ORDINANCES AND RESOLUTIONS

OF THE

MAYOR AND CITY COUNCIL

OF BALTIMORE

PASSED AT THE ANNUAL SESSION 2006-2007

VOLUME 2

Ordinances 07-552 to 07-634

Resolutions 06-020 to 07-034

Published by

BALTIMORE CITY DEPARTMENT OF LEGISLATIVE REFERENCE

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MAYOR AND CITY COUNCIL OF BALTIMORE
DEPARTMENT OF LEGISLATIVE REFERENCE

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EXPLANATION OF SYMBOLOGY

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.
Underlined italics indicate matter added to the bill by
amendment after printing for third reading.

CITY OF BALTIMORE
ORDINANCE 07-552
(Council Bill 07-632)

AN ORDINANCE CONCERNING

Building, Fire, and Related Codes – 2007 Edition

FOR the purpose of adopting a revised Building, Fire, and Related Codes Article, comprising the Maryland Building Performance Standards (effective July 1, 2007), the International Building Code (2006 Edition), the National Electrical Code (2005 Edition), the National Fuel Gas Code (2006 Edition), the International Mechanical Code (2006 Edition), the National Standard Plumbing Code (2006 Edition, 2007 Supplement), the International Property Maintenance Code (2006 Edition), the International Fire Code (2006 Edition), the International Energy Conservation Code (2006 Edition), and the International Residential Code for One- and Two-Family Dwellings, 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
In its Entirety
Baltimore City Revised Code
(Edition 2000)

BY adding
Article - Building, Fire, and Related Codes
Baltimore City Revised Code
(Edition 2000)

BY repealing and reordaining, with amendments
Article - Health
Section(s) 5-301(d)
Baltimore City Revised Code
(Edition 2000)

BY repealing and reordaining, with amendments
Article - Zoning
Section(s) 13-719(d)
Baltimore City Revised Code
(Edition 2000)

BY repealing and reordaining, with amendments
Article 9 - Fire Suppression and Prevention
Section(s) 9-5(b)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments
Article 13 - Housing and Urban Renewal
Section(s) 13-5, 13-8
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments
Article 15 - Licensing and Regulation
Section(s) 1-28(a), 3-8(b)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments
Article 28 - Taxes
Section(s) 10-6(d), 10-8(f)
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Building, Fire, and Related Codes Article of the City Code is repealed.

SECTION 2. AND BE IT ORDAINED, That the Laws of Baltimore City read as follows:

Baltimore City Revised Code

ARTICLE – BUILDING, FIRE, AND RELATED CODES

PART I. MARYLAND BUILDING PERFORMANCE STANDARDS

§ 1-101. STATE ACTION.

(A) *IN GENERAL.*

THE MARYLAND BUILDING PERFORMANCE STANDARDS ARE ADOPTED AND, FROM TIME TO TIME, AMENDED BY THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT UNDER STATE PUBLIC SAFETY ARTICLE, TITLE 12, SUBTITLE 5.

(B) *CONTENTS.*

AS AMENDED EFFECTIVE JULY 1, 2007, THESE STANDARDS CONSIST OF:

(1) THE INTERNATIONAL BUILDING CODE (2006 EDITION), WITH CERTAIN STATE MODIFICATIONS {COMAR 05.02.07.04A AND B}; AND

(2) THE INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS (2006 EDITION), WITH CERTAIN STATE MODIFICATIONS {COMAR 05.02.07.04C}.

§ 1-102. CITY ADOPTION.

THE MARYLAND BUILDING PERFORMANCE STANDARDS ARE ADOPTED AS PART OF THE BUILDING, FIRE, AND RELATED CODES OF BALTIMORE CITY, SUBJECT TO THE FOLLOWING MODIFICATIONS:

(1) IN THE INTERNATIONAL BUILDING CODE (2006 EDITION):

(1) INCORPORATE THE STATE MODIFICATIONS INDICATED IN THE APPROPRIATE CHAPTER, SECTION, OR OTHER PROVISION OF PART II BELOW; AND

(2) ADD THE BALTIMORE CITY MODIFICATIONS INDICATED IN THE APPROPRIATE CHAPTER, SECTION, OR OTHER PROVISION OF PART II BELOW; AND

(2) IN THE INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS (2006 EDITION):

(I) INCORPORATE THE STATE MODIFICATIONS INDICATED IN THE APPROPRIATE CHAPTER, SECTION, OR OTHER PROVISION OF PART X BELOW; AND

(II) ADD THE BALTIMORE CITY MODIFICATIONS INDICATED IN THE APPROPRIATE CHAPTER, SECTION, OR OTHER PROVISION OF PART X BELOW.

PART II. INTERNATIONAL BUILDING CODE

§ 2-101. CITY ADOPTION.

(A) *IN GENERAL.*

THE INTERNATIONAL BUILDING CODE (2006 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 II.

(B) *CODIFICATION.*

UNLESS OTHERWISE SPECIFIED, CHAPTER AND SECTION NUMBERS IN THIS PART II REFER TO THE CHAPTER AND SECTION NUMBERS OF THE INTERNATIONAL BUILDING CODE.

§ 2-102. MARYLAND BUILDING PERFORMANCE STANDARDS.

THE MARYLAND BUILDING PERFORMANCE STANDARDS CONTAIN CERTAIN STATE MODIFICATIONS TO THE INTERNATIONAL BUILDING CODE. THE STATE MODIFICATIONS THAT BALTIMORE CITY HAS ADOPTED ARE REPEATED IN THIS PART II, FOR THE USER'S CONVENIENCE, IN THE APPROPRIATE CHAPTER, SECTION, OR OTHER PROVISION. THESE STATE MODIFICATIONS ARE LABELED "MBPS MODIFICATION".

§ 2-103. CITY MODIFICATIONS.

THE ADDITIONS, DELETIONS, AMENDMENTS, AND OTHER MODIFICATIONS ADOPTED BY THE CITY ARE AS FOLLOWS:

CHAPTER 1. ADMINISTRATION

{**MBPS MODIFICATION –** NOTE TO CHAPTER 1: LOCAL JURISDICTIONS ARE RESPONSIBLE FOR THE IMPLEMENTATION AND ENFORCEMENT OF THE MARYLAND BUILDING PERFORMANCE STANDARDS. REFER TO EACH LOCAL JURISDICTION FOR LOCAL AMENDMENTS TO CHAPTER 1 OF THE IBC. EACH LOCAL JURISDICTION HAVING AUTHORITY SHALL ESTABLISH . . . IMPLEMENTATION AND ENFORCEMENT PROCEDURES THAT INCLUDE: (A) REVIEW AND ACCEPTANCE OF APPROPRIATE PLANS; (B) ISSUANCE OF

BUILDING PERMITS; (C) INSPECTION OF THE WORK AUTHORIZED BY THE BUILDING PERMITS; AND (D) ISSUANCE OF USE AND OCCUPANCY CERTIFICATES.}

SECTION 101 GENERAL

101.1 TITLE. THE INTERNATIONAL BUILDING CODE, TOGETHER WITH THE STANDARDS AND CODES LISTED IN § 101.4, AS SUPPLEMENTED, AMENDED, OR OTHERWISE MODIFIED BY THESE PROVISIONS, COLLECTIVELY CONSTITUTE AND ARE KNOWN AS THE "BUILDING, FIRE, AND RELATED CODES OF BALTIMORE CITY".

101.1.1 REFERENCES TO "THIS CODE". THROUGHOUT THESE PROVISIONS AND THE STANDARDS AND CODES LISTED IN § 101.4, ALL REFERENCES TO "THIS CODE" REFER TO THE BUILDING, FIRE, AND RELATED CODES OF BALTIMORE CITY.

101.2 SCOPE. ***{AS IN IBC}***

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

EXCEPTION 2: {PER MBPS MODIFICATION} EXISTING BUILDINGS UNDERGOING REPAIR, ALTERATIONS, OR ADDITIONS, AND CHANGE OF OCCUPANCY MUST COMPLY WITH THE MARYLAND BUILDING REHABILITATION CODE, SET FORTH IN COMAR 05.16.

101.2.1 APPENDICES {PER MBPS MODIFICATION}. THE APPENDICES TO THE INTERNATIONAL BUILDING CODE APPLY AS FOLLOWS:

101.2.1.1 APPENDICES ADOPTED. THE PROVISIONS OF THE FOLLOWING APPENDICES ARE ADOPTED AS PART OF THIS CODE:

1. APPENDIX C: "GROUP U – AGRICULTURAL BUILDINGS".
2. APPENDIX D: "DOWNTOWN FIRE DISTRICT".
3. APPENDIX F: "RODENT PROOFING".
4. APPENDIX G: "FLOOD RESISTANT CONSTRUCTION".
5. APPENDIX H: "SIGNS".
6 APPENDIX I: "PATIO COVERS".

101.2.1.2 APPENDICES NOT ADOPTED. THE FOLLOWING APPENDICES ARE NOT ADOPTED AS PART OF THIS CODE:

1. APPENDIX A: "EMPLOYEE QUALIFICATIONS".
2. APPENDIX B: "BOARD OF APPEALS".
3. APPENDIX E: "SUPPLEMENTARY ACCESSIBILITY REQUIREMENTS".
4. APPENDIX J: "SUPPLEMENTARY ACCESSIBILITY REQUIREMENTS FOR QUALIFIED HISTORIC BUILDINGS AND FACILITIES".

101.3 INTENT. ***{AS IN IBC}***

101.4 REFERENCED CODES. THE STANDARDS AND CODES LISTED IN THIS § 101.4, AS MODIFIED BY THESE PROVISIONS AND AS REFERRED TO ELSEWHERE IN THIS CODE, ARE PART OF THE REQUIREMENTS OF THIS CODE TO THE EXTENT PRESCRIBED BY THE REFERENCE.

101.4.1 ELECTRICAL. THE NATIONAL ELECTRICAL CODE (2005 EDITION) APPLIES TO THE INSTALLATION OF ELECTRICAL SYSTEMS, INCLUDING THEIR ALTERATION, REPAIR, REPLACEMENT, EQUIPMENT, APPLIANCES, FIXTURES, FITTINGS, AND APPURTENANCES.

101.4.2 GAS. THE NATIONAL FUEL GAS CODE (2006 EDITION) APPLIES TO THE INSTALLATION OF GAS PIPING FROM THE POINT OF DELIVERY, TO GAS APPLIANCES, AND TO RELATED ACCESSORIES AS COVERED IN THIS CODE. THESE REQUIREMENTS APPLY TO GAS PIPING SYSTEMS EXTENDING FROM THE POINT OF DELIVERY TO THE INLET CONNECTIONS OF APPLIANCES AND THE INSTALLATION AND OPERATION OF RESIDENTIAL AND COMMERCIAL GAS APPLIANCES AND RELATED ACCESSORIES.

101.4.3 MECHANICAL. ***{AS IN IBC}***

101.4.4 PLUMBING. THE NATIONAL STANDARD PLUMBING CODE (2006 EDITION, 2007 SUPPLEMENT) APPLIES TO THE ERECTION, INSTALLATION, ALTERATION, REPAIR, RELOCATION, REPLACEMENT, USE, OR MAINTENANCE OF OR ADDITION TO PLUMBING SYSTEMS, INCLUDING EQUIPMENT, APPLIANCES, FIXTURES, FITTINGS, AND APPURTENANCES.

101.4.5 PROPERTY MAINTENANCE. ***{AS IN IBC}***

101.4.6 FIRE PREVENTION. ***{AS IN IBC}***

101.4.7 ENERGY. ***{AS IN IBC}***

101.5 STATE REHABILITATION CODE. THE MARYLAND REHABILITATION CODE, ADOPTED UNDER STATE CODE ARTICLE 83B, § 6-503, AND CODIFIED IN COMAR 05.16, APPLIES TO ALL REHABILITATION PROJECTS UNDERTAKEN IN EXISTING BUILDINGS, AS PROVIDED IN THAT CODE.

101.6 REFERENCES TO FORMER CODES. ALL REFERENCES IN A VIOLATION OR CONDEMNATION NOTICE OR IN THE BALTIMORE CITY CODE TO ANY FORMER VERSION OF THE BUILDING CODE OR TO ANY PROVISION OF THAT CODE ARE CONSIDERED TO REFER TO THE COMPARABLE OR OTHERWISE APPLICABLE PROVISIONS OF THIS CODE.

SECTION 102 APPLICABILITY

102.1 TO 102.5 ***{AS IN IBC}***

102.6 EXISTING CONDITIONS. CONDITIONS LAWFULLY EXISTING ON THE EFFECTIVE DATE OF THIS CODE MAY BE CONTINUED WITHOUT CHANGE, EXCEPT AS:

1. SPECIFICALLY PROVIDED BY THIS CODE (INCLUDING THE STANDARDS AND CODES INCORPORATED IN IT), OR

2. DEEMED NECESSARY BY THE BUILDING OFFICIAL FOR THE GENERAL SAFETY AND WELFARE OF THE OCCUPANTS AND THE PUBLIC.

102.7 STRUCTURES OWNED BY CITY. THIS CODE DOES NOT APPLY TO ANY STRUCTURE (OTHER THAN A BUILDING) THAT IS OWNED BY THE CITY, TO THE EXTENT THAT THE STRUCTURE:

1. IS LOCATED ON, OVER, OR UNDER A STREET, ALLEY, OR OTHER PUBLIC WAY OR LAND, AND

2. IS DESIGNED, CONSTRUCTED, CONTROLLED, AND MAINTAINED BY AND UNDER THE AUTHORITY AND SUPERVISION OF THE DIRECTOR OF PUBLIC WORKS OR AN AUTHORIZED REPRESENTATIVE OF THE DIRECTOR.

102.8 PUBLIC SERVICE STRUCTURES ON STREETS. THIS CODE DOES NOT APPLY TO ANY POLE, CONDUIT, TUNNEL, PIPE LINE, MANHOLE, OR OTHER SIMILAR SURFACE OR SUBSURFACE STRUCTURE, INCLUDING ITS EQUIPMENT, THAT IS OWNED AND CONTROLLED BY A PUBLIC SERVICE CORPORATION, TO THE EXTENT THAT:

1. THE STRUCTURE IS LOCATED ON, OVER, OR UNDER A STREET, ALLEY, OR OTHER PUBLIC WAY OR LAND,

2. ITS CONSTRUCTION IS AUTHORIZED BY THE CITY, AND

3. ITS INSTALLATION IS REGULATED AND SUPERVISED BY THE DIRECTOR OF PUBLIC WORKS OR AN AUTHORIZED REPRESENTATIVE OF THE DIRECTOR.

102.9 PROPERTY OWNED OR LEASED BY UNITED STATES OR BY MARYLAND. EXCEPT AS SPECIFIED IN § 102.9.1, LAND OWNED BY THE UNITED STATES OR BY THE STATE OF MARYLAND, INCLUDING ANY STRUCTURE OWNED BY EITHER AND LOCATED ON THE LAND, IS EXEMPT FROM THIS CODE.

102.9.1 EXCEPTIONS. THE FOLLOWING ARE NOT EXEMPT FROM THIS CODE:

1. LAND OR STRUCTURES LEASED BY THE UNITED STATES OR THE STATE OF MARYLAND FROM A PRIVATE OWNER,

2. LAND OR STRUCTURES LEASED BY A PRIVATE OWNER FROM THE UNITED STATES OR THE STATE OF MARYLAND, AND

3. LAND OR STRUCTURES HELD BY THE UNITED STATES OR THE STATE OF MARYLAND PURSUANT TO THE FORECLOSURE OF A RESIDENTIAL MORTGAGE.

102.10 WATERWAYS. OTHER THAN WORK DONE BY THE UNITED STATES OR THE STATE OF MARYLAND, ALL CONSTRUCTION DONE ALONG THE SHORELINE AND WATERWAYS WITHIN THE CITY MUST:

1. COMPLY WITH THIS CODE, AND

2. BE APPROVED BY:

   A. THE DEPARTMENT OF PUBLIC WORKS,

   B. THE DEPARTMENT OF PLANNING,

   C. THE FIRE DEPARTMENT,

   D. THE MARYLAND DEPARTMENT OF THE ENVIRONMENT, AND

   E. THE U.S. ARMY CORPS OF ENGINEERS.

102.11 RAILROAD FACILITIES. RAILROAD FACILITIES WITHIN A RAILROAD RIGHT-OF-WAY ARE EXEMPT FROM THE PROVISIONS OF THIS CODE, EXCEPT FOR THOSE PROVISIONS THAT RELATE TO SANITARY

MAINTENANCE. HOWEVER, PRIVATELY OWNED STRUCTURES WITHIN A RIGHT-OF-WAY ARE NOT EXEMPT UNLESS THEY ARE ANCILLARY TO THE RAILROAD.

102.12 MOVED STRUCTURES. STRUCTURES THAT ARE MOVED INTO OR WITHIN BALTIMORE CITY:

1. MUST COMPLY WITH THE PROVISIONS OF THIS CODE FOR NEW STRUCTURES, AND

2. MAY NOT BE USED OR OCCUPIED, IN WHOLE OR IN PART, UNTIL THE BUILDING OFFICIAL APPROVES AN OCCUPANCY PERMIT FOR THE STRUCTURE.

102.13 TO 102.14 *{RESERVED}*

102.15 COMPLIANCE WITH CODE REQUIRED. NO STRUCTURE, PREMISES, LAND, OR EQUIPMENT MAY BE CONSTRUCTED, ALTERED, ADDED TO, REPAIRED, REHABILITATED, DEMOLISHED, MOVED, LOCATED, USED, OCCUPIED, OR MAINTAINED IN VIOLATION OF THIS CODE.

102.15.1 CONSTRUCTION OF STRUCTURE. WHEN CONSTRUCTED, EVERY STRUCTURE MUST BE LOCATED SO THAT IT DOES NOT CREATE A VIOLATION OF THIS CODE.

102.15.2 RELOCATION, ETC., OF LOT LINES, ETC. NO LOT OR PROPERTY LINE MAY BE MOVED OR RELOCATED AND NO LOT OR PARCEL OF LAND MAY BE SUBDIVIDED IN ANY WAY THAT CREATES A VIOLATION OF THIS CODE FOR ANY STRUCTURE.

102.16 COMPLIANCE WITH OTHER LAWS. TO THE EXTENT APPLICABLE, ALL WORK MUST ALSO COMPLY WITH:

1. THE CRITICAL AREA MANAGEMENT PROGRAM OF BALTIMORE CITY,

2. THE BALTIMORE CITY FOREST AND TREE CONSERVATION PROGRAM,

3. THE ZONING CODE OF BALTIMORE CITY,

4. CITY CODE ARTICLE 6 {"HISTORICAL AND ARCHITECTURAL PRESERVATION"};

5. ANY APPLICABLE URBAN RENEWAL PLAN;

6. ~~5.~~ THE DEPARTMENT OF PUBLIC WORKS RULES AND REGULATIONS GOVERNING:

   A. STORM WATER MANAGEMENT,

   B. SOIL EROSION AND SEDIMENT CONTROL,

   C. ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY, ~~AND~~

   D. DISCHARGES TO THE STORM DRAIN SYSTEM;

   E. DEVELOPER'S AGREEMENTS; AND

   F. ~~D.~~ BLASTING, AND

7. ~~6.~~ ALL OTHER APPLICABLE LAWS OF THE CITY AND OF THE STATE OF MARYLAND.

SECTION 103 DEPARTMENT OF BUILDING SAFETY

103.1 ENFORCEMENT AGENCY. 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 COMMISSIONER OF HOUSING AND COMMUNITY DEVELOPMENT OR AN AUTHORIZED REPRESENTATIVE OF THE COMMISSIONER.

103.2 APPOINTMENT. ***{NOT ADOPTED}***

103.3 DEPUTIES. ***{NOT ADOPTED}***

103.4 EMPLOYEE RESTRICTIONS. AN OFFICER OR EMPLOYEE OF THE DEPARTMENT MAY NOT:

1. ENGAGE IN OR DIRECTLY OR INDIRECTLY BE CONNECTED WITH THE FURNISHING OF LABOR, MATERIALS, OR APPLIANCES OR THE PREPARATION OF PLANS OR SPECIFICATIONS FOR THE CONSTRUCTION, ALTERATION, ADDITION, REPAIR, REHABILITATION, DEMOLITION, MOVING, OR MAINTENANCE OF A STRUCTURE, UNLESS THE OFFICER OR EMPLOYEE IS THE OWNER OF THE STRUCTURE, OR

2. ENGAGE IN ANY WORK THAT CONFLICTS WITH HIS OR HER OFFICIAL DUTIES OR WITH THE INTERESTS OF THE DEPARTMENT.

SECTION 104 DUTIES AND POWERS OF BUILDING OFFICIAL

104.1 GENERAL. EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED BY LAW, THE BUILDING OFFICIAL:

1. ADMINISTERS AND ENFORCES ALL PROVISIONS OF THIS CODE AND THE PROVISIONS OF ALL OTHER ORDINANCES, LAWS, OR REGULATIONS RELATING TO THE MATTERS PROVIDED FOR IN THIS CODE, AND

2. MAY ACT ON ANY QUESTION RELATIVE TO THE MANNER OF AND THE MATERIALS TO BE USED IN THE CONSTRUCTION, ALTERATION, ADDITION, REPAIR, REHABILITATION, DEMOLITION, MOVING, LOCATION, USE, OCCUPANCY, AND MAINTENANCE OF ALL STRUCTURES AND IN THE INSTALLATION OF EQUIPMENT.

104.1.1 INTERPRETATIONS, RULES, AND REGULATIONS. THE BUILDING OFFICIAL MAY:

1. RENDER INTERPRETATIONS OF THIS CODE, AND

2. ADOPT RULES AND REGULATIONS TO CARRY OUT THIS CODE.

104.1.2 FILING RULES AND REGULATIONS. A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS CODE MUST BE FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE.

104.2 TO 104.5 ***{AS IN IBC}***

104.6 RIGHT OF ENTRY. IN THE PERFORMANCE OF HIS OR HER DUTIES, THE BUILDING OFFICIAL MAY ENTER ANY LAND, STRUCTURE, OR PREMISES IN THE CITY TO ENFORCE THIS CODE, AT ANY

REASONABLE TIME OR, IN AN EMERGENCY THAT MIGHT ENDANGER PUBLIC HEALTH OR SAFETY, AT ANY TIME.

104.6.1 ENTRY WITHOUT NOTICE OR WARRANT. NEITHER A SEARCH WARRANT NOR PRIOR NOTICE IS NEEDED IN ANY OF THE FOLLOWING CIRCUMSTANCES:

1. IF ENTRY IS BY PERMISSION OR AT THE REQUEST OF AN OCCUPANT OF THE LAND, STRUCTURE, OR PREMISES OR A PERSON WITH APPARENT RIGHT OF POSSESSION,

2. IF THE LAND, STRUCTURE, OR PREMISES IS OPEN AND ACCESSIBLE TO MEMBERS OF THE GENERAL PUBLIC,

3. IF THE BUILDING OFFICIAL REASONABLY BELIEVES THAT AN IMMINENT DANGER TO HEALTH OR SAFETY EXISTS OR MIGHT EXIST, OR

4. IMMEDIATELY AFTER AN ACCIDENT OR DISASTER THAT CAUSES THE BUILDING OFFICIAL TO BELIEVE THAT IMMEDIATE ENTRY IS NECESSARY FOR INVESTIGATIVE PURPOSES OR TO PROTECT PROPERTY OR PUBLIC HEALTH OR SAFETY.

104.6.2 AUTHORITY TO SEEK WARRANT. WHERE APPROPRIATE, THE BUILDING OFFICIAL MAY SEEK A SEARCH WARRANT TO ENTER ANY LAND, STRUCTURE, OR PREMISES IN THE CITY TO MAKE AN INSPECTION OR TO TAKE ANY OTHER AUTHORIZED ACTION TO ADMINISTER AND ENFORCE:

1. THIS CODE (INCLUDING THE STANDARDS AND CODES INCORPORATED IN IT), OR

2. ANY OF THE FOLLOWING (COLLECTIVELY "RELATED LAWS"):

   A. THE HEALTH CODE OF BALTIMORE CITY,

   B. THE ZONING CODE OF BALTIMORE CITY,

   C. AN URBAN RENEWAL PLAN,

   D. CITY CODE ARTICLE 6 {"HISTORICAL AND ARCHITECTURAL PRESERVATION"}, OR

   E. ANY OTHER RELATED STATUTE, ORDINANCE, OR REGULATION FOR THE PROTECTION OF THE HEALTH AND SAFETY OF THE RESIDENTS OF BALTIMORE CITY.

104.6.3 WARRANT AFTER PRIOR NOTICE. BEFORE THE BUILDING OFFICIAL MAY APPLY FOR A WARRANT TO MAKE A ROUTINE INSPECTION OR SPOT CHECK TO DETERMINE IF A VIOLATION EXISTS, THE BUILDING OFFICIAL MUST GIVE PRIOR NOTICE OF HIS OR HER INTENT TO THE OCCUPANT OR OTHER PERSON WITH APPARENT RIGHT OF POSSESSION OR, IN THE CASE OF AN UNOCCUPIED STRUCTURE OR PREMISES, TO THE OWNER, THE OWNER'S AGENT, OR OTHER PERSON IN APPARENT CONTROL OF THE STRUCTURE OR PREMISES.

104.6.3.1 CONTENTS OF NOTICE. THE NOTICE MUST:

1. STATE THE DATE AND TIME AT WHICH THE BUILDING OFFICIAL WILL BE PRESENT TO MAKE THE INSPECTION OR SPOT CHECK, AND

2. INFORM THE PERSON NOTIFIED THAT HE OR SHE MAY RESCHEDULE THE INSPECTION OR SPOT CHECK TO A REASONABLE DATE AND TIME BY CONTACTING THE BUILDING OFFICIAL BEFORE THE STATED DATE.

104.6.3.2 SERVICE OF NOTICE – OCCUPIED PROPERTY. IF THE STRUCTURE OR PREMISES IS OCCUPIED, THE NOTICE MUST BE EITHER:

1. MAILED OR DELIVERED TO THE OCCUPANT OR PERSON WITH APPARENT RIGHT OF POSSESSION, OR

2. POSTED CONSPICUOUSLY AT OR NEAR THE ENTRANCE TO THE STRUCTURE OR PREMISES.

104.6.3.3 SERVICE OF NOTICE – UNOCCUPIED PROPERTY. IF THE STRUCTURE OR PREMISES IS UNOCCUPIED, THE NOTICE MUST BE MAILED OR DELIVERED TO THE LAST-KNOWN ADDRESS OF THE OWNER, AGENT, OR OTHER PERSON IN APPARENT CONTROL.

104.6.3.4 OBTAINING WARRANT. AFTER NOTICE HAS BEEN GIVEN, IF THE PERSON NOTIFIED FAILS TO ARRANGE FOR, DENIES, OR UNDULY DELAYS THE ENTRY, THE BUILDING OFFICIAL MAY APPLY TO A COURT OF COMPETENT JURISDICTION FOR A SEARCH WARRANT TO AUTHORIZE ENTRY FOR THE INSPECTION OR SPOT CHECK.

104.6.3.5 PROBABLE CAUSE. PROBABLE CAUSE FOR A SEARCH WARRANT UNDER THIS § 104.6.3 EXISTS IF:

1. THE NOTICE REQUIRED BY THIS § 104.6.3 HAS BEEN GIVEN, AND

2. THE INSPECTION IS :

   A. A SPOT CHECK MADE AT RANDOM OR RESTRICTED TO A FEW SAMPLE STRUCTURES OR PREMISES IN A DESIGNATED AREA TO DETERMINE IF A BUILDING-BY-BUILDING SURVEY IS NECESSARY,

   B. A ROUTINE INSPECTION BASED ON A GENERAL ADMINISTRATIVE PLAN FOR THE ENFORCEMENT OF THIS CODE OR ANY RELATED LAW, OR

   C. A ROUTINE INSPECTION TO DETERMINE COMPLIANCE WITH A NOTICE OR ORDER ISSUED UNDER § 123 OF THIS CODE.

104.6.4 WARRANT WITHOUT PRIOR NOTICE. THE BUILDING OFFICIAL MAY APPLY FOR A SEARCH WARRANT TO ENTER A STRUCTURE OR PREMISES WITHOUT GIVING THE PRIOR NOTICE OTHERWISE REQUIRED BY § 104.6.3, IF THERE IS PROBABLE CAUSE TO BELIEVE THAT A VIOLATION OF THIS CODE OR A RELATED LAW EXISTS IN THE STRUCTURE OR ON THE PREMISES.

104.6.4.1 PROBABLE CAUSE. PROBABLE CAUSE FOR A SEARCH WARRANT UNDER THIS § 104.6.4 INCLUDES, AMONG OTHER APPROPRIATE CIRCUMSTANCES, THE FOLLOWING:

1. THE INSPECTION IS TO IDENTIFY LEAD-BASED HAZARDS IN A DWELLING UNIT THAT IS THE LAST-REPORTED ADDRESS OF A CHILD WHO, BY NOTICE FROM A HEALTH CARE PROVIDER OR THE STATE DEPARTMENT OF THE ENVIRONMENT TO THE BUILDING OFFICIAL OR THE HEALTH COMMISSIONER, IS REPORTED TO HAVE BEEN DIAGNOSED WITH A VENOUS BLOOD-LEAD LEVEL OF 15 MICROGRAMS PER DECILITER OR MORE, OR

2. UNTREATED LEAD-BASED PAINT HAZARDS HAVE BEEN FOUND IN A UNIT OF A MULTIPLE-FAMILY DWELLING IN WHICH A CHILD WHO HAS BEEN DIAGNOSED WITH A VENOUS BLOOD-LEAD LEVEL OF 15 MICROGRAMS PER DECILITER OR MORE RESIDES AND ENTRY IS NEEDED TO OTHER UNITS OF THE DWELLING TO DETERMINE COMPLIANCE WITH LAW.

104.6.5 APPLICATION FOR WARRANT. THE APPLICATION FOR A SEARCH WARRANT MUST BE:

1. SIGNED AND SWORN TO BY THE BUILDING OFFICIAL, AND

2. ACCOMPANIED BY AN AFFIDAVIT CONTAINING FACTS WITHIN THE PERSONAL KNOWLEDGE OF THE AFFIANT:

   A. THAT PROBABLE CAUSE FOR ISSUANCE OF A SEARCH WARRANT EXISTS, AND

   B. IN CASES WHERE PRIOR NOTICE IS REQUIRED, THAT NOTICE HAS BEEN GIVEN AND ENTRY HAS NOT BEEN ARRANGED FOR OR HAS BEEN DENIED OR UNDULY DELAYED BY THE PERSON NOTIFIED.

104.6.6 CONTENTS OF WARRANT. THE SEARCH WARRANT MUST NAME OR DESCRIBE, WITH REASONABLE PARTICULARITY:

1. THE PLACE TO BE INSPECTED,

2. THE REASON FOR THE INSPECTION, AND

3. THE NAME OF THE APPLICANT ON WHOSE WRITTEN APPLICATION THE WARRANT WAS ISSUED.

104.6.7 EXECUTION OF WARRANT. AN INSPECTION UNDER THE SEARCH WARRANT MUST BE MADE WITHIN 15 CALENDAR DAYS OF THE DATE THE WARRANT WAS ISSUED. AT THE END OF THAT 15-DAY PERIOD, THE WARRANT IS VOID.

104.6.8 DWELLING UNITS. EXCEPT AS PROVIDED IN § 104.6.8.1, NO INSPECTOR WHO GAINS ENTRANCE TO A DWELLING FOR THE PURPOSE OF ENFORCING THIS CODE OR ANY RELATED LAW MAY OBTAIN OR FURNISH EVIDENCE OF, OR TESTIFY TO, ANY OFFENSE OTHER THAN VIOLATIONS OF THIS CODE OR OF ANY RELATED LAW.

104.6.8.1 EXCEPTION. THE LIMITATIONS OF § 104.6.8 DO NOT APPLY TO:

1.. A FELONY, OR

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 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.

105.1.5 SPECIAL PROFESSIONAL SERVICES. IN ADDITION TO AND WITHOUT LIMITING ANY OTHER REQUIREMENTS OF OR AUTHORITY GRANTED BY THIS CODE, THE BUILDING OFFICIAL MAY REQUIRE, AS A TERM OR CONDITION OF A PERMIT, THAT A REGISTERED DESIGN PROFESSIONAL OR OTHER LICENSED SPECIALIST OR EXPERT PERFORM SPECIFIC WORK OR SIGN AND SEAL SPECIFIC PLANS, COMPUTATIONS, SPECIFICATIONS, OR STATEMENTS.

105.2 WORK EXEMPT FROM PERMIT. AN EXEMPTION FROM THE PERMIT REQUIREMENTS OF THIS CODE DOES NOT AUTHORIZE ANY WORK TO BE DONE IN A MANNER THAT VIOLATES A PROVISION OF THIS CODE OR OF ANY OTHER LAW. ***{BALANCE OF 105.2 NOT ADOPTED}***

105.2.1 EMERGENCY REPAIRS. ***{AS IN IBC}***

105.2.2 REPAIRS. ***{AS IN IBC}***

105.2.3 PUBLIC SERVICE AGENCIES. ***{AS IN IBC}***

105.3 APPLICATION FOR PERMIT. TO OBTAIN A PERMIT, THE APPLICANT MUST FIRST FILE AN APPLICATION ON THE FORM PROVIDED BY THE BUILDING OFFICIAL FOR THAT PURPOSE. THE APPLICATION MUST:

1. IDENTIFY AND DESCRIBE THE WORK TO BE COVERED UNDER THE PERMIT,

2. DESCRIBE THE LAND ON WHICH THE PROPOSED WORK IS TO BE DONE BY LEGAL DESCRIPTION, STREET ADDRESS, OR SIMILAR DESCRIPTION THAT WILL READILY IDENTIFY AND DEFINITELY LOCATE THE PROPOSED BUILDING OR WORK,

3. INDICATE THE USE AND OCCUPANCY FOR WHICH THE PROPOSED WORK IS INTENDED,

4. SPECIFY THE GROSS FLOOR AREA, AS DEFINED IN § 105.3.2.1, INVOLVED IN THE PROPOSED WORK;

5. SPECIFY THE NUMBER OF DWELLING UNITS, IF ANY, INVOLVED IN THE PROPOSED WORK;

6. BE ACCOMPANIED BY THE CONSTRUCTION DOCUMENTS AND OTHER INFORMATION REQUIRED BY § 106 OF THIS CODE;

7. IF THE PROPERTY IS IN AN HISTORICAL AND ARCHITECTURAL PRESERVATION DISTRICT OR ON THE HISTORICAL AND ARCHITECTURAL PRESERVATION LANDMARK LIST OR SPECIAL LIST, BE ACCOMPANIED BY A NOTICE TO PROCEED OR A CERTIFICATE OF APPROPRIATENESS FROM THE COMMISSION FOR HISTORICAL AND ARCHITECTURAL PRESERVATION ;

8. STATE THE VALUATION OF THE PROPOSED WORK,

9. IF THE PROPOSED WORK WILL REPLACE ANY EXISTING STRUCTURE, BE ACCOMPANIED BY PHOTOGRAPHS THAT DEPICT THE EXISTING CONDITIONS AND EXISTING STRUCTURES ON THE SITE,

10. IDENTIFY THE PARTIES BY PROVIDING:

    A. THE FULL NAMES AND ADDRESSES OF THE OWNER, LESSEE, AND APPLICANT,

    B. THE NAME AND PHONE NUMBER OF A PERSON TO BE CONTACTED IN CASE OF AN EMERGENCY, AND

    C. IF THE OWNER, LESSEE, OR APPLICANT IS A CORPORATION, PARTNERSHIP, LIMITED LIABILITY COMPANY, OR OTHER ENTITY, THE FULL NAMES AND ADDRESSES OF ITS RESPONSIBLE OFFICERS, PARTNERS, OR MEMBERS,

11. PROVIDE ANY OTHER DATA AND INFORMATION THAT THE BUILDING OFFICIAL REQUIRES,

12. BE SIGNED BY THE APPLICANT, OR THE APPLICANT'S AUTHORIZED AGENT, AND

13. IF SIGNED BY AN AGENT, BE ACCOMPANIED BY:

    A. PROOF OF AGENCY, AND

    B. PROOF OF THE AGENT'S IDENTITY, BY COPY OR PRESENTATION OF A VALID MARYLAND DRIVER'S LICENSE OR OTHER MARYLAND IDENTIFICATION.

105.3.1 ACTION ON APPLICATION – GENERAL. THE BUILDING OFFICIAL MUST EXAMINE ALL APPLICATIONS FOR PERMITS WITHIN A REASONABLE TIME AFTER FILING. IF THE APPLICATION OR THE PROPOSED WORK DOES NOT CONFORM TO THE REQUIREMENTS OF THIS CODE OR ANY OTHER APPLICABLE LAW, THE BUILDING OFFICIAL MUST REJECT THE APPLICATION IN WRITING, STATING THE REASONS FOR THE REJECTION. IF THE BUILDING OFFICIAL IS SATISFIED THAT THE APPLICATION AND THE PROPOSED WORK CONFORM TO THE REQUIREMENTS OF THIS CODE AND ALL OTHER APPLICABLE LAWS, THE BUILDING OFFICIAL MUST ISSUE THE PERMIT AS SOON AS PRACTICABLE.

105.3.2 ACTION ON APPLICATION – TRAFFIC-IMPACT STUDY.

105.3.2.1 "GROSS FLOOR AREA" DEFINED. IN THIS § 105.3.2, "GROSS FLOOR AREA" MEANS THE AREA SPECIFIED IN § 1-304 OF THE BALTIMORE CITY ZONING CODE.

105.3.2.2 REFERRAL TO DOT. WITHIN 15 BUSINESS DAYS OF RECEIVING A COMPLETED APPLICATION, THE BUILDING OFFICIAL MUST REFER THE APPLICATION AND ALL ACCOMPANYING DOCUMENTS TO THE DIRECTOR OF TRANSPORTATION IF:

1. THE PROPOSED WORK INVOLVES 15,000 SQ. FT. OR MORE OF GROSS FLOOR AREA; AND

2. A TRAFFIC-IMPACT STUDY FOR THE PROPOSED WORK HAS NOT ALREADY BEEN UNDERTAKEN IN ACCORDANCE WITH THE BALTIMORE CITY ZONING CODE.

105.3.2.3 STUDY CRITERIA. A TRAFFIC-IMPACT STUDY IS REQUIRED IF THE PROPOSED WORK INVOLVES ANY 1 OF THE FOLLOWING:

1. AN IMPACT AREA, AS DETERMINED BY THE DEPARTMENT OF TRANSPORTATION, THAT INCLUDES AN INTERSECTION PERFORMING AT LEVEL OF SERVICE D OR WORSE, OR

2. 100 OR MORE DWELLING UNITS, OR

3. A GROSS FLOOR AREA THAT EQUALS OR EXCEEDS:

    A. FOR A WAREHOUSE USE, 150,000 SQ. FT., OR

    B. FOR ANY OTHER USE, 50,000 SQ. FT.

105.3.2.4 DOT INITIAL DETERMINATION. WITHIN 20 BUSINESS DAYS OF THE REFERRAL OF AN APPLICATION, THE DIRECTOR OF TRANSPORTATION MUST REVIEW THE APPLICATION AND NOTIFY THE BUILDING OFFICIAL AND THE APPLICANT:

1. WHETHER AND, IF SO, WHAT ADDITIONAL INFORMATION IS NEEDED TO EVALUATE THE APPLICATION, OR

2. IF NO ADDITIONAL INFORMATION IS NEEDED:

A. WHETHER, UNDER THE CRITERIA SET FORTH IN § 105.3.2.3, A TRAFFIC-IMPACT STUDY WILL BE REQUIRED, AND

B. IF SO, THE ESTIMATED EXPENSES FOR UNDERTAKING OR CONTRACTING FOR THE STUDY.

105.3.2.5 HOW CONDUCTED.

105.3.2.5.1 BY DOT OR CONSULTANT. THE DEPARTMENT OF TRANSPORTATION MAY ITSELF UNDERTAKE THE STUDY OR CONTRACT WITH INDEPENDENT CONSULTANTS FOR THE STUDY, AS THE DIRECTOR OF TRANSPORTATION CONSIDERS NECESSARY OR APPROPRIATE.

105.3.2.5.2 SCOPE OF STUDY. THE AREA AND SCOPE OF EACH STUDY IS TO BE DETERMINED BY THE DEPARTMENT OF TRANSPORTATION.

105.3.2.6 EXPENSES. ALL REASONABLE EXPENSES INCURRED IN UNDERTAKING OR CONTRACTING FOR THE STUDY MUST BE PAID BY THE APPLICANT, AS AN ADDITIONAL SERVICE CHARGE FOR THE PERMIT, TO BE IMPOSED AND COLLECTED AS PROVIDED IN § 108 OF THIS CODE FOR FEES AND SERVICE CHARGES.

105.3.2.6.1 INITIAL PAYMENT. BEFORE THE STUDY BEGINS, THE APPLICANT MUST PAY AN AMOUNT EQUAL TO 50% OF THE EXPENSES ESTIMATED UNDER § 105.3.2.4.

105.3.2.6.2 BALANCE. AFTER THE STUDY IS COMPLETED, BUT BEFORE ANY PERMIT MAY BE ISSUED, THE APPLICANT MUST PAY THE DIFFERENCE BETWEEN THE AMOUNT PAID AND THE ACTUAL EXPENSES INCURRED FOR THE STUDY.

105.3.2.7 APPLICANT'S OPTION ON DELAY. IF THE TRAFFIC-IMPACT STUDY IS NOT COMPLETED WITHIN 60 BUSINESS DAYS AFTER THE INITIAL PAYMENT IS MADE UNDER § 105.3.2.6.1, THE APPLICANT MAY PROCEED TO CONTRACT FOR THE TRAFFIC-IMPACT STUDY WITH A CONSULTANT SELECTED FROM A LIST OF CONSULTANTS APPROVED BY THE DEPARTMENT OF TRANSPORTATION.

105.3.2.8 MITIGATION. THE APPLICANT MUST NEGOTIATE IN GOOD FAITH WITH THE DEPARTMENT OF TRANSPORTATION TO DETERMINE WHO MUST PAY FOR AND UNDERTAKE THE ACTIONS NECESSARY OR APPROPRIATE TO MITIGATE THE ADVERSE TRAFFIC IMPACTS IDENTIFIED IN THE TRAFFIC-IMPACT STUDY. IF NO AGREEMENT IS REACHED, THE APPLICATION IS NOT APPROVED.

105.3.2.9 DOT RULES AND REGULATIONS.

105.3.2.9.1 IN GENERAL. THE DEPARTMENT OF TRANSPORTATION MAY ADOPT RULES AND REGULATIONS TO CARRY OUT THIS § 105.3.2.

105.3.2.9.2 FILING. A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS § 105.3.2. MUST BE FILED WITH:

1. THE BUILDING OFFICIAL,

2. THE ZONING ADMINISTRATOR,

3. THE BOARD OF MUNICIPAL AND ZONING APPEALS, AND

4. THE DEPARTMENT OF LEGISLATIVE REFERENCE.

105.3.3 TIME LIMITATION OF APPLICATION. ***{AS IN IBC § 105.3.2}***

105.3.4 BOND FOR EXTERIOR REMOVAL OF FORMSTONE, PAINT, ETC. AN APPLICATION FOR A PERMIT TO REMOVE FORMSTONE, PAINT, OR OTHER MATERIAL FROM EXTERIOR SURFACES MUST BE ACCOMPANIED BY EVIDENCE SATISFACTORY TO THE BUILDING OFFICIAL THAT THE APPLICANT HAS OBTAINED A BOND TO COVER THE CITY'S EXPENSE IN THE EVENT OF A SPILL OR FAILURE TO PROPERLY DISPOSE OF HAZARDOUS WASTE. THE BOND MUST BE IN AN AMOUNT OF AT LEAST $5,000.

105.4 VALIDITY OF PERMIT. ***{AS IN IBC}***

105.5 EXPIRATION; EXTENSION. UNLESS AN EXTENSION IS GRANTED, EVERY PERMIT EXPIRES AND BECOMES INVALID ON THE EXPIRATION DATE SPECIFIED ON THE PERMIT OR, IF EARLIER, AS PROVIDED IN THIS § 105.5.

105.5.1 EXPIRATION – GENERAL. EXCEPT AS SPECIFIED IN § 105.5.2, A PERMIT EXPIRES IF:

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 OF THIS CODE OR TO COMPLY WITH A DEMOLITION ORDER ISSUED UNDER § 115 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.

105.5.4 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 LIMITED TO A PERIOD OF NO MORE THAN 180 DAYS.

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 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

2. THE PERMIT WAS ISSUED:

   A. IN ERROR OR ON THE BASIS OF INCORRECT, INACCURATE, OR INCOMPLETE INFORMATION, OR

   B. IN VIOLATION OF THIS CODE OR OF ANY OTHER LAW OR REGULATION.

105.7 PLACEMENT OF PERMIT. ***{AS IN IBC}***

105.8 SEPARATE STRUCTURES. WHENEVER WORK IS BEING DONE ON TWO OR MORE INDEPENDENT STRUCTURES ON THE SAME PROPERTY, A SEPARATE PERMIT IS REQUIRED FOR EACH INDEPENDENT STRUCTURE.

105.9 SPECIAL REQUIREMENTS FOR DEMOLITION OR MOVING.

105.9.1 PRE-PERMIT REQUIREMENTS. A PERMIT MAY NOT BE GRANTED FOR DEMOLISHING OR MOVING A STRUCTURE UNLESS THE APPLICANT COMPLIES WITH THE FOLLOWING.

105.9.1.1 INSPECTOR CONSULTATION. THE APPLICANT MUST HAVE ATTENDED AN ON-SITE, PRE-DEMOLITION OR PRE-MOVING INSPECTOR CONSULTATION TO DISCUSS AND CONFIRM:

1. APPROPRIATE HOSING/WETTING REQUIREMENTS AND PROCEDURES,

2. NOTIFICATION REQUIREMENTS, AND

3. ANY OTHER MATTERS THE BUILDING OFFICIAL REQUIRES.

105.9.1.2 WRITTEN NOTICE TO ADJOINING OWNERS, ETC. THE APPLICANT MUST HAVE GIVEN WRITTEN NOTICE TO:

1. THE OWNERS OF ALL PROPERTIES THAT IMMEDIATELY ADJOIN THE PROPERTY SUBJECT TO DEMOLITION OR MOVING, AND

2. THE OWNERS OF ANY WIRED OR OTHER FACILITIES THAT MIGHT HAVE TO BE TEMPORARILY REMOVED BECAUSE OF THE PROPOSED WORK.

105.9.1.2.1 CONTENTS OF NOTICE. THE WRITTEN NOTICE MUST:

1. INDICATE THE INTENT TO DEMOLISH OR MOVE THE STRUCTURE,

2. SPECIFY WHEN THE WORK IS EXPECTED TO BEGIN, AND

3. IDENTIFY THE CONTRACTOR SCHEDULED TO PREFORM THE DEMOLITION OR MOVING AND THE CONTRACTOR'S EMERGENCY CONTACT.

105.9.2 PRE-DEMOLITION, MOVING REQUIREMENTS. BEFORE BEGINNING ANY DEMOLITION OR MOVING OPERATIONS, THE PERMIT HOLDER MUST COMPLY WITH THE FOLLOWING.

105.9.2.1 POSTED NOTICE. PUBLIC NOTICE OF THE DEMOLITION OR MOVING MUST BE POSTED ON THE PREMISES AT LEAST 5 DAYS BEFORE THE SCHEDULED ACTION, BUT NOT MORE THAN 10 DAYS BEFORE THE SCHEDULED ACTION.

105.9.2.1.1 SIGN REQUISITES. THE SIGN MUST BE:

1. AT LEAST 4 FEET LONG AND 3 FEET HIGH,
2. WRITTEN IN BLACK LETTERING, AT LEAST 2 INCHES HIGH, ON A YELLOW BACKGROUND,
3. POSTED IN A CONSPICUOUS MANNER, CLEARLY VISIBLE AND LEGIBLE TO THE PUBLIC, NOT OVER 10 FEET ABOVE GROUND LEVEL, AND
4. MAINTAINED IN GOOD CONDITION UNTIL THE TIME OF THE DEMOLITION OR MOVING.

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, NIGHT CLUB, OPERA HOUSE, POOL PARLOR, SKATING RINK, SPORTS ARENA, STADIUM, OR THEATER, OR
2. ANY ROOF TANK OR ROOF SIGN.

SECTION 106 CONSTRUCTION DOCUMENTS

106.1 SUBMITTAL DOCUMENTS. ***{AS IN IBC}***

106.2 SITE PLAN. THE CONSTRUCTION DOCUMENTS SUBMITTED WITH THE APPLICATION FOR PERMIT MUST BE ACCOMPANIED BY A SITE PLAN.

106.2.1 GENERAL REQUIREMENTS. THE SITE PLAN MUST:

1. SHOW TO SCALE THE SIZE AND LOCATION OF NEW CONSTRUCTION AND EXISTING STRUCTURES ON THE SITE, DISTANCES FROM LOT LINES, THE ESTABLISHED STREET GRADES, AND THE PROPOSED FINISHED GRADES,

2. SHOW, AS APPLICABLE, FLOOD HAZARD AREAS, FLOODWAYS, AND DESIGN FLOOD ELEVATIONS,

3. BE DRAWN IN ACCORDANCE WITH AN ACCURATE BOUNDARY LINE SURVEY, AND

4. COMPORT WITH ALL OTHER REQUIREMENTS OF THIS SECTION.

106.2.2 DEMOLITION. IN THE CASE OF DEMOLITION, THE SITE PLAN MUST SHOW CONSTRUCTION TO BE DEMOLISHED AND THE LOCATION AND SIZE OF EXISTING STRUCTURES AND CONSTRUCTION THAT ARE TO REMAIN ON THE SITE.

106.2.3 SPECIFICATIONS, PHOTOGRAPHS, ADDITIONAL INFORMATION. THE SITE PLAN MUST:

1. BE DRAWN IN ACCORDANCE WITH THE SPECIFICATIONS REQUIRED BY RULES OR REGULATIONS ADOPTED BY THE BUILDING OFFICIAL IN CONSULTATION WITH THE DIRECTOR OF PUBLIC WORKS, AND

2. CONTAIN ANY ADDITIONAL INFORMATION REQUIRED BY THOSE RULES OR REGULATIONS.

106.2.4 WAIVER OR MODIFICATION. THE BUILDING OFFICIAL MAY WAIVE OR MODIFY THE REQUIREMENT FOR A SITE PLAN IF THE APPLICATION IS FOR ALTERATION OR REPAIR OR IF OTHERWISE WARRANTED.

106.3 EXAMINATION OF DOCUMENTS. ***{AS IN IBC}***

106.4 AMENDED CONSTRUCTION DOCUMENTS. ***{AS IN IBC}***

106.5 RETENTION OF CONSTRUCTION DOCUMENTS. ***{AS IN IBC}***

SECTION 107 TEMPORARY STRUCTURES AND USES

107.1 IN GENERAL. ***{AS IN IBC}***

107.2 CONFORMANCE. ***{AS IN IBC}***

107.3 TEMPORARY POWER. THE BUILDING OFFICIAL MAY GIVE PERMISSION TO TEMPORARILY SUPPLY POWER TO A STRUCTURE THAT IS NOT YET COMPLETE, AS LONG AS ALL WORK COMPLIES WITH THE REQUIREMENTS OF THIS CODE.

107.4 TERMINATION OF APPROVAL. ***{AS IN IBC}***

SECTION 108 FEES

108.1 PERMIT FEES. A PERMIT FOR CONSTRUCTION, ALTERATION, DEMOLITION, MOVING, OR OTHER BUILDING OPERATION IS NOT VALID UNLESS THE FEES PRESCRIBED IN THIS CODE HAVE BEEN PAID, NOR IS ANY AMENDMENT OR EXTENSION TO A PERMIT VALID UNLESS THE PRESCRIBED ADDITIONAL FEE HAS BEEN PAID. FOR CONSTRUCTION WORK DESCRIBED IN § 108.6.1A AND C OF THIS CODE, PAYMENT IN FULL MUST BE MADE AT THE TIME OF APPLICATION; FOR ALL OTHERS, PAYMENT MUST BE MADE BEFORE ISSUANCE OF THE PERMIT, AMENDMENT, OR EXTENSION.

108.2 OTHER FEES. THE PAYMENT OF THE FEE FOR ALL WORK DONE CONCURRENTLY OR IN CONNECTION WITH THE WORK CONTEMPLATED BY A PERMIT DOES NOT RELIEVE THE APPLICANT OR PERMIT HOLDER FROM THE PAYMENT OF OTHER FEES PRESCRIBED BY LAW FOR WATER TAPS, SEWER CONNECTIONS,

ELECTRICAL PERMITS, SIGNS AND DISPLAY STRUCTURES, MARQUEES, OR OTHER APPURTENANT STRUCTURES, OR FEES FOR INSPECTIONS, OCCUPANCY PERMITS, OR OTHER PRIVILEGES OR REQUIREMENTS, WHETHER WITHIN OR WITHOUT THE JURISDICTION OF THE DEPARTMENT.

108.3 MINIMUM FEES AND SERVICE CHARGES. FEES OR SERVICE CHARGES FOR THE VARIOUS PERMITS, CERTIFICATES, INSPECTIONS, TESTS, OR OTHER SERVICES PROVIDED UNDER THIS CODE ARE AS SPECIFIED IN THIS § 108. UNLESS OTHERWISE SPECIFIED, THE MINIMUM FEE OR SERVICE CHARGE IS $25. ALL FEES ARE TO BE ROUNDED TO THE NEAREST DOLLAR.

108.4 REFUNDS; CREDITS.

108.4.1 REFUNDS. NO FEE OR OTHER SERVICE CHARGE PAID FOR ANY APPLICATION, PERMIT, CERTIFICATE, INSPECTION, TEST, OR OTHER SERVICE MAY BE REFUNDED, IN WHOLE OR IN PART, EXCEPT AS PROVIDED IN THIS § 108.4.1. IF NO WORK HAS BEEN DONE NOR ANY PRIVILEGE ENJOYED UNDER A PERMIT, CERTIFICATE, INSPECTION, TEST, OR OTHER SERVICE, A REFUND MAY BE GRANTED OF NOT MORE THAN 50% OF THE FEE OR SERVICE CHARGE PAID. IN NO EVENT, HOWEVER, MAY ANY REFUND BE GRANTED ON ANY FEE OR CHARGE OF LESS THAN $1,000.

108.4.2 CREDIT FOR ADMINISTRATIVE ERROR. IF THE BUILDING OFFICIAL REVOKES A PERMIT BECAUSE OF AN ADMINISTRATIVE ERROR THAT, THROUGH NO FAULT OF THE APPLICANT, WAS MADE IN ISSUING THE PERMIT, THE APPLICANT MAY:

1. APPLY UNDER § 108.4.1, IF APPLICABLE, FOR A PARTIAL REFUND OF THE FEE PAID FOR THE REVOKED PERMIT, OR

2. REQUEST THAT THE FEE PAID FOR THE REVOKED PERMIT BE APPLIED AND CREDITED TO THE FEE DUE FOR A NEW PERMIT TO REPLACE THE ONE REVOKED.

108.5 SERVICE CHARGES.

108.5.1 DUPLICATE OR ADDITIONAL DOCUMENTS. THE CHARGES FOR COPIES OR DUPLICATES OF PERMITS, CERTIFICATES, AND OTHER DOCUMENTS ARE:

1. FOR PHOTOCOPIES OF DOCUMENTS OTHER THAN APPROVED PLANS, $1 FOR THE 1ST PAGE AND 50¢ FOR EACH ADDITIONAL PAGE,

2. FOR DUPLICATES OF DOCUMENTS OTHER THAN APPROVED PLANS, $10 FOR EACH DUPLICATE ISSUED, AND

3. FOR COPIES OR DUPLICATES OF APPROVED PLANS, $10 PER SHEET PLUS ANY CHARGE INVOLVED IN REPRODUCING THEM, WITH A MINIMUM CHARGE OF $25.

108.5.2 PARTIAL PERMITS. FOR A PARTIAL PERMIT ISSUED UNDER THIS CODE:

1. THE CHARGE IS AT THE RATE OF:

    A. $10 FOR EACH $1,000 WORTH OF WORK UP TO $1,000,000 WORTH OF WORK, PLUS

    B. $5 FOR EACH $1,000 WORTH OF WORK IN EXCESS OF $1,000,000, AND

2. THE MINIMUM CHARGE IS:

    A. $100 FOR 1- AND 2-FAMILY DWELLINGS, AND

B. $250 FOR ALL OTHER STRUCTURES.

108.5.3 PERMIT EXTENSIONS. FOR A PERMIT EXTENSION ISSUED UNDER THIS CODE, THE CHARGE IS AS FOLLOWS:

1. IF THE APPLICATION FOR EXTENSION IS MADE WITHIN 30 DAYS AFTER THE PERMIT EXPIRES, THE FEE FOR THE EXTENSION IS $25.

2. IF THE APPLICATION FOR EXTENSION IS MADE BETWEEN 30 - 60 DAYS AFTER THE PERMIT EXPIRES, THE FEE FOR THE EXTENSION IS 50% OF THE ORIGINAL PERMIT FEE. ALTERNATIVELY, THE APPLICANT MAY APPLY FOR A NEW PERMIT FOR THE WORK REMAINING TO BE COMPLETED, WITH THE FEE FOR THAT PERMIT TO BE BASED ON THE SCOPE OF THAT REMAINING WORK.

108.5.4 PERMIT AMENDMENTS. FOR AN AMENDMENT TO A PERMIT, THE CHARGE IS AS FOLLOWS:

1. FOR EACH AMENDMENT THAT INVOLVES WORK NOT ORIGINALLY APPLIED FOR TO COMPLETE THE ENTIRE PROJECT, THE CHARGE IS THE APPROPRIATE FEE FOR THE WORK CONTEMPLATED PLUS A SURCHARGE OF 10%, WITH A MINIMUM COMBINED FEE AND SURCHARGE OF $50.

2. FOR EACH AMENDMENT THAT IS OUTSIDE THE SCOPE OF PARAGRAPH 1 ABOVE AND FOR WHICH REVISED PLANS ARE REQUIRED, THE CHARGE IS 20% PERCENT OF THE ORIGINAL PERMIT FEE, WITH A MINIMUM CHARGE OF $50.

3. FOR EACH AMENDMENT THAT IS OUTSIDE THE SCOPE OF PARAGRAPH 1 ABOVE AND FOR WHICH REVISED PLANS ARE NOT REQUIRED, THE CHARGE IS $25.

108.5.5 CANCELLATION OF APPLICATIONS. IF A LEGAL PERMIT CANNOT BE ISSUED ON AN APPLICATION, THE DEPARTMENT WILL NOTIFY THE APPLICANT OF THAT FACT, AND THE APPLICATION MAY BE WITHDRAWN BY THE APPLICANT OR CANCELED BY THE DEPARTMENT. THE CHARGE FOR THE WITHDRAWAL OR CANCELLATION IS 50% OF THE FEE PRESCRIBED FOR THE WORK DESCRIBED IN THE APPLICATION. HOWEVER, THERE IS NO CANCELLATION CHARGE IF THE FEE FOR THE PERMIT APPLIED FOR IS LESS THAN $100.

108.5.6 PRELIMINARY PROJECT REVIEW. FOR A "PRELIMINARY REVIEW" OF A PROPOSED PROJECT, THE CHARGE IS $50 FOR EACH HALF HOUR.

108.5.7 REVISED DRAWINGS. FOR REVISED DRAWINGS, THE CHARGE IS $10 FOR EACH SHEET SUBMITTED, WITH A MINIMUM CHARGE OF $25.

108.5.8 APPLICATION FEE. BEFORE AN APPLICATION FOR ANY PERMIT OR CERTIFICATE IS PROCESSED, THE APPLICANT MUST PAY A NONREFUNDABLE APPLICATION FEE OF $25.

108.5.9 INSPECTION FEES.

108.5.9.1 OVERTIME FEE. FOR EACH INSPECTION OR REINSPECTION THAT, AT THE REQUEST OF THE OWNER OR OWNER'S AGENT, IS MADE OUTSIDE NORMAL WORKING HOURS, A CHARGE IS IMPOSED AT THE RATE OF $50 AN HOUR FOR EACH INSPECTOR, WITH A MINIMUM CHARGE, PAYABLE IN ADVANCE, OF $200 FOR EACH INSPECTOR.

108.5.9.2 REINSPECTION FEE. IF THE OWNER OR OWNER'S AGENT SCHEDULES AN INSPECTION AND, FOR ANY REASON, A REINSPECTION OF THE SAME WORK IS REQUIRED, THE CHARGE, PAYABLE IN ADVANCE, IS AS FOLLOWS:

1. $35 FOR A 1ST REINSPECTION,

2. $50 FOR A 2ND REINSPECTION, AND

3. $100 FOR A 3RD AND EVERY SUBSEQUENT REINSPECTION.

108.5.10 PENALTY SURCHARGE. A SURCHARGE IS ASSESSED ON ANY PERMIT THAT IS ISSUED FOR WORK BEGUN OR COMPLETED:

1. WITHOUT A PERMIT,

2. BEYOND THE SCOPE OF A PERMIT OR IN A MANNER INCONSISTENT WITH PLANS OR DRAWINGS APPROVED AS PART OF A PERMIT APPLICATION, OR

3. ~~AFTER~~ DURING THE SUSPENSION OR AFTER THE REVOCATION OF A PERMIT FOR THAT WORK.

108.5.10.1 AMOUNT – IN GENERAL. EXCEPT AS OTHERWISE SPECIFIED IN THIS § 108.5.10, THE AMOUNT OF THE SURCHARGE IS THE GREATER OF $1,000 OR 50% OF THE PERMIT FEE.

108.5.10.2 AMOUNT – DEMOLITION WORK. FOR DEMOLITION WORK DONE WITHOUT THE PROPER PERMIT OR IN VIOLATION OF THE TERMS OF A PERMIT, THE SURCHARGE IS 15¢ FOR EACH CUBIC FOOT OF THE STRUCTURE BEFORE THE DEMOLITION.

108.5.10.3 REDUCTIONS. THE BUILDING OFFICIAL MAY REDUCE THE AMOUNT OF A SURCHARGE IMPOSED BY THIS § 108.5.10:

1. ON WRITTEN APPLICATION AND JUSTIFIABLE CAUSE DEMONSTRATED, AND

2. IN ACCORDANCE WITH APPLICABLE STANDARDS AND CRITERIA CONTAINED IN THE RULES AND REGULATIONS ADOPTED UNDER THIS CODE.

108.5.10.4 SURCHARGE IN ADDITION TO OTHER FINES, ETC. A SURCHARGE IMPOSED BY THIS § 108.5.10 IS IN ADDITION TO ANY OTHER FINE OR PENALTY IMPOSED UNDER THIS CODE OR ANY OTHER LAW OR REGULATION.

108.5.10.5 CONTRACTOR'S LIABILITY. IF THE UNAUTHORIZED WORK FOR WHICH THE SURCHARGE IS IMPOSED WAS PERFORMED BY A CONTRACTOR, THE CONTRACTOR:

1. IS PERSONALLY LIABLE FOR THE SURCHARGE, AND

2. MAY NOT, DIRECTLY OR INDIRECTLY, ATTEMPT TO RECOUP THE AMOUNT OF THE SURCHARGE FROM THE PROPERTY OWNER.

108.5.10.5.1 VIOLATION. A CONTRACTOR WHO VIOLATES § 108.5.10.5(2):

1. IS SUBJECT TO THE FINES AND PENALTIES IMPOSED FOR VIOLATIONS OF THIS CODE, AND

2. MAY BE REPORTED TO THE RELEVANT LICENSING AUTHORITY AND THE CONSUMER PROTECTION DIVISION OF THE ATTORNEY GENERAL'S OFFICE.

108.5.11 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.

108.6 FEE SCHEDULES.

108.6.1 PERMIT FEES FOR CONSTRUCTION WORK.

A. NEW BUILDINGS AND ADDITIONS. (FEE MUST BE PAID IN FULL WITH APPLICATION)

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	$100
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	$200
ADDITIONS	$100

B. STRUCTURES ACCESSORY TO A PRINCIPAL OCCUPANCY.

EACH STRUCTURE OF 100 SQUARE FEET (9.29 SQ. M.) OR LESS	$25
EACH STRUCTURE OVER 100 SQUARE FEET (9.29 SQ. M.)	$50

C. ALTERATIONS AND REPAIRS. (FEE MUST BE PAID IN FULL WITH APPLICATION)

1. 1- AND 2-FAMILY DWELLINGS

$10 FOR EACH $1,000 OR FRACTION OF $1,000 ESTIMATED COST

MINIMUM	$50

2. ALL OTHERS

$12 FOR EACH $1,000 OR FRACTION OF $1,000 ESTIMATED COST

MINIMUM	$150

D. CHIMNEYS, STACKS, TOWERS.

0 TO 50 FEET (15.24 M) HIGH	$35
OVER 50 FEET (15.24 M) TO 100 FEET (30.48 M) HIGH	$50
OVER 100 FEET (30.48 M) HIGH	$75

E. RETAINING WALLS.

$10 FOR EACH 100 SQUARE FEET (9.29 SQ. M.) OR FRACTION OF 100 SQUARE FEET (9.29 SQ. M.) OF AREA ABOVE FOOTING.

F. FENCES.

$10 FOR EACH 100 LINEAR FEET (30.38 M) OR FRACTION OF 100 LINEAR FEET (30.38 M).

G. GRADING (EXCAVATING OR FILLING).

0 TO 5,000 CU. YD. (3822.77 CU. M.)	$35
OVER 5,000 CU. YD. (3822.77 CU. M.) TO 50,000 CU. YD. (38,227.74 CU. M.)	$50
OVER 50,000 CU. YD. (38,227.74 CU. M.)	$75

H. PAVING OR SURFACING.

0 TO 1,000 SQ. FT. (92.90 SQ. M.)	$25
OVER 1,000 SQ. FT. (92.90 SQ. M.) TO 10,000 SQ. FT. (929.03 SQ. M.)	$35
OVER 10,000 SQ. FT. (929.03 SQ. M.) TO 50,000 SQ. FT. (4645.15 SQ. M.)	$60
OVER 50,000 SQ. FT. (4645.15 SQ. M.)	$85

I. ERECTING, PLACING, HANGING, OR RECONSTRUCTING SIGNS.

0 TO 10 SQ. FT. (0.929 SQ. M.)	$25
OVER 10 SQ. FT. (0.929 SQ. M.) TO 150 SQ. FT. (13.94 SQ. M.)	$35
OVER 150 SQ. FT. (13.94 SQ. M.) TO 200 SQ. FT. (18.58 SQ. M.)	$60
OVER 200 SQ. FT. (18.58 SQ. M.) TO 500 SQ. FT. (46.45 SQ. M.)	$150
OVER 500 SQ. FT. (46.45 SQ. M.)	$250

J. INSTALLING ON-PREMISES ADVERTISING SIGNS.

FOR ERECTING, PLACING, HANGING, OR RECONSTRUCTING ANY CONSOLIDATED AREA OF SIGNAGE, AS DESCRIBED IN § 11-422 OF THE ZONING CODE, THE FEE IS $1 A SQUARE FOOT, WITH A MINIMUM OF $13 FOR EACH CONSOLIDATED AREA OF SIGNAGE.

THE RATES IN ITEMS I AND J ARE BASED ON THE GROSS SQUARE FEET AREA OF THE SIGN FACE OR FACES. NO FEE IS CHARGED FOR SIGNS LESS THAN 100 SQUARE FEET (9.29 SQ. M.) AND USED EXCLUSIVELY FOR ADVERTISING THE SALE OR LEASE OF THE PROPERTY ON WHICH THEY ARE POSTED.

FOR REPAIRING, PAINTING, AND REHANGING ANY SIGN IN THE SAME PLACE, THE FEE IS $25 FOR EACH SIGN.

K. DEMOLITION.

1- AND 2-FAMILY DWELLINGS	$0.030 PER CUBIC FOOT VOLUME OF STRUCTURE
MINIMUM	$300
ALL OTHERS	$0.075 PER CUBIC FOOT VOLUME OF STRUCTURE
MINIMUM	$600
ACCESSORY STRUCTURES	$50 EACH

L. TEMPORARY STRUCTURES.

FOR EACH TEMPORARY STRUCTURE, THE FEE IS $20 A YEAR FOR EACH 5,000 CUBIC FEET (141.58 CU. M.) OR FRACTION OF 5,000 CUBIC FEET (141.58 CU. M.) OF VOLUME.

MINIMUM	$35
MAXIMUM	$800

M. MOVING BUILDINGS.

$50 EACH

N. SWIMMING POOLS.

1- AND 2-FAMILY DWELLINGS	$50
ALL OTHERS	$250

O. OCCUPANCY PERMIT (INCLUDING ANY ACCOMPANYING USE PERMIT ISSUED UNDER ZONING CODE).

FOR EACH USE IN EACH BUILDING OR PART OF A BUILDING	$45

P. SEDIMENT AND EROSION CONTROL.

SEDIMENT AND EROSION CONTROL PERMIT AND REVIEW FEES WILL BE ASSESSED BY THE DEPARTMENT OF PUBLIC WORKS IN ACCORDANCE WITH THE FEE SCHEDULE ESTABLISHED FROM TIME TO TIME BY THE BOARD OF ESTIMATES.

Q. DPW REVIEW CHARGES.

A FEE OF $100 WILL BE CHARGED FOR REVIEW BY THE DEPARTMENT OF PUBLIC WORKS OF EACH APPLICATION FOR A BUILDING PERMIT. ADDITIONAL FEES FOR CONSULTATION MEETINGS WITH THE APPLICANT WILL BE CHARGED AT THE RATE OF $50 FOR EACH HALF HOUR.

108.6.2 PERMIT FEES FOR ELECTRICAL WORK.

A. ELECTRICAL SERVICE WIRING AND EQUIPMENT TO BE INSTALLED, REPLACED, OR RELOCATED, INCLUDING PROVISION FOR CONNECTION OF METER.

1. RATING IN AMPERES

0 TO 100	$25
OVER 100 TO 200	$30
OVER 200 TO 400	$40
OVER 400 TO 800	$60
OVER 800 TO 1,000	$100
OVER 1,000 TO 2,000	$150
OVER 2,000	$200

FOR SERVICES OVER 600 VOLTS, ADD $100.

2. INSTALLING CONDUITS AND DUCT BANKS ONLY

OVER 0 TO 200 FEET	$25
OVER 200 TO 1,000 FEET	$50
OVER 1,000 FEET	$100

3. SUB FEEDERS FOR ADDITIONAL METERS ONLY

0 TO 200 AMPERES	$30
OVER 200 TO 400 AMPERES	$40
OVER 400 TO 800 AMPERES	$60
OVER 800 TO 1,000 AMPERES	$100
OVER 1,000 TO 2,000 AMPERES	$150
OVER 2,000 AMPERES	$200

4. PHOTOVOLTAIC SYSTEM

1 TO 6 PHOTOVOLTAIC PANELS	$50
EACH ADDITIONAL PANEL	$6

B. ELECTRICAL WIRING FOR NEW BRANCH CIRCUITS, FEEDERS, AND EXTENSIONS TO OR REPLACEMENTS OF BRANCH CIRCUITS.

FOR EACH CIRCUIT $6

A 3-WIRE OR 4-WIRE BRANCH CIRCUIT SERVING SINGLE PHASE LOADS IS CONSIDERED TO BE A 2- OR 3-BRANCH CIRCUIT RESPECTIVELY.

A 3-WIRE BRANCH CIRCUIT SERVING ONLY 3-PHASE LOADS OR SERVING A SINGLE APPLIANCE IS CONSIDERED TO BE A 1-BRANCH CIRCUIT.

C. FIXTURES OR DEVICES ONLY.

FOR INSTALLING ELECTRICAL FIXTURES OR DEVICES ONLY:

1 TO 25 FIXTURES	$25

$5 FOR EACH ADDITIONAL 25 OR FRACTION OF 25 FIXTURES OR DEVICES.

D. TEMPORARY ELECTRICAL WIRING.

1. FOR BAZAARS, CINEMA SHOWS, DANCES, DISPLAYS, EXHIBITIONS, FAIRS, PLAYS, RUMMAGE SALES, SPORTING EVENTS, SUPPERS, AND OTHER SIMILAR ASSEMBLIES.

$20 FOR EACH 5 KILOWATTS OR FRACTION OF 5 KILOWATTS OF FEEDER CAPACITY SUPPLYING THE WIRING.

THE FEE IS REDUCED 50% IF THE NET PROCEEDS FROM THE EVENT ARE TO BE USED EXCLUSIVELY FOR A CHARITABLE OR RELIGIOUS ORGANIZATION.

2. FOR CARNIVALS AND CIRCUSES.

$25 FOR EACH 5 KILOWATTS OR FRACTION OF 5 KILOWATTS OF FEEDER CAPACITY SUPPLYING THE WIRING.

THE FEE IS REDUCED 50% IF THE NET PROCEEDS FROM THE EVENT ARE TO BE USED EXCLUSIVELY FOR A CHARITABLE OR RELIGIOUS ORGANIZATION.

3. FOR CONSTRUCTION PURPOSES.

THE FEE IS THE SAME AS FOR PERMANENT INSTALLATIONS, AND THE PERMITS MUST BE APPLIED FOR SEPARATELY.

E. ELECTRICAL SEMIANNUAL PERMITS FOR MAINTENANCE WORK.

THE FEE FOR EACH PERMIT IS BASED ON THE TOTAL SERVICE OF THE PLANT.

RATING OF SERVICE IN AMPERES

0 TO 600	$50
OVER 600 TO 800	$75
OVER 800 TO 1,200	$100
OVER 1,200 TO 2,000	$150
OVER 2,000	$200

F. NOT OTHERWISE CLASSIFIED.

ELECTRICAL WORK NOT OTHERWISE CLASSIFIED IN THIS SECTION	$25 PER PERMIT

G. LOW VOLTAGE \ WIRING.

1 TO 25 DEVICES	$25

$5 FOR EACH ADDITIONAL 10 OR FRACTION OF 10 DEVICES

H. TELECOMMUNICATIONS.

POWER SUPPLY FOR INTEGRATED SYSTEMS

UP TO 50KW	$150
OVER 50KW	$2 PER ADDITIONAL 10KW OR FRACTION OF 10KW
MAXIMUM	$500

COMMUNICATION HOTELS

PER RACK	$10
MAXIMUM	$300

TELECOMMUNICATIONS ANTENNAS

1 TO 5 ANTENNAS	$25
OVER 5	$5 PER ADDITIONAL ANTENNA
GROUNDING AND BONDING	$25

I. INSTALLING ELECTRICAL TRANSFORMERS ONLY.

1 TO 10 KVA	$25
OVER 10 TO 50 KVA	$35
OVER 50 TO 100 KVA	$75
OVER 100 KVA	$100

108.6.3 PERMIT FEES FOR MECHANICAL WORK.

A. FUEL-BURNING EQUIPMENT AND APPLIANCES.

BTU PER HOUR INPUT PER UNIT

0 TO 200,000	$30
OVER 200,000 TO 500,000	$45
OVER 500,000 TO 1,000,000	$75
FOR EACH ADDITIONAL 1,000,000 OR FRACTION OF 1,000,000	$75
MAXIMUM	$300 PER UNIT
LAB TABLES:	$5 PER OUTLET

FUEL OIL OR NATURAL GAS PIPING, NEW OR REPLACEMENT

1- AND 2-FAMILY DWELLINGS	$25
ALL OTHERS	$50

REPLACEMENT OF UNITS SAME AS NEW

B. AIR CONDITIONING SYSTEMS.

COOLING TOWERS	$150 PER UNIT
ALL OTHERS	
$5 A TON (1 TON EQUALS 12,000 BTU PER HOUR)	
MINIMUM	$ 30
MAXIMUM	$300 PER UNIT

C. HYDRONIC AND STEAM-HEATING SYSTEMS.

NEW INSTALLATION OF BASEBOARD RADIATION	
1- AND 2-FAMILY DWELLINGS	$25
ALL OTHERS	$50
NEW INSTALLATION OF PIPING	
1- AND 2-FAMILY DWELLINGS	$25
ALL OTHERS	$50
NEW INSTALLATION OF RADIATORS OR CONVECTORS	
$5 EACH	
MINIMUM	$30
GEOTHERMAL SYSTEM	$50
REPLACEMENT OF UNIT SAME AS NEW	

D. DISTRIBUTION SYSTEMS.

NEW INSTALLATION	
1- AND 2-FAMILY DWELLINGS	$25 PER SYSTEM
ALL OTHER WORK	$5 PER 1000 CFM
MINIMUM	$30
MAXIMUM	$300
RECONSTRUCTION OF EXISTING DISTRIBUTION SYSTEMS	
1 TO 25 DIFFUSERS	$35
OVER 25 DIFFUSERS	$50 PER 100 OR FRACTION OF 100
VAV OR MIXING BOXES	$5 EACH

E. EXHAUST SYSTEMS.

$5 FOR EACH 1,000 CUBIC FEET (28.31 CU. M.) OF AIR PER MINUTE

MINIMUM	$30
MAXIMUM	$300

F. UNFIRED PRESSURE VESSELS.

$50 EACH

G. TANKS FOR ALL LIQUIDS, INCLUDING PROPANE GAS CYLINDERS.

LP GAS CYLINDERS IN THE AGGREGATE OF 1,000 GALLONS (3,780 L) OR FRACTION OF 1,000 GALLONS (3,780 L) ARE CONSIDERED 1 TANK.

0 TO 1,000 GALLONS (3,780 L)	$20 EACH
OVER 1,000 GALLONS (3,780 L) TO 10,000 GALLONS (37,800 L)	$30 EACH
OVER 10,000 GALLONS (37,800 L)	$30 PLUS $10 PER 5,000 GALLONS (18,900 L) OR FRACTION OVER 10,000 GALLONS (37,800 L); MAXIMUM $400
REMOVAL OF TANKS	$35 PER TANK

H. PUMPS AND DISPENSERS.

FOR EACH HOSE OUTLET	$10
MINIMUM	$30

I. FIRE EXTINGUISHING SYSTEMS.

SPRINKLER SYSTEMS

1 TO 25 HEADS	$35
MORE THAN 25 HEADS	$50 PER 100 HEADS OR FRACTION OF 100 HEADS
RELOCATE SPRINKLER HEADS	$5 EACH
MINIMUM	$30
MAXIMUM	$100
REPLACE SPRINKLER HEADS ONLY	$20
STANDPIPE RISERS	$50 EACH
RELOCATE HOSE STATIONS	$10 EACH
CHEMICAL SYSTEMS	$50

J. PLUMBING AND ON-SITE UTILITIES.

INSTALL, REPLACE, OR RECONSTRUCT PLUMBING FIXTURES	$5 EACH
REMOVE PLUMBING FIXTURES ONLY	$20

ELECTRICAL WATER HEATERS, NEW CONSTRUCTION OR REPLACEMENT	$20 EACH
GREASE INTERCEPTORS	$25 EACH
WATER SERVICE PIPE, NEW OR REPLACEMENT	
1-AND 2-FAMILY DWELLINGS	$25
ALL OTHER WORK	$50
SANITARY CONNECTION, NEW OR REPLACEMENT	
1- AND 2-FAMILY DWELLINGS	$25
ALL OTHER WORK	$50
STORM WATER CONNECTION, NEW OR REPLACEMENT	
1- AND 2-FAMILY DWELLINGS	$25
ALL OTHER WORK	$50
RECONSTRUCT WATER, SANITARY, OR STORM LINES ON PREMISES	$20 PER UTILITY
CAP OFF WATER, SANITARY, OR STORM LINES ON PREMISES	$50 PER UTILITY
ON-SITE UTILITIES (WATER, SANITARY, OR STORM WATER)	
NEW OR RECONSTRUCTION	$50 PER UTILITY
MULTIPLE HOME SITE DEVELOPMENT	$10 PER UTILITY
PRIVATE DISPOSAL SYSTEMS, INCLUDING SEPTIC TANK, DRY WELL, OR DRAIN FIELDS	$100, PLUS $5 PER PLUMBING FIXTURE
LAWN IRRIGATION SYSTEM	$25
PRIVATE SWIMMING POOL WHEN CONNECTED TO A WATER AND SEWER LINE	$30
BACKFLOW PREVENTION DEVICE	
INSTALLATION	
LESS THAN 2" DIAMETER	$25 EACH
2" DIAMETER OR MORE	$100 EACH
ANNUAL TESTING INSPECTION	$30

K. INSTALLING ELEVATORS, ESCALATORS, ETC.

INSTALLATION PER UNIT:

PASSENGER, POWER FREIGHT, AND PARKING ELEVATORS	$50, PLUS $5 PER FLOOR
MAXIMUM	$150
ESCALATORS	$60
HAND OR GRAVITY ELEVATORS	$35
STAGE OR ORCHESTRA CONSOLE ELEVATORS	$50
PRIVATE RESIDENCE ELEVATORS OR INCLINED LIFTS	$35
PERSON LIFTS	$50
AUTOMOBILE SERVICE LIFTS	$20
POWER DUMBWAITERS	$35
HAND DUMBWAITERS	$30
TEMPORARY MATERIAL HOISTS AND ELEVATORS	$35
WORKERS' HOISTS	$35, PLUS $5 PER FLOOR
ALTERATIONS	$50 PER ELEVATOR

108.6.4 FEES FOR CERTIFICATES.

A. ELECTRICAL CERTIFICATES OF APPROVAL.

1. $10 EACH WHEN ISSUED AS PART OF ORIGINAL PERMIT.

2. $20 EACH WHEN ISSUED SEPARATELY.

B. MECHANICAL CERTIFICATES OF APPROVAL.

1. $10 EACH WHEN ISSUED AS PART OF ORIGINAL PERMIT.

2. $20 EACH WHEN ISSUED SEPARATELY.

C. CERTIFICATES OF COMPLETION OR OTHER.

$45 EACH

108.6.5 FEES FOR INSPECTION REGISTRATION PERMITS. FOR INSPECTION REGISTRATION PERMITS, THE FEES ARE AS FOLLOWS:

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 2,000 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 FEE (929.03 SQ. M.)

PURPOSE	*1 DAY*	*1 WEEK*
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%.

C. ROOF TANKS AND ROOF SIGNS.

FOR ROOF TANKS AND ROOF SIGNS, THE ANNUAL FEE IS:

ROOF TANKS	$20 EACH
ROOF SIGNS	
100 SQ. FT. (9.29 SQ. M.) TO 500 SQ. FT. (46.45 SQ. M.)	$20
OVER 500 SQ. FT. (46.45 SQ. M.) TO 1,000 SQ. FT. (92.90 SQ. M.)	$35
OVER 1,000 SQ. FT. (92.90 SQ. M.)	$50

108.6.6 FEES FOR MISCELLANEOUS WORK. PERMIT FEES FOR MISCELLANEOUS WORK, OPERATIONS, AND OTHER PURPOSES, NOT ELSEWHERE PROVIDED FOR IN THIS CODE, ARE CHARGED AT THE RATE OF $10 FOR EACH $1,000 OR FRACTION OF $1,000 OF ESTIMATED COST.

108.7 BUILDING CODE PERMIT TAX. A TAX IS LEVIED AND IMPOSED ON EVERY ISSUANCE OF A PERMIT UNDER THIS CODE. THE AMOUNT OF THE TAX IS 5% OF THE FINAL COST OF THAT PERMIT ROUNDED UP TO THE NEAREST WHOLE DOLLAR. THE FUNDS SO COLLECTED ARE TO BE DEPOSITED TO THE GENERAL FUND AND ACCOUNTED FOR IN A REVENUE ACCOUNT ENTITLED "HOMELESS RELIEF ASSISTANCE", WITH THE LEGISLATIVE INTENT THAT AN EQUIVALENT AMOUNT BE APPROPRIATED IN THE FUTURE FOR THE RELIEF OF THE HOMELESS.

SECTION 109 INSPECTIONS *{AS IN IBC}*

SECTION 110 OCCUPANCY PERMIT; CERTIFICATE OF COMPLETION

110.1 TO 110.4 *{AS IN IBC. BUT NOTE: THE "CERTIFICATE OF OCCUPANCY" TO WHICH THE IBC REFERS IS KNOWN IN BALTIMORE CITY AS AN "OCCUPANCY PERMIT".}*

110.5 CERTIFICATE OF COMPLETION. WITHIN 10 DAYS OF WRITTEN APPLICATION, THE BUILDING OFFICIAL WILL ISSUE A CERTIFICATE OF COMPLETION IF ALL WORK AUTHORIZED BY A BUILDING PERMIT HAS BEEN SATISFACTORILY COMPLETED IN COMPLIANCE WITH THIS CODE. THE CERTIFICATE CERTIFIES THE SATISFACTORY COMPLETION OF THE WORK AND THE PURPOSE FOR WHICH THE STRUCTURE MAY BE USED IN ITS SEVERAL PARTS.

110.6 REVOCATION. *{AS IN IBC § 110.5}*

SECTION 111 SERVICE UTILITIES *{AS IN IBC}*

SECTION 112 BOARD OF APPEALS *{NOT ADOPTED}*

SECTION 113 VIOLATIONS

113.1 UNLAWFUL ACTS. IT IS UNLAWFUL FOR ANY PERSON TO:

1. CONSTRUCT, ALTER, ADD TO, REPAIR, REHABILITATE, DEMOLISH, MOVE, LOCATE, USE, OCCUPY, OR MAINTAIN ANY STRUCTURE, PREMISES, LAND, OR EQUIPMENT REGULATED BY THIS CODE, CONTRARY TO OR IN CONFLICT WITH OR IN VIOLATION OF:

    A. ANY PROVISION OF THIS CODE, OR

    B. ANY PROVISION OF ANY REGULATION, ORDER, REQUIREMENT, DECISION, PERMIT, OR NOTICE ISSUED UNDER THIS CODE BY THE BUILDING OFFICIAL OR BY ANY OTHER PERSON, BOARD, DEPARTMENT, BUREAU, COMMISSION, OR AGENCY WITH JURISDICTION, OR

2. OTHERWISE FAIL TO COMPLY WITH ANY PROVISION OF THIS CODE OR OF ANY REGULATION, ORDER, REQUIREMENT, DECISION, PERMIT, OR NOTICE ISSUED UNDER THIS CODE, OR

3. CAUSE ANY OF THESE ACTS OR OMISSIONS TO BE DONE.

113.2 VIOLATION NOTICE OR ORDER. EXCEPT AS OTHERWISE PROVIDED IN THIS CODE, THE BUILDING OFFICIAL MAY SERVE A VIOLATION NOTICE OR ORDER ON ANY PERSON LEGALLY RESPONSIBLE FOR THE CONSTRUCTION, ALTERATION, ADDITION, REPAIR, REHABILITATION, DEMOLITION, MOVING, LOCATION, USE, OCCUPANCY, OR MAINTENANCE OF ANY STRUCTURE, PREMISES, LAND, OR EQUIPMENT IN VIOLATION OF ANY PROVISION OF:

1. THIS CODE, OR

2. A PLAN APPROVED UNDER THIS CODE, OR

3. A PERMIT OR CERTIFICATE ISSUED UNDER THIS CODE.

113.2.1 TENOR OF NOTICE OR ORDER. THE NOTICE OR ORDER MAY DIRECT:

1. THE DISCONTINUANCE OF THE ILLEGAL ACTION OR CONDITION, AND

2. THE ABATEMENT OF THE VIOLATION, WHICH MAY INCLUDE RESTORATION TO THE PRIOR CONDITION.

113.3 ENFORCEMENT GENERALLY. IF A VIOLATION IS NOT PROMPTLY DISCONTINUED OR ABATED, OR IF THE VIOLATION NOTICE OR ORDER IS NOT COMPLIED WITH PROMPTLY, THE BUILDING OFFICIAL MAY INSTITUTE OR CAUSE TO BE INSTITUTED ANY APPROPRIATE LEGAL PROCEEDINGS.

113.3.1 TYPES OF PROCEEDINGS. ENFORCEMENT PROCEEDINGS MAY INCLUDE:

1. INJUNCTIVE OR OTHER EQUITY PROCEEDINGS, INCLUDING AN ACTION INITIATED BY A CODE-ENFORCEMENT-INJUNCTION CITATION UNDER CITY CODE ARTICLE 19, § 71-3, OR AN ACTION FOR APPOINTMENT OF A RECEIVER UNDER § 121 OF THIS CODE,

2. CRIMINAL PROSECUTION, INCLUDING A PROSECUTION INITIATED BY A PREPAYABLE CRIMINAL CITATION UNDER CITY CODE ARTICLE 19, § 71-2, AND

3. ADMINISTRATIVE PROCEEDINGS, INCLUDING ONE INITIATED BY AN ENVIRONMENTAL CITATION UNDER CITY CODE ARTICLE 1, § 40-14.

113.3.2 REMEDIES NOT EXCLUSIVE. IN PURSUING A VIOLATION, THE BUILDING OFFICIAL MAY USE ANY 1 OR MORE AVAILABLE REMEDIES OR ENFORCEMENT ACTIONS. THE INITIATION OF ANY 1 REMEDY OR ENFORCEMENT ACTION DOES NOT PRECLUDE PURSUING ANY OTHER REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW. NEITHER DAMAGES, IRREPARABLE INJURY, NOR THE LACK OF AN ADEQUATE REMEDY AT LAW IS A PREREQUISITE TO ENFORCEMENT IN EQUITY.

113.3.3 WHEN PRIOR NOTICE NOT REQUIRED. A VIOLATION NOTICE OR ORDER IS NOT A PREREQUISITE TO ENFORCEMENT ACTION IN THE FOLLOWING SITUATIONS:

1. WHEN SEEKING A TEMPORARY RESTRAINING ORDER OR INJUNCTION IN AN EMERGENCY,

2. WHEN SEEKING EQUITABLE RELIEF FOR A PATTERN OR PRACTICE OF NON-COMPLIANCE,

3. FOR WORK BEING DONE WITHOUT A PERMIT OR IN VIOLATION OF A STOP-WORK ORDER,

4. FOR A VIOLATION THAT REMAINS UNABATED AFTER A PRIOR PROSECUTION FOR THAT VIOLATION,

5. FOR A PREPAYABLE CRIMINAL CITATION THAT IS ISSUED UNDER CITY CODE ARTICLE 19, SUBTITLE 71 {"SPECIAL ENFORCEMENT OFFICERS"} AND FOR WHICH PRIOR NOTICE IS WAIVED UNDER ARTICLE 19, § 71-2,

6. FOR AN ENVIRONMENTAL CITATION THAT IS ISSUED UNDER CITY CODE ARTICLE 1, SUBTITLE 40 {"ENVIRONMENTAL CONTROL BOARD"}, AND

7. IN ANY OTHER CASE SPECIFICALLY AUTHORIZED BY THIS CODE.

113.4 VIOLATION A MISDEMEANOR. A PERSON IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, SUBJECT TO THE PENALTIES SPECIFIED IN THIS § 113.4, IF THE PERSON:

1. VIOLATES A PROVISION OF THIS CODE,

2. FAILS TO COMPLY WITH ANY REQUIREMENT OF THIS CODE OR OF A REGULATION, ORDER, DECISION, PERMIT, OR NOTICE ISSUED UNDER THIS CODE, OR

3. CONSTRUCTS, ALTERS, ADDS TO, REPAIRS, REHABILITATES, DEMOLISHES, MOVES, LOCATES, USES, OCCUPIES, OR MAINTAINS ANY STRUCTURE, PREMISES, LAND, OR EQUIPMENT IN VIOLATION OF AN APPROVED PLAN OR DIRECTIVE OF THE BUILDING OFFICIAL OR OF A PERMIT OR CERTIFICATE ISSUED UNDER THIS CODE.

113.4.1 NOTICE REQUIRED. EXCEPT AS OTHERWISE SPECIFICALLY AUTHORIZED BY LAW, CRIMINAL PROCEEDINGS MAY NOT BE INITIATED UNLESS THE BUILDING OFFICIAL ISSUES A NOTICE OF VIOLATION AND ALLOWS A REASONABLE TIME TO CORRECT THE VIOLATION.

113.4.2 EACH DAY A SEPARATE OFFENSE. EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE. PROOF THAT A VIOLATION EXISTS ON ANY DATE AFTER ISSUANCE OF A VIOLATION NOTICE IS PRIMA FACIE EVIDENCE THAT THE VIOLATION HAS CONTINUED UNABATED THROUGHOUT THE INTERVENING PERIOD.

113.4.3 PENALTIES. THE PENALTY FOR EACH OFFENSE IS AS FOLLOWS:

1. FOR WORK DONE WITHOUT A PERMIT OR IN VIOLATION OF A STOP-WORK ORDER, A FINE OF NOT MORE THAN ~~$1,000~~ $500 OR IMPRISONMENT FOR NOT MORE THAN ~~12 MONTHS~~ 90 DAYS OR BOTH FINE AND IMPRISONMENT, AND

2. FOR ALL OTHER VIOLATIONS, A FINE OF NOT MORE THAN $500.

113.5 CIVIL PENALTIES AND COSTS. IN EQUITY PROCEEDINGS INSTITUTED UNDER THIS CODE:

1. A VIOLATION FOR WHICH EQUITABLE RELIEF IS SOUGHT IS SUBJECT TO A CIVIL FINE OF NOT MORE THAN $500 FOR EACH DAY THAT THE VIOLATION CONTINUES UNABATED,

2. THE DEFENDANT IS LIABLE FOR THE PLAINTIFF'S ENFORCEMENT COSTS AND REASONABLE ATTORNEYS' FEES, AT THE RATE ESTABLISHED BY THE COURT OF APPEALS, WHETHER OR NOT THE ATTORNEY IS A SALARIED EMPLOYEE OF THE PLAINTIFF, AND

3. JUDGMENT MAY BE SOUGHT FOR OUTSTANDING LIENS IMPOSED BY THE CITY ON PROPERTY SUBJECT TO THE PROCEEDING AND OWNED BY THE DEFENDANT.

113.6 ADDITIONAL LEGAL ACTION. THE IMPOSITION OF PENALTIES DOES NOT PRECLUDE THE CITY SOLICITOR FROM INSTITUTING APPROPRIATE LEGAL PROCEEDINGS TO:

1. PREVENT UNLAWFUL CONSTRUCTION,

2. RESTRAIN, CORRECT, OR ABATE A VIOLATION,

3. PREVENT ILLEGAL OCCUPANCY OF A STRUCTURE OR PREMISES, OR

4. STOP AN ILLEGAL ACT, CONDUCT, BUSINESS, OR USE OF A STRUCTURE ON OR ABOUT ANY PREMISES.

113.7 TO 113.10 ***{RESERVED}***

113.11 REVOKING OR WITHHOLDING VIOLATOR'S PERMITS.

113.11.1 SCOPE. THIS § 113.11 APPLIES WHENEVER THE BUILDING OFFICIAL FINDS THAT AN OWNER, CONTRACTOR, OR ARCHITECT, ENGINEER, OR OTHER DESIGN PROFESSIONAL HAS VIOLATED A PROVISION OF THIS CODE, OF A PERMIT, OR OF THE RULES AND REGULATIONS OF ANY DEPARTMENT OR AGENCY OF THE CITY IN CONNECTION WITH THE CONSTRUCTION, ALTERATION, ADDITION, REPAIR, REHABILITATION, DEMOLITION, MOVING, LOCATION, USE, OCCUPANCY, OR MAINTENANCE OF ANY STRUCTURE, PREMISES, LAND, OR EQUIPMENT.

113.11.2 ACTIONS AUTHORIZED. IN ANY SITUATION DESCRIBED IN § 113.11.1, THE BUILDING OFFICIAL MAY:

A. REVOKE, WITHOUT PRIOR NOTICE, ANY EXISTING PERMIT THAT HAS BEEN GRANTED:

   1. TO THE OWNER, CONTRACTOR, ARCHITECT, ENGINEER, OR OTHER DESIGN PROFESSIONAL, OR

   2. FOR WORK IN CONNECTION WITH WHICH THE DESIGN PROFESSIONAL IS EMPLOYED, AND

B. REFUSE TO GRANT, FOR A PERIOD OF UP TO 5 YEARS, ANY FURTHER PERMITS:

1. TO THE OWNER, CONTRACTOR, ARCHITECT, ENGINEER, OR OTHER DESIGN PROFESSIONAL, OR

2. FOR WORK IN CONNECTION WITH WHICH THE DESIGN PROFESSIONAL IS EMPLOYED.

113.12 TO 113.13 ***{RESERVED}***

113.14 WORK WITHOUT PERMIT. ANY PERSON WHO DOES WORK WITHOUT A PERMIT, OUTSIDE OR BEYOND THE SCOPE OF A PERMIT, OR IN A MANNER INCONSISTENT WITH PLANS OR DRAWINGS APPROVED AS PART OF A PERMIT APPLICATION:

1. IS IN VIOLATION OF THIS CODE AND SUBJECT TO ENFORCEMENT ACTION WITHOUT NOTICE,

2. MUST IMMEDIATELY STOP ANY WORK IN PROGRESS,

3. MUST OBTAIN A PERMIT, PAYING ALL ASSOCIATED FEES AND PENALTIES, WHETHER THE WORK IS IN PROGRESS OR COMPLETED, AND

4. MUST RESTORE THE STRUCTURE TO ITS ORIGINAL CONDITION, UNLESS:

   A. THE WORK OTHERWISE CONFORMS TO THE RELEVANT REQUIREMENTS OF LAW, AND

   B. THE BUILDING OFFICIAL, IN HIS OR HER DISCRETION, ALLOWS THE WORK TO REMAIN OR CONTINUE.

113.15 TO 113.20 ***{RESERVED}***

113.21 RESPONSIBILITY OF OWNERS AND OPERATORS. EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED IN § 113.21.1, THE OWNER AND THE OPERATOR OF ANY PROPERTY SUBJECT TO THIS CODE ARE EACH:

1. RESPONSIBLE FOR COMPLIANCE WITH ALL PROVISIONS OF THIS CODE IN ALL MATTERS PERTAINING DIRECTLY OR INDIRECTLY TO THAT PROPERTY, AND

2. LIABLE FOR ALL VIOLATIONS OF THIS CODE IN CONNECTION WITH ANY LAND, STRUCTURE, MATTER, OR THING OWNED OR CONTROLLED BY THEM.

113.21.1 EXCEPTIONS. ONLY THE OWNER IS RESPONSIBLE FOR COMPLIANCE WITH A PROVISION REQUIRING AN OWNER'S SIGNATURE. EXCEPT AS SPECIFIED IN § 113.21.2, AN OWNER OR OPERATOR IS NOT RESPONSIBLE FOR COMPLIANCE WITH A PROVISION OF THIS CODE THAT IS SPECIFICALLY DESIGNATED AS THE RESPONSIBILITY OF THE OCCUPANT, UNLESS THAT OWNER OR OPERATOR IS ALSO AN OCCUPANT.

~~**113.21.2 SECONDARY LIABILITY FOR SANITARY MAINTENANCE.** IF, AFTER A NOTICE, ORDER, OR CITATION, A TENANT FAILS TO CORRECT A VIOLATION OF PROPERTY MAINTENANCE CODE § 304 {"EXTERIOR SANITARY MAINTENANCE – GENERAL"} OR § 305 {"EXTERIOR SANITARY MAINTENANCE – TRASH, GARBAGE, AND DEBRIS"} FOR WHICH OCCUPANTS ARE RESPONSIBLE UNDER PROPERTY MAINTENANCE CODE § 307 {"OCCUPANT'S SANITARY RESPONSIBILITIES"}, THE OWNER AND OPERATOR OF THE PROPERTY ARE SECONDARILY LIABLE.~~

~~**113.21.2.1 NOTICE TO OWNER, OPERATOR.** BEFORE AN OWNER OR OPERATOR MAY BE CHARGED UNDER THIS § 113.21.2, HE OR SHE MUST BE SERVED WITH A VIOLATION NOTICE UNDER § 123.4.~~

~~**113.21.2.2 RECOVERY OF EXPENSES.** IF AN OWNER OR OPERATOR INCURS EXPENSES IN CORRECTING THE VIOLATION, THE OWNER OR OPERATOR:~~

~~1. MAY RECOVER THOSE EXPENSES FROM THE TENANT AS RENT, AND~~

~~2. HAS ALL THE RIGHTS AND REMEDIES AVAILABLE UNDER THE LAW FOR NONPAYMENT.~~

113.21.2 LIABILITY FOR SANITARY MAINTENANCE.

A. SECONDARY LIABILITY. IF, AFTER A NOTICE, ORDER, OR CITATION, A TENANT FAILS TO CORRECT A VIOLATION OF PROPERTY MAINTENANCE CODE § 305 {"EXTERIOR SANITARY MAINTENANCE – GENERAL"} OR § 306 {"EXTERIOR SANITARY MAINTENANCE – TRASH, GARBAGE, AND DEBRIS"} FOR WHICH OCCUPANTS ARE RESPONSIBLE UNDER PROPERTY MAINTENANCE CODE § 308 {"OCCUPANT'S SANITARY RESPONSIBILITIES"}, THE OWNER AND OPERATOR OF THE PROPERTY ARE SECONDARILY LIABLE.

B. LIABILITY – FAILURE TO REGISTER PROPERTY. THE OWNER OF A PROPERTY IS RESPONSIBLE FOR EXTERIOR SANITARY MAINTENANCE IF:

1. THE OWNER FAILS TO REGISTER OR LICENSE THE PROPERTY AS REQUIRED BY CITY CODE ARTICLE 13, SUBTITLE 4 {"NON-OWNER-OCCUPIED DWELLINGS"} OR SUBTITLE 5 {"LICENSING OF MULTI-FAMILY DWELLINGS"}, OR

2. REASONABLE ATTEMPTS AT TELEPHONE CONTACT, USING INFORMATION IN A CURRENT REGISTRATION STATEMENT, DO NOT LEAD WITHIN 2 BUSINESS DAYS TO CURRENT OCCUPANT INFORMATION.

C. LIABILITY – THIRD ENVIRONMENTAL CITATION. THE OWNER OF A PROPERTY IS RESPONSIBLE FOR EXTERIOR SANITARY MAINTENANCE IF:

1. WITHIN THE PREVIOUS 12 MONTHS, TWO OR MORE ENVIRONMENTAL CITATIONS WERE ISSUED UNDER CITY CODE ARTICLE 1, SUBTITLE 40, FOR VIOLATIONS OF THIS CODE THAT WERE THE RESPONSIBILITY OF AN OCCUPANT OF THE PROPERTY UNDER PROPERTY MAINTENANCE CODE § 307 {"OCCUPANTS' SANITARY RESPONSIBILITIES"}; AND

2. NOTIFICATION OF EACH CITATION HAS BEEN SENT TO THE OWNER BY REGULAR MAIL.

113.21.2.1 NOTICE TO OWNER, OPERATOR. BEFORE AN OWNER OR OPERATOR MAY BE CHARGED UNDER § 113.21.2A {"SECONDARY LIABILITY"}, HE OR SHE MUST BE SERVED WITH A VIOLATION NOTICE UNDER § 123.4. A VIOLATION NOTICE UNDER § 123.4 IS NOT NECESSARY TO CHARGE AN OWNER UNDER §§ 113.21.2B {"LIABILITY – FAILURE TO REGISTER PROPERTY"} OR 113.21.2C {"LIABILITY – THIRD ENVIRONMENTAL CITATION"}.

113.21.2.2 RECOVERY OF EXPENSES. IF AN OWNER OR OPERATOR INCURS EXPENSES IN CORRECTING THE VIOLATION, THE OWNER OR OPERATOR:

1. MAY BRING LEGAL ACTION TO RECOVER THOSE EXPENSES FROM THE TENANT, AND

2. HAS ALL THE RIGHTS AND REMEDIES AVAILABLE UNDER THE LAW FOR NONPAYMENT.

113.22 RESPONSIBILITY OF OTHERS. IN ADDITION TO THE OWNER OR OPERATOR OF THE PROPERTY INVOLVED, ANY OTHER PERSON WHO VIOLATES ANY PROVISION OF THIS CODE IS LIABLE FOR THE VIOLATION AND, ON CONVICTION, IS SUBJECT TO ALL PENALTIES PROVIDED IN THIS CODE FOR THE VIOLATION.

113.23 RESPONSIBILITY OF TRANSFEREE. THIS § 113.23 APPLIES WHENEVER ANY PROPERTY IS TRANSFERRED BY SALE, ASSIGNMENT, GROUND RENT LEASE, OR OTHERWISE, WITH OR WITHOUT CONSIDERATION ("TRANSFER"). EXCEPT AS PROVIDED IN § 113.25, THIS § 113.23 DOES NOT APPLY TO A MORTGAGEE OR TO THE HOLDER OF A NOTE SECURED BY A DEED OF TRUST.

113.23.1 DUTY BEFORE TRANSFER. BEFORE ANY TRANSFER OF PROPERTY, THE TRANSFEREE MUST OBTAIN A COPY OF A VIOLATION REPORT FOR THE PROPERTY.

113.23.2 PRIMARY LIABILITY OF TRANSFEREE. ON TRANSFER OF THE PROPERTY, IF ANY VIOLATION OR CONDEMNATION NOTICES LIE AGAINST THE PROPERTY AND ARE INCLUDED IN THE VIOLATION REPORT, THE TRANSFEREE:

1. BECOMES PRIMARILY LIABLE FOR THOSE NOTICES THE SAME AS IF THE NOTICES HAD BEEN ADDRESSED TO THE TRANSFEREE,

2. MUST ABATE THE VIOLATION, AND

3. IS LIABLE IN ACCORDANCE WITH § 117 OF THIS CODE FOR ANY EXPENSES INCURRED BY THE CITY IN ABATING THE VIOLATION OR CONDEMNATION NOTICE, IF THE TRANSFEREE FAILED TO REQUEST A VIOLATION REPORT AS REQUIRED BY § 113.23.1.

113.23.3 RELIANCE ON VIOLATION REPORT. A TRANSFEREE IS NOT LIABLE FOR ABATEMENT EXPENSES INCURRED BY THE CITY IF, BEFORE THE TRANSFER, THE TRANSFEREE REQUESTED A VIOLATION REPORT AND THE REPORT DOES NOT SHOW THE VIOLATION.

113.24 RESPONSIBILITY OF OFFICERS, DIRECTORS, ETC., OF CORPORATIONS, PARTNERSHIPS, ETC. WHENEVER A CORPORATION, JOINT STOCK COMPANY, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY, OR OTHER ENTITY VIOLATES ANY PROVISION OF THIS CODE, EVERY OFFICER, DIRECTOR, TRUSTEE, PARTNER, MEMBER, OR AGENT OF THAT ENTITY WHO HAS AUTHORIZED OR DONE ANY OF THE ACTS CONSTITUTING THE VIOLATION, IN WHOLE OR IN PART, OR WHO HAS FAILED TO ACT OR ACQUIESCED IN ANY FAILURE TO ACT CONSTITUTING THE VIOLATION, IN WHOLE OR IN PART, IS INDIVIDUALLY GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO THE PENALTIES PROVIDED IN THIS § 113.

113.25 RESPONSIBILITY OF MORTGAGEE. A PERSON THAT ACQUIRES AN INTEREST IN PROPERTY BY WAY OF A MORTGAGE OR DEED OF TRUST ("LENDER") IS LIABLE TO THE SAME EXTENT AS AN OWNER/TRANSFEREE FOR A VIOLATION OR CONDEMNATION NOTICE PERTAINING TO A VACANT UNSAFE STRUCTURE, IF:

1. THE PERSON WITH PRIMARY RESPONSIBILITY FAILS TO COMPLY WITH THE NOTICE,

2. THE LENDER HAS BEEN NOTIFIED BY CERTIFIED MAIL OF THE VIOLATION OR CONDEMNATION NOTICE, AND

3. WITHIN 180 DAYS AFTER THE RECEIPT OF THE NOTICE:

   A. RATIFICATION OF A FORECLOSURE SALE OF THE PROPERTY HAS NOT OCCURRED, OR

B. THE LENDER HAS NOT RELEASED ITS MORTGAGE OR DEED OF TRUST.

113.25.1 BANKRUPTCY TOLL. THE 180-DAY PERIOD REFERRED TO IN § 113.25(3) IS TOLLED BY ANY PERIOD DURING WHICH THE LENDER'S RIGHT TO FORECLOSE IS STAYED BY A PENDING PROCEEDING UNDER THE FEDERAL BANKRUPTCY CODE.

113.25.2 DEFENSE. DURING ANY ENFORCEMENT PROCEEDING INSTITUTED AGAINST A LENDER UNDER THIS SECTION, IT IS A DEFENSE THAT THE LENDER DID NOT HAVE THE RIGHT TO INSTITUTE FORECLOSURE PROCEEDINGS.

113.25.3 DURING PENDENCY OF FORECLOSURE. DURING THE PENDENCY OF A FORECLOSURE, THE LENDER IS RESPONSIBLE FOR MAINTAINING THE PROPERTY FREE FROM HIGH VEGETATION AND FROM ACCUMULATION OF TRASH AND DEBRIS.

113.26 RESPONSIBILITY OF BUYER ON FORECLOSURE. ON FORECLOSURE OR SALE IN LIEU OF FORECLOSURE, THE BUYER:

1. ACQUIRES OWNERSHIP RESPONSIBILITY WHEN THE SALE IS RATIFIED, AND

2. TAKES TITLE SUBJECT TO ANY OUTSTANDING NOTICES.

SECTION 114 STOP-WORK ORDER

114.1 AUTHORITY ***{AS IN IBC}***

114.2 ISSUANCE. THE STOP-WORK ORDER MUST BE IN WRITING. IT MUST BE SENT BY FIRST CLASS AND CERTIFIED MAIL TO THE OWNER OF THE PROPERTY INVOLVED, AND HAND DELIVERED TO THE OWNER'S AGENT OR TO THE PERSON DOING THE WORK. A COPY OF THE STOP-WORK ORDER MUST BE POSTED ON THE PROPERTY. ON POSTING OF THE STOP-WORK ORDER, THE CITED WORK MUST IMMEDIATELY CEASE. THE STOP-WORK ORDER MUST STATE THE REASON FOR THE ORDER.

114.3 UNLAWFUL CONTINUANCE ***{AS IN IBC}***

114.4 REMOVAL, ETC., OF POSTED NOTICE. UNTIL THE BUILDING OFFICIAL SO AUTHORIZES, NO PERSON MAY REMOVE, DEFACE, DAMAGE, OR CHANGE ANY NOTICE, POSTER, OR SIGN PLACED UNDER THIS SECTION ON ANY LAND, STRUCTURE, OR OTHER OBJECT.

SECTION 115 UNSAFE STRUCTURES

115.1 GENERAL. ANY STRUCTURE OR PART OF A STRUCTURE FOUND TO BE UNSAFE OR UNFIT FOR HUMAN HABITATION OR OTHER AUTHORIZED USE MUST BE REHABILITATED OR, AS PERMITTED OR REQUIRED BY THE BUILDING OFFICIAL, DEMOLISHED.

115.1.1 SCOPE. A STRUCTURE MAY BE UNSAFE OR UNFIT FOR HUMAN HABITATION OR OTHER AUTHORIZED USE BECAUSE OF:

1. CONDITIONS CONSTITUTING A FIRE HAZARD OR CONDITIONS OF DAMAGE, DECAY, DILAPIDATION, OBSOLESCENCE, ABANDONMENT, VACANCY (AS DESCRIBED IN § 115.4), INSANITATION, OR VERMIN OR RODENT INFESTATION THAT CONSTITUTE A HAZARD TO THE HEALTH, WELFARE, OR SAFETY OF OCCUPANTS OR THE PUBLIC,

2. LACK OF SANITATION, ILLUMINATION, VENTILATION, HEATING, PLUMBING, EXITWAYS, FIRE PROTECTION, UTILITIES, OR OTHER FACILITIES ADEQUATE TO PROTECT THE HEALTH, WELFARE, OR SAFETY OF OCCUPANTS OR THE PUBLIC, OR

3. CONDITIONS THAT ARE SO UNSAFE, INSANITARY, OVERCROWDED, IMPROPER IN USE OR OCCUPANCY, OR OTHERWISE DANGEROUS TO LIFE, HEALTH, WELFARE, OR SAFETY AS TO CREATE A HAZARD TO OCCUPANTS OR THE PUBLIC.

115.2 OCCUPIED UNSAFE STRUCTURES. WHENEVER THE BUILDING OFFICIAL OR THE COMMISSIONER OF HEALTH FINDS ALL OR ANY PART OF AN OCCUPIED STRUCTURE TO BE UNSAFE OR UNFIT FOR HUMAN HABITATION OR OTHER AUTHORIZED USE:

1. EITHER THE BUILDING OFFICIAL OR COMMISSIONER OF HEALTH MAY:

   A. POST AN ORDER REQUIRING THE STRUCTURE OR AFFECTED PART TO BE VACATED, AND

   B. TAKE NECESSARY STEPS TO REMOVE OCCUPANTS WHO FAIL OR REFUSE TO VACATE,

2. ONCE VACATED, THE STRUCTURE OR AFFECTED PART MAY NOT BE REOCCUPIED UNTIL:

   A. IT IS REHABILITATED TO COMPLY WITH ALL APPLICABLE CODES AND ORDINANCES, AND

   B. THE BUILDING OFFICIAL HAS ISSUED AN OCCUPANCY PERMIT, AND

3. PENDING REHABILITATION, THE STRUCTURE MUST BE KEPT SECURE AGAINST CASUAL ENTRY AND THE PREMISES KEPT FREE OF LITTER, HIGH GRASS, AND WEEDS.

115.3 TEMPORARILY UNOCCUPIED STRUCTURES. ANY STRUCTURE OR PART OF A STRUCTURE THAT HAS BEEN LEFT UNOCCUPIED WITHOUT REMOVING APPLIANCES OR PORTABLE EQUIPMENT OR FURNITURE AND WITHOUT DISCONNECTING UTILITY SERVICE MUST BE SAFEGUARDED BY CLOSING AND SECURELY LOCKING ALL WINDOWS, DOORS, AND OTHER OPENINGS.

115.4 UNSAFE VACANT STRUCTURES. EVERY VACANT STRUCTURE, AS DEFINED IN THIS § 115.4, IS DECLARED TO BE A FIRE HAZARD AND A NUISANCE PER SE, AND MUST BE SAFEGUARDED AND OTHERWISE MAINTAINED AS REQUIRED IN THIS § 115.4.

115.4.1 DEFINITION. "VACANT STRUCTURE" MEANS AN UNOCCUPIED STRUCTURE THAT IS UNSAFE OR UNFIT FOR HUMAN HABITATION OR OTHER AUTHORIZED USE.

115.4.2 DETERMINATIONS. A DETERMINATION OF VACANCY AND A DETERMINATION OF NONCOMPLIANCE WITH A NOTICE OR ORDER ISSUED UNDER THIS SECTION MAY BE BASED ON OBSERVATION THAT A STRUCTURE:

1. IS OPEN TO CASUAL ENTRY,

2. HAS BOARDED WINDOWS OR DOORS, OR

3. LACKS INTACT WINDOW SASHES, WALLS, OR ROOF SURFACES TO REPEL WEATHER ENTRY.

115.4.3 REQUIRED SAFEGUARDING. EVERY VACANT STRUCTURE MUST BE CLEANED, CLOSED, AND SAFEGUARDED AS FOLLOWS:

1. BEFORE THE STRUCTURE IS CLOSED AND SECURED, ALL LITTER, TRASH, AND OTHER DEBRIS MUST BE REMOVED FROM THE PREMISES.

2. ALL WINDOWS, DOORS, AND OTHER OPENINGS MUST BE CLOSED, SECURELY LOCKED, AND, IF WITHIN 20 FEET OF THE GROUND OR READILY ACCESSIBLE, FURTHER PROTECTED BY BOARDING UP WITH SUBSTANTIAL MATERIAL, INCLUDING MASONRY, APPROVED BY THE BUILDING OFFICIAL. THE BUILDING OFFICIAL MAY REQUIRE WINDOWS FACING STREETS TO BE BOARDED WITH LEXAN, VINYL, OR SIMILAR MATERIAL, PROTECTED BY SECURITY GRILLS, OR BOTH.

3. AS LONG AS THE STRUCTURE REMAINS UNREHABILITATED, IT MUST BE KEPT BOARDED AND THE PREMISES KEPT FREE OF LITTER, TRASH, DEBRIS, HIGH GRASS, AND WEEDS AT ALL TIMES. BOARDING AND CLEANING, HOWEVER, DOES NOT RELIEVE THE OWNER OF RESPONSIBILITY TO DEMOLISH OR TO REPAIR AND MAINTAIN THE PROPERTY IN CONFORMITY WITH THIS CODE.

4. THE STRUCTURE MAY NOT BE REOCCUPIED UNTIL THE BUILDING OFFICIAL HAS ISSUED AN OCCUPANCY PERMIT.

115.4.4 EMERGENCY CONDITION. A VACANT STRUCTURE THAT IS NOT KEPT BOARDED AND FREE FROM ACCUMULATIONS OF DEBRIS AND HIGH VEGETATION OR THAT, IN THE OPINION OF THE BUILDING OFFICIAL, IS SO DANGEROUSLY UNSOUND OR SO DETERIORATED THAT REHABILITATION IS NOT FEASIBLE, CONSTITUTES AN EMERGENCY CONDITION THAT IMMINENTLY THREATENS THE PUBLIC HEALTH AND SAFETY AND REQUIRES IMMEDIATE RESOLUTION.

115.4.5 RODENTICIDE PROCEDURE. *SEE* § 3313 OF THIS CODE.

115.4.6 NOTICE TO PUBLIC WORKS. WHENEVER THE BUILDING OFFICIAL DETERMINES A STRUCTURE TO BE VACANT, THE BUILDING OFFICIAL MUST PROMPTLY NOTIFY THE DIRECTOR OF PUBLIC WORKS OF THAT DETERMINATION. ON RECEIPT OF THE NOTICE, THE DIRECTOR OF PUBLIC WORKS MUST PROCEED TO CUT OFF WATER SERVICE, AS PROVIDED IN CITY CODE ARTICLE 24, § 2-3.

115.5 REHABILITATION, DEMOLITION, AND STABILIZATION. EXCEPT AS OTHERWISE AUTHORIZED OR REQUIRED UNDER THIS SECTION, A STRUCTURE FOUND TO BE UNSAFE OR UNFIT FOR HUMAN HABITATION OR OTHER AUTHORIZED USE MUST BE REHABILITATED.

115.5.1 PERMITTED DEMOLITION. ON TIMELY APPEAL OF AN ORDER TO REHABILITATE, THE BUILDING OFFICIAL MAY PERMIT AN OWNER TO DEMOLISH AN UNSAFE STRUCTURE INSTEAD OF REHABILITATING IT IF, IN THE BUILDING OFFICIAL'S OPINION, DEMOLITION IS NOT DETRIMENTAL TO THE IMMEDIATE NEIGHBORHOOD.

115.5.2 REQUIRED DEMOLITION. THE BUILDING OFFICIAL MAY ORDER THE IMMEDIATE DEMOLITION OF ANY UNSAFE STRUCTURE THAT, IN THE BUILDING OFFICIAL'S OPINION, IS EITHER SO DANGEROUSLY UNSOUND OR SO DETERIORATED THAT REHABILITATION IS NOT FEASIBLE.

115.5.2.1 APPEAL. THE RECIPIENT OF AN ORDER TO DEMOLISH AN UNSAFE STRUCTURE MAY REQUEST ADMINISTRATIVE REVIEW OF THE ORDER UNDER § 128 OF THIS CODE.

115.5.2.2 RESCISSION OF DEMOLITION ORDER. THE BUILDING OFFICIAL MAY RESCIND OR MODIFY A DEMOLITION ORDER IF THE OWNER DEMONSTRATES THE FINANCIAL ABILITY AND REQUISITE EXPERTISE TO REHABILITATE THE STRUCTURE WITHIN A REASONABLE TIME, AS DETERMINED BY THE BUILDING OFFICIAL, AND AGREES TO COMPLY WITH A SPECIFIED TIMETABLE. FAILURE TO COMPLY WITH AN AGREED TIMETABLE REINSTATES THE DEMOLITION ORDER.

115.5.3 STABILIZATION. THE BUILDING OFFICIAL MAY PERMIT OR ORDER AN INTERIM STABILIZATION OF AN UNSAFE STRUCTURE PENDING ITS REHABILITATION.

115.5.4 REOCCUPANCY OF REHABILITATED STRUCTURE. A STRUCTURE DECLARED UNSAFE OR UNFIT FOR OCCUPANCY MAY NOT BE REOCCUPIED UNTIL THE BUILDING OFFICIAL HAS:

1. ABATED THE VIOLATION NOTICE OR ORDER, AND

2. ISSUED AN OCCUPANCY PERMIT.

115.6 VACANT LOT MAINTENANCE. WHEN A STRUCTURE HAS BEEN DEMOLISHED UNDER THIS § 115, THE PREMISES MUST BE MADE TO CONFORM TO THE PROVISIONS OF THIS CODE AND OF THE REGULATIONS ADOPTED UNDER THIS CODE.

115.7 REMEDIAL ACTION BY BUILDING OFFICIAL. THE BUILDING OFFICIAL MAY TAKE ACTION UNDER THIS § 115.7 WHENEVER THE OWNER, AGENT, OR PERSON IN CONTROL CANNOT BE FOUND OR FAILS TO COMPLY WITH A NOTICE OR ORDER SERVED UNDER THIS CODE:

1. TO REPAIR, REHABILITATE, STABILIZE, OR DEMOLISH AN UNSAFE STRUCTURE,

2. TO CLEAN, CLOSE, BOARD, OR OTHERWISE SAFEGUARD A VACANT STRUCTURE, OR

3. TO REMOVE HIGH GRASS AND WEEDS OR LITTER, TRASH, AND DEBRIS FROM THE PREMISES OF A VACANT STRUCTURE.

115.7.1 ACTIONS AUTHORIZED. THE BUILDING OFFICIAL MAY PROCEED TO:

1. HAVE A RECEIVER APPOINTED, OR

2. COMPLETE ALL OR ANY PART OF THE REQUIRED WORK THROUGH OFFICERS, AGENTS, EMPLOYEES, OR CONTRACTORS.

115.7.2 ENTRY TO PROPERTY. BEFORE TAKING ANY REMEDIAL ACTION, THE BUILDING OFFICIAL MAY ENTER THE PREMISES, WITHOUT ADDITIONAL NOTICE, TO DETERMINE THE EXTENT OF DETERIORATION AND THE FEASIBILITY OF REHABILITATION.

115.7.3 WHEN ADDITIONAL NOTICE NOT REQUIRED. BOARDING, CLEANING, AND OTHERWISE SAFEGUARDING A VACANT STRUCTURE THAT IS SUBJECT TO AN EXPIRED VIOLATION NOTICE IS AN EMERGENCY ACTION THAT REQUIRES NO ADDITIONAL PRIOR NOTICE.

115.7.4 REMEDIES NONEXCLUSIVE. REMEDIAL ACTION UNDER THIS § 115 DOES NOT PRECLUDE ANY OTHER ENFORCEMENT ACTION AUTHORIZED BY THIS CODE.

115.8 ***{RESERVED}***

115.9 "ABANDONED" PROPERTY. IF A PROPERTY IS CITED AS "VACANT" OR "UNFIT FOR HUMAN HABITATION" ON A VIOLATION NOTICE ISSUED UNDER THIS § 115, THE PROPERTY IS CONSIDERED TO BE CITED AS "ABANDONED" OR TO BE IN NEED OF SUBSTANTIAL REPAIR WITHIN THE MEANING OF THE STATE TAX-PROPERTY ARTICLE, TITLE 14, SUBTITLE 8.

115.10 EFFECT OF DESIGNATION. ON ISSUANCE OF A VIOLATION NOTICE THAT DESIGNATES A STRUCTURE TO BE A VACANT STRUCTURE, THE STRUCTURE IS DEEMED TO BE CONDEMNED.

SECTION 116 EMERGENCY AND CORRECTIVE MEASURES

116.1 POWER OF BUILDING OFFICIAL IN EMERGENCIES. IN AN EMERGENCY WHERE LIFE, HEALTH, SAFETY, OR PROPERTY IS IN IMMEDIATE DANGER, THE BUILDING OFFICIAL MAY IMMEDIATELY TAKE ANY ACTION NECESSARY TO PROTECT THE ENDANGERED LIFE, HEALTH, SAFETY, OR PROPERTY, WITHOUT COMPLYING WITH THE NOTICE PROVISIONS OF THIS CODE.

116.2 PHOTOGRAPHS OF DANGEROUS CONDITIONS. IN ALL EMERGENCIES, IF IT IS PRACTICAL AND IF ENOUGH TIME IS AVAILABLE TO DO SO, THE BUILDING OFFICIAL MUST CAUSE THE DANGEROUS OR UNSAFE CONDITION THAT CREATED THE EMERGENCY TO BE PHOTOGRAPHED BEFORE ANY DEMOLITION OR OTHER WORK OR OPERATION IS BEGUN TO ELIMINATE THE DANGEROUS OR UNSAFE CONDITION.

116.3 CLOSING STREETS. WHEN NECESSARY FOR THE PUBLIC SAFETY, THE BUILDING OFFICIAL MAY TEMPORARILY CLOSE ADJACENT STRUCTURES AND ~~CLOSE OR~~ REQUEST THE DIRECTOR OF PUBLIC WORKS TO CLOSE ADJACENT SIDEWALKS, STREETS, AND OTHER PUBLIC WAYS AND PROHIBIT THEM FROM BEING USED. THE BUILDING OFFICIAL MAY TEMPORARILY CLOSE ADJACENT SIDEWALKS, STREETS, AND OTHER PUBLIC WAYS ONLY PURSUANT TO AN AGREEMENT WITH THE DEPARTMENT OF PUBLIC WORKS.

116.4 LABOR AND MATERIAL FOR EMERGENCY WORK. IN AN EMERGENCY WHERE LIFE, HEALTH, SAFETY, OR PROPERTY IS IN IMMEDIATE DANGER AND IT IS NECESSARY TO PERFORM ANY WORK OR OPERATION TO PROTECT THAT LIFE, HEALTH, SAFETY, OR PROPERTY, THE BUILDING OFFICIAL MAY EMPLOY THE PERSONS AND BUY THE MATERIALS NEEDED TO PERFORM THE WORK OR OPERATION AS EXPEDITIOUSLY AS POSSIBLE.

116.5 LIABILITY FOR COSTS OF EMERGENCY WORK. LIABILITY FOR EXPENSES INCURRED IN THE COURSE OF PERFORMING EMERGENCY WORK AND THE PROCEDURE FOR COLLECTING RESULTANT DEBTS AND LIENS ARE AS PROVIDED IN § 117 OF THIS CODE.

SECTION 117 LIABILITY FOR EXPENSES AND COLLECTION OF DEBTS AND LIENS

117.1 SCOPE. THIS § 117 APPLIES TO ALL CASES WHERE:

1. THE BUILDING OFFICIAL ENFORCES ANY PROVISION OF THIS CODE, INCLUDING BUT NOT LIMITED TO:

    A. THE ELIMINATION OF ANY SAFETY, HEALTH, OR FIRE HAZARD,

    B. THE ELIMINATION OF ANY NUISANCE, BLIGHT, OR INSANITARY CONDITION,

    C. THE REMOVAL OF ANY ABANDONED OR ILLEGALLY CONSTRUCTED STRUCTURE OR OTHER OBJECT, OR

    D. THE TAKING OF ANY CORRECTIVE ACTION IN EMERGENCIES OR OTHERWISE, AND

2. IN CONNECTION WITH THOSE EFFORTS, THE BUILDING OFFICIAL:

    A. FURNISHES OR CAUSES TO BE FURNISHED ANY LABOR, SUPERVISION, EQUIPMENT, OR MATERIALS, OR

    B. PERFORMS OR CAUSES TO BE PERFORMED ANY INSPECTION, WORK, OR OPERATION TO ELIMINATE THE HAZARD OR CONDITION OR TO REMOVE THE STRUCTURE OR OTHER OBJECT.

