

**CITY OF BALTIMORE
COUNCIL BILL 15-0467
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)
Introduced and read first time: January 12, 2015
Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: Department of Public Works, Department of Transportation, Department of General Services, Department of Housing and Community Development, Health Department, Department of Finance, Fire Department, Police Department

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Departments of Public Works, Transportation, and General Services –**
3 **Conforming Code References to Charter Allocations**

4 FOR the purpose of correcting agency references rendered obsolete by Charter amendments that
5 have reallocated various powers and duties among these agencies; repealing certain obsolete
6 or obsolescent provisions related to these and other units of City government; correcting,
7 clarifying, and conforming the language of related provisions; and generally relating to the
8 administration and regulation of public works, surveys, public and private streets, highways,
9 rights-of-way, transit and traffic, and general services.

10 BY repealing and reordaining, with amendments

11 Article - Building, Fire, and Related Code
12 Sections 2-103 (BC §§ 102.7, 102.8, 102.10, 102.16(8), 107.2.3, 109.6.1.r, 117.3, 426.3.2,
13 426.3.4, 3112.2, 3113.3, 3201.3.1, and 3202.5.1)
14 Baltimore City Revised Code
15 (Edition 2000)

16 BY repealing and reordaining, with amendments

17 Article - Health
18 Section 4-704(a)
19 Baltimore City Revised Code
20 (Edition 2000)

21 BY repealing and reordaining, with amendments

22 Article - Zoning
23 Sections 2-202(c)(2), 10-405(2)-(5)(i), (12), (18)-(19), (21), (22)(iii), (23), and (29), and
24 11-205(b)
25 Baltimore City Revised Code
26 (Edition 2000)

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

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- 1 BY repealing and reordaining, with amendments
2 Article 1 - Mayor, City Council, and Municipal Agencies
3 Sections 17-1 through 17-8, 21-3(b) and (c)(1), (3), (4), and (6), 21-4, 21-5, and 23-4(b)(7)
4 Baltimore City Code
5 (Edition 2000)
- 6 BY repealing
7 Article 1 - Mayor, City Council, and Municipal Agencies
8 Section 40-14(2)(§50-26)
9 Baltimore City Code
10 (Edition 2000)
- 11 BY repealing and reordaining, with amendments
12 Article 5 - Finance, Property, and Procurement
13 Sections 10-1(c), 10-5(a), (b)(1), and (c), 18-1, 18-2(a), 21-11(a), 37-1(c), 41-3(a), and 45-1
14 Baltimore City Code
15 (Edition 2000)
- 16 BY repealing and reordaining, with amendments
17 Article 7 - Natural Resources
18 Sections 53-2, 53-3, 53-11(a), 53-12 through 53-14, and 53-26
19 Baltimore City Code
20 (Edition 2000)
- 21 BY repealing
22 Article 9 - Fire Suppression and Prevention
23 Sections 8-1 through 8-7
24 Baltimore City Code
25 (Edition 2000)
- 26 BY repealing and reordaining, with amendments
27 Article 10 - Harbors, Docks, and Wharves
28 Sections 7-3(a) and 7-10
29 Baltimore City Code
30 (Edition 2000)
- 31 BY repealing and reordaining, with amendments
32 Article 13 - Housing and Urban Renewal
33 Sections 11-1(c)
34 Baltimore City Code
35 (Edition 2000)
- 36 BY repealing and reordaining, with amendments
37 Article 14 - Special Benefits District
38 Sections 6-8(d), 7-8(d), and 8-8(d)
39 Baltimore City Code
40 (Edition 2000)

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1 BY repealing and reordaining, with amendments
2 Article 18 - Educational and Cultural Programs
3 Sections 1-36(a)
4 Baltimore City Code
5 (Edition 2000)

6 BY repealing and reordaining, with amendments
7 Article 19 - Police Ordinances
8 Sections 41-2, 44-2, 50-11, 50-26 through 50-28, 50-31(a), (c), and (d)(1), and 73-1(a)
9 Baltimore City Code
10 (Edition 2000)

11 BY repealing
12 Article 19 - Police Ordinances
13 Sections 41-4 and 50-16 to 50-18
14 Baltimore City Code
15 (Edition 2000)

16 BY repealing and reordaining, with amendments
17 Article 20 - Railroads
18 Sections 2-1(a), (c), and (d), 2-2, 2-3, 6-1, 6-2, 6-6, 6-8(a) and (c), and 7-1 through 7-4(a)
19 Baltimore City Code
20 (Edition 2000)

21 BY repealing and reordaining, with amendments
22 Article 26 - Surveys, Streets, and Highways
23 Sections 1-6 through 1-9, 2-1 through 2-3(a), 2-4 through 2-6(a), 3-1, 3-2(b)(1) and (2), 3-3,
24 3-4(a)(1) and (2)(ii), 3-4(b), 3-5(a)(intro) and (c), 3-6, 3-7(a) and (b)(1)(iv) and (v) and
25 (b)(2)(intro), 3-8(3), 3-9(a) and (c), 3-10, 3-11, 3-12(a), (b)(2), and (c)(3), 3-13(b)(1)
26 and (2), 3-13(c), 3-16, 3-18, 3-19(intro), 3-20, 3-21(b), 4-1, 4-3, 5-1, 5-2, 5-4(a), (b)(1),
27 (b)[2nd], and (c), 5-5(a)(2), 5-6(2), 5-7(intro), 5-8(3), 5-10, 5-11, 6-3, 6-4(a) and (b)(1),
28 6-5, 6-6, 6-7(2), 7-2(a), 7-3(a), 7-4(a), 7-5, 8-2(a), 8-3(2)(iii), 8-4(a), (b)(1), and (d),
29 8-5(a), 8-7(a), 8-8, 8-9(b), 8-10, 8A-1(b-1) and (c), 8A-2(b)(intro) and (c)(1), 8A-4(a),
30 8A-9(a), 8A-10(a)(1), 8A-11(b)(1), (4), (7), (9)(intro), and (10), 8A-12(b)(1), (3), (6),
31 (8)(intro), and (9), 9-1(a), 9-3, 10-1(a)(intro), (b)(2), and (c)(1), 10-2(a), 10-4(3)(i),
32 10-5(a)(intro), (b)(1) and 2(iii), and (c), 10-7(a) and (b), 10-9(a), 10-10, 10-11, 10A-4(a)
33 and (b)(2) and (3), 10A-5, 11-1(b), 11-2(a)(intro) and (b), 11-3, 12-1, 13-2, 13-3(a), (c),
34 and (d), 13-5, 13-6, 14-1(a), 15-1(b) and (c), 15-4, 15-5(a) and (b), 16-1(a), 16-2, 16-3(a),
35 16-4(a) and (b), 16-5(2), 16-6, 16-7, 18-1 through 18-4, 18-7 through 18-10, 18-11(a) and
36 (c), 19-1, 19-2, 19-3(1) and (2), 19-4 through 19-7, 20-1, 20-2(2), 20-3, 20-4(a), 20-5,
37 23-1 through 23-3(a), 23-4, 23-6(a), 23-7 through 23-10(a), 24-2(b) and (c)(2), and 25-2
38 Baltimore City Code
39 (Edition 2000)

40 BY repealing and reordaining, with amendments
41 Article 28 - Taxes
42 Sections 23-2(1), 23-5, and 23-7
43 Baltimore City Code
44 (Edition 2000)

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1 BY repealing and reordaining, with amendments

2 Article 31 - Transit and Traffic

3 Sections 1-1(a) and (k), 1-2(g), 1-3(i) and (j), 2-1 through 2-4, 2-5(10), (14), (16) through
4 (18), and (24), 2-6, 2-7 through 2-11, 3-1 through 3-3, 6-1(c), 6-6(b) and (c), 6-9(b), (c),
5 and (d), 6-12(b) and (c), 6-13, 6-14(a), 6-15(a) and (b), 6-36, 8-1(a)(1), 8-4(b), 8-5,
6 9-1(a), 9-2, 9-3(b) and (c), 9-12(a) and (c), 11-1, 12-1, 15-9, 15-12(a) and (c), 16-2(a),
7 16-3(a), 16-12(a), 16-22(a), 16-27, 16-44, 16-47(a)(1) and (b)(1), 16-57(b), 16-58, 17-6,
8 19-1, 19-3(a), (b), (c)(intro), and (d), 19-4(a), (b)(2), and (c), 19-5 through 19-7, 31-1(b),
9 (d), and (e), 31-7(b)(1), 31-8(a), 31-21(a), 31-27(b), 31-28(a), 31-29(a), 31-41, 31-42(a)
10 and (d), 31-43(a)(1) and (c), 31-44, 31-45, 31-47(b), 31-50, 31-57(a), (b), and (c),
11 31-59(b), 31-60, 31-66(b) and (c)(1), 31-67(b), 31-68(a), 31-102, and 31-103

12 Baltimore City Code
13 (Edition 2000)

14 BY adding

15 Article 31 - Transit and Traffic

16 Sections 1-1(h-1) and (h-2)

17 Baltimore City Code
18 (Edition 2000)

19 BY repealing

20 Article 31 - Transit and Traffic

21 Sections 11-2 and 31-1(c)

22 Baltimore City Code
23 (Edition 2000)

24 BY repealing and reordaining, with amendments, and transferring to the Annual Ordinances and
25 Resolutions of the Mayor and City Council of Baltimore

26 Article 13 - Housing and Urban Renewal

27 Section 2-13

28 Baltimore City Code
29 (Edition 2000)

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

32 **Baltimore City Revised Code**

33 **Article – Building, Fire, and Related Codes**

34 **Part II. International Building Code**

35 **§ 2-103. City modifications.**

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

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Chapter 1. Scope and Administration

Section 102 Applicability

102.7 Structures owned by City. This Code does not apply to any structure (other than a building) that is owned by the City, to the extent that the structure:

1. is located on, over, or under a street, alley, or other public way or land, and
2. is designed, constructed, controlled, and maintained by and under the authority and supervision of the Director of Public Works, [or] the Director of General Services, OR THE DIRECTOR OF TRANSPORTATION, whichever has jurisdiction, or an authorized representative of the APPLICABLE Director.

102.8 Public service structures on streets. This Code does not apply to any pole, conduit, tunnel, pipe line, manhole, or other similar surface or subsurface structure, including its equipment, that is owned and controlled by a public service corporation, to the extent that:

1. the structure is located on, over, or under a street, alley, or other public way or land,
2. its construction is authorized by the City, and
3. its installation is regulated and supervised by the Director of Public Works, the Director of General Services, or the Director of Transportation, whichever has jurisdiction, or an authorized representative of the APPLICABLE Director.

102.10 Waterways. Other than work done by the United States or the State of Maryland, all construction done along the shoreline and waterways within the City must:

1. comply with this Code, and
2. be approved by:
 - a. the Department of Public Works,
 - b. the Department of General Services,
 - c. THE DEPARTMENT OF TRANSPORTATION,
 - d. [c.] the Department of Planning,
 - e. [d.] the Fire Department,
 - f. [e.] the Maryland Department of the Environment, and
 - g. [f.] the U.S. Army Corps of Engineers.

102.16 Compliance with other laws. To the extent applicable, all work must also comply with:

...

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1 8. the Department of [General Services] TRANSPORTATION’S rules and regulations
2 governing:

- 3 a. encroachments into the public right-of-way,
- 4 b. developer’s agreements, and
- 5 c. blasting,
- 6

7 **Section 107 Submittal Documents**

8 **107.2 Site plan.** The construction documents submitted with the application for permit must
9 be accompanied by a site plan.

10 **107.2.3 Specifications, photographs, additional information.** The site plan must:

- 11 1. be drawn in accordance with the specifications required by rules or regulations
12 adopted by the Building Official in consultation with the Director of [General
13 Services] TRANSPORTATION, and
- 14 2. contain any additional information required by those rules or regulations.

15 **Section 109 Fees**

16 **109.6 Fee schedules.**

17 **109.6.1 Permit fees for construction work.**

18 **r. DPW AND DOT review charges.**

19 A fee of \$100 will be charged for EACH review OF A PERMIT APPLICATION by
20 the Department of Public Works OR BY THE DEPARTMENT OF TRANSPORTATION
21 [of each application for a building permit]. Additional fees for consultation
22 meetings with the applicant will be charged at the rate of \$50 for each half hour.

23 **Section 117 Emergency and Corrective Measures**

24 **117.3 Closing streets.** When necessary for the public safety, the Building Official may
25 temporarily close adjacent structures and request the Director of [General Services]
26 TRANSPORTATION to close adjacent sidewalks, streets, and other public ways and prohibit
27 them from being used. The Building Official may temporarily close adjacent sidewalks,
28 streets, and other public ways only pursuant to an agreement with the Director [General
29 Services] TRANSPORTATION.

1 **Chapter 4. Special Detailed Requirements Based on Use and Occupancy**

2 **Section 426 Circuses and Carnivals**

3 **426.3 Permit required.** Before any person may begin to set up any structure, appliance, or
4 equipment for a circus or carnival, the person must obtain the appropriate permit from the
5 Building Official.

6 **426.3.2 Referral of application.** The Building Official must immediately refer each
7 application to the following, for their recommendations:

- 8 1. the Police Commissioner,
- 9 2. the Director of Public Works,
- 10 3. the Director of [General Services] TRANSPORTATION,
- 11 4. the Chief of the Fire Department, and
- 12 5. the Commissioner of Health.

13 **426.3.4 Approval of Police Commissioner.** If the Police Commissioner approves the
14 application, the Building Official:

- 15 1. may issue the permit, subject to any recommendations of the Police
16 Commissioner, Public Works Director, General Services Director,
17 TRANSPORTATION DIRECTOR, Fire Chief, and Health Commissioner, and
- 18 2. if the permit is issued, must immediately send a copy of the permit to each of
19 them.

20 **Chapter 31. Special Construction**

21 **Section 3112 Parking Lots, Driveways, and Other Paved Surfaces**

22 **3112.2 Driveway entrances.** All driveway entrances located on a public right-of-way must
23 be constructed in accordance with the rules, [and] regulations, AND PERMIT REQUIREMENTS of
24 the Department of Transportation [and the permit requirements of the Department of General
25 Services].

26 **Section 3113 Piers and Marinas**

27 **3113.3 Approvals.** Before a building permit may be issued for the construction or
28 demolition of a pier, marina, or related structure, the work must be approved by:

- 29 1. the U.S. Army Corps of Engineers (Baltimore District),
- 30 2. the State of Maryland,
- 31 3. the Division of Construction and Buildings Inspection,

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- 1 4. the Baltimore City Fire Department,
- 2 5. THE BALTIMORE CITY DEPARTMENT OF TRANSPORTATION, and
- 3 6. [5.] the Baltimore City Department of Public Works.

Chapter 32. Encroachments into the Public Right-of-Way

Section 3201 General

3201.3 Other laws. This Chapter does not permit anything that is otherwise prohibited or regulated by any law governing the use of public property.

3201.3.1 Permission needed for encroachments. No person may use, encroach on, or connect to any street, highway, alley, or other public right-of-way for any purpose unless that person first obtains permission to do so by:

- 11 1. an ordinance of the Mayor and City Council,
- 12 2. a minor privilege permit issued by or under the authority of the Board
- 13 of Estimates, or
- 14 3. an appropriate permit issued by the Department of [General Services]
- 15 TRANSPORTATION.

3202.5 Unauthorized encroachment. In this § 3202.5, “unauthorized encroachment” means any building, structure, projection, object, or other thing that has been placed, constructed, or installed on or connected to a public right-of-way without appropriate permission, as outlined in § 3201.3.1 {“Permission needed...”}.

3202.5.1 Removal of unauthorized encroachments. On notice from the Building Official or the Director of [General Services] TRANSPORTATION, the owner of any unauthorized encroachment must immediately:

- 23 1. remove the encroachment, or
- 24 2. obtain appropriate permission for its continuation.

Article – Health

Title 4. Disease Control

§ 4-704. Animal carcasses.

(a) *Duty to report.*

The Department of Public Works, DEPARTMENT OF TRANSPORTATION, and the Health Department’s Bureau of Animal Control must report to the Commissioner on animal carcasses that the Commissioner specifies by rule or regulation.

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Article – Zoning

Title 2. Administration; Authorizations

Subtitle 2. Zoning Districts; Maps and Profiles

§ 2-202. Maps and profiles part of article.

(c) Digital format authorized.

(2) On certification by the Director of [General Services] TRANSPORTATION, the maps and profiles converted to a digital format under this subsection:

(i) are legalized for purposes of the Zoning Code of Baltimore City; and

(ii) may be taken by all public officials and others as evidence of the original maps and profiles adopted under this article.

Title 10. Off-Street Parking Regulations

Subtitle 4. Required Number of Off-Street Spaces

§ 10-405. Required number of vehicle parking spaces.

Off-street vehicle parking spaces must be provided as follows:

...
(2) Amusement parks, carnivals, drive-in theaters.

Amusement parks; permanent carnivals; theaters, drive-in

All districts

1 per company or business vehicle maintained on the premises, plus any additional spaces the Board requires after considering written recommendations by the [Department of Public Works] BALTIMORE CITY PARKING AUTHORITY

(3) Automobile services.

(i) Car washes

All districts

1 per 6 employees, plus 1 space for the manager or owner, plus 10 spaces per washing lane, plus the number of stacking spaces the Department of [Public Works] TRANSPORTATION requires to avoid street congestion

(ii) Gasoline service stations

All districts

2 per service bay, plus any additional spaces the Board requires after considering written recommendations by the [Department of Public Works] BALTIMORE CITY PARKING AUTHORITY

(4) Banking and financial services.

Banks and building and loan associations; financial institutions;

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1	security sales, brokerages, and	
2	exchanges; and check cashing agencies	
3	B-4-1, B-4-2, B-5-1, B-5-2	No requirement
4	All other districts	1 per 400 square feet of floor area plus, for
5		drive-in establishments, the number of stacking
6		spaces the Department of [Public Works]
7		TRANSPORTATION requires to avoid street
8		congestion
9	(5) <i>Boat services.</i>	
10	(i) Marinas— in general	
11	In each case, the nearest boundaries of the parking area must be located within 300 feet of the marina	
12	entrance at the water’s edge. There must be short-term parking and a drop-off area, the requirements for	
13	which are as determined by the Department of Planning and the [Department of Public Works]	
14	BALTIMORE CITY PARKING AUTHORITY. The Board must require landscape or other appropriate	
15	screening of parking and boat storage areas.	
16	...	
17	(12) <i>Heliports and helistops.</i>	
18	Heliports and helistops	
19	All districts	As the Board requires after considering written
20		recommendations by [Department of Public
21		Works] BALTIMORE CITY PARKING AUTHORITY
22	...	
23	(18) <i>Philanthropic and consular services.</i>	
24	Philanthropic and charitable institutions;	
25	foreign consulates and consular offices	
26	B-4-1, B-4-2, B-5-1, B-5-2	No requirement
27	All other districts	1 per 4 employees, plus any additional spaces the
28		Board requires after considering written
29		recommendations by the [Department of Public
30		Works] BALTIMORE CITY PARKING AUTHORITY
31	(19) <i>Planned unit developments.</i>	
32	Planned unit developments — residential,	
33	office-residential, business, industrial	
34	All districts	The required number set forth in this section for
35		each use, plus any additional spaces required by
36		the City Council after considering written
37		recommendations by the Board, the Department
38		of [Public Works] TRANSPORTATION, THE
39		BALTIMORE CITY PARKING AUTHORITY, and the
40		Planning Commission
41	...	
42	(21) <i>Prepared food.</i>	
43	(i) Restaurants;	
44	carry-out food shops	
45	OS, B-2-4, B-4-1,	
46	B-4-2, B-5-1, B-5-2	No requirement
47	B-1-2, B-1-3, B-2-2, B-2-3,	
48	B-3-2, B-3-3, M-2-2	1 per 400 square feet of floor area, plus, for
49		drive-in establishments, the number of stacking
50		spaces the Department of [Public Works]

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TRANSPORTATION 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] TRANSPORTATION requires to avoid street congestion

(ii) Prepared food delivery services

B-2

As the [Department of Public Works] BALTIMORE CITY PARKING AUTHORITY requires

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

...
(iii) Recreation buildings and community centers; multipurpose neighborhood centers; swimming pools

All districts

As the Board requires after considering written recommendations by [Department of Public Works] THE BALTIMORE CITY PARKING AUTHORITY

...
(23) *Public utilities, transportation, governmental.*

Public utility uses, transportation uses, and governmental services — not otherwise provided for in this section

All districts

As the Board requires after considering written recommendations by [Department of Public Works] THE BALTIMORE CITY PARKING AUTHORITY

...
(29) *Undertaking establishments.*

Undertaking establishments and funeral parlors

All districts

6 per reposing room or parlor, plus 1 per company or business vehicle maintained on the premises, plus the number of stacking spaces the Department of [Public Works] TRANSPORTATION requires to avoid street congestion

Title 11. Sign Regulations

Subtitle 2. General Requirements

§ 11-205. Signs not to constitute traffic hazards.

(b) *Removal required.*

Any sign that the Zoning Administrator, on the advice of the Director of [Public Works] TRANSPORTATION, declares to be a traffic hazard must be relocated, rearranged, or removed as the Zoning Administrator directs.

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Baltimore City Code

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 17. Department of Public Works

§ 17-1. Bureaus established.

The Department of Public Works [shall have] COMPRISES the following Bureaus:

- (1) Bureau of Solid Waste;
- (2) Bureau of Water and [Waste Water] WASTEWATER; AND
- [(3) Bureau of Highways;]
- (3) [(4)] Bureau of Construction Management[; and].
- [(5) Bureau of General Services.]

§ 17-2. Director of Public Works.

(a) *Powers and duties.*

- (1) The Director of Public Works [shall be] IS responsible for the proper conduct, management, and operation of all [such] THE Bureaus ESTABLISHED UNDER THIS SUBTITLE.
- (2) All of the rights, powers, duties, obligations, and functions [which] THAT are [herein] NOW or [which] may [hereafter] SUBSEQUENTLY be imposed or conferred [upon] ON any of the Bureaus or Heads of Bureaus of the Department of Public Works shall be exercised and performed by [said] THE Bureaus or by [the] THEIR respective Heads [thereof,] subject to the control, direction, and supervision of the Director of Public Works.
- (3) In the event of any duplication of authority or responsibility between any 2 or more Bureaus established under [the provisions of] this subtitle, [then] the Director of Public Works [shall have] HAS the right and power to determine which 1 or more of the Bureaus involved [shall] WILL carry out the performance of [any such authorities] THAT AUTHORITY or [responsibilities] RESPONSIBILITY.
- (4) Subject to the authority of the Board of Estimates, the Director of Public Works [shall] HAS have the power and authority from time to time to assign and reassign among the Bureaus of [this] THE Department of Public Works the performance of any duties and the exercise of any powers [which may be] THAT ARE imposed or conferred on the Department [of Public Works].
- (5) [Furthermore, subject] SUBJECT to the approval of Board of Estimates, the Director of Public Works [shall have] HAS the power and authority from time to time to rename the various Bureaus of the Department [of Public Works].

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1 (b) *Transfer of powers from abolished bureaus.*

2 Subject to the limitations provided in [Article 13, § 2-13 of the City Code] SECTION 2 OF
3 ORDINANCE 15-___ {BILL15-467}, all the authorities, powers, responsibilities, rights, and
4 duties previously imposed or conferred on any former Bureau or Bureau Head of the
5 Department of Public Works are imposed and conferred on the Director of Public Works,
6 and, subject to the authority of the Board of Estimates, all those authorities, powers,
7 responsibilities, rights, and duties may be delegated by the Director to whichever Bureau
8 or Bureau Head in the Department [of Public Works] THAT the Director directs.

9 **§ 17-3. Bureau of Solid Waste.**

10 (a) *Bureau Head to direct operations.*

11 The Head of the Bureau of Solid Waste SHALL:

12 (1) [shall] direct the operations of [said] THE Bureau OF SOLID WASTE; and

13 (2) [shall perform,] subject to the directions and authority of the Director of Public
14 Works, PERFORM:

15 (i) the duties and powers [herein] imposed and conferred BY THIS SUBTITLE
16 [upon] ON the Bureau of Solid Waste; and

17 (ii) [such] ANY other or additional duties and powers [which hereafter] THAT
18 may be imposed and conferred [upon said] ON THE Bureau.

19 (b) *Bureau responsibilities.*

20 (1) The Bureau of Solid Waste [shall have] HAS charge of and [be] IS responsible for:

21 (i) cleaning public streets, roads, highways, alleys, lanes, and markets, collecting,
22 removing, and disposing of garbage, ashes, refuse, trash, and other waste
23 matter, including [but not limited to] waste oils and grease from garages and
24 service stations;

25 (ii) constructing, reconstructing, repairing, maintaining, and operating the City's
26 disposal system and all OF ITS appurtenances [thereto], including [but not
27 limited to] incinerators, plants, landfills, and properties; AND

28 (iii) maintaining sediment and soil erosion control.

29 (2) [Said] THESE charges and responsibilities include [but are not limited to]:

30 (i) conducting studies;

31 (ii) providing estimates, designs, engineering services, and administration;

32 (iii) preparing and reviewing plans and specifications;

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1 (iv) developing and maintaining plats, maps, plans, files, and records; and

2 (v) reviewing and approving plans, developments, and permits.

3 **§ 17-4. Bureau of Water and [Waste Water] WASTEWATER.**

4 (a) *Bureau Head to direct operations.*

5 The Head of the Bureau of Water and [Waste Water] WASTEWATER SHALL:

6 (1) [shall] direct the operations of [said] THE Bureau OF WATER AND WASTEWATER;
7 and

8 (2) [shall perform,] subject to the directions and authority of the Director of Public
9 Works, PERFORM:

10 (i) the duties and powers [herein] imposed and conferred BY THIS SUBTITLE
11 [upon] ON the Bureau of Water and [Waste Water] WASTEWATER; and

12 (ii) [such] ANY other or additional duties and powers [which hereafter] THAT
13 may be imposed and conferred [upon said] ON THE Bureau.

14 (b) *Bureau responsibilities.*

15 (1) The Bureau of Water and [Waste Water] WASTEWATER [shall have] HAS charge of
16 and [be] IS responsible for constructing, reconstructing, repairing, maintaining, and
17 operating the City's water and sewer system and all OF ITS appurtenances [thereto],
18 including [but not limited to] pipes, mains, meters, drains, culverts, inlets, buildings,
19 structures, filtration plants, pumping stations, tanks, treatment works, watershed
20 facilities, and properties.

