

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 12-0123

Introduced by: The Council President
At the request of: The Administration (Department of Housing and Community Development)
Introduced and read first time: September 10, 2012
Assigned to: Judiciary and Legislative Investigations Committee
Committee Report: Favorable with amendments
Council action: Adopted
Read second time: January 28, 2013

AN ORDINANCE CONCERNING

Building, Fire, and Related Codes – ~~2012~~ 2013 Edition

FOR the purpose of adopting a revised Building, Fire, and Related Codes Article, comprising the Maryland Building Performance Standards (effective January 1, 2012), the International Building Code (2012 Edition), the International Electrical Code (2011 Edition), the International Fuel Gas Code (2012 Edition), the International Mechanical Code (2012 Edition), the International Plumbing Code (2012 Edition), the International Property Maintenance Code (2012 Edition), the International Fire Code (2012 Edition), the International Energy Conservation Code (2012 Edition), and the International Residential Code for One- and Two-Family Dwellings (2012 Edition), all as supplemented, amended, or otherwise modified by this Ordinance; providing for the effect, construction, and effective date of these new standards and codes; conforming, correcting, and clarifying certain language; and generally relating to the adoption of new building, fire, property maintenance, electrical, plumbing, mechanical, and related codes for Baltimore City.

BY repealing

Article - Building, Fire, and Related Codes
Part IV {"National Fuel Gas Code"} and
Part VI {"National Standard Plumbing Code"}
Baltimore City Revised Code
(Edition 2000)

BY adding

Article - Building, Fire, and Related Codes
Part IV {"International Fuel Gas Code"} and
Part VI {"International Plumbing Code"}
Baltimore City Revised Code
(Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

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- 1 BY repealing and reordaining, with amendments
2 Article - Building, Fire, and Related Codes
3 Parts I to III, V, and VII to X
4 Baltimore City Revised Code
5 (Edition 2000)
- 6 BY repealing and reordaining, with amendments
7 Article - Health
8 Section(s) 2-107(b), 5-301, 5-303(1), 5-305(a), 6-203.1(b)(1)(BFR Codes),
9 and 11-203(b)
10 Baltimore City Revised Code
11 (Edition 2000)
- 12 ~~BY repealing and reordaining, with amendments~~
13 ~~Article - Zoning~~
14 ~~Section(s) 1-172(b) and 10-307(a)~~
15 ~~Baltimore City Revised Code~~
16 ~~(Edition 2000)~~
- 17 BY repealing and reordaining, with amendments
18 Article 1 - Mayor, City Council, and Municipal Agencies
19 Section(s) 40-14(e)(5a), (6), and (6a), and 41-14(5) and (5a)
20 Baltimore City Code
21 (Edition 2000)
- 22 BY repealing and reordaining, with amendments
23 Article 13 - Housing and Urban Renewal
24 Section(s) 2-3(a)(10), 4-1(c), (d), (f-1), (f-2), and (g)(1), 5-6(5), 11-1(d),
25 11-2(d)(2), 13-1(c)(2), 13-13(a), 13-16, 18-16(b)(2), and 18-19
26 Baltimore City Code
27 (Edition 2000)
- 28 BY repealing and reordaining, with amendments
29 Article 15 - Licensing and Regulation
30 Section(s) 2-46 and 2-55
31 Baltimore City Code
32 (Edition 2000)
- 33 BY repealing and reordaining, with amendments
34 Article 19 - Police Ordinances
35 Section(s) 71-2(i)(1) and (2)
36 Baltimore City Code
37 (Edition 2000)
- 38 BY repealing and reordaining, with amendments
39 Article 24 - Water
40 Section(s) 2-3(b)(2)
41 Baltimore City Code
42 (Edition 2000)

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1 (i) incorporate the State modifications indicated in the appropriate chapter,
2 section, or other provision of Part X below; and

3 (ii) add the Baltimore City modifications indicated in the appropriate chapter,
4 section, or other provision of Part X below; and

5 (3) in the International Energy Conservation Code [(2009 Edition)] (2012 EDITION):

6 (i) incorporate the State modifications indicated in the appropriate chapter,
7 section, or other provision of [Part IX] PARTS IX-A AND IX-B below; and

8 (ii) add the Baltimore City modifications indicated in the appropriate chapter,
9 section, or other provision of [Part IX] PARTS IX-A AND IX-B below.

10 Part II. International Building Code

11 § 2-101. City adoption.

12 (a) *In general.*

13 The International Building Code [(2009 Edition)] (2012 EDITION) is adopted as part of
14 the Building, Fire, and Related Codes of Baltimore City, subject to the additions,
15 deletions, amendments, and other modifications contained in this Part II.

16 (b) *Codification.*

17 Unless otherwise specified, chapter and section numbers in this Part II refer to the chapter
18 and section numbers of the International Building Code.

19 § 2-102. Maryland Building Performance Standards.

20 The Maryland Building Performance Standards contain certain State modifications to the
21 International Building Code. The State modifications that Baltimore City has adopted are
22 repeated in this Part II, for the user's convenience, in the appropriate chapter, section, or
23 other provision. These State modifications are labeled "MBPS Modification".

24 § 2-103. City modifications.

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

27 Chapter 1. SCOPE AND Administration

28 {**MBPS Modification** – Note to Chapter 1: Local jurisdictions are responsible for the
29 implementation and enforcement of the Maryland Building Performance Standards. Refer to
30 each local jurisdiction for local amendments to Chapter 1 of the IBC. Each local jurisdiction
31 having authority shall establish ... implementation and enforcement procedures that include:
32 (a) review and acceptance of appropriate plans; (b) issuance of building permits; (c) inspection
33 of the work authorized by the building permits; and (d) issuance of use and occupancy
34 certificates.}

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1 Section 101 General

2 **101.1 Title.** THE REGULATIONS CONTAINED IN THIS CODE CONSTITUTE AND ARE KNOWN AS THE
3 “BALTIMORE CITY BUILDING CODE”. The [International] BALTIMORE CITY Building Code, together
4 with the standards and codes listed in § 101.4 {“REFERENCED CODE”} OF THIS CHAPTER, as
5 supplemented, amended, or otherwise modified by these provisions, collectively constitute and are
6 known as the “Building, Fire, and Related Codes of Baltimore City”.

7 **101.1.1 References to “this Code”.** Throughout [these provisions] THIS PART II [and the
8 standards and codes listed in § 101.4], all references to “this Code” refer to the Building, Fire,
9 and Related Codes of Baltimore City.

10 **101.2 Scope.** *{As in IBC}*

11 **Exception 1:** *{As in IBC Exception}* **{PER MBPS MODIFICATION}** DETACHED 1- AND
12 2-FAMILY DWELLINGS AND MULTIPLE SINGLE-FAMILY DWELLINGS (TOWNHOUSES) NOT MORE
13 THAN 3 STORIES ABOVE GRADE PLANE IN HEIGHT WITH A SEPARATE MEANS OF EGRESS AND
14 THEIR ACCESSORY STRUCTURES MUST COMPLY WITH THE INTERNATIONAL RESIDENTIAL
15 CODE.

16 **Exception 2:** **{Per MBPS Modification}** Existing buildings undergoing repair, alterations,
17 or additions, and change of occupancy must comply with the Maryland Building
18 Rehabilitation Code, set forth in COMAR 05.16.

19 **101.2.1 Appendices {Per MBPS Modification}.** The appendices to the International Building
20 Code apply as follows:

21 **101.2.1.1 Appendices adopted.** The provisions of the following appendices are adopted as
22 part of this Code:

- 23 1. Appendix C: “Group U – Agricultural Buildings”.
- 24 2. Appendix D: “Downtown Fire District”.
- 25 3. Appendix F: “Rodent Proofing”.
- 26 4. Appendix G: “Flood Resistant Construction”.
- 27 5. Appendix H: “Signs”.
- 28 6. Appendix I: “Patio Covers”.
- 29 7. APPENDIX J: “GRADING”.

30 **101.2.1.2 Appendices not adopted.** The following appendices are not adopted as part of
31 this Code:

- 32 1. Appendix A: “Employee Qualifications”.
- 33 2. Appendix B: “Board of Appeals”.
- 34 3. Appendix E: “Supplementary Accessibility Requirements”.
- 35 [4. Appendix J: “Supplementary Accessibility Requirements for Qualified Historic
36 Buildings and Facilities”.]

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- 1 4. APPENDIX K: “ADMINISTRATIVE PROVISIONS”.
- 2 5. APPENDIX L: “EARTHQUAKE RECORDING INSTRUMENTATION”.
- 3 6. APPENDIX M: “TSUNAMI-GENERATED FLOOD HAZARD”.

4 **101.3 Intent.** *{As in IBC}*

5 **101.4 Referenced Codes.** The standards and codes listed in this § 101.4, as modified by these
6 provisions and as referred to elsewhere in this Code, are part of the requirements of this Code to the
7 extent prescribed by the reference.

8 **101.4.1 Electrical.** The National Electrical Code [(2008 Edition)] (2011 EDITION), AS MODIFIED
9 IN PART III OF THIS CODE, applies to the installation of electrical systems, including their
10 alteration, repair, replacement, equipment, appliances, fixtures, fittings, and appurtenances.

11 **101.4.2 Gas.** The [National] INTERNATIONAL Fuel Gas Code [(2009 Edition)] (2012 EDITION),
12 AS MODIFIED IN PART IV OF THIS CODE, applies to the installation of gas piping from the point of
13 delivery, to gas appliances, and to related accessories as covered in this Code. These
14 requirements apply to gas piping systems extending from the point of delivery to the inlet
15 connections of appliances and the installation and operation of residential and commercial gas
16 appliances, and related accessories.

17 **101.4.3 Mechanical.** *{As in IBC}* THE INTERNATIONAL MECHANICAL CODE (2012 EDITION),
18 AS MODIFIED IN PART V OF THIS CODE, APPLIES TO THE INSTALLATION, ALTERATIONS, REPAIRS,
19 AND REPLACEMENT OF MECHANICAL SYSTEMS, INCLUDING EQUIPMENT, APPLIANCES, FIXTURES,
20 FITTINGS, AND APPURTENANCES, INCLUDING VENTILATING, HEATING, COOLING, AIR-
21 CONDITIONING AND REFRIGERATION SYSTEMS, INCINERATORS, AND OTHER ENERGY-RELATED
22 SYSTEMS.

23 **101.4.4 Plumbing.** The [National Standard] INTERNATIONAL Plumbing Code [(2009 Edition)]
24 (2012 EDITION), AS MODIFIED IN PART VI OF THIS CODE, applies to the [erection,] installation,
25 alteration, repair, [relocation,] AND replacement, use, or maintenance of or addition to plumbing
26 systems, including equipment, appliances, fixtures, fittings, and APPURTENANCES.

27 **101.4.5 Property maintenance.** *{As in IBC}* THE INTERNATIONAL PROPERTY MAINTENANCE
28 CODE (2012 EDITION), AS MODIFIED IN PART VII OF THIS CODE, APPLIES TO EXISTING
29 STRUCTURES AND PREMISES; EQUIPMENT AND FACILITIES; LIGHT, VENTILATION, SPACE HEATING,
30 SANITATION, LIFE, AND FIRE SAFETY HAZARDS; RESPONSIBILITIES OF OWNERS, OPERATORS, AND
31 OCCUPANTS; AND OCCUPANCY OF EXISTING PREMISES AND STRUCTURES.

32 **101.4.6 Fire prevention.** *{As in IBC}* THE INTERNATIONAL FIRE CODE (2012 EDITION), AS
33 MODIFIED IN PART VIII OF THIS CODE, APPLIES TO MATTERS AFFECTING OR RELATING TO
34 PREVENTION OF STRUCTURES, PROCESSES, AND PREMISES FROM THE HAZARD OF FIRE AND
35 EXPLOSION ARISING FROM THE STORAGE, HANDLING OR USE OF STRUCTURES, MATERIALS, OR
36 DEVICES; FROM CONDITIONS HAZARDOUS TO LIFE, PROPERTY, OR PUBLIC WELFARE IN THE
37 OCCUPANCY OF STRUCTURES OR PREMISES; AND FROM THE CONSTRUCTION, EXTENSION, REPAIR,
38 ALTERATION OR REMOVAL OF FIRE SUPPRESSION, AUTOMATIC SPRINKLER SYSTEMS AND ALARM
39 SYSTEMS OR FIRE HAZARDS IN THE STRUCTURE OR ON THE PREMISES FROM OCCUPANCY OR
40 OPERATION.

41 **101.4.7 Energy.** *{As in IBC}* THE INTERNATIONAL ENERGY CONSERVATION CODE (2012
42 EDITION), AS MODIFIED IN PARTS IX-A AND IX-B OF THIS CODE, APPLIES TO ALL MATTERS
43 GOVERNING THE DESIGN AND CONSTRUCTION OF BUILDINGS FOR ENERGY EFFICIENCY.

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1 [101.5 **State Rehabilitation Code.** The Maryland Rehabilitation Code, adopted under State Code
2 Article 83B, § 6-503, and codified in COMAR 05.16, applies to all rehabilitation projects undertaken
3 in existing buildings, as provided in that Code.]

4 **101.5 [101.6] References to former Codes.** All references in a violation, [or] condemnation, OR
5 OTHER notice, IN A CITATION, or in the Baltimore City Code to any former version of the Building
6 Code or to any provision of that Code are considered to refer to the comparable or otherwise
7 applicable provisions of this Code.

8 **Section 102 Applicability**

9 **102.1 to 102.5 {As in IBC}**

10 **102.6 Existing conditions.** Conditions lawfully existing on the effective date of this Code may be
11 continued without change, except as:

- 12 1. specifically provided by this Code (including the standards and codes incorporated in it), or
- 13 2. deemed necessary by the Building Official for the general safety and welfare of the
14 occupants and the public.

15 **102.7 Structures owned by City.** This Code does not apply to any structure (other than a building)
16 that is owned by the City, to the extent that the structure:

- 17 1. is located on, over, or under a street, alley, or other public way or land, and
- 18 2. is designed, constructed, controlled, and maintained by and under the authority and
19 supervision of the Director of Public Works OR THE DIRECTOR OF GENERAL SERVICES,
20 WHICHEVER HAS JURISDICTION, or an authorized representative of the Director.

21 **102.8 Public service structures on streets.** This Code does not apply to any pole, conduit, tunnel,
22 pipe line, manhole, or other similar surface or subsurface structure, including its equipment, that is
23 owned and controlled by a public service corporation, to the extent that:

- 24 1. the structure is located on, over, or under a street, alley, or other public way or land,
- 25 2. its construction is authorized by the City, and
- 26 3. its installation is regulated and supervised by the Director of Public Works, THE DIRECTOR
27 OF GENERAL SERVICES, OR THE DIRECTOR OF TRANSPORTATION, WHICHEVER HAS
28 JURISDICTION, or an authorized representative of the Director.

29 **102.9 Property owned or leased by United States or by Maryland.** Except as specified in
30 § 102.9.1, land owned by the United States or by the State of Maryland, including any structure
31 owned by either and located on the land, is exempt from this Code.

32 **102.9.1 Exceptions.** The following are not exempt from this Code:

- 33 1. land or structures leased by the United States or the State of Maryland from a private
34 owner,
- 35 2. land or structures leased by a private owner from the United States or the State of
36 Maryland, and

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- 1 3. land or structures held by the United States or the State of Maryland pursuant to the
2 foreclosure of a residential mortgage.

3 **102.10 Waterways.** Other than work done by the United States or the State of Maryland, all
4 construction done along the shoreline and waterways within the City must:

- 5 1. comply with this Code, and
6 2. be approved by:
7 a. the Department of Public Works,
8 b. the Department of General Services,
9 c. the Department of Planning,
10 d. the Fire Department,
11 e.. the Maryland Department of the Environment, and
12 f.. the U.S. Army Corps of Engineers.

13 **102.11 Railroad facilities.** Railroad facilities within a railroad right-of-way are exempt from the
14 provisions of this Code, except for those provisions that relate to sanitary maintenance. However,
15 privately owned structures within a right-of-way are not exempt unless they are ancillary to the
16 railroad.

17 **102.12 Moved structures.** Structures that are moved into or within Baltimore City:

- 18 1. must comply with the provisions of this Code for new structures, and
19 2. may not be used or occupied, in whole or in part, until the Building Official approves an
20 occupancy permit for the structure.

21 **102.13 to 102.14 {Reserved}**

22 **102.15 Compliance with Code required.** No structure, premises, land, or equipment may be
23 constructed, altered, added to, repaired, rehabilitated, demolished, moved, located, used, occupied,
24 or maintained in violation of this Code.

25 **102.15.1 Construction of structure.** When constructed, every structure must be located so that
26 it does not create a violation of this Code.

27 **102.15.2 Relocation, etc., of lot lines, etc.** No lot or property line may be moved or relocated
28 and no lot or parcel of land may be subdivided in any way that creates a violation of this Code
29 for any structure.

30 **102.16 Compliance with other laws.** To the extent applicable, all work must also comply with:

- 31 1. the Critical Area Management Program of Baltimore City,
32 2. the Baltimore City Forest and Tree Conservation Program,
33 3. THE BALTIMORE CITY SUSTAINABILTY PLAN,

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- 1 4 3. the Zoning Code of Baltimore City,
2 5 4. City Code Article 6 {"Historical and Architectural Preservation"},
3 6 5. any applicable Urban Renewal Plan,
4 7 6. the Department of Public Works rules and regulations governing:
5 a. storm water management,
6 b. soil erosion and sediment control, and
7 c. discharges to the storm drain system,
8 8 7. the Department of General Services rules and regulations governing:
9 a. encroachments into the public right-of-way,
10 b. developer's agreements, and
11 c. blasting,
12 9 8. the Federal Americans with Disabilities Act,
13 10 9. the Maryland Accessibility Code, and
14 11 10. all other applicable laws, RULES, AND REGULATIONS of the United States, the State of
15 Maryland, and the City of Baltimore.

16 **Section 103 Department of Building Safety**

17 **103.1 Enforcement agency.** This Code is administered and enforced by the BALTIMORE CITY
18 Department of Housing and Community Development and its Commissioner. Accordingly, in this
19 Code:

- 20 1. "Department of Building Safety" or "Department" means the BALTIMORE CITY Department
21 of Housing and Community Development, and
22 2. "Building Official", means the Commissioner of Housing and Community Development or
23 an authorized representative of the Commissioner.

24 **103.2 Appointment.** *{Not Adopted}*

25 **103.3 Deputies.** *{Not Adopted}*

26 **103.4 Employee restrictions.** An officer or employee of the Department may not:

- 27 1. engage in or directly or indirectly be connected with the furnishing of labor, materials, or
28 appliances or the preparation of plans or specifications for the construction, alteration,
29 addition, repair, rehabilitation, demolition, moving, or maintenance of a structure, unless the
30 officer or employee is the owner of the structure, or
31 2. engage in any work that conflicts with his or her official duties or with the interests of the
32 Department.

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1 Section 104 Duties and Powers of Building Official

2 **104.1 General.** Except as otherwise specifically provided by law, the Building Official:

- 3 1. administers and enforces all provisions of this Code and the provisions of all other
4 ordinances, laws, or regulations relating to the matters provided for in this Code, and
- 5 2. may act on any question relative to the manner of and the materials to be used in
6 the construction, alteration, addition, repair, rehabilitation, demolition, moving, location,
7 use, occupancy, and maintenance of all structures and in the installation of equipment.

8 **104.1.1 Interpretations, rules, and regulations.** The Building Official may:

- 9 1. render interpretations of this Code, and
- 10 2. adopt rules and regulations to carry out this Code.

11 **104.1.2 Filing rules and regulations.** A copy of all rules and regulations adopted under this
12 Code must be filed with the Department of Legislative Reference.

13 **104.2 to 104.5** *{As in IBC}*

14 **104.6 Right of entry.** In the performance of his or her duties, the Building Official may enter any
15 land, structure, or premises in the City to enforce this Code, at any reasonable time or, in an
16 emergency that might endanger public health or safety, at any time.

17 **104.6.1 Entry without notice or warrant.** Neither a search warrant nor prior notice is needed
18 in any of the following circumstances:

- 19 1. if entry is by permission or at the request of an occupant of the land, structure, or
20 premises or a person with apparent right of possession,
- 21 2. if the land, structure, or premises is open and accessible to members of the general
22 public,
- 23 3. if the Building Official reasonably believes that an imminent danger to health or safety
24 exists or might exist, or
- 25 4. immediately after an accident or disaster that causes the Building Official to believe that
26 immediate entry is necessary for investigative purposes or to protect property or public
27 health or safety.

28 **104.6.2 Authority to seek warrant.** Where appropriate, the Building Official may seek a
29 search warrant to enter any land, structure, or premises in the City to make an inspection or to
30 take any other authorized action to administer and enforce:

- 31 1. this Code (including the standards and codes incorporated in it), or
- 32 2. any of the following (collectively “related laws”):
 - 33 a. the Health Code of Baltimore City,
 - 34 b. the Zoning Code of Baltimore City,

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- 1 c. an Urban Renewal Plan,
- 2 d. City Code Article 6 {"Historical and Architectural Preservation"}, or
- 3 e. any other related statute, ordinance, RULE, or regulation for the protection of the
- 4 health and safety of the residents of Baltimore City.

5 **104.6.3 Warrant after prior notice.** Before the Building Official may apply for a warrant to
6 make a routine inspection or spot check to determine if a violation exists, the Building Official
7 must give prior notice of his or her intent to the occupant or other person with apparent right of
8 possession or, in the case of an unoccupied structure or premises, to the owner, the owner's
9 agent, or other person in apparent control of the structure or premises.

10 **104.6.3.1 Contents of notice.** The notice must:

- 11 1. state the date and time at which the Building Official will be present to make the
- 12 inspection or spot check, and
- 13 2. inform the person notified that he or she may reschedule the inspection or spot check
- 14 to a reasonable date and time by contacting the Building Official before the stated
- 15 date.

16 **104.6.3.2 Service of notice – Occupied property.** If the structure or premises is occupied,
17 the notice must be either:

- 18 1. mailed or delivered to the occupant or person with apparent right of possession, or
- 19 2. posted conspicuously at or near the entrance to the structure or premises.

20 **104.6.3.3 Service of notice – Unoccupied property.** If the structure or premises is
21 unoccupied, the notice must be mailed or delivered to the last-known address of the owner,
22 agent, or other person in apparent control.

23 **104.6.3.4 Obtaining warrant.** After notice has been given, if the person notified fails to
24 arrange for, denies, or unduly delays the entry, the Building Official may apply to a court of
25 competent jurisdiction for a search warrant to authorize entry for the inspection or spot
26 check.

27 **104.6.3.5 Probable cause.** Probable cause for a search warrant under this § 104.6.3 exists
28 if:

- 29 1. the notice required by this § 104.6.3 has been given, and
- 30 2. the inspection is:
 - 31 a. a spot check made at random or restricted to a few sample structures or
 - 32 premises in a designated area to determine if a building-by-building survey is
 - 33 necessary,
 - 34 b. a routine inspection based on a general administrative plan for the
 - 35 enforcement of this Code or any related law, or
 - 36 c. a routine inspection to determine compliance with a notice or order issued
 - 37 under § 123 {"NOTICES"} of this Code.
 - 38

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1 **104.6.4 Warrant without prior notice.** The Building Official may apply for a search warrant
2 to enter a structure or premises without giving the prior notice otherwise required by § 104.6.3, if
3 there is probable cause to believe that a violation of this Code or a related law exists in the
4 structure or on the premises.

5 **104.6.4.1 Probable cause.** Probable cause for a search warrant under this § 104.6.4
6 includes, among other appropriate circumstances, the following:

- 7 1. the inspection is to identify lead-based hazards in a dwelling unit that is the last-
8 reported address of a child who, by notice from a health care provider or the State
9 Department of the Environment to the Building Official or the Health Commissioner,
10 is reported to have been diagnosed with a venous blood-lead level of 15 micrograms
11 per deciliter or more, or
- 12 2. untreated lead-based paint hazards have been found in a unit of a multiple-family
13 dwelling in which a child who has been diagnosed with a venous blood-lead level of
14 15 micrograms per deciliter or more resides and entry is needed to other units of the
15 dwelling to determine compliance with law.

16 **104.6.5 Application for warrant.** The application for a search warrant must be:

- 17 1. signed and sworn to by the Building Official, and
- 18 2. accompanied by an affidavit containing facts within the personal knowledge of the
19 affiant:
 - 20 a. that probable cause for issuance of a search warrant exists, and
 - 21 b. in cases where prior notice is required, that notice has been given and entry has
22 not been arranged for or has been denied or unduly delayed by the person
23 notified.

24 **104.6.6 Contents of warrant.** The search warrant must name or describe, with reasonable
25 particularity:

- 26 1. the place to be inspected,
- 27 2. the reason for the inspection, and
- 28 3. the name of the applicant on whose written application the warrant was issued.

29 **104.6.7 Execution of warrant.** An inspection under the search warrant must be made within 15
30 calendar days of the date the warrant was issued. At the end of that 15-day period, the warrant is
31 void.

32 **104.6.8 Dwelling units.** Except as provided in § 104.6.8.1, no inspector who gains entrance to a
33 dwelling for the purpose of enforcing this Code or any related law may obtain or furnish
34 evidence of, or testify to, any offense other than violations of this Code or of any related law.

35 **104.6.8.1 Exception.** The limitations of § 104.6.8 do not apply to:

- 36 1. a felony, or

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2. a misdemeanor involving an act of violence and committed in the inspector's presence.

104.7 Department records. {As in IBC}

104.8 Liability. {Not Adopted. See State Courts Article § 5-302.}

104.9 to 104.11 {As in IBC}

Section 105 Permits

105.1 Required. A permit issued by the Building Official is required before any person may do any of the following work:

1. construct, alter, add to, repair, rehabilitate, demolish, or move any structure,
2. change the use of any structure or land,
3. install or alter any equipment subject to this Code,
4. move a lot line that affects any structure, or
5. perform any grading or excavating.

105.1.1 Annual permit. {As in IBC}

105.1.2 Annual permit records. {As in IBC}

105.1.3 By whom application to be made. [The] EXCEPT AS OTHERWISE SPECIFIED IN CHAPTER 27 {"ELECTRICAL"}, CHAPTER 28 {"MECHANICAL SYSTEMS"}, AND CHAPTER 29 {"PLUMBING SYSTEMS"}, THE application for a permit must be made as follows:

1. for a demolition or moving permit, by the owner of the property to be demolished or moved,
2. for a permit to remove formstone, paint, or other material from exterior surfaces, by the licensed contractor employed to do the proposed work,
3. for a permit to do work involving underpinning or a retaining foundation wall, by the licensed contractor employed to do the proposed work, and
4. for all other permits, by:
 - a. the owner or lessee of the structure,
 - b. the agent of the owner or lessee, or
 - c. the licensed engineer or architect employed in connection with the proposed work.

105.1.4 Work done without permit. A person who does any work without a permit, or outside or beyond the scope of a permit, or in a manner inconsistent with plans or drawings approved as part of a permit application, or after a permit is revoked for any reason, must obtain a permit for that work, even if already completed, and pay the appropriate permit fee and penalty surcharge.

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1 **105.1.5 Special professional services.** In addition to and without limiting any other
2 requirements of or authority granted by this Code, the Building Official may require, as a term or
3 condition of a permit, that a registered design professional or other licensed specialist or expert
4 perform specific work or sign and seal specific plans, computations, specifications, or
5 statements.

6 **105.2 Work exempt from permit.** An exemption from the permit requirements of this Code does
7 not authorize any work to be done in a manner that violates a provision of this Code or of any other
8 law. Permits are not required for the following:

9 **Building:**

- 10 1. to 4. *{Not Adopted}*
- 11 12 5. *{As in IBC}*
- 12 13 6. *{Not Adopted}*
- 13 14 7. Interior painting, papering, tiling, carpeting, cabinets, counter tops, and similar
14 15 interior finish work.
- 15 16 8. *{Not Adopted}*
- 16 17 9. *{As in IBC}*
- 17 18 10. Shade cloth or plastic film structures, commonly known as “hoophouses”,
18 19 constructed for nursery or agricultural purposes. not including service systems.
19 20 The covering of the structure must be a material that conforms to NFPA 701
20 21 standards.
- 21 22 11. *{As in IBC}*
- 22 23 12. *{Not Adopted}*
- 23 24 13. *{As in IBC}*
- 24 25 14. Removal of debris, except in cases of interior or exterior demolition.
- 25 26 15. Boarding exterior openings with plywood.
- 26 27 16. Minor repair or patching of drywall or plaster.
- 27 28 17. Replacing roof shingles.
- 28 29 18. Replacing roof tarring.
- 29 30 19. INSTALLING A TEMPORARY DOOR ON A STRUCTURE SUBJECT TO A VACANT BUILDING
30 31 NOTICE.

32 **Electrical:**

33 **Repairs and maintenance: *{As in IBC}***

34 **Radio and television transmitting stations: *{Not Adopted}***

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1 **Temporary Testing Systems: {As in IBC}**

2 **Gas: {Not Adopted}**

3 **Mechanical: {Not Adopted}**

4 **Plumbing: {As in IBC}**

5 **105.2.1 Emergency repairs. {As in IBC}**

6 **105.2.2 Repairs. {As in IBC}**

7 **105.2.3 Public service agencies. {As in IBC}**

8 **105.3 Application for permit.** To obtain a permit, the applicant must first file an application on the
9 form provided by the Building Official for that purpose. The application must:

- 10 1. identify and describe the work to be covered under the permit,
- 11 2. describe the land on which the proposed work is to be done by legal description,
12 street address, or similar description that will readily identify and definitely locate
13 the proposed building or work,
- 14 3. indicate the use and occupancy for which the proposed work is intended,
- 15 4. specify the gross floor area, as defined in BALTIMORE CITY Zoning Code § 1-304 {"GROSS
16 FLOOR AREA"}, involved in the proposed work,
- 17 5. specify the number of dwelling units, if any, involved in the proposed work,
- 18 6. be accompanied by the construction documents and other information required by § 107
19 {"SUBMITTAL DOCUMENTS"} of this Code,
- 20 7. if the property is in an Historical and Architectural Preservation District or on the Historical
21 and Architectural Preservation Landmark List or Special List, be accompanied by a Notice to
22 Proceed or a Certificate of Appropriateness from the Commission for Historical and
23 Architectural Preservation,
- 24 8. state the valuation of the proposed work,
- 25 9. if the proposed work will replace any existing structure, be accompanied by photographs that
26 depict the existing conditions and existing structures on the site,
- 27 10. identify the parties by providing:
 - 28 a. the full names, phone numbers, addresses, and (if available) email addresses of
29 the owner, lessee, and applicant,
 - 30 b. the full name, phone number, address, and (if available) email address of a person
31 who can be contacted at all times in case of an emergency, and
 - 32 c. if the owner, lessee, or applicant is a corporation, partnership, limited liability
33 company, or other entity, full names, phone numbers, addresses, and (if available)
34 email addresses of its officers, partners, or members, as the case may be,

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1 11. provide any other data and information that the Building Official requires,

2 12. be signed by the applicant, or the applicant's authorized agent, and

3 13. if signed by an agent, be accompanied by:

4 a. proof of agency, and

5 b. proof of the agent's identity, by copy or presentation of a valid Maryland driver's
6 license or other Maryland identification.

7 **105.3.1 Action on application.**

8 **105.3.1.1 General.** The Building Official must examine all applications for permits within a
9 reasonable time after filing. If the application or the proposed work does not conform to the
10 requirements of this Code or any other applicable law, the Building Official must reject the
11 application in writing, stating the reasons for the rejection. If the Building Official is
12 satisfied that the application and the proposed work conform to the requirements of this Code
13 and all other applicable laws, the Building Official must issue the permit as soon as
14 practicable.

15 **105.3.1.2 Referral to assess need for traffic mitigation.** Within 15 business days of
16 receiving a completed application, the Building Official must refer the application and all
17 accompanying documents to the Director of Transportation, for review and action under
18 Chapter 38 {"Traffic Impact and Mitigation"} of this Code, if:

19 1. traffic mitigation requirements for the proposed work have not already been
20 complied with in accordance with this Code or the Baltimore City Zoning Code; and

21 2. the proposed work:

22 a. is in a Traffic-Mitigation Zone designated under Chapter 38 {"Traffic
23 Impact and Mitigation"} of this Code and involves 10 or more dwelling
24 units,

25 b. involves 15,000 sq. ft. or more of gross floor area (as defined in BALTIMORE
26 CITY Zoning Code § 1-304), or

27 c. involves 50 or more dwelling units.

28 **105.3.2 Time limitation of application. *{As in IBC}***

29 **105.3.3 Bond for exterior removal of formstone, paint, etc.** An application for a permit to
30 remove formstone, paint, or other material from exterior surfaces must be accompanied by
31 evidence satisfactory to the Building Official that the applicant has obtained a bond to cover the
32 City's expense in the event of a spill or failure to properly dispose of hazardous waste. The bond
33 must be in an amount of at least \$5,000.

34 **105.4 Validity of permit. *{As in IBC}***

35 **105.5 Expiration; extension; REINSTATEMENT FOR FINAL INSPECTION.** Unless an extension is
36 granted, every permit expires and becomes invalid on the expiration date specified on the permit or,
37 if earlier, as provided in this § 105.5.

38 **105.5.1 Expiration – General.** Except as specified in § 105.5.2, a permit expires if:

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1. the work authorized by the permit is not begun on the site within 180 days after the permit is issued, or
2. the work authorized by the permit is abandoned or suspended on the site for 180 days or more.

105.5.2 Expiration – Condemnation, demolition. A permit issued to comply with a condemnation notice served under § 123 {"NOTICES"} of this Code or to comply with a demolition order issued under § 116 {"UNSAFE STRUCTURES"} of this Code expires if:

1. the work authorized by the permit is not begun on the site within 30 days after the permit is issued, or
2. the work authorized by the permit is not completed within 90 days after the permit is issued.

105.5.3 {Reserved}

105.5.4 Extensions – General. On a timely written application and for justifiable cause demonstrated, the Building Official may grant 1 or more extensions. Except as specified in § 105.5.5:

1. the application for an extension must be made within 60 days after the permit expires, and
2. each extension [must be] IS limited to a period of [no] NOT more than 180 days, UNLESS OTHERWISE AUTHORIZED BY THE BUILDING OFFICIAL.

105.5.5 Extensions – Condemnation, demolition. For a permit issued to comply with a condemnation notice or a demolition order:

1. the application for an extension must be made before the permit expires, and
2. each extension must be limited to a period of not more than 90 days.

105.5.6 REINSTATEMENT FOR FINAL INSPECTION. AN EXPIRED PERMIT MAY BE REINSTATED BY THE BUILDING OFFICIAL FOR A FINAL INSPECTION IF:

1. THE APPLICATION FOR REINSTATEMENT IS MADE WITHIN 3 YEARS OF THE PERMIT'S EXPIRATION;
2. ALL ROUGH-IN INSPECTIONS WERE COMPLETED AND APPROVED BY THE BUILDING OFFICIAL; AND
3. ALL OF THE WORK IS COMPLETE.

105.5.7 [105.5.6] Compliance with violation notice or order. The expiration date of a permit does not in any way extend the time required to comply with a violation notice or order.

105.6 Suspension or revocation. The Building Official may suspend or revoke a permit issued under this Code if:

1. the work is being done in violation of the permit, of this Code, or of any other applicable law or regulation, or

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1 2. the permit was issued:

- 2 a. in error or on the basis of incorrect, inaccurate, or incomplete information, or
3 b. in violation of this Code or of any other law or regulation.

4 **105.7 Placement of permit. {As in IBC}**

5 **105.8 Separate structures.** Whenever work is being done on two or more independent structures
6 on the same property, a separate permit is required for each independent structure.

7 **105.9 Special requirements for demolition or moving.**

8 **105.9.1 Pre-permit requirements.** A permit may not be granted for demolishing or moving a
9 structure unless the applicant complies with the following.

10 **105.9.1.1 Inspector consultation.** The applicant must have attended an on-site,
11 pre-demolition or pre-moving inspector consultation to discuss and confirm:

- 12 1. appropriate hosing/wetting requirements and procedures,
13 2. notification requirements, and
14 3. any other matters the Building Official requires.

15 **105.9.1.2 Written notice to adjoining owners, etc.** The applicant must have given written
16 notice to:

- 17 1. the owners of all properties that immediately adjoin the property subject to
18 demolition or moving, and
19 2. the owners of any wired or other facilities that might have to be temporarily removed
20 because of the proposed work.

21 **105.9.1.2.1 Contents of notice.** The written notice must:

- 22 1. indicate the intent to demolish or move the structure,
23 2. specify when the work is expected to begin, and
24 3. identify the contractor scheduled to preform the demolition or moving and the
25 contractor's emergency contact.

26 **105.9.2 Pre-demolition, moving requirements.** Before beginning any demolition or moving
27 operations, the permit holder must comply with the following.

28 **105.9.2.1 Posted notice.** Public notice of the demolition or moving must be posted on the
29 premises at least 5 days before the scheduled action, but not more than 10 days before the
30 scheduled action.

31 **105.9.2.1.1 Sign requisites – GENERAL.** The sign must be:

- 32 1. at least 4 feet [long] WIDE and 3 feet high,
33 2. written in black lettering, at least 2 inches high, on a yellow background,

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3. CONSPICUOUSLY posted [in a conspicuous manner], clearly visible and legible to the public, AND ~~not~~ WITH THE BOTTOM OF THE SIGN NOT LESS THAN 5 FEET NOR[over] MORE THAN 10 feet above ground level, and
4. maintained in good condition until the time of the demolition or moving

105.9.2.1.2 SIGN REQUISITES – MULTIPLE STRUCTURES. IF THE DEMOLITION OR MOVING INVOLVES 2 OR MORE STRUCTURES ON THE SAME OR ADJOINING PROPERTIES:

1. 1 SIGN MEETING THE SPECIFICATIONS OF § 105.9.2.1.1 MUST BE CONSPICUOUSLY POSTED, CLEARLY VISIBLE AND LEGIBLE TO THE PUBLIC, AND ~~NOT~~ WITH THE BOTTOM OF THE SIGN NOT LESS THAN 5 FEET NOR MORE THAN 10 FEET ABOVE GROUND LEVEL, AND
2. EACH INDIVIDUAL STRUCTURE MUST BE POSTED WITH A SIGN THAT IS:
 - A. AT LEAST ~~4~~ 17 INCHES WIDE AND ~~8½~~ 11 INCHES HIGH,
 - B. WRITTEN IN BLACK LETTERING ON A YELLOW BACKGROUND,
 - C. CONSPICUOUSLY POSTED, CLEARLY VISIBLE AND LEGIBLE TO THE PUBLIC, AND ~~NOT~~ WITH THE BOTTOM OF THE SIGN NOT LESS THAN 5 FEET NOR MORE THAN 10 FEET ABOVE GROUND LEVEL, AND
 - D. MAINTAINED IN GOOD CONDITION UNTIL THE TIME OF THE DEMOLITION OR MOVING.

105.9.2.1.3 [105.9.2.1.2] Proof of posting. The permit holder must submit to the Building Official photographic evidence of the posting required by this section.

105.9.3 Inspector presence. At least 24 hours before beginning the demolition or moving operations, the contractor must contact the Building Official to schedule the presence of an inspector.

105.9.4 Failure to comply. Failure to comply with the requirements of this § 105.9 may result in revocation of the permit.

105.10 Required corrections. The issuance of a permit does not prevent the Building Official from later requiring the correction of errors in any plans, drawings, work, or operations.

105.11 to 105.12 {Reserved}

105.13 Inspection registration permits. An inspection registration permit issued by the Building Official is required before any person may use any land or structure for:

1. a place of public assembly, including any assembly hall, auditorium, bowling lane, dance hall, exhibition hall, motion picture theater, musical hall, opera house, pool parlor, skating rink, sports arena, stadium, or theater, or
2. any roof tank or roof sign.

Section 106 Floor and Roof Design Loads {AS IN IBC}

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1 Section 107 Submittal documents.

2 107.1 General. *{As in IBC}*

3 EXCEPTION 1: *{AS IN IBC EXCEPTION}*

4 EXCEPTION 2: CONSTRUCTION DOCUMENTS MAY BE SUBMITTED ELECTRONICALLY THROUGH THE
5 CITY'S ePLANS REVIEW SYSTEM IF THE SUBMISSION COMPLIES WITH THE GUIDELINES
6 ESTABLISHED IN THE ePLANS APPLICANT USER GUIDE.

7 107.2 Site plan. The construction documents submitted with the application for permit must be
8 accompanied by a site plan.

9 107.2.1 General requirements. The site plan must:

- 10 1. show to scale the size and location of new construction and existing structures on the
11 site, distances from lot lines, the established street grades, and the proposed finished
12 grades,
- 13 2. show, as applicable, flood hazard areas, floodways, and design flood elevations,
- 14 3. be drawn in accordance with an accurate boundary line survey, and
- 15 4. comport with all other requirements of this section.

16
17 107.2.2 Demolition. In the case of demolition, the site plan must show construction to be
18 demolished and the location and size of existing structures and construction that are to remain
19 on the site.

20
21 107.2.3 Specifications, photographs, additional information. The site plan must:

- 22 1. be drawn in accordance with the specifications required by rules or regulations adopted
23 by the Building Official in consultation with the Director of [Public Works] GENERAL
24 SERVICES, and
- 25 2. contain any additional information required by those rules or regulations.

26 107.2.4 Waiver or modification. The Building Official may waive or modify the requirement
27 for a site plan if the application is for alteration or repair or if otherwise warranted.

28 107.2.5 SITE PLAN. *{NOT ADOPTED}*

29 107.3 Examination of documents. *{As in IBC}*

30 107.4 Amended construction documents. *{As in IBC}*

31 107.5 Retention of construction documents. *{As in IBC}*

32 Section 108 Temporary Structures and Uses

33 108.1 In general. *{As in IBC}*

34 108.2 Conformance. *{As in IBC}*

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1 **108.3 Temporary power.** The Building Official may give permission to temporarily supply power
2 to a structure that is not yet complete, as long as all work complies with the requirements of this
3 Code.

4 **108.4 Termination of approval. {As in IBC}**

5 **Section 109 Fees**

6 **109.1 Permit fees.** A permit for construction, alteration, demolition, moving, or other building
7 operation is not valid unless the fees prescribed in this Code have been paid, nor is any amendment
8 or extension to a permit valid unless the prescribed additional fee has been paid. Payment must be made
9 before issuance of the permit, amendment, or extension.

10 **109.2 Other fees.** The payment of the fee for all work done concurrently or in connection with the
11 work contemplated by a permit does not relieve the applicant or permit holder from the payment of
12 other fees prescribed by law for water taps, sewer connections, electrical permits, signs and display
13 structures, marquees, or other appurtenant structures, or fees for inspections, occupancy permits, or
14 other privileges or requirements, whether within or without the jurisdiction of the Department.

15 **109.3 Minimum fees and service charges.** Fees or service charges for the various permits,
16 certificates, inspections, tests, or other services provided under this Code are as specified in this
17 § 109. Unless otherwise specified, the minimum fee or service charge is \$25. All fees are to be
18 rounded to the nearest dollar.

19 **109.4 Refunds; credits.**

20 **109.4.1 [Refunds] GENERAL.** No fee or other service charge paid for any application, permit,
21 certificate, inspection, test, or other service may be refunded, in whole or in part, except as
22 provided in this [§ 109.4.1] § 109.4.

23 **109.4.2 LIMITATIONS.** [If] EXCEPT AS PROVIDED IN § 109.4.3:

- 24 1. IF no work has been done nor any privilege enjoyed under a permit, certificate,
25 inspection, test, or other service, a refund may be granted of not more than 50% of the
26 fee or service charge paid[.]; AND
- 27 2. [In] IN no event[, however,] may any refund be granted on any fee or charge of less than
28 \$1,000.

29 **109.4.3 [109.4.2] [Credit for administrative] ADMINISTRATIVE error.** If the Building Official
30 revokes a permit because of an administrative error that, through no fault of the applicant, was
31 made in issuing the permit, the applicant [may] IS ENTITLED TO:

- 32 1. apply [under § 109.4.1, if applicable,] for AND RECEIVE a [partial] FULL refund of the fee
33 paid for the revoked permit, or
- 34 2. request that the fee paid for the revoked permit be applied and credited to the fee due for
35 a new permit to replace the one revoked.

36 **109.5 Service charges.**

37 **109.5.1 Duplicate or additional documents.** The charges for copies or duplicates of permits,
38 certificates, and other documents are:

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- 1 1. for photocopies of ~~permit~~ documents other than approved plans, \$1 for the 1st page and
2 50¢ for each additional page,
- 3 2. for duplicates of ~~documents~~ PERMITS other than approved plans, \$10 for each duplicate
4 issued, AND
- 5 3. for copies or duplicates of approved plans, \$10 per sheet plus any charge involved in
6 reproducing them, ~~with a minimum charge of \$25, [and]~~
- 7 ~~4. for photocopies of OPEN violation notices[,] AND condemnation notices, [and records
8 related to either,] the fee is \$30 for each [notice] PROPERTY;~~
- 9 ~~5. FOR PHOTOCOPIES OF OPEN VIOLATION NOTICES AND CONDEMNATION NOTICES, WITH
10 RECORDS RELATED TO EITHER, THE FEE IS \$50 FOR EACH PROPERTY; AND~~
- 11 ~~6. FOR PHOTOCOPIES OF CLOSED VIOLATION NOTICES AND CONDEMNATION NOTICES, WITH
12 RECORDS RELATED TO EITHER, THE FEE IS \$50 FOR EACH PROPERTY.~~

13 **EXCEPTION:** ~~THERE IS NO~~ THE FEE FOR PHOTOCOPIES OF VIOLATION NOTICES,
14 CONDEMNATION NOTICES, AND RECORDS RELATED TO EITHER, WILL BE WAIVED IF THE
15 NOTICES ARE:

- 16 1. FOR A RESIDENTIAL PROPERTY, AND
- 17 2. THE COPIES AND THE FEE WAIVER ARE REQUESTED BY:
 - 18 A. THE CURRENT OWNER OF THE PROPERTY, AS EVIDENCED BY A RECORDED
19 DEED, OR
 - 20 B. A CURRENT OCCUPANT OF THE PROPERTY, AS EVIDENCED BY AN
21 EXECUTED LEASE OR OTHER RECORD SATISFACTORY TO THE BUILDING
22 OFFICIAL.

23 **109.5.2 Partial permits.** For a partial permit issued under this Code:

- 24 1. the charge is at the rate of:
 - 25 a. \$10 for each \$1,000 worth of work up to \$1,000,000 worth of work, plus
 - 26 b. \$5 for each \$1,000 worth of work in excess of \$1,000,000, and
- 27 2. the minimum charge is:
 - 28 a. \$100 for 1- and 2-family dwellings, and
 - 29 b. \$250 for all other structures.

30 **109.5.3 Permit extensions.** For a permit extension issued under this Code, the charge is
31 as follows:

- 32 1. If the application for extension is made within 30 days after the permit expires, the fee
33 for the extension is \$25.
- 34 2. If the application for extension is made between 30 - 60 days after the permit expires, the
35 fee for the extension is 50% of the original permit fee. Alternatively, the applicant may

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1 apply for a new permit for the work remaining to be completed, with the fee for that
2 permit to be based on the scope of that remaining work.

3 **109.5.4 Permit amendments.** For an amendment to a permit, the charge is as follows:

4 1. For each amendment that involves a work area not originally applied for, the charge is
5 the appropriate fee for the work contemplated, with a minimum fee as follows:

- | | | |
|---|------------------------------|------|
| 6 | a. 1- and 2-family dwellings | \$50 |
| 7 | b. All others | \$75 |

8 2. For each amendment within the work area originally applied for, the charge is THE
9 APPROPRIATE FEE FOR THE WORK CONTEMPLATED, WITH A MINIMUM FEE as follows:

- | | | |
|----|-------------------------------------|-------|
| 10 | a. 1- and 2-family dwellings | \$25 |
| 11 | b. All others | |
| 12 | 0 to 500 sq. ft. | \$75 |
| 13 | Over 500 sq. ft. to 1,000 sq. ft. | \$150 |
| 14 | Over 1,000 sq. ft. to 5,000 sq. ft. | \$250 |
| 15 | Over 5,000 sq. ft. | \$500 |

16 **109.5.5 Preliminary Project Review.** For a “Preliminary Review” of a proposed project, the
17 charge is \$50 for each half hour.

18 **109.5.6 Revised drawings.** For revised drawings, the charge is \$10 for each sheet submitted,
19 with a minimum charge of \$25.

20 **109.5.7 Application fee.** Before an application for any permit or certificate is processed, the
21 applicant must pay a nonrefundable application fee as follows:

22 1. For applications that do not require the submission of construction documents
23 FOR PLAN REVIEW:

- | | | |
|----|------------------------------|------|
| 24 | a. 1- and 2-family dwellings | \$25 |
| 25 | b. All others | \$50 |

26 2. For applications that require the submission of construction documents FOR
27 PLAN REVIEW:

- | | | |
|----|------------------------------|-------|
| 28 | a. 1- and 2-family dwellings | \$125 |
| 29 | b. All others | \$150 |

30 **109.5.8 Inspection fees.**

31 **109.5.8.1 Overtime fee.** For each inspection or reinspection that, at the request of the
32 owner or owner’s agent, is made outside normal working hours, a charge is imposed at the
33 rate of \$50 an hour for each inspector, with a minimum charge, payable in advance, of \$200
34 for each inspector.

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1 **109.5.8.2 Reinspection fee.** If the owner or owner's agent schedules an inspection and, for
2 any reason, a reinspection of the same work is required, the charge, payable in advance, is as
3 follows:

- 4 1. \$35 for a 1st reinspection,
- 5 2. \$50 for a 2nd reinspection, and
- 6 3. \$100 for a 3rd and every subsequent reinspection.

7 **109.5.9 Penalty surcharge.** A surcharge ~~may be assessed~~ IS IMPOSED on any permit that is
8 issued for work begun or completed:

- 9 1. without a permit,
- 10 2. beyond the scope of a permit or in a manner inconsistent with plans or drawings
11 approved as part of a permit application, or
- 12 3. during the suspension or after the revocation of a permit for that work.

13 **109.5.9.1 Amount – In general.** Except as otherwise specified in this § 109.5.9, the amount
14 of the surcharge is the greater of \$1,000 or 50% of the permit fee.

15 **109.5.9.2 Amount – Demolition work.** For demolition work done without the proper
16 permit or in violation of the terms of a permit, the surcharge is ~~15¢~~ 50¢ for each cubic foot of
17 the structure before the demolition.

18 **109.5.9.3 Reductions.** The Building Official may reduce the amount of a surcharge
19 imposed by this § 109.5.9:

- 20 1. on written application and justifiable cause demonstrated, and
- 21 2. in accordance with applicable standards and criteria contained in the rules and
22 regulations adopted under this Code.

23 **109.5.9.4 Surcharge in addition to other fines, etc.** A surcharge imposed by this § 109.5.9
24 is in addition to any other fine or penalty imposed under this Code or any other law or
25 regulation.

26 **[109.5.9.5 Contractor's liability.** If the unauthorized work for which the surcharge is
27 imposed was performed by a contractor, the contractor:

- 28 1. is personally liable for the surcharge, and
- 29 2. may not, directly or indirectly, attempt to recoup the amount of the surcharge from
30 the property owner.]

31 **[109.5.9.5.1 Violation.** A contractor who violates § 109.5.9.5(2):

- 32 1. is subject to the fines and penalties imposed for violations of this Code, and
- 33 2. may be reported to the relevant licensing authority and the Consumer Protection
34 Division of the Attorney General's Office.]

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109.5.10 Violation reports. The charge for a violation report, whether obtained from the Department or from the Bureau of Liens, is \$30, in addition to the charge for a lien certificate.

109.6 Fee schedules.

109.6.1 Permit fees for construction work.

a. New buildings and additions.

1. 1- and 2-family dwellings

\$10 for each 1,000 cubic feet (28.31 cu. m.) or fraction of 1,000 cubic feet (28.31 cu. m.) of gross volume, including all basements and cellars.

Minimums –

New building	\$150
Additions	\$75

2. All others

\$20 for each 1,000 cubic feet (28.31 cu. m.) or fraction of 1,000 cubic feet (28.31 cu. m.) of gross volume, including all basements and cellars.

Minimums –

New building	\$250
Additions	\$150

b. Structures accessory to a principal occupancy.

Each structure of 100 square feet (9.29 sq. m.) or less of gross floor area	\$25
---	------

Each structure over 100 square feet (9.29 sq. m.) of gross floor area	\$50
---	------

c. Alterations and repairs.

1. 1- and 2-family dwellings

\$0.30 per square foot or fraction of a square foot of affected gross floor area

Minimum	\$50
---------	------

Exception: For the following, the fee is \$10 for each \$1,000 or fraction of \$1,000 estimated cost, subject to a minimum fee of \$50 –

Alterations limited to the exterior.

Alterations limited to the installation of interior doors when no other work is contemplated on the permit.

2. All others

\$0.35 per square foot or fraction of a square foot of affected gross floor area

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1	Minimum	\$150
2	Exception: For the following types of work, the fee is \$12 for each \$1,000	
3	or fraction of \$1,000 estimated cost, with a minimum fee of \$150 –	
4	Alterations limited to the exterior.	
5	Alterations limited to the installation of interior doors when no other	
6	work is contemplated on the permit.	
7	Alterations limited to construction of new-tenant demising wall.	
8	Alterations limited to creation of new-tenant shell space.	
9	d. Interior only demolition.	
10	\$0.02 per square foot or fraction of a square foot of affected gross	
11	floor area	
12	Minimums –	
13	1- and 2-family dwellings	\$25
14	All others	\$100
15	e. Chimneys, stacks, towers.	
16	0 to 50 feet (15.24 m) high	\$35
17	Over 50 feet (15.24 m) to 100 feet (30.48 m) high	\$50
18	Over 100 feet (30.48 m) high	\$75
19	f. Retaining walls.	
20	\$10 for each 100 square feet (9.29 sq. m.) or fraction of 100 square feet	
21	(9.29 sq. m.) of area above footing.	
22	g. Fences.	
23	\$10 for each 100 linear feet (30.38 m) or fraction of 100 linear feet (30.38 m).	
24	h. Grading (excavating or filling).	
25	0 to 5,000 cu. yd. (3822.77 cu. m.)	\$35
26	Over 5,000 cu. yd. (3822.77 cu. m.) to 50,000 cu. yd. (38,227.74 cu. m.)	\$50
27	Over 50,000 cu. yd. (38,227.74 cu. m.)	\$75
28	i. Paving or surfacing.	
29	0 to 1,000 sq. ft. (92.90 sq. m.)	\$25
30	Over 1,000 sq. ft. (92.90 sq. m.) to 10,000 sq. ft. (929.03 sq. m.)	\$35
31	Over 10,000 sq. ft. (929.03 sq. m.) to 50,000 sq. ft. (4645.15 sq. m.)	\$60
32	Over 50,000 sq. ft. (4645.15 sq. m.)	\$85
33	j. Erecting, placing, hanging, or reconstructing signs.	
34	0 to 10 sq. ft. (0.929 sq. m.)	\$25
35	Over 10 sq. ft. (0.929 sq. m.) to 150 sq. ft. (13.94 sq. m.)	\$35

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1	Over 150 sq. ft. (13.94 sq. m.) to 200 sq. ft. (18.58 sq. m.)	\$60
2	Over 200 sq. ft. (18.58 sq. m.) to 500 sq. ft. (46.45 sq. m.)	\$150
3	Over 500 sq. ft. (46.45 sq. m.)	\$250

4 **k. Installing on-premises advertising signs.**

5 For erecting, placing, hanging, or reconstructing any consolidated area of signage, as
6 described in BALTIMORE CITY ZONING CODE § 11-422 [of the Zoning Code], the fee is
7 \$1 a square foot, with a minimum of \$13 for each consolidated area of signage.

8 The rates in items j and k are based on the gross square feet area of the sign face or faces.
9 No fee is charged for signs less than 100 square feet (9.29 sq. m.) and used exclusively for
10 advertising the sale or lease of the property on which they are posted.

11 For repairing, painting, and rehangng any sign in the same place, the fee is \$25 for each
12 sign.

13 **l. Demolition (other than interior only).**

14	1- and 2-family dwellings	\$0.03 per cubic
15		foot volume of structure

16	Minimum	\$300
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17	All others	\$0.075 per cubic
18		foot volume of structure

19	Minimum	\$600
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20	Accessory structures	\$50 each
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21	Maximum	\$5,000 per structure
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22 **m. Temporary structures.**

23 For each temporary structure, the fee is \$20 a year for each 500 square feet
24 or fraction of 500 square feet of gross floor area.

25	Minimum	\$35
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26	Maximum	\$800
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27 **n. Moving buildings.**

28 \$50 each

29 **o. Swimming pools.**

30	1- and 2-family dwellings	\$50
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31	All others	\$250
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32 **p. Occupancy permit (including any accompanying use permit issued under**
33 **Zoning Code).**

34	For each use in each building or part of a building	\$45
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1 **q. Sediment and erosion control.**
2 Sediment and erosion control permit and review fees will be assessed by the Department
3 of Public Works in accordance with the fee schedule established from time to time by the
4 Board of Estimates.

5 **r. DPW review charges.**
6 A fee of \$100 will be charged for review by the Department of Public Works of
7 each application for a building permit. Additional fees for consultation meetings
8 with the applicant will be charged at the rate of \$50 for each half hour.

9 **109.6.2 Permit fees for electrical work.**

10 **a. Electrical service wiring and equipment to be installed, replaced, or relocated,**
11 **including provision for connection of meter.**

12 **1. Rating in Amperes**

13	0 to 100	\$25
14	Over 100 to 200	\$30
15	Over 200 to 400	\$40
16	Over 400 to 800	\$60
17	Over 800 to 1,000	\$100
18	Over 1,000 to 2,000	\$150
19	Over 2,000	\$200

20 For services over 600 volts, add \$100.

21 **2. Installing conduits and duct banks only**

22	Over 0 to 200 feet	\$25
23	Over 200 to 1,000 feet	\$50
24	Over 1,000 feet	\$100

25 **3. Sub feeders for additional meters only**

26	0 to 200 amperes	\$30
27	Over 200 to 400 amperes	\$40
28	Over 400 to 800 amperes	\$60
29	Over 800 to 1,000 amperes	\$100
30	Over 1,000 to 2,000 amperes	\$150
31	Over 2,000 amperes	\$200

32 **4. Photovoltaic system**

33	1 to [6] 25 photovoltaic panels	\$25 [\$50]
34	[Each] FOR EACH additional 10 OR FRACTION OF 10 [panel] PANELS	\$5 [\$6]

35 **b. Electrical wiring for new branch circuits, feeders, and extensions to**
36 **or replacements of branch circuits.**

37 For each circuit \$6

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1 A 3-wire or 4-wire branch circuit serving single phase loads is considered to be
2 a 2- or 3-branch circuit respectively.

3 A 3-wire branch circuit serving only 3-phase loads or serving a single appliance
4 is considered to be a 1-branch circuit.

5 **c. Fixtures or devices only.**

6 For installing electrical fixtures or devices only:

7 1 to 25 fixtures \$25

8 \$5 for each additional 25 or fraction of 25 fixtures or devices.

9 **d. Temporary electrical wiring.**

10 **1. For bazaars, cinema shows, dances, displays, exhibitions, fairs, plays, rummage** 11 **sales, sporting events, suppers, and other similar assemblies.**

12 \$20 for each 5 kilowatts or fraction of 5 kilowatts of feeder capacity
13 supplying the wiring.