117.2 LIABILITY AND LIEN FOR EXPENSES. IN THE CASES DESCRIBED IN § 117.1, THE ENTIRE AMOUNT OF THE BUILDING OFFICIAL'S EXPENDITURES, TOGETHER WITH ALL INCIDENTAL COSTS AND ALL ACCRUED PENALTIES:

1. ARE A PERSONAL DEBT OWED TO THE CITY JOINTLY AND SEVERALLY BY EVERY PERSON MADE LIABLE UNDER THIS CODE, AND

2. ARE A LIEN IN FAVOR OF THE CITY ON THE LAND AND IMPROVEMENTS IN RESPECT TO WHICH THE EXPENDITURES WERE MADE.

117.3 WHEN DEBTS AND LIENS BECOME EFFECTIVE. ALL DEBTS BECOME DUE AND OWING TO THE CITY IMMEDIATELY WHEN THE WORK IS COMPLETED OR THE EXPENDITURE MADE. ALL LIENS BECOME EFFECTIVE IMMEDIATELY AFTER THE BUILDING OFFICIAL NOTIFIES THE BUREAU OF LIENS THAT APPROPRIATE NOTICE HAS BEEN GIVEN OR THAT A STRUCTURE HAS BEEN POSTED IN ACCORDANCE WITH THIS CODE.

117.4 COLLECTION OF DEBTS AND LIENS. ALL DEBTS DUE AND LIENS INCURRED UNDER THIS § 117:

1. ARE COLLECTIBLE FROM ANY ASSETS OF THE PERSONS MADE LIABLE UNDER THIS CODE, INCLUDING A FORMER OWNER, AND

2. MAY BE COLLECTED AND ENFORCED IN THE SAME WAY THAT THE CITY COLLECTS AND ENFORCES OTHER DEBTS DUE TO IT OR LIENS IN ITS FAVOR.

117.5 PRIORITY OVER OTHER LIENS AND ENCUMBRANCES. ALL DEBTS AND LIENS INCURRED UNDER THIS § 117 HAVE PRIORITY OVER ALL OTHER LIENS AND ENCUMBRANCES, EXCEPT TAXES OR OTHER GOVERNMENT ASSESSMENTS.

SECTIONS 118 TO 119 ***{RESERVED}***

SECTION 120 CONDEMNATION PROCEEDINGS

120.1 IN GENERAL. IF ANY LAND, STRUCTURE, OR EQUIPMENT BECOMES UNSAFE OR DANGEROUS TO PUBLIC HEALTH OR SAFETY, THE BUILDING OFFICIAL MAY CONDEMN THE LAND, STRUCTURE, OR EQUIPMENT AS PROVIDED IN THIS § 120 AND ISSUE A CONDEMNATION NOTICE AS PROVIDED IN § 123 OF THIS CODE. THE ISSUANCE OF A VIOLATION NOTICE IS NOT A PREREQUISITE FOR THE CONDEMNATION OF REAL PROPERTY.

120.2 POSTING NOTICE. IF THE BUILDING OFFICIAL CONDEMNS ANY LAND, STRUCTURE, OR EQUIPMENT, THE BUILDING OFFICIAL MUST CAUSE A NOTICE TO BE CONSPICUOUSLY DISPLAYED ON THE CONDEMNED LAND, STRUCTURE, OR EQUIPMENT.

120.2.1 CONTENTS. THE NOTICE MUST:

1. BE AT LEAST 11 BY 18 INCHES,

2. BE SIGNED BY THE BUILDING OFFICIAL, AND

3. ADVISE THE PUBLIC THAT:

   A. THE PARTICULAR LAND, STRUCTURE, OR EQUIPMENT HAS BEEN CONDEMNED AS BEING UNSAFE OR DANGEROUS FOR OCCUPANCY OR USE, AND

B. THE PUBLIC IS WARNED TO KEEP AWAY.

120.2.2 EMERGENCIES. IN CASE OF AN EMERGENCY WHERE LIFE OR PROPERTY MAY BE IN IMMEDIATE DANGER, THE BUILDING OFFICIAL NEED NOT POST THE PROPERTY AND MAY PROCEED IN ACCORDANCE WITH § 116 OF THIS CODE.

120.3 VACATING CONDEMNED PROPERTY. A NOTICE POSTED UNDER § 120.2 IS DEEMED TO BE SUFFICIENT WARNING TO ALL OCCUPANTS OF THE CONDEMNED PROPERTY TO LEAVE IMMEDIATELY. IF ANY OCCUPANT FAILS TO VACATE THE PROPERTY IMMEDIATELY AFTER THE NOTICE IS POSTED, THE BUILDING OFFICIAL MAY TAKE WHATEVER ACTION IS PROPER AND EXPEDIENT TO REMOVE THAT OCCUPANT.

120.4 RECEIVER OF CONDEMNED PROPERTY. AFTER A PROPERTY IS CONDEMNED, THE BUILDING OFFICIAL MAY:

1. TAKE ANY ACTION AUTHORIZED UNDER § 120.7, OR

2. IN ACCORDANCE WITH § 121 OF THIS CODE, APPLY TO COURT FOR THE APPOINTMENT OF A RECEIVER.

120.5 STATUS OF CONDEMNED PROPERTY. AFTER PROPERTY HAS BEEN CONDEMNED AND POSTED IN ACCORDANCE WITH THIS § 120, THAT PROPERTY REMAINS CONDEMNED AND MAY NOT BE OCCUPIED OR USED AGAIN UNTIL THE BUILDING OFFICIAL DECLARES THE PROPERTY SAFE FOR OCCUPANCY OR USE AND HAS REMOVED THE CONDEMNATION.

120.6 ORDER TO DEMOLISH. IF, IN THE BUILDING OFFICIAL'S OPINION, A STRUCTURE IS SO DANGEROUSLY UNSOUND OR SO DETERIORATED THAT REHABILITATION IS NOT FEASIBLE, THE CONDEMNATION NOTICE MAY ORDER THE OWNER TO DEMOLISH THE STRUCTURE IMMEDIATELY.

120.7 REMOVAL OF UNSAFE CONDITIONS. ANYTIME AFTER PROPERTY HAS BEEN POSTED IN ACCORDANCE WITH THIS § 120, THE BUILDING OFFICIAL MAY DEMOLISH, MOVE, ALTER, REPAIR, REHABILITATE, REBUILD, RECONSTRUCT, OR TAKE ANY OTHER APPROPRIATE ACTION TO ELIMINATE OR MAKE SAFE AND SECURE ANY DANGEROUS OR UNSAFE CONDITION. BEFORE DOING SO, HOWEVER, THE BUILDING OFFICIAL MUST PROVIDE THE NOTICE REQUIRED BY § 105.9 OF THIS CODE.

120.8 CONDEMNATION OF ELECTRICAL WORK. IF ANY ELECTRICAL WIRING OR EQUIPMENT THAT HAS BEEN THE SUBJECT OF A CONDEMNATION NOTICE IS NOT MADE SAFE WITHIN THE TIME REQUIRED BY THE CONDEMNATION NOTICE, THE WIRING OR EQUIPMENT MUST BE PUT OUT OF SERVICE BY CUTTING OFF ALL ELECTRIC CURRENT TO IT AND BY SEALING ALL SWITCHES THAT OPERATE IN CONNECTION WITH THE WIRING OR EQUIPMENT.

120.8.1 EMERGENCY ACTION. IN CASE OF AN EMERGENCY WHERE LIFE OR PROPERTY IS IN IMMEDIATE DANGER, THE BUILDING OFFICIAL MAY ORDER ALL ELECTRIC CURRENT SERVING THE WIRING OR EQUIPMENT TO BE CUT OFF AND ALL SWITCHES THAT CONTROL THE WIRING OR EQUIPMENT TO BE SEALED. THE BUILDING OFFICIAL'S ORDERS MUST BE COMPLIED WITH IMMEDIATELY, REGARDLESS OF ANY OTHER PROVISIONS OF THIS CODE THAT MIGHT APPLY.

120.8.2 PERMISSION NEEDED TO REACTIVATE. WHENEVER ELECTRIC CURRENT HAS BEEN CUT OFF OR SWITCHES HAVE BEEN SEALED UNDER THIS § 120.8, THE ELECTRIC CURRENT MAY NOT BE CUT IN AND THE SEALS MAY NOT BE BROKEN, EXCEPT BY AN AUTHORIZED AGENT OF THE BUILDING OFFICIAL, AFTER ALL REQUIREMENTS OF THE BUILDING OFFICIAL HAVE BEEN COMPLIED WITH AND THE BUILDING OFFICIAL HAS ISSUED A CERTIFICATE OF APPROVAL.

120.9 CONDEMNATION OF MECHANICAL WORK. IF ANY MECHANICAL EQUIPMENT THAT HAS BEEN THE SUBJECT OF A CONDEMNATION NOTICE IS NOT MADE SAFE WITHIN THE TIME REQUIRED BY THE CONDEMNATION NOTICE, THE MECHANICAL EQUIPMENT MUST BE PUT OUT OF SERVICE AND SEALED.

120.9.1 EMERGENCY ACTION. IN CASE OF AN EMERGENCY WHERE LIFE OR PROPERTY IS IN IMMEDIATE DANGER, THE BUILDING OFFICIAL MAY ORDER THE MECHANICAL EQUIPMENT TO BE PUT OUT OF SERVICE AND SEALED. THE ORDERS OF THE BUILDING OFFICIAL MUST BE COMPLIED WITH IMMEDIATELY, REGARDLESS OF ANY OTHER PROVISIONS OF THIS CODE THAT MIGHT APPLY.

120.9.2 PERMISSION NEEDED TO REACTIVATE. WHENEVER MECHANICAL EQUIPMENT HAS BEEN PUT OUT OF SERVICE AND SEALED UNDER THIS § 120.9, THE MECHANICAL EQUIPMENT MAY NOT BE PUT BACK IN SERVICE AND THE SEALS MAY NOT BE BROKEN, EXCEPT BY AN AUTHORIZED AGENT OF THE BUILDING OFFICIAL, AFTER ALL REQUIREMENTS OF THE BUILDING OFFICIAL HAVE BEEN COMPLIED WITH AND THE BUILDING OFFICIAL HAS ISSUED A CERTIFICATE OF APPROVAL.

SECTION 121 VACANT BUILDING RECEIVER

121.1 SCOPE. THIS § 121 APPLIES TO A VACANT BUILDING, AS DEFINED IN § 115.4, FOR WHICH A NOTICE OR ORDER TO REHABILITATE OR TO DEMOLISH IS OUTSTANDING.

121.2 IN GENERAL. THE BUILDING OFFICIAL MAY PETITION THE COURT FOR APPOINTMENT OF A RECEIVER TO REHABILITATE A VACANT PROPERTY, TO DEMOLISH IT, OR TO SELL IT TO A QUALIFIED BUYER.

121.3 CONTENTS OF PETITION. THE PETITION FOR APPOINTMENT OF A RECEIVER MUST INCLUDE:

1. A COPY OF THE ORIGINAL VIOLATION NOTICE OR ORDER, AND

2. A VERIFIED PLEADING THAT:

   A. AVERS THAT THE REQUIRED REHABILITATION OR DEMOLITION HAS NOT BEEN COMPLETED, AND

   B. IDENTIFIES AND STATES THE QUALIFICATIONS OF THE PROPOSED RECEIVER, IF OTHER THAN THE BUILDING OFFICIAL.

121.4 NAMED RESPONDENTS. THE PETITION FOR APPOINTMENT OF RECEIVER MUST NAME AS RESPONDENTS:

1. THE OWNER OF THE PROPERTY,

2. ANY MORTGAGEE, AND

3. THE PLAINTIFF IN ANY PROCEEDING THAT WAS TIMELY FILED UNDER STATE TAX-PROPERTY ARTICLE § 14-833 {"COMPLAINTS TO FORECLOSE RIGHT OF REDEMPTION"} AND FOR WHICH THE TIME FOR SECURING A DECREE OF FORECLOSURE HAS NOT YET EXPIRED.

121.4.1 EFFECT OF FAILURE TO NAME PLAINTIFF. FAILURE TO NAME A PERSON DESCRIBED IN § 121.4(3) DOES NOT PREVENT THE ACTION FROM GOING FORWARD, BUT DOES PREVENT THE RECEIVER'S LIEN FOR EXPENSES INCURRED IN REHABILITATING, DEMOLISHING, OR SELLING THE VACANT BUILDING FROM HAVING PRIORITY OVER THAT PERSON'S LIEN INTEREST.

121.5 FILING WITH BUREAU OF LIENS. A NOTICE OF THE PROCEEDING, TOGETHER WITH A COPY OF THE VIOLATION NOTICE OR ORDER, MUST BE FILED WITH THE BUREAU OF LIENS. THE BUREAU MUST INCLUDE A RECORD OF THESE IN ITS LIEN REPORTS, AND THE PROPERTY CANNOT BE TRANSFERRED WITHOUT THE PRIOR APPROVAL OF THE COURT.

121.6 NOTICE TO JUDGMENT CREDITORS AND LIEN HOLDERS. WITHIN 10 DAYS AFTER FILING THE PETITION, THE BUILDING OFFICIAL MUST GIVE NOTICE OF THE PENDENCY AND NATURE OF THE PROCEEDINGS BY REGULAR AND CERTIFIED MAIL TO THE LAST-KNOWN ADDRESSES OF ALL JUDGMENT CREDITORS AND LIEN HOLDERS WITH A RECORDED INTEREST IN THE PROPERTY.

121.6.1 INTERVENTION. WITHIN 30 DAYS OF THE DATE ON WHICH THE NOTICE WAS MAILED, A JUDGMENT CREDITOR OR LIEN HOLDER MAY APPLY TO INTERVENE IN THE PROCEEDING AND TO BE APPOINTED UNDER § 121.7.

121.6.2 EFFECT OF FAILURE TO GIVE NOTICE. FAILURE TO GIVE ANY REQUIRED NOTICE TO ANY INTERESTED PERSON UNDER THIS § 121 DOES NOT PREVENT THE ACTION FROM GOING FORWARD, BUT DOES PREVENT THE RECEIVER'S LIEN FOR EXPENSES INCURRED IN REHABILITATING, DEMOLISHING, OR SELLING THE VACANT BUILDING FROM HAVING PRIORITY OVER THAT PERSON'S LIEN INTEREST.

121.7 APPOINTMENT OF OWNER, ETC., INSTEAD OF RECEIVER. INSTEAD OF APPOINTING A RECEIVER TO REHABILITATE OR SELL A VACANT BUILDING, THE COURT MAY PERMIT AN OWNER, MORTGAGEE, OR OTHER PERSON WITH AN INTEREST IN THE PROPERTY TO REHABILITATE OR DEMOLISH IT, IF THAT PERSON:

1. DEMONSTRATES ABILITY TO COMPLETE THE REHABILITATION OR DEMOLITION WITHIN A REASONABLE TIME,

2. AGREES TO COMPLY WITH A SPECIFIED SCHEDULE FOR REHABILITATION OR DEMOLITION, AND

3. POSTS BOND, IN AN AMOUNT DETERMINED BY THE COURT, AS SECURITY FOR PERFORMANCE OF THE REQUIRED WORK IN COMPLIANCE WITH THE SPECIFIED SCHEDULE.

121.7.1 APPLICATION TO DISMISS OWNER. IF IT APPEARS TO THE PETITIONER THAT THE PERSON APPOINTED IS NOT PROCEEDING WITH DUE DILIGENCE OR IN COMPLIANCE WITH THE COURT-ORDERED SCHEDULE, THE PETITIONER MAY APPLY TO THE COURT FOR IMMEDIATE REVOCATION OF THAT PERSON'S APPOINTMENT AND FOR APPOINTMENT OF A RECEIVER. THE BOND POSTED UNDER THIS SECTION MUST THEN BE APPLIED TO THE SUBSEQUENTLY APPOINTED RECEIVER'S EXPENSES IN REHABILITATING, DEMOLISHING, OR SELLING THE VACANT BUILDING.

121.8 APPOINTMENT OF RECEIVER. IF NO QUALIFIED PERSON WITH AN OWNERSHIP INTEREST REQUESTS APPOINTMENT TO REHABILITATE OR DEMOLISH THE PROPERTY, OR IF AN APPOINTEE IS DISMISSED, THE COURT MUST THEN APPOINT A RECEIVER OF THE PROPERTY FOR THE PURPOSE OF REHABILITATING AND MANAGING THE PROPERTY, DEMOLISHING THE PROPERTY, OR SELLING IT TO A QUALIFIED BUYER.

121.8.1 PARTIES DIVESTED OF AUTHORITY. ON APPOINTMENT OF A RECEIVER TO REHABILITATE, DEMOLISH, OR SELL THE PROPERTY, ALL PARTIES ARE DIVESTED OF ANY AUTHORITY TO ACT IN FURTHERANCE OF THOSE GOALS.

121.8.2 PENALTIES. ANY PARTY WHO TAKES ANY STEP TO REHABILITATE, DEMOLISH, OR SELL THE PROPERTY IS SUBJECT TO THE PENALTIES FOR CONTEMPT.

121.9 POWERS OF RECEIVER APPOINTED TO REHABILITATE OR DEMOLISH. A RECEIVER APPOINTED TO REHABILITATE OR DEMOLISH A VACANT BUILDING, IN ADDITION TO ALL NECESSARY AND CUSTOMARY POWERS, HAS THE RIGHT OF POSSESSION WITH AUTHORITY TO:

1. CONTRACT FOR NECESSARY LABOR AND SUPPLIES FOR REHABILITATION OR DEMOLITION,

2. BORROW MONEY FOR REHABILITATION OR DEMOLITION FROM AN APPROVED LENDING INSTITUTION OR THROUGH A GOVERNMENT AGENCY OR PROGRAM, USING THE RECEIVER'S LIEN AGAINST THE PROPERTY AS SECURITY,

3. MANAGE THE PROPERTY AFTER REHABILITATION, WITH ALL THE POWERS OF A LANDLORD, FOR A PERIOD OF UP TO 2 YEARS AND APPLY THE RENT RECEIVED TO CURRENT OPERATING EXPENSES AND TO REPAYMENT OF OUTSTANDING REHABILITATION EXPENSES, AND

4. FORECLOSE ON THE RECEIVER'S LIEN OR ACCEPT A DEED IN LIEU OF FORECLOSURE.

121.10 POWERS OF RECEIVER APPOINTED TO SELL. A RECEIVER APPOINTED TO SELL A VACANT BUILDING, IN ADDITION TO ALL NECESSARY AND CUSTOMARY POWERS, HAS AUTHORITY TO:

1. SELL THE PROPERTY TO THE HIGH BIDDER AT PUBLIC AUCTION, FOLLOWING THE SAME PRESALE NOTICE PROVISIONS THAT APPLY TO A FORECLOSURE, OR

2. SELL THE PROPERTY PRIVATELY FOR FAIR MARKET VALUE IF NO PARTY TO THE RECEIVERSHIP OBJECTS TO THE AMOUNT AND PROCEDURE.

121.10.1 NOTICE OF AUCTION. IN THE NOTICE OF PUBLIC AUCTION, IT IS SUFFICIENT TO DESCRIBE THE PROPERTY BY A STREET ADDRESS AND BY REFERENCE TO THE LIBER AND FOLIO NUMBER OF THE TITLE DEED RECORDED IN THE LAND RECORDS OF BALTIMORE CITY.

121.10.2 BUYER QUALIFICATIONS. BEFORE ANY SALE, THE APPLICANTS TO BID IN A PUBLIC SALE OR THE PROPOSED BUYER IN A PRIVATE SALE MUST DEMONSTRATE THE ABILITY AND EXPERIENCE NEEDED TO REHABILITATE THE PROPERTY WITHIN A REASONABLE TIME.

121.10.3 APPLICATION OF SALE PROCEEDS. AFTER DEDUCTING THE EXPENSES OF THE SALE, THE AMOUNT OF OUTSTANDING TAXES AND OTHER GOVERNMENT ASSESSMENTS, AND THE AMOUNT OF THE RECEIVER'S LIEN, THE RECEIVER MUST APPLY ANY REMAINING PROCEEDS OF THE SALE, FIRST TO THE PETITIONER'S COSTS AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, AND THEN TO THE LIENS AGAINST THE PROPERTY IN ORDER OF PRIORITY.

121.11 TENURE OF RECEIVER APPOINTED TO REHABILITATE. THE TENURE OF A RECEIVER APPOINTED TO REHABILITATE A VACANT BUILDING MAY EXTEND NO LONGER THAN 2 YEARS AFTER REHABILITATION. ANYTIME AFTER REHABILITATION, ANY PARTY TO THE RECEIVERSHIP MAY FILE A MOTION TO DISMISS THE RECEIVER ON PAYMENT OF THE RECEIVER'S OUTSTANDING COSTS, FEES, AND EXPENSES.

121.12 FINAL ACCOUNTING. AT THE END OF THE RECEIVER'S TENURE, THE RECEIVER MUST FILE A FINAL ACCOUNTING WITH THE COURT.

121.13 RECEIVER'S LIEN FOR COSTS, ETC. ANY COSTS OR FEES INCURRED BY THE RECEIVER ARE A LIEN AGAINST THE PROPERTY IN ACCORDANCE WITH § 117 OF THIS CODE. THE RECEIVER'S LIEN HAS PRIORITY OVER ALL OTHER LIENS AND ENCUMBRANCES, EXCEPT TAXES OR OTHER GOVERNMENT ASSESSMENTS. THE RECEIVER MUST ALLOW THE PETITIONER'S COSTS AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, TO BE PAID TO THE EXTENT THAT THE PROCEEDS OF THE SALE PERMIT.

121.13.1 FORECLOSURE OF LIEN. A RECEIVER MAY FORECLOSE ON THE LIEN BY A SALE OF THE PROPERTY AT PUBLIC AUCTION, FOLLOWING 1 PUBLIC NOTICE AND NOTICE TO INTERESTED PARTIES IN THE MANNER OF A MORTGAGE FORECLOSURE. AFTER DEDUCTING THE EXPENSES OF THE SALE, THE

RECEIVER MUST APPLY THE PROCEEDS OF THE SALE TO THE LIENS AGAINST THE PROPERTY, IN ORDER OF PRIORITY. IN LIEU OF FORECLOSURE, AND ONLY IF THE RECEIVER HAS REHABILITATED THE PROPERTY, AN OWNER MAY PAY THE RECEIVER'S COSTS, FEES, INCLUDING ATTORNEY'S FEES, AND EXPENSES OR MAY TRANSFER ALL OWNERSHIP IN THE PROPERTY TO EITHER THE RECEIVER OR AN AGREED-ON THIRD PARTY FOR AN AMOUNT AGREED TO BY ALL PARTIES TO THE RECEIVERSHIP AS BEING THE PROPERTY'S FAIR MARKET VALUE.

121.14 TRANSFER ON SALE. FOLLOWING COURT RATIFICATION OF A SALE, THE RECEIVER MUST SIGN A DEED CONVEYING TITLE TO THE BUYER, FREE AND CLEAR OF ALL ENCUMBRANCES.

121.15 DISMISSAL. ON SALE OF THE PROPERTY, THE RECEIVER MUST:

1. FILE WITH THE COURT A FINAL ACCOUNTING, AND

2. AT THE SAME TIME, FILE A MOTION WITH THE COURT TO DISMISS THE ACTION.

SECTION 122 ***{RESERVED}***

SECTION 123 NOTICES

123.1 IN GENERAL. ALL NOTICES UNDER THIS CODE MUST BE ISSUED IN ACCORDANCE WITH THIS § 123. HOWEVER, NOTHING IN THIS CODE MAY BE CONSTRUED TO EXCUSE OR RELIEVE ANY PERSON FROM COMPLYING WITH ALL PROVISIONS OF THIS CODE AT ALL TIMES, REGARDLESS OF WHETHER ANY NOTICE OR ORDER HAS BEEN ISSUED BY THE BUILDING OFFICIAL IN ANY PARTICULAR CASE.

123.2 CLASSIFICATION. NOTICES ISSUED UNDER THIS CODE ARE CLASSIFIED AS EITHER:

1. CONDEMNATION NOTICES, OR

2. VIOLATION NOTICES.

123.3 CONTENTS – CONDEMNATION NOTICES. EXCEPT AS SPECIFIED IN § 123.3.1, EVERY CONDEMNATION NOTICE MUST SET FORTH:

1. THE LOCATION OF THE CONDEMNED STRUCTURE OR EQUIPMENT,

2. THE REASON THE STRUCTURE OR EQUIPMENT IS CONDEMNED,

3. A REFERENCE TO APPLICABLE PROVISIONS OF THIS CODE,

4. A WARNING AGAINST ENTERING OR USING THE CONDEMNED STRUCTURE OR EQUIPMENT,

5. THE RIGHT OF THE PERSON TO WHOM THE NOTICE IS DIRECTED TO REQUEST A HEARING WITHIN 10 DAYS OF THE DATE ON WHICH THE NOTICE WAS SERVED, AND

6 UNLESS TO BE CONTAINED IN A FOLLOW-UP OR SUBSEQUENT NOTICE:

   A. A STATEMENT OF THE REQUIREMENTS THAT MUST BE COMPLIED WITH TO RECTIFY THE UNSAFE CONDITION,

   B. THE TIME WITHIN WHICH THE UNSAFE CONDITION MUST BE RECTIFIED, AND

C. THE BUILDING OFFICIAL'S AUTHORITY UNDER § 123.8 TO TAKE ACTION AT THE OWNER'S EXPENSE.

123.3.1 FOLLOW-UP NOTICES. A FOLLOW-UP OR OTHER SUBSEQUENT NOTICE INVOLVING THE SAME CONDEMNATION NEED NOT REPEAT THE INFORMATION CONTAINED IN A PRIOR NOTICE AS LONG AS THE SUBSEQUENT NOTICE IDENTIFIES THE PRIOR NOTICE.

123.4 VIOLATION NOTICES. EXCEPT AS SPECIFIED IN § 123.4.1, EVERY VIOLATION NOTICE MUST SET FORTH:

1. THE LOCATION AND CHARACTER OF THE VIOLATION,

2. A REFERENCE TO APPLICABLE PROVISIONS OF THIS CODE,

3. THE RIGHT OF THE PERSON TO WHOM THE NOTICE IS DIRECTED TO REQUEST A HEARING WITHIN 10 DAYS OF THE DATE ON WHICH THE NOTICE WAS SERVED, AND

4. UNLESS TO BE CONTAINED IN A FOLLOW-UP OR SUBSEQUENT NOTICE:

   A. A STATEMENT OF THE REQUIREMENTS THAT MUST BE COMPLIED WITH TO RECTIFY THE VIOLATION,

   B. THE TIME WITHIN WHICH THE VIOLATION MUST BE RECTIFIED, AND

   C. THE BUILDING OFFICIAL'S AUTHORITY UNDER § 123.8 TO TAKE ACTION AT THE OWNER'S EXPENSE.

123.4.1 FOLLOW-UP NOTICES. A FOLLOW-UP OR OTHER SUBSEQUENT NOTICE INVOLVING THE SAME VIOLATION NEED NOT REPEAT THE INFORMATION CONTAINED IN A PRIOR NOTICE AS LONG AS THE SUBSEQUENT NOTICE IDENTIFIES THE PRIOR NOTICE.

123.5 WHEN NOTICES TO BE ISSUED. EXCEPT AS OTHERWISE SPECIFIED IN THIS CODE, NOTICES MUST BE ISSUED IN ALL CASES WHERE LEGAL PROCEEDINGS MIGHT BE NECESSARY TO ENFORCE THIS CODE.

123.5.1 CONDEMNATION NOTICES. FOR ANY LAND, STRUCTURE, OR EQUIPMENT BEING CONDEMNED, THE CONDEMNATION NOTICE MUST BE ISSUED TO THE OWNER OF THE LAND, STRUCTURE, OR EQUIPMENT.

123.5.2 VIOLATION NOTICES. FOR VIOLATIONS, THE VIOLATION NOTICE MUST BE ISSUED TO THE PERSON WHO COMMITTED OR OTHERWISE IS RESPONSIBLE FOR THE VIOLATION.

123.6 SERVICE OF NOTICE – GENERAL. EXCEPT AS OTHERWISE SPECIFIED IN § 123.7, ALL NOTICES ISSUED BY THE BUILDING OFFICIAL MUST BE SERVED ON THE PERSON THAT THE NOTICE IS INTENDED FOR OR ON ANY AUTHORIZED AGENT OR REPRESENTATIVE OF THAT PERSON.

123.6.1 MORE THAN 1 PERSON RESPONSIBLE. IF MORE THAN 1 PERSON IS RESPONSIBLE FOR THE VIOLATION OR RESPONSIBLE FOR COMPLYING WITH THIS CODE, AS IN A CASE OF PROPERTY OWNED BY MORE THAN 1 PERSON, NOTICE MAY BE SERVED ON ANY 1 OF THOSE PERSONS OR ON ANY AUTHORIZED AGENT OR REPRESENTATIVE OF ANY OF THEM.

123.6.2 METHOD OF SERVICE. A NOTICE IS PROPERLY SERVED IF:

1. SERVED PERSONALLY ON THE OWNER, AGENT, PERSON IN CONTROL, FORMER OWNER, OR OTHER PERSON RESPONSIBLE FOR THE PROPERTY,

2. HAND DELIVERED TO THAT PERSON'S HOME, BUSINESS, OR TAX RECORD ADDRESS, OR

3. SENT BY CERTIFIED OR REGISTERED MAIL TO THAT PERSON'S HOME, BUSINESS, OR TAX RECORD ADDRESS.

123.6.3 AUTHORIZED SERVER. SERVICE UNDER § 123.6.2(1) OR (2) MUST BE MADE BY:

1. A MEMBER OF THE BALTIMORE CITY POLICE DEPARTMENT, OR

2. AN OFFICIAL OR EMPLOYEE OF THE CITY OR THE STATE OF MARYLAND.

123.7 SERVICE OF NOTICE – POSTING. ADEQUATE AND SUFFICIENT NOTICE MAY BE MADE BY POSTING A COPY OF THE NOTICE ON THE PROPERTY IN QUESTION IF:

1. THE IDENTITY OR WHEREABOUTS OF THE OWNER, AGENT, PERSON IN CONTROL, FORMER OWNER, OR OTHER PERSON RESPONSIBLE FOR THE PROPERTY IS UNKNOWN, OR

2. NOTICE MAILED UNDER § 123.6 IS RETURNED UNCLAIMED OR REFUSED OR IS DESIGNATED UNDELIVERABLE BY THE POST OFFICE FOR ANY OTHER REASON, AND NEITHER OF THE FOLLOWING SOURCES CAN PROVIDE A MORE ACCURATE ADDRESS:

   A. THE TAX RECORDS OF THE BUREAU OF TREASURY MANAGEMENT, COLLECTIONS DIVISION, AND

   B. THE PROPERTY REGISTRATION FILES OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.

123.8 FAILURE TO COMPLY WITH NOTICE OR CITATION. IF ANY PERSON FAILS TO COMPLY WITH A VIOLATION NOTICE, CONDEMNATION NOTICE, OR CITATION, THE BUILDING OFFICIAL:

1. MAY TAKE WHATEVER ACTION IS NECESSARY AND PROPER, INCLUDING THE INSTITUTION OF LEGAL PROCEEDINGS, TO COMPEL COMPLIANCE WITH THE NOTICE OR CITATION OR TO ENFORCE THE PENALTY PROVISIONS OF THIS CODE, AND

2. SUBJECT TO THE NOTICE REQUIREMENTS OF § 123.8.1, MAY PROCEED TO REPAIR, REBUILD, DEMOLISH, OR TAKE ANY OTHER ACTION NECESSARY TO ELIMINATE, IN WHOLE OR IN PART, OR MAKE SAFE ANY NUISANCE, BLIGHT, HEALTH HAZARD, OR DANGEROUS, INSANITARY, OR UNSAFE CONDITION THAT IS THE SUBJECT OF THE VIOLATION NOTICE, CONDEMNATION NOTICE, OR CITATION.

123.8.1 NOTICE OF INTENT TO REPAIR, ETC. EXCEPT AS PROVIDED IN § 123.8.2, BEFORE THE BUILDING OFFICIAL PROCEEDS TO REPAIR, REBUILD, DEMOLISH, OR TAKE ANY OTHER ACTION TO ELIMINATE OR MAKE SAFE ANY NUISANCE, BLIGHT, HEALTH HAZARD, OR DANGEROUS, INSANITARY, OR UNSAFE CONDITION, A NOTICE MUST BE POSTED ON THE FRONT OF THE STRUCTURE STATING THAT THE VIOLATION HAS NOT BEEN RECTIFIED AND THAT THE BUILDING OFFICIAL INTENDS TO UNDERTAKE THE NECESSARY WORK AND CHARGE THE EXPENSES OF THAT WORK TO 1 OR MORE OF THE OWNER, AGENT, PERSON IN CONTROL, OR FORMER OWNER OF THE PREMISES, AS THE CASE MAY BE. THIS NOTICE MUST ALSO BE MAILED OR DELIVERED TO THE HOME, BUSINESS, OR TAX RECORD ADDRESS OF THE OWNER, AGENT, PERSON IN CONTROL, FORMER OWNER, OR OTHER PERSON RESPONSIBLE FOR THE PROPERTY, AS THE CASE MAY BE, OR THEIR RESPECTIVE AGENTS.

123.8.2 EXCEPTION. THE NOTICE REQUIRED BY § 123.8.1 NEED NOT BE GIVEN:

1. IN THE CASE OF AN EMERGENCY,

2. AS PROVIDED IN § 115.7 OF THIS CODE FOR UNSAFE STRUCTURES, OR

3. IF THE INITIAL OR ANY OTHER PRIOR NOTICE OR ORDER ISSUED BY THE BUILDING OFFICIAL INFORMED THE RECIPIENT OF THE BUILDING OFFICIAL'S AUTHORITY TO TAKE CORRECTIVE ACTION AND OF THE RECIPIENT'S RIGHT TO REQUEST ADMINISTRATIVE REVIEW.

123.8.3 ACTIONS NOT AN ABATEMENT, ETC. ACTIONS TAKEN BY THE BUILDING OFFICIAL UNDER THIS § 123.8 DO NOT CONSTITUTE AN ABATEMENT OR CANCELLATION OF THE UNDERLYING NOTICE OR CITATION.

123.9 EXTENSION OF TIME LIMIT ON NOTICES. THE BUILDING OFFICIAL MAY EXTEND THE TIME WITHIN WHICH TO COMPLY WITH A CONDEMNATION NOTICE OR VIOLATION NOTICE IF, IN THE BUILDING OFFICIAL'S JUDGMENT, MORE TIME IS NEEDED TO COMPLY.

123.10 REMOVAL OR DEFACEMENT OF POSTED NOTICES. NO PERSON MAY REMOVE, DEFACE, DAMAGE, OR CHANGE ANY NOTICE, POSTER, OR SIGN PLACED UNDER THIS CODE ON ANY LAND, STRUCTURE, OR OTHER OBJECT, UNTIL THE BUILDING OFFICIAL AUTHORIZES ITS REMOVAL.

123.11 NOTICES FOR PROPERTY OWNED BY THE CITY. IF THE LAND, STRUCTURE, OR OTHER OBJECT IN VIOLATION OF THIS CODE IS OWNED BY THE CITY, THE BUILDING OFFICIAL MUST NOTIFY THE HEAD OF THE BUREAU, DEPARTMENT, COMMISSION, OR OTHER AGENCY HAVING JURISDICTION OVER THAT LAND, STRUCTURE, OR OTHER OBJECT.

SECTION 124 VIOLATION REPORTS

124.1 BUILDING OFFICIAL TO ISSUE. ON APPLICATION TO THE DEPARTMENT OR TO THE BUREAU OF LIENS, THE BUILDING OFFICIAL MUST ISSUE A VIOLATION REPORT FOR A PARTICULAR PROPERTY. THE REPORT:

1. MUST STATE WHETHER ANY VIOLATION OR CONDEMNATION NOTICES HAVE BEEN ISSUED FOR THAT PROPERTY, AND

2. IF THERE HAS BEEN ANY, MUST INCLUDE A TRUE COPY OF EACH NOTICE.

SECTIONS 125 TO 127 *{RESERVED}*

SECTION 128 ADMINISTRATIVE AND JUDICIAL REVIEW

128.1 RIGHT OF REVIEW. IF ANY PERSON IS AGGRIEVED BY ANY NOTICE, ORDER, PERMIT, PENALTY ASSESSMENT, OR OTHER ACT OF THE BUILDING OFFICIAL, THE PERSON MAY APPLY IN WRITING TO THE BUILDING OFFICIAL FOR A REVIEW.

128.2 APPLICATION – GENERAL. THE APPLICATION FOR REVIEW MUST:

1. BE MADE WITHIN 10 DAYS OF THE ACTION FOR WHICH REVIEW IS SOUGHT,

2. SET FORTH IN FULL THE REASONS FOR THE REVIEW, AND

3. EITHER BE:

   A. MAILED TO THE BUILDING OFFICIAL BY CERTIFIED OR REGISTERED MAIL, RETURN RECEIPT REQUESTED, OR

   B. DELIVERED TO THE BUILDING OFFICIAL'S OFFICE AND STAMPED ~~RECEIPTED~~ RECEIVED BY THE OFFICE.

128.3 APPLICATION – EMERGENCIES. IN THE CASE OF AN EMERGENCY THAT PRESENTS SUBSTANTIAL AND IMMINENT DANGER TO LIFE, PROPERTY, OR THE GENERAL PUBLIC WELFARE, THE TIME FOR REQUESTING REVIEW MAY BE SHORTENED OR ELIMINATED, AS SPECIFIED IN THE APPLICABLE NOTICE, ORDER, PERMIT, PENALTY ASSESSMENT, OR OTHER ACT.

128.4 WHEN REVIEW TO BE HELD. THE REQUESTED REVIEW MUST BE HELD WITHIN A REASONABLE TIME. IF A NOTICE, ORDER, PERMIT, PENALTY ASSESSMENT, OR OTHER ACT REQUIRES ACTION WITHIN 10 DAYS OR LESS AND AN APPLICATION FOR REVIEW IS MADE BEFORE THE NOTICE, ORDER PERMIT, PENALTY ASSESSMENT, OR TIME FOR OTHER ACT EXPIRES, THE BUILDING OFFICIAL MUST PROMPTLY SCHEDULE A HEARING, TO BE CONDUCTED IN ACCORDANCE WITH § 128.5.

128.5 HEARINGS. ALL HEARINGS MUST BE CONDUCTED IN ACCORDANCE WITH THIS § 128.5.

128.5.1 HEARINGS TO BE PUBLIC. ALL HEARINGS MUST BE OPEN TO THE PUBLIC.

128.5.2 NOTIFICATION OF COMPLAINANTS. BEFORE A HEARING, THE BUILDING OFFICIAL MUST NOTIFY ALL PERSONS WHO THE BUILDING OFFICIAL KNOWS ARE INTERESTED IN THE HEARING OF ITS SCHEDULED DATE, TIME, PLACE, AND PURPOSE.

128.5.3 TIME AND PLACE FOR HEARINGS. HEARINGS MUST BE HELD:

1. AT THE TIME THE BUILDING OFFICIAL DESIGNATES, AND

2. IN THE OFFICE OF THE BUILDING OFFICIAL OR AT ANY OTHER PLACE THE BUILDING OFFICIAL DESIGNATES.

128.5.3.1 POSTPONEMENTS. THE BUILDING OFFICIAL MAY POSTPONE A HEARING ONLY FOR GOOD CAUSE SHOWN.

128.5.4 HEARING OFFICER OR PANEL. A HEARING OFFICER OR 3-PERSON PANEL DESIGNATED BY THE BUILDING OFFICIAL PRESIDES AT ALL HEARINGS. THE INDIVIDUAL WHO ISSUED THE NOTICE, ORDER, PERMIT, PENALTY ASSESSMENT, OR OTHER ACT BEING APPEALED MAY NOT SERVE AS THE HEARING OFFICER OR AS A MEMBER OF THE PANEL.

128.5.5 RULES FOR CONDUCTING HEARINGS.

128.5.5.1 BUILDING OFFICIAL. THE BUILDING OFFICIAL MAY ADOPT GENERAL RULES AND REGULATIONS FOR THE PROPER CONDUCT OF HEARINGS.

128.5.5.1 HEARING OFFICER OR PANEL. THE HEARING OFFICER OR PANEL MAY SET REQUIREMENTS TO ENSURE A FAIR AND EXPEDITIOUS HEARING. THE REQUIREMENTS SET:

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

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 OF THIS CODE, THE TERM HAS THE MEANING GIVEN TO IT IN THAT STANDARD OR CODE.

201.4 TERMS NOT DEFINED. ***{AS IN IBC}***

202 DEFINITIONS

202.1 GENERAL. EXCEPT AS PROVIDED IN § 202.2, TERMS THAT ARE USED IN THIS CODE AND DEFINED IN THE INTERNATIONAL BUILDING CODE (2006 EDITION) HAVE THE MEANINGS GIVEN IN THE INTERNATIONAL BUILDING CODE (2006 EDITION).

202.2. NOTWITHSTANDING ANY DIFFERENT DEFINITION IN THE INTERNATIONAL BUILDING CODE, THE FOLLOWING TERMS HAVE THE MEANINGS GIVEN IN THIS § 202.2.

202.2.1. "ACCESSORY STRUCTURE" MEANS A STRUCTURE:

1. LOCATED ON THE SAME LOT AS THE MAIN STRUCTURE, AND

2. THE USE OF WHICH IS INCIDENTAL TO THAT OF THE MAIN STRUCTURE.

202.2.2 AGENT. "AGENT" MEANS, AS THE CONTEXT INDICATES, ANY PERSON WHO:

1.. IN ANY PARTICULAR CASE INVOLVING ANY PROPERTY:

A. IS RESPONSIBLE FOR THE MANAGEMENT, MAINTENANCE, OPERATION, RENTAL, LEASING, OR SALE OF THE PROPERTY,

B. APPLIES FOR OR SEEKS A PERMIT OR CERTIFICATE FROM A CITY AUTHORITY ON BEHALF OF THE OWNER OF THE PROPERTY, OR

C. IN ANY WAY REPRESENTS THE OWNER OF THE PROPERTY,

2. REPRESENTS THE BUILDING OFFICIAL, OR

3. IN GENERAL, REPRESENTS ANOTHER.

202.2.3 AUTHORIZED USE. "AUTHORIZED USE" MEANS A USE OF LAND OR STRUCTURE APPROVED IN ACCORDANCE WITH THE ZONING CODE.

202.2.4 BLIGHT. "BLIGHT" INCLUDES EXTERIOR SURFACES DEFACED BY CARVINGS, MARKINGS, OR GRAFFITI.

202.2.5 BUILDING. "BUILDING" HAS THE MEANING STATED IN IBC § 202 AND, UNLESS THE CONTEXT INDICATES OTHERWISE, INCLUDES PREMISES AND LANDS.

202.2.6 BUILDING OFFICIAL. "BUILDING OFFICIAL" HAS THE MEANING STATED IN § 103.1.

202.2.7 BUILDING PERMIT. "BUILDING PERMIT" MEANS ANY PERMIT ISSUED UNDER THIS CODE.

202.2.7 CERTIFICATE OF OCCUPANCY. "CERTIFICATE OF OCCUPANCY" MEANS AN OCCUPANCY PERMIT.

202.2.9 CHANGE IN OCCUPANCY. "CHANGE IN OCCUPANCY" MEANS A CHANGE IN THE PURPOSE OR LEVEL OF ACTIVITY ON LAND OR WITHIN A STRUCTURE.

202.2.10 CHANGE OF USE. "CHANGE OF USE" MEANS CHANGE IN OCCUPANCY.

202.2.11 CITY. "CITY" MEANS THE MAYOR AND CITY COUNCIL OF BALTIMORE.

202.2.12 CODE. "CODE" MEANS, UNLESS OTHERWISE SPECIFIED, THE BUILDING, FIRE, AND RELATED CODES OF BALTIMORE CITY, AS FURTHER DEFINED IN § 101.1.

202.2.13 DEMOLITION. "DEMOLITION":

1. MEANS RAZING OR DEMOLITION, AND

2. INCLUDES REMOVAL OF THE DEBRIS RESULTING FROM ANY RAZING OR DEMOLITION.

202.2.14 DEPARTMENT. "DEPARTMENT" MEANS, UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, THE DEPARTMENT OF BUILDING SAFETY, AS FURTHER DEFINED IN § 103.1.

202.2.15 DEPARTMENT OF BUILDING SAFETY. "DEPARTMENT OF BUILDING SAFETY" HAS THE MEANING STATED IN § 103.1.

202.2.16 DWELLING. "DWELLING" INCLUDES, BUT IS NOT LIMITED TO, ANY ONE OR MORE OF THE FOLLOWING:

202.2.16.1 BOARDING HOUSE. ***{AS IN IBC}***

202.2.16.2 DORMITORY. "DORMITORY" MEANS A SPACE IN A BUILDING THAT PROVIDES GROUP SLEEPING ACCOMMODATIONS IN 1 ROOM OR IN A SERIES OF CLOSELY ASSOCIATED ROOMS FOR PERSONS NOT MEMBERS OF THE SAME FAMILY GROUP.

202.2.16.3 MULTIPLE-FAMILY DWELLING. "MULTIPLE-FAMILY DWELLING" MEANS A BUILDING OR PART OF A BUILDING THAT CONTAINS MORE THAN 2 DWELLING UNITS.

202.2.16.4 1-FAMILY DWELLING; SINGLE-FAMILY DWELLING UNIT. "1-FAMILY DWELLING" OR "SINGLE-FAMILY DWELLING UNIT" MEANS A BUILDING THAT CONTAINS ONLY 1 DWELLING UNIT AND IS USED ONLY FOR THAT PURPOSE.

202.2.16.5 2-FAMILY DWELLING. "2-FAMILY DWELLING" MEANS A BUILDING THAT CONTAINS 2 DWELLING UNITS AND IS USED ONLY FOR THAT PURPOSE.

202.2.17 DWELLING UNIT. "DWELLING UNIT" MEANS A SINGLE UNIT THAT PROVIDES OR THAT IS DESIGNED OR INTENDED TO PROVIDE COMPLETE, INDEPENDENT LIVING FACILITIES FOR 1 OR MORE PERSONS, INCLUDING PERMANENT PROVISIONS FOR LIVING, SLEEPING, EATING, COOKING, AND SANITATION.

202.2.18 HIGH-RISE BUILDING. "HIGH-RISE BUILDING" HAS THE MEANING STATED IN ARTICLE 38A, § 49 OF THE MARYLAND CODE.

202.2.19 INTERNATIONAL CODES.

202.2.19.1 ENERGY CONSERVATION CODE. "ENERGY CONSERVATION CODE" MEANS THE INTERNATIONAL ENERGY CONSERVATION CODE (2006 EDITION), AS SUPPLEMENTED, AMENDED, OR OTHERWISE MODIFIED BY BALTIMORE CITY.

202.2.19.2 FIRE CODE. "FIRE CODE" MEANS THE INTERNATIONAL FIRE CODE (2006 EDITION), AS SUPPLEMENTED, AMENDED, OR OTHERWISE MODIFIED BY BALTIMORE CITY.

202.2.19.3 MECHANICAL CODE. "MECHANICAL CODE" MEANS THE INTERNATIONAL MECHANICAL CODE (2006 EDITION), AS SUPPLEMENTED, AMENDED, OR OTHERWISE MODIFIED BY BALTIMORE CITY.

202.2.19.4 PROPERTY MAINTENANCE CODE. "PROPERTY MAINTENANCE CODE" MEANS THE INTERNATIONAL PROPERTY MAINTENANCE CODE (2006 EDITION), AS SUPPLEMENTED, AMENDED, OR OTHERWISE MODIFIED BY BALTIMORE CITY.

202.2.20 MAY NOT, ETC. "MAY NOT", "MUST NOT", AND "NO ... MAY" ARE EACH MANDATORY NEGATIVE TERMS USED TO ESTABLISH A PROHIBITION.

202.2.21 MORTGAGE. "MORTGAGE" INCLUDES A DEED OF TRUST OR OTHER DEED IN THE NATURE OF A MORTGAGE.

202.2.22 MORTGAGEE. "MORTGAGEE" INCLUDES A BENEFICIARY UNDER A DEED OF TRUST OR OTHER DEED IN THE NATURE OF A MORTGAGE.

202.2.23 MUST/SHALL. "MUST" AND "SHALL" ARE EACH MANDATORY TERMS USED TO EXPRESS A REQUIREMENT OR TO IMPOSE A DUTY.

202.2.24 NATIONAL CODES.

202.2.24.1 ELECTRICAL CODE. "ELECTRICAL CODE" MEANS THE NATIONAL ELECTRICAL CODE (2005 EDITION), AS SUPPLEMENTED, AMENDED, OR OTHERWISE MODIFIED BY BALTIMORE CITY.

202.2.24.2 FUEL GAS CODE. "FUEL GAS CODE" MEANS THE NATIONAL FUEL GAS CODE (2006 EDITION), AS SUPPLEMENTED, AMENDED, OR OTHERWISE MODIFIED BY BALTIMORE CITY.

202.2.24.3 PLUMBING CODE. "PLUMBING CODE" MEANS THE NATIONAL STANDARD PLUMBING CODE (2006 EDITION, 2007 SUPPLEMENT), AS SUPPLEMENTED, AMENDED, OR OTHERWISE MODIFIED BY BALTIMORE CITY.

202.2.25 OCCUPANCY. "OCCUPANCY" MEANS:

1. THE STATE OF OCCUPYING OR USING ANY LAND OR STRUCTURE, OR
2. THE ACT OF TAKING, HOLDING POSSESSION OF, OR USING ANY LAND OR STRUCTURE, OR
3. THE PURPOSE FOR WHICH ANY LAND OR STRUCTURE IS USED OR OCCUPIED.

202.2.26 OCCUPANCY PERMIT. "OCCUPANCY PERMIT" MEANS A PERMIT THAT:

1. SIGNIFIES COMPLIANCE WITH THIS CODE AND RELATED LAWS, AND
2. INDICATES THE BUILDING OFFICIAL'S APPROVAL TO OCCUPY A STRUCTURE FOR THE AUTHORIZED USE.

202.2.27 OCCUPANT. "OCCUPANT" MEANS ANY PERSON WHO USES OR WHO HAS THE RIGHT OF POSSESSION OF ALL OR ANY PART OF A STRUCTURE OR PREMISES.

202.2.28 OPERATOR. "OPERATOR" MEANS ANY PERSON WHO HAS CHARGE, CARE, OR CONTROL OF ALL OR ANY PART OF A STRUCTURE OR PREMISES.

202.2.29 PERSON. "PERSON":

1. MEANS ANY INDIVIDUAL, SOLE PROPRIETORSHIP, CORPORATION, LIMITED LIABILITY COMPANY, FIRM, PARTNERSHIP, ASSOCIATION, ORGANIZATION, JOINT VENTURE, OR OTHER ENTITY OR GROUP ACTING AS A UNIT, EXECUTOR, ADMINISTRATOR, TRUSTEE, RECEIVER, GUARDIAN, OR OTHER REPRESENTATIVE APPOINTED BY LAW, AND

2. WHENEVER USED IN THIS CODE WITH REFERENCE TO LIABILITY OR TO THE IMPOSITION OF A PENALTY OR FINE, INCLUDES:

   A. AS TO AN UNINCORPORATED FIRM, PARTNERSHIP, ASSOCIATION, ORGANIZATION, OR JOINT VENTURE, THE PARTNERS OR MEMBERS OF THE FIRM, PARTNERSHIP, ASSOCIATION, ORGANIZATION, OR JOINT VENTURE,

   B. AS TO A CORPORATION, THE OFFICERS, TRUSTEES, AGENTS, OR MEMBERS OF THE CORPORATION WHO ARE RESPONSIBLE FOR THE VIOLATION OF ANY RELEVANT CODE PROVISION, AND

   C. IN ADDITION, THE RESPONSIBLE OFFICER, TRUSTEE, PARTNER, OR MEMBER DESIGNATED ON A REGISTRATION STATEMENT MADE UNDER CITY CODE ARTICLE 13, SUBTITLE 4 {"REGISTRATION OF RESIDENTIAL PROPERTIES"}.

202.2.30 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.

202.2.31 REHABILITATION. "REHABILITATION" MEANS ALL REPAIRS AND OTHER WORK, OF ANY KIND, NEEDED TO MAKE A DWELLING OR OTHER STRUCTURE FIT TO BE OCCUPIED FOR ITS AUTHORIZED USE IN CONFORMITY WITH ALL APPLICABLE STANDARDS AND REQUIREMENTS OF THIS CODE.

202.2.32 RELATED LAWS. "RELATED LAWS" HAS THE MEANING STATED IN § 104.6.2.

202.2.33 ***{RESERVED}***

202.2.34 ***{RESERVED}***

202.2.35 STRUCTURE. "STRUCTURE" HAS THE MEANING STATED IN IBC § 202 AND, UNLESS THE CONTEXT INDICATES OTHERWISE, INCLUDES PREMISES AND LANDS.

202.2.36 STABILIZATION. "STABILIZATION", WITH REFERENCE TO A STRUCTURE THAT HAS BEEN DECLARED UNSAFE OR UNFIT FOR OCCUPANCY, MEANS ALL WORK OF ANY KIND, NOT AMOUNTING TO REHABILITATION, THAT IS NEEDED, OR THAT IS PERFORMED OR REQUIRED BY THE BUILDING OFFICIAL, TO MAKE THE STRUCTURE SAFE AND SECURE, TO PREVENT ITS FURTHER DETERIORATION, AND TO ELIMINATE ITS BLIGHTING INFLUENCE.

202.2.37 TRANSFER. "TRANSFER", WHEN USED WITH RESPECT TO PROPERTY SUBJECT TO THIS CODE, HAS THE MEANING STATED IN § 113.23.

202.2.38 USE. "USE" MEANS, UNLESS THE CONTEXT INDICATES OTHERWISE:

1. THE PURPOSE FOR WHICH A BUILDING, STRUCTURE, OR LAND IS USED, OCCUPIED, OR INTENDED TO BE USED OR OCCUPIED, AND

2. ANY ACTIVITY, OCCUPATION, BUSINESS, OR OPERATION CARRIED OUT ON LAND OR IN A BUILDING OR STRUCTURE.

202.2.40 ZONING CODE. "ZONING CODE" MEANS THE ZONING CODE OF BALTIMORE CITY, INCLUDING THE ACCOMPANYING ZONING DISTRICT MAPS.

CHAPTER 3. USE AND OCCUPANCY CLASSIFICATION

SECTIONS 301 TO 307 ***{AS IN IBC}***

SECTION 308 INSTITUTIONAL GROUP I

308.1 INSTITUTIONAL GROUP I. ***{AS IN IBC}***

308.2 GROUP I-1. ***{AS IN IBC}***

308.3 GROUP I-2. ***{AS IN IBC}***

308.3.1 CHILD CARE FACILITY. A CHILD CARE FACILITY THAT PROVIDES CARE ON A 24-HOUR BASIS TO MORE THAN 8 CHILDREN 2½ YEARS OF AGE OR LESS IS CLASSIFIED AS GROUP I-2.

308.4 GROUP I-3. ***{AS IN IBC}***

308.5 GROUP I-4, DAY CARE FACILITIES. THIS GROUP INCLUDES BUILDINGS AND STRUCTURES OCCUPIED BY PERSONS OF ANY AGE WHO RECEIVE CUSTODIAL CARE FOR LESS THAN 24 HOURS BY INDIVIDUALS OTHER THAN PARENTS OR GUARDIANS, RELATIVES BY BLOOD, MARRIAGE, OR ADOPTION, AND IN A PLACE OTHER THAN HOME OF THE PERSON CARED FOR. A FACILITY LIKE THIS WITH 8 OR FEWER PERSONS IS CLASSIFIED AS A GROUP R-3 OR SHALL COMPLY WITH THE INTERNATIONAL RESIDENTIAL CODE IN ACCORDANCE WITH § 101.2 OF THIS CODE. PLACES OF WORSHIP DURING RELIGIOUS FUNCTIONS ARE NOT INCLUDED.

308.5.1 ADULT CARE FACILITY. A FACILITY THAT PROVIDES ACCOMMODATION FOR LESS THAN 24 HOURS FOR MORE THAN 8 UNRELATED ADULTS AND PROVIDES SUPERVISION AND PERSONAL CARE SERVICES IS CLASSIFIED AS GROUP I-4.

EXCEPTION: A FACILITY IN WHICH THE OCCUPANTS ARE CAPABLE OF RESPONDING TO AN EMERGENCY SITUATION WITHOUT PHYSICAL ASSISTANCE FROM THE STAFF IS CLASSIFIED AS GROUP A-3.

308.5.2 CHILD CARE FACILITY. A FACILITY THAT PROVIDES SUPERVISION AND PERSONAL CARE ON LESS THAN A 24-HOUR BASIS FOR MORE THAN 8 CHILDREN 2½ YEARS OF AGE OR LESS IS CLASSIFIED AS GROUP I-4.

EXCEPTION: A CHILD CARE FACILITY THAT PROVIDES CARE FOR MORE THAN 8 BUT NOT MORE THAN 100 CHILDREN 2½ YEARS OF AGE OR LESS, WHERE THE ROOMS IN WHICH THOSE CHILDREN ARE CARED FOR ARE LOCATED ON THE LEVEL OF EXIT DISCHARGE AND WHERE EACH OF THESE ROOMS HAS AN EXIT DOOR DIRECTLY TO THE EXTERIOR, IS CLASSIFIED AS GROUP E.

SECTION 309 MERCANTILE GROUP M ***{AS IN IBC}***

SECTION 310 RESIDENTIAL GROUP R

310.1 RESIDENTIAL GROUP R. ***{INTRO AS IN IBC}***

R-1 TO R-2 ***{AS IN IBC}***

R-3 RESIDENTIAL OCCUPANCIES WHERE THE OCCUPANTS ARE PRIMARILY PERMANENT IN NATURE AND NOT CLASSIFIED AS R-1, R-2, 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 ZONING CODE.

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.

GROUP R-4 OCCUPANCIES MUST:

1. MEET THE CONSTRUCTION REQUIREMENTS FOR GROUP R-3, EXCEPT AS OTHERWISE PROVIDED IN THIS CODE, OR

2. COMPLY WITH THE INTERNATIONAL RESIDENTIAL CODE.

310.2 DEFINITIONS. ***{AS IN IBC}***

SECTION 311 STORAGE GROUP S ***{AS IN IBC}***

SECTION 312 UTILITY AND 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, BUT IS NOT LIMITED TO, 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
STABLES
TANKS
TOWERS

CHAPTER 4. SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY

SECTION 401 SCOPE ***{AS IN IBC}***

SECTION 402 COVERED MALL BUILDINGS ***{AS IN IBC}***

SECTION 403 HIGH-RISE BUILDINGS

403.1 APPLICABILITY. THIS § 403 APPLIES TO ALL "HIGH-RISE BUILDINGS", AS DEFINED IN ARTICLE 38A, § 49 OF THE MARYLAND CODE.

403.2 TO 403.11 ***{AS IN IBC}***

403.12 STAIRWAY DOOR OPERATION. ALL STAIRWAY DOORS THAT ARE TO BE LOCKED FROM THE STAIRWAY SIDE MUST BE CAPABLE OF BEING UNLOCKED SIMULTANEOUSLY, WITHOUT UNLATCHING, ON A SIGNAL FROM THE FIRE COMMAND STATION, ON ACTIVATION OF THE FIRE ALARM SYSTEM, OR ON LOSS OF POWER TO THE BUILDING.

403.12.1 STAIRWAY COMMUNICATION SYSTEM. ***{AS IN IBC}***

403.13 SMOKEPROOF EXIT ENCLOSURES. ***{AS IN IBC}***

403.14 SEISMIC CONSIDERATIONS. ***{AS IN IBC}***

SECTIONS 404 TO 414 ***{AS IN IBC}***

SECTION 415 GROUPS H-1, H-2, H-3, H-4, AND H-5

415.1 TO 415.5 ***{AS IN IBC}***

415.6 GROUP H-2. ***{AS IN IBC}***

415.6.1 COMBUSTIBLE DUSTS, GRAIN PROCESSING, AND STORAGE. ***{AS IN IBC}***

415.6.2 FLAMMABLE AND COMBUSTIBLE LIQUIDS. ***{AS IN IBC}***

415.6.3 LIQUEFIED PETROLEUM GAS DISTRIBUTION FACILITIES. THE DESIGN AND CONSTRUCTION OF PROPANE, BUTANE, PROPYLENE, BUTYLENE, AND OTHER LIQUEFIED PETROLEUM GAS DISTRIBUTION FACILITIES MUST CONFORM TO THE APPLICABLE PROVISIONS OF §§ 415.6.3.1 THROUGH 415.6.3.5.2. THE STORAGE AND HANDLING OF LIQUEFIED PETROLEUM GAS SYSTEMS MUST CONFORM TO THE INTERNATIONAL FIRE CODE. THE DESIGN AND INSTALLATION OF PIPING, EQUIPMENT, AND SYSTEMS THAT UTILIZE LIQUEFIED PETROLEUM GAS MUST BE IN ACCORDANCE WITH THE NATIONAL FUEL GAS CODE. LIQUEFIED PETROLEUM GAS DISTRIBUTION FACILITIES MUST BE VENTILATED IN ACCORDANCE WITH THE INTERNATIONAL MECHANICAL CODE AND § 415.6.3.1.

415.6.3.1 TO 415.6.3.5 ***{AS IN IBC}***

415.6.4 DRY CLEANING PLANTS. THE CONSTRUCTION AND INSTALLATION OF DRY CLEANING PLANTS MUST BE IN ACCORDANCE WITH THIS CODE, THE INTERNATIONAL MECHANICAL CODE, AND NFPA 32. DRY CLEANING SOLVENTS AND SYSTEMS MUST BE CLASSIFIED IN ACCORDANCE WITH THE INTERNATIONAL FIRE CODE.

415.7 GROUPS H-3 AND H-4. ***{AS IN IBC}***

415.8 GROUP H-5. ***{SUBSTITUTE "NATIONAL ELECTRICAL CODE" FOR "ICC ELECTRICAL CODE". OTHERWISE, AS IN IBC.}***

SECTIONS 416 TO 420 ***{AS IN IBC}***

SECTION 421 GREENHOUSES

421.1 GENERAL. STRUCTURES WITH GLAZED SURFACES THAT ARE USED ONLY FOR HORTICULTURE ARE CLASSIFIED AS GREENHOUSES. THESE STRUCTURES MUST BE INDEPENDENT AND SEPARATED FROM OTHER BUILDINGS ON THE SAME LOT. ALL GREENHOUSES MUST CONFORM TO THE REQUIREMENTS OF THIS CODE FOR EXITS AND FOR MATERIALS.

421.2 COMMERCIAL GREENHOUSES. COMMERCIAL GREENHOUSES ARE CLASSIFIED AS GROUP S-2, LOW HAZARD STORAGE BUILDINGS, AND MUST COMPLY WITH TABLES 503, 601, AND 602.

421.3 RESIDENTIAL GREENHOUSES. GREENHOUSES THAT ARE LOCATED ON A LOT ZONED FOR RESIDENTIAL USE ARE CLASSIFIED AS GROUP U, UTILITY AND MISCELLANEOUS STRUCTURES.

421.3.1 HEIGHT. RESIDENTIAL GREENHOUSES MAY NOT EXCEED 20 FEET (6.10 M) ABOVE GRADE.

421.3.2 SIZE. THE FLOOR AREA OF A RESIDENTIAL GREENHOUSE MUST CONFORM TO THE REQUIREMENTS OF THE ZONING CODE.

421.3.3 LOCATION. RESIDENTIAL GREENHOUSES MUST BE LOCATED AT LEAST 36 INCHES (914 MM) FROM ANY PROPERTY LINE OR OTHER STRUCTURE.

SECTIONS 422 TO 423 ***{RESERVED}***

SECTION 424 CIRCUSES AND CARNIVALS

424.1 DEFINITION. "CIRCUS" OR "CARNIVAL" MEANS ANY USE OF PUBLIC OR PRIVATE LAND, STREETS, LANES, OR ALLEYS FOR FETES, BAZAARS, CIRCUSES, STREET CARNIVALS, CARNIVALS, FEATS OF HORSEBACK-RIDING ABILITY, ACROBATIC STUNTS, TRAINED ANIMAL ACTS, CLOWNING, AND OTHER SIMILAR PERFORMANCES, MECHANICAL RIDES, OR OTHER AMUSEMENT DEVICES TO WHICH THE PUBLIC IS ADMITTED, AND INCLUDES ANY TEMPORARY STANDS OR FACILITIES FOR SELLING OR DISPENSING PRODUCTS FOR HUMAN CONSUMPTION IN CONNECTION WITH THESE USES.

424.2 SCOPE. THIS SECTION COVERS REGULATIONS FOR CIRCUSES AND CARNIVALS THAT ARE NOT PROVIDED FOR IN OTHER SECTIONS OF THIS CODE.

424.3 PERMIT REQUIRED. BEFORE ANY PERSON MAY BEGIN TO SET UP ANY STRUCTURE, APPLIANCE, OR EQUIPMENT FOR A CIRCUS OR CARNIVAL, THE PERSON MUST OBTAIN THE APPROPRIATE PERMIT FROM THE BUILDING OFFICIAL.

424.3.1 APPLICATION FOR PERMIT. THE APPLICATION FOR THE PERMIT MUST BE:

1. FILED AT LEAST 10 DAYS BEFORE THE OPENING DATE OF THE CIRCUS OR CARNIVAL, AND

2. SIGNED BY A RESPONSIBLE PERSON OR OFFICIAL ACTING FOR THE APPLICANT.

424.3.2 REFERRAL OF APPLICATION. THE BUILDING OFFICIAL MUST IMMEDIATELY REFER EACH APPLICATION TO THE FOLLOWING, FOR THEIR RECOMMENDATIONS:

1. THE POLICE COMMISSIONER,
2. THE DIRECTOR OF PUBLIC WORKS,
3. THE CHIEF OF THE FIRE DEPARTMENT, AND
4. THE COMMISSIONER OF HEALTH.

424.3.3 DISAPPROVAL OF POLICE COMMISSIONER. IF THE POLICE COMMISSIONER DISAPPROVES THE APPLICATION:

1. THE POLICE COMMISSIONER MUST RETURN IT TO THE BUILDING OFFICIAL, WITH A STATEMENT OF THE REASONS FOR THE DISAPPROVAL, AND
2. THE BUILDING OFFICIAL MAY NOT ISSUE THE PERMIT.

424.3.4 APPROVAL OF POLICE COMMISSIONER. IF THE POLICE COMMISSIONER APPROVES THE APPLICATION, THE BUILDING OFFICIAL ~~MUST~~:

1. MAY ISSUE THE PERMIT, SUBJECT TO ANY RECOMMENDATIONS OF THE POLICE COMMISSIONER, PUBLIC WORKS DIRECTOR, FIRE CHIEF, AND HEALTH COMMISSIONER, AND
2. IF THE PERMIT IS ISSUED, MUST IMMEDIATELY SEND A COPY OF THE PERMIT TO EACH OF THEM.

424.4 INSURANCE FOR MECHANICAL RIDES, ETC. EVERY APPLICATION FOR A CIRCUS OR CARNIVAL PERMIT MUST SPECIFY WHETHER OR NOT MECHANICAL RIDES OR DEVICES WILL BE USED IN CONNECTION WITH THE CIRCUS OR CARNIVAL. IF MECHANICAL RIDES OR DEVICES WILL BE USED, THE PERSON SUPPLYING THESE RIDES OR DEVICES MUST, BEFORE THE PERMIT MAY BE ISSUED, FURNISH SATISFACTORY EVIDENCE OF INSURANCE, IN AN AMOUNT THAT THE ~~BUILDING OFFICIAL, IN HIS OR HER DISCRETION,~~ CITY'S OFFICE OF RISK MANAGEMENT CONSIDERS SUFFICIENT, TO:

1. INSURE THE APPLICANT, AND NAME THE CITY AS AN ADDITIONAL INSURED, AGAINST LIABILITY FOR DAMAGE OR INJURY TO PROPERTY OR PERSON, INCLUDING DEATH, DUE TO FAULTY EQUIPMENT OR NEGLIGENCE, AND
2. INDEMNIFY THE CITY AGAINST ANY SUIT, LOSS, CLAIM, DAMAGES, OR EXPENSE TO WHICH THE CITY IS SUBJECTED BECAUSE OF ANY DAMAGE OR INJURY TO PROPERTY OR PERSON, INCLUDING DEATH, OR INJURY TO ANY PUBLIC HIGHWAY OR OTHER PUBLIC PROPERTY DONE BY OR IN CONNECTION WITH THE TRANSPORTATION, ERECTION, OPERATION, MAINTENANCE, OR SUPERVISION OF A MECHANICAL RIDE OR DEVICE.

424.5 FINANCIAL RESPONSIBILITY. BEFORE A PERMIT MAY BE ISSUED, THE APPLICANT MUST FURNISH PROOF OF FINANCIAL RESPONSIBILITY, IN THE FORM OF A CERTIFICATE OF INSURANCE FROM AN INSURER AUTHORIZED TO DO BUSINESS IN THIS STATE. THE CERTIFICATE OF INSURANCE MUST STATE THAT THE CIRCUS OR CARNIVAL IS INSURED AGAINST ANY LEGAL LIABILITY (OTHER THAN THAT COVERED BY § 424.4), CAUSED BY ACCIDENTS OR OTHERWISE AND RESULTING IN DAMAGE OR INJURY TO PROPERTY OR PERSON, INCLUDING DEATH, AS A CONSEQUENCE OF THE OWNERSHIP, OPERATION, OR MAINTENANCE OF THE CIRCUS OR CARNIVAL OR OTHERWISE IN ANY WAY CONNECTED WITH THE CIRCUS OR CARNIVAL. THE INSURANCE MUST BE FOR AT LEAST THE AMOUNT THAT THE ~~BUILDING OFFICIAL, IN HIS OR HER DISCRETION,~~ CITY'S OFFICE OF RISK MANAGEMENT CONSIDERS SUFFICIENT TO PROTECT THE PUBLIC, AND

MUST NAME THE CITY AS AN ADDITIONAL INSURED. ADDITIONALLY, THE INSURANCE MUST BE IN AN AMOUNT THAT THE CITY'S OFFICE OF RISK MANAGEMENT CONSIDERS SUFFICIENT TO:

1. INSURE THE APPLICANT AGAINST LIABILITY FOR DAMAGE OR INJURY TO PROPERTY OR PERSON, INCLUDING DEATH, DUE TO FAULTY EQUIPMENT OR NEGLIGENCE, AND

2. INDEMNIFY THE CITY AGAINST ANY SUIT, LOSS, CLAIM, DAMAGES, OR EXPENSE TO WHICH THE CITY IS SUBJECTED BECAUSE OF ANY DAMAGE OR INJURY TO PROPERTY OR PERSON, INCLUDING DEATH, OR INJURY TO ANY PUBLIC HIGHWAY OR OTHER PUBLIC PROPERTY DONE BY OR IN CONNECTION WITH THE APPLICANT'S BUSINESS.

424.5.1 NONRESIDENT APPLICANTS. IF THE APPLICANT IS NOT A RESIDENT OF THE CITY, THE APPLICANT AND THE INSURER MUST EXECUTE A POWER OF ATTORNEY THAT AUTHORIZES THE BUILDING OFFICIAL TO ACCEPT ON THEIR BEHALF SERVICE OF NOTICES, PROCESSES, AND ANY ACTIONS ARISING OUT OF THE OWNERSHIP, OPERATION, OR MAINTENANCE OF THE CIRCUS OR CARNIVAL OR OTHERWISE IN ANY WAY CONNECTED WITH THE CIRCUS OR CARNIVAL. IF THE APPLICANT IS A NONRESIDENT CORPORATION, THE CORPORATION, IN ADDITION TO COMPLYING WITH ALL OTHER REQUIREMENTS OF THIS CODE, MUST SUBMIT WITH ITS APPLICATION A CERTIFICATE FROM THE MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION CERTIFYING THAT IT IS A CORPORATION AUTHORIZED TO DO BUSINESS IN THIS STATE.

424.5.2 NONPROFIT ENTITIES EXCEPTED. THIS § 424.5 DOES NOT APPLY TO ANY APPLICANT THAT IS A CHURCH, SCHOOL, CHARITABLE ORGANIZATION, VETERANS' ORGANIZATION, OR OTHER NONPROFIT ORGANIZATION.

424.6 ZONING REQUIREMENTS. THE PROVISIONS OF THE ZONING CODE THAT PROHIBIT CARNIVALS IN RESIDENTIAL AREAS DO NOT APPLY TO A CARNIVAL THAT:

1. IS OPERATED UNDER A PERMIT ISSUED TO A CHURCH, SCHOOL, CHARITABLE ORGANIZATION, VETERANS' ORGANIZATION, OR OTHER NONPROFIT ORGANIZATION, AND

2. OPERATES FOR NO MORE THAN 15 DAYS IN ANY 1 CALENDAR YEAR.

424.7 LAYOUT. EVERY CIRCUS AND CARNIVAL MUST BE LAID OUT AS PROVIDED IN THIS § 424.7.

424.7.1 MAIN AISLE. A MAIN AISLE OR CONCOURSE MUST:

1. EXTEND ENTIRELY THROUGH THE CIRCUS OR CARNIVAL,

2. OPEN AT BOTH ENDS ON A STREET OR OTHER PUBLIC WAY THAT LEADS TO A STREET AT LEAST 30 FEET (9.14 M) WIDE, AND

3. BE AT LEAST 10 FEET (3.05 M) WIDE FOR A LENGTH OF UP TO 100 FEET (30.48 M), PLUS AN ADDITIONAL 2½ FEET (0.76 M) IN WIDTH FOR EACH ADDITIONAL 100 FEET (30.38 M) OR FRACTION OF 100 FEET (30.38 M) IN LENGTH.

424.7.2 SIDE OR BRANCH AISLES. SIDE OR BRANCH AISLES THAT ARE OPEN AT BOTH ENDS MUST 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 IN WIDTH FOR EACH ADDITIONAL 50 FEET (15.24 M) OR FRACTION OF 50 FEET (15.24 M) IN LENGTH. SIDE OR BRANCH AISLES THAT ARE OPEN AT ONLY 1 END MUST BE AT LEAST TWICE THE WIDTH FOR SIDE OR BRANCH AISLES THAT ARE OPEN AT BOTH ENDS.

424.8 CIRCUS AND CARNIVAL STRUCTURES. CIRCUS AND CARNIVAL STRUCTURES, IN ADDITION TO COMPLYING WITH ALL OTHER APPLICABLE PROVISIONS OF THIS CODE, MUST COMPLY WITH THE REQUIREMENTS OF THIS § 424.8.

424.8.1 TENTS. ALL TENTS MUST CONFORM TO THE REQUIREMENTS FOR TEMPORARY STRUCTURES IN § 3103 OF THIS CODE.

424.8.2 EXITS AND LIGHTING. EVERY TENT AND OTHER STRUCTURE MUST BE PROVIDED WITH ADEQUATE EXITS. THE MEANS OF EGRESS AND THE WIDTH AND NUMBER OF EXITS ARE BASED ON AND MUST COMPLY WITH THE GENERAL REQUIREMENTS OF CHAPTER 10 OF THIS CODE FOR EXITS AND MEANS OF EGRESS IN ASSEMBLY STRUCTURES, WHICH APPLY IN ADDITION TO THE REQUIREMENTS OF THIS SECTION FOR GENERAL LAYOUT. ALL EXITS AND AISLES MUST BE WELL LIGHTED WHENEVER THE TENT OR STRUCTURE IS OCCUPIED.

424.8.3 MECHANICAL RIDES AND DEVICES. NO MERRY-GO-ROUND, FERRIS WHEEL, WHIP, OR OTHER MECHANICAL RIDE OR DEVICE MAY BE OPERATED WITHOUT A PERMIT FROM THE BUILDING OFFICIAL. ALL MECHANICAL RIDES AND DEVICES MUST BE DESIGNED, CONSTRUCTED, AND ERECTED IN ACCORDANCE WITH APPLICABLE STATE REGULATIONS.

424.8.4 CONCESSION STANDS. CONCESSION STANDS MUST BE OF EITHER:

1. STANDARD PREFABRICATED CONSTRUCTION, OR
2. SPECIAL CONSTRUCTION APPROVED BY THE BUILDING OFFICIAL FOR THE PARTICULAR PURPOSE.

424.9 ELECTRICAL AND MECHANICAL REQUIREMENTS. ALL ELECTRICAL WORK MUST CONFORM TO THE REQUIREMENTS OF CHAPTER 27 OF THIS CODE. ALL MECHANICAL WORK MUST CONFORM TO THE REQUIREMENTS OF THIS CODE.

424.10 MAINTENANCE AND OPERATION. EVERY CIRCUS OR CARNIVAL MUST BE MAINTAINED AND OPERATED SO AS NOT TO CAUSE A HAZARD OR INJURY TO LIFE OR PROPERTY. THE APPLICANT IS RESPONSIBLE FOR:

1. MAINTAINING THE SITE IN A SANITARY AND CLEAN CONDITION AT ALL TIMES, AND
2. WHEN THE CIRCUS OR CARNIVAL LEAVES, CLEANING ALL DEBRIS AND RUBBISH FROM THE SITE AND FROM ALL STREETS AND ALLEYS IN THE VICINITY.

424.11 POLICE TO POLICE OPERATIONS. THE POLICE COMMISSIONER IS RESPONSIBLE FOR KEEPING A CLOSE WATCH ON EVERY CIRCUS OR CARNIVAL TO DETERMINE WHETHER ANY LAWS ARE BEING VIOLATED.

SECTION 425 CHESAPEAKE BAY CRITICAL AREA DEVELOPMENT

425.1 GENERAL. THE BALTIMORE CITY CRITICAL AREA MANAGEMENT PROGRAM, AS ADOPTED BY THE DEPARTMENT OF PLANNING TO GUIDE AND RESTRICT DEVELOPMENT WITHIN THE BALTIMORE CITY CRITICAL AREA, MUST BE COMPLIED WITH. THE REQUIREMENTS OF THAT PROGRAM ARE IN ADDITION TO ALL OTHER CITY, STATE, AND FEDERAL LAWS AND REGULATIONS GOVERNING CONSTRUCTION AND DEVELOPMENT WITHIN THE BALTIMORE CITY CRITICAL AREA. IN CASE OF ANY CONFLICT, THE MORE RESTRICTIVE REQUIREMENT PREVAILS WITHIN THE CRITICAL AREA.

425.2 COMPLIANCE REQUIRED. ANY DEVELOPMENT ACTIVITY WITHIN THE BALTIMORE CITY CRITICAL AREA OR THE BUFFER, INCLUDING THE CONSTRUCTION, RECONSTRUCTION, REHABILITATION, DEMOLITION,

ALTERATION, OR EXPANSION OF STRUCTURES, OR THE FILLING, DREDGING, MINING, STORING MATERIALS, EXCAVATION, CLEARING, GRADING, PAVING, OR IMPROVEMENT OF LAND, MUST COMPLY WITH THE APPLICABLE DEVELOPMENT REQUIREMENTS OF THE CRITICAL AREA PROGRAM DOCUMENT (THE "CAMP DOCUMENT"), AS AMENDED FROM TIME TO TIME.

425.3 ENFORCEMENT. ANY VIOLATION OF THE CAMP DOCUMENT IS A VIOLATION OF THIS CODE, SUBJECT TO ENFORCEMENT UNDER § 113 OF THIS CODE.

CHAPTER 5. GENERAL BUILDING HEIGHTS AND AREAS

SECTIONS 501 TO 503 ***{AS IN IBC}***

SECTION 504 HEIGHT

504.1 GENERAL ***{AS IN IBC}***

504.2 AUTOMATIC SPRINKLER SYSTEM INCREASE {PER MBPS MODIFICATION}. THE MAXIMUM NUMBER OF STORIES SPECIFIED IN TABLE 503 AND THE VALUE SPECIFIED IN THAT TABLE FOR MAXIMUM HEIGHT ARE INCREASED AS FOLLOWS, THESE INCREASES BEING PERMITTED IN ADDITION TO ANY AREA INCREASE UNDER §§ 506.2 AND 506.3:

1. 1 STORY AND 20 FEET (6096 MM), IF THE BUILDING IS EQUIPPED THROUGHOUT WITH AN AUTOMATIC SPRINKLER SYSTEM INSTALLED IN ACCORDANCE WITH § 903.3.1.1 OF THIS CODE,

2. 1 STORY AND 20 FEET (6096 MM) BUT NOT TO EXCEED A HEIGHT OF 4 STORIES AND 60 FEET (18,288 MM) ABOVE GRADE LEVEL, IF THE BUILDING HAS AN OCCUPANCY IN GROUP R-1, R-2, OR R-4 AND IS EQUIPPED THROUGHOUT WITH AN AUTOMATIC SPRINKLER SYSTEM INSTALLED IN ACCORDANCE WITH § 903.3.1.2 OF THIS CODE, AND

3. 1 STORY AND 20 FEET (6096 MM) BUT NOT TO EXCEED A HEIGHT OF 4 STORIES AND 60 FEET (18,288 MM) ABOVE GRADE LEVEL, IF THE BUILDING HAS AN OCCUPANCY IN GROUP R-3 AND IS EQUIPPED THROUGHOUT WITH AN AUTOMATIC SPRINKLER SYSTEM INSTALLED IN ACCORDANCE WITH § 903.3.1.3.

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

504.3 ROOF STRUCTURES ***{AS IN IBC}***

SECTIONS 505 TO 509 ***{AS IN IBC}***

CHAPTER 6. TYPES OF CONSTRUCTION
{AS IN IBC}

CHAPTER 7. FIRE-RESISTANCE-RATED CONSTRUCTION

SECTIONS 701 TO 704 ***{AS IN IBC}***

SECTION 705 FIRE WALLS

705.1 TO 705.5 ***{AS IN IBC}***

705.6 VERTICAL CONTINUITY {PER MBPS MODIFICATION}. FIRE WALLS MUST EXTEND FROM THE FOUNDATION TO A TERMINATION POINT AT LEAST 30 INCHES (762 MM) ABOVE BOTH ADJACENT ROOFS.

EXCEPTIONS:

{EXCEPTIONS 1 - 5: AS IN IBC}

6. IN GROUPS R-2 AND R-3 AS APPLICABLE IN § 101.2 OF THIS CODE, WALLS ARE PERMITTED TO TERMINATE AT THE ROOF SHEATHING OR DECK IN TYPES III, IV, AND V CONSTRUCTION, IF:

6.1. THE ROOF SHEATHING OR DECK IS CONSTRUCTED OF APPROVED NONCOMBUSTIBLE MATERIALS OR OF FIRE-RETARDANT-TREATED WOOD FOR A DISTANCE OF 4 FEET (1220 MM) ON BOTH SIDES IF THE WALL, OR

6.2. THE BUILDING IS EQUIPPED THROUGHOUT WITH AN AUTOMATIC SPRINKLER SYSTEM INSTALLED IN ACCORDANCE WITH § 903.3.1.1 OR § 903.3.1.2 FOR GROUP R-2, AND § 903.3.1.1, § 903.3.1.2, § 903.3.1.3 FOR GROUP R-3, OR

6.3. ALL OF THE FOLLOWING:

6.3.1. THE ROOF IS PROTECTED WITH ⅜-INCH (15.9-MM) TYPE X GYPSUM BOARD DIRECTLY BENEATH THE UNDERSIDE OF THE ROOF SHEATHING OR DECK, SUPPORTED BY A MINIMUM OF 2-INCH (51-MM) LEDGERS ATTACHED TO THE SIDES OF THE ROOF FRAMING MEMBERS, FOR A MINIMUM DISTANCE OF 4 FEET (1220 MM) ON BOTH SIDES OF THE FIRE WALL, AND

6.3.2. OPENINGS IN THE ROOF ARE NOT LOCATED WITHIN 4 FEET (1220 MM) OF THE FIRE WALL, AND

6.3.3. THE ROOF IS COVERED WITH A MINIMUM CLASS C ROOF COVERING.

705.6.1 STEPPED BUILDINGS. ***{AS IN IBC}***

705.7 COMBUSTIBLE FRAMING IN FIRE WALLS. ***{AS IN IBC}***

705.8 OPENINGS. ***{AS IN IBC}***

705.9 PENETRATIONS. PENETRATIONS THROUGH FIRE WALLS MUST COMPLY WITH § 712 OF THIS CODE. PENETRATIONS THROUGH PARTY WALLS ARE NOT ALLOWED.

705.10 JOINTS. ***{AS IN IBC}***

705.11 DUCTS AND AIR TRANSFER OPENINGS. ***{AS IN IBC}***

SECTIONS 706 TO 716 ***{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 CODE IS ENFORCED BY THE STATE FIRE MARSHALL OR AUTHORIZED FIRE OFFICIAL.}

901.2 TO 901.7 ***{AS IN IBC}***

SECTION 902 DEFINITIONS ***{AS IN IBC}***

SECTION 903 AUTOMATIC SPRINKLER SYSTEMS

903.1 GENERAL. ***{AS IN IBC}***

903.2 WHERE REQUIRED. APPROVED AUTOMATIC SPRINKLER SYSTEMS MUST BE INSTALLED IN THE LOCATIONS INDICATED IN THIS § 903.2 AND AS REQUIRED BY STATE LAW.

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

903.2.1 TO 903.2.13 ***{AS IN IBC}***

903.3 INSTALLATION REQUIREMENTS. ***{SUBSTITUTE "NATIONAL STANDARD PLUMBING CODE" FOR "INTERNATIONAL PLUMBING CODE". OTHERWISE, AS IN IBC.}***

903.4 SPRINKLER SYSTEM MONITORING AND ALARMS. ***{AS IN IBC}***

903.5 TESTING AND MAINTENANCE. ***{AS IN IBC}***

SECTION 904 ALTERNATIVE AUTOMATIC FIRE-EXTINGUISHING SYSTEMS ***{SUBSTITUTE "NATIONAL ELECTRICAL CODE" FOR "ICC ELECTRICAL CODE". OTHERWISE, AS IN IBC.}***

SECTION 905 STANDPIPE SYSTEMS ***{AS IN IBC}***

SECTION 906 PORTABLE FIRE EXTINGUISHERS ***{AS IN IBC}***

SECTION 907 FIRE ALARM AND DETECTION SYSTEMS ***{SUBSTITUTE "NATIONAL ELECTRICAL CODE" FOR "ICC ELECTRICAL CODE". OTHERWISE, AS IN IBC.}***

SECTION 908 EMERGENCY ALARM SYSTEMS ***{AS IN IBC}***

SECTION 909 SMOKE CONTROL SYSTEMS ***{SUBSTITUTE "NATIONAL ELECTRICAL CODE" FOR "ICC ELECTRICAL CODE". OTHERWISE, AS IN IBC.}***

SECTION 910 SMOKE AND HEAT VENTS ***{AS IN IBC}***

SECTION 911 FIRE COMMAND CENTER ***{AS IN IBC}***

SECTION 912 FIRE DEPARTMENT CONNECTIONS ***{SUBSTITUTE "NATIONAL STANDARD PLUMBING CODE" FOR "INTERNATIONAL PLUMBING CODE". OTHERWISE, AS IN IBC.}***

CHAPTER 10. MEANS OF EGRESS

SECTION 1001 ADMINISTRATION

1001.1 GENERAL. ***{AS IN IBC, SUBJECT TO THE FOLLOWING NOTE}***

{**MBPS MODIFICATIONS** – NOTE TO § 1001.1: THE MEANS OF EGRESS REQUIREMENTS OF CHAPTER 10 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 CODE IS ENFORCED BY THE STATE FIRE MARSHALL OR AUTHORIZED FIRE OFFICIAL.}

1001.2 MINIMUM REQUIREMENTS. ***{AS IN IBC}***

1001.3 MAINTENANCE. ***{AS IN IBC}***

SECTIONS 1002 TO 1008 ***{AS IN IBC}***

SECTION 1009 STAIRWAYS

1009.1 STAIRWAY WIDTH. ***{AS IN IBC}***

1009.2 HEADROOM. ***{AS IN IBC}***

1009.3 STAIR TREADS AND RISERS. ***{AS IN IBC}***

EXCEPTIONS:

1 - 3. ***{AS IN IBC}***

4. **{PER MBPS MODIFICATIONS}** IN OCCUPANCIES IN GROUP R-3, AS APPLICABLE IN § 101.2, IN DWELLING UNITS IN OCCUPANCIES IN GROUP R-2, AS APPLICABLE IN § 101.2, AND IN OCCUPANCIES IN GROUP U THAT ARE ACCESSORY TO AN OCCUPANCY IN GROUP R-3, AS APPLICABLE IN § 101.2:

   A. THE MAXIMUM RISER HEIGHT IS 8¼ INCHES (210 MM),

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

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

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

E. A NOSING NOT LESS THAN ¾ INCH (19 MM) BUT NOT MORE THAN 1¼ INCHES (32 MM) MUST BE PROVIDED ON STAIRWAYS WITH SOLID RISERS WHERE THE TREAD DEPTH IS LESS THAN 11 INCHES (279 MM).

5. **{PER MBPS MODIFICATIONS}** FOR THE REPLACEMENT OF EXISTING STAIRWAYS, SEE THE MARYLAND BUILDING REHABILITATION CODE, SET FORTH IN COMAR 05.16.

1009.3.1 TO 1009.3.3 ***{AS IN IBC}***

1009.4 TO 1009.11 ***{AS IN IBC}***

SECTION 1010 RAMPS ***{AS IN IBC}***

SECTION 1011 EXIT SIGNS ***{AS IN IBC}***

SECTION 1012 HANDRAILS

1012.1 WHERE REQUIRED. ***{AS IN IBC}***

1012.2 HEIGHT. ***{AS IN IBC}***

1012.3 HANDRAIL GRASPABILITY. ***{AS IN IBC}***

EXCEPTION: {PER MBPS MODIFICATIONS} FOR OCCUPANCIES IN GROUP R-3, AS APPLICABLE IN § 101.2,AND IN DWELLING UNITS IN OCCUPANCIES IN GROUP R-2, AS APPLICABLE IN § 101.2, THE GRIP PORTION OF HANDRAILS MUST HAVE A CIRCULAR CROSS SECTION OF 1¼ INCHES (32 MM) MINIMUM TO 2.625 INCHES (66.7 MM) MAXIMUM. OTHER SHAPES THAT PROVIDE AN EQUIVALENT GRASPING SURFACE ARE PERMISSIBLE. EDGES MUST HAVE A MINIMUM RADIUS OF 0.125 INCH (3.2 MM).

1012.5 TO 1012.8 ***{AS IN IBC}***

SECTION 1013 GUARDS

1013.1 WHERE REQUIRED. ***{AS IN IBC}***

1013.2 HEIGHT. ***{AS IN IBC}***

1013.3 OPENING LIMITATIONS – GENERAL. OPEN GUARDS MUST HAVE BALUSTERS OR ORNAMENTAL PATTERNS SO THAT:

1. TO A HEIGHT OF 34 INCHES (864 MM) ABOVE THE ADJACENT WALKING SURFACES, A SPHERE 4 INCHES (102 MM) IN DIAMETER CANNOT PASS THROUGH ANY OPENING, AND

2. FROM A HEIGHT OF 34 INCHES (864 MM) TO 42 INCHES (1067 MM) ABOVE THE ADJACENT WALKING SURFACES, A SPHERE 8 INCHES (203 MM) IN DIAMETER CANNOT PASS THROUGH ANY OPENING.

1013.3.1 OPENING LIMITATIONS – RESIDENTIAL OCCUPANCIES. FOR OCCUPANCIES IN USE GROUP R, REQUIRED GUARDS MAY NOT BE CONSTRUCTED WITH HORIZONTAL RAILS OR ANY ORNAMENTAL PATTERN THAT RESULTS IN A LADDER EFFECT.

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

1013.4 TO 1013.6 ***{AS IN IBC}***

SECTIONS 1014 TO 1026 ***{AS IN IBC}***

CHAPTER 11. ACCESSIBILITY
{NOT ADOPTED}

{**MBPS MODIFICATION:** CHAPTER 11 OF THE IBC, RELATING TO ACCESSIBILITY REQUIREMENTS, IS REPLACED WITH THE MARYLAND ACCESSIBILITY CODE, CODIFIED IN COMAR 05.02.02.}

CHAPTER 12. INTERIOR ENVIRONMENT

SECTIONS 1201 TO 1204 ***{AS IN IBC}***

SECTION 1205 LIGHTING ***{SUBSTITUTE "NATIONAL ELECTRICAL CODE" FOR "ICC ELECTRICAL CODE". OTHERWISE, AS IN IBC.}***

SECTION 1206 YARDS OR COURTS ***{SUBSTITUTE "NATIONAL STANDARD PLUMBING CODE" FOR "INTERNATIONAL PLUMBING CODE". OTHERWISE, AS IN IBC.}***

SECTIONS 1207 TO 1210 ***{AS IN IBC}***

CHAPTER 13. ENERGY EFFICIENCY

SECTION 1301 GENERAL

1301.1 SCOPE. ***{AS IN IBC, SUBJECT TO THE FOLLOWING NOTE}***

{**MBPS MODIFICATIONS -** NOTE TO § 1301.1: THE REQUIREMENTS CONCERNING ENERGY CONSERVATION FOR BUILDINGS AND STRUCTURES ARE GOVERNED BY THE ENERGY CONSERVATION BUILDING STANDARDS ACT, CONTAINED IN THE STATE PUBLIC UTILITY COMPANIES ARTICLE, TITLE 7, SUBTITLE 4. IN THE EVENT OF A CONFLICT BETWEEN THE ENERGY CONSERVATION BUILDING STANDARDS ACT AND THE IBC, THE REQUIREMENTS OF THE ENERGY CONSERVATION BUILDING STANDARDS ACT PREVAIL.}

CHAPTER 14. EXTERIOR WALLS

SECTIONS 1401 TO 1404 ***{AS IN IBC}***

SECTION 1405 INSTALLATION OF WALL COVERINGS ***{SUBSTITUTE "NATIONAL ELECTRICAL CODE" FOR "ICC ELECTRICAL CODE". OTHERWISE, AS IN IBC.}***

SECTIONS 1406 TO 1407 ***{AS IN IBC}***

CHAPTER 15. ROOF ASSEMBLIES AND ROOFTOP STRUCTURES

SECTION 1501 GENERAL ***{AS IN IBC}***

SECTION 1502 DEFINITIONS ***{AS IN IBC}***

SECTION 1503 WEATHER PROTECTION

1503.1 TO 1503.3 ***{AS IN IBC}***

1503.4 ROOF DRAINAGE. THE DESIGN AND INSTALLATION OF ROOF DRAINAGE SYSTEMS MUST COMPLY WITH THE NATIONAL STANDARD PLUMBING CODE.

1503.4.1 GUTTERS. ***{AS IN IBC}***

1503.4.2 GENERAL DISCHARGE REQUIREMENTS. GUTTERS, DOWNSPOUTS, AND LEADERS MUST BE PROVIDED ON ALL BUILDINGS TO PROPERLY COLLECT, CONDUCT, AND DISCHARGE THE WATER FROM THEIR ROOFS INTO A STORM DRAIN OR INTO THE DRIVEWAY OF AN ALLEY, STREET, OR OTHER PUBLIC WAY. NO WATER FROM ANY BUILDING MAY BE DISCHARGED SO AS TO RUN OR FLOW OVER ANY SIDEWALK, FOOTWAY, OR ANY ADJOINING PROPERTY, EXCEPT FROM WINDOW SILLS, COPINGS, OR CORNICES THAT PROJECT NO MORE THAN 1 FOOT (305 MM).

1503.4.3 EXCEPTIONS. SECTION 1503.4.2 DOES NOT APPLY TO:

1. ROOFS, CORNICES, COPINGS, OR OTHER SIMILAR PROJECTIONS THAT ARE LESS THAN 5 FEET (1.52 M), MEASURED HORIZONTALLY IN THE LINE OF FLOW, AS LONG AS THE WATER FROM THEM IS NOT DISCHARGED ON ANY SIDEWALK, FOOTWAY, OR ADJOINING PROPERTY, OR

2. AWNINGS OR MARQUEES THAT DISCHARGE OFF THE OUTER EDGE.

1503.4.4 METHODS. DRAINAGE MUST BE CONVEYED IN 1 OF THE FOLLOWING METHODS.

1503.4.4.1 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 THE PLUMBING REGULATIONS OF CHAPTER 29 OF THIS CODE. ANY CONTINUOUS DISCHARGE OF DRAINAGE WATER INTO THE PUBLIC RIGHT-OF-WAY OF SUCH A VOLUME AND FREQUENCY AS TO CAUSE PONDING OR ICING IS PROHIBITED AND MUST BE CONVEYED TO THE NEAREST PUBLIC STORM WATER DRAIN OR INLET THROUGH UNDERGROUND PIPING.

1503.4.4.2 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 SUCH A MANNER AS NOT TO ALLOW DRAINAGE TO CROSS ADJACENT PROPERTY LINES OR SIDEWALKS.

1503.4.5 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.

1503.4.6 RELIEF SCUPPERS. ROOFS WITH INTERIOR ROOF DRAINS AND ENCLOSED BY PARAPET WALLS THAT WILL IMPOUND WATER MUST BE PROVIDED WITH RELIEF SCUPPERS PLACED IN THE PARAPET WALL NOT MORE THAN 6 INCHES (152 MM) ABOVE THE ROOF LEVEL. THE OPENINGS OF THESE RELIEF SCUPPERS MUST BE AT LEAST 6 INCHES (152 MM) IN DIAMETER. EACH 6-INCH (152-MM) DIAMETER RELIEF SCUPPER OPENING MAY ONLY SERVE A ROOF AREA OF NOT MORE THAN 1,000 SQUARE FEET (92.9 SQUARE METERS).

1503.4.6.1 INTERNAL RELIEF DRAINS. INTERNAL RELIEF DRAINS MAY BE USED INSTEAD OF RELIEF SCUPPERS. INTERNAL RELIEF DRAINS MUST BE INDEPENDENT OF THE REQUIRED ROOF DRAINS.

SECTIONS 1504 TO 1508 ***{AS IN IBC}***

SECTION 1509 ROOFTOP STRUCTURES

1509.1 TO 1509.5 ***{AS IN IBC}***

1509.6 ROOFTOP DECKS. ROOFTOP DECKS MUST COMPLY WITH THIS § 1509.6 AND WITH CHAPTER 16 OF THIS CODE.

1509.6.1 MATERIALS. ROOFTOP DECKS MUST BE CONSTRUCTED WITH APPROVED MATERIALS IN ACCORDANCE WITH CHAPTERS 19 THROUGH 26 OF THIS CODE.

1509.6.2 NOTICE TO ADJOURNING OWNERS. IF A ROOFTOP DECK IS TO BE SUPPORTED BY PARTY WALLS:

1. THE OWNERS OF THE ADJOINING PROPERTIES MUST BE NOTIFIED IN WRITING, AND
2. EVIDENCE OF THIS NOTICE MUST BE SUBMITTED WITH THE CONSTRUCTION DOCUMENTS.

1509.6.3 CONSTRUCTION DOCUMENTS. CONSTRUCTION DOCUMENTS FOR ALL ROOFTOP DECKS MUST:

1. INCLUDE DIMENSIONAL SETBACKS, AND
2. BE SIGNED AND SEALED BY A PROFESSIONAL ARCHITECT OR ENGINEER LICENSED IN MARYLAND.

1509.6.4 CLEARANCES. ALL ROOFTOP DECKS MUST MAINTAIN ALL CLEARANCES OTHERWISE REQUIRED BY THIS CODE, INCLUDING CHAPTER 8 OF THE INTERNATIONAL MECHANICAL CODE AND § 230-24(E) OF THE NATIONAL ELECTRICAL CODE.

1509.6.5 HEIGHT. NO ROOFTOP DECK MAY BE RAISED MORE THAN 2 FEET (0.61 M) ABOVE THE PLANE THAT IS MIDWAY BETWEEN THE LOWEST AND THE HIGHEST POINTS OF THE ROOF SURFACE SUPPORTING THE ROOFTOP DECK.

1509.6.6 SETBACKS. A ROOFTOP DECK MUST COMPLY WITH:

1. THE MINIMUM SETBACKS SPECIFIED IN § 1509.6.6.1, AND
2. ANY GREATER OR ADDITIONAL SETBACK REQUIREMENTS ESTABLISHED BY OR UNDER THE BALTIMORE CITY ZONING CODE AND ANY APPLICABLE URBAN RENEWAL PLAN.

1509.6.6.1 MINIMUM SETBACKS. A ROOFTOP DECK MUST COMPLY WITH THE FOLLOWING MINIMUM SETBACKS:

FRONT

FLAT ROOF – 8 FEET (2.44 M) FROM FACE OF BUILDING WALL

GABLED ROOF – 6 FEET (1.83 M) BEHIND RIDGE LINE

MANSARD ROOF (STEEPLY PITCHED FRONT SLOPE FOLLOWED BY FLAT ROOF) – 6 FEET (1.83 M) BEHIND RIDGE LINE

SIDES AND REAR

NONE

SECTION 1510 REROOFING *{AS IN IBC}*

CHAPTER 16. STRUCTURAL DESIGN

SECTIONS 1601 TO 1606 *{AS IN IBC}*

SECTION 1607 LIVE LOADS

1607. 1 TO 1607.10 *{AS IN IBC}*

1607.11 ROOF LOADS. *{AS IN IBC}*

1607.11.1 DISTRIBUTION OF ROOF LOADS. *{AS IN IBC}*

1607.11.2 MINIMUM ROOF LIVE LOADS. *{AS IN IBC}*

1607.11.2.1 FLAT, PITCHED, AND CURVED ROOFS. ORDINARY FLAT, PITCHED, AND CURVED ROOFS MUST BE DESIGNED FOR THE FOLLOWING MINIMUM LIVE LOADS:

	ROOF SLOPE	LIVE LOAD (POUNDS/SQUARE FOOT OF HORIZONTAL PROJECTION)
FLAT:	FLAT OR RISE LESS THAN 4 INCHES	30
PITCHED:	RISE 4 INCHES (102 MM) PER FOOT TO LESS THAN 12 INCHES (305 MM) PER FOOT	20
	RISE 12 INCHES (305 MM) PER FOOT AND GREATER	12
CURVED:	ARCH OR DOME WITH RISE LESS THAN 1/8 OF SPAN	30
	ARCH OR DOME WITH RISE 1/8 OF SPAN TO LESS THAN 3/8 OF SPAN	20
	ARCH OR DOME WITH RISE 3/8 OF SPAN OR GREATER	12

1607.11.2.2 TO 1607.11.2.5 *{AS IN IBC}*

1607.12 CRANE LOADS. *{AS IN IBC}*

1607.13 INTERIOR WALLS AND PARTITIONS. *{AS IN IBC}*

SECTIONS 1608 TO 1613 *{AS IN IBC}*

CHAPTER 17. STRUCTURAL TESTS AND SPECIAL INSPECTION *{AS IN IBC}*

CHAPTER 18. SOILS AND FOUNDATIONS

SECTION 1801 GENERAL ***{AS IN IBC}***

SECTION 1802 FOUNDATION AND SOILS INVESTIGATIONS ***{AS IN IBC}***

SECTION 1803 EXCAVATION, GRADING, AND FILL

1803.1 EXCAVATION NEAR FOOTINGS OR FOUNDATIONS. ***{AS IN IBC}***

1803.1.1 UNDERPINNING FOUNDATION WALLS. ANY PERMIT APPLICATION FOR UNDERPINNING 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 UNDERPINNING IS TO BE DONE ON A PARTY WALL, WRITTEN, NOTARIZED PERMISSION TO DO THE WORK FROM THE ADJOINING PROPERTY OWNER.

1803.2 TO 1803.6 ***{AS IN IBC}***

SECTION 1804 ALLOWABLE LOAD-BEARING VALUES OF SOILS ***{AS IN IBC}***

SECTION 1805 FOOTINGS AND FOUNDATIONS

1805.1 GENERAL. ***{AS IN IBC}***

1805.2 DEPTH OF FOOTINGS. ***{AS IN IBC}***

1805.2.1 FROST PROTECTION. EXCEPT WHERE OTHERWISE PROTECTED FROM FROST, FOUNDATION WALLS, PIERS, AND OTHER PERMANENT SUPPORTS OF BUILDINGS AND STRUCTURES MUST BE PROTECTED BY ONE OR MORE OF THE FOLLOWING METHODS:

1. EXTENDING 30" BELOW GRADE,

2. CONSTRUCTING IN ACCORDANCE WITH ASCE 32, OR

3. ERECTING ON SOLID ROCK.

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

1805.2.2 ISOLATED FOOTINGS. ***{AS IN IBC}***

1805.2.3 SHIFTING OR MOVING SOILS. ***{AS IN IBC}***

1805.3 FOOTINGS ON OR ADJACENT TO SLOPES. ***{AS IN IBC}***

1805.4 – 1805.9 ***{AS IN IBC}***

SECTION 1806 RETAINING WALLS

1806.1 GENERAL. ***{AS IN IBC}***

1806.2 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.

SECTION 1807 DAMPPROOFING AND WATERPROOFING

1807.1 TO 1807.3 ***{AS IN IBC}***

1807.4 SUBSOIL DRAINAGE SYSTEM. ***{SUBSTITUTE "NATIONAL STANDARD PLUMBING CODE" FOR "INTERNATIONAL PLUMBING CODE". OTHERWISE, AS IN IBC.}***

SECTIONS 1808 TO 1812 ***{AS IN IBC}***

CHAPTER 19. CONCRETE
{AS IN IBC}

CHAPTER 20. ALUMINUM
{AS IN IBC}

CHAPTER 21. MASONRY

SECTIONS 2101 TO 2112 *{AS IN IBC}*

SECTION 2113 MASONRY CHIMNEYS *{SUBSTITUTE "NATIONAL FUEL GAS CODE" FOR "INTERNATIONAL FUEL GAS CODE". OTHERWISE, AS IN IBC.}*

CHAPTER 22. STEEL
{AS IN IBC}

CHAPTER 23. WOOD
{AS IN IBC}

CHAPTER 24. GLASS AND GLAZING

SECTIONS 2401 TO 2405 *{AS IN IBC}*

SECTION 2406 SAFETY GLAZING *{AS IN IBC, SUBJECT TO THE FOLLOWING NOTE}*

{**MBPS MODIFICATION** — THE REQUIREMENTS FOR SAFETY GLAZING CONTAINED IN STATE PUBLIC SAFETY ARTICLE, TITLE 12, SUBTITLE 4, ARE IN ADDITION TO THOSE CONTAINED IN § 2406 OF THE IBC. IN THE EVENT OF A CONFLICT BETWEEN THE MARYLAND CODE AND THE IBC, THE MARYLAND CODE PREVAILS.}

SECTIONS 2407 TO 2409 *{AS IN IBC}*

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 GENERAL. *{AS IN IBC}*

2609.2 SEPARATION. *{AS IN IBC}*

2609.3 LOCATION. WHERE § 704.8 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 § 704.8 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}***

SECTION 2611 LIGHT-TRANSMITTING PLASTIC INTERIOR SIGNS ***{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....}

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.

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.

2702.1.1 STATIONARY GENERATORS. ***{AS IN IBC}***

2702.2 WHERE REQUIRED. ***{AS IN IBC}***

2702.3 MAINTENANCE. ***{AS IN IBC}***

SECTION 2703 PERMIT AND CERTIFICATE OF INSPECTION

2703.1 APPLICATIONS. THE APPLICATION FOR AN ELECTRICAL PERMIT MUST BEAR THE NAME AND ADDRESS OF THE LICENSED ELECTRICIAN RESPONSIBLE FOR ALL WORK TO BE DONE UNDER THE PERMIT.

2703.2 PERMITS FOR MAINTENANCE WORK. ANY PERSON WHO EMPLOYS 1 OR MORE LICENSED MAINTENANCE ELECTRICIANS OR LICENSED MASTER ELECTRICIANS FOR MAINTENANCE OF APPROVED INSTALLATIONS IN OR ON A STRUCTURE OR PREMISES OWNED OR OPERATED BY THE PERSON MUST:

1. OBTAIN INDIVIDUAL PERMITS FOR THE MAINTENANCE WORK, OR

2. APPLY FOR AND OBTAIN A SEMIANNUAL PERMIT FOR ALL MAINTENANCE WORK TO BE PERFORMED BY THESE LICENSED ELECTRICIANS.

2703.3 SEMIANNUAL RECORDS. THE PERSON TO WHOM A SEMIANNUAL PERMIT IS ISSUED MUST KEEP A DETAILED RECORD OF ALL MAINTENANCE WORK DONE UNDER THE PERMIT. THESE RECORDS MUST BE:

1. AVAILABLE AT ALL TIMES FOR INSPECTION BY THE BUILDING OFFICIAL, OR

2. IF THE BUILDING OFFICIAL SO SPECIFIES, FILED WITH THE BUILDING OFFICIAL.

2703.4 CERTIFICATES. AN ELECTRICAL CERTIFICATE IS REQUIRED BEFORE ELECTRIC SERVICE MAY BE ENERGIZED IN ANY STRUCTURE. ON REQUEST AND PAYMENT OF THE REQUIRED FEE, THE BUILDING OFFICIAL WILL ISSUE AN ELECTRICAL CERTIFICATE TO THE OWNER OF ANY ELECTRICAL INSTALLATION THAT CONFORMS TO THE REQUIREMENTS OF THIS CODE.

SECTION 2704 INSPECTIONS

2704.1 PERIODIC INSPECTIONS FOR PLACES OF ASSEMBLY. IN ANY PLACE OF PUBLIC ASSEMBLY FOR WHICH AN INSPECTION REGISTRATION PERMIT IS REQUIRED, THE BUILDING OFFICIAL MUST MAKE PERIODIC INSPECTIONS OF THE ELECTRIC WIRING, APPLIANCES, AND EQUIPMENT.

SECTION 2705 UNSAFE EXISTING INSTALLATIONS

2705.1 CONFORMANCE REQUIRED. ANY EXISTING ELECTRICAL EQUIPMENT, APPLIANCE, WIRING, OR OTHER ELECTRICAL WORK IN SERVICE THAT DOES NOT COMPLY WITH THIS CODE AND CREATES A MENACE TO LIFE OR PROPERTY MUST, AS DIRECTED IN WRITING BY THE BUILDING OFFICIAL:

1. BE MADE TO CONFORM TO THE REQUIREMENTS OF THIS CODE, OR

2. BE PUT OUT OF SERVICE AND EITHER SEALED OR REMOVED.

CHAPTER 28. MECHANICAL SYSTEMS

{**MBPS MODIFICATION** — THE SUBJECT MATTER OF THIS CHAPTER IS NOT WITHIN THE SCOPE OF THE MARYLAND BUILDING PERFORMANCE STANDARDS....}

SECTION 2801 GENERAL

2801.1 SCOPE – GENERAL. MECHANICAL APPLIANCES, EQUIPMENT, AND SYSTEMS MUST BE CONSTRUCTED. INSTALLED, AND MAINTAINED IN ACCORDANCE WITH:

1. THE INTERNATIONAL MECHANICAL CODE (2006 EDITION), AS MODIFIED BY PART V OF THIS CODE, AND

2. THE NATIONAL FUEL GAS CODE (2006 EDITION), AS MODIFIED BY PART IV OF THIS CODE.

2801.2 SCOPE – CHIMNEYS, FIREPLACES, BARBECUES. MASONRY CHIMNEYS, FIREPLACES, AND BARBECUES MUST COMPLY WITH:

1. CHAPTER 21 OF THIS CODE, AND

2. THE INTERNATIONAL MECHANICAL CODE, AS MODIFIED BY PART V OF THIS CODE.

CHAPTER 29. PLUMBING SYSTEMS

{**MBPS MODIFICATION** — THE SUBJECT MATTER OF THIS CHAPTER IS NOT WITHIN THE SCOPE OF THE MARYLAND BUILDING PERFORMANCE STANDARDS....}

SECTION 2901 GENERAL

2901.1 SCOPE. THE ERECTION, INSTALLATION, ALTERATION, REPAIRS, RELOCATION, REPLACEMENT, USE, OR MAINTENANCE OF OR ADDITION TO PLUMBING EQUIPMENT AND SYSTEMS ARE GOVERNED BY:

1. THIS CHAPTER, AND

2. SUBJECT TO THE MODIFICATIONS SPECIFIED IN PART VI OF THIS CODE, THE NATIONAL STANDARD PLUMBING CODE (2006 EDITION, 2007 SUPPLEMENT) (THE "NSPC").

PRIVATE SEWAGE DISPOSAL SYSTEMS MUST CONFORM TO COMAR 26.04.02.

2901.1.1 "PLUMBING REGULATIONS". TOGETHER, THIS CHAPTER 29 AND THE NSPC ARE REFERRED TO IN THIS CODE AS "PLUMBING REGULATIONS".

SECTION 2902 PERMITS

2902.1 PERMIT REQUIRED. UNLESS SPECIFICALLY EXCEPTED BY THESE PLUMBING REGULATIONS, NO PLUMBING WORK MAY BE UNDERTAKEN BEFORE THE BUILDING OFFICIAL HAS ISSUED A PERMIT FOR THAT WORK.

2902.2 TO WHOM ISSUED. A PERMIT MAY BE ISSUED ONLY:

1. TO A MASTER PLUMBER LICENSED TO DO BUSINESS IN THE CITY,

2. TO A MASTER GAS FITTER LICENSED TO DO BUSINESS IN THE CITY, OR

3. FOR ON-SITE UTILITY FACILITIES, TO AN ON-SITE UTILITY CONTRACTOR LICENSED TO DO BUSINESS IN THE CITY.

2902.3 INSURANCE. THE BUILDING OFFICIAL MAY NOT ISSUE A PERMIT TO ANY MASTER PLUMBER UNLESS THE MASTER PLUMBER HAS PROVIDED THE BUILDING OFFICIAL WITH CERTIFICATION OF INSURANCE, AS REQUIRED BY STATE LAW.

2902.4 EMERGENCY WORK. WHEN EMERGENCY WORK NEEDS TO BE DONE TO RECTIFY A POSSIBLE HEALTH HAZARD OR OTHER HAZARDOUS CONDITION, THE WORK MAY BE UNDERTAKEN, EVEN BEFORE A PERMIT IS ISSUED, BY:

1. A MASTER PLUMBER, OR

2. WITHIN THE SCOPE OF HIS OR HER LICENSE:

   A. AN ON-SITE UTILITY CONTRACTOR, OR

   B. A GAS FITTER.

2902.4.1 NOTICE AND SUBSEQUENT PERMIT. A MASTER PLUMBER, CONTRACTOR, OR GAS FITTER WHO PERFORMS EMERGENCY WORK UNDER THIS SECTION MUST:

1. PROMPTLY NOTIFY THE PROPER CITY AUTHORITIES OF THE EMERGENCY, AND
2. WITHIN A REASONABLE TIME, OBTAIN A PERMIT FOR THE WORK.

SECTION 2903 ***{RESERVED}***

SECTION 2904 LICENSING REQUIREMENTS

2904.1 LICENSES AND SUPERVISION REQUIRED. EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, NO PERSON MAY PROVIDE PLUMBING SERVICES OR OTHERWISE ENGAGE IN ANY PLUMBING WORK UNLESS:

1. THE PERSON IS LICENSED TO DO SO IN ACCORDANCE WITH STATE LAW, AND
2. THE SERVICES AND WORK ARE DONE BY OR UNDER THE DIRECT SUPERVISION OF AN INSURED, LICENSED MASTER PLUMBER.

2904.1.1 ON-SITE UTILITIES WORK. ON-SITE UTILITY WORK, AS DEFINED IN CITY CODE ARTICLE 13, § 18-1, MAY BE DONE BY OR UNDER THE DIRECT SUPERVISION OF AN ON-SITE UTILITY CONTRACTOR LICENSED BY THE CITY.

2904.1.2 GAS-FITTING WORK. A LICENSED GAS FITTER MAY PERFORM ANY GAS-FITTING WORK THAT FALLS WITHIN THE SCOPE OF HIS OR HER LICENSE.

2904.2 LIMITS ON PLUMBER'S, ETC., LIABILITY. THE LIABILITY OF THE SURETY ON ANY BOND GIVEN UNDER THIS CHAPTER AND THE LIABILITY OF ANY MASTER PLUMBER OR ON-SITE UTILITY CONTRACTOR FOR MATERIALS FURNISHED OR WORK DONE UNDER THIS CODE DOES NOT EXTEND TO DEFECTS IN MATERIALS OR WORKMANSHIP DISCOVERED MORE THAN 1 YEAR AFTER COMPLETION OF THE WORK.

2904.2.1 PLUMBER'S, ETC., RESPONSIBILITY FOR CERTAIN DEFECTS. THE SURETY AND THE MASTER PLUMBER OR ON-SITE UTILITY CONTRACTOR ARE RESPONSIBLE TO THE CITY TO CORRECT ALL DEFECTS THAT ARE DISCOVERED DURING THE 1-YEAR PERIOD AFTER COMPLETION OF THE WORK AND ABOUT WHICH THEY WERE PROMPTLY NOTIFIED IN WRITING.

2904.2.2 OWNER REMAINS RESPONSIBLE. NOTWITHSTANDING THE LIMITED LIABILITIES OF THE SURETY AND THE MASTER PLUMBER OR ON-SITE UTILITY CONTRACTOR, THE OWNER OF THE PROPERTY IS RESPONSIBLE AT ALL TIMES TO THE CITY TO CORRECT ANY DEFECTS IN THE PLUMBING INSTALLATIONS IN OR ON HIS OR HER PROPERTY.

2904.3 USE OF LICENSE BY OTHERS PROHIBITED. A MASTER PLUMBER, ON-SITE UTILITY CONTRACTOR, OR GAS FITTER MAY NOT ALLOW HIS OR HER NAME TO BE USED BY ANY OTHER PERSON FOR OBTAINING PERMITS OR FOR DOING BUSINESS OR WORK UNDER HIS OR HER LICENSE.

CHAPTER 30. ELEVATORS AND CONVEYING SYSTEMS
{AS IN IBC}

{**MBPS MODIFICATION** – NOTE TO CHAPTER 30: THE PROVISIONS OF CHAPTER 30 OF THE IBC RELATE TO ELEVATORS AND CONVEYING SYSTEMS AND ARE IN ADDITION TO AND NOT INSTEAD OF THE REQUIREMENTS CONTAINED IN STATE PUBLIC SAFETY ARTICLE, TITLE 12, SUBTITLE 8. IN THE EVENT OF A CONFLICT BETWEEN THE MARYLAND CODE AND THE IBC, THE MARYLAND CODE PREVAILS.}

CHAPTER 31. SPECIAL CONSTRUCTION

SECTIONS 3101 TO 3104 ***{AS IN IBC}***

SECTION 3105 AWNINGS AND CANOPIES

3105.1 GENERAL. AWNINGS AND CANOPIES MUST COMPLY WITH THE REQUIREMENTS OF:

1. THIS SECTION,
2. OTHER APPLICABLE SECTIONS OF THIS CODE, AND
3. THE LAWS AND REGULATIONS GOVERNING MINOR PRIVILEGE PERMITS.

3105.2 DESIGN AND CONSTRUCTION. ***{AS IN IBC}***

3105.3 CANOPY MATERIALS. ***{AS IN IBC}***

SECTION 3106 MARQUEES ***{AS IN IBC}***

SECTION 3107 SIGNS ***{AS IN IBC}***

SECTION 3108 RADIO AND TELEVISION TOWERS

3108.1 TO 3108.5 ***{AS IN IBC}***

3108.6 AIRCRAFT WARNING LIGHTS. RADIO AND TELEVISION TOWERS MUST BE EQUIPPED WITH AIRCRAFT WARNING LIGHTS THAT COMPLY WITH FEDERAL AVIATION ADMINISTRATION REQUIREMENTS.

SECTION 3109 SWIMMING POOLS

3109.1 GENERAL. SWIMMING POOLS MUST COMPLY WITH THE REQUIREMENTS OF:

1. THIS SECTION,
2. OTHER APPLICABLE SECTIONS OF THIS CODE,
3. ALL REGULATIONS OF THE BALTIMORE CITY HEALTH DEPARTMENT, AND
4. ALL LOCATION AND OTHER APPLICABLE PROVISIONS OF THE BALTIMORE CITY ZONING CODE.

3109.2 TO 3109.8 ***{As in IBC}***

SECTION 3110 PARKING LOTS, DRIVEWAYS, AND OTHER PAVED SURFACES

3110.1 DRIVEWAY ENTRANCES. ALL DRIVEWAY ENTRANCES LOCATED ON A PUBLIC RIGHT-OF-WAY MUST BE CONSTRUCTED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE DEPARTMENT OF PUBLIC WORKS.

3110.2 SURFACE PAVING. PARKING LOTS, PARKING PADS, DRIVEWAYS, AND PRIVATE ROADS MUST BE PAVED WITH ASPHALT, BRICK, CONCRETE, MACADAM, OR STONE BLOCK. THE PAVING MUST BE ABLE TO SUPPORT THE DESIGN LOADS FOR THE PROPOSED VEHICULAR TRAFFIC.

3110.2.1 GRASS PAVING BLOCKS. PAVING BLOCKS DESIGNED TO SUPPORT VEHICULAR TRAFFIC WHILE ALLOWING GRASS TO GROW THROUGH MAY ONLY BE USED FOR OVERFLOW PARKING IN EXCESS OF THE MINIMUM PARKING SPACES REQUIRED BY THE ZONING CODE.

3110.3 PARKING SPACES. THE SIZE, LAYOUT, AND ARRANGEMENT OF PARKING SPACES MUST COMPLY WITH:

1. THE ZONING CODE,
2. THE MARYLAND STATE ACCESSABILITY CODE, AND
3. THE RULES AND REGULATIONS OF THE CITY PLANNING COMMISSION.

3110.4 CURBS OR BUMPERS. CURBS OR BUMPERS MUST BE INSTALLED FOR ALL PARKING SPACES. EACH CURB OR BUMPER MUST BE:

1. MADE OF CONCRETE, WOOD, OR AN APPROVED METAL WHEEL STOP,
2. AT LEAST 6 INCHES (152 MM) HIGH AND 8 INCHES (203 MM) WIDE,
3. SECURELY FIXED IN PLACE, AND
4. LOCATED:
   A. AT LEAST 4 FEET (1.22 M) FROM THE PARKING LOT PERIMETER, OR
   B. FOR PARKING SPACES THAT ARE PARALLEL TO THE PERIMETER OF THE PARKING LOT, AT LEAST 2 FEET (0.61 M) FROM THE PERIMETER.

3110.5 SURFACE DRAINAGE. STORM DRAINAGE OFF PAVED SURFACE AREAS, SUCH AS PARKING LOTS, PLAYGROUNDS, AND PLAZAS, MUST BE PROPERLY CONVEYED TO PAVED ALLEYS, PAVED STREETS, OR OTHER APPROVED WATER COURSES.

3110.5.1 LIMITATIONS. NO DRAINAGE MAY BE DISCHARGED:

1. SO AS TO RUN OR FLOW OVER ANY SIDEWALK OR FOOTWAY, EXCEPT AT A DRIVEWAY WITH A DEPRESSED CURB, OR
2. ACROSS ANY ADJOINING PROPERTY.

3110.5.2 METHODS. DRAINAGE MUST BE PIPED TO A STORM DRAIN, TO THE STREET OR ALLEY, TO A PAVED SWALE, OR TO ANOTHER APPROVED WATER COURSE. THE INSTALLATION OF PIPING, CONNECTIONS TO STORM DRAINS, ETC., MUST BE MADE IN ACCORDANCE WITH THE PLUMBING REGULATIONS OF CHAPTER 29 OF THIS CODE.

SECTION 3111 PIERS AND MARINAS

3111.1 GENERAL. ALL PIERS, MARINAS, AND RELATED STRUCTURES CONSTRUCTED OR DEMOLISHED ALONG THE SHORELINE OF THE CITY MUST COMPLY WITH THE REQUIREMENTS OF THIS § 3111, IN ADDITION TO ALL OTHER APPLICABLE PROVISIONS OF THIS CODE.

3111.2 PLANS AND SPECIFICATIONS. ALL PROPOSED WORK FOR PIERS AND MARINAS REQUIRES PLANS AND SPECIFICATIONS THAT ILLUSTRATE, DESCRIBE, AND SPECIFY THE PROPOSED WORK IN SUFFICIENT DETAIL AND CLARITY.

3111.3 APPROVALS. BEFORE A BUILDING PERMIT MAY BE ISSUED FOR THE CONSTRUCTION OR DEMOLITION OF A PIER, MARINA, OR RELATED STRUCTURE, THE WORK MUST BE APPROVED BY:

1. THE U.S. ARMY CORPS OF ENGINEERS (BALTIMORE DISTRICT),
2. THE STATE OF MARYLAND,
3. THE DIVISION OF CONSTRUCTION AND BUILDINGS INSPECTION,
4. THE BALTIMORE CITY FIRE DEPARTMENT, AND
5. THE BALTIMORE CITY DEPARTMENT OF PUBLIC WORKS.

3111.4 DESIGN. ALL SHORELINE AND OFFSHORE FREESTANDING PIERS, WITH OR WITHOUT BUILDINGS, MUST BE DESIGNED IN ACCORDANCE WITH:

1. THE DESIGN MANUALS OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND
2. THE REQUIREMENTS OF THIS CODE.

3111.5 STRUCTURAL DESIGN FOR PIERS. MINIMUM LIVE LOAD REQUIREMENTS ARE AS FOLLOWS:

1. FOR STATIC OR FIXED PIERS OR MARINAS FOR LIGHT DUTY USES, 60 POUNDS PER SQUARE FOOT, AND
2. FOR HEAVY DUTY LIVE LOADS AND FOR STRUCTURES CONSTRUCTED ON PIERS, AS REQUIRED BY CHAPTER 16 OF THIS CODE.

3111.6 STRUCTURES ON PIERS. EVERY STRUCTURE THAT IS CONSTRUCTED ON A PIER, WHARF, DOCK, BULKHEAD, BREAKWATER, PILES, OR OTHER SIMILAR STRUCTURE MUST COMPLY WITH THIS § 3111 AND ALL OTHER APPLICABLE PROVISIONS OF THIS CODE AND OTHER LAW.

SECTION 3112 FENCES

3112.1 LOCATION. A FENCE MAY BE BUILT ONLY ON THE PROPERTY OF THE OWNER OF THE FENCE. HOWEVER, IF THE OWNERS OF ADJOINING PROPERTY AGREE TO BUILD A FENCE ON THE PROPERTY LINE BETWEEN THEM, THEY MAY DO SO IF THEY BOTH SUBMIT, WITH THE APPLICATION FOR THE PERMIT, A WRITTEN STATEMENT OF THEIR AGREEMENT.

3112.2 HEIGHT. EXCEPT AS OTHERWISE SPECIFIED IN THIS § 3112.2, THE HEIGHT OF A FENCE MAY NOT EXCEED 42 INCHES (1067 MM), MEASURED ON THE HIGH SIDE.

3112.2.1 ENCLOSING DWELLINGS. FENCES ENCLOSING DWELLINGS MAY BE AS HIGH AS, BUT MAY NOT EXCEED, 6 FEET (1.83 M) IF LOCATED IN SIDE OR REAR YARDS.

