BY THE DEPARTMENT
3 AFTER THE INITIAL RESPONSE TO AN INCIDENT.

4 (D) *FIRE INVESTIGATION.*

5 (1) *IN GENERAL.*

6 “FIRE INVESTIGATION” MEANS THE SERVICES RENDERED WHEN A FIRE INVESTIGATOR
7 OR INVESTIGATION TEAM RESPONDS TO AN INCIDENT.

8 (2) *INCLUSIONS.*

9 “FIRE INVESTIGATION” INCLUDES:

- 10 (I) MEASURES TAKEN TO SECURE THE SCENE OF THE INCIDENT;
- 11 (II) ACTIONS TAKEN TO INVESTIGATE THE CIRCUMSTANCES OF THE INCIDENT;
- 12 (III) IDENTIFICATION OF THE SOURCE OF THE INCIDENT;
- 13 (IV) USE OF A K-9 OR ARSON DOG UNIT;
- 14 (V) USE OF EQUIPMENT TO IDENTIFY THE SOURCE OF THE INCIDENT;
- 15 (VI) USE OF MOBILE DETECTION EQUIPMENT; AND
- 16 (VII) GENERATING A FIRE REPORT.

17 (E) *HAZARDOUS MATERIALS INCIDENT LEVELS.*

18 (1) *LEVEL 1 HAZARDOUS MATERIALS INCIDENT RESPONSE.*

19 “LEVEL 1 HAZARDOUS MATERIALS INCIDENT RESPONSE” MEANS THE DEPARTMENT’S
20 PROVISION OF BASIC HAZARDOUS MATERIALS INCIDENT RESPONSE SERVICES,
21 INCLUDING:

- 22 (I) ENGINE RESPONSE;
- 23 (II) FIRST RESPONDER ASSIGNMENT;
- 24 (III) PERIMETER ESTABLISHMENT;
- 25 (IV) EVACUATIONS;
- 26 (V) SET-UP OF SERVICE DELIVERY; AND
- 27 (VI) COMMAND OF THE SCENE.

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1 (2) *LEVEL 2 HAZARDOUS MATERIALS INCIDENT RESPONSE.*

2 “LEVEL 2 HAZARDOUS MATERIALS INCIDENT RESPONSE” MEANS THE DEPARTMENT’S
3 PROVISION OF INTERMEDIATE HAZARDOUS MATERIALS INCIDENT RESPONSE SERVICES,
4 INCLUDING:

- 5 (I) THE SERVICES NAMED IN PARAGRAPH (1) OF THIS SUBSECTION;
- 6 (II) DEPLOYMENT OF HAZARDOUS MATERIAL- (HAZMAT) CERTIFIED PERSONNEL
7 AND APPROPRIATE EQUIPMENT;
- 8 (III) THE USE OF:
- 9 (A) LEVEL A OR LEVEL B PROTECTIVE SUITS;
- 10 (B) BREATHING EQUIPMENT; OR
- 11 (C) DETECTION EQUIPMENT; AND
- 12 (IV) SET-UP AND REMOVAL OF A DECONTAMINATION CENTER, IF NECESSARY.

13 (3) *LEVEL 3 HAZARDOUS MATERIALS INCIDENT RESPONSE.*

14 “LEVEL 3 HAZARDOUS MATERIALS INCIDENT RESPONSE” MEANS THE DEPARTMENT’S
15 PROVISION OF ADVANCED HAZARDOUS MATERIALS RESPONSE SERVICES, INCLUDING:

- 16 (I) THE SERVICES NAMED IN PARAGRAPHS (1) AND (2) OF THIS SUBSECTION;
- 17 (II) ROBOT DEPLOYMENT;
- 18 (III) DETECTION, RECOVERY, AND IDENTIFICATION OF MATERIALS;
- 19 (IV) DISPOSAL OF MATERIALS;
- 20 (V) ENVIRONMENTAL CLEAN-UP; AND
- 21 (VI) DISPOSAL OF CONTAMINATED EQUIPMENT AND CONTAMINATED MATERIALS
22 USED AT THE SCENE OF THE INCIDENT.

23 (F) *SPECIAL RESCUE RESPONSE.*

24 “SPECIAL RESCUE RESPONSE” MEANS AN INCIDENT REQUIRES THE DEPARTMENT TO
25 DELIVER SERVICES THAT ARE NOT CONSIDERED:

- 26 (1) A FIRE RESPONSE;
- 27 (2) A FIRE INVESTIGATION;
- 28 (3) A HAZARDOUS MATERIALS INCIDENT;

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1 (4) A WATER INCIDENT; OR

2 (5) COLLATERAL SERVICES.

3 (G) *WATER INCIDENTS.*

4 (1) *LEVEL 1 WATER INCIDENT RESPONSE.*

5 “LEVEL 1 WATER INCIDENT RESPONSE” MEANS THE DEPARTMENT’S PROVISION OF
6 BASIC WATER INCIDENT RESPONSE SERVICES, INCLUDING:

7 (I) ENGINE RESPONSE;

8 (II) FIRST RESPONDER ASSIGNMENT;

9 (III) PERIMETER ESTABLISHMENT;

10 (IV) EVACUATIONS;

11 (V) FIRST RESPONDER SET-UP AND COMMAND;

12 (VI) ACTIONS TAKEN TO ENSURE SCENE SAFETY;

13 (VII) INVESTIGATION;

14 (VIII) PATIENT CONTACT; AND

15 (IX) HAZARD CONTROL

16 (2) *LEVEL 2 WATER INCIDENT RESPONSE.*

17 “LEVEL 2 WATER INCIDENT RESPONSE” MEANS THE DEPARTMENT’S PROVISION OF
18 INTERMEDIATE WATER INCIDENT RESPONSE SERVICES, INCLUDING:

19 (I) THE SERVICES NAMED IN PARAGRAPH (1) OF THIS SUBSECTION;

20 (II) CLEAN-UP OF THE SCENE;

21 (III) USE OF MATERIALS TO CLEAN UP THE SCENE;

22 (IV) MINOR HAZARDOUS CLEAN-UP AND DISPOSAL; AND

23 (V) CLEAN-UP OF SMALL AMOUNTS OF GASOLINE OR OTHER FLUIDS SPILLED AS A
24 RESULT OF THE INCIDENT.