21 (2) [Charges] THESE CHARGES and responsibilities include [but are not limited to]:

22 (i) conducting studies;

23 (ii) providing estimates, designs, engineering services, and administration;

24 (iii) preparing and reviewing plans and specifications;

25 (iv) developing and maintaining plats, maps, plans, files, and records;

26 (v) reviewing and approving plans, developments, and permits;

27 (vi) recommending water and sewer rates and abatements;

28 (vii) inspecting industries;

29 (viii) collecting and preparing data for billing; and

30 (ix) performing chemical and biological tests.

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1 **[§ 17-5. Bureau of Highways.]**

2 [(a) *Bureau Head to direct operations.*]

3 [The Head of the Bureau of Highways:

4 (1) shall direct the operations of said Bureau; and

5 (2) shall perform, subject to the directions and authority of the Director of Public
6 Works:

7 (i) the duties and powers herein imposed and conferred upon the Bureau of
8 Highways; and

9 (ii) such other or additional duties and powers which hereafter may be
10 imposed and conferred upon said Bureau.]

11 [(b) *Bureau responsibilities.*]

12 [(1) The Bureau of Highways:

13 (i) shall have charge of and be responsible for paving, repaving, constructing,
14 reconstructing, altering, repairing, and maintaining all roads, streets,
15 highways, lanes, bridges, and appurtenances thereto, including but not limited
16 to lighting, conduits, or curbs;

17 (ii) shall have charge of and be responsible for paving, repaving, constructing,
18 reconstructing, altering, repairing, and maintaining all alleys and footways
19 under its jurisdiction, which charge and responsibility is especially subject to
20 existing laws and ordinances which from time to time may be changed or
21 modified;

22 (iii) shall be responsible for special City events, demolition, cleaning, and
23 maintaining City-owned lots; and

24 (iv) shall be in charge of and responsible for providing surveying services and
25 establishing street locations and identification.]

26 [(2) Said charges and responsibilities include but are not limited to:

27 (i) conducting studies;

28 (ii) providing estimates, designs, engineering services, administration, and
29 reproduction services;

30 (iii) preparing and reviewing plans and specifications;

31 (iv) developing and maintaining plats, maps, plans, files, and records;

32 (v) acquiring right of ways;

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- 1 (vi) advising professional boards;
- 2 (vii) reviewing and approving plans, developments, and permits; and
- 3 (viii) developing and maintaining an ice and snow removal plan.]

4 **§ 17-5. [§ 17-6.] Bureau of Construction Management.**

5 (a) *Bureau Head to direct operations.*

6 The Head of the Bureau of Construction Management SHALL:

- 7 (1) [shall] direct the operations of [said] THE Bureau OF CONSTRUCTION
8 MANAGEMENT; and
- 9 (2) [shall perform,] subject to the directions and authority of the Director of Public
10 Works, PERFORM:
 - 11 (i) the duties and powers [herein] imposed and conferred BY THIS SUBTITLE
12 [upon] ON the Bureau of Construction Management; and
 - 13 (ii) [such] ANY other or additional duties and powers [which hereafter] THAT
14 may be imposed and conferred [upon said] ON THE Bureau.

15 (b) *Bureau responsibilities.*

- 16 (1) The Bureau of Construction Management [shall have] HAS charge of and [be] IS
17 responsible for:
 - 18 (i) supervising[, managing, and inspecting] the construction, DEMOLITION,
19 ALTERATION, OPERATION, AND MAINTENANCE of all public works THAT
20 RELATE TO THE DEPARTMENT'S POWERS UNDER THE CITY CHARTER [and City
21 projects, including but not limited to City-owned buildings, facilities, plants,
22 utilities, highways, bridges, structures, schools, parks, watersheds, centers,
23 and works]; AND
 - 24 [(ii) the design of major construction and reconstruction, renovation, and
25 alteration of City-owned buildings, schools, centers, and the like; and]
 - 26 (II) [(iii)] testing, analyzing, and evaluating all materials to be purchased by the
27 City or used in its projects and to inspect and test weights and measures used
28 in public trade.
- 29 (2) [Said] THESE charges and responsibilities include [but are not limited to]:
 - 30 (i) conducting studies;
 - 31 (ii) providing estimates, designs, engineering, and architectural services and
32 administration;

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- 1 (iii) preparing and reviewing plans and specifications;
- 2 (iv) developing and maintaining plans, files, and records;
- 3 (v) advising professional boards;
- 4 (vi) maintaining field offices; and
- 5 (vii) inspecting commercial equipment and properties.

6 **[§ 17-7. Bureau of General Services.]**

7 [(a) *Bureau Head to direct operations.*]

8 [The Head of the Bureau of General Services:

- 9 (1) shall direct the operations of said Bureau; and
- 10 (2) shall perform, subject to the directions and authority of the Director of Public
- 11 Works:

- 12 (i) the duties and powers herein imposed and conferred upon the Bureau of
- 13 General Services; and

- 14 (ii) such other or additional duties and powers which hereafter may be
- 15 imposed and conferred upon said Bureau.]

16 [(b) *Bureau responsibilities.*]

17 [(1) The Bureau of General Services shall have charge of and be responsible for:

- 18 (i) maintenance, repairs, minor alterations and renovations, janitorial services,
- 19 and custodial operations of all City buildings;
- 20 (ii) maintenance, repair, and operation of all motor vehicles and all garages,
- 21 depots, and shops needed in connection therewith, inspection of all vehicular
- 22 equipment, the assignment of vehicular equipment to City agencies,
- 23 supervision of allowances for use of privately owned vehicles, and the
- 24 retainment of hauling and passenger service as needed by City agencies when
- 25 requested;
- 26 (iii) the removal and storage of abandoned or illegally parked vehicles; and
- 27 (iv) issuing permits, licenses, or notices in connection with the use of or entry
- 28 upon the City's public way or its properties under the jurisdiction of the
- 29 Department of Public Works.]

30 [(2) Said charges and responsibilities include but are not limited to:

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- 1 (i) conducting studies;
- 2 (ii) providing estimates, designs, engineering services, and administration;
- 3 (iii) preparing plans and specifications;
- 4 (iv) developing and maintaining plans, files, and records;
- 5 (v) advising professional boards;
- 6 (vi) reviewing and approving plans and permits; and
- 7 (vii) collecting fees.]

§ 17-6. [§ 17-8.] Appointment of Bureau Heads and Assistant Bureau Heads.

9 (a) *Director to designate positions.*

10 The Director of Public Works [shall have the power and right to] MAY designate the
11 positions of Assistant Bureau Heads [of] FOR each of the Bureaus of the Department of
12 Public Works[, who shall be appointed by the Mayor in the manner prescribed hereafter].

13 (b) *Mayor to appoint.*

14 [The] ALL BUREAU Heads AND ASSISTANT BUREAU HEADS [of each of the Bureaus and
15 Assistant Bureau Heads] shall be appointed by the Mayor in [the manner prescribed in]
16 ACCORDANCE WITH CHARTER Article IV, § 6 [of the City Charter].

Subtitle 21. Neighborhood Block Watch Signs

§ 21-3. Program established; procedure.

19 (b) *Available to qualified blocks and areas.*

20 (1) The Program shall be available to all qualified residential blocks and areas of the
21 City.

22 (2) In order to qualify for the Program, such blocks and areas shall meet the criteria set
23 forth in this subtitle and any rules and regulations established by the Police
24 Commissioner in consultation with the Director of [Public Works] TRANSPORTATION
25 and the Director of Finance under the requirements of this subtitle.

26 (c) *Procedure to qualify.*

27 This procedure shall be as follows:

- 28 (1) In order to be considered for the Neighborhood Block Watch Sign Program, a
29 neighborhood group, group of residents, or community association shall submit
30 an application through the Police Commissioner to the Director of [Public Works]
31 TRANSPORTATION indicating the collective desire of at least 60% of the
32 households in the block or area to have signs placed.

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(3) Upon receipt of a valid application, the Police Commissioner, in consultation with the Director of [Public Works] TRANSPORTATION, shall review the block or area identified and any other information required by the Police Commissioner necessary to the completion of the application.

(4) The Police Commissioner, in consultation with the Director of [Public Works] TRANSPORTATION, shall approve or deny the application.

(6) The Director of [Public Works] TRANSPORTATION shall authorize the installation of Neighborhood Block Watch Signs in the block or area from which the application was approved.

§ 21-4. Signs.

The neighborhood group, group of residents, or community association which has received approval for the installation of the Neighborhood Block Watch sign shall purchase signs approved by the Police Commissioner and all other material necessary to the installation of the signs. The signs shall be installed by the [Director] DEPARTMENT of [Public Works] TRANSPORTATION. Any person(s) or organizations may volunteer to pay the fee.

§ 21-5. Administration of program.

The Police Commissioner, in consultation with the Director of [Public Works] TRANSPORTATION and the Director of Finance, shall promulgate rules necessary to carry out the provisions of this subtitle. The Police Commissioner shall also administer the program.

Subtitle 23. Mayor’s Commission on Disabilities

§ 23-4. Members; associates.

(b) *Associates.*

One representative from each of the following agencies serves as a non-voting associate:

....

(7) Department of [Public Works] GENERAL SERVICES.

Subtitle 41. Civil Citations

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

(2) *Article 19. Police Ordinances*

....

[§ 50-26. Fires in street, lane, or alley \$ 50]

....

1 **Article 5. Finance, Property, and Procurement**

2 **Subtitle 10. Property Insurance**

3 **§ 10-1. Insurance claims.**

4 (c) *Use of proceeds.*

5 (1) All [moneys] MONEY that may be awarded to the City by reason of loss from damage
6 or destruction covered by City-purchased insurance shall be paid to the Mayor and
7 City Council of Baltimore, and the appropriate agency shall be credited with these
8 funds.

9 (2) Repairs or replacement of the property suffering [such] damage shall be made,
10 subject to the approval of the Director of Public Works, THE DIRECTOR OF
11 TRANSPORTATION, OR THE DIRECTOR OF GENERAL SERVICES, WHICHEVER HAS
12 JURISDICTION, by either City employees or under contract.

13 **§ 10-5. Restoration of damaged property.**

14 (a) *Estimate to be obtained.*

15 In the event of the loss, damage, or destruction of property owned by or in the custody of
16 the Mayor and City Council of Baltimore, the department, sub-department, municipal
17 official, special commission, or board subjected to loss shall promptly notify the
18 Comptroller and the Director of Public Works, THE DIRECTOR OF TRANSPORTATION, OR
19 THE DIRECTOR OF GENERAL SERVICES, WHICHEVER HAS JURISDICTION, to obtain an
20 estimate of the cost of repair, rebuilding, or replacement from the latter.

21 (b) *Estimated loss not more than \$200,000.*

22 (1) If the loss is estimated to be not more than \$200,000, the agency, subject to the
23 approval of the Director of Public Works, THE DIRECTOR OF TRANSPORTATION, OR
24 THE DIRECTOR OF GENERAL SERVICES, WHICHEVER HAS JURISDICTION, either shall
25 arrange for repairs by its own maintenance force or shall proceed in the usual manner
26 to effect the awarding of a contract for [such] THE work.

27 (c) *Estimated loss more than \$200,000.*

28 If at the time of the estimate of the Director of Public Works, THE DIRECTOR OF
29 TRANSPORTATION, OR THE DIRECTOR OF GENERAL SERVICES, WHICHEVER HAS
30 JURISDICTION, it is reasonably expected that the loss may be in excess of \$200,000, a
31 copy of the estimate shall be transmitted immediately to the Comptroller to enable him
32 OR HER to negotiate with the insurance carrier.

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1 **Subtitle 18. Condemnation Notice and Hearing**

2 **§ 18-1. User agency to list properties.**

3 When an ordinance is introduced into the City Council for the condemnation of any property,
4 the department, bureau, or agency by which the property would be used shall file with the
5 Department of [General Services] TRANSPORTATION a complete list of all properties in the
6 area proposed to be condemned.

7 **§ 18-2. [General Services] TRANSPORTATION to notify owners.**

8 (a) *In general.*

9 The Department of [General Services] TRANSPORTATION shall promptly notify the
10 owners of the properties in the area, as shown on the records kept by the Department
11 under City Charter Article VII, [§ 132(e)] § 116(J), of the ordinance’s introduction.

12 **Subtitle 21. Public Art**

13 **§ 21-11. Agency liaisons.**

14 (a) *Designation.*

15 Each of the following agencies shall designate an agency liaison to the Commission:

- 16 (1) Baltimore Development Corporation.
- 17 (2) Parking Authority.
- 18 (3) Planning Department.
- 19 (4) Public Works Department.
- 20 (5) Recreation and Parks Department.
- 21 (6) Transportation Department.
- 22 (7) GENERAL SERVICES DEPARTMENT.

23 **Subtitle 37. Payment of City Obligations**

24 **§ 37-1. Definitions.**

25 (c) *Construction estimate.*

26 “Construction estimate” means that document signed by the contractor, the inspector, the
27 proper division and bureau chief, and the Director of Public Works, THE DIRECTOR OF
28 GENERAL SERVICES, OR THE DIRECTOR OF TRANSPORTATION, WHICHEVER HAS
29 JURISDICTION, certifying that certain work has been completed on a construction contract.

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1 **Subtitle 41. Prohibited Contracts**

2 **§ 41-3. Contracts using tropical hardwood.**

3 (a) *Contracts prohibited.*

4 The City of Baltimore [shall] MAY not purchase any tropical hardwood species listed in
5 subsection (b) OF THIS SECTION, nor [shall] MAY any City-sponsored event utilize [such]
6 THESE products, nor [shall] MAY City [Public Works] PUBLIC WORKS contractors utilize
7 [such] THESE products.

8 **Subtitle 45. Energy Costs**

9 **§ 45-1. [Public Works] GENERAL SERVICES to supervise.**

10 (a) *Certification of rates.*

11 No bill for gas and electricity or steam furnished to the City [shall] MAY be paid by any
12 department in the City unless THE DEPARTMENT OF GENERAL SERVICES HAS CERTIFIED
13 the rate [shall have been certified to] as correct [by the Department of Public Works].

14 (b) *Supervision of meters.*

15 [And the said] THE Department OF GENERAL SERVICES [shall have] HAS general
16 supervision of the gas, electric, and steam meters in all departments of the City.

17 **Article 7. Natural Resources**

18 **Division V. City Parks and Trees**

19 **Subtitle 53. Trees along City Streets, etc.**

20 **§ 53-2. Jurisdiction of Department of [Public Works] RECREATION AND PARKS.**

21 (a) *Regulating planting, etc.*

22 The Department of [Public Works] RECREATION AND PARKS is [hereby] authorized and
23 directed to regulate the planting, protection, regulating, and controlling of all trees
24 planted and to be planted in the streets, lanes, or alleys of Baltimore.

25 (b) *Enforcing protective laws.*

26 [The Department of Public Works shall cause all] THE statutes and ordinances for the
27 protection of trees in the streets, lanes, or alleys [to] SHALL be strictly observed BY THE
28 DEPARTMENTS OF PUBLIC WORKS, TRANSPORTATION, GENERAL SERVICES, AND
29 RECREATION AND PARKS, AS WELL AS ALL OTHER AGENCIES OF THE CITY, WITHIN THEIR
30 RESPECTIVE AUTHORITY.

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§ 53-3. [Jurisdiction] ADDITIONAL DUTIES of Department [of Recreation and Parks].

It [shall be] IS the duty of the [Director] DEPARTMENT of Recreation and Parks:

- (1) to encourage the preservation, culture, and planting of shade and ornamental trees in the City's streets, lanes, [or] AND alleys;
- (2) to prune, spray, cultivate, and otherwise maintain [such] THESE trees, plants, and shrubbery;
- (3) to trim or direct the time and method of trimming [the same] THESE TREES; and
- (4) to take [such] ALL OTHER measures [as may be deemed] THAT IT CONSIDERS necessary for the control and extermination of insects and other pests and plant diseases [which] THAT may injuriously affect trees [that are now or may be hereafter] in the CITY'S streets, lanes, [or] AND alleys.

§ 53-11. Permit requirements – Planting trees.

(a) *Permit required.*

No person [shall] MAY plant any tree in any street, lane, or alley without:

- (1) first having obtained a written permit [therefor] from the Department of [Public Works] RECREATION AND PARKS, setting forth the conditions under which [such] trees [may] WILL be planted, including [the] THEIR kind and variety [thereof]; and
- (2) in all respects complying with the conditions of [such] THE permit.

§ 53-12. Permit requirements – Treating trees.

(a) *Permit required.*

No person [shall] MAY spray, mulch, fertilize, or otherwise treat, remove, destroy, break, cut, or trim any tree, or any part [thereof] OF A TREE, in any street, lane, or alley without first having obtained a written permit from the Department of [Public Works] RECREATION AND PARKS.

(b) *Department to direct utilities, etc.*

[And no] NO cutting or trimming of any tree in any street, lane, or alley in connection with the work of any other City department or of any public service corporation or other person having a right to use [said] THE street, lane, or alley [shall] MAY be done except in [such] THE manner [as] directed by the Department of [Public Works] RECREATION AND PARKS.

§ 53-13. Permit requirements – Impeding roots.

No person [shall] MAY, without first having received a written permit from the [Director] DEPARTMENT of [Public Works] RECREATION AND PARKS, place or maintain upon the

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1 ground in any street, lane, or alley, any stone, cement, or other substance [which shall] THAT
2 WILL impede the free entrance of water and air to the roots of any tree without leaving an
3 open space of ground outside the trunk of [said] THE tree, in area not less than 16 square feet.

4 **§ 53-14. Permit requirements – Time for completing work.**

5 All work covered by a permit issued [by the Department of Public Works] under this subtitle
6 shall be completed within 30 days from the date shown on the permit.

7 **§ 53-26. Penalties.**

8 Any person [violating] WHO VIOLATES any [of the provisions] PROVISION of §§ 53-11, 53-12,
9 53-13, 53-21, or 53-22 of this [article] SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON
10 CONVICTION, [shall be] IS subject to a [penalty] FINE of not [less than \$25 nor] more than
11 \$500[, in the discretion of the Court] FOR EACH OFFENSE.

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

13 **Subtitle 8. [Explosives] {RESERVED}**

14 **EDITOR’S NOTE:** Former §§ 8-1 through 8-7, dealing with the permitting and regulation of
15 explosives, were repealed by Ord. 15-___. Those provisions (virtually unchanged since their
16 enactment in 1876) have been effectively superseded by the more extensive provisions of the
17 International Fire Code § 105.16.14 {“Permits: Explosives”} and Chapter 56 {“Explosives and
18 Fireworks”}, as adopted by Part VIII of the City’s Building, Fire, and Related Codes Article.

19 **[§ 8-1. Manufacturing unlawful.]**

20 [It shall not be lawful for any person, persons, or body corporate to manufacture, within the
21 limits of the City, any explosive material or compound to be used for the purpose of blasting
22 or mining or for any other purpose, the manufacture of which would be dangerous to life and
23 property, under the penalty of \$100 and a further penalty of \$50 for each and every day that
24 such explosive material or compound may be manufactured after proper notification from the
25 Director of Public Works for discontinuance thereof by the Director of Public Works.]

26 **[§ 8-2. Permit for storing, transporting.]**

27 [(a) *Permit required.*]

28 [It shall not be lawful to store or keep in any building or shed, or deposit upon any vacant
29 lot, or convey through any of the streets, lanes, or alleys of the City, any dynamite,
30 nitroglycerine, or any other explosive material or compound, other than gunpowder,
31 unless a permit in writing for such purpose or purposes be first obtained from the
32 Director of Public Works, under a penalty of \$100 and a further penalty of \$50 for each
33 and every day that such explosive material or compound may remain stored, kept,
34 deposited, or conveyed, as the case may be, after the proper notification from the Director
35 of Public Works for compliance with the provisions of this section.]

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1 [(b) *Conditions of permit.*]

2 [The Director of Public Works is hereby authorized and directed in granting any permit
3 under this section to annex thereto such reasonable conditions or regulations as, in his
4 judgment, the public welfare may require.]

5 [(c) *Rules and regulations.*]

6 [The said Director of Public Works is authorized to make and from time to time alter or
7 change reasonable rules or regulations for the protection of the public, covering the issue
8 of any permit under this section.]

9 **[§ 8-3. Warning signs.]**

10 [In all buildings in which any explosive material or compound, as regulated by §§ 8-1 and
11 8-2, is stored or kept under a permit obtained from the Director of Public Works, it shall be
12 the duty of the person or persons so storing it to place a tin sign on the door or some other
13 conspicuous place on the outside of the 1st story of such building, on which shall be painted
14 in legible letters the name of the material or compound so stored or kept, under a penalty of
15 \$20 and a further penalty of \$10 for each and every day after proper notification from the
16 Director of Public Works until such sign as above designated shall be posted.]

17 **[§§ 8-4 to 8-5. {Reserved}]**

18 **[§ 8-6. Blasting – Permits; regulations.]**

19 [(a) *Permit required.*]

20 [No person shall blast rock, stone, or other material or thing with gunpowder, giant
21 powder, dynamite, gun cotton, nitroglycerine, or any other explosive compound, within
22 the limits of the City of Baltimore, without a written permit therefor from the Director of
23 Public Works.

24 [(b) *Regulations.*]

25 [(1) The Director of Public Works is hereby authorized to issue such permit under such
26 reasonable regulations for the public safety as in his judgment, may be necessary or
27 proper.]

28 [(2) Such regulations may include:

- 29 (i) a provision for an advance cash deposit with the Comptroller, sufficient to
30 cover the cost of inspection;
- 31 (ii) a provision for a reasonable charge to be made for proper inspection by or
32 under the supervision of the Director of Public Works;
- 33 (iii) a provision, where the Director deems it necessary, for a preliminary
34 inspection before the issuing of a permit;

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(iv) a provision that blasting shall be done under the direction, and supervision, and complete control of the Director;

(v) a provision giving the Director complete control as to the proper storage and care of explosives, and the amount to be kept on the ground or place of operation, including the right to require a watchman to be kept if, in the judgment of the Director of Public Works, it is necessary;

(vi) a provision requiring the filing of a bond to indemnify the City, where deemed necessary, in the discretion of the Director;

(vii) a provision requiring the Director to notify the Police Commissioner promptly upon the issuance of any such permit; and

(viii) such other conditions as the Director of Public Works may deem proper.]

[(3) The Director of Public Works may alter or modify such regulations from time to time as, in his judgment, may seem advisable.]

[§ 8-7. Blasting - penalties.]

[Any person who shall violate or refuse, neglect, or fail to comply with any of the terms or conditions of § 8-6 herein shall, upon conviction thereof, be subject to a fine of not less than \$25 nor more than \$100 for each offense.]

Article 10. Harbors, Docks, and Wharves

Subtitle 7. Explosives

EDITOR’S NOTE: For general permitting and regulatory provisions governing the manufacture, storage, handling, sale or use of explosives, explosive materials, fireworks, and the like, *see* the International Fire Code § 105.16.14 {“Permits: Explosives”} and Chapter 56 {“Explosives and Fireworks”}, as adopted by Part VIII of the City’s Building, Fire, and Related Codes Article.

§ 7-3. Permits for transferring explosives to vessels.

(a) *Permit required.*

After a permit for transporting explosives through City streets, lanes, or alleys has been secured from the [Director of Public Works] CITY FIRE MARSHAL, as provided for by [Article 9, Subtitle 8 of the City Code] BALTIMORE CITY FIRE CODE § 105.6.14, a permit for transferring the explosives to or from a ship or vessel in any part of the Patapsco River or its tributaries shall be secured from the Harbor Engineer.

§ 7-10. Notification of cargo.

Before vessels loaded with explosives of either Class A, B, or C [shall] MAY be allowed to enter [and/or] OR unload in the Port of Baltimore, the Harbor Engineer and the [Director of Public Works] FIRE MARSHAL must be notified [as to] OF the nature and quantity of explosives on board and the time when and place where it is proposed to land [such] THESE explosives.

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Article 13. Housing and Urban Renewal

Subtitle 11. Registration of Vacant Lots

§ 11-1. Definitions.

(c) *Lot.*

“Lot” means an individual parcel of real property or a portion of a block that is identified by a symbol in accordance with City Charter Article VII, [§ 132(d)] § 116(κ), and shown on a block plat filed among the records of the Department of [General Services] TRANSPORTATION.

Article 14. Special Benefits District

Subtitle 6. Charles Village Community Benefits District

§ 6-8. Supplemental Tax.

(d) *Exemption for public service companies.*

Exempt from the provisions of this subtitle relating to a supplemental annual property tax are the poles, conduits, tunnels, pipe lines, manholes, and other similar surface or subsurface structures, including their equipment, owned and controlled by a public service corporation, located on, over, or under streets, alleys, or other public ways or lands, the construction of which is authorized by the City, and the installation of which is regulated and supervised by the [Director] DEPARTMENT of [Public Works] TRANSPORTATION [or an authorized representative thereof].

Subtitle 7. Midtown Community Benefits District

§ 7-8. Supplemental Tax.

(d) *Exemption for public service companies.*

Exempt from the provisions of this subtitle relating to a supplemental annual property tax are the poles, conduits, tunnels, pipe lines, manholes, and other similar surface or subsurface structures, including their equipment, owned and controlled by a public service corporation, located on, over, or under streets, alleys, or other public ways or lands, the construction of which is authorized by the City, and the installation of which is regulated and supervised by the [Director] DEPARTMENT of [Public Works] TRANSPORTATION [or an authorized representative thereof].

Subtitle 8. Waterfront Management District

§ 8-8. Supplemental Tax.

(d) *Exemption for public service companies.*

Exempt from the Supplemental Tax are the poles, conduits, tunnels, pipe lines, manholes, and other similar surface or subsurface structures, including their equipment, owned and

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1 controlled by a public service corporation, located on, over, or under streets, alleys, or
2 other public ways or lands, the construction of which is authorized by the City, and the
3 installation of which is regulated and supervised by [the Director of Public Works or the
4 Director’s designee or] the [Director] DEPARTMENT of [Public Works] TRANSPORTATION
5 [or an authorized representative thereof].