3112.2.2 ENCLOSING CERTAIN OTHER BUILDINGS. FENCES ENCLOSING BUILDINGS USED FOR PUBLIC ASSEMBLY, PRIVATE ASSEMBLY, INSTITUTIONS, OFFICES, COMMERCIAL STORAGE, OR INDUSTRIAL OCCUPANCIES MAY BE AS HIGH AS, BUT MAY NOT EXCEED, 8 FEET (2.44 M).

3112.2.3 SPECIAL PURPOSES. FOR SPECIAL PURPOSES LIKE PROTECTION AROUND DANGEROUS PLACES, HIGHLY HAZARDOUS OPERATIONS, OR ATHLETIC FIELDS, AND IN SIMILAR CASES WHERE A HIGH FENCE IS NECESSARY FOR THE SAFETY OF THE PUBLIC, FENCES MAY BE HIGHER THAN 8 FEET (2.44 M) TO THE EXTENT SPECIALLY AUTHORIZED BY THE BUILDING OFFICIAL.

3112.3 CONSTRUCTION. FENCES MAY BE BUILT OF ANY MATERIAL OR CONSTRUCTION THAT IS PERMITTED IN THIS CODE FOR EXPOSED STRUCTURES. HOWEVER, ALL FENCES MUST BE DESIGNED AND CONSTRUCTED, IN ACCORDANCE WITH THE APPLICABLE STRUCTURAL PROVISIONS OF THIS CODE, TO RESIST FROM ANY DIRECTION A HORIZONTAL FORCE OF 20 POUNDS PER SQUARE FOOT, APPLIED NORMAL TO AND OVER EITHER THE GROSS AREA OF THE FENCE OR THE NET AREA OF THE FENCE PLUS 50% OF THE GROSS AREA, WHICHEVER IS LESS.

3112.3.1 WOOD FENCES. THE POSTS FOR WOOD FENCES MUST BE:

1. LOCUST, HEART CEDAR, OR ANY OTHER WOOD THAT WILL RESIST DECAY UNDERGROUND,
2. ANY WOOD THAT HAS BEEN TREATED IN ACCORDANCE WITH THIS CODE, OR
3. ANY GOOD TIMBER SET IN CONCRETE.

3112.3.2 WIRE FENCES. WIRE FENCES MUST BE CONSTRUCTED WITH WIRE MESH SUBSTANTIALLY FABRICATED AND CONSTRUCTED SO AS TO RESIST A NOMINAL HORIZONTAL LOAD OF 500 POUNDS WITHOUT DEFLECTING MORE THAN 6 INCHES (152 MM). THE POSTS FOR WIRE FENCES MUST BE METAL POSTS SET IN CONCRETE, PROPERLY DESIGNED MASONRY POSTS, OR WOOD POSTS OF THE TYPE REQUIRED FOR WOOD FENCES.

3112.3.3 METAL FENCES. METAL FENCES MUST BE OF A SUBSTANTIAL DESIGN AND CONSTRUCTION APPROVED BY THE BUILDING OFFICIAL. THE POSTS FOR METAL FENCES MUST BE CONCRETE, MASONRY, OR METAL SET IN CONCRETE OR MASONRY.

3112.3.4 MASONRY FENCES. MASONRY FENCES MUST BE OF REINFORCED CONCRETE OR OTHER MASONRY AND MUST BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS GOVERNING REINFORCED CONCRETE OR FREESTANDING MASONRY WALLS. ALL MASONRY FENCES MUST EXTEND AT LEAST 2 FEET (0.61 M) INTO THE GROUND.

3112.3.5 COMBINATION FENCES. FENCES THAT CONSIST OF 2 OR MORE KINDS OF MATERIALS MAY BE BUILT AS LONG AS ALL APPLICABLE REQUIREMENTS OF THIS CODE FOR THOSE MATERIALS AND CONSTRUCTION ARE MET. THE TOTAL AGGREGATE HEIGHT OF A COMBINATION FENCE MUST BE USED IN DETERMINING THE HEIGHT LIMITATIONS FOR THAT FENCE.

3112.4 SHARP POINTS, PROJECTIONS, ETC. NO FENCE MAY HAVE ANY PROJECTING SHARP POINTS, JAGGED EDGES, OR OTHER PROJECTIONS THAT CAN INJURE PERSONS OR ANIMALS COMING IN CONTACT WITH THE FENCE.

3112.4.1 FENCE TOPS. NO FENCE LESS THAN 3 FEET 6 INCHES (1.07 M) HIGH MAY HAVE ANY SHARP PICKETS OR VERTICAL POINTED OBJECTS AT THE TOP. BARBED WIRE OR OTHER APPROVED RETARDING MATERIAL OR CONSTRUCTION MAY BE PLACED ON THE TOP OF ANY FENCE THAT IS MORE THAN 6 FEET 9 INCHES (2.06 M) HIGH, UNLESS THE BARBED WIRE OR OTHER RETARDING MATERIAL WILL CREATE A HIGHLY HAZARDOUS CONDITION.

3112.4.2 RAZOR WIRE. RAZOR WIRE MAY NOT BE USED ANYWHERE IN ANY FENCE.

3112.5 MAINTENANCE. EVERY FENCE MUST BE MAINTAINED IN GOOD REPAIR BY ITS OWNER. THE BUILDING OFFICIAL MAY DETERMINE THE SUFFICIENCY OF ANY FENCE AND THE AMOUNT AND CHARACTER OF REPAIRS REQUIRED TO MAKE IT SAFE.

3112.6 NONCONFORMING FENCES. ANY EXISTING FENCE THAT WAS COMPLIANT WHEN ERECTED BUT DOES NOT COMPLY WITH THE REQUIREMENTS OF THIS § 3112 IS PERMITTED TO CONTINUE TO EXIST AND BE REPAIRED AT ANY TIME, UNLESS THE FENCE HAS DETERIORATED MORE THAN 50%. ALL NONCONFORMING FENCES THAT HAVE DETERIORATED MORE THAN 50% OR BEYOND REPAIR MUST BE REMOVED OR RECONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS CODE.

SECTION 3113 RADIO AND TELEVISION ANTENNAS

3113.1 AIRCRAFT WARNING LIGHTS. RADIO AND TELEVISION ANTENNAS LOCATED ON A HIGH RISE BUILDING OR ON A HIGH TERRAIN FEATURE MUST COMPLY WITH FEDERAL AVIATION ADMINISTRATION REQUIREMENTS FOR AIRCRAFT WARNING LIGHTS.

SECTION 3114 LIGHTENING PROTECTION

3114.1 GENERAL. LIGHTENING PROTECTION FOR BUILDINGS AND STRUCTURES MUST COMPLY WITH NFIPA 780.

CHAPTER 32. ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY

SECTION 3201 GENERAL

3201.1 SCOPE. ***{AS IN IBC}***

3201.2 MEASUREMENT. ***{AS IN IBC}***

3201.3 OTHER LAWS. THIS CHAPTER DOES NOT PERMIT ANYTHING THAT IS OTHERWISE PROHIBITED OR REGULATED BY ANY LAW GOVERNING THE USE OF PUBLIC PROPERTY.

3201.3.1 PERMISSION NEEDED FOR ENCROACHMENTS. NO PERSON MAY USE, ENCROACH ON, OR CONNECT TO ANY STREET, HIGHWAY, ALLEY, OR OTHER PUBLIC RIGHT-OF-WAY FOR ANY PURPOSE UNLESS THAT PERSON FIRST OBTAINS PERMISSION TO DO SO BY:

1. AN ORDINANCE OF THE MAYOR AND CITY COUNCIL,
2. A MINOR PRIVILEGE PERMIT ISSUED BY OR UNDER THE AUTHORITY OF THE BOARD OF ESTIMATES, OR
3. AN APPROPRIATE PERMIT ISSUED BY THE DEPARTMENT OF PUBLIC WORKS.

3201.4 DRAINAGE GENERALLY. DRAINAGE MAY NOT BE DISCHARGED FROM PRIVATE PROPERTY ON TO THE PUBLIC RIGHT OF WAY EXCEPT THROUGH PIPING TO A STORM DRAIN, TO A STREET OR ALLEY, OR TO SOME OTHER WATER COURSE APPROVED BY THE DEPARTMENT OF PUBLIC WORKS. DRAINAGE MAY NOT BE DISCHARGED TO FLOW OVER THE SURFACE OF ANY PUBLIC SIDEWALK.

SECTION 3202 ENCROACHMENTS

3202.1 ENCROACHMENT BELOW GRADE. ***{AS IN IBC}***

3202.2 ENCROACHMENT ABOVE GRADE AND BELOW 8' IN HEIGHT. ***{AS IN IBC}***

3202.2.1 STEPS. STEPS MAY NOT PROJECT MORE THAN:

1. 1/4 OF THE WIDTH OF A PUBLIC SIDEWALK ON WHICH THE STEPS ARE LOCATED,
2. 4 FEET (1219 MM) INTO A PUBLIC SIDEWALK, OR
3. ANY DISTANCE THAT LEAVES A CLEAR PUBLIC SIDEWALK OF LESS THAN 4 FEET (1219 MM).

3202.2.2 ARCHITECTURAL FEATURES. ***{AS IN IBC}***

3202.2.3 AWNINGS. ***{AS IN IBC}***

3202.3 ENCROACHMENT 8' OR MORE ABOVE GRADE. ***{AS IN IBC}***

3202.4 TEMPORARY ENCROACHMENTS. ***{AS IN IBC}***

3202.5 UNAUTHORIZED ENCROACHMENT. IN THIS §3202.5, "UNAUTHORIZED ENCROACHMENT" MEANS ANY BUILDING, STRUCTURE, PROJECTION, OBJECT, OR OTHER THING THAT HAS BEEN PLACED, CONSTRUCTED, OR INSTALLED ON OR CONNECTED TO A PUBLIC RIGHT-OF-WAY WITHOUT APPROPRIATE PERMISSION, AS OUTLINED IN § 3201.3.1.

3202.5.1 REMOVAL OF UNAUTHORIZED ENCROACHMENTS. ON NOTICE FROM THE BUILDING OFFICIAL OR THE DIRECTOR OF PUBLIC WORKS, THE OWNER OF ANY UNAUTHORIZED ENCROACHMENT MUST IMMEDIATELY:

1. REMOVE THE ENCROACHMENT, OR
2. OBTAIN APPROPRIATE PERMISSION FOR ITS CONTINUATION.

CHAPTER 33. SAFEGUARDS DURING CONSTRUCTION

SECTION 3301 GENERAL

3301.1 SCOPE. ***{AS IN IBC}***

3301.2 STORAGE AND PLACEMENT. ***{AS IN IBC}***

~~**3301.3 PROHIBITED HOURS.** NO SITE WORK, DEMOLITION, PILE DRIVING, OR CONSTRUCTION IS PERMITTED WITHIN 300 FEET (91.44 M) OF ANY DWELLING BETWEEN 7:00 P.M. AND 7:00 A.M.~~

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 ***{AS IN IBC}***

SECTION 3303 DEMOLITION

3303.1 CONSTRUCTION DOCUMENTS. ***{AS IN IBC}***

3303.2 PEDESTRIAN PROTECTION. ***{AS IN IBC}***

3303.3 MEANS OF EGRESS. ***{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.

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 OF THIS CODE.

3303.5 WATER ACCUMULATION. ***{AS IN IBC}***

3303.6 UTILITY CONNECTIONS. ***{AS IN IBC}***

3303.7 NOTICE TO ADJOINING OWNERS AND OTHERS. A PERMIT TO DEMOLISH A STRUCTURE MAY NOT BE ISSUED UNLESS:

1. ALL NOTICES REQUIRED BY §§ 105.9 AND 3307.1 OF THIS CODE HAVE BEEN GIVEN, AND

2. COPIES OF THE NOTICES ARE SUBMITTED WITH THE PERMIT APPLICATION.

3303.8 DEMOLITION CONTRACTOR'S LICENSE. EXCEPT AS OTHERWISE SPECIFIED IN THIS § 3303.8, NO PERSON MAY ENGAGE IN THE DEMOLITION OF ANY STRUCTURE WITHOUT FIRST OBTAINING A DEMOLITION CONTRACTOR'S LICENSE FROM THE BUILDING OFFICIAL.

3303.8.1 PREREQUISITES. EVERY CONTRACTOR APPLYING FOR A NEW LICENSE OR FOR THE RENEWAL OF A LICENSE MUST:

1. PROVIDE THE BUILDING OFFICIAL WITH THE NAME AND ADDRESS OF THE CONTRACTOR'S BUSINESS,

2. PROVIDE THE BUILDING OFFICIAL WITH A COPY OF A LIABILITY INSURANCE POLICY THAT COMPLIES WITH § 3303.9 OF THIS CODE, AND

3. PROVIDE EVIDENCE SATISFACTORY TO THE BUILDING OFFICIAL THAT THE CONTRACTOR HAS OBTAINED A BOND THAT COMPLIES WITH § 3303.10 OF THIS CODE.

3303.8.2 TERM; FEES. A DEMOLITION CONTRACTOR'S LICENSE EXPIRES ON DECEMBER 31 OF EACH YEAR. THE LICENSE MAY BE RENEWED ANNUALLY, ON OR BEFORE DECEMBER 31, ON PAYMENT OF THE RENEWAL FEE. THE LICENSE FEES ARE AS SET BY THE BUILDING OFFICIAL WITH THE APPROVAL OF THE BOARD OF ESTIMATES.

3303.8.3 CHANGE OF NAME OR ADDRESS. A LICENSEE MUST IMMEDIATELY NOTIFY THE BUILDING OFFICIAL OF ANY CHANGE IN THE NAME OR ADDRESS OF THE LICENSEE'S BUSINESS.

3303.8.4 USE OF LICENSE BY OTHER. A LICENSEE MAY NOT ALLOW HIS OR HER NAME TO BE USED BY ANOTHER PERSON FOR THE PURPOSE OF OBTAINING PERMITS OR FOR DOING ANY DEMOLITION WORK UNDER THE LICENSEE'S LICENSE.

3303.8.5 EXCEPTION. THE BUILDING OFFICIAL MAY WAIVE THE REQUIREMENTS OF THIS § 3303.8 IF THE STRUCTURE TO BE DEMOLISHED IS A MISCELLANEOUS STRUCTURE AS DESCRIBED IN § 312 OF THIS CODE.

3303.8.6 ENFORCEMENT. A VIOLATION NOTICE IS NOT A PREREQUISITE TO THE ENFORCEMENT OF THIS § 3303.8 BY ANY APPROPRIATE LEGAL PROCEEDING. PENALTIES WILL BE ASSESSED IN ACCORDANCE WITH § 113 OF THIS CODE.

3303.8.7 DEBARMENT ON CONVICTION. ANY PERSON CONVICTED OF A VIOLATION OF THIS § 3303.8 IS, IN ADDITION TO ANY OTHER PENALTY THAT MIGHT BE IMPOSED:

1. PROHIBITED FROM PERFORMING DEMOLITION WORK WITHOUT FIRST OBTAINING A NEW LICENSE, AND

2. IS INELIGIBLE TO RECEIVE A NEW LICENSE FOR 6 MONTHS.

3303.9 DEMOLITION INSURANCE. THE LICENSEE MUST HAVE AN INSURANCE POLICY THAT COMPLIES WITH THE MINIMUM REQUIREMENTS OF THIS § 3303.9.

3303.9.1 COVERAGE. THE POLICY MUST PROVIDE COVERAGE FOR ALL OPERATIONS FOR WHICH A PERMIT MIGHT BE SOUGHT. THE MINIMUM COVERAGE REQUIREMENTS ARE:

1. $100,000 FOR DAMAGES (INCLUDING DAMAGES FOR CARE AND LOSS OF SERVICES) BECAUSE OF BODILY INJURY (INCLUDING DEATH AT ANY TIME RESULTING FROM BODILY INJURY), PER PERSON, PER INCIDENT,

2. $300,000 FOR DAMAGES (INCLUDING DAMAGES FOR CARE AND LOSS OF SERVICES) BECAUSE OF BODILY INJURY (INCLUDING DEATH AT ANY TIME RESULTING FROM BODILY INJURY) SUSTAINED BY MORE THAN 1 PERSON PER INCIDENT, AND

3. $25,000 FOR INJURY TO OR DESTRUCTION OF PROPERTY OF OTHERS PER INCIDENT.

3303.9.2 PROHIBITED EXCLUSIONS. THE POLICY MAY NOT CONTAIN:

1. ANY "COLLAPSE HAZARD" EXCLUSION,

2. ANY EXCLUSION THAT WOULD PROHIBIT THE CONTRACTOR FROM PERFORMING THE DEMOLITION OPERATIONS IN ACCORDANCE WITH THIS CODE AND THE NORMAL PROCEDURES OF THE INDUSTRY, OR

3. ANY EXCLUSION THAT WOULD CREATE AN UNDUE RISK TO THE CITY OR TO THE HEALTH, SAFETY, AND WELFARE OF THE GENERAL PUBLIC.

3303.9.3 CANCELLATION. THE TERMS OF POLICY MUST PROVIDE EITHER:

1. THAT THE POLICY MAY NOT BE CANCELED DURING THE DURATION OF THE OPERATIONS TO BE PERFORMED, OR

2. THAT THE BUILDING OFFICIAL WILL BE NOTIFIED IN WRITING, AT LEAST 15 DAYS BEFORE THE POLICY IS CANCELED.

3303.10 DEMOLITION BOND. THE LICENSEE MUST POST A BOND THAT COMPLIES WITH THE MINIMUM REQUIREMENTS OF THIS § 3303.10.

3303.10.1. AMOUNT. THE BOND MUST BE IN THE AMOUNT OF AT LEAST:

1. $10,000, OR

2. ANY HIGHER AMOUNT SET BY THE BUILDING OFFICIAL.

3303.10.2 TENOR OF BOND. THE BOND MUST BE CONDITIONED ON:

1. THE CONTRACTOR'S COMPLIANCE WITH THIS CODE, WITH THE RULES AND REGULATIONS ADOPTED UNDER THIS CODE, AND WITH ALL OTHER APPLICABLE LAWS OF THE STATE AND THE CITY,

2. THE CONTRACTOR'S INDEMNIFYING THE CITY FROM ALL COSTS, EXPENSES, DAMAGES, INJURY, AND LOSS THAT RESULT FROM ANY WRONGDOING, MISCONDUCT, WANT OF CARE OR SKILL, NEGLIGENCE, OR DEFAULT ON THE PART OF THE CONTRACTOR OR ANY OF THE CONTRACTOR'S AGENTS OR EMPLOYEES IN THE PERFORMANCE OF THEIR OPERATIONS, AND

3. THE CONTRACTOR'S FURTHER INDEMNIFYING THE CITY FROM ALL EXPENSES INCURRED IN CORRECTING ANY OF THE CONTRACTOR'S WORK THAT IS CONSIDERED HARMFUL TO THE SAFETY, HEALTH, AND WELFARE OF THE GENERAL PUBLIC OR THAT ADVERSELY AFFECTS ADJOINING PROPERTY.

3303.10.3 BOND CONTINUITY. THE BOND MUST BE CONTINUOUS, PROVIDING INDEMNIFICATION IN THE MINIMUM AMOUNT REQUIRED FOR EACH YEAR THAT THE BOND IS VALID. THE TERMS OF THE BOND MUST PROVIDE THAT THE BUILDING OFFICIAL AND THE CONTRACTOR WILL BE NOTIFIED BY THE SURETY AT LEAST 30 DAYS BEFORE THE BOND IS CANCELED.

3303.10.4 PENALTY FOR CANCELLATION. IF THE BOND IS CANCELED AND THE CONTRACTOR FAILS TO PROVIDE A NEW BOND BEFORE THE CANCELLATION IS EFFECTIVE, THE CONTRACTOR'S LICENSE AND ALL OUTSTANDING WORK PERMITS ARE AUTOMATICALLY SUSPENDED. THE SUSPENSION CONTINUES UNTIL THE CONTRACTOR PROVIDES A NEW BOND THAT COMPLIES WITH THIS § 3303.10.

3303.10.5 CONTINUITY OF LIABILITY. THE TERMS OF THE BOND MUST PROVIDE THAT, NOTWITHSTANDING ITS CANCELLATION, THE SURETY AND THE CONTRACTOR REMAIN LIABLE FOR DEFECTS DISCOVERED WITHIN 12 MONTHS AFTER THE WORK IS COMPLETED, AS PROVIDED IN § 3303.27 OF THIS CODE.

3303.10.6 UNSATISFACTORY SURETY. IF AT ANY TIME THE BUILDING OFFICIAL CONSIDERS THE SURETY ON THE BOND TO BE UNSATISFACTORY, THE BUILDING OFFICIAL MUST GIVE THE CONTRACTOR WRITTEN NOTICE TO THAT EFFECT. WITHIN 10 DAYS OF THE NOTICE, THE CONTRACTOR MUST PROVIDE A NEW BOND, IN THE SAME PENALTY AND ON THE SAME CONDITIONS, WITH A SURETY SATISFACTORY TO THE BUILDING OFFICIAL. IF THE CONTRACTOR FAILS TO PROVIDE THE NEW BOND WITHIN 10 DAYS, THE BUILDING OFFICIAL MUST IMMEDIATELY REVOKE EVERY OUTSTANDING PERMIT FOR WHICH THE WORK REMAINS UNCOMPLETED 1 YEAR AFTER ITS ISSUANCE AND IMMEDIATELY SUSPEND THE CONTRACTOR'S LICENSE UNTIL A SATISFACTORY BOND IS PROVIDED.

3303.11 TO 3303.12 ***{RESERVED}***

3303.13 DEMOLITION PERMITS. EACH APPLICATION FOR A DEMOLITION PERMIT MUST:

1. COMPLY WITH § 105 OF THIS CODE,

2. EXCEPT AS PROVIDED IN § 3303.13.1, BE ACCOMPANIED BY A CERTIFICATE OF INSURANCE THAT EVIDENCES COMPLIANCE WITH § 3303.9, AND

3. BE ACCOMPANIED BY AN AFFIDAVIT TO THE BUILDING OFFICIAL THAT ALL CONTRACTS AND OTHER ARRANGEMENTS COMPLYING WITH THIS CODE HAVE BEEN MADE.

3303.13.1 ALTERNATIVE CERTIFICATE OF CONTINUING INSURANCE. INSTEAD OF PROVIDING A SEPARATE CERTIFICATE FOR EACH PERMIT, A CONTRACTOR MAY PROVIDE ONE GENERAL CERTIFICATE OF CONTINUING INSURANCE, AS LONG AS THE CERTIFICATE EVIDENCES:

1. THE REQUIRED COVERAGE FOR ALL WORK TO BE PERFORMED BY THE CONTRACTOR, AND

2. THE INSURER'S OBLIGATION TO NOTIFY THE BUILDING OFFICIAL, IN WRITING, AT LEAST 15 DAYS BEFORE THE POLICY IS CANCELED.

3303.14 TO 3303.15 ***{RESERVED}***

3303.16 METHODS OF DEMOLITION. THE FOLLOWING METHODS MUST BE USED FOR THE DEMOLITION OF A STRUCTURE:

1. THE DEMOLITION MUST BE PERFORMED IN APPROXIMATELY THE REVERSE ORDER IN WHICH THE STRUCTURE WAS ERECTED. WHERE UNUSUAL CONDITIONS EXIST, THE BUILDING OFFICIAL MAY AUTHORIZE A DIFFERENT METHOD.

2. STRUCTURAL ELEMENTS MUST BE CAREFULLY DISSEMBLED TO AVOID COLLAPSE.

3. HEAVY PIECES OF STONE OR OTHER HEAVY AND BULKY MATERIALS OR EQUIPMENT MUST BE CAREFULLY HANDLED IN ACCORDANCE WITH §§ 3304 THROUGH 3312 OF THIS CODE.

3303.17 USE OF EXPLOSIVES. THE USE OF EXPLOSIVES IS GENERALLY PROHIBITED. EXPLOSIVES FOR DEMOLITION BY IMPLOSION MAY BE USED BY SPECIAL PERMIT FROM THE BUILDING OFFICIAL.

3303.18 PARTIAL DEMOLITION. BUILDING ELEMENTS THAT BECOME EXPOSED AS RESULT OF A PARTIAL DEMOLITION MUST BE PROPERLY FINISHED, BRACED, OR OTHERWISE MADE SAFE.

3303.19 ***{RESERVED}***

3303.20 ***{RESERVED}***

3303.21 REMOVAL OF DEBRIS. THE REQUIREMENTS OF THIS SECTION ARE IN ADDITION TO THOSE OF § 3302.2.

3303.21.1 GENERAL REQUIREMENTS. DEBRIS ON UPPER FLOORS MUST BE LOWERED TO GROUND LEVEL:

1. IN RECEPTACLES, BY ELEVATORS OR HOISTS, OR

2. IN TIGHT AND COMPLETELY ENCLOSED CHUTES.

3303.21.2 CHUTE REQUIREMENTS. NO CHUTE USED FOR THIS PURPOSE MAY EXTEND IN AN UNBROKEN LINE THAT IS MORE THAN 25 FEET (7.62 M) WITHOUT SUITABLE BARRIERS TO PREVENT DEBRIS FROM FALLING TOO FAST. EACH CHUTE MUST BE EQUIPPED WITH A PROPER GATE OR STOP AT THE BOTTOM TO CONTROL THE FLOW OF MATERIALS FROM THE CHUTE.

3303.22 ***{RESERVED}***

3303.23 DISPOSITION OF RECYCLABLE DEBRIS. WHENEVER RECYCLABLE DEBRIS TO BE CLEARED FROM A SITE EXCEEDS 5 TONS, AT LEAST 30% OF THAT RECYCLABLE DEBRIS MUST BE IMMEDIATELY TRANSPORTED TO A LICENSED RECYCLING FIRM FOR EXPORT OUT OF THE CITY.

3303.23.1 "RECYCLABLE DEBRIS" DEFINED. IN THIS SECTION:

1. "RECYCLABLE DEBRIS" MEANS, EXCEPT AS SPECIFIED IN ~~ITEM B~~ PARAGRAPH 2, MATERIALS THAT:

   A. IF NOT RECYCLED, WOULD BECOME SOLID WASTE FOR DISPOSAL IN A SOLID WASTE ACCEPTANCE FACILITY, AND

   B. MAY BE COLLECTED, SEPARATED, OR PROCESSED AND RETURNED TO THE MARKETPLACE IN THE FORM OF RAW MATERIALS OR PRODUCTS.

2. "RECYCLABLE DEBRIS" DOES NOT INCLUDE MATERIALS THAT ARE:

   A. DERIVED SOLELY FROM THE DEMOLITION OF A 1- OR 2-FAMILY DWELLING, AND

   B. DISPOSED OF AT THE CITY'S QUARANTINE LANDFILL.

3303.24 TO 3303.25 ***{RESERVED}***

3303.26 CORRECTION OF INJURIOUS CONDITIONS. THIS SECTION APPLIES TO ANY DEMOLITION CONTRACTOR WHO:

1. PERFORMS ANY DEMOLITION WORK THAT CREATES A CONDITION THAT VIOLATES THIS CODE OR A CONDITION THAT MIGHT BE INJURIOUS TO THE GENERAL PUBLIC OR ADJOURNING TO ADJOINING PROPERTIES, AND

2. REFUSES OR FAILS TO CORRECT THE CONDITION IN THE MANNER AND TIME REQUIRED BY THIS CODE.

3303.26.1 FIRST RIGHT OF SURETY TO CORRECT. EXCEPT IN AN EMERGENCY, THE BUILDING OFFICIAL MUST:

1. NOTIFY THE SURETY ON THE BOND OF THE CONTRACTOR'S REFUSAL OR FAILURE, AND

2. ALLOW THE SURETY TO CORRECT THE CONDITION WITHIN THE TIME THE BUILDING OFFICIAL DIRECTS.

3303.26.2 CORRECTION BY BUILDING OFFICIAL. IF THE SURETY REFUSES OR FAILS TO CORRECT THE CONDITION OR IF AN EMERGENCY OCCURS AS A RESULT THE CONDITION, THE BUILDING OFFICIAL MAY CORRECT THE CONDITION OR PERFORM ANY OTHER OPERATIONS NECESSARY TO BRING THE DEMOLITION OPERATIONS INTO COMPLIANCE WITH THIS CODE. ALL WORK THE BUILDING OFFICIAL PERFORMS UNDER THIS SECTION IS AT THE EXPENSE OF THE CONTRACTOR AND CHARGEABLE TO AND COLLECTIBLE FROM THE CONTRACTOR'S SURETY.

3303.26.3 CONTRACTOR NOT RELIEVED OF RESPONSIBILITY. THE BUILDING OFFICIAL'S PERFORMANCE OF ANY WORK UNDER THIS SECTION DOES NOT RELIEVE THE CONTRACTOR FROM RESPONSIBILITY FOR ALL WORK PERFORMED BY THE CONTRACTOR. ANY REMEDIES OR PENALTIES PROVIDED IN THIS SECTION ARE IN ADDITION TO ANY OTHER REMEDIES OR PENALTIES PROVIDED BY LAW.

3303.27 LIMITS OF LIABILITY. THE LIABILITY OF ANY CONTRACTOR FOR MATERIALS FURNISHED OR WORK DONE UNDER THIS CODE AND THE LIABILITY OF THE CONTRACTOR'S SURETY DOES NOT EXTEND TO DEFECTS IN MATERIALS OR WORKMANSHIP DISCOVERED MORE THAN 12 MONTHS AFTER THE COMPLETION OF THE WORK. THE CONTRACTOR AND SURETY ARE RESPONSIBLE TO THE CITY TO CORRECT ALL DEFECTS DISCOVERED DURING THIS 12-MONTH PERIOD AND ABOUT WHICH THEY WERE NOTIFIED IN WRITING.

3303.28 OWNER'S RESPONSIBILITY. NOTWITHSTANDING THE LIMITED LIABILITIES OF THE CONTRACTOR AND THE SURETY, THE OWNER OF THE PROPERTY IS RESPONSIBLE AT ALL TIMES TO THE CITY TO CORRECT ANY DEFECTS IN THE OPERATIONS PERFORMED ON HIS OR HER PROPERTY.

3303.29 PENALTY FOR VIOLATION. ON A CONTRACTOR'S REFUSAL OR FAILURE TO CORRECT ANY VIOLATION, THE CONTRACTOR'S LICENSE AND ALL OUTSTANDING WORK PERMITS ARE AUTOMATICALLY SUSPENDED. THE SUSPENSION CONTINUES UNTIL THE VIOLATION IS CORRECTED.

SECTION 3304 SITE WORK ***{AS IN IBC}***

SECTION 3305 SANITARY FACILITIES

3305.1 FACILITIES REQUIRED. SANITARY FACILITIES MUST BE PROVIDED DURING CONSTRUCTION, REMODELING, OR DEMOLITION ACTIVITIES IN ACCORDANCE WITH THE NATIONAL STANDARD PLUMBING CODE.

SECTION 3306 PROTECTION OF PEDESTRIANS ***{AS IN IBC}***

SECTION 3307 PROTECTION OF ADJOINING PROPERTY

3307.1 PROTECTION REQUIRED. ***{AS IN IBC}***

3307.2 SHARED ELEMENTS – GENERAL. REPAIRS TO ELEMENTS SHARED BY A DEMOLISHED OR MOVED STRUCTURE AND AN ADJOINING STRUCTURE MUST COMPLY WITH ALL APPLICABLE PROVISIONS OF THIS CODE.

3307.3 SHARED ELEMENTS – WALLS. PARTY WALLS MUST BE REPAIRED AND FINISHED BY THE OWNER OF THE DEMOLISHED OR MOVED STRUCTURE. THE REPAIRS MUST INCLUDE:

1. RESTORATION OR REPLACEMENT OF ANY FLASHING ON ADJOINING PROPERTY THAT HAS BEEN BROKEN OR DAMAGED DURING THE OPERATIONS,

2. REMOVAL OF ALL PLASTER FROM THE EXPOSED SIDE OF THE WALL, AND

3. CLEANING AND FINISHING THE WALL WITH APPROVED WATER-PROOF MATERIAL.

SECTIONS 3308 TO 3312 ***{AS IN IBC}***

SECTION 3313 RODENTICIDE PROCEDURE

3313.1 CERTIFICATION REQUIRED. BEFORE ANY STRUCTURE MAY BE DEMOLISHED, MOVED TO ANOTHER SITE, OR SUBSTANTIALLY REHABILITATED, THE APPLICANT FOR A PERMIT MUST PROVIDE CERTIFICATION FROM A PESTICIDE APPLICATOR LICENSED BY THE STATE OF MARYLAND THAT ALL AREAS OF THE STRUCTURE AND ITS LOT ARE FREE FROM RODENT INFESTATION. A CERTIFICATION OF TREATMENT AND ABATEMENT OF ALL INFESTATION MUST ACCOMPANY THE PERMIT APPLICATION.

3313.2 TREATMENT REQUIRED. STRUCTURES OR LOTS FOUND TO BE INFESTED MUST BE TREATED BY A LICENSED PESTICIDE APPLICATOR BEFORE DEMOLITION, MOVING, OR REHABILITATION.

SECTION 3314 UNSAFE WALLS

3314.1 PRESUMPTION. FOR PURPOSES OF THIS § 3314, ANY LOAD-BEARING WALL THAT IS CRACKED OR BOWED AND ANY 4-INCH LOAD-BEARING WALL IS CONSIDERED A STRUCTURALLY UNSAFE WALL UNLESS CERTIFIED TO BE SAFE BY A PROFESSIONAL STRUCTURAL ENGINEER LICENSED IN MARYLAND.

3314.2 REMOVAL OR CORRECTION REQUIRED. ANY STRUCTURALLY UNSAFE WALL THAT REMAINS AFTER THE DEMOLITION OR MOVING OF A STRUCTURE MUST BE:

1. REMOVED AND REPLACED AS REQUIRED BY ALL APPLICABLE SECTIONS OF THIS CODE, OR

2. IN THE CASE OF A PARTY WALL, CORRECTED AS PROVIDED IN § 3314.3.

3314.3 PARTY WALLS. IF THE STRUCTURALLY UNSAFE WALL THAT REMAINS IS A PARTY WALL, THE OWNER OF THE STRUCTURE BEING DEMOLISHED OR REMOVED MUST:

1. REMOVE ALL OR ANY PART OF THE WALL THAT THE BUILDING OFFICIAL CONSIDERS DANGEROUS, AND

2. RECONSTRUCT AND DO ALL OTHER NECESSARY WORK TO PROPERLY ENCLOSE THE ADJOINING STRUCTURE.

SECTION 3315 OPERATIONS NOT TO CAUSE NUISANCE

3315.1 SCOPE. THIS SECTION APPLIES TO ALL OPERATIONS THAT INVOLVE:

1. MOVING OR DEMOLISHING ANY STRUCTURE, OR

2. REMOVING ANY MACHINERY OR EQUIPMENT FROM ANY STRUCTURE TO BE MOVED OR DEMOLISHED.

3315.2 WORK TO AVOID NUISANCE. ALL OPERATIONS OF THE SORT DESCRIBED IN § 3315.1 MUST BE CONDUCTED SO THAT:

1. NO MATERIAL, OBJECT, OR THING IS ALLOWED TO FALL IN OR ON ANY STRUCTURE OR PREMISES OR ANY ALLEY OR OTHER PUBLIC WAY,

2. ALL MATERIALS, OBJECTS, AND THINGS ARE WELL WETTED DOWN OR OTHERWISE TREATED AS NEEDED TO PREVENT DUST OR OTHER AIRBORNE DEBRIS, AND

3. NO NUISANCE IS OTHERWISE CREATED IN THE VICINITY OF THE OPERATIONS.

3315.3 STOP WORK ORDER. IF ANY OPERATION VIOLATES THESE REQUIREMENTS, THE BUILDING OFFICIAL MUST ISSUE A STOP WORK ORDER. WORK MAY RESUME ONLY AFTER THE VIOLATION HAS BEEN CORRECTED AND MEASURES TAKEN TO PREVENT A RECURRENCE.

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

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 ICC ELECTRICAL CODE,
   SUBSTITUTE **NATIONAL ELECTRICAL CODE (2005 EDITION)**.

2. FOR INTERNATIONAL FUEL GAS CODE,
   SUBSTITUTE **NATIONAL FUEL GAS CODE (2006 EDITION)**.

3. FOR INTERNATIONAL PLUMBING CODE,
   SUBSTITUTE **NATIONAL STANDARD PLUMBING CODE (2006 EDITION, 2007 SUPPLEMENT)**.

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.

3601.2 EXCLUSIONS. THIS CHAPTER DOES NOT APPLY TO:

1 ADDITIONS TO OR REMODELINGS OF EXISTING BUILDINGS, OR

2. NEW CONSTRUCTION FOR WHICH CITY FUNDING OR ASSISTANCE IS LIMITED TO EITHER OR BOTH:

   A. A PROPERTY TAX CREDIT UNDER CITY CODE ARTICLE 28, § 10-5 {"NEWLY CONSTRUCTED BUILDINGS"}, AND

   B. WAIVER OF A CITY LIEN ON PROPERTY WHERE THE LIEN EXCEEDS THE VALUE OF THE PROPERTY.

SECTION 3602 ACCESSIBLE ENTRY

3602.1 REQUIREMENTS. EVERY DWELLING THAT IS SUBJECT TO THIS CHAPTER MUST PROVIDE AT LEAST 1 ENTRANCE THAT:

1. IS ACCESSIBLE TO, AND USABLE BY, A PERSON WITH A MOBILITY DISABILITY,

2. DOES NOT INCLUDE STEPS,

3. HAS A LEVEL CHANGE (INCLUDING ANY LEVEL CHANGE AT THRESHOLD) THAT DOES NOT EXCEED ½ INCH AND, IF THE LEVEL CHANGE EXCEEDS ¼ INCH, IS BEVELED, AND

4. IS LOCATED ON A CONTINUOUS UNOBSTRUCTED PATH THAT, THROUGH THE USE AS NECESSARY OR APPROPRIATE OF CURB RAMPS, PARKING ACCESS AISLES, WALKS, RAMPS, ELEVATORS, LIFTS, AND THE LIKE:

   A. CONNECTS THE LOT ENTRANCE TO THE DWELLING ENTRANCE, AND

B. CAN BE NEGOTIATED BY A PERSON WITH A DISABILITY WHO USES A WHEELCHAIR, BY A PERSON WITH A DISABILITY WHO DOES NOT REQUIRE USE OF A WHEELCHAIR, AND BY A PERSON WITHOUT A DISABILITY.

SECTION 3603 ACCESSIBLE INTERIOR

3603.1 "ENTRY LEVEL" DEFINED. IN THIS § 3603, "ENTRY LEVEL" MEANS THE LEVEL AT WHICH AN ACCESSIBLE ENTRANCE IS PROVIDED UNDER § 3602.1.

3603.2 INTERIOR DOORS. ON THE ENTRY LEVEL OF THE DWELLING, EACH DOOR DESIGNED TO ALLOW PASSAGE MUST HAVE AN UNOBSTRUCTED OPENING OF AT LEAST 32 INCHES WHEN THE DOOR IS OPEN AT A 90-DEGREE ANGLE.

3603.3 ENVIRONMENTAL CONTROLS.

3603.3.1 "ENVIRONMENTAL CONTROL" DEFINED. IN THIS § 3603.3, "ENVIRONMENTAL CONTROL" MEANS ANY SWITCH OR DEVICE THAT CONTROLS OR REGULATES LIGHTS, TEMPERATURE, FUSES, FANS, DOORS, SECURITY SYSTEMS, OR SIMILAR FEATURES INCLUDED IN THE CONSTRUCTION OF THE DWELLING UNIT.

3603.3.2 REQUIREMENTS. ON THE ENTRY LEVEL OF THE DWELLING, EACH ENVIRONMENTAL CONTROL MUST BE LOCATED:

1. NO HIGHER THAN 48 INCHES ABOVE THE FLOOR AND NO LOWER THAN 15 INCHES ABOVE THE FLOOR, AND

2. IF AN ENVIRONMENTAL CONTROL IS LOCATED DIRECTLY ABOVE A COUNTER, SINK, OR APPLIANCE, NO HIGHER THAN 3 INCHES ABOVE THE COUNTER, SINK, OR APPLIANCE.

3603.4 HABITABLE SPACE. THE ENTRY LEVEL OF THE DWELLING MUST CONTAIN AT LEAST 1 INTERIOR ROOM THAT:

1. HAS AN AREA OF NOT LESS THAT 108 SQ. FT., AND

2. CONTAINS NO SIDE OR DIMENSION NARROWER THAN 9 FEET.

3603.5 BATHROOM. THE ENTRY LEVEL OF THE DWELLING MUST CONTAIN AT LEAST 1 BATHROOM THAT CONTAINS:

1. A TOILET,

2. A SINK,

3. REINFORCED WALLS AT THE TOILET, TO ALLOW FOR FUTURE INSTALLATION OF GRAB BARS, AND

4. THE FOLLOWING MINIMUM DIMENSIONS:

   A. 30"-BY-48" OF CLEAR FLOOR SPACE OUTSIDE OF THE DOOR SWING,

   B. 30"-BY-48" OF CLEAR FLOOR SPACE PARALLEL TO AND CENTERED ON THE SINK, AND

   C. 48"-BY-56" OF CLEAR FLOOR SPACE AT THE TOILET FOR A SIDE APPROACH.

SECTION 3604 WAIVERS

3604.1 GENERAL. THE BUILDING OFFICIAL MAY GRANT A WAIVER FROM ONE OR MORE OF THE REQUIREMENTS OF THIS CHAPTER IF:

1. THE COST OF GRADING THE TERRAIN TO MEET THE REQUIREMENT IS DISPROPORTIONATELY EXPENSIVE IN RELATION TO THE VALUE OF THE DWELLING,

2. THE WIDTH OF THE LOT IS LESS THAN 16 FEET, OR

3. COMPLIANCE WITH THE REQUIREMENT IS PRECLUDED OR LIMITED BECAUSE OF THE LOT'S LOCATION IN A FEDERAL, STATE, OR CITY HISTORIC DISTRICT.

3604.1.1 "DISPROPORTIONATELY EXPENSIVE" DEFINED. FOR PURPOSES OF THIS SECTION, "DISPROPORTIONATELY EXPENSIVE" MEANS THAT THE COST OF GRADING THE TERRAIN TO MEET THE REQUIREMENT EXCEEDS 5% OF THE FAIR MARKET VALUE OF THE UNIMPROVED PROPERTY.

SECTION 3605 RELATIONSHIP TO OTHER LAWS.

3605.1 FEDERAL AND STATE LAWS. FEDERAL AND STATE LAWS ALSO GOVERN MULTIPLE-FAMILY DWELLINGS AND PUBLIC ACCOMMODATIONS. NEWLY CONSTRUCTED MULTIPLE-FAMILY DWELLINGS MAY ALSO BE SUBJECT TO THE FEDERAL AMERICANS WITH DISABILITIES ACT AND THE FEDERAL FAIR HOUSING ACT AND THEIR RESPECTIVE GUIDELINES.

3605.2 CITY LAW. THIS CHAPTER APPLIES TO SOME DWELLINGS THAT ARE NOT COVERED BY FEDERAL OR STATE LAW, SUCH AS NEWLY-CONSTRUCTED SINGLE-FAMILY DWELLINGS.

3605.3 MORE RESTRICTIVE LAW CONTROLS. TO THE EXTENT THAT THE PROVISIONS OF THIS CHAPTER ARE NOT IDENTICAL TO FEDERAL OR STATE LAWS, THE MORE RESTRICTIVE LAW CONTROLS.

APPENDICES

APPENDIX A. EMPLOYEE QUALIFICATIONS
{NOT ADOPTED}

APPENDIX B. BOARD OF APPEALS
{NOT ADOPTED}

APPENDIX C. GROUP U – AGRICULTURAL BUILDINGS
{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 OF THIS CODE, AND

2. OF 1 OF THE FOLLOWING TYPES OF CONSTRUCTION, AS DEFINED IN CHAPTER 6 AND REGULATED IN TABLES 601 AND 602 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 OF THIS CODE.

D104 TO D106 ***{NOT ADOPTED}***

APPENDIX E. SUPPLEMENTARY ACCESSIBILITY REQUIREMENTS
{NOT ADOPTED}

APPENDIX F. RODENT PROOFING
{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.

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 G901 ***{AS IN IBC}***

APPENDIX H. SIGNS

SECTION H101 GENERAL ***{AS IN IBC}***

SECTION H102 DEFINITIONS ***{AS IN IBC}***

SECTION H103 LOCATION

H103.1 GENERAL RESTRICTIONS. ***{AS IN IBC}***

H103.2 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.

SECTION H104 IDENTIFICATION ***{AS IN IBC}***

SECTION H105 DESIGN AND CONSTRUCTION ***{AS IN IBC}***

SECTION H106 ELECTRICAL

H106.1 ILLUMINATION. A SIGN MAY NOT BE ILLUMINATED BY OTHER THAN ELECTRICAL MEANS, AND ELECTRICAL DEVICES AND WIRING MUST BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE. NO OPEN SPARK OR FLAME MAY BE USED FOR DISPLAY PURPOSES UNLESS SPECIFICALLY APPROVED.

H106.1.1 INTERNALLY ILLUMINATED SIGNS. ***{AS IN IBC}***

H106.2 ELECTRICAL SERVICE. SIGNS THAT REQUIRE ELECTRICAL SERVICE MUST COMPLY WITH THE NATIONAL ELECTRICAL CODE.

SECTION H107 COMBUSTIBLE MATERIALS ***{AS IN IBC}***

SECTION H108 ANIMATED DEVICES ***{AS IN IBC}***

SECTION H109 GROUND SIGNS ***{AS IN IBC}***

SECTION H110 ROOF SIGNS ***{AS IN IBC}***

SECTION H111 WALL SIGNS ***{AS IN IBC}***

SECTION H112 PROJECTING SIGNS

H112.1 – H112.5 ***{AS IN IBC}***

H112.6 CLEARANCE. A VERTICAL CLEARANCE OF 10 FEET (3.05M) MUST BE MAINTAINED BELOW EACH PROJECTING SIGN.

SECTION H113 MARQUEE SIGNS ***{AS IN IBC}***

SECTION H114 PORTABLE SIGNS ***{AS IN IBC}***

TABLES 4-A AND 4-B ***{AS IN IBC}***

SECTION H115 REFERENCED STANDARDS ***{SUBSTITUTE "NATIONAL ELECTRICAL CODE" FOR "ICC ELECTRICAL CODE". OTHERWISE, AS IN IBC.}***

APPENDIX I. PATIO COVERS
{AS IN IBC}

APPENDIX J. GRADING
{AS IN IBC}

APPENDIX K. ICC ELECTRICAL CODE
{NOT ADOPTED}

PART III. NATIONAL ELECTRICAL CODE

§ 3-101. CITY ADOPTION.

(A) *IN GENERAL.*

THE NATIONAL ELECTRICAL CODE (2005 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 III.

(B) *CODIFICATION.*

UNLESS OTHERWISE SPECIFIED, CHAPTER, ARTICLE, AND SECTION NUMBERS IN THIS PART III REFER TO THE CHAPTER, ARTICLE, AND SECTION NUMBERS OF THE NATIONAL ELECTRICAL CODE.

§ 3-102. CITY MODIFICATIONS.

THE ADDITIONS, DELETIONS, AMENDMENTS, AND OTHER MODIFICATIONS ADOPTED BY THE CITY ARE AS FOLLOWS:

INTRODUCTION

ARTICLE 90. INTRODUCTION

SECTIONS 90.1 TO 90.4. ***{AS IN NEC}***

SECTION 90.5. MANDATORY RULES, PERMISSIVE RULES, AND EXPLANATORY MATERIAL.

(A) MANDATORY RULES. MANDATORY RULES OF THIS CODE ARE THOSE THAT IDENTIFY ACTIONS THAT ARE SPECIFICALLY REQUIRED OR PROHIBITED AND ARE CHARACTERIZED BY THE USE OF THE FOLLOWING TERMS:

(1) FOR IMPOSING A DUTY OR CONDITION PRECEDENT, "SHALL" OR "MUST", AND

(2) FOR PROHIBITING ACTION, "SHALL NOT", "MAY NOT", OR "NO ... MAY".

(B) PERMISSIVE RULES. PERMISSIVE RULES OF THIS CODE ARE THOSE THAT IDENTIFY ACTIONS THAT ARE ALLOWED BUT NOT REQUIRED, ARE NORMALLY USED TO DESCRIBE OPTIONS OR ALTERNATIVE METHODS, AND ARE CHARACTERIZED BY THE USE OF THE FOLLOWING TERMS:

(1) FOR DISCRETIONARY AUTHORITY, "SHALL BE PERMITTED", "IS PERMITTED", OR "MAY", AND

(2) FOR NEGATING A DUTY OR CONDITION PRECEDENT, "SHALL NOT BE REQUIRED", "IS NOT REQUIRED", OR "NEED NOT".

(C) EXPLANATORY MATERIAL. ***{AS IN NEC}***

SECTIONS 90.6 TO 90.9. ***{AS IN NEC}***

CHAPTER 1. GENERAL

ARTICLE 100. DEFINITIONS

SECTION 100.1. IN GENERAL.

EXCEPT AS PROVIDED IN § 100.2, TERMS THAT ARE USED IN THESE REGULATIONS AND DEFINED IN THE NATIONAL ELECTRICAL CODE (2005 EDITION) HAVE THE MEANINGS GIVEN IN THAT CODE.

SECTION 100.2. SUPPLEMENTAL DEFINITIONS

(A) IN GENERAL. NOTWITHSTANDING ANY DIFFERENT DEFINITION IN THE NEC, THE FOLLOWING TERMS HAVE THE MEANINGS GIVEN IN THIS § 100.2.

(B) AUTHORITY HAVING JURISDICTION. "AUTHORITY HAVING JURISDICTION" MEANS THE BUILDING OFFICIAL, AS DEFINED IN § 202.2 OF THE BUILDING CODE OF BALTIMORE CITY.

ARTICLE 110. REQUIREMENTS FOR ELECTRICAL INSTALLATIONS

SECTIONS 110.1 TO 110.23. ***{AS IN NEC}***

SECTION 110.26. SPACES ABOUT ELECTRICAL EQUIPMENT. ***{INTRODUCTORY PARAGRAPH AS IN NEC}***

(A) - (E) ***{AS IN NEC}***

(F) DEDICATED EQUIPMENT SPACE. ***{INTRODUCTORY PARAGRAPH AS IN NEC}***

EXCEPTION*: *{AS IN NEC}

(1) INDOOR. FOR INDOOR INSTALLATIONS, THE DEDICATED SPACE MUST COMPLY WITH THE FOLLOWING.

(A) DEDICATED ELECTRICAL SPACE. SPACE EQUAL TO THE WIDTH AND DEPTH OF THE EQUIPMENT AND EXTENDING FROM THE FLOOR TO A STRUCTURAL CEILING, PLUS THE WORKING SPACE REQUIRED BY § 110.26(A)(1), MUST BE DEDICATED TO THE ELECTRICAL INSTALLATION. NO PIPING, DUCTS, OR EQUIPMENT FOREIGN TO THE ELECTRICAL INSTALLATION MAY BE LOCATED IN THIS SPACE.

***EXCEPTION*:** SUSPENDED CEILINGS WITH REMOVABLE PANELS ARE PERMITTED WITHIN THE DEDICATED ELECTRICAL SPACE.

(B) FOREIGN SYSTEMS. THE DEDICATED SPACE REQUIRED BY SUBPARAGRAPH (A) MUST BE KEPT CLEAR OF FOREIGN SYSTEMS UNLESS PROTECTION IS PROVIDED TO AVOID DAMAGE FROM CONDENSATION, LEAKS, OR BREAKS IN THE FOREIGN SYSTEMS. THIS PROTECTION MUST BE APPROVED BY THE BUILDING OFFICIAL AND SIGNED AND SEALED BY A REGISTERED PROFESSIONAL ENGINEER LICENSED TO DO BUSINESS IN THE STATE.

(C) - (D) ***{AS IN NEC}***

(E) ELECTRICAL ROOM. NO PIPING, DUCTS, OR EQUIPMENT FOREIGN TO THE ELECTRICAL INSTALLATION MAY BE LOCATED IN ELECTRICAL ROOMS.

EXCEPTION: BY SPECIAL PERMISSIONS, AS DESCRIBED IN (B), FOR EXISTING CONDITIONS ONLY.

(2) OUTDOOR. ***{AS IN NEC}***

SECTIONS 110.27 TO 110.33. ***{AS IN NEC}***

SECTION 110.34 WORK SPACE AND GUARDING

(A) - (E) ***{AS IN NEC}***

(F) PROTECTION OF SERVICE EQUIPMENT. PIPES OR DUCTS FOREIGN TO THE ELECTRICAL INSTALLATION MAY NOT BE LOCATED IN THE SPACES DEDICATED TO THE ELECTRICAL EQUIPMENT AS DESCRIBED IN § 110.26(F) AND § 110.34(A). PIPING AND OTHER FACILITIES ARE NOT CONSIDERED FOREIGN IF THEY ARE PROVIDED FOR FIRE PROTECTION OF THE ELECTRICAL INSTALLATION.

SECTIONS 110.36 TO 110.79. ***{AS IN NEC}***

CHAPTER 2. WIRING AND PROTECTION

ARTICLE 200. USE AND IDENTIFICATION OF GROUNDED CONDUCTORS ***{AS IN NEC}***

ARTICLE 210. BRANCH CIRCUITS

SECTIONS 210.1 TO 210.4. ***{AS IN NEC}***

SECTION 210.5. IDENTIFICATION FOR BRANCH CIRCUITS.

(A) - (C) ***{AS IN NEC}***

(D) IDENTIFICATION OF UNGROUNDED CONDUCTORS.

(1) SPECIFIED COLORS. FOR BASIC SINGLE-PHASE WIRING SYSTEMS OF 120/240 VOLTS, 3-WIRE CIRCUITS MUST USE 1 BLACK, 1 WHITE, AND 1 RED WIRE. 120/208 3-PHASE 4-WIRE CIRCUITS MUST USE 1 BLACK, 1 WHITE, 1 RED, AND 1 BLUE WIRE. FOR BASIC 3-PHASE WIRING SYSTEMS OF 277/480 VOLTS, THE COLORS GRAY, BROWN, ORANGE, AND YELLOW MUST BE USED IN ACCORDANCE WITH COMMONLY ACCEPTED TRADE PRACTICES.

(2) BRANCH CIRCUITS. CONDUCTORS #10 AND SMALLER MUST CARRY THE APPROPRIATE IDENTIFICATION COLOR THEIR ENTIRE LENGTH. CONDUCTORS #8 AND LARGER NEED NOT CARRY ITS IDENTIFICATION COLOR THEIR ENTIRE LENGTH, BUT MUST BE IDENTIFIED AT ALL JUNCTION POINTS BY OTHER APPROVED MEANS. CABLE ASSEMBLIES MUST ALSO BE IDENTIFIED AT ALL JUNCTION POINTS BY APPROVED MEANS.

SECTIONS 210.6 TO 210.7. ***{AS IN NEC}***

SECTION 210.8. GROUND-FAULT CIRCUIT-INTERRUPTER PROTECTION FOR PERSONNEL.

(A) DWELLING UNITS. ***{AS IN NEC}***

(B) OTHER THAN DWELLING UNITS. ***{INTRODUCTORY PARAGRAPH AS IN NEC}***

(1) - (5) ***{AS IN NEC}***

(6) SINK AREAS. WITHIN 6 FEET (1.83 M) OF A SINK TO SERVE COUNTER TOP SURFACES.

EXCEPTION: {AS IN NEC}

(C) BOAT HOISTS. ***{AS IN NEC}***

SECTION 210.9. CIRCUITS DERIVED FROM AUTOTRANSFORMERS. ***{AS IN NEC}***

SECTION 210.10. UNGROUNDED CONDUCTORS TAPPED FROM GROUNDED SYSTEMS. ***{AS IN NEC}***

SECTION 210.11. BRANCH CIRCUITS REQUIRED. ***{INTRODUCTORY PARAGRAPH AS IN NEC}***

(A) NUMBER OF BRANCH CIRCUITS. ***{AS IN NEC}***

(B) LOAD EVENLY PROPORTIONED AMONG BRANCH CIRCUITS. ***{AS IN NEC}***

(C) DWELLING UNITS.

(1) - (3) ***{AS IN NEC}***

EXCEPTION: {AS IN NEC}

(4) WINDOW AIR CONDITIONER BRANCH CIRCUITS. A CIRCUIT FOR A CORD-CONNECTED WINDOW AIR CONDITIONER MUST CONTAIN A DEDICATED RECEPTACLE.

SECTIONS 210.12 TO 210.21. ***{AS IN NEC}***

SECTION 210.23. PERMISSIBLE LOADS. ***{INTRODUCTORY PARAGRAPH AS IN NEC}***

(A) - (D) ***{AS IN NEC}***

(E) CIRCUITS FOR FUEL-BURNING EQUIPMENT. FOR FUEL-BURNING EQUIPMENT SUCH AS OIL AND GAS BURNERS AND STOKERS, INCLUDING AUXILIARIES SUCH AS FANS, BLOWERS, AND PUMPS, AN INDIVIDUAL BRANCH CIRCUIT WITH A DISCONNECTING MEANS ON THE LINE SIDE OF ALL EQUIPMENT AND DEVICES, OTHER THAN THE BRANCH-CIRCUIT FUSES, MUST BE PROVIDED. IF 2 OR MORE BRANCH CIRCUITS ARE PROVIDED FOR A FUEL-BURNING SYSTEM, THEY MUST BE SUPPLIED THROUGH A COMMON FEEDER WITH A DISCONNECTING MEANS THAT WILL DISCONNECT ALL COMPONENTS OF THE SYSTEM.

(F) CONTROLS. OIL BURNERS, OTHER THAN OIL STOVES WITH INTEGRAL TANKS, MUST BE PROVIDED WITH A DEVICE TO MANUALLY STOP THE FLOW OF OIL TO THE BURNERS. THE DEVICE MUST BE PLACED IN A CONVENIENT LOCATION AT A SAFE DISTANCE FROM THE BURNER. WITH ELECTRICALLY DRIVEN EQUIPMENT, THIS MAY BE ACCOMPLISHED BY AN IDENTIFIED SWITCH IN THE BURNER SUPPLY CIRCUIT, PLACED NEAR THE ENTRANCE TO THE ROOM WHERE THE BURNER IS LOCATED.

(G) EMERGENCY SWITCH FOR FUEL-BURNING EQUIPMENT. FUEL-BURNING EQUIPMENT MUST HAVE A DEVICE TO MANUALLY STOP THE FLOW OF FUEL AT THE FUEL TRAIN TO THE BURNER. THE DEVICE MUST BE PLACED IN A CONVENIENT LOCATION AT A SAFE DISTANCE FROM THE BURNER AND MUST BE IDENTIFIED AS AN EMERGENCY DISCONNECT. SEE IMC §304.1.1.

SECTIONS 210.24 TO 210.50. ***{AS IN NEC}***

SECTION 210.52. DWELLING UNIT RECEPTACLE OUTLETS. ***{INTRODUCTORY PARAGRAPHS AS IN NEC}***

(A) - (D) ***{AS IN NEC}***

(E) OUTDOOR OUTLETS.

(1) 1- AND 2-FAMILY DWELLINGS. FOR A 1-FAMILY DWELLING AND FOR EACH UNIT OF A 2-FAMILY DWELLING THAT IS AT GRADE LEVEL, AT LEAST 1 RECEPTACLE OUTLET, ACCESSIBLE AT GRADE LEVEL AND NOT MORE THEN 6½ FEET (1.98 M) ABOVE GRADE, MUST BE INSTALLED AT THE FRONT AND BACK OF THE DWELLING.

(2) MULTIFAMILY DWELLINGS. IN A MULTIFAMILY DWELLING, FOR EACH DWELLING UNIT THAT IS LOCATED AT GRADE LEVEL AND PROVIDED WITH INDIVIDUAL EXTERIOR ENTRANCE/EGRESS, AT LEAST 1 RECEPTACLE OUTLET, ACCESSIBLE AT GRADE LEVEL AND NOT MORE THAN 6½ FEET (1.98 M) ABOVE GRADE, MUST BE INSTALLED. *SEE* § 210.8 (A)(3).

(3) NEAR PUBLIC WALKWAY. A RECEPTACLE INSTALLED LESS THAN 10 FEET (3.05 M) FROM A PUBLIC WALKWAY MUST BE WALL-SWITCH CONTROLLED FROM WITHIN THE DWELLING UNIT.

(4) DECKS. AT LEAST 1 GFI RECEPTACLE MUST BE INSTALLED ON ALL LEVELS OF DECKS.

(F) - (H) ***{AS IN NEC}***

SECTIONS 210.60 TO 210.70. ***{AS IN NEC}***

ARTICLE 215. FEEDERS ***{AS IN NEC}***

ARTICLE 220. BRANCH-CIRCUIT, FEEDER, AND SERVICE CALCULATIONS ***{AS IN NEC}***

ARTICLE 225. OUTSIDE BRANCH CIRCUITS AND FEEDERS

SECTIONS 225.1 TO 225.26. ***{AS IN NEC}***

SECTION 225.30. NUMBER OF SUPPLIES. ***{INTRODUCTORY PARAGRAPH AS IN NEC}***

(A) SPECIAL CONDITIONS. ADDITIONAL FEEDERS OR BRANCH CIRCUITS ARE PERMITTED TO SUPPLY THE FOLLOWING:

(1) ***{AS IN NEC}***

(2) ***{NOT ADOPTED}***

(3) - (5) ***{AS IN NEC}***

(6) BY SPECIAL PERMISSION, SYSTEMS DESIGNED FOR CONNECTION TO MULTIPLE SOURCES OF SUPPLY FOR PURPOSES OF ENHANCED RELIABILITY.

(B) SPECIAL OCCUPANCIES. ***{AS IN NEC}***

(C) CAPACITY REQUIREMENTS. ***{AS IN NEC}***

(D) DIFFERENT CHARACTERISTICS. BY SPECIAL PERMISSION, ADDITIONAL FEEDERS OR BRANCH CIRCUITS MAY BE USED FOR DIFFERENT VOLTAGES, FREQUENCIES, OR PHASES, OR FOR DIFFERENT USES, SUCH AS CONTROL OF OUTSIDE LIGHTING FROM MULTIPLE LOCATIONS.

(E) DOCUMENTED SWITCHING PROCEDURES. ***{AS IN NEC}***

SECTIONS 225.31 TO 225.61. ***{AS IN NEC}***

ARTICLE 230. SERVICES

SECTION 230.1. SCOPE. ***{AS IN NEC}***

SECTION 230.2. NUMBER OF SERVICES. ***{INTRODUCTORY PARAGRAPH AS IN NEC}***

(A) SPECIAL CONDITIONS. ADDITIONAL SERVICES ARE PERMITTED TO SUPPLY THE FOLLOWING:

(1) ***{AS IN NEC}***

(2) ***{NOT ADOPTED}***

(3) - (5) ***{AS IN NEC}***

(6) SYSTEMS DESIGNED FOR CONNECTION TO MULTIPLE SOURCES OF SUPPLY FOR PURPOSES OF ENHANCED RELIABILITY, IF SUPPLIED FROM DIFFERENT UTILITY TRANSFORMERS AND CONNECTED BY THE TIE BREAKER.

(B) SPECIAL OCCUPANCIES. ***{AS IN NEC}***

(C) CAPACITY REQUIREMENTS. ***{AS IN NEC}***

(D) DIFFERENT CHARACTERISTICS. BY SPECIAL PERMISSION, ADDITIONAL SERVICES MAY BE USED FOR DIFFERENT VOLTAGES (WHERE COMPATIBLE), FREQUENCIES, OR PHASES, OR FOR DIFFERENT USES, SUCH AS FOR DIFFERENT RATE SCHEDULES.

(E) IDENTIFICATION. ***{AS IN NEC}***

SECTIONS 230.3 TO 230.23. ***{AS IN NEC}***

SECTION 230.24. CLEARANCES. ***{INTRODUCTORY PARAGRAPH AS IN NEC}***

(A) - (D) ***{AS IN NEC}***

(E) CLEARANCE ABOVE DECKS. CONDUCTORS MUST HAVE A VERTICAL CLEARANCE OF AT LEAST 8' AT THE LOWEST POINT ABOVE THE DECK SURFACE.

SECTIONS 230.26 TO 230.33. ***{AS IN NEC}***

SECTION 230.40 NUMBER OF SERVICE-ENTRANCE CONDUCTOR SETS. EACH SERVICE DROP OR LATERAL MAY SUPPLY ONLY 1 SET OF SERVICE-ENTRANCE CONDUCTORS.

EXCEPTIONS:

1. {AS IN NEC, BUT BY SPECIAL PERMISSION ONLY}

2 - 5. {AS IN NEC}

SECTIONS 230.41 TO 230.212 ***{AS IN NEC}***

ARTICLE 240. OVERCURRENT PROTECTION ***{AS IN NEC}***

ARTICLE 250. GROUNDING AND BONDING

SECTIONS 250.1 TO 250.50. ***{AS IN NEC}***

SECTION 250.52. GROUNDING ELECTRODES. ***{INTRODUCTORY PARAGRAPH AS IN NEC}***

(A) ELECTRODES PERMITTED FOR GROUNDING ***{AS IN NEC}***

(B) ELECTRODES NOT PERMITTED FOR GROUNDING. THE FOLLOWING MAY NOT BE USED AS GROUNDING ELECTRODES:

(1) GAS PIPING OR ANY OTHER METALLIC PIPING OR TANK THAT CONTAINS FLAMMABLE LIQUIDS

(2) ***{AS IN NEC}***

SECTIONS 250.53 TO 250.66. ***{AS IN NEC}***

SECTION 250.68. GROUNDING ELECTRODE CONDUCTOR AND BONDING JUMPER CONNECTION TO GROUNDING ELECTRODES.

(A) ACCESSIBILITY. THE CONNECTION OF A GROUNDING ELECTRODE CONDUCTOR OR BONDING JUMPER CONDUCTOR TO A GROUNDING ELECTRODE MUST BE:

(1) AHEAD OF ALL TURNOFF VALVES AND UNIONS, AND

(2) ACCESSIBLE.

EXCEPTIONS*: *{AS IN NEC}

(B) EFFECTIVE GROUNDING PATH. ***{AS IN NEC}***

SECTIONS 250.70 TO 250.102. ***{AS IN NEC}***

SECTION 250.104. BONDING OF PIPING SYSTEMS AND EXPOSED STRUCTURAL STEEL.

(A) METAL WIRE PIPING. ***{AS IN NEC}***

(B) OTHER METAL PIPING. WHERE INSTALLED IN OR ATTACHED TO A BUILDING OR STRUCTURE, METAL PIPING SYSTEM(S), EXCLUDING GAS PIPING THAT IS LIKELY TO BECOME ENERGIZED, MUST BE BONDED TO THE SERVICE EQUIPMENT ENCLOSURE, THE GROUNDED CONDUCTOR AT THE SERVICE, THE GROUNDING ELECTRODE CONDUCTOR WHERE OF SUFFICIENT SIZE, OR TO THE ONE OR MORE GROUNDING ELECTRODES USED. THE BONDING JUMPER(S) SHALL BE SIZED IN ACCORDANCE WITH § 250.122, USING THE RATING OF THE CIRCUIT THAT IS LIKELY TO ENERGIZE THE PIPING SYSTEM(S). THE EQUIPMENT GROUNDING CONDUCTOR FOR THE CIRCUIT THAT IS LIKELY TO ENERGIZE THE PIPING MAY SERVE AS THE BONDING MEANS. THE POINTS OF ATTACHMENT OF THE BONDING JUMPER(S) MUST BE ACCESSIBLE.

(C) STRUCTURAL METAL. ***{AS IN NEC}***

(D) SEPARATELY DERIVED SYSTEMS. ***{AS IN NEC}***

SECTIONS 250.106 TO 250.190. ***{AS IN NEC}***

ARTICLE 280. SURGE ARRESTERS ***{AS IN NEC}***

ARTICLE 285. TRANSIENT VOLTAGE SURGE SUPPRESSORS ***{AS IN NEC}***

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. ***{AS IN NEC}***

SECTION 334.10. USES PERMITTED. TYPE NM, TYPE NMC, AND TYPE NMS CABLES MAY BE USED IN THE FOLLOWING:

(1) - (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 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.

SECTIONS 386.70 TO 386.100. ***{AS IN NEC}***

ARTICLES 388 TO 398 ***{AS IN NEC}***

CHAPTER 4. EQUIPMENT FOR GENERAL USE

ARTICLES 400 TO 411 ***{AS IN NEC}***

ARTICLE 422. APPLIANCES

SECTIONS 422.1 TO 422.46. ***{AS IN NEC}***

SECTION 422.47. WATER HEATER CONTROLS. ***{INTRODUCTORY PARAGRAPH AS IN NEC}***

(1) - (2) ***{AS IN NEC}***

(3) DISCONNECTING MEANS. 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.

EXCEPTIONS: {AS IN NEC}

SECTIONS 422.48 TO 422.62. ***{AS IN NEC}***

ARTICLES 424 TO 490 ***{AS IN NEC}***

CHAPTER 5. SPECIAL OCCUPANCIES

ARTICLES 500 TO 520 ***{AS IN NEC}***

ARTICLE 525. CARNIVALS, CIRCUSES, FAIRS, AND SIMILAR EVENTS.

SECTIONS 525.1 TO 525.20. ***{AS IN NEC}***

SECTION 525.21. RIDES, TENTS, AND CONCESSIONS.

(A) DISCONNECTING MEANS ***{AS IN NEC}***

(B) PORTABLE WIRING INSIDE TENTS AND CONCESSIONS ***{AS IN NEC}***

(C) ELECTRICAL LAMPS. ELECTRICAL FIXTURES MUST BE SO INSTALLED THAT LAMPS ARE KEPT AT LEAST 8 INCHES (203 MM) AWAY FROM TENT CANVAS OR OTHER COMBUSTIBLE MATERIALS.

SECTION 525.22. PORTABLE DISTRIBUTION OR TERMINATION BOXES. PORTABLE DISTRIBUTION OR TERMINATION BOXES MUST COMPLY WITH ALL OF THE REQUIREMENTS OF THIS § 525.22.

(A) - (D) ***{AS IN NEC}***

(E) JUNCTION BOXES. TAPS AND CONNECTIONS WITHIN 8 FEET (2.44 M) OF THE GROUND MUST BE MADE IN JUNCTION BOXES THAT ARE KEPT LOCKED AT ALL TIMES WHEN THE PUBLIC IS ON THE GROUNDS. METAL JUNCTION BOXES MUST BE GROUNDED.

SECTIONS 525.23 TO 525.32. ***{AS IN NEC}***

ARTICLES 530 TO 590 ***{AS IN NEC}***

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) LOCATION. ***{AS IN NEC}***

(B) CONTROL SWITCH RATING. ***{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 ***{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) 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 DO NOT APPLY.

(2) FEEDER SOURCES. ***{AS IN NEC}***

(3) ARRANGEMENT. ***{AS IN NEC}***

SECTIONS 695.4 TO 695.5. ***{AS IN NEC}***

SECTION 695.6. POWER WIRING. ***{INTRODUCTORY PARAGRAPH AS IN NEC}***

(A) SERVICE CONDUCTORS. ***{AS IN NEC}***

EXCEPTION*: *{AS IN NEC}

(B) CIRCUIT CONDUCTORS. ***{INTRODUCTORY PARAGRAPH AS IN NEC}***

(1) - (3) ***{AS IN NEC}***

EXCEPTION: {NOT ADOPTED}

(C) - (H) ***{AS IN NEC}***

SECTIONS 695.7 TO 695.10. ***{AS IN NEC}***

SECTION 695.12. EQUIPMENT LOCATION.

(A) - (F) ***{AS IN NEC}***

(G) FIRE PUMP LOCATION. FIRE PUMP AND ASSOCIATED EQUIPMENT MUST BE LOCATED IN A SEPARATE ROOM THAT IS ENCLOSED WITH 2-HOUR FIRE-RESISTANCE-RATED FIRE-SEPARATION ASSEMBLIES.

SECTION 695.14. CONTROL WIRING. ***{AS IN NEC}***

CHAPTER 7. SPECIAL CONDITIONS

ARTICLE 700 – EMERGENCY SYSTEMS

SECTIONS 700.1 TO 700.9. ***{AS IN NEC}***

SECTION 700.12. GENERAL REQUIREMENTS. ***{INTRODUCTORY PARAGRAPHS AS IN NEC}***

(A) - (C) ***{AS IN NEC}***

(D) SEPARATE SERVICE. ***{NOT ADOPTED}***

(E) - (F) ***{AS IN NEC}***

SECTIONS 700.15 TO 700.27. ***{AS IN NEC}***

ARTICLE 701 – LEGALLY REQUIRED STANDBY SYSTEMS

SECTIONS 701.1 TO 701.10. ***{AS IN NEC}***

SECTION 701.11. LEGALLY REQUIRED STANDBY SYSTEMS. ***{INTRODUCTORY PARAGRAPHS AS IN NEC}***

(A) - (C) ***{AS IN NEC}***

(D) - (E) ***{NOT ADOPTED}***

(F) - (G) ***{AS IN NEC}***

SECTIONS 701.15 TO 701.18. ***{AS IN NEC}***

ARTICLE 702. OPTIONAL STANDBY SYSTEMS

SECTIONS 702.1 TO 702.11. ***{AS IN NEC}***

SECTION 702.12. PORTABLE GASOLINE-POWERED GENERATORS. WHERE PUBLIC UTILITY SERVICE IS AVAILABLE, A PORTABLE GASOLINE-POWERED GENERATOR MAY NOT BE USED IN PLACE OF NORMAL POWER SOURCE.

***EXCEPTION*:** WHERE POWER IS INTERRUPTED DUE TO EMERGENCY CONDITIONS.

ARTICLES 705 TO 780 ***{AS IN NEC}***

CHAPTER 8. COMMUNICATIONS SYSTEMS
{AS IN NEC}

CHAPTER 9. TABLES
{AS IN NEC}

PART IV. NATIONAL FUEL GAS CODE

§ 4-101. CITY ADOPTION.

(A) *IN GENERAL*.

THE NATIONAL FUEL GAS CODE (2006 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 IV.

(B) *CODIFICATION*.

UNLESS OTHERWISE SPECIFIED, CHAPTER AND SECTION NUMBERS IN THIS PART IV REFER TO THE CHAPTER AND SECTION NUMBERS OF THE NATIONAL FUEL GAS CODE.

§ 4-102. CITY MODIFICATIONS.

THE ADDITIONS, DELETIONS, AMENDMENTS, AND OTHER MODIFICATIONS ADOPTED BY THE CITY ARE AS FOLLOWS:

CHAPTER 1. ADMINISTRATION

1.1 TO 1.4 ***{AS IN NFGC}***

1.5 ENFORCEMENT ***{NOT ADOPTED}***

CHAPTER 2. REFERENCED PUBLICATIONS
{AS IN NFGC}

CHAPTER 3. DEFINITIONS

3.1 GENERAL.

3.1.1 AS IN NFGC. EXCEPT AS PROVIDED IN § 3.1.2, TERMS THAT ARE USED AND DEFINED IN THE NATIONAL FUEL GAS CODE (2006 EDITION) HAVE THE MEANINGS GIVEN IN THE NATIONAL FUEL GAS CODE (2006 EDITION).

3.1.2 SUPPLEMENTAL DEFINITIONS. NOTWITHSTANDING ANY DIFFERENT DEFINITION IN THE NATIONAL FUEL GAS CODE, THE FOLLOWING TERMS HAVE THE MEANINGS GIVEN IN THIS § 3.1.2.

3.1.2.1 AUTHORITY HAVING JURISDICTION. "AUTHORITY HAVING JURISDICTION" MEANS THE BUILDING OFFICIAL, AS DEFINED IN § 202.2 OF THE BUILDING CODE OF BALTIMORE CITY.

3.1.2.2 MAY NOT, ETC. "MAY NOT", "MUST NOT", AND "NO ... MAY" ARE EACH MANDATORY NEGATIVE TERMS USED TO ESTABLISH A PROHIBITION.

3.1.2.3 MUST/SHALL. "MUST" AND "SHALL" ARE EACH MANDATORY TERMS USED TO EXPRESS A REQUIREMENT OR TO IMPOSE A DUTY.

3.1.2.4 PERSON. "PERSON" HAS THE MEANING STATED IN § 202.2 OF THE BALTIMORE CITY BUILDING CODE.

3.1.3 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 OF THE BALTIMORE CITY BUILDING CODE, THE TERM HAS THE MEANING GIVEN TO IT IN THAT CODE OR STANDARD.

3.2 NFPA OFFICIAL DEFINITIONS. ***{AS IN NFGC}***

CHAPTER 4. GENERAL
{AS IN NFGC}

CHAPTER 5. GAS PIPING SYSTEM DESIGN, MATERIAL, AND COMPONENTS

5.1 TO 5.5 ***[AS IN NFGC]***

5.6 ACCEPTABLE PIPING MATERIALS AND JOINING METHODS

5.6.1 TO 5.6.7 ***[AS IN NFGC]***

5.6.8 METALLIC PIPING JOINTS AND FITTINGS. THE TYPE OF PIPING JOINT MUST BE SUITABLE FOR THE PRESSURE-TEMPERATURE CONDITIONS AND MUST BE SELECTED GIVING CONSIDERATION TO JOINT TIGHTNESS AND MECHANICAL STRENGTH UNDER SERVICE CONDITIONS. THE JOINT MUST BE ABLE TO SUSTAIN THE MAXIMUM END FORCE DUE TO THE INTERNAL PRESSURE AND ANY ADDITIONAL FORCES DUE TO TEMPERATURE EXPANSION OR CONTRACTION, VIBRATION, FATIGUE, OR THE WEIGHT OF THE PIPE AND ITS CONTENTS.

5.6.8.1 TO 5.6.8.3 ***[AS IN NFGC]***

5.6.8.4 METALLIC FITTINGS (INCLUDING VALVES, STRAINERS, FILTERS). METALLIC FITTINGS SHALL COMPLY WITH THE FOLLOWING:

5.6.8.4(1) TO 5.6.8.4(4) ***[AS IN NFGC]***

5.6.8.4(5) CAST-IRON FITTINGS. CAST-IRON FITTINGS MUST COMPLY WITH THE FOLLOWING:

(A) - (E) ***[AS IN NFGC]***

(F) STREET FITTINGS ARE PROHIBITED.

(G) ALL-THREAD NIPPLES ARE PROHIBITED.

CHAPTER 6. PIPE SIZING
{AS IN NFGC}

CHAPTER 7. GAS PIPING INSTALLATION

7.1 PIPING UNDERGROUND

7.1.1 TO 7.1.4 ***{AS IN NFGC}***

7.1.5 THROUGH OUTER FOUNDATION OR BASEMENT WALL. UNDERGROUND PIPING, WHERE INSTALLED THROUGH THE OUTER FOUNDATION OR BASEMENT WALL OF A BUILDING, MUST BE ENCASED IN A PROTECTIVE PIPE. THE SPACE BETWEEN THE GAS PIPING AND THE BUILDING MUST BE SEALED TO PREVENT THE ENTRY OF GAS OR WATER. THE EXTERIOR END OF THE PROTECTIVE PIPING MUST BE SEALED.

7.2 TO 7.4 ***{AS IN NFGC}***

7.5 GAS PIPE TURNS. CHANGES IN DIRECTION OF GAS PIPE MUST BE MADE BY THE USE OF FITTINGS. FACTORY BENDS OR FIELD BENDS ARE ONLY PERMITTED UNDERGROUND, IN A LOCATION THAT IS OUTSIDE OF ANY BUILDING.

7.5.1 TO 7.5.3 {***[AS IN NFGC}***

7.6 TO 7.15 ***{AS IN NFGC}***

CHAPTER 8. INSPECTION, TESTING, AND PURGING

8.1 PRESSURE TESTING AND INSPECTION.

8.1.1 GENERAL.

A.8.1.1 TO 8.1.1.6 ***{AS IN NFGC}***

8.1.1.7 ALL TESTING MUST BE COMPLETED BEFORE ANY PROTECTIVE COATING IS APPLIED.

8.1.2 TO 8.1.5 ***{AS IN NFGC}***

8.2 PIPING SYSTEM, APPLIANCE, AND EQUIPMENT LEAKAGE CHECK. ***{AS IN NFGC}***

8.3 PURGING. ***{AS IN NFGC}***

CHAPTER 9. APPLIANCE, EQUIPMENT, AND ACCESSORY INSTALLATION
{AS IN NFGC}

CHAPTER 10. INSTALLATION OF SPECIFIC APPLIANCES

10.1 GENERAL. ***{AS IN NFGC}***

10.2 AIR-CONDITIONING EQUIPMENT (GAS-FIRED AIR CONDITIONERS AND HEAT PUMPS). ***{AS IN NFGC}***

10.3 CENTRAL HEATING BOILERS AND FURNACES.

10.3.1 TO 10.3.5 ***{AS IN NFGC}***

10.3.6 STEAM SAFETY AND PRESSURE RELIEF VALVES. ***{INTRODUCTORY PARAGRAPH AS IN NFGC}***

A.10.3.6 ***{AS IN NFGC}***

10.3.6.1 RELIEF VALVES MUST BE PIPED TO A FLOOR DRAIN, TO AN APPROVED RECEPTOR, OR AS SPECIFIED BY THE BUILDING OFFICIAL.

10.3.6.2 ***{AS IN NFGC}***

10.3.6.3 ***{AS IN NFGC}***

10.3.7 TO 6.3.9 ***{AS IN NFGC}***

10.4 TO 10.22 ***{AS IN NFGC}***

10.23 ROOM HEATERS.

10.23.1 PROHIBITED INSTALLATIONS. UNVENTED ROOM HEATERS ARE PROHIBITED.

EXCEPTIONS 1 -2 {NOT ADOPTED}

10.23.2 TO 10.23.4 ***{AS IN NFGC}***

10.24 TO 10.31 ***{AS IN NFGC}***

CHAPTER 11. PROCEDURES TO PLACE APPLIANCE IN OPERATION
{AS IN NFGC}

CHAPTER 12. VENTING OF APPLIANCES
{AS IN NFGC}

CHAPTER 13. SIZING CATEGORY I VENTING SYSTEMS
{AS IN NFGC}

PART V. INTERNATIONAL MECHANICAL CODE

§ 5-101. CITY ADOPTION.

(A) *IN GENERAL.*

THE INTERNATIONAL MECHANICAL CODE (2006 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 V.

(B) *CODIFICATION*.

UNLESS OTHERWISE SPECIFIED, CHAPTER AND SECTION NUMBERS PART V REFER TO THE CHAPTER AND SECTION NUMBERS OF THE INTERNATIONAL MECHANICAL CODE.

§ 5-102. CITY MODIFICATIONS.

THE ADDITIONS, DELETIONS, AMENDMENTS, AND OTHER MODIFICATIONS ADOPTED BY THE CITY ARE AS FOLLOWS:

CHAPTER 1. ADMINISTRATION

SECTION 101 GENERAL

101.1 TITLE. THESE REGULATIONS CONSTITUTE AND ARE KNOWN AS THE "MECHANICAL CODE OF BALTIMORE CITY".

101.1.1 REFERENCES TO "THIS CODE". ALL REFERENCES TO "THIS CODE" REFER TO THE MECHANICAL CODE OF BALTIMORE CITY.

101.2 SCOPE. ***{SUBSTITUTE "NATIONAL FUEL GAS CODE" FOR "INTERNATIONAL FUEL GAS CODE". OTHERWISE, AS IN IMC.}***

101.3 INTENT. ***{AS IN IMC}***

101.4 SEVERABILITY. ***{AS IN IMC}***

SECTION 102 APPLICABILITY ***{AS IN IMC}***

SECTION 103 DEPARTMENT OF MECHANICAL 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 MECHANICAL 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 BUILDING CODE OF BALTIMORE CITY.

103.2 APPOINTMENT. ***{NOT ADOPTED}***

103.3 DEPUTIES. ***{NOT ADOPTED}***

103.4 LIABILITY. ***{NOT ADOPTED}***

SECTION 104 DUTIES AND POWERS OF CODE OFFICIAL ***{AS IN IMC}***

SECTION 105 APPROVAL ***{AS IN IMC}***

SECTION 106 PERMITS

106.1 WHEN REQUIRED. ***{AS IN IMC}***

106.2 PERMITS NOT REQUIRED. PERMITS ARE NOT REQUIRED FOR THE FOLLOWING:

1. ***{AS IN IMC}***

2 - 3. ***{NOT ADOPTED}***

4 - 7. ***{AS IN IMC}***

106.2.1 CODE COMPLIANCE STILL REQUIRED. AN EXEMPTION FROM THE PERMIT REQUIREMENTS OF THIS CODE DOES NOT AUTHORIZE ANY WORK TO BE DONE IN VIOLATION OF THIS CODE OR ANY OTHER APPLICABLE LAW.

106.3 APPLICATION FOR PERMIT. ***{AS IN IMC}***

106.4 PERMIT ISSUANCE. ***{AS IN IMC}***

106.5 FEES. ***{AS IN IMC}***

106.5.1 WORK COMMENCING BEFORE PERMIT ISSUANCE. ***{NOT ADOPTED}***

106.5.2 FEE SCHEDULE. THE FEES FOR MECHANICAL WORK ARE AS PROVIDED IN THE BALTIMORE CITY BUILDING CODE.

106.5.3 FEE REFUNDS. ***{NOT ADOPTED}***

SECTION 107 INSPECTIONS AND TESTING ***{AS IN IMC}***

SECTION 108 VIOLATIONS

108.1 TO 108.3 ***{AS IN IMC}***

108.4 VIOLATION PENALTIES. THE PENALTIES FOR A VIOLATION OF THIS CODE ARE AS PROVIDED FOR A VIOLATION OF THE BALTIMORE CITY BUILDING CODE.

108.5 STOP WORK ORDERS. THE ISSUANCE AND ENFORCEMENT OF STOP WORK ORDERS ARE AS PROVIDED IN THE BALTIMORE CITY BUILDING CODE.

108.6 ABATEMENT OF VIOLATION. ***{AS IN IMC}***

108.7 UNSAFE MECHANICAL SYSTEMS. ***{AS IN IMC}***

SECTION 109 ADMINISTRATIVE AND JUDICIAL REVIEW

109.1 GENERAL. A DECISION OF THE CODE OFFICIAL IS SUBJECT TO ADMINISTRATIVE AND JUDICIAL REVIEW AS PROVIDED IN THE BALTIMORE CITY BUILDING CODE.

109.2 TO 109.7 ***{NOT ADOPTED}***

CHAPTER 2. DEFINITIONS

SECTION 201 GENERAL

201.1 SCOPE. ***{AS IN IMC}***

201.2 INTERCHANGEABILITY. ***{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 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, TERMS THAT ARE USED AND DEFINED IN THE INTERNATIONAL MECHANICAL CODE (2006 EDITION) HAVE THE MEANINGS GIVEN IN THE INTERNATIONAL MECHANICAL CODE (2006 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 AIR DISTRIBUTION SYSTEM "AIR DISTRIBUTION SYSTEM" MEANS A SYSTEM OF DUCTS, PLENUMS, AND AIR-HANDLING EQUIPMENT THAT CIRCULATES, SUPPLIES, RETURNS, OR EXHAUSTS AIR WITHIN A SPACE, AS REQUIRED BY CODE OR DESIGN, AND INCLUDES A SYSTEM MADE UP OF 1 OR MORE AIR-HANDLING UNITS.

202.2.2 BUILDING. "BUILDING" HAS THE MEANING STATED IN IMC § 202 AND, UNLESS THE CONTEXT INDICATES OTHERWISE, INCLUDES PREMISES AND LANDS.

202.2.3 CODE OFFICIAL. "CODE OFFICIAL" HAS THE MEANING STATED IN § 103.1 OF THIS CODE.

202.2.4 MAY NOT, ETC. "MAY NOT", "MUST NOT", AND "NO ... MAY" ARE EACH MANDATORY NEGATIVE TERMS USED TO ESTABLISH A PROHIBITION.

202.2.5 MUST/SHALL. "MUST" AND "SHALL" ARE EACH MANDATORY TERMS USED TO EXPRESS A REQUIREMENT OR TO IMPOSE A DUTY.

202.2.6 OCCUPANCY. "OCCUPANCY" 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.

202.2.7 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.

CHAPTER 3. GENERAL REGULATIONS

SECTION 301 GENERAL

301.1 SCOPE. ***{AS IN IMC}***

301.2 ENERGY UTILIZATION. ***{AS IN IMC}***

301.2.1 OUTDOOR DESIGN TEMPERATURES. OUTDOOR DESIGN TEMPERATURES MUST BE BASED ON:

1. THE 97.5% VALUE FOR HEATING (17○ F), AND
2. THE 2.5% VALUE FOR COOLING (89○ F DRY BULB; 78○ F WET BULB).

301.2.2 INDOOR DESIGN TEMPERATURES. INDOOR DESIGN TEMPERATURES MUST BE:

1. 70○ F (22○ C) FOR HEATING, AND
2. 78○ F (25○ C) FOR COOLING.

301.3 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 FUEL GAS CODE.

301.4 TO 301.6 ***{AS IN IMC}***

301.7 ELECTRICAL. ELECTRICAL WIRING, CONTROLS, AND CONNECTIONS TO EQUIPMENT AND APPLIANCES REGULATED BY THIS CODE MUST BE IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE.

301.8 PLUMBING CONNECTIONS. POTABLE WATER SUPPLY AND BUILDING DRAINAGE SYSTEM CONNECTIONS TO EQUIPMENT AND APPLIANCES REGULATED BY THIS CODE MUST BE ACCORDANCE WITH THE NATIONAL STANDARD PLUMBING CODE.

301.9 TO 301.16 ***{AS IN IMC}***

SECTION 302 PROTECTION OF STRUCTURE *{AS IN IMC}*

SECTION 303 EQUIPMENT AND APPLIANCE LOCATION

303.1 GENERAL. ***{AS IN IMC}***

303.2 HAZARDOUS LOCATIONS. ***{AS IN IMC}***

303.3 PROHIBITED LOCATIONS. FUEL-FIRED APPLIANCES MAY NOT BE LOCATED IN, OR OBTAIN COMBUSTION AIR FROM, ANY OF THE FOLLOWING ROOMS OR SPACES:

1. SLEEPING ROOMS,
2. BATHROOMS,
3. TOILET ROOMS,

4. STORAGE CLOSETS,

5. SURGICAL ROOMS, OR

6. RESIDENTIAL KITCHENS (EXCEPT COOKING APPLIANCES).

EXCEPTION*: *{AS IN IMC}

303.4 TO 303.8 ***{AS IN IMC}***

SECTION 304 INSTALLATION

304.1 TO 304.11 ***{AS IN IMC}***

304.12 DISCONNECTS FOR FUEL-BURNING EQUIPMENT. FUEL-BURNING EQUIPMENT MUST BE SUPPLIED WITH 2 EMERGENCY DISCONNECT SWITCHES. ONE SWITCH MUST BE INSTALLED ON THE EQUIPMENT AND THE OTHER IN A CONVENIENT, LABELED LOCATION THAT IS NEAR THE ENTRANCE TO THE AREA WHERE THE EQUIPMENT IS LOCATED. SEE NEC § 210-23.

SECTION 305 PIPING SUPPORT ***{AS IN IMC}***

SECTION 306 ACCESS AND SERVICE SPACE ***{SUBSTITUTE "NATIONAL ELECTRICAL CODE" FOR "ICC ELECTRICAL CODE". OTHERWISE, AS IN IMC.}***

SECTION 307 CONDENSATE DISPOSAL

307.1 FUEL-BURNING APPLIANCES. ***{AS IN IMC}***

307.2 EVAPORATORS AND COOLING COILS. ***{AS IN IMC}***

307.2.1 CONDENSATE DISPOSAL. CONDENSATE FROM ALL COOLING COILS OR EVAPORATORS MUST BE CONVEYED FROM THE DRAIN PAN OUTLET TO AN APPROVED PLACE OF DISPOSAL. CONDENSATE MAY NOT DISCHARGE INTO A STREET, ALLEY, OR OTHER AREA SO AS TO CAUSE A NUISANCE. CLEAR WATER DISCHARGE MUST BE CONVEYED TO THE STORM DRAIN UNLESS OTHERWISE APPROVED BY THE CODE OFFICIAL.

307.2.2 TO 307.2.3 ***{AS IN IMC}***

307.2.4 TRAPS. ***{NOT ADOPTED}***

SECTION 308 CLEARANCE REDUCTION ***{AS IN IMC}***

SECTION 309 TEMPERATURE CONTROL ***{AS IN IMC}***

SECTION 310 EXPLOSION VENTING ***{AS IN IMC}***

SECTION 311 SMOKE AND HEAT VENTS ***{AS IN IMC}***

SECTION 312 HEATING AND COOLING LOAD CALCULATIONS

312.1 LOAD CALCULATIONS. HEATING AND COOLING SYSTEM DESIGN LOADS FOR THE PURPOSE OF SIZING SYSTEMS, APPLIANCES, AND EQUIPMENT MUST BE DETERMINED IN ACCORDANCE WITH THE

PROCEDURES DESCRIBED IN THE ASHRAE "HANDBOOK OF FUNDAMENTALS". HEATING AND COOLING LOADS MUST BE ADJUSTED TO ACCOUNT FOR LOAD REDUCTIONS THAT ARE ACHIEVED WHEN ENERGY RECOVERY SYSTEMS ARE USED IN THE HVAC SYSTEM IN ACCORDANCE WITH THE ASHRAE HANDBOOK "HVAC SYSTEMS AND EQUIPMENT". ALTERNATIVELY, DESIGN LOADS MUST BE DETERMINED BY AN APPROVED EQUIVALENT COMPUTATION PROCEDURE, USING THE DESIGN PARAMETERS SPECIFIED IN CHAPTER 3 OF THE INTERNATIONAL ENERGY CONSERVATION CODE AND § 301.2 OF THIS CODE. FOR NEW OR REPLACED HEATING AND COOLING EQUIPMENT, ENVELOPE CALCULATIONS BASED ON MANUAL "J", PUBLISHED BY THE AIR CONDITIONING CONTRACTORS OF AMERICA, OR ITS EQUIVALENT MUST BE SUBMITTED TO THE CODE OFFICIAL WITH THE PERMIT APPLICATION.

CHAPTER 4. VENTILATION

SECTION 401 GENERAL

401.1 TO 401.3 ***{AS IN IMC}***

401.4 OPENING LOCATION. ***{AS IN IMC}***

401.4.1 INTAKE OPENINGS. ***{AS IN IMC}***

401.4.2 EXHAUST OPENINGS. OUTSIDE EXHAUST OPENINGS MUST BE LOCATED SO AS NOT TO CREATE A NUISANCE. EXHAUST AIR MAY NOT BE DIRECTED ONTO WALKWAYS. EXHAUST OPENINGS MUST BE AT LEAST 10 FEET (3048 MM) ABOVE GRADE.

401.4.3 FLOOD HAZARD. ***{AS IN IMC}***

401.5 OUTDOOR OPENING PROTECTION. ***{AS IN IMC}***

401.6 CONTAMINANTS SOURCES. ***{AS IN IMC}***

SECTIONS 402 TO 406 NATURAL VENTILATION *{AS IN IMC}*

CHAPTER 5. EXHAUST SYSTEMS

SECTION 501 GENERAL

501.1 SCOPE. ***{AS IN IMC}***

501.2 EXHAUST DISCHARGE. ***{AS IN IMC}***

EXCEPTIONS: ***{NOT ADOPTED}***

501.2.1 LOCATION OF EXHAUST OUTLETS. ***{AS IN IMC}***

501.3 PRESSURE EQUALIZATION. ***{AS IN IMC}***

501.4 DUCTS. ***{AS IN IMC}***

SECTION 502 REQUIRED SYSTEMS

502.1 TO 502.13 ***{AS IN IMC}***

502.14 MOTOR VEHICLE OPERATION. IN ANY AREA WHERE MOTOR VEHICLES OPERATE:

1. RECIRCULATION OF VENTILATION AIR IS PROHIBITED,
2. FOR STATIONARY MOTOR VEHICLES, THE AREA MUST BE PROVIDED WITH A SOURCE CAPTURE SYSTEM THAT CONNECTS DIRECTLY TO THE MOTOR VEHICLE EXHAUST SYSTEMS, AND
3. IN FUEL-DISPENSING AREAS, THE BOTTOM OF THE AIR INLET OR EXHAUST OPENING MUST BE LOCATED NO MORE THAN 18 INCHES (203 MM) ABOVE THE FLOOR.

EXCEPTIONS: ***{AS IN IMC}***

502.15 TO 502.19 ***{AS IN IMC}***

SECTION 503 MOTORS AND FANS ***{AS IN IMC}***

SECTION 504 CLOTHES DRYER EXHAUST ***{AS IN IMC}***

SECTION 505 DOMESTIC KITCHEN EXHAUST EQUIPMENT ***{AS IN IMC}***

SECTION 506 COMMERCIAL KITCHEN GREASE DUCTS AND EXHAUST EQUIPMENT ***{AS IN IMC}***

506.1 GENERAL. ***{AS IN IMC}***

506.2 CORROSION PROTECTION. ***{AS IN IMC}***

506.3 DUCTS SERVING TYPE I HOODS. ***{AS IN IMC}***

506.3.1 TO 506.3.11 ***{AS IN IMC}***

506.3.12 EXHAUST OUTLETS SERVING TYPE I HOODS. EXHAUST OUTLETS FOR DUCTS THAT SERVE COMMERCIAL FOOD HEAT-PROCESSING EQUIPMENT MUST EXTEND AS DIRECTLY AS POSSIBLE THROUGH THE ROOF. THE DISCHARGE EXHAUST AIRFLOW MUST BE DIRECTED VERTICALLY TO THE GREATEST EXTENT POSSIBLE.

506.3.12.1 TERMINATION ABOVE THE ROOF. ***{AS IN IMC}***

506.3.12.2 TERMINATION THROUGH AN EXTERIOR WALL. ***{NOT ADOPTED}***

506.3.12.3 TERMINATION LOCATION. ***{AS IN IMC}***

EXCEPTIONS: ***{AS IN IMC }***

506.4 DUCTS SERVING TYPE II HOODS. ***{AS IN IMC}***

506.5 EXHAUST EQUIPMENT. ***{AS IN IMC}***

SECTION 507 COMMERCIAL KITCHEN HOODS ***{AS IN IMC}***

SECTION 508 COMMERCIAL KITCHEN MAKEUP AIR ***{AS IN IMC}***

SECTION 509 FIRE SUPPRESSION SYSTEMS ***{AS IN IMC}***

SECTION 510 HAZARDOUS EXHAUST SYSTEMS ***{AS IN IMC}***

SECTION 511 DUST, STOCK, AND REFUSE CONVEYING SYSTEMS ***{AS IN IMC}***

SECTION 512 SUBSLAB SOIL EXHAUST SYSTEMS ***{SUBSTITUTE "NATIONAL STANDARD PLUMBING CODE" FOR "INTERNATIONAL PLUMBING CODE". OTHERWISE, AS IN IMC.}***

SECTION 513 SMOKE CONTROL SYSTEMS ***{SUBSTITUTE "NATIONAL ELECTRICAL CODE" FOR "ICC ELECTRICAL CODE". OTHERWISE, AS IN IMC.}***

CHAPTER 6. DUCT SYSTEMS
{SUBSTITUTE "NATIONAL ELECTRICAL CODE" FOR "ICC ELECTRICAL CODE".}

SECTION 601 GENERAL ***{AS IN IMC}***

SECTION 602 PLENUMS

602.1 GENERAL. ***{AS IN IMC}***

602.2 CONSTRUCTION. ***{AS IN IMC}***

602.3 STUD CAVITY AND JOIST SPACE PLENUMS. ***{AS IN IMC}***

EXCEPTION: STUD WALL CAVITIES AND SPACES BETWEEN SOLID FLOOR JOISTS ABUTTING GARAGE WALLS MAY NOT BE UTILIZED AS AIR PLENUMS.

602.4 FLOOD HAZARD. ***{AS IN IMC}***

SECTIONS 603 TO 607 ***{AS IN IMC}***

CHAPTER 7. COMBUSTION AIR
{SUBSTITUTE "NATIONAL FUEL GAS CODE" FOR "INTERNATIONAL FUEL GAS CODE". OTHERWISE, AS IN IMC.}

CHAPTER 8. CHIMNEYS AND VENTS
{SUBSTITUTE "NATIONAL FUEL GAS CODE" FOR "INTERNATIONAL FUEL GAS CODE".}

801 GENERAL

801.1 TO 801.17 ***{AS IN IMC}***

801.18 EXISTING CHIMNEYS AND VENTS. ***{AS IN IMC}***

801.18.1 - 801.18.4 ***{AS IN IMC}***

801.18.5 PROHIBITED USE. MASONRY CHIMNEYS MAY NOT BE USED SIMULTANEOUSLY AS AIR DUCT CHASES AND FLUE GAS CHASES.

801.19 MULTISTORY PROHIBITED. ***{AS IN IMC}***

801.20 PLASTIC VENT JOINTS. ***{AS IN IMC}***

SECTIONS 802 TO 806 ***{AS IN IMC}***

CHAPTER 9. SPECIFIC APPLIANCES, FIREPLACES, AND SOLID FUEL-BURNING EQUIPMENT
{SUBSTITUTE "NATIONAL FUEL GAS CODE" FOR "INTERNATIONAL FUEL GAS CODE", AND "NATIONAL STANDARD PLUMBING CODE" FOR "INTERNATIONAL PLUMBING CODE". OTHERWISE, AS IN IMC.}

CHAPTER 10. BOILERS, WATER HEATERS, AND PRESSURE VESSELS

SECTION 1001 GENERAL ***{AS IN IMC}***

SECTION 1002 WATER HEATERS ***{SUBSTITUTE "NATIONAL STANDARD PLUMBING CODE" FOR "INTERNATIONAL PLUMBING CODE". OTHERWISE, AS IN IMC.}***

SECTION 1003 PRESSURE VESSELS ***{AS IN IMC}***

SECTION 1004 BOILERS ***{AS IN IMC}***

SECTION 1005 BOILER CONNECTIONS ***{SUBSTITUTE "NATIONAL STANDARD PLUMBING CODE" FOR "INTERNATIONAL PLUMBING CODE". OTHERWISE, AS IN IMC.}***

SECTION 1006 SAFETY AND PRESSURE RELIEF VALVES AND CONTROLS

1006.1 TO 1006.5 ***{AS IN IMC}***

1006.6 SAFETY AND RELIEF VALVE DISCHARGE. SAFETY AND RELIEF VALVE DISCHARGE PIPES MUST BE OF RIGID PIPE THAT IS APPROVED FOR THE TEMPERATURE OF THE SYSTEM. THE DISCHARGE PIPE MUST BE THE SAME DIAMETER AS THE SAFETY OR RELIEF VALVE OUTLET. SAFETY AND RELIEF VALVES MAY NOT DISCHARGE SO AS TO BE A HAZARD, A POTENTIAL CAUSE OF DAMAGE, OR OTHERWISE A NUISANCE. HIGH-PRESSURE-STEAM SAFETY VALVES MUST BE VENTED TO THE OUTSIDE OF THE STRUCTURE. WHERE A LOW-PRESSURE SAFETY VALVE OR WHERE A RELIEF VALVE DISCHARGES THE DRAINAGE SYSTEM, THE INSTALLATION MUST CONFORM TO THE NATIONAL STANDARD PLUMBING CODE. ALL DISCHARGES TO FLOOR DRAINS MUST BE FROM WITHIN 2 TO 6 INCHES (50.8 MM TO 152.4 MM) FROM THE DRAIN.

1006.7 BOILER SAFETY DEVICES. ***{AS IN IMC}***

1006.8 ELECTRICAL REQUIREMENTS. ***{AS IN IMC}***

SECTION 1007 BOILER LOW-WATER CUTOFF ***{AS IN IMC}***

SECTION 1008 STEAM BLOWOFF VALVE ***{SUBSTITUTE "NATIONAL STANDARD PLUMBING CODE" FOR "INTERNATIONAL PLUMBING CODE". OTHERWISE, AS IN IMC.}***

SECTION 1009 HOT WATER BOILER EXPANSION TANK ***{SUBSTITUTE "NATIONAL STANDARD PLUMBING CODE" FOR "INTERNATIONAL PLUMBING CODE". OTHERWISE, AS IN IMC.}***

SECTION 1010 GAUGES ***{AS IN IMC}***

SECTION 1011 TESTS ***{AS IN IMC}***

CHAPTER 11. REFRIGERATION
{SUBSTITUTE "NATIONAL STANDARD PLUMBING CODE" FOR "INTERNATIONAL PLUMBING CODE", AND "NATIONAL FUEL GAS CODE" FOR "INTERNATIONAL FUEL GAS CODE". OTHERWISE, AS IN IMC.}

CHAPTER 12. HYDRONIC PIPING
{SUBSTITUTE "NATIONAL STANDARD PLUMBING CODE" FOR "INTERNATIONAL PLUMBING CODE". OTHERWISE, AS IN IMC.}

CHAPTER 13. FUEL OIL PIPING AND STORAGE
{AS IN IMC}

CHAPTER 14. SOLAR SYSTEMS
{SUBSTITUTE "NATIONAL STANDARD PLUMBING CODE" FOR "INTERNATIONAL PLUMBING CODE". OTHERWISE, AS IN IMC.}

CHAPTER 15. REFERENCED STANDARDS

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 ICC ELECTRICAL CODE,
   SUBSTITUTE **NATIONAL ELECTRICAL CODE (2005 EDITION)**.

2. FOR INTERNATIONAL FUEL GAS CODE,
   SUBSTITUTE **NATIONAL FUEL GAS CODE (2006 EDITION)**.

3. FOR INTERNATIONAL PLUMBING CODE,
   SUBSTITUTE **NATIONAL STANDARD PLUMBING CODE (2006 EDITION, 2007 SUPPLEMENT)**.

PART VI. NATIONAL STANDARD PLUMBING CODE

§ 6-101. CITY ADOPTION.

(A) *IN GENERAL*.

THE NATIONAL STANDARD PLUMBING CODE (2006 EDITION, 2007 SUPPLEMENT) 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 NATIONAL STANDARD PLUMBING CODE.

§ 6-102. CITY MODIFICATIONS.

THE ADDITIONS, DELETIONS, AMENDMENTS, AND OTHER MODIFICATIONS ADOPTED BY THE CITY ARE AS FOLLOWS:

ADMINISTRATION

ADM 1.1 TO 1.5 ***{AS IN NSPC}***

ADM 1.6 ORGANIZATION AND ENFORCEMENT

1.6.1 AUTHORITY HAVING JURISDICTION

THE BUILDING OFFICIAL IS THE AUTHORITY HAVING JURISDICTION TO ADMINISTER AND ENFORCE THIS CODE, AS ADOPTED AND AMENDED BY THE CITY.

1.6.2 TO 1.6.8 ***{AS IN NSPC}***

ADM 1.7 VIOLATIONS AND PENALTIES

1.7.1 VIOLATIONS ***{AS IN NSPC}***

1.7.2 PENALTIES

THE PENALTIES FOR A VIOLATION OF THIS CODE ARE AS PROVIDED FOR A VIOLATION OF THE BALTIMORE CITY BUILDING CODE.

ADM 1.8 PERMITS ***{AS IN NSPC}***

ADM 1.9 PROCESS FOR OBTAINING PERMITS

1.9.1 TO 1.9.7 ***{AS IN NSPC}***

1.9.8 PERMIT EXPIRATION

A PERMIT EXPIRES AT THE TIMES AND UNDER THE CIRCUMSTANCES PROVIDED IN THE BALTIMORE CITY BUILDING CODE FOR THE EXPIRATION OF BUILDING PERMITS. AN EXPIRED PERMIT MAY BE EXTENDED AS PROVIDED IN THE BALTIMORE CITY BUILDING CODE FOR THE EXTENSION OF BUILDING PERMITS.

1.9.9 REVOCATION OR SUSPENSION ***{AS IN NSPC}***

ADM 1.10 PERMIT FEES

FEES FOR PERMITS ISSUED UNDER THIS CODE AND ~~FIR~~ FOR RELATED SERVICES ARE AS PROVIDED IN THE BALTIMORE CITY BUILDING CODE.

ADM 1.11 INSPECTIONS

1.11.1 TO 1.11.4 ***{AS IN NSPC}***

1.11.5 REQUESTS FOR INSPECTION

WHEN THE WORK IS READY FOR INSPECTION, THE PERSON DOING THE WORK UNDER THE PERMIT:

1. MUST GIVE THE BUILDING OFFICIAL AT LEAST 24 HOURS' ADVANCE NOTICE, BY THE METHOD (IN WRITING OR BY TELEPHONE) THAT THE BUILDING OFFICIAL REQUIRES,

2. IS RESPONSIBLE TO MAKE SURE THAT, BEFORE GIVING NOTICE, THE WORK WILL PASS ANY TEST THAT MAY BE REQUIRED, AND

3. IS RESPONSIBLE TO PROVIDE REASONABLE ACCESS AND MEANS FOR ACCOMPLISHING PROPER INSPECTIONS AND TESTS.

1.11.6 OTHER INSPECTIONS *{AS IN NSPC}*

1.11.7 REINSPECTION FEES *{AS IN NSPC}*

ADM 1.12 FINAL CONNECTIONS *{AS IN NSPC}*

ADM 1.13 UNCONSTITUTIONALITY *{AS IN NSPC}*

BASIC PRINCIPLES
{AS IN NSPC}

CHAPTER 1. DEFINITIONS

1.1 GENERAL *{AS IN NSPC}*

1.2 DEFINITION OF TERMS

1.2.1 GENERAL

EXCEPT AS PROVIDED IN § 1.2.2, TERMS THAT ARE USED IN THESE PLUMBING REGULATIONS AND DEFINED IN THE NATIONAL STANDARD PLUMBING CODE (2006 EDITION, 2007 SUPPLEMENT) HAVE THE MEANINGS GIVEN IN THAT CODE.

1.2.2 SUPPLEMENTAL DEFINITIONS

NOTWITHSTANDING ANY DIFFERENT DEFINITION IN THE NSPC, THE FOLLOWING TERMS HAVE THE MEANINGS GIVEN IN THIS § 1.2.2.

1.2.2.1 APPROVED

"APPROVED" MEANS ACCEPTED OR ACCEPTABLE UNDER AN APPLICABLE STANDARD STATED OR CITED IN THIS CODE, OR ACCEPTED AS SUITABLE FOR THE PROPOSED USE UNDER PROCEDURES AND POWERS OF THE BUILDING OFFICIAL UNDER THE GUIDANCE OF, OR IN CONFORMITY WITH, THE STANDARDS OR LISTINGS, OR BOTH, OF ACCEPTABLE FIXTURES AND DEVICES THAT REDUCE WATER CONSUMPTION AND MEET REQUIREMENTS OF SAFETY AND SANITATION AND ARE CERTIFIED BY AN INDEPENDENT TESTING LABORATORY TO MEET ONE OR MORE OF THE STANDARDS CITED IN TABLE 3.1.3 OF THIS CODE.

SEE {AS IN NSPC}

1.2.2.2 AUTHORITY HAVING JURISDICTION

"AUTHORITY HAVING JURISDICTION" MEANS THE BUILDING OFFICIAL, AS DEFINED IN § 202.2 OF THE BUILDING CODE OF BALTIMORE CITY.

1.2.2.3 HOT WATER

"HOT WATER" MEANS POTABLE WATER AT A TEMPERATURE OF NOT LESS THAN 110○ F AND NOT MORE THAN 140○ F.

SEE ***{AS IN NSPC}***

1.2.2.4 MUST

"MUST" IS A MANDATORY TERM. (*SEE ALSO* "SHALL".)

1.2.2.5 SHALL.

"SHALL" IS A MANDATORY TERM. (*SEE ALSO* "MUST".)

CHAPTER 2. GENERAL REGULATIONS

2.1 TO 2.15 *{AS IN NSPC}*

2.16 FREEZING OR OVERHEATING

A. THE PLUMBING SYSTEM MUST BE PROTECTED FROM FREEZING OR OVERHEATING.

B. THE FOLLOWING CONDITIONS MUST BE MET:

1. WATER SERVICE PIPING MUST BE INSTALLED BELOW RECORDED FROST LINES. EARTH COVER MUST BE AT LEAST 36 INCHES (914 MM).

2 MINIMUM EARTH COVER FOR BUILDING SEWERS THAT CONNECT TO PUBLIC SEWAGE SYSTEMS MUST BE 30 INCHES (762 MM). MINIMUM EARTH COVER FOR BUILDING SEWERS THAT CONNECT TO INDIVIDUAL SEWAGE DISPOSAL SYSTEMS MUST BE 30 INCHES (762 MM).

3. IN SYSTEMS THAT ARE USED SEASONALLY, WATER PIPING MUST BE INSTALLED TO BE DRAINED.

4. PIPING MUST BE INSTALLED SO THAT THE CONTENTS WILL NOT BE HEATED DUE TO CLOSE PROXIMITY TO ANY HEAT SOURCE OR FROM DIRECT SOLAR RADIATION.

5. ALL WASTE AND WATER SUPPLY PIPING IN EXTERIOR WALLS AND OTHER AREAS MUST BE PROTECTED FROM FREEZING.

SEE ***{AS IN NSPC}***

NOTE: ***{AS IN NSPC}***

2.17 PROTECTIVE FOOTINGS *{AS IN NSPC}*

2.18 CONNECTIONS TO PLUMBING SYSTEMS REQUIRED ***{AS IN NSPC}***

2.19 CONNECTION TO WATER AND SEWER SYSTEMS

2.19.1 AVAILABILITY OF PUBLIC WATER AND SEWER

THE WATER DISTRIBUTION AND ~~DRAINAGE~~ SEWER SYSTEM OF ANY BUILDING IN WHICH PLUMBING FIXTURES ARE INSTALLED MUST BE CONNECTED TO A PUBLIC WATER SUPPLY SYSTEM AND TO A PUBLIC SEWER SYSTEM UNLESS OTHERWISE AUTHORIZED BY A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT ISSUED UNDER TITLE 9 OF THE STATE ENVIRONMENT ARTICLE. PRIVATE SEPTIC TANK SYSTEMS MAY ONLY BE INSTALLED WITH THE WRITTEN PERMISSION OF THE BUILDING OFFICIAL ~~IF THE PUBLIC SYSTEM IS WITHIN:~~

~~A. 200 FEET (18.58 M) OF ANY PROPERTY LINE OF THE PREMISES, OR~~

~~B. ANY OTHER REASONABLE DISTANCE SET BY THE BUILDING OFFICIAL~~.

SEE ***{AS IN NSPC}***

NOTE: ***{AS IN NSPC}***

2.19.2 PRIVATE SYSTEMS ***{AS IN NSPC}***

2.20 TO 2.24 ***{AS IN NSPC}***

2.25 FOOD HANDLING AREAS

IN NEWLY CONSTRUCTED ESTABLISHMENTS, SOIL OR DRAIN PIPES MAY NOT BE LOCATED OVER FOOD PREPARATION, STORAGE, DISPLAY, SERVING, OR DINING AREAS. WHERE BUILDING DESIGN FOR A REMODELED ESTABLISHMENT REQUIRES THAT THE SOIL OR DRAIN PIPES BE LOCATED OVER THOSE AREAS, PIPES MUST BE PROTECTED AGAINST LEAKAGE OR CONDENSATION REACHING THE FOOD OR DRINK AS DESCRIBED BELOW. THE INSTALLATION MUST BE MADE WITH THE LEAST POSSIBLE NUMBER OF JOINTS AND INSTALLED SO AS TO CONNECT TO A VERTICAL STACK AT THE NEAREST WALL OR VERTICAL BUILDING SUPPORT, AND THE CONSTRUCTION MUST BE PERFORMED AS FOLLOWS:

1. TO 10. ***{AS IN NSPC}***

SEE ***{AS IN NSPC}***

CHAPTER 3. MATERIALS

3.1 MATERIALS ***{AS IN NSPC}***

3.2 SPECIAL MATERIALS

3.2.1 MISCELLANEOUS MATERIALS ***{AS IN NSPC}***

3.2.2 LEAD ***{AS IN NSPC}***

3.2.3 PLASTIC

A. - C. ***{AS IN NSPC}***

D. SDR-35 OR THINNER PLASTIC PIPING MAY NOT BE USED IN UNDERGROUND SANITARY STORM AND VENT PIPING SYSTEMS.

SEE ***{AS IN NSPC}***

NOTE: ***{AS IN NSPC}***

3.3 FITTINGS, FIXTURES, APPLIANCES & APPURTENANCES ***{AS IN NSPC}***

3.4 POTABLE WATER PIPING

3.4.1 TO 3.4.6 ***{AS IN NSPC}***

TABLE 3.4 MATERIALS FOR POTABLE WATER
COPPER WATER TUBE, TYPE M (ASTM B88) – NOT APPROVED FOR UNDERGROUND WATER SERVICE PIPING.

3.5 TO 3.12 ***{AS IN NSPC}***

CHAPTER 4. JOINTS AND CONNECTIONS
{AS IN NSPC}

CHAPTER 5. TRAPS, CLEANOUTS, AND BACKWATER VALVES

5.1 SEPARATE TRAPS FOR EACH FIXTURE ***{AS IN NSPC}***

5.2 SIZE OF FIXTURE TRAPS ***{AS IN NSPC}***

5.3 GENERAL REQUIREMENTS FOR TRAPS

5.3.1 TO 5.3.4 ***{AS IN NSPC}***

5.3.5 PROHIBITED TRAPS

A. THE FOLLOWING TYPES OF TRAPS ARE PROHIBITED:

1. TO 3. ***{AS IN NSPC}***

4. SEPARATE FIXTURE TRAPS THAT DEPEND ON INTERIOR PARTITIONS FOR THEIR SEAL.

5. TO 6. ***{AS IN NSPC}***

B. ***{AS IN NSPC}***

SEE ***{AS IN NSPC}***

5.3.6 TRAP SEAL MAINTENANCE ***{AS IN NSPC}***

5.4 DRAINAGE PIPE CLEANOUTS

5.4.1 TO 5.4.3 ***{AS IN NSPC}***

5.4.4 CLEANOUTS FOR CONCEALED PIPING

CLEANOUTS FOR CONCEALED PIPING MUST EXTEND THROUGH AND TERMINATE FLUSH WITH THE FINISHED WALL OR FLOOR; OR PITS OR CHASES MAY BE LEFT IN THE WALL OR FLOOR, IF THEY ARE OF SUFFICIENT SIZE TO PERMIT REMOVAL OF THE CLEANOUT PLUG AND PROPER CLEANING OF THE SYSTEM. CLEANOUTS ARE NOT PERMITTED IN CEILING SPACES.

SEE ***{AS IN NSPC}***

5.4.5 TO 5.4.9 ***{AS IN NSPC}***

5.4.10 MANHOLES FOR LARGE PIPES

A. - D. ***{AS IN NSPC}***

E. MANHOLE CONSTRUCTION MUST COMPLY WITH THE DEPARTMENT OF PUBLIC WORK'S ~~"BOOK OF STANDARDS"~~ GUIDELINES AND STANDARDS.

SEE ***{AS IN NSPC}***

5.4.11 TO 5.4.14 ***{AS IN NSPC}***

5.5 BACKWATER VALVES ***{AS IN NSPC}***

CHAPTER 6. LIQUID WASTE TREATMENT EQUIPMENT

6.1 GENERAL

6.1.1 TO 6.1.8 ***{AS IN NSPC}***

6.2 GREASE INTERCEPTORS AND GREASE RECOVERY DEVICES (GRD)

6.2.1 TO 6.2.3 ***{AS IN NSPC}***

6.2.4 COMMERCIAL DISHWASHERS

COMMERCIAL DISHWASHERS ARE NOT PERMITTED TO DISCHARGE THROUGH A GREASE INTERCEPTOR.

6.2.5 TO 6.2.8 ***{AS IN NSPC}***

6.3 OIL/WATER SEPARATORS

6.3.1 WHERE REQUIRED AND APPROVED POINT OF DISCHARGE

A. - D. ***{AS IN NSPC}***

E. WHERE PARKING GARAGES WITHOUT PROVISIONS FOR VEHICLE-WASHING OR FLOOR-RINSING FACILITIES REQUIRE STORM WATER DRAINAGE, DRAINS MAY BE CONNECTED TO THE STORM SEWER

WITHOUT A SAND AND OIL INTERCEPTOR. THIS DRAINAGE, INCLUDING MELTING SNOW, ICE, OR RAINWATER RUNOFF FROM VEHICLES, MAY NOT BE CONNECTED TO A SANITARY SEWER. OIL INTERCEPTORS ARE NOT REQUIRED IN OPEN PARKING GARAGES.

F. WHERE OIL SEPARATORS INCLUDE A WASTE HOLDING TANK, THE TANK MAY NOT BE USED TO STORE OR CONTAIN ANY OTHER WASTE OIL (E.G., MOTOR OIL) OR HAZARDOUS FLUID. THE INSTALLATION OF WASTE-OIL STORAGE TANKS MUST COMPLY WITH COMAR 26.10 ("OIL POLLUTION AND TANK MANAGEMENT").

SEE ***{AS IN NSPC}***

6.3.2 DESIGN OF OIL SEPARATORS

A - D. ***{AS IN NSPC}***

E. THE OIL DRAW-OFF OR OVERFLOW FROM OIL SEPARATORS MUST BE CONNECTED TO AN APPROVED WASTE-OIL TANK THAT MEETS THE ENVIRONMENTAL REQUIREMENTS OF THE MARYLAND DEPARTMENT OF THE ENVIRONMENT. THE WASTE OIL FROM THE SEPARATOR MUST FLOW BY GRAVITY OR MAY BE PUMPED TO A HIGHER ELEVATION BY AN AUTOMATIC PUMP. PUMPS MUST BE ADEQUATELY SIZED, EXPLOSION PROOF, AND ACCESSIBLE. WASTE-OIL TANKS MUST HAVE A 2" MINIMUM PUMP-OUT CONNECTION AND A 1½" MINIMUM VENT TO THE ATMOSPHERE.

F. - H. ***{AS IN NSPC}***

SEE ***{AS IN NSPC}***

6.3.3 VAPOR VENTING ***{AS IN NSPC}***

6.3.4 COMBINATION OIL SEPARATOR AND SAND SEPARATOR ***{AS IN NSPC}***

6.4 TO 6.7 ***{AS IN NSPC}***

CHAPTER 7. PLUMBING FIXTURES, FIXTURE FITTINGS, AND PLUMBING APPLIANCES

7.1 FIXTURE STANDARDS ***{AS IN NSPC}***

7.2 FIXTURES FOR ACCESSIBLE USE ***{AS IN NSPC}***

7.3 INSTALLATION

7.3.1 TO 7.3.8 ***{AS IN NSPC}***

7.3.9 WATER CLOSET AND URINAL COMPARTMENTS

EACH WATER CLOSET AND URINAL USED BY THE PUBLIC OR BY EMPLOYEES IN A NON-RESTRICTED USE MUST OCCUPY A SEPARATE COMPARTMENT TO ASSURE PRIVACY. WATER CLOSETS MUST BE LOCATED WITHIN COMPARTMENTS EQUIPPED WITH DOORS. PRIVACY PARTITIONS ARE ACCEPTABLE BETWEEN URINALS.

EXCEPTION: A WATER CLOSET COMPARTMENT IS NOT REQUIRED IN A SINGLE-OCCUPANT TOILET ROOM WITH A LOCKABLE DOOR.

7.4 TO 7.24 ***{AS IN NSPC}***

CHAPTER 8. HANGERS AND SUPPORTS

8.1 GENERAL

A. - C. ***{AS IN NSPC}***

D. FLEXIBLE PLASTIC AND METAL STRAP USED FOR SUPPORT OR HANGERS MUST BE INSTALLED SO AS NOT TO ALLOW VIBRATION OR UNDUE MOVEMENT OF THE PLUMBING FIXTURES, PIPES, APPLIANCES, OR EQUIPMENT. FLEXIBLE STRAP MAY ONLY BE USED WITH LIKE MATERIALS AND MAY NOT CAUSE DAMAGE TO THE PLUMBING SYSTEM. FLEXIBLE PLASTIC OR METAL STRAP MAY NOT BE USED IN ANY GAS FITTING INSTALLATIONS.

8.2 TO 8.9 ***{AS IN NSPC}***

CHAPTER 9. INDIRECT WASTE PIPING AND SPECIAL WASTES

9.1 INDIRECT WASTES

9.1.1 TO 9.1.10 ***{AS IN NSPC}***

9.1.11 SWIMMING POOLS ***{AS IN NSPC}***

9.1.11.1 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.

9.2 INDIRECT WASTE PIPING ***{AS IN NSPC}***

9.3 INDIRECT WASTE RECEPTORS ***{AS IN NSPC}***

9.4 SPECIAL WASTES

9.4.1 TREATMENT OF CORROSIVE WASTES ***{AS IN NSPC}***

9.4.2 HIGH TEMPERATURE WASTES ***{AS IN NSPC}***

9.4.3 AIR CONDITIONING CONDENSATE

A. - B. ***{AS IN NSPC}***

C. DISCHARGE OF AIR CONDITIONING CONDENSATE MAY NOT BE ALLOWED TO CREATE A NUISANCE, SUCH AS BY CONTINUOUSLY DISCHARGING INTO THE PUBLIC RIGHT-OF-WAY OR FLOWING ACROSS THE GROUND OR PAVED SURFACES. UNLESS EXPRESSLY PROHIBITED BY THE BUILDING OFFICIAL, THE POINT OF INDIRECT DISCHARGE FOR AIR CONDITIONING CONDENSATE MUST BE ONE OF THE FOLLOWING:

1. THE BUILDING STORM DRAINAGE SYSTEM,

2. THE BUILDING SANITARY DRAINAGE SYSTEM, AS APPROVED BY THE BUILDING OFFICIAL,

3. A SUMP PUMP, OR

4. WITHIN DWELLINGS, A TUB WASTE AND OVERFLOW OR A LAVATORY TAILPIECE WITHIN THE SAME DWELLING.

SEE {AS IN NSPC}

CHAPTER 10. WATER SUPPLY AND DISTRIBUTION

10.1 QUALITY OF WATER SUPPLY *{AS IN NSPC}*

10.2 IDENTIFICATION OF POTABLE AND NON-POTABLE WATER *{AS IN NSPC}*

10.3 WATER REQUIRED

10.3.1 BUILDINGS

EVERY BUILDING EQUIPPED WITH PLUMBING FIXTURES AND USED FOR HUMAN OCCUPANCY MUST BE PROVIDED WITH A POTABLE SUPPLY OF COLD WATER IN THE AMOUNTS AND AT THE PRESSURES SPECIFIED IN THIS CHAPTER. FOR PERMANENT RESIDENCES AND FOR BUILDINGS IN WHICH PEOPLE ARE EMPLOYED, HOT WATER MUST ALSO BE PROVIDED IN THE AMOUNTS AND AT THE PRESSURES SPECIFIED IN THIS CHAPTER.

10.4 PROTECTION OF POTABLE WATER SUPPLY *{AS IN NSPC}*

10.5 BACKFLOW PREVENTION

10.5.1 TO 10.5.4 *{AS IN NSPC}*

10.5.5 INSTALLATION OF BACKFLOW PREVENTION DEVICES

A. - E. *{AS IN NSPC}*

F. A PERSON MAY NOT INSTALL BACKFLOW PREVENTION DEVICES IN THE CITY UNLESS THAT PERSON IS LICENSED BY THE STATE AS A MASTER OR JOURNEYMAN PLUMBER.

G. A BACKFLOW PREVENTION DEVICE IS REQUIRED ON BOTH DOMESTIC AND SPRINKLER SYSTEM WATER MAINS AS THEY ENTER THE BUILDING. A BYPASS SYSTEM MUST BE PROVIDED TO ALLOW TESTING OF THE BACKFLOW DEVICE.