14 ~~The fee is reduced 50% if the net proceeds from the event are to be used exclusively~~
15 ~~for a charitable or religious organization. IF THE NET PROCEEDS FROM ANY OF THESE~~
16 ~~EVENTS ARE TO BE USED EXCLUSIVELY FOR THE BENEFIT OF THE SAME CHARITABLE~~
17 ~~OR RELIGIOUS ORGANIZATION, THEN ON REQUEST OF THE ORGANIZATION AND~~
18 ~~SUBMISSION WITH THE PERMIT APPLICATION OF A LIST OF ALL LIKE PERMITS~~
19 ~~PREVIOUSLY ISSUED FOR THE ORGANIZATION DURING THE SAME CALENDAR YEAR, (I)~~
20 ~~THE FEE FOR THE 2ND EVENT HELD IN THE SAME CALENDAR YEAR IS WAIVED; AND (II)~~
21 ~~THE FEE FOR THE 3RD AND EVERY SUBSEQUENT EVENT HELD IN THE SAME CALENDAR~~
22 ~~YEAR IS REDUCED 50%.~~

23 **2. For carnivals and circuses.**

24 \$25 for each 5 kilowatts or fraction of 5 kilowatts of feeder capacity
25 supplying the wiring.

26 ~~The fee is reduced 50% if the net proceeds from the event are to be used exclusively~~
27 ~~for a charitable or religious organization. IF THE NET PROCEEDS FROM ANY OF THESE~~
28 ~~EVENTS ARE TO BE USED EXCLUSIVELY FOR THE BENEFIT OF THE SAME CHARITABLE~~
29 ~~OR RELIGIOUS ORGANIZATION, THEN ON REQUEST OF THE ORGANIZATION AND~~
30 ~~SUBMISSION WITH THE PERMIT APPLICATION OF A LIST OF ALL LIKE PERMITS~~
31 ~~PREVIOUSLY ISSUED FOR THE ORGANIZATION DURING THE SAME CALENDAR YEAR, (I)~~
32 ~~THE FEE FOR THE 2ND EVENT HELD IN THE SAME CALENDAR YEAR IS WAIVED; AND (II)~~
33 ~~THE FEE FOR THE 3RD AND EVERY SUBSEQUENT EVENT HELD IN THE SAME CALENDAR~~
34 ~~YEAR IS REDUCED 50%.~~

35 **3. For construction purposes.**

36 The fee is the same as for permanent installations, and the permits
37 must be applied for separately.

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1	e. Electrical semiannual permits for maintenance work.	
2	The fee for each permit is based on the total service of the plant.	
3	Rating of Service in Amperes	
4	0 to 600	\$50
5	Over 600 to 800	\$75
6	Over 800 to 1,200	\$100
7	Over 1,200 to 2,000	\$150
8	Over 2,000	\$200
9	f. Not otherwise classified.	
10	Electrical work not otherwise classified in this section	\$25 per
11		permit
12	g. Low voltage \ wiring.	
13	1 to 25 devices	\$25
14	[\$5 for] FOR each additional 10 or fraction of 10 devices	\$5
15	h. Telecommunications.	
16	Power Supply for Integrated Systems	
17	Up to 50kW	\$150
18	Over 50kW	\$2 per additional
19		10kW or fraction of 10kW
20	Maximum	\$500
21	Communication hotels	
22	Per rack	\$10
23	Maximum	\$300
24	Telecommunications antennas	
25	1 to 5 antennas	\$25
26	Over 5	\$5 per additional
27		antenna
28	Grounding and bonding	\$25
29		
30	i. Installing electrical transformers only.	
31	1 to 10 KVA	\$25
32	Over 10 to 50 KVA	\$35
33	Over 50 to 100 KVA	\$75
34	Over 100 KVA	\$100

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1	109.6.3 Permit fees for mechanical work.	
2	a. Fuel-burning equipment and appliances.	
3	BTU per hour input per unit	
4	0 to 200,000	\$30
5	Over 200,000 to 500,000	\$45
6	Over 500,000 to 1,000,000	\$75
7	For each additional 1,000,000 or fraction of 1,000,000	\$75
8	Maximum	\$300 per unit
9	Lab tables:	\$5 per outlet
10	Fuel oil or natural gas piping, new or replacement	
11	1- and 2-family dwellings	\$25
12	All others	\$50
13	Replacement of units same as new	
14	b. Air conditioning systems.	
15	Cooling towers	\$150 per unit
16	All others	\$5 a ton
17		(1 ton = 12,000 BTU per hour)
18	Minimum	\$ 30
19	Maximum	\$300 per unit
20	c. Hydronic and steam-heating systems.	
21	New installation of baseboard radiation	
22	1- and 2-family dwellings	\$25
23	All others	\$50
24	New installation of piping	
25	1- and 2-family dwellings	\$25
26	All others	\$50
27	New installation of radiators or convectors	
28	Minimum	\$30
29	Geothermal system	
30	Replacement of unit same as new	

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1	d. Distribution systems.	
2	New installation	
3	1- and 2-family dwellings	\$25 per system
4	All other work	\$5 per 1000 CFM
5	Minimum	\$30
6	Maximum	\$300
7	Reconstruction of existing distribution systems	
8	1 to 25 diffusers	\$35
9	Over 25 diffusers	\$50 per 100 or fraction of 100
10	VAV or mixing boxes	\$5 each
11	e. Exhaust systems.	
12	\$5 for each 1,000 cubic feet (28.31 cu. m.) of air per minute	
13	Minimum	\$30
14	Maximum	\$300
15	f. Unfired pressure vessels.	
16	\$50 each	
17	g. Tanks for all liquids, including propane gas cylinders.	
18	LP gas cylinders in the aggregate of 1,000 gallons (3,780 L) or fraction of	
19	1,000 gallons (3,780 L) are considered 1 tank.	
20	0 to 1,000 gallons (3,780 L)	\$20 each
21	Over 1,000 gallons (3,780 L) to 10,000 gallons (37,800 L)	\$30 each
22	Over 10,000 gallons (37,800 L)	\$30 plus \$10 per 5,000 gallons
23		(18,900 L) or fraction over
24		10,000 gallons (37,800 L);
25		maximum \$400
26	Removal of tanks	\$35 per tank
27	h. Pumps and dispensers.	
28	For each hose outlet	\$10
29	Minimum	\$30

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1	i. Fire extinguishing systems.		
2	Sprinkler systems		
3	1 to 25 heads		\$35
4	More than 25 heads	\$50 per 100 heads or	
5		fraction of 100 heads	
6	Relocate sprinkler heads		\$5 each
7	Minimum		\$30
8	Maximum		\$100
9	Replace sprinkler heads only		\$20
10	Standpipe risers		\$50 each
11	Relocate hose stations		\$10 each
12	Chemical systems		\$50
13	j. Plumbing and on-site utilities.		
14	Install, replace, or reconstruct plumbing fixtures		\$5 each
15	Remove plumbing fixtures only		\$20
16	Electrical water heaters, new construction or replacement		\$20 each
17	Grease interceptors		\$25 each
18	Water service pipe, new or replacement		
19	1-and 2-family dwellings		\$25
20	All other work		\$50
21	Sanitary connection, new or replacement		
22	1- and 2-family dwellings		\$25
23	All other work		\$50
24	Storm water connection, new or replacement		
25	1- and 2-family dwellings		\$25
26	All other work		\$50
27	Reconstruct water, sanitary, or storm lines on premises		\$20 per utility
28	Cap off water, sanitary, or storm lines on premises		\$50 per utility
29	On-site utilities (water, sanitary, or storm water)		
30	New or reconstruction		\$50 per utility
31	Multiple home site development		\$10 per utility
32	Private disposal systems, including septic tank, dry		
33	well, or drain fields		\$100, plus
34			\$5 per plumbing fixture

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1	Lawn irrigation system	\$25
2	Private swimming pool when connected to a water and sewer line	\$30
3	Backflow prevention device	
4	Installation	
5	Less than 2" diameter	\$25 each
6	2" diameter or more	\$100 each
7	Annual testing inspection	\$30
8	k. Installing elevators, escalators, etc.	
9	Installation per unit:	
10	Passenger, power freight, and parking elevators	\$50, plus \$5 per floor
11	Maximum	\$150
12	Escalators	\$60
13	Hand or gravity elevators	\$35
14	Stage or orchestra console elevators	\$50
15	Private residence elevators or inclined lifts	\$35
16	Person lifts	\$50
17	Automobile service lifts	\$20
18	Power dumbwaiters	\$35
19	Hand dumbwaiters	\$30
20	Temporary material hoists and elevators	\$35
21	Workers' hoists	\$35, plus \$5 per floor
22	Alterations	\$50 per elevator

23 **109.6.4 Fees for certificates.**

24 **a. Electrical certificates of approval.**

- 25 1. \$10 each when issued as part of original permit.
- 26 2. \$20 each when issued separately.

27 **b. Mechanical certificates of approval.**

- 28 1. \$10 each when issued as part of original permit.
- 29 2. \$20 each when issued separately.

30 **c. Certificates of completion or other.**

31 \$45 each

32 **109.6.5 Fees for inspection registration permits.** For inspection registration permits, the fees
33 are as follows:

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a. Public assemblies – Annual.

For public assemblies, the annual fee is:

0 to 6,000 sq. ft. (557.42 sq. m.)	\$55
Over 6,000 sq. ft. (557.42 sq. m.) to 12,000 sq. ft. (1114.84 sq. m.)	\$60
Over 12,000 sq. ft. (1114.84 sq. m.) to 25,000 sq. ft. (2322.58 sq. m.)	\$75
Over 25,000 sq. ft. (2322.58 sq. m.)	\$85

If the net proceeds from any of these assemblies are to be used continuously and exclusively for a charitable or religious organization, the fee is reduced 50%.

b. Public assemblies – Short term.

For public assemblies for which an annual permit has not been obtained, fees are charged as follows:

For each 10,000 square feet (929.03 sq. m.) or fraction of 10,000 square feet (929.03 sq. m.)

<i>Purpose</i>	<i>1 Day</i>	<i>1 Week</i>
Bazaars	\$20	\$ 60
Carnivals	\$35	\$ 95
Circuses	\$60	\$200
Dances	\$30	\$ 70
Displays	\$20	\$ 50
Exhibitions	\$20	\$ 50
Fairs	\$35	\$ 85
Lectures	\$20	\$ 50
Movies or videos	\$20	\$ 60
Plays	\$20	\$ 50
Rummage Sales	\$20	\$ 50
Sporting events	\$35	\$ 85
Suppers	\$20	\$ 50
Other assemblies	\$20	\$ 50
Amusement devices	\$30 each	—

If the net proceeds from any of these activities, except amusement devices, are to be used exclusively for a charitable or religious organization, the fee is reduced 50%. IF THE NET PROCEEDS FROM ANY OF THESE ACTIVITIES, OTHER THAN AMUSEMENT DEVICES, ARE TO BE USED EXCLUSIVELY FOR THE BENEFIT OF THE SAME CHARITABLE OR RELIGIOUS ORGANIZATION, THEN ON REQUEST OF THE ORGANIZATION AND SUBMISSION WITH THE PERMIT APPLICATION OF A LIST OF ALL LIKE PERMITS PREVIOUSLY ISSUED FOR THE ORGANIZATION DURING THE SAME CALENDAR YEAR, (I) THE FEE FOR THE 2ND ACTIVITY HELD IN THE SAME CALENDAR YEAR IS WAIVED; AND (II) THE FEE FOR THE 3RD AND EVERY SUBSEQUENT ACTIVITY HELD IN THE SAME CALENDAR YEAR IS REDUCED 50%.

c. Roof tanks and roof signs.

For roof tanks and roof signs, the annual fee is:

Roof tanks	\$20 <u>\$50</u> each
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1	Roof signs	
2	100 sq. ft. (9.29 sq. m.) to 500 sq. ft. (46.45 sq. m.)	\$20 <u>\$50</u>
3	Over 500 sq. ft. (46.45 sq. m.) to 1,000 sq. ft. (92.90 sq. m.)	\$35 <u>\$75</u>
4	Over 1,000 sq. ft. (92.90 sq. m.)	\$50 <u>\$100</u>

5 **109.6.6 Fees for miscellaneous work.** Permit fees for miscellaneous work, operations, and
6 other purposes, not elsewhere provided for in this Code, are charged at the rate of \$10 for each
7 \$1,000 or fraction of \$1,000 of estimated cost.

8 **109.7 Building Code Permit Tax.** A tax is levied and imposed on every issuance of a permit under
9 this Code. The amount of the tax is 5% of the final cost of that permit rounded up to the nearest
10 whole dollar. The funds so collected are to be deposited to the General Fund and accounted for in a
11 revenue account entitled "Homeless Relief Assistance", with the legislative intent that an equivalent
12 amount be appropriated in the future for the relief of the homeless.

13 **Section 110 Inspections** *{As in IBC}*

14 **Section 111 Occupancy Permit; Certificate of Completion**

15 **111.1 to 111.4** *{As in IBC. But Note: The "certificate of occupancy" to which the IBC refers is*
16 *known in Baltimore City as an "occupancy permit".}*

17 **111.5 Certificate of completion.** Within 10 days of written application, the Building Official will
18 issue a certificate of completion if all work authorized by a building permit has been satisfactorily
19 completed in compliance with this Code. The certificate certifies the satisfactory completion of the
20 work and the purpose for which the structure may be used in its several parts.

21 **[111.6 Revocation.** *{As in IBC § 110.5}*]

22 **Section 112 Service Utilities** *{As in IBC}*

23 **Section 113 Board of Appeals** *{Not Adopted}*

24 **Section 114 Violations**

25 **114.1 Unlawful acts.** It is unlawful for any person to:

- 26 1. construct, alter, add to, repair, rehabilitate, demolish, move, locate, use, occupy, or maintain
27 any structure, premises, land, or equipment regulated by this Code, contrary to or in conflict
28 with or in violation of:
 - 29 a. any provision of this Code, or
 - 30 b. any provision of any regulation, order, requirement, decision, permit, or notice
31 issued under this Code by the Building Official or by any other person, board,
32 department, bureau, commission, or agency with jurisdiction, or
- 33 2. otherwise fail to comply with any provision of this Code or of any regulation, order,
34 requirement, decision, permit, or notice issued under this Code, or
- 35 3. cause any of these acts or omissions to be done.

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1 **114.2 Violation notice or order.** Except as otherwise provided in this Code, the Building Official
2 may serve a violation notice or order on any person legally responsible for the construction,
3 alteration, addition, repair, rehabilitation, demolition, moving, location, use, occupancy, or
4 maintenance of any structure, premises, land, or equipment in violation of any provision of:

- 5 1. this Code, or
- 6 2. a plan approved under this Code, or
- 7 3. a permit or certificate issued under this Code.

8 **114.2.1 Tenor of notice or order.** The notice or order may direct:

- 9 1. the discontinuance of the illegal action or condition, and
- 10 2. the abatement of the violation, which may include restoration to the prior condition.

11 **114.3 Enforcement generally.** If a violation is not promptly discontinued or abated, or if the
12 violation notice or order is not complied with promptly, the Building Official may institute or cause
13 to be instituted any appropriate legal proceedings.

14 **114.3.1 Types of proceedings.** Enforcement proceedings may include:

- 15 1. injunctive or other equity proceedings, including:
 - 16 A. an action initiated by a code-enforcement-injunction citation under City Code
17 Article 19, § 71-3 {"CODE ENFORCEMENT INJUNCTION"}, or
 - 18 B. an action for appointment of a receiver under § 121 {"VACANT BUILDING
19 RECEIVER"} of this Code,
- 20 2. criminal prosecution, including a prosecution initiated by a prepayable criminal citation
21 under City Code Article 19, § 71-2 {"PREPAYABLE CRIMINAL CITATIONS"}, and
- 22 3. administrative proceedings, including one initiated by an environmental citation under
23 City Code Article 1, § 40-14 {"VIOLATIONS TO WHICH SUBTITLE APPLIES"}.

24 **114.3.2 Remedies not exclusive.** In pursuing a violation, the Building Official may use any 1 or
25 more available remedies or enforcement actions. The initiation of any 1 remedy or enforcement
26 action does not preclude pursuing any other remedy or enforcement action authorized by law.
27 Neither damages, irreparable injury, nor the lack of an adequate remedy at law is a prerequisite to
28 enforcement in equity.

29 **114.3.3 When prior notice not required.** A violation notice or order is not a prerequisite to
30 enforcement action in the following situations:

- 31 1. when seeking a temporary restraining order or injunction in an emergency,
- 32 2. when seeking equitable relief for a pattern or practice of noncompliance,
- 33 3. for work being done without a permit or in violation of a stop-work order,
- 34 4. for a violation that remains unabated after a prior prosecution for that violation,

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- 1 5. for a prepayable criminal citation that is issued under City Code Article 19, Subtitle 71
2 {"Special Enforcement Officers"} and for which prior notice is waived under Article 19,
3 § 71-2 {"PREPAYABLE CRIMINAL CITATIONS"},
- 4 6. for an environmental citation that is issued under City Code Article 1, Subtitle 40
5 {"Environmental Control Board"}, and
- 6 7. in any other case specifically authorized by this Code.

7 **114.4 Violation a misdemeanor.** A person is guilty of a misdemeanor and, on conviction, subject
8 to the penalties specified in this § 114.4, if the person:

- 9 1. violates a provision of this Code,
- 10 2. fails to comply with any requirement of this Code or of a regulation, order, decision, permit,
11 or notice issued under this Code, or
- 12 3. constructs, alters, adds to, repairs, rehabilitates, demolishes, moves, locates, use, occupies,
13 or maintains any structure, premises, land, or equipment in violation of an approved plan or
14 directive of the Building Official or of a permit or certificate issued under this Code.

15 **114.4.1 Notice required.** Except as otherwise specifically authorized by law, criminal
16 proceedings may not be initiated unless the Building Official issues a notice of violation and
17 allows a period within which to abate the violation.

18 **114.4.2 Each day a separate offense.** Each day that a violation continues is a separate offense.
19 Proof that a violation exists on any date after issuance of a violation notice is prima facie
20 evidence that the violation has continued unabated throughout the intervening period.

21 **114.4.3 Penalties.** The penalty for each offense is as follows:

- 22 1. for work done without a permit or in violation of a stop-work order, a fine of not more
23 than \$500 or imprisonment for not more than 90 days or both fine and imprisonment, and
- 24 2. for all other violations, a fine of not more than \$500.

25 **114.5 Civil penalties and costs.** In equity proceedings instituted under this Code:

- 26 1. a violation for which equitable relief is sought is subject to a civil fine of not more than \$500
27 for each day that the violation continues unabated,
- 28 2. the defendant is liable for the plaintiff's enforcement costs and reasonable attorneys' fees, at
29 the rate established by the Court of Appeals, whether or not the attorney is a salaried
30 employee of the plaintiff, and
- 31 3. judgment may be sought for outstanding liens imposed by the City on property subject to the
32 proceeding and owned by the defendant.

33 **114.6 Additional legal action.** The imposition of penalties does not preclude the City Solicitor
34 from instituting appropriate legal proceedings to:

- 35 1. prevent unlawful construction,
- 36 2. restrain, correct, or abate a violation,

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- 1 3. prevent illegal occupancy of a structure or premises, or
- 2 4. stop an illegal act, conduct, business, or use of a structure on or about any premises.

3 **114.7 to 114.10 {Reserved}**

4 **114.11 Revoking or withholding violator's permits.**

5 **114.11.1 Scope.** This § 114.11 applies whenever the Building Official finds that an owner, AN
6 OWNER'S AGENT, A contractor, or AN architect, engineer, or other design professional has
7 violated a provision of this Code, of a permit, or of the rules and regulations of any department or
8 agency of the City in connection with the construction, alteration, addition, repair, rehabilitation,
9 demolition, moving, location, use, occupancy, or maintenance of any structure, premises, land, or
10 equipment.

11 **114.11.2 Actions authorized.** In any situation described in § 114.11.1, the Building Official
12 may:

- 13 1. revoke, without prior notice, any existing permit that has been granted:
 - 14 a. to the owner, THE OWNER'S AGENT, THE contractor, OR THE architect, engineer, or
15 other design professional, or
 - 16 b. for work in connection with which the design professional is employed, and
- 17 2. refuse to grant, for a period of up to 5 years, any further permits:
 - 18 a. to the owner, THE OWNER'S AGENT, THE contractor, OR THE architect, engineer, or
19 other design professional, [or]
 - 20 b. for work in connection with which the design professional is employed,
 - 21 c. FOR WORK ON THE PROPERTY WITH RESPECT TO WHICH THE VIOLATION
22 OCCURRED,

23 **114.12 to 114.13 {Reserved}**

24 **114.14 Work without permit.** Any person who does work without a permit, outside or beyond the
25 scope of a permit, or in a manner inconsistent with plans or drawings approved as part of a permit
26 application:

- 27 1. is in violation of this Code and subject to enforcement action without notice,
- 28 2. must immediately stop any work in progress,
- 29 3. must obtain a permit, paying all associated fees and penalties, whether the work is in
30 progress or completed, and
- 31 4. must restore the structure to its original condition, unless:
 - 32 a. the work otherwise conforms to the relevant requirements of law, and
 - 33 b. the Building Official, in his or her discretion, allows the work to remain or continue.

34 **114.15 to 114.20 {Reserved}**

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1 **114.21 Responsibility of owners and operators.** Except as otherwise specifically provided in
2 § 114.21.1, the owner and the operator of any property subject to this Code are each:

- 3 1. responsible for compliance with all provisions of this Code in all matters pertaining directly
4 or indirectly to that property, and
- 5 2. liable for all violations of this Code in connection with any land, structure, matter, or thing
6 owned or controlled by them.

7 **114.21.1 Exceptions.** Only the owner is responsible for compliance with a provision requiring
8 an owner's signature. Except as specified in § 114.21.2, an owner or operator is not responsible
9 for compliance with a provision of this Code that is specifically designated as the responsibility
10 of the occupant, unless that owner or operator is also an occupant.

11 **114.21.2 Liability for sanitary maintenance.**

12 **a. Secondary liability.** If, after a notice, order, or citation, a tenant fails to correct a
13 violation of Property Maintenance Code § 305 {"Exterior sanitary maintenance –
14 General"} or § 306 {"Exterior sanitary maintenance – Trash, garbage, and debris"} for
15 which occupants are responsible under Property Maintenance Code § 308 {"Occupant's
16 sanitary responsibilities"}, the owner and operator of the property are secondarily liable.

17 **b. Liability – Failure to register property.** The owner of a property is responsible for
18 exterior sanitary maintenance if:

- 19 1. the owner fails to register or license the property as required by City Code
20 Article 13, Subtitle 4 {"Non-Owner-Occupied Dwellings, ETC."} or Subtitle 5
21 {"Multiple-Family Dwellings"}, or
- 22 2. reasonable attempts at telephone contact, using information in a current
23 registration statement, do not lead within 2 business days to current occupant
24 information.

25 **c. Liability – Third environmental citation.** The owner of a property is responsible for
26 exterior sanitary maintenance if:

- 27 1. within the previous 12 months, two or more environmental citations were issued
28 under City Code Article 1, Subtitle 40 {"ENVIRONMENTAL CONTROL BOARD"},
29 for violations of this Code that were the responsibility of an occupant of the
30 property under Property Maintenance Code [§ 307] § 308 {"Occupants' Sanitary
31 Responsibilities"}, and
- 32 2. notification of each citation has been sent to the owner by regular mail.

33 **114.21.2.1 Notice to owner, operator.** Before an owner or operator may be charged
34 under § 114.21.2a {"Secondary liability"}, he or she must be served with a violation notice
35 under § 123.4 {"VIOLATION NOTICES"}. A violation notice under § 123.4 is not necessary to
36 charge an owner under §§ 114.21.2b {"Liability – Failure to Register Property"} or
37 114.21.2c {"Liability – Third environmental citation"}.

38 **114.21.2.2 Recovery of expenses.** If an owner or operator incurs expenses in correcting the
39 violation, the owner or operator:

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- 1 1. may bring legal action to recover those expenses from the tenant, and
- 2 2. has all the rights and remedies available under the law for nonpayment.

3 **114.22 Responsibility of others.** In addition to the owner or operator of the property involved, any
4 other person who violates any provision of this Code is liable for the violation and, on conviction, is
5 subject to all penalties provided in this Code for the violation.

6 **114.23 Responsibility of transferee.** This § 114.23 applies whenever any property is transferred by
7 sale, assignment, ground rent lease, or otherwise, with or without consideration (“transfer”). Except
8 as provided in § 114.25 {“RESPONSIBILITY OF MORTGAGEES”}, this § 114.23 does not apply to a
9 mortgagee or to the holder of a note secured by a deed of trust.

10 **114.23.1 Duty before transfer.** Before any transfer of property, the transferee must obtain a
11 copy of a violation report for the property.

12 **114.23.2 Primary liability of transferee.** On transfer of the property, if any violation or
13 condemnation notices lie against the property and are included in the violation report, the
14 transferee:

- 15 1. becomes primarily liable for those notices the same as if the notices had been addressed
16 to the transferee,
- 17 2. must abate the violation, and
- 18 3. is liable in accordance with § 117 {“EMERGENCY AND CORRECTIVE MEASURES”} of
19 this Code for any expenses incurred by the City in abating the violation or condemnation
20 notice, if the transferee failed to request a violation report as required by § 114.23.1.

21 **114.23.3 Reliance on violation report.** A transferee is not liable for abatement expenses
22 incurred by the City if, before the transfer, the transferee requested a violation report and the
23 report does not show the violation.

24 **114.24 Responsibility of officers, directors, etc., of corporations, partnerships, etc.** Whenever a
25 corporation, joint stock company, partnership, association, limited liability company, or other entity
26 violates any provision of this Code, every officer, director, trustee, partner, member, or agent of that
27 entity who has authorized or done any of the acts constituting the violation, in whole or in part, or
28 who has failed to act or acquiesced in any failure to act constituting the violation, in whole or in part,
29 is individually guilty of a misdemeanor and, on conviction, is subject to the penalties provided in this
30 § 114.

31 **114.25 Responsibility of mortgagee.** A person that acquires an interest in property by way of a
32 mortgage or deed of trust (“lender”) is liable to the same extent as an owner/transferee for a violation
33 or condemnation notice pertaining to a vacant unsafe structure, if:

- 34 1. the person with primary responsibility fails to comply with the notice,
- 35 2. the lender has been notified by certified mail of the violation or condemnation notice, and
- 36 3. within 180 days after the receipt of the notice:
 - 37 a. ratification of a foreclosure sale of the property has not occurred, or
 - 38 b. the lender has not released its mortgage or deed of trust.

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1 **114.25.1 Bankruptcy toll.** The 180-day period referred to in § 114.25(3) is tolled by any period
2 during which the lender’s right to foreclose is stayed by a pending proceeding under the federal
3 Bankruptcy Code.

4 **114.25.2 Defense.** During any enforcement proceeding instituted against a lender under this
5 section, it is a defense that the lender did not have the right to institute foreclosure proceedings.

6 **114.25.3 During pendency of foreclosure.** During the pendency of a foreclosure, the lender is
7 responsible for maintaining the property free from high vegetation, ~~and~~ FREE from accumulation
8 of trash and debris, AND OTHERWISE IN FULL COMPLIANCE WITH THE REQUIREMENTS OF THIS
9 CODE.

10 **114.26 Responsibility of buyer on foreclosure.** On foreclosure or sale in lieu of foreclosure, the
11 buyer:

- 12 1. acquires ownership responsibility when the sale is ratified, and
- 13 2. takes title subject to any outstanding notices.

14 **Section 115 Stop-Work Order**

15 **115.1 Authority.** *{As in IBC}*

16 **115.2 Issuance.** The stop-work order must be in writing and state the reason for the order. It must
17 be posted on the property. On posting, the cited work must immediately cease. Written notice of the
18 stop-work order must be sent by first class and certified mail to the owner of the property involved.

19 **115.3 Unlawful continuance.** *{As in IBC}*

20 **115.4 Removal, etc., of posted notice.** Until the Building Official so authorizes, no person may
21 remove, deface, damage, or change any notice, poster, or sign placed under this section on any land,
22 structure, or other object.

23 **Section 116 Unsafe Structures**

24 **116.1 General.** Any structure or part of a structure found to be unsafe or unfit for human habitation
25 or other authorized use must be rehabilitated or, as permitted or required by the Building Official,
26 demolished.

27 **116.1.1 Scope.** A structure may be unsafe or unfit for human habitation or other authorized
28 use because of:

- 29 1. conditions constituting a fire hazard or conditions of damage, decay, dilapidation,
30 obsolescence, abandonment, vacancy (as described in § 116.4), insanitation, or vermin
31 or rodent infestation that constitute a hazard to the health, welfare, or safety of occupants
32 or the public,
- 33 2. lack of sanitation, illumination, ventilation, heating, plumbing, exitways, fire protection,
34 utilities, or other facilities adequate to protect the health, welfare, or safety of occupants
35 or the public, or
- 36 3. conditions that are so unsafe, insanitary, overcrowded, improper in use or occupancy, or
37 otherwise dangerous to life, health, welfare, or safety as to create a hazard to occupants
38 or the public.

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1 **116.2 Occupied unsafe structures.** Whenever the Building Official or the Commissioner of Health
2 finds all or any part of an occupied structure to be unsafe or unfit for human habitation or other
3 authorized use:

- 4 1. either the Building Official or Commissioner of Health may:
 - 5 a. post an order requiring the structure or affected part to be vacated, and
 - 6 b. take necessary steps to remove occupants who fail or refuse to vacate,
- 7 2. once vacated, the structure or affected part may not be reoccupied until:
 - 8 a. it is rehabilitated to comply with all applicable codes and ordinances, and
 - 9 b. the Building Official has issued an occupancy permit, and
- 10 3. pending rehabilitation, the structure must be kept secure against casual entry and the
11 premises kept free of occupants, litter, high grass, and weeds.

12 **116.3 Temporarily unoccupied structures.** Any structure or part of a structure that has been left
13 unoccupied without removing appliances or portable equipment or furniture and without
14 disconnecting utility service must be safeguarded by closing and securely locking all windows,
15 doors, and other openings.

16 **116.4 Unsafe vacant structures.** Every vacant structure, as defined in this § 116.4, is declared to
17 be a fire hazard and a nuisance per se, and must be safeguarded and otherwise maintained as required
18 in this § 116.4.

19 **116.4.1 Definition.** “Vacant structure” means an unoccupied structure that is unsafe or unfit for
20 human habitation or other authorized use.

21 **116.4.2 Determinations.** A determination of vacancy and a determination of noncompliance
22 with a notice or order issued under this section may be based on observation that a structure:

- 23 1. is open to casual entry,
- 24 2. has boarded windows or doors, or
- 25 3. lacks intact window sashes, walls, or roof surfaces to repel weather entry.

26 **116.4.3 Required safeguarding.** Every vacant structure must be cleaned, closed, and
27 safeguarded as follows:

- 28 1. Before the structure is closed and secured, all litter, trash, and other debris must be
29 removed from the premises.
- 30 2. All windows, doors, and other openings must be closed, securely locked, and, if within
31 24 feet of the ground or readily accessible, further protected by boarding up with
32 substantial material, including masonry, approved by the Building Official. The Building
33 Official may require windows facing streets to be boarded with lexan, vinyl, or similar
34 material, protected by security grills, or both.
- 35 3. As long as the structure remains unrehabilitated:
 - 36 a. it must be kept boarded,

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- 1 b. the premises must be conspicuously posted against trespass, and
- 2 c. the premises must be kept free of occupants, litter, trash, debris, high grass, and
- 3 weeds at all times.
- 4 4. Boarding, posting, and cleaning, however, do not relieve the owner of responsibility to
- 5 demolish or to repair and maintain the property in conformity with this Code.
- 6 5. The structure may not be reoccupied until the Building Official has issued an occupancy
- 7 permit.

8 **116.4.4 Emergency condition.** A vacant structure that is not kept boarded and free from
9 accumulations of debris and high vegetation or that, in the opinion of the Building Official, is so
10 dangerously unsound or so deteriorated that rehabilitation is not feasible, constitutes an
11 emergency condition that imminently threatens the public health and safety and requires
12 immediate resolution.

13 **116.4.5 Rodenticide procedure.** *See* [§ 3313] § 3314 of this Code.

14 **116.4.6 Notice to Public Works.** Whenever the Building Official determines a structure to be
15 vacant, the Building Official must promptly notify the Director of Public Works of that
16 determination. On receipt of the notice, the Director of Public Works must proceed to cut off
17 water service, as provided in City Code Article 24, § 2-3 {"CUT-OFF FOR NONPAYMENT"}.

18 **116.5 Rehabilitation, demolition, and stabilization.** Except as otherwise authorized or required
19 under this section, a structure found to be unsafe or unfit for human habitation or other authorized
20 use must be rehabilitated AND AN OCCUPANCY PERMIT OBTAINED.

21 **116.5.1 Permitted demolition.** On timely appeal of an order to rehabilitate, the Building
22 Official may permit an owner to demolish an unsafe structure instead of rehabilitating it if, in the
23 Building Official's opinion, demolition is not detrimental to the immediate neighborhood.

24 **116.5.2 Required demolition.** The Building Official may order the immediate demolition of
25 any unsafe structure that, in the Building Official's opinion, is either so dangerously unsound or
26 so deteriorated that rehabilitation is not feasible.

27 **116.5.2.1 Appeal.** The recipient of an order to demolish an unsafe structure may request
28 administrative review of the order under § 128 {"ADMINISTRATIVE AND JUDICIAL REVIEW"}
29 of this Code.

30 **116.5.2.2 Rescission of demolition order.** The Building Official may rescind or modify
31 a demolition order if the owner demonstrates the financial ability and requisite expertise to
32 rehabilitate the structure within a reasonable time, as determined by the Building Official,
33 and agrees to comply with a specified timetable. Failure to comply with an agreed timetable
34 reinstates the demolition order.

35 **116.5.3 Stabilization.** The Building Official may permit or order an interim stabilization of an
36 unsafe structure pending its rehabilitation.

37 **116.5.4 Reoccupancy of rehabilitated structure.** A structure declared unsafe or unfit for
38 occupancy may not be reoccupied until the Building Official has:

- 39 1. abated the violation notice or order, and
- 40 2. issued an occupancy permit.

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1 **116.6 Vacant lot maintenance.** When a structure has been demolished under this § 116, the
2 premises must be made to conform to the provisions of this Code and of the regulations adopted
3 under this Code.

4 **116.7 Remedial action by Building Official.** The Building Official may take action under this
5 § 116.7 whenever the owner, agent, or person in control cannot be found or fails to comply with a
6 notice or order served under this Code:

- 7 1. to repair, rehabilitate, stabilize, or demolish an unsafe structure,
- 8 2. to clean, close, board, or otherwise safeguard a vacant structure, or
- 9 3. to remove high grass and weeds or litter, trash, and debris from the premises of a
10 vacant structure.

11 **116.7.1 Actions authorized.** The Building Official may proceed to:

- 12 1. have a receiver appointed, or
- 13 2. complete all or any part of the required work through officers, agents, employees,
14 or contractors.

15 **116.7.2 Entry to property.** Before taking any remedial action, the Building Official may enter
16 the premises, without additional notice, to determine the extent of deterioration and the
17 feasibility of rehabilitation.

18 **116.7.3 When additional notice not required.** Boarding, cleaning, and otherwise safeguarding
19 a vacant structure that is subject to an expired violation notice is an emergency action that
20 requires no additional prior notice.

21 **116.7.4 Remedies nonexclusive.** Remedial action under this § 116 does not preclude any other
22 enforcement action authorized by this Code.

23 **116.8 {Reserved}**

24 **116.9 “Abandoned” property.** If a property is cited as “vacant” or “unfit for human habitation” on
25 a violation notice issued under this § 116, the property is considered to be cited as “abandoned” or to
26 be in need of substantial repair within the meaning of the State Tax-Property Article, Title 14,
27 Subtitle 8.

28 **116.10 Effect of designation.** On issuance of a violation notice that designates a structure to be a
29 vacant structure, the structure is deemed to be condemned.

30 Section 117 Emergency and Corrective Measures

31 **117.1 Power of Building Official in emergencies.** In an emergency where life, health, safety, or
32 property is in immediate danger, the Building Official may immediately take any action necessary to
33 protect the endangered life, health, safety, or property, without complying with the notice provisions
34 of this Code.

35 **117.2 Photographs of dangerous conditions.** In all emergencies, if it is practical and if enough
36 time is available to do so, the Building Official must cause the dangerous or unsafe condition that
37 created the emergency to be photographed before any demolition or other work or operation is begun
38 to eliminate the dangerous or unsafe condition.

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1 **117.3 Closing streets.** When necessary for the public safety, the Building Official may temporarily
2 close adjacent structures and request the Director of General Services to close adjacent sidewalks,
3 streets, and other public ways and prohibit them from being used. The Building Official may
4 temporarily close adjacent sidewalks, streets, and other public ways only pursuant to an agreement
5 with the Department of General Services.

6 **117.4 Labor and material for emergency work.** In an emergency where life, health, safety, or
7 property is in immediate danger and it is necessary to perform any work or operation to protect that
8 life, health, safety, or property, the Building Official may employ the persons and buy the materials
9 needed to perform the work or operation as expeditiously as possible.

10 **117.5 Liability for costs of emergency work.** Liability for expenses incurred in the course of
11 performing emergency work and the procedure for collecting resultant debts and liens are as provided
12 in § 118 {"LIABILITY FOR EXPENSES..."} of this Code.

13 Section 118 Liability for Expenses And Collection of Debts and Liens

14 **118.1 Scope.** This § 118 applies to all cases where:

- 15 1. the Building Official enforces any provision of this Code, including but not limited to:
 - 16 a. the elimination of any safety, health, or fire hazard,
 - 17 b. the elimination of any nuisance, blight, or insanitary condition,
 - 18 c. the removal of any abandoned or illegally constructed structure or other object, or
 - 19 d. the taking of any corrective action in emergencies or otherwise, and
- 20 2. in connection with those efforts, the Building Official:
 - 21 a. furnishes or causes to be furnished any labor, supervision, equipment, or materials,
22 or
 - 23 b. performs or causes to be performed any inspection, work, or operation to eliminate
24 the hazard or condition or to remove the structure or other object.

25 **118.2 Liability and lien for expenses.** In the cases described in § 118.1, the entire amount of the
26 Building Official's expenditures, together with all incidental costs and all accrued penalties:

- 27 1. are a personal debt owed to the City jointly and severally by every person made liable under
28 this Code, and
- 29 2. are a lien in favor of the City on the land and improvements in respect to which the
30 expenditures were made.

31 **118.3 When debts and liens become effective.** All debts become due and owing to the City
32 immediately when the work is completed or the expenditure made. All liens become effective
33 immediately after the Building Official notifies the Bureau of Liens that appropriate notice has been
34 given or that a structure has been posted in accordance with this Code.

35 **118.4 Collection of debts and liens.** All debts due and liens incurred under this § 118:

- 36 1. are collectible from any assets of the persons made liable under this Code, including a former
37 owner, and

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- 1 2. may be collected and enforced in the same way that the City collects and enforces other debts
2 due to it or liens in its favor.

3 **118.5 Priority over other liens and encumbrances.** All debts and liens incurred under this § 118
4 have priority over all other liens and encumbrances, except taxes or other government assessments.

5 **Section 119 {Reserved}**

6 **Section 120 Condemnation Proceedings**

7 **120.1 In general.** If any land, structure, or equipment becomes unsafe or dangerous to public health
8 or safety, the Building Official may condemn the land, structure, or equipment as provided in this
9 § 120 and issue a condemnation notice as provided in § 123 {"NOTICES"} of this Code. The issuance
10 of a violation notice is not a prerequisite for the condemnation of real property.

11 **120.2 Posting notice.** If the Building Official condemns any land, structure, or equipment, the
12 Building Official must cause a notice to be conspicuously displayed on the condemned land,
13 structure, or equipment.

14 **120.2.1 Contents.** The notice must:

- 15 1. be at least 24 INCHES WIDE [by 36] 18 inches HIGH,
16 2. be signed by the Building Official, and
17 3. advise the public that:
18 a. the particular land, structure, or equipment has been condemned as being
19 unsafe or dangerous for occupancy or use, and
20 b. the public is warned to keep away.

21 **120.2.2 Emergencies.** In case of an emergency where life or property may be in immediate
22 danger, the Building Official need not post the property and may proceed in accordance with
23 § 117 {"EMERGENCY AND CORRECTIVE MEASURES"} of this Code.

24 **120.3 Vacating condemned property.** A notice posted under § 120.2 is deemed to be sufficient
25 warning to all occupants of the condemned property to leave immediately. If any occupant fails to
26 vacate the property immediately after the notice is posted, the Building Official may take whatever
27 action is proper and expedient to remove that occupant.

28 **120.4 Receiver of condemned property.** After a property is condemned, the Building Official
29 may:

- 30 1. take any action authorized under § 120.7, or
31 2. in accordance with § 121 {"VACANT BUILDING RECEIVER"} of this Code, apply to court for
32 the appointment of a receiver.

33 **120.5 Status of condemned property.** After property has been condemned and posted in
34 accordance with this § 120, that property remains condemned and may not be occupied or used again
35 until the Building Official declares the property safe for occupancy or use and has removed the
36 condemnation.

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1 **120.6 Order to demolish.** If, in the Building Official's opinion, a structure is so dangerously
2 unsound or so deteriorated that rehabilitation is not feasible, the condemnation notice may order the
3 owner to demolish the structure immediately.

4 **120.7 Removal of unsafe conditions.** Anytime after property has been posted in accordance with
5 this § 120, the Building Official may demolish, move, alter, repair, rehabilitate, rebuild, reconstruct,
6 or take any other appropriate action to eliminate or make safe and secure any dangerous or unsafe
7 condition. Before doing so, however, the Building Official must provide the notice required by
8 § 105.9 {"SPECIAL REQUIREMENTS FOR DEMOLITION OR MOVING"} of this Code.

9 **120.8 Condemnation of electrical work.** If any electrical wiring or equipment that has been the
10 subject of a condemnation notice is not made safe within the time required by the condemnation
11 notice, the wiring or equipment must be put out of service by cutting off all electric current to it and
12 by sealing all switches that operate in connection with the wiring or equipment.

13 **120.8.1 Emergency action.** In case of an emergency where life or property is in immediate
14 danger, the Building Official may order all electric current serving the wiring or equipment to be
15 cut off and all switches that control the wiring or equipment to be sealed. The Building
16 Official's orders must be complied with immediately, regardless of any other provisions of this
17 Code that might apply.

18 **120.8.2 Permission needed to reactivate.** Whenever electric current has been cut off or
19 switches have been sealed under this § 120.8, the electric current may not be cut in and the seals
20 may not be broken, except by an authorized agent of the Building Official, after all requirements
21 of the Building Official have been complied with and the Building Official has issued a
22 certificate of approval.

23 **120.9 Condemnation of mechanical work.** If any mechanical equipment that has been the subject
24 of a condemnation notice is not made safe within the time required by the condemnation notice, the
25 mechanical equipment must be put out of service and sealed.

26 **120.9.1 Emergency action.** In case of an emergency where life or property is in immediate
27 danger, the Building Official may order the mechanical equipment to be put out of service and
28 sealed. The orders of the Building Official must be complied with immediately, regardless of
29 any other provisions of this Code that might apply.

30 **120.9.2 Permission needed to reactivate.** Whenever mechanical equipment has been put out of
31 service and sealed under this § 120.9, the mechanical equipment may not be put back in service
32 and the seals may not be broken, except by an authorized agent of the Building Official, after all
33 requirements of the Building Official have been complied with and the Building Official has
34 issued a certificate of approval.

35 Section 121 Vacant Building Receiver

36 **121.1 Scope.** This § 121 applies to a vacant structure, as defined in § 116.4 {"UNSAFE VACANT
37 STRUCTURES"}, for which a notice or order to rehabilitate or to demolish is outstanding.

38 **121.2 In general.** The Building Official may petition the court for appointment of a receiver to
39 rehabilitate a vacant property, to demolish it, or to sell it to a qualified buyer.

40 **121.3 Contents of petition.** The petition for appointment of a receiver must include:

- 41 1. a copy of the original violation notice or order, and
- 42 2. a verified pleading that:

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- 1 a. avers that the required rehabilitation or demolition has not been completed, and
- 2 b. identifies and states the qualifications of the proposed receiver, if other than the
- 3 Building Official.

4 **121.4 Named respondents.** The petition for appointment of receiver must name as respondents:

- 5 1. the owner of the property,
- 6 2. any mortgagee, and
- 7 3. the plaintiff in any proceeding that was timely filed under State Tax-Property Article
- 8 § 14-833 {"[Complaints to foreclose] FORECLOSING right of redemption"} and for which the
- 9 time for securing a decree of foreclosure has not yet expired.

10 **121.4.1 Effect of failure to name plaintiff.** Failure to name a person described in § 121.4(3)

11 does not prevent the action from going forward, but does prevent the receiver's lien for expenses

12 incurred in rehabilitating, demolishing, or selling the vacant building from having priority over

13 that person's lien interest.

14 **121.5 Filing with Bureau of Liens.** A notice of the proceeding, together with a copy of the

15 violation notice or order, must be filed with the Bureau of Liens. The Bureau must include a record

16 of these in its lien reports, and the property cannot be transferred without the prior approval of the

17 court.

18 **121.6 Notice to judgment creditors and lien holders.** [Within 10 days after] AFTER filing the

19 petition AND BEFORE A RECEIVER IS APPOINTED, the Building Official must give notice of the

20 pendency and nature of the proceedings by regular and certified mail to the last-known addresses of

21 all judgment creditors and lien holders with a recorded interest in the property. HOWEVER, THIS

22 NOTICE IS NOT REQUIRED FOR RESPONDENTS NAMED UNDER § 121.4 {"NAMED RESPONDENTS"} OF

23 THIS CODE.

24 **121.6.1 Intervention.** Within 30 days of the date on which the notice was mailed, a judgment

25 creditor or lien holder may apply to intervene in the proceeding and to be appointed under

26 § 121.7.

27 **121.6.2 Effect of failure to give notice.** Failure to give any required notice to any interested

28 person under this § 121 does not prevent the action from going forward, but does prevent the

29 receiver's lien for expenses incurred in rehabilitating, demolishing, or selling the vacant building

30 from having priority over that person's lien interest.

31 **121.7 Appointment of owner, etc., instead of receiver.** Instead of appointing a receiver to

32 rehabilitate or sell a vacant building, the court may permit an owner, mortgagee, or other person with

33 an interest in the property to rehabilitate or demolish it, if that person:

- 34 1. demonstrates ability to complete the rehabilitation or demolition within a reasonable time,
- 35 2. agrees to comply with a specified schedule for rehabilitation or demolition, and
- 36 3. posts bond, in an amount determined by the court, as security for performance of the
- 37 required work in compliance with the specified schedule.

38 **121.7.1 Application to dismiss owner.** If it appears to the petitioner that the person appointed

39 is not proceeding with due diligence or in compliance with the court-ordered schedule, the

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1 petitioner may apply to the court for immediate revocation of that person's appointment and for
2 appointment of a receiver. The bond posted under this section must then be applied to the
3 subsequently appointed receiver's expenses in rehabilitating, demolishing, or selling the vacant
4 building.

5 **121.8 Appointment of receiver.** If no qualified person with an ownership interest requests
6 appointment to rehabilitate or demolish the property, or if an appointee is dismissed, the court must
7 then appoint a receiver of the property for the purpose of rehabilitating and managing the property,
8 demolishing the property, or selling it to a qualified buyer.

9 **121.8.1 Parties divested of authority.** On appointment of a receiver to rehabilitate, demolish,
10 or sell the property, all parties are divested of any authority to act in furtherance of those goals.

11 **121.8.2 Penalties.** Any party who takes any step to rehabilitate, demolish, or sell the property
12 is subject to the penalties for contempt.

13 **121.9 Powers of receiver appointed to rehabilitate or demolish.** A receiver appointed to
14 rehabilitate or demolish a vacant building, in addition to all necessary and customary powers, has the
15 right of possession with authority to:

- 16 1. contract for necessary labor and supplies for rehabilitation or demolition,
- 17 2. borrow money for rehabilitation or demolition from an approved lending institution or
18 through a government agency or program, using the receiver's lien against the property as
19 security,
- 20 3. manage the property after rehabilitation, with all the powers of a landlord, for a period of up
21 to 2 years and apply the rent received to current operating expenses and to repayment of
22 outstanding rehabilitation expenses, and
- 23 4. foreclose on the receiver's lien or accept a deed in lieu of foreclosure.

24 **121.10 Powers of receiver appointed to sell.** A receiver appointed to sell a vacant building, in
25 addition to all necessary and customary powers, has authority to[: 1.] sell the property to the high
26 bidder at public auction, following the [same presale notice] provisions that apply to a [foreclosure,
27 or] RECEIVER APPOINTED UNDER RULE 3-722 {"RECEIVERS"} AND TITLE 14, CHAPTER 300
28 {"JUDICIAL SALES"} OF THE MARYLAND RULES. [2. sell the property privately for fair market value
29 if no party to the receivership objects to the amount and procedure.]

30 **121.10.1 Notice of auction.** In the notice of public auction, it is sufficient to describe the
31 property by a street address and by reference to the liber and folio number of the title deed
32 recorded in the land records of Baltimore City.

33 **121.10.2 Buyer qualifications.** Before any sale, the applicants to bid in a public sale or the
34 proposed buyer in a private sale must demonstrate the ability and experience needed to
35 rehabilitate the property within a reasonable time.

36 **121.10.3 Application of sale proceeds.** After deducting the expenses of the sale, the amount of
37 outstanding taxes and other government assessments, and the amount of the receiver's lien, the
38 receiver must apply any remaining proceeds of the sale, first to the petitioner's costs and
39 expenses, including reasonable attorney's fees, and then to the liens against the property in order
40 of priority.

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1 **121.11 Tenure of receiver appointed to rehabilitate.** The tenure of a receiver appointed to
2 rehabilitate a vacant building may extend no longer than 2 years after rehabilitation. Anytime after
3 rehabilitation, any party to the receivership may file a motion to dismiss the receiver on payment of
4 the receiver's outstanding costs, fees, and expenses.

5 **121.12 Final accounting.** At the end of the receiver's tenure, the receiver must file a final
6 accounting with the court.

7 **121.13 Receiver's lien for costs, etc.** Any costs or fees incurred by the receiver are a lien against
8 the property in accordance with § 118 {"LIABILITY FOR EXPENSES ..."} of this Code. The receiver's
9 lien has priority over all other liens and encumbrances, except taxes or other government
10 assessments. The receiver must allow the petitioner's costs and expenses, including reasonable
11 attorney's fees, to be paid to the extent that the proceeds of the sale permit.

12 **121.13.1 Foreclosure of lien.** A receiver may foreclose on the lien by a sale of the property at
13 public auction, following 1 public notice and notice to interested parties in the manner of a
14 mortgage foreclosure. After deducting the expenses of the sale, the receiver must apply the
15 proceeds of the sale to the liens against the property, in order of priority. In lieu of foreclosure,
16 and only if the receiver has rehabilitated the property, an owner may pay the receiver's costs,
17 fees, including attorney's fees, and expenses or may transfer all ownership in the property to
18 either the receiver or an agreed-on third party for an amount agreed to by all parties to the
19 receivership as being the property's fair market value.

20 **121.14 Transfer on sale.** Following court ratification of a sale, the receiver must sign a deed
21 conveying title to the buyer, free and clear of all encumbrances.

22 **121.15 Dismissal.** On sale of the property, the receiver must:

- 23 1. file with the court a final accounting, and
- 24 2. at the same time, file a motion with the court to dismiss the action.

25 **Section 122 {Reserved}**

26 **Section 123 Notices**

27 **123.1 In general.** All notices under this Code must be issued in accordance with this § 123.
28 However, nothing in this Code may be construed to excuse or relieve any person from complying
29 with all provisions of this Code at all times, regardless of whether any notice or order has been issued
30 by the Building Official in any particular case.

31 **123.2 Classification.** Notices issued under this Code are classified as either:

- 32 1. condemnation notices, or
- 33 2. violation notices.

35 **123.3 Contents – Condemnation notices.** Except as specified in § 123.3.1, every condemnation
36 notice must set forth:

- 37 1. the location of the condemned structure or equipment,
- 38 2. the reason the structure or equipment is condemned,
- 39 3. a reference to applicable provisions of this Code,

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- 1 4. a warning against entering or using the condemned structure or equipment,
- 2 5. the right of the person to whom the notice is directed to request a hearing within
- 3 10 days of the date on which the notice was served, and
- 4 6 unless to be contained in a follow-up or subsequent notice:
 - 5 a. a statement of the requirements that must be complied with to rectify the unsafe
 - 6 condition,
 - 7 b. the time within which the unsafe condition must be rectified, and
 - 8 c. the Building Official's authority under § 123.8 {"FAILURE TO COMPLY WITH NOTICE
 - 9 OR CITATION"} to take action at the owner's expense.

10 **123.3.1 Follow-up notices.** A follow-up or other subsequent notice involving the same
11 condemnation need not repeat the information contained in a prior notice as long as the
12 subsequent notice identifies the prior notice.

13 **123.4 Violation notices.** Except as specified in § 123.4.1, every violation notice must set forth:

- 14 1. the location and character of the violation,
- 15 2. a reference to applicable provisions of this Code,
- 16 3. the right of the person to whom the notice is directed to request a hearing within 10 days of
- 17 the date on which the notice was served, and
- 18 4. unless to be contained in a follow-up or subsequent notice:
 - 19 a. a statement of the requirements that must be complied with to rectify the violation,
 - 20 b. the time within which the violation must be rectified, and
 - 21 c. the Building Official's authority under § 123.8 {"FAILURE TO COMPLY WITH NOTICE
 - 22 OR CITATION"} to take action at the owner's expense.

23 **123.4.1 Follow-up notices.** A follow-up or other subsequent notice involving the same
24 violation need not repeat the information contained in a prior notice as long as the subsequent
25 notice identifies the prior notice.

26 **123.5 When notices to be issued.** Except as otherwise specified in this Code, notices must be
27 issued in all cases where legal proceedings might be necessary to enforce this Code.

28 **123.5.1 Condemnation notices.** For any land, structure, or equipment being condemned, the
29 condemnation notice must be issued to the owner of the land, structure, or equipment.

30 **123.5.2 Violation notices.** For violations, the violation notice must be issued to the person who
31 committed or otherwise is responsible for the violation.

32 **123.6 Service of notice – General.** Except as otherwise specified in § 123.7 {"SERVICE OF NOTICE
33 – POSTING"}, all notices issued by the Building Official must be served on the person that the notice
34 is intended for or on any authorized agent or representative of that person.

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1 **123.6.1 More than 1 person responsible.** If more than 1 person is responsible for the violation
2 or responsible for complying with this Code, as in a case of property owned by more than 1
3 person, notice may be served on any 1 of those persons or on any authorized agent or
4 representative of any of them.

5 **123.6.2 Method of service.** A notice is properly served if:

- 6 1. served personally on the owner, agent, person in control, former owner, or other person
7 responsible for the property,
- 8 2. hand delivered to that person's home, business, or tax record address, or
- 9 3. sent by certified or registered mail to that person's home, business, or tax record address.

10 **123.6.3 Authorized server.** Service under § 123.6.2(1) or (2) must be made by:

- 11 1. a member of the Baltimore City Police Department, or
- 12 2. an official or employee of the City or the State of Maryland.

13 **123.7 Service of notice – Posting.** Adequate and sufficient notice may be made by posting a copy
14 of the notice on the property in question if:

- 15 1. the identity or whereabouts of the owner, agent, person in control, former owner, or other
16 person responsible for the property is unknown, or
- 17 2. notice mailed under § 123.6 is returned unclaimed or refused or is designated undeliverable
18 by the post office for any other reason, and neither of the following sources can provide a
19 more accurate address:
 - 20 a. the tax records of the Bureau of Treasury Management, Collections Division, and
 - 21 b. the property registration files of the Department of Housing and Community
22 Development.

23 **123.8 Failure to comply with notice or citation.** If any person fails to comply with a violation
24 notice, condemnation notice, or citation, the Building Official:

- 25 1. may enforce the violation notice or condemnation notice by issuance of an environmental
26 citation as authorized by City Code Article 1, Subtitle 40 {"Environmental Control Board"},
- 27 2. may take whatever action is necessary and proper, including the institution of legal
28 proceedings, to compel compliance with the notice or citation or to enforce the penalty
29 provisions of this Code, and
- 30 3. subject to the notice requirements of § 123.8.1, may proceed to repair, rebuild, demolish, or
31 take any other action necessary to eliminate, in whole or in part, or make safe any nuisance,
32 blight, health hazard, or dangerous, insanitary, or unsafe condition that is the subject of the
33 violation notice, condemnation notice, or citation.

34 **123.8.1 Notice of intent to repair, etc.** Except as provided in § 123.8.2, before the Building
35 Official proceeds to repair, rebuild, demolish, or take any other action to eliminate or make safe
36 any nuisance, blight, health hazard, or dangerous, insanitary, or unsafe condition, a notice must
37 be posted on the front of the structure stating that the violation has not been rectified and that the

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1 Building Official intends to undertake the necessary work and charge the expenses of that work
2 to 1 or more of the owner, agent, person in control, or former owner of the premises, as the case
3 may be. This notice must also be mailed or delivered to the home, business, or tax record
4 address of the owner, agent, person in control, former owner, or other person responsible for the
5 property, as the case may be, or their respective agents.

6 **123.8.2 Exception.** The notice required by §123.8.1 need not be given:

- 7 1. in the case of an emergency,
- 8 2. as provided in § 116.7 {"REMEDIAL ACTION BY BUILDING OFFICIAL"} of this Code for
9 unsafe structures, or
- 10 3. if the initial or any other prior notice or order issued by the Building Official informed
11 the recipient of the Building Official's authority to take corrective action and of the
12 recipient's right to request administrative review.

13 **123.8.3 Actions not an abatement, etc.** Actions taken by the Building Official under this
14 § 123.8 do not constitute an abatement or cancellation of the underlying notice or citation.

15 **123.9 Extension of time limit on notices.** The Building Official may extend the time within which
16 to comply with a condemnation notice or violation notice if, in the Building Official's judgment,
17 more time is needed to comply.

18 **123.10 Removal or defacement of posted notices.** No person may remove, deface, damage, or
19 change any notice, poster, or sign placed under this Code on any land, structure, or other object, until
20 the Building Official authorizes its removal.

21 **123.11 Notices for property owned by the City.** If the land, structure, or other object in violation
22 of this Code is owned by the City, the Building Official must notify:

- 23 1. the head of the bureau, department, commission, or other agency having jurisdiction over
24 that land, structure, or other object, AND
- 25 2. THE COUNCILMEMBER IN WHOSE DISTRICT THAT LAND, STRUCTURE, OR OTHER OBJECT LIES.

26 Section 124 Violation Reports

27 **124.1 Building Official to issue.** On application to the Department or to the Bureau of Liens, the
28 Building Official must issue a violation report for a particular property. The report MUST:

- 29 1. [must] state whether any violation or condemnation notices [have been issued] ARE OPEN for
30 that property, and
- 31 2. if [there has been] any ARE OPEN, [must] include a true copy of each notice.

32 Sections 125 to 127 {Reserved}

33 Section 128 Administrative and Judicial Review

34 **128.1 Right of review.** If any person is aggrieved by any notice, order, permit, penalty assessment,
35 or other act of the Building Official, the person may apply in writing to the Building Official for a
36 review.

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1 **128.2 Application – General.** The application for review must:

- 2 1. be made within 10 days of the action for which review is sought,
- 3 2. set forth in full the reasons for the review, and
- 4 3. either be:
 - 5 a. mailed to the Building Official by certified or registered mail, return receipt
 - 6 requested, or
 - 7 b. delivered to the Building Official’s office and stamped received by the office.

8 **128.3 Application – Emergencies.** In the case of an emergency that presents substantial and
9 imminent danger to life, property, or the general public welfare, the time for requesting review may
10 be shortened or eliminated, as specified in the applicable notice, order, permit, penalty assessment, or
11 other act.

12 **128.4 When review to be held.** The requested review must be held within a reasonable time. If a
13 notice, order, permit, penalty assessment, or other act requires action within 10 days or less and an
14 application for review is made before the notice, order permit, penalty assessment, or time for other
15 act expires, the Building Official must promptly schedule a hearing, to be conducted in accordance
16 with § 128.5 {“HEARINGS”}.

17 **128.5 Hearings.** All hearings must be conducted in accordance with this § 128.5.