6 **Article 18. Educational and Cultural Programs**

7 **Subtitle 1. City Public Schools**

8 **§ 1-36. Selection of school sites.**

9 (a) *Planning Commission to consult others.*

10 Prior to final selection of a site for the construction of a new school, the Planning
11 Commission shall consult with the Board of Fire Commissioners, the Police
12 Commissioner, the [Director] DEPARTMENT of Public Works, THE DEPARTMENT OF
13 TRANSPORTATION, and the Department of Housing and Community Development about
14 the proposed site and receive the recommendations of these persons and agencies
15 regarding that site.

16 **Article 19. Police Ordinances**

17 **Subtitle 41. Outdoor Telephones**

18 **§ 41-2. Prohibited placement.**

19 A person may not install an outdoor telephone:

20 (1) in any public right-of-way without a minor privilege permit [from the Department of
21 Public Works] ISSUED BY OR UNDER THE AUTHORITY OF THE BOARD OF ESTIMATES;
22 or

23 (2) on any other public or private property without:

- 24 (i) approval of the owner of the property; and
- 25 (ii) all permits required by the Public Service Commission.

26 **[§ 41-4. Publication.]**

27 [The Department of Public Works shall publish the names of persons convicted of violation
28 of this subtitle in the local newspapers.]

29 **Subtitle 44. Scavenging Recyclable Materials**

30 **§ 44-2. Prohibited conduct.**

31 It is unlawful for any person not authorized by the Director of [the Department of] Public
32 Works [or the Mayor and City Council of Baltimore] to remove or cause to be removed, any

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1 materials separated for the purpose of recycling and set at curbside or other pick-up locations
2 for collection by authorized collectors.

3 **Subtitle 50. Street Regulations**

4 ***Part 1. Obstructions***

5 **§ 50-11. Removal of obstructions by City.**

6 The Director of [Public Works] TRANSPORTATION is [hereby] authorized and empowered to
7 remove or cause to be removed [all manner of obstructions] ANY OBSTRUCTION to [the]
8 passage through [the streets, lanes, or alleys which he shall find remaining in the same] A
9 STREET, LANE, OR ALLEY THAT HAS REMAINED FOR an unnecessary length of time.

10 ***Part 2. [Coasting] {RESERVED}***

11 **[§ 50-16. Prohibited except on designated streets.]**

12 [It shall be unlawful for any person or persons to coast on the public streets, lanes, alleys, and
13 highways of the City, except on those streets, lanes, alleys, and highways which may be
14 designated by the Director of Public Works for that purpose.]

15 **[§ 50-17. Streets to be roped off and lighted.]**

16 [(a) *In general.*]

17 [It shall be the duty of the Director to see that any public street, lane, alley, or highway so
18 designated is properly roped off and lighted for such period of time and at such hours as
19 he may deem proper.]

20 [(b) *Equipment needed.*]

21 [The said Director shall not designate any such street, lane, alley or highway for such
22 purpose:

23 (1) unless he has on hand the necessary equipment for roping off, lighting, and
24 maintaining same or funds with which to purchase such equipment; or

25 (2) unless funds are made available for said purpose by those making application for
26 such designation.]

27 **[§ 50-18. Penalties.]**

28 [(a) *In general.*]

29 [Any person coasting on any public street, lane, alley, or highway in the City which has
30 not been so designated for such purpose and roped off by the Director of Public Works
31 shall be guilty of a misdemeanor and, upon conviction for a violation thereof, shall be
32 subject to a fine of not more than \$5 for each and every offense.]

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Part 5. Parades

§ 50-31. Permit required.

(a) *In general.*

It is unlawful for any organization or persons to parade through the streets of the City without first obtaining a permit to do so from the Department of [General Services] TRANSPORTATION.

(c) *Notice.*

Before a permit is granted, the Department of [General Services] TRANSPORTATION shall make reasonable efforts to notify the local community and business groups, as listed in the Community Association Directory published by the Department of Planning, that might be affected by the proposed parade.

(d) *Rules and regulations.*

(1) The Director of [General Services] TRANSPORTATION may adopt rules and regulations to carry out this section.

Subtitle 73. Special Parking Enforcement Officers

§ 73-1. Appointment.

(a) *In general.*

The Director of [Public Works] TRANSPORTATION shall from time to time certify to the Police Commissioner of Baltimore City the names of employees of that department for appointment by the Police Commissioner as Special Parking Enforcement Officers.

Article 20. Railroads

Subtitle 2. Construction and Maintenance of Railways

§ 2-1. Obstruction of streets.

(a) *[Director of Public Works] DOT to examine.*

It [shall be] IS the duty of the [Director of Public Works] DEPARTMENT OF TRANSPORTATION from time to time:

- (1) to examine the construction or maintenance of the several railway tracks authorized by ordinances to be laid within the limits of the City; and
- (2) to report to the Mayor any obstruction or impediment to the ordinary use of any street or streets, caused by the [said] tracks' being improperly laid and not being in conformity with the provisions of all ordinances authorizing their construction.

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1 (c) *Abatement order.*

2 [It shall and may be lawful for the Mayor of the City to exercise his discretion in] IN all
3 cases where an obstruction or impediment TO THE USE OF ANY STREET is caused by the
4 mode of construction or maintenance of any railway within the City, [to the ordinary use
5 of said street, to] THE MAYOR MAY EXERCISE HIS OR HER DISCRETION TO have the [said]
6 track entirely removed, or to have the [said] track so altered or arranged as to abate the
7 evil complained of, by giving notice to [said] THE companies or owners of [said] THE
8 railway tracks, who shall be allowed a reasonable time to make [said] THE alteration
9 under the direction of the [Director of Public Works] DEPARTMENT OF TRANSPORTATION.

10 (d) *City action on owner's failure to comply.*

11 Upon a failure [on the part] of [said] THE companies or owners to comply with the [said]
12 notice, [it shall be the duty of] the [Director of Public Works] DEPARTMENT OF
13 TRANSPORTATION [to] SHALL have the [said] work done, and the bills shall be collected
14 from the owners of [said] THE railway tracks by legal proceedings, if the [same shall be]
15 BILLS ARE disputed or remain unpaid for the space of 30 days.

16 **§ 2-2. Obstruction of gutters.**

17 (a) *[Director of Public Works] DOT to examine and enforce.*

18 It [shall be] IS the duty of the [Director of Public Works] DEPARTMENT OF
19 TRANSPORTATION to:

- 20 (1) examine the construction or maintenance of [said] THE railways; and
21 (2) enforce strictly all the provisions of ordinances relating to the obstruction of the
22 gutters caused by the laying of [said] railway tracks.

23 (b) *Abatement order; City action.*

24 In all cases of obstruction and impediments of any kind arising from the improper
25 construction or maintenance of railway tracks, in which no other remedy is now provided
26 by ordinance, [it shall be the duty of] the [Director of Public Works] DEPARTMENT OF
27 TRANSPORTATION [to] SHALL give notice to the owners of [said] THE railway tracks that,
28 unless the [said obstructions be] OBSTRUCTION OR IMPEDIMENT IS removed or altered so
29 as to remedy the evil complained of within a reasonable time, the [Director of Public
30 Works] DEPARTMENT OF TRANSPORTATION shall proceed to have the [said] railway
31 reconstructed at the cost of the owners [aforesaid].

32 **§ 2-3. Prohibited conduct.**

33 If, at any time [hereafter], any railway [shall be] IS constructed or maintained within the
34 limits of the City[,] in a mode or manner so as to obstruct the ordinary use of the street or
35 streets in which [said] THE railway [shall be] IS laid down, the owners of [said] THE railway
36 [shall be] ARE subject to a penalty of \$300[,] and [be liable to] a fine of \$100 for each and
37 every day [such] THE obstruction [shall be permitted to remain] REMAINS after notice of the
38 [Director of Public Works] DEPARTMENT OF TRANSPORTATION to remove [the same] IT.

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Subtitle 6. Care of Tracks, Switches, and Track Areas

§ 6-1. Care of tracks and track facilities.

(a) *Good condition and repair required.*

All street railway companies occupying with their tracks or other facilities any of the streets, avenues, or other highways in the City of Baltimore, shall at all times keep [said] THOSE tracks and facilities in good condition and repair.

(b) *Enforcement.*

[In case the said companies shall fail] IF ANY COMPANY FAILS or [neglect] NEGLECTS to make [any such] repairs promptly and properly, [then] the [Director of Public Works] DEPARTMENT OF TRANSPORTATION is authorized to have the same done in a good and sufficient manner, at the expense of [said companies] THE COMPANY.

§ 6-2. Use of abrasive materials.

For the purpose of facilitating the movement of vehicles along the public highways, the several owners or operators of public passenger vehicles are authorized to spread upon the public highways of the City such abrasive or other materials, at such locations, at such times, and in such manner as may be generally or specifically approved by the [Director of Public Works] DEPARTMENT OF TRANSPORTATION from time to time.

§ 6-6. Ch. 401, Acts of 1906 - Work by [Public Works] DOT.

(a) *Scope of section.*

This section [is to apply] APPLIES to [such] work [as may be] begun after [the passage of this ordinance] ITS ENACTMENT.

(b) *Notice.*

In order to do the work authorized by [said Act of the General Assembly of Maryland] CHAPTER 401, LAWS OF MARYLAND 1906, upon streets, avenues, or other highways occupied in part by the tracks of any street railway company, without unnecessary inconvenience or damage to [such] THE railway company, and in order to give [such] THE railway company a reasonable opportunity to do any part or parts of the work authorized by [said] THAT Act, so far as the same relates to the space between its tracks, and for 2 feet on each side thereof, which [said] THE railway company may be authorized by any law or ordinance to do, the [Director of Public Works of Baltimore City] DEPARTMENT OF TRANSPORTATION is [hereby] directed, before beginning any work under [the said] THAT Act [of the General Assembly of Maryland] upon any street, avenue, or other highway occupied in part by the tracks of any railway company, to give reasonable notice to [such] THE railway company of [his] THE DEPARTMENT'S intention to do [such] THE work and of the time when [he] IT proposes to begin [such work on such street].

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1 (c) *Duties of [Public Works] DOT.*

2 After the expiration of the time mentioned in [said] THE notice, the [Director of Public
3 Works] DEPARTMENT OF TRANSPORTATION:

4 (1) shall proceed to do [said] THE work;

5 (2) shall keep an accurate account of the cost of all of the work, the obligation to pay
6 for which is imposed by this [ordinance] SECTION upon [such] THE street railway
7 company; and

8 (3) upon the completion of [said] THE work, shall make demand upon [such] THE
9 railway company for the payment of [the amount of said] THAT cost.

10 (d) *Enforcement.*

11 In the event of [their] THE RAILWAY COMPANY’S failure or refusal to pay the [same]
12 COST, payment [thereof] shall be enforced[,] as provided in § 6-7 [hereof] OF THIS
13 SUBTITLE.

14 **§ 6-8. Ch. 401, Acts of 1906 - Penalties.**

15 (a) *Notice to company.*

16 [When] IF, in the judgment of the [Director of Public Works] DEPARTMENT OF
17 TRANSPORTATION, any [of the streets] STREET occupied by [the] A street railway
18 [companies are] COMPANY IS in bad condition or out of repair between the rails and 2 feet
19 outside of the outer rails, [he] THE DEPARTMENT shall notify the railway company
20 [occupying the street] to [put the same in] repair THE STREET within the limits [above
21 named] SPECIFIED.

22 (c) *Fine.*

23 [And the] ANY railway company [so] neglecting, failing, or refusing to make [such] THE
24 repairs [as] REQUIRED BY the [Director of Public Works] DEPARTMENT OF
25 TRANSPORTATION [directs] shall pay a fine of \$20 for each square or part thereof on the
26 route or line of tracks of [said] THE company [which] THAT it [shall so neglect, fail, or
27 refuse] NEGLECTED, FAILED, OR REFUSED to repair as directed, [said] THIS fine to be
28 enforced as are other fines for the violation of City ordinances.

29 **Subtitle 7. Tracks and Switches**

30 **§ 7-1. Tracks to be filled to grade.**

31 Unless otherwise permitted or required by [the provisions of] a particular franchise
32 ordinance, all railroad tracks in any of the streets, lanes, and alleys in the City [of Baltimore]
33 shall be filled up between [the] THEIR rails [thereof] to [such] THE grade and with [such] THE
34 materials [as shall be] approved from time to time by the [Director of Public Works]
35 DEPARTMENT OF TRANSPORTATION, [said] THIS work to be done at the expense of the
36 railroad company or companies operating over [said] THE tracks and switches.

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§ 7-2. Ballast under tracks.

[Hereafter, whenever] IF any public [streets] STREET in the City [of Baltimore], upon which the tracks of any corporation or individual are [now or shall hereafter be] maintained, [shall be] IS paved or repaved at the expense, either in whole or in part, of the Mayor and City Council of Baltimore[,] or of the abutting property owners, the [said] corporation or individual, in addition to [such] ALL other [obligation as shall rest upon said] OBLIGATIONS OF THE corporation or individual, shall be required to place under [its or his] THE tracks, to prevent [the same] THEM from sinking, broken stone or gravel ballast[,] whenever, in the judgment of the [Director of Public Works] DEPARTMENT OF TRANSPORTATION, the existing ballast or the natural formation of the soil under the [said] tracks is insufficient.

§ 7-3. Maintenance in good repair.

(a) *Obligation of owners.*

The owners of all railroad tracks and switches[, above referred to,] and all railroad companies operating thereon shall at all times keep [said] THE tracks and switches and the space between the rails of [said] THE tracks and switches in good condition and repair.

(b) *Work by [Public Works] DOT.*

[In case the said owners] IF ANY OWNER or railroad [companies] COMPANY [shall fail or neglect] FAILS OR NEGLECTS to make [any such] repairs promptly and properly, [then] the [Director of Public Works] DEPARTMENT OF TRANSPORTATION is authorized to have the same done in a good and sufficient manner, at the expense of [said owners] THE OWNER and railroad [companies] COMPANY.

§ 7-4. Tracks on bridges.

(a) *Prohibited conduct.*

It [shall be] IS unlawful for any passenger railway company to construct any railway track or tracks over any of the bridges belonging to the City of Baltimore in any other manner than approved by the [Director of Public Works] DEPARTMENT OF TRANSPORTATION from time to time.

Article 26. Surveys, Streets, and Highways

Subtitle 1. Survey Authority

§ 1-6. Authority of [Director of Public Works] DOT.

The Department of [Public Works] TRANSPORTATION [shall have] HAS full power and authority:

- (1) to ascertain and fix and to mark on the ground, with stones or other landmarks, the true lines of any of the private, public, or proposed streets, lanes, and alleys; and

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1 (2) to so ascertain, fix, and mark any boundary line of any lot or parcel of ground,
2 improved or unimproved, within the City.

3 **§ 1-7. At owner’s request.**

4 In any and all cases where [such] THIS work is done at the request of any property owner,
5 other than the Mayor and City Council of Baltimore[,]:

6 (1) the [Director] DEPARTMENT of [Public Works] TRANSPORTATION shall fix and
7 determine the cost of [such] THE work; and

8 (2) [said] THE property owner or owners shall pay to the Mayor and City Council of
9 Baltimore the entire cost of [such] THE work in advance.

10 **§ 1-8. Record of lines.**

11 The [Director] DEPARTMENT of [Public Works] TRANSPORTATION shall keep in [the] ITS files
12 [of the Department of Public Works] an official, signed record of every [such] line [which]
13 THAT is ascertained, fixed, or marked on the ground, in exercise of the power and authority
14 granted [herein] BY THIS SUBTITLE.

15 **§ 1-9. Disturbing landmarks.**

16 Anyone who [shall] unlawfully [remove, mutilate,] REMOVES, MUTILATES, or in any manner
17 [disturb] DISTURBS any of the landmarks, monuments, survey points, or markers established
18 throughout the City of Baltimore by the [Director] DEPARTMENT of [Public Works]
19 TRANSPORTATION or any City official, department, bureau, board, commission, or other City
20 agency for the purpose of fixing and marking any elevation, line, or lines pertaining to the
21 municipal survey system or to the location of streets, lanes, and alleys, or to any of the lots or
22 other locations within the [said] City, [shall be] IS guilty of a misdemeanor and, [upon] ON
23 conviction [thereof], [shall be] IS subject to a fine of not [less than \$10 nor] more than \$100
24 for each [and every] offense.

25 **Subtitle 2. Geodetic and Topographical Surveys**

26 **§ 2-1. Duties of [Department of Public Works] DOT.**

27 The Department of [Public Works] TRANSPORTATION shall maintain, extend, and expand the
28 system for precise control of horizontal and vertical surveys, which system was established
29 and installed by a Board of Commissioners authorized by, and acting [in pursuance of
30 requirements set forth in] PURSUANT TO Ordinance 1893-098[.]. [and said] THIS system shall
31 [hereafter] be known as the Baltimore Survey Control System.

32 **§ 2-2. Triangulation stations, etc.**

33 [The Department of Public Works, in] IN maintaining, extending, and expanding the
34 Baltimore Survey Control System, THE DEPARTMENT OF TRANSPORTATION [shall have
35 power] MAY:

36 (1) [to] reestablish and replace any triangulation stations, traverse stations, or bench
37 marks [which may] THAT have been disturbed or removed;

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1 (2) [to] establish and install new triangulation stations or precise traverse stations or
2 bench marks;

3 (3) [to] establish, revise, and correct values for triangulation stations or bench marks; and

4 (4) [to] extend the Baltimore Survey Control System beyond the corporate limits of
5 Baltimore City.

6 **§ 2-3. Records.**

7 (a) *Department to keep.*

8 The Department of [Public Works] TRANSPORTATION shall maintain adequate, accurate,
9 and comprehensive records showing the location of and the values established,
10 reestablished, revised, and corrected for each of the triangulation stations, traverse
11 stations, and bench marks comprising the Baltimore Survey Control System.

12 **§ 2-4. Plats and maps – Preparation.**

13 The Department of [Public Works] TRANSPORTATION shall prepare and maintain original
14 plats, maps, and atlas sheets on which [shall be delineated] the physical characteristics of the
15 City of Baltimore ARE DELINEATED, in [such] THE manner and form [as shall be] determined
16 by the Director of [Public Works] TRANSPORTATION.

17 **§ 2-5. Plats and maps – Copies.**

18 (a) *Department to make.*

19 The Department of [Public Works] TRANSPORTATION shall make or have made from time
20 to time copies of [said] THE original plats, maps, and atlas sheets, in [such] THE form and
21 quantity [as shall be] determined by the Director of [Public Works] TRANSPORTATION.

22 (b) *To be available for purchase.*

23 (1) [Such] THESE copies shall be purchasable at a cost to be fixed and determined from
24 time to time by the Director of [Public Works] TRANSPORTATION.

25 (2) Purchasers, excepting [Bureaus of the Department of Public Works or other] agencies
26 of the Mayor and City Council, shall pay to the Mayor and City Council the [said]
27 cost of all [such] THE plats, maps, or atlas sheets purchased, and [said] THESE costs
28 shall be collected as are other similar charges due the Mayor and City Council.

29 **§ 2-6. Plats and maps - Official Map.**

30 (a) *In general.*

31 The maps prepared under [the provisions of] § 2-4 of this article:

32 (1) shall be revised from time to time by the Department of [Public Works]
33 TRANSPORTATION, so as to keep them reasonably up-to-date; and

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1 (2) shall be the Official Map of Baltimore City.

2 **Subtitle 3. Opening, Widening, Closing Streets**

3 **§ 3-1. Record of benefits, damages.**

4 The [Director of the] Department of [Public Works] TRANSPORTATION shall keep a record of
5 the proceedings [of the Department of Public Works] pertaining to the assessment of the
6 amounts to be paid by or to any person for benefits derived, or damage sustained, [by such
7 person] for the opening, extending, widening, straightening, grading, or closing of any street
8 or alley or part thereof in Baltimore City, which the Mayor and City Council shall hereafter
9 by ordinance direct the Department of [Public Works] TRANSPORTATION to open, extend,
10 widen, straighten, grade, or close, in a book provided by the [said] Department, and in such
11 form as the City Solicitor may subscribe.

12 **§ 3-2. Notice of proposed ordinance.**

13 (b) *Notice by map.*

14 (1) Notice shall also be given by filing[,] with the Department of [Public Works]
15 TRANSPORTATION, on or before the 1st day of the publication, a map on the scale[,] OF
16 not [smaller] LESS than 50 feet to the inch, prepared by some competent surveyor[,]
17 whose name shall be signed to the [same] MAP, which:

18 (i) in case of laying out, opening, extending, widening, or straightening, shall
19 show:

20 (A) the course and the lines of the projected improvement; and also

21 (B) the lots and THE buildings [thereon which shall] THAT WILL be taken or
22 destroyed, in whole or in part; and which

23 (ii) in the case of closing, shall show:

24 (A) the street, square, lane, or alley, or part thereof, intended to be closed;
25 and also

26 (B) the abutting lots and improvements thereon.

27 (2) The Director of [the Department of Public Works] TRANSPORTATION shall:

28 (i) endorse on the map his OR HER name, with the date of [it] ITS being filed [in
29 his office]; and

30 (ii) keep the map where the public may have access to it.

31 **§ 3-3. Notice of proposed action.**

32 Before the Department of [Public Works] TRANSPORTATION [shall] MAY proceed under these
33 sections to perform its duty, it shall give notice in at least 2 of the daily newspapers in the

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1 City of Baltimore of the object of the ordinance under which it proposes to act, at least 10
2 days before the time of the 1st meeting to execute the same.

3 **§ 3-4. Methods of acquiring property.**

4 (a) *In general.*

5 Whenever the Mayor and City Council of Baltimore provides, by ordinance, for the
6 laying out, opening, extending, widening, or straightening of any highway, street, square,
7 lane, or alley in Baltimore City:

8 (1) [such] THE ordinance may provide that the Department of [Public Works]
9 TRANSPORTATION shall proceed to acquire the property necessary, in accordance
10 with [Article VII, §§ 43 through 46 of] the City Charter and this subtitle; or

11 (2) the ordinance may provide:

12 . . .

13 (ii) that, after the damages to be awarded [shall] have been ascertained by
14 [such] THE proceedings, [then] the Department of [Public Works]
15 TRANSPORTATION may proceed to assess the benefits for the laying out,
16 opening, extending, widening, or straightening, in the same manner as if
17 the damages had been assessed by it under §§ 3-5 through 3-10 of this
18 article; and

19

20 (b) *Profile map required.*

21 Before [any such] THE benefits and damages are assessed, there shall be filed with the
22 Department of [Public Works] TRANSPORTATION, a profile map or plat showing the grade
23 of the proposed highway, street, square, lane, or alley with respect to the abutting
24 property, which map or plat shall be included by the Department of [Public Works]
25 TRANSPORTATION in the return of its proceedings.

26 **§ 3-5. Determining damages and benefits.**

27 (a) *Determining damages.*

28 Whenever the Mayor and City Council [shall hereafter by ordinance direct] DIRECTS the
29 Department of [Public Works] TRANSPORTATION to lay out, open, extend, widen,
30 straighten, or close up, in whole or in part, any street, square, lane, or alley[,] within the
31 bounds of this City the [said] Department of [Public Works] TRANSPORTATION, having
32 given the notice required by law of its 1st meeting to execute the same:

33

34 (c) *Benefits less than damages and expenses.*

35 [Should] IF the direct benefits, assessed as aforesaid, [not be] DO NOT equal [to] the
36 damages and expenses incurred, the balance of [said] THE expenses and damages shall be
37 paid by the Department of [Public Works] TRANSPORTATION from funds appropriated.

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§ 3-6. Only part of property needed.

(a) *Acceptance of whole.*

(1) In every case where:

(i) it shall be necessary, in order to effect the object proposed, under any of the ordinances provided for laying out, opening, widening, or straightening, in whole or in part, any street, square, lane, or alley, that a portion only of a lot or of a lot and improvements shall be taken and used or destroyed; and

(ii) the owner or owners thereof shall claim to be compensated for the whole;

the [said] Department of [Public Works] TRANSPORTATION in such cases may, if it deems it best, and not otherwise, accept a surrender in writing of the whole of [said] THE lot or the whole of [said] THE lot and improvements, or the whole of [said] THE improvements, from [said] THE owner or owners.

(2) In [which] THAT event, the [said] Department of [Public Works] TRANSPORTATION:

(i) shall ascertain the full value thereof as if the whole lot, or lots and improvements, or improvements, as the case may be, were necessary to be taken and used for [such] THE proposed object; and

(ii) the whole amount of [such] THE valuation, when finally decided on, shall be paid or tendered to the [said] owner or owners before any part thereof shall be destroyed, removed, or used, unless [such] THE owner or owners [shall] assent thereto in writing as now provided for by law[;].

(b) *Taking only part.*

Provided, however, that where, in the judgment of the Director of [the Department of Public Works] TRANSPORTATION, ONLY a part [only] of the whole of a lot or a part of the whole of the improvements on any lot, can be taken without destroying the whole of [said] THE lot or [said] improvements, for the purpose for which THE lot or improvements are used, or for building purposes, then [said] THE Department of [Public Works] TRANSPORTATION shall:

(1) condemn only [such] THAT part of [said] THE whole lot or improvement [as] that is necessary for the proposed object; and

(2) shall award to the owner or owners of the part of the lot or improvements so taken, such damages, and assess upon the remainder thereof such benefits as in its judgment shall be right and proper.

§ 3-7. Statement of benefits and damages.

(a) *Department to prepare.*

As soon as the Department of [Public Works] TRANSPORTATION [aforesaid] shall have completed the valuation of damages to be ascertained by it as directed by §§ 3-5 and 3-6

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1 of this article, it shall cause a statement thereof to be made out for the inspection of all
2 persons desiring information of its contents.

3 (b) *Contents.*

4 Such statement, together with an explanatory map or maps, shall contain:

5 (1) a description of each separate lot or parcel of ground deemed to have sustained
6 damages, including:

7 . . .

8 (iv) the amount of damages as valued by the Department of [Public Works]
9 TRANSPORTATION; and

10 (v) if there be any house or other improvements on it, necessary to be
11 removed, in whole or in part, such description thereof as the Department
12 of [Public Works] TRANSPORTATION shall deem necessary; and

13 (2) in like manner, a description of each parcel of ground deemed by the Department
14 of [Public Works] TRANSPORTATION to be benefitted, including:

15 . . .

16 **§ 3-8. Publication of notice.**

17 The [said] Department of [Public Works] TRANSPORTATION shall cause a notice to be
18 published once a week for 2 successive weeks in 2 daily newspapers of the City, stating:

19 . . .