10.5.6 - 10.5.8 *{AS IN NSPC}*

10.5.9 PROTECTION FROM FIRE SYSTEMS

A. POTABLE WATER SUPPLIES TO WATER-BASED FIRE PROTECTION SYSTEMS, INCLUDING STANDPIPES AND AUTOMATIC SPRINKLER SYSTEMS, MUST BE PROTECTED FROM BACK-PRESSURE AND BACK-SIPHONAGE BY ONE OF THE FOLLOWING TESTABLE DEVICES:

1. DOUBLE CHECK FIRE PROTECTION BACKFLOW PROTECTION ASSEMBLY,

2. DOUBLE CHECK DETECTOR FIRE PROTECTION BACKFLOW PROTECTION ASSEMBLY,

3. REDUCED PRESSURE PRINCIPLE FIRE PROTECTION BACKFLOW PREVENTION ASSEMBLY,

4. REDUCED PRESSURE DETECTOR FIRE PROTECTION BACKFLOW PREVENTION ASSEMBLY.

EXCEPTIONS ***{AS IN NSPC}***

B. - D. ***{AS IN NSPC}***

10.5.10 - 10.5.13 ***{AS IN NSPC}***

10.5.14 HIGH HAZARD BUILDINGS

A. 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.

B. ANY BYPASS PIPING MUST ALSO HAVE A BACKFLOW PREVENTION DEVICE INSTALLED.

10.5.15 BACKFLOW PREVENTION DEVICES ON HOT WATER SUPPLY

WHEN HOT WATER RETURN PIPING IS NEEDED, IT MUST BE TAKEN FROM THE SUPPLY SIDE OF THE BACKFLOW PREVENTION DEVICE.

10.5.16 TESTING AND INSPECTION CERTIFICATE

ALL TESTING AND INSPECTIONS MUST BE DOCUMENTED ON A CERTIFICATE ATTACHED TO THE BACKFLOW PREVENTION DEVICE.

10.6 TO 10.11 ***{AS IN NSPC}***

10.12 WATER SUPPLY CONTROL VALVES

10.12.1 TO 10.12.9 ***{AS IN NSPC}***

10.12.10 INDIVIDUAL VALVES ON SPRINKLER SYSTEMS

DOMESTIC WATER SERVICE LINES USED TO SUPPLY WATER TO BOTH THE SPRINKLER AND THE DOMESTIC WATER PIPING INSIDE A BUILDING MUST HAVE AN INDIVIDUAL VALVE ON BOTH BRANCH LINES WHEN SERVED BY A SINGLE WATER SERVICE PIPE. A BUILDING VALVE MAY NOT BE USED TO SERVE BOTH SYSTEMS. A FLOW ALARM MUST BE PROVIDED ON THE SPRINKLER SYSTEM.

EXCEPTION: THIS § 10.12.10 DOES NOT APPLY TO SINGLE-FAMILY DWELLINGS.

10.13 TO 10.15 ***{AS IN NSPC}***

10.16 SAFETY DEVICES FOR PRESSURE VESSELS

10.16.1 TO 10.16.5 ***{AS IN NSPC}***

10.16.6 RELIEF VALVE DISCHARGE PIPING

A – C. ***{AS IN NSPC}***

D. FOR NEW CONSTRUCTION, AN AIR GAP MUST BE PROVIDED WHERE RELIEF VALVES DISCHARGE INTO AN INDIRECT WASTE PIPE, FLOOR DRAIN, TRENCH DRAIN, SERVICE SINK, MOP BASIN, LAUNDRY SINK, STANDPIPE, OR OTHER APPROVED RECEPTOR. THE MINIMUM SIZE OF FIXTURE DRAINS OR WASTE PIPES THAT RECEIVE THE DISCHARGE FROM RELIEF VALVES IS AS INDICATED IN TABLE 10.16.6.

E. IN EXISTING CONSTRUCTION, WHERE RELIEF VALVES DISCHARGE TO THE FLOOR, THE DISCHARGE PIPE MUST TERMINATE NOT MORE THAN 6 INCHES NOR LESS THAN 2 INCHES ABOVE THE FLOOR.

F. - G. ***{AS IN NSPC}***

SEE ***{AS IN NSPC}***

10.16.7 VACUUM RELIEF VALVES *{AS IN NSPC}*

10.16.8 REPLACEMENT OF RELIEF VALVES *{AS IN NSPC}*

10.17 TO 10.19 *{AS IN NSPC}*

CHAPTER 11. SANITARY DRAINAGE SYSTEMS
{AS IN NSPC}

CHAPTER 12. VENTS AND VENTING
{AS IN NSPC}

CHAPTER 13. STORM WATER DRAINAGE

13.1 GENERAL

13.1.1 TO 13.1.4 *{AS IN NSPC}*

13.1.5 FOUNDATION DRAINS

A. FOUNDATION DRAINS MUST BE PROVIDED AROUND THE PERIMETER OF BASEMENTS, CELLARS, CRAWL SPACES, OR ANY BUILDING SPACE BELOW GRADE. THE DRAINS MUST BE POSITIONED EITHER INSIDE OR OUTSIDE OF THE FOOTINGS AND MUST BE PERFORATED OR OPEN-JOINT APPROVED DRAIN TILE OR PIPE NOT LESS THAN 3" PIPE SIZE. THE INVERT OF FOUNDATION DRAINS MAY NOT BE LESS THAN 2 INCHES BELOW THE UNDERSIDE OF THE FLOOR SLAB BEING PROTECTED. EXTERIOR PIPING MUST BE AT LEAST 30" BELOW GRADE.

B. - F. ***{AS IN NSPC}***

SEE ***{AS IN NSPC}***

13.1.6 TO 13.1.9 *{AS IN NSPC}*

13.1.10 ROOF DRAINAGE

13.1.10.1 PRIMARY ROOF DRAINAGE

A. GUTTERS, DOWNSPOUTS, AND LEADERS MUST BE PROVIDED ON ALL BUILDINGS TO PROPERLY COLLECT, CONDUCT, AND DISCHARGE THE WATER FROM THEIR ROOF AREAS INTO A STORM DRAIN. THE LOCATION AND SIZING OF DRAINS AND GUTTERS MUST BE COORDINATED WITH THE STRUCTURAL DESIGN AND PITCH OF THE ROOF.

B. UNLESS OTHERWISE REQUIRED BY THE BUILDING OFFICIAL, ROOF DRAINS, GUTTERS, VERTICAL CONDUCTORS OR LEADERS, AND HORIZONTAL STORM DRAINS FOR PRIMARY DRAINAGE MUST BE SIZED BASED ON A STORM OF 60 MINUTES DURATION AND 100-YEAR RETURN PERIOD. (*SEE* APPENDIX A.)

C. NO WATER FROM ANY BUILDING MAY BE DISCHARGED SO AS TO FLOW OVER ANY SIDEWALK, FOOTWAY, OR ADJOINING PROPERTY, EXCEPT FROM WINDOW SILLS, COPINGS, OR CORNICES THAT PROJECT NO MORE THAN 1 FOOT (305 MM).

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, OR

2. AWNINGS OR MARQUEES THAT DISCHARGE OFF THE OUTER EDGE.

13.1.10.2 SECONDARY ROOF DRAINAGE

A. ***{AS IN NSPC}***

B. WHERE SECONDARY DRAINAGE IS PROVIDED BY MEANS OF ROOF DRAINS OR STANDPIPES, THE SECONDARY SYSTEM MUST:

1. BE SEPARATE FROM THE PRIMARY SYSTEM, AND

2. EITHER:

I. DISCHARGE INDEPENDENTLY AT GRADE, OR

II. TIE INTO THE PRIMARY SYSTEM'S VERTICAL STACKS AT A LOCATION TO BE DETERMINED BY THE BUILDING OFFICIAL.

C. - F. ***{AS IN NSPC}***

13.1.10.3 VERTICAL WALLS *{AS IN NSPC}*

13.1.10.4 EQUIVALENT SYSTEMS *{AS IN NSPC}*

13.1.10.5 METHODS OF ROOF DRAINAGE

A. 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.

B. 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.

13.1.10.6 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.

13.1.11 CONTINUOUS FLOW ***{AS IN NSPC}***

13.1.12 BACKWATER VALVES ***{AS IN NSPC}***

13.2 TO 13.4 ***{AS IN NSPC}***

13.5 ROOF DRAINS

13.5.1 TO 13.5.4 ***{AS IN NSPC}***

13.5.5 ROOF DRAIN RESTRICTIONS

TO INSURE WATER FLOW INTO THE DRAIN, THE ROOF DRAIN OPENING MAY NOT BE RESTRICTED BY INSERTION OF ANY ROOFING MATERIAL OR OTHER OBJECTS. ROOF DRAINS MUST BE TRAPPED IF THEY ARE LOCATED DIRECTLY BENEATH ANY DOOR, WINDOW, OR OTHER VENTILATING OPENING OF THE BUILDING OR OF AN ADJACENT BUILDING.

13.5.6 ROOF DRAIN OUTLET PIPE SIZE ***{AS IN NSPC}***

13.6 TO 13.9 ***{AS IN NSPC}***

CHAPTER 14. SPECIAL REQUIREMENTS FOR HEALTH CARE FACILITIES *{AS IN NSPC}*

CHAPTER 15. TESTS AND MAINTENANCE

15.1 TO 15.6 ***{AS IN NSPC}***

15.6A METHODS OF TESTING INTERIOR LEADERS OR DOWNSPOUTS

THE BUILDING OFFICIAL MAY REQUIRE LEADERS AND DOWNSPOUTS AND BRANCHES WITHIN A BUILDING TO BE TESTED BY WATER OR AIR IN ACCORDANCE WITH § 15.4.1.

15.7 DEFECTIVE PLUMBING ***{AS IN NSPC}***

15.8 MAINTENANCE ***{AS IN NSPC}***

CHAPTER 16. SEWAGE DISPOSAL AND CERTAIN WATER SYSTEMS FOR HOMES AND OTHER ESTABLISHMENTS WHERE A PUBLIC SEWAGE SYSTEM IS NOT AVAILABLE {PER STATE MODIFICATION}

SEE COMAR 26.04.02

CHAPTER 17. POTABLE WATER SUPPLY SYSTEMS
{AS IN NSPC}

CHAPTER 18. MOBILE HOME AND TRAVEL TRAILER PARK PLUMBING STANDARDS
{AS IN NSPC}

CHAPTER 19. INSTALLATION OF GAS APPLIANCES AND GAS PIPING
{AS IN NSPC}

CHAPTER 20. WATER SUPPLY AND SEWAGE SYSTEMS IN THE SUBDIVISION OF LAND IN MARYLAND {PER STATE MODIFICATION}

SEE COMAR 26.04.03

PART VII. INTERNATIONAL PROPERTY MAINTENANCE CODE

§ 7-101. CITY ADOPTION.

(A) *IN GENERAL*.

THE INTERNATIONAL PROPERTY MAINTENANCE CODE (2006 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. ADMINISTRATION

SECTION 101 GENERAL

101.1 TITLE. THESE REGULATIONS CONSTITUTE AND ARE KNOWN AS THE "PROPERTY MAINTENANCE CODE OF BALTIMORE CITY".

101.1.1 REFERENCES TO "THIS CODE". ALL REFERENCES TO "THIS CODE" REFER TO THE PROPERTY MAINTENANCE CODE OF BALTIMORE CITY.

101.2 TO101.4 ***{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.

102.3 APPLICATION OF OTHER CODES. ALL REPAIRS, ADDITIONS, OR ALTERATIONS TO A STRUCTURE AND ALL CHANGES OF OCCUPANCY MUST BE DONE IN ACCORDANCE WITH THIS CODE AND WITH THE FOLLOWING CODES AND STANDARDS, AS MODIFIED BY BALTIMORE CITY:

1. THE INTERNATIONAL BUILDING CODE (2006 EDITION),
2. THE NATIONAL ELECTRICAL CODE (2005 EDITION),
3. THE NATIONAL FUEL GAS CODE (2006 EDITION),
4. THE INTERNATIONAL MECHANICAL CODE (2006 EDITION),
5. THE NATIONAL STANDARD PLUMBING CODE (2006 EDITION, 2007 SUPPLEMENT),
6. THE INTERNATIONAL FIRE CODE (2006 EDITION),
7. THE INTERNATIONAL ENERGY CONSERVATION CODE (2006 EDITION), AND
8. THE ZONING CODE OF BALTIMORE CITY.

102.4 EXISTING REMEDIES. THE PROVISIONS OF THIS CODE MAY NOT BE CONSTRUED TO ABOLISH OR IMPAIR EXISTING REMEDIES OF THE CITY OR ITS OFFICERS OR AGENCIES RELATING TO:

1. ENFORCEMENT OF REPAIR AND MAINTENANCE STANDARDS, OR

2. THE REMOVAL OR DEMOLITION OF ANY STRUCTURE THAT IS DANGEROUS, UNSAFE, AND INSANITARY.

102.5 WORKMANSHIP. ALL REPAIRS, MAINTENANCE WORK, ALTERATIONS, OR INSTALLATIONS MUST BE EXECUTED AND INSTALLED IN A WORKMANLIKE MANNER AND INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.

102.6 HISTORIC BUILDINGS. ***{NOT ADOPTED}***

102.7 TO 102.8 ***{AS IN IPMC}***

SECTION 103 DEPARTMENT OF PROPERTY MAINTENANCE 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 PROPERTY MAINTENANCE 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 BUILDING CODE OF BALTIMORE CITY.

103.2 APPOINTMENT. ***{NOT ADOPTED}***

103.3 DEPUTIES. ***{NOT ADOPTED}***

103.4 RESTRICTION OF EMPLOYEES. ***{NOT ADOPTED}***

103.5 LIABILITY. ***{NOT ADOPTED}***

103.6 FEES. THE FEES FOR WORK OR REPAIRS THAT REQUIRE A BUILDING PERMIT ARE AS PROVIDED IN THE BALTIMORE CITY BUILDING CODE.

SECTION 104 DUTIES AND POWERS OF CODE OFFICIAL

104.1 GENERAL. ***{AS IN IPMC}***

104.2 RULEMAKING AUTHORITY. ***{AS IN IPMC}***

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 OF THE BALTIMORE CITY BUILDING CODE.

104.5 IDENTIFICATION. ***{AS IN IPMC}***

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 SPECIFIED IN THIS CODE.

104.8 NOTICE OF ABATEMENT. WHEN THE RECIPIENT OF A VIOLATION NOTICE HAS ABATED THE VIOLATION, THE CODE OFFICIAL MUST ISSUE A NOTICE OF ABATEMENT.

SECTION 105 APPROVAL

105.1 MODIFICATIONS. ***{AS IN IPMC}***

105.2 ALTERNATIVE MATERIALS, METHODS, AND EQUIPMENT. THE PROVISIONS OF THIS CODE ARE NOT INTENDED TO PREVENT THE INSTALLATION OF ANY MATERIAL OR TO PROHIBIT ANY METHOD OF CONSTRUCTION NOT SPECIFICALLY PRESCRIBED BY THIS CODE, AS LONG AS THAT ALTERNATIVE HAS BEEN APPROVED. AN ALTERNATIVE MATERIAL OR METHOD OF CONSTRUCTION MAY BE APPROVED IF THE CODE OFFICIAL FINDS THAT THE PROPOSED DESIGN IS SATISFACTORY AND COMPLIES WITH THE INTENT OF THIS CODE AND THAT THE MATERIAL, METHOD, OR WORK OFFERED IS, FOR THE PURPOSE INTENDED, AT LEAST THE EQUIVALENT OF THAT PRESCRIBED IN THIS CODE IN QUALITY, STRENGTH, EFFECTIVENESS, FIRE RESISTANCE, DURABILITY, AND SAFETY.

105.3 REQUIRED TESTING. ***{AS IN IPMC}***

105.4 MATERIAL AND EQUIPMENT REUSE. ***{AS IN IPMC}***

SECTION 106 VIOLATIONS

106.1 UNLAWFUL ACTS. IT IS UNLAWFUL FOR ANY PERSON TO BE IN CONFLICT WITH OR IN VIOLATION OF ANY PROVISION OF THIS CODE OR OF ANY REGULATION, PERMIT, OR NOTICE ISSUED UNDER THIS CODE.

106.2 NOTICE OF VIOLATION. EXCEPT AS OTHERWISE SPECIFICALLY AUTHORIZED BY LAW, THE CODE OFFICIAL MUST SERVE A NOTICE OF VIOLATION OR AN ORDER BEFORE UNDERTAKING A PROSECUTION OR OTHER ENFORCEMENT ACTION.

106.3 PROSECUTION OF VIOLATION. ANY PERSON WHO VIOLATES A PROVISION OF THIS CODE OR WHO FAILS TO COMPLY WITH A NOTICE OF VIOLATION OR AN ORDER SERVED IN ACCORDANCE WITH § 107 IS GUILTY OF A MISDEMEANOR. IF THE VIOLATION IS NOT ABATED OR THE NOTICE OR ORDER NOT COMPLIED WITH, THE CODE OFFICIAL MAY INSTITUTE THE APPROPRIATE PROCEEDING AT LAW OR IN EQUITY TO RESTRAIN, CORRECT, OR ABATE THE VIOLATION OR TO REQUIRE THE REMOVAL OR TERMINATION OF THE UNLAWFUL OCCUPANCY OF THE STRUCTURE IN VIOLATION OF THIS CODE OR OF THE ORDER OR DIRECTION MADE UNDER THIS CODE.

106.4 VIOLATION PENALTIES. THE PENALTIES FOR A VIOLATION OF THIS CODE ARE AS PROVIDED FOR A VIOLATION OF THE BALTIMORE CITY BUILDING CODE.

106.5 REMEDIES AND ENFORCEMENT. THE IMPOSITION OF PENALTIES UNDER THIS SECTION DOES NOT PRECLUDE THE INSTITUTION OF APPROPRIATE ACTION:

1. TO RESTRAIN, CORRECT, OR ABATE A VIOLATION,

2. TO PREVENT ILLEGAL OCCUPANCY OF A STRUCTURE OR PREMISES, OR

3. TO STOP AN ILLEGAL ACT, CONDUCT, BUSINESS, OR USE OF THE STRUCTURE OR PREMISES.

106.5.1 BUILDING CODE PROVISIONS. ADDITIONAL REMEDIES, CIVIL PENALTIES, AND ENFORCEMENT PROCEEDINGS ARE AS PROVIDED IN §§ 113.3 AND 113.5 OF THE BALTIMORE CITY BUILDING CODE.

SECTION 107 NOTICES AND ORDERS

107.1 NOTICE TO OWNER OR PERSON RESPONSIBLE. WHENEVER THE CODE OFFICIAL DETERMINES OR HAS GROUNDS TO BELIEVE THAT A VIOLATION OF THIS CODE HAS OCCURRED, NOTICE MUST BE GIVEN TO AN OWNER OR OTHER PERSON RESPONSIBLE FOR COMPLIANCE WITH THIS CODE.

107.2 FORM OF NOTICE. VIOLATION AND CONDEMNATION NOTICES MUST BE IN THE FORM PROVIDED BY § 123 OF THE BALTIMORE CITY BUILDING CODE.

107.3 SERVICE OF NOTICE. VIOLATION AND CONDEMNATION NOTICES MUST BE SERVED AS PROVIDED BY § 123 OF THE BALTIMORE CITY BUILDING CODE.

107.4 RESPONSIBILITIES OF OWNERS, OPERATORS, AND OTHERS. THE RESPONSIBILITIES OF OWNERS, OPERATORS, AND OTHERS ARE AS FOLLOWS:

1. OWNERS AND OPERATORS: AS PROVIDED IN § 113.21 OF THE BALTIMORE CITY BUILDING CODE.

2. OFFICERS, DIRECTORS, TRUSTEES, PARTNERS, MEMBERS, AND AGENTS OF ENTITIES: AS PROVIDED IN § 113.24 OF THE BALTIMORE CITY BUILDING CODE.

107.5 TRANSFER OF OWNERSHIP. ***{AS PROVIDED IN IBC § 113.23}***

SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

108.1 GENERAL. PROCEDURES FOR ENFORCEMENT OR OTHER ACTIONS INVOLVING UNSAFE STRUCTURES AND EQUIPMENT ARE AS PROVIDED IN THE BALTIMORE CITY BUILDING CODE.

108.2 TO 108.6 ***{NOT ADOPTED}***

SECTION 109 EMERGENCY MEASURES

109.1 GENERAL. WHENEVER NECESSARY OR APPROPRIATE, THE CODE OFFICIAL MAY TAKE EMERGENCY MEASURES AS PROVIDED IN THE BALTIMORE CITY BUILDING CODE.

109.2 TO 109.6 ***{NOT ADOPTED}***

SECTION 110 DEMOLITION

110.1 GENERAL. THE CODE OFFICIAL MAY ORDER THE REHABILITATION, STABILIZATION, OR DEMOLITION OF STRUCTURES FOUND TO BE UNSAFE OR UNFIT FOR HUMAN HABITATION OR OTHER AUTHORIZED USE AS PROVIDED IN THE BALTIMORE CITY BUILDING CODE.

110.2 TO 110.4 ***{NOT ADOPTED}***

SECTION 111 ADMINISTRATIVE AND JUDICIAL REVIEW

111.1 GENERAL. A DECISION OF THE CODE OFFICIAL IS SUBJECT TO ADMINISTRATIVE AND JUDICIAL REVIEW AS PROVIDED IN THE BALTIMORE CITY BUILDING CODE.

111.2 TO111.8 ***{NOT ADOPTED}***

CHAPTER 2. DEFINITIONS

SECTION 201 GENERAL

201.1 SCOPE. ***{AS IN IPMC}***

201.2 INTERCHANGEABILITY. ***{AS IN IPMC}***

201.3 TERMS DEFINED IN OTHER CODES. IF A TERM IS NOT DEFINED IN THIS CODE AND IS DEFINED IN ONE OR ANOTHER OF THE STANDARDS AND CODES LISTED IN § 102.3 OF THIS CODE, THE TERM HAS THE MEANING GIVEN TO IT IN THAT STANDARD OR CODE.

201.4 TERMS NOT DEFINED. ***{AS IN IPMC}***

201.5 PARTS. ***{AS IN IPMC}***

SECTION 202 GENERAL DEFINITIONS

202.1 GENERAL. EXCEPT AS PROVIDED IN § 202.2, TERMS THAT ARE USED AND DEFINED IN THE INTERNATIONAL PROPERTY MAINTENANCE CODE (2006 EDITION) HAVE THE MEANINGS GIVEN IN THE INTERNATIONAL PROPERTY MAINTENANCE CODE (2006 EDITION).

202.2 SUPPLEMENTAL DEFINITIONS. NOTWITHSTANDING ANY DIFFERENT DEFINITION IN THE INTERNATIONAL PROPERTY MAINTENANCE CODE, THE FOLLOWING TERMS HAVE THE MEANINGS GIVEN IN THIS § 202.2.

202.2.1 ~~**ALLEY.** "ALLEY" MEANS ANY PUBLIC WAY THAT IS LESS THAN 30 FEET (9144 MM) WIDE AND ON WHICH DWELLINGS DO NOT FRONT.~~ ***{VACANT}***

202.2.2 CODE OFFICIAL. "CODE OFFICIAL" HAS THE MEANING STATED IN § 103.1 OF THIS CODE.

202.2.3 CONDEMN. "CONDEMN" MEANS:

1. TO ADJUDGE EQUIPMENT OR FACILITIES AS BEING UNSAFE FOR USE, OR
2. TO ADJUDGE A STRUCTURE AS BEING UNSAFE OR UNFIT FOR OCCUPANCY.

202.2.4 DWELLING UNIT. "DWELLING UNIT" HAS THE MEANING STATED IN § 202.2 OF THE BALTIMORE CITY BUILDING CODE.

202.2.5 HABITABLE SPACE. "HABITABLE SPACE" MEANS SPACE IN A STRUCTURE FOR LIVING, SLEEPING, OR EATING. BATHROOMS, TOILET ROOMS, CLOSETS, HALLS, STORAGE OR UTILITY SPACES, AND SIMILAR AREAS ARE NOT CONSIDERED HABITABLE SPACES. KITCHENS WITH LESS THAN 56 SQ. FT. (5.2 SQ. M.) OF FLOOR AREA ARE NOT CONSIDERED HABITABLE SPACES.

202.2.6 MAY NOT, ETC. "MAY NOT", "MUST NOT", AND "NO ... MAY" ARE EACH MANDATORY NEGATIVE TERMS USED TO ESTABLISH A PROHIBITION.

202.2.7 MULTIPLE-FAMILY DWELLING. "MULTIPLE-FAMILY DWELLING" MEANS A BUILDING OR A GROUP OF BUILDINGS ON THE SAME LOT THAT CONTAINS OR IS DESIGNED OR INTENDED TO CONTAIN:

1. MORE THAN 2 DWELLING UNITS,

2. 2 DWELLING UNITS AND ANY OTHER RESIDENTIAL OR COMMERCIAL OCCUPANCY, OR

3. ANY COMBINATION OF 3 OR MORE ROOMING UNITS AND DWELLING UNITS.

202.2.8 MUST/SHALL. "MUST" AND "SHALL" ARE EACH MANDATORY TERMS USED TO EXPRESS A REQUIREMENT OR TO IMPOSE A DUTY.

202.2.9 OCCUPANCY. "OCCUPANCY" HAS THE MEANING STATED IN § 202.2 OF THE BALTIMORE CITY BUILDING CODE.

202.2.10 OCCUPANT. "OCCUPANT" HAS THE MEANING STATED IN § 202.2 OF THE BALTIMORE CITY BUILDING CODE.

202.2.11 OPERATOR. "OPERATOR" HAS THE MEANING STATED IN § 202.2 OF THE BALTIMORE CITY BUILDING CODE.

202.2.12 OWNER. "OWNER" MEANS ANY PERSON THAT:

1. HAS A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY,

2. IS RECORDED IN THE LAND RECORDS AS HOLDING TITLE TO THE PROPERTY, OR

3. OTHERWISE HAS CONTROL OF THE PROPERTY, WITH OR WITHOUT ACCOMPANYING POSSESSION OF THE PROPERTY, INCLUDING:

    A. A GUARDIAN OF THE PERSON OR ESTATE OF AN OWNER,

    B. A TRUSTEE, INCLUDING A TRUSTEE IN BANKRUPTCY, OF AN OWNER, OR

    C. THE PERSONAL REPRESENTATIVE OF THE ESTATE OF AN OWNER.

202.2.13 PERSON. "PERSON" HAS THE MEANING STATED IN § 202.2 OF THE BALTIMORE CITY BUILDING CODE.

202.2.14 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.

202.2.15 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.

202.2.15.1 INCLUSIONS. "ROOMING HOUSE" INCLUDES A HOTEL, MOTEL, OR BOARDING HOUSE.

202.2.16 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.

202.2.17 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.

202.2.18 STRUCTURE. "STRUCTURE" HAS THE MEANING STATED IN IPMC § 202 AND, UNLESS THE CONTEXT INDICATES OTHERWISE, INCLUDES PREMISES AND LANDS.

202.2.19 TRASH. "TRASH" MEANS RUBBISH, AS DEFINED IN IPMC § 202.

202.2.20 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:

1. MUST GIVE THE OWNER AND THE OWNER'S AGENTS ACCESS TO THE PREMISES, AT ALL REASONABLE TIMES, FOR THE PURPOSE OF INSPECTING AND MAKING REPAIRS OR ALTERATIONS AS NECESSARY TO EFFECT COMPLIANCE WITH THIS CODE OR WITH ANY LAWFUL RULE OR REGULATION ADOPTED OR ORDER ISSUED UNDER THIS CODE,

2. MAY NOT OBSTRUCT ANY REQUIRED MEANS OF EGRESS,

3. MAY NOT STORE FLAMMABLE LIQUIDS OR GAS OR UNSAFE QUANTITIES OF COMBUSTIBLE MATERIALS,

4. IF IN CONTROL OF THE HEATING FACILITIES, MUST MAINTAIN A SUFFICIENTLY HIGH TEMPERATURE IN ALL PARTS OF THE UNIT TO PREVENT DAMAGE TO THE PLUMBING SYSTEM, AND

5. IS RESPONSIBLE FOR:

   A. KEEPING IN A CLEAN AND SANITARY CONDITION THE OCCUPANT'S UNIT AND ANY OTHER PART OF THE PREMISES THAT THE OCCUPANT OCCUPIES OR CONTROLS, AND

   B. OTHERWISE COMPLYING WITH THE REQUIREMENTS SPECIFIED IN § 308 OF THIS CHAPTER.

301.2.3 OCCUPANTS – VANDALISM. THE OCCUPANT OF A NON-OWNER OCCUPIED DWELLING MAY NOT DESTROY, DEFACE, DAMAGE, IMPAIR, OR CARRY AWAY, NOR PERMIT ANY OTHER PERSON ON THE PREMISES TO DESTROY, DEFACE, DAMAGE, IMPAIR, OR CARRY AWAY ANY OF THE FACILITIES, EQUIPMENT, APPURTENANCES, OR ANY PART OF THE STRUCTURE OF THE DWELLING.

301.3 VACANT STRUCTURES AND LAND. ALL VACANT STRUCTURES AND THEIR PREMISES AND ALL VACANT LAND MUST BE MAINTAINED IN A CLEAN, SANITARY, AND SAFE CONDITION, AS PROVIDED IN THIS CODE.

301.4 LEAD-BASED PAINT. LEAD-PAINT HAZARDS MUST BE ABATED IN ACCORDANCE WITH:

1. THE RULES AND REGULATIONS OF:

   A. THE MARYLAND DEPARTMENT OF THE ENVIRONMENT; AND

   B. THE BALTIMORE CITY HEALTH DEPARTMENT; AND

2. THE DEPARTMENT OF PUBLIC WORKS' REQUIREMENTS GOVERNING DISCHARGES INTO THE STORM WATER SYSTEM.

301.4.1 UNOCCUPIED DWELLING UNIT — SCOPE. THESE PROVISIONS APPLY TO ANY DWELLING UNIT THAT:

1. IS THE SUBJECT OF A NOTICE OR ORDER FOR THE TREATMENT OF LEAD PAINT, AND

2. BECOMES UNOCCUPIED EITHER:

   A. BEFORE THE NOTICE OR ORDER IS SERVED, OR

   B. WHILE THE NOTICE OR ORDER IS STILL OUTSTANDING.

301.4.2 UNOCCUPIED DWELLING UNIT — POSTING PROPERTY. IF A DWELLING UNIT IS OR BECOMES UNOCCUPIED, THE HEALTH COMMISSIONER IMMEDIATELY MUST POST 1 OR MORE PUBLIC NOTICES IN, ON, OR AROUND THE DWELLING UNIT STATING THAT THE DWELLING UNIT MAY NOT BE REOCCUPIED UNTIL THE LEAD PAINT NOTICE OR ORDER HAS BEEN ABATED.

301.4.3 UNOCCUPIED DWELLING UNIT — REOCCUPANCY PROHIBITED. IF A DWELLING UNIT IS OR BECOMES UNOCCUPIED, THE DWELLING UNIT MAY NOT BE REOCCUPIED UNTIL:

1. THE LEAD PAINT NOTICE OR ORDER HAS BEEN ABATED, AND

2. THE HEALTH COMMISSIONER HAS GIVEN WRITTEN APPROVAL OF REOCCUPANCY.

301.4.4 UNOCCUPIED DWELLING UNIT — REMOVING NOTICE, ETC., PROHIBITED. UNTIL THE HEALTH COMMISSIONER HAS GIVE WRITTEN APPROVAL OF REOCCUPANCY, NO PERSON MAY REMOVE, DEFACE, OR OTHERWISE TAMPER WITH ANY NOTICE THAT HAS BEEN POSTED UNDER THIS SECTION.

301.4.5 UNOCCUPIED DWELLING UNIT — UNAUTHORIZED REOCCUPANCY. IF A DWELLING UNIT IS REOCCUPIED IN VIOLATION OF THIS SECTION:

1. EACH DAY THAT AN UNAUTHORIZED OCCUPANCY CONTINUES IS A SEPARATE OFFENSE, AND

2. THE OWNER, ~~AND~~ OPERATOR, AND UNAUTHORIZED OCCUPANT OF THE UNIT ARE SUBJECT TO THE FOLLOWING PENALTIES:

   A. IN A CRIMINAL PROSECUTION, A CRIMINAL FINE OF UP TO $500 FOR EACH OFFENSE, AND

   B. IN AN ACTION SEEKING EQUITABLE RELIEF, A CIVIL FINE OF UP TO $500 FOR EACH OFFENSE.

SECTION 302 EXTERIOR PROPERTY AREAS ***{NOT ADOPTED}***

SECTION 303 SWIMMING POOLS, SPAS, AND HOT TUBS ***{NOT ADOPTED}***

SECTION 304 REPAIR AND MAINTENANCE OF STRUCTURES

304.1 GENERAL. THE INTERIOR AND EXTERIOR OF A STRUCTURE MUST BE MAINTAINED IN GOOD REPAIR AND IN A STRUCTURALLY SOUND AND SANITARY CONDITION.

304.2 PROTECTIVE TREATMENT. ***{AS IN IPMC}***

304.3 PREMISES IDENTIFICATION. ***{NOT ADOPTED}***

304.4 STRUCTURAL MEMBERS. ALL INTERIOR AND EXTERIOR STRUCTURAL MEMBERS MUST BE:

1. MAINTAINED IN A STRUCTURALLY SOUND CONDITION AND FREE FROM DETERIORATION, AND

2. CAPABLE OF SAFELY SUPPORTING THE IMPOSED DEAD AND LIVE LOADS.

304.5 FOUNDATION WALLS. ***{AS IN IPMC}***

304.6 EXTERIOR WALLS. ***{AS IN IPMC}***

304.7 ROOFS AND DRAINAGE. THE ROOF AND FLASHING MUST BE SOUND, TIGHT, AND WITHOUT DEFECTS THAT ADMIT RAIN. ROOF DRAINAGE MUST BE ADEQUATE TO PREVENT DAMPNESS OR DETERIORATION IN THE WALLS OR INTERIOR PORTION OF THE STRUCTURE. ROOF DRAINS, GUTTERS, AND DOWNSPOUTS MUST BE PROVIDED AND MAINTAINED IN GOOD REPAIR AND FREE FROM OBSTRUCTIONS. ROOF WATER MUST BE DISCHARGED AWAY FROM THE FOUNDATION AND MAY NOT BE DISCHARGED IN A MANNER THAT CREATES A PUBLIC NUISANCE.

304.8 DECORATIVE FEATURES. ***{AS IN IPMC}***

304.9 OVERHANG EXTENSIONS. ***{AS IN IPMC}***

304.10 STAIRWAYS, FLOORS, DECKS, ETC. EVERY INTERIOR AND EXTERIOR STAIRWAY, FLOOR, DECK, PORCH, AND BALCONY, AND ALL THEIR APPURTENANCES MUST BE:

1. STRUCTURALLY SOUND,
2. PROPERLY ANCHORED AND CAPABLE OF SUPPORTING THE IMPOSED LOADS, AND
3. MAINTAINED IN GOOD REPAIR AND SAFE CONDITION.

304.11 CHIMNEYS AND TOWERS. ***{AS IN IPMC}***

304.12 HANDRAILS AND GUARDS. ***{AS IN IPMC}***

304.13 WINDOW, SKYLIGHT, AND DOOR FRAMES. ***{AS IN IPMC}***

304.14 INSECT SCREENS. ***{NOT ADOPTED}***

304.15 DOORS.

304.15.1 GENERAL.

1. ALL DOORS, DOOR ASSEMBLIES, AND HARDWARE MUST BE MAINTAINED IN GOOD CONDITION.
2. EXCEPT AS OTHERWISE REQUIRED FOR MEANS OF EGRESS DOORS, LOCKS AND LATCHING HARDWARE MUST BE PROVIDED AT ALL ENTRANCES TO DWELLING UNITS AND ROOMING UNITS AND MUST TIGHTLY SECURE THE DOORS AT THOSE ENTRANCES.
3. DOORS MUST FIT PROPERLY WITHIN THEIR FRAMES.
4. EXCEPT FOR A BUILDING WHERE THE ENTRANCES ARE STAFFED BY SECURITY PERSONNEL OR WHERE UNOBSTRUCTED ACCESS IS PROVIDED TO THE ENTRANCE OF EACH UNIT, IN A BUILDING THAT CONTAINS 2 OR MORE DWELLING UNITS, AN ELECTRIC DOORBELL MUST BE PROVIDED FOR EACH DWELLING UNIT IN THAT BUILDING.

304.15.2 INTERIOR. EVERY INTERIOR DOOR MUST BE CAPABLE OF BEING OPENED AND CLOSED BY BEING SECURELY ATTACHED AND PROPERLY EQUIPPED WITH PROPERLY FUNCTIONING ATTACHMENT AND LATCHING HARDWARE.

304.16 BASEMENT HATCHWAYS. ***{AS IN IPMC}***

304.17 GUARDS FOR BASEMENT WINDOWS. ***{AS IN IPMC}***

304.18 BUILDING SECURITY. ***{AS IN IPMC}***

304.19 ***{RESERVED}***

304.20 INTERIOR SURFACES. ALL INTERIOR SURFACES, INCLUDING FLOORS, WALLS, CEILINGS, WINDOWS, AND DOORS, MUST BE MAINTAINED IN GOOD, CLEAN, AND SANITARY CONDITION. PEELING, CHIPPING, FLAKING, OR ABRADED PAINT MUST BE REPAIRED, REMOVED, OR COVERED. CRACKED OR LOOSE PLASTER, DECAYED WOOD, AND OTHER DEFECTIVE SURFACE CONDITIONS MUST BE CORRECTED. FLOORS IN

KITCHENS, BATHROOMS, LAVATORIES, TOILET ROOMS, AND LAUNDRY ROOMS MUST BE KEPT IMPERVIOUS TO WATER.

304.21 GRADING AND DRAINAGE. ALL PREMISES MUST BE GRADED AND MAINTAINED TO:

1. DRAIN AWAY FROM THE FOUNDATION OF ANY STRUCTURE AND AWAY FROM ADJOINING PROPERTY,

2. PREVENT THE EROSION OF SOIL, AND

3. PREVENT THE ACCUMULATION OF STAGNANT WATER.

304.22 SIDEWALKS, DRIVEWAYS, ETC. ALL SIDEWALKS, WALKWAYS, STAIRS, DRIVEWAYS, PARKING SPACES, AND SIMILAR AREAS MUST BE KEPT IN GOOD REPAIR AND FREE FROM HAZARDOUS CONDITIONS.

304.23 EXHAUST VENTS. PIPES, DUCTS, CONDUCTORS, FANS, OR BLOWERS MAY NOT BE ALLOWED TO DISCHARGE GASES, STEAM, VAPOR, HOT AIR, GREASE, SMOKE, ODORS, OR OTHER GASEOUS OR PARTICULATE WASTES DIRECTLY ON ANY ABUTTING OR ADJACENT PUBLIC OR PRIVATE PROPERTY OR ON ANY PROPERTY AREAS OCCUPIED BY ANOTHER IN THE SAME BUILDING.

304.24 ACCESSORY STRUCTURES. ALL ACCESSORY STRUCTURES, INCLUDING DETACHED GARAGES, FENCES, GATES, WALLS, AND SWIMMING POOLS, MUST BE MAINTAINED IN A STRUCTURALLY SOUND CONDITION AND IN GOOD REPAIR.

304.25 DEFACED PROPERTY. IF AN EXTERIOR SURFACE OF A STRUCTURE HAS BEEN DEFACED BY CARVINGS, MARKINGS, OR GRAFFITI, THE SURFACE MUST BE RESTORED TO AN APPROVED STATE OF MAINTENANCE AND REPAIR.

304.26 NUISANCE OR HAZARDOUS CONDITIONS. ALL PREMISES MUST BE KEPT FREE OF ANY OBJECT, MATERIAL, OR CONDITION THAT CONSTITUTES A NUISANCE OR A FIRE, ACCIDENT, OR HEALTH HAZARD.

304.27 *{RESERVED}*

304.28 RATPROOFING. ALL BUILDINGS MUST BE RATPROOFED AND MAINTAINED IN A RATPROOF CONDITION BY THE OWNER OR HIS AGENT. RATPROOFING METHODS INCLUDE:

1. PREVENTING ENTRANCE BY BLOCKING PASSAGES WITH RAT-RESISTANT MATERIAL, AND

2. PAVING BASEMENTS AND ANY OTHER AREAS THAT ARE IN CONTACT WITH THE SOIL.

304.29 EQUIPMENT. ALL EQUIPMENT REQUIRED BY THE BUILDING, FIRE, AND RELATED CODES OF BALTIMORE CITY MUST BE MAINTAINED IN GOOD WORKING CONDITION.

304.30 FIRE PROTECTION. ALL REQUIRED FIRE PROTECTION, INCLUDING SEPARATION BETWEEN NONRESIDENTIAL AND RESIDENTIAL OCCUPANCIES, MUST BE MAINTAINED IN GOOD REPAIR. ALL FIRE DOORS MUST BE EQUIPPED AND MAINTAINED AS REQUIRED BY THE FIRE CODE OF BALTIMORE CITY.

SECTION 305 EXTERIOR SANITARY MAINTENANCE – GENERAL

305.1 GENERAL. ALL LOTS AND EXTERIOR PREMISES, INCLUDING ABUTTING SIDEWALKS, GUTTERS, AND ALLEYS, MUST BE MAINTAINED IN A CLEAN, SAFE, AND SANITARY CONDITION.

305.2 GRASS AND WEEDS.

305.2.1 "WEEDS" DEFINED. IN THIS SECTION, "WEEDS" INCLUDES ALL PLANTS AND VEGETATION OTHER THAN:

1. TREES OR SHRUBS, OR

2. CULTIVATED FLOWERS AND GARDENS.

305.2.2 MAINTENANCE REQUIREMENTS. ALL PREMISES AND EXTERIOR PROPERTY MUST BE MAINTAINED FREE OF GRASS, WEEDS, OR PLANT GROWTH IN EXCESS OF 8 INCHES (203 MM). ALL NOXIOUS WEEDS ARE PROHIBITED.

305.3 TREES AND SHRUBBERY. ALL TREES AND SHRUBBERY THAT ARE DANGEROUS TO LIFE AND PROPERTY OR THAT CREATE A FIRE OR TRAFFIC HAZARD MUST BE PRUNED OR REMOVED TO ELIMINATE THE ~~DANGER, HAZARD, OR ENCROACHMENT~~ DANGER OR HAZARD.

305.4 PEST CONTROL. ALL EXTERIOR PROPERTY AREAS MUST BE KEPT FREE FROM INFESTATION BY INSECTS, RODENTS, AND OTHER PESTS, FROM RODENT HARBORAGE, AND FROM THE CONDITIONS THAT ATTRACT PESTS. WHERE PESTS ARE FOUND, THEY MUST BE PROMPTLY EXTERMINATED BY APPROVED PROCESSES THAT WILL NOT BE INJURIOUS TO HUMAN HEALTH.

305.5 MOTOR VEHICLES AND TRAILERS. EXCEPT ONLY AS OTHERWISE EXPRESSLY AUTHORIZED BY LAW, THE FOLLOWING RULES APPLY TO ALL MOTOR VEHICLES AND TRAILERS.

1. NO MOTOR VEHICLE OR TRAILER MAY BE PARKED, KEPT, OR STORED, WHETHER OR NOT COVERED, ON ANY EXTERIOR PREMISES IF:

   A. IT IS INOPERATIVE, UNREGISTERED, OR FAILS TO DISPLAY CURRENT REGISTRATION TAGS, OR

   B. IT IS IN A STATE OF DISASSEMBLY OR DISREPAIR OR IN THE PROCESS OF BEING STRIPPED OR DISMANTLED.

2. A MOTOR VEHICLE OR TRAILER MAY BE PARKED, KEPT, OR STORED ONLY ON A DUSTLESS ALL-WEATHER SURFACE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE BUILDING CODE AND ZONING CODE OF BALTIMORE CITY.

3. PAINTING A MOTOR VEHICLE OR TRAILER IS PROHIBITED UNLESS CONDUCTED INSIDE AN APPROVED SPRAY BOOTH.

EXCEPTION: ON PREMISES WITH A PROPER USE PERMIT, A VEHICLE MAY UNDERGO OVERHAUL, INCLUDING BODY WORK, IF THAT WORK IS PERFORMED INSIDE A STRUCTURE OR SIMILARLY ENCLOSED AREA DESIGNED AND APPROVED FOR THAT PURPOSE.

305.6 SWIMMING POOLS. SWIMMING POOLS MUST BE MAINTAINED IN A CLEAN, SAFE, AND SANITARY CONDITION.

305.7 OUTDOOR STORAGE. OUTDOOR STORAGE MUST BE NEAT AND ORDERLY. ALL STORED OBJECTS AND MATERIALS MUST BE ELEVATED AT LEAST 1 FOOT OFF THE GROUND TO PREVENT RAT HARBORAGE, UNLESS ELEVATION IS DETERMINED UNNECESSARY BY THE COMMISSIONER.

305.7.1 CAVEAT. NOTHING IN THIS SECTION AUTHORIZES ANY OUTDOOR STORAGE THAT IS OTHERWISE PROHIBITED BY LAW.

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 SUPPLY 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 PROVIDED 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 – CONSTRUCTION AND MAINTENANCE. EACH STORAGE RECEPTACLE MUST BE:

1. MADE OF METAL OR SOME OTHER DURABLE MATERIAL APPROVED BY THE CODE OFFICIAL,
2. WATERTIGHT, WITH TIGHT-FITTING COVERS AND HANDLES,
3. MAINTAINED IN GOOD REPAIR,
4. KEPT TIGHTLY CLOSED TO PREVENT BLIGHT, NUISANCE, PEST INFESTATION, AND DISPERSAL OF TRASH, GARBAGE, OR DEBRIS, AND
5. HAVE A CAPACITY OF:
    - A. NOT LESS THAN 3 GALLONS, AND
    - B. NOT MORE THAN:
        - I. 10 GALLONS, IF USED FOR GARBAGE ONLY, OR

II. 20 GALLONS, IF USED FOR MIXED REFUSE, AS DEFINED IN CITY CODE ARTICLE 23, § 2-1.

306.7 PLACEMENT FOR COLLECTION. STORAGE RECEPTACLES:

1. MAY NOT BE PLACED OUT FOR COLLECTION ON A SIDEWALK OR ALONG AN ALLEY EARLIER THAN THE MORNING OF THE DAY OF COLLECTION, AND

2. MUST BE RETURNED PROMPTLY TO THE PREMISES AFTER COLLECTION.

306.8 OWNER TRANSPORT. AT ANY BUILDING FOR WHICH THE CITY DOES NOT PROVIDE COLLECTION SERVICES, THE OWNER AND OPERATOR MUST COLLECT AND TRANSPORT THE BUILDING'S TRASH, GARBAGE, AND DEBRIS TO AN APPROPRIATE LANDFILL OR OTHER APPROVED DISPOSAL SITE.

SECTION 307 INTERIOR SANITARY MAINTENANCE

307.1 GENERAL. THE INTERIOR OF EACH UNIT AND THE SHARED, COMMON, OR PUBLIC AREAS WITHIN EACH BUILDING THAT CONTAINS MORE THAN ONE UNIT MUST BE MAINTAINED IN A CLEAN AND SANITARY CONDITION.

307.2 FLOOR, FURNITURE, ETC., SURFACES. FLOORS, FURNITURE, COUNTERTOPS, AND SIMILAR SURFACES MUST BE CLEAN AND FREE OF TRASH, GARBAGE, AND DEBRIS, INCLUDING HUMAN AND ANIMAL WASTE AND ANY OTHER INSANITARY MATTER OR CAUSE OF NUISANCE.

307.3 WALLS, CEILINGS, AND OPENINGS. WALLS, CEILINGS, WINDOWS, AND DOORWAYS MUST BE CLEAN AND FREE OF DIRT, GREASE, SOOT, AND ANY OTHER INSANITARY MATTER OR CAUSE OF NUISANCE.

307.4 TRASH, ETC., RECEPTACLES. EACH UNIT MUST HAVE A SUFFICIENT NUMBER OF INTERIOR RECEPTACLES TO CONTAIN THAT UNIT'S TRASH, GARBAGE, AND DEBRIS.

307.5 PLUMBING FIXTURES. PLUMBING FIXTURES MUST BE KEPT CLEAN AND FREE FROM ANY FOREIGN OBJECT OR MATERIAL THAT COULD OBSTRUCT A FIXTURE OR A LINE CONNECTED TO A FIXTURE.

307.6 *{RESERVED}*

307.7 PEST CONTROL. THE INTERIOR OF EVERY BUILDING MUST BE KEPT FREE OF INFESTATION BY INSECTS, RODENTS, AND OTHER PESTS.

SECTION 308 OCCUPANTS' SANITARY RESPONSIBILITIES.

308.1 GENERAL. AN OCCUPANT MUST KEEP IN A CLEAN AND SANITARY CONDITION THE OCCUPANT'S UNIT AND ANY OTHER PART OF THE PREMISES THAT THE OCCUPANT OCCUPIES OR CONTROLS. HOWEVER, THE OWNER AND OPERATOR IS RESPONSIBLE FOR ANY INSANITARY CONDITION CAUSED BY A SEWER BACK-UP OR A STRUCTURAL DEFECT.

308.2 EXTERIORS. AN OCCUPANT OF A SINGLE-UNIT BUILDING AND AN OCCUPANT OF A UNIT WITH EXCLUSIVE USE OF AN EXTERIOR PROPERTY AREA MUST MAINTAIN THE EXTERIOR AREAS, INCLUDING ABUTTING SIDEWALKS, GUTTERS, AND ALLEYS, IN COMPLIANCE WITH §§ 305 AND 306 OF THIS CHAPTER. HOWEVER, THE OWNER AND OPERATOR ARE RESPONSIBLE FOR ANY INSANITARY CONDITION CAUSED BY A SEWER BACK-UP OR A STRUCTURAL DEFECT.

308.2.1 EXCEPTION – RESIDENTIAL PROPERTY REGISTRATION. THE OWNER OF A PROPERTY IS RESPONSIBLE FOR EXTERIOR SANITARY MAINTENANCE UNDER ANY OF THE CIRCUMSTANCES DESCRIBED IN BUILDING CODE § 113.21.2B {"LIABILITY – FAILURE TO REGISTER PROPERTY"}.

308.2.2 EXCEPTION – THIRD ENVIRONMENTAL CITATION. THE OWNER OF A PROPERTY IS RESPONSIBLE FOR EXTERIOR SANITARY MAINTENANCE UNDER THE CIRCUMSTANCES DESCRIBED IN BUILDING CODE § 113.21.2C {"LIABILITY – THIRD ENVIRONMENTAL CITATION"}.

308.3 INTERIORS. EXCEPT AS OTHERWISE SPECIFIED IN § 308.5, AN OCCUPANT MUST MAINTAIN THE INTERIOR OF THE OCCUPANT'S UNIT AND ANY OTHER PART OF THE BUILDING THAT THE OCCUPANT OCCUPIES OR CONTROLS IN COMPLIANCE WITH § 307 OF THIS CHAPTER.

308.4 PEST CONTROL – SINGLE-UNIT BUILDING. AN OCCUPANT OF A SINGLE-UNIT BUILDING IS RESPONSIBLE FOR EXTERMINATION OF INSECTS, RODENTS, OR OTHER PESTS, OTHER THAN WOOD-DESTROYING INSECTS.

308.5 PEST CONTROL – MULTI-UNIT BUILDING. AN OCCUPANT OF A MULTI-UNIT BUILDING IS RESPONSIBLE FOR EXTERMINATION IF THE OCCUPANT'S UNIT IS THE ONLY ONE AFFECTED.

308.6 TRASH DISPOSAL. AN OCCUPANT MAY DISPOSE OF TRASH, GARBAGE, AND DEBRIS ONLY IN COMPLIANCE WITH § 306 OF THIS CHAPTER.

308.7 NUISANCES. AN OCCUPANT MAY NOT CREATE OR MAINTAIN, IN OR ON THE PROPERTY THAT THE OCCUPANT OCCUPIES AND CONTROLS, ANY CONDITION THAT CONSTITUTES A NUISANCE.

CHAPTER 4. LIGHT, VENTILATION, AND OCCUPANCY LIMITATIONS

SECTION 401 GENERAL

401.1 SCOPE. ***{AS IN IPMC}***

401.2 RESPONSIBILITY. THE OWNER AND THE OPERATOR OF A STRUCTURE MUST PROVIDE AND MAINTAIN LIGHT, VENTILATION, AND SPACE CONDITIONS IN COMPLIANCE WITH THESE REQUIREMENTS.

401.3 ALTERNATIVE DEVICES. ***{AS IN IPMC}***

SECTION 402 LIGHT

402.1 HABITABLE SPACES. EVERY HABITABLE SPACE MUST HAVE AT LEAST 1 WINDOW FACING DIRECTLY TO THE OUTDOORS OR TO AN OPEN COURT WHOSE FACING WALL IS AT LEAST 3 FEET (914 MM) AWAY. THE MINIMUM TOTAL GLAZED AREA FOR EVERY HABITABLE SPACE MUST BE 10% OF THE FLOOR AREA OF THAT SPACE.

EXCEPTION: NATURAL LIGHT FOR HABITABLE SPACES MAY BE PROVIDED THROUGH AN ADJOINING ROOM IF:

1. THE UNOBSTRUCTED OPENING TO THE ADJOINING ROOM IS AT LEAST 8% OF THE FLOOR AREA OF THE INTERIOR SPACE, AND

2. THE GLAZED AREA PROVIDING NATURAL LIGHT IS AT LEAST 8% OF THE COMBINED TOTAL FLOOR AREA BEING SERVED.

402. 2 COMMON HALLS AND STAIRWAYS. ***{AS IN IPMC}***

402.3 OTHER SPACES. ***{AS IN IPMC}***

SECTION 403 VENTILATION ***{AS IN IPMC}***

SECTION 404 OCCUPANCY LIMITATIONS

404.1 PRIVACY. DWELLING UNITS AND ROOMING UNITS MUST:

1. BE ARRANGED TO PROVIDE PRIVACY,
2. BE SEPARATE FROM ADJOINING UNITS AND COMMON AREAS, AND
3. HAVE A SEPARATE MEANS OF ACCESS FROM A HALLWAY, LANDING, STAIRWAY, OR STREET.

404.2 MINIMUM ROOM SIZE. A HABITABLE ROOM, OTHER THAN A KITCHEN, MAY NOT BE LESS THAN 7 FEET (2134 MM) IN ANY PLANE DIMENSION.

404.2.1 KITCHENS. A KITCHEN MUST CONTAIN AT LEAST 35 SQ. FT (3.25 SQ. M.) OF FLOOR AREA, AND, IF ARRANGED AS A CORRIDOR THE CORRIDOR BETWEEN COUNTER FRONTS OR BETWEEN A WALL AND COUNTER FRONTS MUST BE AT LEAST 3 FEET (914 MM).

404.3 MINIMUM CEILING HEIGHTS. HABITABLE SPACES HALLWAYS, CORRIDORS, LAUNDRY AREAS, AND BATHROOMS MUST HAVE A CLEAR CEILING HEIGHT OF NOT LESS THAN 7 FEET (2134 MM) OVER AT LEAST 50% OF THE FLOOR AREA. TOILET ROOMS MUST HAVE A CEILING HEIGHT OF NOT LESS THAN 6½ FEET (1981 MM) OVER AT LEAST 50% OF THE FLOOR AREA

EXCEPTIONS:

1. ***{NOT ADOPTED}***
2. BASEMENT ROOMS THAT OTHERWISE MEET THE REQUIREMENTS OF THIS § 404.3 MAY HAVE A CLEAR HEIGHT OF NOT LESS THAN 6 FEET (1829 MM) UNDER BEAMS, GIRDERS, DUCTS, AND SIMILAR OBSTRUCTIONS.
3. ROOMS OCCUPIED EXCLUSIVELY FOR SLEEPING, STUDY, OR SIMILAR PURPOSES AND HAVING A SLOPED CEILING OVER ALL OR PART OF THE ROOM MAY HAVE A CLEAR CEILING HEIGHT OF NOT LESS THAN 7 FEET (2134 MM) OVER NOT LESS THAN 33⅓% OF THE REQUIRED MINIMUM FLOOR AREA.
4. AS ALLOWED BY REGULATIONS OF THE CODE OFFICIAL.

404.3.1 FLOOR AREA CALCULATIONS. IN CALCULATING FLOOR AREA FOR PURPOSES OF THIS § 404.3, ONLY THOSE PORTIONS OF THE FLOOR AREA WITH A CLEAR HEIGHT OF 5 FEET (1524 MM) OR MORE MAY BE INCLUDED.

~~**404.4 BEDROOM REQUIREMENTS.** ***{AS IN IPMC}***~~

~~**404.5 OVERCROWDING.** ***{AS IN IPMC}***~~

404.4 BEDROOM REQUIREMENTS. EVERY BEDROOM MUST COMPLY WITH THE REQUIREMENTS OF THIS § 404.4.

404.4.1 AREA FOR SLEEPING PURPOSES. EVERY BEDROOM OCCUPIED BY 1 PERSON MUST CONTAIN AT LEAST 70 SQ, FT, (6.5 SQ. M.) OF FLOOR AREA. EVERY BEDROOM OCCUPIED BY MORE THAN ONE PERSON MUST CONTAIN AT LEAST 50 SQ, FT, (4.6 SQ. M.) OF FLOOR AREA FOR EACH OCCUPANT OF THE BEDROOM.

404.4.2 TO 404.4.5 ***{AS IN IPMC}***

404.5 OVERCROWDING. DWELLING UNITS MAY NOT BE OCCUPIED BY MORE OCCUPANTS THAN PERMITTED BY THE MINIMUM AREA REQUIREMENTS OF TABLE 404.5.

TABLE 405.5
MINIMUM AREA REQUIREMENTS

MINIMUM AREA IN SQUARE FEET			
SPACE	**1-2 OCCUPANTS**	**3-5 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 § 404.5.2		

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}***

501.2 RESPONSIBILITY. THE OWNER AND THE OPERATOR OF A STRUCTURE MUST PROVIDE AND MAINTAIN PLUMBING FACILITIES AND PLUMBING FIXTURES IN COMPLIANCE WITH THESE REQUIREMENTS.

SECTION 502 REQUIRED FACILITIES ***{AS IN IPMC}***

SECTION 503 TOILET ROOMS AND BATHROOMS

503.1 PRIVACY. TOILET ROOMS AND BATHROOMS MUST PROVIDE PRIVACY AND MAY NOT CONSTITUTE THE ONLY MEANS OF ACCESS TO A DWELLING UNIT OR TO A HABITABLE SPACE OR HALL WITHIN A DWELLING UNIT. A DOOR WITH INTERIOR LOCKING DEVICE MUST BE PROVIDED.

503.2 LOCATION. ***{AS IN IPMC}***

503.3 LOCATION OF EMPLOYEE TOILET FACILITIES. ***{AS IN IPMC}***

503.4 FLOOR SURFACE. ***{NOT ADOPTED}***

SECTION 504 PLUMBING SYSTEMS AND FIXTURES

504.1 GENERAL. ***{AS IN IPMC}***

504.2 FIXTURE CLEARANCES. ***{AS IN IPMC}***

504.3 PLUMBING SYSTEM DEFECTS. INADEQUATE SERVICE, INADEQUATE VENTING, CROSS-CONTAMINATION, BACK-SIPHONAGE, IMPROPER INSTALLATION, DETERIORATION, DAMAGE, AND SIMILAR DEFECTS IN A PLUMBING SYSTEM MUST BE CORRECTED.

SECTION 505 WATER SYSTEMS

505.1 GENERAL. EVERY SINK, LAVATORY, BATHTUB, SHOWER, DRINKING FOUNTAIN, WATER CLOSET, OR OTHER PLUMBING FIXTURE MUST BE PROPERLY CONNECTED TO EITHER A PUBLIC WATER SYSTEM OR TO AN APPROVED PRIVATE WATER SYSTEM. ALL KITCHEN SINKS, LAVATORIES, LAUNDRY FACILITIES, BATHTUBS, AND SHOWERS MUST BE SUPPLIED WITH HOT AND COLD RUNNING WATER IN ACCORDANCE WITH THE NATIONAL STANDARD PLUMBING CODE.

505.2 TO 505.3 ***{AS IN IPMC}***

505.4 WATER HEATING FACILITIES. EVERY DWELLING UNIT MUST HAVE WATER HEATING FACILITIES THAT ARE:

1. PROPERLY INSTALLED AND MAINTAINED,
2. PROPERLY CONNECTED TO EVERY REQUIRED SINK, LAVATORY BASIN, BATHTUB, SHOWER, AND LAUNDRY FACILITY,
3. PROPERLY EQUIPPED WITH AN APPROVED COMBINATION TEMPERATURE AND PRESSURE-RELIEF VALVE AND WITH A RELIEF-VALVE DISCHARGE PIPE,
4. CAPABLE OF AUTOMATICALLY HEATING WATER TO A TEMPERATURE OF NOT LESS THAN 110○ F (43○ C), AND
5. CAPABLE OF MEETING NORMAL DEMANDS AT EVERY REQUIRED OUTLET.

505.4.1 VENTING GAS-FIRED HEATER. A GAS-FIRED WATER HEATER MUST BE VENTED TO THE OUTSIDE AIR.

SECTION 506 SANITARY DRAINAGE SYSTEM ***{AS IN IPMC}***

SECTION 507 STORM DRAINAGE

507.1 GENERAL. DRAINAGE OF ROOFS AND PAVED AREAS, YARDS AND COURTS, AND OTHER OPEN AREAS ON THE PREMISES MAY NOT BE DISCHARGED IN A MANNER THAT VIOLATES EITHER:

1. THE DRAINAGE REQUIREMENTS OF THE BALTIMORE CITY BUILDING CODE, OR
2. THE STORMWATER MANAGEMENT REQUIREMENTS OF THE CITY CODE.

CHAPTER 6. MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601 GENERAL

601.1 SCOPE. ***{AS IN IPMC}***

601.2 RESPONSIBILITY. THE OWNER AND THE OPERATOR OF A STRUCTURE MUST PROVIDE AND MAINTAIN MECHANICAL AND ELECTRICAL FACILITIES AND EQUIPMENT IN COMPLIANCE WITH THESE REQUIREMENTS.

SECTION 602 HEATING FACILITIES

602.1 FACILITIES REQUIRED. ***{AS IN IPMC}***

602.2 RESIDENTIAL OCCUPANCIES. DWELLINGS MUST BE PROVIDED WITH PROPERLY INSTALLED AND MAINTAINED HEATING FACILITIES CAPABLE OF MAINTAINING A ROOM TEMPERATURE OF 70○ F (21○ C) IN ALL HABITABLE ROOMS, BATHROOMS, AND TOILET ROOMS. COOKING APPLIANCES MAY NOT BE USED TO PROVIDE SPACE HEATING TO MEET THE REQUIREMENTS OF THIS SECTION.

602.3 HEAT SUPPLY. EVERY OWNER AND OPERATOR WHO RENTS, LEASES, OR LETS ONE OR MORE DWELLING UNITS, ROOMING UNITS, OR DORMITORY, OR GUEST ROOMS MUST SUPPLY SUFFICIENT HEAT DURING THE PERIOD OF OCTOBER 1 THROUGH APRIL 30, INCLUSIVE, TO MAINTAIN AN AVERAGE TEMPERATURE OF:

1. NOT LESS THAN 70○ F (21○ C) IN ALL HABITABLE ROOMS, BATHROOMS, AND TOILET ROOMS, AND

2. NOT LESS THAN 65○ F (18○ C) IN ANY OTHER ROOM.

EXCEPTION: ***{NOT ADOPTED}***

602.4 OCCUPIABLE WORK SPACES. INDOOR OCCUPIABLE WORK SPACES MUST BE SUPPLIED WITH SUFFICIENT HEAT DURING THE PERIOD OF OCTOBER 1 THROUGH APRIL 30, INCLUSIVE, TO MAINTAIN A TEMPERATURE OF NOT LESS THAT 65○ F (18○ C) DURING THE PERIOD THE SPACES ARE OCCUPIED.

EXCEPTIONS: ***{AS IN IPMC}***

602.5 ROOM TEMPERATURE MEASUREMENT. ***{AS IN IPMC}***

602.6 CENTRAL HEATING UNITS. A CENTRAL HEATING UNIT MUST BE:

1. PROPERLY INSTALLED AND MAINTAINED,

2. IF FUEL-BURNING, PROPERLY CONNECTED TO AN APPROVED CHIMNEY OR VENT,

3. IF ELECTRICALLY POWERED, PROPERLY CONNECTED TO AN ELECTRIC CIRCUIT OF ADEQUATE POWER,

4. IF A HOT-AIR TYPE, EQUIPPED WITH PROPER SEALS BETWEEN SECTIONS OF THE FURNACE TO PREVENT FUMES FROM ESCAPING INTO HEAT DUCTS,

5. PROVIDED WITH ALL SAFETY DEVICES REQUIRED BY LAW, AND

6. CONNECTED TO DUCTS, PIPES, OR TUBES THAT ARE FREE FROM LEAKS AND OBSTRUCTIONS.

602.7 SPACE-HEATING UNITS. A SPACE-HEATING UNIT:

1. MAY NOT USE GASOLINE OR ANY SIMILAR HIGHLY FLAMMABLE LIQUID FUEL,

   EXCEPTION: A KEROSENE SPACE HEATER WITH FUEL PIPED FROM AN APPROVED TANK.

2. IF FUEL-BURNING, MAY NOT BE A PORTABLE UNIT,

3. IF FUEL-BURNING, MUST BE PROPERLY CONNECTED TO AN APPROVED FLUE OR VENT,

   EXCEPTION: ORNAMENTAL GAS LOGS ARE PERMITTED IN A DWELLING WITH A PROPER HEATING SYSTEM IF LOCATED IN A VENTED FIREPLACE AND NOT IN A ROOM USED FOR SLEEPING.

4. MUST BE LOCATED TO PREVENT AND PROTECT AGAINST OVERHEATING ADJACENT COMBUSTIBLE MATERIAL,

5. IF USING ELECTRICITY, MUST BE PROPERLY CONNECTED TO AN ELECTRIC CIRCUIT OF ADEQUATE POWER,

6. MUST BE PROVIDED WITH ALL AUTOMATIC AND SAFETY DEVICES REQUIRED BY LAW,

7. MAY ONLY BE INSTALLED UNDER A PERMIT, AND

8. MUST BE PROPERLY OPERATED.

SECTION 603 MECHANICAL EQUIPMENT

603.1 GENERAL. ALL MECHANICAL EQUIPMENT PROVIDED MUST BE PROPERLY INSTALLED AND MAINTAINED IN A SAFE CONDITION. IN ADDITION, ALL REQUIRED MECHANICAL EQUIPMENT MUST BE MAINTAINED IN A SAFE WORKING CONDITION AND MUST BE CAPABLE OF PERFORMING ITS INTENDED FUNCTION.

603.2 TO 603.6 ***{AS IN IPMC}***

SECTION 604 ELECTRICAL FACILITIES

604.1 FACILITIES REQUIRED. ***{AS IN IPMC}***

604.2 SERVICE. THE SIZE AND USAGE OF APPLIANCES AND EQUIPMENT SERVES AS A BASIS FOR DETERMINING THE NEED FOR ADDITIONAL FACILITIES IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE. DWELLING UNITS MUST BE SERVED BY A THREE-WIRE, 120/240 VOLT, SINGLE-PHASE ELECTRICAL SERVICE HAVING A RATING OF NOT LESS THAN 60 AMPERES.

604.3 ELECTRICAL SYSTEM DEFECTS. INADEQUATE SERVICE, IMPROPER FUSING, INSUFFICIENT RECEPTACLE OR LIGHTING OUTLETS, IMPROPER WIRING OR INSTALLATION, DETERIORATION, DAMAGE, AND SIMILAR DEFECTS IN AN ELECTRICAL SYSTEM MUST BE CORRECTED.

SECTION 605 ELECTRICAL EQUIPMENT

605.1 INSTALLATION. ***{AS IN IPMC}***

605.2 RECEPTACLES. EVERY HABITABLE SPACE IN A DWELLING MUST CONTAIN AT LEAST 2 SEPARATE AND REMOTE DUPLEX OUTLETS. EVERY KITCHEN AREA MUST CONTAIN ADDITIONAL OUTLETS, CONNECTED TO AN APPROPRIATE CIRCUIT, FOR A STOVE AND FOR A REFRIGERATOR. EVERY LAUNDRY AREA MUST CONTAIN AT LEAST 1 GROUNDED-TYPE RECEPTACLE OR A RECEPTACLE WITH A GROUND FAULT CIRCUIT INTERRUPTER. EVERY BATHROOM MUST CONTAIN AT LEAST 1 DUAL-RECEPTACLE. ANY NEW BATHROOM RECEPTACLE OUTLET MUST HAVE GROUND FAULT CIRCUIT INTERRUPTER PROTECTION.

605.3 LUMINAIRES. ***{AS IN IPMC}***

605.4 HALLS AND STAIRS. IN A MULTIPLE-FAMILY DWELLING, EVERY COMMON HALLWAY AND STAIRWAY MUST BE ADEQUATELY LIGHTED AT ALL TIMES WITH AT LEAST 3 FOOT CANDLES OF LIGHT AT THE FLOOR OR STAIR TREAD LEVEL. OTHER DWELLINGS MUST HAVE FACILITIES SUFFICIENT TO PROVIDE THIS LEVEL OF ILLUMINATION AND BE EQUIPPED WITH CONVENIENTLY LOCATED LIGHT SWITCHES TO TURN THE FACILITIES ON AND OFF AS NEEDED.

SECTION 606 ELEVATORS, ESCALATORS, AND DUMBWAITERS ***{AS IN IPMC}***

SECTION 607 DUCT SYSTEMS ***{AS IN IPMC}***

CHAPTER 7. FIRE SAFETY REQUIREMENTS

SECTION 701 GENERAL

701.1 SCOPE. ***{AS IN IPMC}***

701.2 RESPONSIBILITY. EXCEPT AS PROVIDED IN § 704, THE OWNER AND OPERATOR OF THE PREMISES MUST PROVIDE AND MAINTAIN FIRE SAFETY FACILITIES AND EQUIPMENT IN COMPLIANCE WITH THESE REQUIREMENTS.

SECTION 702 MEANS OF EGRESS *{AS IN IPMC}*

SECTION 703 FIRE-RESISTANCE RATINGS

703.1 FIRE-RESISTANCE-RATED ASSEMBLIES. THE REQUIRED FIRE-RESISTANCE RATING MUST BE MAINTAINED FOR ALL FIRE-RESISTANCE-RATED WALLS, FIRE STOPS, OCCUPANCY SEPARATIONS, SHAFT ENCLOSURES, FURNACE ROOM ENCLOSURES, STAIRWELL ENCLOSURES, PARTITIONS, AND FLOORS.

703.2 OPENING PROTECTIVES. REQUIRED OPENING PROTECTIVES MUST BE MAINTAINED IN AN OPERATIVE CONDITION.

703.2.1 FIRE AND SMOKESTOP DOORS. ALL FIRE AND SMOKESTOP DOORS:

1. MUST BE MAINTAINED IN AN OPERATIVE CONDITION,
2. MAY NOT BE BLOCKED, OBSTRUCTED, OR OTHERWISE MADE INOPERABLE, AND
3. MUST BE EQUIPPED WITH APPROVED SELF-CLOSING DEVICES.

SECTION 704 FIRE PROTECTION SYSTEMS

704.1 GENERAL. FIRE ALARM AND DETECTIONS SYSTEMS MUST COMPLY WITH THE REQUIREMENTS OF FIRE CODE § 907.

704.2 TO 704.4 ***{AS IN IPMC}***

CHAPTER 8. REFERENCED STANDARDS

SECTION 801 GENERAL

801.1 SCOPE. THIS CHAPTER 8 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 § 102.7 OF THIS CODE.

801.2 CITY MODIFICATIONS. THE FOLLOWING SUBSTITUTIONS SHOULD BE MADE IN THE STANDARDS LISTED:

1. FOR ICC ELECTRICAL CODE,
   SUBSTITUTE **NATIONAL ELECTRICAL CODE (2005 EDITION)**.

2. FOR INTERNATIONAL FUEL GAS CODE,
   SUBSTITUTE **NATIONAL FUEL GAS CODE (2006 EDITION)**.

3. FOR INTERNATIONAL PLUMBING CODE,
   SUBSTITUTE **NATIONAL STANDARD PLUMBING CODE (2006 EDITION, 2007 SUPPLEMENT)**.

PART VIII. INTERNATIONAL FIRE CODE

§ 8-101. CITY ADOPTION.

(A) *IN GENERAL*.

THE INTERNATIONAL FIRE CODE (2006 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 VIII.

(B) *CODIFICATION*.

UNLESS OTHERWISE SPECIFIED, CHAPTER AND SECTION NUMBERS IN THIS PART VIII REFER TO THE CHAPTER AND SECTION NUMBERS OF THE INTERNATIONAL FIRE CODE.

§ 8-102. CITY MODIFICATIONS.

THE ADDITIONS, DELETIONS, AMENDMENTS, AND OTHER MODIFICATIONS ADOPTED BY THE CITY ARE AS FOLLOWS:

CHAPTER 1. ADMINISTRATION

SECTION 101 GENERAL

101.1 TITLE. THESE REGULATIONS CONSTITUTE AND ARE KNOWN AS THE "FIRE CODE OF BALTIMORE CITY".

101.1.1 REFERENCES TO "THIS CODE". ALL REFERENCES TO "THIS CODE" REFER TO THE FIRE CODE OF BALTIMORE CITY.

101.2 SCOPE. ***{AS IN IFC}***

101.2.1 APPENDICES ADOPTED. THE FOLLOWING APPENDICES TO THE INTERNATIONAL FIRE CODE ARE ADOPTED AS PART OF THIS CODE:

1. APPENDIX B: "FIRE-FLOW REQUIREMENTS FOR BUILDING".
2. APPENDIX D: "FIRE APPARATUS ACCESS ROADS".
3. APPENDIX E: "HAZARD CATEGORIES".
4. APPENDIX F: "HAZARD RANKING".
5. APPENDIX G: "CRYOGENIC FLUIDS – WEIGHT AND VOLUME EQUIVALENTS".

101.2.2 APPENDICES NOT ADOPTED. THE FOLLOWING APPENDICES TO THE INTERNATIONAL FIRE CODE ARE NOT ADOPTED AS PART OF THIS CODE:

1. APPENDIX A: "BOARD OF APPEALS".
2. APPENDIX C: "FIRE HYDRANT LOCATIONS AND DISTRIBUTION".

101.3 TO 101.5 ***{AS IN IFC}***

SECTION 102 APPLICABILITY

102.1 TO 102.4 ***{AS IN IFC}***

102.5 HISTORIC BUILDINGS. ***{NOT ADOPTED}***

102.6 REFERENCED CODES AND STANDARDS. ***{AS IN IFC}***

102.6.1 MOST RECENT STANDARD. WHERE A NEWER VERSION OF A STANDARD LISTED IN CHAPTER 45 EXISTS, THE CODE OFFICIAL MAY USE THE NEWER VERSION OF THAT STANDARD UNLESS IT CREATES AN INCOMPATIBILITY WITH THIS CODE OR WITH THE BUILDING CODE OF BALTIMORE CITY.

102.7 TO 102.9 ***{AS IN IFC}***

SECTION 103 DEPARTMENT OF FIRE PREVENTION ***{NOT ADOPTED }***

SECTION 104 GENERAL AUTHORITY AND RESPONSIBILITIES

104.1 GENERAL. ***{AS IN IFC}***

104.1.1 LEGAL ENFORCEMENT. THE FIRE CODE OFFICIAL MAY INSTITUTE OR CAUSE TO BE INSTITUTED, AT ANY TIME, ANY AND ALL LEGAL, EQUITABLE, OR CRIMINAL ACTIONS OR PROCEEDINGS NECESSARY OR APPROPRIATE TO ENFORCE THIS CODE. NOTHING IN THIS CODE PREVENTS THE FIRE CODE OFFICIAL FROM INSTITUTING OR CAUSING TO BE INSTITUTED AND FULLY PROSECUTING ANY AND ALL LEGAL OR EQUITABLE PROCEEDINGS OF ANY KIND NECESSARY OR APPROPRIATE TO COMPEL COMPLIANCE WITH THIS CODE, EVEN IF CRIMINAL PROCEEDINGS ARE PENDING OR HAVE BEEN COMPLETED.

104.2 TO 104.9 ***{AS IN IFC}***

104.10 FIRE INVESTIGATIONS. ***{AS IN IFC}***

104.10.1 FIRE INVESTIGATION BUREAU; FIRE MARSHAL. THE FIRE INVESTIGATION BUREAU IS CONTINUED IN THE FIRE DEPARTMENT. THE BUREAU CONSISTS OF MEMBERS ASSIGNED TO IT BY THE CHIEF OF THE FIRE DEPARTMENT. THE HEAD OF THE BUREAU IS THE FIRE MARSHAL OF BALTIMORE CITY, TO BE DESIGNATED BY THE CHIEF. THE CHIEF MAY ALSO DESIGNATE ONE OR MORE OFFICERS OR OFFICIALS TO SERVE IN THE ABSENCE OF THE FIRE MARSHAL.

104.10.2 GENERAL DUTIES. THE FIRE INVESTIGATION BUREAU INVESTIGATES FIRES AND RELATED INCIDENTS IN BALTIMORE CITY. THE BUREAU MUST KEEP A COMPLETE RECORD OF THESE FIRES AND RELATED INCIDENTS, INCLUDING THEIR CAUSE AND ORIGIN, AND A COMPLETE RECORD OF ITS INVESTIGATIONS. THE ASSISTANT CHIEF OR HIS OR HER DESIGNEE IS THE CUSTODIAN OF ALL RECORDS

OF INVESTIGATIONS. IN ADDITION TO THE DUTIES SPECIFIED IN THIS SECTION, THE BUREAU PERFORMS ALL OTHER DUTIES ASSIGNED TO IT BY LAW OR BY THE CHIEF OF THE FIRE DEPARTMENT.

104.10.3 CHARGE OF EVIDENCE. IN INVESTIGATING A FIRE OR RELATED INCIDENT, THE BUREAU MUST TAKE CHARGE IMMEDIATELY OF THE PHYSICAL EVIDENCE AND, TO PRESERVE THAT EVIDENCE, TAKE MEASURES TO PREVENT ACCESS BY ANY PERSON TO THE STRUCTURE OR PREMISES UNTIL THE EVIDENCE HAS BEEN PROPERLY PROCESSED.

104.10.3.1 COOPERATION WITH OTHER AGENCIES. THE BUREAU MUST NOTIFY THE PERSONS DESIGNATED BY LAW TO PURSUE INVESTIGATIONS, COOPERATE WITH AUTHORITIES IN COLLECTING EVIDENCE AND IN PROSECUTING OFFENDERS, AND PURSUE THE INVESTIGATION TO ITS CONCLUSION.

104.10.3.2 ASSISTANCE FROM OTHER AGENCIES. POLICE AND OTHER ENFORCEMENT AGENCIES ARE AUTHORIZED TO RENDER ASSISTANCE IN THE INVESTIGATION OF FIRES WHEN REQUESTED TO DO SO.

104.10.4 AUTHORITY OF FIRE MARSHAL. THE FIRE MARSHAL HAS GENERAL SUPERVISION AND CONTROL OF ALL FIRE INVESTIGATIONS IN THE CITY AND OF ALL INQUIRIES TO DETERMINE THEIR CAUSE AND ORIGIN, BOTH FOR THE PURPOSE OF ELIMINATING THAT CAUSE AND, IF ARSON OR INCENDIARIES IS SUSPECTED, TO ASCERTAIN THE PERSONS RESPONSIBLE.

104.10.5 PENALTY FOR OBSTRUCTING INVESTIGATION. ANY PERSON WHO PREVENTS OR OBSTRUCTS OR ATTEMPTS TO PREVENT OR OBSTRUCT AN INVESTIGATION IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO THE PENALTIES SPECIFIED § 109 OF THIS CODE.

104.10.6 SUBPOENA OF WITNESS AND DOCUMENTS. IN CONDUCTING AN INVESTIGATION, THE FIRE MARSHAL MAY SUBPOENA AND COMPEL ATTENDANCE OF ANY PERSON AND THE PRODUCTION OF ANY DOCUMENTS THAT, IN THE JUDGMENT OF THE FIRE MARSHAL, ARE CONNECTED WITH AND NECESSARY TO THE INVESTIGATION, AND HAVE THAT PERSON EXAMINED ON OATH OR AFFIRMATION AT THE TIME AND PLACE SPECIFIED IN THE SUBPOENA. OFFICERS OF THE BALTIMORE POLICE DEPARTMENT MAY SERVE THE SUBPOENA.

104.10.7 ENFORCEMENT OF SUBPOENA. IF A PERSON IS SERVED WITH A SUBPOENA AND FAILS TO ATTEND AND TESTIFY, OR FAILS ON EXAMINATION TO ANSWER ANY QUESTION, OR OTHERWISE FAILS TO COMPLY WITH THE SUBPOENA, THE FIRE MARSHAL MAY APPLY TO A JUDGE OF THE CIRCUIT COURT OF BALTIMORE CITY TO ORDER COMPLIANCE TO THE SUBPOENA. IF THE JUDGE ORDERS COMPLIANCE, THE FIRE MARSHAL MUST SO NOTIFY THE PERSON NAMED IN THE SUBPOENA AND FIX THE TIME AND PLACE FOR HIS OR HER FURTHER EXAMINATION. IF THE PERSON STILL FAILS TO COMPLY, THE PERSON MAY BE ARRESTED AND CHARGED WITH CONTEMPT.

104.10.8 ADMINISTRATION OF OATHS. THE FIRE MARSHAL MAY ADMINISTER OATHS OR AFFIRMATIONS. ANY FALSE TESTIMONY GIVEN UNDER OATH OR AFFIRMATION ADMINISTERED BY THE FIRE MARSHAL, IF MATERIAL AND MADE WILLFULLY, IS PUNISHABLE AS PERJURY.

104.10.9 SUBMISSION TO STATE'S ATTORNEY. IF GROSS NEGLIGENCE, ARSON, OR INCENDIARIES IS REASONABLY EVIDENT IN A CASE, THE FIRE MARSHAL MUST SUBMIT ALL OF THE BUREAU'S RECORDS ON THE CASE TO THE STATE'S ATTORNEY OF BALTIMORE CITY.

104.11 AUTHORITY AT FIRES AND OTHER EMERGENCIES. ***{AS IN IFC}***

104.12 FEES FOR NON-FIRE SUPPRESSION SERVICES. THE DIRECTOR OF FINANCE MUST ESTABLISH AND ANNUALLY REVIEW A FEE SCHEDULE FOR NON-FIRE SUPPRESSION SERVICES PERFORMED BY THE FIRE DEPARTMENT. THE DIRECTOR OF FINANCE MUST BASE THESE FEES ON THE EXPENSE INCURRED BY THE FIRE DEPARTMENT IN PERFORMING NON-FIRE SUPPRESSION SERVICES.

SECTION 105 PERMITS

105.1 GENERAL. ***{AS IN IFC}***

105.1.1 PERMITS REQUIRED. PERMITS MUST BE OBTAINED FROM THE FIRE CODE OFFICIAL AS REQUIRED BY THIS CODE OR IN THE FIRE CODE OFFICIAL'S FIRE PREVENTION PERMIT SCHEDULE. PERMIT FEES, IF ANY, MUST BE PAID BEFORE THE PERMIT IS ISSUED. AN ISSUED PERMIT MUST BE KEPT ON THE PREMISES DESIGNATED IN THAT PERMIT AT ALL TIMES AND MUST BE READILY AVAILABLE FOR INSPECTION BY THE FIRE CODE OFFICIAL.

105.1.2 TYPES OF PERMITS. ***{AS IN IFC}***

105.1.3 PERMITS FOR THE SAME LOCATION. ***{AS IN IFC}***

105.1.4 SETTING FEES. THE DIRECTOR OF FINANCE MUST ESTABLISH AND ANNUALLY REVIEW THE FEES CHARGED FOR PERMITS UNDER THIS CODE. THE DIRECTOR OF FINANCE MUST BASE THESE FEES ON THE EXPENSES INCURRED BY THE FIRE PREVENTION BUREAU IN PROCESSING PERMIT APPLICATIONS AND IN CONDUCTING INSPECTIONS.

105.2 APPLICATION. ***{AS IN IFC}***

105.3 CONDITIONS OF A PERMIT. ***{AS IN IFC}***

105.3.1 TO 105.3.7 ***{AS IN IFC}***

105.3.8 VIOLATION OF PERMIT. FAILURE TO COMPLY WITH ANY TERM OR CONDITION OF ANY PERMIT ISSUED UNDER THIS CODE CONSTITUTES A VIOLATION OF THIS CODE AND SUBJECTS THE VIOLATOR TO THE PENALTIES PRESCRIBED IN § 109 OF THIS CODE.

105.4 CONSTRUCTION DOCUMENTS. ***{AS IN IFC}***

105.5 REVOCATION. ***{AS IN IFC}***

105.6 REQUIRED OPERATIONAL PERMITS. ***{AS IN IFC}***

105.6.1 TO 105.6.14 ***{AS IN IFC}***

105.6.15 FIRE HYDRANTS AND VALVES. ***{NOT ADOPTED}***

105.6.16 TO 105.6.46 ***{AS IN IFC}***

105.7 REQUIRED CONSTRUCTION PERMITS. ***{AS IN IFC}***

SECTION 106 INSPECTIONS

106.1 INSPECTION AUTHORITY. ***{AS IN IFC}***

106.2 INSPECTIONS. ***{AS IN IFC}***

106.3 CONCEALED WORK. ***{AS IN IFC}***

106.4 APPROVALS. ***{AS IN IFC}***

106.5 RIGHT OF ENTRY. WHENEVER NECESSARY TO ENFORCE THIS CODE OR WHENEVER THE FIRE CODE OFFICIAL HAS REASONABLE CAUSE TO BELIEVE THAT, IN ANY STRUCTURE OR ON AN PREMISES, A CONDITION EXISTS THAT MAKES THE STRUCTURE OR PREMISES UNSAFE, THE FIRE CODE OFFICIAL MAY ENTER TO INSPECT THE STRUCTURE OR PREMISES OR TO PERFORM ANY DUTY IMPOSED ON THE FIRE CODE OFFICIAL BY THIS CODE.

106.5.1 OCCUPIED PREMISES. IF THE STRUCTURE OR PREMISES IS OCCUPIED, THE FIRE CODE OFFICIAL MUST FIRST PRESENT PROPER CREDENTIALS AND REQUEST ENTRY. IF ENTRY IS REFUSED, THE FIRE CODE OFFICIAL HAS THE SAME AUTHORITY TO SECURE A SEARCH WARRANT AS THAT VESTED IN THE BUILDING OFFICIAL BY § 104.6 OF THE BALTIMORE CITY BUILDING CODE.

SECTION 107 MAINTENANCE ***{AS IN IFC}***

SECTION 108 APPEALS

108.1 APPEALS TO BOARD OF FIRE COMMISSIONERS. ANY PERSON WHO IS AGGRIEVED BY ANY NOTICE, DECISION, ORDER, OR DETERMINATION OF THE FIRE CODE OFFICIAL MAY APPEAL IN WRITING TO THE BOARD OF FIRE COMMISSIONERS. THE APPEAL MUST BE FILED WITH THE BOARD WITHIN 30 DAYS AFTER THE NOTICE, DECISION, ORDER, OR DETERMINATION IS SERVED.

108.2 AFFECT OF APPEAL. AN APPEAL FILED WITHIN 5 DAYS OF SERVICE STAYS ALL PROCEEDINGS ON THE NOTICE, DECISION, ORDER, OR DETERMINATION APPEALED FROM. AN APPEAL FILED LATER DOES NOT STAY ANY PROCEEDINGS; HOWEVER, ON APPLICATION OF THE PERSON TAKING THE APPEAL AND NOTICE TO THE FIRE CODE OFFICIAL, THE BOARD MAY GRANT A RESTRAINING ORDER FOR GOOD CAUSE SHOWN.

108.3 HEARING. WITHIN 10 DAYS AFTER THE APPEAL IS FILED, THE BOARD MUST GRANT A HEARING TO THE APPELLANT. ALL INTERESTED PARTIES HAVE A RIGHT TO BE HEARD AT THE HEARING.

108.4 BOARD DECISION. WITHIN 10 DAYS AFTER THE HEARING CONCLUDES, THE BOARD MUST RENDER ITS DECISION. IN ITS DECISION, THE BOARD MAY REVERSE, AFFIRM, OR MODIFY THE NOTICE, DECISION, ORDER, OR REGULATION APPEALED FROM AND MAY GIVE OR MAKE ANY OTHER NOTICE, DECISION, ORDER, REQUIREMENT, OR DETERMINATION THAT OUGHT TO BE MADE UNDER THE CIRCUMSTANCES. TO THAT END, THE BOARD HAS ALL THE POWERS THAT ARE CONFERRED ON THE FIRE CODE OFFICIAL BY THIS CODE. HOWEVER, THE BOARD DOES NOT HAVE ANY AUTHORITY TO WAIVE, SET ASIDE, OR IN ANY WAY CHANGE ANY SPECIFIC PROVISION OF THIS CODE.

108.5 APPEALS FROM BOARD. A PARTY AGGRIEVED BY A BOARD DECISION MADE UNDER § 108.4 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. A JUDICIAL REVIEW OR APPEAL DOES NOT STAY ANY CRIMINAL OR EQUITABLE PROCEEDINGS ON THE DECISION APPEALED FROM, NOR DOES IT PREVENT THE FIRE CODE OFFICIAL OR ANY OTHER CITY OFFICIAL FROM PURSUING ANY OTHER ACTION OR ENFORCEMENT PROCEDURE AUTHORIZED BY LAW.

108.6 LIMITATIONS ON INSTITUTING PROCEEDINGS. AFTER A NOTICE, DECISION, ORDER, OR DETERMINATION HAS BEEN SERVED, THE FIRE CODE OFFICIAL MAY NOT TAKE ANY ACTION, EXCEPT IN THE CASE OF IMMINENT DANGER, OR INSTITUTE OR CAUSE TO BE INSTITUTED ANY CIVIL OR CRIMINAL PROCEEDINGS IN CONNECTION WITH THE ENFORCEMENT OF THE NOTICE, DECISION, ORDER, OR DETERMINATION UNTIL:

1. AFTER 5 DAYS HAS PASSED WITHOUT AN APPEAL HAVING BEEN TAKEN, OR

2. IF AN APPEAL WAS TAKEN WITHIN THAT PERIOD, AFTER THE BOARD RENDERS ITS DECISION IN THE CASE.

SECTION 109 VIOLATIONS

109.1 UNLAWFUL ACTS. ***{AS IN IFC}***

109.2 NOTICE OF VIOLATION. ***{AS IN IFC}***

109.2.1 TO 109.2.4 ***{AS IN IFC}***

109.2.5 CODE COMPLIANCE REQUIRED AT ALL TIMES. NEITHER THIS SECTION NOR ANY OTHER PROVISION OF THIS CODE EXCUSES ANY PERSON FROM FULLY COMPLYING WITH ALL PROVISIONS OF THIS CODE AT ALL TIMES, REGARDLESS OF WHETHER NOTICE HAS BEEN ISSUED BY THE FIRE CODE OFFICIAL IN ANY PARTICULAR CASE.

109.3 PENALTY FOR VIOLATIONS. ANY PERSON WHO VIOLATES OR FAILS TO COMPLY WITH ANY PROVISION OF THIS CODE OR OF ANY NOTICE, DECISION, PERMIT, OR REGULATION ISSUED UNDER THIS CODE OR WHO ERECTS, INSTALLS, ALTERS, REPAIRS, OR DOES WORK IN VIOLATION OF APPROVED CONSTRUCTION DOCUMENTS OR OF A DIRECTIVE OF THE FIRE CODE OFFICIAL IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN $1,000 OR IMPRISONED FOR NOT MORE THAN 10 DAYS OR BOTH. EACH DAY THAT A VIOLATION CONTINUES AFTER SERVICE OF NOTICE IS A SEPARATE OFFENSE.

109.3.1 ABATEMENT OF VIOLATION. ***{AS IN IFC}***

109.4 FAILURE TO CORRECT VIOLATIONS. IF A VIOLATION NOTICE IS NOT COMPLIED WITH WITHIN THE TIME SPECIFIED, THE FIRE CODE OFFICIAL MAY DO ANY ONE OR MORE OF THE FOLLOWING:

1. TAKE ACTION UNDER § 109.6,

2. REQUEST THE STATE'S ATTORNEY OR THE CITY SOLICITOR TO INSTITUTE APPROPRIATE LEGAL PROCEEDINGS:

   A. TO RESTRAIN, CORRECT, OR ABATE THE VIOLATION, OR

   B. TO REQUIRE REMOVAL OR TERMINATION OF THE UNLAWFUL USE OF THE STRUCTURE OR PREMISES IN VIOLATION OF THIS CODE, OR OF ANY ORDER OR DIRECTION MADE UNDER THIS CODE, OR

3. IF THE VIOLATION AFFECTS THE IMMEDIATE SAFETY OF THE PUBLIC, REQUEST THE BALTIMORE POLICE DEPARTMENT TO ARREST THOSE RESPONSIBLE FOR THE VIOLATION.

109.5 VIOLATION OF NOTICES, ETC. – CONSTITUTE VIOLATION OF CODE. EVERY PERSON MUST FULLY COMPLY WITH ALL PROVISIONS OF THIS CODE AND WITH ALL PROVISIONS OF ANY NOTICE, ORDER, DECISION, PERMIT, OR REGULATION ISSUED BY THE FIRE CODE OFFICIAL. ANY ACT CONTRARY TO AND ANY FAILURE TO COMPLY WITH ANY PROVISION OR REQUIREMENT OF ANY NOTICE, ORDER, DECISION, PERMIT, OR REGULATION OF THE FIRE CODE OFFICIAL CONSTITUTES A VIOLATION OF THIS CODE.

109.6 VIOLATION OF NOTICES, ETC. – ACTION BY FIRE CODE OFFICIAL. WHENEVER ANY PERSON FAILS IN ANY RESPECT TO FULLY COMPLY ANY PROVISION OF ANY NOTICE, ORDER, DECISION, PERMIT, OR REGULATION ISSUED UNDER THIS CODE, THE FIRE CODE OFFICIAL MAY TAKE ANY ACTION NECESSARY TO ELIMINATE OR MAKE SAFE ANY CONDITION THAT VIOLATES THIS CODE.

109.7 CITATIONS FOR CERTAIN OFFENSES. IN ACCORDANCE WITH CITY CODE ARTICLE 1, SUBTITLE 40 {"ENVIRONMENTAL CONTROL BOARD"}, CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}, OR CITY CODE ARTICLE 19, SUBTITLE 71 {"SPECIAL ENFORCEMENT OFFICERS"}, A PREPAYABLE CITATION MAY BE ISSUED TO THE OWNER, AGENT, OR PERSON RESPONSIBLE FOR THE OPERATION OR IN CHARGE OF ANY OCCUPANCY THAT FAILS TO COMPLY WITH:

1. § 110.1 {"UNSAFE BUILDINGS: GENERAL"},
2. § 1001.2 {"MEANS OF EGRESS: MINIMUM REQUIREMENTS"}, OR
3. § 1001.3 {"MEANS OF EGRESS: OVERCROWDING"}.

109.7.1 EACH DAY A SEPARATE OFFENSE. EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE. A CITATION MAY BE ISSUED UNDER THIS SECTION ANY TIME THAT A VIOLATION IS DISCOVERED, WHETHER OR NOT A PRIOR CITATION HAS BEEN ISSUED FOR THE SAME CONDITION.

109.7.2 PERMIT REVOCATION FOR REPEAT VIOLATORS. IF 3 CITATIONS ARE ISSUED TO THE SAME PERSON OR OPERATION WITHIN A 1-YEAR PERIOD, THE FIRE CODE OFFICIAL MAY REVOKE ALL PERMITS ISSUED BY THE FIRE CODE OFFICIAL TO OR FOR THAT PERSON OR OPERATION AND NOTIFY ALL APPROPRIATE CITY AGENCIES OF THE REVOCATION.

109.7.3 PROCEDURE NOT EXCLUSIVE. THE ISSUANCE OF A CITATION UNDER THIS SECTION DOES NOT PRECLUDE PURSUING ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

SECTION 110 UNSAFE BUILDINGS

110.1 TO 110.4 ***{AS IN IFC}***

110.5 FIRE HAZARDS. WHENEVER THE MAINTENANCE, OPERATION, OR USE OF ALL OR PART OF ANY LAND, STRUCTURE, MATERIAL, OR OTHER OBJECT CONSTITUTES A FIRE HAZARD AND THE ACTION TO BE TAKEN TO ELIMINATE THE HAZARD IS NOT SPECIFICALLY PROVIDED FOR IN THIS CODE, THE FIRE CODE OFFICIAL MAY TAKE ANY ACTION NECESSARY TO ELIMINATE THE HAZARD.

SECTION 111 STOP WORK ORDER ***{AS IN IFC}***

SECTION 112 EMERGENCY MEASURES

112.1 GENERAL. IN AN EMERGENCY, WHERE LIFE OR PROPERTY IS IN IMMEDIATE DANGER FROM ANY CAUSE OR THING COVERED OR CONTEMPLATED TO BE COVERED BY THIS CODE, THE FIRE CODE OFFICIAL

MAY IMMEDIATELY TAKE ANY ACTION NECESSARY TO PROTECT AGAINST THE DANGER, WITHOUT COMPLYING WITH § 109.2 OF THIS CODE.

SECTION 113 COSTS

113.1 OWNER'S LIABILITY FOR COST OF ACTIONS. WHENEVER THE FIRE CODE OFFICIAL TAKES ACTION UNDER THIS CODE, ALL EXPENSES INCURRED AND FEES IMPOSED BY THE FIRE CODE OFFICIAL IN AVOIDING, CORRECTING, OR REMOVING A DANGEROUS CONDITION OR IN PERFORMING NON-FIRE SUPPRESSION SERVICES BECOMES A DEBT, JOINTLY AND SEVERALLY OWED TO THE CITY BY EVERY OWNER OF THE PROPERTY ON OR IN WHICH THE CONDITION EXISTED OR THE SERVICES PERFORMED.

113.2 WHEN DUE; COLLECTION; LIEN. THIS DEBT BECOMES IMMEDIATELY DUE TO THE CITY WHEN THE WORK OR OPERATION IS FINISHED AND MAY BE COLLECTED IN THE SAME MANNER AS ANY OTHER DEBT DUE THE CITY. IN ADDITION, WHEN THE WORK OR OPERATION IS FINISHED, A LIEN IN FAVOR OF THE CITY ATTACHES TO THE PREMISES ON OR IN WHICH THE WORK OR OPERATION WAS DONE AND CONTINUES UNTIL THE CITY IS PAID THE FULL AMOUNT OWED.

CHAPTER 2. DEFINITIONS

SECTION 201 GENERAL

201.1 SCOPE. ***{AS IN IFC}***

201.2 INTERCHANGEABILITY. ***{AS IN IFC}***

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 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 IFC}***

SECTION 202 GENERAL DEFINITIONS

202.1 GENERAL. EXCEPT AS SPECIFIED IN § 202.2, TERMS USED IN THIS CODE AND DEFINED IN THE INTERNATIONAL FIRE CODE (2006 EDITION) HAVE THE MEANINGS GIVEN IN THE INTERNATIONAL FIRE CODE (2006 EDITION).

202.2 SUPPLEMENTAL DEFINITIONS. NOTWITHSTANDING ANY DIFFERENT DEFINITION IN THE INTERNATIONAL FIRE CODE, THE FOLLOWING TERMS HAVE THE MEANINGS GIVEN IN THIS § 202.2.

202.2.1 FIRE CODE OFFICIAL. "FIRE CODE OFFICIAL" MEANS THE CHIEF OF THE BALTIMORE CITY FIRE DEPARTMENT OR A DULY AUTHORIZED REPRESENTATIVE OF THE CHIEF.

202.2.2 MAY NOT, ETC. "MAY NOT", "MUST NOT", AND "NO ... MAY" ARE EACH MANDATORY NEGATIVE TERMS USED TO ESTABLISH A PROHIBITION.

202.2.3 MUST/SHALL. "MUST" AND "SHALL" ARE EACH MANDATORY TERMS USED TO EXPRESS A REQUIREMENT OR TO IMPOSE A DUTY.

202.2.4 PERSON. "PERSON":

1. MEANS ANY INDIVIDUAL, SOLE PROPRIETORSHIP, CORPORATION, FIRM, PARTNERSHIP, ASSOCIATION, ORGANIZATION, JOINT VENTURE, OR OTHER ENTITY OR GROUP ACTING AS A UNIT, EXECUTOR, ADMINISTRATOR, TRUSTEE, RECEIVER, GUARDIAN, OR OTHER REPRESENTATIVE APPOINTED BY LAW, AND

2. WHENEVER USED IN THIS CODE WITH REFERENCE TO LIABILITY OR TO THE IMPOSITION OF A PENALTY OR FINE, INCLUDES:

   A. AS TO AN UNINCORPORATED FIRM, PARTNERSHIP, ASSOCIATION, ORGANIZATION, OR JOINT VENTURE, THE PARTNERS OR MEMBERS OF THE FIRM, PARTNERSHIP, ASSOCIATION, ORGANIZATION, OR JOINT VENTURE, AND

   B. AS TO A CORPORATION, THE OFFICERS, TRUSTEES, AGENTS, OR MEMBERS OF THE CORPORATION WHO ARE RESPONSIBLE FOR THE VIOLATION OF ANY RELEVANT CODE PROVISION.

CHAPTER 3. GENERAL PRECAUTIONS AGAINST FIRE

SECTIONS 301 TO 307 ***{AS IN IFC}***

SECTION 308 OPEN FLAMES

308.1 TO 308.4 ***{AS IN IFC}***

308.5 OPEN-FLAME DEVICES. ***{AS IN IFC}***

308.5.1 TO 308.5.2 ***{AS IN IFC}***

308.5.3 LP GAS PROHIBITED IN ASSEMBLY AREAS. THE STORAGE OR USE OF LP-GAS CONTAINERS OF ANY SIZE IN ANY ASSEMBLY BUILDING OR IN ANY ASSEMBLY AREA OF A BUILDING IS PROHIBITED.

308.5.3.1 EXCEPTION. LISTED AND APPROVED BUTANE-GAS COMMERCIAL FOOD SERVICE APPLIANCES MAY BE USED INSIDE RESTAURANTS AND IN ATTENDED COMMERCIAL FOOD CATERING OPERATIONS AS LONG AS EACH OF THE FOLLOWING CONDITIONS IS COMPLIED WITH:

1. NO APPLIANCE HAS MORE THAN TWO 10-OZ. (296 ML) GAS CONTAINERS, WITH A MAXIMUM WATER CAPACITY OF 1.08 LB. (0.049 KG) PER CONTAINER, CONNECTED DIRECTLY TO IT AT ANY TIME.

2. THE CONTAINERS ARE NOT MANIFOLD.

3. ALL CONTAINERS ARE LISTED AND COMPLY WITH UL 147B, "STANDARD FOR NON-REFILLABLE (DISPOSABLE) TYPE METAL CONTAINER ASSEMBLIES FOR BUTANE".

4. EACH CONTAINER IS AN INTEGRAL PART OF THE LISTED AND APPROVED COMMERCIAL FOOD SERVICE APPLIANCE AND IS CONNECTED TO THE APPLIANCE WITHOUT THE USE OF A RUBBER HOSE.

5. NO MORE THAN 24 OF THESE CONTAINERS ARE STORED IN THE BUILDING, WITH AN ADDITIONAL 24 CONTAINERS PERMITTED TO BE STORED IN ANOTHER STORAGE AREA IN THE BUILDING IF THAT OTHER STORAGE AREA IS SEPARATED OR CONTAINED BY A MINIMUM 2-HOUR FIRE WALL.

308.6 FLAMING FOOD AND BEVERAGE PREPARATION. ***{AS IN IFC}***

SECTIONS 309 TO 315 ***{AS IN IFC}***

CHAPTER 4. EMERGENCY PLANNING AND PREPAREDNESS

SECTIONS 401 TO 404 ***{AS IN IFC}***

SECTION 405 EMERGENCY EVACUATION DRILLS

405.1 GENERAL. EMERGENCY EVACUATION DRILLS MUST BE CONDUCTED, AS PRESCRIBED IN THIS § 405, IN THE OCCUPANCIES LISTED IN § 404.2 OR WHEN REQUIRED BY THE FIRE CODE OFFICIAL.

405.2 FREQUENCY. ***{AS IN IFC}***

405.2.1 EDUCATIONAL OCCUPANCIES. EVERY EDUCATIONAL OCCUPANCY FOR MORE THAN 50 PERSONS MUST HAVE AT LEAST 2 FIRE DRILLS EACH YEAR, TO BE ARRANGED BY AND CONDUCTED UNDER THE SUPERVISION AND DIRECTION OF THE FIRE CODE OFFICIAL.

405.2.2 HIGH-RISE BUILDINGS. EVERY HIGH-RISE BUILDING MUST HAVE A LEAST 1 FIRE DRILL EACH YEAR, TO BE ARRANGED BY THE OWNER OR PERSON RESPONSIBLE FOR THE BUILDING, IN COORDINATION WITH THE FIRE CODE OFFICIAL.

405.3 TO 405.9 ***{AS IN IFC}***

SECTIONS 406 TO 408 ***{AS IN IFC}***

CHAPTER 5. FIRE SERVICE FEATURES

SECTIONS 501 TO 506 ***{AS IN IFC}***

SECTION 507 HAZARDS TO FIRE FIGHTERS

507.1 TRAPDOORS TO BE CLOSED. ***{AS IN IFC}***

507.2 SHAFTWAY MARKINGS. ***{AS IN IFC}***

507.2.1 EXTERIOR ACCESS TO SHAFTWAYS. ***{AS IN IFC}***

507.2.2 INTERIOR ACCESS TO SHAFTWAYS. ***{AS IN IFC}***

507.2.3 WINDOW GUARDS. WINDOWS IN THE EXTERIOR WALLS OF SHAFTS MUST BE PROTECTED BY VERTICAL METAL BARS THAT ARE AT LEAST 5/8-INCH IN DIAMETER AND SPACED NO MORE THAN 10 INCHES APART, UNLESS THE SILL OF THE WINDOW IS LESS THAN 5 FEET FROM A FLOOR LANDING OR THE LOWEST TREAD BELOW.

507.3 PITFALLS. ***{AS IN IFC}***

SECTIONS 508 TO 510 ***{AS IN IFC}***

SECTION 511 STRUCTURES ON PIERS

511.1 DEFINITIONS. IN THIS SECTION, "PIER" MEANS ANY PIER, WHARF, DOCK, BULKHEAD, BREAKWATER, PILES, OR OTHER SIMILAR STRUCTURE.

511.2 GENERAL. EVERY STRUCTURE THAT IS CONSTRUCTED ON A PIER MUST COMPLY WITH THE REQUIREMENTS OF THIS § 511 AND ALL OTHER APPLICABLE PROVISIONS OF THIS CODE AND OTHER LAW.

511.3 CHAPTER 28 OF NFPA 1. THE PIER AND STRUCTURE MUST COMPLY WITH CHAPTER 28 {"MARINAS AND BOATYARDS"} OF NFPA 1, UNIFORM FIRE CODE (2003 EDITION), SUBJECT ONLY TO THE FOLLOWING MODIFICATION.

511.3.1 FLOW TESTS. FLOW TESTS MUST BE CONDUCTED UNDER TABLE 6.1 AND § 6.3.1 OF NFPA 25, STANDARD FOR THE INSPECTION, TESTING, AND MAINTENANCE OF WATER-BASED FIRE PROTECTION SYSTEMS (2002 EDITION), ANNUALLY (RATHER THAN, AS THERE STATED, "EVERY 5 YEARS").

511.4 PIER MATERIAL. THE PIER MUST BE MADE OF OR ENCASED BY NON-COMBUSTIBLE MATERIALS. THE STRUCTURE ON THE PIER MUST BE OF TYPE I, TYPE II, OR TYPE III CONSTRUCTION.

511.5 SPRINKLER PROTECTION. THE ENTIRE STRUCTURE ON THE PIER MUST BE SPRINKLERED.

511.6 SEPARATION. THE SEPARATION BETWEEN STRUCTURES ON A PIER MUST BE AT LEAST 30 FEET.

511.7 STANDPIPES AND HYDRANTS. STANDPIPES (FIRE DEPARTMENT CONNECTIONS) MUST BE PROVIDED ON THE PIER AT LEAST EVERY 100 FEET. HYDRANTS MUST BE INSTALLED WITHIN 100 FEET OF A STANDPIPE.

511. 8 EMERGENCY VEHICLE ACCESS. ALL PIERS WITH STRUCTURES MUST PROVIDE ACCESS FOR EMERGENCY VEHICLES ON THE PROMENADE, A ROAD, OR OTHER APPROPRIATE SPACE. THIS ACCESS MUST BE DESIGNED AND CONFIGURED TO ACCOMMODATE FIRE, AMBULANCE, AND OTHER EMERGENCY VEHICLES. ACCESS FOR EMERGENCY VEHICLES MUST BE PROVIDED TO WITHIN AT LEAST 450 FEET OF THE FARTHEST EDGE OF THE STRUCTURE. THE FIRE LANE MUST BE AT LEAST 20 FEET WIDE.

511.9 FIRE BOAT ACCESS. ACCESS FOR FIRE BOATS MUST BE PROVIDED TO WITHIN AT LEAST 50 FEET OF THE FARTHEST EDGE OF THE STRUCTURE. THE WATER DEPTH OF THAT ACCESS MUST BE AT LEAST 10 FEET (MEAN LOW WATER MARK).

511.10 TIE-UPS. MARINA SLIPS ARE PROHIBITED WITHIN 30 FEET OF ANY STRUCTURE ON A PIER. TRANSIENT (I.E., HOURLY OR DAILY) TIE-UPS ALONG A BULKHEAD ARE ONLY ALLOWED ADJACENT TO COMMERCIAL STRUCTURES AND NO CLOSER THAN 15 FEET FROM THE STRUCTURE.

CHAPTER 6. BUILDING SERVICES AND SYSTEMS

SECTION 601 GENERAL ***{AS IN IFC}***

SECTION 602 DEFINITIONS ***{AS IN IFC}***

SECTION 603 FUEL-FIRED APPLIANCES

603.1 INSTALLATION. THE INSTALLATION OF NONPORTABLE FUEL GAS APPLIANCES AND SYSTEMS MUST COMPLY WITH THE NATIONAL FUEL GAS CODE. THE INSTALLATION OF ALL OTHER FUEL-FIRED APPLIANCES, OTHER THAN INTERNAL COMBUSTION ENGINES, OIL LAMPS, AND PORTABLE DEVICES SUCH AS

BLOW TORCHES, MELTING POTS, AND WEED BURNERS, MUST COMPLY WITH THIS SECTION, NFPA 31, AND THE INTERNATIONAL MECHANICAL CODE.

603.1.1 MANUFACTURER'S INSTRUCTIONS. ***{AS IN IFC}***

603.1.2 APPROVAL. ***{SUBSTITUTE "NATIONAL FUEL GAS CODE" FOR "INTERNATIONAL FUEL GAS CODE". OTHERWISE, AS IN IFC.}***

603.1.3 - 603.1.7 ***{SUBSTITUTE "NATIONAL ELECTRICAL CODE" FOR "ICC ELECTRICAL CODE". OTHERWISE, AS IN IFC.}***

603.2 CHIMNEYS. ***{AS IN IFC}***

603.3 FUEL OIL STORAGE SYSTEMS. ***{AS IN IFC}***

603.4 PORTABLE HEATING OR COOKING DEVICES. EXCEPT AS OTHERWISE EXPRESSLY PROVIDED, THE USE OF PORTABLE KEROSENE HEATERS, PORTABLE WASTE OIL HEATERS, OR OTHER FUEL-BURNING APPLIANCES FOR HEATING OR COOKING, CABINET LP-GAS HEATERS, AND UNVENTED GAS-FIRED SPACE HEATERS IS PROHIBITED IN BALTIMORE CITY.

603.4.1 SIGNS REQUIRED. AT ANY DISPLAY BY A RETAIL MERCHANT OR DISTRIBUTOR OF AN APPLIANCE DESCRIBED IN § 603.4, THE MERCHANT OR DISTRIBUTORS MUST POST THE FOLLOWING NOTICE:

> WARNING: THE USE OF PORTABLE KEROSENE HEATERS, PORTABLE WASTE OIL HEATERS, OR OTHER SIMILAR FUEL-BURNING APPLIANCES FOR HEATING OR COOKING, CABINET LP-GAS HEATERS, AND UNVENTED GAS-FIRED SPACE HEATERS IS PROHIBITED IN BALTIMORE CITY.

THE WORD "WARNING" MUST BE IN RED LETTERS AT LEAST 4 INCHES HIGH. ALL OTHER LETTERING MUST BE AT LEAST 3/8 INCHES HIGH. THE BACKGROUND OF THE SIGN MUST BE WHITE, WITH THE WORDING IN A CONTRASTING COLOR.

603.5 HEATING APPLIANCES. ***{AS IN IFC}***

603.5.1 GUARD AGAINST CONTACT. ***{AS IN IFC}***

603.5.2 HEATING APPLIANCE INSTALLATION. HEATING APPLIANCES MUST BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS, THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL MECHANICAL CODE, AND THE NATIONAL ELECTRICAL CODE.

603.6 CHIMNEYS AND APPLIANCES. ***{AS IN IFC}***

603.7 DISCONTINUING OPERATION OF UNSAFE HEATING APPLIANCES. ***{AS IN IFC}***

603.8 INCINERATORS. ***{SUBSTITUTE "NATIONAL FUEL GAS CODE" FOR "INTERNATIONAL FUEL GAS CODE". OTHERWISE, AS IN IFC.}***

603.8.1 TO 603.8.5 ***{AS IN IFC}***

603.9 GAS METERS. ***{AS IN IFC}***

SECTION 604 EMERGENCY AND STANDBY POWER SYSTEMS

604.1 INSTALLATION. EMERGENCY AND STANDBY POWER SYSTEMS MUST BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE, NFPA 110, AND NFPA 111. EXISTING INSTALLATIONS MUST BE MAINTAINED IN ACCORDANCE WITH THE ORIGINAL APPROVAL.

604.1.1 STATIONARY GENERATORS. ***{AS IN IFC}***

604.2 TO 604.5 ***{SUBSTITUTE "NATIONAL ELECTRICAL CODE" FOR "ICC ELECTRICAL CODE". OTHERWISE, AS IN IFC.}***

SECTION 605 ELECTRICAL EQUIPMENT, WIRING, AND HAZARDS ***{SUBSTITUTE "NATIONAL ELECTRICAL CODE" FOR "ICC ELECTRICAL CODE". OTHERWISE, AS IN IFC.}***

SECTION 606 MECHANICAL REFRIGERATION ***{SUBSTITUTE "NATIONAL ELECTRICAL CODE" FOR "ICC ELECTRICAL CODE". OTHERWISE, AS IN IFC.}***

SECTION 607 ELEVATOR RECALL AND MAINTENANCE

607.1 - 606.3 ***{AS IN IFC}***

607.4 RECALL BY FIRE ALARM. IN A BUILDING THAT IS 4 OR MORE STORIES HIGH, ALL ELEVATORS MUST BE ACTIVATED BY THE BUILDING'S FIRE ALARM.

SECTIONS 608 TO 609 ***{AS IN IFC}***

CHAPTER 7. FIRE-RESISTENCE-RATED CONSTRUCTION
{AS IN IFC}

CHAPTER 8. INTERIOR FINISH, DECORATIVE MATERIALS, AND FURNISHINGS
{AS IN IFC}

CHAPTER 9. FIRE PROTECTION SYSTEMS

SECTION 901 GENERAL ***{AS IN IFC}***

SECTION 902 DEFINITIONS ***{AS IN IFC}***

SECTION 903 AUTOMATIC SPRINKLER SYSTEMS

903.1 GENERAL. ***{AS IN IFC}***

903.2 WHERE REQUIRED. ***{AS IN IFC}***

903.3 INSTALLATION REQUIREMENTS. ***{AS IN IFC}***

903.3.1 STANDARDS ***{AS IN IFC}***

903.3.1.1 TO 903.3.1.3 ***{AS IN IFC}***

903.3.1.4 NFPA 13D SPRINKLER SYSTEMS (GARAGES): A GARAGE MUST BE SPRINKLED WHEN A LIVING AREA IS PROVIDED ABOVE IT. THE SYSTEM DESIGN MUST BE THE SAME FOR THE GARAGE AND THE LIVING AREA.

903.3.2 TO 903.3.7 ***{AS IN IFC}***

903.4 SPRINKLER SYSTEM MONITORING AND ALARM. ***{AS IN IFC}***

903.4.1 SIGNALS ***{AS IN IFC}***

903.4.2 ALARMS ***{AS IN IFC}***

903.4.2.1 NFPA 13D ALARM OR NOTIFICATION. A WATER FLOW ALARM DEVICE MUST BE INSTALLED TO PROVIDE NOTICE TO OCCUPANTS WHEN A SPRINKLER FLOW CONDITION OCCURS. THE DEVICE MUST PROVIDE AN AUDIBLE ALARM THAT IS AT LEAST 75 DBA IN THE MASTER BEDROOM AND THAT BEGINS WITHIN 60 SECONDS OF FLOW AND CONTINUES UNTIL THE FLOW HAS STOPPED.

903.4.3 FLOOR CONTROL VALVES ***{AS IN IFC}***

903.5 TO **903.6** ***{AS IN IFC}***

SECTION 904 ALTERNATIVE AUTOMATIC FIRE EXTINGUISHING SYSTEMS ***{SUBSTITUTE "NATIONAL ELECTRICAL CODE" FOR "ICC ELECTRICAL CODE". OTHERWISE, AS IN IFC.}***

SECTION 905 STANDPIPE SYSTEMS ***{AS IN IFC}***

SECTION 906 PORTABLE FIRE EXTINGUISHERS

906.1 TO 906.10 ***{AS IN IFC}***

906.11 REGISTRATION REQUIRED. NO PERSON MAY REPRESENT HIM- OR HERSELF AS A FIRE EXTINGUISHER REPAIR PERSON OR ENGAGE IN THE BUSINESS OF RECHARGING, TESTING, OR INSTALLING FIRE EXTINGUISHERS OR FIRE EXTINGUISHING EQUIPMENT UNLESS THAT PERSON IS REGISTERED WITH THE FIRE CODE OFFICIAL TO DO SO. REGISTRATION IS FOR A YEAR, RENEWABLE ANNUALLY.

906.11.1 TESTING COMPETENCE. THE FIRE CODE OFFICIAL MAY REQUIRE THAT ALL APPLICANTS FOR REGISTRATION PASS A TEST THAT DEMONSTRATES THE APPLICANT'S COMPETENCY WITH FIRE EXTINGUISHING EQUIPMENT.

906.11.2 FEE FOR REGISTRATION. THE FIRE CODE OFFICIAL MAY REQUIRE A FEE FOR THE REGISTRATION OR RENEWAL.

SECTION 907 FIRE ALARM AND DETECTION SYSTEMS

907.1 GENERAL. ***{AS IN IFC}***

907.2 WHERE REQUIRED — NEW BUILDINGS AND STRUCTURES. ***{AS IN IFC}***

907.2.1 TO 907.2.9 ***{AS IN IFC}***

907.2.10 SINGLE- AND MULTIPLE-STATION SMOKE ALARMS. ***{AS IN IFC}***

907.2.10.1 WHERE REQUIRED. ***{AS IN IFC}***

907.2.10.1.1 GROUP R-1. ***{AS IN IFC}***

907.2.10.1.2 GROUPS R-2, R-3, R-4, AND I-1. ***{AS IN IFC}***

907.2.10.1.2.1 OBLIGATIONS OF LANDLORD AND TENANT. EXCEPT AS OTHERWISE PROVIDED IN THIS § 907.2.10.1.2, THE LANDLORD IS RESPONSIBLE FOR THE INSTALLATION AND, ON WRITTEN NOTICE BY CERTIFIED OR REGISTERED MAIL, THE REPAIR OR REPLACEMENT OF ALL REQUIRED DETECTORS. THE TENANT IS RESPONSIBLE TO INFORM THE LANDLORD, IN THE MANNER JUST DESCRIBED, OF ANY SMOKE DETECTOR THAT BECOMES DEFECTIVE. A TENANT MAY NOT REMOVE OR RENDER A SMOKE DETECTOR INOPERATIVE.

907.2.10.1.2.2 LIGHT SIGNAL FOR HEARING IMPAIRED. THE LANDLORD MUST PROVIDE A SMOKE DETECTOR 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 DETECTOR IN WRITING BY CERTIFIED OR REGISTERED MAIL.

907.2.10.1.2.3 ONE-, TWO-, AND THREE-FAMILY DWELLINGS. AN OCCUPANT OF A 1-, 2-, OR 3-FAMILY DWELLING MUST:

1. EQUIP HIS OR HER OWN LIVING UNIT WITH THE NUMBER OF DETECTORS REQUIRED BY THIS § 907.2.10.1.2, EACH OF WHICH MUST BE AN APPROVED BATTERY- OR AC PRIMARY ELECTRIC-POWERED SMOKE DETECTOR, AND

2. MAINTAIN THOSE SMOKE DETECTORS ACCORDING TO MANUFACTURER'S GUIDELINES.

907.2.10.1.3 GROUP I-1. ***{AS IN IFC}***

907.2.10.1.4 ADDITIONS, ALTERATIONS, OR REPAIRS TO GROUP R. ***{AS IN IFC}***

907.2.10.2 TO 907.2.10.4 ***{AS IN IFC}***

907.2.11 TO 907.2.23 ***{AS IN IFC}***

907.3 - 907.9 ***{SUBSTITUTE "NATIONAL ELECTRICAL CODE" FOR "ICC ELECTRICAL CODE". OTHERWISE, AS IN IFC.}***

907.10 ALARM NOTIFICATION APPLIANCES. ***{AS IN IFC}***

907.10.1 - 907.10.2 ***{AS IN IFC}***

907.10.3 ELEVATOR RECALL. *SEE § 607.4.*

SECTION 908 EMERGENCY ALARM SYSTEMS ***{AS IN IFC}***

SECTION 909 SMOKE CONTROL SYSTEMS ***{SUBSTITUTE "NATIONAL ELECTRICAL CODE" FOR "ICC ELECTRICAL CODE". OTHERWISE, AS IN IFC.}***

SECTION 910 SMOKE AND HEAT VENTS ***{AS IN IFC}***

SECTION 911 EXPLOSION CONTROL ***{AS IN IFC}***

SECTION 912 FIRE DEPARTMENT CONNECTIONS ***{SUBSTITUTE "NATIONAL ELECTRICAL CODE" FOR "ICC ELECTRICAL CODE". OTHERWISE, AS IN IFC.}***

SECTION 913 FIRE PUMPS ***{AS IN IFC}***

SECTION 914 FIRE PROTECTION BASED ON SPECIAL DETAILED REQUIREMENTS OF USE AND OCCUPANCY ***{AS IN IFC}***

CHAPTER 10. MEANS OF EGRESS
{AS IN IFC}

CHAPTER 11. AVIATION FACILITIES
{SUBSTITUTE "NATIONAL ELECTRICAL CODE" FOR "ICC ELECTRICAL CODE". OTHERWISE, AS IN IFC.}

CHAPTER 12. DRY CLEANING
{SUBSTITUTE "NATIONAL ELECTRICAL CODE" FOR "ICC ELECTRICAL CODE". OTHERWISE, AS IN IFC.}

CHAPTER 13. COMBUSTIBLE DUST-PRODUCING OPERATIONS
{SUBSTITUTE "NATIONAL ELECTRICAL CODE" FOR "ICC ELECTRICAL CODE". OTHERWISE, AS IN IFC.}

CHAPTER 14. FIRE SAFETY DURING CONSTRUCTION AND DEMOLITION

SECTION 1401 GENERAL ***{AS IN IFC}***

SECTION 1402 DEFINITIONS ***{AS IN IFC}***

SECTION 1403 TEMPORARY HEATING EQUIPMENT

1403.1 LISTED. ***{SUBSTITUTE "NATIONAL FUEL GAS CODE" FOR "INTERNATIONAL FUEL GAS CODE". OTHERWISE, AS IN IFC.}***

1403.2 OIL-FIRED HEATERS. ***{AS IN IFC}***

1403.3 LP-GAS HEATERS. FUEL SUPPLIES FOR LIQUEFIED-PETROLEUM GAS-FIRED HEATERS MUST COMPLY WITH NFPA 58 AND THE NATIONAL FUEL GAS CODE.

1403.4 TO 1403.6 ***{AS IN IFC}***

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.