18 **128.5.1 Hearings to be public.** All hearings must be open to the public.

19 **128.5.2 Notification of complainants.** Before a hearing, the Building Official must notify all
20 persons who the Building Official knows are interested in the hearing of its scheduled date, time,
21 place, and purpose.

22 **128.5.3 Time and place for hearings.** Hearings must be held:

- 23 1. at the time the Building Official designates, and
- 24 2. in the office of the Building Official or at any other place the Building Official
25 designates.

26 **128.5.3.1 Postponements.** The Building Official may postpone a hearing only for
27 good cause shown.

28 **128.5.4 Hearing officer or panel.** A hearing officer or 3-person panel designated by the
29 Building Official presides at all hearings. The individual who issued the notice, order, permit,
30 penalty assessment, or other act being appealed may not serve as the hearing officer or as a
31 member of the panel.

32 **128.5.5 Rules for conducting hearings.**

33 **128.5.5.1 Building Official.** The Building Official may adopt general rules and regulations
34 for the proper conduct of hearings.

35 **128.5.5.2 Hearing officer or panel.** The hearing officer or panel may set requirements to
36 ensure a fair and expeditious hearing. The requirements set:

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1. may include the holding of a pre-hearing conference, the briefing of certain issues, deadlines for the filing of motions, and other scheduling matters, but
2. may not be inconsistent with the general rules and regulations adopted by the Building Official.

128.5.6 Decision. Within 30 days after a hearing is completed, the hearing officer or panel must render a decision.

128.5.6.1 Form and contents. The decision must:

1. be in writing, and
2. contain separate statements of:
 - a. the findings of fact,
 - b. the conclusions of law, applying the relevant provisions of law to the findings of fact, and
 - c. the decision or order.

128.5.6.2 Distribution. A copy of the decision must be mailed or delivered to each party or that party's attorney of record.

128.5.6.3 Final administrative decision. A decision issued under this § 128 is a final administrative decision.

128.5.7 Records. The Department must keep a complete record of all papers filed in connection with any hearing, together with a copy of the written decision.

128.5.8 Transcript. The costs of preparing a hearing transcript must be paid by the party requesting the transcript.

128.6 Judicial review. A party aggrieved by the decision may seek judicial review of that decision by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure. A party to the judicial review may appeal the court's final judgment to the Court of Special Appeals in accordance with the Maryland Rules of Procedure.

128.6.1 Proceedings not stayed. A judicial review or appeal does not stay any criminal or equitable proceedings or prevent the Building Official from pursuing any other action or enforcement procedure authorized by law.

Chapter 2. Definitions; RULES OF CONSTRUCTION

Section 201 General

201.1 Scope. *{As in IBC}*

201.2 Interchangeability. *{As in IBC}*

201.3 Terms defined in other codes. If a term is not defined in this Chapter and is defined in one or another of the standards and codes listed in § 101.4 {"REFERENCED CODES"} of this Code, the term has the meaning given to it in that standard or code.

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1 **201.4 Terms not defined. {As in IBC}**

2 **201.5 TIME COMPUTATIONS. EXCEPT AS OTHERWISE EXPRESSLY PROVIDED IN THIS CODE,**
3 **PERIODS OF TIME PRESCRIBED BY THIS CODE ARE COMPUTED AS FOLLOWS.**

4 **201.5.1 COMPUTATION OF TIME AFTER AN ACT, EVENT, OR DEFAULT. IN COMPUTING A**
5 **PERIOD OF TIME THAT BEGINS TO RUN AFTER AN ACT, EVENT, OR DEFAULT:**

6 1. THE DAY OF THE ACT, EVENT, OR DEFAULT AFTER WHICH THE DESIGNATED PERIOD OF
7 TIME BEGINS TO RUN IS NOT INCLUDED.

8 2. IF THE PERIOD OF TIME ALLOWED IS MORE THAN 7 DAYS, INTERMEDIATE SATURDAYS,
9 SUNDAYS, AND LEGAL HOLIDAYS ARE COUNTED.

10 3. IF THE PERIOD OF TIME ALLOWED IS 7 DAYS OR LESS, INTERMEDIATE SATURDAYS,
11 SUNDAYS, AND LEGAL HOLIDAYS ARE NOT COUNTED, AND

12 4. THE LAST DAY OF THE PERIOD SO COMPUTED IS INCLUDED UNLESS IT IS A SATURDAY,
13 SUNDAY, OR LEGAL HOLIDAY, IN WHICH EVENT THE PERIOD RUNS UNTIL THE END OF THE
14 NEXT DAY THAT IS NOT A SATURDAY, SUNDAY, OR LEGAL HOLIDAY.

15 **201.5.2 COMPUTATION OF TIME BEFORE A DAY, ACT, OR EVENT. IN DETERMINING THE LATEST**
16 **DAY FOR PERFORMING AN ACT THAT IS REQUIRED BY THIS CODE TO BE PERFORMED A PRESCRIBED**
17 **NUMBER OF DAYS BEFORE A CERTAIN DAY, ACT, OR EVENT:**

18 1. ALL DAYS PRECEDING THAT DAY, ACT, OR EVENT, INCLUDING INTERVENING SATURDAYS,
19 SUNDAYS, AND LEGAL HOLIDAYS, ARE COUNTED IN THE NUMBER OF DAYS SO PRESCRIBED.
20 AND

21 2. THE LATEST DAY IS INCLUDED IN THE DETERMINATION UNLESS IT IS A SATURDAY,
22 SUNDAY, OR LEGAL HOLIDAY, IN WHICH EVENT THE LATEST DAY IS THE FIRST PRECEDING
23 DAY THAT IS NOT A SATURDAY, SUNDAY, OR LEGAL HOLIDAY.

24 **Section 202 Definitions**

25 **202.1 General.** Except as provided in § 202.2, terms that are used in this Code and defined in the
26 International Building Code [(2009 Edition)] (2012 EDITION) have the meanings given in the
27 International Building Code [(2009 Edition)] (2012 EDITION) .

28 **202.2 Supplemental definitions.** Notwithstanding any different definition in the International
29 Building Code, the following terms have the meanings given in this § 202.2.

30 **202.2.1. Accessory structure.** “Accessory structure” means a structure:

- 31 1. located on the same lot as the main structure, and
- 32 2. the use of which is incidental to that of the main structure.

33 **202.2.2 Agent.** “Agent” means, as the context indicates, any person who:

- 34 1. in any particular case involving any property:
 - 35 a. is responsible for the management, maintenance, operation, rental, leasing, or
 - 36 sale of the property,

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- 1 b. applies for or seeks a permit or certificate from a City authority on behalf of the
2 owner of the property, or
- 3 c. in any way represents the owner of the property,
- 4 2. represents the Building Official, or
- 5 3. in general, represents another.

6 **202.2.3 Authorized use.** “Authorized use” means a use of land or structure approved in
7 accordance with the BALTIMORE CITY Zoning Code.

8 **202.2.4 Blight.** “Blight” includes exterior surfaces defaced by carvings, markings, or graffiti.

9 **202.2.5 Building.** “Building” has the meaning stated in IBC § 202 and, unless the context
10 indicates otherwise, includes premises and lands.

11 **202.2.6 Building Official.** “Building Official” has the meaning stated in § 103.1
12 {“ENFORCEMENT AGENCY”}.

13 **202.2.7 Building permit.** “Building permit” means any permit issued under this Code.

14 **202.2.8 Certificate of occupancy.** “Certificate of occupancy” means an occupancy permit.

15 **202.2.9 Change in occupancy.** “Change in occupancy” means a change in the purpose or level
16 of activity on land or within a structure.

17 **202.2.10 Change of use.** “Change of use” means change in occupancy.

18 **202.2.11 City.** “City” means the Mayor and City Council of Baltimore.

19 **202.2.12 Code.** “Code” means, unless otherwise specified, the Building, Fire, and Related
20 Codes of Baltimore City, as further defined in § 101.1 {“TITLE”}.

21 **202.2.13 Demolition.** “Demolition”:

- 22 1. means razing or demolition, and
- 23 2. includes removal of the debris resulting from any razing or demolition.

24 **202.2.14 Department.** “Department” means, unless the context clearly indicates otherwise, the
25 Department of Building Safety, as further defined in § 103.1 {“ENFORCEMENT AGENCY”}.

26 **202.2.15 Department of Building Safety.** “Department of Building Safety” has the meaning
27 stated in § 103.1 {“ENFORCEMENT AGENCY”}.

28 **202.2.16 Dwelling.** “Dwelling” includes, but is not limited to, any one or more of the following:

29 **202.2.16.1 Boarding house.** *{As in IBC}*

30 **202.2.16.2 Dormitory.** “Dormitory” means a space in a building that provides group
31 sleeping accommodations in 1 room or in a series of closely associated rooms for persons not
32 members of the same family group.

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1 **202.2.16.3 Multiple-family dwelling.** “Multiple-family dwelling” means a building or part
2 of a building that contains more than 2 dwelling units.

3 **202.2.16.4 1-family dwelling; single-family dwelling unit.** “1-family dwelling” or
4 “single-family dwelling unit” means a building that contains only 1 dwelling unit and is used
5 only for that purpose.

6 **202.2.16.5 2-family dwelling.** “2-family dwelling” means a building that contains
7 2 dwelling units and is used only for that purpose.

8 **202.2.17 Dwelling unit.** “Dwelling unit” means a single unit that provides or that is designed or
9 intended to provide complete, independent living facilities for 1 or more persons, including
10 permanent provisions for living, sleeping, eating, cooking, and sanitation.

11 **202.2.18 FOSTER CARE FACILITY.** “FOSTER CARE FACILITY” MEANS A FACILITY THAT PROVIDES
12 CARE TO MORE THAN 8 CHILDREN WHO ARE 2½ YEARS OF AGE OR LESS.

13 **202.2.19 [202.2.18] High-rise building.** “High-rise building” has the meaning stated in STATE
14 PUBLIC SAFETY Article [38A, § 49] § 9-401 [of the Maryland Code].

15 **202.2.20 [202.2.19] International Codes.**

16 **202.2.20.1 [202.2.19.1] Energy Conservation Code.** “Energy Conservation Code”,
17 “BALTIMORE CITY ENERGY CONSERVATION CODE”, OR “INTERNATIONAL ENERGY
18 CONSERVATION CODE” means the International Energy Conservation Code [(2009 Edition)]
19 (2012 EDITION), as supplemented, amended, or otherwise modified by Baltimore City.

20 **202.2.20.2 [202.2.19.2] Fire Code.** “Fire Code”, “BALTIMORE CITY FIRE CODE”,
21 OR “INTERNATIONAL FIRE CODE” means the International Fire Code [(2009 Edition)]
22 (2012 EDITION), as supplemented, amended, or otherwise modified by Baltimore City.

23 **202.2.20.3 FUEL GAS CODE.** “FUEL GAS CODE”, “BALTIMORE CITY FUEL GAS CODE”,
24 OR “INTERNATIONAL FUEL GAS CODE” MEANS THE INTERNATIONAL FUEL GAS CODE
25 (2012 EDITION), AS SUPPLEMENTED, AMENDED, OR OTHERWISE MODIFIED BY BALTIMORE
26 CITY.

27 **202.2.20.4 [202.2.19.3] Mechanical Code.** “Mechanical Code”, “BALTIMORE CITY
28 MECHANICAL CODE”, OR “INTERNATIONAL MECHANICAL CODE” means the International
29 Mechanical Code [(2009 Edition)] (2012 EDITION), as supplemented, amended, or otherwise
30 modified by Baltimore City.

31 **202.2.20.5 PLUMBING CODE.** “PLUMBING CODE”, “BALTIMORE CITY PLUMBING CODE”,
32 OR “INTERNATIONAL PLUMBING CODE” MEANS THE INTERNATIONAL PLUMBING CODE
33 (2012 EDITION), AS SUPPLEMENTED, AMENDED, OR OTHERWISE MODIFIED BY BALTIMORE
34 CITY.

35 **202.2.20.6 [202.2.19.4] Property Maintenance Code.** “Property Maintenance Code”,
36 “BALTIMORE CITY PROPERTY MAINTENANCE CODE”, OR “INTERNATIONAL PROPERTY
37 MAINTENANCE CODE” means the International Property Maintenance Code [(2009 Edition)]
38 (2012 EDITION), as supplemented, amended, or otherwise modified by Baltimore City.

39 **202.2.20.7 RESIDENTIAL CODE.** “RESIDENTIAL CODE”, “BALTIMORE CITY RESIDENTIAL
40 CODE”, OR “INTERNATIONAL RESIDENTIAL CODE” MEANS THE INTERNATIONAL RESIDENTIAL
41 CODE FOR ONE- AND TWO-FAMILY DWELLINGS (2012 EDITION), AS SUPPLEMENTED,
42 AMENDED, OR OTHERWISE MODIFIED BY BALTIMORE CITY.

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- 1 **202.2.21 [202.2.20] May not, etc.** “May not”, “must not”, and “no ... may” are each mandatory
2 negative terms used to establish a prohibition.
- 3 **202.2.22 [202.2.21] Mortgage.** “Mortgage” includes a deed of trust or other deed in the nature
4 of a mortgage.
- 5 **202.2.23 [202.2.22] Mortgagee.** “Mortgagee” includes a beneficiary under a deed of trust or
6 other deed in the nature of a mortgage.
- 7 **202.2.24 [202.2.23] Must/shall.** “Must” and “shall” are each mandatory terms used to express a
8 requirement or to impose a duty.
- 9 **202.2.25 [202.2.24] National Codes.**
- 10 **202.2.25.1 [202.2.24.1] Electrical Code.** “Electrical Code”, “BALTIMORE CITY
11 ELECTRICAL CODE”, OR “NATIONAL ELECTRICAL CODE” means the National Electrical Code
12 [(2008 Edition)] (2011 EDITION), as supplemented, amended, or otherwise modified by
13 Baltimore City.
- 14 **[202.2.24.2 Fuel Gas Code.** “Fuel Gas Code” means the National Fuel Gas Code
15 (2009 Edition), as supplemented, amended, or otherwise modified by Baltimore City.]
- 16 **[202.2.24.3 Plumbing Code.** “Plumbing Code” means the National Standard Plumbing
17 Code (2009 Edition), as supplemented, amended, or otherwise modified by Baltimore City.]
- 18 **202.2.26 [202.2.25] Occupancy.** “Occupancy” means:
- 19 1. the state of occupying or using any land or structure, or
- 20 2. the act of taking, holding possession of, or using any land or structure, or
- 21 3. the purpose for which any land or structure is used or occupied.
- 22 **202.2.27 [202.2.26] Occupancy permit.** “Occupancy permit” means a permit that:
- 23 1. signifies compliance with this Code and related laws, and
- 24 2. indicates the Building Official’s approval to occupy a structure for the authorized use.
- 25 **202.2.28 [202.2.27] Occupant.** “Occupant” means any person who uses or who has the right of
26 possession of all or any part of a structure or premises.
- 27 **202.2.29 [202.2.28] Operator.** “Operator” means any person who has charge, care, or control
28 of all or any part of a structure or premises.
- 29 **202.2.30 [202.2.29] Person.** “Person”:
- 30 1. means any individual, sole proprietorship, corporation, limited liability company, firm,
31 partnership, association, organization, joint venture, or other entity or group acting as a
32 unit, executor, administrator, trustee, receiver, guardian, or other representative
33 appointed by law, and
- 34 2. whenever used in this Code with reference to liability or to the imposition of a penalty or
35 fine, includes:

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- 1 a. as to an unincorporated firm, partnership, association, organization, or joint
2 venture, the partners or members of the firm, partnership, association,
3 organization, or joint venture,
- 4 b. as to a corporation, the officers, trustees, agents, or members of the corporation
5 who are responsible for the violation of any relevant code provision, and
- 6 c. in addition, the responsible officer, trustee, partner, or member designated on a
7 Registration Statement made under City Code Article 13, Subtitle 4
8 {"Registration of Residential Properties"}.

9 **202.2.31 [202.2.30] Premises.** "Premises" means a lot or group of lots, together with all or any
10 part of any buildings or structures on the lot or group of lots, considered as a unit devoted to a
11 particular use, including accessory structures and open spaces required or used in connection
12 with that particular use.

13 **202.2.32 [202.2.31] Rehabilitation.** "Rehabilitation" means all repairs and other work, of any
14 kind, needed to make a dwelling or other structure fit to be occupied for its authorized use in
15 conformity with all applicable standards and requirements of this Code.

16 **202.2.33 [202.2.32] Related laws.** "Related laws" has the meaning stated in § 104.6.2
17 {"AUTHORITY TO SEEK WARRANT"}.

18 **[202.2.33 {Reserved}]**

19 **202.2.34 {Reserved}**

20 **202.2.35 Structure.** "Structure" has the meaning stated in IBC § 202 and, unless the context
21 indicates otherwise, includes premises and lands.

22 **202.2.36 Stabilization.** "Stabilization", with reference to a structure that has been declared
23 unsafe or unfit for occupancy, means all work of any kind, not amounting to rehabilitation, that is
24 needed, or that is performed or required by the Building Official, to make the structure safe and
25 secure, to prevent its further deterioration, and to eliminate its blighting influence.

26 **202.2.37 Transfer.** "Transfer", when used with respect to property subject to this Code, has the
27 meaning stated in § 114.23 {"RESPONSIBILITY OF TRANSFEREE"}.

28 **202.2.38 Use.** "Use" means, unless the context indicates otherwise:

- 29 1. the purpose for which a building, structure, or land is used, occupied, or intended to be
30 used or occupied, and
- 31 2. any activity, occupation, business, or operation carried out on land or in a building or
32 structure.

33 **202.2.40 Zoning Code.** "Zoning Code" means the BALTIMORE CITY Zoning Code [of Baltimore
34 City], including the accompanying Zoning District Maps.

35 Chapter 3. Use and Occupancy Classification

36 Sections 301 to [306] 307 *{As in IBC}*

37 [Section 307 Non-Hazard Group H *{Substitute "National Fuel Gas Code" for "International Fuel*
38 *Gas Code". Otherwise, as in IBC.}*

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1 Section 308 Institutional Group I

2 308.1 to [308.2] 308.5 *{As in IBC}*

3 [308.3 Group I-2. *{As in IBC}*]

4 [308.3.1 Definitions. In this section and elsewhere in this Code, the following terms have the
5 meanings indicated.]

6 [308.3.1.1 Child care facility. “Child care facility” means a facility that provides care on a
7 24-hour basis to more than 8 children 2½ years of age or less.]

8 [308.3.1.2 Detoxification facility. “Detoxification facility” means a facility that serves
9 patients who are provided treatment for substance abuse on a 24-hour basis and who are
10 incapable of self-preservation or who are harmful to themselves or others.]

11
12 [308.1.3 Hospitals or mental hospital. “Hospital” or “mental hospital” means a building or
13 part of a building used on a 24-hour basis for the medical, psychiatric, obstetrical, or surgical
14 treatment of inpatients who are incapable of self-preservation.]

15 [308.1.4 Nursing home. “Nursing home” means a facility that provides long-term care on a
16 24-hour basis to more than 5 persons, any 1 of whom is incapable of self-preservation.
17 “Nursing home” includes both an intermediate care facility and a skilled nursing facility.]

18 [308.4 Group I-3. *{As in IBC}*]

19 308.6 [308.5] INSTITUTIONAL Group I-4, day care facilities. This group includes buildings and
20 structures occupied by persons of any age who receive custodial care [for] ON less than [24 hours] A
21 24-HOUR BASIS by individuals other than parents, [or] guardians, OR relatives by blood, marriage, or
22 adoption, and in a place other than home of the person cared for. A facility like this with 8 or fewer
23 persons is classified as a Group R-3 or [shall] MUST comply with the International Residential Code
24 in accordance with § 101.2 {“SCOPE”} of this Code. Places of worship during religious functions
25 are not included.

26 308.5.1 Adult DAY care facility. A facility that provides accommodation [for] ON less than [24
27 hours] A 24-HOUR BASIS for more than 8 unrelated adults and provides supervision and personal
28 care services is classified as Group I-4.

29 **Exception:** [*{As in IBC Exception}*] A FACILITY WHERE OCCUPANTS ARE CAPABLE OF
30 RESPONDING TO AN EMERGENCY SITUATION WITHOUT PHYSICAL ASSISTANCE FROM THE STAFF
31 IS CLASSIFIED AS GROUP R-3.

32 308.5.2 Child DAY care facility. A facility that provides supervision and personal care on less
33 than a 24-hour basis for more than 8 children WHO ARE 2½ years of age or less is classified as
34 Group I-4.

35 **Exception:** A [child care] facility that provides care for more than 8 but not more than 100
36 children WHO ARE 2½ years of age or less, where the rooms in which those children are cared
37 for are located on a level of exit discharge serving those rooms and where each of these
38 rooms has an exit door directly to the exterior, is classified as Group E.

39 Section 309 Mercantile Group M *{As in IBC}*

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Section 310 Residential Group R

310.1 Residential Group R. [*Intro as in IBC*] *{AS IN IBC}*

310.2 Definitions. *{As in IBC}*

[R-1 to R-2 *{As in IBC}*]

310.3 RESIDENTIAL GROUP R-1. *{AS IN IBC}*

310.4 RESIDENTIAL GROUP R-2. *{AS IN IBC}*

310.5 RESIDENTIAL GROUP R-3. Residential occupancies where the occupants are primarily permanent in nature and not classified as R-1, R-2, R-4, or I and where buildings do not contain more than 2 dwelling units, or adult and child care facility that provide accommodations for 8 or fewer persons of any age and comply with the BALTIMORE CITY Zoning Code.

310.6 RESIDENTIAL GROUP R-4. Residential occupancies that comprise buildings arranged for occupancy as Residential Care/Assisted Living Facilities with more than 8 but no more than 16 persons excluding staff.

310.6.1 REQUIREMENTS. Group R-4 occupancies must:

1. be protected by an automatic sprinkler system installed in accordance with [§ 903.2.8] § 903.2 {"AUTOMATIC SPRINKLER SYSTEMS"} of this Code; and
2. either:
 - a. meet the construction requirements for Group R-3, except as otherwise provided in this Code, or
 - b. comply with the International Residential Code.

Section 311 Storage Group S *{As in IBC}*

Section 312 Utility, Miscellaneous Group U

312.1 General. Buildings and structures of an accessory character and miscellaneous structures not classified in any specific occupancy must be constructed, equipped, and maintained to conform to the requirements of this Code commensurate with the fire and life hazard incidental to their occupancy. Group U includes the following:

- Agricultural buildings
- Aircraft hangars, accessory to a one- or two-family residence
- Barns
- Carports
- Fences
- Grain silos, accessory to a residential occupancy
- Greenhouses
- Livestock shelters
- Private garages
- Retaining walls
- Sheds

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1 SOLAR PANELS

2 Stables

3 Tanks

4 Towers

5 WIND TURBINES

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

7 **Sections 401 to 402 {As in IBC}**

8 **Section 403 High-Rise Buildings**

9 **403.1 Applicability.** This § 403 applies to all “high-rise buildings”, as defined in STATE PUBLIC
10 SAFETY Article [38A, § 49] § 9-401 [of the Maryland Code].

11 **EXCEPTION: {NOT ADOPTED}**

12 **403.2 to 403.4 {As in IBC}**

13 **403.5 Means of egress and evacuation.**

14 **403.5.1 Remoteness of INTERIOR exit [stairway enclosures] STAIRWAYS. {As in IBC}**

15 **403.5.2 Additional exit stairway. {As in IBC}**

16 **403.5.3 Stairway door operation.** All stairway doors that are to be locked from the stairway
17 side must be capable of being unlocked simultaneously, without unlatching, on a signal from the
18 fire command station, on activation of the fire alarm system, or on loss of power to the building.

19 **403.5.3.1 Stairway communication system. {As in IBC}**

20 **403.5.4 Smokeproof [exit] enclosures. {As in IBC}**

21 **403.5.5 Luminous egress path markings. {As in IBC}**

22 **403.5.6 Emergency escape and rescue. {As in IBC}**

23 **403.6 Elevators. {As in IBC}**

24 **Sections 404 to [414] 424 {As in IBC}**

25 **[Section 415 Groups H-1, H-2, H-3, H-4, and H-5]**

26 **[415.1 to 415.5 {As in IBC}]**

27 **[415.6 Group H-2. {As in IBC}]**

28 **[415.6.1 Combustible dusts, grain processing, and storage. {As in IBC}]**

29 **[415.6.2 Flammable and combustible liquids. {As in IBC}]**

30 **[415.6.3 Liquefied petroleum gas distribution facilities. {Substitute “National Fuel Gas**
31 **Code” for “International Fuel Gas Code”. Otherwise, as in IBC.}]**
32

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1 [415.6.4 **Dry cleaning plants.** The construction and installation of dry cleaning plants must be
2 in accordance with this Code, the International Mechanical Code, and NFPA 32. Dry cleaning
3 solvents and systems must be classified in accordance with the International Fire Code.]

4 [415.7 **Groups H-3 and H-4.** *{As in IBC}*]

5
6 [415.8 **Group H-5.** *{As in IBC}*]

7 [Sections 416 to 423 *{As in IBC}*]

8 Section [424] 425 Greenhouses

9 **425.1 [424.1] General.** Structures with glazed surfaces that are used only for horticulture are
10 classified as greenhouses. These structures must be independent and separated from other buildings
11 on the same lot. All greenhouses must conform to the requirements of this Code for exits and for
12 materials.

13 **425.2 [424.2] Commercial greenhouses.** Commercial greenhouses are classified as Group S-2,
14 Low Hazard Storage Buildings, and must comply with Tables 503 {"ALLOWABLE BUILDING HEIGHTS
15 AND AREAS"}, 601 {"FIRE-RESISTANT RATINGS FOR BUILDING ELEMENTS"}, and 602 {"FIRE-
16 RESISTANT RATINGS FOR EXTERIOR WALL"} .

17 **425.3 [424.3] Residential greenhouses.** Greenhouses that are located on a lot zoned for residential
18 use are classified as Group U, Utility and Miscellaneous Structures.

19 **425.3.1 [424.3.1] Height.** Residential greenhouses may not exceed 20 feet (6.10 m) above
20 grade.

21 **425.3.2 [424.3.2] Size.** The floor area of a residential greenhouse must conform to the
22 requirements of the BALTIMORE CITY Zoning Code.

23 **425.3.3 [424.3.3] Location.** Residential greenhouses must be located at least 36 inches
24 (914 mm) from any property line or other structure.

25 Section [425] 426 Circuses and Carnivals

26 **426.1 [425.1] Definition.** "Circus" or "carnival" means any use of public or private land, streets,
27 lanes, or alleys for fetes, bazaars, circuses, street carnivals, carnivals, feats of horseback-riding
28 ability, acrobatic stunts, trained animal acts, clowning, and other similar performances, mechanical
29 rides, or other amusement devices to which the public is admitted, and includes any temporary stands
30 or facilities for selling or dispensing products for human consumption in connection with these uses.

31 **426.2 [425.2] Scope.** This section covers regulations for circuses and carnivals that are not provided
32 for in other sections of this Code.

33 **426.3 [425.3] Permit required.** Before any person may begin to set up any structure, appliance, or
34 equipment for a circus or carnival, the person must obtain the appropriate permit from the Building
35 Official.

36 **426.3.1 [425.3.1] Application for permit.** The application for the permit must be:

- 37 1. filed at least ~~10~~ 30 days before the opening date of the circus or carnival, and
- 38 2. signed by a responsible person or official acting for the applicant.

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1 **426.3.2 [425.3.2] Referral of application.** The Building Official must immediately refer each
2 application to the following, for their recommendations:

- 3 1. the Police Commissioner,
- 4 2. the Director of Public Works,
- 5 3. the Director of General Services,
- 6 4. the Chief of the Fire Department, and
- 7 5. the Commissioner of Health.

8 **426.3.3 [425.3.3] Disapproval of Police Commissioner.** If the Police Commissioner
9 disapproves the application:

- 10 1. the Police Commissioner must return it to the Building Official, with a statement of the
11 reasons for the disapproval, and
- 12 2. the Building Official may not issue the permit.

13 **426.3.4 [425.3.4] 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 Commissioner,
16 Public Works Director, General Services Director, Fire Chief, and Health Commissioner,
17 and
- 18 2. if the permit is issued, must immediately send a copy of the permit to each of them.

19 **426.4 [425.4] Insurance for mechanical rides, etc.** Every application for a circus or carnival
20 permit must specify whether or not mechanical rides or devices will be used in connection with the
21 circus or carnival. If mechanical rides or devices will be used, the person supplying these rides or
22 devices must, before the permit may be issued, furnish satisfactory evidence of insurance, in an
23 amount that the City's Office of Risk Management considers sufficient, to:

- 24 1. insure the applicant, and name the City as an additional insured, against liability for damage
25 or injury to property or person, including death, due to faulty equipment or negligence, and
- 26 2. indemnify the City against any suit, loss, claim, damages, or expense to which the City is
27 subjected because of any damage or injury to property or person, including death, or injury to
28 any public highway or other public property done by or in connection with the transportation,
29 erection, operation, maintenance, or supervision of a mechanical ride or device.

30 **426.5 [425.5] Financial responsibility.** Before a permit may be issued, the applicant must furnish
31 proof of financial responsibility, in the form of a certificate of insurance from an insurer authorized
32 to do business in this State. The certificate of insurance must state that the circus or carnival is
33 insured against any legal liability (other than that covered by [§ 425.4] § 426.4), caused by accidents
34 or otherwise and resulting in damage or injury to property or person, including death, as a
35 consequence of the ownership, operation, or maintenance of the circus or carnival or otherwise in
36 any way connected with the circus or carnival. The insurance must be for at least the amount that the
37 City's Office of Risk Management considers sufficient to protect the public, and must name the City
38 as an additional insured. Additionally, the insurance must be in an amount that the City's Office of
39 Risk Management considers sufficient to:

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- 1 1. insure the applicant against liability for damage or injury to property or person, including
2 death, due to faulty equipment or negligence, and
- 3 2. indemnify the City against any suit, loss, claim, damages, or expense to which the City is
4 subjected because of any damage or injury to property or person, including death, or injury to
5 any public highway or other public property done by or in connection with the applicant's
6 business.

7 **426.5.1 [425.5.1] Nonresident applicants.** If the applicant is not a resident of the City, the
8 applicant and the insurer must execute a power of attorney that authorizes the Building Official
9 to accept on their behalf service of notices, processes, and any actions arising out of the
10 ownership, operation, or maintenance of the circus or carnival or otherwise in any way connected
11 with the circus or carnival. If the applicant is a nonresident corporation, the corporation, in
12 addition to complying with all other requirements of this Code, must submit with its application a
13 certificate from the Maryland Department of Assessments and Taxation certifying that it is a
14 corporation authorized to do business in this State.

15 **426.5.2 [425.5.2] Nonprofit entities excepted.** This [§ 425.5] § 426.5 does not apply to any
16 applicant that is a church, school, charitable organization, veterans' organization, or other
17 nonprofit organization.

18 **426.6 [425.6] Zoning requirements.** The provisions of the BALTIMORE CITY Zoning Code that
19 prohibit carnivals in residential areas do not apply to a carnival that:

- 20 1. is operated under a permit issued to a church, school, charitable organization, veterans'
21 organization, or other nonprofit organization, and
- 22 2. operates for no more than 15 days in any 1 calendar year.

23 **426.7 [425.7] Layout.** Every circus and carnival must be laid out as provided in this [§ 425.7]
24 § 426.7.

25 **426.7.1 [425.7.1] Main aisle.** A main aisle or concourse must:

- 26 1. extend entirely through the circus or carnival,
- 27 2. open at both ends on a street or other public way that leads to a street at least 30 feet
28 (9.14 m) wide, and
- 29 3. be at least 10 feet (3.05 m) wide for a length of up to 100 feet (30.48 m), plus an
30 additional 2½ feet (0.76 m) in width for each additional 100 feet (30.38 m) or fraction
31 of 100 feet (30.38 m) in length.

32 **426.7.2 [425.7.2] Side or branch aisles.** Side or branch aisles that are open at both ends must
33 be at least 6 feet (1.83 m) wide for a length of up to 50 feet (15.24 m), plus an additional 1 foot
34 in width for each additional 50 feet (15.24 m) or fraction of 50 feet (15.24 m) in length. Side or
35 branch aisles that are open at only 1 end must be at least twice the width for side or branch aisles
36 that are open at both ends.

37 **426.8 [425.8] Circus and carnival structures.** Circus and carnival structures, in addition to
38 complying with all other applicable provisions of this Code, must comply with the requirements of
39 this [§ 425.8] § 426.8.

40 **426.8.1 [425.8.1] Tents.** All tents must conform to the requirements for temporary structures in
41 § 3103 {"TEMPORARY STRUCTURES"} of this Code.

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Chapter 6. Types of Construction *{As in IBC}*

[Section 601 General *{As in IBC}*]

[Section 602 Construction Classification *{As in IBC}*]

[Section 603 Combustible Material in Type I and II Construction *{Substitute “National Standard Plumbing Code” for “International Plumbing Code”. Otherwise, as in IBC.}*]

Chapter 7. Fire and Smoke Protection Features

Sections 701 to 705 *{As in IBC}*

Section 706 Fire Walls

706.1 to 706.8 *{As in IBC}*

706.9 Penetrations. Penetrations through fire walls must comply with [§ 713] § 714
{“PENETRATIONS”} of this Code. Penetrations through party walls are not allowed.

706.10 to 706.11 *{As in IBC}*

Sections 707 to [716] 722 *{As in IBC}*

[Section 717 Concealed Spaces]

[717.1 to 717.4 *{As in IBC}*]

[717.5 Combustible materials in concealed places in Type I or Type II construction.
*{Substitute “National Standard Plumbing Code” for “International Plumbing Code”. Otherwise,
as in IBC.}*]

[Sections 718 to 721 *{As in IBC}*]

Chapter 8. Interior Finishes *{As in IBC}*

Chapter 9. Fire Protection Systems

Section 901 General

901.1 Scope. *{As in IBC, subject to following Note}*

{**MBPS Modification – Note to § 901.1:** The fire protection system requirements of Chapter 9 may be concurrently covered by the State Fire Prevention Code, adopted under State Public Safety Article § 6-206 and contained in COMAR 29.06.01. The State Fire Prevention Code is enforced by the State Fire Marshall or authorized fire official.}

901.2 to [901.7] 901.8 *{As in IBC}*

Section 902 Definitions *{As in IBC}*

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1 Section 903 Automatic Sprinkler Systems

2 903.1 General. *{As in IBC}*

3 903.2 Where Required. Approved automatic sprinkler systems must be installed in the locations
4 indicated in this § 903.2 and as required by State law.

5 Exception: *{As in IBC}*

6 903.2.1 to [903.2.13] 903.2.12 *{As in IBC}*

7 [903.3 Installation requirements. *{Substitute “National Standard Plumbing Code” for*
8 *“International Plumbing Code”. Otherwise, as in IBC.}*

9 903.3 [903.4] to 903.5 *{As in IBC}*

10 SECTIONS 904 TO 915 *{SUBSTITUTE “NATIONAL ELECTRICAL CODE” FOR “ICC ELECTRICAL CODE”.*
11 *OTHERWISE, AS IN IBC.}*

12 [Section 904 Alternative Automatic Fire-Extinguishing Systems *{Substitute “National Electrical*
13 *Code” for “ICC Electrical Code”. Otherwise, as in IBC.}*

14 [Sections 905 to 906 *{As in IBC}*]

15 [Section 907 Fire Alarm and Detection Systems *{Substitute “National Electrical Code” for “ICC*
16 *Electrical Code”. Otherwise, as in IBC.}*

17 [Section 908 Emergency Alarm Systems *{As in IBC}*]

18 [Section 909 Smoke Control Systems *{Substitute “National Electrical Code” for “ICC Electrical*
19 *Code”. Otherwise, as in IBC.}*

20 [Sections 910 to 911 *{As in IBC}*]

21 [Section 912 Fire Department Connections *{Substitute “National Standard Plumbing Code” for*
22 *“International Plumbing Code”. Otherwise, as in IBC.}*

23 [Sections 913 to 915 *{As in IBC}*]

24 Chapter 10. Means of Egress

25 Section 1001 Administration

26 1001.1 General. *{As in IBC, subject to the following Note}*

27 *{MBPS Modifications – Note to § 1001.1: The means of egress requirements of Chapter 10*
28 *may be concurrently covered by the State Fire Prevention Code, adopted under State Public*
29 *Safety Article § 6-206 and contained in COMAR 29.06.01. The State Fire Prevention Code is*
30 *enforced by the State Fire Marshall or authorized fire official.}*

31 1001.2 to [1001.3] 1001.4 *{As in IBC}*

32 Sections 1002 to ~~1012~~ 1008 *{As in IBC}*

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1 **SECTION 1009 STAIRWAYS**

2 **1009.1 TO 1009.6 {AS IN IBC}**

3 **1009.7 STAIR TREADS AND RISERS. {FIRST PARAGRAPH AS IN IBC}**

4
5 **1009.7.1 {AS IN IBC}**

6 **1009.7.2 RISER HEIGHT AND TREAD DEPTH. {FIRST PARAGRAPH AS IN IBC}**

7 **EXCEPTIONS:**

8
9 1-4. {AS IN IBC}

10 5. IN OCCUPANCIES IN GROUP R-3, AS APPLICABLE IN §101.2 IN DWELLING UNITS IN
11 OCCUPANCIES IN GROUP R-2, AS APPLICABLE IN §101.2 AND IN OCCUPANCIES IN
12 GROUP U THAT ARE ACCESSORY TO AN OCCUPANCY IN GROUP R-3, AS APPLICABLE IN
13 §101.2:

14 A. THE MAXIMUM RISER HEIGHT IS 8 ¼ INCHES (210 MM),

15 B. THE MINIMUM TREAD DEPTH IS 9 INCHES (229 MM),

16 C. THE MINIMUM WINDER TREAD DEPTH AT THE WALK LINE IS 9 INCHES (229
17 MM),

18 D. THE MINIMUM WINDER TREAD DEPTH IS 6 INCHES (152 MM), AND

19 E. A NOSING NOT LESS THAN ¾ INCH (19 MM) BUT NOT MORE THAN 1 ¼ INCHES
20 (32 MM) MUST BE PROVIDED ON STAIRWAYS WITH SOLID RISERS WHERE THE
21 TREAD DEPTH IS LESS THAN 11 INCHES (279 MM).

22 6. FOR THE REPLACEMENT OF EXISTING STAIRWAYS, SEE THE MARYLAND BUILDING
23 REHABILITATION CODE, SET FORTH IN COMAR 05.16.

24 7. {AS IN IBC}

25 **1009.7.3 TO 1009.7.5 {AS IN IBC}**

26 **1009.8 TO 1009.17 {AS IN IBC}**

27 **SECTIONS 1010 TO 1012 {AS IN IBC}**

28 **Section 1013 Guards**

29 **1013.1 to [1013.2] 1013.3 {As in IBC}**

30 **1013.4 [1013.3] Opening limitations[– General]. {As in IBC}**

31 **EXCEPTIONS: {AS IN IBC}**

32 **1013.4.1 [1013.3.1] [Opening limitations –]Residential occupancies.** For occupancies in Use
33 Group R, required guards may not be constructed with horizontal rails or any ornamental pattern
34 that results in a ladder effect.

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1 [Exceptions: *{As in IBC}*]

2 [1013.4 to 1013.6] 1013.5 TO 1013.8 *{As in IBC}*

3 Sections 1014 to 1029 *{As in IBC}*

4 Chapter 11. Accessibility 5 *{Not Adopted}*

6 {**MBPS Modification** – Chapter 11 of the IBC, relating to accessibility requirements, is replaced
7 with the Maryland Accessibility Code, codified in COMAR 05.02.02.}

8 Chapter 12. Interior Environment

9 Sections 1201 to [1205] 1210 *{As in IBC}*

10 [Section 1206 Yards or Courts *{Substitute “National Standard Plumbing Code” for “International*
11 *Plumbing Code”*. *Otherwise, as in IBC.*}]

12 [Sections 1207 to 1210 *{As in IBC}*]

13 Section 1211 Carbon Monoxide Alarms.

14 **1211.1 Definitions.** In this § 1211, the following terms have the meaning indicated.

15 **1211.1.1 Carbon monoxide alarm.** “Carbon monoxide alarm” means a device that:

- 16 1. senses carbon monoxide,
- 17 2. when sensing carbon monoxide, emits a distinct and audible sound, and
- 18 3. is certified by a nationally recognized testing laboratory that has been approved by:
 - 19 a. the Office of the State Fire Marshal, or
 - 20 b. for dwellings subject to this section but not to State Public Safety Article Title
21 12 {“Building and Material Codes”}, Subtitle 11 {“Carbon Monoxide Alarms”},
22 either:
 - 23 i. the Office of the State Fire Marshall, or
 - 24 ii. the City Fire Code Official.

25 **1211.1.2 Dwelling.** “Dwelling” includes a hotel, motel, boarding house, rooming house, or
26 other building or part of a building that provides living or sleeping facilities for 1 or more
27 individuals.

28 **1211.2 Scope.** This § 1211 applies to any dwelling, whether newly constructed or already existing,
29 that:

- 30 1. uses gas- or fossil-fuel for heating, cooking, hot water, or clothes-drying operations,
- 31 2. is attached to a garage, or
- 32 3. has a gas- or wood-burning fireplace.

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1211.3 Installation and maintenance required.

1211.3.1 **Owners' responsibilities.** In every dwelling subject to this section, the owner of the dwelling must:

1. supply and install 1 or more carbon monoxide alarms,
2. except for alarms in a tenant-occupied dwelling unit, test and maintain these alarms according to their manufacturers' guidelines, and
3. for alarms in a tenant-occupied dwelling unit, provide written information on alarm testing and maintenance to at least 1 adult occupant of that unit.

1211.3.2 **Occupants' responsibilities.** For carbon monoxide alarms located in a tenant-occupied dwelling unit, the tenant must:

1. test and maintain the alarms according to their manufacturers' guidelines, and
2. replace batteries as needed.

1211.3.3 **Required locations.** A carbon monoxide alarm must be installed in a central location outside of each sleeping area in the dwelling.

1211.3.4 **Method of installation.** Installation of an alarm must be by attachment to a wall or ceiling in accordance with:

1. National Fire Protection Association (NFPA) 720, Standard for the Installation of Household Carbon Monoxide (CO) Warning Equipment in Dwelling Units; or
2. the manufacturer's recommendations.

1211.4 Power source.

1211.4.1 **Dwellings subject to State law.** For a newly constructed dwelling to which State Public Safety Article Title 12 {"Building and Material Codes"}, Subtitle 11 {"Carbon Monoxide Alarms"} applies, the carbon monoxide alarm must be wired into an alternating current (AC) powerline with battery backup.

1211.4.2 **Other dwellings.** For an existing or newly constructed dwelling to which State Public Safety Article Title 12, Subtitle 11, does not apply, the alarm must be:

1. hardwired into an alternating current (AC) powerline, with battery backup,
2. plugged into an electrical outlet not controlled by a switch, with battery backup, or
3. battery-powered.

1211.5 **Light signal for hearing impaired.** The owner of a rental unit must provide a carbon monoxide alarm that is designed (and has been tested and certified by an approved testing laboratory) to alert persons with hearing impairments, if the tenancy is occupied by a person who is hearing impaired and the tenant has asked for the alarm in writing by certified or registered mail.

1211.6 **Combined CO and smoke alarms.** A carbon monoxide alarm may be combined with a smoke alarm if the combined device complies with:

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1 prohibited and must be conveyed to the nearest public storm water drain or inlet through
2 underground piping.

3 **1503.4.6.2 Method 2.** Drainage may be discharged not less than 10 feet (3.05 m) from the
4 building, from other buildings, or from any adjacent property line, as long as the discharge
5 is in such a manner as not to allow drainage to cross adjacent property lines or sidewalks.

6 **1503.4.7 Individual downspouts.** Gutters of buildings on adjoining properties may not be
7 connected with common downspouts or leaders, but each building must have individual
8 downspouts or leaders on its own property. If a building is more than 4 stories or 50 feet (15.24
9 m) high, its leader and downspouts must be inside the building's exterior walls.

10 **1503.4.8 Relief scuppers.** Roofs with interior roof drains and enclosed by parapet walls that
11 will impound water must be provided with relief scuppers placed in the parapet wall not more
12 than 6 inches (152 mm) above the roof level. The openings of these relief scuppers must be at
13 least 6 inches (152 mm) in diameter. Each 6-inch (152-mm) diameter relief scupper opening may
14 only serve a roof area of not more than 1,000 square feet (92.9 square meters).

15 **1503.4.8.1 Internal relief drains.** Internal relief drains may be used instead of relief
16 scuppers. Internal relief drains must be independent of the required roof drains.

17 **1503.5 to 1503.6** *{As in IBC}*

18 **Sections 1504 TO 1508** *{As in IBC}*

19 **Section 1509 Rooftop Structures**

20 **1509.1 to [1509.5] 1509.8** *{As in IBC}*

21 **1509.9 Rooftop decks.** Rooftop decks must comply with this § 1509.9 and with Chapter 16
22 {"STRUCTURAL DESIGN"} of this Code.

23 **1509.9.1 Materials.** Rooftop decks must be constructed with approved materials in accordance
24 with Chapters 19 through 26 of this Code.

25 **1509.9.2 Notice to adjoining ADJOINING owners.** If a rooftop deck is to be supported by
26 party walls:

- 27 1. the owners of the adjoining properties must be notified in writing, and
- 28 2. evidence of this notice must be submitted with the construction documents.

29 **1509.9.3 Construction documents.** Construction documents for all rooftop decks must:

- 30 1. include dimensional setbacks, and
- 31 2. be signed and sealed by a professional architect or engineer licensed in Maryland.

32 **1509.9.4 Clearances.** All rooftop decks must maintain all clearances otherwise required by this
33 Code, including Chapter 8 {"CHIMNEYS AND VENTS"} of the International Mechanical Code and
34 [§ 230-24(e)] § 230.24 {"CLEARANCES"} of the National Electrical Code.

35 **1509.9.5 Height.** No rooftop deck may be raised more than 2 feet (0.61 m) above the plane that
36 is midway between the lowest and the highest points of the roof surface supporting the rooftop
37 deck.

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1 **1509.9.6 Setbacks.** A rooftop deck must comply with:

- 2 1. the minimum setbacks specified in § 1509.9.6.1, and
- 3 2. any greater or additional setback requirements established by or under the Baltimore City
- 4 Zoning Code and any applicable Urban Renewal Plan.

5 **1509.9.6.1 Minimum setbacks.** A rooftop deck must comply with the following minimum

6 setbacks:

7 *Front*

8 Flat Roof –	8 feet (2.44 m) from face of building wall
9 Gabled Roof –	6 feet (1.83 m) behind ridge line
10 Mansard Roof (steeply	
11 pitched front slope	
12 followed by flat roof) –	6 feet (1.83 m) behind ridge line

13 *Sides and Rear*

14 None

15 **Section 1510 TO 1511 [Reroofing] {As in IBC}**

16 **Chapter 16. Structural Design**

17 **Sections 1601 to 1606 {As in IBC}**

18 **Section 1607 Live Loads**

19 **1607.1 to [1607.10] 1607.11 {As in IBC}**

20 **1607.12 [1607.11] Roof Loads. {As in IBC}**

21 **1607.12.1 [1607.11.1] Distribution of roof loads. {As in IBC}**

22 **1607.12.2 [1607.11.2] Reduction in roof live loads. {As in IBC}**

23 **1607.12.2.1 [1607.11.2.1] [Flat, pitched, and curved roofs.] ORDINARY ROOFS, AWNINGS,**
24 **AND CANOPIES.** Ordinary flat, pitched, and curved roofs, AND AWNINGS AND CANOPIES
25 OTHER THAN OPF FABRIC CONSTRUCTION SUPPORTED BY A SKELETON STRUCTURE, must be
26 designed for the following minimum live loads:

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		Live Load (pounds/square foot of horizontal projection)
	Roof Slope	
6	Flat: Flat or rise less than 4"	30
7	Pitched: Rise 4" (102 mm) per foot to less than 12" (305 mm) per foot Rise 12" (305 mm) per foot and greater	20
8		12
9	Curved: Arch or dome with rise less than 1/8 of span Arch or dome with rise 1/8 of span to less than 3/8 of span Arch or dome with rise 3/8 of span or greater	30
10		20
11		12

12 [1607.11.2.2 Special-purpose roofs. *{As in IBC}*]

13 1607.12.3 [1607.11.3] to 1607.12.4 [1607.11.4] *{As in IBC}*

14 1607.13 [1607.12] to 1607.14 [1607.13] *{As in IBC}*

15 Sections 1608 to [1614] 1615 *{As in IBC}*

16 Chapter 17. [Structural Tests and Special Inspection]
17 SPECIAL INSPECTIONS AND TESTS
18 *{As in IBC}*

19 Chapter 18. Soils and Foundations

20 Sections 1801 to 1803 *{As in IBC}*

21 Section 1804 Excavation, Grading, and Fill

22 1804.1 Excavation NEAR foundations. *{As in IBC}*

23 1804.1.1 Underpinning foundation walls – GENERAL. Any permit application for
24 underpinning foundation walls must include the following:

- 25 1. structural drawings that:
 - 26 a. indicate the exact sequence of operation, and
 - 27 b. are signed and sealed by an architect or engineer licensed to practice in this
28 State,
- 29 2. a statement of responsibility from the architect or engineer of record that the architect or
30 engineer agrees:
 - 31 a. to ensure that the work will conform to the structural drawings and all applicable
32 codes,
 - 33 b. to periodically inspect the work, and
 - 34 c. within 10 days after the work is completed, to submit a certification of
35 completion, and

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- 1 3. if the underpinning is to be done on a party wall[, written, notarized permission to do the
2 work from the adjoining property owner], EVIDENCE THAT THE NOTICE REQUIRED BY
3 § 1804.1.2 WAS GIVEN.

4 **1804.1.2 UNDERPINNING FOUNDATION WALLS – PARTY WALLS.** IF THE UNDERPINNING IS TO BE
5 DONE ON A PARTY WALL, THE APPLICANT MUST GIVE WRITTEN NOTICE OF THE PROPOSED
6 UNDERPINNING TO THE OWNERS OF ALL ADJOINING PROPERTIES, WITH A COPY TO THE BUILDING
7 OFFICIAL. THIS NOTICE MUST BE GIVEN AT LEAST 10 DAYS BEFORE AN APPLICATION FOR THE
8 UNDERPINNING PERMIT IS FILED.

9 **1804.1.2.1 CONTENTS OF NOTICE.** THE WRITTEN NOTICE MUST:

- 10 1 INDICATE THE INTENT TO UNDERPIN THE STRUCTURE,
- 11 2. SPECIFY:
- 12 A. THE EARLIEST DATE (TO BE AT LEAST 10 DAYS AFTER THE NOTICE IS SERVED)
13 WHEN THE UNDERPINNING PERMIT IS EXPECTED TO BE FILED, AND
- 14 B. THE EARLIEST DATE WHEN THE WORK IS EXPECTED TO BEGIN,
- 15 3. IDENTIFY THE CONTRACTOR SCHEDULED TO PERFORM THE UNDERPINNING AND THE
16 CONTRACTOR’S EMERGENCY CONTACT INFORMATION, INCLUDING CELL PHONE
17 NUMBER AND EMAIL ADDRESS,
- 18 4. IDENTIFY THE ARCHITECT OR ENGINEER WHO SIGNED AND SEALED THE PLANS AND
19 WILL CERTIFY THE UNDERPINNING,
- 20 5. INCLUDE A COPY OF ALL DOCUMENTS THAT ARE RELEVANT TO THE ADJOINING
21 PROPERTY AND ARE TO BE FILED FOR ~~PERMITS~~ THE PERMIT, AND
- 22 6. INCLUDE THE FOLLOWING STATEMENT:
- 23 “THE BALTIMORE CITY BUILDING, FIRE, AND RELATED CODES PROVIDES
24 THAT ANY PERSON AGGRIEVED BY A PERMIT ISSUED BY THE BUILDING
25 OFFICIAL MAY APPLY FOR A REVIEW OF THAT DECISION. IF YOU WOULD
26 LIKE TO CHALLENGE THE ISSUANCE OF THIS UNDERPINNING PERMIT, YOUR
27 REQUEST MUST:
- 28 (1) BE IN WRITING;
- 29 (2) BE MADE BEFORE OR WITHIN 10 DAYS OF SERVICE OF THIS NOTICE UPON
30 ~~YOU~~ 10 DAYS AFTER ISSUANCE OF THE PERMIT;
- 31 (3) SET FORTH IN FULL THE REASONS FOR REVIEW; AND
- 32 (4) ~~BE~~ EITHER BE:
- 33 (I) MAILED BY CERTIFIED OR REGISTERED MAIL, RETURN RECEIPT
34 REQUESTED, TO THE DEPUTY COMMISSIONER OF PERMITS AND
35 CODE ENFORCEMENT AT 417 E. FAYETTE STREET, 3RD FLOOR,
36 BALTIMORE, MARYLAND, 21202; OR
- 37 (II) DELIVERED TO THAT DEPUTY COMMISSIONER’S OFFICE AND
38 STAMPED RECEIVED BY THE OFFICE.

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1804.1.2.2 SERVICE OF NOTICE. THE NOTICE MUST BE:

- 1. PERSONALLY SERVED ON THE OWNER OF THE ADJOINING PROPERTY, OR
- 2. SENT BOTH BY CERTIFIED OR REGISTERED MAIL, RETURN RECEIPT REQUESTED, AND BY FIRST CLASS MAIL TO THE OWNER AT:
 - A. THE ADJOINING PROPERTY’S MAILING ADDRESS, AND
 - B. THE ADJOINING PROPERTY’S TAX ADDRESS IF DIFFERENT, THE OWNER’S MAILING ADDRESS RECORDED IN THE PROPERTY’S TAX RECORDS.

1804.2 to 1804.6 {As in IBC}

SECTIONS 1805 TO 1808 {AS IN IBC}

[Section 1805 Dampproofing and Waterproofing {Substitute “National Standard Plumbing Code” for “International Plumbing Code”. Otherwise, as in IBC.}]

[Section 1806 Presumptive Load-Bearing Values of Soils {As in IBC}]

[Section 1807 Foundation Walls, Retaining Walls, and Embedded Posts and Poles]

[1807.1 Foundation walls. {As in IBC}]

[1807.2 Retaining walls. Retaining walls must be designed in accordance with this § 1807.2.]

[1807.2.1 to 1807.2.3 {As in IBC}]

[1807.2.4 Retaining foundation walls. Any permit application for retaining foundation walls must include the following:

- 1. structural drawings that:
 - a. indicate the exact sequence of operation, and
 - b. are signed and sealed by an architect or engineer licensed to practice in this State,
- 2. a statement of responsibility from the architect or engineer of record that the architect or engineer agrees:
 - a. to ensure that the work will conform to the structural drawings and all applicable codes,
 - b. to periodically inspect the work, and
 - c. within 10 days after the work is completed, to submit a certification of completion, and
- 3. if the retaining foundation wall is to be installed close to a party wall, evidence that notice of the proposed work was sent to the adjoining property owner by registered mail.]

[1807.3 Embedded posts and poles. {As in IBC}]

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1 [Section 1808 Foundations *{As in IBC}*]

2 **Section 1809 Shallow Foundations**

3 **1809.1 to 1809.4** *{As in IBC}*

4 **1809.5 Frost protection.** Except where otherwise protected from frost, foundation walls, piers, and
5 other permanent supports of buildings and structures must be protected by one or more of the
6 following methods:

- 7 1. extending 30" below grade,
- 8 2. constructing in accordance with ASCE 32, or
- 9 3. erecting on solid rock.

10 **Exceptions:** *{As in IBC}*

11 **1809.6 to 1809.13** *{As in IBC}*

12 **Section 1810 Deep Foundations** *{As in IBC}*

13 **Chapter 19. Concrete**
14 *{As in IBC}*

15 **Chapter 20. Aluminum**
16 *{As in IBC}*

17 **Chapter 21. Masonry**
18 *{AS IN IBC}*

19 [Sections 2101 to 2112 *{As in IBC}*]

20 [Section 2113 Masonry Chimneys *{Substitute "National Fuel Gas Code" for "International Fuel*
21 *Gas Code". Otherwise, as in IBC.}*]

22 **Chapter 22. Steel**
23 *{As in IBC}*

24 **Chapter 23. Wood**
25 *{As in IBC}*

26 **Chapter 24. Glass and Glazing**

27 **Sections 2401 to 2405** *{As in IBC}*

28 **Section 2406 Safety Glazing** *{As in IBC, subject to the following Note}*

29 **{MBPS Modification** – The requirements for safety glazing contained in State Public Safety
30 Article, Title 12, Subtitle 4, are in addition to those contained in § 2406 of the IBC. In the event
31 of a conflict between the Maryland Code and the IBC, the Maryland Code prevails.}

32 **Sections 2407 to 2409** *{As in IBC}*

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Chapter 25. Gypsum Board and Plaster *{As in IBC}*

Chapter 26. Plastic

Sections 2601 to 2608 *{As in IBC}*

Section 2609 Light-Transmitting Plastic Roof Panels

2609.1 to 2609.2 *{As in IBC}*

2609.3 Location. Where [§ 705.8] § 705 {"EXTERIOR WALLS"} of this Code requires exterior wall openings to be protected, a roof panel or unit may not be installed within 4 feet (1219 mm) of the exterior wall.

2609.4 Area limitations. *{As in IBC}*

Section 2610 Light-Transmitting Plastic Skylight Glazing

2610.1 to 2610.6 *{As in IBC}*

2610.7 Location. Where § 705 {"EXTERIOR WALLS"} of this Code requires exterior wall openings to be protected, a skylight may not be installed within 4 feet (1219 mm) of the exterior wall.

2610.8 Combinations, etc. *{As in IBC}*

Sections 2611 to 2613 *{As in IBC}*

Chapter 27. Electrical

{MBPS Modification} – The subject matter of this chapter is not within the scope of the Maryland Building Performance Standards. *SEE THE BALTIMORE CITY ELECTRICAL CODE IN PART III {"ELECTRICAL"} OF THIS ARTICLE, AND THE NATIONAL ELECTRICAL CODE AS ADOPTED AND ENFORCED BY THE STATE FIRE MARSHALL UNDER STATE PUBLIC SAFETY ARTICLE, TITLE 12, SUBTITLE 6.*

Section 2701 General

2701.1 Scope. This Chapter governs the electrical components, equipment, and systems used in structures covered by this Code. Electrical components, equipment, and systems must be designed and constructed in accordance with the National Electrical Code ("NEC").

2701.2 Electric equipment standards. Only electrical materials, appliances, or equipment approved by the Building Official may be installed. The Building Official must approve all materials, appliances, and equipment that are listed and labeled by the Underwriters' Laboratories, Incorporated, or by any other independent testing organization that the Building Official approves, except for any materials, appliances, or equipment that other provisions of this Code preclude from being installed. In investigating new materials, appliances, and equipment, the Building Official must consider the factors listed in NEC [§ 110-3] § 110.3 {"EXAMINATION, IDENTIFICATION, INSTALLATION, AND USE OF EQUIPMENT"}.

Section 2702 Emergency and Standby POWER SYSTEMS

2702.1 Installation. Emergency and standby power systems must be installed in accordance with the National Electrical Code.

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1 **2702.1.1 Stationary generators.** *{As in IBC}*

2 **2702.2 to 2702.3** *{As in IBC}*

3 **Section 2703 Permit and Certificate of Inspection**

4 **2703.1 Applications.** The application for an electrical permit must bear the name and address of the
5 insured, licensed electrician responsible for all work to be done under the permit.

6 **2703.2 Permits for maintenance work.** Any person who employs 1 or more licensed maintenance
7 electricians or licensed master electricians for maintenance of approved installations in or on a
8 structure or premises owned or operated by the person must:

- 9 1. obtain individual permits for the maintenance work, or
10 2. apply for and obtain a semiannual permit for all maintenance work to be performed
11 by these licensed electricians.