20 (3) that the Department of [Public Works] TRANSPORTATION will meet at its office on a
21 day to be named in [said] THE notice, which shall be within 15 days after the 1st
22 publication of [such] THE notice, for the purpose of reviewing any of the matters
23 contained in [such] THE statement to which any person claiming to be interested shall
24 make objection.

25 **§ 3-9. Hearing.**

26 (a) *In general.*

27 The Department of [Public Works] TRANSPORTATION shall meet at the time and place so
28 appointed, and shall hear and consider all [such] representations or testimony on oath or
29 affirmation, verbal or in writing, in relation to any matter in [said] THE statement [which]
30 THAT shall be offered to them on behalf of any person claiming to be interested [therein].

31 (c) *Corrections.*

32 And the [said] Department of [Public Works] TRANSPORTATION shall make all [such]
33 corrections and alterations in the valuations, assessments, and estimates, and all other
34 matters contained in the [said] statements and explanatory map or maps [aforesaid], THAT
35 APPEAR [as] in its judgment [shall appear to it] to be just and proper.

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§ 3-10. Book of proceedings; notice of completion.

(a) *Book of proceedings.*

After closing [such] THE review, the Department of [Public Works] TRANSPORTATION shall make all [such] corrections in its statement and explanatory map or maps [as] THAT it [shall deem] DEEMS proper, and cause [such] THE statement as corrected to be recorded in a book of proceedings, and certified under the hand and seal of the Director of [the Department of Public Works] TRANSPORTATION and the person or persons appointed by [him] THE DIRECTOR as provided by § 3-1 OF THIS SUBTITLE.

(b) *Notice of completion.*

[And it shall be the duty of the Director of the Department of Public Works, within] WITHIN 5 days after closing [said] THE review, [to] THE DEPARTMENT SHALL notify all persons interested by an advertisement, to be inserted once a week for 2 successive weeks in 2 of the daily newspapers of the City, that the [said] assessment and maps have been [so] completed, and that the parties affected [thereby] are entitled to appeal therefrom by petition, in writing, to the Board of Municipal and Zoning Appeals.

§ 3-11. Personal service of notice.

(a) *Notice required.*

[It shall be the duty of the] THE [Director of the] Department of [Public Works] TRANSPORTATION [to] SHALL serve written or printed notice upon each and every party or parties assessed for damages, caused by the condemnation and opening of any public highway.

(b) *But not prerequisite.*

[Provided, however, that] HOWEVER, the service of [such] THIS notice [shall] IS not [be so construed as to be one of the prerequisites] A PREREQUISITE to the condemnation and opening of any street under any ordinance [heretofore passed, or hereafter to be] passed[,] by the Mayor and City Council of Baltimore.

§ 3-12. Administrative appeal.

(a) *How and when taken.*

Any person or persons, or corporation, who [may be] IS dissatisfied with the assessment of damages or benefits[, as hereinbefore provided,] may:

(1) within 20 days after the completion of the corrected statement and map or maps, as provided in § 3-10 of this article; and

(2) within 20 days from the date of the 1st publication of the notice thereof, [by the Department of Public Works] as provided in § 3-10 of this article;

appeal therefrom by petition, in writing, to the Board of Municipal and Zoning Appeals, praying the [said] Board to review the same.

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1 (b) *Scheduling hearing; record transmittal.*

2 On [any such] appeal, the Board:

- 3
4 (2) shall direct the BOARD’S secretary [of the said] Board] to notify in writing the
5 Department of [Public Works] TRANSPORTATION, to produce and deliver to [said]
6 THE Board the record of the proceedings of the Department [of Public Works] in
7 the case, and all maps, plats, documents, and papers connected with [such] THAT
8 record.

9 (c) *Board’s powers.*

10 The [said] Board [shall have] HAS full power to hear and fully examine the subject[,] and
11 decide on [said] THE appeal, and, for that purpose, THE BOARD is [hereby] authorized and
12 empowered:

- 13
14 (3) may require the [said] Department of [Public Works] TRANSPORTATION, its
15 surveyor, or other agents and servants, or any of them, and all such other persons
16 as the Board shall deem necessary, to attend, and examine them on oath or
17 affirmation, and
18

19 **§ 3-13. Judicial review – In general.**

20 (b) *Court’s powers.*

21 The [said] court:

- 22 (1) [shall] MAY not reject or set aside the record of the proceedings of the [said]
23 Department of [Public Works] TRANSPORTATION and Board for any defect or
24 omission in either form or substance, but
25 (2) shall:
26 (i) amend or supply all [such] defects and omissions;
27 (ii) increase or reduce the amount of damages and benefits assessed; and
28 (iii) alter, modify, and correct the [said] return of proceedings, in all or any of
29 its parts, as the [said] court [shall deem] CONSIDERS just and proper; and
30

31 (c) *Record of proceedings.*

32 (1) The [said] court shall cause:

- 33 (i) the proceedings and decisions on [said] THE returns and appeals to be entered
34 in the book containing the record of the proceedings of the Department of
35 [Public Works] TRANSPORTATION, certified by the clerk, under the seal of the
36 court; and

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1 (ii) the book to be transmitted to the Department of [Public Works]
2 TRANSPORTATION, which shall be final and conclusive in every respect, unless
3 an appeal be taken to the Court of Special Appeals.

4 (2) [And such] THE record book, or a copy of the proceedings [therein,] or any part of
5 [such] THE proceedings IN THE RECORD BOOK, whether in court or out of court,
6 certified by the Director of [the Department of Public Works] TRANSPORTATION or
7 the person or persons appointed by [him] THE DIRECTOR as provided by § 3-1 shall be
8 evidence in any court in this State.

9 **§ 3-16. Billing assessments for benefits.**

10 (A) *TRANSFER TO FINANCE.*

11 If no appeal [shall have] HAS been prayed, then within 20 days after the time hereinbefore
12 limited therefor[,] or after the return of the decision [upon any] ON appeal [shall have]
13 HAS been made to the Board of Municipal and Zoning Appeals or to the CIRCUIT COURT
14 FOR Baltimore [City Court], the Department of [Public Works] TRANSPORTATION shall
15 transfer its return to the Director of Finance.

16 (B) *FINANCE TO NOTIFY PARTIES.*

17 [who] THE DIRECTOR OF FINANCE shall proceed forthwith to notify the parties assessed
18 for benefits by means of bills:

19 (1) specifying the several sums so assessed; and

20 (2) warning them that if the same be not paid within 3 months from the date of [such]
21 THE transfer of [said] THE Department of [Public Works] TRANSPORTATION'S
22 returns, he will proceed to collect the same by way of sale of the specific pieces
23 or parts of property on which [such] THE unpaid sum or sums of money [shall]
24 have been assessed, in the manner provided by law for the sale of property for the
25 nonpayment of taxes on real estate situate in Baltimore City.

26 **§ 3-18. Assessment as lien.**

27 All sums of money assessed by the Department of [Public Works] TRANSPORTATION
28 [aforesaid, upon] ON property deemed by it to be benefitted[,] shall be and continue AS liens
29 on each several piece of property so assessed, to the amount of its particular assessment, until
30 [the same shall be] paid to the City.

31 **§ 3-19. Payment of damages.**

32 But no part of any street, square, lane, or alley [shall] MAY be opened on or over the ground
33 of any person or persons or corporation adjudged by the Department of [Public Works]
34 TRANSPORTATION to be entitled to damages for [said] THE opening, without the consent, in
35 writing, of the person or corporation so entitled, until:
36 . . .

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1 § 3-20. Deposit of books and papers.

2 [The Department of Public Works, as] AS soon as [it shall have] THE DEPARTMENT OF
3 TRANSPORTATION HAS completed its work on each street, THE DEPARTMENT shall file all
4 RELATED papers and books [relating thereto] in [said] THE Department, [and] in [such] A
5 manner as to insure [that there be] a permanent record of the proceedings.

6 § 3-21. Offer to convey property.

7 (b) *Deed endorsements.*

8 [Provided that the] THE written approval of the Director of [Public Works]
9 TRANSPORTATION and the City Solicitor shall be endorsed on all [such] OF THE deeds and
10 conveyances before acceptance [thereof] by the Mayor.

11 Subtitle 4. Paving of Private Streets

12 § 4-1. City's authority.

13 (a) *Director may maintain.*

14 The Director of [Public Works] TRANSPORTATION is [hereby] authorized and empowered
15 to repair and maintain existing private streets and roads [in the City which] THAT are
16 open and used by the public, but [which] have not been actually accepted as public
17 highways by the Mayor and City Council of Baltimore.

18 (b) *Scope of maintenance.*

19 (1) [Said] THE repairs and maintenance shall be of [such] THE character THAT, in the
20 judgment of the Director of [Public Works] TRANSPORTATION, [as] will make [such]
21 private streets and roads safe for public travel and will prevent nuisances dangerous
22 to the public health arising thereon.

23 (2) Provided that [said] private streets and roads shall be repaired and maintained in the
24 same manner and with the same character of materials as originally constructed.

25 [(c) *Oiling.*]

26 [The Director of Public Works is also authorized to oil such of said private streets and
27 roads as, in his judgment, he shall deem necessary.]

28 § 4-3. Effect of work done.

29 Nothing in this subtitle, nor any acts done by the Director of [Public Works]
30 TRANSPORTATION [in pursuance of the provisions thereof] UNDER THIS SUBTITLE, [shall] MAY
31 be [deemed or] construed as an acceptance of the dedication of any [of the aforesaid] private
32 [streets and roads] STREET OR ROAD or as in any way affecting the status of [any such] these
33 streets or roads.

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1 (D) [(c)] *Statement of assessments.*

2 The Director of [Public Works] TRANSPORTATION shall then prepare a statement showing
3 the amount of assessment upon each of the [aforesaid] lots of ground.

4 **§ 5-5. Deferred payments.**

5 (a) *In general.*

6 Whenever any street, avenue, lane, or alley, or part thereof, shall be graded, paved, or
7 curbed, in accordance with [the provisions of] this subtitle, the Director of [Public
8 Works] TRANSPORTATION may, if [to him] it [shall appear] APPEARS advisable TO THE
9 DIRECTOR, provide in [his] THE statement of benefit assessments[, above mentioned,] that
10 the payment of the amount so assessed may, at the option of the owners of the respective
11 lots of ground assessed:

12 . . .
13 (2) with interest on [said] THE deferred payments as the Director of [Public Works]
14 TRANSPORTATION [may deem] DETERMINES TO BE just and proper.

15 **§ 5-6. Publication of notice.**

16 After the Director of [Public Works] TRANSPORTATION [shall have] HAS completed his OR
17 HER apportionment of the costs and expenses to be assessed, [as aforesaid,] and the statement
18 thereof, [he] THE DIRECTOR shall give notice by advertisement inserted twice a week for 2
19 successive weeks in 2 of the daily newspapers published in the City of Baltimore:

20 . . .
21 (2) that the statement thereof is on file in the office of the Department of [Public Works]
22 TRANSPORTATION for the inspection of all persons interested [therein]; and
23

24 **§ 5-7. Hearing.**

25 The Director of [Public Works] TRANSPORTATION:
26 . . .

27 **§ 5-8. Corrected list of assessments; notice.**

28 After closing such review, he:
29 . . .
30 (3) shall cause [said] THE statement to be certified under the hand and seal of [said] THE
31 Director of [Public Works] TRANSPORTATION; and
32

33 **§ 5-10. Collections.**

34 (A) *TRANSFER TO FINANCE.*

35 If no [appeals shall be] APPEAL HAS BEEN prayed at the expiration of the time allowed for
36 appeals, then within 10 days thereafter[,] or after the return of the decision [upon said] ON
37 appeal [or appeals shall have] HAS been made to the Director of [Public Works]

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1 . . .

2 **§ 6-5. Change of number.**

3 Whenever the number of any house or other building is changed by the Department of
4 [Public Works] TRANSPORTATION, the owner or occupant of [any such] THAT building shall
5 completely remove or obliterate the old number [of any such building] within 10 days after
6 receiving from the Department of [Public Works] TRANSPORTATION a written notice
7 reporting the changing of [said] THE number and notifying the owner or occupant of the new
8 number [which] THAT has been determined and fixed for [said] THE house or other building.

9 **§ 6-6. Correct number required.**

10 No owner or occupant [shall] MAY place or affix or permit to remain placed or affixed or
11 otherwise displayed on any house, building, or premises, any number or number plate except
12 the correct number as determined and fixed or as changed by the Department of [Public
13 Works] TRANSPORTATION.

14 **§ 6-7. Required display.**

15 The correct number of every house or other building:
16 . . .
17 (2) shall consist of a number plate or other means of numbering satisfactory to the
18 Director of [Public Works] TRANSPORTATION; and

Subtitle 7. Street Names

20 **§ 7-2. Procedure for new streets.**

21 (a) *Referral to Department.*

22 Whenever [an] A PROPOSED ordinance or resolution is introduced in the City Council [of
23 Baltimore] to authorize the acceptance by the Mayor [of Baltimore] or by the Mayor and
24 City Council [of Baltimore] of a deed to the bed of any street, avenue, or other
25 thoroughfare [within the corporate limits of] IN the City [of Baltimore], the [same]
26 PROPOSAL shall at once be referred to the Department of [Public Works]
27 TRANSPORTATION for a report [thereon] as to the name of [such] THE street, avenue, or
28 other thoroughfare.

29 **§ 7-3. Procedure for [change] NAMING.**

30 (a) *Referral to Department and CHAP.*

31 Whenever [an] A PROPOSED ordinance or resolution is introduced in the City Council [of
32 Baltimore] to NAME OR [change the name of] RENAME any public street, avenue, or other
33 thoroughfare [within the corporate limits of Baltimore] IN THE City, [or to name any
34 street, avenue, or other thoroughfare within said corporate limits,] the [same] PROPOSAL
35 shall at once be referred to the Department of [Public Works] TRANSPORTATION and to
36 the Commission for Historical and Architectural Preservation for a written report as to
37 the advisability of the [passage of such] PROPOSED ordinance or [the adoption of such]
38 resolution.

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1 § 7-4. Procedure for revisions.

2 (a) *Department to revise.*

3 The Department of [Public Works] TRANSPORTATION is [hereby] authorized and directed
4 to revise or change the names of [such] ANY public streets, avenues, and highways of the
5 City [of Baltimore] as may appear to be necessary and beneficial to the interests of the
6 City.

7 § 7-5. Renaming private streets.

8 (a) *Petition by majority of owners.*

9 Whenever a majority of the owners on any private street desire the name of the street to
10 be changed on the municipal records and on the street signs, they shall file a petition with
11 the Department of [Public Works] TRANSPORTATION requesting [such] THE change.

12 (b) *Referral to Council.*

13 The Department of [Public Works] TRANSPORTATION shall refer to the City Council the
14 petition and a written report with a recommendation as to the advisability of the name
15 change.

16 (c) *Change of signs, maps, etc.*

17 (1) If the proposed change is satisfactory to the Department of [Public Works]
18 TRANSPORTATION and is approved by ordinance of the Mayor and City Council, the
19 Department shall then change the street signs on the streets.

20 (2) When [said] THE street name signs have been changed, the Department of [Public
21 Works] TRANSPORTATION shall enter the new name [upon] ON its official maps, plats,
22 and records, and thenceforth all records of the City shall carry the street under the
23 new name.

24 Subtitle 8. Alleys

25 § 8-2. Alley work required.

26 (a) *In general.*

27 (1) *DOT'S RESPONSIBILITIES.*

28 The Director of [Public Works] TRANSPORTATION [of Baltimore City] is [hereby]
29 authorized, at any time or times[,] and from time to time, to do or have done, on the
30 assessment plan hereinafter set forth, any or all of the following work in or adjacent
31 to[,] any public or private alleys of the City [which he may find] THAT HE FINDS to be
32 necessary[, at any time or times and from time to time,] for and to promote the public
33 welfare, health, safety, and convenience, and for the local benefit of the property
34 owners in the vicinity:

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1 (I) [(1)] the proper grading or regrading of any [such alleys] ALLEY;

2 (II) [(2)] the paving or repaving of any [such alleys] ALLEY with concrete or
3 bituminous paving [which] AS, in the judgment of [said] THE Director of
4 [Public Works] TRANSPORTATION, may be necessary;

5 [(3)] the construction, reconstruction, alteration, or repair of any and all drains,
6 drainage facilities, and appurtenances in said alleys, which, in the judgment of
7 said Director of Public Works, may be necessary;]

8 (III) [(4)] the repair OR PAVING of any [such alleys] ALLEY [or the paving therein]
9 in [such] THE manner and to [such] THE extent as, in the judgment of [said]
10 THE Director of [Public Works] TRANSPORTATION, may be necessary; AND

11 (IV) [(5)] the construction, reconstruction, alteration, repair, removal, or relocation
12 of any guard rails, guard fences, walls, embankments, supports, hedges,
13 driveways, aprons, or approaches in or immediately adjacent to [said alleys,]
14 AN ALLEY [which] AS, in the judgment of [said] THE Director of [Public
15 Works] TRANSPORTATION, may be necessary.

16 (2) *DPW'S RESPONSIBILITIES.*

17 THE CONSTRUCTION, RECONSTRUCTION, ALTERATION, OR REPAIR OF ANY AND ALL
18 DRAINS, DRAINAGE FACILITIES, AND THEIR APPURTENANCES IN OR ADJACENT TO THESE
19 ALLEYS SHALL BE DONE BY, UNDER THE SUPERVISION OF, OR WITH THE APPROVAL OF
20 THE DIRECTOR OF PUBLIC WORKS.

21 **§ 8-3. Plats and estimates.**

22 20 days before beginning any of [the aforesaid] work[, to be done] on the assessment plan [as
23 herein provided], the Director of [Public Works] TRANSPORTATION:

24 (2) shall send notice of the proposed work and AN estimate of [the] ITS cost [thereof], by
25 mail to each abutting property owner as shown on the assessment books:

26
27 (iii) further warning all persons interested that they may appear in [his] THE
28 DIRECTOR'S office, on a day certain, [and] at [such] THE time and location [as
29 shall be] stated in the [aforesaid] notice and make known to THE Director [of
30 Public Works] any objections they may have to [the] doing [of said] THE work
31 on [said] THE assessment plan.

32 **§ 8-4. Assessment of costs.**

33 (a) *Assessment on abutting properties.*

34 After any contract for the work of grading, paving, or curbing an alley or part thereof
35 [shall have] HAS been awarded in a manner provided by the law, the [said] Director of
36 [Public Works] TRANSPORTATION shall assess the costs thereof upon the property
37 binding on the [said] alley or any part thereof [so] to be graded, paved, or curbed equally
38 in amount to [such] THE part of the [said] expense [as] THAT the [aforesaid] Director of

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1 [Public Works] TRANSPORTATION, with the concurrence of the Board of Estimates [in its
2 discretion]. [shall determine is] DETERMINES to be borne by the owner or owners of
3 [such] THE property.

4 (b) *Allocation by frontage.*

5 (1) The [said] Director of [Public Works] TRANSPORTATION shall apportion the [said]
6 costs so that the several lots of ground binding on both sides of [said] THE alley or
7 part thereof to be graded, paved, or curbed shall become liable for pro rata parts
8 thereof according to the frontage of [said] THE property thereon.

9 (d) *Statement of assessments.*

10 The [said] Director of [Public Works] TRANSPORTATION shall then prepare a statement
11 showing the amount of assessment upon each of the [aforesaid] lots of ground.

12 **§ 8-5. Deferred payments.**

13 (a) *In general.*

14 Whenever any alley or part thereof [shall be] IS graded, paved, or curbed, the Director
15 [Public Works] OF TRANSPORTATION MAY, if [to him] it [shall appear] APPEARS advisable
16 TO THE DIRECTOR, [may] provide in [his] THE statement of assessments that the payment
17 of the amount so assessed may, at the option of the owners of the respective lots of
18 ground assessed, be made:

19 (1) in equal annual payments,

20 (2) plus interest on the unpaid balance [of said amount] as [said] THE Director of
21 [Public Works] TRANSPORTATION, with the concurrence of the Board of
22 Estimates, [may deem] DETERMINES TO BE just and proper, AND

23 (3) over [such] A definite period of time as the [said] Director of [Public Works]
24 TRANSPORTATION [shall determine] DETERMINES, not to exceed 5 years from the
25 date of the delivery of the statement [aforesaid] to the Director of Finance[, as
26 hereinafter provided].

27 **§ 8-7. Collections.**

28 (a) *Director of Finance to collect.*

29 After the completion of the contract or portion thereof or as soon as possible thereafter,
30 the Director of [Public Works] TRANSPORTATION shall report the assessment so made to
31 the Director of Finance, who shall proceed to collect the same in the same manner as
32 taxes upon real estate are collected.

33 **§ 8-8. Projects excepted from assessments – Permissive exceptions.**

34 Notwithstanding any other terms and provisions of this subtitle, in each and every case, from
35 time to time, where the [said] Director of [Public Works] TRANSPORTATION estimates THAT

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1 the entire cost of all the work required to be done [pursuant to the provisions of] UNDER this
2 subtitle will not be more than 5% of the cost of the total construction or reconstruction of
3 [said] THE alley, exclusive of the exceptions of § 8-4 of this subtitle, the [said] Director of
4 [Public Works] TRANSPORTATION [shall be] IS authorized, but [shall] not [be] required, to do
5 or to have [said] THAT work done at the entire expense of the City.

6 **§ 8-9. Projects excepted from assessments – Mandatory exceptions.**

7 (b) *Allocation of costs.*

8
9 The cost of [said works] THE WORK shall be shared by the Department of Housing and
10 Community Development and the Department of [Public Works] TRANSPORTATION,
11 consistent with the adopted policy of the Board of Estimates and fee schedule.

12 **§ 8-10. Maintenance of alleys.**

13 The Director of [Public Works] TRANSPORTATION is [hereby] authorized to maintain the
14 alleys THAT HAVE BEEN paved, constructed, or reconstructed under [the terms of] this subtitle
15 for a period not to exceed 10 years without further charge to the property owner.

16 **Subtitle 8A. Gating and Greening Alleys**

17 **§ 8A-1. Definitions.**

18 (b-1) *Department.*

19 “Department” means the Department of [General Services] TRANSPORTATION.

20 (c) *Director.*

21 “Director” or “Director of [General Services] TRANSPORTATION” means the Director of
22 the Department of [General Services] TRANSPORTATION or the Director’s designee.

23 **§ 8A-2. In general.**

24 (b) *Standard.*

25 The Director of [General Services] TRANSPORTATION may authorize the gating and, if
26 applicable, the greening of an alley if, on petition, public notice, and hearing as provided
27 in this subtitle, the Director determines that:

28

29 (c) *Rules and regulations.*

30 (1) The Director of [General Services] TRANSPORTATION shall adopt rules and
31 regulations to carry out this subtitle.

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1 § 8A-4. Petition by abutting owners – General.

2 (a) *In general.*

3 To initiate a proceeding under this subtitle, a petition must be submitted to the Director of
4 [General Services] TRANSPORTATION.

5 § 8A-9. Public hearing.

6 (a) *Director to conduct.*

7 The Director of [General Services] TRANSPORTATION shall conduct a public hearing on
8 the petition.

9 § 8A-10. Decision.

10 (a) *In general.*

11 (1) The Director of [General Services] TRANSPORTATION shall issue a written decision
12 on the petition within 30 days of the hearing.

13 § 8A-11. Required lease – Gating.

14 (b) *Terms.*

15 The lease shall include, at a minimum, provisions to the following effect:

16 (1) All plans for the design and construction of gates and for any sodding, removal of
17 pavement, or other landscaping of the alley must be reviewed and approved by
18 the Department of Public Works and the Department of [General Services]
19 TRANSPORTATION.

20

21 (4) Access to the alley must be available to fire, police, public works,
22 TRANSPORTATION, and other appropriate agencies of the City, and to all
23 companies that have utilities lawfully located in the alley.

24

25 (7) If the Department of Public Works, THE DEPARTMENT OF TRANSPORTATION, [its]
26 OR THEIR RESPECTIVE employees, agents, or contractors enter the alley for
27 maintenance, repair, or replacement of City utilities, the Department:

28 (i) is responsible, on completion of its work, for restoring the alley to grade;
29 but

30 (ii) is not responsible for any other work in the alley or for any other costs
31 incurred in restoring the alley.

32

33 (9) The Director of [General Services] TRANSPORTATION may terminate the lease and
34 may order or cause, at the lessee’s expense, the removal of all gates and other
35 obstructions and the alley’s restoration if:

36

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(10) The Director of [General Services] TRANSPORTATION may, after a public hearing, with prior notice as provided in the lease, terminate the lease and order or cause, at the lessee’s sole expense, the removal of all gates and other obstructions and the alley’s restoration if, at any time, the owners of a majority of the abutting properties, not including any abandoned properties, so request in writing.

§ 8A-12. Required lease – Greening.

(b) *Terms.*

The lease shall include, at a minimum, provisions to the following effect:

(1) All plans for the design and construction of gates, for the greening of the alley, and for any sodding, removal of pavement, or other landscaping of the alley must be reviewed and approved by the Department of [General Services] TRANSPORTATION.

...
(3) Access to the alley must be available to THE Fire, Police, Public Works, AND TRANSPORTATION DEPARTMENTS, [and] TO other appropriate agencies of the City, and to all companies that have utilities lawfully located in the alley.

...
(6) If the Department of Public Works, THE DEPARTMENT OF TRANSPORTATION, [its] OR THEIR RESPECTIVE employees, agents, or contractors enter the alley for maintenance, repair, or replacement of City utilities, the Department:

(i) is responsible, on completion of its work, for restoring the alley to grade; but

(ii) is not responsible for any other work in the alley or for any other costs incurred in restoring the alley.

...
(8) The Director of [General Services] TRANSPORTATION may terminate the lease and may order or cause, at the lessee’s expense, the removal of all gates and other obstructions and the alley’s restoration if:

...
(9) The Director of [General Services] TRANSPORTATION may, after a public hearing, with prior notice as provided in the lease, terminate the lease and order or cause, at the lessee’s sole expense, the removal of all gates and other obstructions and the alley’s restoration if, at any time, the owners of a majority of the abutting properties, not including any abandoned properties, so request in writing.

Subtitle 9. Footways – In General

§ 9-1. General standards.