SECTION 1404 PRECAUTIONS AGAINST FIRE ***{SUBSTITUTE "NATIONAL ELECTRICAL CODE" FOR "ICC ELECTRICAL CODE". OTHERWISE, AS IN IFC.}***

CHAPTER 15. FLAMMABLE FINISHES
{SUBSTITUTE "NATIONAL ELECTRICAL CODE" FOR "ICC ELECTRICAL CODE". OTHERWISE, AS IN IFC.}

CHAPTER 16. FRUIT AND CROP RIPENING
{SUBSTITUTE "NATIONAL ELECTRICAL CODE" FOR "ICC ELECTRICAL CODE", AND "NATIONAL FUEL GAS CODE" FOR "INTERNATIONAL FUEL GAS CODE". OTHERWISE, AS IN IFC.}

CHAPTER 17. FUMIGATION AND THERMAL INSECTICIDAL FOGGING

SECTION 1701 GENERAL ***{AS IN IFC}***

SECTION 1702 DEFINITIONS ***{AS IN IFC}***

SECTION 1703 FIRE SAFETY REQUIREMENTS ***{AS IN IFC}***

1703.1 - 1703.7 ***{SUBSTITUTE "NATIONAL ELECTRICAL CODE" FOR "ICC ELECTRICAL CODE". OTHERWISE, AS IN IFC.}***

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 18. SEMICONDUCTOR FABRICATION FACILITIES
{SUBSTITUTE "NATIONAL ELECTRICAL CODE" FOR "ICC ELECTRICAL CODE". OTHERWISE, AS IN IFC.}

CHAPTER 19. LUMBER YARDS AND WOODWORKING FACILITIES
{SUBSTITUTE "NATIONAL ELECTRICAL CODE" FOR "ICC ELECTRICAL CODE". OTHERWISE, AS IN IFC.}

CHAPTER 20. MANUFACTURE OF ORGANIC COATINGS
{SUBSTITUTE "NATIONAL ELECTRICAL CODE" FOR "ICC ELECTRICAL CODE". OTHERWISE, AS IN IFC.}

CHAPTER 21. INDUSTRIAL OVENS
{SUBSTITUTE "NATIONAL FUEL GAS CODE" FOR "INTERNATIONAL FUEL GAS CODE". OTHERWISE, AS IN IFC.}

CHAPTER 22. MOTOR FUEL-DISPENSING FACILITIES AND REPAIR GARAGES
{SUBSTITUTE "NATIONAL FUEL GAS CODE" FOR "INTERNATIONAL FUEL GAS CODE, AND "NATIONAL ELECTRICAL CODE" FOR "ICC ELECTRICAL CODE". OTHERWISE, AS IN IFC.}

CHAPTER 23. HIGH-PILED COMBUSTIBLE STORAGE
{AS IN IFC}

CHAPTER 24. TENTS, CANOPIES, AND OTHER MEMBRANE STRUCTURES
{SUBSTITUTE "NATIONAL FUEL GAS CODE" FOR "INTERNATIONAL FUEL GAS CODE, AND "NATIONAL ELECTRICAL CODE" FOR "ICC ELECTRICAL CODE". OTHERWISE, AS IN IFC.}

CHAPTER 25. TIRE REBUILDING AND TIRE STORAGE
{AS IN IFC}

CHAPTER 26. WELDING AND OTHER HOT WORK
{SUBSTITUTE "NATIONAL ELECTRICAL CODE" FOR "ICC ELECTRICAL CODE". OTHERWISE, AS IN IFC.}

CHAPTER 27. HAZARDOUS MATERIALS – GENERAL PROVISIONS
{SUBSTITUTE "NATIONAL ELECTRICAL CODE" FOR "ICC ELECTRICAL CODE", "NATIONAL STANDARD PLUMBING CODE" FOR "INTERNATIONAL PLUMBING CODE", AND "NATIONAL FUEL GAS CODE" FOR "INTERNATIONAL FUEL GAS CODE". OTHERWISE, AS IN IFC.}

CHAPTER 28. AEROSOLS
{AS IN IFC}

CHAPTER 29. COMBUSTIBLE FIBERS
{AS IN IFC}

CHAPTER 30. COMPRESSED GASES
{SUBSTITUTE "NATIONAL FUEL GAS CODE" FOR "INTERNATIONAL FUEL GAS CODE", AND "NATIONAL ELECTRICAL CODE" FOR "ICC ELECTRICAL CODE". OTHERWISE, AS IN IFC.}

CHAPTER 31. CORROSIVE MATERIALS
{AS IN IFC}

CHAPTER 32. CRYOGENIC FLUIDS
{SUBSTITUTE "NATIONAL ELECTRICAL CODE" FOR "ICC ELECTRICAL CODE". OTHERWISE, AS IN IFC.}

CHAPTER 33. EXPLOSIVES AND FIREWORKS
{AS IN IFC}

CHAPTER 34. FLAMMABLE AND COMBUSTIBLE LIQUIDS
{SUBSTITUTE "NATIONAL ELECTRICAL CODE" FOR "ICC ELECTRICAL CODE". OTHERWISE, AS IN IFC.}

CHAPTER 35. FLAMMABLE GASES
{SUBSTITUTE "NATIONAL ELECTRICAL CODE" FOR "ICC ELECTRICAL CODE", AND "NATIONAL FUEL GAS CODE" FOR "INTERNATIONAL FUEL GAS CODE". OTHERWISE, AS IN IFC.}

CHAPTER 36. FLAMMABLE SOLIDS
{SUBSTITUTE "NATIONAL ELECTRICAL CODE" FOR "ICC ELECTRICAL CODE". OTHERWISE, AS IN IFC.}

CHAPTER 37. HIGHLY TOXIC AND TOXIC MATERIALS
{SUBSTITUTE "NATIONAL ELECTRICAL CODE" FOR "ICC ELECTRICAL CODE". OTHERWISE, AS IN IFC.}

CHAPTER 38. LIQUEFIED PETROLEUM GASES
{SUBSTITUTE "NATIONAL FUEL GAS CODE" FOR "INTERNATIONAL FUEL GAS CODE". OTHERWISE, AS IN IFC.}

CHAPTER 39. ORGANIC PEROXIDES
{AS IN IFC}

CHAPTER 40. OXIDIZERS
{AS IN IFC}

CHAPTER 41. PYROPHORIC MATERIALS
{AS IN IFC}

CHAPTER 42. PYROXYLIN (CELLULOSE NITRATE) PLASTICS
{AS IN IFC}

CHAPTER 43. UNSTABLE (REACTIVE) MATERIALS
{AS IN IFC}

CHAPTER 44. WATER-REACTIVE SOLIDS AND LIQUIDS
{AS IN IFC}

CHAPTER 45. REFERENCED STANDARDS

SECTION 4501 GENERAL

4501.1 SCOPE. THIS CHAPTER 45 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 § 102.6 OF THIS CODE.

4501.2 CITY MODIFICATIONS. THE FOLLOWING SUBSTITUTIONS SHOULD BE MADE IN THE STANDARDS LISTED:

1. FOR ICC ELECTRICAL CODE,
   SUBSTITUTE **NATIONAL ELECTRICAL CODE (2005 EDITION)**.

2. FOR INTERNATIONAL FUEL GAS CODE,
   SUBSTITUTE **NATIONAL FUEL GAS CODE (2006 EDITION)**.

3. FOR INTERNATIONAL PLUMBING CODE,
   SUBSTITUTE **NATIONAL STANDARD PLUMBING CODE (2006 EDITION, 2007 SUPPLEMENT)**.

PART IX. INTERNATIONAL ENERGY CONSERVATION CODE

§ 9-101. CITY ADOPTION.

(A) *IN GENERAL*.

THE INTERNATIONAL ENERGY CONSERVATION CODE (2006 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) *CODIFICATION*.

UNLESS OTHERWISE SPECIFIED, CHAPTER AND SECTION NUMBERS IN THIS PART IX REFER TO THE CHAPTER AND SECTION NUMBERS OF THE INTERNATIONAL ENERGY CONSERVATION CODE.

§ 9-102. CITY MODIFICATIONS.

THE ADDITIONS, DELETIONS, AMENDMENTS, AND OTHER MODIFICATIONS ADOPTED BY THE CITY ARE AS FOLLOWS:

CHAPTER 1. ADMINISTRATION

SECTION 101 SCOPE AND GENERAL REQUIREMENTS

101.1 TITLE. THESE REGULATIONS CONSTITUTE AND ARE KNOWN AS THE "ENERGY CONSERVATION CODE OF BALTIMORE CITY".

101.1.1 REFERENCES TO "THIS CODE". ALL REFERENCES TO "THIS CODE" REFER TO THE ENERGY CONSERVATION CODE OF BALTIMORE CITY.

101.2 TO 101.5 ***{AS IN IECC}***

SECTIONS 102 TO 107 *{AS IN IECC}*

CHAPTER 2. DEFINITIONS

SECTION 201 GENERAL

201.1 SCOPE. ***{AS IN IECC}***

201.2 INTERCHANGEABILITY. ***{AS IN IECC}***

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 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}***

SECTION 202 GENERAL DEFINITIONS

202.1 GENERAL. EXCEPT AS PROVIDED IN § 202.2, TERMS THAT ARE USED AND DEFINED IN THE INTERNATIONAL ENERGY CONSERVATION CODE (2006 EDITION) HAVE THE MEANINGS GIVEN IN THE INTERNATIONAL ENERGY CONSERVATION CODE (2006 EDITION).

202.2 SUPPLEMENTAL DEFINITIONS. NOTWITHSTANDING ANY DIFFERENT DEFINITION IN THE INTERNATIONAL ENERGY CONSERVATION CODE, THE FOLLOWING TERMS HAVE THE MEANINGS GIVEN IN THIS § 202.2.

202.2.1 CODE OFFICIAL. "CODE OFFICIAL" MEANS THE BUILDING OFFICIAL, AS DEFINED IN § 202.2 OF THE BUILDING CODE OF BALTIMORE CITY.

CHAPTER 3. CLIMATE ZONES
{AS IN IECC}

CHAPTER 4. RESIDENTIAL ENERGY EFFICIENCY
{AS IN IECC}

CHAPTER 5. COMMERCIAL ENERGY EFFICIENCY
{AS IN IECC}

CHAPTER 6. REFERENCED STANDARDS

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 § 107 OF THIS CODE.

601.2 CITY MODIFICATIONS. THE FOLLOWING SUBSTITUTIONS SHOULD BE MADE IN THE STANDARDS LISTED:

1. FOR ICC ELECTRICAL CODE,
   SUBSTITUTE **NATIONAL ELECTRICAL CODE (2005 EDITION)**.

2. FOR INTERNATIONAL FUEL GAS CODE,
   SUBSTITUTE **NATIONAL FUEL GAS CODE (2006 EDITION)**.

3. FOR INTERNATIONAL PLUMBING CODE,
   SUBSTITUTE **NATIONAL STANDARD PLUMBING CODE (2006 EDITION, 2007 SUPPLEMENT)**.

PART X. INTERNATIONAL RESIDENTIAL CODE

§ 10-101. CITY ADOPTION.

(A) *IN GENERAL*.

THE INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS (2006 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. ADMINISTRATION

SECTION 101 TITLE, SCOPE, AND PURPOSE

101.1 TITLE. THESE REGULATIONS CONSTITUTE AND ARE KNOWN AS THE "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 RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS OF BALTIMORE CITY.

101.2 SCOPE. ***{AS IN IRC}***

101.3 PURPOSE ***{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".
3. APPENDIX G: "SWIMMING POOLS, SPAS, AND HOT TUBS".
4. APPENDIX H: "PATIO COVERS".
5. APPENDIX I: "PRIVATE SEWAGE DISPOSAL".

6. APPENDIX K: "SOUND TRANSMISSION".

7. APPENDIX M: "HOME DAY CARE – R-3 OCCUPANCY".

8. APPENDIX O: "GRAY WATER RECYCLING SYSTEMS".

9. APPENDIX P: "SPRINKLING".

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 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}***

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 OF THE BALTIMORE CITY BUILDING CODE.

104.7 DEPARTMENT RECORDS. ***{AS IN IRC}***

104.8 LIABILITY ***{NOT ADOPTED. SEE STATE COURTS ARTICLE § 5-302.}***

104.9 TO 104.11 ***{AS IN IRC}***

SECTION 105 PERMITS

105.1 REQUIRED. ***{AS IN IRC}***

105.2 WORK EXEMPT FROM PERMIT. ***{INTRODUCTORY PARAGRAPH AS IN IRC}***

BUILDING:

1 TO 5. ***{NOT ADOPTED}***

6 TO 8. ***{AS IN IRC}***

9. ***{NOT ADOPTED}***

ELECTRICAL: ***{AS IN IRC}***

GAS: ***{AS IN IRC}***

MECHANICAL: ***{AS IN IRC}***

105.2.1 TO 105.2.3 ***{AS IN IRC}***

105.3 APPLICATION FOR PERMIT. THE REQUIREMENTS FOR OBTAINING A PERMIT ARE AS SET FORTH IN § 105.3 OF THE BALTIMORE CITY BUILDING CODE.

105.3.1 ACTION ON APPLICATION. THE REQUIRED ACTIONS BY THE BUILDING OFFICIAL ARE AS SET FORTH IN § 105.3.1 {"GENERAL"}AND § 105.3.2 {"TRAFFIC-IMPACT STUDY" OF THE BALTIMORE CITY BUILDING CODE.

105.3.1.1 DETERMINATION OF SUBSTANTIALLY IMPROVED OR DAMAGED EXISTING BUILDINGS IN FLOOD HAZARD AREAS. ***{SUBSTITUTE "IN AN ADMINISTRATIVE REVIEW" FOR "BY THE BOARD OF APPEALS". OTHERWISE AS IN IRC.}***

105.3.2 TIME LIMITATION OF APPLICATION. ***{AS IN IRC}***

105.4 VALIDITY OF PERMIT. ***{AS IN IRC}***

105.5 EXPIRATION; EXTENSION. UNLESS EXTENDED, A PERMIT EXPIRES AS SET FORTH IN § 105.5 {"EXPIRATION; EXTENSION"}OF THE BALTIMORE CITY BUILDING CODE.

105.6 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.

105.7 PLACEMENT OF PERMIT. ***{AS IN IRC}***

105.8 RESPONSIBILITY. ***{AS IN IRC}***

SECTION 106 CONSTRUCTION DOCUMENTS ***{AS IN IRC}***

SECTION 107 TEMPORARY STRUCTURES AND USES ***{AS IN IRC}***

SECTION 108 FEES

108.1 GENERAL. FEES ARE AS SET FORTH IN § 108 {"FEES"} OF THE BALTIMORE CITY BUILDING CODE.

SECTION 109 INSPECTIONS ***{AS IN IRC}***

SECTION 110 OCCUPANCY PERMITS; CERTIFICATE OF COMPLETION.

110.1 GENERAL. OCCUPANCY PERMITS (REFERRED TO IN THE IRC AS A "CERTIFICATE OF OCCUPANCY") AND CERTIFICATES OF COMPLETION ARE GOVERNED BY § 110 {"OCCUPANCY PERMIT; CERTIFICATE OF COMPLETION"} OF THE BALTIMORE CITY BUILDING CODE.

SECTION 111 SERVICE UTILITIES ***{AS IN IRC}***

SECTION 112 ADMINISTRATIVE AND JUDICIAL REVIEW

112.1 GENERAL. A DECISION OF THE BUILDING OFFICIAL IS SUBJECT TO ADMINISTRATIVE AND JUDICIAL REVIEW AS PROVIDED IN § 128 {"ADMINISTRATIVE AND JUDICIAL REVIEW"} OF THE BALTIMORE CITY BUILDING CODE.

112.2 TO 112.4 ***{NOT ADOPTED}***

SECTION 113 VIOLATIONS

113.1 TO 113.3 ***{AS IN IRC}***

113.4 VIOLATION PENALTIES. THE PENALTIES FOR A VIOLATION OF THIS CODE ARE AS PROVIDED IN § 113 {"VIOLATIONS"} OF THE BALTIMORE CITY BUILDING CODE FOR A VIOLATION OF THAT CODE.

SECTION 114 STOP WORK ORDER

114.1 GENERAL. THE ISSUANCE AND ENFORCEMENT OF STOP WORK ORDERS ARE AS PROVIDED IN § 114 {"STOP-WORK ORDER"} OF THE BALTIMORE CITY BUILDING CODE.

114.2 ***{NOT ADOPTED}***

PART II – DEFINITIONS

CHAPTER 2. DEFINITIONS

SECTION 201 GENERAL

201.1 SCOPE. ***{AS IN IRC}***

201.2 INTERCHANGEABILITY. ***{AS IN IRC}***

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 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 IRC}***

SECTION 202 DEFINITIONS ***{AS IN IRC}***

PART III – BUILDING PLANNING AND CONSTRUCTION

~~**CHAPTER 3. BUILDING PLANNING**~~
~~***{AS IN IRC}***~~

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}

EDITOR'S NOTE

The table in this Ordinance is not reproduced here. It may be viewed in a copy of the Ordinance itself.

301.3 TO 301.8 ***{AS IN IRC}***

~~**SECTION 302 EXTERIOR WALL LOCATION** ***{AS IN IRC}***~~

~~**SECTION 303 LIGHT, VENTILATION, AND HEATING**~~

~~**303.1 TO 303.5** ***{AS IN IRC}***~~

~~**303.6 STAIRWAY ILLUMINATION** ***{AS IN IRC}***~~

~~**EXCEPTION:** ***{AS IN IRC}***~~

~~**303.6.1 LIGHT ACTIVATION {PER MBPS MODIFICATIONS}.** THE CONTROL FOR ACTIVATION OF THE REQUIRED INTERIOR STAIRWAY LIGHTING MUST BE ACCESSIBLE AT THE TOP AND BOTTOM OF EACH STAIRWAY WITHOUT TRAVERSING ANY RISERS. THE ILLUMINATION OF THE EXTERIOR STAIRWAYS MUST BE CONTROLLED FROM INSIDE THE DWELLING UNIT.~~

~~**EXCEPTIONS:**~~

~~1. LIGHTS THAT ARE CONTINUOUSLY ILLUMINATED OR AUTOMATICALLY CONTROLLED;~~

~~2. INTERIOR STAIRWAYS CONSISTING OF LESS THAN 6 RISERS.~~

~~**303.7 TO 303.8** ***{AS IN IRC}***~~

SECTIONS ~~304~~ <u>302</u> TO 308 ***{AS IN IRC}***

SECTION 309 GARAGES, CARPORTS, DRIVEWAYS, ETC.

309.1 TO 309.6 ***{AS IN IRC}***

309.7 PAVED SURFACES. PARKING PADS, DRIVEWAYS, AND OTHER PAVED SURFACES MUST ALSO COMPLY WITH THE REQUIREMENTS OF BUILDING CODE § 3110.

SECTION 310 EMERGENCY ESCAPE AND RESCUE OPENINGS

310.1 EMERGENCY ESCAPE AND RESCUE REQUIRED {PER MBPS MODIFICATIONS}. EVERY SLEEPING ROOM MUST HAVE AT LEAST 1 OPENABLE EMERGENCY ESCAPE AND RESCUE WINDOW OR EXTERIOR DOOR OPENING FOR EMERGENCY ESCAPE AND RESCUE. IF OPENINGS ARE PROVIDED AS A MEANS OF ESCAPE AND RESCUE THEY MUST HAVE A SILL HEIGHT OF NOT MORE THAN 44 INCHES (1118 MM) ABOVE THE ADJACENT INTERIOR STANDING SURFACE. IF A DOOR OPENING HAVING A THRESHOLD BELOW THE ADJACENT GROUND ELEVATION SERVES AS AN EMERGENCY ESCAPE AND RESCUE OPENING AND IS PROVIDED WITH A BULKHEAD ENCLOSURE, THE BULKHEAD ENCLOSURE MUST COMPLY WITH § 310.3. THE NET CLEAR OPENING DIMENSIONS REQUIRED BY THIS SECTION MUST BE OBTAINED BY THE NORMAL OPERATION OF THE WINDOW OR DOOR OPENING FROM THE INSIDE. ESCAPE AND RESCUE WINDOW OPENINGS WITH A FINISHED SILL HEIGHT BELOW THE ADJACENT GROUND ELEVATION MUST BE PROVIDED WITH A WINDOW WELL IN ACCORDANCE WITH § 310.2.

310.2 TO 310.5 ***{AS IN IRC}***

SECTION 311 MEANS OF EGRESS

311.1 TO 311.4 ***{AS IN IRC}***

311.5 STAIRWAYS.

311.5.1 WIDTH. ***{AS IN IRC}***

311.5.2 HEADROOM. ***{AS IN IRC}***

311.5.3 STAIR TREADS AND RISERS {PER MBPS MODIFICATIONS}.

311.5.3.1 RISER HEIGHT. THE MAXIMUM RISER HEIGHT IS 8-1/4 INCHES (210 MM). THE RISER MUST BE MEASURED VERTICALLY BETWEEN LEADING EDGES OF THE ADJACENT TREADS. THE GREATEST RISER HEIGHT WITHIN ANY FLIGHT OF STAIRS MAY NOT EXCEED THE SMALLEST BY MORE THAN 3/8 INCH (9.5 MM).

311.5.3.2 TREAD DEPTH. THE MINIMUM TREAD DEPTH IS 9 INCHES (229 MM). THE TREAD DEPTH MUST BE MEASURED HORIZONTALLY BETWEEN THE VERTICAL PLANES OF THE FOREMOST PROJECTION OF ADJACENT TREADS AND AT A RIGHT ANGLE TO THE TREADS LEADING EDGE. THE GREATEST TREAD DEPTH WITHIN ANY FLIGHT OF STAIRS MAY NOT EXCEED THE SMALLEST BY MORE THAN 3/8 INCH (9.5 MM). WINDER TREADS MUST HAVE A MINIMUM TREAD DEPTH OF 9 INCHES (229 MM) MEASURED AS ABOVE AT A POINT 12 INCHES (305 MM) FROM THE SIDE WHERE THE TREADS ARE NARROWER. WINDER TREADS MUST HAVE A MINIMUM TREAD DEPTH OF 6 INCHES (152 MM) AT ANY POINT. WITHIN ANY FLIGHT OF STAIRS, THE GREATEST WINDER TREAD DEPTH AT THE 12 INCH (305 MM) WALK LINE MAY NOT EXCEED THE SMALLEST BY MORE THAN 3/8 INCH (9.5 MM).

311.5.3.3 PROFILE. ***{AS IN IRC}***

EXCEPTIONS:

1. **{PER MBPS MODIFICATIONS}** A NOSING IS NOT REQUIRED IF THE TREAD DEPTH IS A MINIMUM OF 10 INCHES (254 MM).

2. ***{AS IN IRC}***

311.6 RAMPS. ***{AS IN IRC}***

SECTION 312 GUARDS

312.1 GUARDS. ***{AS IN IRC}***

312.2 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}***

SECTIONS 313 TO 324 ***{AS IN IRC}***

CHAPTER 4. FOUNDATIONS

SECTIONS 401 TO 403 ***{AS IN IRC}***

SECTION 404 FOUNDATION AND RETAINING WALLS

404.1 TO 404.5 ***{AS IN IRC}***

404.6 UNDERPINNING. UNDERPINNING FOUNDATION WALLS MUST BE IN ACCORDANCE WITH BUILDING CODE § 1803.1.

SECTIONS 405 TO 408 ***{AS IN IRC}***

CHAPTER 5. FLOORS
{AS IN IRC}

CHAPTER 6. WALL CONSTRUCTION
{AS IN IRC}

CHAPTER 7. WALL COVERING
{AS IN IRC}

CHAPTER 8. ROOF-CEILING CONSTRUCTION

SECTION 801 GENERAL

801.1 TO 801.2 ***{AS IN IRC}***

801.3 ROOF DRAINAGE. ROOF DRAINAGE MUST BE PROVIDED IN ACCORDANCE WITH BUILDING CODE § 1503.4.

SECTIONS 802 TO 808 ***{AS IN IRC}***

CHAPTER 9. ROOF ASSEMBLIES

SECTIONS 901 TO 907 ***{SUBSTITUTE "NATIONAL STANDARD PLUMBING CODE" FOR "INTERNATIONAL PLUMBING CODE". OTHERWISE, AS IN IFC.}***

SECTION 908 ROOFTOP DECKS AND OTHER STRUCTURES

908.1 GENERAL. ALL ROOFTOP STRUCTURES MUST COMPLY WITH BUILDING CODE § 1509.

CHAPTER 10. CHIMNEYS AND FIREPLACES
{AS IN IRC}

PART IV – ENERGY CONSERVATION

CHAPTER 11. ENERGY EFFICIENCY
{AS IN IRC}

PART V – MECHANICAL

{**MBPS MODIFICATION** – THE SUBJECT MATTER OF CHAPTERS 12 THROUGH 24 IS NOT WITHIN THE SCOPE OF THE MARYLAND BUILDING PERFORMANCE STANDARDS....}

CHAPTER 12. MECHANICAL ADMINISTRATION
{AS IN IRC}

CHAPTER 13. GENERAL MECHANICAL SYSTEM REQUIREMENTS

SECTION 1301 GENERAL ***{SUBSTITUTE "NATIONAL FUEL GAS CODE" FOR "INTERNATIONAL FUEL GAS CODE". OTHERWISE, AS IN IFC.}***

SECTIONS 1302 TO 1306 ***{AS IN IRC}***

SECTION 1307 APPLIANCE INSTALLATION

1307.1 GENERAL. ***{AS IN IRC}***

1307.2 ANCHORAGE OF APPLIANCES. ***{AS IN IRC}***

1307.3 ELEVATION OF IGNITION SOURCE. ***{AS IN IRC}***

1307.3.1 PROTECTION FROM IMPACT. APPLIANCES LOCATED IN A GARAGE OR CARPORT MUST BE PROTECTED FROM IMPACT BY AUTOMOBILES.

1307. 4 HYDROGEN GENERATING AND REFUELING OPERATIONS. ***{AS IN IRC}***

1307.5 ELECTRICAL APPLIANCES. ***{AS IN IRC}***

SECTION 1308 MECHANICAL SYSTEMS INSTALLATION ***{AS IN IRC}***

CHAPTER 14. HEATING AND COOLING EQUIPMENT

SECTIONS 1401 TO 1410 ***{AS IN IRC}***

SECTION 1411 HEATING AND COOLING EQUIPMENT

1411.1 APPROVED REFRIGERANTS. ***{AS IN IRC}***

1411.2 REFRIGERATION COILS IN WARM-AIR FURNACES. ***{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.

1411.4 AUXILIARY DRAIN PAN. ***{AS IN IRC}***

1411.5 INSULATION OF REFRIGERANT PIPING. ***{AS IN IRC}***

SECTION 1412 ABSORPTION COOLING EQUIPMENT ***{AS IN IRC}***

SECTION 1413 EVAPORATE COOLING EQUIPMENT

1413.1 GENERAL. ***{AS IN IRC}***

1413.2 PROTECTION OF POTABLE WATER. THE POTABLE WATER SYSTEM MUST BE PROTECTED FROM BACKFLOW IN ACCORDANCE WITH THE NATIONAL STANDARD PLUMBING CODE.

SECTION 1414 FIREPLACE STOVES ***{AS IN IRC}***

SECTION 1415 MASONRY HEATERS ***{AS IN IRC}***

CHAPTER 15. EXHAUST SYSTEMS
{AS IN IRC}

CHAPTER 16. DUCT SYSTEMS
{AS IN IRC}

CHAPTER 17. COMBUSTION AIR

SECTION 1701 GENERAL

1701.1 AIR SUPPLY. ***{AS IN IRC}***

1701.1.1 BUILDINGS OF UNUSUALLY TIGHT CONSTRUCTION. IN BUILDINGS OF UNUSUALLY TIGHT CONSTRUCTION, COMBUSTION AIR MUST BE OBTAINED FROM OUTSIDE THE SEALED THERMAL ENVELOPE. IN BUILDINGS OF ORDINARY TIGHTNESS, INSOFAR AS INFILTRATION IS CONCERNED, ALL OR A PORTION OF THE COMBUSTION AIR FOR FUEL-BURNING APPLIANCES MAY BE OBTAINED FROM INFILTRATION WHEN THE ROOM OR SPACE HAS A VOLUME OF 50 CUBIC FEET PER 1000 BTU/H (4.83 L/W) INPUT.

1701.2 EXHAUST AND VENTILATION SYSTEM. ***{AS IN IRC}***

1701.3 VOLUME DAMPERS PROHIBITED. ***{AS IN IRC}***

1701.4 PROHIBITED SOURCES. COMBUSTION AIR DUCTS AND OPENINGS MAY NOT CONNECT APPLIANCE ENCLOSURES WITH SPACE IN WHICH THE OPERATION OF A FAN MAY ADVERSELY AFFECT THE FLOW OF COMBUSTION AIR. COMBUSTION AIR MAY NOT BE OBTAINED FROM AN AREA IN WHICH FLAMMABLE VAPORS PRESENT A HAZARD. FUEL-FIRED APPLIANCES MAY NOT OBTAIN COMBUSTION AIR FROM ANY OF THE FOLLOWING ROOMS OR SPACES:

1. SLEEPING ROOMS.
2. BATHROOMS.
3. TOILET ROOMS.
4. COOKING ROOMS OR AREAS.
5. STORAGE SPACES THAT DIMINISH COMBUSTION AIR AREA.

EXCEPTION: THE FOLLOWING APPLIANCES ARE PERMITTED TO OBTAIN COMBUSTION AIR FROM SLEEPING ROOMS, BATHROOMS AND TOILET ROOMS:

1. SOLID FUEL-FIRED APPLIANCES, AS LONG AS THE ROOM IS NOT A CONFINED SPACE AND THE BUILDING IS NOT OF UNUSUALLY TIGHT CONSTRUCTION.
2. APPLIANCES INSTALLED IN AN ENCLOSURE IN WHICH ALL COMBUSTION AIR IS TAKEN FROM THE OUTDOORS AND THE ENCLOSURE IS EQUIPPED WITH A SOLID WEATHERSTRIPPED DOOR AND SELF-CLOSING DEVICE.

1701.5 OPENING AREA. ***{AS IN IRC}***

1701.6 OPENING LOCATION. ***{AS IN IRC}***

SECTION 1702 ALL AIR FROM INSIDE THE BUILDING ***{AS IN IRC}***

SECTION 1703 ALL AIR FROM OUTDOORS ***{AS IN IRC}***

CHAPTER 18. CHIMNEYS AND VENTS

SECTION 1801 GENERAL ***{AS IN IRC}***

SECTION 1802 VENT COMPONENTS

1802.1 DRAFT HOODS. DRAFT HOODS MUST BE LOCATED IN THE SAME ROOM OR SPACE AS THE COMBUSTION AIR OPENINGS FOR THE APPLIANCES.

EXCEPTION: DRAFT HOODS OF SAUNAS MAY NOT BE LOCATED IN THE SAME ROOM THAT THE SAUNA IS IN.

1802.2 VENT DAMPERS. ***{AS IN IRC}***

1802.3 DRAFT REGULATORS. ***{AS IN IRC}***

SECTIONS 1803 TO 1805 ***{AS IN IRC}***

CHAPTER 19. SPECIAL FUEL-BURNING EQUIPMENT
{AS IN IRC}

CHAPTER 20. BOILERS AND WATER HEATERS
{AS IN IRC}

CHAPTER 21. HYDRONIC PIPING

SECTION 2101 HYDRONIC PIPING SYSTEMS INSTALLATION

2101.1 GENERAL. ***{AS IN IRC}***

TABLE 2101.1 ***{AS IN IRC, EXCEPT THAT POLYBUTYLENE (PB) PIPE AND PIPING IS NOT APPROVED.}***

2101.2 TO 2101.10 ***{AS IN IRC}***

SECTION 2102 BASEBOARD CONVECTORS ***{AS IN IRC}***

SECTION 2103 FLOOR HEATING SYSTEMS

2103.1 PIPING MATERIALS. PIPING FOR EMBEDMENT IN CONCRETE OR GYSUM MATERIALS MUST BE STANDARD-WEIGHT STEEL PIPE, COPPER TUBING, CROSS-LINKED POLYETHYLENE/ALUMINUM/CROSS-LINKED POLYETHYLENE (PEX-AL-PEX) PRESSURE PIPE, CHLORINATED POLYVINYL CHLORIDE (CPVC), CROSS-LINKED POLYETHYLENE (PEX) TUBING, OR POLYPROPYLENE (PP) WITH A MINIMUM RATING OF 100 PSI AT 180°F (690 KPA AT 82°C).

2103.2 PIPING JOINTS. PIPING JOINTS THAT ARE EMBEDDED MUST BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS:

1. - 2. ***{AS IN IRC}***

3. ***{NOT ADOPTED}***

4. - 6. ***{AS IN IRC}***

2103.3 TESTING. ***{AS IN IRC}***

SECTION 2104 LOW TEMPERATURE PIPING ***{AS IN IRC}***

SECTION 2105 GROUND SOURCE HEAT PUMP SYSTEM LOOP PIPING ***{AS IN IRC}***

CHAPTER 22. SPECIAL PIPING AND STORAGE SYSTEMS

SECTION 2201 OIL TANKS

2201.1 MATERIALS. ***{AS IN IRC}***

2201.2 ABOVE-GROUND TANKS. ***{AS IN IRC}***

2201.2.1 TANKS WITHIN BUILDINGS. ***{AS IN IRC}***

2201.2.2 OUTSIDE ABOVE-GROUND TANKS. ***{AS IN IRC}***

EXCEPTION: IF THE 5-FEET MINIMUM DISTANCE FROM AN ADJOINING PROPERTY LINE CANNOT BE MET, THE BUILDING OFFICIAL WILL DETERMINE THE LOCATION OF THE TANK.

2201.3 TO 2201.7 ***{AS IN IRC}***

SECTIONS 2202 TO 2204 ***{AS IN IRC}***

CHAPTER 23. SOLAR SYSTEMS

SECTION 2301 SOLAR ENERGY SYSTEMS ***{SUBSTITUTE "NATIONAL STANDARD PLUMBING CODE" FOR "INTERNATIONAL PLUMBING CODE". OTHERWISE, AS IN IFC.}***

PART VI – FUEL GAS

CHAPTER 24. FUEL GAS
{NOT ADOPTED}
{SEE NATIONAL FUEL GAS CODE AS MODIFIED BY BFR ARTICLE PART IV}

PART VII – PLUMBING

{**MBPS MODIFICATION** – THE SUBJECT MATTER OF CHAPTERS 25 THROUGH 32 IS NOT WITHIN THE SCOPE OF THE MARYLAND BUILDING PERFORMANCE STANDARDS....}

CHAPTER 25. PLUMBING ADMINISTRATION
{NOT ADOPTED}
{SEE NATIONAL STANDARD PLUMBING CODE AS MODIFIED BY BFR ARTICLE PART VI}

CHAPTER 26. GENERAL PLUMBING REQUIREMENTS
{NOT ADOPTED}
{SEE NATIONAL STANDARD PLUMBING CODE AS MODIFIED BY BFR ARTICLE PART VI}

CHAPTER 27. PLUMBING FIXTURES
{NOT ADOPTED}
{SEE NATIONAL STANDARD PLUMBING CODE AS MODIFIED BY BFR ARTICLE PART VI}

CHAPTER 28. WATER HEATERS
{NOT ADOPTED}
{SEE NATIONAL STANDARD PLUMBING CODE AS MODIFIED BY BFR ARTICLE PART VI}

CHAPTER 29. WATER SUPPLY AND DISTRIBUTION
{NOT ADOPTED}
{SEE NATIONAL STANDARD PLUMBING CODE AS MODIFIED BY BFR ARTICLE PART VI}

CHAPTER 30. SANITARY DRAINAGE
{NOT ADOPTED}
{SEE NATIONAL STANDARD PLUMBING CODE AS MODIFIED BY BFR ARTICLE PART VI}

CHAPTER 31. VENTS
{NOT ADOPTED}
{SEE NATIONAL STANDARD PLUMBING CODE AS MODIFIED BY BFR ARTICLE PART VI}

CHAPTER 32. TRAPS
{NOT ADOPTED}
{SEE NATIONAL STANDARD PLUMBING CODE AS MODIFIED BY BFR ARTICLE PART VI}

PART VIII – ELECTRICAL

{**MBPS MODIFICATION** – THE SUBJECT MATTER OF CHAPTERS 33 THROUGH 42 IS NOT WITHIN THE SCOPE OF THE MARYLAND BUILDING PERFORMANCE STANDARDS....}

CHAPTER 33. GENERAL REQUIREMENTS
{AS IN IRC}

CHAPTER 34. ELECTRICAL DEFINITIONS
{AS IN IRC}

CHAPTER 35. SERVICES

SECTIONS 3501 TO 3503 ***{AS IN IRC}***

SECTION 3504 OVERHEAD SERVICE-DROP AND SERVICE CONDUCTOR INSTALLATION

3504.1 CLEARANCES ON BUILDINGS. ***{AS IN IRC}***

3504.2 VERTICAL CLEARANCES. ***{AS IN IRC}***

3504.2.1 ABOVE ROOFS. ***{AS IN IRC}***

3504.2.2 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.

3504.3 TO 3504.6 ***{AS IN IRC}***

SECTIONS 3505 TO 3508 ***{AS IN IRC}***

SECTION 3509 BONDING

3509.1 TO 3509.6 ***{AS IN IRC}***

3509.7 BONDING OTHER METAL PIPING. WHERE INSTALLED IN OR ATTACHED TO A BUILDING OR STRUCTURE, METAL PIPING SYSTEMS CAPABLE OF BECOMING ENERGIZED MUST BE BONDED TO THE SERVICE EQUIPMENT ENCLOSURE, THE GROUNDED CONDUCTOR AT THE SERVICE, THE GROUNDING ELECTRODE CONDUCTOR WHERE OF SUFFICIENT SIZE, OR TO THE ONE OR MORE GROUNDING ELECTRODES USED. THE BONDING JUMPER MUST BE SIZED IN ACCORDANCE WITH TABLE E3808.12 USING THE RATING OF THE CIRCUIT CAPABLE OF ENERGIZING THE PIPING. THE EQUIPMENT GROUNDING CONDUCTOR FOR THE CIRCUIT THAT IS CAPABLE OF ENERGIZING THE PIPING MUST BE PERMITTED TO SERVE AS THE BONDING MEANS. THE POINTS OF ATTACHMENT OF THE BONDING JUMPERS MUST BE ACCESSIBLE.

3509.7.1 EXCEPTION. THIS § 3509.7 DOES NOT APPLY TO GAS PIPING.

SECTION 3510 GROUNDING ELECTRODE CONDUCTORS ***{AS IN IRC}***

SECTION 3511 GROUNDING ELECTRODE CONDUCTOR CONNECTION TO THE GROUNDING ELECTRODES

3511.1 METHODS OF GROUNDING. ***{AS IN IRC}***

3511.2 ACCESSIBILITY. THE CONNECTION OF A GROUNDING ELECTRODE CONDUCTOR OR BONDING JUMPER CONDUCTOR TO A GROUNDING ELECTRODE THAT IS NOT BURIED OR CONCRETE ENCASED MUST BE:

1. AHEAD OF ALL TURNOFF VALVES AND UNIONS, AND

2. ACCESSIBLE.

3511.3 TO 3511.5 ***{AS IN IRC}***

CHAPTER 36. BRANCH CIRCUIT AND FEEDER REQUIREMENTS

SECTION 3601 GENERAL ***{AS IN IRC}***

SECTION 3602 BRANCH CIRCUIT RATINGS

3602.1 TO 3602.11 ***{AS IN IRC}***

3602.12 BRANCH CIRCUITS SERVING ROOM AIR CONDITIONERS. ***{INTRODUCTORY PARAGRAPH AS IN IRC}***

1. - 4. ***{AS IN IRC}***

5. THE CIRCUIT CONTAINS A DEDICATED RECEPTACLE FOR THE AIR CONDITIONER.

3602.12.1 WHERE NO OTHER LOADS ARE SUPPLIED. ***{AS IN IRC}***

3602.12.2 WHERE LIGHTING UNITS OR OTHER APPLIANCES ARE SUPPLIED. ***{AS IN IRC}***

3602.13 BRANCH-CIRCUIT REQUIREMENT – SUMMARY. ***{AS IN IRC}***

3602.13.1 CIRCUITS FOR FUEL-BURNING EQUIPMENT. IN FUEL-BURNING EQUIPMENT SUCH AS OIL AND GAS BURNERS AND STOVES, INCLUDING AUXILIARIES SUCH AS FANS, BLOWERS, AND PUMPS, AN INDIVIDUAL BRANCH CIRCUIT WITH A DISCONNECTING MEANS ON THE LINE SIDE OF ALL EQUIPMENT AND DEVICES, OTHER THAN THE BRANCH-CIRCUIT FUSES, MUST BE PROVIDED. IF 2 OR MORE BRANCH CIRCUITS ARE PROVIDED FOR A FUEL-BURNING SYSTEM, THEY MUST BE SUPPLIED THROUGH A COMMON FEEDER WITH A DISCONNECTING MEANS THAT WILL DISCONNECT ALL COMPONENTS OF THE SYSTEM.

3602.13.2 CONTROLS. OIL BURNERS OTHER THAN OIL STORES WITH INTEGRAL TANKS MUST BE PROVIDED WITH A DEVICE TO MANUALLY STOP THE FLOW OF OIL TO THE BURNERS. THE DEVICE MUST BE PLACED IN A CONVENIENT LOCATION AT A SAFE DISTANCE FROM THE BURNER WITH ELECTRICALLY DRIVEN EQUIPMENT. THIS MAY BE ACCOMPLISHED BY AN IDENTIFIED SWITCH IN THE BURNER SUPPLY CIRCUIT, PLACED NEAR THE ENTRANCE TO THE ROOM WHERE THE BURNER IS LOCATED.

3602.13.3 EMERGENCY SWITCH FOR FUEL-BURNING EQUIPMENT. FUEL-BURNING EQUIPMENT MUST HAVE A DEVICE TO MANUALLY STOP THE FLOW OF FUEL AT THE FUEL TRAIN TO THE BURNER. THE DEVICE MUST BE PLACED IN A CONVENIENT LOCATION AT A SAFE DISTANCE FROM THE BURNER AND MUST BE IDENTIFIED AS A EMERGENCY DISCONNECT.

SECTIONS 3603 TO 3606 ***{AS IN IRC}***

CHAPTER 37. WIRING METHODS
{AS IN IRC}

CHAPTER 38. POWER AND LIGHTING DISTRIBUTION

SECTION 3801 RECEPTACLE OUTLETS

3801.1 TO 3801.6 ***{AS IN IRC}***

3801.7 OUTDOOR OUTLETS GENERALLY. ***{AS IN IRC}***

3801.7.1 NEAR PUBLIC WALKWAYS. A RECEPTACLE INSTALLED LESS THAN 10 FEET FROM A PUBLIC WALKWAY MUST BE WALL-SWITCH CONTROLLED FROM WITHIN THE DWELLING UNIT.

3801.7.2 DECKS. AT LEAST 1 GFCI RECEPTACLE MUST BE INSTALLED ON ALL DECKS OF WHATEVER LEVEL.

3801.8 TO 3801.11 ***{AS IN IRC}***

SECTIONS 3802 TO 3807 ***{AS IN IRC}***

SECTION 3808 GROUNDING

3808.1 TO 3808.7 ***{AS IN IRC}***

3808.8 TYPES OF EQUIPMENT GROUNDING CONDUCTORS. ***{INTRODUCTORY PARAGRAPH AS IN IRC}***

1. - 8. ***{AS IN IRC}***

9. SURFACE METAL RACEWAYS THAT ARE LISTED FOR GROUNDING AND THAT CONTAIN EQUIPMENT GROUNDING CONDUCTORS WITHIN THE RACEWAY.

3808.8.1 TO 3808.8.3 ***{AS IN IRC}***

3808.9 TO 3808.20 ***{AS IN IRC}***

SECTION 3809 FLEXIBLE CORDS ***{AS IN IRC}***

CHAPTER 39. DEVICES AND LUMINAIRES
{AS IN IRC}

CHAPTER 40. APPLIANCE INSTALLATION

SECTION 4001 GENERAL

4001.1 TO 4001.4 ***{AS IN IRC}***

4001.5 DISCONNECTING MEANS GENERALLY. ***{AS IN IRC}***

4001.5.1 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.

4001.6 TO 4001.7 ***{AS IN IRC}***

CHAPTER 41. SWIMMING POOLS
{AS IN IRC}

CHAPTER 42. CLASS 2 REMOTE-CONTROL, SIGNALING, AND POWER-LIMITED CIRCUITS
{AS IN IRC}

PART IX – REFERENCED STANDARDS

CHAPTER 43. REFERENCED STANDARDS

SECTION 4301 GENERAL

4301.1 SCOPE. THIS CHAPTER 43 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.

4301.2 CITY MODIFICATIONS. THE FOLLOWING SUBSTITUTIONS SHOULD BE MADE IN THE STANDARDS LISTED:

1. FOR ICC ELECTRICAL CODE,
   SUBSTITUTE **NATIONAL ELECTRICAL CODE (2005 EDITION)**.

2. FOR INTERNATIONAL FUEL GAS CODE,
   SUBSTITUTE **NATIONAL FUEL GAS CODE (2006 EDITION)**.

3. FOR INTERNATIONAL PLUMBING CODE,
   SUBSTITUTE **NATIONAL STANDARD PLUMBING CODE (2006 EDITION, 2007 SUPPLEMENT)**.

APPENDICES

APPENDIX A. SIZING AND CAPACITIES OF GAS PIPING
{INFORMATIONAL. NOT ADOPTED}

APPENDIX B. SIZING OF VENTING SYSTEMS ...
{INFORMATIONAL. NOT ADOPTED}

APPENDIX C. EXIT TERMINALS ...
{INFORMATIONAL. NOT ADOPTED}

APPENDIX D. RECOMMENDED PROCEDURE FOR SAFETY INSPECTION ...
{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 GENERAL. ***{AS IN IRC}***

101.2 HEALTH AND ZONING. IN ADDITION, SWIMMING POOLS, SPAS, AND HOT TUBS MUST COMPLY WITH:

1. ALL REGULATIONS OF THE BALTIMORE CITY HEALTH DEPARTMENT, AND

2. ALL LOCATION AND OTHER APPLICABLE PROVISIONS OF THE BALTIMORE CITY ZONING CODE.

SECTIONS 102 TO 108 ***{AS IN IRC}***

APPENDIX H. PATIO COVERS
{AS IN IRC}

APPENDIX I. PRIVATE SEWAGE DISPOSAL
{NOT ADOPTED}

APPENDIX J. EXISTING BUILDINGS AND STRUCTURES
{NOT ADOPTED}

APPENDIX K. SOUND TRANSMISSION
{AS IN IRC}

APPENDIX L. PERMIT FEES
{NOT ADOPTED}
APPENDIX M. HOME DAY CARE – R-3 OCCUPANCY
{AS IN IRC}

APPENDIX N. VENTING METHODS
{INFORMATIONAL. NOT ADOPTED}

APPENDIX O. GRAY WATER RECYCLING SYSTEMS
{AS IN IRC}

APPENDIX P. SPRINKLING

SECTION 101 FIRE SPRINKLERS

101.1 GENERAL. AN APPROVED AUTOMATIC FIRE SPRINKLER SYSTEM MUST BE INSTALLED IN TOWNHOUSES, AS REQUIRED BY STATE LAW. IN ACCORDANCE WITH ITS REGULATIONS, THE DEPARTMENT OF PUBLIC WORKS MUST REQUIRE MINIMUM SERVICE SIZES FOR WATER LINES AND METERS FOR BUILDINGS WITH SPRINKLERS.

APPENDIX Q. IRC/NEC CROSS-REFERENCE
{INFORMATIONAL. NOT ADOPTED}

SECTION 3. AND BE IT FURTHER ORDAINED, That the Laws of Baltimore City read as follows:

Baltimore City Revised Code

Article – Health

§ 5-301. Definitions.

(d) *Rooming unit.*

"Rooming unit" has the meaning stated in [§ 202] § 202.1 of the Property Maintenance Code of Baltimore City.

Article – Zoning

§ 13-719. Continuances for noncomplying dwelling units in R-8, R-9, and R-10 Districts.

(d) *Required findings.*

The Board must find that:

(1) the noncomplying dwelling unit has not in fact been abandoned;

(2) the continuance will not increase the danger of fire or otherwise endanger the public safety;

(3) the continuance will not overcrowd the lot or structure or create an undue concentration of population;

(4) the noncomplying structure meets all requirements and standards of the [City's] HEALTH CODE OF BALTIMORE, THE Building, Fire, [Property Maintenance,] and [Health] RELATED Codes OF BALTIMORE CITY, and [of] all other applicable laws and regulations of the City.

Baltimore City Code

Article 9. Fire Suppression and Prevention

§ 9-5. Administration and enforcement.

(b) *Permits.*

In addition to any other remedy or proceeding to enforce this subtitle, if the Fire Chief finds any premises or property to be in violation of this subtitle or of a rule, regulation, or standard adopted under it, the Fire Chief may:

(1) withhold or suspend, UNTIL THE VIOLATION HAS BEEN CORRECTED, any permit issued under the Fire [Prevention] Code of Baltimore City for that premises or property [until the violation has been corrected]; and

(2) order the [Director] COMMISSIONER of Housing and Community Development to withhold or suspend, UNTIL THE VIOLATION HAS BEEN CORRECTED, any permit issued under the Building, FIRE, OR RELATED [Code] CODES of Baltimore City for that premises or property [until the violation has been corrected].

Article 13. Housing and Urban Renewal

§ 13-5 Investigation of applicant.

The Commissioner must investigate each applicant for a new or renewal license to determine that:

(1) the applicant did not knowingly make a material misstatement in the application; and

(2) the establishment and its operation will comply with THE REQUIREMENTS OF:

(i) the [building, fire, electrical, health, plumbing, and zoning requirements] BUILDING, FIRE, AND RELATED CODES of [the] BALTIMORE City[,];

(II) THE HEALTH CODE OF BALTIMORE CITY;

(III) THE ZONING CODE OF BALTIMORE CITY; and

(IV) [(ii)] all other applicable laws.

§ 13-8. Revocation or suspension of license.

(a) *In general.*

The Commissioner may suspend or revoke any license issued under this subtitle if, after the licensee has been given the opportunity for a hearing, the Commissioner finds that:

(1) the licensee knowingly made a material misstatement on the application for the issuance or renewal of the license; or

(2) the establishment or its operation is in violation of A REQUIREMENT OF:

(i) [any building, fire, electrical, health, plumbing, or zoning requirement] THE BUILDING, FIRE, AND RELATED CODES of [the] BALTIMORE City;

(II) THE HEALTH CODE OF BALTIMORE CITY;

(III) THE ZONING CODE OF BALTIMORE CITY; or

(IV) [(ii)] any other applicable law.

Article 15. Licensing and Regulation

§ 1-28. Denial, suspension, or revocation.

(a) *In general.*

The Board may deny, suspend, or revoke an adult-entertainment business license or renewal license for any of the following causes:

(1) failing to pay the applicable license fee on or before the due date;

(2) making any material false statement in any application for an initial or renewal license;

(3) lack of accessibility for fire and police protection;

(4) failing to comply with any provision of the BUILDING, Fire, [Health, Building, or Zoning] AND RELATED Codes of Baltimore City, THE HEALTH CODE OF BALTIMORE CITY, OR THE ZONING CODE OF BALTIMORE CITY;

(5) failing to comply with any provision of this subtitle or of any rule or regulation adopted under this subtitle; or

(6) failing to comply with any provision of any other local, state, or federal law that affects or relates to the operation of the adult-entertainment business.

§ 3-8. Denial or suspension of permit.

(b) *Grounds.*

The Zoning Board may take action under subsection (a) of this section for any of the following causes:

(1) failing or refusing to comply with any provision of this subtitle or of any rule or regulation adopted under this subtitle;

(2) making any material false statement in any application for an initial or renewal permit;

(3) violating any provision of the [fire, health, building, or zoning codes] BUILDING, FIRE, AND RELATED CODES of Baltimore City, THE HEALTH CODE OF BALTIMORE CITY, OR THE ZONING CODE OF BALTIMORE CITY, or of any other ordinance, rule, or regulation of the City;

(4) conviction of an owner, operator, or employee of the establishment of any violation of City Code Article 19, § 34-6 {"Daytime and Nighttime Curfews: Prohibited conduct of establishments"};

(5) conviction of an owner, operator, or employee of the establishment of any violation of City Code Article 19, Subtitle 25 {"Loitering – General"};

(6) permitting the installation, maintenance, or operation of amusement devices in any way that impairs the safety, health, or general welfare of patrons or of the public in the immediate vicinity of the premises;

(7) lack of accessibility for fire and police protection; or

(8) lack of accessibility of light and air.

Article 28. Taxes

§ 10-6. Home improvements.

(d) *Qualifications — compliance with Codes.*

(1) To continue eligibility for a tax credit under this section, a dwelling must remain in compliance with the City Property Maintenance Code.

(2) If a dwelling owned by a person who has received a tax credit under this section is found to be in violation of the Property Maintenance Code, the property owner is not eligible for any further tax credit under this section until the dwelling is determined again to be in compliance with that Code.

(3) A dwelling that is again brought into compliance is eligible for a tax credit at the rate it would have been eligible before the violation of the Property Maintenance Code.

(4) In addition to compliance with the Property Maintenance Code, the homeowner shall comply with ALL OTHER PARTS OF the [City Building Code] BUILDING, FIRE, AND RELATED CODES OF BALTIMORE CITY, including [its] THEIR permit [requirement] REQUIREMENTS for improvements.

§ 10-8. Historic restorations and rehabilitations.

(f) *Continuing eligibility.*

The property owner shall:

(1) maintain the major historic features of the property; and

(2) ensure that the property for which the credit was granted is in full compliance with the [City Building Code and Property Maintenance Code] BUILDING, FIRE, AND RELATED CODES OF BALTIMORE CITY.

SECTION 4. 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 5. AND BE IT FURTHER ORDAINED, That this Ordinance and the Building, Fire, and Related Codes adopted by it applies to all building operations for which a permit application is filed on or after the effective date of this Ordinance.

SECTION 6. 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 7. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on ~~the 60th day after the date it is enacted~~ December 16, 2007.

Approved November 26, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-553
(Council Bill 07-637)

AN ORDINANCE CONCERNING

City Streets – Opening –
10-Foot Alley

FOR the purpose of condemning and opening a 10-foot alley laid out in the rear of the properties known as 1401 through 1477 Reynolds Street, extending from Fort Avenue northeasterly to Clement Street, as shown on Plat 114-A-20 in the Office of the Department of Public Works; and providing for a special effective date.

BY authority of
Article I - General Provisions
Section 4
and
Article II - General Powers
Sections 2, 34, and 35
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Department of Public Works shall proceed to condemn and open a 10-foot alley laid out in the rear of the properties known as 1401 through 1477 Reynolds Street, extending from Fort Avenue northeasterly to Clement Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the northeast side of Fort Avenue, 82.5 feet wide, and the northwest side of a 10-foot alley, laid out in the rear of the properties known as Nos. 1401 through 1477 Reynolds Street, said point of beginning being distant Southeasterly 55.0 feet, more or less, measured along the northeast side of said Fort Avenue from the southeast side of Reynolds Street, 50 feet wide, and running thence binding on the northwest side of said 10-foot alley, Northeasterly 469.1 feet, more or less, to intersect the southwest side of Clement Street, 66 feet wide; thence binding on the southwest side of said Clement Street, Southeasterly 10.0 feet to intersect the southeast side of said 10-foot alley; thence binding on the southeast side of said 10-foot alley, Southwesterly 469.1 feet, more or less, to intersect the northeast side of said Fort Avenue, and thence binding on the northeast side of said Fort Avenue, Northwesterly 10.0 feet to the place of beginning.

As delineated on Plat 114-A-20, prepared by the Survey Control Section and filed on March 9, 2007, in the Office of the Department of Public Works.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and opening of the alley and the rights of all interested parties shall be regulated by and in accordance with all applicable provisions of state and local law and with all applicable rules and regulations adopted by the Director of Public Works and filed with the Department of Legislative Reference.

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

Approved November 26, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-554
(Council Bill 07-638)

AN ORDINANCE CONCERNING

City Streets – Closing –
10-Foot Alley

FOR the purpose of condemning and closing a 10-foot alley laid out in the rear of the properties known as 1401 through 1477 Reynolds Street, extending from Fort Avenue northeasterly to Clement Street, as shown on Plat 114-A-20A in the Office of the Department of Public Works; and providing for a special effective date.

BY authority of
Article I - General Provisions
Section 4
and

Article II - General Powers
Sections 2, 34, 35
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Department of Public Works shall proceed to condemn and close a 10-foot alley laid out in the rear of the properties known as 1401 through 1477 Reynolds Street, extending from Fort Avenue northeasterly to Clement Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the northeast side of Fort Avenue, 82.5 feet wide, and the northwest side of a 10-foot alley, laid out in the rear of the properties known as Nos. 1401 through 1477 Reynolds Street, said point of beginning being distant Southeasterly 55.0 feet, more or less, measured along the northeast side of said Fort Avenue from the southeast side of Reynolds Street, 50 feet wide, and running thence binding on the northwest side of said 10-foot alley, Northeasterly 469.1 feet, more or less, to intersect the southwest side of Clement Street, 66 feet wide; thence binding on the southwest side of said Clement Street, Southeasterly 10.0 feet to intersect the southeast side of said 10-foot alley; thence binding on the southeast side of said 10-foot alley, Southwesterly 469.1 feet, more or less, to intersect the northeast side of said Fort Avenue, and thence binding on the northeast side of said Fort Avenue, Northwesterly 10.0 feet to the place of beginning.

As delineated on Plat 114-A-20A, prepared by the Survey Control Section and filed on March 9, 2007, in the Office of the Department of Public Works.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and closing of the alley and the rights of all interested parties shall be regulated by and in accordance with all applicable provisions of state and local law and with all applicable rules and regulations adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SECTION 3. AND BE IT FURTHER ORDAINED, That after the closing under this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore continue to be the property of the Mayor and City Council, in fee simple, until their use has been abandoned by the Mayor and City Council. If any person wants to remove, alter, or interfere with them, that person must first obtain permission from the Mayor and City Council and, in the application for this permission, must agree to pay all costs and expenses, of every kind, arising out of the removal, alteration, or interference.

SECTION 4. AND BE IT FURTHER ORDAINED, That no building or structure of any kind (including but not limited to railroad tracks) may be constructed or erected in or on any part of the street closed under this Ordinance until all subsurface structures and appurtenances owned by the Mayor and City Council of Baltimore have been abandoned by the Mayor and City Council or, at the expense of the person seeking to erect the building or structure, have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City.

SECTION 5. AND BE IT FURTHER ORDAINED, That after the closing under this Ordinance, all subsurface structures and appurtenances owned by any person other than the Mayor and City Council of Baltimore shall be removed by and at the expense of their owners, promptly upon notice to do so from the Director of Public Works.

SECTION 6. AND BE IT FURTHER ORDAINED, That at all times after the closing under this Ordinance, the Mayor and City Council of Baltimore, acting by or through its authorized representatives, shall have access to the subject property and to all subsurface structures and appurtenances used by the Mayor and City Council, for the purpose of inspecting, maintaining, repairing, altering, relocating, or replacing any of them, without need to obtain permission from or pay compensation to the owner of the property.

SECTION 7. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved November 26, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-555
(Council Bill 07-645)

AN ORDINANCE CONCERNING

Fells Point Historic District

FOR the purpose of designating the area located within certain boundaries as the Fells Point Historic District; and providing for a review process by the Commission for Historical and Architectural Preservation for Planned Unit Developments in the Fells Point Historic District.

BY adding
Article 6 - Historical and Architectural Preservation
Section(s) 7-32
Baltimore City Code
(Edition 2000)

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

Baltimore City Code

Article 6. Historical and Architectural Preservation

Subtitle 7. Preservation Districts

§ 7-32. FELLS POINT HISTORIC DISTRICT.

(A) *BOUNDARY DESCRIPTION.*

THE AREA LOCATED WITHIN THE FOLLOWING BOUNDARIES IS DECLARED TO BE THE FELLS POINT HISTORIC DISTRICT.

BEGINNING FOR THE SAME AT THE POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF BETHEL STREET AND THE CENTERLINE OF PRATT STREET, AND RUNNING THENCE BINDING ON THE CENTERLINE OF PRATT STREET, EASTERLY 459.3 FEET, MORE OR LESS, TO THE LINE OF THE CENTERLINE OF A 10 FOOT ALLEY, LAID OUT IN THE REAR OF THE PROPERTIES KNOWN AS NOS. 201 THROUGH 207 S. BROADWAY, IF PROJECTED NORTHERLY; THENCE BINDING IN PART REVERSELY ON THE LINE OF THE CENTERLINE OF SAID 10 FOOT ALLEY, SO PROJECTED, IN PART ON THE CENTERLINE OF SAID 10 FOOT ALLEY, AND IN ALL, SOUTHERLY 104 FEET, MORE OR LESS, TO THE SOUTHERNMOST EXTREMITY OF SAID 10 FOOT ALLEY; THENCE BINDING ON THE SOUTHERNMOST EXTREMITY OF SAID 10 FOOT ALLEY, EASTERLY 5.0 FEET, MORE OR LESS, TO THE EAST OUTLINE OF THE PROPERTY KNOWN AS NO. 209 S. BROADWAY; THENCE BINDING ON THE EAST OUTLINE OF NO. 209 S. BROADWAY, SOUTHERLY 14 FEET, MORE OR LESS, TO THE NORTH OUTLINE OF THE PROPERTY KNOWN AS NO.

211/217 S. BROADWAY; THENCE BINDING ON THE NORTH AND EAST OUTLINES OF NO. 211/217 S. BROADWAY, THE EIGHT FOLLOWING COURSES AND DISTANCES; NAMELY, EASTERLY 22.2 FEET, MORE OR LESS, SOUTHERLY 8.2 FEET, MORE OR LESS, EASTERLY 39.3 FEET, MORE OR LESS, SOUTHERLY 5.0 FEET, MORE OR LESS, EASTERLY 29.7 FEET, MORE OR LESS, SOUTHERLY 46.5 FEET, MORE OR LESS, WESTERLY 5.0 FEET, MORE OR LESS AND SOUTHERLY 18.3 FEET, MORE OR LESS, TO THE NORTH OUTLINE OF THE PROPERTY KNOWN AS NO. 219 S. BROADWAY; THENCE BINDING ON THE NORTH AND EAST OUTLINES OF NO. 219 S. BROADWAY THE TWO FOLLOWING COURSES AND DISTANCES; NAMELY, EASTERLY 5.0 FEET, MORE OR LESS AND SOUTHERLY 49.3 FEET, MORE OR LESS, TO THE NORTH OUTLINE OF THE PROPERTY KNOWN AS NO. 225 S. BROADWAY; THENCE BINDING ON THE NORTH OUTLINE OF NO. 225 S. BROADWAY, EASTERLY 60.0 FEET, MORE OR LESS, TO THE WEST SIDE OF REGESTER STREET; THENCE BINDING ON THE WEST SIDE OF REGESTER STREET, SOUTHERLY 28.0 FEET, MORE OR LESS, TO THE NORTH SIDE OF A 4 FOOT ALLEY, CONTIGUOUS TO THE SOUTH OUTLINE OF THE PROPERTY KNOWN AS NO. 225 S. BROADWAY; THENCE BINDING ON THE NORTH SIDE OF SAID 4 FOOT ALLEY, WESTERLY 60.0 FEET, MORE OR LESS, TO THE EAST OUTLINE OF THE PROPERTY KNOWN AS NO. 227 S. BROADWAY; THENCE BINDING IN PART ON THE EAST OUTLINE OF THE PROPERTY KNOWN AS NO. 227 S. BROADWAY, IN PART ON THE WESTERNMOST EXTREMITY OF A 4 FOOT ALLEY CONTIGUOUS TO THE SOUTH OUTLINE OF THE PROPERTY KNOWN AS NO. 227 S. BROADWAY, AND IN ALL, SOUTHERLY 30.0 FEET, MORE OR LESS, TO THE SOUTH SIDE OF LAST SAID 4 FOOT ALLEY; THENCE BINDING ON THE SOUTH SIDE OF LAST SAID 4 FOOT ALLEY, EASTERLY 60.0 FEET, MORE OR LESS, TO THE WEST SIDE OF REGESTER STREET; THENCE BINDING ON THE WEST SIDE OF REGESTER STREET, SOUTHERLY 13.0 FEET, MORE OR LESS, TO THE NORTH OUTLINE OF THE PROPERTY KNOWN AS NO. 229 S. BROADWAY; THENCE BINDING ON THE NORTH, EAST AND SOUTH OUTLINES OF NO. 229 S. BROADWAY, THE THREE FOLLOWING COURSES AND DISTANCES; NAMELY, WESTERLY 60.0 FEET, MORE OR LESS, SOUTHERLY 35.0 FEET, MORE OR LESS AND WESTERLY 8.3 FEET, MORE OR LESS, TO THE EAST OUTLINE OF THE PROPERTY KNOWN AS NO. 233 S. BROADWAY; THENCE BINDING ON THE EAST AND SOUTH OUTLINES OF NO. 233 S. BROADWAY, THE TWO FOLLOWING COURSES AND DISTANCES; NAMELY, SOUTHERLY 26.5 FEET, MORE OR LESS AND WESTERLY 24.2 FEET, MORE OR LESS, TO THE EAST OUTLINE OF THE PROPERTY KNOWN AS NO. 235 S. BROADWAY; THENCE BINDING ON THE EAST AND SOUTH OUTLINES OF NO. 235 S. BROADWAY, THE TWO FOLLOWING COURSES AND DISTANCES; NAMELY, SOUTHERLY 13.3 FEET, MORE OR LESS AND WESTERLY 1.0 FOOT, MORE OR LESS, TO THE EAST OUTLINE OF THE PROPERTY KNOWN AS NO. 237 S. BROADWAY; THENCE BINDING ON THE EAST AND SOUTH OUTLINES OF NO. 237 S. BROADWAY, THE TWO FOLLOWING COURSES AND DISTANCES; NAMELY, SOUTHERLY 13.3 FEET, MORE OR LESS AND WESTERLY 18.0 FEET, MORE OR LESS, TO THE SOUTHEAST OUTLINE OF THE PROPERTY KNOWN AS NO. 239 S. BROADWAY; THENCE BINDING ON THE SOUTHEAST AND EAST OUTLINES OF NOS. 239 THROUGH 245 S. BROADWAY, THE TWO FOLLOWING COURSES AND DISTANCES; NAMELY, SOUTHWESTERLY 77.0 FEET, MORE OR LESS AND SOUTHERLY 4.0 FEET, MORE OR LESS, TO THE NORTH OUTLINE OF THE PROPERTY KNOWN AS NO. 247 S. BROADWAY; THENCE BINDING ON THE NORTH OUTLINE OF NO. 247 S. BROADWAY, EASTERLY 7.0 FEET, MORE OR LESS, TO THE EAST OUTLINE OF NO. 247 S. BROADWAY; THENCE BINDING IN PART ON THE EAST OUTLINE OF NOS. 247 THROUGH 251/253 S. BROADWAY, IN PART ON THE LINE OF THE EAST OUTLINE OF NOS. 247 THROUGH 251/253 S. BROADWAY, IF PROJECTED SOUTHERLY, AND IN ALL, SOUTHERLY 113.8 FEET, MORE OR LESS, TO THE CENTERLINE OF GOUGH STREET; THENCE BINDING ON THE CENTERLINE OF GOUGH STREET, EASTERLY 69.7 FEET, MORE OR LESS, TO THE LINE OF THE WEST OUTLINE OF THE PROPERTY KNOWN AS NO. 1713 GOUGH STREET, IF PROJECTED NORTHERLY; THENCE BINDING IN PART REVERSELY ON THE LINE OF WEST OUTLINE OF NO. 1713 GOUGH STREET, SO PROJECTED, IN PART ON THE WEST OUTLINE OF NO. 1713 GOUGH STREET, IN PART ON THE WEST OUTLINE OF THE PROPERTIES KNOWN AS NOS. 304 THROUGH 318/320 REGESTER STREET, AND IN ALL, SOUTHERLY 235.0 FEET, MORE OR LESS, TO THE SOUTH OUTLINE OF THE PROPERTY KNOWN AS NO. 318/320 REGESTER STREET; THENCE BINDING ON THE SOUTH OUTLINE OF NO. 318/320 REGESTER STREET, EASTERLY 60.0 FEET, MORE OR LESS, TO THE WEST SIDE OF REGESTER STREET; THENCE BINDING ON THE WEST SIDE OF REGESTER STREET, SOUTHERLY 15.8 FEET, MORE OR LESS, TO THE NORTH OUTLINE OF THE PROPERTY KNOWN AS NO. 1730/1732 BANK STREET; THENCE BINDING ON THE NORTH AND WEST OUTLINES OF NO. 1730/1732 BANK STREET, AND THE LINE OF THE WEST OUTLINE OF NO. 1730/1732 BANK STREET, IF PROJECTED

SOUTHERLY, THE SIX FOLLOWING COURSES AND DISTANCES, NAMELY, WESTERLY 24.6 FEET, MORE OR LESS, NORTHERLY 0.9 FOOT, MORE OR LESS, WESTERLY 4.1 FEET, MORE OR LESS, NORTHERLY 4.1 FEET, MORE OR LESS, WESTERLY 8.7 FEET, MORE OR LESS AND SOUTHERLY 124.0 FEET, MORE OR LESS, TO THE CENTERLINE OF BANK STREET; THENCE BINDING ON THE CENTERLINE OF BANK STREET, WESTERLY 117.3 FEET, MORE OR LESS, TO THE LINE OF THE WEST OUTLINE OF THE PROPERTY KNOWN AS NO. 1705 BANK STREET, IF PROJECTED NORTHERLY; THENCE BINDING REVERSELY IN PART ON THE LINE OF THE WEST OUTLINE OF NO. 1705 BANK STREET, SO PROJECTED, IN PART ON THE WEST OUTLINE OF NO. 1705 BANK STREET, AND IN ALL, SOUTHERLY 95.0 FEET, MORE OR LESS, TO THE SOUTH OUTLINE OF THE PROPERTIES KNOWN AS NO. 1705 AND NO. 1707 BANK STREET; THENCE BINDING ON THE SOUTH OUTLINES OF NO. 1705 AND NO. 1707 BANK STREET, EASTERLY 36.0 FEET, MORE OR LESS, TO THE WEST OUTLINE OF THE PROPERTY KNOWN AS NO. 1709 BANK STREET; THENCE BINDING ON THE WEST OUTLINE OF NO. 1709 BANK STREET, SOUTHERLY 25.0 FEET, MORE OR LESS, TO THE SOUTH OUTLINES OF THE PROPERTIES KNOWN AS NOS. 1709 THROUGH 1713 BANK STREET AND NO. 402 S. REGESTER STREET; THENCE BINDING ON THE SOUTH OUTLINES OF NOS. 1709 THROUGH 1713 BANK STREET AND NO. 402 S. REGESTER STREET, EASTERLY 116.0 FEET, MORE OR LESS, TO THE WEST SIDE OF REGESTER STREET; THENCE BINDING ON THE WEST SIDE OF REGESTER STREET, SOUTHERLY 20.0 FEET, MORE OR LESS, TO THE NORTH OUTLINE OF THE PROPERTYKNOWN AS NO. 406 S. REGESTER STREET; THENCE BINDING ON THE NORTH OUTLINE OF NO. 406 S. REGESTER STREET, WESTERLY 113.4 FEET, MORE OR LESS, TO THE WEST OUTLINE OF THE PROPERTY KNOWN AS NO. 406 S. REGESTER STREET; THENCE BINDING ON THE WEST OUTLINE OF NO. 406 S. REGESTER STREET, SOUTHERLY 15.0 FEET, MORE OR LESS, TO THE NORTH OUTLINE OF NO. 411 GRIFFIN COURT; THENCE BINDING IN PART ON THE NORTH OUTLINE OF NO. 411 GRIFFIN COURT, IN PART ON THE NORTHERNMOST EXTREMITY OF GRIFFIN COURT, AND IN ALL, WESTERLY 11.5 FEET, MORE OR LESS, TO THE CENTERLINE OF GRIFFIN COURT; THENCE BINDING ON THE CENTERLINE OF GRIFFIN COURT, SOUTHERLY 108.7 FEET, MORE OR LESS, TO THE LINE OF THE CENTERLINE OF A 3 FOOT ALLEY, LAID OUT IN THE REAR OF THE PROPERTIES KNOWN AS NOS. 1704 THROUGH 1718 EASTERN AVENUE, IF PROJECTED WESTERLY; THENCE BINDING REVERSELY IN PART ON THE LINE OF THE CENTERLINE OF SAID 3 FOOT ALLEY, SO PROJECTED, IN PART ON THE CENTERLINE OF SAID 3 FOOT ALLEY, IN PART ON THE LINE OF THE CENTERLINE OF SAID 3 FOOT ALLEY, IF PROJECTED EASTERLY, AND IN ALL, EASTERLY 133.7 FEET, MORE OR LESS, TO THE CENTERLINE OF REGESTER STREET; THENCE BINDING ON THE CENTERLINE OF REGESTER STREET, NORTHERLY 43.0 FEET, MORE OR LESS, TO THE LINE OF THE CENTERLINE OF PORTUGAL STREET, IF PROJECTED WESTERLY; THENCE BINDING REVERSELY IN PART ON THE LINE OF THE CENTERLINE OF PORTUGAL STREET, SO PROJECTED, IN PART ON THE CENTERLINE OF PORTUGAL STREET, IN PART ON THE LINE OF THE CENTERLINE OF PORTUGAL STREET, IF PROJECTED EASTERLY, AND IN ALL, EASTERLY 279.0 FEET, MORE OR LESS, TO THE CENTERLINE OF ANN STREET; THENCE BINDING ON THE CENTERLINE OF ANN STREET, SOUTHERLY 52.0 FEET, MORE OR LESS, TO THE LINE OF NORTH OUTLINE OF THE PROPERTIES KNOWN AS NOS. 1800 THROUGH 1810 EASTERN AVENUE, IF PROJECTED WESTERLY; THENCE BINDING REVERSELY IN PART ON THE LINE OF THE NORTH OUTLINE OF NOS. 1800 THROUGH 1810 EASTERN AVENUE, SO PROJECTED, IN PART ON THE NORTH OUTLINE OF NOS. 1800 THROUGH 1810 EASTERN AVENUE, IN PART ON THE LINE OF THE NORTH OUTLINE OF NOS. 1800 THROUGH 1810 EASTERN AVENUE, IF PROJECTED EASTERLY, AND IN ALL, EASTERLY 188.0 FEET, MORE OR LESS, TO THE CENTERLINE OF DURHAM STREET; THENCE BINDING ON THE CENTERLINE OF DURHAM STREET, SOUTHERLY 17.0 FEET, MORE OR LESS, TO THE LINE OF THE CENTERLINE OF A 3 FOOT ALLEY, LAID OUT IN THE REAR OF THE PROPERTY KNOWN AS NO. 1818 EASTERN AVENUE, IF PROJECTED WESTERLY; THENCE BINDING REVERSELY IN PART ON THE LINE OF THE CENTERLINE SAID 3 FOOT ALLEY, SO PROJECTED, IN PART ON THE CENTERLINE OF SAID 3 FOOT ALLEY, AND IN ALL, EASTERLY 60.0 FEET, MORE OR LESS, TO THE EASTERNMOST EXTREMITY OF SAID 3 FOOT ALLEY, AND THE WEST OUTLINE OF THE PROPERTY KNOWN AS NO. 426 WOLFE STREET; THENCE BINDING ON THE WEST OUTLINE OF NO. 426 WOLFE STREET, SOUTHERLY 4.5 FEET, MORE OR LESS, TO THE NORTH OUTLINE OF THE PROPERTIES KNOWN AS NOS. 1826 AND 1828 EASTERN AVENUE; THENCE BINDING ON THE NORTH OUTLINE OF NOS. 1826 AND 1828 EASTERN AVENUE, EASTERLY 24.0 FEET, MORE OR LESS, TO THE WEST OUTLINE OF THE PROPERTY KNOWN AS NO. 1830 EASTERN AVENUE; THENCE BINDING ON THE

WEST OUTLINE OF NO. 1830 EASTERN AVENUE, NORTHERLY 17.0 FEET, MORE OR LESS, TO THE NORTH OUTLINE OF THE PROPERTY KNOWN AS NO. 1830 EASTERN AVENUE; THENCE BINDING IN PART ON THE NORTH OUTLINE OF NO. 1830 EASTERN AVENUE, IN PART ON THE NORTHERNMOST EXTREMITY OF A 3 FOOT ALLEY, CONTIGUOUS TO THE EAST OUTLINE OF NO. 1830 EASTERN AVENUE, AND IN ALL, EASTERLY 15.5 FEET, MORE OR LESS, TO THE CENTERLINE OF SAID 3 FOOT ALLEY; THENCE BINDING ON THE CENTERLINE OF SAID 3 FOOT ALLEY, SOUTHERLY 59.0 FEET, MORE OR LESS, TO THE NORTH SIDE OF EASTERN AVENUE; THENCE BINDING ON THE NORTH SIDE OF EASTERN AVENUE, EASTERLY 71.5 FEET, MORE OR LESS, TO THE CENTERLINE OF WOLFE STREET; THENCE BINDING ON THE CENTERLINE OF WOLFE STREET, NORTHERLY 120.0 FEET, MORE OR LESS, TO THE LINE OF THE NORTH OUTLINE OF THE PROPERTIES KNOWN AS NO. 417 WOLFE STREET AND NO. 1902/1904 EASTERN AVENUE AND THE NORTH SIDE OF A 3 FOOT ALLEY, LAID OUT IN THE REAR OF THE PROPERTIES KNOWN AS NOS. 1902/1904 THROUGH 1908 EASTERN AVENUE, IF PROJECTED WESTERLY; THENCE BINDING REVERSELY IN PART ON THE LINE OF THE NORTH OUTLINE OF NOS. 1902/1904 THROUGH 1908 EASTERN AVENUE, AND THE NORTH SIDE OF SAID 3 FOOT ALLEY, SO PROJECTED, IN PART ON THE NORTH OUTLINE OF NOS. 1902/1904 THROUGH 1908 EASTERN AVENUE, AND THE NORTH SIDE OF SAID 3 FOOT ALLEY, AND IN PART ON THE LINE OF THE NORTH SIDE OF SAID 3 FOOT ALLEY, IF PROJECTED EASTERLY, AND IN ALL, EASTERLY 180.0 FEET, MORE OR LESS, TO THE CENTERLINE OF CHAPEL STREET; THENCE BINDING ON THE CENTERLINE OF CHAPEL STREET, SOUTHERLY 5.0 FEET, MORE OR LESS, TO THE LINE OF THE CENTERLINE OF PORTUGAL STREET, IF PROJECTED WESTERLY; THENCE BINDING REVERSELY IN PART ON THE LINE OF THE CENTERLINE OF PORTUGAL STREET, IN PART ON THE CENTERLINE OF PORTUGAL STREET, IN PART ON THE LINE OF THE CENTERLINE OF PORTUGAL STREET, IF PROJECTED EASTERLY, AND IN ALL, EASTERLY 186.0 FEET, MORE OR LESS, TO THE CENTERLINE OF WASHINGTON STREET; THENCE BINDING ON THE CENTERLINE OF WASHINGTON STREET, NORTHERLY 5.0 FEET, MORE OR LESS, TO THE LINE OF THE CENTERLINE OF PORTUGAL STREET, IF PROJECTED WESTERLY; THENCE BINDING REVERSELY IN PART ON THE LINE OF THE CENTERLINE OF PORTUGAL STREET, SO PROJECTED, IN PART ON THE CENTERLINE OF PORTUGAL STREET, IN PART ON THE LINE OF THE CENTERLINE OF PORTUGAL STREET, IF PROJECTED EASTERLY, AND IN ALL, EASTERLY 264.7 FEET, MORE OR LESS, TO THE CENTERLINE OF CASTLE STREET; THENCE BINDING ON THE CENTERLINE OF CASTLE STREET, SOUTHERLY 153.0 FEET, MORE OR LESS, TO THE CENTERLINE OF EASTERN AVENUE; THENCE BINDING ON THE CENTERLINE OF EASTERN AVENUE, EASTERLY 231.6 FEET, MORE OR LESS, TO THE CENTERLINE OF CHESTER STREET; THENCE BINDING ON THE CENTERLINE OF CHESTER STREET, SOUTHERLY 405.2 FEET, MORE OR LESS, TO THE LINE OF THE SOUTH SIDE OF FLEET STREET, IF PROJECTED EASTERLY; THENCE BINDING REVERSELY ON THE LINE OF THE SOUTH SIDE OF FLEET STREET, SO PROJECTED, WESTERLY 12.5 FEET, MORE OR LESS, TO THE CENTERLINE OF CHESTER STREET; THENCE BINDING ON THE CENTERLINE OF CHESTER STREET, SOUTHERLY 859.2 FEET, MORE OR LESS, TO THE COMBINED BULKHEAD AND PIERHEAD LINE OF THE NORTHWEST BRANCH OF THE PATAPSCO RIVER; THENCE BINDING ON THE COMBINED BULKHEAD AND PIERHEAD LINE OF THE NORTHWEST BRANCH OF THE PATAPSCO RIVER, THE SIX FOLLOWING COURSES AND DISTANCES; NAMELY, WESTERLY 138.0 FEET, MORE OR LESS, SOUTHERLY 1,080.4 FEET, MORE OR LESS, SOUTHWESTERLY 345.0 FEET, MORE OR LESS, NORTHWESTERLY 1,194.6 FEET, MORE OR LESS, SOUTHWESTERLY 1,022.6 FEET, MORE OR LESS AND SOUTHWESTERLY 450.4 FEET, MORE OR LESS, TO THE LINE OF THE CENTERLINE OF THAMES STREET, IF PROJECTED SOUTHERLY; THENCE BINDING REVERSELY IN PART ON THE LINE OF THE CENTERLINE OF THAMES STREET, SO PROJECTED, IN PART ON THE CENTERLINE OF THAMES STREET, AND IN ALL, THE TWO FOLLOWING COURSES AND DISTANCES; NAMELY, NORTHERLY 472.4 FEET, MORE OR LESS, AND NORTHEASTERLY 59.0 FEET, MORE OR LESS, TO THE LINE OF THE SOUTHWEST OUTLINE OF THE PROPERTY KNOWN AS NO. 1404/1410 THAMES STREET, IF PROJECTED SOUTHEASTERLY; THENCE BINDING REVERSELY IN PART ON THE LINE OF NO. 1404/1410 THAMES STREET, SO PROJECTED, IN PART ON THE SOUTHWEST OUTLINE OF NO. 1404/1410 THAMES STREET, AND IN ALL, NORTHWESTERLY 69.1 FEET, MORE OR LESS, TO THE SOUTH OUTLINE OF NO. 1404/1410 THAMES STREET; THENCE BINDING ON THE SOUTH AND WEST OUTLINES OF NO. 1404/1410 THAMES STREET, AND THE LINE OF THE WEST OUTLINE OF NO. 1404/1410 THAMES STREET, IF PROJECTED NORTHERLY, THE FOUR FOLLOWING COURSES AND DISTANCES; NAMELY, WESTERLY 20.1 FEET, MORE OR LESS, NORTHERLY 39.3 FEET, MORE OR LESS, EASTERLY 19.4 FEET, MORE OR LESS AND NORTHERLY 67.9 FEET, MORE OR LESS, TO

THE CENTERLINE OF BLOCK STREET; THENCE BINDING ON THE CENTERLINE OF BLOCK STREET, EASTERLY 112.3 FEET, MORE OR LESS; THENCE AT A RIGHT ANGLE TO THE CENTERLINE OF BLOCK STREET, NORTHERLY 20.0 FEET, MORE OR LESS, TO THE CENTERLINE OF CAROLINE STREET; THENCE BINDING ON THE CENTERLINE OF CAROLINE STREET, THE TWO FOLLOWING COURSES AND DISTANCES; NAMELY, NORTHWESTERLY 440.0 FEET, MORE OR LESS, AND NORTHERLY 560.4 FEET, MORE OR LESS, TO THE LINE OF THE SOUTH OUTLINE OF THE PROPERTY KNOWN AS NO. 1429 ALICEANNA STREET, IF PROJECTED EASTERLY; THENCE BINDING REVERSELY IN PART ON THE LINE OF THE SOUTH OUTLINE OF NO. 1429 ALICEANNA STREET, SO PROJECTED, IN PART ON THE SOUTH OUTLINE OF NO. 1429 ALICEANNA STREET, IN PART ON THE LINE OF THE SOUTH OUTLINE OF NO. 1429 ALICEANNA STREET, IF PROJECTED WESTERLY, AND IN ALL, WESTERLY 220.0 FEET, MORE OR LESS, TO THE CENTERLINE OF SPRING STREET; THENCE BINDING ON THE CENTERLINE OF SPRING STREET, NORTHERLY 377.0 FEET, MORE OR LESS, TO THE LINE OF THE CENTERLINE OF A 10 FOOT ALLEY, LAID OUT IN THE REAR OF THE PROPERTY KNOWN AS NO. 1407 FLEET STREET, IF PROJECTED EASTERLY; THENCE BINDING REVERSELY IN PART ON THE LINE OF THE CENTERLINE OF SAID 10 FOOT ALLEY, SO PROJECTED, IN PART ON THE CENTERLINE OF SAID 10 FOOT ALLEY, AND IN ALL, WESTERLY 112.0 FEET, MORE OR LESS, TO THE WESTERNMOST EXTREMITY OF SAID 10 FOOT ALLEY, AND THE WEST OUTLINE OF THE PROPERTY KNOWN AS NO. 1407 FLEET STREET; THENCE BINDING ON THE WEST OUTLINE OF NO. 1407 FLEET STREET, NORTHERLY 45.0 FEET, MORE OR LESS, TO THE DIVISION LINE BETWEEN AS PARCEL "A' AND PARCEL "B' OF THE PROPERTY KNOWN AS NO. 1401/1405 FLEET STREET; THENCE BINDING IN PART ON THE DIVISION LINE BETWEEN PARCEL "A' AND PARCEL "B' OF NO. 1401/1405 FLEET STREET, IN PART ON THE LINE OF THE SAID DIVISION LINE BETWEEN PARCEL "A AND "B" OF NO. 1401/1405 FLEET STREET, IF PROJECTED WESTERLY, AND IN ALL, WESTERLY 103.5 FEET, MORE OR LESS, TO THE CENTERLINE OF EDEN STREET; THENCE BINDING ON THE CENTERLINE OF EDEN STREET, NORTHERLY 137.0 FEET, MORE OR LESS, TO THE CENTERLINE OF FLEET STREET; THENCE BINDING ON THE CENTERLINE OF FLEET STREET, EASTERLY 311.0 FEET, MORE OR LESS, TO THE LINE OF THE CENTERLINE OF A 10 FOOT ALLEY CONTIGUOUS TO THE WEST SIDE OF THE PROPERTY KNOWN AS NO. 1434/1442 FLEET STREET, IF PROJECTED SOUTHERLY; THENCE BINDING REVERSELY IN PART ON THE LINE OF THE CENTERLINE OF SAID 10 FOOT ALLEY, SO PROJECTED, IN PART ON THE CENTERLINE OF SAID 10 FOOT ALLEY, AND IN ALL, NORTHERLY 182.0 FEET, MORE OR LESS, TO THE CENTERLINE OF DUKER ALLEY; THENCE BINDING IN PART ON THE CENTERLINE OF DUKER ALLEY, IN PART ON THE LINE OF THE CENTERLINE OF DUKER ALLEY, IF PROJECTED EASTERLY, AND IN ALL, EASTERLY 125.0 FEET, MORE OR LESS, TO THE CENTERLINE OF CAROLINE STREET; THENCE BINDING ON THE CENTERLINE OF CAROLINE STREET, NORTHERLY 565.8 FEET, MORE OR LESS, TO THE CENTERLINE OF BANK STREET; THENCE BINDING ON THE CENTERLINE OF BANK STREET, EASTERLY 645.8 FEET, MORE OR LESS, TO THE LINE OF THE CENTERLINE OF BETHEL STREET; IF PROJECTED SOUTHERLY; THENCE BINDING REVERSELY IN PART ON THE LINE OF THE CENTERLINE OF BETHEL STREET, SO PROJECTED, IN PART ON THE CENTERLINE OF BETHEL STREET, AND IN ALL, NORTHERLY 964.9 FEET, MORE OR LESS, TO THE CENTERLINE OF PRATT STREET AT THE PLACE OF BEGINNING.

(B) *PLANNED UNIT DEVELOPMENT REVIEW BY THE COMMISSION FOR HISTORICAL AND ARCHITECTURAL PRESERVATION.*

THE COMMISSION FOR HISTORICAL AND ARCHITECTURAL PRESERVATION SHALL REVIEW PLANS FOR PLANNED UNIT DEVELOPMENTS IN THE FELLS POINT HISTORIC DISTRICT AS FOLLOWS:

(1) FOR ALL PLANNED UNIT DEVELOPMENTS (PUDS) ESTABLISHED PRIOR TO THE DESIGNATION OF THIS DISTRICT, THE HEIGHT AND MASSING GUIDELINES IN THE PUD SHALL GOVERN FUTURE DEVELOPMENT. THE COMMISSION FOR HISTORICAL AND ARCHITECTURAL PRESERVATION (CHAP) SHALL REVIEW AND APPROVE THE BUILDING DESIGN WITHIN THE PRIOR APPROVED MASSING. CHAP'S APPROVAL IS REQUIRED PRIOR TO PLANNING COMMISSION FINAL DESIGN APPROVAL.

(2) FOR ANY BUILDING WITHIN AN ESTABLISHED PUD THAT HAS ALREADY RECEIVED FINAL DESIGN APPROVAL BY THE PLANNING COMMISSION, THAT BUILDING IS NOT SUBJECT TO CHAP APPROVAL.

(3) ALL MAJOR AMENDMENTS TO EXISTING PUDS ARE SUBJECT TO CHAP APPROVAL.

(4) ALL REVISED FINAL DESIGN APPROVALS ARE SUBJECT TO CHAP APPROVAL.

(5) IF A NEW PUD IS ESTABLISHED WITHIN THE FELLS POINT LOCAL HISTORIC DISTRICT, THE NEW PUD SHALL BE SUBJECT TO CHAP APPROVAL.

SECTION 2. 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 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved November 26, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-556
(Council Bill 07-691)

AN ORDINANCE CONCERNING

City Streets – Closing –
A Portion of Lancaster Street

FOR the purpose of condemning and closing a portion of Lancaster Street, extending from the southwest side of President Street westerly and northwesterly to the south side of Aliceanna Street, as shown on Plat 114-A-22 in the Office of the Department of Public Works; and providing for a special effective date.

BY authority of
Article I - General Provisions
Section 4
and
Article II - General Powers
Sections 2, 34, 35
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Department of Public Works shall proceed to condemn and close a portion of Lancaster Street, extending from the southwest side of President Street westerly and northwesterly to the south side of Aliceanna Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the intersection of the southwest side of President Street, 60 feet wide, and the north side of Lancaster Street, varying in width, having a coordinate value of East 4,086.53 feet and South 5,474.66 feet, and running thence binding on the line of the southwest side of said President Street,

if projected southeasterly, South 28° 21' 17" East 73.81 feet to intersect the south side of said Lancaster Street, 52 feet wide; thence binding on the south, southwest, southeast and west sides of last said Lancaster Street, the six following courses and distances; namely, South 87° 34' 53" West 287.84 feet, by a tangent arc curving to the right with a radius of 252.00 feet the distance of 221.33 feet which arc is subtended by a chord bearing North 67° 15' 28.5" West 214.28 feet, by a tangent line North 42° 05' 50" West 52.85 feet, North 32° 54' 10" East 8.28 feet, North 42° 05' 19" West 7.34 feet, and by a non-tangent arc curving to the right with a radius of 185.00 feet the distance of 72.55 feet which arc is subtended by a chord bearing North 02° 12' 07" West 72.08 feet to intersect the line of the south side of Aliceanna Street, 42 feet wide, if projected southwesterly; thence binding reversely on the line of the south side of said Aliceanna Street, North 76° 56' 36" East 26.33 feet, to intersect the northeast side of Lancaster Street, varying in width and thence binding on the northeast and north sides of last said Lancaster Street, in part on the northeast and north sides of Lancaster Street, mentioned secondly herein, and in all, the five following courses and distances; namely, by a line curving to the left with a radius of 17.00 feet the distance of 35.32 feet which arc is subtended by a chord bearing South 17° 25' 19.5" West 29.30 feet, South 42° 05' 50" East 89.99 feet, by a tangent arc curving to the left with a radius of 200.00 feet the distance of 175.65 feet which arc is subtended by a chord bearing South 67° 15' 28.5" East 170.06 feet, North 87° 34' 53" East 246.56 feet and by a tangent arc curving to the left with a radius of 10.00 feet the distance of 20.25 feet which arc is subtended by a chord bearing of North 29° 36' 57.5" East 16.96 feet to the place of beginning.

As delineated on Plat 114-A-22, prepared by the Survey Control Section and filed on May 8, 2007 in the Office of the Department of Public Works.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and closing of a portion of Lancaster Street and the rights of all interested parties shall be regulated by and in accordance with all applicable provisions of state and local law and with all applicable rules and regulations adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SECTION 3. AND BE IT FURTHER ORDAINED, That after the closing under this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore continue to be the property of the Mayor and City Council, in fee simple, until their use has been abandoned by the Mayor and City Council. If any person wants to remove, alter, or interfere with them, that person must first obtain permission from the Mayor and City Council and, in the application for this permission, must agree to pay all costs and expenses, of every kind, arising out of the removal, alteration, or interference.

SECTION 4. AND BE IT FURTHER ORDAINED, That no building or structure of any kind (including but not limited to railroad tracks) may be constructed or erected in or on any part of the street closed under this Ordinance until all subsurface structures and appurtenances owned by the Mayor and City Council of Baltimore have been abandoned by the Mayor and City Council or, at the expense of the person seeking to erect the building or structure, have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City.

SECTION 5. AND BE IT FURTHER ORDAINED, That after the closing under this Ordinance, all subsurface structures and appurtenances owned by any person other than the Mayor and City Council of Baltimore shall be removed by and at the expense of their owners, promptly upon notice to do so from the Director of Public Works.

SECTION 6. AND BE IT FURTHER ORDAINED, That at all times after the closing under this Ordinance, the Mayor and City Council of Baltimore, acting by or through its authorized representatives, shall have access to the subject property and to all subsurface structures and appurtenances used by the Mayor and City Council, for the purpose of inspecting, maintaining, repairing, altering, relocating, or replacing any of them, without need to obtain permission from or pay compensation to the owner of the property.

SECTION 7. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved November 26, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-557
(Council Bill 07-694)

AN ORDINANCE CONCERNING

Zoning – Conditional Use Parking, Open Off-Street Area – 511 Willow Avenue

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a parking, open off-street area on the property known as 511 Willow Avenue, as outlined in red on the accompanying plat.

BY authority of
Article - Zoning
Section(s) 4-903(1) and 14-102
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of a parking, open off-street area on the property known as 511 Willow Avenue, as outlined in red on the plat accompanying this Ordinance, in accordance with Baltimore City Zoning Code §§ 4-903(1) and 14-102, subject to the condition that the parking, open off-street area complies with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved November 26, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-558
(Council Bill 07-735)

AN ORDINANCE CONCERNING

City Streets – Opening – Certain Streets and Alleys Lying Within the Area Bounded by North Avenue, Thomas Avenue, Presbury Street, and the CSX Transportation, Inc. Railroad Right-of-Way

FOR the purpose of condemning and opening certain streets and alleys lying within the area bounded by North Avenue, Thomas Avenue, Presbury Street, and the CSX Transportation, Inc. Railroad Right-of-Way, as shown on Plat 114-A-23 in the Office of the Department of Public Works; and providing for a special effective date.

BY authority of
Article I - General Provisions
Section 4
and
Article II - General Powers
Sections 2, 34, and 35
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Department of Public Works shall proceed to condemn and open certain streets and alleys lying within the area bounded by North Avenue, Thomas Avenue, Presbury Street, and the CSX Transportation, Inc. Railroad Right-of-Way, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the south side of a 10-foot alley, laid out in the rear of the properties known as Nos. 2527 through 2551/2553 W. North Avenue and the east side of Whitmore Avenue, 66 feet wide, and running thence binding on the east side of said Whitmore Avenue, Southerly 238.5 feet, more or less, to the southernmost extremity of said Whitmore Avenue; thence binding on the southernmost extremity of said Whitmore Avenue, Westerly 66.0 feet, to intersect the west side of said Whitmore Avenue; thence binding on the west side of said Whitmore Avenue, Northerly 238.5 feet, more or less, to intersect the line of the south side of said 10-foot alley, if projected westerly, and thence binding reversely on said line, so projected, Easterly 66.0 feet to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the north side of a 10 foot alley, laid out in the rear of the properties known as Nos. 2601 through 2607 W. North Avenue, and the west side of Whitmore Avenue, 66 feet wide, said point of beginning being distant southerly 80.0 feet, more or less, measured along the west side of said Whitmore Avenue from the south side of North Avenue, 100 feet wide, and running thence binding on the west side of said Whitmore Avenue, Southerly 10.0 feet to intersect the south side of said 10-foot alley; thence binding on the south side of said 10-foot alley, Westerly 60.9 feet, more or less, to the westernmost extremity of said 10-foot alley; thence binding on the westernmost extremity of said 10-foot alley, Northerly 10.0 feet to intersect the north side of said 10-foot alley, and thence binding on the north side of said 10-foot alley, Easterly 60.9 feet, more or less, to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the east side of Whitmore Avenue, 66 feet wide, and the north side of Westwood Avenue, 33 feet wide, and running thence binding on the

north side of said Westwood Avenue, Easterly 95.0 feet, more or less, to intersect the line of the west side of a 20-foot alley, laid out in the rear of the properties known as Nos. 1801 through 1829 Whitmore Avenue; thence binding on the line of the west side of said 20- foot alley, so projected, Southerly 33.0 feet, to intersect the south side of said Westwood Avenue; thence binding on the south side of said Westwood Avenue, Westerly 95.0 feet, more or less, to intersect the east side of said Whitmore Avenue, and thence binding on the east side of said Whitmore Avenue, Northerly 33.0 feet to the place of beginning.

As delineated on Plat 114-A-23, prepared by the Survey Control Section and filed on June 7, 2007, in the Office of the Department of Public Works.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and opening of the streets and alleys and the rights of all interested parties shall be regulated by and in accordance with all applicable provisions of state and local law and with all applicable rules and regulations adopted by the Director of Public Works and filed with the Department of Legislative Reference.

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

Approved November 26, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-559
(Council Bill 07-736)

AN ORDINANCE CONCERNING

City Streets – Closing – Certain Streets and Alleys Lying Within the Area Bounded by North Avenue, Thomas Avenue, Presbury Street, and the CSX Railroad Right-of-Way

FOR the purpose of condemning and closing certain streets and alleys lying within the area bounded by North Avenue, Thomas Avenue, Presbury Street, and the CSX Railroad Right-of-Way, as shown on Plat 114-A-23A in the Office of the Department of Public Works; and providing for a special effective date.

BY authority of
Article I - General Provisions
Section 4
and
Article II - General Powers
Sections 2, 34, 35
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Department of Public Works shall proceed to condemn and close certain streets and alleys lying within the area bounded by North Avenue, Thomas Avenue, Presbury Street, and the CSX Railroad Right-of-Way, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the south side of a 10-foot alley, laid out in the rear of the properties known as Nos. 2527 through 2551/2553 W. North Avenue and the east

side of Whitmore Avenue, 66 feet wide, and running thence binding on the east side of said Whitmore Avenue, Southerly 238.5 feet, more or less, to the southernmost extremity of said Whitmore Avenue; thence binding on the southernmost extremity of said Whitmore Avenue, Westerly 66.0 feet to intersect the west side of said Whitmore Avenue; thence binding on the west side of said Whitmore Avenue, Northerly 238.5 feet, more or less, to intersect the line of the south side of said 10-foot alley, if projected westerly, and thence binding reversely on said line, so projected, Easterly 66.0 feet to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the north side of a 10-foot alley, laid out in the rear of the properties known as Nos. 2601 through 2607 W. North Avenue, and the west side of Whitmore Avenue, 66 feet wide, said point of beginning being distant southerly 80.0 feet, more or less, measured along the west side of said Whitmore Avenue from the south side of North Avenue, 100 feet wide, and running thence binding on the west side of said Whitmore Avenue, Southerly 10.0 feet to intersect the south side of said 10-foot alley; thence binding on the south side of said 10-foot alley, Westerly 60.9 feet, more or less, to the westernmost extremity of said 10-foot alley; thence binding on the westernmost extremity of said 10-foot alley, Northerly 10.0 feet to intersect the north side of said 10-foot alley, and thence binding on the north side of said 10-foot alley, Easterly 60.9 feet, more or less, to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the east side of Whitmore Avenue, 66 feet wide, and the north side of Westwood Avenue, 33 feet wide, and running thence binding on the north side of said Westwood Avenue, Easterly 95.0 feet, more or less, to intersect the line of the west side of a 20-foot alley, laid out in the rear of the properties known as Nos. 1801 through 1829 Whitmore Avenue; thence binding on the line of the west side of said 20- foot alley, so projected, Southerly 33.0 feet, to intersect the south side of said Westwood Avenue; thence binding on the south side of said Westwood Avenue, Westerly 95.0 feet, more or less, to intersect the east side of said Whitmore Avenue, and thence binding on the east side of said Whitmore Avenue, Northerly 33.0 feet to the place of beginning.

As delineated on Plat 114-A-23A, prepared by the Survey Control Section and filed on June 7, 2007, in the Office of the Department of Public Works.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and closing of the streets and alleys and the rights of all interested parties shall be regulated by and in accordance with all applicable provisions of state and local law and with all applicable rules and regulations adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SECTION 3. AND BE IT FURTHER ORDAINED, That after the closing under this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore continue to be the property of the Mayor and City Council, in fee simple, until their use has been abandoned by the Mayor and City Council. If any person wants to remove, alter, or interfere with them, that person must first obtain permission from the Mayor and City Council and, in the application for this permission, must agree to pay all costs and expenses, of every kind, arising out of the removal, alteration, or interference.

SECTION 4. AND BE IT FURTHER ORDAINED, That no building or structure of any kind (including but not limited to railroad tracks) may be constructed or erected in or on any part of the street closed under this Ordinance until all subsurface structures and appurtenances owned by the Mayor and City Council of Baltimore have been abandoned by the Mayor and City Council or, at the expense of the person seeking to erect the building or structure, have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City.

SECTION 5. AND BE IT FURTHER ORDAINED, That after the closing under this Ordinance, all subsurface structures and appurtenances owned by any person other than the Mayor and City Council of Baltimore shall be removed by and at the expense of their owners, promptly upon notice to do so from the Director of Public Works.

SECTION 6. AND BE IT FURTHER ORDAINED, That at all times after the closing under this Ordinance, the Mayor and City Council of Baltimore, acting by or through its authorized representatives, shall have access to the subject property and to all subsurface structures and appurtenances used by the Mayor and City Council, for the purpose of inspecting, maintaining, repairing, altering, relocating, or replacing any of them, without need to obtain permission from or pay compensation to the owner of the property.

SECTION 7. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved November 26, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-560
(Council Bill 07-751)

AN ORDINANCE CONCERNING

City Streets – Opening –
Water Street

FOR the purpose of condemning and opening Water Street, extending from Light Street westerly to the west side of Lovegrove Street, as shown on Plat 346-A-58 in the Office of the Department of Public Works; and providing for a special effective date.

BY authority of
Article I - General Provisions
Section 4
and
Article II - General Powers
Sections 2, 34, and 35
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Department of Public Works shall proceed to condemn and open Water Street, extending from Light Street westerly to the west side of Lovegrove Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the west side of Light Street, 108.5 feet wide, and the south side of Water Street, 10 feet wide, said point of beginning being northerly 81.00 feet measured along the west side of said Light Street from the north side of Lombard Street, 71 feet wide, and running thence binding on the south side of said Water Street, Westerly 115.4 feet, more or less, to intersect the west side of Lovegrove Street, 14 feet wide; thence binding on the west side of Lovegrove Street, Northerly 10.0 feet to intersect the north side of said Water Street; thence binding on the north side of said Water Street, Easterly 115.4 feet, more or less, to intersect the west side of said Light Street, and thence binding on the west side of said Light Street, Southerly 10.0 feet to the place of beginning.

As delineated on Plat 346-A-58, prepared by the Survey Control Section and filed on July 27, 2007, in the Office of the Department of Public Works.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and opening of the street and the rights of all interested parties shall be regulated by and in accordance with all applicable provisions of state and local law and with all applicable rules and regulations adopted by the Director of Public Works and filed with the Department of Legislative Reference.

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

Approved November 26, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-561
(Council Bill 07-752)

AN ORDINANCE CONCERNING

City Streets – Closing –
Water Street

FOR the purpose of condemning and closing Water Street, extending from Light Street westerly to the west side of Lovegrove Street, as shown on Plat 346-A-58A in the Office of the Department of Public Works; and providing for a special effective date.

BY authority of
Article I - General Provisions
Section 4
and
Article II - General Powers
Sections 2, 34, 35
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Department of Public Works shall proceed to condemn and close Water Street, extending from Light Street westerly to the west side of Lovegrove Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the west side of Light Street, 108.5 feet wide, and the south side of Water Street, 10 feet wide, said point of beginning being northerly 81.00 feet measured along the west side of said Light Street from the north side of Lombard Street, 71 feet wide, and running thence binding on the south side of said Water Street, Westerly 115.4 feet, more or less, to intersect the west side of Lovegrove Street, 14 feet wide; thence binding on the west side of Lovegrove Street, Northerly 10.0 feet to intersect the north side of said Water Street; thence binding on the north side of said Water Street, Easterly 115.4 feet, more or less, to intersect the west side of said Light Street, and thence binding on the west side of said Light Street, Southerly 10.0 feet to the place of beginning.

As delineated on Plat 346-A-58A, prepared by the Survey Control Section and filed on July 27, 2007, in the Office of the Department of Public Works.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and closing of the street and the rights of all interested parties shall be regulated by and in accordance with all applicable provisions of state and local law and with all applicable rules and regulations adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SECTION 3. AND BE IT FURTHER ORDAINED, That after the closing under this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore continue to be the property of the Mayor and City Council, in fee simple, until their use has been abandoned by the Mayor and City Council. If any person wants to remove, alter, or interfere with them, that person must first obtain permission from the Mayor and City Council and, in the application for this permission, must agree to pay all costs and expenses, of every kind, arising out of the removal, alteration, or interference.

SECTION 4. AND BE IT FURTHER ORDAINED, That no building or structure of any kind (including but not limited to railroad tracks) may be constructed or erected in or on any part of the street closed under this Ordinance until all subsurface structures and appurtenances owned by the Mayor and City Council of Baltimore have been abandoned by the Mayor and City Council or, at the expense of the person seeking to erect the building or structure, have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City.

SECTION 5. AND BE IT FURTHER ORDAINED, That after the closing under this Ordinance, all subsurface structures and appurtenances owned by any person other than the Mayor and City Council of Baltimore shall be removed by and at the expense of their owners, promptly upon notice to do so from the Director of Public Works.

SECTION 6. AND BE IT FURTHER ORDAINED, That at all times after the closing under this Ordinance, the Mayor and City Council of Baltimore, acting by or through its authorized representatives, shall have access to the subject property and to all subsurface structures and appurtenances used by the Mayor and City Council, for the purpose of inspecting, maintaining, repairing, altering, relocating, or replacing any of them, without need to obtain permission from or pay compensation to the owner of the property.

SECTION 7. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved November 26, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-562
(Council Bill 07-770)

AN ORDINANCE CONCERNING

Rezoning – A Portion of 1100 James Street

FOR the purpose of changing the zoning for a portion of the property known as 1100 James Street, as outlined in red on the accompanying plat, from the B-2-2 Zoning District to the R-8 Zoning District.

BY amending
Article - Zoning
Zoning District Maps
Sheet(s) 54 and 55
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheets 54 and 55 of the Zoning District Maps are amended by changing from the B-2-2 Zoning District to the R-8 Zoning District a portion of the property known as 1100 James Street, as outlined in red on the plat accompanying this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved November 26, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-563
(Council Bill 07-815)

AN ORDINANCE CONCERNING

Supplementary General Fund Operating Appropriation –
Health Department – $1,000,000

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of $1,000,000 to the Health Department – Program 308 (Maternal and Child Health), to provide funding for the Operation - Safe Streets Program; and providing for a special effective date.

BY authority of
Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Fiscal 2007 Fund Balance in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2008.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2008 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2008 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On September 26, 2007, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That $1,000,000 shall be made available to the Health Department – Program 308 (Maternal and Child Health) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2008, to provide funding for the Operation - Safe Streets Program. The source of revenue for this appropriation is funds from the 2007 Fund Balance in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2008.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved November 26, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-564
(Council Bill 07-816)

AN ORDINANCE CONCERNING

Supplementary General Fund Capital Appropriation –
Department of Housing and Community Development – $500,000

FOR the purpose of providing a Supplementary General Fund Capital Appropriation in the amount of $500,000 to the Department of Housing and Community Development (Account #9910-587-037), to provide funding for Charter Schools - School Repairs and Competitive Capital Grants; and providing for a special effective date.

BY authority of
Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the FY 2007 Fund Balance in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2008.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2008 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2008 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On September 26, 2007, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That $500,000 shall be made available to the Department of Housing and Community Development (Account #9910-587-037) as a Supplementary General Fund Capital Appropriation for Fiscal Year 2008, to provide funding for Charter Schools - School Repairs and Competitive Capital Grants. The source of revenue for this appropriation is funds from the Fiscal 2007 Fund Balance in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2008.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved November 26, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-565
(Council Bill 07-821)

AN ORDINANCE CONCERNING

Supplementary General Fund Operating Appropriation –
Police Department – $50,000

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of $50,000 to the Police Department – Program 224 (Office of Criminal Justice), to provide funding for Citizens on Patrol and Neighborhood Watch Groups; and providing for a special effective date.

BY authority of
Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Fiscal 2007 Fund Balance in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2008.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2008 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2008 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On September 24, 2007, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That $50,000 shall be made available to the Police Department – Program 224 (Office of Criminal Justice) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2008, to provide funding for Citizens on Patrol and Neighborhood Watch Groups. The source of revenue for this appropriation is funds from the Fiscal 2007 Fund Balance in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2008.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved November 26, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-566
(Council Bill 07-822)

AN ORDINANCE CONCERNING

Supplementary General Fund Capital Appropriation –
Police Department – $1,000,000

FOR the purpose of providing a Supplementary General Fund Capital Appropriation in the amount of $1,000,000 to the Police Department (Account #9918-206-900), to provide funding for renovations to various police district buildings; and providing for a special effective date.

BY authority of
Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the FY 2007 Fund Balance in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2008.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2008 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2008 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On September 26, 2007, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That $1,000,000 shall be made available to the Police Department (Account #9918-206-900) as a Supplementary General Fund

Capital Appropriation for Fiscal Year 2008, to provide funding for renovations to various police district buildings. The source of revenue for this appropriation is funds from the Fiscal 2007 Fund Balance in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2008.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved November 26, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-567
(Council Bill 07-823)

AN ORDINANCE CONCERNING

Supplementary General Fund Operating Appropriation –
Police Department – $90,000

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of $90,000 to the Police Department – Program 200 (Administrative Direction and Control), to provide funding for Civil Service Exam Preparation Classes; and providing for a special effective date.

BY authority of
Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Fiscal 2007 Fund Balance in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2008.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2008 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2008 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On September 26, 2007, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That $90,000 shall be made available to the Police Department – Program 200 (Administrative Direction and Control) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2008, to provide funding for Civil Service Exam Preparation Classes. The source of revenue for this appropriation is funds from the Fiscal 2007 Fund Balance in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2008.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved November 26, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-568
(Council Bill 06-540)

AN ORDINANCE CONCERNING

Rezoning – 242 West 29th Street and Block 3658, Lot 134

FOR the purpose of changing the zoning for the properties known as 242 West 29th Street and Block 3658, Lot 134, as outlined in red on the accompanying plat, from the B-3-2 Zoning District to the ~~B-3-2P~~ ~~R-6P~~ *B-3-2P* Zoning District.

BY amending
Article - Zoning
Zoning District Maps
Sheet(s) 35
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 35 of the Zoning District Maps is amended by changing from the B-3-2 Zoning District to the ~~B-3-2P~~ ~~R-6P~~ *B-3-2P* Zoning District the properties known as 242 West 29th Street and Block 3658, Lot 134, as outlined in red on the plat accompanying this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved November 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-569
(Council Bill 07-575)

AN ORDINANCE CONCERNING

Urban Renewal – Fells Point Waterfront –
Renewal Area Designation and Urban Renewal Plan

FOR the purpose of designating as a "Renewal Area" an area situated in Baltimore City, Maryland known as Fells Point Waterfront, bounded generally by the northwest branch of the Patapsco River on the south, South Caroline Street on the west, Thames Street on the north, and South Chester Street on the east; approving a Renewal Plan for Fells Point Waterfront; establishing the objectives of the Plan; establishing permitted land uses and uses permitted in any Planned Unit Development in the Renewal Area; providing for review by the Department of Housing and Community Development of development in the Renewal Area; providing for controls on waterfront property and on disposition lots and for specific lots; providing that where there may be a conflict between the provisions of the Renewal Plan and the provisions of any Planned Unit Development, the provisions of the Planned Unit Development control; providing for height limitations; authorizing the acquisition by purchase or by condemnation of any properties needed for urban renewal purposes; providing that the Department of Housing and Community Development may demolish, sell, or lease acquired properties; providing for review by the Commission for Historical and Architectural Preservation of development in the Renewal Area, according to the standards that it has set for the Fells Point Local Historic District; providing for land disposition within the Project Area; providing that the provisions of the Zoning Code of Baltimore City apply to the properties in the Project Area; providing for the term of the Plan; establishing procedures for amending the Plan; approving an appendix and an exhibit to the Plan; repealing the Fells Point Urban Renewal Plan and the Washington Hill-Chapel Urban Renewal Plan; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; and providing for the application of this Ordinance in conjunction with certain other ordinances.

BY authority of
Article 13 - Housing and Urban Renewal
Section 2-6
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Ordinance 75-999, which established the Fells Point Urban Renewal Area, and last amended by Ordinance 06-197, is repealed, and Ordinance 72-40, which established the Washington Hill-Chapel Urban Renewal Area, and last amended by Ordinance 04-701, is repealed.

SECTION 2. AND BE IT FURTHER ORDAINED, That the area known as Fells Point Waterfront, as more particularly described in Section 3, is established.

SECTION 3. AND BE IT FURTHER ORDAINED, That the Urban Renewal Plan for Fells Point Waterfront is adopted to read as follows:

Urban Renewal Plan
Fells Point Waterfront

A. Project Description

1. Boundary Description

Beginning at a point at the intersection of the centerlines of Aliceanna Street and South Chester Street running southerly to the water's edge; thence running in a southerly direction and binding on an imaginary straight line extending the eastern right-of-way line of Chester Street through the northwest branch of the Patapsco River, a distance of 170 feet, more or less, to a point of intersection with a second imaginary straight line; thence running in a westerly direction and binding on the second line a distance of 415 feet, more or less, to a point of intersection with a third imaginary straight line extending the western boundary line of Lot 1, Block 1815 through the northwest branch; thence running in a northerly and easterly direction and binding on the third line a distance of 155 feet, more or less, and on the western and northern property lines of Lot 1, Block 1815, to a point of intersection with the northern right-of-way line of Dock Street; thence running in an easterly direction, and binding on the northern right-of-way line of Dock Street, to a point of intersection with the western right-of-way line of South Caroline Street; thence running in a southerly direction and binding on the center of the right-of-way line of South Caroline Street, to the point of intersection with the centerline of Thames Street; thence running northeasterly on the centerline of Thames Street to the intersection of South Wolfe Street; thence proceeding northerly on the centerline of South Wolfe Street to an imaginary line created by the centerline of South Wolfe Street and the northeast corner of the property known as 705 South Wolfe Street, Block 1847, Lot 19; thence proceeding easterly along the property line of the lot, approximately 349 feet, then northerly along the property line approximately 90 feet and continuing northerly to the centerline of Aliceanna Street, then proceeding easterly to the point of beginning.

2. Objectives and Reasons for Various Provisions of this Plan

a. To maximize public access to the waterfront through public parks and a promenade along the waterfront in private development.

b. To protect and enhance views of the Harbor from Fells Point north/south streets.

c. To establish waterfront guidelines that compliment the Historic District and provide for appropriately scaled development in Fells Point.

B. Land Use Plan

1. Zoning

Unless otherwise stated, land use is governed by the provisions of the Zoning Code of Baltimore City.

2. Planned Unit Developments

In all portions of the Project Area that are now or may later be subject to any Planned Unit Development created under Title 9 of the Zoning Code of Baltimore City, all uses permitted by the PUD are permitted in the portions of the Project Area covered by the PUD in accordance with the terms and conditions of the PUD.

3. Regulations, Controls and Restrictions

a. Plan Review Requirement

In order to insure that development is consistent with the requirements and objectives of this Urban Renewal Plan, all plans and specifications must be submitted to and approved by the Department of Housing and Community Development as follows:

(1) Review of Plans for New Construction, Exterior Rehabilitation, or Change in Use

All plans for new construction (including parking lots), exterior rehabilitation, or change in use on any property not to be acquired under the provisions of this Plan shall be submitted to the Department of Housing and Community Development for review. Only upon finding that the proposed plans are consistent with the objectives of the Urban Renewal Plan shall the Commissioner of the Department of Housing and Community Development authorize the processing of the plans for issuance of a building permit. The provisions of this section are in addition to and not in lieu of all other applicable laws and ordinances relating to new construction.

b. Provisions Applicable to all Land and Properties

Over and above the codes and ordinances of Baltimore City, the additional standards that shall be applied to all land and property in Fells Point are outlined below.

(1) Controls on Waterfront Property

Objectives for waterfront development and controls on land and property along the waterfront are contained in Appendix A – Waterfront Area Controls.

(2) Controls on Disposition Lots

The following regulations, controls, and restrictions will be implemented where applicable by covenants or other provisions in the agreements for land disposition <u>by the Mayor and City Council</u> and instruments of conveyance executed pursuant thereto:

(a) Redeveloper's Obligations

i. The Redeveloper shall not enter into, execute, or be a party to any covenant, agreement, lease, deed, assignment, conveyance, or any other written instrument that restricts the sale, lease, use, or occupancy of the property or any part thereof, or any improvements placed thereon, on the basis of national origin, race, religion, sex, or color. An agreement or covenant providing for this non-discrimination provision shall be included in the instruments, and the City of Baltimore shall be deemed a beneficiary of the covenant and shall be entitled to enforce it. The Redeveloper shall comply with all State and local laws, in effect from time to time, prohibiting discrimination or segregation.

ii. The Redeveloper shall agree to retain the interest he or she acquires in the property transferred to him or her until he or she has completed the improvements, construction, and development in the area required by this

Plan and the disposition instruments, and he or she shall further agree not to sell, lease, or otherwise transfer the interest he or she acquired or any part thereof without the prior written consent of the Commissioner of the Department of Housing and Community Development or until the Department has certified in writing that the Redeveloper has completed the improvements, construction, and development in the area.

(b) Specific Lot Controls

Disposition Lot 22

~~Disposition Lot 22 is being created for the sale and redevelopment of 1715 Thames Street.~~

~~Disposition Lot 22 shall be limited to a hotel and residential use in the context of a hotel, office space, retail, restaurant and bar with outdoor seating, marina, maritime services, and parking on the ground floor.~~

Disposition Lot 22 shall be developed as a hotel and/or residential use in the context of a hotel, office space, retail, restaurant and bar, which may include outdoor seating, marina, maritime services, and parking.

This project is being redeveloped in accordance with the United States Department of the Interior's Standards for Rehabilitation of Historic Properties, subject to approval of the Baltimore City Department of Planning.

Disposition Lot 22 shall be exempt from the Waterfront Area Controls, as specified in Appendix A of this Plan.

~~There must be a pedestrian connection between Thames Street and the south end of the pier. Due to safety conflicts between pedestrians and maritime services, a pedestrian walkway may be created through the interior of the building to provide public access to the open space at the end of the pier in lieu of a public promenade around the exterior of the building.~~

There shall be a promenade providing public access to the open space on the south end of the pier.

c. PUD Standards and Controls

To the extent of any conflict between the provisions of this Renewal Plan and the provisions of any PUD, or to the extent that standards and controls, permitted uses, or any other provisions contained in any PUD are not contained in the Renewal Plan, the standards and controls, permitted uses, or any other provisions of the PUD including without limitation, those affecting use, parking, aesthetic controls, setbacks, specific lot controls, and building heights, shall control.

C. Techniques used to Achieve Plan Objectives

1. Acquisition

~~a. Purposes for acquiring properties within the Project Area~~

~~Properties designated for acquisition will be acquired either for clearance and redevelopment, for rehabilitation, or for public facilities.~~

~~b~~ a. Conditions under which properties not designated ~~for acquisition~~ may be acquired

(1) Nonsalvable and Noncompliance with Provisions

It may be necessary to acquire, by purchase or by condemnation for urban renewal purposes, the fee simple interest or any lesser interest in and to such of the remaining properties or portions thereof in Fells Point ~~not specifically designated for acquisition by this Urban Renewal Plan~~ Waterfront as may be deemed necessary and proper by the Commissioner of the Department of Housing and Community Development to effect the proper implementation of the project. This may include:

(a) Any property in the project area containing a nonsalvable structure, i.e., which, in the opinion of the Commissioner of the Department of Housing and Community Development, cannot be economically rehabilitated.

(b) Any property, the owner of which is unwilling to comply or conform to the Codes and Ordinances of Baltimore City within 12 months from the date of written notice of the required improvements. The Department of Housing and Community Development, after due consideration that the property owner has willfully refused to achieve substantial conformity with Housing, Health, Zoning, Building and Fire Codes and Ordinances of Baltimore City, may acquire such property pursuant to the Eminent Domain Law of this State as if the property has originally been planned for acquisition after 90 days written notice to the owner. The Department of Housing and Community Development reserves the right to acquire any such non-complying property for a period of 2 years from the date of the written 90 days notice by the Department of Housing and Community Development.

(2) Rehabilitation by the Department of Housing and Community Development or Others

It may be necessary to acquire, by purchase or condemnation the fee simple interest, or any lesser interest, in and to such of the remaining properties not specifically designated for acquisition on the Property Acquisition Map, in order to carry out rehabilitation by the Department of Housing and Community Development or for resale. These properties are being acquired because:

(a) rehabilitation on a structure-by-structure basis is infeasible, and assemblage of a group of properties is required to carry out the objectives set forth in this Plan; or

(b) rehabilitation of individual, scattered properties is necessary in order to remove blighting influences from otherwise sound residential blocks.

~~c~~ b. Actions to Be Followed By the Department of Housing and Community Development Upon Acquisition of Properties

Upon the acquisition of properties, the Department of Housing and Community Development will either:

(1) demolish the structure or structures thereon and dispose of the land for redevelopment for uses in accordance with this Plan and with the codes and ordinances of Baltimore City; or

(2) sell or lease the property subject to rehabilitation in conformance with the codes and ordinances of Baltimore City; or

(3) rehabilitate the property in conformance with the codes and ordinances of Baltimore City and dispose of property in accordance with applicable regulations. If the sale cannot be consummated by the time rehabilitation is accomplished, the property may be rented pending continuing sales efforts.

2. Review of Development

~~Review of development and questions of new construction, renovation, preservation, and demolition will be under the consideration of the Commission for Historical and Architectural Preservation, according to its guidelines and procedures set for the Fells Point Local Historic District.~~

In any portion of the Fells Point Waterfront that becomes part of a historical district under Article 6, Subtitle 3 of the Baltimore City Code {Process for Designating Districts and Properties} (as amended from time to time), any excavation, construction or erection, reconstruction, alteration, removal of any exterior architectural feature, change in the exterior color by painting or other means, or demolition of any structures may proceed only as permitted under Article 6, Subtitle 4 of the Baltimore City Code {Alterations, Etc. to Properties} (as amended from time to time).

3. Land Disposition

a. Land and property interest acquired by the Mayor and City Council within the Project Area will be disposed of by sale, lease, conveyance, transfer, or other means available to the City, in accordance with Exhibit 1,"Waterfront Area Controls and Disposition".

b. The parcels shown on Exhibit 1 are schematic and approximate. The Department of Housing and Community Development shall have the right, in its discretion, to fix their precise boundaries and size. For purposes of disposition, the parcels or lots, as shown on Exhibit 1 may be subdivided or combined.

4. Zoning

All appropriate provisions of the Zoning Code of Baltimore City shall apply to properties in the Project Area. Any change in the Zoning Code embodied in this Urban Renewal Plan shall be approved by ordinance, in accordance with the procedural requirements of the Zoning Code and Article 66B of the Annotated Code of Maryland (1957 Edition, as amended).

D. Duration of Provisions and Requirements

The Fells Point Waterfront Urban Renewal Plan, as it may be amended from time to time, shall remain in full force and effect for a period of 40 years from the date it is enacted.

E. Procedures for Changes in Approved Plan

The Department of Housing and Community Development shall submit to the appropriate Fells Point community organizations, as listed in the Community Association Directory that is maintained by the Department of Planning, for their review and comment, all proposed amendments to the Urban Renewal Plan no later than the time the proposed amendments are submitted to the Director of the Department of Planning by the Department of Housing and Community Development. Any written comments and recommendations by the community organizations shall be transmitted to the Department of Housing and Community Development no later than 4 weeks after the proposed amendments have been submitted to the appropriate community organizations. Prior to passage of any ordinance amending the Urban Renewal Plan, a public hearing shall be held, and the community organizations shall receive at least 10 days prior to the hearing, written notice of the time and place of the hearing.

With respect to any land in the Project Area previously disposed of by the City for use in accordance with the Urban Renewal Plan, the then owner of the land, whose interests therein are materially affected by such changes, shall receive, at least 10 days prior to the hearing, written notice of the time and place of the hearing and information as to where a copy of the proposed amendments may be inspected.

F. Separability

In the event it be judicially determined that any word, phrase, clause, sentence, paragraph, section or part of this Plan, or the application thereof to any person or circumstances is invalid, the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby, it being hereby declared that the remaining provisions of the Plan without the word, phrase, clause sentence, paragraph, section or part, or the application thereof, so held invalid would have been adopted and approved.

Appendix A

Waterfront Area Controls

This Appendix and the accompanying exhibit contain the various special controls applicable to properties along the Fells Point waterfront. These additional controls have been included in order to insure that public access to the waterfront be maximized, opportunities for visual enjoyment of the water be created and/or preserved, and contrast and variety of building facades along the waterfront be maintained.

Pedestrian Access

Public pedestrian access to the water shall be provided through a series of easements – Public Access Corridors – leading to a shoreline walk – Pedestrian Promenade – the general location of which is shown on the accompanying exhibit. The Pedestrian Promenade will be established by an easement that shall be no less than 20 feet in width of which a minimum of 12 feet must be permanently constructed promenade and a minimum of 8 feet must be landscaped area. In limited areas, where it can be demonstrated that it is functionally justified, the Commissioner of the Department of Housing and Community Development may allow a promenade and/or landscaped area of lesser width. These required easement improvements shall be built and maintained by the developer. Public pedestrian access on private property shall be subject to such reasonable rules and regulations as may be promulgated by the owner of the property and agreed to in writing by the Commissioner of the Department of Housing and Community Development.

Provided Allied Signal elects to proceed with the development of Area 9, an interim or temporary pedestrian promenade shall be constructed around the waterfront of Area 9 within a reasonable time after Allied Signal has completed remediation of its site and an environmental monitoring process is operative; thereafter, the timetable for construction of any permanent Pedestrian Promenade on Area 9 shall be established in the reasonable discretion of the Commissioner.

Promenade Standards

Design of lights, street furniture, decorative elements, and paving details must be approved by the Commissioner of the Department of Housing and Community Development.

1. Lighting – Adequate lighting to provide public safety during evening hours.

2. Benches – One bench every 50 feet or the equivalent number.

3. Satellite dishes, utility connections or poles or any other obstacles to the pedestrian shall not be permitted. Bollards, statues, fountains, kiosks or other decorative elements may be permitted subject to written approval by the Commissioner of the Department of Housing and Community Development.

4. Off-street parking adjacent to the promenade is not encouraged. However, if it is found to be necessary, the parking lot or facility shall be screened from the promenade. Screening shall consist of a masonry wall or durable fence or combination thereof sufficient to screen automobiles. In lieu of such wall or fence, adequate landscaping sufficient to screen automobiles at the time of original planting may be used. Screening and landscaping shall be maintained in good condition by the property owner.

5. Automobiles, trucks, or other motorized vehicles shall not cross or otherwise use the pedestrian promenade except for those vehicles needed for service, maintenance, or public safety of the promenade.

6. Trash receptacles – One trash receptacle should be provided for every 150 feet of promenade.

7. Paving – The standard paving detail shall be a minimum of 8 feet of brick with 2 feet of concrete band on both the water's edge and the landward edge. Wood-decked promenade may be permitted by the Commissioner of the Department of Housing and Community Development in the following instances: (a) where an existing building does not allow for a walkway on grade; (b) when required to avoid possible conflicts between pedestrians and automobiles; and/or (c) where substantial public benefits are proposed by the developer. Tidal step-downs or other elements in addition to the promenade may be constructed of wood. Within Area 9, the promenade may be of wood design.

8. Hours – The Pedestrian Promenade shall remain open 24 hours daily for public pedestrian access.

Public Access Corridors

In order to assure public access to the Pedestrian Promenade and to preserve and enhance views of the water, the following public access corridors shall be designated. The minimum width of the corridors shall be 50 feet. Landscaping, trees, lights, benches, tables, and other public amenities that will enhance, not impede, public view of the water shall be permitted. Off-street parking is not permitted within these corridors, except following review and approval of the Commissioner of the Department of Housing and Community Development. All access corridors should connect sidewalk and promenade and be physically and visually uninterrupted, and they must be accessible 24 hours daily. The general location of the following public access corridors are shown on the accompanying exhibit.