12 **2703.3 Semiannual records.** The person to whom a semiannual permit is issued must keep a
13 detailed record of all maintenance work done under the permit. These records must be:

- 14 1. available at all times for inspection by the Building Official, or
15 2. if the Building Official so specifies, filed with the Building Official.

16 **2703.4 Certificates.** An electrical certificate is required before electric service may be energized in
17 any structure. On request and payment of the required fee, the Building Official will issue an
18 electrical certificate to the owner of any electrical installation that conforms to the requirements of
19 this Code.

20 **Section 2704 Inspections**

21 **2704.1 Periodic inspections for places of assembly.** In any place of public assembly for which an
22 inspection registration permit is required, the Building Official must make periodic inspections of the
23 electric wiring, appliances, and equipment.

24 **Section 2705 Unsafe Existing Installations**

25 **2705.1 Conformance required.** Any existing electrical equipment, appliance, wiring, or other
26 electrical work in service that does not comply with this Code and creates a menace to life or
27 property must, as directed in writing by the Building Official:

- 28 1. be made to conform to the requirements of this Code, or
29 2. be put out of service and either sealed or removed.

30 **Section 2706 Permits**

31 **2706.1 Permit required.** Unless specifically excepted by this Building, Fire, and Related Codes
32 Article, no electrical work may be undertaken before the Building Official has issued a permit for
33 that work.

34 **2706.2 To whom issued.** A permit may be issued only:

- 35 1. to a master electrician licensed to do business in the City,

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- 1 2. to a master restricted electrician licensed to do business in the City,
- 2 3. to a restricted electrician licensed to do business in the City, or
- 3 4. to a maintenance electrician licensed to do business in the City.

4 **Section 2707 Licensing Requirements**

5 **2707.1 Licenses and supervision required.** No person may provide electrical services or
6 otherwise engage in any electrical work unless the person:

- 7 1. is licensed to do so in accordance with State law, and
- 8 2. is insured or working under the direct supervision of an insured, licensed electrician.

9 **Chapter 28. Mechanical Systems**

10 **{MBPS Modification}** – The subject matter of this chapter is not within the scope of the
11 Maryland Building Performance Standards. SEE THE BALTIMORE CITY FUEL GAS CODE AND
12 MECHANICAL CODE IN PARTS IV AND V OF THIS ARTICLE, AND THE MECHANICAL CODE ADOPTED
13 UNDER STATE BUSINESS REGULATION ARTICLE § 9A-205.}

14 **Section 2801 General**

15 **2801.1 Scope – General.** Mechanical appliances, equipment, and systems must be constructed.
16 installed, and maintained in accordance with:

- 17 1. the International Mechanical Code [(2009 Edition)] (2012 EDITION), as modified by Part V
18 of this Code, and
- 19 2. the [National] INTERNATIONAL Fuel Gas Code [(2009 Edition)] (2012 EDITION), as modified
20 by Part IV of this Code.

21 **2801.2 Scope – Chimneys, fireplaces, barbecues.** Masonry chimneys, fireplaces, and barbecues
22 must comply with:

- 23 1. Chapter 21 {"MASONRY"} of this Code, and
- 24 2. the International Mechanical Code, as modified by Part V of this Code.

25 **Section 2802 Permits**

26 **2802.1 Permit required.** Unless specifically excepted by this Building, Fire, and Related Codes
27 Article, no heating, ventilation, air-conditioning, or refrigeration ("HVACR") work may be
28 undertaken before the Building Official has issued a permit for that work.

29 **2802.2 Applications.** The application for an HVACR work permit must bear the name and address
30 of the insured, licensed HVACR contractor responsible for all work to be done under the permit.

31 **2802.3 To whom issued.** A permit may be issued only:

- 32 1. to a master HVACR contractor licensed to do business in the City,
- 33 2.. to a master restricted HVACR contractor licensed to do business in the City,

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- 1 3. to a limited HVACR contractor licensed to do business in the City,
- 2 4. to a journeyman HVACR contractor licensed to do business in the City, or
- 3 5. to a journeyman restricted HVACR contractor licensed to do business in the City.

4 Section 2803 Licensing Requirements

5 **2803.1 Licenses and supervision required.** No person may provide HVACR services or otherwise
6 engage in any HVACR work unless the person:

- 7 1. is licensed to do so in accordance with State law, and
- 8 2. is insured or working under the direct supervision of an insured, licensed HVACR
9 contractor.
- 10 3. to a limited HVACR contractor licensed to do business in the City,
- 11 4. to a journeyman HVACR contractor licensed to do business in the City, or
- 12 5. to a journeyman restricted HVACR contractor licensed to do business in the City.

13 Section 2803 Licensing Requirements

14 **2803.1 Licenses and supervision required.** No person may provide HVACR services or otherwise
15 engage in any HVACR work unless the person:

- 16 1. is licensed to do so in accordance with State law, and
- 17 2. is insured or working under the direct supervision of an insured, licensed HVACR
18 contractor.

19 Chapter 29. Plumbing Systems

20 {**MBPS Modification** – The subject matter of this chapter is not within the scope of the
21 Maryland Building Performance Standards. SEE THE BALTIMORE CITY PLUMBING CODE IN PART
22 VI OF THIS ARTICLE, AND THE PLUMBING CODE ADOPTED UNDER STATE BUSINESS AND
23 OCCUPATION ARTICLE, TITLE 12.}

24 Section 2901 General

25 **2901.1 Scope.** The erection, installation, alteration, repairs, relocation, replacement, use, or
26 maintenance of or addition to plumbing equipment and systems are governed by:

- 27 1. this Chapter, [and]
- 28 2. [subject to the modifications specified in Part VI of this Code,] the [National Standard]
29 INTERNATIONAL Plumbing Code [(2009 Edition) (the “NSPC”)] (2012 EDITION) (THE “IPC”),
30 AS MODIFIED BY PART VI OF THIS CODE; AND
- 31 3. [Private] FOR PRIVATE sewage disposal systems, [must conform to] COMAR 26.04.02
32 {“SEWAGE DISPOSAL AND CERTAIN WATER SYSTEMS...”}.

33 **2901.1.1 “Plumbing regulations”.** Together, this Chapter 29 and the [NSPC] IPC are referred
34 to in this Code as “plumbing regulations”.

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1 Section 2902 Permits

2 **2902.1 Permit required.** Unless specifically excepted by these plumbing regulations, no plumbing
3 work may be undertaken before the Building Official has issued a permit for that work.

4 **2902.2 Applications.** The application for a plumbing work permit must bear the name and address
5 of the insured, licensed master plumber responsible for all work to be done under the permit.

6 **2902.3 To whom issued.** A permit may be issued only:

- 7 1. to a master plumber licensed to do business in the City,
- 8 2. to a master gas fitter licensed to do business in the City, or
- 9 3. for on-site utility facilities, to an on-site utility contractor licensed to do business in the City.

10 **2902.4 Insurance.** The Building Official may not issue a permit to any master plumber unless the
11 master plumber has provided the Building Official with certification of insurance, as required by
12 State law.

13 **2902.5 Emergency work.** When emergency work needs to be done to rectify a possible health
14 hazard or other hazardous condition, the work may be undertaken, even before a permit is issued, by:

- 15 1. a master plumber, or
- 16 2. within the scope of his or her license:
 - 17 a. an on-site utility contractor, or
 - 18 b. a gas fitter.

19 **2902.4.1 Notice and subsequent permit.** A master plumber, contractor, or gas fitter who
20 performs emergency work under this section must:

- 21 1. promptly notify the proper City authorities of the emergency, and
- 22 2. within a reasonable time, obtain a permit for the work.

23 Section 2903 *{Reserved}*

24 Section 2904 Licensing Requirements

25 **2904.1 Licenses and supervision required.** Except as otherwise provided in this section, no person
26 may provide plumbing services or otherwise engage in any plumbing work unless:

- 27 1. the person is licensed to do so in accordance with State law, and
- 28 2. the services and work are done by or under the direct supervision of an insured, licensed
29 master plumber.

30 **2904.1.1 On-site utilities work.** On-site utility work, as defined in City Code Article 13,
31 § 18-1, may be done by or under the direct supervision of an on-site utility contractor licensed by
32 the City.

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1 **2904.1.2 Gas-fitting work.** A licensed gas fitter may perform any gas-fitting work that falls
2 within the scope of his or her license.

3 **2904.2 Limits on plumber’s, etc., liability.** The liability of the surety on any bond given under this
4 Chapter and the liability of any master plumber or on-site utility contractor for materials furnished or
5 work done under this Code does not extend to defects in materials or workmanship discovered more
6 than 1 year after completion of the work.

7 **2904.2.1 Plumber’s, etc., responsibility for certain defects.** The surety and the master
8 plumber or on-site utility contractor are responsible to the City to correct all defects that are
9 discovered during the 1-year period after completion of the work and about which they
10 were promptly notified in writing.

11 **2904.2.2 Owner remains responsible.** Notwithstanding the limited liabilities of the surety and
12 the master plumber or on-site utility contractor, the owner of the property is responsible at all
13 times to the City to correct any defects in the plumbing installations in or on his or her property.

14 **2904.3 Use of license by others prohibited.** A master plumber, on-site utility contractor, or gas
15 fitter may not allow his or her name to be used by any other person for obtaining permits or for
16 doing business or work under his or her license.

17 **Chapter 30. Elevators and Conveying Systems**
18 *{As in IBC, subject to following Note}*

19 {**MBPS Modification** – Note to Chapter 30: The provisions of Chapter 30 of the IBC relate to
20 elevators and conveying systems and are in addition to and not instead of the requirements
21 contained in State Public Safety Article, Title 12, Subtitle 8. In the event of a conflict between
22 the Maryland Code and the IBC, the Maryland Code prevails.}

23 **Chapter 31. Special Construction**

24 **Sections 3101 to 3104** *{As in IBC}*

25 **Section 3105 Awnings and Canopies**

26 **3105.1 General.** Awnings and canopies must comply with the requirements of:

- 27 1. this section,
- 28 2. other applicable sections of this Code, and
- 29 3. the laws and regulations governing minor privilege permits.

30 **3105.2 Definition.** *{As in IBC}*

31 **3105.3 Design and construction.** *{As in IBC}*

32 **3105.4 Canopy materials.** *{As in IBC}*

33 **Section 3106 Marquees** *{As in IBC}*

34 **Section 3107 Signs** *{As in IBC}*

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1 Section 3108 Telecommunication and Broadcast Towers

2 3108.1 General *{As in IBC}*

3 3108.2 Location and access. *{As in IBC}*

4 3108.3 Aircraft warning lights. Radio and television towers must be equipped with aircraft
5 warning lights that comply with Federal Aviation Administration requirements.

6 Section 3109 Swimming Pool Enclosures and Safety Devices

7 3109.1 General. Swimming pools must comply with the requirements of:

- 8 1. this section,
- 9 2. other applicable sections of this Code,
- 10 3. all regulations of the Baltimore City Health Department, and
- 11 4. all location and other applicable provisions of the Baltimore City Zoning Code.

12 3109.2 to 3109.5 *{As in IBC}*

13 Section 3110 Automatic Vehicular Gates *{As in IBC}*

14 SECTION 3111 SOLAR PHOTVOLTAIC PANELS/MODULES *{AS IN IBC}*

15 Section 3112 [3111] Parking Lots, Driveways, and Other Paved Surfaces

16 3112.1 [3111.1] Section inapplicable to special-event parking. This [§ 3111] § 3112 does not
17 apply to special-event parking lots operating under and in compliance with City Code Article 15,
18 Subtitle 13 {"Parking facilities – Special-Event Parking Lots"} as long as the lot complies with all
19 other requirements applicable to the lot's principal occupancy, use, or structure.

20 3112.2 [3111.2] Driveway entrances.} All driveway entrances located on a public right-of-way
21 must be constructed in accordance with the rules and regulations of the Department of ~~Public Works~~
22 TRANSPORTATION AND THE PERMIT REQUIREMENTS OF THE DEPARTMENT OF GENERAL SERVICES.

23 3112.3 [3111.3] Surface paving. Parking lots, parking pads, driveways, and private roads must be
24 paved with asphalt, brick, concrete, macadam, or stone block. Permeable paving systems may be
25 utilized in accordance with the rules and regulations of the Department of Public Works. All paving
26 must be able to support the design loads for the proposed vehicular traffic.

27 3112.4 [3111.4] Parking spaces. The size, layout, and arrangement of parking spaces must comply
28 with:

- 29 1. the BALTIMORE CITY Zoning Code,
- 30 2. the Maryland State Accessibility Code, and
- 31 3. the rules and regulations of the City Planning Commission.

32 3112.5 [3111.5] Curbs or bumpers. Curbs or bumpers must be installed for all parking spaces.
33 Each curb or bumper must be:

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- 1 1. made of concrete, wood, or an approved metal wheel stop,
- 2 2. at least 6 inches (152 mm) high and 8 inches (203 mm) wide,
- 3 3. securely fixed in place, and
- 4 4. located:
 - 5 a. at least 4 feet (1.22 m) from the parking lot perimeter, or
 - 6 b. for parking spaces that are parallel to the perimeter of the parking lot,
 - 7 at least 2 feet (0.61 m) from the perimeter.

8 **3112.6 [3111.6] Surface drainage.** Storm drainage off paved surface areas, such as parking lots,
9 playgrounds, and plazas, must be properly conveyed to paved alleys, paved streets, or other approved
10 water courses.

11 **3112.6.1 [3111.6.1] Limitations.** No drainage may be discharged:

- 12 1. so as to run or flow over any sidewalk or footway, except at a driveway with a depressed
13 curb, or
- 14 2. across any adjoining property.

15 **3112.6.2 [3111.6.2] Methods.** Drainage must be piped to a storm drain, to the street or alley, to
16 a paved swale, or to another approved water course. The installation of piping, connections to
17 storm drains, etc., must be made in accordance with the plumbing regulations of Chapter 29
18 {"PLUMBING SYSTEMS"} of this Code.

19 Section 3113 [3112] Piers and Marinas

20 **3113.1 [3112.1] General.** All piers, marinas, and related structures constructed or demolished along
21 the shoreline of the City must comply with the requirements of this [§ 3112] § 3113, in addition to all
22 other applicable provisions of this Code.

23 **3113.2 [3112.2] Plans and specifications.** All proposed work for piers and marinas requires plans
24 and specifications that illustrate, describe, and specify the proposed work in sufficient detail and
25 clarity.

26 **3113.3 [3112.3] Approvals.** Before a building permit may be issued for the construction or
27 demolition of a pier, marina, or related structure, the work must be approved by:

- 28 1. the U.S. Army Corps of Engineers (Baltimore District),
- 29 2. the State of Maryland,
- 30 3. the Division of Construction and Buildings Inspection,
- 31 4. the Baltimore City Fire Department, and
- 32 5. the Baltimore City Department of Public Works.

33 **3113.4 [3112.4] Design.** All shoreline and offshore free-standing piers, with or without buildings,
34 must be designed in accordance with:

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- 1 1. the design manuals of the Federal Emergency Management Agency, and
- 2 2. the requirements of this Code.

3 **3113.5 [3112.5] Structural design for piers.** Minimum live load requirements are as follows:

- 4 1. for static or fixed piers or marinas for light duty uses, 60 pounds per square foot, and
- 5 2. for heavy duty live loads and for structures constructed on piers, as required by Chapter 16
- 6 {"STRUCTURAL DESIGN"} of this Code.

7 **3113.6 [3112.6] Structures on piers.** Every structure that is constructed on a pier, wharf, dock,
8 bulkhead, breakwater, piles, or other similar structure must comply with this [§ 3112] § 3113 and all
9 other applicable provisions of this Code and other law.

10 Section 3114 [3113] Fences

11 **3114.1 [3113.1] Location.** A fence may be built only on the property of the owner of the fence.
12 However, if the owners of adjoining property agree to build a fence on the property line between
13 them, they may do so if they both submit, with the application for the permit, a written statement of
14 their agreement.

15 **3114.2 [3113.2] Height.** Except as otherwise specified in this [§ 3113.2] § 3114.2, the height of a
16 fence may not exceed 42 inches (1067 mm), measured on the high side.

17 **3114.2.1 [3113.2.1] Enclosing dwellings.** Fences enclosing dwellings may be as high as, but
18 may not exceed, 6 feet (1.83 m) if located in side or rear yards.

19 **3114.2.2 [3113.2.2] Enclosing certain other buildings.** Fences enclosing buildings used for
20 public assembly, private assembly, institutions, offices, commercial storage, or industrial
21 occupancies may be as high as, but may not exceed, 8 feet (2.44 m).

22 **3114.2.3 [3113.2.3] Special purposes.** For special purposes like protection around dangerous
23 places, highly hazardous operations, or athletic fields, and in similar cases where a high fence is
24 necessary for the safety of the public, fences may be higher than 8 feet (2.44 m) to the extent
25 specially authorized by the Building Official.

26 **3114.3 [3113.3] Construction.** Fences may be built of any material or construction that is permitted
27 in this Code for exposed structures. However, all fences must be designed and constructed, in
28 accordance with the applicable structural provisions of this Code, to resist from any direction a
29 horizontal force of 20 pounds per square foot, applied normal to and over either the gross area of the
30 fence or the net area of the fence plus 50% of the gross area, whichever is less.

31 **3114.3.1 [3113.3.1] Wood fences.** The posts for wood fences must be:

- 32 1. locust, heart cedar, or any other wood that will resist decay underground,
- 33 2. any wood that has been treated in accordance with this Code, or
- 34 3. any good timber set in concrete.

35 **3114.3.2 [3113.3.2] Wire fences.** Wire fences must be constructed with wire mesh substantially
36 fabricated and constructed so as to resist a nominal horizontal load of 500 pounds without
37 deflecting more than 6 inches (152 mm). The posts for wire fences must be metal posts set in
38 concrete, properly designed masonry posts, or wood posts of the type required for wood fences.

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1 **3114.3.3 [3113.3.3] Metal fences.** Metal fences must be of a substantial design and construction
2 approved by the Building Official. The posts for metal fences must be concrete, masonry, or
3 metal set in concrete or masonry.

4 **3114.3.4 [3113.3.4] Masonry fences.** Masonry fences must be of reinforced concrete or other
5 masonry and must be designed and constructed in accordance with the requirements governing
6 reinforced concrete or freestanding masonry walls. All masonry fences must extend at least 2
7 feet (0.61 m) into the ground.

8 **3114.3.5 [3113.3.5] Combination fences.** Fences that consist of 2 or more kinds of materials
9 may be built as long as all applicable requirements of this Code for those materials and
10 construction are met. The total aggregate height of a combination fence must be used in
11 determining the height limitations for that fence.

12 **3114.4 [3113.4] Sharp points, projections, etc.** No fence may have any projecting sharp points,
13 jagged edges, or other projections that can injure persons or animals coming in contact with the
14 fence.

15 **3114.4.1 [3113.4.1] Fence tops.** No fence less than 3 feet 6 inches (1.07 m) high may have any
16 sharp pickets or vertical pointed objects at the top. Barbed wire or other approved retarding
17 material or construction may be placed on the top of any fence that is more than 6 feet 9 inches
18 (2.06 m) high, unless the barbed wire or other retarding material will create a highly hazardous
19 condition.

20 **3114.4.2 [3113.4.2] Razor wire.** Razor wire may not be used anywhere in any fence.

21 **3114.5 [3113.5] Maintenance.** Every fence must be maintained in good repair by its owner. The
22 Building Official may determine the sufficiency of any fence and the amount and character of repairs
23 required to make it safe.

24 **3114.6 [3113.6] Nonconforming fences.** Any existing fence that was compliant when erected but
25 does not comply with the requirements of this [§ 3113] § 3114 is permitted to continue to exist and
26 be repaired at any time, unless the fence has deteriorated more than 50%. All nonconforming fences
27 that have deteriorated more than 50% or beyond repair must be removed or reconstructed in
28 accordance with the requirements of this Code.

29 **Section 3115 [3114] Radio and Television Antennas**

30 **3115.1 [3114.1] Aircraft warning lights.** Radio and television antennas located on a high rise
31 building or on a high terrain feature must comply with Federal Aviation Administration requirements
32 for aircraft warning lights.

33 **Section 3116 [3115] Lightning Protection**

34 **3116.1 [3115.1] General.** Lightning protection for buildings and structures must comply with NFPA
35 780.

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

37 **Section 3201 General**

38 **3201.1 Scope.** *{As in IBC}*

39 **3201.2 Measurement.** *{As in IBC}*

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1 **3201.3 Other laws.** This Chapter does not permit anything that is otherwise prohibited or regulated
2 by any law governing the use of public property.

3 **3201.3.1 Permission needed for encroachments.** No person may use, encroach on, or connect
4 to any street, highway, alley, or other public right-of-way for any purpose unless that person first
5 obtains permission to do so by:

- 6 1. an ordinance of the Mayor and City Council,
- 7 2. a minor privilege permit issued by or under the authority of the Board of Estimates, or
- 8 3. an appropriate permit issued by the Department of General Services.

9 **3201.4 Drainage generally.** Drainage may not be discharged from private property on to the public
10 right-of-way except through piping to a storm drain, to a street or alley, or to some other water course
11 approved by the Department of Public Works. Drainage may not be discharged to flow over the
12 surface of any public sidewalk.

13 Section 3202 Encroachments

14 **3202.1 Encroachment below grade.** *{As in IBC}*

15 **3202.2 Encroachment above grade and below 8' in height.** *{As in IBC}*

16 **3202.2.1 Steps.** Steps may not project more than any 1 or another of the following distances:

- 17 1. 1/4 of the width of a public sidewalk on which the steps are located,
- 18 2. 4 feet (1219 mm) into a public sidewalk, or
- 19 3. any distance that leaves a clear public sidewalk of less than 4 feet (1219 mm).

20 **3202.2.2 Architectural features.** *{As in IBC}*

21 **3202.2.3 Awnings.** *{As in IBC}*

22 **3202.3 Encroachment 8' or more above grade.** *{As in IBC}*

23 **3202.4 Temporary encroachments.** *{As in IBC}*

24 **3202.5 Unauthorized encroachment.** In this § 3202.5, “unauthorized encroachment” means any
25 building, structure, projection, object, or other thing that has been placed, constructed, or installed
26 on or connected to a public right-of-way without appropriate permission, as outlined in § 3201.3.1
27 {“PERMISSION NEEDED...”}.

28 **3202.5.1 Removal of unauthorized encroachments.** On notice from the Building Official or
29 the Director of General Services, the owner of any unauthorized encroachment must
30 immediately:

- 31 1. remove the encroachment, or
- 32 2. obtain appropriate permission for its continuation.

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Chapter 33. Safeguards During Construction

Section 3301 General

3301.1 to 3301.2 *{As in IBC}*

3301.3 Prohibited hours. No site work, demolition work, pile driving work, or construction work is permitted between 7:00 p.m. and 7:00 a.m., if that work or any part of a premises in or on which the work is to be done is within 300 feet (91.44 m) of any dwelling.

3301.3.1 Exception. This § 3301.3 does not apply to an emergency operation that has been specifically approved by the Building Official.

Section 3302 Construction Safeguards

3302.1 Remodeling and additions. Required exits, existing structural elements, fire protection devices, and sanitary safeguards must be maintained at all times during remodeling, alterations, repairs, or additions to any building or structure.

Exceptions:

1. When these required elements or devices are themselves being remodeled, altered, or repaired, adequate substitute provisions must be made.
2. These requirements do not apply if the existing building is not occupied.

3302.2 Waste and debris. All sites for new construction or for remodeling, alterations, repairs, or additions, and all abutting sidewalks, gutters, and alleys, must be properly maintained and kept free of accumulated trash, garbage, waste, or debris, including construction waste or debris, and of any object or condition that constitutes a nuisance. Removal of all trash, garbage, waste, and debris must be done in a manner that prevents injury or damage to persons, adjoining properties, and public rights-of-way.

3302.3 FIRE SAFETY DURING CONSTRUCTION. *{AS IN IBC}*

Section 3303 Demolition

3303.1 to 3303.3 *{As in IBC}*

3303.4 Filling required. Except as otherwise specified in this § 3303.4, where a structure has been demolished or removed, the vacant area must be filled and maintained to the existing grade or otherwise in accordance with City law and seeded.

3303.4.1 Cellar floors. All basement and cellar floors must be removed or completely broken up before any filling materials are used.

3303.4.2 Exception. The Building Official may waive the filling requirements of this § 3303.4 for up to 3 months if:

1. the Building Official receives satisfactory evidence that construction of a new building or structure will begin on the site within 3 months of the demolition or removal, and
2. the site is protected with barriers that comply with § 3306.5 {"BARRIERS"} of this Code.

3303.5 to 3303.7 [3303.6] *{As in IBC}*

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1 **3303.8 [3303.7] Notice to adjoining owners and others.** A permit to demolish a structure may not
2 be issued unless:

- 3 1. all notices required by §§ 105.9 {"SPECIAL REQUIREMENTS FOR DEMOLITION OR MOVING"}
4 and 3307.1 {"PROTECTION REQUIRED"} of this Code have been given, and
- 5 2. copies of the notices are submitted with the permit application.

6 **3303.9 [3303.8] Demolition contractor's license.** Except as otherwise specified in this [§ 3303.8]
7 § 3303.9, no person may engage in the demolition of any structure without first obtaining a
8 demolition contractor's license from the Building Official.

9 **3303.9.1 [3303.8.1] Prerequisites.** Every contractor applying for a new license or for the
10 renewal of a license must:

- 11 1. provide the Building Official with the full name, phone number, address, and (if
12 available) email address of the contractor's business, and
- 13 2. provide the Building Official with a copy of a liability insurance policy that complies
14 with [§ 3303.9] § 3303.1 of this Code.

15 **3303.9.2 [3303.8.2] Term; fees.** A demolition contractor's license expires on December 31 of
16 each year. The license may be renewed annually, on or before December 31, on payment of the
17 renewal fee. The license fees are as set by the Building Official with the approval of the Board
18 of Estimates.

19 **3303.9.3 [3303.8.3] Change of name or address.** A licensee must immediately notify the
20 Building Official of any change in the name, phone number, address, or email address of the
21 licensee's business.

22 **3303.9.4 [3303.8.4] Use of license by other.** A licensee may not allow his or her name to be
23 used by another person for the purpose of obtaining permits or for doing any demolition work
24 under the licensee's license.

25 **3303.9.5 [3303.8.5] Exception.** The Building Official may waive the requirements of this
26 [§ 3303.8] § 3303.9 if the structure to be demolished is a miscellaneous structure as described in
27 § 312 {"UTILITY, MISCELLANEOUS GROUP U"} of this Code.

28 **3303.9.6 [3303.8.6] Enforcement.** A violation notice is not a prerequisite to the enforcement of
29 this [§ 3303.8] § 3303.9 by any appropriate legal proceeding. Penalties will be assessed in
30 accordance with § 114 {"VIOLATIONS"} of this Code.

31 **3303.9.7 [3303.8.7] Debarment on conviction.** Any person convicted of a violation of this
32 [§ 3303.8] § 3303.9 is, in addition to any other penalty that might be imposed:

- 33 1. prohibited from performing demolition work without first obtaining a new license, and
- 34 2. is ineligible to receive a new license for ~~6 months~~ 1 YEAR.

35 **3303.10 [3303.9] Demolition insurance.** The licensee must have an insurance policy that complies
36 with the minimum requirements of this [§ 3303.9] § 3303.10.

37 **3303.10.1 [3303.9.1] Coverage.** The policy must provide coverage for all operations for which a
38 permit might be sought. The minimum coverage requirements are:

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- 1 1. ~~\$250,000~~ \$500,000 for damages (including damages for care and loss of services)
2 because of bodily injury (including death at any time resulting from bodily injury), per
3 person, per incident,
- 4 2. ~~\$750,000~~ \$1,000,000 for damages (including damages for care and loss of services)
5 because of bodily injury (including death at any time resulting from bodily injury)
6 sustained by more than 1 person per incident, and
- 7 3. ~~\$100,000~~ \$250,000 for injury to or destruction of property of others per incident.

8 **3303.10.2 [3303.9.2] Prohibited exclusions.** The policy may not contain:

- 9 1. any “collapse hazard” exclusion,
- 10 2. any exclusion that would prohibit the contractor from performing the demolition
11 operations in accordance with this Code and the normal procedures of the industry, or
- 12 3. any exclusion that would create an undue risk to the City or to the health, safety, and
13 welfare of the general public.

14 **3303.10.3 [3303.9.3] Cancellation.** The terms of policy must provide either:

- 15 1. that the policy may not be canceled during the duration of the operations to be
16 performed, or
- 17 2. that the Building Official will be notified in writing, at least 15 days before the policy is
18 canceled.

19 **3303.11 [3303.10] to 3303.12 {Reserved}**

20 **3303.13 Demolition permits.** Each application for a demolition permit must:

- 21 1. comply with § 105 {“PERMITS”} of this Code,
- 22 2. except as provided in § 3303.13.1, be accompanied by a certificate of insurance that
23 evidences compliance with [§ 3303.9] § 3303.10, and
- 24 3. be accompanied by an affidavit to the Building Official that all contracts and other
25 arrangements complying with this Code have been made.

26 **3303.13.1 Alternative certificate of continuing insurance.** Instead of providing a separate 27 certificate for each permit, a contractor may provide one general certificate of continuing 28 insurance, as long as the certificate evidences:

- 29 1. the required coverage for all work to be performed by the contractor, and
- 30 2. the insurer’s obligation to notify the Building Official, in writing, at least 15 days
31 before the policy is canceled.

32 **3303.14 to 3303.15 {Reserved}**

33 **3303.16 Methods of demolition.** The following methods must be used for the demolition of a 34 structure:

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- 1 1. The demolition must be performed in approximately the reverse order in which the structure
2 was erected. Where unusual conditions exist, the Building Official may authorize a different
3 method.
- 4 2. Structural elements must be carefully disassembled to avoid collapse.
- 5 3. Heavy pieces of stone or other heavy and bulky materials or equipment must be carefully
6 handled in accordance with [§§ 3304 through 3312 of] this Code.

7 **3303.17 Use of explosives.** The use of explosives is generally prohibited. Explosives for
8 demolition by implosion may be used by special permit from the Building Official.

9 **3303.18 Partial Demolition.** Building elements that become exposed as result of a partial
10 demolition must be properly finished, braced, or otherwise made safe.

11 **3303.19 to 3303.20 {Reserved}**

12 **3303.21 Removal of debris.** The requirements of this section are in addition to those of § 3302.2
13 {"WASTE AND DEBRIS"}.

14 **3303.21.1 General requirements.** Debris on upper floors must be lowered to ground level:

- 15 1. in receptacles, by elevators or hoists, or
- 16 2. in tight and completely enclosed chutes.

17 **3303.21.2 Chute requirements.** No chute used for this purpose may extend in an unbroken line
18 that is more than 25 feet (7.62 m) without suitable barriers to prevent debris from falling too fast.
19 Each chute must be equipped with a proper gate or stop at the bottom to control the flow of
20 materials from the chute.

21 **3303.22 {Reserved}**

22 **3303.23 Disposition of recyclable debris.** Whenever recyclable debris to be cleared from a site
23 exceeds 5 tons, at least 30% of that recyclable debris must be immediately transported to a licensed
24 recycling facility.

25 **3303.23.1 "Recyclable debris" defined.** In this section, "recyclable debris" means materials
26 that:

- 27 1. if not recycled, would become solid waste for disposal in a solid waste
28 acceptance facility, and
- 29 2. may be collected, separated, or processed and returned to the marketplace in
30 the form of raw materials or products.

31 **3303.24 to 3303.25 {Reserved}**

32 **3303.26 Correction of injurious conditions.** This section applies to any demolition contractor who:

- 33 1. performs any demolition work that creates a condition that violates this Code or a condition
34 that might be injurious to the general public or adjoining to adjoining properties, and
- 35 2. refuses or fails to correct the condition in the manner and time required by this Code.

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1 **3303.26.1 Correction by Building Official.** If the contractor refuses or fails to correct the
2 condition or if an emergency occurs as a result of the condition, the Building Official may
3 correct the condition or perform any other operations necessary to bring the demolition
4 operations into compliance with this Code. All work the Building Official performs under this
5 section is at the expense of the contractor.

6 **3303.26.2 Contractor not relieved of responsibility.** The Building Official’s performance of
7 any work under this section does not relieve the contractor from responsibility for all work
8 performed by the contractor. Any remedies or penalties provided in this section are in addition
9 to any other remedies or penalties provided by law.

10 **3303.27 Limits of liability.** The liability of any contractor for materials furnished or work done
11 under this Code and the liability of the contractor’s surety does not extend to defects in materials or
12 workmanship discovered more than 12 months after the completion of the work. The contractor and
13 surety are responsible to the City to correct all defects discovered during this 12-month period and
14 about which they were notified in writing.

15 **3303.28 Owner’s responsibility.** Notwithstanding the limited liabilities of the contractor and the
16 surety, the owner of the property is responsible at all times to the City to correct any defects in the
17 operations performed on his or her property.

18 **3303.29 Penalty for violation.** On a contractor’s refusal or failure to correct any violation, the
19 contractor’s license and all outstanding work permits are automatically suspended. The suspension
20 continues until the violation is corrected.

21 **Section 3304 Site Work {As in IBC}**

22 **Section 3305 Sanitary [Facilities] {AS IN IBC}**

23 **[3305.1 Facilities required.** Sanitary facilities must be provided during construction, remodeling,
24 or demolition activities in accordance with the National Standard Plumbing Code.]

25 **Section 3306 Protection of Pedestrians {As in IBC}**

26 **Section 3307 Protection of Adjoining Property**

27 **3307.1 Protection required. {As in IBC}**

28 **3307.2 Shared elements – General.** Repairs to elements shared by a demolished or moved
29 structure and an adjoining structure must comply with all applicable provisions of this Code.

30 **3307.3 Shared elements – Walls.** Party walls must be repaired and finished by the owner of
31 the demolished or moved structure. The repairs must include:

- 32 1. restoration or replacement of any flashing on adjoining property that has been broken
33 or damaged during the operations,
- 34 2. removal of all plaster from the exposed side of the wall, and
- 35 3. cleaning and finishing the wall with approved waterproof material.

36 **Sections 3308 to 3313 [3312] {As in IBC}**

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1 Section 3314 [3313] Rodenticide Procedure

2 **3314.1 [3313.1] Certification required.** Before any structure may be demolished, moved to
3 another site, or substantially rehabilitated, the applicant for a permit must provide certification from a
4 pesticide applicator licensed by the State of Maryland that all areas of the structure and its lot are
5 free from rodent infestation. A certification of treatment and abatement of all infestation must
6 accompany the permit application.

7 **3314.2 [3313.2] Treatment required.** Structures or lots found to be infested must be treated by a
8 licensed pesticide applicator before demolition, moving, or rehabilitation

9 SECTION 3315 [3314] UNSAFE WALLS

10 **3315.1 [3314.1] Presumption.** For purposes of this [§ 3314] § 3315, any load-bearing wall that is
11 cracked or bowed and any 4-inch load-bearing wall is considered a structurally unsafe wall unless
12 certified to be safe by a professional structural engineer licensed in Maryland.

13 **3315.2 [3314.2] Removal or correction required.** Any structurally unsafe wall that remains after
14 the demolition or moving of a structure must be:

- 15 1. removed and replaced as required by all applicable sections of this Code, or
- 16 17 2. in the case of a party wall, corrected as provided in [§ 3314.3] § 3315.3.

18 **3315.3 [3314.3] Party walls.** If the structurally unsafe wall that remains is a party wall, the owner of
19 the structure being demolished or removed must:

- 20 1. remove all or any part of the wall that the Building Official considers dangerous, and
- 21 2. reconstruct and do all other necessary work to properly enclose the adjoining structure.

22 Section 3315 Operations Not to Cause Nuisance

23 **3315.1 Scope.** This section applies to all operations that involve:

- 24 1. moving or demolishing any structure, or
- 25 2. removing any machinery or equipment from any structure to be moved or demolished.

26 **3315.2 Work to avoid nuisance.** All operations of the sort described in § 3315.1 must be
27 conducted so that:

- 28 1. no material, object, or thing is allowed to fall in or on any structure or premises or any alley
29 or other public way,
- 30 2. all materials, objects, and things are well wetted down or otherwise treated as needed
31 to prevent dust or other airborne debris, and
- 32 3. no nuisance is otherwise created in the vicinity of the operations.

33 **3315.3 Stop-work order.** If any operation violates these requirements, the Building Official must
34 issue a stop-work order. Work may resume only after the violation has been corrected and measures
35 taken to prevent a recurrence.

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Chapter 34. Existing Structures

{Not Adopted}

{**MBPS Modification** – Rehabilitation work in an existing building must comply with the applicable requirements of the Maryland Building Rehabilitation Code, COMAR 05.16.}

Chapter 35. Referenced Standards

{AS IN IBC}

[Section 3501 General]

[3501.1 Scope. This Chapter 35 lists the standards that are referred to in various sections of this Code. The standards are listed by the promulgating entity, the standard identification, the effective date and title, and the section(s) of this Code that refer to the standard. The application of these standards is as specified in § 102.4 of this Code.]

[3501.2 City modifications. The following substitutions should be made in the standards listed:

1. For International Fuel Gas Code,
substitute **National Fuel Gas Code (2009 Edition)**.
2. For International Plumbing Code,
substitute **National Standard Plumbing Code (2009 Edition)**.]

Chapter 36. “Visitability” Requirements for Publicly Assisted Dwellings

Section 3601 Scope

3601.1 General. This Chapter applies to every single-family dwelling, whether detached, semi-detached, or attached, and to all ground-floor dwelling units of any 2-family dwelling or of any multiple-family dwelling that contains 4 or fewer dwelling units, that:

1. is newly constructed on a vacant lot, and
2. receives funding or other assistance from the City or any City agency (including the Housing Authority of Baltimore City) by any one of the following methods:
 - a. a building contract or similar agreement that involves any Federal, State, or City funds,
 - b. acquisition, by gift, purchase, lease, or otherwise, of any real property for less than its appraised value, as determined by a certified appraiser,
 - c. preferential tax treatment, such as payments in lieu of taxes, tax increment financing, or similar benefit,
 - d. bond proceeds or issuance assistance, a loan, or similar financial benefit,
 - e. receipt under City authority of Federal or State construction funds, including Community Development Block Grant funds, and
 - f. except as otherwise specified in this section, receipt of any other form of funding or financial benefit from the City or a City agency.

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1 **3601.2 Exclusions.** This Chapter does not apply to:

- 2 1. additions to or remodelings of existing buildings, or
- 3 2. new construction for which City funding or assistance is limited to either or both:
 - 4 a. a property tax credit under City Code Article 28, § 10-5 {"Newly constructed
 - 5 buildings"}, and
 - 6 b. waiver of a City lien on property where the lien exceeds the value of the property.

7 **Section 3602 Accessible Entry**

8 **3602.1 Requirements.** Every dwelling that is subject to this Chapter must provide at least 1
9 entrance that:

- 10 1. is accessible to, and usable by, a person with a mobility disability,
- 11 2. does not include steps,
- 12 3. has a level change (including any level change at threshold) that does not exceed ½ inch and,
13 if the level change exceeds ¼ inch, is beveled, and
- 14 4. is located on a continuous unobstructed path that, through the use as necessary or appropriate
15 of curb ramps, parking access aisles, walks, ramps, elevators, lifts, and the like:
 - 16 a. connects the lot entrance to the dwelling entrance, and
 - 17 b. can be negotiated by a person with a disability who uses a wheelchair, by a person
18 with a disability who does not require use of a wheelchair, and by a person without a
19 disability.

20 **Section 3603 Accessible Interior**

21 **3603.1 "Entry level" defined.** In this § 3603, "entry level" means the level at which an accessible
22 entrance is provided under § 3602.1 {"REQUIREMENTS"}.

23 **3603.2 Interior doors.** On the entry level of the dwelling, each door designed to allow passage
24 must have an unobstructed opening of at least 32 inches when the door is open at a 90-degree angle.

25 **3603.3 Environmental controls.**

26 **3603.3.1 "Environmental control" defined.** In this § 3603.3, "environmental control" means
27 any switch or device that controls or regulates lights, temperature, fuses, fans, doors, security
28 systems, or similar features included in the construction of the dwelling unit.

29 **3603.3.2 Requirements.** On the entry level of the dwelling, each environmental control must be
30 located:

- 31 1. no higher than 48 inches above the floor and no lower than 15 inches above the floor,
32 and
- 33 2. if an environmental control is located directly above a counter, sink, or appliance, no
34 higher than 3 inches above the counter, sink, or appliance.

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1 **3603.4 Habitable space.** The entry level of the dwelling must contain at least 1 interior room that:

- 2 1. has an area of not less than 108 sq. ft., and
- 3 2. contains no side or dimension narrower than 9 feet.

4 **3603.5 Bathroom.** The entry level of the dwelling must contain at least 1 bathroom that contains:

- 5 1. a toilet,
- 6 2. a sink,
- 7 3. reinforced walls at the toilet, to allow for future installation of grab bars, and
- 8 4. the following minimum dimensions:
 - 9 a. 30"-by-48" of clear floor space outside of the door swing,
 - 10 b. 30"-by-48" of clear floor space parallel to and centered on the sink, and
 - 11 c. 48"-by-56" of clear floor space at the toilet for a side approach.

12 **Section 3604 Waivers**

13 **3604.1 General.** The Building Official may grant a waiver from one or more of the requirements of
14 this Chapter if:

- 15 1. the cost of grading the terrain to meet the requirement is disproportionately expensive in
16 relation to the value of the dwelling,
- 17 2. the width of the lot is less than 16 feet, or
- 18 3. compliance with the requirement is precluded or limited because of the lot's location in a
19 Federal, State, or City historic district.

20 **3604.1.1 "Disproportionately expensive" defined.** For purposes of this section,
21 "disproportionately expensive" means that the cost of grading the terrain to meet the requirement
22 exceeds 5% of the fair market value of the unimproved property.

23 **Section 3605 Relationship to Other Laws**

24 **3605.1 Federal and state laws.** Federal and state laws also govern multiple-family dwellings and
25 public accommodations. Newly constructed multiple-family dwellings may also be subject to the
26 federal Americans with Disabilities Act and the federal Fair Housing Act and their respective
27 guidelines.

28 **3605.2 City law.** This Chapter applies to some dwellings that are not covered by federal or state
29 law, such as newly-constructed single-family dwellings.

30 **3605.3 More restrictive law controls.** To the extent that the provisions of this Chapter are not
31 identical to federal or state laws, the more restrictive law controls.

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Chapter 37. "Green Building" Requirements

Section 3701 Policy; Short Title

3701.1. Policy. This Chapter is intended to protect the public health and welfare by requiring an integrated approach to planning, design, construction, and operation of a covered building and its surrounding landscape, helping to mitigate the energy and environmental impacts of the building so that it is energy efficient, sustainable, secure, safe, cost-effective, accessible, functional, and productive.

3701.2. Short title. This Chapter may be cited as the Baltimore City Green Buildings Law.

Section 3702 Definitions

3702.1 General. In this Chapter, the following terms have the meanings indicated.

3702.1.1 City building. "City building" means any covered building that is owned by the Mayor and City Council of Baltimore.

3702.1.2 City-subsidized building. "City-subsidized building" means any covered building for which the City or any of its agents or contractors provides funds, resources, or financial assistance, including:

1. the sale or transfer of land substantially below its appraised value;
2. payment in lieu of taxes;
3. tax increment financing;
4. grants or loans that equal or exceed 15% of total projected project costs; or
5. installation or repair of physical infrastructure directly related to the project and with value equal to or exceeding 5% of total projected project costs.

3702.1.3 Covered building. "Covered building" means a newly constructed or extensively modified non-residential or multi-family residential building that has or will have at least 10,000 square feet of gross floor area.

3702.1.4 Extensively modified. "Extensively modified" refers to a structural modification that alters more than 50% of a building's gross floor area, as indicated on the application for a building permit.

3702.1.4.1 Exclusions. "Extensively modified" does not include any modification that is limited to 1 or more of the following building systems:

1. mechanical,
2. electrical,
3. plumbing,
4. heating, ventilation, and air conditioning, and
5. fire protection.

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1 **3702.1.5 Green Building Council.** “Green Building Council” means the U.S. Green Building
2 Council, an organization that has developed and published the LEED rating system to measure
3 the energy and environmental performance of a building.

4 **3702.1.6 LEED.** “LEED” means the Leadership in Energy and Environmental Design rating
5 system developed by the Green Building Council.

6 **3702.1.7 LEED rating system.** “LEED rating system” means the particular LEED rating
7 system that applies to a covered building, as specified in the regulations adopted under this
8 Chapter.

9 **3702.1.8 Multi-family residential building.** “Multi-family residential building” means:

- 10 1. any multi-family residential building that contains 5 or more dwelling units and is taller
11 than 3 stories; or
- 12 2. any mixed-use building that contains a residential component and is taller than 3 stories.

13 **3702.1.9 Newly constructed.** “Newly constructed” refers to a new, stand-alone building or an
14 addition to an existing building.

15 **3702.1.9.1 Exclusions.** “Newly constructed” does not include any change to an existing
16 portion of a building.

17 **3702.1.10 Non-residential building.** “Non-residential building” means a building not used
18 as a dwelling.

19 Section 3703 Regulations

20 **3703.1 In general.** The Building Official must issue regulations to administer this Chapter.

21 **3703.2 Required elements.** Those regulations must specify:

- 22 1. the LEED rating system, and any equivalent energy and environmental design standard, that
23 applies to each type of covered building under § 3705 {“STANDARDS AND REQUIREMENTS”},
- 24 2. the process by which to verify compliance with any applicable standard, including the types
25 of persons who are qualified to verify compliance,
- 26 3. standards and procedures under which the waivers may be requested under § 3708
27 {“WAIVERS”}, and
- 28 4. standards and procedures for any enforcement mechanism, such as performance bonds, that
29 the Building Official finds necessary to accomplish the purposes of this Chapter.

30 Section 3704 {Reserved}

31 Section 3705 Standards and Requirements

32 ~~**3705.1 For City buildings.** Every City building must achieve a rating as provided in this § 3705.1.~~

33 ~~**3705.1.1 Fiscal Year 2009.** For a City building included in the capital budget for Fiscal Year
34 2009 or for which a building permit application is filed during Fiscal Year 2009, the building
35 must achieve:~~

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1 ~~1. a certified-level rating in the appropriate LEED rating system, as certified by the~~
2 ~~Green Building Council, or~~

3 ~~2. energy and environmental design standards that the Building Official identifies as~~
4 ~~equivalent to a certified-level rating in the appropriate LEED rating system.~~

5 **3705.1.2. Fiscal Year 2010 and after.** For a City building included in the capital budget for
6 Fiscal Year 2010 or later or for which a building permit application is filed on or after July 1,
7 2009, the building must achieve:

8 ~~1. a silver-level rating in the appropriate LEED rating system, as certified by the Green~~
9 ~~Building Council, or~~

10 ~~2. energy and environmental design standards that the Building Official identifies as~~
11 ~~equivalent to a silver-level rating in the appropriate LEED rating system.~~

12 **3705.2 For City subsidized buildings.** Every City subsidized building must achieve a rating as
13 provided in this § 3705.2.

14 **3705.2.1. Fiscal Year 2009.** For a City-subsidized building for which a building permit
15 application is filed on or after January 1, 2009, and on or before June 30, 2009, the building
16 must achieve:

17 ~~1. a certified-level rating in the appropriate LEED rating system, as certified by the~~
18 ~~Green Building Council, or~~

19 ~~2. energy and environmental design standards that the Building Official identifies as~~
20 ~~equivalent to a certified-level rating in the appropriate LEED rating system.~~

21 **3705.2.2. Fiscal Year 2010 and after.** For a City subsidized building for which a building
22 permit application is filed on or after July 1, 2009, the building must achieve:

23 ~~1. a silver-level rating in the appropriate LEED rating system, as certified by the~~
24 ~~Green Building Council, or~~

25 ~~2. energy and environmental design standards that the Building Official identifies as~~
26 ~~equivalent to a silver-level rating in the appropriate LEED rating system.~~

27 **3705.3. For other covered buildings.** Every other covered building for which a building permit
28 application is filed on or after July 1, 2009, must achieve:

29 ~~1. a silver-level rating in the appropriate LEED rating system, as certified by the Green~~
30 ~~Building Council, or~~

31 ~~2. energy and environmental design standards that the Building Official identifies as equivalent~~
32 ~~to a silver-level rating in the appropriate LEED rating system.~~

33 **3705.1 SCOPE OF SECTION. THIS § 3705 APPLIES TO:**

34 1. EVERY CITY BUILDING (I) THAT IS INCLUDED IN THE CAPITAL BUDGET FOR FISCAL YEAR 2010
35 OR FOR ANY LATER FISCAL YEAR, OR (II) FOR WHICH A BUILDING PERMIT APPLICATION IS FILED
36 ON OR AFTER JULY 1, 2009;

37 2. EVERY CITY-SUBSIDIZED BUILDING FOR WHICH A BUILDING PERMIT APPLICATION IS FILED ON
38 OR AFTER JULY 1, 2009; AND

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1 3. EVERY COVERED BUILDING FOR WHICH A BUILDING PERMIT APPLICATION IS FILED ON OR
2 AFTER JULY 1, 2009.

3 **3705.2 MINIMUM STANDARDS. EXCEPT AS OTHERWISE PROVIDED IN § 3705.3, EVERY**
4 **BUILDING SUBJECT TO THIS SECTION MUST ACHIEVE:**

5 1. A SILVER-LEVEL RATING IN THE APPROPRIATE LEED RATING SYSTEM, AS CERTIFIED BY THE
6 GREEN BUILDING COUNCIL, OR

7 2. ENERGY AND ENVIRONMENTAL DESIGN STANDARDS THAT THE BUILDING OFFICIAL IDENTIFIES
8 AS EQUIVALENT TO A SILVER-LEVEL RATING IN THE APPROPRIATE LEED RATING SYSTEM.

9 **3704.3 3705.4 Exceptions.** For any building for which all applications for all necessary building
10 permits were filed on or before June 30, 2009, any later addition to that building need only meet the
11 requirements of ~~§ 3705.1, § 3705.2, or § 3705.3~~, if the addition would:

- 12 1. increase the building’s land coverage by 100% or more, or
- 13 2. increase the building’s gross floor area by at least 10,000 sq. ft.

14 **Section 3706 Building Permits; Occupancy Permits; Certificates of Completion**

15 **3706.1 Application for building permit.** In addition to all other submissions required by this
16 article, the applicant for a building permit for a covered building must submit to the Building
17 Official:

- 18 1. design plans for the building that are likely to achieve the applicable standard required
19 by § 3705 {“STANDARDS AND REQUIREMENTS”}, and
- 20 2. any other document or information the Building Official finds necessary to decide whether
21 the building will achieve the applicable standard required by § 3705.

22 **3706.2 Compliance as condition of building permit.** The Building Official must require
23 compliance with § 3705 as a condition of any building permit issued for a covered building.

24 **3706.3 Occupancy permits; Certificates of completion.** The Building Official may not issue a
25 final occupancy permit or certificate of completion for a covered building unless the Building
26 Official finds that the building has achieved the applicable standard required by § 3705.

27 **Section 3707 {Reserved}**

28 **Section 3708 Waivers**

29 **3708.1 When authorized.** The Building Official may approve full or partial waivers of the
30 requirements of this Chapter to the extent that:

- 31 1. compliance would be impractical or unduly burdensome, and
- 32 2. the public interest would be served by the waiver.

33 **3708.2 Conditions, etc.** The Building Official may impose any conditions, restrictions, or
34 limitations on a waiver that the Building Official considers necessary or appropriate in the
35 circumstances.

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- 1 a. for a warehouse use, 100,000 sq. ft., or
- 2 b. for any other use or combination of uses, 50,000 sq. ft.

3 **3802.4 DoT initial determination.** Within 20 business days after an application has been referred
4 to the Director of Transportation under § 105.3.1.2 {"Referral to assess need for traffic-mitigation"}
5 of this Code, the Director must review the application and notify the referring official and the
6 applicant:

- 7 1. whether and, if so, what additional information is needed to evaluate the application, or
- 8 2. if no additional information is needed:
 - 9 a. whether the proposed project is in a Traffic-Mitigation Zone, and if so, whether the
10 developer of a project must pay a Traffic-Mitigation Fee under § 3806 {"Traffic-
11 Mitigation Fee"} of this Chapter,
 - 12 b. whether, under the criteria set forth in this § 3802, a traffic-impact study will
13 be required, and
 - 14 c. if a traffic-impact study will be required, the estimated expenses for undertaking or
15 contracting for the study.

16 Section 3803 DoT rules and regulations.

17 **3803.1 In general.** The Department of Transportation must adopt rules and regulations to carry out
18 this Chapter.

19 **3803.2 Contents.** These rules and regulations:

- 20 1. must include:
 - 21 a. procedures for determining the number of trips to be attributable to projects in a
22 particular Traffic-Mitigation Zone or Subzone,
 - 23 b. procedures for determining what constitute extraordinary circumstances requiring
24 that an impact area of up to a 1 mile radius be considered for purposes of § 3802.2
25 {"OUTSIDE TRAFFIC-MITIGATION ZONE"},
 - 26 c. a schedule of the fees that an applicant may be charged under [§ 3804] § 3804.3
27 {"EXPENSES"}, and,
 - 28 d. an accounting method, adopted in accordance with § 3807.5.3 {"ACCOUNTING
29 METHOD TO BE PUBLISHED"}, to identify what specific projects individual fees are
30 obligated to for purposes of a review under § 3807.5.1 {"REVIEW OF FEE USE"},
- 31 2. may establish:
 - 32 a. usage categories for determining the number of trips generated by differing uses
33 within Traffic-Mitigation Zones, and
 - 34 b. procedures for designating, within Traffic-Mitigation Zones, Subzones with differing
35 trip-generation formulas, and
- 36 3. may include any other procedures, standards, or requirements consistent with this Chapter.

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1 **3803.3 Public review.** All proposed rules and regulations under this Chapter must be published for
2 public comment on the Department of Transportation’s website by the Director for at least 45 days.
3 During the 45-day public comment period the Director must hold 1 or more public hearings on the
4 proposed rules and regulations, at least 1 of which must begin between 6 pm and 8 pm. After this
5 publication and hearing, the Director may modify and adopt rules and regulations by filing a copy of
6 the final rules and regulations with the Director of Legislative Reference.

7 **3803.4 Filing.** A copy of all rules and regulations adopted under this Chapter must be filed with:

- 8 1. the Building Official,
- 9 2. the Zoning Administrator,
- 10 3. the Board of Municipal and Zoning Appeals,
- 11 4. the Director of Legislative Reference, and
- 12 5. the Director of Planning.

13 **Section 3804 Traffic-Impact Study**

14 **3804.1 Scope of section.** This § 3804 is applicable to all proposed projects located outside of a
15 Traffic-Mitigation Zone.

16 **3804.2 How conducted.**

17 **3804.2.1 By DoT or consultant.** The Department of Transportation may itself undertake the
18 study or contract with independent consultants for the study, as the Director considers necessary
19 or appropriate.

20 **3804.2.1.1 Consultant conflicts.** For a consultant to be eligible to undertake a Traffic-
21 Impact Study, the consultant must certify to the Director, in the manner prescribed by the
22 Director, that the consultant is free of any conflicts of interest.

23 **3804.2.1.2 Conflict defined.** For purposes of this § 3804.2, a “conflict of interest” is
24 defined as any consultant having materially participated in the development of the
25 application or having worked for the applicant on any application within the prior 24 months.

26 **3804.2.2 Scope of study.** The area and scope of each study is to be determined by the
27 Department of Transportation, in accordance with the rules and regulations adopted under § 3803
28 {“DoT rules and regulations”}.

29 **3804.2.2.1 Minimum area of study.** The area of a study required under this § 3804 must
30 not be smaller than the impact area of the project, as determined using the method described
31 in § 3802.2.1 {“DETERMINATION OF IMPACT AREA”}.

32 **3804.3 Expenses.** All reasonable expenses incurred in undertaking or contracting for the study must
33 be paid by the applicant, and will be imposed and collected as provided in [§ 108] § 118 {“LIABILITY
34 FOR EXPENSES...”} of this Code for fees and service charges.

35 **3804.3.1 Initial payment.** Before the study begins, the applicant must pay the expenses
36 estimated under § 3802.4 {“DOT INITIAL DETERMINATION”}.

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1 **3804.3.2 Balance.** After the study is completed, but before any permit may be issued, the
2 applicant must pay any difference between the initial amount paid under § 3804.3.1 and the
3 actual expenses incurred for the study.

4 **3804.3.2.1 Refund.** After the study is completed, subject to appropriation by the Board of
5 Estimates, the applicant is entitled to a refund of any payments made under § 3804.3.1 that
6 exceed the actual expenses incurred for the study plus a reasonable service charge.

7 **3804.4 Applicant's option on delay.** If the Traffic-Impact Study is not completed within 60
8 business days after the initial payment is made under § 3804.3.1:

- 9 1. the applicant may proceed to contract for the Traffic-Impact Study with a consultant selected
10 from a list of consultants prequalified by the Department of Public Works' Office of Boards
11 and Commissions; and
- 12 2. subject to appropriation by the Board of Estimates, the applicant is entitled to a full refund of
13 all fees paid to the City for the uncompleted Traffic-Impact Study.

14 **3804.5 Mitigation.** The applicant and the Department of Transportation must negotiate in good
15 faith to determine who must pay for and undertake the actions necessary or appropriate to mitigate
16 the adverse traffic impacts identified in the Traffic-Impact Study. If no agreement is reached, the
17 application is not approved.

18 Section 3805 Traffic-Mitigation Zones

19 **3805.1 Purpose of Zones.** Areas designated as Traffic-Mitigation Zones are areas that have
20 overburdened and interrelated transportation networks and that are anticipated to experience
21 significant development. Heightened review of development that might impact the transportation
22 networks in these areas is therefore necessary.

23 **3805.2 Traffic-Management Plans for Zones.** The Planning Commission may adopt a 10-year
24 traffic-management plan for each Traffic-Mitigation Zone and review and update each plan every 5
25 years.

26 **3805.2.1 Required plan inclusions.** Each plan must, among other things:

- 27 1. project the number of trips that reasonably might be expected to be generated in the
28 Zone, based on new development (including redevelopment of vacant and underutilized
29 parcels),
- 30 2. identify multimodal transportation solutions to mitigate the likely growth in traffic
31 congestion, and
- 32 3. based on the Director's recommendations, indicate what projects may be funded, in
33 whole or in part, by Traffic-Mitigation Fees from the Zone.

34 **3805.2.2 Plan exclusions.** The plan may not include Traffic-Mitigation Fee funding for system
35 preservation projects such as street resurfacing, reconstruction, or other projects not required to
36 mitigate the growth in traffic congestion unless the system preservation projects are reasonably
37 necessary to improve safety or capacity.

38 **3805.3 Designated Zones.** There are 5 Traffic-Mitigation Zones in the City of Baltimore.