(a) *Width and location.*

(1) Every footway installed along any paved or unpaved street, lane, or alley of the City must be of the width and in the location that the Director of [Public Works] TRANSPORTATION directs in each instance. In no event, however, may the width be less than 4 feet.

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(2) Wherever required by the Director of [Public Works] TRANSPORTATION, the streets, lanes, and alleys of the City must be paved to the building line, to the full width of the sidewalk reservation.

§ 9-3. Director’s authority.

(a) *In general.*

The Director of [Public Works] TRANSPORTATION has full power:

(1) to grade and regulate the footways in all paved streets, lanes, and alleys in the City, and all streets, lanes, and alleys to be paved, repaved, or repaired, to the grade of ½ of an inch ascent (as nearly as practicable in each case) for every 1 foot in width of the footway, from the top of the curb or gutter to the line of the street, lane, or alley; and

(2) to require that all drainage across footways be carried underground and through the curb to the gutter, IN ACCORDANCE THE SPECIFICATIONS OF THE DIRECTOR OF PUBLIC WORKS.

(b) *Work under streetscape plan.*

In addition, the Director of [Public Works] TRANSPORTATION may implement a streetscape plan approved in accordance with Subtitle 10A of this article to the same extent and with the same authority as other repairs and work described in Subtitle 10 of this Article.

Subtitle 10. Footways – Along Paved Streets

§ 10-1. Notice to property owners.

(a) *Scope.*

This section applies whenever the Director of [Public Works] TRANSPORTATION:
. . . .

(b) *Notice.*

(2) If the owner of any property cannot be found by the Director of [Public Works] TRANSPORTATION, the Director must cause the notice to be conspicuously posted on the premises.

(c) *Service alternatives.*

(1) The Director of [Public Works] TRANSPORTATION must cause the notice provided for in this section to be given to the proprietor of each lot adjacent to which a footway is required to be improved, graded, paved, repaved, or repaired.

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1 **§ 10-2. Appeal of proposed work.**

2 (a) *Appeal to BMZA.*

3 Within 2 days from the date of the hearing by the Director of [Public Works]
4 TRANSPORTATION, any person dissatisfied with the Director’s decision on the need for
5 improving, grading, paving, repaving, or repairing any footway may appeal to the Board
6 of Municipal and Zoning Appeals.

7 **§ 10-4. Manner of work.**

8 All work by the Director or a property owner must be done as follows:

9
10 (3) in all cases:

11 (i) under the supervision and in accordance with the specifications of the
12 Director of [Public Works] TRANSPORTATION; and
13

14 **§ 10-5. Assessments of costs.**

15 (a) *Record.*

16 When work under this subtitle is completed, the Director of [Public Works]
17 TRANSPORTATION must determine and record in his or her office:
18

19 (b) *Publication of notice.*

20 (1) The Director of [Public Works] TRANSPORTATION must then publish a notice in 2 of
21 the daily newspapers of Baltimore City.

22 (2) The notice must:

23
24 (iii) state that, within 10 days of the notice, the Director of [Public Works]
25 TRANSPORTATION will hear any owner of property abutting on the footway in
26 reference to his, her, or its liability for all or part of the cost of the work.

27 (c) *Issuance of assessment.*

28 (1) Within 10 days of the notice, the Director of [Public Works] TRANSPORTATION must
29 hear any aggrieved owner who wants to be heard.

30 (2) After the 10 days have expired, the Director of [Public Works] TRANSPORTATION
31 must assess the entire cost incurred by the Director in doing the work, together with
32 the expense of the notice by publication, on all owners of property abutting on the
33 footway, in proportion to the amount of work done at each property.

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1 **§ 10-7. Deferred payments.**

2 (a) *In general.*

3 Whenever any footway is improved, graded, paved, repaved, or repaired, the Director of
4 [Public Works] TRANSPORTATION may authorize payment of the assessed amount, if it is
5 for more than \$100, to be made, at the option of the property owner, in equal annual
6 payments, plus interest on the unpaid balance.

7 (b) *Interest and Term – General.*

8 Except as provided in subsection (c) of this section:

9 (1) interest accrues at the rate that the Director of [Public Works] TRANSPORTATION,
10 with the concurrence of the Board of Estimates, determines to be just and proper;
11 and

12 (2) the number of years over which installments may be paid is as set by the Director
13 of [Public Works] TRANSPORTATION, not to exceed 5 years from the date of the
14 assessment report to the Director of Finance.

15 **§ 10-9. Collections.**

16 (a) *Director of Finance to collect.*

17 After the 30-day appeal period has expired, the Director of [Public Works]
18 TRANSPORTATION must report the assessments made to the Director of Finance, who
19 must proceed to collect them in the same manner that real estate taxes are collected.

20 **§ 10-10. Recovery by suit.**

21 In addition to the remedy provided in § 10-9 of this subtitle, the City may recover, by suit or
22 action at law from the owner of any property abutting on any footway that has been
23 improved, graded, paved, repaved, or repaired by the Director of [Public Works]
24 TRANSPORTATION under this subtitle, the cost of the work done on the footway.

25 **§ 10-11. Anticipation of collections.**

26 With the Mayor’s approval, the Director of [Public Works] TRANSPORTATION may draw on
27 the City Comptroller, in anticipation of the collections from abutting property owners, for the
28 money needed to improve, grade, pave, repave, or repair any footway under this subtitle.

29 **Subtitle 10A. Footways – Streetscape Plans**

30 **§ 10A-4. Approval of plan.**

31 (a) *In general.*

32 No streetscape plan may be submitted to the Director of [Public Works]
33 TRANSPORTATION or to the affected property owners unless the board of directors of the
34 District’s Management Authority, after holding a public hearing on it, approves the plan.

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1 (b) *Opportunity to protest.*

2 (2) The Director of [Public Works] TRANSPORTATION must establish a protest period for
3 this purpose, with procedures generally similar to those set forth in Section 11 of
4 Ordinance 92-057.

5 (3) The streetscape plan may not be submitted to the Director of [Public Works]
6 TRANSPORTATION for approval if, by the end of the protest period, protests have been
7 received from more than 40% of the property owners, either as to number or
8 assessable values.

9 **§ 10A-5. Implementation of plan.**

10 (a) *Director to implement.*

11 On approval by the Director of [Public Works] TRANSPORTATION of a streetscape plan,
12 the Director must implement the plan in accordance with its terms, working where
13 appropriate with the Management Authority for the District.

14 (b) *Notice and appeal rights.*

15 (1) Work designated under the plan to be done by the Director of [Public Works]
16 TRANSPORTATION may proceed without regard to the notice and procedures of
17 Subtitle 10 of this article.

18 **Subtitle 11. Footways – Along Unpaved Streets**

19 **§ 11-1. Work done by property owners.**

20 (b) *Director to notify owners.*

21 The Director of [Public Works] TRANSPORTATION must notify the owners of the lots
22 binding or abutting on the unpaved street, lane, avenue, or alley in the same manner that
23 notice is required to be given under Subtitle 10 of this article.

24 **§ 11-2. Work done by City; Assessments.**

25 (a) *City to do work.*

26 On the failure of the owner of any lot binding or abutting on any unpaved street, lane,
27 avenue, or alley to comply with a notice given under § 11-1 of this article, the Director of
28 [Public Works] TRANSPORTATION must:

29

30 (b) *Collections.*

31 These costs are a debt against the property, and the Director of [Public Works]
32 TRANSPORTATION must refer them to the Director of Finance, to be collected as the other
33 claims of the City are collected.

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1 **§ 11-3. Grades.**

2 The Director of [Public Works] TRANSPORTATION may cause all footways that the Director
3 constructs or that otherwise are constructed in accordance with [the provisions of] this
4 subtitle, brought to proper grades, either by excavating where too high or filling in where too
5 low.

6 **Subtitle 12. Alley and Footway Assessment Credits**

7 **§ 12-1. Persons eligible.**

8 A property owner who receives a statement of assessments from the Director of [Public
9 Works] TRANSPORTATION for the grading, paving, or repairing of an alley or footway shall
10 be eligible for a credit on the amount assessed if the property owner received a homeowner's
11 property tax credit in the fiscal year immediately previous to the year in which the
12 assessment statement is received.

13 **Subtitle 13. Lamps and Lighting**

14 **§ 13-2. Lighting alleys.**

15 (a) *In general.*

16 The Department of [Public Works] TRANSPORTATION may, in its discretion, furnish
17 lighting for any alleyway, either improved or unimproved, public or private, [which]
18 THAT is connected to a public way, and is in general use by the City's sanitation and
19 other municipal vehicles and the public, when, in its judgment, the safety and
20 convenience of the public so require.

21 (b) *Construction of section.*

22 Nothing in this section [shall] MAY be construed as committing the City to the policy of
23 lighting private property; nor shall it be construed as investing the Department of [Public
24 Works] TRANSPORTATION with any authority to invade private rights.

25 **§ 13-3. Shades on street lamps.**

26 (a) *Department to issue permits.*

27 (1) The Department of [Public Works] TRANSPORTATION [is hereby authorized and
28 directed to] SHALL issue, on application, permits for the placing of shades over
29 portions of street lamps when the [same] THE LAMPS are situated so close to dwelling
30 houses as, in [its] THE DEPARTMENT'S discretion, to be a special annoyance to the
31 occupants of [such] THESE houses.

32 (c) *Department to supervise placement.*

33 The placing of all [such] shades over street lamps shall be done under the supervision and
34 direction of the Department of [Public Works] TRANSPORTATION.

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1 (d) *Removal.*

2 All [such] shades shall be removed [upon] ON notice from [said] THE Department OF
3 TRANSPORTATION whenever [said] THE Department finds them unnecessary or the public
4 interest requires [such] THEIR removal.

5 **§ 13-5. Schedule for lighting lamps.**

6 (a) *Department to prepare.*

7 [It shall be the duty of the] THE Department of [Public Works] TRANSPORTATION [to]
8 SHALL [prepare and have printed] PRINT [on cards,] schedules showing the [time or] times
9 when the City lamps [shall] WILL be lighted and extinguished daily.

10 (b) *Distribution.*

11 These [cards] SCHEDULES shall be furnished to each lighting contractor[,] and the Police
12 Department.

13 **§ 13-6. Police to report problems.**

14 The Police Department shall report to the Department of [Public Works] TRANSPORTATION:

15 (1) all failures to light and extinguish the lamps at the proper time; and

16 (2) all broken or damaged street lamps.

17 **Subtitle 14. Bridges**

18 **§ 14-1. By whom work to be done.**

19 (a) *By [Department of Public Works] DOT.*

20 All work of designing, constructing, reconstructing, altering, relocating, or repairing of
21 bridges shall be done by the Department of [Public Works] TRANSPORTATION[, unless
22 otherwise ordered by the Director of Public Works].

23 **Subtitle 15. Street Cuts**

24 **§ 15-1. Definitions.**

25 (b) *Department.*

26 “Department” means the Department of [Public Works] TRANSPORTATION.

27 (c) *Director.*

28 “Director” means the Director of [Public Works] TRANSPORTATION or the Director’s
29 designee.

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1 § 15-4. Administration.

2 The Department of [Public Works] TRANSPORTATION is responsible for administering and
3 enforcing this subtitle.

4 § 15-5. Rules and regulations.

5 (a) *Authorized.*

6 The Department OF TRANSPORTATION shall adopt rules and regulations to carry out this
7 subtitle.

8 (b) [*Transportation inclusions*] *INCLUSIONS.*

9 These rules and regulations shall incorporate standards set by the Department [of
10 Transportation] to govern:

11 (1) backfilling, repaving, and repair specifications;

12 (2) traffic control;

13 (3) work hours;

14 (4) lighting, fencing, and covering of work areas; and

15 (5) incidental related matters.

16 Subtitle 16. Pavement Protection

17 § 16-1. In general.

18 (a) *Prohibited conduct.*

19 It shall be unlawful to cut, break, dig down, injure, or destroy any abutment, bank,
20 mound, or other public work or structure erected, constructed, or maintained by or under
21 the orders of the Director of [Public Works] TRANSPORTATION.

22 § 16-2. Riding on closed streets.

23 Any person or persons who [shall ride] RIDES or [drive] DRIVES upon any new pavement or
24 new repairs of streets constructed or being constructed by or under the State Roads
25 Commission, the Director of [Public Works] TRANSPORTATION, or any other official or body
26 representing the City of Baltimore, or by any contractor employed by any such official or
27 body, before the [same] STREET is open for traffic, and any person or persons who [shall
28 remove] REMOVES any light or guards set up by or under the authority of [such commission]
29 THE COMMISSION, DEPARTMENT, [or] OTHER OFFICIAL OR body [or officials], or [such]
30 contractor, for the purpose of closing a street or part of a street to traffic, [shall be] IS subject
31 to a fine of not less than \$5, nor more than \$100, and [shall also be] IS liable [to] FOR the
32 expense of repairing the injury done [by such person to such paving or repairs].

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1 § 16-3. Concrete; oil products; weight on asphalt.

2 (a) *Mixing mortar, etc.*

3 It [shall not be lawful] IS UNLAWFUL for any person, firm, or corporation to mix mortar,
4 cement, or concrete, or to cause mortar, cement, or concrete to be mixed, on any type of
5 pavement on any street, lane, or alley in the City unless the [said] pavement is protected
6 by a tight platform or mixing box constructed to the satisfaction of the Director of [Public
7 Works] TRANSPORTATION and in accordance with the Baltimore City Building Code.

8 § 16-4. Heavy equipment.

9 (a) *Permit required.*

10 It [shall be unlawful] IS UNLAWFUL to move, under its own power or otherwise, over any
11 of the public highways of Baltimore City, any traction engine, tractor, roller, shovel, or
12 other heavy equipment or structure whose movement over [such public] THE highway
13 may, in the judgment of the Director of [Public Works] TRANSPORTATION, injure [any
14 such public] THE highway, or the surface, foundation, or other part thereof, including but
15 not limited to bridges and utility structures in and along [such] THE highway, without a
16 permit therefor from the Director of [Public Works] TRANSPORTATION.

17 (b) *Issuance; bond.*

18 The Director of [Public Works] TRANSPORTATION is [hereby] authorized to issue [such]
19 THIS permit upon such reasonable terms and conditions, including an indemnity bond
20 with corporate surety, as, in [his] THE DIRECTOR’S judgment, the public interest or safety
21 [may require] REQUIRES.

22 § 16-5. Penalties for failure to repair.

23 Any person or corporation:

24 . . .

25 (2) who [shall refuse] REFUSES or [neglect] NEGLECTS to make [such] THE repairs,
26 replacement, or restoration[,] within 3 days after having been notified in writing by
27 the Director of [Public Works] TRANSPORTATION to make [such] THE repairs, or to
28 replace and restore in proper order and condition the bed or surface of [such] THE
29 street, lane, or alley,

30 shall forfeit and pay the sum of \$20 for each and every case of such refusal or neglect, [said]
31 THESE fines to be collected as other fines and penalties for the violation of City ordinances
32 are collected.

33 § 16-6. Work done by City.

34 [Whenever] IF any person or corporation whose duty it [shall be] IS to keep in repair any part
35 of any of the streets, lanes, or alleys within the City or to replace and restore in proper order
36 and condition the bed or surface of any street, lane, or alley [which such] THAT THE person or
37 corporation [may be] IS licensed or permitted to dig up, displace, or remove [shall neglect

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1 said] NEGLECTS THIS duty after being notified in writing by the Director of [Public Works]
2 TRANSPORTATION, as provided in § 16-5, and IF it [shall appear] APPEARS to [said] THE
3 Director that the condition of [such] THE street, lane, or alley is attended with possible danger
4 to persons passing over or using [the same] IT, [it shall be the duty of said] THE Director
5 SHALL forthwith:

6 (1) [to] make [such] repairs as [may be] necessary;

7 (2) when completed, [to] collect the cost of making the [same] REPAIRS from the person
8 or corporation through whose default or neglect the [same may become] REPAIRS
9 BECAME necessary; and

10 (3) for [said] THAT purpose, [he] THE DIRECTOR may, with the approval of the Mayor,
11 cause suit to be instituted in the name of the Mayor and City Council of Baltimore
12 against [such] THE person or corporation.

13 § 16-7. Street repairs on application.

14 The Director of [Public Works] TRANSPORTATION is [hereby] authorized, upon the
15 application of the owners of a majority of the front feet on any private street, lane, or alley:

16 (1) to cause [the same] THAT STREET, LANE, OR ALLEY to be thoroughly repaired and
17 cleaned; and

18 (2) to assess and collect from the owners of the property a tax sufficient to defray the
19 expense of the [same] WORK in the manner prescribed by law.

20 Subtitle 18. Grades, Grading, and Paving

21 § 18-1. Fixing grade line – On application.

22 (a) *Director to fix lines.*

23 Upon application in writing to the Director of [Public Works] TRANSPORTATION by the
24 owner of any property binding upon any private or public street, lane, or alley, or part
25 thereof, now or hereafter to be marked, located, widened, straightened, or laid out in the
26 City of Baltimore, for the fixing and establishing, or changing, as the case may be, of the
27 grade line or lines of [any such] THAT street, lane, or alley, or part thereof, the Director of
28 [Public Works] TRANSPORTATION shall, provided in his judgment the public interests
29 require [such] THE grade line or lines to be fixed and established or changed, proceed to
30 fix and establish, or change, as the case may be, the grade line or lines of [any such] THE
31 street, lane or alley, or part thereof.

32 (b) *Costs.*

33 The Director of [Public Works] TRANSPORTATION shall fix and determine the cost of
34 [such establishments or changes of] ESTABLISHING OR CHANGING the grade line or lines,
35 which [said] cost shall be paid in advance to the Mayor and City Council of Baltimore by
36 the person or persons [making application] APPLYING for the [same] ESTABLISHMENT OR
37 CHANGE.

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1 **§ 18-2. Fixing grade line – Director’s initiative.**

2 (a) *Director to fix.*

3 Whenever the Director of [Public Works] TRANSPORTATION [shall determine in his
4 judgment] DETERMINES that the public interests require the fixing, establishing, or
5 changing of the grade line or lines of any private or public street, lane, or alley, or part
6 thereof, in the City of Baltimore, [he] THE DIRECTOR shall proceed to fix and establish, or
7 to change, as the case may be, the grade line or lines of all such streets, lanes, or alleys,
8 or parts thereof.

9 (b) *Costs.*

10 The cost of so fixing and establishing or changing the [said grade line or lines shall be
11 paid out of the appropriation allowed the Department of [Public Works]
12 TRANSPORTATION for the purpose.

13 **§ 18-3. Fixing grade line – Notice.**

14 Before fixing and establishing, or changing, as the case may be, the grade line or lines of any
15 [such] private or public street, lane, or alley, or part thereof, in the City of Baltimore, the
16 Director of [Public Works] TRANSPORTATION shall give 5 days’ notice, in 2 daily papers
17 published in the City of Baltimore, that [he will be in his office] THE DIRECTOR WILL BE
18 AVAILABLE, at the time and on the day named in [said] THE notice, for the purpose of hearing
19 and considering protests and to explain matters in connection with the fixing and establishing
20 or changing of the grade line or lines of the street, lane, or alley, or part thereof, under
21 consideration.

22 **§ 18-4. Fixing grade line – Grade profiles.**

23 The Director of [Public Works] TRANSPORTATION shall prepare grade profiles, which shall
24 be kept in the Department of [Public Works] TRANSPORTATION as a permanent record of the
25 grade lines[,] fixed, established, or changed, as the case may be, in accordance with [the
26 provisions of] this subtitle.

27 **§ 18-7. How work done.**

28 In all paving, repaving, grading, or repairing of streets, avenues, lanes, or alleys, including
29 footways, where [said] THE work is done by the City, the work shall be done by contract or
30 by labor employed by the City and paid by the City, as in the judgment of the Director of
31 [Public Works] TRANSPORTATION may be best for the interest of the [said] City, in each
32 instance.

33 **§ 18-8. Macadamizing permitted.**

34 Nothing contained in this Code is intended to prevent macadamizing of streets, avenues,
35 lanes, or alleys in the City of Baltimore when and where [such] macadamizing is deemed
36 necessary or desirable by the Director of [Public Works] TRANSPORTATION.

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§ 18-9. Paving without curbs permitted.

Any streets, lanes, or alleys in the City [hereafter] to be paved or repaved may be paved or repaved without curbs, provided the Director of [Public Works] TRANSPORTATION [shall deem] CONSIDERS it advisable [so to pave or repave such streets, lanes, or alleys] TO DO SO.

§ 18-10. Center gutters.

In paving or repaving streets, lanes, or alleys not over 25 feet in width, the Director of [Public Works] TRANSPORTATION may, in his discretion, put the gutter in the center [thereof] OF THE STREET, LANE, OR ALLEY.

§ 18-11. “Bike-safe” grates required.

(a) *Bike-safe grate defined.*

For purposes of this section “bike-safe grate” means a drainage grate that:

- (1) has bars running perpendicular to the flow of traffic;
- (2) consists of a grating composed of intersecting bars; or
- (3) uses another design that both the [Director] CITY and the State [Department] DEPARTMENTS of Transportation have approved as meeting bicycle safety design criteria as well as engineering and structural design demands.

(c) *General paving*

No permit may be issued by the Department of [General Services] TRANSPORTATION for a paving or repaving project on any street, avenue, lane, or alley within the City, and no paving or repaving project may be undertaken by the City, unless the project plan requires that all drainage grates in the affected area that are not bike-safe grates are replaced with bike-safe grates.

Subtitle 19. Grading and Paving Permits

§ 19-1. Requirements for grading or paving.

(A) *IN GENERAL.*

It [shall be] IS unlawful for any person, firm, or corporation to do any [work of] grading, paving, or repaving OF any public street, lane, or alley, or OF any private street, lane, or alley used or intended to be used by the public:

- (1) without first obtaining from the Director of [Public Works] TRANSPORTATION a permit for [said] THAT work;
- (2) without conforming to the construction requirements of the Director of [Public Works] TRANSPORTATION for [such] THESE streets, lanes, and alleys; [and] OR

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1 (3) without conforming to the true lines and established grades of such streets, lanes,
2 and alleys[;].

3 (B) *INTENT.*

4 [it being the intent that noncompliance] NONCOMPLIANCE with any 1 [or more] of the 3
5 requirements [above designated (1), (2), and (3)] DESCRIBED IN SUBSECTION (A) OF THIS
6 SECTION [shall constitute] CONSTITUTES a violation [hereof] OF THIS SECTION.

7 **§ 19-2. Director’s powers.**

8 The Director of [Public Works] TRANSPORTATION is [hereby] authorized and empowered:

- 9 (1) to refuse to issue a permit for any grading, paving, or repaving [which] THAT, if done
10 or constructed as proposed, would menace the public safety, security, or health;
- 11 (2) to require that all [such] grading, paving, and repaving work conform to the true lines
12 and established grades of [said] THE streets, lanes, and alleys; and
- 13 (3) to require that all [such] grading, paving, and repaving work shall be done under [his]
14 THE DIRECTOR’S supervision and in accordance with plans and specifications
15 approved by [him] THE DIRECTOR.

16 **§ 19-3. Considerations.**

17 In determining whether any proposed grading, paving, or repaving would menace the public
18 safety, security, or health and in approving or disapproving [said] plans and specifications,
19 the Director of [Public Works] TRANSPORTATION shall [give consideration to] CONSIDER the
20 following:

- 21 (1) the plans and specifications for [said] THE proposed work;
- 22 (2) the traffic of all kinds [which] THAT may be reasonably expected on [said] THE
23 streets, lanes, and alleys;
- 24

25 **§ 19-4. Paving procedures.**

26 (a) *Per Director’s requirements.*

27 All grading, paving, and repaving work [in such streets, lanes, or alleys] shall be done in
28 accordance with the requirements of the Director of [Public Works] TRANSPORTATION as
29 to construction, line, and grade.

30 (b) *Stop work.*

31 The Director of [Public Works] TRANSPORTATION is [hereby] further authorized and
32 empowered:

- 33 (1) to stop, at any time or times, any [such] grading, paving, or repaving work
34 [which] THAT:

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1 (i) is being done without a permit from [him] THE DIRECTOR; or

2 (ii) is not being done in accordance with [said] THE DIRECTOR’S requirements
3 as to construction, line, or grade; and

4 (2) to [keep said] CONTINUE THE work stoppage until [such] THE nonconformities are
5 corrected by and at the cost and expense of the person, firm, or corporation for
6 whom [said] THE work is being done or constructed.

7 (c) *Failure to correct.*

8 If [such] THE nonconformities are not [so] corrected within a reasonable time[, and] OR,
9 in the judgment of the Director of [Public Works] TRANSPORTATION, the work actually
10 done has created conditions [which] THAT menace the public safety, security, or health in
11 the use of [said] THE streets, lanes, or alleys as thoroughfares, then the Director of [Public
12 Works] TRANSPORTATION is [further] authorized and empowered to do any and all work,
13 acts, and things [which] THAT, in [his] THE DIRECTOR’S judgment, are necessary to
14 eliminate [such] THE menace to the public safety, security, or health[, and] at the cost and
15 expense of [said] THE person, firm, or corporation creating [said] THE conditions, which
16 cost and expense shall be a lien on the abutting property of [said] THAT person, firm, or
17 corporation, until paid.

18 **§ 19-5. [Public Works] DOT sole authority.**

19 No approval of any application nor the issuance of any permit by any municipal officer,
20 department, bureau, or agency other than the Director of [Public Works] TRANSPORTATION
21 [shall] MAY be construed to authorize the doing of any of the grading, paving, or repaving
22 work described in this subtitle or to relieve any person, firm, or corporation from compliance
23 with the provisions of this subtitle.

24 **§ 19-7. Penalties.**

25 Any person, firm, or corporation violating any of the provisions of this subtitle or any order
26 or requirement of the Director of [Public Works] TRANSPORTATION [pursuant thereto,]
27 UNDER THIS SUBTITLE [shall be] IS guilty of a misdemeanor and, [upon] ON conviction
28 [thereof in a court of competent jurisdiction], [shall be] IS subject to a fine of \$50 for each
29 [such] offense and a like sum of \$50 for each and every day [said] THE violation [shall
30 continue] CONTINUES.

31 **Subtitle 20. Permit for Builders’ Use of Streets**

32 **§ 20-1. Permit required.**

33 Any builder that wants to use a part of the street or sidewalk in front of its property, in
34 accordance with the City Building Code, must obtain a permit from the Director of [Public
35 Works] TRANSPORTATION.