1. From a point at the approximated intersection of Thames, Philpot and Caroline Streets extended south to the water.

2. From a point at the approximate intersection of Thames and existing Caroline Street southeast to the water.

3. From the eastern right-of-way of Bond and Thames Streets, 50 feet west to a point, southeast to the water's edge to a point, 100 feet east on the water's edge to the point of the existing right-of-way of Bond Street north to the intersection of Bond and Thames Streets.

4. From the end of Broadway south to the water.

5. From the end of Ann Street south to the water.

6. From a point approximately in front of 929 Fell Street southwest to the water.

7. From a point at the end of Fell Street east to the water along the property line between 1001 Fell Street and 935 S. Wolfe Street. The corridor shall extend 25 feet on either side of the property line.

8. From a point at the intersection of Washington Street extended and Thames Street south to the water.

9. From a point at the approximate intersection of Fell and Wolfe Streets southeast to the water.

10. From the end of Thames Street east to the water.

11. From the end of Lancaster Street east to the water.

12. From a point at the approximate intersection Aliceanna and Chester Streets south to the water.

13. The following public streets – Broadway, Ann, and Chester Streets – shall be designated as long view corridors. New obstructions, such as balconies, bridges or structures, shall be permitted only with prior approval of the Commissioner of the Department of Housing and Community Development.

14. From a point at the approximate intersection of the realigned Wills Street and Philpot Street south to the water.

Height Limitations

The maximum building height shall be defined as the vertical distance measured, in the case of flat roofs, from the mean curb level of the highest point of the roof adjacent to the street wall, and in the case of pitched roofs, from the mean curb level to the mean height level of the roof. Where the walls of a building are not adjacent to a street curb, the height of a building shall be measured from the average elevation of the ground adjoining the walls.

Area 1 - The maximum building heights shall be as set forth in the Constellation PUD.

Area 2 - The maximum building heights shall be as set forth in the Constellation PUD.

Area 3 - Thames Street elevations shall be no higher than 40 feet. A building addition up to a maximum of 53 feet will be permitted if it is set back and designed so that it is not visible from the street frontage opposite this area.

Area 4 - Maximum building height shall not exceed 40 feet.

Area 5 - Maximum building height shall not exceed 60 feet, except on the property known as 1000 Fell Street where rehabilitation of the roof structure to accommodate a seventh story is permitted, provided that this seventh story is recessed so as not to be seen from the street frontage of the subject property, and a further exception is provided for the property known as 932-944 Fell Street (Belt's Wharf Condominium Property) for a building addition up to a maximum of 74 feet if recessed 40 feet from the street frontage of the property.

Area 6 - The average height of built area shall be no more than 50 feet, with a maximum height of 60 feet. The maximum height along the water's edge is 40 feet. Additional height over 40 feet up to the maximum of 60 feet shall be constructed so that it is not visible from that portion of the promenade adjacent to the area or shall step up at an angle of no more than 45 degrees.

Area 7 - The average height of built area shall be no more than 75 feet, with a maximum height of 90 feet. The maximum height along Wolfe Street and the water's edge is 40 feet. The maximum height along Thames Street is 60 feet. Additional height over the 40 feet and 60 feet up to the maximum of 90 feet shall be constructed so that it is not visible from that portion of the promenade adjacent to the area, Wolfe Street or Thames Street or shall step up at an angle of no more than 45 degrees.

Area 8 - The average height of built area shall be 45 feet, with a maximum height of 65 feet. The maximum height on Aliceanna Street, Chester Street, and the water side shall be 40 feet for a minimum of 40 feet depth. The building shall be set back a minimum of 20 feet from the Chester Street right-of-way. Additions to the existing building at 705 S. Wolfe Street are permitted up to 65 feet. These additions shall be set back so as not to be seen from Wolfe Street, Aliceanna Street and the promenade adjacent to the area.

Area 9 - Within Area 9, a 45 foot height at the edge is imposed along the Harbor and in the area adjacent to Fells Point at Caroline Street or Dallas Street; the maximum height shall step up to 180 feet in the center block of the site as set forth in the Planned Unit Development governing Area 9.

SECTION 4. AND BE IT FURTHER ORDAINED, That the Urban Renewal Plan for Fells Point Waterfront, identified as "Urban Renewal Plan, Fells Point Waterfront, including Exhibit 1, Waterfront Area Controls and Disposition, dated November 22, 2006", is approved, and the Clerk of the City Council is directed to file a copy of the Renewal Plan with the Department of Legislative Reference as a permanent public record and to make the same available for public inspection and information.

SECTION 5. AND BE IT FURTHER ORDAINED, That if the Urban Renewal Plan approved by this Ordinance in any way fails to meet the statutory requirements for the content of a renewal plan or for the procedures for the preparation, adoption, and approval of a renewal plan, those requirements are waived and the Urban Renewal Plan approved by this Ordinance is exempted from them.

SECTION 6. AND BE IT FURTHER ORDAINED, That if any provision of this Ordinance or the application of this Ordinance to any person or circumstance is held invalid for any reason, the invalidity does not affect any other provision or any other application of this Ordinance, and for this purpose the provisions of this Ordinance are declared severable.

SECTION 7. AND BE IT FURTHER ORDAINED, That if a provision of this Ordinance concerns the same subject as a provision of any zoning, building, electrical, plumbing, health, fire, or safety law or regulation, the applicable provisions shall be construed to give effect to each. However, if the provisions are found to be in irreconcilable conflict, the one that establishes the higher standard for the protection of the public health and safety prevails. If a provision of this Ordinance is found to be in conflict with an existing provision of any other law or regulation that establishes a lower standard for the protection of the public health and safety, the provision of this Ordinance prevails and the other conflicting provision is repealed to the extent of the conflict.

SECTION 8. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved November 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-570
(Council Bill 07-591)

AN ORDINANCE CONCERNING

Retirement Systems – ~~Precluded Investments~~ Divestments – Republic of Sudan

FOR the purpose of ~~prohibiting~~ authorizing the ~~investment~~ divestment of public pension or retirement funds ~~in~~ from Sudan or ~~in~~ from companies doing business in or with Sudan; defining certain terms; specifying certain criteria and considerations; requiring certain reports; and providing for the automatic termination of this Ordinance.

BY adding
Article 22 - Retirement Systems
Section(s) 7(a)(1), 23(b), and 35(a)(1)
Baltimore City Code
(Edition 2000)

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

Baltimore City Code

Article 22. Retirement Systems

Subtitle – Employees' Retirement System

§ 7. Management of funds.

(a) *Trustee of funds*.

~~(1) (I) NO FUNDS HELD UNDER BY THE EMPLOYEES' RETIREMENT SYSTEM MAY REMAIN INVESTED OR BECOME INVESTED IN THE STOCKS, SECURITIES, OR OTHER OBLIGATIONS OF ANY BANK OR FINANCIAL INSTITUTION THAT MAKES LOANS TO THE REPUBLIC OF SUDAN, OR TO A NATIONAL CORPORATION OF SUDAN, OR IN THE STOCKS, SECURITIES, OR OTHER OBLIGATIONS OF ANY COMPANY DOING BUSINESS IN OR WITH SUDAN, OR WHOSE SUBSIDIARY OR AFFILIATE DOES BUSINESS IN OR WITH SUDAN.~~

~~(II) COMPANIES DOING BUSINESS IN OR WITH SUDAN SHALL BE AS IDENTIFIED BY THE U.S. DEPARTMENT OF THE TREASURY'S OFFICE OF FOREIGN ASSETS CONTROL.~~

(1) (I) IN THIS PARAGRAPH (1), THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

2. "COMPANY" MEANS ANY CORPORATION, UTILITY, PARTNERSHIP, JOINT VENTURE, FRANCHISOR, FRANCHISEE, TRUST, ENTITY, INVESTMENT VEHICLE, FINANCIAL INSTITUTION, OR ITS WHOLLY-OWNED SUBSIDIARY.

3. "DIVESTMENT ACTION" MEANS SELLING, REDEEMING, TRANSFERRING, EXCHANGING, OR OTHERWISE DISPOSING OR REFRAINING FROM FURTHER INVESTMENT IN CERTAIN INVESTMENTS.

4. "DOING BUSINESS IN SUDAN" MEANS MAINTAINING EQUIPMENT, FACILITIES, PERSONNEL, OR OTHER APPARATUS OF BUSINESS OR COMMERCE IN SUDAN, INCLUDING OWNERSHIP OF REAL OR PERSONAL PROPERTY IN SUDAN, OR ENGAGING IN ANY BUSINESS ACTIVITY WITH THE GOVERNMENT OF SUDAN.

5. A. "SUDAN" MEANS THE GOVERNMENT IN KHARTOUM, SUDAN, THAT IS LED BY THE NATIONAL CONGRESS PARTY (FORMERLY KNOWN AS THE NATIONAL ISLAMIC FRONT) OR ANY SUCCESSOR GOVERNMENT FORMED ON OR AFTER OCTOBER 13, 2006, INCLUDING THE COALITION NATIONAL UNITY GOVERNMENT AGREED ON IN THE COMPREHENSIVE PEACE AGREEMENT FOR SUDAN.

B. "SUDAN" DOES NOT INCLUDE THE REGIONAL GOVERNMENT OF SOUTHERN SUDAN.

6. A. "ACTIVELY MANAGED SEPARATE ACCOUNT" MEANS THE ACCOUNTS OF THE SYSTEM THAT ARE ACTIVELY MANAGED AT THE DIRECTION OF THE BOARD OF TRUSTEES AND HELD IN SEPARATE ACCOUNTS.

B. "ACTIVELY MANAGED SEPARATE ACCOUNT" DOES NOT INCLUDE:

1. INDEXED FUNDS,

2. PRIVATE EQUITY FUNDS,

3. HEDGE FUNDS,

4. REAL ESTATE FUNDS, AND

5. OTHER COMMINGLED OR PASSIVELY MANAGED FUNDS.

(II) EACH INVESTMENT MANAGER ENGAGED BY THE BOARD WILL PROVIDE TO THE BOARD QUARTERLY WRITTEN REPORTS PRESENTING A LIST OF:

1. SECURITIES OF COMPANIES UNDER MANAGEMENT DOING BUSINESS IN SUDAN, AND

2. SECURITIES OR INSTRUMENTS ISSUED BY SUDAN HELD BY THE INVESTMENT MANAGER, IN WHICH SYSTEM FUNDS ARE INVESTED.

(III) IN PREPARING REPORTS REQUIRED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (1), AN INVESTMENT MANAGER SHALL REFERENCE THE U.S. DEPARTMENT OF THE TREASURY'S OFFICE OF FOREIGN ASSETS CONTROL, INSTITUTIONAL SHAREHOLDER SERVICES, OR OTHER LIST APPROVED BY THE BOARD OF TRUSTEES.

(IV) CONSISTENT WITH THE FIDUCIARY DUTIES OF THE BOARD OF TRUSTEES UNDER THIS ARTICLE 22, AND THE PROVISIONS OF SUBPARAGRAPH (V) OF THIS PARAGRAPH (1), THE BOARD OF

TRUSTEES MAY TAKE DIVESTMENT ACTION IN ACTIVELY-MANAGED SEPARATE ACCOUNTS WITH REGARD TO INVESTMENTS IN:

1. ANY BANK OR FINANCIAL INSTITUTION THAT MAKES LOANS TO THE REPUBLIC OF SUDAN,

2. A NATIONAL CORPORATION OF SUDAN, AND

3. THE STOCKS, SECURITIES, OR OTHER OBLIGATIONS OF ANY COMPANY DOING BUSINESS IN OR WITH SUDAN.

(V) IN DETERMINING WHETHER TO TAKE DIVESTMENT ACTION UNDER SUBPARAGRAPH (IV) OF THIS PARAGRAPH (1) WITH REGARD TO THE INVESTMENT OF FUNDS IN ACTIVELY-MANAGED SEPARATE ACCOUNTS IN A COMPANY DOING BUSINESS IN SUDAN, THE BOARD OF TRUSTEES MAY CONSIDER THE FOLLOWING:

1. REVENUES PAID BY A COMPANY DIRECTLY TO THE GOVERNMENT OF SUDAN,

2. WHETHER A COMPANY SUPPLIES INFRASTRUCTURE OR RESOURCES USED BY THE GOVERNMENT OF SUDAN TO IMPLEMENT ITS POLICIES OF GENOCIDE IN DARFUR OR OTHER REGIONS OF SUDAN,

3. WHETHER A COMPANY KNOWINGLY OBSTRUCTS LAWFUL INQUIRIES INTO ITS OPERATIONS AND INVESTMENTS IN SUDAN,

4. WHETHER A COMPANY ATTEMPTS TO CIRCUMVENT ANY APPLICABLE SANCTIONS OF THE UNITED STATES,

5. THE EXTENT OF ANY HUMANITARIAN ACTIVITIES UNDERTAKEN BY A COMPANY IN SUDAN,

6. WHETHER A COMPANY IS ENGAGED SOLELY IN THE PROVISION OF GOODS AND SERVICES INTENDED TO RELIEVE HUMAN SUFFERING, OR TO PROMOTE WELFARE, HEALTH, EDUCATION, OR RELIGIOUS OR SPIRITUAL ACTIVITIES,

7. WHETHER A COMPANY IS AUTHORIZED BY THE FEDERAL GOVERNMENT OF THE UNITED STATES TO DO BUSINESS IN SUDAN,

8. EVIDENCE THAT A COMPANY HAS ENGAGED THE GOVERNMENT OF SUDAN TO CEASE ITS ABUSES IN DARFUR OR OTHER REGIONS IN SUDAN,

9. WHETHER A COMPANY IS ENGAGED SOLELY IN JOURNALISTIC ACTIVITIES,

10. THE ECONOMIC IMPACT OF THE DIVESTMENT FROM THE PORTFOLIO, AND

11. ANY OTHER FACTOR THAT THE BOARD OF TRUSTEES DEEMS PRUDENT.

(VI) IF THE BOARD OF TRUSTEES TAKES DIVESTMENT ACTION UNDER SUBPARAGRAPH (IV) OF THIS PARAGRAPH (1) WITH RESPECT TO INVESTMENTS IN A COMPANY, THE BOARD OF TRUSTEES SHALL DIRECT THE INVESTMENT MANAGER TO PROVIDE THE COMPANY WITH WRITTEN NOTICE OF ITS DECISION AND REASONS FOR THE DECISION.

(VII) ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE BOARD OF TRUSTEES SHALL SUBMIT A REPORT TO THE CITY COUNCIL THAT PROVIDES:

1. ALL DIVESTMENT ACTIONS TAKEN BY THE BOARD IN ACCORDANCE WITH THIS PARAGRAPH (1),

2. A LIST OF THOSE COMPANIES DOING BUSINESS IN SUDAN AND OF THOSE SECURITIES OR INSTRUMENTS ISSUED BY SUDAN, AS REPORTED TO THE BOARD BY ITS INVESTMENT MANAGERS UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH (1), FROM WHICH THE BOARD HAS NOT DIVESTED; AND

3. OTHER DEVELOPMENTS RELEVANT TO INVESTMENT IN COMPANIES DOING BUSINESS IN SUDAN.

Subtitle – Elected Officials' Retirement System

§ 23. Management of Funds.

(B) THE PROVISIONS OF § 7(A)(1) OF THIS ARTICLE, CONCERNING THE INVESTMENT OF FUNDS IN COMPANIES DOING BUSINESS IN OR WITH SUDAN, APPLY TO ALL FUNDS OF THE ELECTED OFFICIALS' RETIREMENT SYSTEM.

Subtitle – Fire and Police Employees' Retirement System

§ 35. Management of Funds.

(a) *Trustee of funds*.

~~(1) (I) NO FUNDS HELD UNDER BY THE FIRE AND POLICE EMPLOYEES' RETIREMENT SYSTEM MAY REMAIN INVESTED OR BECOME INVESTED IN THE STOCKS, SECURITIES, OR OTHER OBLIGATIONS OF ANY BANK OR FINANCIAL INSTITUTION THAT MAKES LOANS TO THE REPUBLIC OF SUDAN, OR TO A NATIONAL CORPORATION OF SUDAN, OR IN THE STOCKS, SECURITIES, OR OTHER OBLIGATIONS OF ANY COMPANY DOING BUSINESS IN OR WITH SUDAN, OR WHOSE SUBSIDIARY OR AFFILIATE DOES BUSINESS IN OR WITH SUDAN.~~

~~(II) COMPANIES DOING BUSINESS IN OR WITH SUDAN SHALL BE AS IDENTIFIED BY THE U.S. DEPARTMENT OF THE TREASURY'S OFFICE OF FOREIGN ASSETS CONTROL.~~

(1) ~~(1)~~ IN THIS PARAGRAPH (1), THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

2. "COMPANY" MEANS ANY CORPORATION, UTILITY, PARTNERSHIP, JOINT VENTURE, FRANCHISOR, FRANCHISEE, TRUST, ENTITY, INVESTMENT VEHICLE, FINANCIAL INSTITUTION, OR ITS WHOLLY-OWNED SUBSIDIARY.

3. "DIVESTMENT ACTION" MEANS SELLING, REDEEMING, TRANSFERRING, EXCHANGING, OR OTHERWISE DISPOSING OR REFRAINING FROM FURTHER INVESTMENT IN CERTAIN INVESTMENTS.

4. "DOING BUSINESS IN SUDAN" MEANS MAINTAINING EQUIPMENT, FACILITIES, PERSONNEL, OR OTHER APPARATUS OF BUSINESS OR COMMERCE IN SUDAN, INCLUDING OWNERSHIP OF REAL OR PERSONAL PROPERTY IN SUDAN, OR ENGAGING IN ANY BUSINESS ACTIVITY WITH THE GOVERNMENT OF SUDAN.

5. A. "SUDAN" MEANS THE GOVERNMENT IN KHARTOUM, SUDAN, THAT IS LED BY THE NATIONAL CONGRESS PARTY (FORMERLY KNOWN AS THE NATIONAL ISLAMIC FRONT) OR ANY SUCCESSOR GOVERNMENT FORMED ON OR AFTER OCTOBER 13, 2006, INCLUDING THE COALITION NATIONAL UNITY GOVERNMENT AGREED ON IN THE COMPREHENSIVE PEACE AGREEMENT FOR SUDAN.

B. "SUDAN" DOES NOT INCLUDE THE REGIONAL GOVERNMENT OF SOUTHERN SUDAN.

6. A. "ACTIVELY MANAGED SEPARATE ACCOUNT" MEANS THE ACCOUNTS OF THE SYSTEM THAT ARE ACTIVELY MANAGED AT THE DIRECTION OF THE BOARD OF TRUSTEES AND HELD IN SEPARATE ACCOUNTS.

B. "ACTIVELY MANAGED SEPARATE ACCOUNT" DOES NOT INCLUDE:

1. INDEXED FUNDS,

2. PRIVATE EQUITY FUNDS,

3. HEDGE FUNDS,

4. REAL ESTATE FUNDS, AND

5. OTHER COMMINGLED OR PASSIVELY MANAGED FUNDS.

(II) EACH INVESTMENT MANAGER ENGAGED BY THE BOARD WILL PROVIDE TO THE BOARD QUARTERLY WRITTEN REPORTS PRESENTING A LIST OF:

1. SECURITIES OF COMPANIES UNDER MANAGEMENT DOING BUSINESS IN SUDAN, AND

2. SECURITIES OR INSTRUMENTS ISSUED BY SUDAN HELD BY THE INVESTMENT MANAGER, IN WHICH SYSTEM FUNDS ARE INVESTED.

(III) IN PREPARING REPORTS REQUIRED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (1), AN INVESTMENT MANAGER SHALL REFERENCE THE U.S. DEPARTMENT OF THE TREASURY'S OFFICE OF FOREIGN ASSETS CONTROL, INSTITUTIONAL SHAREHOLDER SERVICES, OR OTHER LIST APPROVED BY THE BOARD OF TRUSTEES.

(IV) CONSISTENT WITH THE FIDUCIARY DUTIES OF THE BOARD OF TRUSTEES UNDER THIS ARTICLE 22, AND THE PROVISIONS OF SUBPARAGRAPH (V) OF THIS PARAGRAPH (1), THE BOARD OF TRUSTEES MAY TAKE DIVESTMENT ACTION IN ACTIVELY-MANAGED SEPARATE ACCOUNTS WITH REGARD TO INVESTMENTS IN:

1. ANY BANK OR FINANCIAL INSTITUTION THAT MAKES LOANS TO THE REPUBLIC OF SUDAN,

2. A NATIONAL CORPORATION OF SUDAN, AND

3. THE STOCKS, SECURITIES, OR OTHER OBLIGATIONS OF ANY COMPANY DOING BUSINESS IN OR WITH SUDAN.

(V) IN DETERMINING WHETHER TO TAKE DIVESTMENT ACTION UNDER SUBPARAGRAPH (IV) OF THIS PARAGRAPH (1) WITH REGARD TO THE INVESTMENT OF FUNDS IN ACTIVELY-MANAGED

SEPARATE ACCOUNTS IN A COMPANY DOING BUSINESS IN SUDAN, THE BOARD OF TRUSTEES MAY CONSIDER THE FOLLOWING:

1. REVENUES PAID BY A COMPANY DIRECTLY TO THE GOVERNMENT OF SUDAN,

2. WHETHER A COMPANY SUPPLIES INFRASTRUCTURE OR RESOURCES USED BY THE GOVERNMENT OF SUDAN TO IMPLEMENT ITS POLICIES OF GENOCIDE IN DARFUR OR OTHER REGIONS OF SUDAN,

3. WHETHER A COMPANY KNOWINGLY OBSTRUCTS LAWFUL INQUIRIES INTO ITS OPERATIONS AND INVESTMENTS IN SUDAN,

4. WHETHER A COMPANY ATTEMPTS TO CIRCUMVENT ANY APPLICABLE SANCTIONS OF THE UNITED STATES,

5. THE EXTENT OF ANY HUMANITARIAN ACTIVITIES UNDERTAKEN BY A COMPANY IN SUDAN,

6. WHETHER A COMPANY IS ENGAGED SOLELY IN THE PROVISION OF GOODS AND SERVICES INTENDED TO RELIEVE HUMAN SUFFERING, OR TO PROMOTE WELFARE, HEALTH, EDUCATION, OR RELIGIOUS OR SPIRITUAL ACTIVITIES,

7. WHETHER A COMPANY IS AUTHORIZED BY THE FEDERAL GOVERNMENT OF THE UNITED STATES TO DO BUSINESS IN SUDAN,

8. EVIDENCE THAT A COMPANY HAS ENGAGED THE GOVERNMENT OF SUDAN TO CEASE ITS ABUSES IN DARFUR OR OTHER REGIONS IN SUDAN,

9. WHETHER A COMPANY IS ENGAGED SOLELY IN JOURNALISTIC ACTIVITIES,

10. THE ECONOMIC IMPACT OF THE DIVESTMENT FROM THE PORTFOLIO, AND

11. ANY OTHER FACTOR THAT THE BOARD OF TRUSTEES DEEMS PRUDENT.

(VI) IF THE BOARD OF TRUSTEES TAKES DIVESTMENT ACTION UNDER SUBPARAGRAPH (IV) OF THIS PARAGRAPH (1) WITH RESPECT TO INVESTMENTS IN A COMPANY, THE BOARD OF TRUSTEES SHALL DIRECT THE INVESTMENT MANAGER TO PROVIDE THE COMPANY WITH WRITTEN NOTICE OF ITS DECISION AND REASONS FOR THE DECISION.

(VII) ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE BOARD OF TRUSTEES SHALL SUBMIT A REPORT TO THE CITY COUNCIL THAT PROVIDES:

1. ALL DIVESTMENT ACTIONS TAKEN BY THE BOARD IN ACCORDANCE WITH THIS PARAGRAPH (1),

2. A LIST OF THOSE COMPANIES DOING BUSINESS IN SUDAN AND OF THOSE SECURITIES OR INSTRUMENTS ISSUED BY SUDAN, AS REPORTED TO THE BOARD BY ITS INVESTMENT MANAGERS UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH (1), FROM WHICH THE BOARD HAS NOT DIVESTED; AND

3. OTHER DEVELOPMENTS RELEVANT TO INVESTMENT IN COMPANIES DOING BUSINESS IN SUDAN.

SECTION 2. 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 3. AND BE IT FURTHER ORDAINED, That if the President of the United States rescinds or repeals Executive Order 13067 or the United States Congress lifts all economic sanctions against the Republic of Sudan, this Ordinance shall automatically, with no further action required by the City Council, be abrogated and of no further force and effect.

SECTION ~~3~~ 4. AND BE IT FURTHER ORDAINED, That subject to the provisions of Section 3 of this Ordinance, this Ordinance takes effect on the 1st day of the 2nd fiscal quarter after the date it is enacted.

Approved November 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-571
(Council Bill 07-592)

AN ORDINANCE CONCERNING

Urban Renewal – Coldstream Homestead Montebello –
Amendment 8

FOR the purpose of amending the Urban Renewal Plan for Coldstream Homestead Montebello to authorize the acquisition by purchase or by condemnation of certain properties for urban renewal purposes, amend Appendix A and revise certain exhibits to reflect the changes in the Plan, transfer administrative and other authority over the Plan from the Department of Housing and Community Development to the Department of Planning, delete certain regulations, controls, and restrictions from the Plan, repeal Appendix B and replace it with new Appendix B, require that redevelopment of land acquired for clearance and redevelopment is subject to the provisions of new Appendix B, clarify, correct, and conform certain language, and correct certain references; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date.

BY authority of
Article 13 - Housing and Urban Renewal
Section 2-6
Baltimore City Code
(Edition 2000)

Recitals

The Urban Renewal Plan for Coldstream Homestead Montebello was originally approved by the Mayor and City Council of Baltimore by Ordinance 77-289 and last amended by Ordinance 01-177.

An amendment to the Urban Renewal Plan for Coldstream Homesteam Montebello is necessary to authorize the acquisition by purchase or by condemnation of certain properties for urban renewal purposes, amend Appendix A and revise certain exhibits to reflect the changes in the Plan, transfer administrative and other authority over the Plan from the Department of Housing and Community Development to the Department of Planning, delete certain regulations, controls, and restrictions from the Plan, repeal Appendix B

and replace it with new Appendix B; require that redevelopment of land acquired for clearance and redevelopment is subject to the provisions of new Appendix B, and correct certain references.

Under Article 13, § 2-6 of the Baltimore City Code, no substantial change may be made in any approved renewal plan unless the change is approved in the same manner as that required for the approval of a renewal plan.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the following changes in the Urban Renewal Plan for Coldstream Homestead Montebello are approved:

(1) In the Plan, amend B.2.a.(1)(a) to read as follows:

(a) No buildings, structure, or parking area shall be constructed over an easement within the Project Area without the prior consent of the DIRECTOR OF PLANNING [Commissioner of the Department of Housing and Community Development] and the Director of Public Works.

(2) In the Plan, delete B.2.a.(1)(c) and B.2.a.(1)(f).

(3) In the Plan, amend B.2.a.(5) to read as follows:

(5) Provisions applicable to land to be acquired for clearance and redevelopment.

(A) Disposition Lots 1 and 2 – The use of these lots shall be public. Only play equipment, benches, trash containers, water fountains and other facilities necessary or appropriate for park and playground use shall be permitted.

(B) REDEVELOPMENT OF LAND ACQUIRED FOR CLEARANCE AND REDEVELOPMENT SHALL BE SUBJECT TO THE DESIGN GUIDELINES CONTAINED HEREIN.

(4) In the Plan, amend B.2.b.(2) and (3) to read as follows:

(2) Review of Plans for New Construction, Exterior Rehabilitation, or Change In Use

All plans for new construction (including parking lots), exterior rehabilitation or change in use on any property not to be acquired under the provisions of this Plan shall be submitted to the Department of [Housing and Community Development] PLANNING for review. Only upon finding that the proposed plans are consistent with the objectives of the urban renewal plan, shall the [Commissioner of the Department of Housing and Community Development] DEPARTMENT OF PLANNING authorize the processing of the plans for issuance of a building permit. The provisions of this section are in addition to and not in lieu of all other applicable laws and ordinances relating to new construction.

(3) Demolition

All applications for demolition permits shall be submitted to the Department of PLANNING [Housing and Community Development] for review and approval. Upon finding that the proposed demolition is consistent with the objectives of the urban renewal plan, the Commissioner of the Department of Housing and Community Development shall authorize the issuance of the necessary permit. If the DEPARTMENT OF PLANNING [Commissioner] finds that the proposal is inconsistent with the objectives of the urban renewal plan and therefore denies the issuance of the permit, [he] THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT shall within 90 days of such denial, seek approval of the Board of Estimates to acquire for and on behalf of the Mayor and City Council of Baltimore the

property, in whole or in part, on which [said] THE demolition was to have occurred by purchase, lease, condemnation, gift or other legal means for the renovation, rehabilitation and disposition thereof. In the event that the Board of Estimates does not authorize the acquisition, the Commissioner shall, without delay, issue the demolition permit.

(5) In the Plan, amend C.1. to read as follows:

1. Acquisition

A Property Acquisition Map, which designates those properties to be acquired, is attached as Exhibit No. 2. Scattered properties to be acquired and disposed of for rehabilitation AND THOSE PROPERTIES TO BE ACQUIRED AND DISPOSED OF FOR CLEARANCE AND REDEVELOPMENT are listed in Appendix A.

(6) In the Plan, amend C.2.a.(2nd paragraph) and b. to read as follows:

a. Property Rehabilitation Standards

****

Rehabilitation within the ~~[Harford Road Commercial]~~ URBAN RENEWAL Area shall comply with the standards contained in Appendix B of this Plan entitled "[Non-Residential Property Rehabilitation – Harford Road Commercial Area] DESIGN GUIDELINES".

b. Designs for all building improvements, modifications, repair, rehabilitation or painting of the exterior of the existing buildings, their yards or show windows, and for all signs, shall be submitted to and approved by the Department of PLANNING [Housing and Community Development] before proceeding with the work.

(7) In the Plan, amend C.4.a. and b. to read as follows:

4. Review of Development

a. Department of Housing and Community Development and the DEPARTMENT OF PLANNING Review

The [Department] DEPARTMENTS of Housing and Community Development AND PLANNING specifically [reserves] RESERVE the right to review and approve the Redeveloper's plans and specifications for development or rehabilitation with respect to their conformance with the provisions of the [renewal plan] RENEWAL PLAN and in order to achieve harmonious development of the [project area] PROJECT AREA. The [Department] DEPARTMENTS also [reserves] RESERVE the right to refuse to approve any [such] drawings, plans or specifications that are not suitable or desirable, in [its] THEIR opinion, for aesthetic or functional reasons, and, in so passing upon [such] THE drawings, plans and specifications, [it] THEY shall have the right to take into consideration, but shall not be limited to, the suitability of the site plan, architectural treatment, building plans, elevations, materials and color, construction details, access, parking, loading, landscaping, identification signs, exterior lighting, refuse collection details, streets, sidewalks and the harmony of the plans with the surroundings.

Under the provisions of Section B.2.b.(2), the [Department] DEPARTMENTS of Housing and Community Development AND PLANNING [has] HAVE the right to review all plans

for new construction, exterior rehabilitation, change in use, or demolition of any property not to be acquired.

The [Department] DEPARTMENTS of Housing and Community Development AND PLANNING will fully utilize [its Design Advisory Panel] THE URBAN DESIGN AND ARCHITECTURAL REVIEW PANEL (UDARP) to work with developers in the achievement of high quality site, building, and landscape design.

b. Community Review

(1) The Department of [Housing and Community Development] PLANNING shall submit to the Coldstream Homestead Montebello Community Corporation, or its successor, for its review and comment the form and content of all proposals to redevelop land to be disposed of. The Coldstream Homestead Montebello Community Corporation, or its successor, shall advise the Department of [Housing and Community Development] PLANNING of its recommendations regarding the acceptability and priority of all proposals. ~~The written comments shall be transmitted to the Department of PLANNING AND SUBSEQUENTLY TO THE DEPARTMENT OF Housing and Community Development no later than 3 weeks after the proposals have been submitted to the Coldstream Homestead Montebello Community Corporation, or its successor; otherwise, it is presumed that the proposals are acceptable.~~ THE COLDSTREAM HOMESTEAD MONTEBELLO COMMUNITY CORPORATION OR ITS SUCCESSOR SHALL TRANSMIT WRITTEN COMMENTS TO THE DEPARTMENT OF PLANNING WITHIN 3 WEEKS OF THE DATE THAT THE PROPOSALS WERE SUBMITTED TO THE COLDSTREAM HOMESTEAD MONTEBELLO COMMUNITY CORPORATION OR ITS SUCCESSOR; OTHERWISE IT IS PRESUMED THAT THE PROPOSALS ARE ACCEPTABLE. THE DEPARTMENT OF PLANNING SHALL TRANSMIT THESE COMMENTS TO THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN ONE WEEK OF RECEIVING THE COMMENTS. The Commissioner of the Department of Housing and Community Development, however, retains the final authority with respect to granting or withholding development priorities and shall dispose of redevelopment land through procedures established by the Department.

(2) The Department of [Housing and Community Development] PLANNING shall submit to the Coldstream Homestead Montebello Community Corporation, or its successor, for its review and comment, the Preliminary Plans and the Proposed Final Construction Plans for each disposition lot designated in this Plan. The written comments and recommendations from this review shall be transmitted to the Department of PLANNING AND SUBSEQUENTLY TO THE DEPARTMENT OF Housing and Community Development no later than [three] 3 weeks after the plans have been submitted to the [said] Coldstream Homestead Montebello Community Corporation; otherwise, it is presumed that the plans are acceptable. The Commissioner of the Department of Housing and Community Development retains final authority to approve or disapprove all plans.

(3) Additional requirements regarding Community Review of plans and permits for THE URBAN RENEWAL [the Harford Road commercial] Area may be found Appendix B of this Plan.

(8) In the Plan, amend D.2. to read as follows:

2. Zoning

All appropriate provisions of the Zoning [Ordinance] CODE of Baltimore City shall apply to properties in the Coldstream Homestead Montebello Project Area. Any change in the Zoning [Ordinance] CODE embodied in this Urban Renewal Plan and designated on Exhibit 4, Zoning Districts, shall be approved by ordinance in accordance with the procedural requirements of the Zoning [Ordinance] CODE and Article 66-B of the Annotated Code of Maryland (1957 Edition, as amended).

(9) Amend Appendix A to read as follows:

Appendix A

Properties for Acquisition & Disposition for Residential Rehabilitation

~~1738 E. 28th Street~~
~~1806 E. 28th STREET~~
~~1810 E. 28th STREET~~
~~1832 E. 28th STREET~~
~~1836 E. 28th STREET~~
~~1838 E. 28th STREET~~
~~1842 E. 28th STREET~~
~~1900 E. 28th STREET~~
~~1910 E. 28th STREET~~
~~1928 E. 28th STREET~~
~~1932 E. 28th STREET~~
~~1615 E. 29th STREET~~
~~1619 E. 29th STREET~~
~~1703 E. 29th STREET~~
~~1727 E. 29th Street~~
~~1600 E. 30th STREET~~
~~1601 E. 30th STREET~~
~~1616 E. 30th STREET~~
~~1631 E. 30th STREET~~
~~1712 E. 30th STREET~~
~~1718 E. 30th STREET~~
~~1731 E. 30th STREET~~
~~1903 E. 30th STREET~~
~~2008 E. 30th STREET~~
~~2012 E. 30th STREET~~
~~2013 E. 30th STREET~~
~~2034 E. 30th STREET~~
~~2036 E. 30th STREET~~
~~1726 E. 31st STREET~~
~~1729 E. 31st STREET~~
1901 E. 31ST STREET
~~1907 E. 31st STREET~~
~~1912 E. 31st STREET~~
~~1916 E. 31st STREET~~
~~1921 E. 31st STREET~~
~~1923 E. 31st STREET~~
~~1931 E. 31st STREET~~

~~2012 E. 31ST STREET~~
~~2016 E. 31ST STREET~~
~~2041 E. 31ST STREET~~
~~1602 E. 32ND STREET~~
~~1628 E. 32ND STREET~~
~~1725 E. 32ND STREET~~
1806 E. 32ND STREET
~~2039 E. 32ND STREET~~
~~1631 E. 33RD STREET~~
~~1557 Abbotston Street~~
~~1612 Carswell Street plus adjoining lot - Lot 5A, Block 4130 - described as on the northeast side of Carswell Street 240 feet northwest of Polk Street~~
~~[1643 Carswell Street]~~
~~1701 Carswell Street~~
~~1634 CHILTON STREET~~
~~1647 CHILTON STREET~~
~~1816 CHILTON STREET~~
~~1820 CHILTON STREET~~
~~2558 Garrett Avenue~~
~~2636 Garrett Avenue~~
~~2658 Harford Road~~
~~2724 HARFORD ROAD~~
~~2732 HARFORD ROAD~~
~~2812 Harford Road~~
~~2832 HARFORD ROAD~~
~~2834 HARFORD ROAD~~
~~2854 HARFORD ROAD~~
~~2856 HARFORD ROAD~~
~~2858 HARFORD ROAD~~
~~2860 HARFORD ROAD~~
~~2864 HARFORD ROAD~~
~~2866 HARFORD ROAD~~
~~2874 HARFORD ROAD~~
~~2876 HARFORD ROAD~~
~~2956 HARFORD ROAD~~
~~3004 HARFORD ROAD~~
~~3022 HARFORD ROAD~~
~~3122 HARFORD ROAD~~
~~2880 HILLEN ROAD~~
~~2882 HILLEN ROAD~~
~~2884 HILLEN ROAD~~
~~2713 THE ALAMEDA~~
~~2714 THE ALAMEDA~~
~~2729 THE ALAMEDA~~
~~2733 THE ALAMEDA~~
~~2735 THE ALAMEDA~~
~~2741 THE ALAMEDA~~
~~2751 THE ALAMEDA~~
~~2752 THE ALAMEDA~~
~~2754 THE ALAMEDA~~
~~2772 THE ALAMEDA~~
~~2788 ½ THE ALAMEDA~~
~~2790 ½ THE ALAMEDA~~

~~2797 ½ THE ALAMEDA~~
~~2798 THE ALAMEDA~~
~~2799 ½ THE ALAMEDA~~
~~2799 THE ALAMEDA~~
~~2803 THE ALAMEDA~~
~~2820 THE ALAMEDA~~
~~2905 THE ALAMEDA~~
~~2909 THE ALAMEDA~~
~~2926 THE ALAMEDA~~
~~3001 THE ALAMEDA~~

PROPERTIES FOR ACQUISITION & DISPOSITION FOR REDEVELOPMENT

~~1601 E. 28™ STREET~~
~~1603 E. 28™ STREET~~
~~1605 E. 28™ STREET~~
~~1607 E. 28™ STREET~~
~~1609 E. 28™ STREET~~
~~1701 E. 28™ STREET~~
~~1703 E. 28™ STREET~~
~~1705 E. 28™ STREET~~
~~1707 E. 28™ STREET~~
~~1709 E. 28™ STREET~~
~~1711 E. 28™ STREET~~
~~1801 E. 28™ STREET~~
~~1803 E. 28™ STREET~~
~~1805 E. 28™ STREET~~
~~1807 E. 28™ STREET~~
~~1809 E. 28™ STREET~~
~~1811 E. 28™ STREET~~
~~1813 E. 28™ STREET~~
~~1901 E. 28™ STREET~~
~~1903 E. 28™ STREET~~
~~1905 E. 28™ STREET~~
~~1907 E. 28™ STREET~~
~~1909 E. 28™ STREET~~
~~1911 E. 28™ STREET~~
~~1913 E. 28™ STREET~~
~~1915 E. 28™ STREET~~
~~1917 E. 28™ STREET~~
~~1919 E. 28™ STREET~~
2700 FENWICK AVENUE
2701 FENWICK AVENUE
2702 FENWICK AVENUE
2703 FENWICK AVENUE
2704 FENWICK AVENUE
2705 FENWICK AVENUE
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2766 FENWICK AVENUE
2768 FENWICK AVENUE
2770 FENWICK AVENUE
2700 HUGO AVENUE
2701 HUGO AVENUE
2702 HUGO AVENUE
2703 HUGO AVENUE
2704 HUGO AVENUE
2705 HUGO AVENUE
2706 HUGO AVENUE
2707 HUGO AVENUE
2708 HUGO AVENUE
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(10) Repeal Appendix B Non-Residential Property Rehabilitation Harford Road Commercial Area and replace it with new Appendix B Design Guidelines, which reads as follows:

APPENDIX B

DESIGN GUIDELINES

PURPOSE:

THESE DESIGN GUIDELINES WERE DEVELOPED AS A TOOL TO SUPPORT THE PRINCIPLES AND GOALS OF THE COLDSTREAM-HOMESTEAD-MONTEBELLO (CHM) AREA MASTER PLAN, WHICH WAS APPROVED BY THE CITY OF BALTIMORE PLANNING COMMISSION ON APRIL 20, 2006. THEY ARE MEANT TO ENSURE SENSIBLE AND

HARMONIOUS DESIGN IN BOTH REHABILITATION AND NEW CONSTRUCTION. THESE GUIDELINES ARE, THEREFORE, DESIGNED TO ENSURE THAT ALL NEW INVESTMENT IN THE NEIGHBORHOOD WILL CONTRIBUTE TO THE OVERALL QUALITY OF THE AREA.

GENERAL PRINCIPLES:

THE CHM AREA MASTER PLAN CALLS FOR THE CREATION AND PROMOTION OF CHM AS A THRIVING, SUCCESSFUL COMMUNITY THAT CAPITALIZES ON ITS GREAT HOUSING, GREAT VIEWS, AND OPEN SPACES. AS CHANGES ARE MADE TO THE COMMUNITY, THEY SHOULD IMPACT THE COMMUNITY IN A POSITIVE MANNER BASED ON THE FOLLOWING DESIGN GUIDELINES AND PRINCIPLES:

- REHABILITATION SHOULD BE CONSISTENT WITH THE ORIGINAL CHARACTER OF THE HOUSE OR BUILDING AND THE OTHER STRUCTURES ON THE STREET;
- BUILDINGS SHOULD BE EMBELLISHED IN A MANNER CONSISTENT WITH THE CHARACTER OF THE DISTRICT;
- BUILDINGS SHOULD ENCLOSE THE BLOCK, REINFORCING TRADITIONAL BLOCK PATTERNS AND ENHANCING THE URBAN CHARACTER OF STREETS AND OPEN SPACES;
- NEW BUILDINGS MUST BE DESIGNED TO ENHANCE THE PUBLIC REALM, WITH EMPHASIS ON WELL-DEFINED, PROPERLY ORIENTED PEDESTRIAN ENTRANCES AND WELL COMPOSED AND ARTICULATED FACADES; AND
- ALLEYS SHALL BE INTIMATE WELL DESIGNED SPACES FOR SERVICE NEEDS, REINFORCING THE PRIMARY PUBLIC ROLE OF THE STREETS.

GENERAL GUIDELINES:

- ROOF TOP EQUIPMENT SHOULD BE SHIELDED FROM STREET VIEWS WITH SCREENING THAT IS INTEGRAL TO THE BUILDING FACADE AND DOES NOT APPEAR TO BE ROOF TOP SCREENING.
- WHERE VISIBLE, UTILITIES SHOULD BE PAINTED TO BLEND INTO THE BACKGROUND.
- ANCILLARY STRUCTURES, SUCH AS TRASH ENCLOSURES, ARE TO BE INTEGRATED INTO THE LANDSCAPE AND SCREENED FROM PUBLIC VIEW WITH SHRUBS, HEDGES, FENCES, WALLS OR A COMBINATION OF THOSE ELEMENTS. TRASH ENCLOSURES AND SCREENING SHOULD BLEND IN WITH THE LANDSCAPE AND SURROUNDING ENVIRONMENT. TRASH ENCLOSURES ARE NOT ALLOWED IN FRONT OR SIDE YARDS.
- MECHANICAL UNITS, SUCH AS AIR CONDITIONING AND SIMILAR OTHER MECHANICAL EQUIPMENT, SHOULD ALSO BE SCREENED FROM PUBLIC VIEW USING SIMILAR METHODS.
- MOBILITY IMPAIRED RAMPS: WHEN MOBILITY IMPAIRED RAMPS ARE NECESSARY, THEY SHOULD BE ATTACHED TO THE BACK OR SIDE OF A RESIDENCE. SIDE RAMPS THAT ARE VISIBLE FROM THE STREET SHOULD INCORPORATE THE SAME ARCHITECTURAL VOCABULARY AS FRONT PORCHES. TWO SETS OF RAILS SHOULD BE PROVIDED - A GRAB RAIL PARALLEL TO THE RAMP TO ASSIST THE USER AND A LEVEL HANDRAIL TO RELATE THE ADDITION TO ITS CONTEXT.

REHABILITATION GUIDELINES:

FRONT AND SIDE WALLS

- ORIGINAL BRICK WALLS SHALL BE RETAINED. UNPAINTED BRICK SHOULD REMAIN SO. WHEN REPAIRING AND/OR REPOINTING BRICK WALLS, EVERY EFFORT SHOULD BE MADE TO USE THE LEAST ABRASIVE METHOD POSSIBLE AND TO DUPLICATE THE ORIGINAL STYLE AND COLOR OF MORTAR AND REPLACEMENT BRICK.

- PAINTING FORMSTONE IS PERMITTED AND ENCOURAGED.

- VINYL SIDING, STUCCO, EXPOSED CONCRETE BLOCK, AND EXPOSED PRESSURE TREATED WOOD ARE NOT APPROPRIATE MATERIALS FOR BUILDING FRONTS. FACADES THAT ARE NOT READILY VISIBLE FROM THE STREET MAY BE COVERED IN STUCCO OR FIBER CEMENT BOARD.

CORNICES

- CORNICE SHAPE, SIZE, PROFILE AND DETAILS SUCH AS DENTILS, BRACKETS, MODILLIONS, SHOULD BE RETAINED. REPLACEMENT DETAILS SHOULD MATCH THE ORIGINAL DESIGN AS CLOSELY AS POSSIBLE.

- VINYL OR ALUMINUM SIDING SHOULD NOT COVER THE CORNICE.

FRONT, SIDE AND REAR YARD FENCING

- REAR YARD FENCING FACING AN ALLEY FOR PRIVACY OR SCREENING IS PERMITTED IN REAR YARDS TO A MAXIMUM HEIGHT OF 72 INCHES. IT MAY BE OPAQUE TO A MAXIMUM HEIGHT OF 48 INCHES. ~~THE TOP 24 INCHES~~ ANY AREA ABOVE 48 INCHES MUST INCORPORATE A CHANGE IN ARTICULATION AND HAVE A TRANSPARENCY OF 30% OR GREATER WHEN FACING PUBLIC SPACES. ACCEPTABLE MATERIALS INCLUDE HIGH QUALITY WOOD, VINYL, PLASTIC WOOD COMPOSITE (I.E. TREX), AND MASONRY COMPATIBLE WITH THE ARCHITECTURAL GUIDELINES CONTAINED HEREIN. STOCKADE FENCING IS NOT PERMITTED.

- PAINT OR STAIN COLORS FOR REAR YARD FENCING SHOULD BE COMPATIBLE WITH THE COLOR OF THE BUILDING TO WHICH IT IS ATTACHED, AS WELL AS WITH SURROUNDING BUILDINGS AND FENCES.

- FRONT YARD FENCING MAY BE NO HIGHER THAN 48 INCHES. CHAIN LINK FENCING IS NOT ALLOWED.

ADDITIONS OR GARAGES

- ADDITIONS AND GARAGES VISIBLE FROM ANY STREET MUST BE DESIGNED TO BE COMPATIBLE WITH THE ARCHITECTURE OF THE EXISTING RESIDENCE THROUGH THE SAME OR SIMILAR INCORPORATION OF MATERIALS. GARAGES SHALL BE ACCESSED FROM THE REAR ALLEY.

WINDOWS AND DOORS

- RETAINING ORIGINAL WINDOWS, DOORS, AND STAINED GLASS TRANSOMS IS ENCOURAGED.

- REPLACEMENT WINDOWS AND DOORS MUST BE SIZED TO FIT THE ORIGINAL OPENING.

- THE STYLE OF REPLACEMENT WINDOWS SHOULD BE COMPATIBLE WITH THE ORIGINAL WINDOW STYLE WHERE POSSIBLE OR TO OTHER HOUSES IN THE ROW.

PORCHES, STEPS, AND FRONT YARDS

PORCHES DEFINE MANY OF THE HOUSES IN THE AREA. THE ELEMENTS – FOUNDATIONS, STEPS, COLUMNS, RAILING, AND ROOFLINE – CREATE CONSISTENCY AND ARCHITECTURAL HARMONY FOR EACH ROW.

- WHEN REPLACING PORCHFRONT ELEMENTS, MATCH THE ORIGINAL ELEMENTS OF THE ROW AS CLOSELY AS POSSIBLE. T-1-11 PANELING, PLYWOOD, VINYL AND ALUMINUM SIDING, CINDERBLOCK, LATTICE, AND EXPOSED PRESSURE-TREATED WOODEN STEPS, COLUMNS, AND RAILINGS ARE DISCOURAGED.
- FOUNDATIONS OF ASHLAR STONE SHOULD BE REPAIRED AND REPOINTED WITH MATCHING MORTAR AND MORTAR JOINTS.
- FRONT PORCHES SHOULD REMAIN OPEN.
- ORIGINAL PORCHES SHOULD BE RETAINED AND NOT BE FILLED IN WITH OPAQUE MATERIALS.
- PORCH POSTS AND RAILINGS SHOULD BE COMPATIBLE WITH THE ORIGINAL APPEARANCE AND OTHER HOUSES IN THE ROW.
- STEPS SHOULD BE ORIENTED IN THE SAME MANNER AS OTHER HOUSES IN THE ROW.
- REPLACEMENT STEPS SHOULD BE STONE, BRICK OR CONCRETE, NOT PRESSURE TREATED WOOD.
- FRONT YARDS SHOULD BE LANDSCAPED WITH PLANT MATERIAL; CEMENT SLABS COVERING THE FRONT YARD AREA ARE NOT ALLOWED.

NEW CONSTRUCTION RESIDENTIAL GUIDELINES:

BUILDING FORM AND PLACEMENT

- ALL RESIDENTIAL BUILDINGS ARE TO FACE THE STREET.
- BUILDING SETBACKS SHALL FOLLOW THE HISTORIC SETBACK PATTERN OF THE STREET OR ALLOW ADEQUATE SPACE FOR AN INDIVIDUAL STOOP, STEPS, AND PLANTINGS, AS WELL AS STREET TREES.
- MID-BLOCK GAPS ARE NOT PERMITTED WITHIN A ROW OF TOWNHOUSES.

BUILDING HEIGHT

- THE MAXIMUM HEIGHT FOR ALL SINGLE-FAMILY HOUSES IS 45 FEET.

PARKING

- ALL PARKING AND SERVICING SHALL BE ACCESSED FROM REAR ALLEYS.
- AT LEAST ONE OFF-STREET SPACE PER UNIT SHALL BE PROVIDED. ALL PARKING MUST BE ACCOMMODATED ON THE PROPERTY ASSOCIATED WITH THE UNIT.

CURB-CUT AND SERVICING

- ALL CURB CUTS SHALL BE DESIGNED TO MINIMIZE IMPACT ON THE PEDESTRIAN ENVIRONMENT.

- SERVICING AREAS, SUCH AS DUMPSTERS, MUST BE INTERNAL TO THE BLOCKS AND ACCESSED THROUGH ALLEYS AND NOT THROUGH THE NEIGHBORHOOD STREETS. TRASH COLLECTION SHOULD BE ACCOMMODATED ON ALLEYS WHERE POSSIBLE.

ROOFS

- THE ROOFLINE OF BUILDINGS SHOULD BE COMPATIBLE WITH OTHER HOUSES IN THE ROW.
- FRONT BUILDING WALLS SHOULD END WITH ORIGINAL CORNICES OR NEW CORNICES CONSISTENT WITH THE SCALE AND DESIGN OF OTHER HOUSES IN THE ROW.
- ROOF DECKS, WHERE PERMITTED, SHOULD BE SET BACK FROM THE FRONT OF THE HOUSE AND BE AS INCONSPICUOUS AS POSSIBLE.

FENESTRATION

- FRONT ENTRY DOORS SHOULD FACE THE STREET OR PUBLIC OPEN SPACE. FRONT ENTRY DOORS SHOULD BE DISTINCTIVE TO ENHANCE BUILDING FACADES.
- A MINIMUM OF 30% OF THE LINEAL HORIZONTAL DIMENSION OF THE FACADE OF EACH FLOOR SHALL BE WINDOWS OR OPENINGS.
- OPENINGS: IF RESIDENTIAL BUILDINGS ARE DESIGNED IN A TRADITIONAL STYLE, OPENINGS MUST BE VERTICAL IN PROPORTION AND CONSISTENT WITH NEARBY HISTORIC STYLES.

WALLS

- FRONT FACADES OF ATTACHED HOUSES MUST BE MADE OF BRICK.
- BRICK COLORS SHOULD BE CONSISTENT WITH BALTIMORE TRADITIONS IN A STANDARD MODULAR SIZE.

GARAGES

- GARAGES VISIBLE FROM ANY STREET MUST BE DESIGNED TO BE COMPATIBLE WITH THE ARCHITECTURE OF THE ACCOMPANYING RESIDENCE THROUGH THE SAME OR SIMILAR INCORPORATION OF MATERIALS. GARAGES SHALL BE ACCESSED FROM THE REAR ALLEY.

NON-RESIDENTIAL GUIDELINES:

OVER AND ABOVE THE CODES AND ORDINANCES OF THE CITY OF BALTIMORE, THE FOLLOWING ADDITIONAL STANDARDS SHALL BE APPLIED TO ALL NON-RESIDENTIAL PROPERTIES, WHETHER OCCUPIED OR VACANT.

COMMERCIAL REHABILITATION OBJECTIVES ARE ESSENTIAL TO REHABILITATING NON-RESIDENTIAL BUILDINGS IN THE COLDSTREAM HOMESTEAD MONTEBELLO AREA SO AS TO:

- RELATE THE DIVERSE BUILDING TYPES AND CREATE A VISUALLY IDENTIFIABLE COMMERCIAL AREA ALONG HARFORD ROAD.
- PRESERVE ORIGINAL FACADE AND DESIGN CHARACTERISTICS OF PARTS OF BUILDINGS VISIBLE FROM THE PUBLIC STREETS.

- ENSURE THAT COMMERCIAL PROPERTIES DO NOT NEGATIVELY IMPACT THE ADJACENT RESIDENTIAL NEIGHBORHOOD.

BUILDING FACADES

- ALL DEFECTIVE AND DETERIORATED STRUCTURAL AND DECORATIVE ELEMENTS OF BUILDING FRONTS AND SIDES, INCLUDING STOREFRONTS, CORNICES, AND PORCHES, SHALL BE REPAIRED OR REPLACED IN A WORKMANLIKE MANNER. ORIGINAL MATERIALS SHOULD BE USED WHEREVER POSSIBLE.

- ALL BRICK WALLS AND NATURAL STONE WALLS SHALL BE KEPT CLEAN, REPAIRED, AND REPOINTED AS REQUIRED. CLEANING OF MASONRY FACADES BY MEANS OF SANDBLASTING SHALL NOT BE PERMITTED. BRICK WALLS THAT ARE NOT PAINTED SHALL REMAIN UNPAINTED. PAINTED BRICK WALLS SHALL BE PAINTED A COLOR THAT IS COMPATIBLE WITH THE COLORS OF THE NEIGHBORING STRUCTURES.

- NO NEW FORMSTONE, STUCCO, METAL OR WOOD SIDING, OR EXTERIOR FINISHES SHALL BE PERMITTED OVER BRICK WALL SURFACES. ALL SUCH EXISTING SIDING AND FINISHES THAT ARE DEFECTIVE OVER 10 PERCENT OF THEIR AREA SHALL BE REPAIRED. IF AN EXISTING COVERING IS MORE THAN 50 PERCENT DEFECTIVE, IT SHALL BE REMOVED AND THE WALLS BEHIND THEM MUST BE RESTORED.

- EXISTING METAL SIDING THAT IS UNDAMAGED, STRUCTURALLY SOUND, AND PERMISSIBLE UNDER THE BALTIMORE CITY BUILDING CODE MAY BE RETAINED.

- ALL METAL SIDING THAT REMAINS SHALL BE KEPT CLEAN, IN A STATE OF GOOD REPAIR, AND IN A COLOR COMPATIBLE WITH THE COLORS OF THE NEIGHBORING STRUCTURES.

- ALL MISCELLANEOUS ELEMENTS ON THE EXTERIOR WALLS OF THE STRUCTURES, SUCH AS EMPTY ELECTRICAL BOXES, CONDUITS, PIPES, UNUSED SIGN BRACKETS, ETC., SHALL BE REMOVED.

- SIDE WALLS SHALL BE FINISHED IN A MANNER THAT IS HARMONIOUS WITH THE FRONT OF THE BUILDING.

STOREFRONTS

- NEW STOREFRONTS THAT PROJECT BEYOND THE ORIGINAL PROPERTY LINE OF THE COMMERCIAL PROPERTIES ARE NOT PERMITTED.

- SHOW WINDOWS, ENTRANCES, SIGNS, LIGHTING, SUN PROTECTION, SECURITY GRILLES, ETC. SHALL BE COMPATIBLE, HARMONIOUS, AND CONSISTENT WITH THE ORIGINAL SCALE AND CHARACTER OF THE STRUCTURES.

- ENCLOSURES AND HOUSING FOR SECURITY GRILLES AND SCREENS SHALL BE AS INCONSPICUOUS AS POSSIBLE AND COMPATIBLE WITH OTHER ELEMENTS OF THE FACADE. CREATIVE AND CUSTOM SECURITY GRILLES THAT APPEAR MORE LIKE ART THAN SECURITY DEVICES ARE ENCOURAGED.

- ALL EXPOSED PORTIONS OF THE GRILLE, SCREEN, OR ENCLOSURE THAT ARE NORMALLY PAINTED, AND ALL PORTIONS THAT REQUIRE PAINTING TO PRESERVE, PROTECT, OR RENOVATE THE SURFACE SHALL BE PAINTED.

- SOLID OR PERMANENTLY ENCLOSED OR COVERED STOREFRONTS SHALL NOT BE PERMITTED.

- SHOW WINDOWS SHALL NOT BE PAINTED FOR ADVERTISING PURPOSES BUT MAY BE PAINTED WITH LETTERING FOR AUTHORIZED IDENTIFICATION OF THE PLACE OF BUSINESS.

- SOFT AWNINGS ARE PERMITTED. ALUMINUM AWNINGS ARE NOT PERMITTED.
- ENCLOSURE OF PORCH FRONTS TO DEVELOP NEW STOREFRONTS IS NOT PERMITTED AFTER THE DATE OF THE ENACTMENT OF THIS ORDINANCE.
- CONVERSION OF BASEMENTS UNDER PORCHES INTO STOREFRONTS IS NOT PERMITTED.

WINDOWS

ALL WINDOW OPENINGS SHALL HAVE THE SAME HEIGHTS AND WIDTH THEY DID AT THE TIME THAT THE WALL IN WHICH THE OPENINGS ARE LOCATED WAS ORIGINALLY BUILT. FILLING IN THESE OPENINGS AT THE TOP, BOTTOM, OR SIDES IS NOT PERMITTED. THE FOLLOWING ADDITIONAL REQUIREMENTS SHALL APPLY:

- ALL WINDOWS MUST BE TIGHT-FITTING AND HAVE SASHES OF PROPER SIZE AND DESIGN. SASHES WITH ROTTEN WOOD, BROKEN JOINTS, OR LOOSE MULLIONS OR MUNTINS SHALL BE REPAIRED OR REPLACED WITH GLASS OR OTHER APPROVED TRANSPARENT MATERIAL, AND ALL EXPOSED WOOD SHALL BE REPAIRED AND PAINTED.
- WINDOW OPENINGS IN UPPER FLOORS OF THE FRONT OF THE BUILDING SHALL NOT BE FILLED OR BOARDED UP ON THE EXTERIOR. WINDOWS IN UNUSED AREA OF THE UPPER FLOORS MAY BE BACKED BY A SOLID SURFACE ON THE INSIDE OF THE GLASS. WINDOW PANES SHALL NOT BE PAINTED.
- WINDOW OPENINGS IN SIDES OF BUILDINGS THAT ARE FILLED OR BOARDED ON THE DATE OF ENACTMENT OF THIS ORDINANCE ARE PERMITTED TO REMAIN FOR A PERIOD OF 1 YEAR. DURING THIS PERIOD, THE FILLED OR BOARDED OPENINGS SHALL BE TREATED IN A MANNER THAT IS COMPATIBLE AND HARMONIOUS WITH THE FACADE IN WHICH THEY ARE LOCATED AND SHALL BE MAINTAINED IN GOOD CONDITION.

PARKING

IT IS IMPORTANT TO MINIMIZE THE IMPACT OF PARKING STRUCTURES ON THE CHARACTER OF PEDESTRIAN SPACES AND STREETS, WHILE PROVIDING FOR SUFFICIENT AND CONVENIENT PARKING FOR RESIDENCES AND BUSINESSES.

- NO SURFACE PARKING LOTS FOR 12 OR MORE VEHICLES SHALL BE PERMITTED.

SIGN GUIDELINES

ALL SIGNS MUST BE IN ACCORDANCE WITH THE ZONING CODE OF BALTIMORE CITY. A MINOR PRIVILEGE PERMIT IS REQUIRED FOR ANY SIGN THAT PROJECTS INTO THE PUBLIC RIGHT-OF-WAY. NEW MINOR PRIVILEGE PERMITS FOR SIGNS MAY BE ISSUED ONLY FOR THOSE SIGNS THAT MEET PROJECT DESIGN CRITERIA. IN ADDITION, THE FOLLOWING PROVISIONS APPLY:

- ALL SIGNS SHALL BE DESIGNED TO BE COMPATIBLE WITH THE SURROUNDING NEIGHBORHOODS AND WITH THE SIGNAGE SYSTEM AND TEMPLATES DEVELOPED FOR EACH INDIVIDUAL BUILDING DESIGN.
- WHEN EXISTING SIGNS ARE REMOVED, ANY HOLES OR OTHER DAMAGE SHALL BE PATCHED AND PAINTED AS NECESSARY TO MATCH THE EXISTING WALL SURFACE, AND ALL UNUSED BRACKETS AND CONDUITS SHALL BE REMOVED.
- ALL LIGHTING AND ELECTRICAL ELEMENTS, SUCH AS WIRES, CONDUITS, JUNCTION BOXES, TRANSFORMERS, BALLASTS, SWITCHES, AND PANEL BOXES, MUST BE CONCEALED FROM VIEW.

- FLASHING, BACKLIT, OR MOVING SIGNS ARE NOT PERMITTED. THIS DOES NOT INCLUDE BARBER POLES.

SIZE AND PLACEMENT

- THE TOTAL AREA OF SIGNS FOR A BUILDING FACADE MAY NOT EXCEED 2 SQUARE FEET PER LINEAR FOOT OF BUILDING FRONTAGE. THIS TOTAL AREA INCLUDES WINDOW SIGNS, AWNING SIGNS, LOGOS, PRODUCT SIGNS, TEMPORARY SIGNS, OR ANY OTHER SIGNAGE. HOWEVER, NO SIGN IDENTIFYING A BUILDING OCCUPIED BY A SINGLE USER MAY EXCEED 100 SQUARE FEET. NO SIGN IDENTIFYING INDIVIDUAL TENANTS IN A MULTI-TENANT BUILDING MAY EXCEED 25 SQUARE FEET. ALL BUILDING SIGNS MUST BE MOUNTED FLAT AGAINST THE SURFACE OF THE BUILDING TO WHICH IT IS ATTACHED.

- SIGNS SHALL NOT BE PLACED SO AS TO OBSTRUCT WINDOWS, STOREFRONTS, OR CORNICES.

- IN NO CASE SHALL A SIGN EXTEND ABOVE THE ROOF LINE.

- ANY SIGN PLACED ABOVE THE FIRST FLOOR OF A BUILDING WILL BE SUBJECT TO THE APPROVAL OF THE DEPARTMENT OF PLANNING.

FLAT SIGNS:

- FLAT SIGNS SHALL BE PLACED PARALLEL TO THE BUILDING FACE AND SHALL NOT PROJECT MORE THAN 12 INCHES FROM THE SURFACE OF THE BUILDING.

PAINTED SIGNS AND CUTOUT LETTERS:

- PAINTED SIGNS ON BUILDING SURFACES OR USE OF SEPARATE CUTOUT LETTERS SHALL BE PERMITTED IN ACCORDANCE WITH THE ABOVE LIMITS FOR FLAT SIGNS.

PROJECTING SIGNS (BLADES):

- PROJECTING SIGNS SHALL NOT BE EXTENDED MORE THAN 5 FEET BEYOND THE BUILDING SURFACE.

- ALL SIGNS SHALL BE OF A SOLID, DURABLE MATERIAL, DOUBLE-FACED WITH A MAXIMUM THICKNESS OF 6 INCHES.

FLAGS AND BANNERS

FLAGS AND BANNERS MAY BE DISPLAYED ON A TEMPORARY AND PERMANENT BASIS, SUBJECT TO OBTAINING THE NECESSARY MINOR PRIVILEGE PERMIT, SO LONG AS THE BANNER MATERIAL IS NOT FADED, TORN, OR FRAYED, AND THE POLES ARE WELL MAINTAINED. BANNERS MAY BE DISPLAYED ONLY FROM BUILDINGS AT LEAST 2 STORIES HIGH AND MAY NOT BE LESS THAN 10 FEET ABOVE THE SIDEWALK. ALL BANNER POLES ALONG ONE STREET SHOULD BE SET AT THE SAME ANGLE FROM THE HORIZONTAL PLANE. BANNERS MAY PROJECT UP TO ⅓ THE WIDTH OF THE SIDEWALK, BUT NOT MORE THAN 5 FEET, WHICHEVER IS GREATER. PROVISIONS FOR FLAGS AND BANNERS MUST OTHERWISE CONFORM TO THE PROVISIONS OF CITY CODES.

SECONDARY SIGNS

SECONDARY SIGNS ON UPPER FLOORS OF A BUILDING SHALL NOT EXCEED 3 SQUARE FEET IN AREA AND SHALL NOT PROJECT MORE THAN 1 INCH BEYOND THE SURFACE OF THE BUILDING, NOR SHALL THEY BE PLACED HIGHER THAN AT THE BOTTOM OF THE SECOND STORY WINDOW.

SECONDARY SIGNS ON THE LOWER FLOORS OF PORCH FRONT BUILDINGS SHALL NOT EXCEED 24 SQUARE FEET IN AREA AND SHALL NOT PROJECT MORE THAN 1 INCH BEYOND THE SURFACE OF THE BUILDING, NOR SHALL THEY BE PLACED HIGHER THAN THE BOTTOM OF THE PORCH RAILING ABOVE.

PAINTED SIGNS ON BUILDING SURFACES OR USE OF SEPARATE CUTOUT LETTERS SHALL BE PERMITTED IN ACCORDANCE WITH THE ABOVE LIMITS FOR FLAT SIGNS.

~~FUTURE MINOR PRIVILEGE PERMITS FOR SIGNS SHALL BE ISSUED ONLY FOR THOSE SIGNS MEETING PROJECT DESIGN CRITERIA.~~

ROOFS

- CHIMNEYS OR ANY OTHER AUXILIARY STRUCTURES ON ROOFS SHALL BE KEPT CLEAN AND IN GOOD REPAIR.
- ROOF MOUNTED STRUCTURES FOR THE SUPPORT OF SIGNS, BILLBOARDS, ETC. ARE NOT PERMITTED.
- ANY MECHANICAL EQUIPMENT PLACED ON A ROOF SHALL BE SO LOCATED AS TO BE HIDDEN FROM VIEW AND TO BE AS INCONSPICUOUS AS POSSIBLE FROM OTHER VIEWPOINTS. OTHERWISE, SUCH EQUIPMENT SHALL BE SCREENED WITH SUITABLE ELEMENTS OF A PERMANENT NATURE AND FINISH. WHERE SUCH SCREENING IS UNFEASIBLE, EQUIPMENT SHALL BE INSTALLED IN A NEAT, PRESENTABLE MANNER, AND SHALL BE PAINTED SO AS TO MINIMIZE ITS VISIBILITY.

COMPLIANCE

NO ALTERATION OR IMPROVEMENT WORK SHALL BE UNDERTAKEN THAT DOES NOT CONFORM WITH THE REQUIREMENTS HEREIN UNLESS THE REQUIREMENTS HAVE BEEN WAIVED BY THE COMMISSIONER.

DESIGN REVIEW AND APPROVAL

DESIGNS FOR ALL BUILDING IMPROVEMENTS, MODIFICATIONS, REPAIR, REHABILITATION, OR PAINTING CONCERNING THE EXTERIOR OF THE EXISTING BUILDINGS, THEIR SHOW WINDOWS, AND FOR ALL SIGNS, SHALL BE SUBMITTED TO THE COMMISSIONER OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND THE DEPARTMENT OF PLANNING. APPROVAL BY THE DEPARTMENT OF PLANNING SHALL BE REQUIRED BEFORE PROCEEDING WITH THE WORK.

THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND/OR THE DEPARTMENT OF PLANNING SHALL SUBMIT TO THE COLDSTREAM HOMESTEAD MONTEBELLO COMMUNITY CORPORATION, OR ITS SUCCESSOR OR ITS ASSIGNEE FOR ITS REVIEW AND COMMENT, THE FORM AND CONTENT OF ALL PLANS AND PROPOSALS TO REDEVELOP LAND, ALL PROPERTY REHABILITATION PLANS, AND ALL WORK AND OCCUPANCY PERMITS. THE COLDSTREAM HOMESTEAD MONTEBELLO COMMUNITY CORPORATION OR ITS SUCCESSOR OR ITS ASSIGNEE, SHALL ADVISE THE DEPARTMENT OF PLANNING OF ITS RECOMMENDATION REGARDING THE ACCEPTABILITY AND/OR PRIORITY OF ALL PLANS, PROPOSALS, AND PERMITS. THE COMMISSIONER OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT RETAINS THE FINAL AUTHORITY TO APPROVE OR DISAPPROVE ALL PLANS AND/OR PERMITS AND TO GRANT OR WITHHOLD DEVELOPMENT PRIORITIES, DISPOSING OF REDEVELOPMENT LAND THROUGH PROCEDURES ESTABLISHED BY THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.

(11) In the Plan, revise Exhibit 2, “Property Acquisition”, and Exhibit 3, “Land Disposition”, to reflect the changes in the Plan.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Urban Renewal Plan for Coldstream Homestead Montebello, as amended by this Ordinance and identified as "Urban Renewal Plan, Coldstream Homestead Montebello, revised to include Amendment 8, dated February 12, 2007", is approved. The Department of Planning shall file a copy of the amended Urban Renewal Plan with the Department of Legislative Reference as a permanent public record, available for public inspection and information.

SECTION 3. AND BE IT FURTHER ORDAINED, That if the amended Urban Renewal Plan approved by this Ordinance in any way fails to meet the statutory requirements for the content of a renewal plan or for the procedures for the preparation, adoption, and approval of a renewal plan, those requirements are waived and the amended Urban Renewal Plan approved by this Ordinance is exempted from them.

SECTION 4. AND BE IT FURTHER ORDAINED, That if any provision of this Ordinance or the application of this Ordinance to any person or circumstance is held invalid for any reason, the invalidity does not affect any other provision or any other application of this Ordinance, and for this purpose the provisions of this Ordinance are declared severable.

SECTION 5. AND BE IT FURTHER ORDAINED, That if a provision of this Ordinance concerns the same subject as a provision of any zoning, building, electrical, plumbing, health, fire, or safety law or regulation, the applicable provisions shall be construed to give effect to each. However, if the provisions are found to be in irreconcilable conflict, the one that establishes the higher standard for the protection of the public health and safety prevails. If a provision of this Ordinance is found to be in conflict with an existing provision of any other law or regulation that establishes a lower standard for the protection of the public health and safety, the provision of this Ordinance prevails and the other conflicting provision is repealed to the extent of the conflict.

SECTION 6. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved November 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-572
(Council Bill 07-643)

AN ORDINANCE CONCERNING

Sale of Property – Former Bed of a 10-Foot Alley

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in a certain parcel of land known as the former bed of a 10-foot alley laid out in the rear of the properties known as 1401 through 1477 Reynolds Street, and extending from Fort Avenue northeasterly to Clement Street, and no longer needed for public use; and providing for a special effective date.

BY authority of
Article V - Comptroller
Section 5(b)
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That, in accordance with Article V, § 5(b) of the City Charter, the City Comptroller may sell, at either public or private sale, all the interest of the Mayor and City Council of Baltimore in a certain parcel of land known as the former bed of a 10-foot alley laid out in the rear of the properties known as 1401 through 1477 Reynolds Street, and extending from Fort Avenue northeasterly to Clement Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the northeast side of Fort Avenue, 82.5 feet wide, and the northwest side of the former bed of a 10-foot alley, laid out in the rear of the properties known as Nos. 1401 through 1477 Reynolds Street, said point of beginning being distant Southeasterly 55.0 feet, more or less, measured along the northeast side of said Fort Avenue from the southeast side of Reynolds Street, 50 feet wide, and running thence binding on the northwest side of the former bed of said 10-foot alley, Northeasterly 364.0 feet, more or less, to intersect the division line between the properties known as No. 1417 and No. 1419 Reynolds Street; thence binding on the line of said division line, if projected southeasterly, Southeasterly 5.0 feet to intersect the centerline of the former bed of said 10-foot alley; thence binding on the centerline of the former bed of said 10-foot alley, Southwesterly 364.0 feet, more or less, to intersect the northeast side of said Fort Avenue, and thence binding on the northeast side of said Fort Avenue, Northwesterly 5.0 feet to the place of beginning.

Subject to a full width Perpetual Easement for all Municipal Utilities and Services, not to be abandoned, over the entire hereinabove described parcel of land.

This property being no longer needed for public use.

SECTION 2. AND BE IT FURTHER ORDAINED, That no deed may pass under this Ordinance unless the deed has been approved by the City Solicitor.

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

Approved November 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-573
(Council Bill 07-651)

AN ORDINANCE CONCERNING

Curfews – "Milk Bars"

FOR the purpose of repealing the curfew on entertainment by and related provisions governing so-called "milk bars".

BY repealing
Article 19 - Police Ordinances
Section(s) 31-1 through 31-5, and
the subtitle designation "Subtitle 31. 'Milk Bars' "
Baltimore City Code
(Edition 2000)

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

Baltimore City Code

Article 19. Police Ordinances

[**Subtitle 31. "Milk Bars"**]

[**§ 31-1. Purpose.**

It is hereby declared to be the intention of this subtitle to eliminate the objectionable features and evils of so-called milk bars, as described by the report of the Grand Jury of Baltimore City for the September Term, 1947.]

[**§ 31-2. Curfew on entertainment.**

No person, firm, or corporation having a license to sell milk, food, or other merchandise shall, between the hours of 2 a.m. and 6 a.m. on any day except on New Year's Day, provide any amusement or entertainment, such as dancing, music, or any exhibition of any character.]

[**§ 31-3. Permits for special occasions.**

Provided, however, that the Police Commissioner may, in his discretion, grant a permit for providing entertainment, etc., for any particular event or occasion.]

[**§ 31-4. Exemptions.**

Nothing herein contained shall be construed to prohibit the operation of a duly licensed motion picture theatre between the hours of 2:00 a.m. and 6:00 a.m.]

[**§ 31-5. Penalties.**

Any person violating any of the provisions of this subtitle shall, upon conviction thereof, be subject:

(1) to a penalty of not more than $100 for the 1st offense; and

(2) for a 2nd or any subsequent offense, to a penalty of not more than $100 or confinement to jail not exceeding 6 months, or to both, in the discretion of the court.]

SECTION 2. 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 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved November 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-574
(Council Bill 07-660)

AN ORDINANCE CONCERNING

Urban Renewal – Charles/North Revitalization Area – Amendment 7

FOR the purpose of amending the Urban Renewal Plan for the Charles/North Revitalization Area to correct, by replacing, 2 exhibits that were approved in Amendment 6 to the Plan; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date.

BY authority of
Article 13 - Housing and Urban Renewal
Section 2-6
Baltimore City Code
(Edition 2000)

Recitals

The Urban Renewal Plan for the Charles/North Revitalization Area was originally approved by the Mayor and City Council of Baltimore by Ordinance 82-799 and last amended by Ordinance 06-317.

An amendment to the Urban Renewal Plan for the Charles/North Revitalization Area is necessary to correct, by replacing, 2 exhibits attached to and made part of the Urban Renewal Plan, as enacted by Ordinance 06-317.

Under Article 13, § 2-6 of the Baltimore City Code, no substantial change may be made in any approved renewal plan unless the change is approved in the same manner as that required for the approval of a renewal plan.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the following changes in the Urban Renewal Plan for the Charles/North Revitalization Area are approved:

(1) In the Plan, Exhibit 1, "Land Use Plan", dated as revised May 15, 2006, is replaced with a corrected version of this Exhibit, dated April 17, 2007.

(2) In the Plan, Exhibit 4, "Zoning Districts", dated as revised May 15, 2006, is replaced with a corrected version of this Exhibit, dated ~~April 17~~ June 14, 2007.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Urban Renewal Plan for the Charles North Revitalization Area, as amended by this Ordinance and identified as "Urban Renewal Plan, Charles North Revitalization Area, revised to include Amendment 7, dated April 30, 2007", is approved. The Department of Planning shall file a copy of the amended Urban Renewal Plan with the Department of Legislative Reference as a permanent public record, available for public inspection and information.

SECTION 3. AND BE IT FURTHER ORDAINED, That if the amended Urban Renewal Plan approved by this Ordinance in any way fails to meet the statutory requirements for the content of a renewal plan or for the procedures for the preparation, adoption, and approval of a renewal plan, those requirements are waived and the amended Urban Renewal Plan approved by this Ordinance is exempted from them.

SECTION 4. AND BE IT FURTHER ORDAINED, That if any provision of this Ordinance or the application of this Ordinance to any person or circumstance is held invalid for any reason, the invalidity does not affect any other provision or any other application of this Ordinance, and for this purpose the provisions of this Ordinance are declared severable.

SECTION 5. AND BE IT FURTHER ORDAINED, That if a provision of this Ordinance concerns the same subject as a provision of any zoning, building, electrical, plumbing, health, fire, or safety law or regulation, the applicable provisions shall be construed to give effect to each. However, if the provisions are found to be in irreconcilable conflict, the one that establishes the higher standard for the protection of the public health and safety prevails. If a provision of this Ordinance is found to be in conflict with an existing provision of any other law or regulation that establishes a lower standard for the protection of the public health and safety, the provision of this Ordinance prevails and the other conflicting provision is repealed to the extent of the conflict.

SECTION 6. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved November 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-575
(Council Bill 07-692)

AN ORDINANCE CONCERNING

Sale of Property – A Portion of the Former Bed of Lancaster Street

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in a certain parcel of land known as a portion of the former bed of Lancaster Street and extending from the southwest side of President Street westerly and northwesterly to the south side of Aliceanna Street and no longer needed for public use; and providing for a special effective date.

BY authority of
Article V - Comptroller
Section 5(b)
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That, in accordance with Article V, § 5(b) of the City Charter, the City Comptroller may sell, at either public or private sale, all the interest of the Mayor and City Council of Baltimore in a certain parcel of land known as a portion of the former bed of Lancaster Street and extending from the southwest side of President Street westerly and northwesterly to the south side of Aliceanna Street and more particularly described as follows:

Beginning for Parcel No. 1 at the intersection of the southwest side of President Street, 60 feet wide, and the north side of the former bed of Lancaster Street, varying in width, having a coordinate value of East 4,086.53 feet and South 5,474.66 feet, and running thence binding on the line of the southwest side of said President Street, if projected southeasterly, South 28° 21' 17" East 73.81 feet to intersect the south side of the former bed of said Lancaster Street, 52 feet wide; thence binding on the south, southwest, southeast and west sides of the former bed of last said Lancaster Street, the six following courses and distances; namely, South 87° 34' 53" West 287.84 feet, by a tangent arc curving to the right with a radius of 252.00

feet the distance of 221.33 feet which arc is subtended by a chord bearing North 67° 15' 28.5" West 214.28 feet, by a tangent line North 42° 05' 50" West 52.85 feet, North 32° 54' 10" East 8.28 feet, North 42° 05' 19" West 7.34 feet and by a non-tangent arc curving to the right with a radius of 185.00 feet the distance of 72.55 feet which arc is subtended by a chord bearing North 02° 12' 07" West 72.08 feet to intersect the line of the south side of Aliceanna Street, 42 feet wide, if projected southwesterly; thence binding reversely on the line of the south side of said Aliceanna Street, so projected, North 76° 56' 36" East 26.33 feet, to intersect the northeast side of the former bed of said Lancaster Street, varying in width, and thence binding, in part on the northeast and north sides of the former bed of last said Lancaster Street, in part on the northeast and north sides of the former bed of Lancaster Street, mentioned secondly herein, and in all, the five following courses and distances; namely, by a line curving to the left with a radius of 17.00 feet the distance of 35.32 feet which arc is subtended by a chord bearing South 17° 25' 19.5" West 29.30 feet, South 42° 05' 50" East 89.99 feet, by a tangent arc curving to the left with a radius of 200.00 feet the distance of 175.65 feet which arc is subtended by a chord bearing South 67° 15' 28.5" East 170.06 feet, North 87° 34' 53" East 246.56 feet and by a tangent arc curving to the left with a radius of 10.00 feet the distance of 20.25 feet which arc is subtended by a chord bearing of North 29° 36' 57.5" East 16.96 feet to the place of beginning.

Subject to a full width Perpetual Easement for all Municipal Utilities and Services, not to be abandoned, over the entire hereinabove described parcel of land.

This property being no longer needed for public use.

SECTION 2. AND BE IT FURTHER ORDAINED, That no deed may pass under this Ordinance unless the deed has been approved by the City Solicitor.

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

Approved November 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-576
(Council Bill 07-693)

AN ORDINANCE CONCERNING

Baltimore City Landmark List – Dr. John E.T. Camper House

FOR the purpose of designating the Dr. John E.T. Camper House, 639 North Carey Street, as a historical landmark.

BY adding
Article 6 - Historical and Architectural Preservation
Section(s) 12-20
Baltimore City Code
(Edition 2000)

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

Baltimore City Code

Article 6. Historical and Architectural Preservation

Subtitle 12. Landmark List 2000s

§ 12-20. DR. JOHN E.T. CAMPER HOUSE.

DR. JOHN E.T. CAMPER HOUSE, 639 NORTH CAREY STREET.

SECTION 2. 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 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved November 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-577
(Council Bill 07-703)

AN ORDINANCE CONCERNING

Planned Unit Development – Saint Agnes Hospital

FOR the purpose of repealing the existing Development Plan for Saint Agnes Hospital and approving a new Development Plan for the Saint Agnes Hospital Planned Unit Development.

BY authority of
Article - Zoning
Title 9, Subtitles 1 and 2
Baltimore City Revised Code
(Edition 2000)

Recitals

By Ordinance 86-733, the Mayor and City Council authorized and established a Planned Unit Development for a portion of the Saint Agnes Hospital campus, which is located south of Wilkins Avenue and west of Caton Avenue.

St. Agnes Healthcare, Inc., wishes to rescind Ordinance 86-733 and replace the existing Development Plan with a new one that will establish a Planned Unit Development that incorporates the entire Saint Agnes Hospital campus, which comprises 34.146 acres.

On May 7, 2007, representatives of St. Agnes Healthcare, Inc., met with the Department of Planning for a preliminary conference to explain the scope and nature of the proposed new Development Plan.

The representatives of St. Agnes Healthcare, Inc., have now applied to the Baltimore City Council for approval of the replacement Planned Unit Development, which is intended to satisfy the requirements of Title 9, Subtitles 1 and 2 of the Baltimore City Zoning Code.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Ordinance 86-733 is repealed.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Mayor and City Council approves the replacement of the Planned Unit Development and approves the new Development Plan submitted by St. Agnes Healthcare, Inc., parent company of St. Agnes Hospital, the fee simple owner of the property located south of Wilkens Avenue and west of Caton Avenue, consisting of 34.146 acres, more or less, as outlined on the accompanying Development Plan entitled "St. Agnes Hospital CRP Master Plan" consisting of Sheet 1, "Existing Conditions," Sheet 2, "Development Plan - Site," Sheet 3, "~~Development Plan - Utilities," Sheet 4, "Development Plan - Grading," Sheet 5, "Landscape/ Forest Conservation Plan," and Sheet 6, "Landscape / Forest Conservation Details and Notes," all dated May 7~~ Forest Conservation Plan", Sheet 4, "Landscape Plan", Sheet 5, "Enlarged Landscape Plan", Sheet 6, "Site Details", and Sheet 7, "Axonometric", all dated July 24, 2007, to designate the properties a Residential Planned Development under Title 9, Subtitles 1 and 2 of the Baltimore Zoning Code.

SECTION 3. AND BE IT FURTHER ORDAINED, That in accordance with the provisions of Title 9, Subtitles 1 and 2, the following uses are allowed in the Planned Unit Development:

(a) all permitted, accessory, and conditional uses for the R-6 Zoning District set out in §§4-901 through 4-904 of the Baltimore City Zoning Code, subject to the requirements and provisions stated in those sections~~, except that there shall not be a need for further public hearings for any particular use~~.

(b) additionally, the following uses are permitted within the PUD:

hospitals, medical offices, and related health and medical facilities.

SECTION 4. AND BE IT FURTHER ORDAINED, That the maximum height of buildings on the properties and floor area requirements shall be as set forth in the Development Plan.

SECTION 5. AND BE IT FURTHER ORDAINED, That all plans for the construction of permanent improvements on the property are subject to final design approval by the Planning Commission to insure that the plans are consistent with the Development Plan and this Ordinance.

SECTION 6. AND BE IT FURTHER ORDAINED, That before the Planning Commission grants final design approval for the proposed new tower and Caton Garage, the Applicant shall enter into a Traffic-Mitigation Agreement with the Department of Transportation for the purpose of adding a southbound right turn lane on Caton Avenue at Wilkens Avenue. The agreement shall require the Applicant to pay for fifty percent of the cost of these improvements, except as otherwise determined by the Department of Transportation.

SECTION ~~6~~ 7. AND BE IT FURTHER ORDAINED, That the Planning Department may determine what constitutes a minor or major amendment or modification to the Development Plan. Minor modifications require approval by the Planning Commission. Major modifications require approval by Ordinance.

SECTION ~~7~~ 8. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying Development Plan and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the Development Plan; and (iii) the

Director of Finance then shall transmit a copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION ~~8~~ 9. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved November 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-578
(Council Bill 07-716)

AN ORDINANCE CONCERNING

Labor Peace Agreements for Hotel Projects

FOR the purpose of requiring labor peace agreements for hotel development projects in which the City has a proprietary interest; defining certain terms; specifying the tenor and contents of these labor peace agreements; establishing certain procedures and criteria for determining proprietary interest; providing for certain exceptions; and generally relating to labor peace agreements in hotel development projects.

BY adding
Article 11 - Labor and Employment
Section(s) 13-1 through 13-16, to be under the new subtitle heading,
"Subtitle 13. Labor Peace Agreements for Hotel Projects"
Baltimore City Code
(Edition 2000)

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

Baltimore City Code

Article 11. Labor and Employment

SUBTITLE 13. LABOR PEACE AGREEMENTS FOR HOTEL PROJECTS

§ 13-1. DEFINITIONS.

(A) *IN GENERAL.*

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

(B) *CONTRACT.*

"CONTRACT" ~~MEANS~~ INCLUDES, BUT IS NOT LIMITED TO, A LEASE, MANAGEMENT AGREEMENT, SERVICE AGREEMENT, LOAN, BOND, GUARANTEE, OR OTHER SIMILAR AGREEMENT TO WHICH THE CITY IS A PARTY ~~AND IN WHICH THE CITY HAS A PROPRIETARY INTEREST~~.

(C) *EMPLOYER*.

(1) "EMPLOYER" MEANS ANY PERSON~~:~~

~~(1)~~ WHO EMPLOYS INDIVIDUALS AT THE SITE OF A HOTEL DEVELOPMENT PROJECT~~; AND~~

~~(2) WHOSE ONGOING ECONOMIC PERFORMANCE AND POTENTIAL FOR LABOR-MANAGEMENT CONFLICT AT THE SITE MAY SUBSTANTIALLY AFFECT THE CITY'S PROPRIETARY INTEREST~~.

(2) "EMPLOYER" DOES NOT INCLUDE ANY PERSON:

(I) WHO EMPLOYS FEWER THAN THE EQUIVALENT OF 15 FULL-TIME OR PART-TIME EMPLOYEES AT A HOTEL DEVELOPMENT PROJECT;

(II) WHO HAS ENTERED INTO 1 OR MORE AGREEMENTS WITH 1 OR MORE LABOR ORGANIZATIONS REGARDING THE EMPLOYEES AT THE HOTEL DEVELOPMENT PROJECT WHO ARE, OR ARE LIKELY TO BE, THE SUBJECT OF UNION ORGANIZING, IF THE CITY DETERMINES THAT THE AGREEMENT PROVIDES PROTECTION FROM THE RISKS OF LABOR-MANAGEMENT CONFLICT THAT IS AT LEAST EQUAL TO THE PROTECTION PROVIDED BY THE MINIMUM TERMS OF A LABOR PEACE AGREEMENT; OR

(III) WHOSE ONGOING ECONOMIC PERFORMANCE AND POTENTIAL FOR LABOR-MANAGEMENT CONFLICT AT THE SITE WILL NOT, IN THE CITY'S DETERMINATION, SUBSTANTIALLY AFFECT THE CITY'S PROPRIETARY INTEREST IN THE HOTEL DEVELOPMENT PROJECT.

(D) *LABOR ORGANIZATION*.

"LABOR ORGANIZATION" MEANS AN ORGANIZATION, AGENCY, OR ~~EMPLOYER~~ EMPLOYEE-REPRESENTATION COMMITTEE OR PLAN:

(1) IN WHICH EMPLOYEES PARTICIPATE; AND

(2) THAT EXISTS FOR THE PURPOSE, IN WHOLE OR IN PART, OF DEALING WITH EMPLOYERS CONCERNING GRIEVANCES, LABOR DISPUTES, WAGES, RATES OF PAY, HOURS OF EMPLOYMENT, OR CONDITIONS OF WORK.

(E) *PERSON*.

"PERSON" INCLUDES:

(1) AN INDIVIDUAL;

(2) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY KIND; AND

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

§ 13-2. FINDINGS AND DECLARATIONS.

(A) *CITY'S RISKS AND LIABILITIES.*

IN THE COURSE OF MANAGING REAL PROPERTY THAT IT OWNS OR OTHERWISE IN CARRYING OUT ITS FUNCTIONS IN THE PUBLIC INTEREST, THE CITY PARTICIPATES IN DEVELOPMENTS, AS A PROPERTY OWNER, LESSOR, PROPRIETOR, LENDER, OR GUARANTOR, FACING SIMILAR RISKS AND LIABILITIES AS THOSE FACED BY OTHER BUSINESS ENTITIES THAT PARTICIPATE IN THESE VENTURES.

(B) *PROPRIETARY INTEREST REQUIRES PRUDENT MANAGEMENT.*

IN THESE SITUATIONS, THE CITY:

(I) HAS AN ONGOING PROPRIETARY INTEREST IN THE DEVELOPMENTS AND A DIRECT INTEREST IN THEIR FINANCIAL PERFORMANCE; AND

(II) MUST MAKE PRUDENT MANAGEMENT DECISIONS, SIMILAR TO ANY PRIVATE BUSINESS ENTITY, TO ENSURE EFFICIENT MANAGEMENT OF ITS BUSINESS CONCERNS AND TO MAXIMIZE BENEFITS AND MINIMIZE RISKS.

(C) *RISK OF LABOR-MANAGEMENT CONFLICT.*

(1) ONE RISK IS THE POSSIBILITY OF LABOR-MANAGEMENT CONFLICT.

(2) A MAJOR POTENTIAL OUTCOME OF LABOR-MANAGEMENT CONFLICT IS ECONOMIC ACTION BY LABOR ORGANIZATIONS AGAINST EMPLOYERS. EXPERIENCE OF MUNICIPAL AND OTHER INVESTORS DEMONSTRATES, FOR EXAMPLE, THAT ORGANIZING DRIVES UNDER FORMAL AND ADVERSARIAL UNION CERTIFICATION PROCESSES OFTEN DETERIORATE INTO PROTRACTED AND ACRIMONIOUS LABOR-MANAGEMENT CONFLICT.

(3) LABOR-MANAGEMENT CONFLICT CAN:

(I) RESULT IN CONSTRUCTION DELAYS, WORK STOPPAGES, PICKETING, STRIKES, CONSUMER BOYCOTTS, AND OTHER FORMS OF ADVERSE ECONOMIC PRESSURE; AND

(II) ADVERSELY AFFECT THE CITY'S FINANCIAL OR OTHER PROPRIETARY BUSINESS INTEREST BY CAUSING DELAY IN THE COMPLETION OF A PROJECT, BY REDUCING THE REVENUES OR INCREASING THE COSTS OF THE PROJECT, AND BY GENERATING NEGATIVE PUBLICITY.

(D) *RISKS HEIGHTENED IN HOTEL INDUSTRY.*

(1) THESE RISKS ARE HEIGHTENED IN THE HOTEL INDUSTRY, BECAUSE THIS INDUSTRY IS SO CLOSELY RELATED TO TOURISM, WHICH IS A LINCHPIN OF THE CITY'S ECONOMY.

(2) LABOR-MANAGEMENT CONFLICT IN HOTEL DEVELOPMENT PROJECTS IN WHICH THE CITY IS AN ECONOMIC PARTICIPANT CAN JEOPARDIZE THE OPERATION OF RELATED TOURIST AND COMMERCIAL FACILITIES, AS WELL AS THE CITY'S NATIONAL REPUTATION AS A TOURIST AND CONVENTION DESTINATION.

(E) *REDUCING RISK THROUGH LABOR PEACE AGREEMENT.*

ONE WAY OF REDUCING THE RISK TO THE CITY'S PROPRIETARY INTERESTS IS TO REQUIRE, AS A CONDITION OF THE CITY'S INVESTMENT OR OTHER ECONOMIC PARTICIPATION IN A HOTEL

DEVELOPMENT PROJECT, THAT EMPLOYERS PARTICIPATING IN THE PROJECT SEEK AGREEMENTS WITH LABOR ORGANIZATIONS IN WHICH THE LABOR ORGANIZATIONS AGREE TO FORBEAR FROM ADVERSE ECONOMIC ACTION AGAINST THE EMPLOYERS' OPERATIONS.

§ 13-3. SCOPE OF SUBTITLE.

THIS SUBTITLE DOES NOT APPLY TO:

~~(1) ANY EMPLOYER THAT EMPLOYS FEWER THAN THE EQUIVALENT OF 15 FULL-TIME OR PART-TIME EMPLOYEES AT A HOTEL DEVELOPMENT PROJECT;~~

~~(2) ANY EMPLOYER THAT HAS ENTERED INTO ONE OR MORE AGREEMENTS WITH ONE OR MORE LABOR ORGANIZATIONS REGARDING THOSE EMPLOYEES AT THE HOTEL DEVELOPMENT PROJECT WHO ARE LIKELY TO BE THE SUBJECT OF UNION ORGANIZING, IF THE AGREEMENT PROVIDES AT LEAST EQUAL PROTECTION FROM THE RISKS OF LABOR-MANAGEMENT CONFLICT AS PROVIDED BY THE MINIMUM TERMS OF A LABOR PEACE AGREEMENT;~~

(1) ~~(3)~~ A HOTEL DEVELOPMENT PROJECT FOR WHICH THE ~~MAYOR AND~~ CITY ~~COUNCIL~~ DETERMINES THAT THE RISK TO THE CITY'S FINANCIAL OR OTHER NONREGULATORY INTEREST RESULTING FROM LABOR-MANAGEMENT CONFLICT IS SO MINIMAL OR SPECULATIVE AS NOT TO WARRANT CONCERN FOR THE CITY'S INVESTMENT OR OTHER NONREGULATORY INTEREST; OR

(2) ~~(4)~~ A HOTEL DEVELOPMENT PROJECT ~~THAT RECEIVES~~ FOR WHICH THE CITY DETERMINES THAT ITS PROPRIETARY INTEREST IS LESS THAN $100,000 ~~OF ASSISTANCE FROM THE CITY~~.

§ 13-4. CONSTRUCTION.

(A) *UNION RECOGNITION*.

NOTHING IN THIS SUBTITLE REQUIRES AN EMPLOYER TO RECOGNIZE A PARTICULAR LABOR ORGANIZATION.

(B) *COLLECTIVE BARGAINING AGREEMENT*.

NOTHING IN THIS SUBTITLE REQUIRES AN EMPLOYER TO ENTER INTO A COLLECTIVE BARGAINING AGREEMENT ESTABLISHING THE SUBSTANTIVE TERMS AND CONDITIONS OF EMPLOYMENT.

(C) *LABOR POLICY*.

THIS SUBTITLE IS NOT INTENDED, AND MAY NOT BE INTERPRETED, TO EXPRESS ANY GENERALLY APPLICABLE POLICY REGARDING LABOR-MANAGEMENT RELATIONS OR TO REGULATE THOSE RELATIONS IN ANY WAY.

(D) *EMPLOYEE PREFERENCE*.

THIS SUBTITLE IS NOT INTENDED TO FAVOR ANY PARTICULAR OUTCOME IN DETERMINING EMPLOYEE PREFERENCE REGARDING UNION REPRESENTATION.

§ 13-5 *{RESERVED}*

§ 13-6. DETERMINING NEED FOR AGREEMENT.

(A) *IN GENERAL.*

FOR EACH HOTEL DEVELOPMENT PROJECT IN WHICH THE CITY PARTICIPATES OR HAS A FINANCIAL INTEREST, THE ~~MAYOR AND~~ CITY ~~COUNCIL~~ SHALL DETERMINE WHETHER THE CITY HAS A PROPRIETARY INTEREST IN THE PROJECT.

(B) *GOVERNING CRITERIA.*

THE CITY IS DEEMED TO HAVE A PROPRIETARY INTEREST IN A HOTEL DEVELOPMENT PROJECT IF THE ~~MAYOR~~ CITY DETERMINES THAT ~~THE CITY~~:

(1) THROUGH A LEASE OF REAL PROPERTY THAT IS OWNED BY THE CITY AND USED FOR THE PROJECT, THE CITY RECEIVES ONGOING REVENUE, EXCLUDING GOVERNMENT FEES, TAX REVENUE, ASSESSMENT REVENUE, OR SIMILAR FEES AND REVENUES, EXCEPT FOR TAX REVENUE UNDER THE CIRCUMSTANCES SPECIFIED IN ITEMS (2) AND (3) OF THIS SUBSECTION;

(2) ~~RECEIVES~~ ONGOING ~~REVENUE~~ REVENUES FROM THE PROJECT, INCLUDING INCREMENTAL TAX REVENUES GENERATED BY THE PROJECT, ARE USED TO REPAY LOANS PROVIDED BY THE CITY TO ASSIST THE DEVELOPMENT OF THE PROJECT~~, INCLUDING INCREMENTAL TAX REVENUES GENERATED BY THE PROJECT~~;

(3) ~~RECEIVES~~ ONGOING ~~REVENUE~~ REVENUES FROM THE PROJECT, INCLUDING INCREMENTAL TAX REVENUES GENERATED BY THE PROJECT, ARE USED TO PAY DEBT SERVICE ON BONDS PROVIDED BY THE CITY TO ASSIST THE DEVELOPMENT OF THE PROJECT~~, INCLUDING INCREMENTAL TAX REVENUES GENERATED BY THE PROJECT~~;

(4) THE CITY HAS SIGNIFICANT ASSETS AT RISK BECAUSE IT HAS AGREED TO UNDERWRITE OR GUARANTEE THE DEVELOPMENT OF THE PROJECT OR LOANS RELATED TO THE PROJECT; OR

(5) THE CITY HAS A SIGNIFICANT ONGOING ECONOMIC AND NONREGULATORY INTEREST THAT IS AT RISK IN THE PROJECT'S FINANCIAL SUCCESS AND IS LIKELY TO BE ADVERSELY AFFECTED BY LABOR-MANAGEMENT CONFLICT, EXCEPT THAT NO INTEREST IS CONSIDERED "ECONOMIC AND NONREGULATORY" IF IT ARISES FROM THE EXERCISE OF REGULATORY OR POLICE POWERS, SUCH AS TAXATION (EXCEPT AS SET FORTH IN ITEMS (2) AND (3) OF THIS SUBSECTION), ZONING, OR THE ISSUANCE OF PERMITS OR LICENSES.

§ 13-7. AGREEMENT REQUIRED.

(A) *"ECONOMIC PARTICIPATION" DEFINED.*

IN THIS SECTION, "ECONOMIC PARTICIPATION" MEANS A LEASE, LOAN, FINANCING, UNDERWRITING, GUARANTEE, OR OTHER FINANCIAL BENEFIT DESCRIBED IN § 13-6(B) OF THIS SUBTITLE.

(B) *WHEN CITY TO REQUIRE.*

IF THE ~~MAYOR~~ CITY DETERMINES THAT ~~THE CITY~~ IT HAS A PROPRIETARY INTEREST ~~AT RISK~~ IN A HOTEL DEVELOPMENT PROJECT, ~~ALL CITY CONTRACTS RELATED TO THAT PROJECT MUST INCLUDE:~~

~~(1) A PROVISION THAT, AS AN ESSENTIAL CONSIDERATION FOR THE CITY'S ENTERING INTO THE CONTRACT, REQUIRES ALL EMPLOYERS~~ THEN IT SHALL REQUIRE, AS A CONDITION OF THE CITY'S ECONOMIC PARTICIPATION, THAT EACH EMPLOYER ON THE PROJECT ~~TO~~ ENTER INTO 1

OR MORE LABOR PEACE AGREEMENTS WITH ~~THE~~ 1 OR MORE LABOR ORGANIZATIONS THAT REPRESENT, OR ~~REASONABLY MIGHT~~ SEEK TO REPRESENT, WORKERS ON THE PROJECT; AND

~~(2) A PROVISION THAT, IN THE EVENT OF A FAILURE OF THIS CONSIDERATION, THE CITY MAY AT ITS OPTION RESCIND THE CONTRACT OR RECOVER THE PRESENT VALUE OF ITS INVESTMENT OR OTHER ECONOMIC PARTICIPATION IN THE PROJECT.~~

(C) *DEFAULT, ETC., PROVISIONS.*

ANY CONTRACT BETWEEN THE CITY AND THE BENEFICIARY OF THE CITY'S ECONOMIC PARTICIPATION IN A PROJECT MAY INCLUDE PROVISIONS GOVERNING DEFAULT, DAMAGES, OR RECISION THAT THE CITY CONSIDERS APPROPRIATE TO ASSURE THAT THE REQUIREMENTS OF THIS SECTION ARE FULLY SATISFIED.

§ 13-8. TENOR AND CONTENTS OF AGREEMENT.

(A) *TO BE ENFORCEABLE UNDER LMRA.*

THE LABOR PEACE AGREEMENT SHALL BE A WRITTEN AGREEMENT ENFORCEABLE BETWEEN THE EMPLOYER AND THE LABOR ORGANIZATION UNDER § 301(A) OF THE LABOR MANAGEMENT RELATIONS ACT OF 1947, 29 U.S.C. § 185(A).

(B) *MINIMUM CONTENTS.*

THE LABOR PEACE AGREEMENT SHALL CONTAIN, AT A MINIMUM, A PROVISION PROHIBITING THE LABOR ORGANIZATION AND ITS MEMBERS FROM ENGAGING IN ANY PICKETING, WORK STOPPAGE, BOYCOTT, OR OTHER ECONOMIC INTERFERENCE WITH ANY OF THE EMPLOYER'S OPERATIONS IN WHICH THE CITY HAS A PROPRIETARY INTEREST, FOR THE DURATION OF THAT INTEREST.

§ 13-9. VIOLATION OF AGREEMENT BY UNION.

AN EMPLOYER THAT PERFORMS ITS OBLIGATIONS UNDER A LABOR PEACE AGREEMENT IS RELIEVED OF FURTHER OBLIGATION UNDER THE AGREEMENT IF THE LABOR ORGANIZATION ENGAGES IN ADVERSE ECONOMIC ACTION SUCH AS STRIKING, PICKETING, OR BOYCOTTING THE EMPLOYER.

§§ 13-10 TO 13-15 *{RESERVED}*

§ 13-16. NOTICE OF SUBTITLE.

(A) *NOTICE REQUIRED.*

A REQUEST FOR PROPOSALS, INVITATION TO BID, OR SIMILAR DOCUMENT ISSUED BY THE CITY REGARDING A HOTEL DEVELOPMENT PROJECT MUST INCLUDE A REFERENCE TO AND SUMMARY OF THIS SUBTITLE.

(B) *NO EXEMPTION FOR OMISSION.*

FAILURE TO INCLUDE A REFERENCE OR SUMMARY IN A DOCUMENT DOES NOT EXEMPT AN EMPLOYER OTHERWISE SUBJECT TO THE REQUIREMENTS OF THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ORDAINED, That all provisions of this Ordinance are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any person or circumstances is invalid, the

remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision.

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 does not apply to any economic participation granted by the City before the effective date of this Ordinance.

SECTION ~~4~~ 5. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved November 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-579
(Council Bill 07-732)

AN ORDINANCE CONCERNING

Franchise – Private Sanitary Force Main and Sewer Pipe Under and Across a Portion of Duncanwood Lane and North Highland Avenue Rights-of-Way

FOR the purpose of granting a franchise to East Baltimore Resources, Inc., to construct, use, and maintain a private sanitary force main and sewer pipe under and across portions of the Duncanwood Lane and North Highland Avenue rights-of-way, connecting 3501 Federal Street to an existing City sanitary manhole in Duncanwood Lane, subject to certain terms, conditions, and reservations; and providing for a special effective date.

BY authority of
Article VIII - Franchises
Baltimore City Charter
(1996 Edition)

Recitals

Humanim is a not-for-profit organization founded in 1971, that serves individuals with disabilities. Humanim has 5 core service areas: mental health, vocational, neuro-rehabilitation, developmental disabilities, and deaf services. Humanim operates a shelter and educational facility for developmentally disabled adults at 3501 Federal Street.

The building at 3501 Federal Street is served by a septic tank system that is failing. This failing facility requires Humanim to connect to the City's sanitary sewer system. In order to connect to the public sewer system, a sanitary force main and sewer pipe must be constructed to connect with an existing manhole in Duncanwood Lane.

Portions of the private sanitary force main and sewer pipe will be located in and begin approximately 4 feet below the surface of the Duncanwood Lane and North Highland Avenue public rights-of-way.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That a franchise or right is granted to East Baltimore Resources, Inc., its tenants, successors, and assigns (collectively, the "Grantee") to construct, use, and maintain, at Grantee's own cost and expense, and subject to the terms and conditions of this Ordinance, a private 1½ inch force main, approximately 204 feet long, and a 6 inch sanitary sewer pipe, approximately 15 feet long, that will connect the property known as 3501 Federal Street to an existing City manhole and public sewer, by crossing beneath and across the Duncanwood Lane and North Highland Avenue rights-of-way, for a total of approximately 219 linear feet, and more particularly described as follows:

Commencing at the northeast corner of Duncanwood Lane and North Highland Avenue and proceeding along the east side of North Highland Avenue North 00 degrees 57 minutes 25 seconds West 4.60 feet to the point of beginning; thence along the centerline of the sewer, the following three courses: (1) South 75 degrees 53 minutes 30 seconds West 52.23 feet, more or less; (2) South 89 degrees 21 minutes 54 seconds West 150.93 feet, more or less; (3) South 43 degrees 30 minutes 30 seconds West 15.01 feet, more or less, to the intersection with existing Baltimore City Sanitary Manhole located 5 feet south of the centerline of Duncanwood Lane.

SECTION 2. AND BE IT FURTHER ORDAINED, That to become effective, the franchise or right granted by this Ordinance (the "Franchise") must be executed and enjoyed by the Grantee within 6 months after the effective date of this Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That as compensation for the Franchise, the Grantee shall pay to the Mayor and City Council of Baltimore a franchise charge of $766.50 a year, subject to increase or decrease as provided in Section 5 of this Ordinance. The franchise charge must be paid annually, at least 30 days before the initial and each renewal term of the Franchise.

SECTION 4. AND BE IT FURTHER ORDAINED, That:

(a) The initial term of the Franchise is 1 year, commencing on the effective date of this Ordinance. Unless sooner terminated as provided in this Ordinance, the Franchise will automatically renew, without any action by either the Mayor and City Council of Baltimore or the Grantee, for 24 consecutive 1-year renewal terms. Except as otherwise provided in this Ordinance, each renewal term will be on the same terms and conditions as the initial term. The maximum duration for which the Franchise may operate, including the initial and all renewal terms, is 25 years.

(b) Either the Mayor and City Council of Baltimore, acting by and through the Director of Public Works, or the Grantee may cancel the Franchise as at the end of the initial or any renewal term by giving written notice of cancellation to the other at least 90 days before the end of that term.

SECTION 5. AND BE IT FURTHER ORDAINED, That the Mayor and City Council of Baltimore, acting by and through the Board of Estimates, may increase or decrease the annual franchise charge by giving written notice of the increase or decrease to the Grantee at least 150 days before the end of the original or renewal term immediately preceding the renewal term to which the increase or decrease will first apply. The new franchise charge will apply to all subsequent annual renewal terms, unless again increased or decreased in accordance with this section.

SECTION 6. AND BE IT FURTHER ORDAINED, That the Mayor and City Council of Baltimore expressly reserves the right at all times to exercise, in the interest of the public, full municipal superintendence, regulation, and control over and in respect to all matters connected with the Franchise and not inconsistent with the terms of this Ordinance.

SECTION 7. AND BE IT FURTHER ORDAINED, That the Grantee, at its own cost and expense, shall maintain in good condition and in compliance with all applicable laws and regulations of Baltimore City, all structures for which the Franchise is granted. The maintenance of these structures shall be at all times subject to the regulation and control of the Commissioner of Housing and Community Development and the Director of Public Works. If any structure for which the Franchise is granted must be readjusted, relocated, protected, or supported to accommodate a public improvement, the Grantee shall pay all costs and expenses in connection with the readjustment, relocation, protection, or support.

SECTION 8. AND BE IT FURTHER ORDAINED, That at the option of the Mayor and City Council of Baltimore, acting by and through the Director of Public Works, the Grantee's failure to comply with any term or condition of this Ordinance constitutes a forfeiture of the Franchise. Immediately on written notice to the Grantee of the exercise of this option, the Franchise terminates. Once so terminated, only an ordinance of the Mayor and City Council of Baltimore may waive the forfeiture or otherwise reinstate the Franchise.

SECTION 9. AND BE IT FURTHER ORDAINED, That at any time and without prior notice, the Mayor of Baltimore City may revoke the Franchise if, in the Mayor's judgment, the public interest, welfare, safety, or convenience so requires. Immediately on written notice to the Grantee of the exercise of this right, the Franchise terminates.

SECTION 10. AND BE IT FURTHER ORDAINED, That on cancellation, expiration, forfeiture, revocation, or other termination of the Franchise for any reason, the Grantee shall remove all structures for which the Franchise is granted. The removal of these structures shall be (i) undertaken at the cost and expense of the Grantee, without any compensation from the Mayor and City Council of Baltimore, (ii) made in a manner satisfactory to the Commissioner of Housing and Community Development and the Director of Public Works, and (iii) completed within the time specified in writing by the Director of Public Works.

SECTION 11. AND BE IT FURTHER ORDAINED, That the Grantee is liable for and shall indemnify and save harmless the Mayor and City Council of Baltimore against all suits, losses, costs, claims, damages, or expenses to which the Mayor and City Council of Baltimore is at any time subjected on account of, or in any way resulting from, (i) the presence, construction, use, operation, maintenance, alteration, repair, location, relocation, or removal of any of the structures for which the Franchise is granted, or (ii) any failure of the Grantee, its officers, employees, or agents, to perform promptly and properly any duty or obligation imposed on the Grantee by this Ordinance.

SECTION 12. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved November 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-580
(Council Bill 07-733)

AN ORDINANCE CONCERNING

Franchise – ~~Methane~~ Landfill Gas Line and Telecommunications Conduit Under and Across the Hawkins Point Road Right-of-way

FOR the purpose of granting a franchise to Ameresco ~~Curtis Bay, LLC~~ Federal Solutions, Inc., to construct, use, and maintain a ~~methane~~ landfill gas line and telecommunications conduit under and across the 2400

block of Hawkins Point Road, subject to certain terms, conditions, and reservations; and providing for a special effective date.

BY authority of
Article VIII - Franchises
Baltimore City Charter
(1996 Edition)

Recitals

Ameresco ~~Curtis Bay, LLC~~ Federal Solutions, Inc., is constructing a Renewable Energy Center for the United States Coast Guard Yard at 2401 Hawkins Point Road. The Renewable Energy Center will be operated by Ameresco to provide electricity and steam to the Coast Guard Yard.

The Renewable Energy Center will be fuelled by ~~methane~~ landfill gas generated at the City of Baltimore's Quarantine Road Sanitary Landfill. Ameresco is constructing facilities at the Quarantine Road Landfill that will clean and compress the landfill gas for transport to the Renewable Energy Center.

Ameresco ~~Curtis Bay, LLC~~ Federal Solutions, Inc., is proposing to construct an underground private ~~methane~~ landfill gas line connecting its facilities at the Quarantine Road Landfill to the United States Coast Guard Yard and the Renewable Energy Center. The connection will require up to a ~~12~~ 16-inch ~~methane~~ landfill gas line and up to a ~~2~~ 4-inch telecommunications HDPE conduit.

Portions of the ~~methane~~ landfill gas line and telecommunications conduit will be located under and across the public right-of-way.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That a franchise or right is granted to Ameresco ~~Curtis Bay, LLC~~ Federal Solutions, Inc., its tenants, successors, and assigns (collectively, the "Grantee") to construct, use, and maintain, at Grantee's own cost and expense, and subject to the terms and conditions of this Ordinance, up to a ~~12~~ 16-inch ~~methane~~ landfill gas line and up to a ~~2~~ 4-inch telecommunications HDPE conduit approximately 120 feet long, under and across the 2400 block of Hawkins Point Road, located within an ~~easement~~ area more particularly described as follows:

Beginning at a point on the southern right-of-way line of Hawkins Point Road, said point being South 75 degrees 37 minutes 51 seconds East, 64.64 feet from the northwest corner of Lot 1 of Block 7001. Thence running the following courses and distances: North 17 degrees 59 minutes 53 seconds, 120.00 feet to a point on the north side of Hawkins Point Road; along the right-of-way South 69 degrees 38 minutes 14 seconds East, 2.00 feet to a point, South 17 degrees 59 minutes 53 seconds West, 119.79 feet to appoint on the south side of Hawkins Point Road; along the right-of-way North 75 degrees 37 minutes 51 seconds, 2.00 feet to the point of beginning.

The ~~easement~~ franchise area shall have a variable depth from 4 feet to 15 feet, varying in elevation with a pipe elevation varying from elevation 25.0 feet, more or less, at the southern right-of-way line of Hawkins Point Road to elevation 30.0 feet, more or less, at the northern right-of-way line of Hawkins Point Road.

Having approximately 120 linear feet in the public way.

SECTION 2. AND BE IT FURTHER ORDAINED, That to become effective, the franchise or right granted by this Ordinance (the "Franchise") must be executed and enjoyed by the Grantee within 6 months after the effective date of this Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That as compensation for the Franchise, the Grantee shall pay to the Mayor and City Council of Baltimore a franchise charge of $840 a year, subject to increase or decrease as provided in Section 5 of this Ordinance. The franchise charge must be paid annually, at least 30 days before the initial and each renewal term of the Franchise.

SECTION 4. AND BE IT FURTHER ORDAINED, That:

(a) The initial term of the Franchise is ~~1 year~~ 18 years with the option by the Mayor and City Council of Baltimore, acting by and through the Board of Estimates, to grant up to 2 consecutive 1 year renewal terms, commencing on the effective date of this Ordinance. ~~Unless sooner terminated as provided in this Ordinance, the Franchise will automatically renew, without any action by either the Mayor and City Council of Baltimore or the Grantee, for 24 consecutive 1-year renewal terms. Except as otherwise provided in this Ordinance, each renewal term will be on the same terms and conditions as the initial term. The maximum duration for which the Franchise may operate, including the initial and all renewal terms, is 25 years.~~

(b) Either the Mayor and City Council of Baltimore, acting by and through the Director of Public Works, or the Grantee may cancel the Franchise ~~as~~ at the end of the initial term of the Franchise or any renewal term by giving written notice of cancellation to the other at least 90 days before the end of that term.

SECTION 5. AND BE IT FURTHER ORDAINED, That the Mayor and City Council of Baltimore, acting by and through the Board of Estimates, may increase or decrease the annual franchise charge by giving written notice of the increase or decrease to the Grantee at least 150 days before the end of the ~~original or renewal term immediately preceding the renewal term~~ first year of the franchise term or subsequent annual payment cycles during the 18 year term and each of the 2 renewal years of the franchise to which the increase or decrease will first apply. The new franchise charge will apply to all ~~subsequent annual renewal terms~~ remaining years of the franchise term and renewal years, unless again increased or decreased in accordance with this section.

SECTION 6. AND BE IT FURTHER ORDAINED, That the Mayor and City Council of Baltimore expressly reserves the right at all times to exercise, in the interest of the public, full municipal superintendence, regulation, and control over and in respect to all matters connected with the Franchise and not inconsistent with the terms of this Ordinance.

SECTION 7. AND BE IT FURTHER ORDAINED, That the Grantee, at its own cost and expense, shall maintain in good condition and in compliance with all applicable laws and regulations of Baltimore City, all structures for which the Franchise is granted. The maintenance of these structures shall be at all times subject to the regulation and control of ~~the Commissioner of Housing and Community Development and~~ the Director of Public Works. If any structure for which the Franchise is granted must be readjusted, relocated, protected, or supported to accommodate a public improvement, the Grantee shall pay all costs and expenses in connection with the readjustment, relocation, protection, or support.

SECTION 8. AND BE IT FURTHER ORDAINED, That at the option of the Mayor and City Council of Baltimore, acting by and through the Director of Public Works, the Grantee's material failure to comply with any term or condition of this Ordinance within a reasonable time after receipt of written notice of the failure to comply constitutes a forfeiture of the Franchise. Immediately on written notice to the Grantee of the exercise of this option, the Franchise terminates. In addition, if the lease between Ameresco Federal Solutions, Inc., and the Mayor and City Council of Baltimore dated October 24, 2007, is terminated, the Franchise shall terminate as of the date of the termination of the lease. Once so terminated, only an ordinance of the Mayor and City Council of Baltimore may waive the forfeiture or otherwise reinstate the Franchise.

SECTION 9. AND BE IT FURTHER ORDAINED, That at any time and without prior notice, the Mayor of Baltimore City may revoke the Franchise if, in the Mayor's reasonable judgment, the public interest, welfare,

safety, or convenience so requires. Immediately on written notice to the Grantee of the exercise of this right, the Franchise terminates.

SECTION 10. AND BE IT FURTHER ORDAINED, That on cancellation, expiration, forfeiture, revocation, or other termination of the Franchise for any reason, the Grantee shall remove all structures for which the Franchise is granted. The removal of these structures shall be (i) undertaken at the cost and expense of the Grantee, without any compensation from the Mayor and City Council of Baltimore, (ii) made in a manner satisfactory to ~~the Commissioner of Housing and Community Development and~~ the Director of Public Works, and (iii) completed within the time specified in writing by the Director of Public Works.

SECTION 11. AND BE IT FURTHER ORDAINED, That the Grantee is liable for and shall indemnify and save harmless the Mayor and City Council of Baltimore against all suits, losses, costs, claims, damages, or expenses to which the Mayor and City Council of Baltimore is at any time subjected on account of, or in any way resulting from, (i) the presence, construction, use, operation, maintenance, alteration, repair, location, relocation, or removal of any of the structures for which the Franchise is granted, or (ii) any failure of the Grantee, its officers, employees, or agents, to perform promptly and properly any duty or obligation imposed on the Grantee by this Ordinance.

SECTION 12. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved November 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-581
(Council Bill 07-734)

AN ORDINANCE CONCERNING

City Streets – Closing – A 10-Foot Alley

FOR the purpose of condemning and closing a 10-foot alley laid out in the rear of the properties known as 5926 and 5928 York Road, extending from the south side of Howil Terrace southerly to Hutchins Avenue, as shown on Plat 114-A-24 in the Office of the Department of Public Works; and providing for a special effective date.

BY authority of
Article I - General Provisions
Section 4
and
Article II - General Powers
Sections 2, 34, 35
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Department of Public Works shall proceed to condemn and close a 10-foot alley laid out in the rear of the properties known as 5926 and 5928 York Road, extending from the south side of Howil Terrace southerly to Hutchins Avenue, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the south side of Howil Terrace, 15 feet wide, and the east side of a 10-foot alley, laid out in the rear of the properties known as Nos. 5926 and 5928 York Road, said point of beginning being distant Westerly 141.3 feet, more or less, measured along the south side of said Howil Terrace from the west side of York Road, 80 feet wide, and running thence binding on the east side of said 10-foot alley, Southerly 77.5 feet, more or less, to intersect the north side of Hutchins Avenue, 25 feet wide; thence binding on the north side of said Hutchins Avenue, Westerly 10.1 feet, more or less, to intersect the west side of said 10-foot alley; thence binding on the west side of said 10-foot alley, Northerly 77.5 feet, more or less, to intersect the south side of said Howil Terrace, and thence binding on the south side of said Howil Terrace, Easterly 10.1 feet, more or less, to the place of beginning.

As delineated on Plat 114-A-24, prepared by the Survey Control Section and filed on June 6, 2007, in the Office of the Department of Public Works.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and closing of the alley and the rights of all interested parties shall be regulated by and in accordance with all applicable provisions of state and local law and with all applicable rules and regulations adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SECTION 3. AND BE IT FURTHER ORDAINED, That after the closing under this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore continue to be the property of the Mayor and City Council, in fee simple, until their use has been abandoned by the Mayor and City Council. If any person wants to remove, alter, or interfere with them, that person must first obtain permission from the Mayor and City Council and, in the application for this permission, must agree to pay all costs and expenses, of every kind, arising out of the removal, alteration, or interference.

SECTION 4. AND BE IT FURTHER ORDAINED, That no building or structure of any kind (including but not limited to railroad tracks) may be constructed or erected in or on any part of the street closed under this Ordinance until all subsurface structures and appurtenances owned by the Mayor and City Council of Baltimore have been abandoned by the Mayor and City Council or, at the expense of the person seeking to erect the building or structure, have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City.

SECTION 5. AND BE IT FURTHER ORDAINED, That after the closing under this Ordinance, all subsurface structures and appurtenances owned by any person other than the Mayor and City Council of Baltimore shall be removed by and at the expense of their owners, promptly upon notice to do so from the Director of Public Works.

SECTION 6. AND BE IT FURTHER ORDAINED, That at all times after the closing under this Ordinance, the Mayor and City Council of Baltimore, acting by or through its authorized representatives, shall have access to the subject property and to all subsurface structures and appurtenances used by the Mayor and City Council, for the purpose of inspecting, maintaining, repairing, altering, relocating, or replacing any of them, without need to obtain permission from or pay compensation to the owner of the property.

SECTION 7. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved November 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-582
(Council Bill 07-737)

AN ORDINANCE CONCERNING

Sale of Property – The Former Beds of Certain Streets and Alleys Lying Within the Area Bounded by North Avenue, Thomas Avenue, Presbury Street, and the CSX Transportation, Inc. Railroad Right-of-Way

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain parcels of land known as the former beds of certain streets and alleys lying within the area bounded by North Avenue, Thomas Avenue, Presbury Street, and the CSX Transportation, Inc. Railroad Right-of-Way and no longer needed for public use; and providing for a special effective date.

BY authority of
Article V - Comptroller
Section 5(b)
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That, in accordance with Article V, § 5(b) of the City Charter, the City Comptroller may sell, at either public or private sale, all the interest of the Mayor and City Council of Baltimore in certain parcels of land known as the former beds of certain streets and alleys lying within the area bounded by North Avenue, Thomas Avenue, Presbury Street, and the CSX Transportation, Inc. Railroad Right-of-Way, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the south side of a 10-foot alley, laid out in the rear of the properties known as Nos. 2527 through 2551/2553 W. North Avenue and the east side of the former bed of Whitmore Avenue, 66 feet wide, and running thence binding on the east side of the former bed of said Whitmore Avenue, Southerly 238.5 feet, more or less, to the southernmost extremity of the former bed of said Whitmore Avenue; thence binding on the southernmost extremity of the former bed of said Whitmore Avenue, Westerly 66.0 feet, to intersect the west side of the former bed of said Whitmore Avenue; thence binding on the west side of the former bed of said Whitmore Avenue, Northerly 238.5 feet, more or less, to intersect the line of the south side of said 10-foot alley, if projected westerly, and thence binding reversely on said line, so projected, Easterly 66.0 feet to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the north side of the former bed of a 10-foot alley, laid out in the rear of the properties known as Nos. 2601 through 2607 W. North Avenue, and the west side of Whitmore Avenue, 66 feet wide, said point of beginning being distant southerly 80.0 feet, more or less, measured along the west side of said Whitmore Avenue from the south side of North Avenue, 100 feet wide, and running thence binding on the west side of said Whitmore Avenue, Southerly 10.0 feet to intersect the south side of the former bed of said 10-foot alley; thence binding on the south side of the former bed of said 10-foot alley, Westerly 60.9 feet, more or less, to the westernmost extremity of the former bed of said 10-foot alley; thence binding on the westernmost extremity of the former bed of said 10-foot alley, Northerly 10.0 feet to intersect the north side of the former bed of said 10-foot alley, and thence binding on the north side of the former bed of said 10-foot alley, Easterly 60.9 feet, more or less, to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the east side of the former bed of Whitmore Avenue, 66 feet wide, and the north side of the former bed of Westwood Avenue, 33 feet wide, and running thence binding on the north side of the former bed of said Westwood Avenue, Easterly 95.0 feet, more or less, to intersect the line of the west side of a 20-foot alley, laid out in the rear of the properties known as Nos. 1801 through 1829 Whitmore Avenue, if projected southerly; thence binding on the line of the west side of said 20-foot alley, so projected, Southerly 33.0 feet, to intersect the south side of the former bed of said Westwood Avenue; thence binding on the south side of the former bed of said Westwood Avenue, Westerly 95.0 feet, more or less, to intersect the east side of the former bed of said Whitmore Avenue, and thence binding on the east side of the former bed of said Whitmore Avenue, Northerly 33.0 feet to the place of beginning.

Subject to a full width Perpetual Easement for all Municipal Utilities and Services, not to be abandoned, over the entire hereinabove described parcel of land.

These properties being no longer needed for public use.

SECTION 2. AND BE IT FURTHER ORDAINED, That no deed may pass under this Ordinance unless the deed has been approved by the City Solicitor.