39 **3805.3.1 Downtown/Midtown Zone.** The area within the following boundaries is the
40 "Downtown/Midtown Traffic-Mitigation Zone":

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- 1 BEGINNING for the same at the point formed by the intersection of the centerline of East North
2 Avenue (varying in width), and the centerline of North Calvert Street, 60 feet wide; thence running with
3 the centerline of said North Calvert Street with meridian reference to the Baltimore City Survey
4 Control System, the following courses:
- 5 (1) Southerly to the point formed by the geometric intersection of the centerline of said North
6 Calvert Street, and the centerline of Interstate Route 83 Right-of-Way (roadway below);
7 thence running with the centerline of said Interstate Route 83 Right-of-Way
- 8 (2) Southerly to a point formed by the geometric intersection of the centerline of said Interstate
9 Route 83 Right-of-Way and the centerline of The Fallsway, varying in width(roadway above);
10 thence running with the centerline of said The Fallsway
- 11 (3) Southeasterly to a point formed by the intersection of the centerline of said The Fallsway and
12 the centerline of East Fayette Street; thence running with the centerline of said East Fayette
13 Street
- 14 (4) Westerly to a point formed by the intersection of the centerline of said East Fayette Street and
15 the centerline of North President Street Corridor, varying in width; thence running with the
16 centerline of said North President Street Corridor
- 17 (5) Southeasterly, passing over East Baltimore Street at which point said North President Street
18 Corridor becomes South President Street Corridor, varying in width; to a point formed by the
19 intersection of said South President Street Corridor and the centerline of Fleet Street, varying
20 in width; thence departing lastly mentioned point and running with the centerline of Felicia
21 Street Corridor
- 22 (6) Southeasterly to the center of Albemarle Street Round-About; thence departing lastly
23 mentioned point and running with Albemarle Street
- 24 (7) Southeasterly to a point formed by the intersection of said Albemarle Street and the centerline
25 of Lancaster Street; thence departing last point of intersection and running
- 26 (8) Due South to a point on the South 52° 18' 41" East, 1018.66 foot line as shown on a plat
27 entitled "Pierhead and Bulkhead Lines, Baltimore Harbor, Maryland" Sheet 2 of 6, File 13
28 Map 849 dated July 13, 1950 and prepared by the Corps of Engineers, Baltimore District;
29 thence running with said South 52° 18' 41" East, 1018.66 foot line reversely and
- 30 (9) Northwesterly to the beginning thereof and a point labeled VII, as shown on said plat; thence
31 departing said point VII and running with the South 10° 17' 58" East 424.29 foot line,
32 reversely and
- 33 (10) Northerly to the beginning thereof, and a point labeled VI, as shown on said plat; thence
34 departing said point VI and crossing the Northwest Branch of the Patapsco River
- 35 (11) In a Westerly direction to a point labeled LIV, as shown on said plat; said point LIV also
36 being labeled 16 on a plat entitled "Harborview Subdivision Plan" and recorded among the
37 Land Records of Baltimore City, Maryland, in Plat Book S.E.B., Page 3187; thence departing
38 said point 16 (aka LIV) and running with the South 74° 47' 38" East, 30.90 foot line,
39 reversely and
- 40 (12) In a Northwesterly direction to the beginning thereof and a Point labeled 15, as shown on
41 lastly mentioned plat; thence running with the North 02° 06' 20" West, 340.82 foot line
42 reversely and
- 43 (13) In a Southerly direction as shown on the lastly mentioned plat, and binding on, in part, the
44 east side of the former bed of Covington Street, if projected, to a point formed by the
45 intersection of the east side of said Covington Street and Key Highway; thence running with
46 the centerline of said Key Highway

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- 1 (14) Westerly to a point formed by the intersection of the centerline of said Key Highway and the
2 centerline of Light Street, 82.5 feet wide; thence running with the centerline of said Light
3 Street
- 4 (15) Southerly to a point formed by the intersection of the centerline of said Light Street and the
5 centerline of East Montgomery Street, 82 feet wide; thence running with the centerline of said
6 East Montgomery Street
- 7 (16) Westerly to a point formed by the intersection of the centerline of said East Montgomery
8 Street and the centerline of South Charles Street, 66 feet wide; thence running with the
9 centerline of said South Charles Street
- 10 (17) Southerly to a point formed by the intersection of the centerline of said South Charles Street
11 and the centerline of West Churchill Street, 20 feet wide; thence running with the centerline of
12 said West Churchill Street
- 13 (18) Westerly to a point formed by the intersection of the centerline of said West Churchill Street
14 and the centerline of South Hanover Street, 66 feet wide; thence running with the centerline of
15 said South Hanover Street
- 16 (19) Northerly to a point formed by the intersection of the centerline of said South Hanover Street
17 and the centerline of West Montgomery Street, 35 feet wide; thence running with the
18 centerline of said West Montgomery Street
- 19 (20) Northwesterly to a point formed by the intersection of the centerline of said West
20 Montgomery Street and the centerline of South Sharp Street, 66 feet wide; thence running with
21 the centerline of said South Sharp Street
- 22 (21) Southwesterly to a point on the south side of West Henrietta Street, 66 feet wide; thence
23 binding on and running with the south side of said West Henrietta Street
- 24 (22) Northwesterly to a point on the west side of said South Sharp Street and the beginning of the
25 second line of a parcel of land described in a conveyance from Congress Hall Square Limited
26 Partnership, unto CHS Swim Club, Inc. by deed dated May 26, 1987 and recorded among
27 aforesaid Land Records in Liber S.E.B. No. 1319, Folio 231; thence running with the second
28 or North 70° 05' 00" West, 99.74 foot line,
- 29 (23) In a Northwesterly direction, as described in said deed, passing over the end thereof and
30 crossing Interstate Route 395 to intersect the centerline of South Martin Luther King Jr.
31 Boulevard; thence running with the centerline of said South Martin Luther King Jr. Boulevard,
- 32 (24) Northerly, passing over West Baltimore Street at which point South Martin Luther King Jr.
33 Boulevard becomes North Martin Luther King Jr. Boulevard, to a point formed by the
34 intersection of the centerline of said North Martin Luther King Jr. Boulevard and the
35 centerline of Madison Avenue, 66 feet wide; thence running with the centerline of said
36 Madison Avenue,
- 37 (25) Northwesterly to a point formed by the intersection of said Madison Avenue and the
38 centerline of Dolphin Street, 100 feet wide; thence running with the centerline of said Dolphin
39 Street,
- 40 (26) Northeasterly to a point formed by the intersection of said Dolphin Street and the centerline of
41 North Eutaw Street, 110 feet wide; thence running with the centerline of said North Eutaw
42 Street,
- 43 (27) Southeasterly to a point formed by the intersection of said North Eutaw Street and the
44 centerline of 29th Division Street, 66 feet wide (formerly West Hoffman Street); thence
45 running with the centerline of said 29th Division Street,

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- 1 (28) Northeasterly to a point formed by the intersection of said 29th Division Street and the
2 centerline of Bolton Street, varying in width; thence running with the centerline of said Bolton
3 Street,
- 4 (29) Northwesterly to a point formed by the intersection of said Bolton Street and the centerline of
5 said Dolphin Street; thence running with the centerline of said Dolphin Street,
- 6 (30) Northeasterly to a point formed by the intersection of the centerline of said Dolphin Street and
7 the centerline of North Howard Street, 80 feet wide; thence running with the centerline of said
8 North Howard Street,
- 9 (31) Northerly to a point formed by the intersection of said North Howard Street and the centerline
10 of West North Avenue; thence running with the centerline of said West North Avenue,
- 11 (32) Easterly, passing over North Charles Street at which point said West North Avenue becomes
12 East North Avenue, to the place of beginning.

13 **3805.3.2 Southeast Zone.** The area within the following boundaries is the “Southeast Traffic-
14 Mitigation Zone”:

- 15 BEGINNING at a point formed by the intersection of the centerline of Orleans Street (U.S. Route 40),
16 varying in width, and the centerline of North Patterson Park Avenue, 70 feet wide; thence departing
17 said point so fixed and running with the centerline of said Orleans Street, with meridian reference to the
18 Baltimore City Survey Control System the following courses:
- 19 (1) Easterly to a point formed by the intersection of said centerline of Orleans Street (U.S. Route
20 40) and the centerline of Pulaski Highway (U.S. Route 40), varying in width, formerly being
21 Philadelphia Avenue as listed in Ordinance #81, Dated April 24, 1944; thence running with
22 the centerline of said Pulaski Highway (U.S. Route 40)
- 23 (2) Easterly and Northeasterly to a point formed by the intersection of the centerline of said
24 Pulaski Highway (U.S. Route 40) and the centerline of Erdman Avenue (Maryland Route
25 151), varying in width; thence running with centerline of said Erdman Avenue (Maryland
26 Route 151)
- 27 (3) South Easterly to a point formed by the intersection of with the centerline of said Erdman
28 Avenue (Maryland Route 151) and the centerline of Baltimore Harbor Tunnel (Interstate
29 Route 895) Right-of-Way; thence running with centerline of said Baltimore Harbor Tunnel
30 Right-of-Way
- 31 (4) Southerly to a point formed by the intersection of the centerline of said Baltimore Harbor
32 Tunnel (Interstate Route 895) Right-of-Way and the centerline of East Lombard Street, 80 feet
33 wide, (formerly known as Bayview Avenue as listed in Ordinance #302, Dated March 30,
34 1977); thence running with centerline of said East Lombard Street
- 35 (5) Northerly and Easterly to a point formed by the intersection of the centerline of said East
36 Lombard Street and the centerline of Kane Street, varying in width; thence running with the
37 centerline of said Kane Street
- 38 (6) North Easterly to a point formed by the geometric intersection of the centerline of said Kane
39 Street (roadway below), and the centerline of Interstate Route 95, John F. Kennedy Memorial
40 Highway, Right-of-Way (varying in width, roadway above); thence running with the centerline
41 of said Interstate Route 95 (John F. Kennedy Memorial Highway)
- 42 (7) Southerly and Westerly to a point formed by the geometric intersection of the centerline of
43 said Interstate Route 95 - John F. Kennedy Memorial Highway,(roadway above), and the
44 centerline of Gusryan Street (roadway below), 60 feet wide; thence running with the centerline
45 of said Gusryan Street

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- 1 (8) Southerly to a point formed by the intersection of the centerline of said Gusryan Street and the
2 centerline of O'Donnell Street, 60 feet wide; thence running with the centerline of said
3 O'Donnell Street
- 4 (9) Westerly to a point formed by the intersection of the centerline of said O'Donnell Street and
5 the centerline of Broening Highway, varying in width; thence running with the centerline of
6 said Broening Highway
- 7 (10) Southerly to a point formed by the intersection of the centerline of said Broening Highway
8 and the centerline of Keith Avenue, varying in width; thence running with the centerline of
9 said Keith Avenue
- 10 (11) Westerly running with the centerline of said Keith Avenue to a point formed by the
11 intersection of said Keith Avenue and Interstate Route 95 (Fort McHenry Tunnel), as shown
12 on Baltimore City Block Plat-Ward 1, Section 10, Block 1903-D, dated August 1963, varying
13 in width; thence running with the centerline of said Interstate Route 95 (Fort McHenry
14 Tunnel)
- 15 (12) Southwesterly to a point formed by the intersection of the centerline of said Interstate Route
16 95 (Fort McHenry Tunnel) and the centerline of Northwest Branch; thence departing lastly
17 mentioned point of intersection and running with the centerline of the Northwest Branch
- 18 (13) Northerly and Westerly to a point formed by the intersection of the centerline of said
19 Northwest Branch and a line crossing the Northwest Branch of the Patapsco River, if drawn
20 between a point labeled VI and a point labeled LIV, both being shown on a plat entitled
21 "Pierhead and Bulkhead Lines, Baltimore Harbor, Maryland" Sheet 2 of 6, File 13 Map 849
22 dated July 13, 1950 and prepared by the Corps of Engineers, Baltimore District; thence
23 departing lastly mentioned point of intersection and running
- 24 (14) In a Easterly direction to a point labeled VI, as shown on lastly mentioned plat; thence
25 departing said point VI, binding on and running in a
- 26 (15) Southerly direction with the South 10° 17' 58" East 424.29 foot line as shown on lastly
27 mentioned plat to end thereof and a point labeled VII; thence departing said point VII, binding
28 on and running
- 29 (16) In a Southerly direction with the South 52° 18' 41" East, 1018.66 foot line as shown on lastly
30 mentioned plat, to point formed by the intersection of said South 52° 18' 41" East, 1018.66
31 foot line and a line drawn due south from a point formed by the intersection of the centerline
32 of the former bed of Albemarle street, varying in width, and the centerline of Lancaster Street,
33 52 feet wide; thence departing last point of intersection and running
- 34 (17) Due North to a point formed by the intersection of said former bed of Albemarle Street and
35 the centerline of said Lancaster Street; thence departing last point of intersection and running
36 with the centerline of former bed of said Albemarle Street
- 37 (18) Northwesterly to the center of Albemarle Street Round-bout; thence departing lastly
38 mentioned point and running with the centerline of Felicia Street Corridor
- 39 (19) Northwesterly to a point formed by the intersection of the centerline of said Felicia Street
40 Corridor / South President Street Corridor and the centerline of Fleet Street, varying in width;
41 thence running with the centerline of South President Street Corridor, varying in width
- 42 (20) Northwesterly, passing over East Baltimore Street at which point said South President Street
43 Corridor becomes North President Street Corridor, varying in width, to a point formed by the
44 intersection of said North President Street Corridor and the centerline of East Fayette Street,
45 varying in width; thence running with the centerline of said East Fayette Street
- 46 (21) Northeasterly to a point formed by the intersection of the centerline of said East Fayette Street
47 and the centerline of The Fallsway, varying in width; thence running with the centerline of
48 said The Fallsway

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- 1 (22) Northerly to a point formed by the intersection of the centerline of said The Falls way and the
2 centerline of Hillen Street, 66 feet wide; thence running with the centerline of said Hillen
3 Street
- 4 (23) Northeasterly to a point formed by the intersection of said Hillen Street and the centerline of
5 North Exeter Street, varying in width; thence running with the centerline of said North Exeter
6 Street
- 7 (24) Southwesterly to a point formed by the intersection of said North Exeter Street and the
8 centerline of Orleans Street (U.S. Route 40), 66 feet wide; thence running with the centerline
9 of said Orleans Street (U.S. Route 40)
- 10 (25) Westerly to the place of beginning.

11 **3805.3.3 South Baltimore/Middle Branch Zone.** The area within the following boundaries is
12 the “South Baltimore/Middle Branch Traffic-Mitigation Zone”:

13 BEGINNING for the same at a point formed by the geometric intersection of the centerline of South
14 Martin Luther King, Jr. Boulevard, varying in width, and the centerline of Russell Street (Baltimore-
15 Washington Parkway MD 295/129), varying in width; thence running with centerline of said Russell
16 Street with meridian reference to the Baltimore City Survey Control System, the following courses:

- 17 (1) Southwesterly to a point formed by the geometric intersection of said centerline of said
18 Russell Street (Baltimore-Washington Parkway MD 295/129) and the centerline of Interstate
19 Route 95 (John F. Kennedy Memorial Highway), varying in width; thence running with the
20 centerline of said Interstate Route 95
- 21 (2) Westerly to a point formed by the intersection of the centerline of said Interstate Route 95 and
22 the centerline of the ramp from south bound South Monroe Street to said Baltimore-
23 Washington Parkway (MD 295/129); thence running with the centerline of said ramp
- 24 (3) Southerly to a point formed by centerline of said ramp and centerline of Southbound MD 295
25 (Baltimore-Washington Parkway); thence running with said Southbound MD 295 (Baltimore-
26 Washington Parkway)
- 27 (4) Southerly to a point formed by the intersection of said Southbound MD 295 (Baltimore-
28 Washington Parkway) and the centerline of Waterview Avenue (MD Route 648), varying in
29 width; thence running with the centerline of said Waterview Avenue
- 30 (5) Westerly to a point formed by the intersection of centerline of said Waterview Avenue and the
31 centerline of Annapolis Road (also MD Route 648), varying in width; thence running with
32 centerline of said Annapolis Road
- 33 (6) Southerly to a point formed by the centerline of said Annapolis Road and centerline of a
34 Railroad Right-of-Way owned by the CSX Transportation, Inc.; thence running with the
35 centerline of said CSX Right-of-Way
- 36 (7) South Easterly to a point formed by the centerline of said CSX Right-of-Way and the
37 centerline of Reedbird Avenue, 60 feet wide, as shown on Block Plat 7612-L; thence running
38 with centerline of said Reedbird Avenue
- 39 (8) North Easterly to a point formed by the intersection of centerline said Reedbird Avenue and
40 the centerline of Potee Street (MD Route 2), 66 feet wide; thence running with the centerline
41 of said Potee Street
- 42 (9) South Easterly to a point formed by the intersection of the centerline of said Potee Street and
43 the centerline of Frankfurst Avenue, 80 feet wide; thence running with the centerline of said
44 Frankfurst Avenue

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- 1 (10) Easterly to a point formed by the intersection of said Frankfur Avenue and the centerline of
2 of Interstate Route 895 (Harbor Tunnel Throughway), varying in width; thence departing
3 lastly mentioned point of intersection and running
- 4 (11) Due North to the centerline of the Patapsco River Channel as shown on a plat entitled
5 "Pierhead and Bulkhead Lines, Baltimore Harbor, Maryland" Sheet 3 of 6, File 13 Map 849
6 dated July 13, 1950 and prepared by the Corps of Engineers, Baltimore District; thence
7 running with centerline of said Patapsco River Channel
- 8 (12) Easterly to a point formed by the intersection of centerline of said Patapsco River Channel
9 and the centerline of Northwest Branch; thence departing lastly mentioned point of
10 intersection and running with the centerline of the Northwest Branch
- 11 (13) Northerly and Westerly to a point formed by the intersection of the centerline of said
12 Northwest Branch and a line crossing the Northwest Branch of the Patapsco River, if drawn
13 between a point labeled VI and a point labeled LIV, both being shown on a plat entitled
14 "Pierhead and Bulkhead Lines, Baltimore Harbor, Maryland" Sheet 2 of 6, File 13 Map 849
15 dated July 13, 1950 and prepared by the Corps of Engineers, Baltimore District; thence
16 departing lastly mentioned point of intersection and running
- 17 (14) In a Westerly direction to a point labeled LIV, as shown on lastly mentioned plat; said point
18 LIV also being labeled 16 on a plat entitled "Harborview Subdivision Plan" and recorded
19 among the Land Records of Baltimore City, Maryland, in Plat Book S.E.B., Page 3187; thence
20 departing said point 16 (aka LIV) and running with the South 74° 47' 38" East, 30.90 foot
21 line, reversely and
- 22 (15) In a Northwesterly direction to the beginning thereof and a Point labeled 15, as shown on
23 lastly mentioned plat; thence running with the North 02° 06' 20" West, 340.82 foot line
24 reversely and
- 25 (16) In a Southerly direction as shown on the lastly mentioned plat, and binding on, in part, the
26 east side of the former bed of Covington Street, if projected, to a point formed by the
27 intersection of the east side of said Covington Street and Key Highway; thence running with
28 the centerline of said Key Highway
- 29 (17) Westerly to a point formed by the intersection of the centerline of said Key Highway and the
30 centerline of Light Street, 82.5 feet wide; thence running with the centerline of said Light
31 Street
- 32 (18) Southerly to a point formed by the intersection of the centerline of said Light Street and the
33 centerline of East Montgomery Street, 82 feet wide; thence running with the centerline of said
34 East Montgomery Street
- 35 (19) Westerly to a point formed by the intersection of the centerline of said East Montgomery
36 Street and the centerline of South Charles Street, 66 feet wide; thence running with the
37 centerline of said South Charles Street
- 38 (20) Southerly to a point formed by the intersection of the centerline of said South Charles Street
39 and the centerline of West Churchill Street, 20 feet wide; thence running with the centerline of
40 said West Churchill Street
- 41 (21) Westerly to a point formed by the intersection of the centerline of said West Churchill Street
42 and the centerline of South Hanover Street, 66 feet wide; thence running with the centerline of
43 said South Hanover Street
- 44 (22) Northerly to a point formed by the intersection of the centerline of said South Hanover Street
45 and the centerline of West Montgomery Street, 35 feet wide; thence running with the
46 centerline of said West Montgomery Street

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- 1 (23) Northwesterly to a point formed by the intersection of the centerline of said West
2 Montgomery Street and the centerline of South Sharp Street, 66 feet wide; thence running with
3 the centerline of said South Sharp Street
- 4 (24) Southwesterly to a point on the south side of West Henrietta Street, 66 feet wide; thence
5 binding on and running with the south side of said West Henrietta Street
- 6 (25) Northwesterly to a point on the west side of said South Sharp Street and the beginning of the
7 second line of a parcel of land described in a conveyance from Congress Hall Square Limited
8 Partnership, unto CHS Swim Club, Inc. by deed dated May 26, 1987 and recorded among
9 aforesaid Land Records in Liber S.E.B. No. 1319, Folio 231; thence running with the second
10 or North 70° 05' 00" West, 99.74 foot line,
- 11 (26) In a Northwesterly direction, as described in said deed, passing over the end thereof and
12 crossing Interstate Route 395 to intersect the centerline of South Martin Luther King Jr.
13 Boulevard; thence running with the centerline of said South Martin Luther King Jr. Boulevard
- 14 (27) Northwesterly to the point of beginning.

15 **3805.3.4 East Zone.** The area within the following boundaries is the “East Traffic-Mitigation
16 Zone”:

- 17 BEGINNING for the same at the point formed by the intersection of the centerline of North Calvert
18 Street, 60 feet wide, and the centerline of East North Avenue, varying in width; thence departing said
19 point so fixed and running with the centerline of said East North Avenue, with meridian reference to
20 the Baltimore City Survey Control System the following courses:
- 21 (1) Easterly to a point formed by the intersection of the centerline of said East North Avenue and
22 the centerline of North Broadway, 130 feet wide; thence running with the centerline of said
23 North Broadway
- 24 (2) Southerly to a point formed by the intersection of the centerline of said North Broadway and a
25 point formed by the centerline of a Railroad Right of Way; thence running with the centerline
26 of said Railroad Right of Way
- 27 (3) Southeasterly to a point formed by the intersection of said Railroad Right of Way and the
28 centerline of North Patterson Park Avenue, 70 feet wide; thence running with the centerline of
29 said North Patterson Park Avenue
- 30 (4) Southerly direction to a point formed by the intersection of said North Patterson Park Avenue
31 and the centerline of Orleans Street (U.S. Route 40), 66 feet wide; thence running with the
32 centerline of said Orleans Street (U.S. Route 40)
- 33 (5) Westerly to a point formed by the intersection of said Orleans Street (U.S. Route 40) and
34 North Exeter Street (varying in width); thence running with the centerline of said North Exeter
35 Street
- 36 (6) Northwesterly to a point formed by the intersection of the centerline of said North Exeter
37 Street and the centerline of Hillen Street (66' wide); thence running with the centerline of said
38 Hillen Street
- 39 (7) Southwesterly to a point formed by the intersection of the centerline of said Hillen Street and
40 the centerline of The Fallsway (varying in width); thence running with the centerline of said
41 The Fallsway
- 42 (8) Northerly to a point formed by the geometric intersection of the centerline of said The
43 Fallsway and the centerline of Interstate Route 83 Right of Way below; thence running with
44 the centerline of said Interstate Route 83

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- 1 (9) Northwesterly direction to the point formed by the geometric intersection of the centerline of
2 said Interstate Route 83 Right of Way and the centerline of said North Calvert Street above;
3 thence running with the centerline of said North Calvert Street to the place of beginning.
4

5 **3805.3.5 Southwest Zone.** The area within the following boundaries is the “Southwest Traffic-
6 Mitigation Zone”:

7
8 BEGINNING for the same at the point formed by the intersection of the centerline of West Mulberry
9 (aka US Route 40) and the centerline of North Martin Luther King, Jr. Boulevard, varying in width;
10 thence running with the centerline of said North Martin Luther King, Jr. Boulevard, with meridian
11 reference to the Baltimore City Survey Control System, the following courses:

- 12 (1) Southerly and Southeasterly, passing over West Baltimore Street whereas said North Martin
13 Luther King, Jr. Boulevard becomes South Martin Luther King, Jr. Boulevard, varying in
14 width, to a point formed by the intersection of the centerline of said South Martin Luther
15 King, Jr. Boulevard and the centerline of Russell Street (Baltimore-Washington Parkway, MD
16 I-295), 160 feet wide; thence running with the centerline of said Russell Street
- 17 (2) Southwesterly and Westerly to a point formed by the intersection of the centerline of said
18 Russell Street and the centerline of Interstate Route 95 (John F. Kennedy Memorial Highway),
19 varying in width; thence running with the centerline of said Interstate Route 95
- 20 (3) Westerly to a point formed by the intersection of the centerline of said Interstate Route 95 and
21 the centerline of Washington Boulevard, 49.5 feet wide; thence running with the centerline of
22 said Washington Boulevard
- 23 (4) Northeasterly to a point formed by the intersection of the centerline of said Washington
24 Boulevard and the North 44° 31' 29" West 1,544.00 foot line, as shown on a plat entitled
25 “Subdivision Of The Lands Of 998 Monroe Corporation” dated May 26, 1994 and recorded
26 among the Land Records of Baltimore City in Plat Book S.E.B. 3479, if projected
27 Southeasterly; thence binding on and running with said projected line, reversely
- 28 (5) North 44° 31' 29" West 1,544.00 feet to a point designated as “508” as shown on said plat;
29 thence binding on and running with the north-west boundary line of Lot 1 as shown on said
30 plat
- 31 (6) North 45° 24' 52" East 1,109.33 feet line to a point designated as “509” as shown on said plat
32 and located along the south side of the former bed of Putnam Street, also known as the former
33 bed of The Baltimore and Ohio Railroad Right-of-Way, and currently the south side of CSX
34 Transportation, Inc. property; thence binding on and running with the north-east boundary line
35 of Lot 1 as shown on said plat
- 36 (7) South 44° 31' 29" East to intersect the last line of the second parcel of land conveyed by
37 Carroll Park, LLC, to Washington-Monroe, LLC, by deed dated September 7, 2001 and
38 recorded among said the Land Records in Liber F.M.C. 1719, Folio 30, if projected in a
39 Southerly direction; thence binding on and running with said last line of second parcel so
40 projected
- 41 (8) North 44° 42' 07" East, passing over the north side of said CSX Transportation, Inc. property
42 and the south west side of South Monroe Street, 66 feet wide, to the centerline of said South
43 Monroe Street; thence running with the centerline of said South Monroe Street
- 44 (9) Northwesterly and Northerly to a point formed by the intersection of the centerline of said
45 South Monroe Street and the “southern property line” of the B&O Railroad Museum,
46 Incorporated property as described in a deed dated August 14th, 1991, by and between CSX
47 Transportation, Inc. et al to B&O Railroad Museum, Incorporated as recorded among said
48 Land Records in Liber S.E.B. 3638, Folio 208; thence binding and running with the said
49 “southern property line” of the B&O Railroad Museum, Incorporated property

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1 (10) Northeasterly to a point formed by the intersection of said “southern property line” of the
2 B&O Railroad Museum, Incorporated property and the centerline of South Carey Street, 80
3 feet wide; thence binding on the centerline of said South Carey Street

4 (11) Northerly, passing over West Baltimore Street whereas said South Carey Street becomes
5 North Carey Street, 80 feet wide, to a point formed by the intersection of said North Carey
6 Street and aforesaid West Mulberry Street; thence running with the centerline of said West
7 Mulberry Street

8 (12) Easterly, to the point of beginning.

9 Section 3806 Traffic-Mitigation Fee

10 **3806.1 Scope of section.** This § 3806 is applicable to all proposed projects located inside of a
11 Traffic-Mitigation Zone.

12 **3806.2 General.** A Traffic-Mitigation Fee is a payment that, by authority of Charter Article II,
13 §§ (40) and (47), must be paid for projects that meet the criteria established in § 3802.3 {“WITHIN
14 TRAFFIC-MITIGATION ZONE”}.

15 **3806.2.1 Application and processing fee.** An application to begin the required
16 Traffic-Mitigation Fee process must be:

- 17 1. made in the form and within the time frame set forth in the rules and regulations adopted
18 under this Chapter; and
- 19 2. accompanied by a processing fee in the amount set by these rules and regulations.

20 **3806.3 Assessment of fee.**

21 **3806.3.1 Trip formula.** The rules and regulations adopted under this Chapter must establish:

- 22 1. procedures for determining the number of trips attributable to various types of projects in
23 a particular Traffic-Mitigation Zone or Subzone; and
- 24 2. adjustment factors for calculating the number of non-single-occupant-vehicle trips
25 attributable to various types of projects.

26 **3806.3.2 Fee Rates.** The fee rate per trip is as set by the Board of Estimates, in consultation
27 with the Director, for each Zone.

28 **3806.3.2.1 Temporary limitation on Fee Rate increases.** For the period beginning when a
29 fee rate is initially set for a Zone, and ending on December 31, 2016, the Board of Estimates
30 may not increase the fee rate for that Zone more often than once every 5 years.

31 **3806.3.3 Fee formula.** The amount of the Traffic-Mitigation Fee assessed on a specific project
32 is determined by multiplying:

- 33 1. the applicable rate per trip, as of the date that the permit is applied for, for the Zone
34 where the project is located, by
- 35 2. the number of trips that the Department of Transportation attributes to the project using
36 the procedure established under § 3806.3.1.

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1 **3806.4 Trip-Generation Credits.**

2 **3806.4.1 General.** The Director must issue trip-generation credits to any proposed project that
3 meets the requirements of this § 3806.4. Each credit issued reduces by 1 the number of trips
4 used to calculate the amount of the Traffic-Mitigation Fee under § 3806.3.

5 **3806.4.2 Authorized credits.** Trip-generation credits are authorized as follows.

6 **3806.4.2.1 Negotiated agreement.** The Director may agree to issue trip-generation credits
7 for a proposed project if:

- 8 1. the Mayor and City Council enter into a binding, written mitigation agreement with
9 the developer of the project that requires the performance of specific actions that the
10 Director determines will reduce the number of trips actually generated by the project,
- 11 2. the mitigation agreement requires the developer to require all subsequent purchasers
12 or occupants of the property to abide by the ongoing requirements of the mitigation
13 agreement,
- 14 3. the mitigation agreement includes a mechanism making it binding on all future
15 successors and assigns who may acquire any interest in the property in the future,
- 16 4. the mitigation agreement requires the Director to issue a number of credits
17 equivalent to the number of trips that the director calculates will be avoided through
18 the actions agreed to by the developer, and
- 19 5. the mitigation agreement, together with any adjustment factors calculated using the
20 procedure established under § 3806.3.1(2), does not reduce the total number of trips
21 that would otherwise be used to calculate the Traffic-Mitigation Fee by more than
22 50%.

23 **3806.4.2.2 Change in occupancy within 1 year.** For the change in occupancy of a
24 structure that has been vacant for less than 1 year before the date of application for a permit,
25 the Director must issue trip-generation credits equivalent to the number of trips attributable
26 to the previous use, as calculated using the procedure established under § 3806.3.1 {"TRIP
27 FORMULA"}.

28 **3806.4.3 Buy-out of credits.** An owner or occupier of property that has benefitted from the
29 issuance of trip-generation credits may not change the use of the property in any way that would
30 no longer qualify the property for 1 or more trip-generation credits previously issued unless the
31 owner or occupier first cancels the previously issued credits.

32 **3806.4.3.1 Formula.** To cancel those credits, the owner or occupier must pay to the
33 Director of Finance an amount equal to the greater of:

- 34 1. the number of trip-generation credits being canceled, multiplied by the Traffic-
35 Mitigation Fee rate that was in force for the Zone when the credits were issued, or
- 36 2. the number of trip-generation credits being canceled, multiplied by the Traffic-
37 Mitigation Fee rate that is in force in the Zone when the credits are cancelled.

38 **3806.4.4 Obligation created by acceptance of credits.** The acceptance of trip-generation
39 credits under this § 3806.4 creates a binding obligation on the persons accepting the credits to
40 fulfill the representations and agreements that allowed the credits to be issued. In addition to any

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1 other remedy or enforcement action, the Director may enforce these obligations by seeking both
2 legal and equitable remedies.

3 **3806.5 Right-of-way dedication set-off.** If an applicant controls property that the Director
4 determines to be necessary for the construction of a traffic-mitigation project, the Director may
5 accept the dedication of the needed property to the City's use and issue a set-off credit toward the
6 Traffic-Mitigation Fee assessed on a project in exchange. The total amount of the Traffic-Mitigation
7 Fee to be paid would then be reduced by the appraised value of the property dedicated to City use.

8 **3806.6 Payment of Fees.**

9 **3806.6.1 \$50,000 or less.** If the Traffic-Mitigation Fee assessed for a proposed project is
10 \$50,000 or less, the Fee must be paid to the Director of Finance in full before any permits for the
11 work are issued.

12 **3806.6.2 More than \$50,000.** If the Traffic-Mitigation Fee assessed for a proposed project is
13 more than \$50,000, the Director of Transportation may negotiate installment payments to be
14 made over a period of up to 5 years from the issuance of a building permit for all amounts in
15 excess of \$50,000. The initial payment of at least \$50,000 must be paid to the Director of
16 Finance in full before any permits for the work are issued. Any installment plan under this
17 § 3806.6.2 requires the approval of the Board of Estimates to become effective.

18 **3806.6.2.1 Interest to be charged on installment payments.** If a Traffic-Mitigation Fee is
19 to be paid in installments under an agreement authorized by § 3806.6.2, installment payments
20 must include an additional interest charge at the current City borrowing rate as determined
21 by the Director of Finance.

22 **Section 3807 Use of Fees**

23 **3807.1 Separate revenue accounts.** Traffic-Mitigation Fees collected under this Chapter are to be
24 deposited to the General Fund and accounted for in separate revenue accounts designated to indicate
25 precisely how much revenue is derived from each Traffic-Mitigation Zone.

26 **3807.2 Fees to benefit Zone of origin.** Subject to appropriation, revenue derived from
27 Traffic-Mitigation Fees in each Traffic-Mitigation Zone must be used only for the purposes
28 described in § 3807.3 or for:

- 29 1. designing and constructing projects to benefit the transportation infrastructure of the Zone
30 from which the fees derive, as approved by the Planning Commission in the Traffic-
31 Management Plan adopted under § 3805.2 {"TRAFFIC-MANAGEMENT PLANS"}.
- 32 2. designing and constructing projects to benefit the transportation infrastructure of the Zone
33 from which the fees derive, as certified by the Director, if the Planning Commission has not
34 adopted a Traffic-Management Plan under § 3805.2, or
- 35 3. defraying the planning and administrative costs, of no more than 10% of all revenue
36 collected, of implementing this Chapter.

37 **3807.3 Fees may defray cost of site access improvements.**

38 **3807.3.1 Site access improvements.** Subject to the approval of the Board of Estimates, the
39 Director may permit up to 33% of the Traffic Mitigation Fee, after deduction of credits, paid by
40 an applicant to be used for minor site access improvements, including turning lanes,
41 acceleration/deceleration lanes, traffic signals, or similar improvements.

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Appendix C. Group U – Agricultural Buildings

SECTION 101. GENERAL

101.1 SCOPE. {AS IN IBC}

EXCEPTIONS: SHADE CLOTH OR PLASTIC FILM STRUCTURES, COMMONLY KNOWN AS “HOOPHOUSES”, CONSTRUCTED FOR NURSERY OR AGRICULTURAL PURPOSES. NOT INCLUDING SERVICE SYSTEMS. THE COVERING OF THE STRUCTURE MUST BE A MATERIAL THAT CONFORMS TO NFPA 701 STANDARDS.

SECTIONS 102 TO 104 {AS IN IBC}

Appendix D. Downtown Fire District

D101 Fire District. The Downtown Fire District comprises all of the following area (boundary lines to be in the center of the specified streets):

Beginning at the intersection of Fallsway and Madison Street, thence in a general southerly and southeasterly direction along Fallsway to Baltimore Street, thence westerly along Baltimore Street to West Falls Avenue, thence southerly along West Falls Avenue to Pratt Street, thence easterly along Pratt Street to East Falls Avenue, thence southerly along East Falls Avenue to Aliceanna Street, thence westerly along an imaginary line connecting the intersection of East Falls Avenue and Aliceanna Street to the intersection of Light Street and Lee Street, thence westerly along Lee Street to Russell Street, thence northerly along Russell Street to Greene Street, thence northerly along Greene Street to Pennsylvania Avenue, thence northwesterly along Pennsylvania Avenue to St. Mary Street, thence northeasterly along St. Mary Street to Eutaw Street, thence southerly along Eutaw Street to Madison Street, thence easterly along Madison Street to its intersection with Fallsway, the point of beginning.

D102 General requirements. New buildings and structures, and additions to existing buildings and structures, within the Downtown Fire District must be constructed:

1. within the height and area limitations of Table 503 {“ALLOWABLE BUILDING HEIGHTS AND AREAS”} of this Code, and
2. of 1 of the following types of construction, as defined in Chapter 6 {“TYPES OF CONSTRUCTION”} and regulated in Tables 601 {“FIRE-RESISTANT RATINGS FOR BUILDING ELEMENTS”} and 602 {“FIRE-RESISTANT RATINGS FOR EXTERIOR WALL”} of this Code:
 - a. fireproof (Type I),
 - b. protected noncombustible (Types IIA and IIB),
 - c. ordinary protected (Type IIIA), or
 - d. heavy timber (Type IV).

D103 Types IIIB, VA, and VB construction not permitted. New buildings and structures, and additions to existing buildings and structures, within the Downtown Fire District may not be of Type IIIB, VA, or VB construction, as defined in Chapter 6 {“TYPES OF CONSTRUCTION”} of this Code.

D104 to D106 {Not Adopted}

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Appendix E. Supplementary Accessibility Requirements

{Not Adopted}

Appendix F. [Rodent Proofing] RODENTPROOFING

{As in IBC}

Appendix G. Flood-Resistant Construction

Sections G101 to G104 *{As in IBC}*

Section G105 Variances

G105.1 General. The Building Official hears and decides all requests for variances. The Building Official:

1. must base his or her decision on technical justifications, and
2. may attach conditions to a variance as he or she considers necessary to further the purposes and objectives of this appendix and of § 1612 {"FLOOD LOADS"}.

G105.2 to G105.4 *{As in IBC}*

G105.5 Restrictions. The Building Official may not issue a variance for any proposed development in a floodway if any increase in flood levels would result during the base flood discharge.

G105.6 Considerations. In reviewing applications for variances the Building Official must consider all technical evaluations, all relevant factors, all other parts of this appendix, and the following:

- 1 - 10. *{As in IBC}*

G105.7 Conditions for issuance. A variance may only be issued by the Building Official on:

- 1 - 5. *{As in IBC}*

Sections G201 to G1101 *{As in IBC}*

Appendix H. Signs

Sections H101 to H102 *{As in IBC}*

Section H103 Location

H103.1 [General] LOCATION restrictions – GENERAL. *{As in IBC}*

H103.2 LOCATION RESTRICTIONS – Charles Street corridor. On either side of Charles Street from Baltimore Street to Mount Royal Avenue, no sign may extend or project more than 8 inches (203.2 mm) beyond the building wall proper.

Sections H104 to H111 *{As in IBC}*

SECTION H112 PROJECTING SIGNS

H112.1 to H112.5 *{As in IBC}*

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1 **H112.6 Clearance.** A vertical clearance of 10 feet (3.05m) must be maintained below each
2 projecting sign.

3 **Sections H113 to H115** *{As in IBC}*

4 **Appendix I. Patio Covers**
5 *{As in IBC}*

6 **Appendix J. Grading**
7 *{As in IBC}*

8 **Appendix K. Administrative Provisions**
9 *{Not Adopted}*

10 **APPENDIX L. EARTHQUAKE RECORDING INSTRUMENTATION**
11 *{NOT ADOPTED}*

12 **APPENDIX M. TSUNAMI-GENERATED FLOOD HAZARD**
13 *{NOT ADOPTED}*

14 **Part III. National Electrical Code**

15 **§ 3-101. City adoption.**

16 (a) *In general.*

17 The National Electrical Code [(2008 Edition)] (2011 EDITION) is adopted as part of the Building,
18 Fire, and Related Codes of Baltimore City, subject to the additions, deletions, amendments, and
19 other modifications contained in this Part III.

20 (b) *Codification.*

21 Unless otherwise specified, chapter, article, and section numbers in this Part III refer to the
22 chapter, article, and section numbers of the National Electrical Code.

23 **§ 3-102. City modifications.**

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

25 **Introduction**

26 **Article 90. Introduction**

27 **Sections 90.1 to 90.4.** *{As in NEC}*

28 **Section 90.5. Mandatory Rules, Permissive Rules, and Explanatory Material.**

29 **(A) Mandatory Rules.** Mandatory rules of this Code are those that identify actions that are
30 specifically required or prohibited and are characterized by the use of the following terms:

31 (1) for imposing a duty or condition precedent, “shall” or “must”, and

32 (2) for prohibiting action, “shall not”, “may not”, or “no ... may”.

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1 **(B) Permissive Rules.** Permissive rules of this Code are those that identify actions that are
2 allowed but not required, are normally used to describe options or alternative methods, and
3 are characterized by the use of the following terms:

4 (1) for discretionary authority, “shall be permitted”, “is permitted”, or “may”, and

5 (2) for negating a duty or condition precedent, “shall not be required”, “is not required”,
6 or “need not”.

7 **(C) Explanatory Material.** *{As in NEC}*

8 **Sections 90.6 to 90.9.** *{As in NEC}*

9 **Chapter 1. General**

10 **Article 100. Definitions**

11 **Section 100.1. In general.**

12 Except as provided in § 100.2 OF THIS CODE, terms that are used in these regulations and defined
13 in the National Electrical Code [(2008 Edition)] (2011 EDITION) have the meanings given in that
14 Code.

15 **Section 100.2. Supplemental Definitions**

16 **(A) In general.** Notwithstanding any different definition in the NEC, the following terms have
17 the meanings given in this § 100.2.

18 **(B) Authority Having Jurisdiction.** “Authority Having Jurisdiction” means the Building
19 Official, as defined in § 202.2 of the BALTIMORE CITY Building Code [of Baltimore City].

20 **Article 110. Requirements for Electrical Installations**

21 **Sections 110.1 to [110.23] 110.24.** *{As in NEC}*

22 **Section 110.26. Spaces About Electrical Equipment.** *{Introductory paragraph as in NEC}*

23 **(A) - [(E)] (D)** *{As in NEC}*

24 **[(F)] (E) Dedicated Equipment Space.** *{Introductory paragraph as in NEC}*

25 **Exception:** *{As in NEC}*

26 **(1) Indoor.** For indoor installations, the dedicated space must comply with the following.

27 **(a) Dedicated Electrical Space.** Space equal to the width and depth of the
28 equipment and extending from the floor to a structural ceiling, plus the working
29 space required by § 110.26(A)(1) OF THIS CODE, must be dedicated to the
30 electrical installation. No piping, ducts, or equipment foreign to the electrical
31 installation may be located in this space.

32 **Exception:** Suspended ceilings with removable panels are permitted within the
33 dedicated electrical space.

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1 Sections 210.6 to 210.10. *{As in NEC}*

2 Section 210.11. **Branch Circuits Required.** *{Introductory paragraph as in NEC}*

3 (A) - (B) *{As in NEC}*

4 (C) **Dwelling Units.**

5 (1) - (3) *{As in NEC}*

6 *Exception: {As in NEC}*

7 (4) **Window Air Conditioner Branch Circuits.** A circuit for a cord-connected window
8 air conditioner must contain a dedicated receptacle.

9 Sections 210.12 to 210.21. *{As in NEC}*

10 Section 210.23. **Permissible Loads.** *{Introductory paragraph as in NEC}*

11 (A) - (D) *{As in NEC}*

12 (E) **Circuits for Fuel-Burning Equipment.** For fuel-burning equipment such as oil and gas
13 burners and stokers, including auxiliaries such as fans, blowers, and pumps, an individual
14 branch circuit with a disconnecting means on the line side of all equipment and devices,
15 other than the branch-circuit fuses, must be provided. If 2 or more branch circuits are
16 provided for a fuel-burning system, they must be supplied through a common feeder with a
17 disconnecting means that will disconnect all components of the system.

18 (F) **Controls.** Oil burners, other than oil stoves with integral tanks, must be provided with a
19 device to manually stop the flow of oil to the burners. The device must be placed in a
20 convenient location at a safe distance from the burner. With electrically driven equipment,
21 this may be accomplished by an identified switch in the burner supply circuit, placed near the
22 entrance to the room where the burner is located.

23 (G) **[Emergency Switch for Fuel-Burning Equipment.** Fuel-burning equipment must have a
24 device to manually stop the flow of fuel at the fuel train to the burner. The device must be
25 placed in a convenient location at a safe distance from the burner and must be identified as
26 an emergency disconnect. *See IMC § 304.1.1.*] **DISCONNECTS FOR FUEL-BURNING**
27 **EQUIPMENT.** FUEL-BURNING EQUIPMENT MUST BE SUPPLIED WITH 2 EMERGENCY
28 DISCONNECT SWITCHES. ONE SWITCH MUST BE INSTALLED ON THE EQUIPMENT AND THE
29 OTHER IN A CONVENIENT LOCATION THAT IS NEAR THE ENTRANCE TO THE AREA WHERE THE
30 EQUIPMENT IS LOCATED. THESE SWITCHES MUST BE ABLE TO MANUALLY STOP THE FLOW OF
31 FUEL TO THE BURNER AND MUST BE IDENTIFIED AS EMERGENCY DISCONNECTS.

32 Sections 210.24 to 210.70. *{As in NEC}*

33 **Articles 215 to 220** *{As in NEC}*

34 **Article 225. Outside Branch Circuits and Feeders**

35 Sections 225.1 to [225.26] 225.27. *{As in NEC}*

36 Section 225.30. **Number of Supplies.** *{Introductory paragraph as in NEC}*

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1 **(A) Special Conditions.** Additional feeders or branch circuits are permitted to supply the
2 following:

3 **(1)** *{As in NEC}*

4 **(2)** *{Not Adopted}*

5 **(3) - (5)** *{As in NEC}*

6 **(6)** By special permission, systems designed for connection to multiple sources of supply for
7 purposes of enhanced reliability.

8 **(B) - (C)** *{As in NEC}*

9 **(D) Different Characteristics.** By special permission, additional feeders or branch circuits may
10 be used for different voltages, frequencies, or phases, or for different uses, such as control of
11 outside lighting from multiple locations.

12 **(E) Documented Switching Procedures.** *{As in NEC}*

13 **Sections 225.31 to [225.61] 225.70.** *{As in NEC}*

14 **Article 230. Services**

15 **Section 230.1. Scope.** *{As in NEC}*

16 **Section 230.2. Number of Services.** *{Introductory paragraph as in NEC}*

17 **(A) Special Conditions.** Additional services are permitted to supply the following:

18 **(1)** *{As in NEC}*

19 **(2)** *{Not Adopted}*

20 **(3) - (5)** *{As in NEC}*

21 **(6)** Systems designed for connection to multiple sources of supply for purposes of enhanced
22 reliability, if supplied from different utility transformers and connected by the tie
23 breaker.

24 **(B) - (C)** *{As in NEC}*

25 **(D) Different Characteristics.** By special permission, additional services may be used for
26 different voltages (where compatible), frequencies, or phases, or for different uses, such as
27 for different rate schedules.

28 **(E) Identification.** *{As in NEC}*

29 **Sections 230.3 to 230.23.** *{As in NEC}*

30 **Section 230.24. Clearances.** *{Introductory paragraph as in NEC}*

31 **(A) - [(D)] (E)** *{As in NEC}*

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1 **[(E)] (F) Clearance Above Decks.** Conductors must have a vertical clearance of at least 8' at the
2 lowest point above the deck surface.

3 **Sections 230.26 to 230.33.** *{As in NEC}*

4 **Section 230.40 Number of Service-Entrance Conductor Sets.** Each service drop or lateral may
5 supply only 1 set of service-entrance conductors.

6 **Exceptions:**

7 1. *{As in NEC, but by Special Permission Only}*

8 2. - 5. *{As in NEC}*

9 **Sections 230.41 to 230.212** *{As in NEC}*

10 **Article 240. Overcurrent Protection** *{As in NEC}*

11 **Article 250. Grounding and Bonding**

12 **Sections 250.1 to 250.50.** *{As in NEC}*

13 **Section 250.52. Grounding Electrodes.** *{[Introductory paragraph as in NEC]}*

14 **(A) Electrodes Permitted for Grounding.** *{As in NEC}*

15 **(B) [Electrodes] Not Permitted for USE AS Grounding ELECTRODES.** The following may not
16 be used as grounding electrodes:

17 (1) Gas piping or any other metallic piping or tank that contains flammable liquids

18 (2) *{As in NEC}*

19 **Sections 250.53 to 250.66.** *{As in NEC}*

20 **Section 250.68. Grounding Electrode Conductor and Bonding Jumper Connection to**
21 **Grounding Electrodes.** *{Introductory Paragraph as in NEC}*

22 **(A) Accessibility.** The connection of a grounding electrode conductor or bonding jumper
23 conductor to a grounding electrode must be:

24 (1) ahead of all turnoff valves and unions, and

25 (2) accessible.

26 **Exceptions:** *{As in NEC}*

27 **(B) Effective Grounding Path.** *{As in NEC}*

28 **Sections 250.70 to [250.190] 250.191.** *{As in NEC}*

29 **Articles 280 to 285** *{As in NEC}*

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Chapter 3. Wiring Methods and Materials

Articles 300 to 332 *{As in NEC}*

Article 334. Nonmetallic-Sheathed Cable: Types NM, NMC, and NMS

Sections 334.1 to [334.6] 334.24. *{As in NEC}*

[Section 334.10. Uses Permitted. Type NM, Type NMC, and Type NMS cables may be used in the following:]

[(1) *{As in NEC}*]

[(2) Multifamily dwellings permitted to be of Types III, IV, and V construction, except as prohibited in § 334.12 of this Code and subject to the requirements and limitations of item (5) of this section.]

[(3) Other structures permitted to be of Types III, IV, and V construction, except as prohibited in § 334.12 of this Code and subject to the requirements and limitations of item (5) of this section. Cables must be concealed within walls, floors, or ceilings, that provide a thermal barrier of material that has at least a 15-minute finish rating as identified in listings of fire-rated assemblies.]

[(4) *{As in NEC}*]

[(5) any dwelling or structure that:

a. contains no more than 4 floors of habitable space, and

b. is equipped with an approved automatic fire suppression system.]

[(A) - (C) *{As in NEC}*]

[Sections 334.12 to 334.24. *{As in NEC}*]

Section 334.30 Securing and Supporting. Nonmetallic-sheathed cable must be supported and secured by insulated (or, in a single-family dwelling, even by non-insulated) staples, cable ties, straps, hangers, or similar fittings, designed and installed so as not to damage the cable, at intervals not exceeding 4½ feet (1.4m) and within 12 inches (300 mm) of every outlet box, junction box, cabinet, or fitting. Flat cables may not be stapled on edge. Sections of cable protected from physical damage by a raceway need not be secured within the raceway.

(A) - (C) *{As in NEC}*

Section 334.40 to 334.116. *{As in NEC}*

Articles 336 to 384 *{As in NEC}*

Article 386. Surface Metal Raceways

Sections 386.1 to 386.60. *{As in NEC}*

Section 386.61 Equipment Grounding Conductor. In all occupancies, receptacle outlets supplied by a surface metal raceway must contain an equipment grounding conductor within the raceway.

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1 Sections 386.70 to 386.100. *{As in NEC}*

2 Articles 388 to [398] 399 *{As in NEC}*

3 Chapter 4. Equipment for General Use

4 Articles 400 to 411 *{As in NEC}*

5 Article 422. Appliances

6 Sections 422.1 to 422.46. *{As in NEC}*

7 Section 422.47. Water Heater Controls. *{Introductory paragraph as in NEC}*

8 (1) - (2) *{As in NEC}*

9 (3) **Disconnecting Means.** Circuits that supply water heaters must have a disconnecting means
10 other than the overcurrent device. This disconnecting means must be installed close to the
11 water heater.

12 *Exceptions: {As in NEC}*

13 Sections 422.48 to 422.62. *{As in NEC}*

14 Articles 424 to 490 *{As in NEC}*

15 Chapter 5. Special Occupancies

16 Articles 500 to 522 *{As in NEC}*

17 Article 525. Carnivals, Circuses, Fairs, and Similar Events

18 Sections 525.1 to 525.20. *{As in NEC}*

19 Section 525.21. Rides, Tents, and Concessions.

20 (A) - (B) *{As in NEC}*

21 (C) **Electrical Lamps.** Electrical fixtures must be so installed that lamps are kept at least
22 8 inches (203 mm) away from tent canvas or other combustible materials.

23 Section 525.22. **Portable Distribution or Termination Boxes.** Portable distribution or
24 termination boxes must comply with all of the requirements of this § 525.22.

25 (A) - (D) *{As in NEC}*

26 (E) **Junction Boxes.** Taps and connections within 8 feet (2.44 m) of the ground must be made in
27 junction boxes that are kept locked at all times when the public is on the grounds. Metal
28 junction boxes must be grounded.

29 Sections 525.23 to 525.32. *{As in NEC}*

30 Articles 530 to 590 *{As in NEC}*

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Chapter 6. Special Equipment

Article 600. Electric Signs and Outline Lighting

Sections 600.1 to 600.5. *{As in NEC}*

Section 600.6. Disconnects. *{Introductory paragraph as in NEC}*

Exceptions: {As in NEC}

(A) - (B) *{As in NEC}*

(C) Sign Outside Building. If a sign is supported on the outside of a building, the switch required by this section must be mounted adjacent to the sign on the outside of the building. Only the wiring on the load side of the switch is permitted within the sign.

Sections 600.7 to 600.42. *{As in NEC}*

Articles 604 to [692] 694 *{As in NEC}*

Article 695. Fire Pumps

Sections 695.1 to 695.2. *{As in NEC}*

Section 695.3. Power Source(s) for Electric Motor-Driven Fire Pumps. *{Introductory paragraph as in NEC}*

(A) - (C) *{AS IN NEC}*

[(A) Individual Sources. *{Introductory paragraph as in NEC}*

(1) Electric Utility Service Connection. *{As in NEC}*

(2) On-Site Power Production Facility. *{Not Adopted}*]

[(B) Multiple Sources. *{Introductory paragraph as in NEC}*

(1) Generator Capacity. An on-site generator(s) used to comply with this section must be of sufficient capacity to allow normal starting and running of the motor(s) driving the fire pump(s) while supplying all other simultaneously operated load. Automatic shedding of one or more optional standby loads to comply with this capacity requirement is permitted. A tap ahead of the on-site generator disconnecting means is required. The requirements of § 430.113 OF THIS CODE do not apply.

(2) - (3) *{As in NEC}*]

(D) ON-SITE STANDBY GENERATOR AS ALTERNATE SOURCE. *{INTRODUCTORY PARAGRAPH AS IN NEC}*

(1) CAPACITY. *{AS IN NEC}*

(2) CONNECTION. A TAP AHEAD OF THE GENERATOR DISCONNECTING MEANS IS REQUIRED.

(3) ADJACENT DISCONNECTS. THE REQUIREMENTS OF § 430.113 OF THIS CODE APPLY.

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1 (E) - (F) *{As in NEC}*

2 Sections 695.4 to 695.5. *{As in NEC}*

3 Section 695.6. Power Wiring. *{Introductory paragraph as in NEC}*

4 (A) [Service] SUPPLY Conductors. *{As in NEC}*

5 (1) - (2) *{As in NEC}*

6 *Exception TO (A)(2)(D): [As in NEC] {NOT ADOPTED}*

7 [(B) Circuit Conductors. *{Introductory Paragraph as in NEC}*]

8 [(1) - (3) *{As in NEC}*]

9 [*Exception: {Not Adopted}*]

10 [(C) - (H) *{As in NEC}*]

11 (B) - (J) *{AS IN NEC}*

12 Sections 695.7 to 695.10. *{As in NEC}*

13 Section 695.12. Equipment Location.

14 (A) - (F) *{As in NEC}*

15 (G) Fire Pump Location. Fire pump and associated equipment must be located in a separate
16 room that is enclosed with 2-hour fire-resistance-rated fire-separation assemblies.

17 Section 695.14. Control Wiring. *{As in NEC}*

18 **Chapter 7. Special Conditions**

19 **Article 700. Emergency Systems**

20 Sections 700.1 to [700.9] 700.10. *{As in NEC}*

21 Section 700.12. General Requirements. *{Introductory Paragraphs as in NEC}*

22 (A) - (C) *{As in NEC}*

23 (D) Separate Service. *{Not Adopted}*

24 (E) - (F) *{As in NEC}*

25 Sections 700.15 to 700.27. *{As in NEC}*

26 **Article 701. Legally Required Standby Systems**

27 Sections 701.1 to 701.10. *{As in NEC}*

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1 **Section [701.11] 701.12. [Legally Required Standby Systems] GENERAL REQUIREMENTS.**
2 *{Introductory paragraphs as in NEC}*

3 (A) - (C) *{As in NEC}*

4 (D) - (E) *{Not Adopted}*

5 (F) - (G) *{As in NEC}*

6 **Sections [701.15] 701.25 to [701.18] 701.27. *{As in NEC}***

7 **Article 702. Optional Standby Systems**

8 **Sections 702.1 to [702.11] 702.12. *{As in NEC}***

9 **Section [702.12] 702.13. Portable Gasoline-Powered Generators.** Where public utility service is
10 available, a portable gasoline-powered generator may not be used in place of normal power source.

11 *Exception:* Where power is interrupted due to emergency conditions.

12 **Articles 705 to 770 *{As in NEC}***

13 **Chapter 8. Communications Systems**

14 *{As in NEC}*

15 **Chapter 9. Tables**

16 *{As in NEC}*

17 **PART IV. INTERNATIONAL FUEL GAS CODE**

18 **§ 4-101. CITY ADOPTION.**

19 (A) *IN GENERAL.*

20 THE INTERNATIONAL FUEL GAS CODE (2012 EDITION) IS ADOPTED AS PART OF THE
21 BUILDING, FIRE, AND RELATED CODES OF BALTIMORE CITY, SUBJECT TO THE ADDITIONS,
22 DELETIONS, AMENDMENTS, AND OTHER MODIFICATIONS CONTAINED IN THIS PART IV.

23 (B) *CODIFICATION.*

24 UNLESS OTHERWISE SPECIFIED, CHAPTER AND SECTION NUMBERS IN THIS PART IV REFER
25 TO THE CHAPTER AND SECTION NUMBERS OF THE INTERNATIONAL FUEL GAS CODE.

26 **§ 4-102. CITY MODIFICATIONS.**

27 THE ADDITIONS, DELETIONS, AMENDMENTS, AND OTHER MODIFICATIONS ADOPTED BY THE
28 CITY ARE AS FOLLOWS:

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CHAPTER 1. SCOPE AND ADMINISTRATION

SECTION 101 GENERAL

101.1 TITLE. THE REGULATIONS CONTAINED IN THIS CODE CONSTITUTE AND ARE KNOWN AS THE “BALTIMORE CITY FUEL GAS CODE”.

101.1.1 REFERENCES TO “THIS CODE”. ALL REFERENCES TO “THIS CODE” REFER TO THE BALTIMORE CITY FUEL GAS CODE.

101.2 TO 101.5 *{AS IN IFGC}*

SECTION 102 APPLICABILITY *{AS IN IFGC}*

SECTION 103 DEPARTMENT OF INSPECTION

103.1 GENERAL. THIS CODE IS ADMINISTERED AND ENFORCED BY THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND ITS COMMISSIONER. ACCORDINGLY, IN THIS CODE:

1. “DEPARTMENT OF INSPECTION” OR “DEPARTMENT” MEANS THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, AND
2. “CODE OFFICIAL”, MEANS THE BUILDING OFFICIAL, AS DEFINED IN § 202.2 OF THE BALTIMORE CITY BUILDING CODE.

103.2 TO 103.3 *{NOT ADOPTED}*

103.4 LIABILITY *{NOT ADOPTED. SEE STATE COURTS ARTICLE § 5-302}*

SECTION 104 DUTIES AND POWERS OF CODE OFFICIAL

104.1 TO 104.2 *{AS IN IFGC}*

104.3 INSPECTIONS. THE CODE OFFICIAL MUST MAKE ALL OF THE REQUIRED INSPECTIONS OR ACCEPT REPORTS OF INSPECTION BY APPROVED AGENCIES OR INDIVIDUALS. ALL REPORTS OF THESE INSPECTIONS MUST BE IN WRITING AND SIGNED BY A RESPONSIBLE OFFICER OF THE APPROVED AGENCY OR BY THE RESPONSIBLE INDIVIDUAL. THE CODE OFFICIAL MAY ENGAGE ANY EXPERT OPINION THAT THE CODE OFFICIAL CONSIDERS NECESSARY TO REPORT ON UNUSUAL TECHNICAL ISSUES THAT ARISE.

