



Legislation Text

File #: 19-0354, **Version:** 0

Explanation: Capitals indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

* **Warning:** This is an unofficial, introductory copy of the bill.
The official copy considered by the City Council is the first reader copy.

Introductory*

City of Baltimore Council Bill

Introduced by: President Young

A Bill Entitled

An Ordinance concerning

Underground Conduit System for Cables, Wires, and Similar Facilities

For the purpose of clarifying the location and administration of an underground conduit system for cables, wires, and similar facilities; requiring the Department of Transportation to administer and maintain the system and to prepare the plans and specifications for its construction, maintenance, and repair; limiting use of the conduit system to persons who have obtained certain permits and other legal authorizations and have paid certain annual charges; requiring the removal of unauthorized installations; providing for the voluntary and mandatory relocation of certain facilities; prohibiting tampering with, opening, or interfering with manholes or facilities in the conduit system; providing for records of and annual reporting by conduit users; authorizing the issuance, service, and enforcement of stop-work orders; imposing civil and criminal penalties for offenses; providing for a special effective date; and generally updating the laws governing the construction, use, maintenance, and repair of an underground conduit system for electrical, communication, and service cables, wires, and similar facilities.

By repealing

Article 26 - Surveys, Streets, and Highways

Subtitle 23 {"Underground Conduits for Wires"}, in its entirety

Baltimore City Code

(Edition 2000)

By adding

Article 26 - Surveys, Streets, and Highways

New Subtitle 23 {"Underground Conduit System for Cables, Wires, and Similar Facilities"}

Baltimore City Code

(Edition 2000)

By repealing and reordaining, with amendments

Article 1 - Mayor, City Council, and Municipal Agencies

Section 40-14(e)(4b) {"Article 26"}

Baltimore City Code

(Edition 2000)

By adding

Article 1 - Mayor, City Council, and Municipal Agencies
Section 41-14(3a) {"Article 26"}
Baltimore City Code
(Edition 2000)

Section 1. Be it ordained by the Mayor and City Council of Baltimore, City Code Article 26, Subtitle 23 {"Underground Conduits for Wires"} is repealed, in its entirety.

Section 2. And be it further ordained, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 26. Surveys, Streets, and Highways

**Subtitle 23. Underground Conduit System for
Cables, Wires, and Similar Facilities**

Part 1. Definitions; General Provisions

§ 23-1. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.

(b) *Department.*

“Department” means the City Department of Transportation.

(c) *Director.*

“Director” means the Director of the Department of Transportation or the Director’s designee.

(d) *Facility.*

(1) *In general.*

“Facility” means any type of electrical, communication, or service cable, wire, or similar facility that may be strung over or buried directly under a street, alley, or other right-of-way.

(2) *Exceptions.*

“Facility” does not include any catenary cable used to power a street railway.

(e) *Person.*

(1) *In general.*

“Person” means:

- (i) an individual;
- (ii) a partnership, firm, association, corporation, or other entity of any kind; or
- (iii) a receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind.

(2) *Inclusions.*

“Person” includes, except as used in this subtitle for the imposition of civil or criminal penalties, a governmental entity or an instrumentality or unit of a governmental entity.

§ 23-2. *{Reserved}*

§ 23-3. **Administration.**

The Department of Transportation is responsible for administering and enforcing this subtitle.

§ 23-4. **Rules and regulations.**

(a) *Director to adopt.*

The Director of Transportation shall adopt rules and regulations to carry out this subtitle.

(b) *Stop-work orders.*

These rules and regulations may include procedures for the issuance, service, and enforcement of administrative orders to stop work being done in violation of this subtitle, a rule or regulation adopted under this subtitle, or a condition imposed on a permit issued under this subtitle.

(c) *Filing with Legislative Reference.*

A copy of all rules and regulations must be filed with the Department of Legislative Reference before they take effect.

§ 23-5. **Fees for conduit use.**

(a) *Board of Estimates to set.*

The Board of Estimates may set and, from time to time, modify the annual charges imposed for the use of the conduit system.

(b) *Billing and payment.*

These charges shall be billed and paid as the Board of Estimates directs.

§§ 23-5 to 23-10. *{Reserved}*

Part 2. Location and Maintenance of Conduit System

§ 23-11. **Location of system.**

A system of conduits for the reception of electrical, communication, and service cables, wires, or similar facilities shall be constructed within the territory or districts determined by the Director pursuant to Chapter 200, Laws of Maryland 1892.

§ 23-12. DoT to maintain system.

The Director is responsible for maintaining this conduit system.

§ 23-13. Plans and specifications; Work superintendence.

The Director shall:

- (1) cause to be prepared the plans and specifications for the work required to construct, maintain, and repair the conduit system; and
- (2) superintend that work.

§ 23-14. Labor and materials.

The Director may employ the labor and purchase the materials necessary to enable the Department to perform the work, or so much of the work that it considers to be in the best interest of the City for the Department to perform.

§ 23-15. {Reserved}

Part 3. Use of Conduit System

§ 23-16. Required permit and authorizations.