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

Approved November 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-583
(Council Bill 07-753)

AN ORDINANCE CONCERNING

Animal Control and Protection – Feral Cats

FOR the purpose of enabling the Health Commissioner to approve of programs to trap, alter, vaccinate, ear tip, and return feral cats; enabling the Health Commissioner to regulate the circumstances and procedures under which feral cats are seized, impounded, and reclaimed; modifying the presumption that unlicensed feral cats are unvaccinated for rabies; providing that feral cat caregivers who act in accordance with an approved program to trap, alter, vaccinate, ear tip, and return feral cats are not deemed to have abandoned the cats; defining and redefining certain terms; and generally relating the regulation of feral cats.

BY adding
Article - Health
Section(s) 10-101(f-1), (i-1), (i-2), and (l-1)
Baltimore City Revised Code
(Edition 2000)

BY repealing and reordaining, with amendments
Article - Health
Section(s) 10-101(k) and (l), 10-104, 10-301(c), 10-308(a), (b), and (c), and 10-402
Baltimore City Revised Code
(Edition 2000)

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

Baltimore City Revised Code

Article – Health

Title 10. Animal Control and Protection

§ 10-101. Definitions.

(F-1) *CAT*.

"CAT" MEANS A MEMBER OF THE SPECIES FELIS CATUS.

(I-1) *FERAL CAT*.

"FERAL CAT" MEANS A CAT THAT IS UNSOCIALIZED TO HUMANS AND HAS A TEMPERAMENT OF EXTREME FEAR OF AND RESISTANCE TO CONTACT WITH HUMANS.

(I-2) *FERAL CAT CAREGIVER*.

"FERAL CAT CAREGIVER" MEANS ANY PERSON WHO, IN ACCORDANCE WITH A PROGRAM APPROVED BY THE COMMISSIONER TO TRAP, ALTER, VACCINATE FOR RABIES AND DISTEMPER, EAR TIP, AND RETURN FERAL CATS:

(1) PROVIDES CARE, INCLUDING FOOD, SHELTER, OR MEDICAL CARE, TO THE CAT; OR

(2) HAS TEMPORARY CUSTODY OF THE CAT.

(k) *Keeper*.

(1) *IN GENERAL*.

"Keeper" means any person:

(I) [(1)] who has legal title to, a property interest in, or permanent custody of any animal regulated by this subtitle; or

(II) [(2)] who, for 3 days or more, has temporary custody of, keeps, possesses, regularly feeds, or exercises control over any animal.

(2) *EXCEPTION*.

"KEEPER" DOES NOT INCLUDE A PERSON KEEPING A FERAL CAT AS A FERAL CAT CAREGIVER.

(l) *Kennel.*

(1) *IN GENERAL*.

"Kennel" means any premises or part of any premises where 3 or more dogs or cats over 6 months old are boarded or maintained.

(2) *EXCEPTION.*

"KENNEL" DOES NOT INCLUDE THE PREMISES OF A FERAL CAT CAREGIVER, UNLESS 3 OR MORE DOGS OR NON-FERAL CATS OVER 6 MONTHS OLD ARE BOARDED OR MAINTAINED ON THE PREMISES.

(L-1) *OWNER.*

"OWNER" DOES NOT INCLUDE A PERSON KEEPING A FERAL CAT AS A FERAL CAT CAREGIVER.

§ 10-104. Rules and regulations

The rules and regulations that the Commissioner adopts under § 2-106 of this article may include provisions:

(1) for the issuance of permits and licenses under this title;

(2) requiring the humane care of all animals;

(3) governing the general care and control of animals; [and]

(4) governing the operation of facilities subject to this title;

(5) PROVIDING FOR THE APPROVAL OF PROGRAMS TO TRAP, ALTER, VACCINATE FOR RABIES AND DISTEMPER, EAR TIP, AND RETURN FERAL CATS; AND

(6) GOVERNING THE CIRCUMSTANCES AND PROCEDURES UNDER WHICH FERAL CATS ARE SEIZED, IMPOUNDED, AND RECLAIMED.

§ 10-301. Rabies — vaccinations.

(c) *Unlicensed dog or cat presumed unvaccinated.*

(1) *IN GENERAL.*

Any unlicensed dog or cat that is older than 4 months is presumed to be unvaccinated. This presumption can be rebutted only by a current rabies vaccination certificate signed by a veterinarian or issued by an approved government agency.

(2) EXCEPTION FOR EAR-TIPPED FERAL CATS.

A FERAL CAT THAT HAS BEEN EAR TIPPED IS PRESUMED TO HAVE BEEN VACCINATED AT LEAST ONCE.

§ 10-308. Impounding animals – In general.

(a) *Scope of section.*

This section applies to:

(1) any dog or cat that is unlicensed, not wearing a valid identification tag while outdoors, or otherwise in violation of § 10-207 {"Prohibited conduct"} of this subtitle; and

(2) any animal that is not restrained as required by § 10-307 {"Restraints required"} of this subtitle or otherwise by law.

(b) *Seizure of animal.*

(1) An animal described in subsection (a) of this section may be seized by the Bureau or by any police officer, humane officer, designated employee of the Department, or other person contracting with the City to do so.

(2) For this purpose, these persons may pursue the animal onto any public or private property.

(3) THE COMMISSIONER MAY ADOPT RULES AND REGULATIONS TO GOVERN THE CIRCUMSTANCES AND PROCEDURES UNDER WHICH FERAL CATS ARE SEIZED.

(c) *Impoundment.*

(1) An animal seized under this section must be taken to an animal shelter and impounded there in a humane manner.

(2) If the owner or keeper of the animal can be identified, the animal shelter must immediately notify the owner or keeper by telephone or mail.

(3) An impounded animal, OTHER THAN A FERAL CAT, must be kept for at least 3 working days, unless sooner reclaimed by its owner or keeper.

(4) AN IMPOUNDED FERAL CAT MUST BE KEPT FOR AT LEAST 3 WORKING DAYS, UNLESS SOONER RECLAIMED IN ACCORDANCE WITH RULES AND REGULATIONS ADOPTED BY THE COMMISSIONER.

§ 10-402. Abandonment of animal.

(A) *IN GENERAL.*

No person may desert or abandon any animal that the person owns, keeps, restrains, or confines, whether as a pet or for any other purpose.

(B) *EXCEPTION.*

A FERAL CAT CAREGIVER WHO PROVIDES CARE TO OR HAS TEMPORARY CUSTODY OF A FERAL CAT IN ACCORDANCE WITH AN APPROVED PROGRAM TO TRAP, ALTER, VACCINATE, EAR TIP, AND RETURN FERAL CATS IS NOT DEEMED TO HAVE DESERTED OR ABANDONED THE FERAL CAT.

SECTION 2. 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 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved November 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-584
(Council Bill 07-757)

AN ORDINANCE CONCERNING

Retirement Systems – Defining Job Removal

FOR the purpose of defining and clarifying the circumstances under which the agency head of a member of the Employees' Retirement System or the Fire and Police Employees' Retirement System would be authorized to request that he or she be granted a "job removal" retirement; and providing for a special effective date.

BY amending and reordaining, with amendments
Article 22 - Retirement Systems
Section(s) 9(f)(3)
Baltimore City Code
(Edition 2000)

By deleting
Article 22 - Retirement Systems
Section 34(k)(2)
Baltimore City Code
(Edition 2000)

By adding
Article 22 - Retirement Systems
Section 34(j-1)
Baltimore City Code
(Edition 2000)

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

Baltimore City Code

Article 22 – Retirement Systems

Subtitle – Employees' Retirement System

§ 9. Class C membership

(f) *Early retirement.*

(3) *RETIREMENT ON ACCOUNT OF JOB REMOVAL.*

(I) *SCOPE OF PARAGRAPH.*

(A) THIS PARAGRAPH WILL BE APPLIED EXCLUSIVELY UPON RECEIPT BY THE SYSTEM OF A WRITTEN DETERMINATION FROM THE AGENCY HEAD OF A MEMBER OF THIS SYSTEM, WHICH IS COUNTERSIGNED BY AN APPROPRIATE DESIGNEE OF: (1) THE OFFICE OF THE MAYOR, (2) THE DIRECTOR OF HUMAN RESOURCES, OR (3) THE DEPARTMENT OF LAW,

CONFIRMING CONSULTATION BY THE AGENCY HEAD WITH EACH OF THE THREE DESIGNEES AND CERTIFYING ONE OF THE FOLLOWING CRITERIA FOR A JOB REMOVAL RETIREMENT BENEFIT:

1. ~~(A)~~ THE MEMBER IS BEING LAID OFF WITHOUT FAULT ON HIS OR HER PART DUE TO A REDUCTION IN FORCE OR DIMINISHED NEED FOR THE SERVICES PERFORMED BY THE HOLDER OF SUCH POSITION AND IS NOT BEING REMOVED FOR POOR PERFORMANCE IN THE JOB,

2. ~~(B)~~ IN THE CASE OF AN EXEMPT MEMBER WORKING IN AN "AT WILL" POSITION NOT COVERED BY CIVIL SERVICE, THE MEMBER IS BEING REMOVED FROM HIS OR HER POSITION WITHOUT FAULT ON HIS OR HER PART, AT THE INITIATION OF THE AGENCY AND PURSUANT TO ITS ABSOLUTE DISCRETION, AND IS NOT BEING REMOVED FOR POOR PERFORMANCE IN THE JOB,

3. ~~(C)~~ THE MEMBER IS BEING REMOVED FROM HIS OR HER POSITION WITHOUT FAULT ON HIS OR HER PART DUE TO PHYSICAL OR MENTAL INCAPACITY,

4. ~~(D)~~ THE MEMBER IS BEING REMOVED FROM HIS OR HER POSITION WITHOUT FAULT ON HIS OR HER PART AND THE MUTUAL BEST INTERESTS OF THE AGENCY AND THE MEMBER WOULD BE SERVED THROUGH THE REMOVAL INSOFAR AS THE REMOVAL WILL RESOLVE A PERSONNEL OR DISCIPLINARY DISPUTE BETWEEN THE AGENCY AND THE MEMBER, OR

5. ~~(E)~~ THE MEMBER IS BEING REMOVED FROM HIS OR HER POSITION WITHOUT FAULT ON HIS OR HER PART AND THE MUTUAL BEST INTERESTS OF THE AGENCY AND THE MEMBER WOULD BE SERVED THROUGH THE REMOVAL, THE AGENCY HEAD SO CERTIFIES IN GOOD FAITH, AND THE MEMBER REPRESENTS IN WRITING TO THE AGENCY AND TO THE SYSTEM THAT, AS OF THE DATE OF THE CERTIFICATION, HE OR SHE HAS NOT ~~SECURED~~ BEEN OFFERED, HAS NOT ACCEPTED, AND HAS ~~NO IMMEDIATE PROSPECT OF SECURING, OTHER EMPLOYMENT AS OF THE EFFECTIVE OF HIS OR HER REMOVAL~~ NOT BEEN GIVEN ASSURANCES OF OTHER EMPLOYMENT.

(B) AN AGENCY HEAD'S DETERMINATION AND A MEMBER'S REPRESENTATIONS UNDER THIS PARAGRAPH SHALL BE MAINTAINED AS PUBLIC RECORDS, OPEN TO PUBLIC INSPECTION, AND ARE NOT CONFIDENTIAL PERSONNEL OR RETIREMENT RECORDS.

(II) *JOB REMOVAL RETIREMENT BENEFIT.*

[Notwithstanding anything to the contrary in this subtitle, should] SHOULD any member appointed for a fixed term set by law not be reappointed either voluntarily or involuntarily, after acquiring 20 years of service, or should a Class C member be removed from a regular permanent position of the City without fault on his or her part after the acquisition of 20 years of service (30 years of service if removed before July 1, 1987), [but has not attained] PRIOR TO ATTAINING the age of 65, such member shall be entitled to receive a retirement benefit based on the actual years of service credit and equal to the pension the member would receive if he or she had already attained the age of 65, the normal retirement age. The reduction contained in [§ 9(f)(2) of this subtitle] PARAGRAPH (2) shall not apply. [In addition, for any member who terminates employment with the City on or before June 28, 1993, the Primary Social Security Benefit will be calculated on the assumption that the member would have no earnings after the calendar year prior to the year of retirement under this § 9(f)(3), notwithstanding the provisions of § 9(f)(1)(ii) or any other provisions of this subtitle which provides for the use of level future earnings.]

(III) *PREEMPLOYMENT MILITARY SERVICE CREDIT*.

Effective June 24, 1990, any preemployment military service credit claim shall be subject to the conditions contained in § 9(d)(2) of this subtitle, except the military service credit claim shall not be subject to the age 65 requirement contained in § 9(d)(2). However, any benefit for which the member could be eligible shall be determined before the military service credit provided for herein is added to the service credit acquired by the member.

(IV) *SPECIAL EFFECTIVE DATE.*

Effective December 2, 1991, the provisions of the above paragraph shall apply to any member who retired under § 9(f)(3). Any increased benefits due to such a retired member shall be paid prospectively from the effective date of this ordinance. Furthermore, variable benefits, if any, paid to such a retired member shall not be changed as a result of this ordinance.

Subtitle – Fire and Police Employees' Retirement System

§ 34. Benefits.

(k) *Optional allowances*.

[(2) Notwithstanding anything to the contrary in this subtitle, should a member be removed from a regular permanent position of the City without fault upon his part, or should a member appointed or elected for a fixed term not be reappointed or reelected after the completion of 15 years of service, such member may elect, in lieu of the withdrawal of his accumulated contributions, to have such contributions paid to him in an annuity of equivalent actuarial value, in which event he shall also be paid a pension equal to the ordinary disability pension that would have been payable at such time had he been retired on an ordinary disability retirement.

Effective December 2, 1991, in applying the preemployment military credit provision of § 32(f) to a member described in the above paragraph, the requirement that the member shall have attained age 50 shall be disregarded. However, any benefit for which the member could be eligible shall be determined before the military service credit provided for herein is added to the service credit acquired by the member. This Ordinance 91-829 shall also apply to any member who retired under the provision of the above paragraph. Any increased benefits due to such a retired member, shall be paid prospectively from the effective date of this Ordinance. Furthermore, variable benefits, if any, paid to such a retired member shall not be changed as a result of this Ordinance.

Should such a beneficiary be restored to active service, his retirement allowance shall cease, he shall again become a member of the Retirement System, and he shall contribute thereafter at the same rate he paid prior to his retirement; provided, however, that should such beneficiary be appointed or elected to any office, the salary or compensation of which is paid by the City, his retirement allowance shall cease, and he may again become a member of the Retirement System and shall contribute thereafter at the same rate he paid before his retirement. Any prior service certificate on the basis of which his service was computed at the time of his retirement shall be restored to full force and effect and, in addition, upon his subsequent retirement he shall be credited with all his service as a member.]

(J-1) *RETIREMENT ON ACCOUNT OF JOB REMOVAL*.

(1) *SCOPE OF PARAGRAPH.*

(I) THIS PARAGRAPH WILL BE APPLIED EXCLUSIVELY UPON RECEIPT BY THE SYSTEM OF A WRITTEN DETERMINATION FROM THE AGENCY HEAD OF A MEMBER OF THIS SYSTEM, WHICH IS COUNTERSIGNED BY AN APPROPRIATE DESIGNEE OF: (1) THE OFFICE OF THE MAYOR, (2) THE DIRECTOR OF HUMAN RESOURCES, OR (3) THE DEPARTMENT OF LAW, CONFIRMING CONSULTATION BY THE AGENCY HEAD WITH EACH OF THE THREE DESIGNEES AND CERTIFYING ONE OF THE FOLLOWING CRITERIA FOR A JOB REMOVAL RETIREMENT BENEFIT:

(A) ~~(I)~~ THE MEMBER IS BEING LAID OFF WITHOUT FAULT ON HIS OR HER PART DUE TO A REDUCTION IN FORCE OR DIMINISHED NEED FOR THE SERVICES PERFORMED BY THE HOLDER OF SUCH POSITION AND IS NOT BEING REMOVED FOR POOR PERFORMANCE IN THE JOB,

(B) ~~(II)~~ IN THE CASE OF AN EXEMPT MEMBER WORKING IN AN "AT WILL" POSITION NOT COVERED BY CIVIL SERVICE, THE MEMBER IS BEING REMOVED FROM HIS OR HER POSITION WITHOUT FAULT ON HIS OR HER PART, AT THE INITIATION OF HIS OR HER AGENCY AND PURSUANT TO ITS ABSOLUTE DISCRETION, AND IS NOT BEING REMOVED FOR POOR PERFORMANCE IN THE JOB,

(C) ~~(III)~~ THE MEMBER IS BEING REMOVED FROM HIS OR HER POSITION WITHOUT FAULT ON HIS OR HER PART DUE TO PHYSICAL OR MENTAL INCAPACITY, OR

(D) ~~(IV)~~ THE MEMBER IS BEING REMOVED FROM HIS OR HER POSITION WITHOUT FAULT ON HIS OR HER PART AND THE MUTUAL BEST INTERESTS OF THE AGENCY AND THE MEMBER WOULD BE SERVED THROUGH THE REMOVAL INSOFAR AS THE REMOVAL WILL RESOLVE A PERSONNEL OR DISCIPLINARY DISPUTE BETWEEN THE AGENCY AND THE MEMBER~~, OR~~.

(E) THE MEMBER IS BEING REMOVED FROM HIS OR HER POSITION WITHOUT FAULT ON HIS OR HER PART AND THE MUTUAL BEST INTERESTS OF THE AGENCY AND THE MEMBER WOULD BE SERVED THROUGH THE REMOVAL, THE AGENCY HEAD SO CERTIFIES IN GOOD FAITH, AND THE MEMBER REPRESENTS IN WRITING TO THE AGENCY AND TO THE SYSTEM THAT, AS OF THE DATE OF THE CERTIFICATION, HE OR SHE HAS NOT ~~SECURED~~ BEEN OFFERED, HAS NOT ACCEPTED, AND HAS ~~NO IMMEDIATE PROSPECT OF SECURING, OTHER EMPLOYMENT AS OF THE EFFECTIVE OF HIS OR HER REMOVAL~~ NOT BEEN GIVEN ASSURANCES OF OTHER EMPLOYMENT.

(II) AN AGENCY HEAD'S DETERMINATION AND A MEMBER'S REPRESENTATIONS UNDER THIS PARAGRAPH SHALL BE MAINTAINED AS PUBLIC RECORDS, OPEN TO PUBLIC INSPECTION, AND ARE NOT CONFIDENTIAL PERSONNEL OR RETIREMENT RECORDS.

(2) *JOB REMOVAL RETIREMENT BENEFIT.*

SHOULD A MEMBER BE REMOVED FROM A REGULAR PERMANENT POSITION OF THE CITY WITHOUT FAULT UPON HIS OR HER PART, OR SHOULD A MEMBER APPOINTED OR ELECTED FOR A FIXED TERM NOT BE REAPPOINTED OR REELECTED AFTER THE COMPLETION OF 15 YEARS OF SERVICE, SUCH MEMBER MAY ELECT, IN LIEU OF THE WITHDRAWAL OF HIS ACCUMULATED CONTRIBUTIONS, TO ~~HAVE SUCH CONTRIBUTIONS PAID TO HIM OR HER IN AN ANNUITY OF EQUIVALENT ACTUARIAL VALUE, IN WHICH EVENT HE OR SHE SHALL ALSO BE PAID A PENSION EQUAL TO THE ORDINARY DISABILITY PENSION THAT WOULD HAVE BEEN PAYABLE AT SUCH TIME HAD HE OR SHE BEEN~~

~~RETIRED ON AN ORDINARY DISABILITY RETIREMENT~~ BE PAID A SERVICE RETIREMENT ALLOWANCE CONSISTING OF:

(I) AN ANNUITY THAT SHALL BE THE ACTUARIAL EQUIVALENT OF HIS OR HER ACCUMULATED CONTRIBUTIONS AT THE TIME OF HIS OR HER RETIREMENT; AND

(II) A PENSION THAT, TOGETHER WITH HIS OR HER ANNUITY, SHALL BE EQUAL TO:

(A) 2.5% OF HIS OR HER AVERAGE FINAL COMPENSATION FOR EACH YEAR OF THE FIRST 20 YEARS OF SERVICE AT THE TIME OF HIS OR HER RETIREMENT, PLUS

(B) 2% OF HIS OR HER AVERAGE FINAL COMPENSATION FOR EACH SUBSEQUENT YEAR.

(3) *ELIGIBILITY TO ELECT JOB REMOVAL RETIREMENT BENEFIT*.

AN ELECTION TO RECEIVE A JOB REMOVAL BENEFIT MAY BE MADE BY A MEMBER ONLY IF, AT THE TIME OF HIS OR HER REMOVAL, HE OR SHE HAS COMPLETED 15 OR MORE YEARS OF SERVICE AS A CONTRIBUTING MEMBER OF THIS SYSTEM, WITHOUT TAKING INTO ACCOUNT ANY TRANSFERRED-IN SERVICE CREDIT FROM OTHER RETIREMENT SYSTEMS.

(4) ~~(3)~~ *PREEMPLOYMENT MILITARY SERVICE CREDIT*.

EFFECTIVE DECEMBER 2, 1991, IN APPLYING THE PREEMPLOYMENT MILITARY CREDIT PROVISION OF §32(F) TO A MEMBER DESCRIBED IN SUBSECTION 2, THE REQUIREMENT THAT THE MEMBER SHALL HAVE ATTAINED AGE 50 SHALL BE DISREGARDED. HOWEVER, ANY BENEFIT FOR WHICH THE MEMBER COULD BE ELIGIBLE SHALL BE DETERMINED BEFORE THE MILITARY SERVICE CREDIT PROVIDED FOR HEREIN IS ADDED TO THE SERVICE CREDIT ACQUIRED BY THE MEMBER.

(5) ~~(4)~~ *SPECIAL EFFECTIVE DATE*.

ORDINANCE 91-829 SHALL ALSO APPLY TO ANY MEMBER WHO RETIRED UNDER THE PROVISION OF THE ABOVE PARAGRAPH. ANY INCREASED BENEFITS DUE TO SUCH A RETIRED MEMBER, SHALL BE PAID PROSPECTIVELY FROM THE EFFECTIVE DATE OF THIS ORDINANCE. VARIABLE BENEFITS, IF ANY, PAID TO SUCH A RETIRED MEMBER SHALL NOT BE CHANGED AS A RESULT OF THIS ORDINANCE.

(6) ~~(5)~~ *RETURN TO WORK OF MEMBER RETIRED UNDER THIS SUBSECTION*.

SHOULD A MEMBER RETIRED UNDER THIS SUBSECTION BE RESTORED TO ACTIVE SERVICE, HIS OR HER RETIREMENT ALLOWANCE SHALL CEASE, HE OR SHE SHALL AGAIN BECOME A MEMBER OF THE SYSTEM, AND HE OR SHE SHALL CONTRIBUTE THEREAFTER AT THE ~~SAME RATE PAID PRIOR TO HIS OR HER RETIREMENT~~ RATE IN EFFECT AS OF THE RETURN TO SERVICE. ANY PRIOR SERVICE CERTIFICATE ON THE BASIS OF WHICH A MEMBER'S SERVICE WAS COMPUTED AT THE TIME OF HIS OR HER RETIREMENT SHALL BE RESTORED TO FULL FORCE AND EFFECT AND, IN ADDITION, UPON HIS OR HER SUBSEQUENT RETIREMENT HE OR SHE SHALL BE CREDITED WITH ALL MEMBERSHIP SERVICE.

SECTION 2. 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 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved November 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-585
(Council Bill 07-758)

AN ORDINANCE CONCERNING

Wyndhurst Historic District

FOR the purpose of designating the area located within certain boundaries as the Wyndhurst Historic District.

BY adding
Article 6 - Historical and Architectural Preservation
Section(s) 7-32
Baltimore City Code
(Edition 2000)

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

Baltimore City Code

Article 6. Historical and Architectural Preservation

Subtitle 7. Preservation Districts

§ 7-32. WYNDHURST HISTORIC DISTRICT.

THE AREA LOCATED WITHIN THE FOLLOWING BOUNDARIES IS DECLARED TO BE THE WYNDHURST HISTORIC DISTRICT.

BEGINNING FOR AREA #1 AT THE POINT FORMED BY THE INTERSECTION OF THE WEST SIDE OF CHARLES STREET, AND THE NORTH SIDE OF WYNDHURST AVENUE, AND RUNNING THENCE BINDING ON THE NORTH SIDE OF WYNDHURST AVENUE, WESTERLY 943.5 FEET, MORE OR LESS, TO THE WEST OUTLINE OF THE PROPERTY KNOWN AS NO. 200 WYNDHURST AVENUE; THENCE BINDING ON THE WEST OUTLINE OF NO. 200 WYNDHURST AVENUE, THE WEST OUTLINE OF THE PROPERTY KNOWN AS NO. 5000 BOXHILL LANE, AND THE LINE OF THE WEST OUTLINE OF NO. 5000 BOXHILL LANE, IF PROJECTED NORTHERLY, AND IN ALL, NORTHERLY 207.0 FEET, MORE OR LESS, TO THE CENTERLINE OF A 14 FOOT ALLEY LAID OUT IN THE REAR OF THE PROPERTIES KNOWN AS NOS. 202 THROUGH 206 WYNDHURST AVENUE, AND CONTIGUOUS TO THE NORTH OUTLINE OF THE PROPERTY KNOWN AS NO. 5000 BOXHILL LANE; THENCE BINDING ON THE CENTERLINE OF SAID 14 FOOT ALLEY, WESTERLY 57.4 FEET, MORE OR LESS, TO THE LINE OF THE CENTERLINE OF A 14 FOOT ALLEY, IF PROJECTED SOUTHERLY, LAID OUT IN THE REAR OF THE PROPERTIES KNOWN AS NOS. 5001 THROUGH 5009 BLYTHEWOOD ROAD; THENCE BINDING REVERSELY ON THE LINE OF THE CENTERLINE OF SAID 14 FOOT ALLEY, SO PROJECTED, ON THE CENTERLINE OF SAID 14 FOOT ALLEY, AND IN ALL, NORTHERLY 68.0 FEET, MORE OR LESS, TO THE LINE OF THE NORTH OUTLINE OF THE PROPERTY KNOWN AS NO. 5001 BLYTHEWOOD ROAD, IF PROJECTED EASTERLY; THENCE BINDING REVERSELY ON THE

LINE OF THE NORTH OUTLINE OF NO. 5001 BLYTHEWOOD ROAD, SO PROJECTED, ON THE NORTH OUTLINE OF NO. 5001 BLYTHEWOOD ROAD, AND THE LINE OF THE NORTH OUTLINE OF NO. 5001 BLYTHEWOOD ROAD, IF PROJECTED WESTERLY, AND IN ALL, WESTERLY 182.0 FEET, MORE OR LESS, TO THE CENTERLINE OF BLYTHEWOOD ROAD; THENCE BINDING ON THE CENTERLINE OF BLYTHEWOOD ROAD, SOUTHERLY 48.0 FEET, MORE OR LESS, TO THE LINE OF THE CENTERLINE OF A 14 FOOT ALLEY, IF PROJECTED EASTERLY, LAID OUT IN THE REAR OF THE PROPERTIES KNOWN AS NOS. 300 THROUGH 304 WYNDHURST AVENUE; THENCE BINDING REVERSELY ON THE LINE OF THE CENTERLINE OF SAID 14 FOOT ALLEY, SO PROJECTED, ON THE CENTERLINE OF SAID 14 FOOT ALLEY, AND IN ALL, WESTERLY 182.4 FEET, MORE OR LESS, TO THE LINE OF THE CENTERLINE OF A 14 FOOT ALLEY, IF PROJECTED SOUTHERLY, LAID OUT IN THE REAR OF THE PROPERTIES KNOWN AS NOS. 5002 AND 5006 BLYTHEWOOD ROAD; THENCE BINDING REVERSELY ON THE LINE OF LAST SAID 14 FOOT ALLEY, SO PROJECTED, AND ON THE CENTERLINE OF LAST SAID 14 FOOT ALLEY, AND IN ALL, NORTHERLY 139.5 FEET, MORE OR LESS, TO THE LINE OF THE NORTH OUTLINE OF THE PROPERTY KNOWN AS NO. 5006 BLYTHEWOOD ROAD, IF PROJECTED WESTERLY; THENCE BINDING REVERSELY ON THE LINE OF THE NORTH OUTLINE OF NO. 5006 BLYTHEWOOD ROAD, SO PROJECTED, ON THE NORTH OUTLINE OF NO. 5006 BLYTHEWOOD ROAD, AND ON THE LINE OF THE NORTH OUTLINE OF NO. 5006 BLYTHEWOOD ROAD, IF PROJECTED EASTERLY, AND IN ALL, EASTERLY 182.0 FEET, MORE OR LESS, TO THE CENTERLINE OF BLYTHEWOOD ROAD; THENCE BINDING ON THE CENTERLINE OF BLYTHEWOOD ROAD, NORTHERLY 140.0 FEET, MORE OR LESS, TO THE SOUTH OUTLINE OF THE PROPERTY KNOWN AS NO. 5114 N. CHARLES STREET; THENCE BINDING ON THE SOUTH AND SOUTHEAST OUTLINE OF NO. 5114 N. CHARLES STREET THE TWO FOLLOWING COURSES AND DISTANCES; NAMELY, EASTERLY 181.5 FEET, MORE OR LESS, AND NORTHEASTERLY 229 FEET, MORE OR LESS, TO THE EAST SIDE OF BOXHILL LANE; THENCE BINDING ON THE EAST SIDE OF BOXHILL LANE, SOUTHERLY 60.3 FEET, MORE OR LESS, TO THE NORTH OUTLINE OF THE PROPERTY KNOWN AS N0. 5011 BOXHILL LANE; THENCE BINDING ON THE NORTH OUTLINE OF NO. 5011 BOXHILL LANE, AND THE LINE OF THE NORTH OUTLINE OF NO. 5011 BOXHILL LANE, IF PROJECTED EASTERLY, AND IN ALL, EASTERLY 157.0 FEET, MORE OR LESS, TO THE CENTERLINE OF A 14 FOOT ALLEY, LAID OUT IN THE REAR OF THE PROPERTIES KNOWN AS NOS. 5002 THROUGH 5014 GREENLEAF ROAD; THENCE BINDING ON THE CENTERLINE OF SAID 14 FOOT ALLEY, SOUTHERLY 270.0 FEET, MORE OR LESS, TO THE LINE OF THE NORTH OUTLINE OF THE PROPERTY KNOWN AS NO. 5002 GREENLEAF ROAD, IF PROJECTED WESTERLY; THENCE BINDING REVERSELY ON THE LINE OF THE NORTH OUTLINE OF NO. 5002 GREENLEAF ROAD, SO PROJECTED, ON THE NORTH OUTLINE OF NO. 5002 GREENLEAF ROAD, ON THE LINE OF THE NORTH OUTLINE OF NO. 5002 GREENLEAF ROAD, IF PROJECTED EASTERLY, AND IN ALL, EASTERLY 182.3 FEET, MORE OR LESS, TO THE CENTERLINE OF GREENLEAF ROAD; THENCE BINDING ON THE CENTERLINE OF GREENLEAF ROAD, NORTHERLY 42.0 FEET, MORE OR LESS, TO THE LINE OF THE NORTH OUTLINE OF THE PROPERTY KNOWN AS NO. 5003 GREENLEAF ROAD, IF PROJECTED WESTERLY; THENCE BINDING REVERSELY ON THE LINE OF THE NORTH OUTLINE OF NO. 5003 GREENLEAF ROAD, SO PROJECTED, ON THE NORTH OUTLINE OF NO. 5003 GREENLEAF ROAD, ON THE LINE OF THE NORTH OUTLINE OF NO. 5003 GREENLEAF ROAD, IF PROJECTED EASTERLY, AND IN ALL, EASTERLY 232.0 FEET, MORE OR LESS, TO THE CENTERLINE OF A 14 FOOT ALLEY, LAID OUT IN THE REAR OF THE PROPERTIES KNOWN AS NOS. 5003 THROUGH 5015 GREENLEAF ROAD AND CONTIGUOUS TO THE EAST OUTLINE OF THE PROPERTY KNOWN AS NO. 4 WYNDHURST AVENUE; THENCE BINDING ON THE CENTERLINE OF SAID 14 FOOT ALLEY, SOUTHERLY 28.0 FEET, MORE OR LESS, TO THE LINE OF THE NORTH OUTLINE OF THE PROPERTY KNOWN AS NO. 2 WYNDHURST AVENUE, IF PROJECTED WESTERLY; THENCE BINDING REVERSELY ON THE LINE OF THE NORTH OUTLINE OF NO. 2 WYNDHURST AVENUE, SO PROJECTED, AND ON THE NORTH OUTLINE OF NO. 2 WYNDHURST AVENUE, AND IN ALL, EASTERLY 207.0 FEET, MORE OR LESS, TO THE WEST SIDE OF CHARLES STREET, AND THENCE BINDING ON THE WEST SIDE OF CHARLES STREET, SOUTHERLY 365.6 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING.

BEGINNING FOR AREA #2 AT THE POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SUMMIT AVENUE, AND THE LINE OF THE CENTERLINE OF A 14 FOOT ALLEY, IF PROJECTED EASTERLY, LAID OUT IN THE REAR OF THE PROPERTIES KNOWN AS NOS. 721 THROUGH 733 COLORADO AVENUE, AND RUNNING THENCE BINDING REVERSELY ON THE LINE OF THE CENTERLINE OF SAID 14 FOOT ALLEY, SO PROJECTED, ON THE CENTERLINE OF SAID 14 FOOT ALLEY, ON THE LINE OF THE CENTERLINE OF SAID 14 FOOT ALLEY, IF PROJECTED WESTERLY, AND IN ALL, WESTERLY 460.2 FEET, MORE OR LESS, TO THE

CENTERLINE OF CHURCH LANE, LAID OUT IN THE REAR OF THE PROPERTIES KNOWN AS NOS. 5101 THROUGH 5129 ROLAND AVENUE; THENCE BINDING ON THE CENTERLINE OF CHURCH LANE, NORTHERLY 317.3 FEET, MORE OR LESS, TO THE LINE OF THE CENTERLINE OF A 14 FOOT ALLEY, IF PROJECTED WESTERLY, LAID OUT IN THE REAR OF THE PROPERTIES KNOWN AS NOS. 702 THROUGH 728 COLORADO AVENUE; THENCE BINDING REVERSELY ON THE LINE OF THE CENTERLINE OF SAID 14 FOOT ALLEY, SO PROJECTED, ON THE CENTERLINE OF SAID 14 FOOT ALLEY, AND ON THE LINE OF THE CENTERLINE OF SAID 14 FOOT ALLEY, IF PROJECTED EASTERLY, AND IN ALL, EASTERLY 457.5 FEET, MORE OR LESS, TO THE CENTERLINE OF SUMMIT AVENUE, AND THENCE BINDING ON THE CENTERLINE OF SUMMIT AVENUE, SOUTHERLY 312.0 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING.

SECTION 2. 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 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved November 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-586
(Council Bill 07-759)

AN ORDINANCE CONCERNING

Baltimore City Landmark List – Senator Theatre

FOR the purpose of designating the Senator Theatre, 5904 York Road, as a historical landmark.

BY adding
Article 6 - Historical and Architectural Preservation
Section(s) 12-23
Baltimore City Code
(Edition 2000)

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

Baltimore City Code

Article 6. Historical and Architectural Preservation

Subtitle 12. Landmark List - 2000s

§ 12-23. SENATOR THEATRE.

SENATOR THEATRE, 5904 YORK ROAD.

SECTION 2. 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 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved November 27, 2007

SHEILA DIXON, Mayor

ENROLLED

CITY OF BALTIMORE
ORDINANCE 07-587
(Council Bill 07-767)

AN ORDINANCE CONCERNING

Zoning – Conditional Use - Amending Ordinance 01-166

FOR the purpose of amending the maximum bed capacity *and other conditions* for the convalescent, nursing, and rest home (assisted living) on the property known as 901 Woodbourne Avenue.

BY repealing and reordaining
Ordinance 01-166
Section(s) 1

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

Ordinance 01-166

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of a convalescent, nursing, and rest home (assisted living) on the property known as 901 Woodbourne Avenue, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 4-804 and 14-102 of the Baltimore City Code, subject to the following conditions:

1. the maximum number of residents is [15] ~~60~~ 45, NOT including ~~any resident manager~~ STAFF;

2. there may be no more than 2 persons per sleeping room;

3. sleeping rooms for clients may not be in the basement;

4. a fire suppression sprinkling system must be installed in the building prior to its occupancy as an assisted living facility;

5. ~~a chair lift~~ AN ELEVATOR must be installed in the building GIVING ACCESS TO ALL FLOORS prior to INCREASING its occupancy, FROM 15 TO 45 RESIDENTS ~~as an assisted living facility~~;

6. the minimum age for resident-clients is 50 years;

7. 24-hour supervision must be provided;

8. paved off-street parking spaces for ~~4~~ 11 vehicles must be provided, prior to occupancy of the building as an assisted living facility;

9. there may be no exterior sign on the facility other than a nameplate no larger than ~~6~~ 12 inches wide by ~~6~~ 12 inches high; and

10. THE BUILDING SETBACK FROM THE SIDE STREET MUST BE 28 FEET.

11. THE BUILDING SETBACK FROM THE REAR MUST BE 29 FEET.

12 ~~10~~. the convalescent, nursing, and rest home (assisted living) must comply with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved November 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-588
(Council Bill 07-768)

AN ORDINANCE CONCERNING

Zoning – Conditional Use Convalescent, Nursing, and Rest Home (Assisted Living) – 3201 Windsor Avenue

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a convalescent, nursing, and rest home (assisted living) on the property known as 3201 Windsor Avenue, as outlined in red on the accompanying plat.

BY authority of
Article - Zoning
Section(s) 4-804 and 14-102
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of a convalescent, nursing, and rest home (assisted living) on the property known as 3201 Windsor Avenue, as outlined in red on the plat accompanying this Ordinance, in accordance with Baltimore City Zoning Code §§ 4-804 and 14-102, subject to the ~~condition that the~~ following conditions:

1. The maximum number of resident clients is 15.

2. There may be no more than 2 persons per sleeping room.

3. Sleeping rooms for clients may not be in the basement.

4. 24-hour supervision must be provided.

5. There may be no exterior sign on the facility other than a nameplate no larger than 12 inches wide by 12 inches high.

6. The convalescent, nursing, and rest home (assisted living) ~~complies~~ must comply with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved November 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-589
(Council Bill 07-772)

AN ORDINANCE CONCERNING

City Streets – Closing –
Dallas Street and a 2.5 Foot Wide Alley

FOR the purpose of condemning and closing (1) Dallas Street, extending from Fleet Street southerly to Aliceanna Street and (2) a 2.5 foot wide alley laid out in the rear of the properties known as 1508 through 1514 Aliceanna Street, extending from Dallas Street easterly to its easternmost extremity, and lying within the Fells Point Urban Renewal Project, as shown on Plat 346-A-59 in the Office of the Department of Public Works; and providing for a special effective date.

BY authority of
Article I - General Provisions
Section 4
and
Article II - General Powers
Sections 2, 34, 35
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Department of Public Works shall proceed to condemn and close (1) Dallas Street, extending from Fleet Street southerly to

Aliceanna Street and (2) a 2.5 foot wide alley laid out in the rear of the properties known as 1508 through 1514 Aliceanna Street, extending from Dallas Street, easterly to its easternmost extremity, and lying within the Fells Point Urban Renewal Project, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the west side of Dallas Street, 20 feet wide, and the south side of Fleet Street, 70 feet wide, and running thence binding on the south side of said Fleet Street, Easterly 20.0 feet to intersect the east side of said Dallas Street; thence binding on the east side of said Dallas Street, Southerly 303.7 feet, more or less, to intersect the north side of Aliceanna Street, 70 feet wide; thence binding on the north side of said Aliceanna Street, Westerly 20 feet to intersect the west side of said Dallas Street, and thence binding on the west side of said Dallas Street, Northerly 303.7 feet, more or less, to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the south side of a 2.5 foot alley laid out in the rear of the properties known as Nos. 1508 through 1514 Aliceanna Street, and the east side of Dallas Street, 20 feet wide, said point of beginning being distant northerly 57.50 feet measured along the east side of said Dallas Street from the north side of Aliceanna Street, 70 feet wide, and running thence binding on the east side of said Dallas Street, Northerly 2.5 feet to intersect the north side of said 2.5 foot alley; thence binding on the north side of said 2.5 foot alley, Easterly 54.0 feet, more or less, to the easternmost extremity of said 2.5 foot alley; thence binding on the easternmost extremity of said 2.5 foot alley, Southerly 2.5 feet to intersect the south side of said 2.5 foot alley, and thence binding on the south side of said 2.5 foot alley, Westerly 54.0 feet, more or less, to the place of beginning.

As delineated on Plat 346-A-59, prepared by the Survey Control Section and filed on August 3, 2007, in the Office of the Department of Public Works.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and closing of Dallas Street and a 2.5 foot wide alley and the rights of all interested parties shall be regulated by and in accordance with all applicable provisions of state and local law and with all applicable rules and regulations adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SECTION 3. AND BE IT FURTHER ORDAINED, That after the closing under this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore continue to be the property of the Mayor and City Council, in fee simple, until their use has been abandoned by the Mayor and City Council. If any person wants to remove, alter, or interfere with them, that person must first obtain permission from the Mayor and City Council and, in the application for this permission, must agree to pay all costs and expenses, of every kind, arising out of the removal, alteration, or interference.

SECTION 4. AND BE IT FURTHER ORDAINED, That no building or structure of any kind (including but not limited to railroad tracks) may be constructed or erected in or on any part of the street closed under this Ordinance until all subsurface structures and appurtenances owned by the Mayor and City Council of Baltimore have been abandoned by the Mayor and City Council or, at the expense of the person seeking to erect the building or structure, have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City.

SECTION 5. AND BE IT FURTHER ORDAINED, That after the closing under this Ordinance, all subsurface structures and appurtenances owned by any person other than the Mayor and City Council of Baltimore shall be removed by and at the expense of their owners, promptly upon notice to do so from the Director of Public Works.

SECTION 6. AND BE IT FURTHER ORDAINED, That at all times after the closing under this Ordinance, the Mayor and City Council of Baltimore, acting by or through its authorized representatives, shall have access to the subject property and to all subsurface structures and appurtenances used by the Mayor and City Council,

for the purpose of inspecting, maintaining, repairing, altering, relocating, or replacing any of them, without need to obtain permission from or pay compensation to the owner of the property.

SECTION 7. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved November 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-590
(Council Bill 07-773)

AN ORDINANCE CONCERNING

Release of Right of Way – for Various Existing Variable Width Rights of Way Granted to the Mayor and City Council of Baltimore through the Property of the Baltimore Development Corporation, Formerly Known as Hollander Ridge

FOR the purpose of authorizing the release and surrender by the Mayor and City Council of Baltimore of all of its interests in and to various existing variable width rights of way for Perpetual Easements for Municipal Utilities and Services granted to the City of Baltimore through the property of the Baltimore Development Corporation, formerly known as Hollander Ridge, the location and course of the various existing variable width rights of way to be released being shown on Plat R.W. 80-36211 in the Office of the Department of Public Works; and providing for a special effective date.

BY authority of
Article I - General Provisions
Section 4
and
Article II - General Powers
Sections 31
Baltimore City Charter
(1996 Edition)

Recitals

By a Subdivision Plat Titled "Amended Plat 1,2,3,4 and 5 Hollander Hills", and recorded among the Land Records of Baltimore City in Plat Book R.H.B. No. 2413, the Mayor and City Council of Baltimore retained rights of way for Perpetual Easements for Municipal Utilities and Services through the property of the Baltimore Development Corporation, formerly known as Hollander Ridge.

The rights of way hereinafter described are no longer needed for public use, the public utilities that had previously been therein having been abandoned and/or relocated to another right of way that was granted to the Mayor and City Council of Baltimore.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Comptroller of Baltimore City be and is hereby authorized on the behalf of the Mayor and City Council of Baltimore to execute and deliver to the owner or owners of the land within the right of way hereinafter described, a release and surrender of all of the interest of the City of Baltimore in the right of way described as follows:

Beginning for an Existing 15.0 foot Right of Way #1 to be extinguished at the intersection of the northwest side of Pulaski Highway (U.S. Route 40), 150 feet wide, and the northeast side of 62nd Street, varying in width, as shown on a Right of Way Plat to Abandon Existing Perpetual Easements for Municipal Utilities and Services, numbered R.W.80-36211 dated August 1, 2006 and attached to Developers Agreement No.959 for the property formerly known as Hollander Ridge, having a coordinate value of East 24,099.46 feet and North 4,574.43 feet, and running thence through the property, now or formerly owned by the Baltimore Development Corporation, the two following courses and distances; namely, North 35º 42' 50" West 8.22 feet and South 54º 17' 10" West 20.45 feet to intersect the east side of said 62nd Street; thence binding on the east side of said 62nd Street, the two following courses and distances; namely, North 83º 12' 16" West 6.54 feet and by a tangent arc curving to the right with a radius of 370.00 feet the distance of 10.59 feet which arc is subtended by a chord bearing North 33º 19' 55" West 10.59 feet; thence by straight lines through said property, the two following courses and distances; namely, North 54º 17' 10" East 24.84 feet and North 35º 42' 50" West 114.09 feet to intersect the east side of said 62nd Street; thence binding on the east side of said 62nd Street, the two following courses and distances; namely, by a tangent arc curving to the right with a radius of 370.00 feet the distance of 14.26 feet which arc is subtended by a chord bearing North 13º 15' 03" West 14.26 feet and North 12º 08' 50" West 23.89 feet; thence by a straight line through said property, South 35º 42' 50" East 170.95 feet to intersect the northwest side of said Pulaski Highway (U.S. Route 40), and thence binding on the northwest side of said Pulaski Highway (U.S. Route 40), South48º 47' 59" West 15.07 feet to the place of beginning.

Containing 2,682.25 square feet or 0.0616 acre of land, more or less.

Beginning for an Existing Variable Width Right of Way #3 to be extinguished at a point on the east side of 62nd Street, 60 feet wide, distant northwesterly 880.6 feet, more or less, measured along the east side of said 62nd Street from the northwest side of Pulaski Highway (U.S. Route 40), 150 feet wide, as shown on a Right of Way Plat to Abandon Existing Perpetual Easements for Municipal Utilities and Services, numbered R.W.80-36211 dated August 1, 2006 and attached to Developers Agreement No. 959 for the property formerly known as Hollander Ridge, having a coordinate value of East 23,864.88 feet and North 5,402.04 feet, and running thence binding on the east side of said 62nd Street, North 12º 08' 50" West 12.60 feet; thence by straight lines through the property, now or formerly owned by the Baltimore Development Corporation, the two following courses and distances; namely, North 60º 02' 02" East 36.59 feet and South 77º 51' 10" West 34.83 feet to intersect the east side of said 62nd Street; thence binding on the east side of said 62nd Street, North 12º 08' 50" West 12.00 feet; thence by straight lines through said property, the six following courses and distances; namely, North 77º 51' 11" East 108.75 feet, North 54º 17' 08" East 78.78 feet, North 77º 35' 49" East 29.22 feet, North 54º 17' 08" East 17.18 feet, South 52º 14' 39" East 8.85 feet and North 77º 35' 49" East 27.36 feet to intersect the west side of Odell Avenue, 60 feet wide; thence binding on the west side of said Odell Avenue, the two following courses and distances; namely, South 00º 51' 55" East 0.11 foot and by a tangent arc curving to the left with a radius of 350.00 feet the distance of 12.09 feet which arc is subtended by a chord bearing South 01º 51' 19" East 12.09 feet; thence by straight lines through said property, the two following courses and distances; namely South 77º 35' 49" West 15.12 feet and South 52º 14' 39" East 20.09 feet to intersect the west side of said Odell Avenue; thence binding on the west side of said Odell Avenue by a non-tangent arc curving to the left with a radius of 350.00 feet the distance of 16.83 feet which arc is subtended by a chord bearing South 06º 46' 30" East 16.83 feet, and thence by straight lines through said property, the four following courses and distances; namely, North 52º 14' 39" West 47.42 feet, South 54º 17' 08" West 114.83 feet, South 77º 51' 10" West 74.31 feet and South 60º 02' 02" West 45.11 feet to the place of beginning.

Containing 5,889.93 square feet or 0.1352 acre of land, more or less.

Beginning for an Existing Varying in Width Right of Way #4 to be extinguished at a point on the east side of 62nd Street, 60 feet wide, distant northwesterly 1154.2 feet, more or less, measured along the east side of said 62nd Street from the northwest side of Pulaski Highway (U.S. Route 40), 150 feet wide, as shown on a Right of Way Plat to Abandon Existing Perpetual Easements for Municipal Utilities and Services,

numbered R.W.80-36211 dated August 1, 2006 and attached to Developers Agreement No.959 for the property formerly known as Hollander Ridge, having a coordinate value of East 23,807.30 feet and North 5,669.55 feet, and running thence binding on the east side of said 62nd Street, North 12º 08' 50" West 17.83 feet to intersect the northwest side of a 15.0 foot Right of Way, there situate; thence binding on the northwest side of said 15.0 foot Right of Way, the two following courses and distances; namely, North 45º 07' 13" East 42.78 feet and North 35º 23' 27" East 93.45 feet to intersect the north side of a 12.0 foot Right of Way, there situate; thence binding on the north side of said 12.0 foot Right of Way, North 79º 16' 36" East 122.51 feet to intersect the west side of a 15.0 foot Right of Way, there situate; thence binding on the west, north, northeast, northwest and northeast sides of last said 15.0 foot Right of Way, the five following courses and distances; namely, North 10º 20' 41" East 62.66 feet, South 77º 46' 05" East 51.74 feet, South 54º 47' 20" East 47.16 feet, North 29º 00' 09" East 133.18 feet and South 69º 23' 37" East 14.51 feet to intersect the southeast side of Odell Avenue, 60 feet wide; thence binding on the southeast side of said Odell Avenue, by a non-tangent arc curving to the right with a radius of 250.00 feet the distance of 15.01 feet which arc is subtended by a chord bearing, South 21º 43' 07" West 15.00 feet to intersect the northeast side of last said 15.0 foot Right of Way; thence binding on the northeast and southeast, southwest sides of last said 15.0 foot Right of Way, the three following courses and distances; namely, North 69º 23' 37" West 1.27 feet, South 29º 00' 09" West 121.87 feet and South 54º 47' 20" East 5.36 feet to intersect the southeast side of said Odell Avenue; thence binding on the southeast side of said Odell Avenue, by a non-tangent arc curving to the left with a radius of 350.00 feet the distance of 15.53 feet which arc is subtended by a chord bearing, South 20º 10' 03" West 15.53 feet to intersect the southwest side of last said 15.0 foot Right of Way; thence binding on the southwest, south and east sides of last said 15.0 foot Right of Way, the three following courses and distances; namely, North 54º 47' 20" West 68.59 feet, North 77º 46' 05" West 33.19 feet and South 10º 20' 41" West 54.24 feet to intersect the south side of said 12.0 foot Right of Way; thence binding on the south side of said 12.0 foot Right of Way, South 79º 16' 36" West 124.80 feet to intersect the southeast side of said 15.0 Right of Way, mentioned firstly herein, and thence binding on the southeast side of said 15.0 Right of Way, mentioned firstly herein, the two following courses and distances; namely, South 35º 23' 27" West 93.01 feet and South 45º 07' 13" West 53.69 feet to the place of beginning.

Containing 8,171.87 square feet or 0.1876 acre of land, more or less.

Beginning for an Existing Variable Width Right of Way #7 to be extinguished at a point on the east side of 62nd Street, 60 feet wide, distant northwesterly 2175.9 feet, more or less, measured along the east side of said 62nd Street from the northwest side of Pulaski Highway (U.S. Route 40), 150 feet wide, as shown on a Right of Way Plat to Abandon Existing Perpetual Easements for Municipal Utilities and Services, numbered R.W.80-36211 dated August 1, 2006 and attached to Developers Agreement No.959 for the property formerly known as Hollander Ridge, having a coordinate value of East 23,592.32 feet and North 6,668.33 feet, and running thence binding on the east side of said 62nd Street, North 12º 08' 50" West 19.87 feet; thence by straight lines through the property, now or formerly owned by the Baltimore Development Corporation, the two following courses and distances; namely, North 36º 51' 55" East 59.64 feet and South 78º 08' 19" West 45.02 feet to intersect the east side of said 62nd Street; thence binding on the east side of said 62nd Street, North 12º 08' 50" West 15.00 feet; thence by straight lines through said property, the four following courses and distances; namely, North 78º 08' 19" East 50.63 feet, North 89º 59' 45" East 240.58 feet, North 02º 18' 35" East 148.62 feet and North 89º 59' 45" East 439.12 feet to intersect the Eastern Boundary Line of Baltimore City; thence binding on the said Eastern Boundary Line of Baltimore City, Due South 15.00 feet; thence by straight lines through said property, the three following courses and distances; namely, South 89º 59' 45" West 265.41 feet, South 75º 26' 04" East 222.62 feet and North 89º 59' 45" East 49.95 feet to intersect the said Eastern Boundary Line of Baltimore City; thence binding on the said Eastern Boundary Line of Baltimore City, Due South 15.00 feet; thence by straight lines through said property, the two following courses and distances; namely, South 89º 59' 45" West 43.40 feet and South 00º 00' 15" East 78.24 feet to intersect the north end of the Cul de Sac for Odell Avenue; thence binding on the north end of said Cul de Sac of Odell Avenue by a non-tangent arc curving to the left with a radius of 70.00 feet the distance of 16.09 feet which arc is subtended by a chord

bearing North 69º 06' 01" West 16.06 feet, and thence by straight lines through said property, six following courses and distances; namely, North 00º 00' 15" West 74.21 feet, North 75º 26' 04" West 227.78 feet, South 89º 59' 45" West 132.54 feet, South 00º 00' 15" East 146.50 feet, South 89º 59' 45" West 264.75 feet and South 36º 51' 55" West 72.44 feet to the place of beginning.

Containing 26,275.65 square feet or 0.6032 acre of land, more or less.

Beginning for an Existing Variable Width Right of Way #9 to be extinguished at a point on the northwest side of 62nd Street, 60 feet wide, as shown on a Right of Way Plat to Abandon Existing Perpetual Easements for Municipal Utilities and Services, numbered R.W.80-36211 dated August 1, 2006 and attached to Developers Agreement No.959 for the property formerly known as Hollander Ridge, having a coordinate value of East 23,514.12 feet and North 7,443.86 feet, and running thence binding on the northwest side of said 62nd Street, North 31º 14' 59" East 15.00 feet; thence binding on the northeast side of an Existing 15.0 foot Right of Way, there situate, South 58º 32' 29" East 171.75 feet to intersect the northwest side of an Existing 12.0 foot Right of Way, there situate; thence binding on the northwest and west sides of said Existing 12.0 foot Right of Way, the two following courses and distances; namely, North 28º 05' 33" East 200.23 feet and North 08º 18' 24" East 171.74 feet to intersect the north side of an Existing 15.0 foot Right of Way, there situate; thence binding on the north, northwest and west sides of last said Existing 15.0 Right of Way, the three following courses and distances; namely, South 89º 31' 09" East 96.16 feet, North 42º 02' 43" East 97.64 feet and North 12º 08' 30" East 237.65 feet to intersect the north side of an Existing 12.0 foot Right of Way, there situate; thence binding on the north side of last said Existing 12.0 foot Right of Way, the two following courses and distances; namely, North 88º 46' 37" East 123.78 feet and North 88º 17' 17" East 98.20 feet to intersect the northwest side of an Existing 15.0 foot Right of Way, there situate; thence binding on the northwest side of last said Existing 15.0 foot Right of Way, North 25º 21' 22" East 145.72 feet to intersect the southwest side of an Existing 25.0 foot Right of Way, there situate; thence binding on the southwest side of said Existing 25.0 foot Right of Way, North 27º 09' 44" West 55.54 feet to intersect the southeast side of 62nd Street Cul de Sac; thence binding on the southeast side of said 62nd Street Cul de Sac, by a non-tangent arc curving to the left with a radius of 60.00 feet the distance of 25.48 feet which arc is subtended by a chord bearing North 54º 12' 51" East 25.29 feet to intersect the northeast side of said Existing 25.0 foot Right of Way; thence binding on the northeast side of said Existing 25.0 foot Right of Way, South 27º 09' 44" East 42.97 feet to intersect the north side of an Existing 22.5 foot Right of Way, there situate; thence binding on the north, east and south sides of said Existing 22.5 foot Right of Way, the three following courses and distances; namely, North 75º 22' 34" East 14.44 feet, South 00º 00' 47" West 23.29 feet and South 75º 22' 34" West 10.78 feet to intersect the southeast side of last said Existing 15.0 foot Right of Way; thence binding on the southeast, south, east and southeast sides of last said Existing 15.0 foot Right of Way, the four following courses and distances; namely, South 25º 21' 22" West 119.05 feet, South 89º 35' 20" West 2.07 feet, South 00º 00' 58" East 4.35 feet and South 25º 21' 22" West 38.74 feet to intersect the south side of last said Existing 12.0 foot Right of Way; thence binding on the south side of last said Existing 12.0 foot Right of Way, the two following courses and distances; namely, South 88º 17' 17" West 108.97 feet and South 88º 46' 37" West 111.27 feet to intersect the east side of said Existing 15.0 foot Right of Way, mentioned secondly herein; thence binding on the east, southeast and south sides of said Existing 15.0 foot Right of Way, mentioned secondly herein, the three following courses and distances; namely, South 12º 08' 30" West 232.88 feet, South 42º 02' 43" West 108.40 feet and North 89º 31' 09" West 92.85 feet to intersect the east side of said Existing 12.0 foot Right of Way, mentioned firstly herein; thence binding on the east and southeast sides of said Existing 12.0 foot Right of Way, mentioned firstly herein, the two following courses and distances; namely, South 08º 18' 24" West 160.34 feet and South 28º 05' 33" West 218.06 feet to intersect the southwest side of said Existing 15.0 foot Right of Way, mentioned firstly herein, and thence binding on the southwest side of said 15.0 foot Right of Way, mentioned firstly herein, North 58º 32' 29" West 184.59 feet to the place of beginning.

Containing 20,332.91 square feet or 0.4668 acre of land, more or less.

Beginning for an Existing 15.0 foot Right of Way #10 to be extinguished at a point on the north side of 62nd Street Cul de Sac as shown on a Right of Way Plat to Abandon Existing Perpetual Easements for Municipal Utilities and Services, numbered R.W.80-36211 dated August 1, 2006 and attached to Developers Agreement No.959 for the property formerly known as Hollander Ridge, having a coordinate value of East 24,252.46 feet and North 8,316.40 feet, and running thence binding on the north side of said 62nd Street Cul de Sac by a non-tangent arc curving to the left with a radius of 60.00 feet the distance of 20.83 feet which arc is subtended by a chord bearing North 81º 58' 45" West 20.73 feet, and thence by straight lines through the property, now or formerly owned by the Baltimore Development Corporation, the three following courses and distances; namely, North 51º 39' 52" East 102.13 feet, South 00º 01' 00" East 19.12 feet and South 51º 39' 52" West 75.97 feet to the place of beginning.

Containing 1,323.27 square feet or 0.0304 acre of land, more or less.

The use of the rights of way described hereinabove is no longer needed for public purposes.

SECTION 2. AND BE IT FURTHER ORDAINED, That no deed may pass under this Ordinance unless the deed has been approved by the City Solicitor.

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

Approved November 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-591
(Council Bill 07-774)

AN ORDINANCE CONCERNING

Sale of Property – A Portion of the Former Bed of Water Street

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in a certain parcel of land known as a portion of the former bed of Water Street, extending from a point distant westerly 89.75 feet measured along the south side of the former bed of Water Street from Light Street, westerly to the west side of Lovegrove Street, and no longer needed for public use; and providing for a special effective date.

BY authority of
Article V - Comptroller
Section 5(b)
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That, in accordance with Article V, § 5(b) of the City Charter, the City Comptroller may sell, at either public or private sale, all the interest of the Mayor and City Council of Baltimore in a certain parcel of land known as a portion of the former bed of Water Street, extending from a point distant westerly 89.75 feet measured along the south side of the former bed of Water Street from Light Street, westerly to the west side of Lovegrove Street, and more particularly described as follows:

Beginning for the same at a point on the south side of the former bed of Water Street, 10.0 feet wide, distant westerly 89.75 feet measured along the south side of the former bed of said Water Street from Light Street, 108.5 feet wide, and running thence binding on the south side of the former bed of said Water Street, Westerly 25.6 feet, more or less, to intersect the west side of Lovegrove Street, varying in width; thence binding on the west side of said Lovegrove Street, Northerly 10.0 feet to intersect the line of the north side of the former bed of Water Street, if projected westerly; thence binding reversely on said line so projected; Easterly 14.4 feet, more or less, to intersect the east side of said Lovegrove Street; thence binding on the line of the east side of said Lovegrove Street, if projected southerly, Southerly 5.0 feet to intersect the centerline of the former bed of said Water Street; thence binding on the centerline of the former bed of said Water Street, Easterly 11.3 feet, more or less, and thence by a line drawn at a right angle to the south side of the former bed of said Water Street, Southerly 5.0 feet to the place of beginning.

Subject to a full width Perpetual Easement for all Municipal Utilities and Services, not to be abandoned, over the entire hereinabove described parcel of land.

This property being no longer needed for public use.

SECTION 2. AND BE IT FURTHER ORDAINED, That no deed may pass under this Ordinance unless the deed has been approved by the City Solicitor.

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

Approved November 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-592
(Council Bill 07-775)

AN ORDINANCE CONCERNING

Sale of Property – NWS Pulaski Highway NEC of Moravia Park Drive
(Block 6202, Sheets 3 and 4, Portion of Lot 2/22)

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain property known as NWS Pulaski Highway NEC of Moravia Park Drive (Block 6202, Sheets 3 and 4, Portion of Lot 2/22) as shown on Maryland Transportation Authority Plat No. 56824 dated March 13, 2006, revised April 16, 2007, and no longer needed for public use; and providing for a special effective date.

BY authority of
Article V - Comptroller
Section 5(b)
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That, in accordance with Article V, § 5(b) of the City Charter, the City Comptroller may sell, at either public or private sale, all the interest of the Mayor and City Council of Baltimore in the property, known as NWS

Pulaski Highway NEC of Moravia Park Drive (Block 6202, Sheets 3 and 4, Portion of Lot 2/22) and more particularly described as follows:

The subject parcel (Block 6202, Sheets 3 and 4, portion of Lot 2/22) as shown on Maryland Transportation Authority Plat No. 56824 dated March 13, 2006, revised April 16, 2007, is vacant land,

containing 19,032 square feet, more or less, or 0.4369 acres, this property being no longer needed for public use.

SECTION 2. AND BE IT FURTHER ORDAINED, That no deed may pass under this Ordinance unless the deed has been approved by the City Solicitor.

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

Approved November 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-593
(Council Bill 07-785)

AN ORDINANCE CONCERNING

East Baltimore Research Park - Special Taxing District

FOR the purpose of designating a "special taxing district" to be known as the "East Baltimore Research Park Special Taxing District"; providing for and determining various matters in connection with the establishment of the special taxing district; creating a special fund for the special taxing district; providing for the levy of a special tax on all taxable real property located in the special taxing district; providing for a special effective date; and generally relating to the designation and operation of the special taxing district, the establishment and use of the special fund and the issuance and payment of bonds issued in connection with the special taxing district.

BY authority of
Article II - General Powers
Section (62A)
Baltimore City Charter
(1996 Edition)

Recitals

The Special Taxing District Act, Article II, Section (62A) of the Baltimore City Charter (the "Act") authorizes the Mayor and City Council of Baltimore to establish a "special taxing district" (as defined in the Act) and a special fund into which the special taxes levied in the special taxing district are deposited, for the purpose of providing financing, refinancing, and reimbursement for the costs of infrastructure improvements.

The Act also authorizes the City, subject to certain requirements, to borrow money by issuing and selling bonds, for the purpose of providing financing, refinancing, and reimbursement for the costs of infrastructure improvements.

The City has been requested to designate and create the East Baltimore Research Park Special Taxing District from both (i) the owners of at least two-thirds of the assessed valuation of the real property located in the proposed special taxing district; and (ii) at least two-thirds of the owners of the real property located in the proposed special taxing district.

The proposed special taxing district includes properties located in the Phase I Development District and Area A Subdistrict (as such terms are hereinafter defined).

The Act provides that no bonds may be issued by the City until an ordinance is enacted that (i) designates an area or areas as a "special taxing district"; (ii) creates a special fund for the special taxing district; and (iii) provides for the levy of an *ad valorem* or special tax on all real property in the special taxing district at a rate or amount designed to provide adequate revenues to pay the principal of, interest on, and redemption premium, if any, on the bonds, to replenish any debt service reserve fund, and for any other purpose related to the ongoing expenses of or security for the bonds.

The Mayor and City Council wishes to establish a special taxing district within the City, establish a special fund for the special taxing district, and provide for the levy of a special tax on all taxable real property in the special taxing district for the purpose of providing financing and refinancing for the relocation of businesses and residents, the acquisition of land and interests in land, and the acquisition, construction, renovation, and development of other related public improvements relating to the development of residential, commercial, and office buildings in the East Baltimore Area.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That for the purposes of this Ordinance, the following terms have the meanings indicated:

(a) "Act" means the Special Taxing District Act, as codified in Article II, Section (62A) of the Baltimore City Charter.

(b) "Area A Subdistrict" means the Area A Subdistrict established by the Phase II Ordinance.

(c) "Bond" means any bond, note, or other similar instrument issued by the Mayor and City Council of Baltimore under the Act.

(d) "Phase II Ordinance" means the Ordinance of the Mayor and City Council enacted prior to or simultaneously with this Ordinance establishing the East Baltimore Research Park Phase II Development District.

(e) "Project" means the following improvements and activities that are completed in accordance with all City approvals:

(1) the relocation of businesses or residents;

(2) site removal, including demolition and site preparation;

(3) the acquisition of land and other property by purchase, lease, or condemnation;

(4) the design, construction, reconstruction, renovation, and development of buildings that provide units of affordable housing and condemning or otherwise acquiring structures, real or personal property, rights, rights-of-way, franchises, easements, and interests in furtherance of this purpose;

(5) the design, construction, reconstruction, renovation, and development of building, structure, or improvements that constitute a school, library, park or recreational facility, or buildings

devoted to a governmental use or purpose and condemning or otherwise acquiring any real or personal property, rights, rights-of-way, franchises, easements, and interests in furtherance of this purpose; and

(6) the acquisition, construction, renovation, and development of other related public improvements and the financing or refinancing of any related costs that are necessary for the completion of the foregoing for its intended public purposes.

(f) "Special Tax Fund" means the special fund established by Section 4 of this Ordinance.

(g) "Special Taxing District" means the area in the City designated in Section 3 of this Ordinance as a special taxing district under the Act.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Mayor and City Council of Baltimore finds and determines that the establishment of the East Baltimore Research Park Special Taxing District, the creation of the Special Tax Fund for that Special Taxing District and the issuance of bonds from time to time, all for the purpose of providing funds for the financing and refinancing of the Project, accomplishes the purposes of the Act, serves public purposes, including but not limited to the direct and indirect enhancement of the taxable base of the City, the creation of new employment opportunities, the encouragement of additional economic activities, the development or redevelopment of slum, blighted or deteriorated areas, the undertaking of urban renewal projects, the facilitation of planned improvements to the East Baltimore area, the furtherance of economic development conducted pursuant to comprehensive plans, and generally promotes the health, welfare, and safety of the residents of the State of Maryland and of the City of Baltimore.

SECTION 3. AND BE IT FURTHER ORDAINED, That the area consisting of the properties designated in Exhibit 1-A (as the same may be renumbered or redesignated as a result of the pending resubdivision of such property), together with the adjoining roads, highways, alleys, rights-of-way and other similar property, shown on the map attached to this Ordinance as Exhibit 1-B, and made a part of this Ordinance, is designated as a special taxing district to be known as the "East Baltimore Research Park Special Taxing District."

SECTION 4. AND BE IT FURTHER ORDAINED, That a special fund is established for the Special Taxing District to be known as the "East Baltimore Research Park Special Tax Fund." The Director of Finance shall deposit in the Special Tax Fund all special taxes levied and collected in accordance with Section 5 of this Ordinance. The Director of Finance and other officers and employees of the City shall take all necessary steps in order to establish the Special Tax Fund as a separate fund to be held by or for the account of the City.

SECTION 5. AND BE IT FURTHER ORDAINED, That:

(a) A special tax shall be levied upon all real property in the Special Taxing District, unless exempted by the provisions of this Ordinance or otherwise by law, for the purposes, to the extent and in the manner set forth in the Rate and Method of Apportionment of the Special Taxes attached to this Ordinance as Exhibit 2 and made a part of this Ordinance.

(b) The revenues and receipts from the special tax, the Special Tax Fund, and any other fund into which all or any of these revenues and receipts are deposited after they have been appropriated by the City are pledged to the payment of the principal of and interest on the bonds. These revenues, receipts and funds are not, however, irrevocably pledged to the payment of the principal of and interest on the bonds and the obligation to pay this principal and interest is subject to annual appropriation by the City.

(c) Special taxes levied in the Special Taxing District may not be accelerated by reason of bond default. The maximum special taxes applicable to any individual property may not be increased in the event that other property owners become delinquent in the payment of the special taxes.

SECTION 6. AND BE IT FURTHER ORDAINED, That the Mayor and City Council of Baltimore finds that:

(a) The development of the Project will create a public benefit and special benefits to the properties in the Special Taxing District;

(b) The special taxes levied under this Ordinance are levied in an amount that does not exceed the special benefit that the properties within the Special Taxing District will receive from the Project, as shown by the Special Tax Allocation Report attached to this Ordinance as Exhibit 3 and made a part of this Ordinance; and

(c) The special taxes levied on each property in the Special Taxing District are a fair allocation of the costs of the Project to each property in the Special Taxing District, as shown by the Special Tax Allocation Report.

SECTION 7. AND BE IT FURTHER ORDAINED, That the Director of Finance may do all acts and things and execute all documents and certificates relating to the Special Taxing District and the Special Tax Fund.

SECTION 8. AND BE IT FURTHER ORDAINED, That any approvals, authorizations, or activities provided in this Ordinance do not constitute and may not be deemed to constitute or imply that the City Council, the Mayor, or any department, office or agency of the City has given or will give, any approval, authorization or consent to any action or activity within or required for the development of the Special Taxing District, including any land use approval, requirements for the provision of public utilities or services, or any other administrative, judicial, quasi-judicial, or legislative approval, authorization, or consent.

SECTION 9. AND BE IT FURTHER ORDAINED, That this Ordinance may be amended by a subsequent ordinance of the Mayor and City Council of Baltimore, which ordinance may enlarge or reduce the Special Taxing District, upon receipt of a request from both (i) the owners of at least two-thirds of the assessed valuation of the real property located with the proposed special taxing district; and (ii) at least two-thirds of the owners of the real property located within the proposed special taxing district. However, no ordinance may be effective to reduce the size of the Special Taxing District so long as there are any outstanding bonds secured by the Special Tax Fund, unless the ordinance authorizing the issuance of the bonds permits the City to reduce the area constituting the Special Taxing District, the holders of the bonds or an authorized representative on their behalf consents to the reduction or the indenture authorizing the bonds permits the reduction.

SECTION 10. AND BE IT FURTHER ORDAINED, That the provisions of this Ordinance are severable. If any provision, sentence, clause, section or other part of this Ordinance is held or determined to be illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, that illegality, invalidity, unconstitutionality, or inapplicability does not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is the intent of the Mayor and City Council that this Ordinance would have been passed even if the illegal, invalid, unconstitutional, or inapplicable provision, sentence, clause, section, or other part had not been included in this Ordinance, and as if the person or circumstances to which this Ordinance or part are inapplicable had been specifically exempted.

SECTION 11. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

EXHIBIT 1-A

Properties within the Special Taxing District

The East Baltimore Research Park Special Taxing District shall be comprised of the area consisting of the following properties:

1585 132	951 N DURHAM ST	1584 047	906 RUTLAND AVE
1585 131	949 N DURHAM ST	1584 046	908 RUTLAND AVE
1585 130	947 N DURHAM ST	1584 045	910 RUTLAND AVE
1585 129	945 N DURHAM ST	1584 044	912 RUTLAND AVE
1585 128	943 N DURHAM ST	1584 043	914 RUTLAND AVE
1585 127	941 N DURHAM ST	1584 042	916 RUTLAND AVE
1585 126	939 N DURHAM ST	1584 041	918 RUTLAND AVE
1585 125	937 N DURHAM ST	1584 040	920 RUTLAND AVE
1585 124	935 N DURHAM ST	1584 039	922 RUTLAND AVE
1585 123	933 N DURHAM ST	1584 038	924 RUTLAND AVE
1585 122	931 N DURHAM ST	1584 037	926 RUTLAND AVE
1585 121	929 N DURHAM ST	1584 036	1717 BARNES ST
1585 120	927 N DURHAM ST	1584 035	1715 BARNES ST
1585 119	925 N DURHAM ST	1584 034	1713 BARNES ST
1585 118	923 N DURHAM ST	1584 033	1711 BARNES ST
1585 117	921 N DURHAM ST	1584 032	1709 BARNES ST
1585 116	919 N DURHAM ST	1584 031	1707 BARNES ST
1585 115	917 N DURHAM ST	1584 030	929 MCDONOGH ST
1585 114	915 N DURHAM ST	1584 029	927 MCDONOGH ST
1585 113	913 N DURHAM ST	1584 028	925 MCDONOGH ST
1585 112	911 N DURHAM ST	1584 027	923 MCDONOGH ST
1585 111	909 N DURHAM ST	1584 026	921 MCDONOGH ST
1585 110	907 N DURHAM ST	1584 025	919 MCDONOGH ST
1585 109	905 N DURHAM ST	1584 024	917 MCDONOGH ST
1585 108	903 N DURHAM ST	1584 023	915 MCDONOGH ST
1585 107	948 N DURHAM ST	1584 022	913 MCDONOGH ST
1585 106	946 N DURHAM ST	1584 021	911 MCDONOGH ST
1585 105	944 N DURHAM ST	1584 020	909 MCDONOGH ST
1585 104	942 N DURHAM ST	1584 019	907 MCDONOGH ST
1585 103	940 N DURHAM ST	1584 018	905 MCDONOGH ST
1585 102	938 N DURHAM ST	1584 017	903 MCDONOGH ST
1585 101	936 N DURHAM ST	1584 016	1716 ASHLAND AVE
1585 100	934 N DURHAM ST	1584 015	1718 ASHLAND AVE
1585 099	932 N DURHAM ST	1584 014	1720 ASHLAND AVE
1585 098	930 N DURHAM ST	1584 013	1722 ASHLAND AVE
1585 097	928 N DURHAM ST	1584 012	1724 ASHLAND AVE
1585 096	926 N DURHAM ST	1584 011	1726 ASHLAND AVE
1585 095	924 N DURHAM ST	1584 009	1730 ASHLAND AVE
1585 094	922 N DURHAM ST	1584 008	1732 ASHLAND AVE
1585 093	920 N DURHAM ST	1584 007	1734 ASHLAND AVE
1585 092	918 N DURHAM ST	1584 006	1736 ASHLAND AVE
1585 091	916 N DURHAM ST	1584 005	1738 ASHLAND AVE
1585 090	914 N DURHAM ST	1584 004	1740 ASHLAND AVE
1585 089	912 N DURHAM ST	1584 003	1742 ASHLAND AVE
1585 088	910 N DURHAM ST	1584 002	1744 ASHLAND AVE
1585 087	908 N DURHAM ST	1584 001	1746 ASHLAND AVE
1585 086	906 N DURHAM ST	1583 036	1704 ASHLAND AVE
1585 085	904 N DURHAM ST	1583 035	1706 ASHLAND AVE
1585 084	902 N DURHAM ST	1583 034	1708 ASHLAND AVE
1585 083	900 N WOLFE ST	1583 033	1710 ASHLAND AVE
1585 082	902 N WOLFE ST	1583 032	1712 ASHLAND AVE
1585 081	904 N WOLFE ST	1583 031	1714 ASHLAND AVE
1585 080	906 N WOLFE ST	1583 030	902 MCDONOGH ST

1585 079	908 N WOLFE ST	1583 029	904 MCDONOGH ST
1585 078	910 N WOLFE ST	1583 028	906 MCDONOGH ST
1585 077	912 N WOLFE ST	1583 027	908 MCDONOGH ST
1585 076	914 N WOLFE ST	1583 026	910 MCDONOGH ST
1585 075	916 N WOLFE ST	1583 025	912 MCDONOGH ST
1585 074	918 N WOLFE ST	1583 024	914 MCDONOGH ST
1585 073	920 N WOLFE ST	1583 023	916 MCDONOGH ST
1585 072	922 N WOLFE ST	1583 022	918 MCDONOGH ST
1585 071	924 N WOLFE ST	1583 021	920 MCDONOGH ST
1585 070	926 N WOLFE ST	1583 020	922 MCDONOGH ST
1585 069	928 N WOLFE ST	1583 019	924 MCDONOGH ST
1585 068	930 N WOLFE ST	1583 018	926 MCDONOGH ST
1585 067	932 N WOLFE ST	1583 017	928 MCDONOGH ST
1585 066	934 N WOLFE ST	1582 001	1715 E EAGER ST
1585 065	936 N WOLFE ST	1581 001	1705 E EAGER ST
1585 064	938 N WOLFE ST	1565 060	Lot
1585 063	940 N WOLFE ST	1565 058	1000 RUTLAND AVE
1585 062	942 N WOLFE ST	1565 057	1002 RUTLAND AVE
1585 061	1839 E EAGER ST	1565 056	1004 RUTLAND AVE
1585 060	1837 E EAGER ST	1565 055	1006 RUTLAND AVE
1585 059	1835 E EAGER ST	1565 054	1008 RUTLAND AVE
1585 058	1833 E EAGER ST	1565 053	1010 RUTLAND AVE
1585 057	1831 E EAGER ST	1565 052	1012 RUTLAND AVE
1585 056	1829 E EAGER ST	1565 051	1014 RUTLAND AVE
1585 055	1827 E EAGER ST	1565 050	1016 RUTLAND AVE
1585 054	1825 E EAGER ST	1565 049	1018 RUTLAND AVE
1585 053	1823 E EAGER ST	1565 048	1020 RUTLAND AVE
1585 052	1821 E EAGER ST	1565 047	1022 RUTLAND AVE
1585 051	1819 E EAGER ST	1565 046	1024 RUTLAND AVE
1585 050	1817 E EAGER ST	1565 045	1026 RUTLAND AVE
1585 049	1815 E EAGER ST	1565 044	1028 RUTLAND AVE
1585 048	1813 E EAGER ST	1565 043	1030 RUTLAND AVE
1585 047	1811 E EAGER ST	1565 042	1032 RUTLAND AVE
1585 046	1809 E EAGER ST	1565 041	1034 RUTLAND AVE
1585 045	1807 E EAGER ST	1565 040	1036 RUTLAND AVE
1585 044	1805 E EAGER ST	1565 039	1731 E CHASE ST
1585 042	1801 E EAGER ST	1565 038	1043 MCDONOGH ST
1585 041	941 RUTLAND AVE	1565 037	1041 MCDONOGH ST
1585 040	939 RUTLAND AVE	1565 036	1039 MCDONOGH ST
1585 039	937 RUTLAND AVE	1565 035	1037 MCDONOGH ST
1585 038	935 RUTLAND AVE	1565 034	1035 MCDONOGH ST
1585 037	933 RUTLAND AVE	1565 033	1033 MCDONOGH ST
1585 036	931 RUTLAND AVE	1565 032	1031 MCDONOGH ST
1585 035	929 RUTLAND AVE	1565 031	1029 MCDONOGH ST
1585 034	927 RUTLAND AVE	1565 030	1027 MCDONOGH ST
1585 033	925 RUTLAND AVE	1565 029	1025 MCDONOGH ST
1585 032	923 RUTLAND AVE	1565 028	1023 MCDONOGH ST
1585 031	921 RUTLAND AVE	1565 027	1021 MCDONOGH ST
1585 030	919 RUTLAND AVE	1565 026	1019 MCDONOGH ST
1585 029	917 RUTLAND AVE	1565 025	1017 MCDONOGH ST
1585 028	915 RUTLAND AVE	1565 024	1015 MCDONOGH ST
1585 027	913 RUTLAND AVE	1565 023	1013 MCDONOGH ST
1585 026	911 RUTLAND AVE	1565 022	1011 MCDONOGH ST
1585 025	909 RUTLAND AVE	1565 021	1009 MCDONOGH ST
1585 024	907 RUTLAND AVE	1565 020	1007 MCDONOGH ST
1585 023	905 RUTLAND AVE	1565 019	1005 MCDONOGH ST
1585 022	903 RUTLAND AVE	1565 018	1003 MCDONOGH ST
1585 021	901 RUTLAND AVE	1565 017	1712 E EAGER ST
1585 020	1800 ASHLAND AVE	1565 016	1714 E EAGER ST
1585 019	1802 ASHLAND AVE	1565 015	1716 E EAGER ST
1585 018	1804 ASHLAND AVE	1565 014	1718 E EAGER ST

1585 017	1806 ASHLAND AVE	1565 013	1720 E EAGER ST
1585 016	1808 ASHLAND AVE	1565 012	1722 E EAGER ST
1585 015	1810 ASHLAND AVE	1565 011	1724 E EAGER ST
1585 014	1812 ASHLAND AVE	1565 010	1726 E EAGER ST
1585 013	1814 ASHLAND AVE	1565 009	1728 E EAGER ST
1585 012	1816 ASHLAND AVE	1565 008	1730 E EAGER ST
1585 011	1818 ASHLAND AVE	1565 007	1732 E EAGER ST
1585 010	1820 ASHLAND AVE	1565 006	1734 E EAGER ST
1585 009	1822 ASHLAND AVE	1565 005	1736 E EAGER ST
1585 008	1824 ASHLAND AVE	1565 004	1738 E EAGER ST
1585 007	1826 ASHLAND AVE	1565 003	1740 E EAGER ST
1585 006	1828 ASHLAND AVE	1565 002	1742 E EAGER ST
1585 005	1830 ASHLAND AVE	1565 001	1744 E EAGER ST
1585 004	1832 ASHLAND AVE	1564 059	1700 E EAGER ST
1585 003	1834 ASHLAND AVE	1564 058	1702 E EAGER ST
1585 002	1836 ASHLAND AVE	1564 057	1704 E EAGER ST
1585 001	1838 ASHLAND AVE	1564 056	1706 E EAGER ST
1584 075	lot	1564 055	1708 E EAGER ST
1584 074	900 SHUTER ST	1564 054	1710 E EAGER ST
1584 073	902 SHUTER ST	1564 053	1002 MCDONOGH ST
1584 072	904 SHUTER ST	1564 052	1004 MCDONOGH ST
1584 071	906 SHUTER ST	1564 051	1006 MCDONOGH ST
1584 070	908 SHUTER ST	1564 050	1008 MCDONOGH ST
1584 069	910 SHUTER ST	1564 049	1010 MCDONOGH ST
1584 068	912 SHUTER ST	1564 048	1012 MCDONOGH ST
1584 067	914 SHUTER ST	1564 047	1014 MCDONOGH ST
1584 066	916 SHUTER ST	1564 046	1016 MCDONOGH ST
1584 065	918 SHUTER ST	1564 045	1018 MCDONOGH ST
1584 064	920 SHUTER ST	1564 044	1020 MCDONOGH ST
1584 063	922 SHUTER ST	1564 043	1022 MCDONOGH ST
1584 062	923 SHUTER ST	1564 042	1024 MCDONOGH ST
1584 061	921 SHUTER ST	1564 041	1026 MCDONOGH ST
1584 060	919 SHUTER ST	1564 040	1028 MCDONOGH ST
1584 059	917 SHUTER ST	1564 039	1030 MCDONOGH ST
1584 058	915 SHUTER ST	1564 038	1032 MCDONOGH ST
1584 057	913 SHUTER ST	1564 037	1034 MCDONOGH ST
1584 056	911 SHUTER ST	1564 036	1036 MCDONOGH ST
1584 055	909 SHUTER ST	1564 035	1038 MCDONOGH ST
1584 054	907 SHUTER ST	1564 034	1040 MCDONOGH ST
1584 053	905 SHUTER ST	1564 033	1042 MCDONOGH ST
1584 052	903 SHUTER ST	1564 032	1711 E CHASE ST
1584 051	901 SHUTER ST	1564 031	1709 E CHASE ST
1584 050	900 RUTLAND AVE	1564 030	1707 E CHASE ST
1584 049	902 RUTLAND AVE	1564 029	1705 E CHASE ST
1584 048	904 RUTLAND AVE	1564 028	1703 E CHASE ST
1566 001	1838 E EAGER ST	1567 107	1016 N CHAPEL ST
1566 002	1836 E EAGER ST	1567 108	1014 N CHAPEL ST
1566 003	1834 E EAGER ST	1567 109	1012 N CHAPEL ST
1566 004	1832 E EAGER ST	1567 110	1010 N CHAPEL ST
1566 005	1830 E EAGER ST	1567 111	1008 N CHAPEL ST
1566 006	1828 E EAGER ST	1567 112	1006 N CHAPEL ST
1566 007	1826 E EAGER ST	1567 113	1004 N CHAPEL ST
1566 008	1824 E EAGER ST	1567 114	1002 N CHAPEL ST
1566 009	1822 E EAGER ST	1567 115	lot
1566 010	1820 E EAGER ST	1586 001	901 N WOLFE ST
1566 011	1818 E EAGER ST	1586 002	903 N WOLFE ST
1566 012	1816 E EAGER ST	1586 003	905 N WOLFE ST
1566 013	1814 E EAGER ST	1586 004	907 N WOLFE ST
1566 014	1812 E EAGER ST	1586 005	909 N WOLFE ST
1566 015	1810 E EAGER ST	1586 006	911 N WOLFE ST
1566 016	1808 E EAGER ST	1586 007	913 N WOLFE ST

1566 017	1806 E EAGER ST	1586 008	915 N WOLFE ST
1566 018	1804 E EAGER ST	1586 009	917 N WOLFE ST
1566 019	1802 E EAGER ST	1586 010	919 N WOLFE ST
1566 020	1800 E EAGER ST	1586 011	921 N WOLFE ST
1566 021	1001 RUTLAND AVE	1586 012	923 N WOLFE ST
1566 022	1003 RUTLAND AVE	1586 013	925 N WOLFE ST
1566 023	1005 RUTLAND AVE	1586 014	927 N WOLFE ST
1566 024	1007 RUTLAND AVE	1586 015	929 N WOLFE ST
1566 025	1009 RUTLAND AVE	1586 016	931 N WOLFE ST
1566 026	1011 RUTLAND AVE	1586 017	933 N WOLFE ST
1566 027	1013 RUTLAND AVE	1586 018	935 N WOLFE ST
1566 028	1015 RUTLAND AVE	1586 019	937 N WOLFE ST
1566 029	1017 RUTLAND AVE	1586 020	939 N WOLFE ST
1566 030	1019 RUTLAND AVE	1586 021	941 N WOLFE ST
1566 031	1021 RUTLAND AVE	1586 022	943 N WOLFE ST
1566 032	1023 RUTLAND AVE	1586 023	945 N WOLFE ST
1566 033	1025 RUTLAND AVE	1586 024	947 N WOLFE ST
1566 034	1027 RUTLAND AVE	1586 025	949 N WOLFE ST
1566 035	1029 RUTLAND AVE	1586 026	951 N WOLFE ST
1566 036	1031 RUTLAND AVE	1586 027	953 N WOLFE ST
1566 037	1033 RUTLAND AVE	1586 028	955 N WOLFE ST
1566 038	1035 RUTLAND AVE	1586 029	957 N WOLFE ST
1566 039	1037 RUTLAND AVE	1586 030	959 N WOLFE ST
1566 040	1039 RUTLAND AVE	1586 031	961 N WOLFE ST
1566 041	1041 RUTLAND AVE	1586 032	963 N WOLFE ST
1566 042	1801 E CHASE ST	1586 034	967 N WOLFE ST
1566 043	1803 E CHASE ST	1586 036	1905 E EAGER ST
1566 044	1805 E CHASE ST	1586 037	1907 E EAGER ST
1566 045	1807 E CHASE ST	1586 038	1909 E EAGER ST
1566 046	1809 E CHASE ST	1586 039	1911 E EAGER ST
1566 047	1811 E CHASE ST	1586 041	1915 E EAGER ST
1566 048	1813 E CHASE ST	1586 042	1917 E EAGER ST
1566 049	1815 E CHASE ST	1586 043	1919 E EAGER ST
1566 050	1817 E CHASE ST	1586 044	1921 E EAGER ST
1566 051	1819 E CHASE ST	1586 045	1923 E EAGER ST
1566 052	1821 E CHASE ST	1586 046	1925 E EAGER ST
1566 053	1823 E CHASE ST	1586 047	968 N WASHINGTON ST
1566 054	1825 E CHASE ST	1586 048	966 N WASHINGTON ST
1566 055	1827 E CHASE ST	1586 049	964 N WASHINGTON ST
1566 056	1829 E CHASE ST	1586 050	962 N WASHINGTON ST
1566 057	1831 E CHASE ST	1586 051	960 N WASHINGTON ST
1566 058	1833 E CHASE ST	1586 052	958 N WASHINGTON ST
1566 059	1835 E CHASE ST	1586 053	956 N WASHINGTON ST
1566 060	1837 E CHASE ST	1586 054	954 N WASHINGTON ST
1566 061	1839 E CHASE ST	1586 055	952 N WASHINGTON ST
1566 062	1042 N WOLFE ST	1586 056	950 N WASHINGTON ST
1566 063	1040 N WOLFE ST	1586 057	948 N WASHINGTON ST
1566 064	1038 N WOLFE ST	1586 058	946 N WASHINGTON ST
1566 065	1036 N WOLFE ST	1586 059	944 N WASHINGTON ST
1566 066	1034 N WOLFE ST	1586 060	942 N WASHINGTON ST
1566 067	1032 N WOLFE ST	1586 061	940 N WASHINGTON ST
1566 068	1030 N WOLFE ST	1586 062	938 N WASHINGTON ST
1566 069	1028 N WOLFE ST	1586 063	936 N WASHINGTON ST
1566 070	1026 N WOLFE ST	1586 064	934 N WASHINGTON ST
1566 071	1024 N WOLFE ST	1586 065	932 N WASHINGTON ST
1566 072	1022 N WOLFE ST	1586 066	930 N WASHINGTON ST
1566 073	1020 N WOLFE ST	1586 067	928 N WASHINGTON ST
1566 074	1018 N WOLFE ST	1586 068	926 N WASHINGTON ST
1566 075	1016 N WOLFE ST	1586 069	924 N WASHINGTON ST
1566 076	1014 N WOLFE ST	1586 070	922 N WASHINGTON ST
1566 077	1012 N WOLFE ST	1586 071	920 N WASHINGTON ST

1566 078	1010 N WOLFE ST	1586 072	918 N WASHINGTON ST
1566 079	1008 N WOLFE ST	1586 073	916 N WASHINGTON ST
1566 080	1006 N WOLFE ST	1586 074	914 N WASHINGTON ST
1566 081	1004 N WOLFE ST	1586 075	912 N WASHINGTON ST
1566 082	1000 N WOLFE ST	1586 076	910 N WASHINGTON ST
1566 084	1003 N DURHAM ST	1586 077	908 N WASHINGTON ST
1566 085	1005 N DURHAM ST	1586 078	906 N WASHINGTON ST
1566 086	1007 N DURHAM ST	1586 079	904 N WASHINGTON ST
1566 087	1009 N DURHAM ST	1586 080	902 N WASHINGTON ST
1566 088	1011 N DURHAM ST	1586 081	900 N WASHINGTON ST
1566 089	1013 N DURHAM ST	1586 082	1922 ASHLAND AVE
1566 090	1017 N DURHAM ST	1586 083	1920 ASHLAND AVE
1566 091	1019 N DURHAM ST	1586 084	1918 ASHLAND AVE
1566 092	1021 N DURHAM ST	1586 085	1916 ASHLAND AVE
1566 093	1023 N DURHAM ST	1586 086	1914 ASHLAND AVE
1566 094	1025 N DURHAM ST	1586 087	1910 ASHLAND AVE
1566 095	1027 N DURHAM ST	1586 088	1908 ASHLAND AVE
1566 096	1029 N DURHAM ST	1586 089	1906 ASHLAND AVE
1566 097	1031 N DURHAM ST	1586 090	1904 ASHLAND AVE
1566 098	1033 N DURHAM ST	1586 091	916 N CHAPEL ST
1566 099	1035 N DURHAM ST	1586 092	918 N CHAPEL ST
1566 100	1037 N DURHAM ST	1586 093	920 N CHAPEL ST
1566 101	1039 N DURHAM ST	1586 094	922 N CHAPEL ST
1566 102	1041 N DURHAM ST	1586 095	924 N CHAPEL ST
1566 103	1043 N DURHAM ST	1586 096	926 N CHAPEL ST
1566 104	1045 N DURHAM ST	1586 097	928 N CHAPEL ST
1566 105	1047 N DURHAM ST	1586 098	930 N CHAPEL ST
1566 106	1049 N DURHAM ST	1586 099	932 N CHAPEL ST
1566 107	1051 N DURHAM ST	1586 100	934 N CHAPEL ST
1566 108	1052 N DURHAM ST	1586 101	936 N CHAPEL ST
1566 109	1050 N DURHAM ST	1586 102	938 N CHAPEL ST
1566 110	1048 N DURHAM ST	1586 103	940 N CHAPEL ST
1566 111	1046 N DURHAM ST	1586 104	942 N CHAPEL ST
1566 112	1044 N DURHAM ST	1586 105	944 N CHAPEL ST
1566 113	1042 N DURHAM ST	1586 106	946 N CHAPEL ST
1566 114	1040 N DURHAM ST	1586 107	948 N CHAPEL ST
1566 115	1038 N DURHAM ST	1586 108	950 N CHAPEL ST
1566 116	1036 N DURHAM ST	1586 109	952 N CHAPEL ST
1566 117	1034 N DURHAM ST	1586 110	954 N CHAPEL ST
1566 118	1032 N DURHAM ST	1586 111	956 N CHAPEL ST
1566 119	1030 N DURHAM ST	1586 112	958 N CHAPEL ST
1566 120	1028 N DURHAM ST	1586 113	960 N CHAPEL ST
1566 121	1026 N DURHAM ST	1586 114	962 N CHAPEL ST
1566 122	1024 N DURHAM ST	1586 115	961 N CHAPEL ST
1566 123	1022 N DURHAM ST	1586 116	959 N CHAPEL ST
1566 124	1020 N DURHAM ST	1586 117	957 N CHAPEL ST
1566 125	1018 N DURHAM ST	1586 118	955 N CHAPEL ST
1566 126	1016 N DURHAM ST	1586 119	953 N CHAPEL ST
1566 127	1014 N DURHAM ST	1586 120	951 N CHAPEL ST
1566 128	1012 N DURHAM ST	1586 121	949 N CHAPEL ST
1566 129	1010 N DURHAM ST	1586 122	947 N CHAPEL ST
1566 130	1008 N DURHAM ST	1586 123	945 N CHAPEL ST
1566 131	1006 N DURHAM ST	1586 124	943 N CHAPEL ST
1566 132	1004 N DURHAM ST	1586 125	941 N CHAPEL ST
1566 133	1002 N DURHAM ST	1586 126	939 N CHAPEL ST
1567 001	1002 N WASHINGTON ST	1586 127	937 N CHAPEL ST
1567 002	1004 N WASHINGTON ST	1586 128	935 N CHAPEL ST
1567 003	1006 N WASHINGTON ST	1586 129	933 N CHAPEL ST
1567 004	1008 N WASHINGTON ST	1586 130	931 N CHAPEL ST
1567 005	1010 N WASHINGTON ST	1586 131	929 N CHAPEL ST
1567 006	1012 N WASHINGTON ST	1586 132	927 N CHAPEL ST

1567 007	1014 N WASHINGTON ST	1586 133	925 N CHAPEL ST
1567 008	1016 N WASHINGTON ST	1586 134	923 N CHAPEL ST
1567 009	1018 N WASHINGTON ST	1586 135	921 N CHAPEL ST
1567 010	1020 N WASHINGTON ST	1586 136	919 N CHAPEL ST
1567 011	1022 N WASHINGTON ST	1586 137	917 N CHAPEL ST
1567 012	1024 N WASHINGTON ST	1586 138	915 N CHAPEL ST
1567 013	1026 N WASHINGTON ST	1602 001	1838 E MADISON ST
1567 014	1028 N WASHINGTON ST	1602 002	1836 E MADISON ST
1567 015	1030 N WASHINGTON ST	1602 003	1834 E MADISON ST
1567 016	1032 N WASHINGTON ST	1602 004	1832 E MADISON ST
1567 017	1034 N WASHINGTON ST	1602 005	1830 E MADISON ST
1567 018	1935 E CHASE ST	1602 006	1828 E MADISON ST
1567 019	1933 E CHASE ST	1602 007	1826 E MADISON ST
1567 020	1931 E CHASE ST	1602 008	1824 E MADISON ST
1567 021	1929 E CHASE ST	1602 009	1822 E MADISON ST
1567 022	1927 E CHASE ST	1602 010	1820 E MADISON ST
1567 023	1925 E CHASE ST	1602 011	1818 E MADISON ST
1567 024	1923 E CHASE ST	1602 012	1816 E MADISON ST
1567 025	1921 E CHASE ST	1602 013	1814 E MADISON ST
1567 026	1919 E CHASE ST	1602 014	1812 E MADISON ST
1567 027	1917 E CHASE ST	1602 015	1810 E MADISON ST
1567 028	1915 E CHASE ST	1602 016	1808 E MADISON ST
1567 029	1913 E CHASE ST	1602 017	1806 E MADISON ST
1567 030	1911 E CHASE ST	1602 018	1804 E MADISON ST
1567 031	1909 E CHASE ST	1602 019	1802 E MADISON ST
1567 032	1907 E CHASE ST	1602 020	1800 E MADISON ST
1567 033	1905 E CHASE ST	1602 021	801 RUTLAND AVE
1567 034	1903 E CHASE ST	1602 022	803 RUTLAND AVE
1567 035	1901 E CHASE ST	1602 023	805 RUTLAND AVE
1567 036	1039 N WOLFE ST	1602 024	807 RUTLAND AVE
1567 037	1037 N WOLFE ST	1602 025	809 RUTLAND AVE
1567 038	1035 N WOLFE ST	1602 026	811 RUTLAND AVE
1567 039	1033 N WOLFE ST	1602 027	813 RUTLAND AVE
1567 040	1031 N WOLFE ST	1602 028	815 RUTLAND AVE
1567 041	1029 N WOLFE ST	1602 029	817 RUTLAND AVE
1567 042	1027 N WOLFE ST	1602 030	819 RUTLAND AVE
1567 043	1025 N WOLFE ST	1602 031	821 RUTLAND AVE
1567 044	1023 N WOLFE ST	1602 032	823 RUTLAND AVE
1567 045	1021 N WOLFE ST	1602 033	825 RUTLAND AVE
1567 046	1019 N WOLFE ST	1602 034	827 RUTLAND AVE
1567 047	1017 N WOLFE ST	1602 035	829 RUTLAND AVE
1567 048	1015 N WOLFE ST	1602 036	831 RUTLAND AVE
1567 049	1013 N WOLFE ST	1602 037	833 RUTLAND AVE
1567 050	1011 N WOLFE ST	1602 038	835 RUTLAND AVE
1567 051	1009 N WOLFE ST	1602 039	837 RUTLAND AVE
1567 052	1007 N WOLFE ST	1602 040	839 RUTLAND AVE
1567 053	1003 N WOLFE ST	1602 041	1809 ASHLAND AVE
1567 054	1900 E EAGER ST	1602 042	1813 ASHLAND AVE
1567 055	1902 E EAGER ST	1602 043	1815 ASHLAND AVE
1567 056	1904 E EAGER ST	1602 044	1817 ASHLAND AVE
1567 057	1906 E EAGER ST	1602 045	1819 ASHLAND AVE
1567 058	1908 E EAGER ST	1602 046	1821 ASHLAND AVE
1567 059	1910 E EAGER ST	1602 047	1823 ASHLAND AVE
1567 060	1912 E EAGER ST	1602 048	1825 ASHLAND AVE
1567 061	1914 E EAGER ST	1602 049	1827 ASHLAND AVE
1567 062	1916 E EAGER ST	1602 050	1829 ASHLAND AVE
1567 063	1918 E EAGER ST	1602 051	1831 ASHLAND AVE
1567 064	1920 E EAGER ST	1602 052	1833 ASHLAND AVE
1567 065	1922 E EAGER ST	1602 053	1835 ASHLAND AVE
1567 066	1924 E EAGER ST	1602 054	824 N WOLFE ST
1567 067	1926 E EAGER ST	1602 055	822 N WOLFE ST

1567 068	1928 E EAGER ST	1602 056	820 N WOLFE ST
1567 069	1930 E EAGER ST	1602 057	818 N WOLFE ST
1567 070	1932 E EAGER ST	1602 058	816 N WOLFE ST
1567 071	1934 E EAGER ST	1602 059	814 N WOLFE ST
1567 072	1936 E EAGER ST	1602 060	812 N WOLFE ST
1567 073	1938 E EAGER ST	1602 061	810 N WOLFE ST
1567 074	1003 N CHAPEL ST	1602 062	808 N WOLFE ST
1567 075	1005 N CHAPEL ST	1602 063	806 N WOLFE ST
1567 076	1007 N CHAPEL ST	1602 064	804 N WOLFE ST
1567 077	1009 N CHAPEL ST	1602 065	802 N WOLFE ST
1567 078	1011 N CHAPEL ST	1602 066	800 N WOLFE ST
1567 079	1013 N CHAPEL ST	1602 067	803 N DURHAM ST
1567 080	1015 N CHAPEL ST	1602 068	805 N DURHAM ST
1567 081	1017 N CHAPEL ST	1602 069	807 N DURHAM ST
1567 082	1019 N CHAPEL ST	1602 070	809 N DURHAM ST
1567 083	1021 N CHAPEL ST	1602 071	811 N DURHAM ST
1567 084	1023 N CHAPEL ST	1602 072	813 N DURHAM ST
1567 085	1025 N CHAPEL ST	1602 073	815 N DURHAM ST
1567 086	1027 N CHAPEL ST	1602 074	817 N DURHAM ST
1567 087	1029 N CHAPEL ST	1602 075	819 N DURHAM ST
1567 088	1031 N CHAPEL ST	1602 076	821 N DURHAM ST
1567 089	1033 N CHAPEL ST	1602 077	823 N DURHAM ST
1567 090	1035 N CHAPEL ST	1602 078	825 N DURHAM ST
1567 091	1037 N CHAPEL ST	1602 079	827 N DURHAM ST
1567 092	1039 N CHAPEL ST	1602 080	824 N DURHAM ST
1567 093	1041 N CHAPEL ST	1602 081	822 N DURHAM ST
1567 094	1043 N CHAPEL ST	1602 082	820 N DURHAM ST
1567 095	1040 N CHAPEL ST	1602 083	818 N DURHAM ST
1567 096	1038 N CHAPEL ST	1602 084	816 N DURHAM ST
1567 097	1036 N CHAPEL ST	1602 085	814 N DURHAM ST
1567 098	1034 N CHAPEL ST	1602 086	812 N DURHAM ST
1567 099	1032 N CHAPEL ST	1602 087	810 N DURHAM ST
1567 100	1030 N CHAPEL ST	1602 088	808 N DURHAM ST
1567 101	1028 N CHAPEL ST	1602 089	806 N DURHAM ST
1567 102	1026 N CHAPEL ST	1602 090	804 N DURHAM ST
1567 103	1024 N CHAPEL ST	1602 091	802 N DURHAM ST
1567 104	1022 N CHAPEL ST	1603 001	855 N WOLFE ST
1567 105	1020 N CHAPEL ST	1603 025	1913 ASHLAND AVE
1567 106	1018 N CHAPEL ST	1603 026	1915 ASHLAND AVE

EXHIBIT 1-B

Map of the Special Taxing District

EDITOR'S NOTE

The map in this Ordinance is not reproduced here. It may be viewed in a copy of the Ordinance itself.

EXHIBIT 2

Rate and Method of Apportionment of the Special Taxes

CITY OF BALTIMORE, MARYLAND
EAST BALTIMORE RESEARCH PARK
SPECIAL TAXING DISTRICT

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES

A Special Tax is hereby levied and shall be collected in the City of Baltimore East Baltimore Research Park Special Taxing District (the "District") each Fiscal Year, beginning with the 2008-2009 Fiscal Year and continuing until the year provided for in Section F hereof, in an amount determined through the application of the procedures described below. All of the real and personal property in the District, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent and in the manner herein provided.

A. Definitions

The terms used herein shall have the following meanings:

"Act" means Article II, Section (62A) of the Baltimore City Charter, as amended from time to time.

"Adjusted Maximum Special Tax" means the Special Tax determined in accordance with Section B.2.

"Administrative Expenses" means any or all of the following: the fees and expenses of any fiscal agent or trustee employed by the City in connection with any Bonds; the expenses of the City in carrying out its duties under the Indenture of Trust, including, but not limited to, levying and collecting the Special Tax and complying with arbitrage rebate requirements and obligated persons disclosure requirements associated with applicable federal and state securities law, including the costs of any employees of the City and fees of any professionals retained by the City to provide services for such purposes; and all other costs and expenses of the City, Trustee, or Administrator incurred in connection with the discharge of their respective duties under the Indenture of Trust, including legal expenses associated with such duties, and, in the case of the City, in any way related to the administration of the District.

"Administrator" means the designee of the Director of Finance for purposes of estimating the annual Special Tax Requirement and the Special Tax to be levied each Fiscal Year and for providing other services as required herein or by the Indenture of Trust.

"Bond Year" shall have the meaning given to such term in the Indenture of Trust.

"Bonds" means any bonds or other debt, including refunding bonds, whether in one or more series, issued by the City relating to the District pursuant to the Act.

"Building Square Footage" means the actual, or for property not yet developed, the estimated, leasable building area as shown on the building permit, architectural plans or other available documents, as reasonably estimated by the Administrator.

"City" means the Mayor and City Council of Baltimore, Maryland.

"Commercial Property" means Taxable Property other than Residential Property, Office Property, and Parking Property, including any ancillary uses thereto.

"Director of Finance" means the official of the City who is the director of finance or other comparable officer of the City or designee thereof.

"Equivalent Units" means, for Residential Class 1 Property and Residential Class 2 Property, the number of units ~~that is or may be built on a Parcel~~, for Commercial Property and Office Property, the Building Square Footage in 1,000s ~~of square feet that is or may be built on a Parcel~~, and for Parking Property, the number of

parking spaces ~~that is or may be built on a Parcel~~, multiplied by the factors for each property type shown below:

Residential Class 1 Property	1.00 per unit
Residential Class 2 Property	0.17 per unit
Commercial Property	0.81 per 1,000 BSF
Office Property	0.68 per 1,000 BSF
Parking Property	0.04 per parking space

~~The computation of the Equivalent Units shall be calculated by the Administrator based on the information available regarding the use of the Parcel. Equivalent Units may be estimated on the basis of net acreage and reasonable density ratios.~~

The number of units, Building Square Footage, and parking spaces shall be equal to the actual number of units, 1,000s of square feet, or parking spaces, for property fully developed, and for property not fully developed, the estimated number to be built based on approved plans or other information on the proposed development of the property as reasonably estimated by the Administrator.

"Fiscal Year" means the period starting any July 1 and ending on the following June 30.

"Indenture of Trust" means the indenture of trust relating to the Bonds, as modified, amended and/or supplemented from time to time.

"Maximum Special Tax" means the Special Tax determined in accordance with Section B.1.

"Office Property" means Taxable Property shown as O-1 on the map attached as Exhibit A.

"Owner Association Property" means, for any Fiscal Year, any real property within the boundaries of the District that is owned by or irrevocably offered for dedication to a property owner's association and available for use in common by the homeowners; provided, however, that real property that has been irrevocably offered for dedication includes only those parcels for which a copy of the offer has been provided to the Administrator.

"Parcel" means a lot or parcel of real property within the District with a parcel number assigned by the Supervisor.

"Parking Property" means Taxable Property used primarily for the purpose of parking vehicles for a fee, including any ancillary uses thereto. Parking Property does not include parking ancillary to other uses made available without charge for the use of parking.

"Proportionately" means that the ratio of the Special Tax to be collected as a percentage of the Adjusted Maximum Special Tax is equal for each Parcel (excluding those Parcels for which the Adjusted Maximum Special Tax is zero).

"Public Improvements" means those improvements the City has authorized to be provided by the District.

"Public Property" means property within the boundaries of the District owned by, whether in fee simple or any other property ownership interest that creates a substantially exclusive use in the property, or irrevocably offered for dedication (in a plat map approved by the City or otherwise), to the federal government, State of Maryland, City, or other public agency or easements for the exclusive use of a public utility provider; provided, however, that exclusive use utility easements and real property that has been irrevocably dedicated includes only those parcels for which a copy of the easement or offer has been provided to the Administrator.

"Residential Property" means Taxable Property for which a building permit has or is intended to be issued for purposes of constructing a residential dwelling unit(s), including any ancillary uses thereto.

~~**"Residential Class 1 Property"** means Residential Property that consists of or is intended to consist of residential units for sale to the general public and any Residential Property not classified as Residential Class 2 Property.~~

"Residential Class 1 Property" means Residential Property not classified as Residential Class 2 Property and that generally consists of residential units for sale to the general public (except to the extent such housing is Residential Class 2 Property).

"Residential Class 2 Property" means Residential Property that consists of or is intended to consist of rental apartments under common ownership and management and housing restricted to student housing, low-income or subsidized housing, and senior citizens.

"Special Tax" means the Special Tax that may be levied by the City each Fiscal Year to fund the Special Tax Requirement.

"Special Tax Credit" means, for a Parcel, the Tax Increment Revenues and State Reimbursement Revenues related to the Parcel and included in the Special Tax Requirement. For purposes of calculating the Tax Increment Revenues for each Parcel, the base year value shall be allocated to each Parcel on the basis of the assessed value of each Parcel.

"Special Tax Requirement" has the meaning given to it in Section C.1.

"State Reimbursement Revenues" means enterprise zone tax credits revenues collected by the City from the State of Maryland pursuant to the Maryland Annotated Code Tax - Property Article, pledged to the payment of Bonds, and paid or to be paid into a Trustee held fund.

"Supervisor" means the Supervisor of Assessments for the City.

"Tax Increment Fund" means the account of such name established for the District pursuant to an ordinance enacted by the City.

"Tax Increment Revenues" means the amounts paid or to be paid into the Tax Increment Fund each year by the City.

"Taxable Property" means any Parcel that is not Public Property or Owner Association Property.

"Trustee" means the trustee appointed by the City for the District to carry out the duties of the trustee specified in the Indenture of Trust.

B. Special Tax Rates

1. Maximum Special Tax

The Maximum Special Tax for the 2008-09 Fiscal Year shall be equal to $4,880,000. On each July 1, commencing July 1, 2009, the Maximum Special Tax shall be increased to 102 percent of the respective Maximum Special Tax in effect in the previous Fiscal Year. The Maximum Special Tax for each Parcel shall be equal to the following formula:

$$A = (B \div C) \times D$$

Where the terms have the following meaning:

A = The Maximum Special Tax for a Parcel
B = The Equivalent Units built or expected to be built on a Parcel
C = The total Equivalent Units estimated for all of the Parcels in the District
D = The Maximum Special Tax as stated above.

2. Adjusted Maximum Special Tax

The Adjusted Maximum Special Tax for each Parcel shall be equal to the lesser of (but not less than zero) (i) the Maximum Special Tax for the Parcel and (ii) the amount calculated by the following formula:

$$A = B - C$$

Where the terms have the following meaning:

A = The Adjusted Maximum Special Tax for a Parcel
B = The Maximum Special Tax for a Parcel calculated as set forth above
C = The Special Tax Credit for the Parcel

The Special Tax Credit applied to all Parcels shall not exceed the Tax Increment Revenues and State Reimbursement Revenues taken into account in determining the Special Tax Requirement as provided for in Section C. 1.

3. Personal Property

The special tax rate on personal property shall be zero.

C. Levy of the Special Tax

1. Special Tax Requirement

The Special Tax Requirement for any Fiscal Year shall be estimated by the Administrator and determined by the City and shall be an amount equal to (A) the amount required in such Fiscal Year to pay: (1) debt service and other periodic costs (including deposits to any sinking funds) on the Bonds to be paid from the Special Taxes collected in such Fiscal Year, (2) Administrative Expenses to be incurred in the Fiscal Year or incurred in any previous Fiscal Year and not paid by the District, (3) any amount required to replenish any reserve fund established in association with any Bonds, (4) an amount equal to the estimated delinquencies expected in payment of the Special Tax not otherwise taken into account, and (5) the costs of remarketing, credit enhancement, bond insurance, and liquidity facility fees (including such fees for instruments that serve as the basis of a reserve fund related to any indebtedness in lieu of cash), less (B) (1) Tax Increment Revenues and State Reimbursement Revenues available to apply to the Special Tax Requirement for that Fiscal Year, (2) any credits available pursuant to the Indenture of Trust, such as capitalized interest, reserves, and investment earnings on any account balances, and (3) any other revenues available to apply to the Special Tax Requirement.

2. Levy of the Special Tax

Commencing with the 2008-09 Fiscal Year and for each following Fiscal Year, the City shall determine the Special Tax Requirement, if any, for the applicable Fiscal Year and shall collect the Special Taxes Proportionately from each Parcel of Taxable Property in an amount up to the Adjusted Maximum Special Tax for each Parcel such that the total of the Special Tax levied is equal to the Special Tax Requirement.

The Administrator shall provide an estimate to the City each Fiscal Year of the amount of the Special Tax to be collected from each Parcel in conformance with the provisions of this section.

3. Circumstances Under Which the Special Tax May be Increased as a Result of a Default

The circumstances under which the Special Tax to be collected from any Parcel may be increased as a result of a default in the payment of the Special Tax levied on any other Parcel is based on the provisions of Section C. 1. and 2. The Special Tax to be collected from any Parcel cannot be increased above the Adjusted Maximum Special Tax as a result of a default in the payment of the Special Tax levied on any other Parcel. If the Special Tax to be collected from any Parcel pursuant to the provisions of Section C.1. and 2. is less than the Adjusted Maximum Special Tax for such Parcel, the Special Tax may be increased up to the Adjusted Maximum Special Tax as a result of a default in the payment of the Special Tax levied on any other Parcel.

D. Exemptions

A Special Tax shall not be collected from Public Property or Owner Association Property.

E. Manner of Collection

The Special Tax will be collected in the same manner and at the same time as ordinary real property taxes; provided, however, the Special Tax may be collected at a different time or in a different manner as determined by the Director of Finance, provided that such time or manner is not inconsistent with the provisions of the Indenture of Trust or the Act.

F. Termination of Special Tax

Except for any delinquent Special Taxes and related penalties and interest, Special Taxes shall not be collected from any Parcel after the earlier of (i) the repayment or defeasance of the Bonds and (ii) such time provided for by the Indenture of Trust.

G. Reduction in the Maximum Property Tax Rate

The Maximum Special Tax shall be reduced by the Director of Finance once the Bonds are issued to reflect the actual rate of interest on the Bonds and the amount of Bonds actually issued, to a rate that provides for adequate Special Tax revenue to pay the debt service on the Bonds and any other expected amounts of the Special Tax Requirement as provided for in the Indenture of Trust.

H. Appeals of the Levy of the Special Tax

Any owner of a Parcel claiming that the amount of the Special Tax to be collected from the Parcel is not correct and requesting a refund may file a written notice of appeal and refund to that effect with the Administrator not later than one calendar year after the due date for the payment of the Special Tax that is disputed. The Administrator shall promptly review the appeal and, if necessary, meet with the property owner, consider written and oral evidence regarding the amount of the Special Tax, and decide the appeal. If the decision of the Administrator requires the Special Tax to be modified or changed in favor of the property owner, a cash refund shall not be made (except for the last year of levy or if there are otherwise sufficient funds to meet the Special Tax Requirement), but an adjustment shall be made to the next Special Tax to be collected from that Parcel. The decision of the Administrator may be appealed to the City. This procedure shall be exclusive and its exhaustion by any property owner shall be a condition precedent to any other appeal or legal action by such owner.

I. Amendments

This Rate and Method of Apportionment of Special Taxes may be amended by the City and, to the maximum extent permitted by the Act, such amendments may be made without further notice under the Act and without notice to owners of Taxable Property within the District in order to (i) clarify or correct minor inconsistencies in the matters set forth herein, (ii) provide for lawful procedures for the collection and enforcement of the Special Tax so as to assure the efficient collection of the Special Tax for the benefit of the owners of the Bonds, and (iii) otherwise improve the ability of the City to fulfill its obligations to levy and collect the Special Tax and to make it available for the payment of the Bonds and Administrative Expenses. No such amendment shall be approved unless and until the City has (a) found and determined that the amendment is necessary and appropriate and does not materially adversely affect the rights of the owners of the Bonds and (b) received an opinion of a nationally recognized bond counsel to the effect that the amendment is authorized pursuant to the terms of the Act, the Indenture of Trust, and any ordinances or resolutions adopted by the City related to the Bonds. Any such amendment may not increase the Maximum Special Tax.

J. Interpretation of Provisions

The City shall make all interpretations and determinations related to the application of this Rate and Method of Apportionment of Special Taxes, unless stated otherwise herein or in the Indenture of Trust, and as long as there is a rational basis for the determination made by the City, such determination shall be conclusive. All terms and provisions herein shall be liberally construed to effectuate the purposes set forth herein.

K. Severability

If any section or part of a section of this "Rate and Method of Apportionment of Special Taxes" is declared invalid or unenforceable, the validity, force, and effect of any other section or part of a section herein shall not thereby be affected or impaired unless such other section or part of a section herein is wholly or necessarily dependent upon the section or part of a section so held to be invalid or unenforceable.

EXHIBIT 3

Special Tax Allocation Report

EAST BALTIMORE RESEARCH PARK

SPECIAL TAXING DISTRICT

CITY OF BALTIMORE, MARYLAND

SPECIAL TAX ALLOCATION REPORT

Prepared By:

MuniCap, Inc.

~~September 5~~ October 11, 2007

EAST BALTIMORE RESEARCH PARK
SPECIAL TAXING DISTRICT
City of Baltimore, Maryland

SPECIAL TAX ALLOCATION REPORT

Purpose of Report

The East Baltimore Research Park Special Taxing District is being created to provide improvements for the property in the district and two related tax increment development districts. The special taxing district includes properties located in each of the tax increment development districts. Bonds are expected to be issued to help fund these improvements. The bonds will include the cost of the improvements, issuance costs, interest on the bonds during construction and for a period after construction, and a reserve fund.

The City of Baltimore will levy a special tax each year to provide funds for the payment of debt service on the bonds, the cost of administration of the district, and other costs related to the bonds. The district is being created, special taxes levied, and bonds issued pursuant to the Special Taxing District Act, Article II, Section (62A) of the Baltimore City Charter (the "Act"), as amended from time to time. The Act requires special taxes to be levied in a manner that is reasonable. This report explains the reasonable basis of the special taxes levied as described in the "Rate and Method of Apportionment of Special Taxes" for the East Baltimore Research Park Special Taxing District.

Description of the Special Taxing District

The real property to be included in the special taxing district consists of approximately eighty acres generally between Chase Street on the north, Madison Street on the south, Washington Street on the east, and Broadway on the west, as more particularly shown on the attached map. The property within the district currently consists of mostly vacant lots and deteriorated buildings and is proposed to be redeveloped. The redevelopment plan calls for establishing an integrated research center and a residential community, which will target students, professionals and senior citizens. The proposed future land uses are as follows:

- 311 for sale units
- 501 rental units targeting student housing, low-income family and senior citizens
- ~~1.1 million square feet of commercial space, including a biotechnology research center~~
- a biotechnology research park with an estimated 984,000 square feet of space
- office space with an estimated 116,000 square feet of space
- 3 parking garages with 2,100 spaces.

Proposed Public Improvements

The purpose of the special taxing district, the special taxes to be levied in the special taxing district, and the special obligation bonds to be issued with respect to the special taxing district is to finance all or a part of the costs of the following public improvements:

(1) Relocation of businesses or residents;

(2) Site removal, including demolition and site preparation;

(3) The acquisition of land and other property by purchase, lease, or condemnation;

(4) The design, construction, reconstruction, renovation, and development of buildings that provide units of affordable housing and condemning or otherwise acquiring structures, real or personal property, rights, rights-of-way, franchises, easements, and interests in furtherance of this purpose;

(5) The design, construction, reconstruction, renovation, and development of building, structure, or improvements that constitute a school, library, park or recreational facility, or buildings devoted

to a governmental use or purpose and condemning or otherwise acquiring any real or personal property, rights, rights-of-way, franchises, easements, and interests in furtherance of this purpose; and

(6) The acquisition, construction, renovation, and development of other related public improvements and the financing or refinancing of any related costs that are necessary for the completion of the foregoing for its intended public purposes.

The budget for these improvements is shown by the following table:

Table A
Budget for District Improvements

Sources of funds:	School Site	Non-School Property	Total
Special tax district bond proceeds	$25,000,000	$19,326,000	$44,326,000
Casey/Hopkins contribution	1,562,000	4,018,000	5,580,000
State of Maryland		26,564,000	26,564,000
Other sources of funds		912,000	912,000
Total sources of funds	$26,562,000	$50,820,000	$77,382,000
Uses of funds:			
Acquisition of property	$ 6,819,000	$17,325,000	$21,144,000
Relocation expenses	9,883,000	24,602,000	34,485,000
Demolition	9,860,000	8,893,000	18,753,000
Total uses of funds	$26,562,000	$50,820,000	$77,382,000

The special taxing district bond proceeds will fund an estimated $44,326,000 of the total costs of $77,382,000 related to the acquisition, relocation, and demolition for the redevelopment of the property within the district and the two related tax increment development districts.

Projected Issuance of Bonds

The bonds projected to be issued to fund the improvements to be provided by the district are shown by Table B. Tax-exempt bonds are expected to be issued to fund the costs related to the school site and taxable bonds issued to fund the costs related to the non-school property.

Table B
Sources and Uses of Funds
District Improvements

	Tax-Exempt	Taxable	Total
Sources of funds:			
Bond proceeds	$34,555,000	$27,857,000	$62,412,000
Interest earned	1,134,733	77,202	2,011,935
Total sources of funds	$35,689,733	$28,734,202	$64,423,935
Uses of funds:			
Public improvements	$25,000,000	$19,326,166	$44,326,166
Issuance cost	518,325	417,855	936,180
Underwriter's discount	345,550	278,570	624,120
Capitalized interest	6,370,114	5,925,342	2,295,456
Reserve fund	3,455,500	2,785,700	6,241,200
Rounding	245	569	814
Total uses of funds	$35,689,734	$28,734,202	$64,423,936

The actual issuance of the bonds may vary from these estimates depending on the interest rate on the bonds, the date the bonds are issued, the cost of issuing the bonds, reinvestment rates on bond proceeds, and other factors.

Bond issuance costs include legal fees, financial consulting fees, the cost of the appraisal and market study, the set-up and first year's fee of the trustee, trustee's counsel, city expenses, document printing costs, and other miscellaneous costs related to the issuance of the bonds.

Capitalized interest on the bonds fund the interest on the bonds for approximately thirty-six months to allow time for the infrastructure improvements and other property in the district to be constructed, for the property to be added to the property tax roll, and property taxes to be collected from the property and applied to the payment of the debt service on the bonds.

Determination of Special Taxes

Special taxes must be levied in a reasonable manner. The reasonable basis for the special taxes levied in the East Baltimore Research Park Special Taxing District is based on the following:

(i) the public improvements to be provided by the special taxing district and the two related tax increment development districts provide a special benefit to the property in the district and the special benefit to the property subject to the special taxes exceeds the cost of the special taxes;

(ii) the amount of special taxes to be levied each year is equal to or less than the amount required to repay the bonds issued to finance the public improvements; and

(iii) special taxes are allocated to parcels within the special taxing district in a manner that represents the benefit each parcel will receive from the improvements to be provided by the district.

Special Benefit

The property in the special taxing district subject to the special taxes will receive a special benefit from the public improvements to be provided by the special taxing district and this special benefit will be equal to or greater than the cost of the special taxes levied on the property. ~~The special benefit is evident as these improvements are specifically required for the redevelopment of the property in the district.~~

The special benefit provided by the improvements to the property in the district is greater than the costs of the special taxes, which is confirmed by two means. First, a majority of the owners of the property in the special taxing district, including the contract purchasers, have petitioned the City and requested the special taxes to be imposed on the property for the purpose of providing the public improvements. It is reasonable to believe the petitioners are acting in their interest and making this request because the benefit they receive from the public improvements exceeds the cost of the special taxes.

Second, the special taxes are being levied to provide improvements that ~~are required for~~ will facilitate the highest and best use of the property (i.e., the use of the property that is most valuable, including any costs associated with that use). Highest and best use can be defined as "the reasonably probable and legal use of property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value." (*Dictionary of Real Estate Appraisal, Third Edition*.) The five criteria for highest and best use are (i) reasonably probable, (ii) legally permissible, (iii) physically possible, (iv) financially feasible, and (~~i~~v) maximally productive.

The highest and best use of the property in the special taxing district is the redevelopment proposed for the property. The use of the property in this manner will ~~require~~ be facilitated by the improvements to be provided by the district.

The financing provided by the district is the most advantageous means of financing these costs necessary for the highest and best use of the property. A portion of the bonds will be tax exempt, resulting in a lower costs of funds than conventional financing that would otherwise be available to finance the improvements to

be provided by the district. Additionally, the district allows multiple property owners and contract purchasers to coordinate the funding and construction of these improvements in a manner that would not likely be possible with conventional financing. Also, the City will provide a credit to the special taxes for the incremental property taxes and state reimbursement revenues produced by each parcel. As a result of these advantages, the financing provided by the special taxing district is the most beneficial means of financing the public improvements.

The improvements to be provided by the district include acquiring a site for a new charter school. The new charter school will attract buyers for the housing that will be developed in the district and will make the commercial property in the district more attractive to potential users. The district will also provide funds for the clean-up and revitalization of the neighborhood, which is crucial to attracting buyers for the housing in the district and users for the commercial development proposed within the district. The district will provide approximately 57% of the costs of these improvements and will make it possible to attract other funds for these improvements.

In summary, the special taxes result in a special benefit to the property owner for the following reasons:

1. The improvements to be provided by the special taxing district are required for the highest and best use of the property;

2. The highest and best use of the property is the use of the property that is most valuable (including any costs associated with the use of the property);

3. The financing provided by the special taxing district is the most beneficial means of financing the improvements; and,

4. As a result, the special benefits to the property from the improvements to be provided by the special taxing district will be equal to or greater than the cost of the special taxes that will finance the improvements necessary to achieve the highest and best use of the property.

Special Taxes Required to Repay the Bonds

Special taxes are levied in an amount necessary to repay the bonds issued to fund the improvements to be provided by the district. Special taxes will first be levied for the 2008-09 fiscal year. These special taxes will be available to be applied to debt service due on January 1 and July 1, 2009. Debt service is calculated at seven percent on the tax exempt bonds and eight percent on the taxable bonds. The special taxes include coverage of five percent, which may also be used to fund administrative expenses of the district. The maximum special tax necessary to pay the estimated debt service due on the bonds and provide the necessary coverage is $4,880,000.

The annual debt service is schedule to increase by two percent each year. The maximum special tax is calculated on this basis. As a result, the maximum special tax must also increase by two percent each year.