25 (3) *LEVEL 3 WATER INCIDENT RESPONSE.*

26 “LEVEL 3 WATER INCIDENT RESPONSE” MEANS THE DEPARTMENT’S PROVISION OF
27 ADVANCED WATER INCIDENT RESPONSE SERVICES, INCLUDING:

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- 1 (I) THE SERVICES NAMED IN PARAGRAPHS (1) AND (2) OF THIS SUBSECTION;
- 2 (II) MUTUAL AID BOX ALARM SYSTEM ACTIVATION;
- 3 (III) USE OF A BREATHING APPARATUS;
- 4 (IV) USE OF DETECTION EQUIPMENT;
- 5 (V) SET UP AND REMOVAL OF A DECONTAMINATION CENTER;
- 6 (VI) RECOVERY AND IDENTIFICATION OF MATERIAL;
- 7 (VII) DISPOSAL OF MATERIAL;
- 8 (VIII) ENVIRONMENTAL CLEANUP; AND
- 9 (IX) DISPOSAL OF CONTAMINATED EQUIPMENT AND CONTAMINATED MATERIALS
- 10 USED AT THE SCENE.

11 (H) *VACANT STRUCTURE.*

12 (1) *IN GENERAL.*

13 “VACANT STRUCTURE” MEANS ANY STRUCTURE THAT IS SUBJECT TO AN UNABATED
14 VIOLATION NOTICE ISSUED UNDER § 116 {“UNSAFE STRUCTURES”} OF THE
15 BALTIMORE CITY BUILDING CODE.

16 (2) *EXCLUSIONS.*

17 “VACANT STRUCTURE” DOES NOT INCLUDE AN ACCESSORY STRUCTURE THAT IS NOT
18 INTENDED FOR OCCUPANCY, SUCH AS A GARAGE, SHED, OR STORAGE BUILDING.

19 **§ 7-2. FEES.**

20 (A) AMOUNT OF FEES.

21 AN OWNER OF A VACANT STRUCTURE WHO UTILIZES THE EMERGENCY SERVICES OF THE
22 BALTIMORE CITY FIRE DEPARTMENT SHALL BE CHARGED A FEE FOR EMERGENCY
23 SERVICES IN THE FOLLOWING AMOUNTS:

24 (1) FOR FIRE RESPONSE SERVICES:

25 (I) \$400 PER HOUR PER FIRE ENGINE; AND

26 (II) \$500 PER HOUR PER TRUCK;

27 (2) FOR FIRE INVESTIGATION SERVICES, \$500 AN HOUR;

28 (3) FOR HAZARDOUS MATERIALS INCIDENT SERVICES:

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- 1 (I) \$700 AN HOUR FOR A LEVEL 1 RESPONSE;
- 2 (II) \$750 AN HOUR FOR A LEVEL 2 RESPONSE;
- 3 (III) \$2,780 PLUS DISPOSAL FEES FOR A LEVEL 3 RESPONSE; AND
- 4 (IV) AN ADDITIONAL \$750 AN HOUR AFTER 3 HOURS OF RESPONSE SERVICE
- 5 DELIVERY AT ALL LEVELS;

- 6 (4) FOR A HAZMAT TECHNICIAN, \$50 AN HOUR;
- 7 (5) FOR A SPECIAL RESCUE, TECHNICIAN FEES IN AN AMOUNT TO BE DECIDED ON A
- 8 CASE-BY-CASE BASIS AND TO BE PROVIDED IN AN ITEMIZED LIST;
- 9 (6) FOR WATER INCIDENT SERVICES:

- 10 (I) \$400 AN HOUR FOR A LEVEL 1 RESPONSE;
- 11 (II) \$800 AN HOUR FOR A LEVEL 2 RESPONSE;
- 12 (III) \$2,000 AN HOUR FOR A LEVEL 3 RESPONSE; AND
- 13 (IV) \$50 AN HOUR FOR A TECHNICIAN.

14 (B) *SPECIAL RESCUE FEES.*

15 (1) *IN GENERAL.*

16 THE DEPARTMENT MAY CHARGE THE OWNER OF A VACANT STRUCTURE FEES FOR
17 SPECIAL RESCUE SERVICES DELIVERED.

18 (2) *PROCEDURE.*

19 THE DEPARTMENT MUST CHARGE FEES FOR SPECIAL RESCUE SERVICES AT A MARKET
20 RATE AND PROVIDE AN ITEMIZED BILL TO THE OWNER OF THE VACANT STRUCTURE.

21 (C) *COLLATERAL SERVICES FEES.*

22 (1) *IN GENERAL.*

23 THE DEPARTMENT MAY CHARGE THE OWNER OF A VACANT STRUCTURE FEES FOR
24 COLLATERAL SERVICES DELIVERED.

25 (2) *PROCEDURE.*

26 THE DEPARTMENT MUST CHARGE FEES FOR COLLATERAL SERVICES AT A MARKET RATE
27 AND PROVIDE AN ITEMIZED BILL TO THE OWNER OF THE VACANT STRUCTURE.

28 **SECTION 2. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 90th day
29 after the date it is enacted.