36 **§ 20-2. Bond.**

37 The Director of [Public Works] TRANSPORTATION is [hereby] authorized, as a condition of
38 issuing [such] THE permit, to require from the builder a bond with sufficient corporate surety:

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1 . . .
2 (2) upon condition that the Director of [Public Works] TRANSPORTATION may restore the
3 [said] pavement, curbing, and sidewalk to as good condition as they were in at the
4 time of applying for [said] THE permit and charge the expense [thereof] OF
5 RESTORATION against [said] THE bond and builder.

6 **§ 20-3. Fees.**

7 The Director of [Public Works] TRANSPORTATION is also authorized to include in [any such]
8 THE permit a provision that the applicant shall pay REASONABLE CHARGES for [such] use of
9 the street or sidewalk [such reasonable charges], as [may be] fixed [therefor,] from time to
10 time[,] by the Board of Estimates.

11 **§ 20-4. Rules, regulations, terms, conditions.**

12 (a) *In general.*

13 The Director of [Public Works] TRANSPORTATION is also authorized to include any other
14 regulations, terms, and conditions THAT the Director considers necessary for the
15 protection of the public interest.

16 **§ 20-5. Permit revocation.**

17 Nothing [herein contained shall] IN THIS SUBTITLE may be construed to abridge the right of
18 the Director of [Public Works] TRANSPORTATION to revoke any [such] permit at any time
19 when the public interests may require it.

20 **Subtitle 23. Underground Conduits for Wires**

21 **§ 23-1. Conduit system to be [constructed] MAINTAINED.**

22 (a) *[Public Works] DOT to [construct] MAINTAIN system.*

23 The Department of [Public Works] TRANSPORTATION is [hereby] authorized and directed
24 to [construct a] MAINTAIN THE general system of conduits under the streets, lanes, and
25 alleys of the City [of Baltimore] for the reception of [the] wires [now] OTHERWISE strung
26 over [said] THOSE streets, LANES, AND ALLEYS, except FOR [the] trolley wires [belong]
27 BELONGING to street railway companies.

28 (b) *Location.*

29 [And said] THESE conduits [to] SHALL be constructed within [such] THE territory or
30 districts [as may be] determined by the Department[, in pursuance of the] PURSUANT TO
31 [the Acts of the Assembly of Maryland, Chapter 200, of the Acts of 1892] CHAPTER 200,
32 LAWS OF MARYLAND 1892.

33 **§ 23-2. Plans, labor, materials, etc.**

34 (a) *Plans and specifications.*

35 The Department of [Public Works] TRANSPORTATION shall:

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1 (1) cause to be prepared the plans and specifications for the execution of the work;
2 and

3 (2) superintend the construction of the [same] CONDUITS.

4 (b) *Labor and materials.*

5 The Department of [Public Works] TRANSPORTATION is [hereby] authorized and
6 empowered to employ [such] THE labor and to purchase [such] THE materials [as may be]
7 necessary to enable the Department to perform the work, or so much of the work THAT it
8 [may deem] CONSIDERS to BE IN the best interest of the City [of Baltimore] for it to
9 perform.

10 **§ 23-3. Survey of utilities, etc.**

11 (a) *Notice to companies.*

12 As fast as the Department of [Public Works] TRANSPORTATION [shall decide upon]
13 DETERMINES the streets and alleys of the City through which it proposes to construct the
14 subways, there shall be served upon the president or general manager of each and every
15 telegraph, telephone, electric light, street railroad, and other companies having or
16 maintaining overhead wires of any description on [the] THESE streets [or] AND alleys [so
17 determined on], a notice to be signed by the Mayor.

18 **§ 23-4. Regulations governing conduit use.**

19 The Director of [Public Works] TRANSPORTATION [(or his successor as aftersaid)] is [hereby]
20 authorized and empowered to adopt [and promulgate] rules, regulations, and conditions
21 pertaining to or governing the use of [said] THESE conduits.

22 **§ 23-6. Voluntary relocation of wires.**

23 (a) *In general.*

24 When [said] THE conduits or any part thereof [shall] have been completed and made
25 ready for occupancy, and the rate of rental [thereof shall have] HAS been fixed and
26 established [as heretofore provided], the Department of [Public Works]
27 TRANSPORTATION is [hereby] authorized and directed to rent space in the [said
28 municipal] conduits to any applicant who [shall comply] COMPLIES with the conditions
29 prescribed by this article and [such] ANY further conditions [as may be specified by]
30 THAT the Department SPECIFIES.

31 **§ 23-7. Mandatory relocation of wires.**

32 (a) *Department may order removal.*

33 The Department of [Public Works] TRANSPORTATION shall:

34 (1) require all wires to be removed from above the streets (no wires being allowed to
35 cross over any street, lane, or alley from house to house) and placed underground

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1 in conduits (the trolley wires of the street railway companies excepted) as may be
2 prescribed by the Department; and

3 (2) use methods as, in the judgment of the Department, are necessary to comply with
4 the City laws that require telegraph, telephone, electric light, feed and other
5 (except trolley) wires to be placed underground.

6 (b) *Owners and operators to comply.*

7 All corporations or individuals owning or operating overhead lines within the City of
8 Baltimore shall place their wires underground in accordance with Chapter 200, Laws of
9 Maryland 1892, when ordered to do so by the Department of [Public Works]
10 TRANSPORTATION.

11 (c) *Exception.*

12 Nothing in this section prohibits the community known as Little Italy, whose boundaries
13 are described in CITY CODE Article 31, [§ 10-13(a)] § 10-34(A) [of the City Code], from
14 using overhead wires for purposes of illumination, subject to the following conditions:

15 (1) plans for the placement and removal of the decorative lighting must be submitted
16 to and approved by the Director of [Public Works] TRANSPORTATION; and

17 (2) all costs associated with the lighting, including the purchase, maintenance, repair,
18 electricity, removal, and insurance, are the responsibility of the Little Italy
19 community.

20 **§ 23-8. Bonds.**

21 The Department of [Public Works] TRANSPORTATION [is hereby directed to] SHALL require
22 from all corporations or persons desiring space or compelled to rent space in the [said] THE
23 conduits, a bond with good and satisfactory surety in amount equal to \$100 per mile of duct
24 rented before [said] THE corporations or persons are allowed to place any of their wires or
25 cables in [said] THE conduits.

26 **§ 23-9. Failure to relocate wires.**

27 (a) *Fine: \$50 / day / pole.*

28 [Said corporations] CORPORATIONS or individuals failing to comply with the order of the
29 Department of [Public Works] TRANSPORTATION to place their wires underground within
30 150 days from the time of [said] notification, to be served on the president, manager, or
31 other legal representative of [said] THE corporations, or on the individuals or
32 representatives of individuals owning or operating overhead wires, [shall be] ARE subject
33 to a fine of \$50 for each [and every] pole left standing for each [and every] week [over
34 and above] BEYOND the 150 days [above] specified, [said] THESE fines to be collected as
35 other fines for the violation of City ordinances.

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1 (b) *Removal by Department.*

2 The Department of [Public Works] TRANSPORTATION [is hereby directed to] SHALL chop
3 or saw down and remove the poles and wires of any corporation or individual failing to
4 comply with the notification of the Department within 178 days from the time of serving
5 [said] THE notice.

6 **§ 23-10. Tampering with conduits.**

7 (a) *Permit required to tamper.*

8 It [shall be] IS unlawful for any person or persons to tamper with or open or in any way
9 interfere with any of the manholes or lines of conduits in the City Electrical Conduit
10 System or any OF ITS appurtenances [thereof] or equipment [therein], without first having
11 obtained a permit from the Department of [Public Works] TRANSPORTATION as provided
12 for in the rules and regulations governing the use of the City underground conduits, AS
13 established AND AMENDED FROM TIME TO TIME by the Department, in conformity with
14 [the provisions of] this article[, with such amendments thereto as may from time to time
15 be adopted].

16 **Subtitle 24. Telephone Wires**

17 **§ 24-2. Conditions and limitations.**

18 (b) *Supervision of [Public Works] DOT.*

19 (1) Before constructing any portion of [such] THE conduit or conduits, the companies
20 shall file with the Director of [Public Works] TRANSPORTATION a plan showing the
21 location and character of the portion or portions of the conduit or conduits next
22 proposed to be constructed.

23 (2) [And every such] EVERY conduit or part thereof shall be constructed under the
24 supervision of the Director of [Public Works] TRANSPORTATION.

25 (c) *Damage to other property.*

26 (2) All paving [which may be] THAT IS temporarily removed by the [said] THE companies
27 in the course of [the construction of] CONSTRUCTING any conduit or conduits
28 authorized by § 24-1 OF THIS SUBTITLE, shall be restored or replaced, under the
29 direction and superintendence of the Director of [Public Works] TRANSPORTATION,
30 by the companies or company constructing [said] THE conduit or conduits, [and] at
31 their or its expense, in a manner satisfactory to [said] THE Director.

32 **Subtitle 25. Inspection Costs**

33 **§ 25-2. Assessment of costs.**

34 In all work [hereafter] to be done under the supervision of the Director of Public Works,
35 DIRECTOR OF TRANSPORTATION, OR DIRECTOR OF GENERAL SERVICES [which] THAT, in [his]
36 THE judgment OF THE DIRECTOR HAVING JURISDICTION, requires the services of an inspector,
37 the party or parties doing [such] THE work:

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- 1 (1) shall pay the City the reasonable costs of [such] THE inspection; and
- 2 (2) shall make a deposit of money to cover the cost of [such] THE inspection [in any and
- 3 all cases where] IF the Director [of Public Works deems such] CONSIDERS A deposit
- 4 necessary for the protection of the City’s interests.

Article 28. Taxes

Subtitle 23. Pole License Fee

§ 23-2. Identification and report.

8 All persons and corporations having, using, or maintaining any telegraph, telephone, electric
9 light, or other poles in any of the streets, lanes, or alleys of the City of Baltimore, shall:

- 10 (1) annually, between May 15 and June 1, in each and every year, file with the Director
- 11 of [Public Works] TRANSPORTATION a list of all [such] poles so used, possessed, or
- 12 maintained by them, giving the accurate locations of each [of such poles] POLE; and
- 13

§ 23-5. Removal of noncomplying poles.

15 All telegraph, telephone, electric light, and other poles in any of the streets, lanes, and alleys
16 of the City [of Baltimore] (except trolley poles used exclusively for [stringing thereon] wires
17 [for use] USED in the propulsion of street passenger cars):

- 18 (1) which have not been included in any list filed in accordance with § 23-2 with the
- 19 Director of [Public Works] TRANSPORTATION; or
- 20 (2) upon which the name of the owner is not legibly painted, printed, or stamped; or
- 21 (3) upon which the [above-mentioned] license fee has not been paid; or
- 22 (4) on which the [above] prescribed tin plate is not securely fastened in some
- 23 conspicuous place,

24 on or before June 15 in any year, shall be forthwith removed by its owner[,] and, in default
25 thereof, may be cut or taken down AND REMOVED FROM THE STREETS by the Director of
26 [Public Works] TRANSPORTATION [and removed from the streets by him], in addition to the
27 [said] owner incurring the penalties provided in § 23-7 OF THIS SUBTITLE.

§ 23-7. Criminal penalties.

29 Any person or persons, or corporation using, possessing, or maintaining any telegraph,
30 telephone, electric light, or other poles in any of the streets, lanes, and alleys of the City [of
31 Baltimore]:

- 32 (1) who [shall fail] FAILS to file A LIST OF THESE POLES with the Director of [Public
- 33 Works] TRANSPORTATION, as prescribed in § 23-2 OF THIS SUBTITLE[, a list of said
- 34 poles]; [or]

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(2) who [shall fail] FAILS to have stamped, printed, or painted in legible characters, [his or its] THE OWNER’S name [as owner upon] ON each of [such] THESE poles, as prescribed in [said] § 23-2 OF THIS SUBTITLE;

[by June 15 of each and every year; or]

(3) who, [if belonging to the classes] AS required BY § 23-3 OF THIS SUBTITLE [to pay a fee of \$2 on each pole by § 23-3,]:

(I) [shall fail] FAILS to pay the [said] PRESCRIBED fee FOR EACH POLE; or

(II) [(4) shall fail] FAILS to have the PRESCRIBED tin plate [therein prescribed] securely fastened in some conspicuous place

by [the said] June 15 of each and every year, [upon all such telegraph, telephone, electric light, or poles so used, possessed, or maintained by him or them,] shall forfeit and pay a fine of \$10 for each pole [upon] FOR which he, they, or it are so in default; [such] THIS fine to be collected as other fines and penalties for the violation of City ordinances are collected.

Article 31. Transit and Traffic

Subtitle 1, Definitions; General Provisions

§ 1-1. Definitions – A to L.

(a) *In general.*

[The] IN THIS ARTICLE, THE following [words and phrases used in this article shall] TERMS have [for the purposes of this article] the meanings [respectively provided in this subtitle (unless specifically stated otherwise)] INDICATED.

(H-1) *DEPARTMENT.*

“DEPARTMENT” MEANS THE BALTIMORE CITY DEPARTMENT OF TRANSPORTATION.

(H-2) *DIRECTOR.*

“DIRECTOR” MEANS THE DIRECTOR OF THE BALTIMORE CITY DEPARTMENT OF TRANSPORTATION OR THE DIRECTOR’S DESIGNEE.

(k) *Expressway.*

“Expressway” means:

(1) any limited-access through highway or freeway designated as [such] AN EXPRESSWAY by the Director of [Public Works] TRANSPORTATION; or

(2) any highway designated as an expressway by [ordinances passed by] ORDINANCE OF the Mayor and City Council in accordance with and for the purposes of that portion of [this] THE CITY Code [which] THAT deals with the prohibition of advertising matter [thereon and] ON OR adjacent [thereto] TO AN EXPRESSWAY.

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§ 1-2. Definitions – M to R.

(g) *Person.*

“Person” means:

(1) [every natural person,] AN INDIVIDUAL;

(2) A PARTNERSHIP, firm, [copartnership,] association, [or] corporation OR OTHER ENTITY OF ANY KIND; OR

(3) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR REPRESENTATIVE OF ANY KIND.

§ 1-3. Definitions – S to Z.

(i) *Traffic control device.*

“Traffic control device” means any official device [which] THAT controls or directs the movement of traffic.

(j) *Traffic control signal.*

“Traffic control signal” means any TRAFFIC CONTROL device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

Subtitle 2. General Administration

§ 2-1. Director of [Public Works] TRANSPORTATION.

(a) *To administer article*

Except as otherwise specifically stated, the Director of [Public Works] TRANSPORTATION shall administer the provisions of this article.

(b) *To perform other assigned duties.*

The Director [of Public Works] shall ALSO perform the OTHER duties that are imposed by ordinance or assigned by the Mayor [of the City of Baltimore].

§ 2-2. Rules and regulations.

(a) *In general.*

The Director of [Public Works] TRANSPORTATION may:

(1) adopt [such] rules and regulations [as he may deem necessary for the proper transaction of his business] TO CARRY OUT THIS ARTICLE; and

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1 (2) adopt [and promulgate] rules, regulations, orders, and directives relating to or in
2 connection with the movement of vehicular and pedestrian traffic in the City of
3 Baltimore.

4 (b) *Filing [with Legislative Reference].*

5 Copies of all [administrative] THESE RULES, regulations, ORDERS AND DIRECTIVES [issued
6 by the Director of Public Works] shall be filed and kept on record in the Department of
7 [Legislative Reference] TRANSPORTATION.

8 **§ 2-3. Records.**

9 (a) *Director to keep.*

10 [(1)] The Director of [Public Works] TRANSPORTATION shall keep records of:

11 (1) [his] THE DEPARTMENT'S proceedings; AND

12 (2) [He shall keep a record of] all resolutions, transactions, findings, determinations,
13 decisions, and administrative regulations.

14 (b) *Open to public.*

15 All the records of the [Director] DEPARTMENT of [Public Works] TRANSPORTATION:

16 (1) ARE PUBLIC RECORDS; AND

17 (2) shall be kept in the DIRECTOR'S office [of the Director of Public Works and shall
18 be public records].

19 **§ 2-4. Employees, consultants, etc.**

20 (a) *Employees, etc.*

21 (1) The Director of [Public Works] TRANSPORTATION may appoint, employ, hire, or
22 engage assistants, aides, and employees as necessary for the proper performance of
23 the Director's duties and functions.

24 (2) The compensation of those assistants, aides, and employees shall be [paid] as
25 provided in the [annual] Ordinance of Estimates.

26 (b) *Consultants, etc.*

27 [The Director of Public Works, subject] SUBJECT to the prior approval of the Board of
28 Estimates, THE DIRECTOR also may employ or hire, from time to time, on a temporary
29 basis, by contract, consulting, planning, or designing engineers or other persons
30 possessing technical or specialized skills in connection with the duties, powers, and
31 function of the [Director of Public Works] DEPARTMENT.

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§ 2-5. General powers and duties.

The Director of [Public Works] TRANSPORTATION [be and he is hereby granted] HAS full power and authority [and is directed] to do any and all of the following:

- ...
(10)(i) designate portions of certain streets as transit lanes and to specify the type of vehicles and the particular use to which the [said] lanes may be put; and
- (ii) further, prohibit parking or stopping in the manner and subject to the conditions and limitations set forth in § 2-6 of this subtitle on portions of streets designated as transit lanes, and whenever the Director [of Public Works] has prohibited stopping or parking in [such] THESE lanes in accordance with § 2-6 of this subtitle and a vehicle [shall be] IS stopped or parked contrary to an administrative regulation, and signs are posted warning that stopping or parking in violation of [such] THE regulation will result in the impounding of [said] THE motor [vehicles] VEHICLE, the Police Department [of Baltimore City] shall impound [such vehicles] THE VEHICLE in the manner and under the conditions set forth in Subtitle 31 of this article;
- ...
(14)(i) have and exercise all control over traffic [which] THAT the Police Commissioner [of the City of Baltimore] had prior to the time of the establishment of the FORMER Traffic Commission of Baltimore City, including the power to establish special “no parking” spaces;
- (ii) further, provided that whenever special conditions make it necessary or expedient to prepare plans for the integrated operation of traffic, the [said] Director [of Public Works shall have the power to] MAY make such special regulations with regard to traffic; and
- (iii) nothing in this section [shall] MAY be construed to delimit the power of the Police Commissioner, as set forth in § 28-1 of this article, to act in emergencies or special situations;
- ...
(16) prepare and submit to the Mayor and City Council an annual report of the progress and operations of the Department of [Public Works] TRANSPORTATION;
- (17) make recommendations to the Mayor and City Council of Baltimore for [the improvement] IMPROVEMENTS of traffic conditions [in the City of Baltimore, which] THAT cannot be accomplished by the directives, orders, rules, or regulations [promulgated by the Director of Public Works as authorized by] ADOPTED UNDER § 2-2 of this article;
- (18) hold [such] public hearings as, in [his] THE DIRECTOR’S discretion, may be necessary in connection with the exercise of his OR HER powers, [as set forth herein], [such] THESE hearings to be held and conducted in the manner determined by the Director [of Public Works];
- ...
(24) prohibit stopping [and/or] OR parking on sections of roads, streets, lanes, or alleys[,] or adjacent to structures or [adjacent to] intersections where, in the opinion of the Director [of Public Works], THE presence of grades, hills, curves, bridge approaches,

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1 underpasses, or inadequate sight-distances create hazardous, hazard-producing, or
2 unusual parking conditions; and
3

4 **§ 2-6. Parking restrictions and 1-way streets.**

5 (a) *Basic limitations.*

6 (1) Except [under the conditions outlined and] AS provided [for herein below] IN THIS
7 SECTION, the Director of [Public Works] TRANSPORTATION [shall] DOES not have the
8 power:

- 9 (i) to adopt [and promulgate] rules, regulations, orders, or directives in the nature
10 of general parking and stopping restrictions; or
- 11 (ii) to establish 1-way streets.

12 (2) Except as [outlined and] provided for [herein below] IN THIS SECTION, the power to
13 make general parking and stopping restrictions or to establish 1-way streets is
14 specifically reserved to the Mayor and City Council, to be exercised by ordinance.

15 (b) *Temporary regulation.*

16 (1) [The] BY ADMINISTRATIVE REGULATION, THE Director [of Public Works] may
17 establish [by administrative regulation] temporary parking and stopping restrictions,
18 including reserved parking for disabled persons,[and/or] OR temporary 1-way
19 streets[.,].

20 (2) [to be fully] UNLESS EXTENDED AS PROVIDED IN THIS SECTION, THE ADMINISTRATIVE
21 REGULATION IS effective [as established] for a period OF not [to exceed] MORE THAN 6
22 months.

23 (c) *Procedure to extend regulation.*

24 (1) [Such an] THE DIRECTOR MAY SEEK TO EXTEND THE administrative regulation [may
25 be made permanently] INDEFINITELY OR FOR A TERM OF YEARS [effective] by [the
26 Director's] giving WRITTEN notice OF THE PROPOSED EXTENSION, not less than [15] 30
27 days [prior to] BEFORE the [expiration] END of the [aforesaid] 6-month period, to the
28 President of the City Council [and the Chairman of the Highways and Franchises
29 Subcommittee of the City Council].

30 [(2) Such notice shall include the administrative regulation in question, together with a
31 statement that the Director of Public Works desires said regulation to become
32 permanent.]

33 (2) [(3)] If, WITHIN THE 30-DAY PERIOD, no written objection to the [administrative
34 regulation] EXTENSION is made AND SUBMITTED TO THE DIRECTOR by the COUNCIL
35 President [of the City Council] or BY [the Chairman of the Highways and Franchises
36 Subcommittee and forwarded to the Director of Public Works] A MEMBER OF THE
37 CITY COUNCIL WHO REPRESENTS ALL OR PART OF THE AFFECTED AREA, the regulation

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1 [shall cease to be temporary and become permanently effective] IS EXTENDED at the
2 end of the [aforementioned] 6-month period.

3 (3) [(4)] If [such] a TIMELY written objection is received by the Director [of Public
4 Works], [an] THE COUNCIL PRESIDENT SHALL INTRODUCE A PROPOSED ordinance
5 setting forth the provisions of the administrative regulation [shall be introduced into
6 the City Council] and, depending [upon] ON the passage or failure of the ordinance,
7 the administrative regulation [shall] WILL become [permanently] effective IN
8 ACCORDANCE WITH THE TERMS OF THE ORDINANCE or be of no further force or effect.

9 (d) *Termination by ordinance.*

10 At any time after [such] an administrative regulation is [issued] ADOPTED OR EXTENDED
11 UNDER THIS SECTION, the Mayor and City Council may [by] ENACT AN ordinance [direct
12 the Director of Public Works to rescind] RESCINDING OR MODIFYING the administrative
13 regulation [concerning any parking and stopping restrictions or 1-way streets established
14 by him in accordance with this section and at the time when such an ordinance shall
15 become effective, the administrative regulation referred to shall be abrogated and be of
16 no further force or effect].

17 (e) *Section not binding on future legislatures.*

18 Nothing in this section [shall] MAY be construed or applied to limit the right of the Mayor
19 and City Council by ordinance to legislate on the subject matter contained in this article.

20 **§ 2-7. [Ticket fixing] REQUEST TO NOL PROS CITATION.**

21 (a) *In general.*

22 The Director of [Public Works] TRANSPORTATION [is authorized to declare invalid and]
23 may [cancel] REQUEST THE STATE’S ATTORNEY TO ENTER A NOLLE PROSEQUI ON any
24 [citations] CITATION for a stopping, standing, or parking [violations] VIOLATION THAT
25 WAS ISSUED:

26 (1) due to a defect in the traffic control device regulating stopping, standing, or
27 parking[.]; or

28 (2) where there has been insufficient or improper notice of violation insofar as
29 stopping, standing, or parking is concerned.

30 (b) *Limitations.*

31 The Director [of Public Works] may not [authorize the cancellation of] REQUEST A NOLLE
32 PROSEQUI FOR any citation where the reasons for [said cancellation] THE REQUEST are
33 dependent [upon] ON the testimony of [the] parties directly concerned.

34 (c) *Reasons to be documented.*

35 In all cases where the Director [of Public Works authorized the cancellation of a citation]
36 REQUESTS A NOLLE PROSEQUI, the reasons for [said authorization] THE REQUEST shall be
37 fully documented.

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1 § 2-8. Review of plans for buildings and facilities.

2 (a) *Public structures.*

3 All designs, drawings, and plans prepared by any department or agency of the [Mayor
4 and] City [Council of Baltimore] for the construction or location of any public building,
5 park, [or] recreational area, or [other] structure [which] THAT may affect the movement of
6 traffic in the City [of Baltimore,] shall be submitted to the Director of [Public Works]
7 TRANSPORTATION for review and recommendation before any actual construction
8 operations are commenced.

9 (b) *Private commercial or industrial.*

10 [And in] IN all cases where designs, drawings, or plans are submitted to any department
11 or agency of the [Mayor and] City [Council of Baltimore] in connection with an
12 application for a permit or authorization to construct or locate any proposed privately
13 owned commercial or industrial building or structure, including but not limited to any
14 off-street parking facility or garage to be used by the public, [which] THAT may affect the
15 movement of traffic in the City [of Baltimore], the department or agency [of the
16 municipality] receiving [such] designs, drawings, or plans shall immediately notify the
17 Director of [Public Works] TRANSPORTATION [upon the receipt of such designs,
18 drawings, or plans] so that the Director [of Public Works] may have an opportunity to
19 review [such] THE designs, drawings, or plans and make recommendations relative
20 [thereto] TO THEM.

21 § 2-9. Street signs.

22 The function of placing and maintaining suitable signs bearing names of streets throughout
23 the City is removed from the Bureau of Mechanical-Electrical Service and placed under the
24 Director of [Public Works] TRANSPORTATION.

25 § 2-11. Inconsistent laws, etc.