104.4 RIGHT OF ENTRY. THE CODE OFFICIAL MAY ENTER ANY STRUCTURE OR PREMISES AT REASONABLE TIMES TO INSPECT, SUBJECT TO CONSTITUTIONAL RESTRICTIONS ON UNREASONABLE SEARCHES AND SEIZURES. IF ENTRY IS REFUSED OR NOT OBTAINED, THE CODE OFFICIAL MAY PURSUE RECOURSE AS PROVIDED BY LAW, INCLUDING § 104 {... POWERS OF BUILDING OFFICIAL} OF THE BALTIMORE CITY BUILDING CODE.

104.5 IDENTIFICATION. *{AS IN IFGC}*

104.6 NOTICES AND ORDERS. THE CODE OFFICIAL MAY ISSUE ALL NOTICES OR ORDERS NECESSARY TO ENSURE COMPLIANCE WITH THIS CODE.

104.7 DEPARTMENT RECORDS. THE CODE OFFICIAL MUST KEEP RECORDS OF ALL OF THE DEPARTMENT’S BUSINESS AND ACTIVITIES UNDER THIS CODE.

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1 **SECTION 105 APPROVAL**

2 **105.1 MODIFICATIONS. *{AS IN IFGC}***

3 **105.2 ALTERNATIVE MATERIALS, METHODS, AND EQUIPMENT.** THE PROVISIONS OF THIS CODE ARE
4 NOT INTENDED TO PREVENT THE INSTALLATION OF ANY MATERIAL OR TO PROHIBIT ANY METHOD OF
5 CONSTRUCTION NOT SPECIFICALLY PRESCRIBED BY THIS CODE, AS LONG AS THAT ALTERNATIVE HAS
6 BEEN APPROVED. AN ALTERNATIVE MATERIAL OR METHOD OF CONSTRUCTION MAY BE APPROVED IF
7 THE CODE OFFICIAL FINDS THAT THE PROPOSED DESIGN IS SATISFACTORY AND COMPLIES WITH THE
8 INTENT OF THIS CODE AND THAT THE MATERIAL, METHOD, OR WORK OFFERED IS, FOR THE PURPOSE
9 INTENDED, AT LEAST THE EQUIVALENT OF THAT PRESCRIBED IN THIS CODE IN QUALITY, STRENGTH,
10 EFFECTIVENESS, FIRE RESISTANCE, DURABILITY, AND SAFETY.

11 **105.3 TO 105.5 *{AS IN IFGC}***

12 **SECTION 106 PERMITS**

13 **106.1 TO 106.2 *{AS IN IFGC}***

14 **106.3 APPLICATION FOR PERMIT.** THE REQUIREMENTS FOR OBTAINING A PERMIT ARE AS SET FORTH
15 IN § 105.3 {"APPLICATION FOR PERMIT"} OF THE BALTIMORE CITY BUILDING CODE.

16 **106.3.1 TO 106.3.2 *{NOT ADOPTED}***

17
18 **106.4 PRELIMINARY INSPECTION. *{AS IN IFGC}***

19 **106.5 PERMIT ISSUANCE. *{AS IN IFGC}***

20 **106.5.1 TO 106.5.2 *{AS IN IFGC}***

21 **106.5.3 EXPIRATION.** UNLESS EXTENDED, A PERMIT EXPIRES AS SET FORTH IN § 105.5
22 {"EXPIRATION; EXTENSION"} OF THE BALTIMORE CITY BUILDING CODE.

23 **106.5.4 EXTENSION.** A PERMIT MAY BE EXTENDED AS PROVIDED IN § 105.5 {"EXPIRATION;
24 EXTENSION"} OF THE BALTIMORE CITY BUILDING CODE.

25 **106.5.5 SUSPENSION OR REVOCATION.** THE BUILDING OFFICIAL MAY SUSPEND OR REVOKE A
26 PERMIT AS PROVIDED IN § 105.6 {"SUSPENSION OR REVOCATION"} OF THE BALTIMORE CITY
27 BUILDING CODE.

28 **106.5.6 TO 106.5.8 *{AS IN IFGC}***

29 **106.6 FEES. *{AS IN IFGC}***

30 **106.6.1 WORK COMMENCING BEFORE PERMIT ISSUANCE *{NOT ADOPTED}***

31 **106.6.2 FEE SCHEDULE.** THE FEES FOR WORK ARE AS SET FORTH IN § 109 {"FEES"} OF THE
32 BALTIMORE CITY BUILDING CODE.

33 **106.6.3 FEE REFUNDS *{NOT ADOPTED}***

34 **SECTION 107 INSPECTIONS AND TESTING *{AS IN IFGC}***

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1 SECTION 108 VIOLATIONS

2 **108.1 TO 108.3** *{AS IN IFGC}*

3 **108.4 VIOLATION PENALTIES.** THE PENALTIES FOR A VIOLATION OF THIS CODE ARE AS PROVIDED IN
4 § 114 {"VIOLATIONS"} OF THE BALTIMORE CITY BUILDING CODE FOR A VIOLATION THAT CODE.

5 **108.5 STOP-WORK ORDERS.** THE ISSUANCE AND ENFORCEMENT OF STOP-WORK ORDERS ARE AS
6 PROVIDED IN § 115 {"STOP-WORK ORDER"} OF THE BALTIMORE CITY BUILDING CODE.

7 **108.6 TO 108.7** *{AS IN IFGC}*

8 SECTION 109. ADMINISTRATIVE AND JUDICIAL REVIEW

9 **109.1 GENERAL.** A DECISION OF THE CODE OFFICIAL IS SUBJECT TO ADMINISTRATIVE AND JUDICIAL
10 REVIEW AS PROVIDED IN THE BALTIMORE CITY BUILDING CODE.

11 **109.2 TO 109.7** *{NOT ADOPTED}*

12 SECTION 110 TEMPORARY EQUIPMENT, SYSTEMS, AND USES *{AS IN IFGC}*

13 CHAPTER 2. DEFINITIONS

14 SECTION 201 GENERAL

15 **201.1 TO 201.2** *{AS IN IFGC}*

16 **201.3 TERMS DEFINED IN OTHER CODES.** IF A TERM IS NOT DEFINED IN THIS CODE AND IS DEFINED IN
17 THE BALTIMORE CITY BUILDING CODE OR IN ONE OR ANOTHER OF THE STANDARDS AND CODES LISTED
18 IN § 101.4 {"REFERENCED CODES"} OF THE BALTIMORE CITY BUILDING CODE, THE TERM HAS THE
19 MEANING GIVEN TO IT IN THAT CODE OR STANDARD.

20 **201.4 TERMS NOT DEFINED.** *{AS IN IFGC}*

21 SECTION 202 GENERAL DEFINITIONS

22 **202.1 GENERAL.** EXCEPT AS PROVIDED IN § 202.2 OF THIS CODE, TERMS THAT ARE USED AND
23 DEFINED IN THE INTERNATIONAL FUEL GAS CODE (2012 EDITION) HAVE THE MEANINGS GIVEN IN THE
24 INTERNATIONAL FUEL GAS CODE (2012 EDITION).

25 **202.2 SUPPLEMENTAL DEFINITIONS** NOTWITHSTANDING ANY DIFFERENT DEFINITION IN THE
26 INTERNATIONAL FUEL GAS CODE, THE FOLLOWING TERMS HAVE THE MEANINGS GIVEN IN THIS
27 § 202.2.

28 **202.2.1 BUILDING.** "BUILDING" HAS THE MEANING STATED IN § 202.2 OF THE BALTIMORE CITY
29 BUILDING CODE.

30 **202.2.2 CODE OFFICIAL.** "CODE OFFICIAL" HAS THE MEANING STATED IN § 103.1 OF THIS CODE.

31 **202.2.3 MAY NOT, ETC.** "MAY NOT", "MUST NOT", AND "NO ... MAY" ARE EACH MANDATORY
32 NEGATIVE TERMS USED TO ESTABLISH A PROHIBITION.

33 **202.2.4 MUST/SHALL.** "MUST" AND "SHALL" ARE EACH MANDATORY TERMS USED TO EXPRESS A
34 REQUIREMENT OR TO IMPOSE A DUTY.

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1 SECTIONS 622 TO 635 *{AS IN IFGC}*

2 CHAPTER 7. GASEOUS HYDROGEN SYSTEMS
3 *{AS IN IFGC}*

4 CHAPTER 8. REFERENCED STANDARDS
5 *{AS IN IFGC}*

6 APPENDICES A TO D
7 *{INFORMATIONAL. NOT ADOPTED}*

8 Part V. International Mechanical Code

9 § 5-101. City adoption.

10 (a) *In general.*

11 The International Mechanical Code [(2009 Edition)] (2012 EDITION) is adopted as part of the
12 Building, Fire, and Related Codes of Baltimore City, subject to the additions, deletions,
13 amendments, and other modifications contained in this Part V.

14 (b) *Codification.*

15 Unless otherwise specified, chapter and section numbers in this Part V refer to the chapter and
16 section numbers of the International Mechanical Code.

17 § 5-102. City modifications.

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

19 Chapter 1. SCOPE AND Administration

20 Section 101 General

21 **101.1 Title.** [These] THE regulations CONTAINED IN THIS CODE constitute and are known as the
22 “BALTIMORE CITY Mechanical Code [of Baltimore City]”.

23 **101.1.1 References to “this Code”.** All references to “this Code” refer to the BALTIMORE CITY
24 Mechanical Code [of Baltimore City].

25 [101.2 Scope. *{Substitute “National Fuel Gas Code” for “International Fuel Gas Code”.*
26 *Otherwise, as in IMC.}*

27 **101.2 [101.3] to 101.4** *{As in IMC}*

28 Section 102 Applicability *{As in IMC}*

29 Section 103 Department of Mechanical Inspection

30 **103.1 General.** This Code is administered and enforced by the Department of Housing and
31 Community Development and its Commissioner. Accordingly, in this Code:

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- 1 1. “Department of Mechanical Inspection” or “Department” means the Department of Housing
2 and Community Development, and
- 3 2. “Code Official”, means the Building Official, as defined in § 202.2 of the BALTIMORE CITY
4 Building Code [of Baltimore City].

5 **103.2 to [103.4] 103.3 {Not adopted}**

6 **103.4 LIABILITY. {NOT ADOPTED. SEE STATE COURTS ARTICLE § 5-302}**

7 **[Sections 104 to 105 {As in IMC}]**

8 **SECTION 104 DUTIES AND POWERS OF CODE OFFICIAL**

9 **104.1 TO 104.2 {AS IN IMC}**

10 **104.3 INSPECTIONS.** THE CODE OFFICIAL MUST MAKE ALL OF THE REQUIRED INSPECTIONS OR
11 ACCEPT REPORTS OF INSPECTION BY APPROVED AGENCIES OR INDIVIDUALS. ALL REPORTS OF THESE
12 INSPECTIONS MUST BE IN WRITING AND SIGNED BY A RESPONSIBLE OFFICER OF THE APPROVED AGENCY
13 OR BY THE RESPONSIBLE INDIVIDUAL. THE CODE OFFICIAL MAY ENGAGE ANY EXPERT OPINION THAT
14 THE CODE OFFICIAL CONSIDERS NECESSARY TO REPORT ON UNUSUAL TECHNICAL ISSUES THAT ARISE.

15 **104.4 RIGHT OF ENTRY.** THE CODE OFFICIAL MAY ENTER ANY STRUCTURE OR PREMISES AT
16 REASONABLE TIMES TO INSPECT, SUBJECT TO CONSTITUTIONAL RESTRICTIONS ON UNREASONABLE
17 SEARCHES AND SEIZURES. IF ENTRY IS REFUSED OR NOT OBTAINED, THE CODE OFFICIAL MAY PURSUE
18 RECOURSE AS PROVIDED BY LAW, INCLUDING § 104 {“...POWERS OF BUILDING OFFICIAL”} OF THE
19 BALTIMORE CITY BUILDING CODE.

20 **104.5 IDENTIFICATION. {AS IN IMC}**

21 **104.6 NOTICES AND ORDERS.** THE CODE OFFICIAL MAY ISSUE ALL NOTICES OR ORDERS NECESSARY
22 TO ENSURE COMPLIANCE WITH THIS CODE.

23 **104.7 DEPARTMENT RECORDS.** THE CODE OFFICIAL MUST KEEP RECORDS OF ALL OF THE
24 DEPARTMENT’S BUSINESS AND ACTIVITIES UNDER THIS CODE.

25 **SECTION 105 APPROVAL**

26 **105.1 MODIFICATIONS. {AS IN IMC}**

27 **105.2 ALTERNATIVE MATERIALS, METHODS, AND EQUIPMENT.** THE PROVISIONS OF THIS CODE ARE
28 NOT INTENDED TO PREVENT THE INSTALLATION OF ANY MATERIAL OR TO PROHIBIT ANY METHOD OF
29 CONSTRUCTION NOT SPECIFICALLY PRESCRIBED BY THIS CODE, AS LONG AS THAT ALTERNATIVE HAS
30 BEEN APPROVED. AN ALTERNATIVE MATERIAL OR METHOD OF CONSTRUCTION MAY BE APPROVED IF
31 THE CODE OFFICIAL FINDS THAT THE PROPOSED DESIGN IS SATISFACTORY AND COMPLIES WITH THE
32 INTENT OF THIS CODE AND THAT THE MATERIAL, METHOD, OR WORK OFFERED IS, FOR THE PURPOSE
33 INTENDED, AT LEAST THE EQUIVALENT OF THAT PRESCRIBED IN THIS CODE IN QUALITY, STRENGTH,
34 EFFECTIVENESS, FIRE RESISTANCE, DURABILITY, AND SAFETY.

35 **105.3 TO 105.5 {AS IN IMC}**

36 **Section 106 Permits**

37 **106.1 to [106.4] 106.2 {As in IMC}**

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1 **106.3 APPLICATION FOR PERMIT.** THE REQUIREMENTS FOR OBTAINING A PERMIT ARE AS SET FORTH
2 IN § 105.3 {"APPLICATION FOR PERMIT"} OF THE BALTIMORE CITY BUILDING CODE.

3 **106.3.1 TO 106.3.3** *{NOT ADOPTED}*

4 **106.4 PERMIT ISSUANCE.** *{AS IN IMC}*

5 **106.4.1 to 106.4.2** *{AS IN IMC}*

6 **106.4.3 EXPIRATION.** UNLESS EXTENDED, A PERMIT EXPIRES AS SET FORTH IN § 105.5
7 {"EXPIRATION; EXTENSION"} OF THE BALTIMORE CITY BUILDING CODE.

8 **106.4.4 EXTENSION.** AN EXPIRED PERMIT MAY BE EXTENDED AS PROVIDED IN § 105.5
9 {"EXPIRATION; EXTENSION"} OF THE BALTIMORE CITY BUILDING CODE.

10 **106.4.5 SUSPENSION OR REVOCATION.** THE BUILDING OFFICIAL MAY SUSPEND OR REVOKE A
11 PERMIT AS PROVIDED IN § 105.6 {"SUSPENSION OR REVOCATION"} OF THE BALTIMORE CITY
12 BUILDING CODE.

13 **106.4.6 TO 106.4.8** *{AS IN IMC}*

14 **106.5 Fees.** *{As in IMC}*

15 **106.5.1 Work commencing before permit issuance.** *{Not Adopted}*

16 **106.5.2 Fee schedule.** The fees for mechanical work are as provided in § 109 {"FEES"} OF THE
17 Baltimore City Building Code.

18 **106.5.3 Fee refunds.** *{Not Adopted}*

19 **Section 107 Inspections and Testing** *{As in IMC}*

20 **Section 108 Violations**

21 **108.1 to 108.3** *{As in IMC}*

22 **108.4 Violation penalties.** The penalties for a violation of this Code are as provided IN § 114
23 {"VIOLATIONS"} OF THE BALTIMORE CITY BUILDING CODE for a violation of [the Baltimore City
24 Building] THAT Code.

25 **108.5 Stop-work orders.** The issuance and enforcement of stop-work orders are as provided in
26 § 115 {"STOP-WORK ORDER"} OF the Baltimore City Building Code.

27 **108.6 to 108.7** *{As in IMC}*

28 **Section 109 Administrative and Judicial Review**

29 **109.1 General.** A decision of the Code Official is subject to administrative and judicial review as
30 provided in the Baltimore City Building Code.

31 **109.2 to 109.7** *{Not Adopted}*

32 **Section 110 Temporary Equipment, Systems, and Uses** *{As in IMC}*

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Chapter 2. Definitions

Section 201 General

201.1 to 201.2 *{As in IMC}*

201.3 **Terms defined in other codes.** If a term is not defined in this Code and is defined in the Baltimore City Building Code or in one or another of the standards and codes listed in § 101.4 {"REFERENCED CODES"} of the Baltimore City Building Code, the term has the meaning given to it in that code or standard.

201.4 **Terms not defined.** *{As in IMC}*

Section 202 General Definitions

202.1 **General.** Except as provided in § 202.2 OF THIS CODE, terms that are used and defined in the International Mechanical Code [(2009 Edition)] (2012 EDITION) have the meanings given in the International Mechanical Code [(2009 Edition)] (2012 EDITION) .

202.2 **Supplemental definitions** Notwithstanding any different definition in the International Mechanical Code, the following terms have the meanings given in this § 202.2.

202.2.1 **Building.** "Building" has the meaning stated in IMC § 202 and, unless the context indicates otherwise, includes premises and lands.

202.2.2 **Code Official.** "Code Official" has the meaning stated in § 103.1 of this Code.

202.2.3 **May not, etc.** "May not", "must not", and "no ... may" are each mandatory negative terms used to establish a prohibition.

202.2.4 **Must/shall.** "Must" and "shall" are each mandatory terms used to express a requirement or to impose a duty.

202.2.5 **Occupancy.** "Occupancy" HAS THE MEANING STATED IN § 202.2 OF THE BALTIMORE CITY BUILDING CODE [means:

1. the state of occupying or using lands, buildings, or structures, or
2. the act of taking, holding possession of, or using lands, buildings, or structures].

202.2.6 **Premises.** "Premises" [means a lot or group of lots, together with all or any part of any buildings or structures on the lot or group of lots, considered as a unit devoted to a particular use, including accessory structures and open spaces required or used in connection with that particular use] HAS THE MEANING STATED IN § 202.2 OF THE BALTIMORE CITY BUILDING CODE.

Chapter 3. General Regulations

Section 301 General

301.1 to [301.2] 301.5 *{As in IMC}*

[301.3] 301.6 **Fuel gas appliances and equipment.** The approval and installation of fuel gas distribution piping and equipment, fuel gas-fired appliances, and fuel gas-fired appliance venting systems must be in accordance with the [National] INTERNATIONAL Fuel Gas Code.

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1 [301.4] 301.7 to [301.7] 301.10 *{As in IMC}*

2 [301.8] 301.11 **Plumbing connections.** Potable water supply and building drainage system
3 connections to equipment and appliances regulated by this code must be accordance with the
4 [National Standard] INTERNATIONAL Plumbing Code.

5 [301.9] 301.12 to [301.15] 301.18 *{As in IMC}*

6 **Section 302 Protection of Structure** *{As in IMC}*

7 **Section 303 Equipment and Appliance Location**

8 **303.1 to 303.2** *{As in IMC}*

9 **303.3 Prohibited Locations.** Fuel-fired appliances may not be located in, or obtain combustion air
10 from, any of the following rooms or spaces:

- 11 1. sleeping rooms,
- 12 2. bathrooms,
- 13 3. toilet rooms,
- 14 4. storage closets,
- 15 5. surgical rooms, or
- 16 6. residential kitchens (except cooking appliances).

17 *Exception: {As in IMC}*

18 **303.4 to 303.8** *{As in IMC}*

19 **Section 304 Installation**

20 **304.1 to 304.12** *{As in IMC}*

21 **304.13 Disconnects For Fuel-Burning Equipment.** Fuel-burning equipment must be supplied with
22 2 emergency disconnect switches. One switch must be installed on the equipment and the other in a
23 convenient, labeled location that is near the entrance to the area where the equipment is located.

24 THESE SWITCHES MUST BE ABLE TO MANUALLY STOP THE FLOW OF FUEL TO THE BURNER AND MUST BE
25 IDENTIFIED AS EMERGENCY DISCONNECTS.

26 **Sections 305 to 306** *{As in IMC}*

27 **Section 307 Condensate Disposal**

28 **307.1 Fuel-burning appliances.** *{As in IMC}*

29 **307.2 Evaporators and cooling coils.** *{As in IMC}*

30 **307.2.1 Condensate disposal.** Condensate from all cooling coils or evaporators must be
31 conveyed from the drain pan outlet to an approved place of disposal. The piping must maintain a
32 minimum horizontal slope in the direction of discharge of not less than one-eighth unit vertical in
33 12 units horizontal (1% slope). Condensate may not discharge into a street, alley, or other area

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1 so as to cause a nuisance. Clear water discharge must be conveyed to the storm drain unless
2 otherwise approved by the Code Official.

3 **307.2.2 Drain pipe material and sizes.** [*Substitute “National Standard Plumbing Code” for*
4 *“International Plumbing Code”. Otherwise, as in IMC.*] *{AS IN IMC}*

5 **307.2.3 Auxiliary and secondary drain systems.** *{As in IMC}*

6 **307.2.4 Traps.** *{Not adopted}*

7 **Sections 308 to 312 [311]** *{As in IMC}*

8 **[Section 312 Heating and Cooling Load Calculations]**

9 **[312.1 Load Calculations.** Heating and cooling system design loads for the purpose of sizing
10 systems, appliances, and equipment must be determined in accordance with the procedures described
11 in ASHRAE/ACCA Standard 183. Alternatively, design loads must be determined by an approved
12 equivalent computation procedure, using the design parameters specified in Chapter 3 of the
13 International Energy Conservation Code and § 301.2 of this Code. For new or replaced heating and
14 cooling equipment, envelope calculations based on Manual “J”, published by the Air Conditioning
15 Contractors of America, or its equivalent must be made available to the Code Official on request.]

16 **Chapter 4. Ventilation**

17 *{As in IMC}*

18 **Chapter 5. Exhaust Systems**

19 **Section 501 General**

20 **501.1 TO 501.2 [Scope.]** *{As in IMC}*

21
22 **501.3 [501.2] Exhaust discharge.** *{As in IMC}*

23 **Exceptions:**

24 1. *{As in IMC}*

25 2. *{Not adopted}*

26 **501.3.1 [501.2.1] Location of exhaust outlets.** *{As in IMC}*

27 **501.3.2 EXHAUST OPENING PROTECTION.** *{AS IN IMC}*

28 **501.4 [501.3] to 501.5** *{As in IMC}*

29 **Section 502 Required Systems**

30 **502.1 to 502.13** *{As in IMC}*

31 **502.14 Motor vehicle operation.** In any area where motor vehicles operate:

- 32 1. mechanical ventilation must be provided in accordance with § 403 OF THIS CODE,
33 2. for stationary motor vehicles, the area must be provided with a source capture system that
34 connects directly to the motor vehicle exhaust systems, and

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1 3. in fuel-dispensing areas, the bottom of the air inlet or exhaust opening must be located no
2 more than 18 inches (203 mm) above the floor.

3 **Exceptions:** *{As in IMC}*

4 **502.15 to 502.19** *{As in IMC}*

5 **Sections 503 to [511] 514** *{As in IMC}*

6 **[Section 512 Subslab Soil Exhaust Systems** *{Substitute “National Standard Plumbing Code”*
7 *for “International Plumbing Code”. Otherwise, as in IMC.}*

8 **[Section 513 Smoke Control Systems** *{As in IMC}*]

9 Chapter 6. Duct Systems

10 **Section 601 General** *{As in IMC}*

11 **Section 602 Plenums**

12 **602.1 to 602.2** *{As in IMC}*

13 **602.3 Stud cavity and joist space plenums.** *{As in IMC}*

14 1 - [5] 6. *{As in IMC}*

15 [6] 7. Stud wall cavities and spaces between solid floor joists abutting garage walls may not be
16 utilized as air plenums.

17 **602.4 Flood hazard.** *{As in IMC}*

18 **Sections 603 to 607** *{As in IMC}*

19 Chapter 7. Combustion Air

20 *{AS IN IMC}*

21 *[Substitute “National Fuel Gas Code” for “International Fuel Gas Code”.*
22 *Otherwise, as in IMC.}*

23 Chapter 8. Chimneys and Vents

24 **Section 801 General**

25 **[801.1 Scope** *{Substitute “National Fuel Gas Code” for “International Fuel Gas Code”.*
26 *Otherwise as in IMC.}*

27 **[801.2] 801.1 to 801.17** *{As in IMC}*

28 **801.18 Existing chimneys and vents.** *{As in IMC}*

29 **801.18.1 to 801.18.4** *{As in IMC}*

30 **801.18.5 Prohibited use.** Masonry chimneys may not be used simultaneously as air duct chases
31 and flue gas chases.

32 **801.19 Multistory prohibited.** *{As in IMC}*

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Chapter 15. Referenced Standards *{AS IN IMC}*

[Section 1501 General]

[1501.1 Scope. This Chapter 15 lists the standards that are referred to in various sections of this Code. The standards are listed by the promulgating entity, the standard identification, the effective date and title, and the section(s) of this Code that refer to the standard. The application of these standards is as specified in § 102.8 of this Code.]

[1501.2 City modifications. The following substitutions should be made in the standards listed:

1. For International Fuel Gas Code,
substitute **National Fuel Gas Code (2009 Edition)**.
2. For International Plumbing Code,
substitute **National Standard Plumbing Code (2009 Edition)**.]

PART VI. INTERNATIONAL PLUMBING CODE

§ 6-101. CITY ADOPTION.

(A) *IN GENERAL.*

THE INTERNATIONAL PLUMBING CODE (2012 EDITION) IS ADOPTED AS PART OF THE BUILDING, FIRE, AND RELATED CODES OF BALTIMORE CITY, SUBJECT TO THE ADDITIONS, DELETIONS, AMENDMENTS, AND OTHER MODIFICATIONS CONTAINED IN THIS PART VI.

(B) *CODIFICATION.*

UNLESS OTHERWISE SPECIFIED, CHAPTER AND SECTION NUMBERS IN THIS PART VI REFER TO THE CHAPTER AND SECTION NUMBERS OF THE INTERNATIONAL PLUMBING CODE.

§ 6-102. CITY MODIFICATIONS.

THE ADDITIONS, DELETIONS, AMENDMENTS, AND OTHER MODIFICATIONS ADOPTED BY THE CITY ARE AS FOLLOWS:

CHAPTER 1. SCOPE AND ADMINISTRATION

SECTION 101 GENERAL

101.1 TITLE. THE REGULATIONS CONTAINED IN THIS CODE CONSTITUTE AND ARE KNOWN AS THE “BALTIMORE CITY PLUMBING CODE”.

101.1.1 REFERENCES TO “THIS CODE”. ALL REFERENCES TO “THIS CODE” REFER TO THE BALTIMORE CITY PLUMBING CODE.

101.2 TO 101.4

SECTION 102 APPLICABILITY *{AS IN IPC}*

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1 **SECTION 103 DEPARTMENT OF PLUMBING INSPECTION**

2 **103.1 GENERAL.** THIS CODE IS ADMINISTERED AND ENFORCED BY THE DEPARTMENT OF HOUSING
3 AND COMMUNITY DEVELOPMENT AND ITS COMMISSIONER. ACCORDINGLY, IN THIS CODE:

- 4 1. “DEPARTMENT OF PLUMBING INSPECTION” OR “DEPARTMENT” MEANS THE DEPARTMENT OF
5 HOUSING AND COMMUNITY DEVELOPMENT, AND
- 6 2. “CODE OFFICIAL”, MEANS THE BUILDING OFFICIAL, AS DEFINED IN § 202.2 OF THE
7 BALTIMORE CITY BUILDING CODE.

8 **103.2 TO 103.3 {NOT ADOPTED}**

9 **103.4 LIABILITY {NOT ADOPTED. SEE STATE COURTS ARTICLE § 5-302}**

10 **SECTION 104 DUTIES AND POWERS OF CODE OFFICIAL**

11 **104.1 TO 104.2 {AS IN IPC}**

12 **104.3 INSPECTIONS.** THE CODE OFFICIAL MUST MAKE ALL OF THE REQUIRED INSPECTIONS OR
13 ACCEPT REPORTS OF INSPECTION BY APPROVED AGENCIES OR INDIVIDUALS. ALL REPORTS OF THESE
14 INSPECTIONS MUST BE IN WRITING AND SIGNED BY A RESPONSIBLE OFFICER OF THE APPROVED AGENCY
15 OR BY THE RESPONSIBLE INDIVIDUAL. THE CODE OFFICIAL MAY ENGAGE ANY EXPERT OPINION THAT
16 THE CODE OFFICIAL CONSIDERS NECESSARY TO REPORT ON UNUSUAL TECHNICAL ISSUES THAT ARISE.

17 **104.4 RIGHT OF ENTRY.** THE CODE OFFICIAL MAY ENTER ANY STRUCTURE OR PREMISES AT
18 REASONABLE TIMES TO INSPECT, SUBJECT TO CONSTITUTIONAL RESTRICTIONS ON UNREASONABLE
19 SEARCHES AND SEIZURES. IF ENTRY IS REFUSED OR NOT OBTAINED, THE CODE OFFICIAL MAY PURSUE
20 RECOURSE AS PROVIDED BY LAW, INCLUDING § 104 {... POWERS OF BUILDING OFFICIAL”} OF THE
21 BALTIMORE CITY BUILDING CODE.

22 **104.5 IDENTIFICATION. {AS IN IPC}**

23 **104.6 NOTICES AND ORDERS.** THE CODE OFFICIAL MAY ISSUE ALL NOTICES OR ORDERS NECESSARY
24 TO ENSURE COMPLIANCE WITH THIS CODE.

25 **104.7 DEPARTMENT RECORDS.** THE CODE OFFICIAL MUST KEEP RECORDS OF ALL OF THE
26 DEPARTMENT’S BUSINESS AND ACTIVITIES UNDER THIS CODE.

27 **SECTION 105 APPROVAL.**

28 **105.1 MODIFICATIONS. {AS IN IPC}**

29 **105.2 ALTERNATIVE MATERIALS, METHODS, AND EQUIPMENT.** THE PROVISIONS OF THIS CODE ARE
30 NOT INTENDED TO PREVENT THE INSTALLATION OF ANY MATERIAL OR TO PROHIBIT ANY METHOD OF
31 CONSTRUCTION NOT SPECIFICALLY PRESCRIBED BY THIS CODE, AS LONG AS THAT ALTERNATIVE HAS
32 BEEN APPROVED. AN ALTERNATIVE MATERIAL OR METHOD OF CONSTRUCTION MAY BE APPROVED IF
33 THE CODE OFFICIAL FINDS THAT THE PROPOSED DESIGN IS SATISFACTORY AND COMPLIES WITH THE
34 INTENT OF THIS CODE AND THAT THE MATERIAL, METHOD, OR WORK OFFERED IS, FOR THE PURPOSE
35 INTENDED, AT LEAST THE EQUIVALENT OF THAT PRESCRIBED IN THIS CODE IN QUALITY, STRENGTH,
36 EFFECTIVENESS, FIRE RESISTANCE, DURABILITY, AND SAFETY.

37 **105.3 TO 105.5 {AS IN IPC}**

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1 SECTION 106 PERMITS

2 **106.1 TO 106.2** *{AS IN IPC}*

3 **106.3 APPLICATION FOR PERMIT.** THE REQUIREMENTS FOR OBTAINING A PERMIT ARE AS SET FORTH
4 IN § 105.3 {"APPLICATION FOR PERMIT"} OF THE BALTIMORE CITY BUILDING CODE.

5 **106.3.1 TO 106.3.2** *{NOT ADOPTED}*

6 **106.4 BY WHOM APPLICATION MADE** *{AS IN IPC}*

7 **106.5 PERMIT ISSUANCE.** *{AS IN IPC}*

8 **106.5.1 TO 106.5.2** *{AS IN IPC}*

9 **106.5.3 EXPIRATION.** A PERMIT EXPIRES AT THE TIMES AND UNDER THE CIRCUMSTANCES SET
10 FORTH IN § 105.5 {"EXPIRATION; EXTENSION"} OF THE BALTIMORE CITY BUILDING CODE.

11 **106.5.4 EXTENSIONS.** A PERMIT MAY BE EXTENDED AS PROVIDED IN § 105.5 {"EXPIRATION;
12 EXTENSION"} OF THE BALTIMORE CITY BUILDING CODE.

13 **106.5.5 SUSPENSION OR REVOCATION.** THE BUILDING OFFICIAL MAY SUSPEND OR REVOKE A
14 PERMIT AS PROVIDED IN § 105.6 {"SUSPENSION OR REVOCATION"} OF THE BALTIMORE CITY
15 BUILDING CODE.

16 **106.5.6 TO 106.5.8** *{AS IN IPC}*

17 **106.6 FEES.** *{AS IN IPC}*

18 **106.6.1 WORK COMMENCING BEFORE PERMIT ISSUANCE** *{NOT ADOPTED}*

19 **106.6.2 FEE SCHEDULE.** THE FEES FOR PLUMBING WORK ARE AS SET FORTH IN § 109 {"FEES"}
20 OF THE BALTIMORE CITY BUILDING CODE.

21 **106.6.3 FEE REFUNDS** *{NOT ADOPTED}*

22 **SECTION 107 INSPECTIONS AND TESTING** *{AS IN IPC}*

23 **SECTION 108 VIOLATIONS**

24 **108.1 TO 108.3** *{AS IN IPC}*

25 **108.4 VIOLATION PENALTIES.** THE PENALTIES FOR A VIOLATION OF THIS CODE ARE AS PROVIDED IN
26 § 114 {"VIOLATIONS"} OF THE BALTIMORE CITY BUILDING CODE FOR A VIOLATION THAT CODE.

27 **108.5 STOP-WORK ORDERS.** THE ISSUANCE AND ENFORCEMENT OF STOP-WORK ORDERS ARE AS
28 PROVIDED IN § 114 {"STOP-WORK ORDER"} OF THE BALTIMORE CITY BUILDING CODE.

29 **108.6 TO 108.7** *{AS IN IPC}*

30 **SECTION 109. ADMINISTRATIVE AND JUDICIAL REVIEW**

31 **109.1 GENERAL.** A DECISION OF THE CODE OFFICIAL IS SUBJECT TO ADMINISTRATIVE AND JUDICIAL
32 REVIEW AS PROVIDED IN THE BALTIMORE CITY BUILDING CODE.

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- 1 1. WATER SERVICE PIPING MUST BE INSTALLED BELOW RECORDED FROST LINES. EARTH
2 COVER ABOVE THE TOP OF THE PIPE MUST BE AT LEAST 36 INCHES (914 MM).
- 3 2. EARTH COVER ABOVE THE TOP OF BUILDING SEWERS THAT CONNECT TO PUBLIC SEWAGE
4 SYSTEMS OR TO INDIVIDUAL SEWAGE DISPOSAL SYSTEMS MUST BE AT LEAST 30 INCHES
5 (762 MM).
- 6 3. IN SYSTEMS THAT ARE USED SEASONALLY, WATER PIPING MUST HAVE PROVISIONS FOR
7 DRAINING.
- 8 4. PIPING MUST BE INSTALLED SO THAT THE CONTENTS WILL NOT BE HEATED DUE TO CLOSE
9 PROXIMITY TO ANY HEAT SOURCE OR FROM DIRECT SOLAR RADIATION.
- 10 5. ALL DRAIN PIPING AND WATER PIPING INSTALLED IN EXTERIOR WALLS, ATTICS, AND
11 OTHER AREAS EXPOSED TO OUTDOOR TEMPERATURES MUST BE PROTECTED FROM
12 FREEZING. IN HEATED SPACES, THE PIPING MUST BE INSTALLED ON THE HEATED SIDE OF
13 THE BUILDING INSULATION.

14 **305.5 TO 305.7** *{AS IN IPC}*

15 **SECTIONS 306 TO 313** *{AS IN IPC}*

16 **SECTION 314 CONDENSATE DISPOSAL**

17 **314.1 FUEL BURNING APPLIANCES.** *{AS IN IPC}*

18 **314.2 EVAPORATORS AND COOLING COILS.** *{AS IN IPC}*

19 **314.2.1 CONDENSATE DISPOSAL.** CONDENSATE FROM ALL COOLING COILS OR EVAPORATORS
20 MUST BE CONVEYED FROM THE DRAIN PAN OUTLET TO AN APPROVED PLACE OF DISPOSAL. THE
21 PIPING MUST MAINTAIN A MINIMUM HORIZONTAL SLOPE IN THE DIRECTION OF DISCHARGE OF NOT
22 LESS THAN ONE-EIGHTH UNIT VERTICAL IN 12 UNITS HORIZONTAL (1% SLOPE). CONDENSATE MAY
23 NOT DISCHARGE INTO A STREET, ALLEY, OR OTHER AREA SO AS TO CAUSE A NUISANCE. CLEAR
24 WATER DISCHARGE MUST BE CONVEYED TO THE STORM DRAIN UNLESS OTHERWISE APPROVED BY
25 THE CODE OFFICIAL.

26 **314.2.2 TO 314.2.4** *{AS IN IPC}*

27 **SECTION 315 PENETRATIONS** *{AS IN IPC}*

28 **SECTION 316 ALTERNATIVE ENGINEERED DESIGN** *{AS IN IPC}*

29 **SECTION 317 CONNECTION TO WATER AND SEWER SYSTEMS**

30 **317.1 AVAILABILITY OF PUBLIC WATER AND SEWER.** THE WATER DISTRIBUTION AND SEWER
31 SYSTEM OF ANY BUILDING IN WHICH PLUMBING FIXTURES ARE INSTALLED MUST BE CONNECTED TO A
32 PUBLIC WATER SUPPLY SYSTEM AND TO A PUBLIC SEWER SYSTEM UNLESS OTHERWISE AUTHORIZED BY
33 A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT ISSUED UNDER TITLE 9 OF THE
34 STATE ENVIRONMENT ARTICLE. PRIVATE SEPTIC TANK SYSTEMS MAY ONLY BE INSTALLED WITH THE
35 WRITTEN PERMISSION OF THE CODE OFFICIAL.

36 **317.2 PRIVATE SYSTEMS.** PRIVATE SYSTEMS MUST COMPLY WITH COMAR 26.04.02 {"SEWAGE
37 DISPOSAL AND CERTAIN WATER SYSTEMS..."}.

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CHAPTER 4. FIXTURES, FAUCETS, AND FIXTURE FITTINGS
{AS IN IPC}

CHAPTER 5. WATER HEATERS
{AS IN IPC}

CHAPTER 6. WATER SUPPLY AND DISTRIBUTION

SECTIONS 601 TO 604 *{AS IN IPC}*

SECTION 605 MATERIALS, JOINTS, AND CONNECTIONS

605.1 TO 605.14 *{AS IN IPC}*

605.15 COPPER TUBING. *{AS IN IPC}*

605.15.1 TO 605.15.4 *{AS IN IPC}*

605.15.5 UNDERGROUND SERVICE. COPPER WATER TUBING, SEAMLESS, TYPE M, IS NOT APPROVED FOR UNDERGROUND WATER SERVICE.

605.16 TO 605.25 *{AS IN IPC}*

SECTION 606 INSTALLATION OF BUILDING WATER DISTRIBUTION SYSTEM *{AS IN IPC}*

SECTION 607 HOT WATER SUPPLY SYSTEM

607.1 TO 607.2 *{AS IN IPC}*

607.3 THERMAL EXPANSION CONTROL.

607.3.1 PRESSURE-REDUCING VALVE. *{AS IN IPC}*

607.3.2 BACKFLOW PREVENTION VALVE OR CHECK VALVE.

607.3.2.1 HOT WATER RETURN PIPING. WHEN HOT WATER RETURN PIPING IS NEEDED, IT MUST BE TAKEN FROM THE SUPPLY SIDE OF THE BACKFLOW PREVENTION DEVICE.

607.3.2.2 HIGH-HAZARD BUILDINGS. IN ADDITION TO THE BACKFLOW DEVICE ON THE WATER SUPPLY MAIN, AT EACH FLOOR WHERE HAZARDOUS USES OF WATER ARE FOUND, A BACKFLOW PREVENTION DEVICE MUST BE INSTALLED ON THE WATER SERVICE LINE THAT SUPPLIES THAT FLOOR.

607.3.2.3 TESTING AND INSPECTION CERTIFICATE. ALL TESTING AND INSPECTIONS MUST BE DOCUMENTED ON A CERTIFICATE ATTACHED TO THE BACKFLOW PREVENTION DEVICE.

607.4 TO 607.5 *{AS IN IPC}*

SECTION 608 PROTECTION OF POTABLE WATER SUPPLY

608.1 GENERAL. *{AS IN IPC}*

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CHAPTER 8. INDIRECT/SPECIAL WASTE

SECTION 801 GENERAL *{AS IN IPC}*

SECTION 802 INDIRECT WASTES

802.1 WHERE REQUIRED. *{AS IN IPC}*

802.1.1 TO 802.1.6 *{AS IN IPC}*

802.1.7 COMMERCIAL DISHWASHING MACHINES. *{AS IN IPC}*

802.1.7.1 COMMERCIAL DISHWASHERS ARE NOT PERMITTED TO DISCHARGE THROUGH A GREASE INTERCEPTOR.

802.1.8 FOOD UTENSILS, DISHES, POTS, AND PANS SINK. *{AS IN IPC}*

802.2 TO 802.4 *{AS IN IPC}*

802.5 WADING AND TODDLER POOLS. ALL WADING POOLS AND TODDLER POOLS MUST BE EQUIPPED WITH 2 DRAINS FROM A SINGLE DRAIN LINE SO AS NOT TO CREATE A VACUUM IF EITHER OF THE DRAINS IS COVERED. THE DRAINAGE MUST DISCHARGE INDIRECTLY THROUGH AN AIR GAP TO A TRAPPED AND VENTED RECEPTOR.

SECTION 803 SPECIAL WASTES *{AS IN IPC}*

SECTION 804 MATERIALS, JOINTS, AND CONNECTIONS *{AS IN IPC}*

CHAPTER 9. VENTS

SECTIONS 901 TO 912 *{AS IN IPC}*

SECTION 913 WASTE STACK VENT

913.1 TO 913.4 *{AS IN IPC}*

913.5 PERMITTED FIXTURES. LAVATORIES, BATHTUBS, SHOWERS, WATER CLOSETS, URINALS, KITCHEN SINKS WITH OR WITHOUT FOOD WASTE GRINDERS, DISHWASHERS, LAUNDRY SINKS, CLOTHES WASHER STANDPIPES, DRINKING FOUNTAINS, FLOOR DRAINS, AND SIMILAR FIXTURES MAY BE VENTED BY A WASTE STACK THAT IS SIZED AND INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

SECTIONS 914 TO 920 *{AS IN IPC}*

CHAPTER 10. TRAPS, INTERCEPTORS, AND SEPARATORS

SECTIONS 1001 TO 1002 *{AS IN IPC}*

SECTION 1003 INTERCEPTORS AND SEPARATORS

1003.1 TO 1003.2 *{AS IN IPC}*

1003.3 GREASE INTERCEPTORS. GREASE INTERCEPTORS MUST COMPLY WITH THE REQUIREMENTS OF THIS § 1003.3 AND WITH ANY ADDITIONAL REQUIREMENTS OF THE CODE OFFICIAL

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EXCEPTIONS:

1. ROOFS, CORNICES, COPINGS, OR OTHER SIMILAR PROJECTIONS THAT ARE LESS THAN 5 FEET (3.03 M), MEASURED HORIZONTALLY IN THE LINE OF FLOW, AS LONG THE WATER IS NOT DISCHARGED ON ANY SIDEWALK, FOOTWAY, OR ADJOINING PROPERTY.
2. AWNINGS OR MARQUEES THAT DISCHARGE OFF THE OUTER EDGE.

1105.4 METHODS OF ROOF DRAINAGE.

1105.4.1 METHOD 1. DRAINAGE MAY BE DISCHARGED BY PIPING TO A STORM DRAIN, TO THE STREET OR ALLEY, OR TO AN APPROVED WATER COURSE. THE INSTALLATION OF PIPING, CONNECTIONS TO STORM DRAINS, ETC., MUST BE MADE IN ACCORDANCE WITH THIS CODE.

1105.4.2 METHOD 2. DRAINAGE MAY BE DISCHARGED NOT LESS THAN 10 FEET (3.05 M) FROM THE BUILDING, FROM OTHER BUILDINGS, OR FROM ANY ADJACENT PROPERTY LINE, AS LONG AS THE DISCHARGE IS IN A MANNER THAT DOES NOT ALLOW DRAINAGE TO CROSS ADJACENT PROPERTY LINES OR SIDEWALKS.

1105.5 INDIVIDUAL DOWNSPOUTS.

GUTTERS OF BUILDINGS ON ADJOINING PROPERTIES MAY NOT BE CONNECTED WITH COMMON DOWNSPOUTS OR LEADERS, BUT EACH BUILDING MUST HAVE INDIVIDUAL DOWNSPOUTS OR LEADERS ON ITS OWN PROPERTY. IF A BUILDING IS MORE THAN 4 STORIES OR 50 FEET (15.24 M) HIGH, ITS LEADER AND DOWNSPOUTS MUST BE INSIDE THE BUILDING'S EXTERIOR WALLS.

CHAPTER 12. SPECIAL PIPING AND STORAGE SYSTEMS *{AS IN IPC}*

CHAPTER 13. GRAY WATER RECYCLING SYSTEMS *{AS IN IPC}*

CHAPTER 14. REFERENCED STANDARDS *{AS IN IPC}*

APPENDIX A. PERMIT FEE SCHEDULE *{NOT ADOPTED}*

APPENDIX B. RATES OF RAINFALL *{INFORMATIONAL. NOT ADOPTED}*

APPENDIX C. VACUUM DRAINAGE SYSTEM *{AS IN IPC}*

APPENDIX D. DEGREE DAY AND DESIGN TEMPERATURES *{INFORMATIONAL. NOT ADOPTED}*

APPENDIX E. SIZING OF WATER PIPING SYSTEM *{AS IN IPC}*

APPENDIX F. STRUCTURAL SAFETY *{AS IN IPC}*

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Part VII. International Property Maintenance Code

§ 7-101. City adoption.

(a) *In general.*

The International Property Maintenance Code [(2009 Edition)] (2012 EDITION) is adopted as part of the Building, Fire, and Related Codes of Baltimore City, subject to the additions, deletions, amendments, and other modifications contained in this Part VII.

(b) *Codification.*

Unless otherwise specified, chapter and section numbers in this Part VII refer to the chapter and section numbers of the International Property Maintenance Code.

§ 7-102. City modifications.

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

Chapter 1. SCOPE AND Administration

Section 101 General

101.1 Title. [These] THE regulations CONTAINED IN THIS CODE constitute and are known as the “BALTIMORE CITY Property Maintenance Code [of Baltimore City]”.

101.1.1 References to “this Code”. All references to “this Code” refer to the BALTIMORE CITY Property Maintenance Code [of Baltimore City].

101.2 to 101.4 {As in IPMC}

Section 102 Applicability

102.1 General. {As in IPMC}

102.2 Maintenance. Equipment, systems, devices, and safeguards required by this Code or by a previous regulation or code under which the structure or premises was constructed, altered, or repaired must be maintained in good working order.

102.2.1 Shut-off prohibited. No owner, operator, or occupant may cause any service, facility, equipment, or utility required under this section to be removed or shut off from or discontinued for any occupied dwelling, except for a temporary interruption necessary while repairs or alterations are in progress.

102.2.2 Code not override of fire and safety systems. The requirements of this Code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures.

102.2.3 Owner and operator responsible. Except as otherwise specified, each owner and each operator of a structure or premises is responsible for the maintenance of that structure or premises.

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1 **102.3 Application of other codes.** All repairs, additions, or alterations to a structure and all
2 changes of occupancy must be done in accordance with this Code and with the following codes and
3 standards, as modified by Baltimore City:

- 4 1. the International Building Code [(2009 Edition)] (2012 EDITION),
- 5 2. the National Electrical Code [(2008 Edition)] (2011 EDITION),
- 6 3. the [National] INTERNATIONAL Fuel Gas Code [(2009 Edition)] (2012 EDITION),
- 7 4. the International Mechanical Code [(2009 Edition)] (2012 EDITION),
- 8 5. the [National Standard] INTERNATIONAL Plumbing Code [(2009 Edition)] (2012 EDITION),
- 9 6. the International Fire Code [(2009 Edition)] (2012 EDITION),
- 10 7. the International Energy Conservation Code [(2009 Edition)] (2012 EDITION), and
- 11 8. the Zoning Code of Baltimore City.

12 **102.4 Existing remedies.** The provisions of this Code may not be construed to abolish or impair
13 existing remedies of the City or its officers or agencies relating to:

- 14 1. enforcement of repair and maintenance standards, or
- 15 2. the removal or demolition of any structure that is dangerous, unsafe, and insanitary.

16 **102.5 Workmanship.** All repairs, maintenance work, alterations, or installations must be executed
17 and installed in a workmanlike manner and installed in accordance with the manufacturer's
18 installation instructions.

19 **102.6 Historic buildings.** *{Not Adopted}*

20 **102.7 to 102.10** *{As in IPMC}*

21 **Section 103 Department of Property Maintenance Inspection**

22 **103.1 General.** This Code is administered and enforced by the Department of Housing and
23 Community Development and its Commissioner. Accordingly, in this Code:

- 24 1. "Department of Property Maintenance Inspection" or "Department" means the Department
25 of Housing and Community Development, and
- 26 2. "Code Official" means the Building Official, as defined in § 202.2 of the BALTIMORE CITY
27 Building Code [of Baltimore City].

28 **103.2 Appointment.** *{Not Adopted}*

29 **103.3 Deputies.** *{Not Adopted}*

30 **103.4 Liability.** *{Not Adopted. SEE STATE COURTS ARTICLE § 5-302}*

31 **103.5 Fees.** The fees for work or repairs that require a building permit are as provided in § 109
32 {"FEES"} OF the Baltimore City Building Code.

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1 Section 104 Duties and Powers of Code Official

2 104.1 General. *{As in IPMC}*

3 **104.2 Inspections.** The Code Official must make all of the required inspections or accept reports of
4 inspection by approved agencies or individuals. All reports of these inspections must be in writing
5 and signed by a responsible officer of the approved agency or by the responsible individual. The
6 Code Official may engage any expert opinion that the Code Official considers necessary to report on
7 unusual technical issues that arise.

8 **104.3 Right of entry.** The Code Official may enter any structure or premises at reasonable times to
9 inspect, subject to constitutional restrictions on unreasonable searches and seizures. If entry is
10 refused or not obtained, the Code Official may pursue recourse as provided by law, including § 104
11 “... POWERS OF BUILDING OFFICIAL”} of the Baltimore City Building Code.

12 104.4 Identification. *{As in IPMC}*

13 **104.5 Notices and orders.** The Code Official may issue all notices or orders necessary to ensure
14 compliance with this Code.

15 **104.6 Department records.** The Code Official must keep records of all of the Department’s
16 business and activities specified in this Code.

17 **104.7 Notice of abatement.** When the recipient of a violation notice has abated the violation, the
18 Code Official must issue a notice of abatement.

19 Section 105 Approval

20 105.1 Modifications. *{As in IPMC}*

21 **105.2 Alternative materials, methods, and equipment.** The provisions of this Code are not
22 intended to prevent the installation of any material or to prohibit any method of construction not
23 specifically prescribed by this Code, as long as that alternative has been approved. An alternative
24 material or method of construction may be approved if the Code Official finds that the proposed
25 design is satisfactory and complies with the intent of this Code and that the material, method, or work
26 offered is, for the purpose intended, at least the equivalent of that prescribed in this Code in quality,
27 strength, effectiveness, fire resistance, durability, and safety.

28 105.3 Required testing. *{As in IPMC}*

29 105.4 Used material and equipment. *{As in IPMC}*

30 105.5 Approved materials and equipment. *{As in IPMC}*

31 105.6 Research reports. *{As in IPMC}*

32 Section 106 Violations

33 **106.1 Unlawful acts.** It is unlawful for any person to be in conflict with or in violation of any
34 provision of this Code or of any regulation, permit, notice, or order issued under this Code.

35 **106.2 Notice of violation.** Except as otherwise specifically authorized by law, the Code Official
36 must serve a notice of violation or an order before undertaking a prosecution or other enforcement
37 action.

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1 **106.3 Prosecution of violation.** Any person who violates a provision of this Code or who fails to
2 comply with a notice of violation or an order served in accordance with § 107 {"NOTICES AND
3 ORDERS"} OF THIS CODE is guilty of a misdemeanor. If the violation is not abated or the notice or
4 order not complied with, the Code Official may institute the appropriate proceeding at law or in
5 equity to restrain, correct, or abate the violation or to require the removal or termination of the
6 unlawful occupancy of the structure in violation of this Code or of the order or direction made under
7 this Code.

8 **106.4 Violation penalties.** The penalties for a violation OF THIS CODE are as provided IN § 114
9 {"VIOLATIONS"} PF THE BALTIMORE CITY CODE for a violation of [the Baltimore City Building]
10 THAT Code.

11 **106.5 Remedies and enforcement.** The imposition of penalties under this section does not
12 preclude the institution of appropriate action:

- 13 1. to restrain, correct, or abate a violation,
- 14 2. to prevent illegal occupancy of a structure or premises, or
- 15 3. to stop an illegal act, conduct, business, or use of the structure or premises.

16 **106.5.1 Building Code provisions.** Additional remedies, civil penalties, and enforcement
17 proceedings are as provided in [§§ 113.3 and 113.5] § 114.3 {"ENFORCEMENT GENERALLY"}
18 AND § 114.5 {"CIVIL PENALTIES AND COSTS"} of the Baltimore City Building Code.

19 Section 107 Notices and Orders

20 **107.1 Notice to owner or person responsible.** Whenever the Code Official determines or has
21 grounds to believe that a violation of this Code has occurred, notice must be given to an owner or
22 other person responsible for compliance with this Code.

23 **107.2 Form of notice.** Violation and condemnation notices must be in the form provided by § 123
24 {"NOTICES"} of the Baltimore City Building Code.

25 **107.3 Service of notice.** Violation and condemnation notices must be served as provided by § 123
26 {"NOTICES"} of the Baltimore City Building Code.

27 **107.4 Unauthorized tampering.** *{Not Adopted}*

28 **107.5 Penalties.** *{Not Adopted. See IPMC § 106.4 }*

29 **107.6 Transfer of ownership.** *{As provided in IBC [§ 113.23] § 114.23 {"RESPONSIBILITY OF*
30 *TRANSFeree"} }*

31 **107.7 Responsibilities of owners, operators, and others.** The responsibilities of owners,
32 operators, and others are as follows:

- 33 1. Owners and operators: as provided in [§ 113.21] § 114.21 of the Baltimore City Building
34 Code.
- 35 2. Officers, directors, trustees, partners, members, and agents of entities: as provided in
36 [§ 113.24] § 114.24 of the Baltimore City Building Code.

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1 Section 108 Unsafe Structures and Equipment

2 **108.1 General.** Procedures for enforcement or other actions involving unsafe structures and
3 equipment are as provided in the Baltimore City Building Code.

4 **108.2 to 108.7** *{Not Adopted}*

5 Section 109 Emergency Measures

6 **109.1 General.** Whenever necessary or appropriate, the Code Official may take emergency
7 measures as provided in the Baltimore City Building Code.

8 **109.2 to 109.6** *{Not Adopted}*

9 Section 110 Demolition

10 **110.1 General.** The Code Official may order the rehabilitation, stabilization, or demolition of
11 structures found to be unsafe or unfit for human habitation or other authorized use as provided in the
12 Baltimore City Building Code.

13 **110.2 to 110.4** *{Not Adopted}*

14 Section 111 Administrative and Judicial Review

15 **111.1 General.** A decision of the Code Official is subject to administrative and judicial review as
16 provided in the Baltimore City Building Code.

17 **111.2 to 111.8** *{Not Adopted}*

18 SECTION 112 STOP-WORK ORDER

19 **112.1 GENERAL.** THE ISSUANCE AND ENFORCEMENT OF STOP-WORK ORDERS ARE AS PROVIDED IN
20 § 115 {"STOP-WORK ORDER"} OF THE BALTIMORE CITY BUILDING CODE.

21 Chapter 2. Definitions

22 Section 201 General

23 **201.1 Scope.** *{As in IPMC}*

24 **201.2 Interchangeability.** *{As in IPMC}*

25 **201.3 Terms defined in other codes.** If a term is not defined in this Code and is defined in one or
26 another of the standards and codes listed in § 102.3 {"APPLICATION OF OTHER CODES"} of this Code,
27 the term has the meaning given to it in that standard or code.

28 **201.4 Terms not defined.** *{As in IPMC}*

29 **201.5 Parts.** *{As in IPMC}*

30 Section 202 General Definitions

31 **202.1 General.** Except as provided in § 202.2, terms that are used and defined in the International
32 Property Maintenance Code [(2009 Edition)] (2012 EDITION) have the meanings given in the
33 International Property Maintenance Code [(2009 Edition)] (2012 EDITION).

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1 **202.2 Supplemental definitions.** Notwithstanding any different definition in the International
2 Property Maintenance Code, the following terms have the meanings given in this § 202.2.

3 **202.2.1 Code Official.** “Code Official” has the meaning stated in § 103.1 of this Code.

4 **202.2.2 Condemn.** “Condemn” means:

- 5 1. to adjudge equipment or facilities as being unsafe for use, or
- 6 2. to adjudge a structure as being unsafe or unfit for occupancy.

7 **202.2.3 Dwelling unit.** “Dwelling unit” has the meaning stated in § 202.2 of the Baltimore City
8 Building Code.

9 **202.2.4 Habitable space.** “Habitable space” means space in a structure for living, sleeping, or
10 eating. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not
11 considered habitable spaces. Kitchens with less than 56 sq. ft. (5.2 sq. m.) of floor area are not
12 considered habitable spaces.

13 **202.2.5 May not, etc.** “May not”, “must not”, and “no ... may” are each mandatory negative
14 terms used to establish a prohibition.

15 **202.2.6 Multiple-family dwelling.** “Multiple-family dwelling” means a building or a group of
16 buildings on the same lot that contains or is designed or intended to contain:

- 17 1. more than 2 dwelling units,
- 18 2. 2 dwelling units and any other residential or commercial occupancy, or
- 19 3. any combination of 3 or more rooming units and dwelling units.

20 **202.2.7 Must/shall.** “Must” and “shall” are each mandatory terms used to express a
21 requirement or to impose a duty.

22 **202.2.8 Occupancy.** “Occupancy” has the meaning stated in § 202.2 of the Baltimore City
23 Building Code.

24 **202.2.9 Occupant.** “Occupant” has the meaning stated in § 202.2 of the Baltimore City
25 Building Code.

26 **202.2.10 Operator.** “Operator” has the meaning stated in § 202.2 of the Baltimore City
27 Building Code.

28 **202.2.11 Owner.** “Owner” means any person that:

- 29 1. has a legal or equitable interest in the property,
- 30 2. is recorded in the land records as holding title to the property, or
- 31 3. otherwise has control of the property, with or without accompanying possession of the
32 property, including:
 - 33 a. a guardian of the person or estate of an owner,

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- b. a trustee, including a trustee in bankruptcy, of an owner, or
- c. the personal representative of the estate of an owner.

202.2.12 Person. “Person” has the meaning stated in § 202.2 of the Baltimore City Building Code.

202.2.13 Premises. “Premises” means a lot or group of lots, together with all or any part of any structures on the lot or group of lots, considered as a unit devoted to a particular use, including accessory structures and open spaces required or used in connection with that particular use.

202.2.14 Rooming house. “Rooming house” means a building that:

1. is not a multiple family dwelling, and
2. contains more than 2 rooming units occupied or designed or intended to be occupied by individuals who, even though they might share common areas and facilities, do not form a single housekeeping unit and do not provide compensation under a single lease for occupancy of the rooming house.

202.2.14.1 Inclusions. “Rooming house” includes a hotel, motel, or boarding house.

202.2.15 Rooming unit. “Rooming unit” means any room or group of rooms that form a single habitable unit occupied or designed or intended to be occupied for sleeping or living, but not for cooking purposes.