(a) *Permit required.*

Use of the conduit system for facility installations is available only to persons to whom the Department has issued one or more permits that expressly authorize those facility installations.

(b) *Additional authorizations.*

In addition to permits, the Department may require the person responsible for the installation to obtain other authorizations, including lease agreements, prior to any installation.

(c) *Unlawful to install without authorizations.*

No person may install facilities in the conduit system without the permit and other authorizations required under this section.

(d) *Removal of unauthorized installations.*

- (1) The procedures in paragraph (2) of this subsection for the removal of an unauthorized installation are in addition to any other civil or criminal enforcement action or penalty authorized by Part 4 {“Civil and Criminal Penalties”} of this subtitle or otherwise authorized by law.
- (2) If an installation is determined to have been installed without the required permit or other authorizations:

- (i) the Department shall notify the person responsible for the installation and order its removal;
- (ii) the person responsible for the installation shall remove the installation within 30 days of the notice; and
- (iii) if the installation is not removed within the required period:
 - (i) the Department may remove the installation; and
 - (ii) the person responsible for the installation is liable to the Department for all expenses of the removal and of any consequent repairs needed to be made to the conduit.

§ 23-17. Voluntary relocation of facilities.

(a) *In general.*

When the conduit system or any of its parts have been completed and made ready for occupancy and the rates of rental have been set pursuant to this subtitle, the Director shall lease space in the conduit system to any person that complies with the conditions prescribed by this subtitle and with any further conditions that the Director specifies.

(b) *Work to be performed within 6 months.*

A person authorized to install facilities under this subtitle must install the facilities within 6 months from the date the installation is authorized.

§ 23-18. Mandatory relocation of facilities.

(a) *Director may order relocation.*

The Director may:

- (1) order facilities to be removed from above the streets and placed underground in the conduit system in accordance with Chapter 200, Laws of Maryland 1892;
- (2) order facilities to be moved from one underground conduit location to another; and
- (3) use methods that, in the judgment of the Director, are necessary to protect and promote the health, safety, and general welfare of the City.

(b) *Compliance required.*

The person responsible for the facilities shall comply with a relocation order issued under this section within 150 days of the order.

(c) *Relocation by Department.*

If the facilities are not relocated within 6 months of the order:

- (1) the Department may relocate the facilities and remove any poles remaining above the streets; and

- (2) the person responsible for the facilities is liable to the Department for all expenses of the relocation and of the removal of poles remaining above the streets.

§ 23-19. Tampering with conduit.

No person may tamper with, open, or in any way interfere with any of the manholes or facilities in the conduit system without first having obtained:

- (1) a permit from the Department; and
- (2) all other authorizations required by the Department.

§ 23-20. {Reserved}

§ 23-21. Survey of and reports by conduit users.

- (a) *Department to survey users.*

The Department shall survey or otherwise identify and retain records of:

- (1) each person whose facilities have been installed in the conduit system;
- (2) the nature of the facilities installed by that person; and
- (3) the total linear footage of conduit occupied by those facilities.

- (b) *Users to report annually.*

- (1) No later than June 30 of each year, each person whose facilities have been installed in the conduit system shall report annually to the Department, in the format that the Department requires.

- (2) The report required by this subsection shall consist of:

- (i) one or more maps showing the location of all facilities installed in the conduit system by or on behalf of the person;
- (ii) the total linear footage of conduit occupied by those facilities; and
- (iii) any other information that the Department deems necessary to include in the report.

- (c) *Under or mis-reporting.*

No person that files a report under this section may intentionally misrepresent:

- (1) the nature or location of the person's facilities that have been installed in the conduit system;
- (2) the total linear feet of conduit occupied by those facilities; or
- (3) any other information provided in the report.

§§ 23-22 to 23-25. {Reserved}

Part 4. Civil and Criminal Penalties

§ 23-26. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of:

- (1) an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"}; or
- (2) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) *Process not exclusive.*

The issuance of a citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(c) *Each day a separate offense.*

Each day that a violation continues is a separate offense.

§ 23-27. Criminal penalties.

(a) *In general.*

Any person who violates a provision of this subtitle, a rule or regulation adopted under this subtitle, a condition imposed on a permit issued under this subtitle, or a stop-work order issued under this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 or imprisonment for not more than 12 months or both fine and imprisonment for each offense.

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense.

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.*

(4b) ***Article 26. Surveys, Streets, and Highways***

Subtitle 6. Building Address Numbers

\$ 25

Subtitle 23. Underground Conduits

\$1,000

Subtitle 41. Civil Citations

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

(3a) Article 26. Surveys, Streets, and Highways

Subtitle 23. Underground Conduits

\$1,000

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 the civil and criminal penalties imposed by Article 26, § 23-26 and § 23-27, and by Article 1, § 40-14(e)(4b)(Subtitle 23) and § 40-14(3a)(Subtitle 23), as added by this Ordinance, shall be effective for facility installations only if, on or after January 1, 2020, the Department of Transportation has found or determiner the installations to be unlawful.

Section 5. And be it further ordained, That, except as provided in Section 4 of this Ordinance. this Ordinance takes effect on the 30th day after the date it is enacted.