26 Any and all laws, ordinances, and regulations and any and all parts of any and all laws,
27 ordinances, and regulations in force in the City [of Baltimore] THAT ARE inconsistent with
28 the provisions of this subtitle or with any rule, regulation, order, or directive [hereafter
29 promulgated] ADOPTED by the Director of [Public Works] TRANSPORTATION[, as
30 hereinbefore provided,] UNDER THIS SUBTITLE are [hereby] repealed to the extent of [any
31 such] THE inconsistency, and any and all laws, ordinances, and regulations and any and all
32 parts of any and all laws, ordinances, and regulations in force in the City [of Baltimore] not
33 inconsistent, amended, or superseded by the provisions of this subtitle or any rule, regulation,
34 order, or directive [hereafter promulgated] ADOPTED by the Director of [Public Works]
35 TRANSPORTATION [shall] remain in full force and effect.

36 Subtitle 3. General Prohibitions

37 § 3-1. Defacing, etc., imitating, traffic devices.

38 It [shall be] IS unlawful for any person, without lawful authority, to wilfully deface, injure,
39 imitate, move, or interfere with any signs, standards, post, safety zone, semaphore, tower,

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1 automatic signal, or any other traffic device, or any part [thereof] OF THEM, or with any
2 directing lines or marks painted in the roadway, or [upon] ON any curb or pavement, erected
3 by [the] authority of [said Director of Public Works] THE CITY, or any directions, lines, or
4 marks painted by [the] authority of [said Director of Public Works] THE CITY on any
5 pavement, curb, or roadway for the purpose of directing traffic or parking vehicles.

6 § 3-2. Noncompliance with traffic devices.

7 It [shall be] IS unlawful for any person to fail, neglect, or refuse to comply with any
8 instruction or direction on any post, standard, sign, or with any directing lines or marks
9 painted in the roadway, or [upon] ON any curb or pavement, or other device erected by [the]
10 authority of [said Director of Public Works] THE CITY for the regulation of traffic or parking
11 on public highways.

12 § 3-3. Violating rules.

13 It [shall be] IS unlawful for any person to violate any rule, regulation, order, or direction
14 [promulgated] ADOPTED by [said] THE Director of [Public Works] TRANSPORTATION[, as
15 hereinbefore provided] UNDER THIS SUBTITLE.

16 Subtitle 6. Parking, Standing, and Stopping Regulations

17 § 6-1. In general.

18 (c) *Angle-parking.*

19 Where it has been determined that a roadway is of sufficient width to permit
20 angle-parking without interfering with free movement of traffic, the Director of [Public
21 Works] TRANSPORTATION may permit angle-parking by the erection of signs so stating.

22 § 6-6. Fire hydrants, lanes, houses.

23 (b) *Fire lanes.*

24 (2) *Designation and posting.*

25 (i) The Fire Chief shall designate the lanes to be utilized as fire lanes.

26 (ii) The owner of the property shall post [such] THESE lanes in a manner approved by
27 the Director of [Public Works] TRANSPORTATION.

28 (c) *Engine houses.*

29 No vehicle [shall] MAY stop in front of or opposite to any fire engine house in spaces
30 designated by the Director of [Public Works] TRANSPORTATION.

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§ 6-9. Space reserved for disabled persons.

(b) *Parking and stopping restricted.*

A vehicle without special registration plates for disabled persons or not displaying a disabled person's parking permit issued by the Motor Vehicle Administration may not be stopped in a space or zone marked IN ACCORDANCE WITH THIS SECTION as restricted to the use of disabled persons, on private or City-owned property open to the use of the general public.

(c) *Sign specifications.*

(1) [Provided that the] THE space or zone [is] MUST BE marked by a sign [which] THAT meets the following specifications [set by the Director of Public Works]:

(i) Sign size 18"x 24".

(ii) Wheelchair symbol, white on blue background.

(iii) Sign to read:

Parking for (Wheelchair Symbol) vehicles displaying handicapped tags or Motor Vehicle Administration permit. Other cars towed away and owner subject to fine.

(iv) Red letters on white background and red border.

(2) Signs [shall] MUST be approved by the Director of [Public Works] TRANSPORTATION.

(d) *Notice of posting.*

After erection of a handicapped parking sign, the owner of the property shall notify the Director of [Public Works] TRANSPORTATION that a sign has been posted in accordance with this section.

§ 6-12. Private driveways.

(b) *Marking or signing area.*

[The] ON REQUEST OF THE OWNER OR OCCUPANT OF THE PREMISES, THE Director of [Public Works] TRANSPORTATION[, upon request of the owner or occupant of said premises]:

(1) shall determine the distance from the driveway in question, not to exceed a distance of 10 feet, in which parking [shall] SHOULD be prohibited in order to prevent obstruction or interference with vehicles entering and leaving the premises or in order to expedite the free movement of traffic; and

(2) either:

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1 (i) may authorize the owner or occupant of the premises to paint the curbs
2 adjacent to the driveway for the distance SO determined [in such manner]
3 and with [such] THE type OF paint [as shall be] specified by the Director
4 [of Public Works]; or

5 (ii) if the owner of the premises so requests in writing and [does] also [agree]
6 AGREES in writing to waive his OR HER right to consent to the obstruction
7 of [said] THE driveway, may place signs [which shall] THAT prohibit
8 stopping during [such] THE hours [as] THAT the Director [shall find] FINDS
9 necessary.

10 (c) *Posting for impounding.*

11 (1) [Upon] ON the written request of the owner or occupant and [provided that] IF the
12 owner or occupant pays the complete cost of inspection, fabrication, and erection,
13 THE DIRECTOR OF TRANSPORTATION SHALL:

14 (i) [the Director of Public Works shall] determine, on a case-by-case basis, in the
15 case of nonresidential property, the times when stopping is prohibited; and

16 (ii) [shall] erect signs on either side of the entrance to a private way, driveway, or
17 service drive.

18 (2) Signs posted for residential property shall read “No Stopping Any Time – Cars
19 Towed Away”.

20 (3) Signs posted for nonresidential property shall read "No stopping from ____ to ____.
21 Cars Towed Away”, or “No Stopping Any Time – Cars Towed Away”, as determined
22 by the [Department of Public Works] DIRECTOR OF TRANSPORTATION.

23 (4) [All such] THESE signs ARE AND shall [be and] remain the property of the City of
24 Baltimore.

25 **§ 6-13. Public buildings.**

26 (a) *In general.*

27 [No vehicles shall be] IN THE FOLLOWING LOCATIONS, NO VEHICLE IS permitted to stand
28 longer than actually necessary to take on or discharge passengers, baggage, freight, or
29 merchandise:

30 (1) in front of the entrance to any church, theater, public dance or entertainment hall,
31 or driveway (public or private);

32 (2) within 25 feet to any entrance to any hospital; or

33 (3) in front of any theater or place of amusement or in front of any exits or fire
34 escapes from a theater or place of amusement, where performances or
35 amusements are being held, or where persons in large numbers are assembled.

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1 (b) *Shipping entrances.*

2 [Nor shall any] NO vehicle [be] IS permitted to stand longer than actually necessary to
3 take on or discharge passengers, baggage, merchandise, or freight in front of any
4 shipping or receiving entrance to business houses and other places where “No Parking”
5 spaces have been established by the Director of [Public Works] TRANSPORTATION[,] and
6 designated by proper signs or markings.

7 (c) *Municipal property.*

8 [Nor shall any] NO vehicle, not belonging to the Police Department, Fire Department, or
9 other municipal departments, [be] is permitted to stand longer than actually necessary to
10 take on or discharge passengers, baggage, merchandise, or freight in any space reserved
11 by appropriate signs or markings, provided by the Director of [Public Works]
12 TRANSPORTATION, in front of any public building or other places for the parking of
13 vehicles belonging to the [said] A MUNICIPAL department.

14 **§ 6-14. Street cleaning routes.**

15 (a) *Posting signs.*

16 The Director of [Public Works] TRANSPORTATION shall, at the request of the Director of
17 Public Works, post “Street Cleaning” signs on certain streets, lanes, or alleys throughout
18 the City.

19 **§ 6-15. Snow emergency routes.**

20 (a) *Parking prohibited during snow emergency.*

21 Whenever the Director of [Public Works] TRANSPORTATION has declared that an
22 emergency exists due to the covering or partial covering of any of the streets in Baltimore
23 City by snow, sleet, or freezing rain, no vehicle [shall be] IS permitted to park on any of
24 the streets of the City [of Baltimore which] THAT the Director [of Public Works] has
25 designated as “snow emergency routes”.

26 (b) *Removal of vehicles.*

27 [The] WHEN A SNOW EMERGENCY HAS BEEN DECLARED BY THE DIRECTOR OF
28 TRANSPORTATION, THE Police Commissioner [of Baltimore City is authorized and
29 empowered to] MAY take possession of and [to] remove any [parked] vehicle [or vehicle]
30 PARKED OR abandoned so as to obstruct traffic on any [of those streets in the City of
31 Baltimore which] STREET THAT [have] HAS been designated as A “snow emergency
32 [routes] ROUTE” [during such times as the Director of Public Works has declared that an
33 emergency exists].

34 **§ 6-36. Stopping prohibited.**

35 No motor vehicle [shall] MAY stop or be permitted to stop, at any time, on any of the areas
36 [which] THAT, from time to time, are specified in this subtitle, unless [such] THE vehicle
37 [shall have] conspicuously [displayed thereon] DISPLAYS a permit, APPROVED BY THE

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1 DIRECTOR OF TRANSPORTATION AND issued by the head, chairman, or president, as the case
2 may be, of the municipal agency having jurisdiction over the particular area, [and approved
3 by the Director of Public Works,] authorizing [such] THE motor vehicle to stop on the
4 particular area.

5 **Subtitle 8. Exceptions to Parking Regulations**

6 **§ 8-1. Sundays and holidays.**

7 (a) *Director may adopt exceptions.*

8 (1) If a provision of this article governing the stopping, standing, or parking of vehicles
9 does not contain an exception for Saturdays, Sundays, or legal holidays, the Director
10 of [Public Works] TRANSPORTATION may establish an exception to that provision for
11 Saturdays, Sundays, or legal holidays.

12 **§ 8-4. Plate glass deliveries.**

13 (b) *Limitations.*

14 (1) These vehicles are not permitted to stand at locations where stopping is prohibited or
15 where they will obstruct the free movement of vehicles or pedestrians, unless they
16 have a permit to do so from the Director of [Public Works] TRANSPORTATION.

17 (2) [Such] THESE permits shall be issued by the Director and shall be renewable yearly.

18 (3) No more than 1 permit [shall] MAY be issued to each glass company.

19 **§ 8-5. Banks.**

20 (A) [(b)] *Director to issue permits.*

21 [The Director of Public Works is hereby authorized, upon] ON the joint application of a
22 banking institution and a person[, association,] or [corporation] ENTITY conducting A
23 BANK COURIER business [located within] IN the City [of Baltimore], THE DIRECTOR OF
24 TRANSPORTATION [to] MAY issue a permit authorizing [such] THAT person[, association,]
25 or [corporation] ENTITY, or his or its agent or appointee, to park his or its vehicles, as
26 provided [herein] IN THIS SECTION.

27 (B) [(a)] *Standing with permit.*

28 [Notwithstanding the provisions of any other ordinance or ordinances to the contrary,
29 vehicles] VEHICLES with permits [from the Director of Public Works, as herein
30 authorized] UNDER THIS SECTION, may stand for a period of not more than 5 minutes at
31 any 1 time, between the hours of 11 a.m. and 1 p.m. on weekdays, in front of or on the
32 side of the premises of the banking institution [as provided for] SPECIFIED in [such] THE
33 permit, for the purpose of the withdrawal or deposit of substantial amounts of currency
34 and evidences of indebtedness.

Subtitle 9. Parking for Disabled Persons and Helpers

Part 1. Reserved Parking for Disabled Persons

§ 9-1. Criteria for obtaining.

(a) *In general.*

A disabled person may be eligible for a reserved parking space if the person meets the following criteria:

- (1) the disability of the applicant must be permanent or of a nature expected to adversely affect the applicant for at least 1 year;
- (2) the applicant must be unable to use public transportation, leaving a personal vehicle as the only means of transportation;
- (3) the applicant must be the sole operator of the vehicle or, if the applicant is dependent upon a non-handicapped driver for transportation, the driver must reside in the same household;
- (4) parking space must be available that is not restricted by other parking regulations;
- (5) off-street parking is not available, such as a driveway, garage, or parking pad, on the applicant's property; and
- (6) the applicant submits an application in the form that the Director OF TRANSPORTATION requires.

§ 9-2. Procedure.

(a) *Application to [Director] DEPARTMENT.*

- (1) Any person desiring a reserved parking space and meeting the criteria of § 9-1 of this subtitle may submit an application for a reserved parking permit to the Department of [Public Works] TRANSPORTATION.
- (2) The Department [of Public Works] shall review each application.

(b) *Approvals.*

If a determination is made that the applicant meets the criteria for a space, then:

- (1) a temporary permit shall be issued; and
- (2) an administrative regulation describing the location of the reserved space shall be submitted to the City Council and shall be processed as described in § 2-6 of this article.

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1 (c) *Denials.*

2 (1) If the Department [of Public Works] determines that the applicant does not meet the
3 criteria for a reserved parking space, the Department shall so notify the applicant in
4 writing, stating the reason for the denial of space.

5 (2) If the Department denies the permit, the applicant may appeal the decision to the
6 Director. The Director shall review the case and may, in the Director's discretion,
7 reverse the denial and grant a temporary permit.

8 **§ 9-3. Use, renewal, and termination.**

9 (b) *Validation and renewal*

10 Reserved parking permits must be:

11 (1) validated upon the expiration of 6 months from their date of issue; and

12 (2) renewed each year in the manner and form determined by the [Director of Public
13 Works] DEPARTMENT.

14 (c) *Notice when no longer needed.*

15 The holder of a reserved parking permit or the holder's heirs shall notify the Department
16 [of Public Works] when a reserved parking space is not longer needed.

17 ***Part 2. Reserved Parking for Helpers***

18 **§ 9-12. Criteria and procedure for obtaining**

19 (a) *In general.*

20 A person who regularly renders assistance to a disabled person may apply to the
21 [Director of Public Works] DEPARTMENT OF TRANSPORTATION for a permit for 1
22 reserved parking space at the disabled person's home.

23 (c) *Review.*

24 The [Director of Public Works] DEPARTMENT shall review each application to determine
25 that:

26 (1) suitable off-street parking, such as a driveway, garage, or parking pad, is not
27 available;

28 (2) suitable parking space not restricted by other parking regulations is available; and

29 (3) the disabled person meets the criteria for a reserved parking space.

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Subtitle 11. Miscellaneous Reserved Parking

§ 11-1. Pratt bookmobiles.

(a) *In general.*

The Enoch Pratt Free Library [shall have the right to] MAY park its vehicles for the display and lending of books, commonly known as bookmobiles, in areas where parking is permitted for limited periods of time, for [such] THE periods and at [such] THE locations [as may be approved by] THAT the Director of [Public Works] TRANSPORTATION APPROVES.

(b) *Application.*

Permission to park [in such spaces shall] UNDER THIS SECTION MAY be granted only [after] ON written application by a duly authorized representative of the Enoch Pratt Free Library to the Director of [Public Works] TRANSPORTATION.

(c) *Permit required.*

There shall be attached to each [such] vehicle a special parking permit, as required by the Director of [Public Works] TRANSPORTATION, showing the approval for each location[,] where the bookmobile may be parked and the hours during which it may be parked at that location.

(d) *Notice to Police Commissioner.*

Sufficient notice of an intention to park a bookmobile in such a location shall be provided to the Police Commissioner in advance of the time when the bookmobile will be at a particular place, in order to facilitate the warning of other vehicles that the space will be reserved for the bookmobile for a specific time and location.

[§ 11-2. City Council.]

[All members of the City Council, the Chief Clerk of the City Council, the Fiscal Adviser to the City Council, the Director of the Department of Legislative Reference, and no other person, shall be issued special permits by the Director of Public Works, which shall be displayed on their vehicles and which will entitle them and no other person to park at the following locations:

(1) Fayette Street, north side, from Gay Street to Holliday Street, between 8 a.m. and 6 p.m.

(2) Lexington Street, south side, from Holliday Street to Gay Street, between 8 a.m. and 6 p.m.]

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1 Subtitle 12. Off-Street Parking Commission

2 § 12-1. Commission; members.

3 (a) *Commission established.*

4 Pursuant to the power and authority vested in the Mayor and City Council of Baltimore
5 by Chapter 611, Laws of Maryland 1947, and Chapter 28, Laws of Maryland 1948,
6 Special Session, and by Ordinance 48-338, approved July 2, 1948, there is [hereby
7 created] a commission to be known as “The Off-Street Parking Commission of Baltimore
8 City”[,].

9 (B) *COMPOSITION.*

10 (1) [to consist] THE COMMISSION CONSISTS of 11 members[:].

11 (2) [(1)] 7 of [whom] THE MEMBERS shall be the following:

12 (i) the Mayor or [his] THE MAYOR’S designee;

13 (ii) a member of the City Council, who shall be elected by that body;

14 (iii) the Commissioner of Housing and Community Development or [his] THE
15 COMMISSIONER’S designee;

16 (iv) the Director of Planning or [his] THE DIRECTOR’S designee;

17 (v) the [Commissioner of Transit and Traffic] DIRECTOR OF TRANSPORTATION or
18 [his] THE DIRECTOR’S designee;

19 (vi) the Director of Finance or [his] THE DIRECTOR’S designee; and

20 (vii) the Director of [Public Works] GENERAL SERVICES or [his] THE DIRECTOR’S
21 designee[; and].

22 (3) [(2)] 4 of [whom] OF THE MEMBERS shall be persons interested in the development
23 and establishment of off-street parking facilities[,], and other matters relating to
24 parking, [and who shall] TO be appointed by the Mayor [of Baltimore City] in the
25 manner prescribed by Article IV, § 6 of the [Baltimore] City Charter.

26 (C) [(b)] *Appointed members.*

27 [(1)] None of the persons appointed by the Mayor UNDER SUBSECTION (B)(3) OF THIS
28 SECTION [shall] MAY [hold any other public office], either at the time of [his]
29 appointment or [thereafter] DURING HIS OR HER TERM OF OFFICE:

30 (1) HOLD ANY OTHER PUBLIC OFFICE; OR

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1 (2) [Any person who is] BE an officer, employee, agent, or representative of any
2 individual, partnership, corporation, or association [who or which is] engaged in
3 the business of storing, parking, or servicing motor vehicles[, shall not be
4 appointed a member of the Commission].

5 **Subtitle 15. BMore Streets for People**

6 **§ 15-9. Exclusion of motor vehicles.**

7 The Director may exclude motor vehicles from streets along designated BMore Streets for
8 People routes during Program events, in accordance with the Department of [General
9 Services'] TRANSPORTATION'S permit process.

10 **§ 15-12. Composition.**

11 (a) *In general.*

12 (1) The Advisory Board consists of 26 members.

13 (2) Of these:

14 (i) 19 members are appointed by the Mayor in accordance with Article IV, § 6 of
15 the Baltimore City Charter; and

16 (ii) 7 members are agency representatives.

17 (c) *Agency representatives.*

18 The 7 agency representatives are the following, or their designated representatives:

19 (1) the Director of Transportation;

20 (2) the Health Commissioner;

21 (3) the Director of the Baltimore Office of Promotion and the Arts;

22 (4) the Director of the Office of Sustainability;

23 (5) the Director of the Office of Neighborhoods;

24 (6) the Police Commissioner; and

25 (7) the [Director of General Services] EXECUTIVE DIRECTOR OF THE BALTIMORE
26 CITY PARKING AUTHORITY.

1 **Subtitle 16. Use-of-the-Road Regulations**

2 **§ 16-2. Snow tires on public passenger vehicles.**

3 (a) *Winter-type mud and snow tire defined.*

4 For the purposes of this section, a winter-type mud and snow tire is any new, recapped,
5 retreaded, or rebuilt tire for the rear wheels of motor vehicles or trackless trolleys having
6 anti-skid patterns impressed or cut into the treaded surfaces to form bars, buttons, or
7 blocks which may contain perforations, ingredients, or metallic elements specially
8 designed to give effective traction on snow-, mud-, or ice-covered streets; and which tire
9 is subject to approval as to type and condition by the Director of [Public Works]
10 TRANSPORTATION.

11 **§ 16-3. Obstructions by certain public passenger vehicles for want of chains or snow tires.**

12 (a) *Director to regulate.*

13 The Director of [Public Works] TRANSPORTATION [is authorized and empowered to]
14 MAY adopt [and promulgate] rules and regulations [whereby he may] TO require that,
15 whenever certain named streets in [Baltimore] THE City are covered or partially covered
16 with snow, sleet, or freezing rain, no non-fixed wheel vehicle for the public
17 transportation of 10 or more people [shall] MAY operate [thereon] ON THOSE STREETS in
18 [such] A manner [as to stall or impede] THAT STALLS, IMPEDES, or [obstruct] OBSTRUCTS
19 traffic, [when such] IF THAT stalling, impeding, or obstructing is caused by the failure to
20 equip the vehicle with effective skid chains or effective snow tread tires.

21 **§ 16-12. Vehicles on sidewalk.**

22 (a) *Prohibited conduct.*

23 No person may back, draw, move, propel, drive, or operate any motor vehicle of any kind
24 or any vehicle of any kind that is drawn by a horse or mule on or over any sidewalk or
25 curbing of the City unless:

26 (1) the curbing is lowered to grade and the sidewalk so paved and arranged as to
27 allow the passage of these vehicles; or

28 (2) the person has special permission to do so from the Director of [Public Works]
29 TRANSPORTATION.

30 **§ 16-22. School roadways.**

31 (a) *Subject to traffic rules.*

32 Where the Board of School Commissioners and the Director of [Public Works]
33 TRANSPORTATION jointly designate particular public school properties, the roadways on
34 [such] THOSE properties [which] THAT are open to the use of the public ARE, [upon] ON
35 the placing of appropriate traffic-control devices [thereon], [are hereby made] subject to

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1 the same vehicle and traffic laws, rules, and regulations that apply [from time to time] to
2 highways within the City [of Baltimore].

3 **§ 16-27. Safety goggles required.**

4 Every person who is driving[,] or riding [on] as a passenger ON[,] a moving motor-driven 2-
5 or 3-wheel vehicle known generally as a motorcycle or motor bike shall at all times be
6 wearing safety goggles or a face shield approved by the Director of [Public Works]
7 TRANSPORTATION.

8 **§ 16-44. Pedestrian traffic safety.**

9 The Director of [Public Works] TRANSPORTATION shall:

- 10 (1) identify intersections commonly used by [persons, such as] the elderly, [or] THE
11 disabled, OR OTHER PERSONS who [may] MIGHT need extra time to cross an
12 intersection;
- 13 (2) conduct studies of those intersections, using pedestrian accident statistics, direct
14 observation, or other sources of information, to determine the need for extra time for
15 pedestrian crossing and the length of time needed; and
- 16 (3) wherever feasible, reset the timing of traffic signals or make other adjustments to the
17 intersection to accommodate the need for extra time for pedestrian crossing.

18 **§ 16-47. Maintenance of stops.**

19 (a) *Company to maintain.*

- 20 (1) The Company or companies operating public passenger vehicles, trackless trolleys, or
21 street railway cars discharging passengers within Baltimore City at bus, trackless
22 trolley, or street railway car “Stops”, heretofore or hereafter established, by public
23 motor vehicles, trackless trolleys, or by street railway cars upon fixed routes shall, at
24 its or their expense, maintain at each “Stop” the area or space of ground within the
25 footway area of the streets adjacent to or within said “Stops”, AS designated and
26 approved by the Director of [Public Works] TRANSPORTATION[,] AND in a manner
27 and with material approved by the Director [of Public Works], for the protection,
28 safety, health, and welfare of the public of Baltimore City.

29 (b) *Work by City on noncompliance.*

- 30 (1) Upon the failure of any company or companies operating public passenger motor
31 vehicles, trackless trolleys, or street railway cars receiving and discharging
32 passengers within Baltimore City at bus, trackless trolley, or street railway car
33 “Stops” heretofore or hereafter established, by public motor vehicles, trackless
34 trolleys, or by street railway cars upon fixed routes, at its or their expense, to maintain
35 at each “Stop” the area or space of ground within the footway area of the streets
36 adjacent to or within said “Stops”, [designated and approved by the Director of Public
37 Works in a manner satisfactory to the Director of Public Works] AS REQUIRED BY
38 THIS SECTION AND after written notice from the Director of [Public Works]

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1 TRANSPORTATION, the Director of [Public Works] TRANSPORTATION is hereby
2 authorized and directed to place [said] THE area or space in a safe and satisfactory
3 condition and to charge the cost thereof to company or companies in default.

4 § 16-57. Cab stands – Standing by others prohibited.

5 (b) *Standing by others prohibited.*

6 No vehicle, other than [taxicabs] A TAXICAB, [shall be permitted to] MAY stand at any
7 time in [the] THOSE places [in the City of Baltimore] set aside and designated by the
8 Director of [Public Works] TRANSPORTATION, to be occupied and used as public or
9 private stands for taxicabs.

10 § 16-58. Cab stands – Nondiscriminatory use by taxicabs.

11 (a) *No company exclusive.*

12 [Any spaces heretofore or hereafter] SPACES designated by the Director of [Public
13 Works] TRANSPORTATION as taxicab stands in front of hotels and other places [shall]
14 MAY not be for the exclusive use of the person, firm, or corporation given [such] THE
15 permit, but shall be open to any person operating a taxicab, who [shall have] HAS equal
16 rights to enter [such] THESE spaces and secure or solicit patrons.

17 (b) *Penalties for interfering.*

18 Any person interfering with any taxicab operator in entering or standing in [such] THESE
19 places [shall be] IS guilty of a misdemeanor and, [upon] ON conviction [thereof], [shall
20 be] IS subject to a penalty of not more than \$100 for each [such] violation.

21 Subtitle 17. No-Cruising District

22 § 17-6. Posting.

23 The Director of [Public Works] TRANSPORTATION shall post signs in the District that specify
24 the hours during which cruising, stopping, standing, and parking are prohibited.

25 Subtitle 19. Grade Crossings

26 § 19-1. Administration of subtitle.

27 (a) *Director to enforce.*

28 The Director of [Public Works] TRANSPORTATION [is hereby authorized, empowered and
29 directed to] SHALL enforce the provisions of this subtitle.

30 (b) *Rules and regulations.*

31 The Director [of Public Works is hereby authorized and empowered to] MAY adopt [and
32 promulgate such] procedural rules and regulations as [may be] necessary or proper to
33 carry out the intent and purpose of this subtitle.

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1 § 19-3. Implementation.