202.2.16 Strict liability offense. “Strict liability offense” means an offense in which the prosecution in a legal proceeding is not required to prove knowledge or intent as a part of its case. It is enough to prove that the defendant either did an act that was prohibited or failed to do an act that the defendant was legally required to do.

202.2.17 Structure. “Structure” has the meaning stated in IPMC § 202 and, unless the context indicates otherwise, includes premises and lands.

202.2.18 Trash. “Trash” means rubbish, as defined in IPMC § 202.

202.2.19 Workmanlike. “Workmanlike” means executed in a skilled manner in accordance with the standards of the trade – e.g., generally plumb, level, square, in line, undamaged, and without marring adjacent work.

Chapter 3. General Requirements

Section 301 General

301.1 Scope. This Chapter governs the minimum requirements and the responsibilities of persons for repair and maintenance of structures, equipment, and premises.

301.2 Responsibility.

301.2.1 Owners and operators. Except as otherwise specifically provided, the owner and the operator of any premises are responsible for maintaining all structures and exterior property areas in compliance with all requirements of this Chapter.

301.2.2 Occupants – In general. The occupant of any premises:

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- 1 1. must give the owner and the owner’s agents access to the premises, at all reasonable
2 times, for the purpose of inspecting and making repairs or alterations as necessary to
3 effect compliance with this Code or with any lawful rule or regulation adopted or order
4 issued under this Code,
- 5 2. may not obstruct any required means of egress,
- 6 3. may not store flammable liquids or gas or unsafe quantities of combustible materials,
- 7 4. if in control of the heating facilities, must maintain a sufficiently high temperature in
8 all parts of the unit to prevent damage to the plumbing system, and
- 9 5. is responsible for:
 - 10 a. keeping in a clean and sanitary condition the occupant’s unit and any other part
11 of the premises that the occupant occupies or controls, and
 - 12 b. otherwise complying with the requirements specified in § 308 {“OCCUPANT’S
13 SANITARY RESPONSIBILITY”} of this Chapter.

14 **301.2.3 Occupants – Vandalism.** The occupant of a non-owner occupied dwelling may not
15 destroy, deface, damage, impair, or carry away, nor permit any other person on the premises
16 to destroy, deface, damage, impair, or carry away any of the facilities, equipment, appurtenances,
17 or any part of the structure of the dwelling.

18 **301.3 Vacant structures and land.** All vacant structures and their premises and all vacant land
19 must be maintained in a clean, sanitary, and safe condition, as provided in this Code.

20 **301.4 Lead-based paint.** Lead-paint hazards must be abated in accordance with:

- 21 1. the rules and regulations of:
 - 22 a. the Maryland Department of the Environment; and
 - 23 b. the Baltimore City Health Department; and
- 24 2. the Department of Public Works’ requirements governing discharges into the storm water
25 system.

26 **301.4.1 Unoccupied dwelling unit – Scope.** These provisions apply to any dwelling unit that:

- 27 1. is the subject of a notice or order for the treatment of lead paint, and
- 28 2. becomes unoccupied either:
 - 29 a. before the notice or order is served, or
 - 30 b. while the notice or order is still outstanding.

31 **301.4.2 Unoccupied dwelling unit – Posting property.** If a dwelling unit is or becomes
32 unoccupied, the Health Commissioner immediately must post 1 or more public notices in, on, or
33 around the dwelling unit stating that the dwelling unit may not be reoccupied until the lead paint
34 notice or order has been abated.

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1 **301.4.3 Unoccupied dwelling unit – Reoccupancy prohibited.** If a dwelling unit is or
2 becomes unoccupied, the dwelling unit may not be reoccupied until:

- 3 1. the lead paint notice or order has been abated, and
- 4 2. the Health Commissioner has given written approval of reoccupancy.

5 **301.4.4 Unoccupied dwelling unit – Removing notice, etc., prohibited.** Until the Health
6 Commissioner has give written approval of reoccupancy, no person may remove, deface, or
7 otherwise tamper with any notice that has been posted under this section.

8 **301.4.5 Unoccupied dwelling unit – Unauthorized reoccupancy.** If a dwelling unit
9 is reoccupied in violation of this section:

- 10 1. each day that an unauthorized occupancy continues is a separate offense, and
- 11 2. the owner, operator, and unauthorized occupant of the unit are subject to the following
12 penalties:
 - 13 a. in a criminal prosecution, a criminal fine of up to \$500 for each offense, and
 - 14 b. in an action seeking equitable relief, a civil fine of up to \$500 for each offense.

15 **Section 302 Exterior Property Areas** *{Not Adopted}*

16 **Section 303 Swimming Pools, Spas, and Hot Tubs** *{Not Adopted}*

17 **Section 304 Repair and Maintenance of Structures**

18 **304.1 General.** The interior and exterior of a structure must be maintained in good repair and
19 in a structurally sound and sanitary condition.

20 **304.1.1 Unsafe conditions.** *{Not Adopted}*

21 **304.2 Protective treatment.** *{As in IPMC}*

22 **304.3 Premises identification.** Buildings must display identifying address numbers as required by
23 City Code Article 26, Subtitle 6 {"Building Address Numbers"}

24 **304.4 Structural members.** All interior and exterior structural members must be:

- 25 1. maintained in a structurally sound condition and free from deterioration, and
- 26 2. capable of safely supporting the imposed dead and live loads.

27 **304.5 Foundation walls.** *{As in IPMC}*

28 **304.6 Exterior walls.** *{As in IPMC}*

29 **304.7 Roofs and drainage.** The roof and flashing must be sound, tight, and without defects that
30 admit rain. Roof drainage must be adequate to prevent dampness or deterioration in the walls or
31 interior portion of the structure. Roof drains, gutters, and downspouts must be provided and
32 maintained in good repair and free from obstructions. Roof water must be discharged away from the
33 foundation and may not be discharged in a manner that creates a public nuisance.

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- 1 **304.8 Decorative features.** *{As in IPMC}*
- 2 **304.9 Overhang extensions.** *{As in IPMC}*
- 3 **304.10 Stairways, floors, decks, etc.** Every interior and exterior stairway, floor, deck, porch, and
4 balcony, and all their appurtenances must be:
5
- 6 1. structurally sound,
- 7 2. properly anchored and capable of supporting the imposed loads, and
8
- 9 3. maintained in good repair and safe condition.
- 10 **304.11 Chimneys and towers.** *{As in IPMC}*
- 11 **304.12 Handrails and guards.** *{As in IPMC}*
- 12 **304.13 Window, skylight, and door frames.** *{As in IPMC}*
- 13 **304.14 Insect screens.** *{Not Adopted}*
- 14 **304.15 Doors.**
- 15 **304.15.1 General.**
- 16 1. All doors, door assemblies, and hardware must be maintained in good condition.
- 17 2. Except as otherwise required for means of egress doors, locks and latching hardware
18 must be provided at all entrances to dwelling units and rooming units and must tightly
19 secure the doors at those entrances.
- 20 3. Doors must fit properly within their frames.
- 21 4. Except for a building where the entrances are staffed by security personnel or where
22 unobstructed access is provided to the entrance of each unit, in a building that contains
23 2 or more dwelling units, an electric doorbell must be provided for each dwelling unit in
24 that building.
- 25 **304.15.2 Interior.** Every interior door must be capable of being opened and closed by being
26 securely attached and properly equipped with properly functioning attachment and latching
27 hardware.
- 28 **304.16 Basement hatchways.** *{As in IPMC}*
- 29 **304.17 Guards for basement windows.** *{As in IPMC}*
- 30 **304.18 Building security.** *{As in IPMC}*
- 31 **304.19 Gates.** *{As in IPMC}*
- 32 **304.20 Interior surfaces.** All interior surfaces, including floors, walls, ceilings, windows, and
33 doors, must be maintained in good, clean, and sanitary condition. Peeling, chipping, flaking, or
34 abraded paint must be repaired, removed, or covered. Cracked or loose plaster, decayed wood, and
35 other defective surface conditions must be corrected. Floors in kitchens, bathrooms, lavatories, toilet
36 rooms, and laundry rooms must be kept impervious to water.

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- 1 **304.21 Grading and drainage.** All premises must be graded and maintained to:
- 2 1. drain away from the foundation of any structure and away from adjoining property,
- 3 2. prevent the erosion of soil, and
- 4 3. prevent the accumulation of stagnant water.
- 5 **304.22 Sidewalks, driveways, etc.** All sidewalks, walkways, stairs, driveways, parking spaces, and
6 similar areas must be kept in good repair and free from hazardous conditions.
- 7 **304.23 Exhaust vents.** Pipes, ducts, conductors, fans, or blowers may not be allowed to discharge
8 gases, steam, vapor, hot air, grease, smoke, odors, or other gaseous or particulate wastes directly on
9 any abutting or adjacent public or private property or on any property areas occupied by another in
10 the same building.
- 11 **304.24 Accessory structures.** All accessory structures, including detached garages, fences, gates,
12 walls, and swimming pools, must be maintained in a structurally sound condition and in good repair.
- 13 **304.25 Defaced property.** If an exterior surface of a structure has been defaced by carvings,
14 markings, or graffiti, the surface must be restored to an approved state of maintenance and repair.
- 15 **304.26 Nuisance or hazardous conditions.** All premises must be kept free of any object, material,
16 or condition that constitutes a nuisance or a fire, accident, or health hazard.
- 17 **304.27 {Reserved}**
- 18 **304.28 Ratproofing.** All buildings must be ratproofed and maintained in a ratproof condition by the
19 owner or his agent. Ratproofing methods include:
- 20 1. preventing entrance by blocking passages with rat-resistant material, and
- 21 2. paving basements and any other areas that are in contact with the soil.
- 22 **304.29 Equipment.** All equipment required by the Building, Fire, and Related Codes of Baltimore
23 City must be maintained in good working condition.
- 24 **304.30 Fire protection.** All required fire protection, including separation between nonresidential
25 and residential occupancies, must be maintained in good repair. All fire doors must be equipped and
26 maintained as required by the Fire Code of Baltimore City.
- 27 **Section 305 Exterior Sanitary Maintenance – General**
- 28 **305.1 General.** All lots and exterior premises, including abutting sidewalks, gutters, and alleys,
29 must be maintained in a clean, safe, and sanitary condition.
- 30 **305.2 Grass and weeds.**
- 31 **305.2.1 “Weeds” defined.** In this section, “weeds” includes all plants and vegetation other
32 than:
- 33 1. trees or shrubs, or
- 34 2. cultivated flowers and gardens.

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1 **305.2.2 Maintenance requirements.** All premises and exterior property must be maintained
2 free of grass, weeds, or plant growth in excess of 8 inches (203 mm). All noxious weeds are
3 prohibited.

4 **305.3 Trees and shrubbery.** All trees and shrubbery that are dangerous to life and property or that
5 create a fire or traffic hazard must be pruned or removed to eliminate the danger or hazard.

6 **305.4 Pest control.** All exterior property areas must be kept free from infestation by insects,
7 rodents, and other pests, from rodent harborage, and from the conditions that attract pests. Where
8 pests are found, they must be promptly exterminated by approved processes that will not be injurious
9 to human health.

10 **305.5 Motor vehicles and trailers.** Except only as otherwise expressly authorized by law, the
11 following rules apply to all motor vehicles and trailers.

12 1. No motor vehicle or trailer may be parked, kept, or stored, whether or not covered, on any
13 exterior premises if:

14 a. it is inoperative, unregistered, or fails to display current registration tags, or

15 b. it is in a state of disassembly or disrepair or in the process of being stripped or
16 dismantled.

17 2. A motor vehicle or trailer may be parked, kept, or stored only on a dustless all-weather
18 surface constructed and maintained in accordance with the Building Code and Zoning Code
19 of Baltimore City.

20 3. Painting a motor vehicle or trailer is prohibited unless conducted inside an approved spray
21 booth.

22 **Exception:** On premises with a proper use permit, a vehicle may undergo overhaul, including
23 body work, if that work is performed inside a structure or similarly enclosed area designed and
24 approved for that purpose.

25 **305.5.1 Registered owner responsible.** For a motor vehicle or trailer parked, kept, or stored in
26 violation of § 305.5(1) or (2), the registered owner of the motor vehicle or trailer is responsible
27 for the violation, jointly and severally with the property owner.

28 **305.6 Swimming pools.** Swimming pools must be maintained in a clean, safe, and sanitary
29 condition.

30 **305.7 Outdoor storage.** Outdoor storage must be neat and orderly. All stored objects and materials
31 must be elevated at least 1 foot off the ground to prevent rat harborage, unless elevation is
32 determined unnecessary by the commissioner.

33 **305.7.1 Caveat.** Nothing in this section authorizes any outdoor storage that is otherwise
34 prohibited by law.

35 **305.8 Snow and ice on sidewalks.** After any snowfall that results in an accumulation of snow or
36 ice on the ground, the snow and ice must be removed and cleared away from all sidewalks that abut
37 the premises.

38 **305.8.1 Time for compliance.** The snow and ice must be removed and cleared away:

39 1. within 3 hours after the snow has stopped falling; or

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2. if the snow stopped falling between 3 p.m. and 6 a.m., before 11 a.m.

305.8.1 Manner of compliance. The snow and ice must be removed and cleared away in a manner that:

1. leaves a clear path that is at least 2 feet wide; and
2. does not obstruct the passage of water in the gutters.

Section 306 Exterior Sanitary Maintenance – Trash, Garbage, and Debris

306.1 Accumulation prohibited. All premises, including abutting sidewalks, gutters, and alleys, as well as the interior of every structure, must be kept free of any accumulation of trash, garbage, and debris, including any animal waste, construction material, equipment, furniture, appliances, and similar objects and materials.

306.2 Bulk trash. If discarded or abandoned articles are too large to be disposed of in required receptacles, they must be conveyed to an appropriate landfill or other approved disposal site.

306.3 No deposit on sidewalks, etc. No trash, garbage, or debris may be deposited on any sidewalk, alley, or street or on any public or private lot, except as specified in §§ 306.4 through 306.7 of this Chapter.

306.4 Storage receptacles – Required. Trash, garbage, or debris may not be stored or placed out for collection except in approved storage receptacles. The owner or operator of every occupied premises must [arrange for] PROVIDE a sufficient number of these storage receptacles to receive and store trash, garbage, and debris from individual units between days of collection. The receptacles must be maintained in a location accessible to occupants.

306.5 Storage receptacles – Location. If, in the opinion of the Code Official, the exterior maintenance of storage receptacles is causing nuisance or blight, the Code Official may require that, between days of collection, the receptacles be stored:

1. inside the building they serve, or
2. in the discretion of the Code Official, within a contiguous structure.

306.6 Storage receptacles – Specifications and maintenance.

306.6.1 Specifications.

306.6.1.1 General. Each storage receptacle must:

1. be made of metal or some other durable material approved by the Code Official,
2. be watertight, with tight-fitting covers and handles, and
3. have a capacity of not more than 32 gallons.

306.6.1.2. Exceptions.

1. Receptacles used for recycling need not have covers.
2. Yard waste may be bagged or bundled.

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1 **306.6.2. Maintenance.** Each storage receptacle must be:

- 2 1. maintained in good repair, and
- 3 2. kept tightly closed to prevent blight, nuisance, pest infestation, and dispersal of trash,
- 4 garbage, or debris.

5 **306.7 Placement for collection.** Storage receptacles:

- 6 1. should be placed out for collection no later than 6 a.m. of the day of collection,
- 7 2. may not be placed out on any sidewalk or along an alley earlier than 6 p.m. of the evening
- 8 before the day of collection, and
- 9 3. if placed on a sidewalk or along an alley, must be returned to the premises no later than 6
- 10 a.m. on the day after collection.

11 **306.8 Owner transport.** At any building for which the City does not provide collection services,
12 the owner and operator must collect and transport the building's trash, garbage, and debris to an
13 appropriate landfill or other approved disposal site.

14 **Section 307 Interior Sanitary Maintenance**

15 **307.1 General.** The interior of each unit and the shared, common, or public areas within each
16 building that contains more than one unit must be maintained in a clean and sanitary condition.

17 **307.2 Floor, furniture, etc., surfaces.** Floors, furniture, countertops, and similar surfaces must be
18 clean and free of trash, garbage, and debris, including human and animal waste and any other
19 insanitary matter or cause of nuisance.

20 **307.3 Walls, ceilings, and openings.** Walls, ceilings, windows, and doorways must be clean and
21 free of dirt, grease, soot, and any other insanitary matter or cause of nuisance.

22 **307.4 Trash, etc., receptacles.** Each unit must have a sufficient number of interior receptacles to
23 contain that unit's trash, garbage, and debris.

24 **307.5 Plumbing fixtures.** Plumbing fixtures must be kept clean and free from any foreign object or
25 material that could obstruct a fixture or a line connected to a fixture.

26 **307.6 {Reserved}**

27 **307.7 Pest control.** The interior of every building must be kept free of infestation by insects,
28 rodents, and other pests.

29 **Section 308 Occupants' sanitary responsibilities.**

30 **308.1 General.** An occupant must keep in a clean and sanitary condition the occupant's unit and
31 any other part of the premises that the occupant occupies or controls. However, the owner and
32 operator is responsible for any insanitary condition caused by a sewer back-up or a structural defect.

33 **308.2 Exteriors.** An occupant of a single-unit building and an occupant of a unit with exclusive use
34 of an exterior property area must maintain the exterior areas, including abutting sidewalks, gutters,
35 and alleys, in compliance with [§] § 305 {"EXTERIOR ... MAINTENANCE – GENERAL"} and § 306
36 {"EXTERIOR ... MAINTENANCE – TRASH, GARBAGE..."} of this Chapter. However, the owner and
37 operator are responsible for any insanitary condition caused by a sewer back-up or a structural defect.

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1 **308.2.1 Exception – Residential property registration.** The owner of a property is responsible
2 for exterior sanitary maintenance under any of the circumstances described in Building Code
3 § 114.21.2b {"Liability – Failure to Register Property"}.

4 **308.2.2 Exception – Third environmental citation.** The owner of a property is responsible for
5 exterior sanitary maintenance under the circumstances described in Building Code § 114.21.2c
6 {"Liability – Third environmental citation"}.

7 **308.3 Interiors.** Except as otherwise specified in § 308.5, an occupant must maintain the interior of
8 the occupant’s unit and any other part of the building that the occupant occupies or controls in
9 compliance with § 307 {"INTERIOR ... MAINTENANCE"} of this Chapter.

10 **308.4 Pest control – Single-unit building.** An occupant of a single-unit building is responsible for
11 extermination of insects, rodents, or other pests, other than wood-destroying insects.

12 **308.5 Pest control – Multi-unit building.** An occupant of a multi-unit building is responsible for
13 extermination if the occupant’s unit is the only one affected.

14 **308.6 Trash disposal.** An occupant may dispose of trash, garbage, and debris only in compliance
15 with § 306 {"EXTERIOR ... MAINTENANCE – TRASH, GARBAGE..."} of this Chapter.

16 **308.7 Nuisances.** An occupant may not create or maintain, in or on the property that the occupant
17 occupies and controls, any condition that constitutes a nuisance.

18 SECTION 309 PEST ELIMINATION *{NOT ADOPTED}*

19 Chapter 4. Light, Ventilation, and Occupancy Limitations

20 Section 401 General

21 **401.1 Scope.** *{As in IPMC}*

22 **401.2 Responsibility.** The owner and the operator of a structure must provide and maintain light,
23 ventilation, and space conditions in compliance with these requirements.

24 **401.3 Alternative devices.** *{As in IPMC}*

25 Section 402 Light

26 **402.1 Habitable spaces.** Every habitable space must have at least 1 window facing directly to the
27 outdoors or to an open court whose facing wall is at least 3 feet (914 mm) away. The minimum total
28 glazed area for every habitable space must be 10% of the floor area of that space.

29 **Exception:** Natural light for habitable spaces may be provided through an adjoining room if:

- 30 1. the unobstructed opening to the adjoining room is at least 8% of the floor area of the
31 interior space, and
- 32 2. the glazed area providing natural light is at least 8% of the combined total floor area
33 being served.

34 **402.2 Common halls and stairways.** *{As in IPMC}*

35 **402.3 Other spaces.** *{As in IPMC}*

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1 **Section 403 Ventilation** *{As in IPMC}*

2 **Section 404 Occupancy limitations**

3 **404.1 Privacy.** Dwelling units and rooming units must:

- 4 1. be arranged to provide privacy,
- 5 2. be separate from adjoining units and common areas, and
- 6 3. have a separate means of access from a hallway, landing, stairway, or street.

7 **404.2 Minimum room size.** A habitable room, other than a kitchen, may not be less than 7 feet
8 (2134 mm) in any plane dimension.

9 **404.2.1 Kitchens.** A kitchen must contain at least 35 sq. ft (3.25 sq. m.) of floor area, and,
10 if arranged as a corridor the corridor between counter fronts or between a wall and counter fronts
11 must be at least 3 feet (914 mm).

12 **404.3 Minimum ceiling heights.** Habitable spaces hallways, corridors, laundry areas, and
13 bathrooms must have a clear ceiling height of not less than 7 feet (2134 mm) over at least 50% of the
14 floor area. Toilet rooms must have a ceiling height of not less than 6½ feet (1981 mm) over at least
15 50% of the floor area

16 **Exceptions:**

- 17 1. *{Not Adopted}*
- 18 2. Basement rooms that otherwise meet the requirements of this § 404.3 may have a clear
19 height of not less than 6 feet (1829 mm) under beams, girders, ducts, and similar
20 obstructions.
- 21 3. Rooms occupied exclusively for sleeping, study, or similar purposes and having a sloped
22 ceiling over all or part of the room may have a clear ceiling height of not less than 7 feet
23 (2134 mm) over not less than 33⅓% of the required minimum floor area.
- 24 4. As allowed by regulations of the Code Official.

25 **404.3.1 Floor area calculations.** In calculating floor area for purposes of this § 404.3, only
26 those portions of the floor area with a clear height of 5 feet (1524 mm) or more may be included.

27 **404.4 Bedroom requirements.** Every bedroom must comply with the requirements of this § 404.4.

28 **404.4.1 Area for sleeping purposes.** Every bedroom occupied by 1 person must contain at least
29 70 sq. ft. (6.5 sq. m.) of floor area. Every bedroom occupied by more than one person must
30 contain at least 50 sq. ft. (4.6 sq. m.) of floor area for each occupant of the bedroom.

31
32 **404.4.2 to 404.4.5** *{As in IPMC}*

33 **404.5 Overcrowding.** Dwelling units may not be occupied by more occupants than permitted by the
34 minimum area requirements of Table 404.5.

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Table 404.5
Minimum Area Requirements

Space	Minimum Area in Square Feet		
	1 to 2 Occupants	3 to 5 Occupants	6 or More Occupants
Living room ^{a,b}	No requirements	120	150
Dining room ^{a,b}	No requirements	80	100
Kitchen ^b	50	50	60
Bedrooms	Must comply with § 404.4		

For SI: 1 sq. ft. = 0.093 sq. m.

^a For combined living room/dining room spaces, see § 404.5.2.

^b For limitations on determining minimum occupancy area for sleeping purposes, see § 404.5.1.

404.5.1 Sleeping area. The minimum occupancy area required by Table 404.5 may not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas must comply with § 404.4.

404.5.2 Combined spaces. Combined living room and dining room spaces must comply with the requirements of Table 404.5 if:

1. the total area is equal to that required for separate rooms, and
2. the space is located so as to function as a combination living room/dining room.

404.6 Efficiency unit. *{Not Adopted}*

404.7 Food preparation. A dwelling unit must contain a room or space for the storage, preparation, and cooking of food, including a sink and space and connections for a stove and refrigerator.

404.8 Closets. A dwelling unit must contain at least 1 closet, for storing clothing and other articles, with a floor area of not less than 6 sq. ft. (0.6 sq. m.). A dwelling unit with more than 1 bedroom must contain at least 1 additional closet of the same minimum size.

Exception: This section does not apply to an owner-occupied single family dwelling.

404.9 Minimum dwelling unit size. A dwelling unit must contain at least 240 sq. ft. (22.3 sq. m.) of clear floor area. At least 1 room must have not less than 120 sq. ft. (11.2 sq. m.) of floor area, with its least plane dimension not less than 8 feet (2438 mm).

Chapter 5. Plumbing Facilities and Fixture Requirements

Section 501 General

501.1 Scope. *{As in IPMC}*

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1 **501.2 Responsibility.** The owner and the operator of a structure must provide and maintain
2 plumbing facilities and plumbing fixtures in compliance with these requirements.

3 **Section 502 Required Facilities** *{As in IPMC}* [*Substitute “National Standard Plumbing Code” for*
4 *“International Plumbing Code”. Otherwise, as in IPMC.*]

5 **Section 503 Toilet Rooms and Bathrooms**

6 **503.1 Privacy.** Toilet rooms and bathrooms must provide privacy and may not constitute the only
7 means of access to a dwelling unit or to a habitable space or hall within a dwelling unit. A door with
8 interior locking device must be provided.

9 **503.2 Location.** *{As in IPMC}*

10 **503.3 Location of employee toilet facilities.** *{As in IPMC}*

11 **503.4 Floor surface.** *{Not adopted}*

12 **Section 504 Plumbing Systems and Fixtures**

13 **504.1 General.** *{As in IPMC}*

14 **504.2 Fixture clearances.** *{As in IPMC}*

15 **504.3 Plumbing system defects.** Inadequate service, inadequate venting, cross-contamination,
16 back-siphonage, improper installation, deterioration, damage, and similar defects in a plumbing
17 system must be corrected.
18

19 **Section 505 Water Systems**

20 **[505.1 General.** Every sink, lavatory, bathtub, shower, drinking fountain, water closet, or other
21 plumbing fixture must be properly connected to either a public water system or to an approved
22 private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs, and showers must be
23 supplied with hot and cold running water in accordance with the National Standard Plumbing Code.]

24 **505.1 [505.2] to 505.3** *{As in IPMC}*

25 **505.4 Water heating facilities.** Every dwelling unit must have water heating facilities that are:

- 26 1. properly installed and maintained,
- 27 2. properly connected to every required sink, lavatory basin, bathtub, shower, and laundry
28 facility,
- 29 3. properly equipped with an approved combination temperature and pressure-relief valve and
30 with a relief-valve discharge pipe,
- 31 4. capable of automatically heating water to a temperature of not less than 110° F (43° C), and
- 32 5. capable of meeting normal demands at every required outlet.

33 **505.4.1 Venting gas-fired heater.** A gas-fired water heater must be vented to the outside air.

34 **Section 506 Sanitary Drainage System** *{As in IPMC}*

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1 Section 507 Storm Drainage

2 **507.1 General.** Drainage of roofs and paved areas, yards and courts, and other open areas on the
3 premises may not be discharged in a manner that violates either:

- 4 1. the drainage requirements of the Baltimore City Building Code, or
- 5 2. the stormwater management requirements of the City Code.

6 Chapter 6. Mechanical and Electrical Requirements

7 Section 601 General

8 **601.1 Scope.** *{As in IPMC}*

9 **601.2 Responsibility.** The owner and the operator of a structure must provide and maintain
10 mechanical and electrical facilities and equipment in compliance with these requirements.

11 Section 602 Heating Facilities

12 **602.1 Facilities required.** *{As in IPMC}*

13 **602.2 Residential occupancies.** Dwellings must be provided with properly installed and maintained
14 heating facilities capable of maintaining a room temperature of 70° F (21° C) in all habitable rooms,
15 bathrooms, and toilet rooms. Cooking appliances may not be used to provide space heating to meet
16 the requirements of this section.

17 **602.3 Heat supply.** Every owner and operator who rents, leases, or lets one or more dwelling units,
18 rooming units, or dormitory, or guest rooms must supply sufficient heat during the period of October
19 1 through April 30, inclusive, to maintain an average temperature of:

- 20 1. not less than 70° F (21° C) in all habitable rooms, bathrooms, and toilet rooms, and
- 21 2. not less than 65° F (18° C) in any other room.

22 **Exception:** *{Not Adopted}*

23 **602.4 Occupiable work spaces.** Indoor occupiable work spaces must be supplied with sufficient
24 heat during the period of October 1 through April 30, inclusive, to maintain a temperature of not less
25 than 65° F (18° C) during the period the spaces are occupied.

26 **Exceptions:** *{As in IPMC}*

27 **602.5 Room temperature measurement.** *{As in IPMC}*

28 **602.6 Central heating units.** A central heating unit must be:

- 29 1. properly installed and maintained,
- 30 2. if fuel-burning, properly connected to an approved chimney or vent,
- 31 3. if electrically powered, properly connected to an electric circuit of adequate power,
- 32 4. if a hot-air type, equipped with proper seals between sections of the furnace to prevent fumes
33 from escaping into heat ducts,

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- 1 5. provided with all safety devices required by law, and
- 2 6. connected to ducts, pipes, or tubes that are free from leaks and obstructions.

3 **602.7 Space-heating units.** A space-heating unit:

- 4 1. may not use gasoline or any similar highly flammable liquid fuel,

5 **Exception:** A kerosene space heater with fuel piped from an approved tank.

- 7 2. if fuel-burning, may not be a portable unit,
- 8 3. if fuel-burning, must be properly connected to an approved flue or vent,

9 **Exception:** Ornamental gas logs are permitted in a dwelling with a proper heating
10 system if located in a vented fireplace and not in a room used for sleeping.

- 11 4. must be located to prevent and protect against overheating adjacent combustible material,
- 12 5. if using electricity, must be properly connected to an electric circuit of adequate power,
- 13 6. must be provided with all automatic and safety devices required by law,
- 14 7. may only be installed under a permit, and
- 15 8. must be properly operated.

16 **Section 603 Mechanical Equipment**

17 **603.1 General.** All mechanical equipment provided must be properly installed and maintained in a
18 safe condition. In addition, all required mechanical equipment must be maintained in a safe working
19 condition and must be capable of performing its intended function.

20 **603.2 to 603.6** *{As in IPMC}*

21 **Section 604 Electrical Facilities**

22 **604.1 Facilities required.** *{As in IPMC}*

23 **604.2 Service.** The size and usage of appliances and equipment serves as a basis for determining the
24 need for additional facilities in accordance with the National Electrical Code. Dwelling units must
25 be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less
26 than 60 amperes.

27 **604.3 Electrical system defects.** Inadequate service, improper fusing, insufficient receptacle or
28 lighting outlets, improper wiring or installation, deterioration, damage, and similar defects in an
29 electrical system must be corrected.

30 **604.3.1 Abatement of hazards associated with water.** *{Not Adopted}*

31 **604.3.2 Abatement of hazards associated with fire.** *{Not Adopted}*

32 **Section 605 Electrical Equipment**

33 **605.1 Installation.** *{As in IPMC}*

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1 **101.2 Scope. *{As in IFC}***

2 **101.2.1 Appendices adopted.** The following appendices to the International Fire Code are
3 adopted as part of this Code:

- 4 1. Appendix B: “Fire-Flow Requirements for [Building] BUILDINGS”.
- 5 2. Appendix D: “Fire Apparatus Access Roads”.
- 6 3. Appendix E: “Hazard Categories”.
- 7 4. Appendix F: “Hazard Ranking”.
- 8 5. Appendix G: “Cryogenic Fluids – Weight and Volume Equivalents”.

9 **101.2.2 Appendices not adopted.** The following appendices to the International Fire Code are
10 not adopted as part of this Code:

- 11 1. Appendix A: “Board of Appeals”.
- 12 2. Appendix C: “Fire Hydrant Locations and Distribution”.
- 13 3. Appendix H: “Hazardous Materials Management Plan”, etc.
- 14 4. Appendix I: “Fire Protection Systems – Noncompliant Conditions”.
- 15 5. Appendix J: [“Emergency Responder Radio Coverage”] “BUILDING INFORMATION
16 SIGNS”.

17 **101.3 to 101.5 *{As in IFC}***

18 **Section 102 Applicability**

19 **102.1 to 102.5 *{As in IFC}***

20 **102.6 Historic buildings. *{Not Adopted}***

21 **102.7 Referenced Codes and Standards. *{As in IFC}***

22 **102.7.1 Most recent standard.** Where a newer version of a standard listed in Chapter [45] 80
23 {“REFERENCED STANDARDS”} exists, the FIRE Code Official may use the newer version of that
24 standard unless it creates an incompatibility with this Code or with the BALTIMORE CITY
25 Building Code [of Baltimore City].

26 **102.8 to 102.12 *{As in IFC}***

27 **Section 103 Department of Fire Prevention *{Not Adopted}***

28 **Section 104 General Authority And Responsibilities**

29 **104.1 General. *{As in IFC}***

30 **104.1.1 Legal enforcement.** The Fire Code Official may institute or cause to be instituted, at
31 any time, any and all legal, equitable, or criminal actions or proceedings necessary or appropriate
32 to enforce this Code. Nothing in this Code prevents the Fire Code Official from instituting or

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1 causing to be instituted and fully prosecuting any and all legal or equitable proceedings of any
2 kind necessary or appropriate to compel compliance with this Code, even if criminal proceedings
3 are pending or have been completed.

4 **104.2 to 104.9** *{As in IFC}*

5 **104.10 Fire investigations.** *{As in IFC}*

6 **104.10.1 Fire Investigation Bureau; Fire Marshal.** The Fire Investigation Bureau is
7 continued in the Fire Department. The Bureau consists of members assigned to it by the Chief
8 of the Fire Department. The head of the Bureau is the Fire Marshal of Baltimore City, to be
9 designated by the Chief. The Chief may also designate one or more officers or officials to
10 serve in the absence of the Fire Marshal.

11 **104.10.2 General duties.** The Fire Investigation Bureau investigates fires and related incidents
12 in Baltimore City. The Bureau must keep a complete record of these fires and related incidents,
13 including their cause and origin, and a complete record of its investigations. The Assistant Chief
14 or his or her designee is the custodian of all records of investigations. In addition to the duties
15 specified in this section, the Bureau performs all other duties assigned to it by law or by the
16 Chief of the Fire Department.

17 **104.10.3 Charge of evidence.** In investigating a fire or related incident, the Bureau must take
18 charge immediately of the physical evidence and, to preserve that evidence, take measures to
19 prevent access by any person to the structure or premises until the evidence has been properly
20 processed.

21 **104.10.3.1 Cooperation with other agencies.** The Bureau must notify the persons
22 designated by law to pursue investigations, cooperate with authorities in collecting evidence
23 and in prosecuting offenders, and pursue the investigation to its conclusion.

24 **104.10.3.2 Assistance from other agencies.** Police and other enforcement agencies are
25 authorized to render assistance in the investigation of fires when requested to do so.

26 **104.10.4 Authority of Fire Marshal.** The Fire Marshal has general supervision and control of
27 all fire investigations in the City and of all inquiries to determine their cause and origin, both for
28 the purpose of eliminating that cause and, if arson or incendiaries is suspected, to ascertain the
29 persons responsible.

30 **104.10.5 Penalty for obstructing investigation.** Any person who prevents or obstructs or
31 attempts to prevent or obstruct an investigation is guilty of a misdemeanor and, on conviction, is
32 subject to the penalties specified in § 109 {"VIOLATIONS"} of this Code.

33 **104.10.6 Subpoena of witness and documents.** In conducting an investigation, the Fire
34 Marshal may subpoena and compel attendance of any person and the production of any
35 documents that, in the judgment of the Fire Marshal, are connected with and necessary to the
36 investigation, and have that person examined on oath or affirmation at the time and place
37 specified in the subpoena. Officers of the Baltimore Police Department may serve the subpoena.

38 **104.10.7 Enforcement of subpoena.** If a person is served with a subpoena and fails to attend
39 and testify, or fails on examination to answer any question, or otherwise fails to comply with the
40 subpoena, the Fire Marshal may apply to a judge of the Circuit Court of Baltimore City to order
41 compliance to the subpoena. If the judge orders compliance, the Fire Marshal must so notify the
42 person named in the subpoena and fix the time and place for his or her further examination. If
43 the person still fails to comply, the person may be arrested and charged with contempt.

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1 **104.10.8 Administration of oaths.** The Fire Marshal may administer oaths or affirmations.
2 Any false testimony given under oath or affirmation administered by the Fire Marshal, if material
3 and made willfully, is punishable as perjury.

4 **104.10.9 Submission to State's Attorney.** If gross negligence, arson, or incendiaries is
5 reasonably evident in a case, the Fire Marshal must submit all of the Bureau's records on the
6 case to the State's Attorney of Baltimore City.

7 **104.11 Authority at fires and other emergencies. {As in IFC}**

8 **104.12 Fees for non-fire suppression services.** The Director of Finance must establish and
9 annually review a fee schedule for non-fire suppression services performed by the Fire Department.
10 The Director of Finance must base these fees on the expense incurred by the Fire Department in
11 performing non-fire suppression services.

12 Section 105 Permits

13 **105.1 General. {As in IFC}**

14 **105.1.1 Permits required.** Permits must be obtained from the Fire Code Official as required by
15 this Code or in the Fire Code Official's Fire Prevention Permit Schedule. Permit fees, if any,
16 must be paid before the permit is issued. An issued permit must be kept on the premises
17 designated in that permit at all times and must be readily available for inspection by the Fire
18 Code Official.

19 **105.1.2 Types of permits. {As in IFC}**

20 **105.1.3 [Permits] MULTIPLE PERMITS for the same location. {As in IFC}**

21 **105.1.4 Setting fees.** The Director of Finance must establish and annually review the fees
22 charged for permits under this Code. The Director of Finance must base these fees on the
23 expenses incurred by the Fire Prevention Bureau in processing permit applications and in
24 conducting inspections.

25 **105.2 Application. {As in IFC}**

26 **105.3 Conditions of a permit. {As in IFC}**

27 **105.3.1 to 105.3.8 {As in IFC}**

28 **105.3.9 Violation of permit.** Failure to comply with any term or condition of any permit issued
29 under this Code constitutes a violation of this Code and subjects the violator to the penalties
30 prescribed in § 109 {"VIOLATIONS"} of this Code.

31 **105.4 Construction documents. {As in IFC}**

32 **105.5 Revocation. {As in IFC}**

33 **105.6 Required operational permits. {As in IFC}**

34 **105.6.1 to 105.6.14 {As in IFC}**

35 **105.6.15 Fire hydrants and valves. {Not Adopted}**

36 **105.6.16 to 105.6.46 {As in IFC}**

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1 **105.7 Required construction permits. {As in IFC}**

2 **Section 106 Inspections**

3 **106.1 Inspection authority. {As in IFC}**

4 **106.2 Inspections. {As in IFC}**

5 **106.3 Concealed work. {As in IFC}**

6 **106.4 Approvals. {As in IFC}**

7 **106.5 Right of entry.** Whenever necessary to enforce this Code or whenever the Fire Code Official
8 has reasonable cause to believe that, in any structure or on an premises, a condition exists that makes
9 the structure or premises unsafe, the Fire Code official may enter to inspect the structure or premises
10 or to perform any duty imposed on the Fire Code Official by this Code.

11 **106.5.1 Occupied premises.** If the structure or premises is occupied, the Fire Code Official
12 must first present proper credentials and request entry. If entry is refused, the Fire Code Official
13 has the same authority to secure a search warrant as that vested in the Building Official by
14 § 104.6 {"RIGHT OF ENTRY"} of the Baltimore City Building Code.

15 **Section 107 Maintenance {As in IFC}**

16 **Section 108 Appeals**

17 **108.1 Appeals to Board of Fire Commissioners.** Any person who is aggrieved by any notice,
18 decision, order, or determination of the Fire Code Official may appeal in writing to the Board of Fire
19 Commissioners. The appeal must be filed with the Board within 30 days after the notice, decision,
20 order, or determination is served.

21 **108.2 Affect of appeal.** An appeal filed within 5 days of service stays all proceedings on the notice,
22 decision, order, or determination appealed from. An appeal filed later does not stay any proceedings;
23 however, on application of the person taking the appeal and notice to the Fire Code Official, the
24 Board may grant a restraining order for good cause shown.

25 **108.3 Hearing.** Within 10 days after the appeal is filed, the Board must grant a hearing to the
26 appellant. All interested parties have a right to be heard at the hearing.

27 **108.4 Board decision.** Within 10 days after the hearing concludes, the Board must render its
28 decision. In its decision, the Board may reverse, affirm, or modify the notice, decision, order, or
29 regulation appealed from and may give or make any other notice, decision, order, requirement, or
30 determination that ought to be made under the circumstances. To that end, the Board has all the
31 powers that are conferred on the Fire Code Official by this Code. However, the Board does not have
32 any authority to waive, set aside, or in any way change any specific provision of this Code.

33 **108.5 Appeals from Board.** A party aggrieved by a Board decision made under § 108.4 OF THIS
34 CODE may seek judicial review of that decision by petition to the Circuit Court for Baltimore City in
35 accordance with the Maryland Rules of Procedure. A party to the judicial review may appeal the
36 court's final judgment to the Court of Special Appeals in accordance with the Maryland Rules of
37 Procedure. A judicial review or appeal does not stay any criminal or equitable proceedings on the
38 decision appealed from, nor does it prevent the Fire Code Official or any other City official from
39 pursuing any other action or enforcement procedure authorized by law.

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1 **108.6 Limitations on instituting proceedings.** After a notice, decision, order, or determination has
2 been served, the Fire Code Official may not take any action, except in the case of imminent danger,
3 or institute or cause to be instituted any civil or criminal proceedings in connection with the
4 enforcement of the notice, decision, order, or determination until:

- 5 1. after 5 days has passed without an appeal having been taken, or
- 6 2. if an appeal was taken within that period, after the Board renders its decision in the case.

7 **Section 109 Violations**

8 **109.1 Unlawful acts.** *{As in IFC}*

9 **109.2 OWNER/OCCUPANT RESPONSIBILITY.** *{AS IN IFC}*

10 **109.3 [109.2] Notice of violation.** *{As in IFC}*

11 **109.3.1 TO 109.3.4 [109.2.1 to 109.2.4]** *{As in IFC}*

12 **109.3.5 [109.2.5] Code compliance required at all times.** Neither this section nor any other
13 provision of this Code excuses any person from fully complying with all provisions of this Code
14 at all times, regardless of whether notice has been issued by the Fire Code Official in any
15 particular case.

16 **109.4 [109.3] Penalty for violations.** Any person who violates or fails to comply with any
17 provision of this Code or of any notice, decision, permit, or regulation issued under this Code or who
18 erects, installs, alters, repairs, or does work in violation of approved construction documents or of a
19 directive of the Fire Code Official is guilty of a misdemeanor and, on conviction, is subject to a fine
20 of not more than \$1,000 or imprisoned for not more than 10 days or both. Each day that a violation
21 continues after service of notice is a separate offense.

22 **109.4.1 [109.3.1] Abatement of violation.** *{As in IFC}*

23 **109.4.2 [109.4] Failure to correct violations.** If a violation notice is not complied with within
24 the time specified, the Fire Code Official may do any one or more of the following:

- 25 1. take action under § 109.6 {“VIOLATION OF NOTICES, ETC.”} OF THIS CODE,
- 26 2. request the State’s Attorney or the City Solicitor to institute appropriate legal
27 proceedings:
 - 28 a. to restrain, correct, or abate the violation, or
 - 29 b. to require removal or termination of the unlawful use of the structure or premises
30 in violation of this Code, or of any order or direction made under this Code, or
- 31 3. if the violation affects the immediate safety of the public, request the Baltimore Police
32 Department to arrest those responsible for the violation.

33 **109.5 Violation of notices, etc. – Constitutes violation of Code.** Every person must fully comply
34 with all provisions of this Code and with all provisions of any notice, order, decision, permit, or
35 regulation issued by the Fire Code Official. Any act contrary to and any failure to comply with any
36 provision or requirement of any notice, order, decision, permit, or regulation of the Fire Code
37 Official constitutes a violation of this Code.

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1 **109.6 Violation of notices, etc. – Action by Fire Code Official.** Whenever any person fails in any
2 respect to fully comply any provision of any notice, order, decision, permit, or regulation issued
3 under this Code, the Fire Code Official may take any action necessary to eliminate or make safe any
4 condition that violates this Code.

5 **109.7 Citations for certain offenses.** In accordance with City Code Article 1, Subtitle 40
6 {"Environmental Control Board"}, City Code Article 1, Subtitle 41 {"Civil Citations"}, or City Code
7 Article 19, Subtitle 71 {"Special Enforcement Officers"}, a prepayable citation may be issued to the
8 owner, agent, or person responsible for the operation or in charge of any occupancy that fails to
9 comply with THE FOLLOWING PROVISIONS OF THIS CODE:

- 10 1. § 107.5 [§ 107.6]. {"Maintenance: Overcrowding"}
- 11 2. § 110.1 {"Unsafe Buildings: General"}, or
- 12 3. § 1001.2 {"Means of Egress: Minimum Requirements"}.

13 **109.7.1 Each day a separate offense.** Each day that a violation continues is a separate offense.
14 A citation may be issued under this section any time that a violation is discovered, whether or not
15 a prior citation has been issued for the same condition.

16 **109.7.2 Permit revocation for repeat violators.** If 3 citations are issued to the same person or
17 operation within a 1-year period, the Fire Code Official may revoke all permits issued by the Fire
18 Code Official to or for that person or operation and notify all appropriate City agencies of the
19 revocation.

20 **109.7.3 Procedure not exclusive.** The issuance of a citation under this section does not
21 preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

22 **Section 110 Unsafe Buildings**

23 **110.1 to 110.4** *{As in IFC}*

24 **110.5 Fire hazards.** Whenever the maintenance, operation, or use of all or part of any land,
25 structure, material, or other object constitutes a fire hazard and the action to be taken to eliminate the
26 hazard is not specifically provided for in this Code, the Fire Code Official may take any action
27 necessary to eliminate the hazard.

28 **Sections 111 to 112** *{As in IFC}*

29 **Section 113 Fees**

30 **113.1 Fees.** *{As in IFC}*

31 **113.2 Schedule of permit fees.** The fees are as provided in the Baltimore City Building Code.

32 **113.3 to 113.5** *{Not Adopted}*

33 **Section 114 Emergency Measures**

34 **114.1 General.** In an emergency, where life or property is in immediate danger from any cause or
35 thing covered or contemplated to be covered by this Code, the Fire Code Official may immediately
36 take any action necessary to protect against the danger, without complying with [§ 109.2] § 109.3
37 {"NOTICE OF VIOLATION"} of this Code.

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1 Section 115 Costs

2 **115.1 Owner’s liability for cost of actions.** Whenever the Fire Code Official takes action under
3 this Code, all expenses incurred and fees imposed by the Fire Code Official in avoiding, correcting,
4 or removing a dangerous condition or in performing non-fire suppression services becomes a debt,
5 jointly and severally owed to the City by every owner of the property on or in which the condition
6 existed or the services performed.

7 **115.2 When due; collection; lien.** This debt becomes immediately due to the City when the work
8 or operation is finished and may be collected in the same manner as any other debt due the City. In
9 addition, when the work or operation is finished, a lien in favor of the City attaches to the premises
10 on or in which the work or operation was done and continues until the City is paid the full amount
11 owed.

12 Chapter 2. Definitions

13 Section 201 General

14 **201.1 Scope.** *{As in IFC}*

15 **201.2 Interchangeability.** *{As in IFC}*

16 **201.3 Terms defined in other codes.** If a term is not defined in this Code and is defined in the
17 Baltimore City Building Code or in one or another of the standards and codes listed in § 101.4
18 {“REFERENCED CODES”} of the Baltimore City Building Code, the term has the meaning given to it
19 in that code or standard.

20 **201.4 Terms not defined.** *{As in IFC}*

21 Section 202 General Definitions

22 **202.1 General.** Except as specified in § 202.2 OF THIS CODE, terms used in this Code and defined in
23 the International Fire Code [(2009 Edition)] (2012 EDITION) have the meanings given in the
24 International Fire Code [(2009 Edition)] (2012 EDITION).

25 **202.2 Supplemental definitions.** Notwithstanding any different definition in the International Fire
26 Code, the following terms have the meanings given in this § 202.2.

27 **202.2.1 Fire Code Official.** “Fire Code Official” means the Chief of the Baltimore City Fire
28 Department or a duly authorized representative of the Chief.

29 **202.2.2 May not, etc.** “May not”, “must not”, and “no ... may” are each mandatory negative
30 terms used to establish a prohibition.

31 **202.2.3 Must/Shall.** “Must” and “shall” are each mandatory terms used to express a
32 requirement or to impose a duty.

33 **202.2.4 Person.** “Person”:

- 34 1. means any individual, sole proprietorship, corporation, firm, partnership, association,
35 organization, joint venture, or other entity or group acting as a unit, executor,
36 administrator, trustee, receiver, guardian, or other representative appointed by law, and
- 37 2. whenever used in this Code with reference to liability or to the imposition of a penalty or
38 fine, includes:

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- 1 a. as to an unincorporated firm, partnership, association, organization, or joint
2 venture, the partners or members of the firm, partnership, association,
3 organization, or joint venture, and
- 4 b. as to a corporation, the officers, trustees, agents, or members of the corporation
5 who are responsible for the violation of any relevant code provision.

Chapter 3. General Requirements

Sections 301 to [307] 306 *{As in IFC}*

SECTION 307 OPEN BURNING, RECREATIONAL FIRES, AND PORTABLE OUTDOOR FIREPLACES

307.1 TO 307.3 *{AS IN IFC}*

307.4 LOCATION *{AS IN IFC}*

307.4.1 TO 307.4.2 *{AS IN IFC}*

12 **307.4.3 PORTABLE OUTDOOR FIREPLACES.** PORTABLE OUTDOOR FIREPLACES MUST BE USED IN
13 ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS AND MAY NOT BE OPERATED WITHIN 15
14 FEET (3048 MM) OF ANY STRUCTURE, COMBUSTIBLE MATERIAL, OR PROPERTY LINE.

15 EXCEPTION: *{NOT ADOPTED}*

307.5 ATTENDANCE. *{AS IN IFC}*

Section 308 Open Flames

308.1 General *{As in IFC}*

308.1.1 TO 308.1.3 *{AS IN IFC}*

20 **308.1.4 OPEN-FLAME COOKING DEVICES.** CHARCOAL BURNERS AND OTHER OPEN-FLAME
21 COOKING DEVICES SHALL NOT BE OPERATED ON COMBUSTIBLE BALCONIES OR WITHIN 10 FEET
22 (3048 MM) OF ANY COMBUSTIBLE CONSTRUCTION OR PROPERTY LINE.

23 EXCEPTIONS: *{NOT ADOPTED}*

308.1.5 TO 308.1.8 *{AS IN IFC}*

308.2 Permit required. *{As in IFC}*

308.3 Group A Occupancies. *{As in IFC}*

308.3.1 Open-flame decorative devices. *{As in IFC}*

308.3.2 Theatrical performances. *{As in IFC}*

29 **308.3.3 LP gas prohibited in assembly areas.** The storage or use of LP-gas containers of any
30 size in any assembly building or in any assembly area of a building is prohibited.

31 **308.3.3.1 Exception.** Listed and approved butane-gas commercial food service appliances
32 may be used inside restaurants and in attended commercial food catering operations as long
33 as each of the following conditions is complied with:

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- 1 1. No appliance has more than two 10-oz. (296 ml) gas containers, with a maximum
- 2 water capacity of 1.08 lb. (0.049 kg) per container, connected directly to it at any
- 3 time.
- 4 2. The containers are not manifold.
- 5 3. All containers are listed and comply with UL 147B, “Standard for Non-Refillable
- 6 (Disposable) Type Metal Container Assemblies for Butane”.
- 7 4. Each container is an integral part of the listed and approved commercial food service
- 8 appliance and is connected to the appliance without the use of a rubber hose.
- 9 5. No more than 24 of these containers are stored in the building, with an additional 24
- 10 containers permitted to be stored in another storage area in the building if that other
- 11 storage area is separated or contained by a minimum 2-hour fire wall.

12 **308.4 Group R occupancies {As in IFC}**

13 **Sections 309 to [317] 318 {As in IFC}**

14 **Chapter 4. Emergency Planning And Preparedness**

15 **Sections 401 to ~~404~~ 403 {As in IFC}**

16 **SECTION 404 FIRE SAFETY AND EVACUATION PLANS**

17 **404.1 TO 404.2 {AS IN IFC}**

18 **404.3 CONTENTS. {AS IN IFC}**

19 **404.3.1 FIRE EVACUATION PLANS. FIRE EVACUATION PLANS SHALL INCLUDE THE FOLLOWING:**

20 1-2 {AS IN IFC}

21 3. PROCEDURES FOR ASSISTED RESCUE FOR PERSONS UNABLE TO USE THE GENERAL MEANS
22 OF EGRESS UNASSISTED. A LIST IDENTIFYING THE OCCUPANTS WHO NEED ASSISTANCE
23 AND THEIR LOCATIONS SHALL BE MAINTAINED AND AVAILABLE TO RESPONDING FIRE
24 DEPARTMENT PERSONNEL.

25 4-9 {AS IN IFC}

26 **404.3.2 FIRE SAFETY PLANS. FIRE SAFETY PLANS SHALL INCLUDE THE FOLLOWING:**

27 1. {AS IN IFC}

28 2. THE LIFE SAFETY STRATEGY AND PROCEDURES FOR NOTIFYING, RELOCATING OR
29 EVACUATING OCCUPANTS, INCLUDING OCCUPANTS WHO NEED ASSISTANCE. A LIST
30 IDENTIFYING THE OCCUPANTS WHO NEED ASSISTANCE AND THEIR LOCATIONS SHALL BE
31 MAINTAINED AND AVAILABLE TO RESPONDING FIRE DEPARTMENT PERSONNEL.

32 3-7 {AS IN IFC}

33 **404.3.3 LOCKDOWN PLANS. {AS IN IFC}**

34 **404.4 TO 404.5 {AS IN IFC}**

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1 Section 405 Emergency Evacuation Drills

2 **405.1 General.** Emergency evacuation drills [must be conducted, as prescribed in] COMPLYING
3 WITH this § 405[,] MUST BE CONDUCTED in the occupancies listed in § 404.2 {"WHERE REQUIRED"}
4 OF THIS CODE or when required by the Fire Code Official.

5 **405.2 Frequency.** *{As in IFC}*

6 **405.2.1 Educational occupancies.** Every educational occupancy for more than 50 persons must
7 have at least 2 fire drills each year, to be arranged by and conducted under the supervision and
8 direction of the Fire Code Official.

9 **405.2.2 High-rise buildings.** Every high-rise building must have a least 1 fire drill each year,
10 to be arranged by the owner or person responsible for the building, in coordination with the Fire
11 Code Official.

12 **405.3 to 405.9** *{As in IFC}*

13 **Sections 406 to 408** *{As in IFC}*

14 Chapter 5. Fire Service Features

15 **Sections 501 to 510** *{As in IFC}*

16 **Section 511 Structures on piers**

17 **511.1 Definitions.** In this section, "pier" means any pier, wharf, dock, bulkhead, breakwater, piles,
18 or other similar structure.

19 **511.2 General.** Every structure that is constructed on a pier must comply with the requirements of
20 this § 511 and all other applicable provisions of this Code and other law.

21 **511.3 Chapter 28 of NFPA 1.** The pier and structure must comply with Chapter 28 {"Marinas and
22 Boatyards, Marine Terminals, Piers, and Wharves"} of NFPA 1, Fire Code [(2009 edition)] (2012
23 EDITION), subject to the requirements of the Fire Code Official and the Building Official.

24 **511.3.1 Chapter 6 of NFPA 25.** Flow tests must be conducted under Table [6.1] 6.1.1.2 and
25 § 6.3.1.1 of NFPA 25, Standard for the Inspection, Testing, and Maintenance of Water-Based
26 Fire Protection Systems [(2008 Edition)] (2011 EDITION), annually (rather than, as otherwise
27 there stated, every 5 years).

28 **511.4 Pier material.** The pier must be made of or encased by non-combustible materials. The
29 structure on the pier must be of Type I, Type II, or Type III construction.

30 **511.5 Sprinkler protection.** The entire structure on the pier must be sprinklered.

31 **511.6 Separation.** The separation between structures on a pier must be at least 30 feet.

32 **511.7 Standpipes and hydrants.** Standpipes (Fire Department Connections) must be provided on
33 the pier at least every 100 feet. Hydrants must be installed within 100 feet of a standpipe.

34 **511.8 Emergency vehicle access.** All piers with structures must provide access for emergency
35 vehicles on the promenade, a road, or other appropriate space. This access must be designed and
36 configured to accommodate fire, ambulance, and other emergency vehicles. Access for emergency

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1 vehicles must be provided to within at least 300 feet of the farthest edge of the structure. The fire
2 lane must be at least 20 feet wide.

3 **511.9 Fire boat access.** Access for fire boats must be provided to within at least 50 feet of the
4 farthest edge of the structure. The water depth of that access must be at least 10 feet (mean low
5 water mark).

6 **511.10 Tie-ups.** Marina slips are prohibited within 30 feet of any structure on a pier. Transient
7 (i.e., hourly or daily) tie-ups along a bulkhead are only allowed adjacent to commercial structures
8 and no closer than 15 feet from the structure.

9 Chapter 6. Building Services and Systems

10 Sections 601 to 602 *{As in IFC}*

11 Section 603 Fuel-Fired Appliances

12 **603.1 Installation.** The installation of nonportable fuel gas appliances and systems must comply
13 with the [National] INTERNATIONAL Fuel Gas Code. The installation of all other fuel-fired
14 appliances, other than internal combustion engines, oil lamps, and portable devices such as blow
15 torches, melting pots, and weed burners, must comply with this section, NFPA 31, and the
16 International Mechanical Code.

17 603.1.1 TO 603.1.7 *{AS IN IFC}*

18 [603.1.1 Manufacturer's instructions. *{As in IFC}*]

19 [603.1.2 Approval. *{Substitute "National Fuel Gas Code" for "International Fuel Gas*
20 *Code". Otherwise, as in IFC.}*]

21 [603.1.3 to 603.1.7 *{As in IFC}*]

22 **603.2 Chimneys.** *{As in IFC}*

23 **603.3 Fuel oil storage systems.** *{As in IFC}*

24 **603.4 Portable [heating or cooking devices] UNVENTED HEATERS.** *{As in IFC}*

25 **603.5 Heating appliances.** *{As in IFC}*

26 **603.5.1 Guard against contact.** *{As in IFC}*

27 **603.5.2 Heating appliance installation AND MAINTENANCE.** Heating appliances must be
28 installed AND MAINTAINED in accordance with the manufacturer's instructions, the International
29 Building Code, the International Mechanical Code, and the National Electrical Code.

30 **603.6 Chimneys and appliances.** *{As in IFC}*

31 **603.7 Discontinuing operation of unsafe heating appliances.** *{As in IFC}*

32 **603.8 Incinerators.** [*Substitute "National Fuel Gas Code" for "International Fuel Gas Code".*
33 *Otherwise, as in IFC.}*] *{AS IN IFC}*

34 [603.8.1 to 603.8.5 *{As in IFC}*]

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1 **603.9 Gas meters.** *{As in IFC}*

2 **Section 604 Emergency and Standby Power Systems**

3 **604.1 Installation.** Emergency and standby power systems must be installed in accordance with the
4 National Electrical Code, NFPA 110, and NFPA 111. Existing installations must be maintained in
5 accordance with the original approval.

6 **604.1.1 Stationary generators.** *{As in IFC}*

7 **604.2 to 604.6 [604.5]** *{As in IFC}*

8 **Sections 605 to 606** *{As in IFC}*

9 **Section 607 Elevator [Recall and] OPERATION, Maintenance, AND FIRE SERVICE KEYS**

10 **607.1 [-] TO 607.4** *{As in IFC}*

11 **607.5 STANDARDIZED FIRE SERVICE ELEVATOR KEYS.** *{AS IN IFC}*

12 **607.5.1 to 607.5.4** *{AS IN IFC}*

13 **[607.5] 607.5.5 Recall by fire alarm.** In a building that is 4 or more stories high, all elevators
14 must be activated by the building's fire alarm.

15 **Sections 608 to [609] 610** *{As in IFC}*

16 **Chapter 7. Fire-Resistance-Rated Construction**
17 *{As in IFC}*

18 **Chapter 8. Interior Finish, Decorative Materials, and Furnishings**
19 *{As in IFC}*

20 **Chapter 9. Fire Protection Systems**

21 **Sections 901 to 902** *{As in IFC}*

22 **Section 903 Automatic Sprinkler Systems**

23 **903.1 General.** *{As in IFC}*

24 **903.2 Where required.** *{As in IFC}*

25 **903.3 Installation requirements.** *{As in IFC}*

26 **903.3.1 Standards.** *{As in IFC}*

27 **903.3.1.1 to 903.3.1.3** *{As in IFC}*

28 **903.3.1.4 NFPA 13D sprinkler systems (garages):** A garage must be sprinkled when a
29 living area is provided above it. The system design must be the same for the garage and the
30 living area.

31 **903.3.2 TO 903.3.7** *{AS IN IFC}*

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1 [903.3.2 Quick-response and residential sprinklers. *{As in IFC}*]

2 [903.3.3 Obstructed locations. *{As in IFC}*]

3 [903.3.4 Water supplies. *{Substitute “National Standard Plumbing Code” for “International*
4 *Plumbing Code”.* *Otherwise, as in IFC.*}]

5 [903.3.5 to 903.3.7 *{As in IFC}*]

6 **903.4 Sprinkler system supervision and alarms. *{As in IFC}***

7 **903.4.1 Monitoring. *{As in IFC}***

8 **903.4.2 Alarms. *{As in IFC}***

9 **903.4.2.1 NFPA 13D alarm or notification.** A water flow alarm device must be installed
10 to provide notice to occupants when a sprinkler flow condition occurs. The device must
11 provide an audible alarm that is at least 75 dBA in the master bedroom and that begins within
12 60 seconds of flow and continues until the flow has stopped.

13 **903.4.3 Floor control valves. *{As in IFC}***

14 **903.5 to 903.6 *{As in IFC}***

15 **Sections 904 to 905 *{As in IFC}***

16 **Section 906 Portable Fire Extinguishers**

17 **906.1 to 906.10 *{As in IFC}***

18 **906.11 Registration required.** No person may represent him- or herself as a fire extinguisher repair
19 person or engage in the business of recharging, testing, or installing fire extinguishers or fire
20 extinguishing equipment unless that person is registered with the Fire Code Official to do so.
21 Registration is for a year, renewable annually.

22 **906.11.1 Testing competence.** The Fire Code Official may require that all applicants for
23 registration pass a test that demonstrates the applicant’s competency with fire extinguishing
24 equipment.

25 **906.11.2 Fee for registration.** The Fire Code Official may require a fee for the registration or
26 renewal.

27 **Section 907 FIRE Alarm and Detection Systems**

28 **907.1 General. *{As in IFC}***

29 **907.2 Where required – New buildings and structures. *{As in IFC}***

30 **907.2.1 to 907.2.10 *{As in IFC}***

31 **907.2.11 Single- and multiple-station smoke alarms. *{As in IFC}***

32 **907.2.11.1 Group R-1. *{As in IFC}***

33 **907.2.11.2 Groups R-2, R-3, R-4, and I-1. *{As in IFC}***

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1 **907.2.11.2.1 Obligations of landlord and tenant.** Except as otherwise provided in this
2 § 907.2.11.2, the landlord is responsible for the installation and, on written notice by
3 certified or registered mail, the repair or replacement of all required detectors. The
4 tenant is responsible to inform the landlord, in the manner just described, of any smoke
5 detector that becomes defective. A tenant may not remove or render a smoke detector
6 inoperative.

7 **907.2.11.2.2 Light signal for hearing impaired.** The landlord must provide a smoke
8 detector that is designed (and has been tested and certified by an approved testing
9 laboratory) to alert persons with hearing impairments if the tenancy is occupied by a
10 person who is hearing impaired and the tenant has asked for the detector in writing by
11 certified or registered mail.

12 **907.2.11.2.3 One-, two-, and three-family dwellings.** An occupant of a 1-, 2-, or
13 3-family dwelling must:

- 14 1. equip his or her own living unit with the number of detectors required by this
15 § 907.2.11.2, each of which must be an approved battery- or AC primary
16 electric-powered smoke detector, and
- 17 2. maintain those smoke detectors according to manufacturer’s guidelines.

18 **907.2.11.3 Interconnection.** *{As in IFC}*

19 **907.2.11.4 Power source.** *{As in IFC}*

20 **907.2.12 to 907.2.23** *{As in IFC}*

21 **907.3 [-] TO 907.9** *{As in IFC}*

22 **907.10 Carbon monoxide alarms.** Carbon monoxide alarms must be installed and maintained in
23 accordance with BALTIMORE CITY Building Code § 1211 {“CARBON MONOXIDE ALARMS”}.

24 **Sections 908 to [911] 914** *{As in IFC}*

25 **[Section 912 Fire Department Connections** *{Substitute “National Standard Plumbing Code” for*
26 *“International Plumbing Code”. Otherwise, as in IFC.}*

27 **[Sections 913 to 914** *{As in IFC}*]

28 **Chapter 10. Means of Egress**
29 *{As in IFC}*

30 **CHAPTER 11. CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS**
31 *{AS IN IFC}*

32 **CHAPTERS 12 THROUGH 19. {RESERVED}**

33 **Chapter 20 [11]. Aviation Facilities**
34 *{As in IFC}*

35 **Chapter 21 [12]. Dry Cleaning**
36 *{As in IFC}*

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Chapter 22 [13]. Combustible Dust-Producing Operations
{As in IFC}

Chapter 23 [22]. Motor Fuel-Dispensing Facilities and Repair Garages
{AS IN IFC}
[*{Substitute “National Fuel Gas Code” for “International Fuel Gas Code”,*
and “National Plumbing Code” for “International Plumbing Code.
Otherwise, as in IFC.}]

Chapter 24 [15]. Flammable Finishes
{As in IFC}

Chapter 25 [16]. Fruit and Crop Ripening
{AS IN IFC}
[*{Substitute “National Fuel Gas Code” for “International Fuel Gas Code”.*
Otherwise, as in IFC.}]

Chapter 26 [17]. Fumigation and Thermal Insecticidal Fogging

Sections 2601 TO 2602 [1701 to 1702] *{As in IFC}*

Section 2603 [1703] Fire Safety Requirements

2603.1 TO 2603.7 [1703.1 to 1703.7] *{As in IFC}*

2603.8 [1703.8] Sulfur candles prohibited. Except as specifically approved by the Fire Code Official, the use of sulfur candles for fumigating private residences is prohibited.

Chapter 27 [18]. Semiconductor Fabrication Facilities
{As in IFC}

Chapter 28 [19]. Lumber Yards and Woodworking Facilities
{As in IFC}

Chapter 29 [20]. Manufacture of Organic Coatings
{As in IFC}

Chapter 30 [21]. Industrial Ovens
{AS IN IFC}
[*{Substitute “National Fuel Gas Code” for “International Fuel Gas Code”.*
Otherwise, as in IFC.}]

Chapter 31 [24]. Tents and Other Membrane Structures
{AS IN IFC}
[*{Substitute “National Fuel Gas Code” for “International Fuel Gas Code”.*
Otherwise, as in IFC.}]

Chapter 32 [23]. High-Piled Combustible Storage
{As in IFC}

Chapter 33 [14]. Fire Safety During Construction and Demolition

Sections 3301 TO 3302 [1401 to 1402] *{As in IFC}*

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Section 3303 [1403] Temporary Heating Equipment

3303.1 [1403.1] Listed. [*Substitute “National Fuel Gas Code” for “International Fuel Gas Code”.* *Otherwise, as in IFC.*] *{AS IN IFC}*

3303.2 [1403.2] Oil-fired heaters. *{As in IFC}*

3303.3 [1403.3] LP-gas heaters. Fuel supplies for liquefied-petroleum gas-fired heaters must comply with NFPA 58 and the [National] INTERNATIONAL Fuel Gas Code.

3303.4 TO 3303.6 [1403.4 to 1403.6] *{As in IFC}*

3303.7 [1403.7] Permit required. A permit from the Fire Code Official is required for commercial portable heaters, including salamanders, and for other similar appliances or equipment used for temporary heating in structures under construction or undergoing renovation. This equipment must be maintained and operated in accordance with all applicable NFPA standards.

SECTIONS 3304 TO 3317 [1404 TO 1417] *{As in IFC}*

Chapter 34 [25]. Tire Rebuilding and Tire Storage
{As in IFC}

Chapter 35 [26]. Welding and Other Hot Work
{As in IFC}

Chapter 36 [45]. Marinas
{As in IFC}

CHAPTERS 37 THROUGH 49. *{RESERVED}*

Chapter 50 [27]. Hazardous Materials – General Provisions
{AS IN IFC}
[Substitute “National Standard Plumbing Code” for “International Plumbing Code”, and “National Fuel Gas Code” for “International Fuel Gas Code”. Otherwise, as in IFC.]

Chapter 51 [28]. Aerosols
{As in IFC}

Chapter 52 [29]. Combustible Fibers
{As in IFC}

Chapter 53 [30]. Compressed Gases
{AS IN IFC}
[Substitute “National Fuel Gas Code” for “International Fuel Gas Code”. Otherwise, as in IFC.]

Chapter 54 [31]. Corrosive Materials
{As in IFC}

Chapter 55 [32]. Cryogenic Fluids
{As in IFC}

Chapter 56 [33]. Explosives and Fireworks
{As in IFC}

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1 **Chapter 57 [34]. Flammable and Combustible Liquids**
2 *{As in IFC}*

3 **Chapter 58 [35]. Flammable Gases and Flammable Cryogenic Fluids**
4 *{AS IN IFC}*
5 [*Substitute “National Fuel Gas Code” for “International Fuel Gas Code”.*
6 *Otherwise, as in IFC.*]

7 **Chapter 59 [36]. Flammable Solids**
8 *{As in IFC}*

9 **Chapter 60 [37]. Highly Toxic and Toxic Materials**
10 *{As in IFC}*

11 **Chapter 61 [38]. Liquefied Petroleum Gases**
12 *{AS IN IFC}*
13 [*Substitute “National Fuel Gas Code” for “International Fuel Gas Code”.*
14 *Otherwise, as in IFC.*]

15 **Chapter 62 [39]. Organic Peroxides**
16 *{As in IFC}*

17 **Chapter 63 [40]. Oxidizers, Oxidizing Gases, and Oxidizing Cryogenic Fluids**
18 *{As in IFC}*

19 **Chapter 64 [41]. Pyrophoric Materials**
20 *{As in IFC}*

21 **Chapter 65 [42]. Pyroxylin (Cellulose Nitrate) Plastics**
22 *{As in IFC}*

23 **Chapter 66 [43]. Unstable (Reactive) Materials**
24 *{As in IFC}*

25 **Chapter 67 [44]. Water-Reactive Solids and Liquids**
26 *{As in IFC}*

27 **CHAPTERS 68 THROUGH 79. {RESERVED}**

28 **Chapter 80 [47]. Referenced Standards**
29 *{AS IN IFC}*

30 **[Section 4701 General]**

31 **[4701.1 Scope.** This Chapter 47 lists the standards that are referred to in various sections of this
32 Code. The standards are listed by the promulgating entity, the standard identification, the effective
33 date and title, and the section(s) of this Code that refer to the standard. The application of these
34 standards is as specified in § 102 of this Code.]

35 **[4701.2 City modifications.** The following substitutions should be made in the standards listed:

- 36 1. For International Fuel Gas Code,
37 substitute **National Fuel Gas Code (2009 Edition).**

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2. For International Plumbing Code,
substitute **National Standard Plumbing Code (2009 Edition).**]

Part IX-A [IX]. International Energy Conservation Code (COMMERCIAL)

§ 9A-101. [§ 9-101.] City adoption.

(a) *In general.*

The International Energy Conservation Code (COMMERCIAL) [(2009 Edition)] (2012 EDITION) is adopted as part of the Building, Fire, and Related Codes of Baltimore City, subject to the additions, deletions, amendments, and other modifications contained in this Part [IX] IX-A.

(b) *Codification.*

Unless otherwise specified, chapter and section numbers in this Part [IX] IX-A refer to the chapter and section numbers of the International Energy Conservation Code (COMMERCIAL).

§ 9A-102. [§ 9-102.] City modifications.

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

Chapter 1. SCOPE AND Administration

{**MBPS MODIFICATIONS – ADDITIONAL REQUIREMENTS CONCERNING ENERGY CONSERVATION FOR STRUCTURES MAY BE FOUND IN THE ENERGY CONSERVATION BUILDING STANDARDS, STATE PUBLIC UTILITY COMPANIES ARTICLE §§ 7-401 TO 7-408.**}

Section 101 Scope and General Requirements

101.1 Title. [These] THE REGULATIONS CONTAINED IN THIS CODE CONSTITUTE AND ARE KNOWN AS THE “BALTIMORE CITY ENERGY CONSERVATION CODE (COMMERCIAL) [OF BALTIMORE CITY]”.

101.1.1 References to “this Code”. All references to “this Code” refer to the BALTIMORE CITY Energy Conservation Code (COMMERCIAL) [of Baltimore City].

101.2 to 101.5 *{As in [IECC] IECC-C}*

101.6 ADMINISTRATION. THIS CODE IS ADMINISTERED AND ENFORCED BY THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND ITS COMMISSIONER. ACCORDINGLY, IN THIS CODE:

1. “DEPARTMENT” MEANS THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT,
AND
2. “CODE OFFICIAL” MEANS THE BUILDING OFFICIAL, AS DEFINED IN § 202.2 OF THE BALTIMORE CITY BUILDING CODE.

Sections 102 to [108] 103 *{As in [IECC] IECC-C}*

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1 SECTION 104 INSPECTIONS

2 104.1 General. *{As in IECC-C}*

3 **104.1.1 CODE OFFICIAL’S POWERS AND DUTIES.** THE CODE OFFICIAL MUST MAKE ALL OF THE
4 REQUIRED INSPECTIONS OR ACCEPT REPORTS OF INSPECTION BY APPROVED AGENCIES OR
5 INDIVIDUALS. ALL REPORTS OF THESE INSPECTIONS MUST BE IN WRITING AND SIGNED BY A
6 RESPONSIBLE OFFICER OF THE APPROVED AGENCY OR BY THE RESPONSIBLE INDIVIDUAL. THE
7 CODE OFFICIAL MAY ENGAGE ANY EXPERT OPINION THAT THE CODE OFFICIAL CONSIDERS
8 NECESSARY TO REPORT ON UNUSUAL TECHNICAL ISSUES THAT ARISE.

9 **104.1.2 RIGHT OF ENTRY.** THE CODE OFFICIAL MAY ENTER ANY STRUCTURE OR PREMISES AT
10 REASONABLE TIMES TO INSPECT, SUBJECT TO CONSTITUTIONAL RESTRICTIONS ON UNREASONABLE
11 SEARCHES AND SEIZURES. IF ENTRY IS REFUSED OR NOT OBTAINED, THE CODE OFFICIAL MAY
12 PURSUE RECOURSE AS PROVIDED BY LAW, INCLUDING § 104 {...POWERS OF BUILDING
13 OFFICIAL”} OF THE BALTIMORE CITY BUILDING CODE.

14 SECTION 107 PERMITS AND FEES

15 **107.1 APPLICATION FOR PERMIT.** THE REQUIREMENTS FOR OBTAINING A PERMIT ARE AS SET FORTH
16 IN § 105.3 {“APPLICATION FOR PERMIT”} OF THE BALTIMORE CITY BUILDING CODE.

17 **107.2 EXPIRATION OF PERMIT.** UNLESS EXTENDED, A PERMIT EXPIRES AS SET FORTH IN § 105.5
18 {“EXPIRATION; EXTENSION”} OF THE BALTIMORE CITY BUILDING CODE.

19 **107.3 EXTENSION.** A PERMIT MAY BE EXTENDED AS PROVIDED IN § 105.5 {“EXPIRATION;
20 EXTENSION”} OF THE BALTIMORE CITY BUILDING CODE.

21 **107.4 SUSPENSION OR REVOCATION.** THE BUILDING OFFICIAL MAY SUSPEND OR REVOKE A PERMIT
22 AS PROVIDED IN § 105.6 {“SUSPENSION OR REVOCATION”} OF THE BALTIMORE CITY BUILDING CODE.

23 **107.5 FEE SCHEDULE.** THE FEE FOR EACH PERMIT IS AS SET FORTH IN § 109 {“FEES”} OF THE
24 BALTIMORE CITY BUILDING CODE.

25 SECTION 108 VIOLATIONS

26 **108.1 VIOLATION PENALTIES.** THE PENALTIES FOR A VIOLATION OF THIS CODE ARE AS PROVIDED IN
27 § 114 {“VIOLATIONS”} OF THE BALTIMORE CITY BUILDING CODE FOR A VIOLATION THAT CODE.

28 **108.2 STOP-WORK ORDERS.** THE ISSUANCE AND ENFORCEMENT OF STOP-WORK ORDERS ARE AS
29 PROVIDED IN § 115 {“STOP-WORK ORDER”} OF THE BALTIMORE CITY BUILDING CODE.

30 **108.3 EMERGENCIES.** *{AS IN IECC-C}*

31 **108.4 FAILURE TO COMPLY.** *{NOT ADOPTED}*

32 [Section 109 *{Not Adopted}*]

33 SECTION 109. ADMINISTRATIVE AND JUDICIAL REVIEW

34 **109.1 GENERAL.** A DECISION OF THE CODE OFFICIAL IS SUBJECT TO ADMINISTRATIVE AND JUDICIAL
35 REVIEW AS PROVIDED IN THE BALTIMORE CITY BUILDING CODE.

36 **109.2 TO 109.3** *{NOT ADOPTED}*

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Chapter 2. Definitions

Section 201 General

201.1 Scope. *{As in [IECC] IECC-C}*

201.2 Interchangeability. *{As in [IECC] IECC-C}*

201.3 Terms defined in other codes. If a term is not defined in this Code and is defined in the Baltimore City Building Code or in one or another of the standards and codes listed in § 101.4 {"REFERENCED CODES"} of the Baltimore City Building Code, the term has the meaning given to it in that code or standard.

201.4 Terms not defined. *{As in [IECC] IECC-C}*

Section 202 General Definitions

202.1 General. Except as provided in § 202.2 OF THIS CODE, terms that are used and defined in the International Energy Conservation Code (COMMERCIAL) [(2009 Edition)] (2012 EDITION) have the meanings given in the International Energy Conservation Code (COMMERCIAL) [(2009 Edition)] (2012 EDITION).

202.2 Supplemental definitions. Notwithstanding any different definition in the International Energy Conservation Code (COMMERCIAL), the following terms have the meanings given in this § 202.2.

202.2.1 BUILDING. "BUILDING" HAS THE MEANING STATED IN § 202.2 OF THE BALTIMORE CITY BUILDING CODE.

202.2.2 [202.2.1] Code official. "Code official" [means the Building Official, as defined in § 202.2 of the Building Code of Baltimore City] HAS THE MEANING STATED IN § 101.6 OF THIS CODE.

202.2.3 MAY NOT, ETC. "MAY NOT", "MUST NOT", AND "NO ... MAY" ARE EACH MANDATORY NEGATIVE TERMS USED TO ESTABLISH A PROHIBITION.

202.2.4 MUST/SHALL. "MUST" AND "SHALL" ARE EACH MANDATORY TERMS USED TO EXPRESS A REQUIREMENT OR TO IMPOSE A DUTY.

202.2.5 OCCUPANCY. "OCCUPANCY" HAS THE MEANING STATED IN § 202.2 OF THE BALTIMORE CITY BUILDING CODE.

202.2.6 PREMISES. "PREMISES" HAS THE MEANING STATED IN § 202.2 OF THE BALTIMORE CITY BUILDING CODE.

Chapter 3. [Climate Zones] GENERAL REQUIREMENTS *{As in [IECC] IECC-C}*

[Chapter 4. Residential Energy Efficiency] *{As in IECC}*

Chapter 4 [5]. Commercial Energy Efficiency *{As in [IECC] IECC-C}*

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Chapter 5 [6]. Referenced Standards {As in [IECC] IECC-C}

[Section 601 General]

[601.1 Scope. This Chapter 6 lists the standards that are referred to in various sections of this Code. The standards are listed by the promulgating entity, the standard identification, the effective date and title, and the section(s) of this Code that refer to the standard. The application of these standards is as specified in § 106 of this Code.]

[601.2 City modifications. The following substitutions should be made in the standards listed:

1. For International Fuel Gas Code,
substitute **National Fuel Gas Code (2009 Edition)**.
2. For International Plumbing Code,
substitute **National Standard Plumbing Code (2009 Edition)**.]

PART IX-B. INTERNATIONAL ENERGY CONSERVATION CODE (RESIDENTIAL)

§ 9B-101. CITY ADOPTION.

(A) *IN GENERAL.*

THE INTERNATIONAL ENERGY CONSERVATION CODE (RESIDENTIAL) (2012 EDITION) IS ADOPTED AS PART OF THE BUILDING, FIRE, AND RELATED CODES OF BALTIMORE CITY, SUBJECT TO THE ADDITIONS, DELETIONS, AMENDMENTS, AND OTHER MODIFICATIONS CONTAINED IN THIS PART IX-B.

(B) *CODIFICATION.*

UNLESS OTHERWISE SPECIFIED, CHAPTER AND SECTION NUMBERS IN THIS PART IX-B REFER TO THE CHAPTER AND SECTION NUMBERS OF THE INTERNATIONAL ENERGY CONSERVATION CODE (RESIDENTIAL).

§ 9B-102. CITY MODIFICATIONS.

THE ADDITIONS, DELETIONS, AMENDMENTS, AND OTHER MODIFICATIONS ADOPTED BY THE CITY ARE AS FOLLOWS:

CHAPTER 1. SCOPE AND ADMINISTRATION

{**MBPS MODIFICATIONS** – ADDITIONAL REQUIREMENTS CONCERNING ENERGY CONSERVATION FOR STRUCTURES MAY BE FOUND IN THE ENERGY CONSERVATION BUILDING STANDARDS, STATE PUBLIC UTILITY COMPANIES ARTICLE §§ 7-401 TO 7-408.}

SECTION 101 SCOPE AND GENERAL REQUIREMENTS

101.1 TITLE. THE REGULATIONS CONTAINED IN THIS CODE CONSTITUTE AND ARE KNOWN AS THE “BALTIMORE CITY ENERGY CONSERVATION CODE (RESIDENTIAL)”.

101.1.1 REFERENCES TO “THIS CODE”. ALL REFERENCES TO “THIS CODE” REFER TO THE BALTIMORE CITY ENERGY CONSERVATION CODE (RESIDENTIAL).

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101.2 TO 101.5 *{As in IECC-R}*

101.6 ADMINISTRATION. THIS CODE IS ADMINISTERED AND ENFORCED BY THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND ITS COMMISSIONER. ACCORDINGLY, IN THIS CODE:

1. “DEPARTMENT” MEANS THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, AND
2. “CODE OFFICIAL” MEANS THE BUILDING OFFICIAL, AS DEFINED IN § 202.2 OF THE BALTIMORE CITY BUILDING CODE.

SECTIONS 102 TO 103 *{As in IECC-R}*

SECTION 104 INSPECTIONS

104.1 GENERAL. *{As in IECC-R}*

104.1.1 CODE OFFICIAL’S POWERS AND DUTIES. THE CODE OFFICIAL MUST MAKE ALL OF THE REQUIRED INSPECTIONS OR ACCEPT REPORTS OF INSPECTION BY APPROVED AGENCIES OR INDIVIDUALS. ALL REPORTS OF THESE INSPECTIONS MUST BE IN WRITING AND SIGNED BY A RESPONSIBLE OFFICER OF THE APPROVED AGENCY OR BY THE RESPONSIBLE INDIVIDUAL. THE CODE OFFICIAL MAY ENGAGE ANY EXPERT OPINION THAT THE CODE OFFICIAL CONSIDERS NECESSARY TO REPORT ON UNUSUAL TECHNICAL ISSUES THAT ARISE.

104.1.2 RIGHT OF ENTRY. THE CODE OFFICIAL MAY ENTER ANY STRUCTURE OR PREMISES AT REASONABLE TIMES TO INSPECT, SUBJECT TO CONSTITUTIONAL RESTRICTIONS ON UNREASONABLE SEARCHES AND SEIZURES. IF ENTRY IS REFUSED OR NOT OBTAINED, THE CODE OFFICIAL MAY PURSUE RECOURSE AS PROVIDED BY LAW, INCLUDING § 104 {“...POWERS OF BUILDING OFFICIAL”} OF THE BALTIMORE CITY BUILDING CODE.

SECTION 107 PERMITS AND FEES

107.1 APPLICATION FOR PERMIT. THE REQUIREMENTS FOR OBTAINING A PERMIT ARE AS SET FORTH IN § 105.3 {“APPLICATION FOR PERMIT”} OF THE BALTIMORE CITY BUILDING CODE.

107.2 EXPIRATION OF PERMIT. UNLESS EXTENDED, A PERMIT EXPIRES AS SET FORTH IN § 105.5 {“EXPIRATION; EXTENSION”} OF THE BALTIMORE CITY BUILDING CODE.

107.3 EXTENSION. A PERMIT MAY BE EXTENDED AS PROVIDED IN § 105.5 {“EXPIRATION; EXTENSION”} OF THE BALTIMORE CITY BUILDING CODE.

107.4 SUSPENSION OR REVOCATION. THE BUILDING OFFICIAL MAY SUSPEND OR REVOKE A PERMIT AS PROVIDED IN § 105.6 {“SUSPENSION OR REVOCATION”} OF THE BALTIMORE CITY BUILDING CODE.

107.5 FEE SCHEDULE. THE FEE FOR EACH PERMIT IS AS SET FORTH IN § 109 {“FEES”} OF THE BALTIMORE CITY BUILDING CODE.

SECTION 108 VIOLATIONS

108.1 VIOLATION PENALTIES. THE PENALTIES FOR A VIOLATION OF THIS CODE ARE AS PROVIDED IN § 114 {“VIOLATIONS”} OF THE BALTIMORE CITY BUILDING CODE FOR A VIOLATION THAT CODE.

108.2 STOP-WORK ORDERS. THE ISSUANCE AND ENFORCEMENT OF STOP-WORK ORDERS ARE AS PROVIDED IN § 115 {“STOP-WORK ORDER”} OF THE BALTIMORE CITY BUILDING CODE.

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CHAPTER 3. GENERAL REQUIREMENTS

{AS IN IECC-R}

CHAPTER 4. RESIDENTIAL ENERGY EFFICIENCY

{AS IN IECC-R}

CHAPTER 5. REFERENCED STANDARDS

{AS IN IECC-R}

Part X. International Residential Code

§ 10-101. City adoption.

(a) *In general.*

The International Residential Code for One- and Two-Family Dwellings [(2009 Edition)] 2012 EDITION is adopted as part of the Building, Fire, and Related Codes of Baltimore City, subject to the additions, deletions, amendments, and other modifications contained in this Part X.

(b) *Codification.*

Unless otherwise specified, chapter and section numbers in this Part X refer to the chapter and section numbers of the International Residential Code.

§ 10-102. City modifications.

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

Part I – Administrative

Chapter 1. SCOPE AND Administration

Section 101 Title, Scope, and Purpose

101.1 Title. [These] THE regulations CONTAINED IN THIS CODE constitute and are known as the “BALTIMORE CITY Residential Code for One- and Two-Family Dwellings [of Baltimore City]”.

101.1.1 References to “this Code”. All references to “this Code” refer to the BALTIMORE CITY Residential Code for One- and Two-Family Dwellings [of Baltimore City].

101.2 Scope. *{As in IRC}*

101.3 Intent. *{As in IRC}*

Section 102 Applicability

102.1 to 102.4 *{As in IRC}*

102.5 Appendices adopted. The provisions of the following appendices are adopted as part of this Code:

1. Appendix E: “Manufactured Housing Used as Dwellings”.
2. Appendix F: “Radon Control Methods”.

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3. Appendix G: “Swimming Pools, Spas, and Hot Tubs”.
4. Appendix H: “Patio Covers”.
- [5. Appendix I: “Private Sewage Disposal”.]
5. [6.] Appendix K: “Sound Transmission”.
6. [7.] Appendix M: “Home Day Care – R-3 Occupancy”.
7. [8.] Appendix O: [“Gray Water Recycling Systems”] “AUTOMATED VEHICULAR GATES”.

102.6 to 102.7 *{As in IRC}*

Section 103 Department of Building Safety

103.1 General. This Code is administered and enforced by the Department of Housing and Community Development and its Commissioner. Accordingly, in this Code:

1. “Department of Building Safety” or “Department” means the Department of Housing and Community Development, and
2. “Building Official” means the Building Official as defined in § 202.2 of the BALTIMORE CITY Building Code [of Baltimore City].

103.2 Appointment. *{Not Adopted}*

103.3 Deputies. *{Not Adopted}*

Section 104 Duties and Powers of Building Official

104.1 General. *{As in IRC}* IN ENFORCING THIS CODE, THE BUILDING OFFICIAL MAY EXERCISE ALL OF THE POWERS SPECIFIED IN § 104.1 OF THE BALTIMORE CITY BUILDING CODE.

104.2 Application and permits. *{As in IRC}*

104.3 Notices and orders. *{As in IRC}*

104.4 Inspections. The Building Official must make all of the required inspections or accept reports of inspection by approved agencies or individuals. All reports of these inspections must be in writing and signed by a responsible officer of the approved agency or by the responsible individual. The Building Official may engage any expert opinion that the Building Official considers necessary to report on unusual technical issues that arise.

104.5 Identification. *{As in IRC}*

104.6 Right of entry. The Building Official may enter any structure or premises at reasonable times to inspect, subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the Building Official may pursue recourse as provided by law, including § 104 {“...POWERS OF BUILDING OFFICIAL”} of the Baltimore City Building Code.

104.7 Department records. *{As in IRC}*

104.8 Liability. *{Not Adopted. See State Courts Article § 5-302.}*

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1 **104.9 to 104.11** *{As in IRC}*

2 **Section 105 Permits**

3 **105.1 Required.** *{As in IRC}*

4 **105.1.1 ADDITIONAL REQUIREMENTS.** IN ADDITION, A PERMIT IS REQUIRED BEFORE ANY PERSON
5 MAY DO ANY OF THE WORK DESCRIBED IN § 105.1 OF THE BALTIMORE CITY BUILDING CODE.

6 **105.1.2 BY WHOM APPLICATION MAY BE MADE.** THE APPLICATION FOR A PERMIT MAY ONLY BE
7 MADE BY A PERSON AUTHORIZED UNDER:

- 8 1. § 105.1.3 {"BY WHOM APPLICATION TO BE MADE"} OF THE BUILDING CODE,
- 9 2. § 2706.2 {"ELECTRICAL: TO WHOM ISSUED"} AND § 2707 {"LICENSING REQUIREMENTS"}
10 OF THE BUILDING CODE,
- 11 3. § 2802.3 {"MECHANICAL SYSTEMS: TO WHOM ISSUED"} AND § 2803 {"LICENSING
12 REQUIREMENTS"} OF THE BUILDING CODE, AND
- 13 4. § 2902.3 {"PLUMBING SYSTEMS: TO WHOM ISSUED"} AND § 2904 {"LICENSING
14 REQUIREMENTS"} OF THE BUILDING CODE.

15 **105.2 Work exempt from permit.** *{Introductory paragraph as on IRC}*

16 **Building:**

- 17 1. to 3. *{Not Adopted}*
- 18 4. *{As in IRC}*
- 19 5. *{Not Adopted}*
- 20 6. to 8. *{As in IRC}*
- 21 9. to 10. *{Not Adopted}*

22 **Electrical:**

- 23 1. to 2. *{As in IRC}*
- 24 3. *{Not Adopted}*
- 25 4. to 5. *{As in IRC}*

26 **Gas:** *{As in IRC}*

27 **Mechanical:** *{As in IRC}*

28 **105.2.1 to 105.2.3** *{As in IRC}*

29 **105.3 Application for permit.** The requirements for obtaining a permit are as set forth in § 105.3
30 {"APPLICATION FOR PERMIT"} of the Baltimore City Building Code.

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1 **105.3.1 Action on application.** The required actions by the Building Official are as set forth in
2 § 105.3.1 {"General"} and § 105.3.2 {"Traffic-impact study"} of the Baltimore City Building
3 Code.

4 **105.3.1.1 Determination of substantially improved or substantially damaged existing**
5 **buildings in flood hazard areas.** *{Substitute "in an administrative review" for "by the*
6 *board of appeals". Otherwise as in IRC.}*

7 **105.3.2 Time limitation of application.** *{As in IRC}*

8 **105.4 Validity of permit.** *{As in IRC}*

9 **105.5 Expiration; extension.** Unless extended, a permit expires as set forth in § 105.5
10 {"Expiration; Extension"} of the Baltimore City Building Code.

11 **105.6 Suspension or revocation.** The Building Official may suspend or revoke a permit as
12 provided in § 105.6 {"Suspension or revocation"} of the Baltimore City Building Code.

13 **105.7 Placement of permit.** *{As in IRC}*

14 **105.8 Responsibility.** *{As in IRC}*

15 **105.9 Preliminary inspection.** *{As in IRC}*

16 **Sections 106 to 107** *{As in IRC}*

17 **Section 108 Fees**

18 **108.1 General.** Fees are as set forth in [§ 108] § 109 {"Fees"} of the Baltimore City Building Code.

19 **108. 2 to 108.6.** *{Not Adopted}*

20 **Section 109 Inspections** *{As in IRC}*

21 **Section 110 Occupancy Permit; Certificate of Completion**

22 **110.1 General.** Occupancy Permits (referred to in the IRC as a "Certificate of Occupancy") and
23 Certificates of Completion are governed by § 110 {"Occupancy Permit; Certificate of Completion"}
24 of the Baltimore City Building Code.

25 **110. 2 to 110.5.** *{Not Adopted}*

26 **Section 111 Service Utilities** *{As in IRC}*

27 **Section 112 Administrative and Judicial Review**

28 **112.1 General.** A decision of the Building Official is subject to administrative and judicial review
29 as provided in § 128 {"Administrative and Judicial Review"} of the Baltimore City Building Code.

30 **112.2 to 112.4** *{Not Adopted}*

31 **Section 113 Violations**

32 **113.1 to 113.3** *{As in IRC}*

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Part III – Building Planning and Construction

Chapter 3. Building Planning

Section 301 Design Criteria

301.1 Application *{As in IRC}*

301.2 Climatic and geographic design criteria *{As in IRC}*

Table 301.2(1)
{Insert the following criteria}

Ground Snow Load	Wind Speed	Topographic Effects	Seismic Design Category	Weathering	Frost Line Depth	Termite	Winter Design Temp	Ice Barrier ...	Flood Hazards	Air Freeze Index	Mean Annual Temp
25 psf	90 mph	Yes	A	Severe	30"	Moderate to heavy	13° F	Yes	Varies	300	52° F

301.3 to 301.8 *{As in IRC}*

Sections 302 to 308 *{As in IRC}*

Section 309 Garages, Carports, Driveways, etc.

309.1 to [309.4] 309.5 *{As in IRC}*

309.6 [309.5] Paved surfaces. [Parking] AUTOMATIC VEHICULAR GATES USED ON PARKING pads, driveways, and other paved surfaces must [also] comply with the requirements of BALTIMORE CITY Building Code § 3110 {"AUTOMATIC VEHICULAR GATES"}.

Sections 310 to 311 *{As in IRC}*

Section 312 Guards AND WINDOW FALL PROTECTION

312.1 [to 312.2] *{As in IRC}*

312.1.1 TO 312.1.2 *{AS IN IRC}*

312.1.3 [312.3] Guard opening limitations. Required guards on open sides of stairways, raised floor areas, balconies, and porches:

1. must have intermediate rails or ornamental closures that do not allow passage of a sphere 4 inches (102mm) or more in diameter, and
2. may not be constructed with horizontal rails or any ornamental pattern that results in a ladder effect.

Exceptions: *{As in IRC}*

312.1.4 EXTERIOR WOODPLASTIC COMPOSITE GUARDS. *{AS IN IRC}*

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Chapter 9. Roof Assemblies

Sections 901 to 907 [*Substitute “National Standard Plumbing Code” for “International Plumbing Code”*. *Otherwise, as in IRC.*] *{AS IN IRC}*

Section 908 Rooftop Decks and Other Structures

908.1 General. All rooftop structures must comply with BALTIMORE CITY Building Code § 1509 {"ROOFTOP STRUCTURES"}.

Chapter 10. Chimneys and Fireplaces *{As in IRC}*

Part IV – Energy Conservation

Chapter 11. Energy Efficiency *{Not Adopted}*

Part V – Mechanical

{MBPS Modification} – The subject matter of Chapters 12 through 24 is not within the scope of the Maryland Building Performance Standards. SEE THE BALTIMORE CITY FUEL GAS CODE AND BALTIMORE CITY MECHANICAL CODE IN PARTS IV AND V OF THIS ARTICLE, AND THE MECHANICAL CODE ADOPTED UNDER STATE BUSINESS REGULATION ARTICLE § 9A-205.}

Chapter 12. Mechanical Administration *{As in IRC}*

Chapter 13. General Mechanical System Requirements
{AS IN IRC}
{Substitute “National Fuel Gas Code” for “International Fuel Gas Code”.
Otherwise, as in IRC.}

Chapter 14. Heating and Cooling Equipment AND APPLIANCES

Sections 1401 to 1410 *{As in IRC}*

Section 1411 Heating and Cooling Equipment

1411.1 to 1411.2 *{As in IRC}*

1411.3 Condensate disposal. *{As in IRC}*

1411.3.1 Auxiliary and secondary drain systems. *{As in IRC}*

1411.3.2 Drain pipe materials and sizes. Components of the condensate disposal system must be cast iron, galvanized steel, copper, polyethylene, ABS, CPVC, or PVC pipe or tubing. All components must be selected for the pressure and temperature rating of the installation. Condensate waste and drain line size may not be less than ¾- inch (19 mm) internal diameter and may not decrease in size from the drain pan connection to the place of condensate disposal. Where the drain pipes from more than one unit are manifolded together for condensate drainage, the pipe or tubing must be sized in accordance with an approved method. All horizontal sections of drain piping must be installed in uniform alignment at a uniform slope.

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Part VI – Fuel Gas

Chapter 24. Fuel Gas

{Not Adopted}

{See [National] INTERNATIONAL Fuel Gas Code, as modified by BFR Article Part IV}

Part VII – Plumbing

{MBPS Modification} – The subject matter of Chapters 25 through 33 is not within the scope of the Maryland Building Performance Standards. SEE THE BALTIMORE CITY PLUMBING CODE IN PART VI OF THIS ARTICLE, AND THE PLUMBING CODE ADOPTED UNDER STATE BUSINESS AND OCCUPATION ARTICLE, TITLE 12.}

Chapters 25 to 33

{Not Adopted}

{See [National Standard] INTERNATIONAL Plumbing Code, as modified by BFR Article Part VI}

Part VIII – Electrical

{MBPS Modification} – The subject matter of Chapters 34 through 43 is not within the scope of the Maryland Building Performance Standards. SEE THE BALTIMORE CITY ELECTRICAL CODE IN PART III {“ELECTRICAL”} OF THIS ARTICLE, AND THE NATIONAL ELECTRICAL CODE AS ADOPTED AND ENFORCED BY THE STATE FIRE MARSHALL UNDER STATE PUBLIC SAFETY ARTICLE, TITLE 12, SUBTITLE 6.}

Chapter 34. General Requirements

{As in IRC}

Chapter 35. Electrical Definitions

{As in IRC}

Chapter 36. Services

Sections 3601 to 3603 *{As in IRC}*

Section 3604 Overhead [Service-Drop and] SERVICE AND SERVICE-ENTRANCE Conductor Installation

3604.1 Clearances on buildings. *{As in IRC}*

3604.2 Vertical clearances. *{As in IRC}*

3604.2.1 Above roofs. *{As in IRC}*

3604.2.2 Vertical clearance from grade. *{Introductory paragraph as in IRC}*

1. - 3. *{As in IRC}*

4. **Clearance above decks.** Conductors must have a vertical clearance of at least 8 feet at the lowest point above the deck surface.

3604.3 to 3604.6 *{As in IRC}*

Sections 3605 to [3608] 3611 *{As in IRC}*

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1 [Section 3609 Bonding]

2 [3609.1 to 3609.6 *{As in IRC}*]

3 [3609.7 **Bonding other metal piping.** Where installed in or attached to a building or structure,
4 metal piping systems capable of becoming energized must be bonded to the service equipment
5 enclosure, the grounded conductor at the service, the grounding electrode conductor where of
6 sufficient size, or to the one or more grounding electrodes used. The bonding jumper must be sized
7 in accordance with Table E3808.12 using the rating of the circuit capable of energizing the piping.
8 The equipment grounding conductor for the circuit that is capable of energizing the piping must be
9 permitted to serve as the bonding means. The points of attachment of the bonding jumpers must be
10 accessible.]

11 [3609.7.1 **Exception.** This § 3609.7 does not apply to gas piping.]

12 [Section 3610 Grounding Electrode Conductors *{As in IRC}*]

13 [Section 3611 Grounding Electrode Conductor Connection to the Grounding Electrodes]

14 [3611.1 **Methods of grounding.** *{As in IRC}*]

15 [3611.2 **Accessibility.** The connection of a grounding electrode conductor or bonding jumper
16 conductor to a grounding electrode that is not buried or concrete encased must be:

- 17 1. ahead of all turnoff valves and unions, and
- 18 2. accessible.]

19 [3611.3 to 3611.5 *{As in IRC}*]

20 Chapter 37. Branch Circuit and Feeder Requirements

21 Section 3701 General *{As in IRC}*

22 Section 3702 Branch Circuit Ratings

23 3702.1 to 3702.11 *{As in IRC}*

24 3702.12 **Branch circuits serving room air conditioners.** *{Introductory paragraph as in IRC}*

- 25 1. - 4. *{As in IRC}*
- 26 5. The circuit contains a dedicated receptacle for the air conditioner.

27 3702.12.1 to 3702.12.2 *{As in IRC}*

28 3702.13 **Branch-circuit requirement – Summary.** *{As in IRC}*

29 **3702.13.1 Circuits for fuel-burning equipment.** In fuel-burning equipment such as oil and gas
30 burners and stoves, including auxiliaries such as fans, blowers, and pumps, an individual branch
31 circuit with a disconnecting means on the line side of all equipment and devices, other than the
32 branch-circuit fuses, must be provided. If 2 or more branch circuits are provided for a fuel-
33 burning system, they must be supplied through a common feeder with a disconnecting means that
34 will disconnect all components of the system.

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1 **3702.13.2 Controls.** Oil burners other than oil stores with integral tanks must be provided with
2 a device to manually stop the flow of oil to the burners. The device must be placed in a
3 convenient location at a safe distance from the burner with electrically driven equipment. This
4 may be accomplished by an identified switch in the burner supply circuit, placed near the
5 entrance to the room where the burner is located.

6 **3702.13.3 Emergency switch for fuel-burning equipment.** Fuel-burning equipment must have
7 a device to manually stop the flow of fuel at the fuel train to the burner. The device must be
8 placed in a convenient location at a safe distance from the burner and must be identified as a
9 emergency disconnect.

10 **Sections 3703 to 3706** *{As in IRC}*

11 **Chapter 38. Wiring Methods** 12 *{As in IRC}*

13 **Chapter 39. Power and Lighting Distribution**

14 **Section 3901 Receptacle Outlets**

15 **3901.1 to 3901.6** *{As in IRC}*

16 **3901.7 Outdoor outlets generally.** *{As in IRC}*

17 **3901.7.1 Near public walkways.** A receptacle installed less than 10 feet from a public
18 walkway must be wall-switch controlled from within the dwelling unit.

19 **3901.7.2 Decks.** At least 1 GFCI receptacle must be installed on all decks of whatever level.

20 **3901.8 to 3901.11** *{As in IRC}*

21 **Sections 3902 to 3907** *{As in IRC}*

22 **Section 3908 Grounding**

23 **3908.1 to 3908.7** *{As in IRC}*

24 **3908.8 Types of equipment grounding conductors.** *{Introductory paragraph as in IRC}*

25 1. - 8. *{As in IRC}*

26 9. Surface metal raceways that are listed for grounding and that contain equipment grounding
27 conductors within the raceway.

28 **3908.8.1 to 3908.8.3** *{As in IRC}*

29 **3908.9 to 3908.20** *{As in IRC}*

30 **Section 3909 Flexible Cords** *{As in IRC}*

31 **Chapter 40. Devices and Luminaires** 32 *{As in IRC}*

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Chapter 41. Appliance Installation

Section 4101 General

4101.1 to 4101.4 *{As in IRC}*

4101.5 Disconnecting means generally. *{As in IRC}*

4101.5.1 Water Heaters. Circuits that supply water heaters must have a disconnecting means other than the overcurrent device. This disconnecting means must be installed close to the water heater.

4101.6 to 4101.7 *{As in IRC}*

Chapter 42. Swimming Pools

{As in IRC}

Chapter 43. Class 2 Remote-Control, Signaling, and Power-Limited Circuits

{As in IRC}

Part IX – Referenced Standards

Chapter 44. Referenced Standards

{AS IN IRC}

[SECTION 4401 GENERAL]

[4401.1 Scope. This Chapter 44 lists the standards that are referred to in various sections of this Code. The standards are listed by the promulgating entity, the standard identification, the effective date and title, and the section(s) of this Code that refer to the standard. The application of these standards is as specified in § 102.4 of this Code.]

[4401.2 City modifications. The following substitutions should be made in the standards listed:

1. For International Fuel Gas Code,
substitute **National Fuel Gas Code (2009 Edition)**.
2. For International Plumbing Code,
substitute **National Standard Plumbing Code (2009 Edition)**.]

Appendices A to D

{Informational. Not Adopted}

Appendix E. Manufactured Housing Used as Dwellings

{As in IRC}

Appendix F. Radon Control Methods

{As in IRC}

Appendix G. Swimming Pools, Spas, and Hot Tubs

Section 101 General

101.1 to 101.2 *{As in IRC}*

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1 **101.3 Health and Zoning.** In addition, swimming pools, spas, and hot tubs must comply with:

- 2 1. all regulations of the Baltimore City Health Department, and
3 2. all location and other applicable provisions of the Baltimore City Zoning Code.

4 **Sections 102 to 108** *{As in IRC}*

5 **Appendix H. Patio Covers**
6 *{As in IRC}*

7 **Appendix I. Private Sewage Disposal**
8 *{Not Adopted}*

9 **Appendix J. Existing Buildings and Structures**
10 *{Not Adopted}*

11 **Appendix K. Sound Transmission**
12 *{As in IRC}*

13 **Appendix L. Permit Fees**
14 *{Not Adopted}*

15 **Appendix M. Home Day Care – R-3 Occupancy**
16 *{As in IRC}*

17 **Appendix N. Venting Methods**
18 *{Informational. Not Adopted}*

19 **Appendix O. [Gray Water Recycling Systems] AUTOMATED VEHICULAR GATES**
20 *{AS IN IRC}*
21 *[{Substitute “National Standard Plumbing Code” for “International Plumbing Code”.*
22 *Otherwise, as in IRC.}]*

23 **Appendix P. Sizing of Water Piping System**
24 *{Not Adopted}*

25 **Appendix Q**
26 *{Informational. Not Adopted}*

27 **Article – Health**

28 **Title 2. Department of Health**

29 **Subtitle 1. Definitions; General Provisions**

30 **§ 2-107. Right of entry.**

31 (b) *Dwellings.*

32 (1) *“Dwelling” defined.*

33 In this subsection, “dwelling” has the meaning stated in § 5-301(b) of this article.

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Title 6. Food Service Facilities

Subtitle 6. Suspensions and Revocations

§ 6-603.1. Suspension or nonrenewal for multiple or unpaid citations.

(b) *Covered offenses.*

(1) For purposes of this section, citations issued for violations of the following provisions of the City Code are presumed to be issued for reasons related to public health or to the prevention of disease, epidemics, or nuisances affecting public health:

-
- Building, Fire, and Related Codes – Building Code
 - [§ 113.14] § 105.14. Work without permit
 - [§ 114.3] § 115.3. Stop-work order: Unlawful continuance
 - [§ 115] § 116. Unsafe structures
 - § 120. Condemnation proceedings
 - § 123.8. Failure to comply with notice
 - [§ 3302.3] § 3302.2. Construction Safeguards: Waste and debris

- Building, Fire, and Related Codes – Fire Code
 - [§ 107.6.] § 107.5. Maintenance: Overcrowding
 - § 110.1. Unsafe buildings: General
 - § 1001.2. Means of Egress: Minimum requirements

- Building, Fire, and Related Codes – Property Maintenance Code
 - Chapter 3. General Requirements
 -

Title 11. Swimming Pools

Subtitle 2. Private Outdoor Swimming Pools

§ 11-203. Scope of subtitle.

(b) *Subtitle sets minimum requirements.*

This subtitle establishes minimum enclosure requirements only. All more stringent enclosure standards and other regulations imposed by the Building, FIRE, AND RELATED [Code] CODES ARTICLE of Baltimore City must be complied with to the extent applicable.

~~**Article—Zoning**~~

~~**Title 1. Definitions; General Provisions**~~

~~***Subtitle 1. Definitions***~~

~~**§ 1-172. Peep show establishment.**~~

~~(b) *Exclusions.*~~

~~“Peep show establishment” does not include a theater for the production and viewing of the performing arts or motion pictures, as described in § 303.1 (Assembly Group A-1) of the BALTIMORE City Building Code.~~

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~~Title 10. Off-Street Parking Regulations~~

~~Subtitle 3. General Requirements~~

~~§ 10-307. Vehicle parking spaces—Surfacing.~~

~~(a) In general.~~

~~Except as specified in subsection (b) of this section, vehicle parking spaces must be surfaced and maintained with a dustless all-weather material in accordance with the BALTIMORE CITY Building Code [of Baltimore City].~~

Baltimore City Code

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 40. Environmental Control Board

§ 40-14. Violations to which subtitle applies.

(e) Provisions and penalties enumerated.

....

(5a) **Building, Fire, and Related Codes – Building Code**

[§ 114.14] § 105.14. Work without permit	\$500
§ 115.3. Stop-work order: Unlawful continuance	\$500
§ 123.8. Failure to comply with notice	
Unsafe structures {§ 116}	\$900
Condemnation proceedings {§ 120}	\$500
All other notices (excluding citations)	\$250
§ 3302.2. Construction Safeguards: Waste and debris	\$250
§ 3808. Traffic-Mitigation Enforcement	\$1,000

(6) **Building, Fire, and Related Codes – Fire Code**

[§ 107.6] § 107.5. Maintenance: Overcrowding	
1-99 persons over capacity	\$100 <u>\$250</u>
100-199 persons over capacity	\$250 <u>\$500</u>
200 or more persons over capacity	\$500 <u>\$1000</u>
§ 110.1. Unsafe buildings: General	\$100 <u>\$250</u>
§ 1001.2. Means of Egress: Minimum requirements	\$250

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1 (6a) ***Building, Fire, and Related Codes –***
2 ***Property Maintenance Code***

3 Chapter 3. General Requirements

4	§ 305.5.1. Motor vehicles and trailers: Registered owner	
5	responsible	\$150
6	All other provisions	
7	Residential properties	\$ 50
8	Commercial properties	\$100

9 **Subtitle 41. Civil Citations**

10 **§ 41-14. Offenses to which subtitle applies – Listing.**

11 (5) ***Building, Fire, and Related Codes –***
12 ***Fire Code***

13	[§ 107.6] § 107.5. Maintenance: Overcrowding	
14	1-99 persons over capacity	\$100 <u>\$250</u>
15	100-199 persons over capacity	\$250 <u>\$500</u>
16	200 or more persons over capacity	\$500 <u>\$1000</u>

17	§ 1001.2. Means of Egress: Minimum requirements	\$250
----	---	-------

18 (5a) ***Building, Fire, and Related Codes –***
19 ***Property Maintenance Code***

20	§ 305.8. Snow and ice on sidewalks	
21	Residential properties	\$ 50
22	Commercial properties	\$100

23 **Article 7. Natural Resources**

24 **Subtitle 48. Enforcement; Penalties**

25 **§ 48-1. HCD to enforce.**

26 This Division IV may be enforced by the Department of Housing and Community Development in
27 the manner provided in § 104 {“DUTIES AND POWERS OF BUILDING OFFICIAL”} of the BALTIMORE
28 City Building Code.

29 **Article 13. Housing and Urban Renewal**

30 **Subtitle 2. Department of Housing and Community Development**

31 **§ 2-3. General powers.**

32 (a) *Enumerated.*

33 The Department of Housing and Community Development is authorized to:
34

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1 (10) administer and enforce the [Building Code, the Property Maintenance Code,] CITY’S
2 BUILDING, FIRE, AND RELATED CODES ARTICLE and all [of the] OTHER regulatory codes
3 of Baltimore City that relate to buildings, housing, or sanitation, except where that
4 administration and enforcement is required by the City Charter or by State law to be
5 exercised exclusively by some other officer, department, bureau, or agency of the City;
6

7 **Subtitle 4. Registration of Non-Owner-Occupied Dwellings,**
8 **Rooming Houses, and Vacant Structures**

9 **§ 4-1. Definitions.**

10 (c) *Dwelling unit.*

11 “Dwelling unit” has the meaning stated in § 202.2 of the BALTIMORE CITY Property Maintenance
12 Code [of Baltimore City].

13 (d) *Multiple-family dwelling.*

14 “Multiple-family dwelling” has the meaning stated in § 202.2 of the BALTIMORE CITY Property
15 Maintenance Code [of Baltimore City].

16 (f-1) *Rooming house.*

17 “Rooming house” has the meaning stated in § 202.2 of the BALTIMORE CITY Property
18 Maintenance Code [of Baltimore City].

19 (f-2) *Rooming unit.*

20 “Rooming unit” has the meaning stated in § 202.2 of the BALTIMORE CITY Property Maintenance
21 Code [of Baltimore City].

22 (g) *Vacant structure.*

23 (1) *In general.*

24 “Vacant structure” means any structure that is subject to an unabated violation notice issued
25 under [§ 115] § 116 {“Unsafe Structures”} of the BALTIMORE CITY Building Code [of
26 Baltimore City].

27 **Subtitle 5. Licensing of Multiple-Family Dwellings and Rooming Houses**

28 **§ 5-6. Prerequisites for license.**

29 A license may be issued or renewed under this subtitle only if:

30
31 (5) the premises are not subject to an unabated violation notice issued under [§ 115] § 116
32 {“Unsafe Structures”} of the BALTIMORE CITY Building Code [of Baltimore City].

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Subtitle 11. Registration of Vacant Lots

§ 11-1. Definitions.

(d) *Owner.*

(1) "Owner" has the meaning stated in § 202.2.11 of the BALTIMORE CITY Property Maintenance Code, except as provided in paragraph (2) of this subsection.

§ 11-2. Registration required.

(d) *Exceptions.*

This section does not apply to a vacant lot that:

-
- (2) contains a parking pad that complies with the surface requirements of BALTIMORE CITY Building Code [§ 3110.2] § 3112 and is actively used by a person whose primary residence is within 100 feet of the pad; or
-

Subtitle 13. Licensing of Peep Show Establishments

§ 13-1. Definitions.

(c) *Peep show establishment.*

(2) *Exclusions.*

"Peep show establishment" does not include a theater for the production and viewing of the performing arts or motion pictures, as described in § 303.1 (Assembly Group A-1) of the BALTIMORE City Building Code.

§ 13-13. Building and construction requirements.

(a) *In general.*

Every peep show establishment must comply with the building and construction requirements of this section, in addition to any other applicable requirements of the [City] Building, FIRE, AND RELATED [Code] CODES ARTICLE OF BALTIMORE CITY.

§ 13-16. Enforcement.

In addition to any other remedy provided in this subtitle or otherwise by law, this subtitle may be enforced by the Commissioner in the manner provided in § 104 {"DUTIES AND POWERS OF BUILDING OFFICIAL"} of the BALTIMORE City Building Code.

Subtitle 18. On-Site Utility Contractors

§ 18-16. Suspensions, revocations, denials.

(b) *Just cause.*

Just cause for suspension, revocation, or denial includes, but is not limited to:
.....

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1 (1) violation of any material provision of the [City] Building, FIRE, AND RELATED [Code]
2 CODES ARTICLE or OF any other board, City, State, or federal law, ordinance, rule, or
3 regulation;
4

5 **§ 18-19. Enforcement.**

6 In addition to any other remedy provided in this subtitle or otherwise by law, this subtitle may be
7 enforced by the Commissioner in the manner provided in § 104 {"DUTIES AND POWERS OF BUILDING
8 OFFICIAL"} of the BALTIMORE City Building Code.

9 **Article 15. Licensing and Regulation**

10 **Subtitle 2. Amusements**

11 **Part 7. Animated Riding Devices**

12 **§ 2-46. Building Code.**

13 The provisions of [§ 424.9] § 426.9 of the BALTIMORE City Building Code, which relate to the
14 electrical and mechanical requirements for certain circuses and carnivals, [applies] APPLY in all
15 respects to the animated riding devices provided for in this Part 7. However, no other provisions of
16 [§ 424] § 426 of the Building Code apply to animated riding devices.

17 **§ 2-55. Building Code; time limit on operation.**

18 (a) *Building Code.*

19 Subject to a licensee’s compliance with subsection (b) of this section, the provisions of [§ 424]
20 § 426 {"CIRCUSES AND CARNIVALS"} of the BALTIMORE City Building Code, which regulates
21 circuses and carnivals, do apply to applications and licenses to operate any type of ride or riding
22 device mounted on mobile equipment.

23 **Article 19. Police Ordinances**

24 **Subtitle 71. Special Police Officers**

25 **§ 71-2. Prepayable criminal citations.**

26 (i) *Enumeration of code violations and penalties.*

27 The authority of a Special Enforcement Officer to issue prepayable criminal citations is limited
28 to the following provisions of the City Code:

29 (1) *Building, Fire, and Related Codes –*
30 *Fire Code*

31 [§ 107.6.] § 107.5. Maintenance: Overcrowding

32		
33	1-99 persons over capacity	\$100 <u>\$250</u>
34	100-199 persons over capacity	\$250 <u>\$500</u>
35	200 or more persons over capacity	\$500 <u>\$1000</u>

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1	§ 110.1. Unsafe Buildings: General	\$100 <u>\$250</u>
2	§ 1001.2. Means of Egress: Minimum requirements	\$250
3	(2) <i>Building, Fire, and Related Codes –</i>	
4	<i>Property Maintenance Code</i>	
5	§§ 305 - 308. Sanitary Maintenance	
6	Residential properties	\$ 50
7	Commercial properties	\$100

Article 24. Water

§ 2-3. Cut-off for nonpayment.

(b) *Arrearages.*

(2) If a structure for which a bill is in arrears is a vacant structure, as defined in Building Code [§ 115.4] 116.4 {"UNSAFE VACANT STRUCTURES"}, the Department shall proceed as follows:

(i) for a structure that has an accessible water meter, the Department shall cut off the water to the premises; or

(ii) for a structure that does not have an accessible water meter, the Department shall cut off the water to the premises if damage to adjacent property is imminent or demolition of the property is planned.

SECTION 3. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 4. AND BE IT FURTHER ORDAINED, That this Ordinance and the Building, Fire, and Related Codes adopted by it apply to all building operations for which a permit application is filed on or after the effective date of this Ordinance.

SECTION 5. AND BE IT FURTHER ORDAINED, That, except as expressly provided to the contrary in this Ordinance, any transaction, case, proceeding, investigation, or other matter validly begun before the effective date of this Ordinance and affected by or flowing from any law amended or repealed by this Ordinance, and any right, duty, or interest flowing from any ordinance amended or repealed by this Ordinance, remains valid after the effective date of this Ordinance and may be terminated, completed, enforced, or prosecuted as required or permitted by the prior law as though the amendment or repeal has not occurred. If any change in nomenclature involves a change in name or designation of any City agency or official, the successor agency or official has all the powers and obligations granted the predecessor agency or official.

SECTION 6. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

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Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City