2 (a) *Notice of needed protection.*

3 Whenever [and wherever] the Director of [Public Works] TRANSPORTATION determines,
4 after adequate investigation and consultation with the railroad, that the crossing of a
5 public street or highway at grade by the [track or] tracks of [such] THE railroad [in the
6 City of Baltimore] creates a condition that reasonably requires more adequate protection
7 in addition to that already provided by the railroad, [if any, he] THE DIRECTOR shall:

8 (1) notify in writing the railroad company owning or operating over [said] THE tracks
9 at the [particular] location [of his finding] that [said] THE crossing reasonably
10 requires further protection; and

11 (2) order the railroad company either:

12 (i) to erect or install and maintain at the crossing:

13 (A) automatic gates;

14 (B) automatic flashing lights; or

15 (C) appropriate warning signs[.];

16 (ii) to provide train crew protection[.] or

17 (iii) TO DO any combination of these.

18 (b) *Contents of notice.*

19 Every such notice issued by the Director [of Public Works] shall set forth in writing:

20 (1) the pertinent facts relative to the particular location;

21 (2) the requirements [which] THAT must be complied with by the railroad;

22 (3) the reasons for [said] THE DIRECTOR'S findings, conclusions, and orders; and

23 (4) a reasonable period of time [in] WITHIN which the order must be complied [with].

24 (c) *Factors to be considered.*

25 In determining whether or not a particular railroad grade crossing [as aforementioned,]
26 creates a condition that reasonably requires further protection, and in determining which
27 warning or safety measure, if any, set forth in subsection (a) of this section shall be
28 provided by the railroad company at a particular location, the Director [of Public Works
29 shall [give consideration to] CONSIDER the following:

30

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1 (d) *Allocation of cost.*

- 2 (1) The cost and expenses for the installation of the devices required by the Director of
3 [Public Works] TRANSPORTATION under this section may be apportioned by the
4 Board of Estimates [of the City of Baltimore] between [such] THE railroad company
5 and the [Mayor and City Council of Baltimore] CITY on the basis of the Board's
6 judgment of the benefits accruing to the railroad and the public respectively.
- 7 (2) In any determination of the allocation of costs, [as hereinbefore set forth,] the Board
8 of Estimates may, in addition to all other pertinent factors, consider the relative use of
9 [said] THE crossing by railroad traffic and other vehicular traffic.
- 10 (3) The determination of the apportionment by the Board of Estimates shall be final and
11 not subject to appeal.
- 12 (4) [Such] THE apportionment [shall] MAY apply only to future installations ordered
13 [hereunder] UNDER THIS SECTION. In no event [shall] MAY any part of the cost of
14 restoring, repairing, or maintaining the protective devices [heretofore or hereafter]
15 provided by the railroad at [said] THESE crossings or of installing crossings signs or
16 providing train crew protection be apportioned by the Board of Estimates to the
17 [Mayor and City Council of Baltimore] CITY.

18 **§ 19-4. Administrative review.**

19 (a) *Request for review.*

20 [In the event that] IF the railroad company or the [Mayor and City Council of Baltimore]
21 CITY disagrees or is dissatisfied with any [such] order issued or made by the Director of
22 [Public Works] TRANSPORTATION UNDER THIS SUBTITLE, it [shall] MAY, within 15 days
23 after the date of [such] THE order [have the right], [in writing, to] SUBMIT A WRITTEN
24 request TO the Director of [Public Works] TRANSPORTATION to review [said] THE order.

25 (b) *Hearing; decision.*

26 (2) The Director [of Public Works] shall, within 15 days after the hearing, render [his] A
27 decision in writing, [and include therein] INCLUDING the [reason] REASONS for [his]
28 THE decision.

29 (c) *Stay pending decision.*

- 30 (1) A TIMELY request for review[, as aforesaid, shall stay] STAYS all proceedings [upon]
31 ON the order appealed.
- 32 (2) But, whenever[,] in the opinion of the Director of [Public Works] TRANSPORTATION,
33 [such] A stay would cause imminent peril to life or property, the [Mayor and City
34 Council of Baltimore] DIRECTOR may request the Circuit Court for Baltimore City for
35 an order vacating [such] THE stay[, which power, for good cause shown, is conferred
36 upon the Circuit Court for Baltimore City].

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§ 19-5. Judicial review.

(a) *Appeals.*

(1) The railroad company or the [Mayor and City Council of Baltimore] CITY, being dissatisfied with a final decision of the Director of [Public Works] TRANSPORTATION, [shall have the right to] MAY appeal [upon] ON the record to the Circuit Court for Baltimore City by an appropriate petition duly verified, with the right in the parties to offer additional testimony.

(2) [Such] THE petition shall be presented to the court within 15 days after the final decision of the Director of [Public Works] TRANSPORTATION.

(b) *Answer; decision.*

(1) [Upon the] ON presentation of [such] THE petition, the Court shall prescribe the time, not less than 15 days, within which an answer shall be filed and served [upon] ON the petitioner or its attorney.

(2) The Court may reverse, affirm, or modify, in whole or in part, the final decision of the Director of [Public Works] TRANSPORTATION [which] THAT has been brought up for review.

(c) *No stay pending decision.*

Compliance with the decision of the Director of [Public Works] TRANSPORTATION [shall] MAY be stayed only [upon] ON order of the court, on application and after notice to the Director and for good cause shown.

(d) *Further appeal.*

(1) An appeal may be taken from the determination of the Circuit Court for Baltimore City to the Court of Special Appeals of Maryland.

(2) Compliance with the decision of the Director of [Public Works] TRANSPORTATION or of the Circuit Court [shall] MAY be stayed while [said] THE appeal is pending only [upon] ON order of the trial court, after due notice to the parties and on good cause shown.

§ 19-6. Review of prior order.

(a) *Petition to review.*

At any time after 1 year or more has elapsed from the date of any final order or decision made or rendered by the Director of [Public Works] TRANSPORTATION or any court, as the case may be, in connection with any 1 particular location, the railroad company owning or operating over the tracks at the particular location, [shall have the right to] MAY file a petition [with the Director of Public Works] requesting [said] THE Director to review the last final order or decision made or rendered in connection with the particular location.

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1 (b) *Hearing.*

2 Within 10 days after the receipt of [such] THE petition, the Director shall set a time for
3 holding a hearing concerning the subject matter set forth in [such] THE petition, not
4 sooner than 30 days nor more than 90 days after [such] THE petition is received in the
5 office of the Director of [Public Works] TRANSPORTATION, at which time all interested
6 parties [shall] have a right to be heard.

7 (c) *Director's prerogatives; decision.*

8 (1) The Director of [Public Works] TRANSPORTATION [shall have the power to] MAY
9 amend, change, modify, affirm, or repeal, in whole or in part, [said] THE last final
10 order or decision.

11 (2) Within 15 days after the [said] THE hearing has been completed, [said] THE Director
12 shall render [his] A written decision, [and include therein] INCLUDING the reasons for
13 [such] THE decision.

14 (d) *Appeals.*

15 If the railroad company or the [Mayor and City Council of Baltimore] CITY is dissatisfied
16 with [any such] THE decision of the Director, [such] THAT party [shall have the same right
17 of] MAY appeal IN THE SAME MANNER as provided [herein] in the case of original
18 decisions of the Director of [Public Works] TRANSPORTATION.

19 **§ 19-7. Enforcement.**

20 (a) *Compliance required.*

21 (1) Every person and other legal entity subject to [the terms of] this subtitle shall fully
22 comply at all times with all of the terms and provisions of this subtitle and any order
23 [legally] issued [hereunder] UNDER THIS SUBTITLE by the Director of [Public Works]
24 TRANSPORTATION.

25 (2) Any act or actions [which] THAT are contrary to any provision or requirement of, and
26 any and all failures to comply with, any provision or requirement of this subtitle or
27 any order issued [or made by the Director of Public Works] UNDER THIS SUBTITLE
28 [shall constitute] IS a violation of this subtitle.

29 (b) *Actions by Director.*

30 (1) The Director of [Public Works] TRANSPORTATION [is hereby authorized and
31 empowered to] MAY institute or cause to be instituted any and all legal, equitable, or
32 criminal actions or proceedings[, of every kind and character, which] THAT may be
33 necessary or proper to enforce any and all of the provisions of this subtitle or any
34 [lawfully] ORDER issued [order of the Director of Public Works] UNDER THIS
35 SUBTITLE.

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1 (2) Nothing contained in this subtitle [shall] MAY be taken or construed to estop or
2 prevent the Director of [Public Works] TRANSPORTATION from instituting or causing
3 to be instituted or fully prosecuting any and all legal or equitable actions or
4 proceedings of any kind or character [which] THAT may be necessary or proper to
5 compel a full compliance with any and all of the provisions of this subtitle or any
6 order issued [or made by the Director of Public Works] under this subtitle, even
7 though criminal proceedings [of any kind of character] may be pending or may have
8 been completed.
9

10 **Subtitle 31. Clear Streets and Impoundment**

11 ***Part 1. Definitions; General Provisions***

12 **§ 31-1. Definitions.**

13 (b) *Commissioner.*

14 [The] “Commissioner” [herein referred to is] MEANS the Police Commissioner of
15 Baltimore CITY or [any person designated by him to effectuate the purposes of this
16 subtitle] THE COMMISSIONER’S DESIGNEE.

17 [(c) *Director.*]

18 [The “Director” herein referred to is the Director of Public Works of the City or his
19 designated representative.]

20 (C) [(d)] *Private property.*

21 (1) “Private property” [shall include] INCLUDES all property not included within
22 subsection [(f)] (E) of this section, where the owner can be readily ascertained by
23 reference to the records of the Bureau of Assessments or elsewhere.

24 (2) In case:

25 (i) the owner of property:

26 (A) cannot be so located; or

27 (B) if located, is out of the City or cannot be reached by certified mail or
28 [who] does not respond [thereto] TO IT; or

29 (C) otherwise is beyond the jurisdiction of City authorities; or

30 (ii) the property is apparently abandoned,

31 THEN, for the purposes of this subtitle [such] THAT property [shall be] IS deemed
32 public PROPERTY [as defined below] INCLUDED WITHIN SUBSECTION (E) OF THIS
33 SECTION.

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1 (D) [(e)] *Street.*

2 (1) [As used in this subtitle, the word “street” shall include] “STREET” INCLUDES all
3 public ways, streets, lanes, alleys, footways, and public places in the City.

4 (2) Specifically, it [shall include] INCLUDES publicly-owned vacant lots or public
5 property part of which is vacant.

6 ***Part 2. General Conditions Warranting Impoundment***

7 **§ 31-7. Vehicles illegally parked, etc.**

8 (b) *Removal of vehicles – Impounding areas.*

9 (1) In the impounding areas designated in Part 7 of this subtitle, the Department of
10 [Public Works] TRANSPORTATION shall post conspicuous signs warning the public of
11 the restricted hours and bearing the statement “Cars Towed Away” or “Tow Away
12 Zone”.

13 **§ 31-8. Abandoned vehicles.**

14 (a) *“Department” defined.*

15 In this section, “Department” means:

16 (1) the Department of [Public Works] TRANSPORTATION, if that agency has
17 been designated for these purposes by the Board of Estimates, as provided
18 in State Transportation Article (“Maryland Vehicle Law”) § 25-201(e)(3);
19 or

20 (2) otherwise, the Baltimore City Police Department.

21 ***Part 3. Impoundment or Immobilization for Outstanding Citations***

22 **§ 31-21. Impounding or immobilization authorized.**

23 (a) *In general.*

24 [When any] IF AN unattended motor vehicle is found parked at any time [upon] ON any
25 CITY street [of the City of Baltimore] [against which there are] AND THE VEHICLE HAS 3
26 or more unsatisfied citations AGAINST IT for parking violations, and [when] IF a period of
27 30 days or more has elapsed since the 3rd unsatisfied citation, the Commissioner is
28 authorized to cause [such] THAT vehicle:

29 (1) either by towing or otherwise, to be removed or conveyed to and impounded in
30 any place designated by the Director OF TRANSPORTATION; or

31 (2) immobilized [in such manner] SO as to prevent its operation.

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1 **§ 31-27. Immobilization – Right to hearing.**

2 (b) *Application form and deadline.*

3 (1) The form of [said] THE application shall be prescribed by the Director OF
4 TRANSPORTATION.

5 (2) [Said] THE application shall be filed within 10 days from:

6 (i) the date [said] THE owner has been provided notice of immobilization, as
7 specified in § 31-25 OF THIS SUBTITLE;

8 (ii) the receipt of written notice to be provided [said] THE owner, as [hereinafter]
9 prescribed IN § 31-28 OF THIS SUBTITLE; or

10 (iii) the date [said] THE owner is notified in writing of his OR HER right to [said] A
11 hearing [should said] IF THE owner [appear] APPEARS to claim the [vehicle]
12 immobilized VEHICLE.

13 **§ 31-28. Immobilization – Notices.**

14 (a) *In general.*

15 (1) Unless the owner of a vehicle immobilized under the provisions of this Part 3 appears
16 to secure release of the vehicle within 24 hours after the vehicle has been
17 immobilized, in addition to the notice given the owner of [said] THE vehicle, as
18 provided for under § 31-25 OF THIS SUBTITLE, [said] THE DIRECTOR OF
19 TRANSPORTATION SHALL GIVE THE owner [shall be given] written notice, by certified
20 mail within 48 hours after the vehicle has been immobilized, [by the Director of
21 Public Works,] that [said] THE owner has the right to contest the validity of the
22 immobilization at a hearing within 72 hours, excluding Sundays and holidays, from
23 the submission of an application [as heretofore provided herein].

24 (2) A copy of [said] THE application shall be included with the notice posted to the
25 owner.

26 **§ 31-29. Immobilization – Hearing.**

27 (a) *Director to set procedures.*

28 The Director OF TRANSPORTATION shall establish by regulations the procedures for the
29 holding of the hearings provided for under this Part 3.

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Part 4. Impoundment Procedures

§ 31-41. Auto pound.

(a) Director to provide.

To assist in effectuating the purposes of this subtitle, the Director OF TRANSPORTATION shall provide an auto pound or storage area of sufficient size and staffed with sufficient personnel and equipment to receive, hold, and dispose of the motor [vehicle] VEHICLES delivered to it [under the provisions hereof].

(b) [Abandoned Vehicle] TOWING Division.

(1) To this end, [there] A TOWING DIVISION shall be [created] MAINTAINED in the [Bureau of General Services of the] Department of [Public Works] TRANSPORTATION [a Division to be known as the Abandoned Vehicle Division].

(2) The Director OF TRANSPORTATION shall appoint a Chief of [such] THAT Division, to be known as the Chief of the [Abandoned Vehicle] TOWING Division.

§ 31-42. Employment of tow trucks.

(a) Director to remove vehicles in violation.

In carrying out the provisions of this subtitle with respect to vehicles abandoned, parked, stopped, or left unattended in violation of law [and/ or] OR obstructing traffic, the POLICE Commissioner shall [notify the Director to] cause [such] THE vehicle to be removed.

(d) Fees.

(1) The towing charges shall be set in advance, arrived at by agreement between the towers, the Commissioner, and the Director, with any disputes as to [such] charges to be settled by the Commissioner.

§ 31-43. Notice and hearing – In general.

(a) Notice to owner and secured party.

(1) [After] WITHIN 2 FULL WORKING DAYS AFTER the vehicle has been removed to the auto pound, the Director [of the Department] of [Public Works] TRANSPORTATION must [within 2 full working days] post notice to the owner of the vehicle and, [must] within 7 full working days, MUST post notice to the secured party by certified mail, return receipt requested, [that] OF THE FOLLOWING:

(i) THAT the Director has the vehicle in custody;

(ii) the storage location of the vehicle;

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1 (iii) that the vehicle will be sold at public auction to the highest bidder unless
2 claimed by the owner within 11 working days after [the] receipt of the notice;
3 and

4 (iv) that the owner of a vehicle impounded as abandoned [has a right to] MAY
5 contest the validity of the taking by application, on a form prescribed by the
6 Director [of the Department] of [Public Works] TRANSPORTATION, to a
7 hearing officer within 10 days from the date of such application.

8 (c) *Director to set hearing procedures.*

9 The Director [of the Department] of [Public Works] TRANSPORTATION shall establish by
10 regulation the procedures for holding THESE hearings.

11 § 31-44. Notice and hearing – Exception.

12 The Director OF TRANSPORTATION [shall] IS not [be] required to give notice [and] OR HOLD a
13 hearing [shall not be held] in the case of a vehicle that:

14 (1) is more than 8 years old; and

15 (2) has no engine or otherwise is totally inoperable.

16 § 31-45. Inability to find owner or secured party.

17 (a) *Scope of search.*

18 In researching ownership, the Director [of the Department] of [Public Works]
19 TRANSPORTATION is not required to go beyond the name and address of the person who
20 is the legal or title owner of the vehicle, as noted [on] IN the records of the Motor Vehicle
21 Administration of the State of Maryland, or similar agency in any other state or country.

22 (b) *Notice by publication.*

23 In those instances where:

24 (1) the identity of the last registered owner of an impounded vehicle cannot be
25 determined from the records of the MARYLAND Motor Vehicle Administration [of
26 the State of Maryland] or SIMILAR AGENCY IN any other [State agency] IN ANY
27 OTHER STATE or country;

28 (2) registration of the vehicle gives no address for the owner;

29 (3) it is impossible to determine with reasonable certainty the identity and address of
30 each secured party; or

31 (4) the certified mail notice required by this Part 4 is returned as undeliverable,

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1 then the Director [of the Department] of [Public Works] TRANSPORTATION shall give the
2 required notice by publication in at least 1 newspaper of general circulation in the area
3 where the vehicle was found.

4 § 31-47. Storage charges.

5 (b) *Commercial vehicles.*

6 (1) The storage charges for a commercial vehicle, as defined in the Maryland Vehicle
7 Law, are as set by the Director OF TRANSPORTATION from time to time.

8 (2) A schedule of the charges set under this subsection must be filed with the Department
9 of Legislative Reference before they take effect.

10 § 31-50. Unclaimed vehicle.

11 In case the owner or operator does not claim the vehicle within the [aforesaid] REQUIRED
12 time limit:

13 (1) the Director OF TRANSPORTATION shall proceed to sell or dispose of the vehicle at
14 public auction, as[hereinafter] provided IN PART 5 OF THIS SUBTITLE; and

15 (2) no vehicle held at the auto pound may be released [therefrom] without the written
16 approval of the Director [of the Department of Public Works], whose approval
17 however, may not be unreasonably withheld.

18 *Part 5. Sale of Unclaimed Vehicles*

19 § 31-57. Auction sales – In general.

20 (a) *Director to arrange periodic sales.*

21 The Director OF TRANSPORTATION shall arrange for a certain number of auction sales
22 each year, which [shall] MAY not be less than 1 sale per month.

23 (b) *Licensed auctioneers to conduct.*

24 The sales shall be conducted through regularly licensed auctioneers of the City of
25 Baltimore, selected by the Department of Finance [of said City] in accordance with the
26 provisions of the City Charter governing retention of services, and under [such] THE
27 rules, regulations, and procedures [as] THAT the Director OF TRANSPORTATION [shall
28 provide] ADOPTS.

29 (c) *Approved list of vehicles to be sold.*

30 (1) In advance of the periodic sales, the Director OF TRANSPORTATION shall prepare a list
31 of motor vehicles proposed to be [disposed of thereat] SOLD AT AUCTION.

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1 (2) The lists shall be sent to the POLICE Commissioner for the Commissioner’s approval,
2 on forms prepared for the Director, and no motor vehicle [shall] MAY be sold unless
3 the sale has been approved by the Commissioner.

4 (3) The Commissioner may not withhold approval of the sale unless the motor vehicle is
5 involved in a police matter [as aforesaid;]. [and in such] IN THAT event, WHERE
6 PRACTICABLE, the Commissioner [where practicable, rather than hold the vehicle,]
7 shall take photographs of it or its parts and preserve written descriptions [thereof] OF
8 IT, so that the vehicle itself may be put up for sale and disposed of as soon as possible
9 [following such] AFTER THE 45-day period.

10 **§ 31-59. Disposition of funds.**

11 (b) *Claim for excess over expenses.*

12 However if the owner or person entitled to possession [thereof shall present] PRESENTS to
13 the Director OF TRANSPORTATION, within 90 days of the date of the sale, a claim for any
14 excess in the amount of the selling price of [such vehicles] A VEHICLE, [or] part [thereof]
15 OF A VEHICLE, or THE contents [thereof] OF A VEHICLE [as hereinabove described], over
16 and above the expenses [thereof], the Director, [upon] ON finding that an excess [(of \$25
17 or more[])] [actually existed] EXISTS, shall recommend to the Board of Estimates that the
18 excess be returned to the owner or other person.

19 **§ 31-60. Purchaser to obtain new title.**

20 [A certificate of] ON THE SALE OF A MOTOR VEHICLE, the Director OF TRANSPORTATION
21 SHALL FORWARD TO THE MOTOR VEHICLE ADMINISTRATION A CERTIFICATE that [he has sold
22 such] THE motor vehicle HAS BEEN SOLD at public auction [shall be forwarded to the Motor
23 Vehicle Administration], with [the] A request that [it] THE CERTIFICATE be considered
24 sufficient evidence to enable the purchaser to obtain a new certificate of title and registration
25 [thereon].

26 ***Part 6. When Charges Not Imposed***

27 **§ 31-66. Vehicles reported stolen.**

28 (b) *Charge abated.*

29 No charge may be imposed for storing the vehicle during:

30 (1) the period ending 48 hours after notification by the [Chief of the Abandoned
31 Vehicles] TOWING Division; and

32 (2) any longer period that, for good cause shown, the Chief approves.

33 (c) *Standards.*

34 (1) The Chief of the [Abandoned Vehicles] TOWING Division shall adopt
35 standards for determining “good cause” under subsection (b)(2) of this
36 section.

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1 **§ 31-67. Impound for police investigation.**

2 (b) *Release of vehicle.*

3 Upon receiving an order from the Police Department, the [Chief of the Abandoned
4 Vehicle] TOWING Division shall release [said] THE vehicle to the owner, his OR HER next
5 of kin, or HER OR his authorized representative.

6 **§ 31-68. No violations under subtitle.**

7 (a) *In general.*

8 If a vehicle is impounded and neither the owner nor operator of the vehicle is charged
9 with a violation that falls within the scope of this subtitle, no charge may be imposed for
10 towing or storage if, after every reasonable attempt has been made to notify the owner or
11 the owner's next of kin that the vehicle has been delivered to the storage area, the vehicle
12 is reclaimed within 48 hours or within any longer period that, for good cause shown, the
13 Chief of the [Abandoned Vehicles] TOWING Division approves.

14 ***Part 7. Impounding Areas***

15 **§ 31-102. Fire houses; emergency vehicle parking area.**

16 In front of or opposite any fire engine house and in any reservation for authorized emergency
17 vehicles in spaces marked off and designated by the Director of [Public Works]
18 TRANSPORTATION.

19 **§ 31-103. Carpool parking.**

20 Those locations on public metered parking lots set aside for carpool cars by the Director of
21 [Public Works] TRANSPORTATION.

22 **SECTION 2. AND BE IT FURTHER ORDAINED,** That Article 13, § 2-13, is repealed in its
23 entirety, and its provisions are reordained, with amendments, and transferred to the Annual
24 Ordinances and Resolutions of the Mayor and City Council, to read as follows:

25 **Transfer of powers from THE Department of Public Works TO THE DEPARTMENT**
26 **OF HOUSING AND COMMUNITY DEVELOPMENT.**

27 (a) *Building and zoning authority.*

28 All of the powers, duties, and responsibilities conferred or imposed on the Department of
29 Public Works pursuant to §§ 33 and 34 of Article VII of the Charter of Baltimore City
30 (1964 Revision), including

- 31 (1) the authority to issue permits for, and exercise such supervision and inspection
32 over, building construction and installations, the use of land and buildings, the
33 alterations, relocation, repair, reconstruction, and change of occupancy of

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1 buildings and the number of families housed in buildings in the City and the
2 power and duty to inspect, repair, condemn, and remove private property in
3 Baltimore City at the expense of the owner thereof as are now or may hereafter be
4 conferred by law or ordinance, and

5 (2) the right to exercise the powers and perform the duties conferred and imposed
6 upon the Zoning Commissioner by Ordinance No. 1247, approved March 30,
7 1931, as amended from time to time, and as are now or may hereafter be
8 conferred upon him by law or ordinance,

9 are hereby transferred and assigned to the Department of Housing and Community
10 Development.

11 (b) *Powers of Building Inspection Bureau.*

12 The Department of Housing and Community Development is hereby authorized and
13 directed in the place and stead of the Department of Public Works to exercise and
14 perform all of those powers, duties, functions and discretions that were vested in the
15 Department of Public Works, which were, prior to the effective date of Ordinance No.
16 1091 of the Mayor and City Council of Baltimore, approved August 2, 1967, vested in
17 the Bureau of Building Inspection under the terms and provisions of any and all
18 contracts, agreements or other legal instruments, which heretofore may have been entered
19 into by the Mayor and City Council of Baltimore in the exercise and performance of the
20 powers, duties and functions authorized by §§ 33 and 34 of Article VII of the Charter of
21 Baltimore City (1964 Revision).

22 (c) *Powers of Building Inspection Engineer and Zoning Commissioner.*

23 The Commissioner of the Department of Housing and Community Development is
24 hereby authorized and directed to exercise and perform all of those authorities, powers,
25 responsibilities, rights and/or duties imposed or conferred upon the Director of Public
26 Works pursuant to §§ 33 and 34 of Article VII of the Charter of Baltimore City (1964
27 Revision) which were, prior to the effective date of Ordinance No. 1091 of the Mayor
28 and City Council of Baltimore, approved August 2, 1967, imposed or conferred by
29 ordinance or otherwise upon the Building Inspection Engineer and the Zoning
30 Commissioner.

31 (d) *Community Services Division unaffected.*

32 Nothing in this [§ 2-13] ORDINANCE shall be taken or construed to require the transfer of
33 the Community Services Division to the Department of Housing and Community
34 Development, and said Community Services Division shall remain in the Department of
35 Public Works.

36 **SECTION 3. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
37 are not law and may not be considered to have been enacted as a part of this or any prior
38 Ordinance.

39 **SECTION 4. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
40 after the date it is enacted.