The actual debt service on the bonds may be less than estimated herein. The "Rate and Method of Apportionment of Special Taxes" provides for the maximum special tax to be reduced based on the actual debt service on the bonds, so that the special taxes actually collected do not exceed the amount necessary to repay the bonds and to pay related administrative expenses.

The maximum special tax on all of the property in the district is set in a manner consistent with the estimate of the annual debt service on the bonds to be issued to finance the improvements plus the required debt service coverage and administrative expenses and is therefore set in a reasonable manner.

Allocation of Special Taxes to Parcels

Special taxes are allocated to parcels in the district in a manner to reasonably reflects the benefit property will receive from the improvements to be provided by the district. For purposes of estimating benefit, property is classified into ~~four~~ five categories. These categories and the proposed development within each classification is as follows:

Residential for-sale	311 units
Residential for-rent	501 units
Commercial	~~1,100,000~~ 984,000 SF
Office	116,000 SF
Parking	2,100 spaces

The benefit received by each property is estimated on the basis of the estimated future value of the property. The purpose of the improvements to be provided by the district is to allow for the redevelopment of the property. Estimating the benefit properties will receive from the improvements on the basis of future estimated value is particularly appropriate for improvements intended to provide for the redevelopment of the property, as one reason for the redevelopment is to increase the values of the property in the district.

Special taxes are levied ~~on residential property and commercial property~~ on the basis of equivalent unit factors. The equivalent unit factors represent the relative future average estimated value of the property within each land use class. As a result, the allocation of special taxes to the property within the district represents a reasonable allocation of ~~the~~ special taxes.

Adjusted Maximum Special Tax

The adjusted maximum special tax that may be collected from each parcel in the district is equal to the lesser of the (i) maximum special tax and (ii) the maximum special tax less the tax increment and state reimbursement revenues related to each parcel. The tax increment and state reimbursement revenues represent the increase in property taxes and related revenues that results from the development of the property. The tax increment and state reimbursement revenues will be applied to the repayment of the bonds issued to finance the improvements to be provided by the district. To the extent property produces tax increment and state reimbursement revenues, and these revenues cover the debt service on the bonds, the property is contributing its share of the cost of the improvements through these revenues. The special taxes effectively cover each property's share of the cost of the improvements not otherwise covered by the property's tax increment and state reimbursement revenues.

Summary of Reasonable Basis of the Special Taxes

Special taxes are levied on the taxable property in the district according to the provisions of the "Rate and Method of Apportionment of Special Taxes." The Act requires special taxes to be levied in a manner that is reasonable. This report explains the reasonable basis of the special taxes. The reasonable basis may be summarized as follows:

1. The property within the district will receive a special benefit from the improvements to be provided by the district and this special benefit exceeds the cost of the special taxes;

2. Taxes levied on all of the property in the district each year are equal to the amount required to pay the debt service on the bonds issued to provide the improvements, after taking into consideration any savings and other revenues available to repay the bonds;

3. Special taxes are allocated to each property within the district on the basis of the estimated future value of the property in the district, which reasonably reflects the relative benefit each property will receive from the improvements; and,

4. The maximum special tax to which each property is subject is reduced by the tax increment and state reimbursement revenues produced from each property, since these revenues contribute to the property's share of the ~~cost~~ repayment of the financing of the improvements.

For these reasons, the special taxes are levied on the taxable property in the district in a reasonable manner.

Exhibit A
District Map

EDITOR'S NOTE

The District Map in this Ordinance is not reproduced here. It may be viewed in a copy of the Ordinance itself.

Approved November 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-594
(Council Bill 07-788)

AN ORDINANCE CONCERNING

City Streets – Opening –
Certain Streets and Alleys Lying Within the Area Bounded by
24th Street, Howard Street, 25th Street, and Maryland Avenue

FOR the purpose of condemning and opening certain streets and alleys lying within the area bounded by 24th Street, Howard Street, 25th Street, and Maryland Avenue, as shown on Plat 296-A-6D in the Office of the Department of Public Works; and providing for a special effective date.

BY authority of
Article I - General Provisions
Section 4
and
Article II - General Powers
Sections 2, 34, and 35
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Department of Public Works shall proceed to condemn and open certain streets and alleys lying within the area bounded by 24th Street, Howard Street, 25th Street, and Maryland Avenue, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the north side of 24th Street, 66 feet wide, and the west side of Mace Street, 20 feet wide, and running thence binding on the west side of said

Mace Street, Northerly 465.0 feet, more or less, to intersect the south side of 25th Street, 100 feet wide; thence binding on the south side of said 25th Street, Easterly 20.0 feet to intersect the east side of said Mace Street; thence binding on the east side of said Mace Street, Southerly 465.0 feet, more or less, to intersect the north side of said 24th Street, and thence binding on the north side of said 24th Street, Westerly 20.0 feet to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the north side of 24th Street, 66 feet wide, and the east side of a 10 foot alley laid out in the rear of the properties formerly known as Nos. 2400 through 2424 Maryland Avenue, said point of beginning being distant westerly 84.0 feet, more or less, measured along the north side of said 24th Street from the west side of Maryland Avenue, 66 feet wide, and running thence binding on the north side of said 24th Street, Westerly 10.0 feet to intersect the west side of said 10 foot alley; thence binding on the west side of said 10 foot alley, Northerly 184.0 feet, more or less, to the northernmost extremity of said 10 foot alley; thence binding on the northernmost extremity of said 10 foot alley, Easterly 10.0 feet to intersect the east side of said 10 foot alley, and thence binding of the east side of said 10 foot alley, Southerly 184.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the south side of a 12 foot to varying in width alley laid out along the northern outline of the property known as No. 2403/17 Mace Street, and the east side of Mace Street, 20 feet wide, said point of beginning being northerly 172.0 feet, more or less, measured along the east side of said Mace Street from the north side of 24th Street, 66 feet wide, and running thence binding on the east side of said Mace Street, Northerly 12.0 feet to intersect the north side of said 12 foot to varying in width alley; thence binding on the north side of said 12 foot to varying in width alley, Easterly 56.0 feet, more or less, to intersect the west side of a 10 foot alley laid out in the rear of the properties formerly known as Nos. 2400 through 2424 Maryland Avenue; thence binding on the west side of said 10 foot alley, Southerly 22.0 feet, more or less, to intersect the southeast side of said 12 foot to varying in width alley; thence binding on the southeast side of said 12 foot to varying in width alley, Northwesterly 14.1 feet, more or less, to the south side of said 12 foot to varying in width alley, and thence binding on the south side of said 12 foot to varying in width alley, Westerly 46.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 4 at the point formed by the intersection of the south side of a 10 foot alley laid out in the rear of the property known as No. 102 W. 24th Street, and the east side of Mace Street, 20 feet wide, said point of beginning being distant northerly 65.0 feet, more or less, measured along the east side of said Mace Street from the north side of 24th Street, 66 feet wide, and running thence binding on the east side of said Mace Street, Northerly 10.0 feet to intersect the north side of said 10 foot alley; thence binding on the north side of said 10 foot alley, Easterly 56.0 feet, more or less, to intersect the west side of a 10 foot alley laid out in the rear of the properties formerly known as Nos. 2400 through 2424 Maryland Avenue; thence binding on the west side of said 10 foot alley, mentioned secondly herein, Southerly 10.0 feet to intersect the south side of said 10 foot alley, mentioned firstly herein, and thence binding on the south side of said 10 foot alley, mentioned firstly herein, Westerly 56.0 feet, more or less, to the place of beginning.

As delineated on Plat 296-A-6D, prepared by the Survey Control Section and filed on September 7, 2007, in the Office of the Department of Public Works.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and opening of the streets and alleys and the rights of all interested parties shall be regulated by and in accordance with all applicable provisions of state and local law and with all applicable rules and regulations adopted by the Director of Public Works and filed with the Department of Legislative Reference.

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

Approved November 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-595
(Council Bill 07-789)

AN ORDINANCE CONCERNING

City Streets – Closing –
Certain Streets and Alleys Lying Within the Area Bounded
by 24th Street, Howard Street, 25th Street, and Maryland Avenue

FOR the purpose of condemning and closing certain streets and alleys lying within the area bounded by 24th Street, Howard Street, 25th Street, and Maryland Avenue, as shown on Plat 296-A-6E in the Office of the Department of Public Works; and providing for a special effective date.

BY authority of
Article I - General Provisions
Section 4
and
Article II - General Powers
Sections 2, 34, 35
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Department of Public Works shall proceed to condemn and close certain streets and alleys lying within the area bounded by 24th Street, Howard Street, 25th Street, and Maryland Avenue, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the north side of 24th Street, 66 feet wide, and the west side of Mace Street, 20 feet wide, and running thence binding on the west side of said Mace Street, Northerly 465.0 feet, more or less, to intersect the south side of 25th Street, 100 feet wide; thence binding on the south side of said 25th Street, Easterly 20.0 feet to intersect the east side of said Mace Street; thence binding on the east side of said Mace Street, Southerly 465.0 feet, more or less, to intersect the north side of said 24th Street, and thence binding on the north side of said 24th Street, Westerly 20.0 feet to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the north side of 24th Street, 66 feet wide, and the east side of a 10 foot alley laid out in the rear of the properties formerly known as Nos. 2400 through 2424 Maryland Avenue, said point of beginning being distant westerly 84.0 feet, more or less, measured along the north side of said 24th Street from the west side of Maryland Avenue, 66 feet wide, and running thence binding on the north side of said 24th Street, Westerly 10.0 feet to intersect the west side of said 10 foot alley; thence binding on the west side of said 10 foot alley, Northerly 184.0 feet, more or less, to the northernmost extremity of said 10 foot alley; thence binding on the northernmost extremity of said 10 foot alley, Easterly 10.0 feet to intersect the east side of said 10 foot alley, and thence binding of the east side of said 10 foot alley, Southerly 184.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the south side of a 12 foot to varying in width alley laid out along the northern outline of the property known as No. 2403/17 Mace Street, and the east side of Mace Street, 20 feet wide, said point of beginning being northerly 172.0 feet, more or less, measured along the east side of said Mace Street from the north side of 24th Street, 66 feet wide, and running thence binding on the east side of said Mace Street, Northerly 12.0 feet to intersect the north side of said 12 foot to varying in width alley; thence binding on the north side of said 12 foot to varying in width alley, Easterly 56.0 feet, more or less, to intersect the west side of a 10 foot alley laid out in the rear of the properties formerly known as Nos. 2400 through 2424 Maryland Avenue; thence binding on the west side of said 10 foot alley, Southerly 22.0 feet, more or less, to intersect the southeast side of said 12 foot to varying in width alley; thence binding on the southeast side of said 12 foot to varying in width alley, Northwesterly 14.1 feet, more or less, to the south side of said 12 foot to varying in width alley, and thence binding on the south side of said 12 foot to varying in width alley, Westerly 46.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 4 at the point formed by the intersection of the south side of a 10 foot alley laid out in the rear of the property known as No. 102 W. 24th Street, and the east side of Mace Street, 20 feet wide, said point of beginning being distant northerly 65.0 feet, more or less, measured along the east side of said Mace Street from the north side of 24th Street, 66 feet wide, and running thence binding on the east side of said Mace Street, Northerly 10.0 feet to intersect the north side of said 10 foot alley; thence binding on the north side of said 10 foot alley, Easterly 56.0 feet, more or less, to intersect the west side of a 10 foot alley laid out in the rear of the properties formerly known as Nos. 2400 through 2424 Maryland Avenue; thence binding on the west side of said 10 foot alley, mentioned secondly herein, Southerly 10.0 feet to intersect the south side of said 10 foot alley, mentioned firstly herein, and thence binding on the south side of said 10 foot alley, mentioned firstly herein, Westerly 56.0 feet, more or less, to the place of beginning.

As delineated on Plat 296-A-6E, prepared by the Survey Control Section and filed on September 7, 2007, in the Office of the Department of Public Works.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and closing of the streets and alleys and the rights of all interested parties shall be regulated by and in accordance with all applicable provisions of state and local law and with all applicable rules and regulations adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SECTION 3. AND BE IT FURTHER ORDAINED, That after the closing under this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore continue to be the property of the Mayor and City Council, in fee simple, until their use has been abandoned by the Mayor and City Council. If any person wants to remove, alter, or interfere with them, that person must first obtain permission from the Mayor and City Council and, in the application for this permission, must agree to pay all costs and expenses, of every kind, arising out of the removal, alteration, or interference.

SECTION 4. AND BE IT FURTHER ORDAINED, That no building or structure of any kind (including but not limited to railroad tracks) may be constructed or erected in or on any part of the street closed under this Ordinance until all subsurface structures and appurtenances owned by the Mayor and City Council of Baltimore have been abandoned by the Mayor and City Council or, at the expense of the person seeking to erect the building or structure, have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City.

SECTION 5. AND BE IT FURTHER ORDAINED, That after the closing under this Ordinance, all subsurface structures and appurtenances owned by any person other than the Mayor and City Council of Baltimore shall be removed by and at the expense of their owners, promptly upon notice to do so from the Director of Public Works.

SECTION 6. AND BE IT FURTHER ORDAINED, That at all times after the closing under this Ordinance, the Mayor and City Council of Baltimore, acting by or through its authorized representatives, shall have access to the subject property and to all subsurface structures and appurtenances used by the Mayor and City Council, for the purpose of inspecting, maintaining, repairing, altering, relocating, or replacing any of them, without need to obtain permission from or pay compensation to the owner of the property.

SECTION 7. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved November 27, 2007

SHEILA DIXON, Mayor]

CITY OF BALTIMORE
ORDINANCE 07-596
(Council Bill 07-790)

AN ORDINANCE CONCERNING

Sale of Property – the Former Beds of Certain Streets and Alleys Lying Within the Area Bounded by 24th Street, Howard Street, 25th Street and Maryland Avenue

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain parcels of land known as the former beds of certain streets and alleys lying within the area bounded by 24th Street, Howard Street, 25th Street and Maryland Avenue and no longer needed for public use; and providing for a special effective date.

BY authority of
Article V - Comptroller
Section 5(b)
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That, in accordance with Article V, § 5(b) of the City Charter, the City Comptroller may sell, at either public or private sale, all the interest of the Mayor and City Council of Baltimore in certain parcels of land known as the former beds of certain streets and alleys lying within the area bounded by 24th Street, Howard Street, 25th Street and Maryland Avenue, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the north side of 24th Street, 66 feet wide, and the west side of the former bed of Mace Street, 20 feet wide, and running thence binding on the west side of the former bed of said Mace Street, Northerly 465.0 feet, more or less, to intersect the south side of 25th Street, 100 feet wide; thence binding on the south side of said 25th Street, Easterly 20.0 feet to intersect the east side of the former bed of said Mace Street; thence binding on the east side of the former bed of said Mace Street, Southerly 465.0 feet, more or less, to intersect the north side of said 24th Street, and thence binding on the north side of said 24th Street, Westerly 20.0 feet to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the north side of 24th Street, 66 feet wide, and the east side of the former bed of a 10 foot alley laid out in the rear of the properties formerly known as Nos. 2400 through 2424 Maryland Avenue, said point of beginning being distant westerly 84.0

feet, more or less, measured along the north side of said 24th Street from the west side of Maryland Avenue, 66 feet wide, and running thence binding on the north side of said 24th Street, Westerly 10.0 feet to intersect the west side of the former bed of said 10 foot alley; thence binding on the west side of the former bed of said 10 foot alley, Northerly 184.0 feet, more or less, to the northernmost extremity of the former bed of said 10 foot alley; thence binding on the northernmost extremity of the former bed of said 10 foot alley, Easterly 10.0 feet to intersect the east side of the former bed of said 10 foot alley, and thence binding on the east side of the former bed of said 10 foot alley, Southerly 184.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the south side of the former bed of a 12 foot to varying in width alley laid out along the northern outline of the property known as No. 2403/17 Mace Street, and the east side of the former bed of Mace Street, 20 feet wide, said point of beginning being northerly 172.0 feet, more or less, measured along the east side of the former bed of said Mace Street from the north side of 24th Street, 66 feet wide, and running thence binding on the east side of the former bed of said Mace Street, Northerly 12.0 feet to intersect the north side of the former bed of said 12 foot to varying in width alley; thence binding on the north side of the former bed of said 12 foot to varying in width alley, Easterly 56.0 feet, more or less, to intersect the west side of the former bed of a 10 foot alley laid out in the rear of the properties formerly known as Nos. 2400 through 2424 Maryland Avenue; thence binding on the west side of the former bed of said 10 foot alley, Southerly 22.0 feet, more or less, to intersect the southeast side of the former bed of said 12 foot to varying in width alley; thence binding on the southeast side of the former bed of said 12 foot to varying in width alley, Northwesterly 14.1 feet, more or less, to the south side of the former bed of said 12 foot to varying in width alley, and thence binding on the south side of the former bed of said 12 foot to varying in width alley, Westerly 46.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 4 at the point formed by the intersection of the south side of the former bed of a 10 foot alley laid out in the rear of the property known as No. 102 W. 24th Street, and the east side of the former bed of Mace Street, 20 feet wide, said point of beginning being distant northerly 65.0 feet, more or less, measured along the east side of the former bed of said Mace Street from the north side of 24th Street, 66 feet wide, and running thence binding on the east side of the former bed of said Mace Street, Northerly 10.0 feet to intersect the north side of the former bed of said 10 foot alley; thence binding on the north side of the former bed of said 10 foot alley, Easterly 56.0 feet, more or less, to intersect the west side of the former bed of a 10 foot alley laid out in the rear of the properties formerly known as No. 2400 through 2424 Maryland Avenue; thence binding on the west side of the former bed of said 10 foot alley, mentioned secondly herein, Southerly 10.0 feet to intersect the south side of the former bed of said 10 foot alley, mentioned firstly herein, and thence binding on the south side of the former bed of said 10 foot alley, mentioned firstly herein, Westerly 56.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 5 at the point formed by the intersection of the south side of the former bed of a 10 foot alley laid out along the northern outline of the properties formerly known as No. 2413 N. Howard Street and No. 2402 Mace Street, and the east side of Howard Street, 66 feet wide, said point of beginning being distant northerly 102.0 feet, more or less, measured along the east side of said Howard Street from the north side of 24th Street, 66 feet wide, and running thence binding on the east side of said Howard Street, Northerly 10.0 feet to intersect the north side of the former bed of said 10 foot alley; thence binding on the north side of the former bed of said 10 foot alley, Easterly 150.0 feet, more or less, to intersect the west side of the former bed of said Mace Street, 20 feet wide; thence binding on the west side of the former bed of said Mace Street, Southerly 10.0 feet to intersect the south side of the former bed of said 10 foot alley, and thence binding on the south side of the former bed of said 10 foot alley, Westerly 150.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 6 at the point formed by the intersection of the south side of the former bed of a 5 foot alley laid out in the rear of the properties formerly known as Nos. 114 through 130 W. 24th Street, and the east side of Howard Street, 66 feet wide, said point of beginning being distant northerly 70.0 feet,

more or less, measured along the east side of said Howard Street from the north side of 24th Street, 66 feet wide, and running thence binding on the east side of said Howard Street, Northerly 5.0 feet to intersect the north side of the former bed of said 5 foot alley; thence binding on the north side of the former bed of said 5 foot alley, Easterly 128.0 feet, more or less, to the easternmost extremity of the former bed of said 5 foot alley; thence binding on the easternmost extremity of the former bed of said 5 foot alley, Southerly 5.0 feet to intersect the south side of the former bed of said 5 foot alley, and thence binding on the south side of the former bed of said 5 foot alley, Westerly 128.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 7 at the point formed by the intersection of the north side of the former bed of a 10 foot alley laid out along the south outline of the property formerly known as No. 2415 N. Howard Street, and the west side of the former bed of a 10 foot alley laid out in the rear of the properties formerly known as Nos. 2415 through 2429 N. Howard Street, said point of beginning being distant easterly 75.0 feet, more or less, measured along the south outline of the property formerly known as No. 2415 N. Howard Street from the east side of said Howard Street, and running thence binding on the west side of the former bed of said 10 foot alley, mentioned secondly herein, Northerly 103.0 feet, more or less, to the northernmost extremity of the former bed of said 10 foot alley, mentioned secondly herein; thence binding on the northernmost extremity of the former bed of said 10 foot alley, mentioned secondly herein, Easterly 10.0 feet to intersect the east side of the former bed of said 10 foot alley, mentioned secondly herein; thence binding on the east side of the former bed of said 10 foot alley, mentioned secondly herein, Southerly 103.0 feet, more or less, to intersect the north side of the former bed of said 10 foot alley, mentioned firstly herein, and thence binding on the north side of the former bed of said 10 foot alley, mentioned firstly herein, Westerly 10.0 feet to the place of beginning.

Beginning for Parcel No. 8 at the point formed by the intersection of the north side of the former bed of a 5 foot alley laid out in the rear of the properties formerly known as Nos. 114 through 130 W. 24th Street, and the west side of the former bed of a 5 foot alley laid out in the rear of the properties formerly known as Nos. 2411 and 2413 N. Howard Street, said point of beginning being distant easterly 70.0 feet, more or less, measured along the north side of the former bed of said 5 foot alley, mentioned firstly herein, from the east side of Howard Street, 66 feet wide, and running thence binding on the west side of the former bed of said 5 foot alley, mentioned secondly herein, Northerly 27.0 feet, more or less, to intersect the south side of the former bed of a 10 foot alley, laid out along the north outline of the properties formerly known as No. 2413 N. Howard Street and No. 2402 Mace Street; thence binding on the south side of the former bed of said 10 foot alley, Easterly 5.0 feet, to intersect the east side of the former bed of said 5 foot alley, mentioned secondly herein; thence binding on the east side of the former bed of said 5 foot alley, mentioned secondly herein, Southerly 27.0 feet, more or less, to intersect the north side of the former bed of said 5 foot alley, mentioned firstly herein, and thence binding on the north side of the former bed of said 5 foot alley, mentioned firstly herein, Westerly 5.0 feet to the place of beginning.

Subject to a full width Perpetual Easement for all Municipal Utilities and Services, not to be abandoned, over the entire hereinabove described parcel of land.

This property being no longer needed for public use.

SECTION 2. AND BE IT FURTHER ORDAINED, That no deed may pass under this Ordinance unless the deed has been approved by the City Solicitor.

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

Approved November 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-597
(Council Bill 07-791)

AN ORDINANCE CONCERNING

City Streets – Opening – Philpot Street and Wills Street,
Lying Within the Fells Point Urban Renewal Area

FOR the purpose of condemning and opening certain streets lying within the Fells Point Urban Renewal Area, (1) Philpot Street, extending from Thames Street, Westerly 419.7feet, more or less, to its westernmost extremity thereof; and (2) Wills Street, extending from Philpot Street, Northerly 481.6 feet, more or less, to Dock Street, as shown on Plat 349-A-13 in the Office of the Department of Public Works; and providing for a special effective date.

BY authority of
Article I - General Provisions
Section 4
and
Article II - General Powers
Sections 2, 34, and 35
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Department of Public Works shall proceed to condemn and open certain streets lying within the Fells Point Urban Renewal Area, (1) Philpot Street, extending from Thames Street, Westerly 419.7feet, more or less, to its westernmost extremity thereof; and (2) Wills Street, extending from Philpot Street, Northerly 481.6 feet, more or less, to Dock Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the north side of Philpot Street, varying in width, and the northwest side of Thames Street, 60 feet wide, and running thence binding on the northwest side of said Thames Street, Southwesterly 61.9 feet, more or less, to intersect the south side of said Philpot Street; thence binding on the south side of said Philpot Street, Westerly 411.0 feet, more or less, to the westernmost extremity of said Philpot Street; thence binding on the westernmost extremity of said Philpot Street, Northerly 60.0 feet, to intersect the north side of said Philpot Street, and thence binding on the north side of said Philpot Street, Easterly 428.3 feet, more or less, to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the east side of Wills Street, 60 feet wide, and the north side of Philpot Street, varying in width, and running thence binding on the north side of said Philpot Street, Westerly 60.0 feet, to intersect the west side of said Wills Street; thence binding on the west side of said Wills Street, Northerly 475.1 feet, more or less, to intersect the south side of Dock Street, varying in width; thence binding on the south side of said Dock Street, Easterly 61.4 feet, more or less, to intersect the east side of said Wills Street, and thence binding on the east side of said Wills Street, Southerly 488.2 feet, more or less, to the place of beginning.

As delineated on Plat 349-A-13, prepared by the Survey Control Section and filed on September 7, 2007, in the Office of the Department of Public Works.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and opening of the streets and the rights of all interested parties shall be regulated by and in accordance with all applicable

provisions of state and local law and with all applicable rules and regulations adopted by the Director of Public Works and filed with the Department of Legislative Reference.

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

Approved November 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-598
(Council Bill 07-792)

AN ORDINANCE CONCERNING

City Streets – Closing –
Philpot Street, Wills Street, Block Street and Dock Street,
Lying Within the Fells Point Urban Renewal Area

FOR the purpose of condemning and closing certain streets lying within the Fells Point Urban Renewal Area, (1) Philpot Street, extending from Thames Street, Westerly 419.7 feet, more or less, to its westernmost extremity thereof; (2) Wills Street, extending from Philpot Street, Northerly 481.6 feet, more or less, to Dock Street; (3) Block Street, extending from Caroline Street, Westerly 427.4 feet, more or less, to Wills Street; and (4) Dock Street, extending from Caroline Street, Westerly 261.6 feet, more or less, to its westernmost extremity thereof, as shown on Plat 349-A-13A in the Office of the Department of Public Works; and providing for a special effective date.

BY authority of
Article I - General Provisions
Section 4
and
Article II - General Powers
Sections 2, 34, 35
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Department of Public Works shall proceed to condemn and close certain streets lying within the Fells Point Urban Renewal Area, (1) Philpot Street, extending from Thames Street, Westerly 419.7 feet, more or less, to its westernmost extremity thereof; (2) Wills Street, extending from Philpot Street, Northerly 481.6 feet, more or less, to Dock Street; (3) Block Street, extending from Caroline Street, Westerly 427.4 feet, more or less, to Wills Street; and (4) Dock Street, extending from Caroline Street, Westerly 261.6 feet, more or less, to its westernmost extremity thereof, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the north side of Philpot Street, varying in width, and the northwest side of Thames Street, 60 feet wide, and running thence binding on the northwest side of said Thames Street, Southwesterly 61.9 feet, more or less, to intersect the south side of said Philpot Street; thence binding on the south side of said Philpot Street, Westerly 411.0 feet, more or less, to the westernmost extremity of said Philpot Street; thence binding on the westernmost extremity of said Philpot Street, Northerly 60.0 feet, to intersect the north side of said Philpot Street, and thence

binding on the north side of said Philpot Street, Easterly 428.3 feet, more or less, to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the east side of Wills Street, 60 feet wide, and the north side of Philpot Street, varying in width, and running thence binding on the north side of said Philpot Street, Westerly 60.0 feet, to intersect the west side of said Wills Street; thence binding on the west side of said Wills Street, Northerly 475.1 feet, more or less, to intersect the south side of Dock Street, varying in width; thence binding on the south side of said Dock Street, Easterly 61.4 feet, more or less, to intersect the east side of said Wills Street, and thence binding on the east side of said Wills Street, Southerly 488.2 feet, more or less, to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the north side of Block Street, 40 feet wide, and the southwest side of Caroline Street, 80 feet wide, and running thence binding on the southwest side of said Caroline Street, Southeasterly 45.9 feet, more or less, to intersect the south side of said Block Street; thence binding on the south side of said Block Street, Westerly 438.8 feet, more or less, to intersect the east side of Wills Street, 60 feet wide; thence binding on the east side of said Wills Street, Northerly 40.0 feet, to intersect the north side of said Block Street, and thence binding on the north side of said Block Street, Easterly 416.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 4 at the point formed by the intersection of the north side of Dock Street, varying in width, and the west side of Caroline Street, 80 feet wide, and running thence binding on the west side of said Caroline Street, Southerly 100.3 feet, more or less, to intersect the south side of said Dock Street; thence binding on the south side of said Dock Street, Westerly 279.9 feet, more or less, to the westernmost extremity of said Dock Street; thence binding on the westernmost extremity of said Dock Street, Northerly 81.9 feet, more or less, to intersect the north side of said Dock Street, and thence binding on the north side of said Dock Street, Easterly 243.3 feet, more or less, to the place of beginning.

As delineated on Plat 349-A-13A, prepared by the Survey Control Section and filed on September 7, 2007, in the Office of the Department of Public Works.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and closing of the streets and the rights of all interested parties shall be regulated by and in accordance with all applicable provisions of state and local law and with all applicable rules and regulations adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SECTION 3. AND BE IT FURTHER ORDAINED, That after the closing under this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore continue to be the property of the Mayor and City Council, in fee simple, until their use has been abandoned by the Mayor and City Council. If any person wants to remove, alter, or interfere with them, that person must first obtain permission from the Mayor and City Council and, in the application for this permission, must agree to pay all costs and expenses, of every kind, arising out of the removal, alteration, or interference.

SECTION 4. AND BE IT FURTHER ORDAINED, That no building or structure of any kind (including but not limited to railroad tracks) may be constructed or erected in or on any part of the street closed under this Ordinance until all subsurface structures and appurtenances owned by the Mayor and City Council of Baltimore have been abandoned by the Mayor and City Council or, at the expense of the person seeking to erect the building or structure, have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City.

SECTION 5. AND BE IT FURTHER ORDAINED, That after the closing under this Ordinance, all subsurface structures and appurtenances owned by any person other than the Mayor and City Council of Baltimore shall be removed by and at the expense of their owners, promptly upon notice to do so from the Director of Public Works.

SECTION 6. AND BE IT FURTHER ORDAINED, That at all times after the closing under this Ordinance, the Mayor and City Council of Baltimore, acting by or through its authorized representatives, shall have access to the subject property and to all subsurface structures and appurtenances used by the Mayor and City Council, for the purpose of inspecting, maintaining, repairing, altering, relocating, or replacing any of them, without need to obtain permission from or pay compensation to the owner of the property.

SECTION 7. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved November 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-599
(Council Bill 07-793)

AN ORDINANCE CONCERNING

Sale of Property – The Former Beds of Certain Streets Lying Within the Fells Point Urban Renewal Area

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain parcels of land known as the former beds of Philpot Street, Wills Street, Block Street and Dock Street and no longer needed for public use; and providing for a special effective date.

BY authority of
Article V - Comptroller
Section 5(b)
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That, in accordance with Article V, § 5(b) of the City Charter, the City Comptroller may sell, at either public or private sale, all the interest of the Mayor and City Council of Baltimore in certain parcels of land known as the former beds of Philpot Street, Wills Street, Block Street and Dock Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the north side of the former bed of Philpot Street, varying in width, and the northwest side of Thames Street, 60 feet wide, and running thence binding on the northwest side of said Thames Street, Southwesterly 61.9 feet, more or less, to intersect the south side of the former bed of said Philpot Street; thence binding on the south side of the former bed of said Philpot Street, Westerly 411.0 feet, more or less, to the westernmost extremity of the former bed of said Philpot Street; thence binding on the westernmost extremity of the former bed of said Philpot Street, Northerly 60.0 feet, to intersect the north side of the former bed of said Philpot Street, and thence binding on the north side of the former bed of said Philpot Street, Easterly 428.3 feet, more or less, to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the east side of the former bed of Wills Street, 60 feet wide, and the north side of the former bed of Philpot Street, varying in width, and running thence binding on the north side of the former bed of said Philpot Street, Westerly 60.0 feet, to intersect the west side of the former bed of said Wills Street; thence binding on the west side of the former

bed of said Wills Street, Northerly 475.1 feet, more or less, to intersect the south side of the former bed of Dock Street, varying in width; thence binding on the south side of the former bed of said Dock Street, Easterly 61.4 feet, more or less, to intersect the east side of the former bed of said Wills Street, and thence binding on the east side of the former bed of said Wills Street, Southerly 488.2 feet, more or less, to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the north side of the former bed of Block Street, 40 feet wide, and the southwest side of Caroline Street, 80 feet wide, and running thence binding on the southwest side of said Caroline Street, Southeasterly 45.9 feet, more or less, to intersect the south side of the former bed of said Block Street; thence binding on the south side of the former bed of said Block Street, Westerly 438.8 feet, more or less, to intersect the east side of the former bed of Will Streets, 60 feet wide; thence binding on the east side of the former bed of said Wills Street, Northerly 40.0 feet, to intersect the north side of the former bed of said Block Street, and thence binding on the north side of the former bed of said Block Street, Easterly 416.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 4 at the point formed by the intersection of the north side of the former bed of Dock Street, varying in width, and the west side of Caroline Street, 80 feet wide, and running thence binding on the west side of said Caroline Street, Southerly 100.3 feet, more or less, to intersect the south side of the former bed of said Dock Street; thence binding on the south side of the former bed of said Dock Street, Westerly 279.9 feet, more or less, to the westernmost extremity of the former bed of said Dock Street; thence binding on the westernmost extremity of the former bed of said Dock Street, Northerly 81.9 feet, more or less, to intersect the north side of the former bed of said Dock Street, and thence binding on the north side of the former bed of said Dock Street, Easterly 243.3 feet, more or less, to the place of beginning.

Subject to a full width Perpetual Easement for all Municipal Utilities and Services, not to be abandoned, over the entire hereinabove described parcel of land.

This property being no longer needed for public use.

SECTION 2. AND BE IT FURTHER ORDAINED, That no deed may pass under this Ordinance unless the deed has been approved by the City Solicitor.

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

Approved November 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-600
(Council Bill 07-794)

AN ORDINANCE CONCERNING

City Streets – Opening –
Certain Streets and 3 Varying in Width Parcels
Located in Hollander Ridge

FOR the purpose of condemning and opening certain streets located in Hollander Ridge, (1) Dillehunt Drive, extending from 62nd Street, southeasterly, easterly, northeasterly and northerly to Odell Avenue; (2)

Odell Avenue, extending from the northwest corner of the property known as No. 1607 Odell Avenue, northwesterly and northerly to the northernmost extremity thereof; and (3) 3 parcels of land located along the west and north sides of Old 62nd Street, as shown on Plat 311-A-14D in the Office of the Department of Public Works; and providing for a special effective date.

BY authority of
Article I - General Provisions
Section 4
and
Article II - General Powers
Sections 2, 34, and 35
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Department of Public Works shall proceed to condemn and open certain streets located in Hollander Ridge, (1) Dillehunt Drive, extending from 62nd Street, southeasterly, easterly, northeasterly and northerly to Odell Avenue; (2) Odell Avenue, extending from the northwest corner of the property known as No. 1607 Odell Avenue, northwesterly and northerly to the northernmost extremity thereof; and (3) 3 parcels of land located along the west and north sides of Old 62nd Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the southeast side of Dillehunt Drive, varying in width, and the east side of 62nd Street, 60 feet wide, said point of beginning being distant 302.7 feet, more or less, measured along the east side of said 62nd Street from the northwest side of Pulaski Highway US Route 40, 150 feet wide, and running thence binding on the east side of said 62nd Street, North 12° 08' 50" West 90.00 feet, to intersect the north side of said Dillehunt Drive, varying in width; thence binding on the north side of said Dillehunt Drive, South 57° 08' 50" East 21.21 feet to intersect the north side of Dillehunt Drive, 60 feet wide; thence binding on the north and northwest sides of last said Dillehunt Drive, the three following courses and distances; namely, North 77° 51' 10" East 104.85 feet, by a tangent arc curving to the left with a radius of 120.00 feet the distance of 118.59 feet which arc is subtended by a chord bearing North 49° 32' 28" East 113.82 feet and by a tangent line North 21° 13' 45" East 142.24 feet to intersect the north side of Dillehunt Drive, varying in width; thence by a tangent arc curving to the left with a radius of 95.00 feet the distance of 81.33 feet which arc is subtended by a chord bearing North 03° 17' 42" West 78.86 feet to intersect the southwest side of Odell Avenue, 60 feet wide; thence binding in part on said Odell Avenue, 60 feet wide, on the line of Odell Avenue, if projected southeasterly, and in all, South 27° 49' 09" East 122.78 feet to intersect the southeast side of Dillehunt Drive, varying in width; thence binding in part on the southeast side of Dillehunt Drive, varying in width, in part on the southeast side of Dillehunt Drive, 60 feet wide, and in all, South 21° 13' 45" West 133.52 feet; thence binding on the southeast and south sides of Dillehunt Drive, 60 feet wide, the two following courses and distances; namely, by a tangent arc curving to the right with a radius of 180.00 feet the distance of 177.89 feet which arc is subtended by a chord bearing South 49° 32' 28" West 170.74 feet and by a tangent line, South 77° 51' 10" West 104.85 feet, to intersect the southeast side of said Dillehunt Drive, varying in width, mentioned firstly herein, thence binding on the southeast side of said Dillehunt Drive, mentioned firstly herein, South 32° 51' 10" West 21.21 feet to the place of beginning.

Containing 26,138 square feet or 0.6000 acre of land, more or less.

Beginning for Parcel No. 2 at the point formed by the intersection of the northeast side of Odell Avenue, 50 feet wide, and the northwest corner of the property known as No.1607 Odell Avenue, said point of beginning being distant North 27° 49' 09" West 558.45 feet measured along the northeast side of said Odell Avenue from the northwest side of Pulaski Highway US Route 40, 150 feet wide, and running thence binding on the northwest corner of said property, and the line of the northwest corner of said

property, if projected southwesterly, and in all, South 62° 58' 12" West 60.01 feet to intersect the southwest side of Odell Avenue, as widened from its former width of 50 feet wide to 60 feet wide; thence binding on the southwest and west sides of last said Odell Avenue, the twelve following courses and distances; namely, North 27° 49' 09" West 7.17 feet, by a tangent arc curving to the right with a radius of 350.00 feet the distance of 164.65 feet which arc is subtended by a chord bearing North 14° 20' 32" West 163.14 feet, by a tangent line North 00° 51' 55" West 172.09 feet, by a tangent arc curving to the right with a radius of 350.00 feet the distance of 183.51 feet which arc is subtended by a chord bearing North 14° 09' 17" East 181.41 feet, by a tangent line North 29° 10' 30" East 50.52 feet, by a tangent arc curving to the left with a radius of 250.00 feet the distance of 229.03 feet which arc is subtended by a chord bearing North 02° 55' 48" East 221.11 feet, by a tangent line North 23° 18' 54" West 58.48 feet, by a tangent arc curving to the right with a radius of 350.00 feet the distance of 161.94 feet which arc is subtended by a chord bearing North 10° 03' 35" West 160.50 feet, by a tangent line North 03° 11' 44" East 64.81 feet, by a tangent arc curving to the right with a radius of 350.00 feet the distance of 105.71 feet which arc is subtended by a chord bearing North 11° 50' 53" East 105.31 feet, by a line curving to the left with a radius of 140.00 feet the distance of 47.85 feet which arc is subtended by a chord bearing North 10° 42' 35" East 47.62 feet and by a tangent line North 00° 55' 06" East 112.87 feet to intersect the beginning of the northernmost extremity of the cul-de-sac for Odell Avenue, varying in width; thence binding on the west, north, and east sides of said cul-de-sac by an arc curving to the right with a radius of 70.00 feet the distance of 262.60 feet which arc is subtended by a chord bearing South 71° 36' 35" East 133.54 feet to intersect the northwest side of Odell Avenue, varying in width; thence binding on the northwest, east and north sides of last said Odell Avenue, the four following courses and distances; namely, by a tangent line South 35° 51' 43" West 72.27 feet, by a tangent arc curving to the left with a radius of 300.00 feet the distance of 171.04 feet which arc is subtended by a chord bearing South 19° 31' 43" West 168.73 feet, by a tangent line South 03° 11' 44" West 40.38 feet and South 80° 13' 53" West 10.64 feet to intersect the east side of Odell Avenue, 60 feet wide, and thence binding on the east, northeast, northwest, and northeast sides of last said Odell Avenue, the five following courses and distances; namely, South 09° 45'16" East 49.20 feet, by a tangent arc curving to the left with a radius of 290.00 feet the distance of 114.60 feet which arc is subtended by a chord bearing South 11° 59' 39" East 113.86 feet, by a tangent line South 23° 18' 54" East 58.48 feet, by a tangent arc curving to the right with a radius of 310.00 feet the distance of 284.00 feet which arc is subtended by a chord bearing South 02° 55' 48" West 274.17 feet and by a tangent line South 29° 10' 30" West 13.74 feet to intersect the northwest side of Hilltop Avenue, 40 feet wide; thence binding on the northwest and northeast sides of said Hilltop Avenue, the two following courses and distances; namely, South 61°20' 05" West 44.02 feet and South 25° 11' 35" East 29.49 feet to intersect the east side of Odell Avenue, 60 feet wide, and thence binding on the east and northeast sides of said Odell Avenue, the four following courses and distances; namely, by a non-tangent arc curving to the left with a radius of 290.00 feet the distance of 134.37 feet which arc is subtended by a chord bearing South 12°24' 29" West 133.17 feet, by a tangent line, South 00° 51' 55" East 172.09 feet, by a tangent arc curving to the left with a radius of 290.00 feet the distance of 136.43 feet which arc is subtended by a chord bearing South 14° 20' 32" East 135.17 feet and South 27° 49' 09" East 8.00 feet to the place of beginning.

Containing 93,715 square feet or 2.1514 acres of land, more or less.

Beginning for Parcel No. 3 at a point on the west side of 62nd Street, as now laid out 60 feet wide, said point of beginning being N 12° 08' 50" W 2,850.85 feet measured along the said west side of 62nd Street from the northwest side of Pulaski Highway US Route 40, 150 feet wide, said point of beginning having a coordinate value of East 23,500.44 feet and North 7,274.68 feet, and running thence binding on the west side of the old alignment for 62nd Street, 60 feet wide, the two following courses and distances; namely, by a line curving to the right with a radius of 185.00 feet the distance of 140.12 feet which arc is subtended by a chord bearing North 09° 33' 05" East 136.80 feet and by a tangent line North 31° 14' 59" East 380.80 feet to intersect the western new alignment for 62nd Street; thence binding on the western new alignment for 62nd Street, the three following courses and distances; namely, by an line curving to the right with a radius of 470.00 feet the distance of 36.57 feet which arc is subtended by a chord bearing

South 29° 14' 20" West 36.56 feet, by a tangent line South 31° 28' 05" West 318.50 feet and by a tangent arc curving to the left with a radius of 211.33 feet the distance of 160.87 feet which arc is subtended by a chord bearing South 09° 39' 38" West 157.01 feet to intersect the south side of the newly realigned 62nd Street, and thence binding on the south side of the newly realigned 62nd Street, South 77° 51' 10" West 10.00 feet to the place of beginning.

Containing 1,243 square feet or 0.0285 acre of land, more or less.

Beginning for Parcel No. 4 at a point on the west side of a Portion of Old 62nd Street, 60 feet wide, said point of beginning being approximately 3,410.0 feet, more or less, northerly measured along the west side of said 62nd Street from the northwest side of Pulaski Highway US Route 40, 150 feet wide, having a coordinate value of East 23,636.64 feet and North 7,769.87 feet, and running thence binding on a Portion of Old 62nd Street, the seven following courses and distances; namely, by a line curving to the right with a radius of 470.00 feet the distance of 5.39 feet which arc is subtended by a chord bearing South 22° 40' 40" West 5.39 feet, by a line curving to the left with a radius of 120.00 feet the distance of 36.11 feet which arc is subtended by a chord bearing North 08° 37' 02" East 35.98 feet, by a tangent line North 00° 00' 15" West 109.55 feet, by a tangent arc curving to the right with a radius of 180.00 feet the distance of 99.32 feet which arc is subtended by a chord bearing North 15° 48' 12" East 98.07 feet, by a tangent line North 31° 36' 39" East 212.73 feet, by a tangent arc curving to the right with a radius of 155.00 feet the distance of 157.95 feet which arc is subtended by a chord bearing North 60° 48' 12" East 151.20 feet and by a tangent line, North 89° 59' 45" East 91.29 feet to intersect the north side of the Realigned 62nd Street, 60 feet wide; thence binding on the north side of said Realigned 62nd Street, by a line curving to the left with a radius of 180.00 feet the distance of 176.85 feet which arc is subtended by a chord bearing South 61° 50' 58" West 169.82 feet to intersect the Old Portion of 62nd Street, and thence binding on the Old Portion of said 62nd Street, the five following courses and distances; namely, by a line curving to the left with a radius of 95.00 feet the distance of 33.85 feet which arc is subtended by a chord bearing South 41° 49' 04" West 33.67 feet, by a tangent line, South 31° 36' 39" West 212.73 feet, by a tangent arc curving to the left with a radius of 120.00 feet the distance of 49.53 feet which arc is subtended by a chord bearing South 19° 47' 09" West 49.18 feet, by a line curving to the left with a radius of 530.00 feet the distance of 1.19 feet which arc is subtended by a chord bearing South 22° 24' 50" West 1.19 feet and by a tangent line, South 22° 20' 58" West 168.33 feet to the place of beginning.

Containing 28,622 square feet or 0.6571 acre of land, more or less.

Beginning for Parcel No. 5 on the east side of a Portion of the Old 62nd Street, 60 feet wide, said point of beginning having a coordinate value East 23,673.84 feet and North 7,707.08 feet, and running thence binding on the side of Old 62nd Street and the Realigned 62nd Street, 60 feet wide, the three following courses and distances; namely, South 31° 14' 59" West 1.43 feet, by a line curving to the left with a radius of 530.00 feet the distance of 42.13 feet which arc is subtended by a chord bearing North 24° 58' 48" East 42.12 feet and by a line curving to the right with a radius of 180.00 feet the distance of 40.78 feet which arc is subtended by a chord bearing South 24° 45' 34" West 40.69 feet to the place of beginning.

Containing 23 square feet or 0.0005 acre of land, more or less.

As delineated on Plat 311-A-14D, prepared by the Survey Control Section and filed on September 7, 2007, in the Office of the Department of Public Works.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and opening of the streets or portions of them and the rights of all interested parties shall be regulated by and in accordance with all applicable provisions of state and local law and with all applicable rules and regulations adopted by the Director of Public Works and filed with the Department of Legislative Reference.

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

Approved November 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-601
(Council Bill 07-795)

AN ORDINANCE CONCERNING

City Streets – Closing –
Certain Streets and 3 Varying in Width Parcels Located in Hollander Ridge

FOR the purpose of condemning and closing certain streets located in Hollander Ridge (1) Dillehunt Drive, extending from 62nd Street, southeasterly, easterly, northeasterly and northerly to Odell Avenue; (2) Odell Avenue, extending from the northwest corner of the property known as No. 1607 Odell Avenue, northwesterly and northerly to the northernmost extremity thereof; and (3) 3 parcels of land located along the west and north sides of Old 62nd Street, as shown on Plat 311-A-14E in the Office of the Department of Public Works; and providing for a special effective date.

BY authority of
Article I - General Provisions
Section 4
and
Article II - General Powers
Sections 2, 34, 35
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Department of Public Works shall proceed to condemn and close certain streets located in Hollander Ridge (1) Dillehunt Drive, extending from 62nd Street, southeasterly, easterly, northeasterly and northerly to Odell Avenue; (2) Odell Avenue, extending from the northwest corner of the property known as No. 1607 Odell Avenue, northwesterly and northerly to the northernmost extremity thereof; and (3) 3 parcels of land located along the west and north sides of Old 62nd Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the southeast side of Dillehunt Drive, varying in width, and the east side of 62nd Street, 60 feet wide, said point of beginning being distant 302.7 feet, more or less, measured along the east side of said 62nd Street from the northwest side of Pulaski Highway US Route 40, 150 feet wide, and running thence binding on the east side of said 62nd Street, North 12° 08' 50" West 90.00 feet, to intersect the north side of said Dillehunt Drive, varying in width; thence binding on the north side of said Dillehunt Drive, South 57° 08' 50" East 21.21 feet to intersect the north side of Dillehunt Drive, 60 feet wide; thence binding on the north and northwest sides of last said Dillehunt Drive, the three following courses and distances; namely, North 77° 51' 10" East 104.85 feet, by a tangent arc curving to the left with a radius of 120.00 feet the distance of 118.59 feet which arc is subtended by a chord bearing North 49° 32' 28" East 113.82 feet and by a tangent line North 21° 13' 45" East 142.24 feet to intersect the north side of Dillehunt Drive, varying in width; thence by a tangent arc curving to the left with a radius of 95.00 feet the distance of 81.33 feet which arc is subtended by a chord bearing North 03° 17' 42" West 78.86 feet to intersect the southwest side of Odell Avenue, 60

feet wide; thence binding in part on said Odell Avenue, 60 feet wide, on the line of Odell Avenue, if projected southeasterly, and in all, South 27° 49' 09" East 122.78 feet to intersect the southeast side of Dillehunt Drive, varying in width; thence binding in part on the southeast side of Dillehunt Drive, varying in width, in part on the southeast side of Dillehunt Drive, 60 feet wide, and in all, South 21° 13' 45" West 133.52 feet; thence binding on the southeast and south sides of Dillehunt Drive, 60 feet wide, the two following courses and distances; namely, by a tangent arc curving to the right with a radius of 180.00 feet the distance of 177.89 feet which arc is subtended by a chord bearing South 49° 32' 28" West 170.74 feet and by a tangent line, South 77° 51' 10" West 104.85 feet, to intersect the southeast side of said Dillehunt Drive, varying in width, mentioned firstly herein, thence binding on the southeast side of said Dillehunt Drive, mentioned firstly herein, South 32° 51' 10" West 21.21 feet to the place of beginning.

Containing 26,138 square feet or 0.6000 acre of land, more or less.

Beginning for Parcel No. 2 at the point formed by the intersection of the northeast side of Odell Avenue, 50 feet wide, and the northwest corner of the property known as No.1607 Odell Avenue, said point of beginning being distant North 27° 49' 09" West 558.45 feet measured along the northeast side of said Odell Avenue from the northwest side of Pulaski Highway US Route 40, 150 feet wide, and running thence binding on the northwest corner of said property, and the line of the northwest corner of said property, if projected southwesterly, and in all, South 62° 58' 12" West 60.01 feet to intersect the southwest side of Odell Avenue, as widened from its former width of 50 feet wide to 60 feet wide; thence binding on the southwest and west sides of last said Odell Avenue, the twelve following courses and distances; namely, North 27° 49' 09" West 7.17 feet, by a tangent arc curving to the right with a radius of 350.00 feet the distance of 164.65 feet which arc is subtended by a chord bearing North 14° 20' 32" West 163.14 feet, by a tangent line North 00° 51' 55" West 172.09 feet, by a tangent arc curving to the right with a radius of 350.00 feet the distance of 183.51 feet which arc is subtended by a chord bearing North 14° 09' 17" East 181.41 feet, by a tangent line North 29° 10' 30" East 50.52 feet, by a tangent arc curving to the left with a radius of 250.00 feet the distance of 229.03 feet which arc is subtended by a chord bearing North 02° 55' 48" East 221.11 feet, by a tangent line North 23° 18' 54" West 58.48 feet, by a tangent arc curving to the right with a radius of 350.00 feet the distance of 161.94 feet which arc is subtended by a chord bearing North 10° 03' 35" West 160.50 feet, by a tangent line North 03° 11' 44" East 64.81 feet, by a tangent arc curving to the right with a radius of 350.00 feet the distance of 105.71 feet which arc is subtended by a chord bearing North 11° 50' 53" East 105.31 feet, by a line curving to the left with a radius of 140.00 feet the distance of 47.85 feet which arc is subtended by a chord bearing North 10° 42' 35" East 47.62 feet and by a tangent line North 00° 55' 06" East 112.87 feet to intersect the beginning of the northernmost extremity of the cul-de-sac for Odell Avenue, varying in width; thence binding on the west, north, and east sides of said cul-de-sac by an arc curving to the right with a radius of 70.00 feet the distance of 262.60 feet which arc is subtended by a chord bearing South 71° 36' 35" East 133.54 feet to intersect the northwest side of Odell Avenue, varying in width; thence binding on the northwest, east and north sides of last said Odell Avenue, the four following courses and distances; namely, by a tangent line South 35° 51' 43" West 72.27 feet, by a tangent arc curving to the left with a radius of 300.00 feet the distance of 171.04 feet which arc is subtended by a chord bearing South 19° 31' 43" West 168.73 feet, by a tangent line South 03° 11' 44" West 40.38 feet and South 80° 13' 53" West 10.64 feet to intersect the east side of Odell Avenue, 60 feet wide, and thence binding on the east, northeast, northwest, and northeast sides of last said Odell Avenue, the five following courses and distances; namely, South 09° 45'16" East 49.20 feet, by a tangent arc curving to the left with a radius of 290.00 feet the distance of 114.60 feet which arc is subtended by a chord bearing South 11° 59' 39" East 113.86 feet, by a tangent line South 23° 18' 54" East 58.48 feet, by a tangent arc curving to the right with a radius of 310.00 feet the distance of 284.00 feet which arc is subtended by a chord bearing South 02° 55' 48" West 274.17 feet and by a tangent line South 29° 10' 30" West 13.74 feet to intersect the northwest side of Hilltop Avenue, 40 feet wide; thence binding on the northwest and northeast sides of said Hilltop Avenue, the two following courses and distances; namely, South 61°20' 05" West 44.02 feet and South 25° 11' 35" East 29.49 feet to intersect the east side of Odell Avenue, 60 feet wide, and thence binding on the east and northeast sides of said Odell Avenue, the four following courses and distances; namely, by a

non-tangent arc curving to the left with a radius of 290.00 feet the distance of 134.37 feet which arc is subtended by a chord bearing South 12°24' 29" West 133.17 feet, by a tangent line, South 00° 51' 55" East 172.09 feet, by a tangent arc curving to the left with a radius of 290.00 feet the distance of 136.43 feet which arc is subtended by a chord bearing South 14° 20' 32" East 135.17 feet and South 27° 49' 09" East 8.00 feet to the place of beginning.

Containing 93,715 square feet or 2.1514 acres of land, more or less.

Beginning for Parcel No. 3 at a point on the west side of 62nd Street, as now laid out 60 feet wide, said point of beginning being N 12° 08' 50" W 2,850.85 feet measured along the said west side of 62nd Street from the northwest side of Pulaski Highway US Route 40, 150 feet wide, said point of beginning having a coordinate value of East 23,500.44 feet and North 7,274.68 feet, and running thence binding on the west side of the old alignment for 62nd Street, 60 feet wide, the two following courses and distances; namely, by a line curving to the right with a radius of 185.00 feet the distance of 140.12 feet which arc is subtended by a chord bearing North 09° 33' 05" East 136.80 feet and by a tangent line North 31° 14' 59" East 380.80 feet to intersect the western new alignment for 62nd Street; thence binding on the western new alignment for 62nd Street, the three following courses and distances; namely, by an line curving to the right with a radius of 470.00 feet the distance of 36.57 feet which arc is subtended by a chord bearing South 29° 14' 20" West 36.56 feet, by a tangent line South 31° 28' 05" West 318.50 feet and by a tangent arc curving to the left with a radius of 211.33 feet the distance of 160.87 feet which arc is subtended by a chord bearing South 09° 39' 38" West 157.01 feet to intersect the south side of the newly realigned 62nd Street, and thence binding on the south side of the newly realigned 62nd Street, South 77° 51' 10" West 10.00 feet to the place of beginning.

Containing 1,243 square feet or 0.0285 acre of land, more or less.

Beginning for Parcel No. 4 at a point on the west side of a Portion of Old 62nd Street, 60 feet wide, said point of beginning being approximately 3,410.0 feet, more or less, northerly measured along the west side of said 62nd Street from the northwest side of Pulaski Highway US Route 40, 150 feet wide, having a coordinate value of East 23,636.64 feet and North 7,769.87 feet, and running thence binding on a Portion of Old 62nd Street, the seven following courses and distances; namely, by a line curving to the right with a radius of 470.00 feet the distance of 5.39 feet which arc is subtended by a chord bearing South 22° 40' 40" West 5.39 feet, by a line curving to the left with a radius of 120.00 feet the distance of 36.11 feet which arc is subtended by a chord bearing North 08° 37' 02" East 35.98 feet, by a tangent line North 00° 00' 15" West 109.55 feet, by a tangent arc curving to the right with a radius of 180.00 feet the distance of 99.32 feet which arc is subtended by a chord bearing North 15° 48' 12" East 98.07 feet, by a tangent line North 31° 36' 39" East 212.73 feet, by a tangent arc curving to the right with a radius of 155.00 feet the distance of 157.95 feet which arc is subtended by a chord bearing North 60° 48' 12" East 151.20 feet and by a tangent line, North 89° 59' 45" East 91.29 feet to intersect the north side of the Realigned 62nd Street, 60 feet wide; thence binding on the north side of said Realigned 62nd Street, by a line curving to the left with a radius of 180.00 feet the distance of 176.85 feet which arc is subtended by a chord bearing South 61° 50' 58" West 169.82 feet to intersect the Old Portion of 62nd Street, and thence binding on the Old Portion of said 62nd Street, the five following courses and distances; namely, by a line curving to the left with a radius of 95.00 feet the distance of 33.85 feet which arc is subtended by a chord bearing South 41° 49' 04" West 33.67 feet, by a tangent line, South 31° 36' 39" West 212.73 feet, by a tangent arc curving to the left with a radius of 120.00 feet the distance of 49.53 feet which arc is subtended by a chord bearing South 19° 47' 09" West 49.18 feet, by a line curving to the left with a radius of 530.00 feet the distance of 1.19 feet which arc is subtended by a chord bearing South 22° 24' 50" West 1.19 feet and by a tangent line, South 22° 20' 58" West 168.33 feet to the place of beginning.

Containing 28,622 square feet or 0.6571 acre of land, more or less.

Beginning for Parcel No. 5 on the east side of a Portion of the Old 62nd Street, 60 feet wide, said point of beginning having a coordinate value East 23,673.84 feet and North 7,707.08 feet, and running thence binding on the side of Old 62nd Street and the Realigned 62nd Street, 60 feet wide, the three following courses and distances; namely, South 31° 14' 59" West 1.43 feet, by a line curving to the left with a radius of 530.00 feet the distance of 42.13 feet which arc is subtended by a chord bearing North 24° 58' 48" East 42.12 feet and by a line curving to the right with a radius of 180.00 feet the distance of 40.78 feet which arc is subtended by a chord bearing South 24° 45' 34" West 40.69 feet to the place of beginning.

Containing 23 square feet or 0.0005 acre of land, more or less.

As delineated on Plat 311-A-14E, prepared by the Survey Control Section and filed on September 7, 2007, in the Office of the Department of Public Works.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and closing of the streets or portions of them and the rights of all interested parties shall be regulated by and in accordance with all applicable provisions of state and local law and with all applicable rules and regulations adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SECTION 3. AND BE IT FURTHER ORDAINED, That after the closing under this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore continue to be the property of the Mayor and City Council, in fee simple, until their use has been abandoned by the Mayor and City Council. If any person wants to remove, alter, or interfere with them, that person must first obtain permission from the Mayor and City Council and, in the application for this permission, must agree to pay all costs and expenses, of every kind, arising out of the removal, alteration, or interference.

SECTION 4. AND BE IT FURTHER ORDAINED, That no building or structure of any kind (including but not limited to railroad tracks) may be constructed or erected in or on any part of the street closed under this Ordinance until all subsurface structures and appurtenances owned by the Mayor and City Council of Baltimore have been abandoned by the Mayor and City Council or, at the expense of the person seeking to erect the building or structure, have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City.

SECTION 5. AND BE IT FURTHER ORDAINED, That after the closing under this Ordinance, all subsurface structures and appurtenances owned by any person other than the Mayor and City Council of Baltimore shall be removed by and at the expense of their owners, promptly upon notice to do so from the Director of Public Works.

SECTION 6. AND BE IT FURTHER ORDAINED, That at all times after the closing under this Ordinance, the Mayor and City Council of Baltimore, acting by or through its authorized representatives, shall have access to the subject property and to all subsurface structures and appurtenances used by the Mayor and City Council, for the purpose of inspecting, maintaining, repairing, altering, relocating, or replacing any of them, without need to obtain permission from or pay compensation to the owner of the property.

SECTION 7. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved November 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-602
(Council Bill 07-796)

AN ORDINANCE CONCERNING

Sale of Property – Certain Streets and 3 Varying in Width Parcels Located in Hollander Ridge

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain parcels of land known as the former beds of (1) Dillehunt Drive, extending from 62nd Street, southeasterly, easterly, northeasterly and northerly to Odell Avenue; (2) Odell Avenue, extending from the northwest corner of the property known as No. 1607 Odell Avenue, northwesterly and northerly to the northernmost extremity thereof; and (3) 3 parcels of land located along the west and north sides of Old 62nd Street and no longer needed for public use; and providing for a special effective date.

BY authority of
Article V - Comptroller
Section 5(b)
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That, in accordance with Article V, § 5(b) of the City Charter, the City Comptroller may sell, at either public or private sale, all the interest of the Mayor and City Council of Baltimore in certain parcels of land known as the former beds of (1) Dillehunt Drive, extending from 62nd Street, southeasterly, easterly, northeasterly and northerly to Odell Avenue; (2) Odell Avenue, extending from the northwest corner of the property known as No. 1607 Odell Avenue, northwesterly and northerly to the northernmost extremity thereof; and (3) 3 parcels of land located along the west and north sides of Old 62nd Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the southeast side of the former bed of Dillehunt Drive, varying in width, and the east side of 62nd Street, 60 feet wide, said point of beginning being distant 302.7 feet, more or less, measured along the east side of said 62nd Street from the northwest side of Pulaski Highway US Route 40, 150 feet wide, and running thence binding on the east side of said 62nd Street, North 12° 08' 50" West 90.00 feet, to intersect the north side of the former bed of said Dillehunt Drive, varying in width; thence binding on the north side of the former bed of said Dillehunt Drive, South 57° 08' 50" East 21.21 feet to intersect the north side of the former bed of Dillehunt Drive, 60 feet wide; thence binding on the north and northwest sides of the former bed of last said Dillehunt Drive, the three following courses and distances; namely, North 77° 51' 10" East 104.85 feet, by a tangent arc curving to the left with a radius of 120.00 feet the distance of 118.59 feet which arc is subtended by a chord bearing North 49° 32' 28" East 113.82 feet and by a tangent line North 21° 13' 45" East 142.24 feet to intersect the north side of the former bed of Dillehunt Drive, varying in width; thence by a tangent arc curving to the left with a radius of 95.00 feet the distance of 81.33 feet which arc is subtended by a chord bearing North 03° 17' 42" West 78.86 feet to intersect the southwest side of Odell Avenue, 60 feet wide; thence binding in part on said Odell Avenue, 60 feet wide, on the line of Odell Avenue, if projected southeasterly, and in all, South 27° 49' 09" East 122.78 feet to intersect the southeast side of the former bed of Dillehunt Drive, varying in width; thence binding in part on the southeast side of the former bed of Dillehunt Drive, varying in width, in part on the southeast side of the former bed of Dillehunt Drive, 60 feet wide, and in all, South 21° 13' 45" West 133.52 feet; thence binding on the southeast and south sides of the former bed of Dillehunt Drive, 60 feet wide, the two following courses and distances; namely, by a tangent arc curving to the right with a radius of 180.00 feet the distance of 177.89 feet which arc is subtended by a chord bearing South 49° 32' 28" West 170.74 feet and by a

tangent line, South 77° 51' 10" West 104.85 feet, to intersect the southeast side of the former bed of said Dillehunt Drive, varying in width, mentioned firstly herein, thence binding on the southeast side of the former bed of said Dillehunt Drive, mentioned firstly herein, South 32° 51' 10" West 21.21 feet to the place of beginning.

Containing 26,138 square feet or 0.6000 acre of land, more or less.

Beginning for Parcel No. 2 at the point formed by the intersection of the northeast side of the southeasternmost extremity of the former bed of Odell Avenue, 50 feet wide, and the northwest corner of the property known as No.1607 Odell Avenue, said point of beginning being distant North 27° 49' 09" West 558.45 feet measured along the northeast side of said Odell Avenue from the northwest side of Pulaski Highway US Route 40, 150 feet wide, and running thence binding on the northwest corner of said property, and the line of the northwest corner of said property, if projected southwesterly, and in all, South 62° 58' 12" West 60.01 feet to intersect the southwest side of the southeasternmost extremity of the former bed of Odell Avenue, as widened from its former width of 50 feet wide to 60 feet wide; thence binding on the southwest and west sides of the former bed of last said Odell Avenue, the twelve following courses and distances; namely, North 27° 49' 09" West 7.17 feet, by a tangent arc curving to the right with a radius of 350.00 feet the distance of 164.65 feet which arc is subtended by a chord bearing North 14° 20' 32" West 163.14 feet, by a tangent line North 00° 51' 55" West 172.09 feet, by a tangent arc curving to the right with a radius of 350.00 feet the distance of 183.51 feet which arc is subtended by a chord bearing North 14° 09' 17" East 181.41 feet, by a tangent line North 29° 10' 30" East 50.52 feet, by a tangent arc curving to the left with a radius of 250.00 feet the distance of 229.03 feet which arc is subtended by a chord bearing North 02° 55' 48" East 221.11 feet, by a tangent line North 23° 18' 54" West 58.48 feet, by a tangent arc curving to the right with a radius of 350.00 feet the distance of 161.94 feet which arc is subtended by a chord bearing North 10° 03' 35" West 160.50 feet, by a tangent line North 03° 11' 44" East 64.81 feet, by a tangent arc curving to the right with a radius of 350.00 feet the distance of 105.71 feet which arc is subtended by a chord bearing North 11° 50' 53" East 105.31 feet, by a line curving to the left with a radius of 140.00 feet the distance of 47.85 feet which arc is subtended by a chord bearing North 10° 42' 35" East 47.62 feet and by a tangent line North 00° 55' 06" East 112.87 feet to intersect the beginning of the northernmost extremity of the cul-de-sac for the former bed of Odell Avenue, varying in width; thence binding on the west, north, and east sides of said cul-de-sac by an arc curving to the right with a radius of 70.00 feet the distance of 262.60 feet which arc is subtended by a chord bearing South 71° 36' 35" East 133.54 feet to intersect the northwest side of the former bed of Odell Avenue, varying in width; thence binding on the northwest, east and north sides of the former bed of last said Odell Avenue, the four following courses and distances; namely, by a tangent line South 35° 51' 43" West 72.27 feet, by a tangent arc curving to the left with a radius of 300.00 feet the distance of 171.04 feet which arc is subtended by a chord bearing South 19° 31' 43" West 168.73 feet, by a tangent line South 03° 11' 44" West 40.38 feet and South 80° 13' 53" West 10.64 feet to intersect the east side of the former bed of Odell Avenue, 60 feet wide, and thence binding on the east, northeast, northwest, and northeast sides of the former bed of last said Odell Avenue, the five following courses and distances; namely, South 09° 45'16" East 49.20 feet, by a tangent arc curving to the left with a radius of 290.00 feet the distance of 114.60 feet which arc is subtended by a chord bearing South 11° 59' 39" East 113.86 feet, by a tangent line South 23° 18' 54" East 58.48 feet, by a tangent arc curving to the right with a radius of 310.00 feet the distance of 284.00 feet which arc is subtended by a chord bearing South 02° 55' 48" West 274.17 feet and by a tangent line South 29° 10' 30" West 13.74 feet to intersect the northwest side of Hilltop Avenue, 40 feet wide; thence binding on the northwest and northeast sides of said Hilltop Avenue, the two following courses and distances; namely, South 61°20' 05" West 44.02 feet and South 25° 11' 35" East 29.49 feet to intersect the east side of the former bed of Odell Avenue, 60 feet wide, and thence binding on the east and northeast sides of the former bed of said Odell Avenue, the four following courses and distances; namely, by a non-tangent arc curving to the left with a radius of 290.00 feet the distance of 134.37 feet which arc is subtended by a chord bearing South 12°24' 29" West 133.17 feet, by a tangent line, South 00° 51' 55" East 172.09 feet, by a tangent arc curving to the left with a radius of 290.00 feet the distance of 136.43

feet which arc is subtended by a chord bearing South 14° 20' 32" East 135.17 feet and South 27° 49' 09" East 8.00 feet to the place of beginning.

Containing 93,715 square feet or 2.1514 acres of land, more or less.

Beginning for Parcel No. 3 at a point on the west side of the southernmost extremity of the former bed of 62nd Street, as now laid out 60 feet wide, said point of beginning being N 12° 08' 50" W 2,850.85 feet measured along the said west side of 62nd Street from the northwest side of Pulaski Highway US Route 40, 150 feet wide, said point of beginning having a coordinate value of East 23,500.44 feet and North 7,274.68 feet, and running thence binding on the west side of the old alignment for the former bed of 62nd Street, 60 feet wide, the two following courses and distances; namely, by a line curving to the right with a radius of 185.00 feet the distance of 140.12 feet which arc is subtended by a chord bearing North 09° 33' 05" East 136.80 feet and by a tangent line North 31° 14' 59" East 380.80 feet to intersect the western new alignment for 62nd Street; thence binding on the western new alignment for 62nd Street, the three following courses and distances; namely, by an line curving to the right with a radius of 470.00 feet the distance of 36.57 feet which arc is subtended by a chord bearing South 29° 14' 20" West 36.56 feet, by a tangent line South 31° 28' 05" West 318.50 feet and by a tangent arc curving to the left with a radius of 211.33 feet the distance of 160.87 feet which arc is subtended by a chord bearing South 09° 39' 38" West 157.01 feet to intersect the south side of the newly realigned 62nd Street, and thence binding on the south side of the newly realigned 62nd Street, South 77° 51' 10" West 10.00 feet to the place of beginning.

Containing 1,243 square feet or 0.0285 acre of land, more or less.

Beginning for Parcel No. 4 at a point on the west side of a Portion of the former bed of the Old 62nd Street, 60 feet wide, said point of beginning being approximately 3,410.0 feet, more or less, northerly measured along the west side of said 62nd Street from the northwest side of Pulaski Highway US Route 40, 150 feet wide, having a coordinate value of East 23,636.64 feet and North 7,769.87 feet, and running thence binding on a Portion of the former bed of Old 62nd Street, the seven following courses and distances; namely, by a line curving to the right with a radius of 470.00 feet the distance of 5.39 feet which arc is subtended by a chord bearing South 22° 40' 40" West 5.39 feet, by a line curving to the left with a radius of 120.00 feet the distance of 36.11 feet which arc is subtended by a chord bearing North 08° 37' 02" East 35.98 feet, by a tangent line North 00° 00' 15" West 109.55 feet, by a tangent arc curving to the right with a radius of 180.00 feet the distance of 99.32 feet which arc is subtended by a chord bearing North 15° 48' 12" East 98.07 feet, by a tangent line North 31° 36' 39" East 212.73 feet, by a tangent arc curving to the right with a radius of 155.00 feet the distance of 157.95 feet which arc is subtended by a chord bearing North 60° 48' 12" East 151.20 feet and by a tangent line, North 89° 59' 45" East 91.29 feet to intersect the north side of the Realigned 62nd Street, 60 feet wide; thence binding on the north side of said Realigned 62nd Street, by a line curving to the left with a radius of 180.00 feet the distance of 176.85 feet which arc is subtended by a chord bearing South 61° 50' 58" West 169.82 feet to intersect the Old Portion of the former bed of 62nd Street, and thence binding on the Old Portion of the former bed of said 62nd Street, the five following courses and distances; namely, by a line curving to the left with a radius of 95.00 feet the distance of 33.85 feet which arc is subtended by a chord bearing South 41° 49' 04" West 33.67 feet, by a tangent line, South 31° 36' 39" West 212.73 feet, by a tangent arc curving to the left with a radius of 120.00 feet the distance of 49.53 feet which arc is subtended by a chord bearing South 19° 47' 09" West 49.18 feet, by a line curving to the left with a radius of 530.00 feet the distance of 1.19 feet which arc is subtended by a chord bearing South 22° 24' 50" West 1.19 feet and by a tangent line, South 22° 20' 58" West 168.33 feet to the place of beginning.

Containing 28,622 square feet or 0.6571 acre of land, more or less.

Beginning for Parcel No. 5 on the east side of a Portion of the former bed of Old 62nd Street, 60 feet wide, said point of beginning having a coordinate value East 23,673.84 feet and North 7,707.08 feet, and running thence binding on the side of the former bed of Old 62nd Street and the Realigned 62nd Street, 60

feet wide, the three following courses and distances; namely, South 31° 14' 59" West 1.43 feet, by a line curving to the left with a radius of 530.00 feet the distance of 42.13 feet which arc is subtended by a chord bearing North 24° 58' 48" East 42.12 feet and by a line curving to the right with a radius of 180.00 feet the distance of 40.78 feet which arc is subtended by a chord bearing South 24° 45' 34" West 40.69 feet to the place of beginning.

Containing 23 square feet or 0.0005 acre of land, more or less.

Subject to a full width Perpetual Easement for all Municipal Utilities and Services, not to be abandoned, over the entire hereinabove described parcel of land.

This property being no longer needed for public use.

SECTION 2. AND BE IT FURTHER ORDAINED, That no deed may pass under this Ordinance unless the deed has been approved by the City Solicitor.

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

Approved November 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-603
(Council Bill 07-797)

AN ORDINANCE CONCERNING

City Streets – Opening – a Certain Street and Alleys Lying Within the Area Bounded by Pleasant Street, St. Paul Place, the Orleans Street Viaduct, and Calvert Street

FOR the purpose of condemning and opening a certain street and alleys lying within the area bounded by Pleasant Street, St. Paul Place, the Orleans Street Viaduct, and Calvert Street, as shown on Plat 114-A-26 in the Office of the Department of Public Works; and providing for a special effective date.

BY authority of
Article I - General Provisions
Section 4
and
Article II - General Powers
Sections 2, 34, and 35
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Department of Public Works shall proceed to condemn and open a certain street and alleys lying within the area bounded by Pleasant Street, St. Paul Place, the Orleans Street Viaduct, and Calvert Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the north side of Pleasant Street, 49.5 feet wide, and the west side of Hargrove Alley, 20 feet wide, said point of beginning being distant easterly 90.00 feet measured along the north side of said Pleasant Street from the east side of St. Paul Place, 54 feet wide, and running thence binding on the west side of said Hargrove Alley, Northerly 173.0 feet, more or less, to intersect the south side of Mulberry Street, 50 feet wide; thence binding on the south side of said Mulberry Street, Easterly 20.0 feet to intersect the east side of said Hargrove Alley; thence binding on the east side of said Hargrove Alley, Southerly 173.0 feet, more or less, to intersect the north side of said Pleasant Street, and thence binding on the north side of said Pleasant Street, Westerly 20.0 feet to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the east side of St. Paul Place, 54 feet wide, and the north side of Mulberry Street, 50 feet wide, and running thence binding on the north side of said Mulberry Street, on the line of the north side of said Mulberry Street, if projected easterly, and in all, Easterly 116.0 feet, more or less, to intersect the east side of Hargrove Alley, 20 feet wide; thence binding on the east side of said Hargrove Alley, Southerly 50.0 feet to intersect the line of the south side of said Mulberry Street, if projected easterly; thence binding reversely on the line of the south side of said Mulberry Street, so projected, on the south side of said Mulberry Street, and in all, Westerly 110.0 feet, more or less, to intersect the east side of said St. Paul Place, and thence binding on the east side of said St. Paul Place, Northerly 50.3 feet, more or less, to the place of beginning.

Beginning for Parcel No. 4 at the point formed by the intersection of the west side of a 3 foot alley, laid out in the rear of the properties formerly known as No. 343 and No. 345 St. Paul Place, and the south side of Mulberry Street, 50 feet wide, said point of beginning being easterly 64.8 feet, more or less, measured along the south side of said Mulberry Street from the east side of St. Paul Place, 54 feet wide, and running thence binding on the south side of said Mulberry Street, Easterly 3.0 feet to intersect the east side of said 3 foot alley; thence binding on the east side of said 3 foot alley, Southerly 50.0 feet, more or less, to the southernmost extremity of said 3 foot alley; thence binding on the southernmost extremity of said 3 foot alley, Westerly 3.0 feet to intersect the west side of said 3 foot alley, and thence binding on the west side of said 3 foot alley, Northerly 50.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 5 at the point formed by the intersection of the north side of Mulberry Street, 50 feet wide, and the west side of Hargrove Alley, 20 feet wide, said point of beginning being distant easterly 96.0 feet, more or less, measured along the north side of said Mulberry Street from the east side of St. Paul Place, 54 feet wide, and running thence binding on the west side of said Hargrove Alley, Northerly 18.1 feet, more or less; thence by a straight line drawn at a right angle to the west side of said Hargrove Alley, Easterly 20.0 feet to intersect the east side of said Hargrove Alley; thence binding on the east side of said Hargrove Alley, Southerly 18.1 feet, more or less, to intersect the north side of said Mulberry Street, and thence binding on the north side of said Mulberry Street, Westerly 20.0 feet to the place of beginning.

As delineated on Plat 114-A-26, prepared by the Survey Control Section and filed on September 6, 2007, in the Office of the Department of Public Works.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and opening of the street and alleys and the rights of all interested parties shall be regulated by and in accordance with all applicable provisions of state and local law and with all applicable rules and regulations adopted by the Director of Public Works and filed with the Department of Legislative Reference.

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

Approved November 27, 2007

SHEILA DIXON, Mayor\

CITY OF BALTIMORE
ORDINANCE 07-604
(Council Bill 07-798)

AN ORDINANCE CONCERNING

City Streets – Closing – A Certain Street and Alleys Lying Within the Area Bounded by Pleasant Street, St. Paul Place, the Orleans Street Viaduct, and Calvert Street

FOR the purpose of condemning and closing a certain street and alleys lying within the area bounded by Pleasant Street, St. Paul Place, the Orleans Street Viaduct, and Calvert Street, as shown on Plat 114-A-26A in the Office of the Department of Public Works; and providing for a special effective date.

BY authority of
Article I - General Provisions
Section 4
and
Article II - General Powers
Sections 2, 34, 35
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Department of Public Works shall proceed to condemn and close a certain street and alleys lying within the area bounded by Pleasant Street, St. Paul Place, the Orleans Street Viaduct, and Calvert Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the north side of Pleasant Street, 49.5 feet wide, and the west side of Hargrove Alley, 20 feet wide, said point of beginning being distant easterly 90.00 feet measured along the north side of said Pleasant Street from the east side of St. Paul Place, 54 feet wide, and running thence binding on the west side of said Hargrove Alley, Northerly 173.0 feet, more or less, to intersect the south side of Mulberry Street, 50 feet wide; thence binding on the south side of said Mulberry Street, Easterly 20.0 feet to intersect the east side of said Hargrove Alley; thence binding on the east side of said Hargrove Alley, Southerly 173.0 feet, more or less, to intersect the north side of said Pleasant Street, and thence binding on the north side of said Pleasant Street, Westerly 20.0 feet to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the east side of St. Paul Place, 54 feet wide, and the north side of Mulberry Street, 50 feet wide, and running thence binding on the north side of said Mulberry Street, on the line of the north side of said Mulberry Street, if projected easterly, and in all, Easterly 116.0 feet, more or less, to intersect the east side of Hargrove Alley, 20 feet wide; thence binding on the east side of said Hargrove Alley, Southerly 50.0 feet to intersect the line of the south side of said Mulberry Street, if projected easterly; thence binding reversely on the line of the south side of said Mulberry Street, so projected, on the south side of said Mulberry Street, and in all, Westerly 110.0 feet, more or less, to intersect the east side of said St. Paul Place, and thence binding on the east side of said St. Paul Place, Northerly 50.3 feet, more or less, to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the north side of Mulberry Street, 50 feet wide, and the east side of St. Paul Place, 54 feet wide, and running thence binding on the east side of said St. Paul Place, Northerly 54.7 feet, more or less, to intersect the south side of The Orleans Street Viaduct, varying in width; thence binding on the south side of said Orleans Street Viaduct, Easterly 96.0

feet, more or less, to intersect the west side of Hargrove Alley, 20 feet wide; thence binding on the west side of said Hargrove Alley, Southerly 52.5 feet, more or less, to intersect the north side of said Mulberry Street, and thence binding on the north side of said Mulberry Street, Westerly 96.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 4 at the point formed by the intersection of the west side of a 3 foot alley, laid out in the rear of the properties formerly known as No. 343 and No. 345 St. Paul Place, and the south side of Mulberry Street, 50 feet wide, said point of beginning being easterly 64.8 feet, more or less, measured along the south side of said Mulberry Street from the east side of St. Paul Place, 54 feet wide, and running thence binding on the south side of said Mulberry Street, Easterly 3.0 feet to intersect the east side of said 3 foot alley; thence binding on the east side of said 3 foot alley, Southerly 50.0 feet, more or less, to the southernmost extremity of said 3 foot alley; thence binding on the southernmost extremity of said 3 foot alley, Westerly 3.0 feet to intersect the west side of said 3 foot alley, and thence binding on the west side of said 3 foot alley, Northerly 50.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 5 at the point formed by the intersection of the north side of Mulberry Street, 50 feet wide, and the west side of Hargrove Alley, 20 feet wide, said point of beginning being distant easterly 96.0 feet, more or less, measured along the north side of said Mulberry Street from the east side of St. Paul Place, 54 feet wide, and running thence binding on the west side of said Hargrove Alley, Northerly 18.1 feet, more or less; thence by a straight line drawn at a right angle to the west side of said Hargrove Alley, Easterly 20.0 feet to intersect the east side of said Hargrove Alley; thence binding on the east side of said Hargrove Alley, Southerly 18.1 feet, more or less, to intersect the north side of said Mulberry Street, and thence binding on the north side of said Mulberry Street, Westerly 20.0 feet to the place of beginning.

As delineated on Plat 114-A-26A, prepared by the Survey Control Section and filed on September 6, 2007, in the Office of the Department of Public Works.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and closing of the street and alleys and the rights of all interested parties shall be regulated by and in accordance with all applicable provisions of state and local law and with all applicable rules and regulations adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SECTION 3. AND BE IT FURTHER ORDAINED, That after the closing under this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore continue to be the property of the Mayor and City Council, in fee simple, until their use has been abandoned by the Mayor and City Council. If any person wants to remove, alter, or interfere with them, that person must first obtain permission from the Mayor and City Council and, in the application for this permission, must agree to pay all costs and expenses, of every kind, arising out of the removal, alteration, or interference.

SECTION 4. AND BE IT FURTHER ORDAINED, That no building or structure of any kind (including but not limited to railroad tracks) may be constructed or erected in or on any part of the street closed under this Ordinance until all subsurface structures and appurtenances owned by the Mayor and City Council of Baltimore have been abandoned by the Mayor and City Council or, at the expense of the person seeking to erect the building or structure, have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City.

SECTION 5. AND BE IT FURTHER ORDAINED, That after the closing under this Ordinance, all subsurface structures and appurtenances owned by any person other than the Mayor and City Council of Baltimore shall be removed by and at the expense of their owners, promptly upon notice to do so from the Director of Public Works.

SECTION 6. AND BE IT FURTHER ORDAINED, That at all times after the closing under this Ordinance, the Mayor and City Council of Baltimore, acting by or through its authorized representatives, shall have access to the subject property and to all subsurface structures and appurtenances used by the Mayor and City Council, for the purpose of inspecting, maintaining, repairing, altering, relocating, or replacing any of them, without need to obtain permission from or pay compensation to the owner of the property.

SECTION 7. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved November 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-605
(Council Bill 07-799)

AN ORDINANCE CONCERNING

Sale of Property – The Former Beds of a Certain Street and Alleys Lying Within the Area Bounded by Pleasant Street, St. Paul Place, the Orleans Street Viaduct, and Calvert Street

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain parcels of land known as the former beds of a certain street and alleys lying within the area bounded by Pleasant Street, St. Paul Place, the Orleans Street Viaduct, and Calvert Street and no longer needed for public use; and providing for a special effective date.

BY authority of
Article V - Comptroller
Section 5(b)
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That, in accordance with Article V, § 5(b) of the City Charter, the City Comptroller may sell, at either public or private sale, all the interest of the Mayor and City Council of Baltimore in certain parcels of land known as the former beds of a certain street and alleys lying within the area bounded by Pleasant Street, St. Paul Place, the Orleans Street Viaduct, and Calvert Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the north side of Pleasant Street, 49.5 feet wide, and the west side of the former bed of Hargrove Alley, 20 feet wide, said point of beginning being distant easterly 90.00 feet measured along the north side of said Pleasant Street from the east side of St. Paul Place, 54 feet wide, and running thence binding on the west side of the former bed of said Hargrove Alley, Northerly 173.0 feet, more or less, to intersect the south side of the former bed of Mulberry Street, 50 feet wide; thence binding on the south side of the former bed of said Mulberry Street, Easterly 20.0 feet to intersect the east side of the former bed of said Hargrove Alley; thence binding on the east side of the former bed of said Hargrove Alley, Southerly 173.0 feet, more or less, to intersect the north side of said Pleasant Street, and thence binding on the north side of said Pleasant Street, Westerly 20.0 feet to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the east side of St. Paul Place, 54 feet wide, and the north side of the former bed of Mulberry Street, 50 feet wide, and running thence binding on the north side of the former bed of said Mulberry Street, on the line of the north side of the former bed of said Mulberry Street, if projected easterly, and in all, Easterly 116.0 feet, more or less, to intersect the east side of the former bed of Hargrove Alley, 20 feet wide; thence binding on the east side of the former bed of said Hargrove Alley, Southerly 50.00 feet to intersect the line of the south side of the former bed of said Mulberry Street, if projected easterly; thence binding reversely on the line of the south side of the former bed of said Mulberry Street, so projected, on the south side of the former bed of said Mulberry Street, and in all, Westerly 110.0 feet, more or less, to intersect the east side of said St. Paul Place, and thence binding on the east side of said St. Paul Place, Northerly 50.3 feet, more or less, to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the north side of the former bed of Mulberry Street, 50 feet wide, and the east side of St. Paul Place, 54 feet wide, and running thence binding on the east side of said St. Paul Place, Northerly 54.7 feet, more or less, to intersect the south side of The Orleans Street Viaduct, varying in width; thence binding on the south side of the said Orleans Street Viaduct, Easterly 96.0 feet, more or less, to intersect the west side of Hargrove Alley, 20 feet wide; thence binding in part on the west side of said Hargrove Alley, on the west side of the former bed of said Hargrove Alley, and in all, Southerly 52.5 feet, more or less, to intersect the north side of the former bed of said Mulberry Street, and thence binding on the north side of the former bed of said Mulberry Street, Westerly 96.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 4 at the point formed by the intersection of the west side of the former bed of a 3 foot alley, laid out in the rear of the properties formerly known as No. 343 and No. 345 St. Paul Place, and the south side of the former bed of Mulberry Street, 50 feet wide, said point of beginning being easterly 64.8 feet, more or less, measured along the south side of the former bed of said Mulberry Street from the east side of St. Paul Place, 54 feet wide, and running thence binding on the south side of the former bed of said Mulberry Street, Easterly 3.0 feet to intersect the east side of the former bed of said 3 foot alley; thence binding on the east side of the former bed of said 3 foot alley, Southerly 50.0 feet, more or less, to the southernmost extremity of the former bed of said 3 foot alley; thence binding on the southernmost extremity of the former bed of said 3 foot alley, Westerly 3.0 feet to intersect the west side of the former bed of said 3 foot alley, and thence binding on the west side of the former bed of said 3 foot alley, Northerly 50.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 5 at the point formed by the intersection of the north side of the former bed of Mulberry Street, 50 feet wide, and the west side of the former bed of Hargrove Alley, 20 feet wide, said point of beginning being distant easterly 96.0 feet, more or less, measured along the north side of the former bed of said Mulberry Street from the east side of St. Paul Place, 54 feet wide, and running thence binding on the west side of the former bed of said Hargrove Alley, Northerly 18.1 feet, more or less; thence by a straight line drawn at a right angle to the west side of the former bed of said Hargrove Alley, Easterly 20.0 feet to intersect the east side of the former bed of said Hargrove Alley; thence binding on the east side of the former bed of said Hargrove Alley, Southerly 18.1 feet, more or less, to intersect the north side of the former bed of said Mulberry Street, and thence binding on the north side of the former bed of said Mulberry Street, Westerly 20.0 feet to the place of beginning.

Subject to a full width Perpetual Easement for all Municipal Utilities and Services, not to be abandoned, over the entire hereinabove described parcel of land.

This property being no longer needed for public use.

SECTION 2. AND BE IT FURTHER ORDAINED, That no deed may pass under this Ordinance unless the deed has been approved by the City Solicitor.

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

Approved November 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-606
(Council Bill 07-801)

AN ORDINANCE CONCERNING

Minority and Women's Business Program – Reauthorization

FOR the purpose of reauthorizing and continuing the Minority and Women's Business Program; making certain findings; defining and redefining certain terms; providing for participation goals; modifying certain procedures and requirements; clarifying certain provisions; providing for a special effective date; providing for the automatic termination of this Ordinance; and generally relating to minority and women's business enterprises.

BY repealing and reordaining, with amendments
Article 5 - Finance, Property, and Procurement
Section(s) 28-1(d), 28-1(i)(1), 28-2(d), 28-2~~(j) to~~ (m), 28-3(a), 28-6, 28-16, 28-18, 28-22, ~~18-25(a)~~ 28-25(a), 28-31, 28-32(c), 28-33(b) and (c), 28-38, 28-41, 28-48(b) and (f), 28-53, 28-54(3), 28-55(b), 28-61(b), 28-62, 28-63(b) and (c), 28-78(a), 28-80, and 28-83(c)
Baltimore City Code
(Edition 2000)

BY adding
Article 5 - Finance, Property, and Procurement
Section(s) ~~28-2(j)~~ 28-35
Baltimore City Code
(Edition 2000)

BY repealing
Article 5 - Finance, Property, and Procurement
Section(s) 28-17, 28-19, 28-77~~, and 28-79(c)~~
Baltimore City Code
(Edition 2000)

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

Baltimore City Code

Article 5. Finance, Property, and Procurement

Subtitle 28. Minority and Women's Business Enterprises

Part I. Definitions; General Provisions

§ 28-1. Definitions – A to H.

(d) *Baltimore City Market Area.*

"Baltimore City Market Area" means [the following geographic regions of Maryland for the indicated business category:] BALTIMORE CITY, BALTIMORE COUNTY, ANNE ARUNDEL COUNTY, HOWARD COUNTY, HARFORD COUNTY, CARROLL COUNTY, AND QUEEN ANNE'S COUNTY~~, PRINCE GEORGE'S COUNTY, AND MONTGOMERY COUNTY~~.

[(1) Construction contracts:

Baltimore City
Baltimore County
Howard County.]

[(2) Architectural and engineering contracts:

Baltimore City
Baltimore County
Anne Arundel County.]

[(3) Service contracts:

Baltimore City
Baltimore County
Anne Arundel County.]

[(4) Commodity contracts:

Baltimore City
Baltimore County
Anne Arundel County
Howard County
Montgomery County
Prince George's County.]

(i) *Construction.*

(1) "Construction" means building, altering, repairing, improving, or demolishing any structure, building, STREET, UTILITY, or other improvement to real property.

§ 28-2. Definitions – I to Z.

(d) *Minority business Enterprise (MBE).*

"Minority Business Enterprise" or "MBE" means a business enterprise:

(1) that is owned, operated, and controlled by 1 or more minority group members who have at least 51% ownership;

(2) in which the minority group members have DAY-TO-DAY operational and managerial control, interest in capital, and RISK AND earnings commensurate with their percentage of ownership;

~~(3) THAT IS A SMALL BUSINESS;~~ and

~~(4)~~ [(3)] that is located in the Baltimore City Market Area.

~~(J) *SMALL BUSINESS.*~~

~~(1) "SMALL BUSINESS" MEANS A SMALL BUSINESS AS DEFINED BY THE U.S. SMALL BUSINESS ADMINISTRATION, PURSUANT TO THE BUSINESS SIZE STANDARDS FOUND IN 13 CFR PART 121, RELEVANT TO THE SCOPE(S) OF WORK THE FIRM SEEKS TO PERFORM ON CITY CONTRACTS.~~

~~(2) A FIRM IS NOT AN ELIGIBLE SMALL BUSINESS ENTERPRISE IN ANY FISCAL YEAR IN WHICH ITS GROSS RECEIPTS, AVERAGED OVER THE FIRM'S PREVIOUS 5 FISCAL YEARS, EXCEED THE SIZE STANDARDS OF 13 CFR PART 121.~~

~~(K)~~ [(j)] ~~*Sole proprietorship.*~~

~~"Sole proprietorship" means a business enterprise that is 100% owned, operated, and controlled by 1 individual.~~

~~(L)~~ [(k)] ~~*Subcontractor.*~~

~~"Subcontractor" means a business enterprise that has a direct contract with a contractor to perform part of the work on a contract.~~

~~(M)~~ [(l)] ~~*Supplier.*~~

~~"Supplier" means a business enterprise that:~~

~~(1) furnishes needed items to a contractor; and~~

~~(2) either:~~

~~(i) is involved in the manufacture or distribution of the supplies or materials; or~~

~~(ii) otherwise warehouses and ships the supplies.~~

~~(N)~~ [(m)] *Women's Business Enterprise (WBE).*

"Women's Business Enterprise" or "WBE" means a business enterprise:

(1) that is owned, operated, and controlled by 1 or more women who have 51% ownership;

(2) in which the women have DAY-TO-DAY operational and managerial control, interest in capital, and RISK AND earnings commensurate with their percentage of ownership;

~~(3) THAT IS A SMALL BUSINESS;~~ and

~~(4)~~ [(3)] that is located in the Baltimore City Market Area.

§ 28-3. Legislative findings and policy.

(a) *Findings.*

(1) The Mayor and City Council makes the findings contained in this subsection, on full consideration of:

(i) the extensive findings made by an independent task force prior to the enactment of Ordinance 90-610;

(ii) the evidence of significant levels of utilization disparity identified by the 2000 Disparity Study;

(iii) hearings held by the City Council;

(IV) THE EXTENSIVE FINDINGS OF THE 2007 DISPARITY STUDY, "RACE, SEX, AND BUSINESS ENTERPRISE: EVIDENCE FROM THE CITY OF BALTIMORE"; and

(V) [(iv)] all other relevant facts.

(2) Past discrimination in the City's contracting process by prime contractors against minority and women's business enterprises has resulted in significant underutilization of minority and women's business enterprises in contracts awarded by the City of Baltimore. As determined by the [2000] 2007 Disparity Study, this disparity has been persistent, pervasive, and statistically significant based on available vendor data.

(3) This discrimination has occurred in the major City contracting markets (construction, commodities, architectural and engineering, and services), with the effect of significant underutilization of minority and women's business enterprises.

(4) The provisions of this subtitle are necessary to overcome the effects of past discrimination and to prevent ongoing discrimination in the City's contracting process, while assuring that high quality goods and services are obtained through the competitive bidding process.

(5) A general goal of this subtitle is to provide a narrowly tailored remedy to past discrimination, a goal that is advanced by:

(i) setting minority and women's business enterprise goals that are flexible and rationally related to the disparity identified in the City's contracting markets;

(ii) instituting race- and gender-neutral remedies in conjunction with the MBE/WBE Program;

[(iii) setting separate annual goals for different categories of contracts;]

(III) [(iv)] setting goals on a contract-by-contract basis;

(IV) [(v)] providing criminal penalties for fraudulent misuse of this subtitle;

(V) [(vi)] requiring regular review of the necessity for this subtitle;

(VI) [(vii)] limiting those minority and women's businesses that qualify under this subtitle to those located in the Baltimore City Market Area;

(VII) [(viii)] requiring regular review of the categories included in the definition of minority group members; and

(VIII) [(ix)] providing for post-bid submission of required information about minority and women's business enterprises as well as other subcontractors.

§ 28-6. Automatic termination.

This subtitle automatically expires on [September 30, 2007] JUNE 30, 2012, unless the City Council, after causing an appropriate study to be undertaken, conducting public hearings, and hearing testimonial evidence, finds that the purposes identified in this subtitle have not yet been achieved, in which case this subtitle may be extended for 5 more years.

Part III. Annual Participation Goals

§ 28-16. Establishment.

~~(A) *2007 DISPARITY STUDY GOALS.*~~

~~BASED UPON THE 2007 DISPARITY STUDY, THE ANNUAL PARTICIPATION GOALS ARE:~~

~~(1) 27% UTILIZATION OF MINORITY BUSINESS ENTERPRISES; AND~~

~~(2) 21% UTILIZATION OF WOMEN'S BUSINESS ENTERPRISES.~~

~~(B) *ANNUAL REVIEW.*~~

[On an annual basis] ANNUALLY, the Board of Estimates, with the advice of the Minority and Women's Business Opportunity Office[,]~~:~~, ~~(1)~~ must [establish] REVIEW AND ESTABLISH THE participation goals for Minority Business Enterprises and for Women's Business Enterprises [in each area of contracting and procurement]~~; AND (2) MAY RECOMMEND TO THE MAYOR AND CITY COUNCIL ANY MODIFICATIONS THAT IT DETERMINES TO BE NECESSARY OR APPROPRIATE~~.

[**§ 28-17. Criteria.**

(a) *In general.*

The annual participation goals must be based on, but not limited to:

(1) the present availability of qualified MBEs and WBEs;

(2) the utilization of qualified MBEs and WBEs on past contracts awarded by the City;

(3) a forecast of eligible contracts to be awarded within the fiscal year; and

(4) review and analysis of the reports generated by the Minority and Women's Business Opportunity Office under this subtitle.

(b) *Limitations.*

(1) The annual goals must be directly related to the availability of qualified MBEs and WBEs and the identified disparity in the utilization of MBEs and WBEs.

(2) ~~(6)~~ The annual goal for MBEs or WBEs may be no higher than the percentage of availability of MBEs or WBEs.]

§ 28-17. [**§ 28-18.**] **Purpose.**

(a) *In general.*

The purpose of the annual goals is to aid the City in its annual evaluation of the Program's effectiveness.

(b) *Goals, not quotas.*

Annual participation goals are not and may not be quotas.

[**§ 28-19. Council review.**

(a) *Submission to Council*.

Before the annual participation goals take effect, the Board of Estimates must present them to the City Council for its consideration.

(b) *Council action.*

The City Council may:

(1) accept the goals set by the Board of Estimates; or

(2) adopt different goals in accordance with the criteria required by this Part III.

(c) *Council inaction.*

If the City Council does not act within 30 days after the Board's goals are presented to it, the Board's goals automatically take effect.]

§§ 28-18 TO 28-20. ***{Reserved}***

Part IV. Contract Participation Goals

§ 28-22. Considerations.

(a) *In general.*

In setting the goals on a contract, the Office must consider:

(1) the availability in various industry classifications and professions of MBEs and WBEs that are qualified and willing to provide goods, expertise, and services on the particular contract;

(2) the level of utilization of these firms in past contracts awarded by the City;

(3) the contract specifications;

(4) the adverse impact on non-MBEs and -WBEs; and

(5) any other relevant factors.

(b) *Minimum availability.*

For a goal to be applicable to a contract, at least 2 MBEs or WBEs must be available for that goal.

(C) *CONSTRUCTION CONTRACTS OF $1,000,000 OR MORE.*

ON CONSTRUCTION CONTRACTS FOR WHICH THE ESTIMATED COST IS $1,000,000 OR MORE, THE OFFICE MAY, IN CONSULTATION WITH THE CONTRACTING AGENCY, SET GOALS FOR MBES DIVIDED INTO SUBGOALS FOR AFRICAN AMERICAN-, HISPANIC AMERICAN-, ASIAN AMERICAN-, OR NATIVE AMERICAN-OWNED FIRMS.

(D) ARCHITECTURAL OR ENGINEERING CONTRACTS.

ON ARCHITECTURAL OR ENGINEERING CONTRACTS, THE OFFICE MAY, IN CONSULTATION WITH THE CONTRACTING AGENCY, SET GOALS FOR MBES DIVIDED INTO SUBGOALS FOR AFRICAN AMERICAN-, HISPANIC AMERICAN-, ASIAN AMERICAN-, OR NATIVE AMERICAN-OWNED FIRMS.

(E) ~~(D)~~ [(C)] *Consultation.*

In establishing goals on each contract, the Office must consult with the contracting agency, the City Purchasing Agent, or both.

§ 28-25. Office review and report.

(a) *Office to evaluate.*

Annually, the Office must review MBE and WBE participation on all contracts and procurement to evaluate the effect of the Program AND THE CITY'S PROGRESS TOWARDS MEETING THE ANNUAL GOALS.

Part V.* [*Standards*] *COUNTING MBE AND WBE PARTICIPATION

§ 28-31. In general.

(A) *PART GOVERNS.*

MBE and WBE participation toward meeting contract goals must be counted in accordance with this Part V.

(B) *DUAL CERIFICATION.*

A BUSINESS THAT IS CERTIFIED BOTH AS AN MBE AND A WBE MAY BE COUNTED TOWARDS EITHER THE MBE OR THE WBE CONTRACT GOAL, BUT NOT TOWARDS BOTH. THE PARTICIPATION OF THE CERTIFIED FIRM CANNOT BE SPLIT BETWEEN THE MBE GOAL AND THE WBE GOAL.

(C) *PAYMENT REQUIRED.*

PARTICIPATION OF AN MBE OR WBE SUBCONTRACTOR CANNOT BE COUNTED TOWARDS THE GOAL UNTIL THE AMOUNT BEING COUNTED HAS BEEN PAID TO THE MBE OR WBE.

§ 28-32. Commercially useful function.

(c) *Determination.*

(1) To determine whether a certified business enterprise is performing a commercially useful function, the City must evaluate:

(I) the amount of work subcontracted[,];

(II) industry practices[,];

(III) WHETHER THE AMOUNT THE FIRM IS TO BE PAID UNDER THE CONTRACT IS COMMENSURATE WITH THE WORK IT IS ACTUALLY PERFORMING AND WITH THE MBE OR WBE CREDIT CLAIMED FOR ITS PERFORMANCE OF THE WORK; and

(IV) other relevant factors.

(2) WITH RESPECT TO MATERIALS AND SUPPLIES USED ON THE CONTRACT, THE MBE OR WBE IS RESPONSIBLE FOR NEGOTIATING PRICE, DETERMINING QUALITY AND QUANTITY, ORDERING THE MATERIAL, INSTALLING (WHERE APPLICABLE), AND PAYING FOR THE MATERIAL ITSELF.

~~(3) AN MBE OR WBE DOES NOT PERFORM A COMMERCIALLY USEFUL FUNCTION IF ITS ROLE IS LIMITED TO THAT OF AN EXTRA PARTICIPANT IN A TRANSACTION, CONTRACT, OR PROJECT THROUGH WHICH FUNDS ARE PASSED IN ORDER TO OBTAIN THE APPEARANCE OF PARTICIPATION. IN DETERMINING WHETHER AN MBE OR WBE IS BUT AN EXTRA PARTICIPANT, THE CITY WILL EXAMINE SIMILAR TRANSACTIONS, PARTICULARLY THOSE IN WHICH MBES OR WBES DO NOT PARTICIPATE.~~

~~(4) IF AN MBE OR WBE SUBCONTRACTS A GREATER PORTION OF THE WORK OF A CONTRACT THAN WOULD BE EXPECTED ON THE BASIS OF NORMAL INDUSTRY PRACTICE FOR THE TYPE OF WORK INVOLVED, THE CITY WILL PRESUME THAT IT IS NOT PERFORMING A COMMERCIALLY USEFUL FUNCTION.~~

(3) ~~(5)~~ WHEN~~, UNDER PARAGRAPH (4) OF THIS SUBSECTION,~~ AN MBE OR WBE IS PRESUMED NOT TO BE PERFORMING A COMMERCIALLY USEFUL FUNCTION, THE MBE OR WBE MAY PRESENT EVIDENCE TO REBUT THIS PRESUMPTION. THE MBE OR WBE MUST PROVIDE WRITTEN DOCUMENTATION TO THE CHIEF, WHOSE DECISION IS FINAL.

§ 28-33. Joint ventures.

(b) *Nature and extent of interest.*

The MBE or WBE member of the joint venture must have an interest in the control, management, RISKS, and operation of the joint venture commensurate with the member's percentage of ownership.

(c) *Share of work responsibility.*

The certified business enterprise that is a member of the joint venture must be responsible for a DISTINCT, clearly defined portion of the work to be performed WITH ITS OWN FORCES, equal to its share in the ownership, control, and management of the joint venture.

§ 28-35. ONE SUBCONTRACTOR, ONE GOAL.

A BUSINESS ENTERPRISE THAT IS CERTIFIED AS BOTH AN MBE AND A WBE MAY NOT BE COUNTED TOWARD BOTH MBE AND WBE GOALS FOR THE SAME PROJECT. THE BIDDER MUST SELECT THE GOAL FOR WHICH THE BUSINESS ENTERPRISE IS TO BE COUNTED TOWARD.

§ 28-38. Insurance companies; travel agents.

A bidder may count towards the contract goals [only 15% of its expenditure to] THE FEES OR COMMISSIONS CHARGED BY a certified business enterprise insurance company or travel agent, AS LONG AS THE FEE OR COMMISSION IS REASONABLE AND NOT EXCESSIVE AS COMPARED WITH FEES OR COMMISSIONS CUSTOMARILY ALLOWED FOR SIMILAR SERVICES.

§ 28-41. Non-affiliation.

(a) *Affiliation disallowed.*

~~(1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A~~ A bidder is precluded from using a certified business enterprise to meet a contract goal if the bidder has a financial interest in, has an interest in the ownership or control of, or is significantly involved in the operation of the certified business enterprise.

~~(2) THIS SUBSECTION DOES NOT APPLY TO A BIDDER WHO IS ITSELF A CERTIFIED BUSINESS ENTERPRISE.~~

(b) *Office criteria to be met*.

In order for a NON-CERTIFIED bidder to use a certified business enterprise to meet a contract goal, the non-affiliation criteria established by the Minority and Women's Business Opportunity Office must be met.

Part VI. Utilization Requirements

§ 28-48. Contracts of $25,000 or more.

(b) *Participation affidavit required.*

(1) In addition to any other applicable requirements, the bid conditions and requests for proposals must require each bidder to include in its bid a certified business enterprise participation affidavit in which the bidder commits to utilize certified business enterprises in a percentage that equals or exceeds the applicable contract [goal] GOALS.

(2) Any bid that does not include the certified business participation affidavit is [nonresponsive] NON-RESPONSIVE.

(f) *Report for final payment*.

(1) Before final payment may be made under the contract, the contractor must submit a list of all subcontractors utilized on the contract, both MBE/WBE and non-MBE/WBE.

(2) The list must include, as to each subcontractor:

(i) its name;

(II) THE SERVICE OR GOODS PROVIDED;

(III) [(ii)] the total amount paid to it; and

(IV) [(iii)] its owner's race/ethnicity and sex.

§ 28-53. All contracts – Bid specifications.

Bid conditions, requests for proposals, and all other specifications for contracts awarded by the City must require that, where a contract goal is applicable, the bidder must:

(1) make [every effort] GOOD FAITH EFFORTS before the opening of bids OR SUBMISSION OF PROPOSALS to meet the contract goal; and

(2) keep records of its GOOD FAITH efforts, adequate to permit a determination of compliance with this subtitle.

§ 28-54. All contracts – Contract specifications.

Each contract must:

(3) require that, during its term, the contractor will:

(i) fulfill Program commitments submitted with the bids;

(ii) continue to make [every effort] GOOD FAITH EFFORTS to utilize minority and women's business enterprises; and

(iii) maintain records reasonably necessary for monitoring compliance with this subtitle.

§ 28-55. All contracts – Payments to subcontractors.

(b) *When payment considered timely.*

A payment is timely if it is mailed, delivered, or transferred to a subcontractor no later than 7 CALENDAR days after the contractor receives payment from the City.

Part VII. Waivers

§ 28-61. Agency's pre-solicitation request.

(b) *Criteria for granting.*

The Office may grant the waiver or reduction if the Office determines that:

(1) the reasonable and necessary requirements of the contract render subcontracting or other participation of businesses other than the bidder infeasible; or

(2) at least 2 qualified certified business enterprises capable of providing the goods or services required by the contract are unavailable in the Baltimore City [market area] MARKET AREA despite every feasible attempt to locate them.

§ 28-62. Bidder's pre-award request.

(a) *In general.*

If a bidder is unable to comply with the contract [goal] GOALS, the bidder may submit a request for a waiver at the time of bid opening.

(b) *Documentation of efforts.*

The request for a waiver must include documentation that demonstrates [a] THE BIDDER'S good faith [effort] EFFORTS to [comply with] MEET the [goal requirements] GOALS.

§ 28-63. Contractor's post-award request.

(b) *Request for waiver.*

(1) If, after reasonable good faith efforts, the contractor is unable to find a substitute, the contractor [may] MUST request a post-award waiver.

(2) A CONTRACTOR MAY NOT SUBSTITUTE AN MBE OR WBE SUBCONTRACTOR OR PERFORM THE WORK DESIGNATED FOR AN MBE OR WBE SUBCONTRACTOR WITH ITS OWN FORCES UNLESS THE CHIEF, AFTER CONSULTING WITH THE CONTRACTING AGENCY, APPROVES THE SUBSTITUTION IN WRITING. ~~A CONTRACTOR MAY NOT ALLOW A SUBSTITUTED SUBCONTRACTOR TO BEGIN WORK UNTIL THE CHIEF HAS APPROVED THE SUBSTITUTION.~~

(c) *Documentation of reasons.*

(1) The request must BE IN WRITING AND document the reasons for the contractor's inability to meet the contract goal.

~~(2) THE FACTS SUPPORTING THE REQUEST MUST NOT HAVE BEEN KNOWN NOR REASONABLY SHOULD HAVE BEEN KNOWN BY EITHER PARTY BEFORE SUBMISSION OF THE CERTIFIED BUSINESS PARTICIPATION AFFIDAVIT. BID SHOPPING IS PROHIBITED.~~

(2) ~~(3)~~ THE CONTRACTOR MUST NEGOTIATE WITH THE MBE OR WBE SUBCONTRACTOR TO RESOLVE THE PROBLEM. ~~WHERE THERE HAS BEEN A MISTAKE OR DISAGREEMENT ABOUT THE SCOPE OF WORK, THE MBE OR WBE CAN BE SUBSTITUTED ONLY IF AN AGREEMENT CANNOT BE REACHED FOR A REASONABLE PRICE FOR THE CORRECT SCOPE OF WORK.~~

~~(4) SUBSTITUTIONS OF A SUBCONTRACTOR ARE PERMITTED ONLY ON THE FOLLOWING BASES:~~

~~(I) UNAVAILABILITY AFTER RECEIPT OF REASONABLE NOTICE TO PROCEED;~~

~~(II) FAILURE TO PERFORM;~~

~~(III) FINANCIAL INCAPACITY;~~

~~(IV) REFUSAL BY THE SUBCONTRACTOR TO HONOR THE BID OR PROPOSAL PRICE;~~

~~(V) FAILURE OF THE SUBCONTRACTOR TO MEET INSURANCE, LICENSING, OR BONDING REQUIREMENTS; OR~~

~~(VI) THE SUBCONTRACTOR'S WITHDRAWAL OF ITS BID OR PROPOSAL.~~

(3) ~~(5)~~ THE CHIEF'S FINAL DECISION TO PERMIT OR DENY A PROPOSED SUBSTITUTION, AND THE BASIS OF ANY DENIAL, SHALL BE COMMUNICATED TO THE PARTIES IN WRITING BY THE CHIEF.

(4) ~~(6)~~ WHERE THE CONTRACTOR HAS ESTABLISHED THE BASIS FOR A SUBSTITUTION TO THE SATISFACTION OF THE CHIEF, THE CONTRACTOR MUST MAKE GOOD FAITH EFFORTS TO ~~FULFILL THE CERTIFIED BUSINESS PARTICIPATION AFFIDAVIT~~ ACHIEVE THE GOALS. THE CONTRACTOR MAY SEEK THE ASSISTANCE OF THE OFFICE IN OBTAINING A NEW MBE OR WBE. IF THE CONTRACT GOALS CANNOT BE REACHED AND GOOD FAITH EFFORTS HAVE BEEN MADE, THE CONTRACTOR MAY SUBSTITUTE WITH A NON-CERTIFIED BUSINESS.

Part IX. Certification

[**§ 28-77. MBEs – Minority group eligibility.**

(a) *In general.*

For a business enterprise to be eligible for certification as a minority business enterprise, the minority group members who own and control the business enterprise must be from 1 or more minority groups for which a utilization disparity has been identified.

(b) *Annual review.*

Annually, the Office must review the relevant data and determine which minority groups are eligible.]

§ 28-78. MBEs and WBEs – General criteria.

(a) *General eligibility requirements.*

To be eligible for certification as a minority business enterprise or women's business enterprise, the business enterprise must:

(1) be an independent, operating business;

(2) BE AT LEAST 51% MINORITY- OR WOMEN-OWNED;

(3) BE A SMALL BUSINESS;

(4) [(2)] BEFORE APPLYING FOR CERTIFICATION, have been in operation for at least 12 months [before applying for certification] ~~FOR CONSTRUCTION BUSINESSES AND 6 MONTHS FOR ALL OTHER BUSINESSES~~;

(5) [(3)] have been minority- or women-owned for at least 12 months before applying for certification; and

(6) [(4)] have an operating office in the Baltimore City Market Area.

~~**§ 28-79. MBEs and WBEs – Control.**~~

~~[(c) *12-month prerequisite.*~~

~~The operating arrangements and the ownership and control by the minority group members must have been in operation for at least 12 months before applying for certification.]~~

§ 28-80. MBEs and WBEs – Size standards[; "graduation"].

[(a) *Board to set standards.*

(1) With the advice of the Office, the Board of Estimates ~~must~~ MAY establish ~~a~~ maximum size ~~standard~~ STANDARDS for minority and women's business enterprises.

(2) There ~~must~~ MAY be separate size standards for separate business categories.

(3) The Board of Estimates must ANNUALLY review ~~the~~ ANY size standards ~~annually~~ ESTABLISHED UNDER THIS SUBSECTION.]

[(b) *Certification contingent.*]

A business enterprise may not be certified as an MBE or WBE or, once certified, have its certification renewed if, on the effective date of the application or renewal, the MBE or WBE [exceeds the size standard established by the Board of Estimates under this subsection] NO LONGER ~~IS A SMALL BUSINESS~~ MEETS SIZE STANDARDS ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION.

§ 28-83. Certification appeals.

(c) *Action by Chief.*

Within [15] 25 days of receipt of the protest, the Chief must:

(1) review the protest and all relevant supporting documents; and

(2) render a written decision that includes the reasons for the decision.

SECTION 2. 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 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved November 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-607
(Council Bill 07-804)

AN ORDINANCE CONCERNING

Tow-Away Zones – Car-Sharing Programs

FOR the purpose of establishing impoundment areas (tow-away zones) on City streets, on public-metered parking lots, and in City-owned parking facilities where the Director of Transportation reserves parking spaces for the use of car-sharing vehicles; defining certain terms; and generally relating to impoundment areas.

BY adding
Article 31 - Transit and Traffic
Section(s) 31-107
Baltimore City Code
(Edition 2000)

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

Baltimore City Code

Article 31. Transit and Traffic

Subtitle 31. Clear Streets and Impoundment

Part 7. Impounding Areas

§ 31-107. CAR-SHARING SPACES.

(A) *CAR-SHARING PROGRAM.*

"CAR-SHARING PROGRAM" MEANS A PROGRAM BY WHICH AN ENTITY OFFERS THE USE OF MOTOR VEHICLES TO ITS MEMBERS AND PATRONS ON A 24-HOURS-A-DAY, 7-DAYS-A-WEEK BASIS, CHARGING FOR THE USE OF THESE VEHICLES ON A TIME-USED BASIS.

(B) *IMPOUNDING AREA.*

IMPOUNDING AREAS INCLUDE THOSE LOCATIONS ON THE STREETS, ON PUBLIC-METERED PARKING LOTS, AND IN CITY-OWNED PARKING FACILITIES THAT THE DIRECTOR OF TRANSPORTATION RESERVES FOR PARKING VEHICLES USED IN A CAR-SHARING PROGRAM APPROVED BY THE DIRECTOR.

SECTION 2. 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 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved November 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-608
(Council Bill 07-808)

AN ORDINANCE CONCERNING

Rezoning – 2001-2031 and 2401-2417 Kloman Street

FOR the purpose of changing the zoning for the property known as 2001-2031 Kloman Street, as outlined in red on the accompanying plat, from the M-2-3 Zoning District to the B-2-2 Zoning District; ~~and~~ changing

the zoning for the property known as 2401-2417 Kloman Street, as outlined in blue on the accompanying plat, from the M-2-1 Zoning District to the B-2-3 Zoning District; and providing for a special effective date.

BY amending
Article - Zoning
Zoning District Maps
Sheet(s) 75
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 75 of the Zoning District Maps is amended by changing from the M-2-3 Zoning District to the B-2-2 Zoning District the property known as 2001-2031 Kloman Street, as outlined in red on the plat accompanying this Ordinance, and changing from the M-2-1 Zoning District to the B-2-3 Zoning District the property known as 2401-2417 Kloman Street, as outlined in blue on the plat accompanying this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on ~~the 30th day after~~ the date it is enacted.

Approved November 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-609
(Council Bill 07-809)

AN ORDINANCE CONCERNING

Planned Unit Development – Designation – Westport Waterfront
(2001, 2033, 2099, 2101-2121, 2201-2221-2301, and
2401-2417 Kloman Street)

FOR the purpose of approving the application of Westport Development Group LLC, Inner Harbor West LLC, Inner Harbor West II LLC, and Turner Development Group Inc., which are the owners of 2001, 2033, 2099, 2101-2121, and 2201-2221-2301 Kloman Street and the contract purchaser of 2401-2417 Kloman Street (collectively, the "Property"), to have the Property designated a Business Planned Unit Development; ~~and~~ approving the Development Plan submitted by the applicant; and providing for a special effective date.

BY authority of
Article - Zoning
Title 9, Subtitles 1 and 4
Baltimore City Revised Code
(Edition 2000)

Recitals

Inner Harbor West II is the owner of the properties known as 2001, 2033, 2099, and 2101-2121 Kloman Street; Inner Harbor West LLC, is the owner of the property known as 2201-2221-2301 Kloman Street; Turner Development Group Inc., is the contract purchaser of the property known as 2401-2417 Kloman Street, consisting of 71.94 acres more or less. Westport Development LLC, plans to develop the Property for business and residential uses.

On April 25, 2007, representatives of the applicant met with the Department of Planning for a preliminary conference, to explain the scope and nature of existing and proposed development on the property and to institute proceedings to have the property designated a Business Planned Unit Development.

The representatives of the applicant have now applied to the Baltimore City Council for designation of the property as a Business Planned Unit Development, and they have submitted a Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 4 of the Baltimore City Zoning Code.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council approves the application of Westport Development LLC, to designate the properties known as 2001, 2033, 2099, 2101, 2101-2121, 2201-2221-2301, and 2401-2417 Kloman Street, consisting of 71.94 acres, more or less, as outlined on the accompanying Development Plan entitled "Westport Waterfront", dated ~~September 11~~ October 3, 2007, to designate the property a Business Planned Unit Development under Title 9, Subtitles 1 and 4 of the Baltimore City Zoning Code.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Development Plan entitled "Westport Waterfront" submitted by the applicant, consisting of Sheet 1, "Existing Conditions Plan", dated ~~September 11, 2007; Sheet 2, "Development Plan", dated September 11, 2007; Sheet 3, "Area Plan", dated September 11, 2007; and Sheet 4, "Proposed Landscape Plan", dated September 11, 2007, is~~ October 3, 2007; Sheet 2, "Parcel Area Plan", dated October 3, 2007; Sheet 3, "Development Plan", dated October 3, 2007; Sheet 4, "Proposed Open Space/Forest Conservation Easement Plan", dated October 3, 2007; and the *Westport Waterfront Design Guidelines*, submitted by the applicant, dated October 1, 2007, are approved.

SECTION 3. AND BE IT FURTHER ORDAINED, That in accordance with the provisions of Title 9, Subtitles 1 and 4, the Planned Unit Development Ordinance shall be enacted as follows:

1. Uses.

   A. The following uses are permitted within the Planned Unit Development:

      (1) All permitted, accessory and conditional uses permitted in the B-2 Zoning District, as set forth in §§ 6-306, 6-307, 6-308, and 6-309 of the Zoning Code; and

      (2) The following additional uses are specifically permitted in the Planned Unit Development:

      Artisans and craft work
      Auditoriums and concert halls

Banquet halls
Heliports (in Area IV and V as designated on the Development Plan)
Laboratories: research and testing
Microwave antennas (satellite dishes)
Motor vehicles: rental
Outdoor table service accessory to ~~a restaurant~~ any permitted use
Prepared food delivery service including operations accessory to a restaurant
Recreational boat launch/tie up (in Area IV as designated on the Development Plan)
Restaurants – including live entertainment and dancing (in portions of buildings within Area III with frontage along either Wenburn Street or the waterfront, Area IV, and V, as designated on the Development Plan)
Schools: commercial
Schools: trade
Schools and studios: business, dance, and music
Taverns with 7,000 square feet or less of floor area – including live entertainment and dancing (in portions of buildings within Area III with frontage along either Wenburn Street or the waterfront, Area IV, and V, as designated on the Development Plan)
Theatres.

(3) Taverns with greater than 7,000 square feet of floor area including live entertainment and dancing are permitted as conditional uses requiring Board approval in portions of buildings within Area III with frontage along either Wenburn Street or the waterfront, Area IV and Area V, as designated on the Development Plan.

B. The following uses are prohibited within the Planned Unit Development:

(1) Automobile accessory stores – including related repair and installation services;

(2) Garages, other than accessory, for storage, repair and servicing of motor vehicles not over 1 ½ tons capacity;

(3) Gasoline service stations; ~~and~~

(4) Parking, open off-street areas, for the parking of 4 or more motor vehicles~~.~~;

(5) pawnshops;

(6) check cashing stores;

(7) blood donation centers;

(8) gun shops; and

(9) furriers.

C. Conditional Uses to the BMZA:

(1) pool halls; and

(2) laboratories: research testing.

2. Floor Area ~~Ratio~~ and Density.

   A. The maximum ~~net leasable~~ floor area within the Planned Unit Development may not exceed 5,500,000 square feet.

   B. The maximum density within the Planned Unit Development may not exceed 2,000 dwelling units.

~~3. Parking.~~

~~That the number of parking spaces required for each development parcel shall be determined by the Planning Commission at the time of final design approval, at which time the Planning Commission shall take into consideration proposed uses that have different peak parking characteristics that complement each other, so that the parking spaces provided may reasonably be shared by proposed uses, and an excess of parking is not provided by strict cumulation of standard parking requirements.~~

3. Off-Street Parking Requirements.

Shared Parking Standards

The number of spaces to be provided to meet the off-street parking requirements may be reduced based on the following set of guidelines for shared parking.

(1) Approved Criteria

(a) Shared parking requests shall be for 2 or more different land uses located within the same building or adjacent or near to one another, subject to the standards in this section.

(b) All shared parking facilities shall be located within a 600-foot horizontal distance of the uses served.

(c) The transfer of a parcel's parking to another parcel does not reassign to the transferee or the transferee's building parcel the off-street parking requirement for the transferor's use.

(d) A parcel receiving transferred parking from another parcel must approve the transfer of parking to its parking facility.

(e) Shared parking facilities shall provide signs on the premises indicating the availability of the facility for patrons of the participating uses.

(f) Modifications to the structure in which the uses are located or changes in use require review by the Department of Planning for compliance with this Section.

(2) Shared Parking Standards

Shared parking is based on the variations in the number of parking spaces needed (parking demand) over the course of the day for each of the proposed uses. The time period in which the highest number of parking spaces is needed (peak parking demand) for the proposed development, based on the standards in this section, determines the minimum number of required off-street parking spaces for the proposed development.

(a) The shared parking formula is as follows:

A, B, C	proposed uses to share parking spaces
PA	peak parking demand for Use A
PB	peak parking demand for Use B
PC	peak parking demand for Use C
TA%	the percentage of peak parking demand for Use A in Time Period "T"
TB%	the percentage of peak parking demand for Use B in Time Period "T"
TC%	the percentage of peak parking demand for Use C in Time Period "T"
P(A, B, C)	peak parking demand for Uses A, B, and C combined

Formula:

P(A, B, C) = (PA x TA%) + (PB x TB%) + (PC x TC%), where T = that time period of the day (T) that maximizes P(A, B, C)

(b) Table 1 contains the peak parking demand for selected uses, expressed as a ratio of parking spaces to floor area.

(c) Table 2 contains the percentage of peak parking demand that selected uses generate for various time periods of the day. The period during which a use is expected to generate its peak parking demand is indicated as 100 percent, and the period during which no parking demand is expected is indicated as 0 percent.

(d) The parking demand that a use generates in a particular time period of the day is determined by multiplying the peak parking demand for the use by the percentage of peak parking demand the use generates in that time period.

(e) The parking demand of the proposed development in a particular time period of the day is determined by adding together the parking demand for each use in that time period.

(f) The minimum number of required off-street parking spaces for the proposed development is the highest time period parking demand.

Table I
Parking Ratios for Shared Parking

Use	**Peak Parking Demand**
	(Spaces per 1,000 square feet of floor area unless otherwise noted)
Office	2.5
Retail	3.0
Hotel	1 space per guest room

Multiple Dwelling Units	(spaces per dwelling unit)
Efficiency Unit	.75
1 bedroom	1
2 bedrooms	1.5
3+ bedrooms	2

Table 2
Representative Time Period Accumulation by Percentage of Peak Hour

Use	**M-F** 8am-5pm	**M-F** 6pm-12am	**M-F** 12am-6am	**Sat.-Sun.** 8am-5pm	**Sat.-Sun.** 6pm-12am	**Sat.-Sun.** 12am-6am
Office	100%	20%	0%	5%	5%	0%
Retail	70%	80%	0%	100%	70%	0%
Hotel	70%	100%	100%	70%	100%	100%
Multiple Dwelling Units	50%	100%	100%	80%	100%	100%

4. Traffic Mitigation.

That prior to the issuance of building permits for a particular building parcel with the Planned Unit Development, the requirements of Ordinance 06-345 as they pertain to that particular building parcel or to the amount of density proposed on final design plans approved by the Planning Commission, must be satisfied.

~~5. Signage.~~

~~That exterior signage within the Planned Unit Development shall be subject to final design review and approval by the Planning Commission and shall not be limited by the provisions of Title 11 of the Zoning Code.~~

5. Sign Regulations.

All signage within the Planned Unit Development must comply with the provisions of Title 11 of the Zoning Code and the Westport Waterfront Design Guidelines and shall be subject to final design review and approval by the Planning Commission.

6. Height and Massing.

That the maximum building heights shall be as set forth on ~~the Development Plan and approved by the Planning Commission~~ Exhibits A and B.

7. Phasing of Public Improvements.

A. Public Pedestrian Access Corridors, Public Pedestrian Waterfront Access, and Forest Conservation easements, as designated on the Development Plan, must be executed by the Board of Estimates and recorded prior to Planning Commission Final Design Approval for the first phase infrastructure improvements.

B. Public Pedestrian Access Corridors (in at least a temporary condition), Pedestrian Promenade portion of Public Pedestrian Waterfront Access Areas, Forest Conservation Easement Areas, and Wetland Overlook Private Open Space (pending receipt of all necessary and final

approvals from reviewing agencies) improvements, as designated in the Westport Waterfront Design Guidelines of the Development Plan, must be completed concurrent with the first phase of infrastructure improvements.

C. Private Open Space, as designated on the Development Plan, must be completed concurrent with adjacent parcel development as follows: Tower Open Space with Parcel D; Waterfront Open Space with Parcel H; North Park Overlook with Parcel E; Public Waterfront with the earlier of Parcels F or G; and portions of Pedestrian Corridor with adjacent Parcel M, N, Q, or S.

8. Urban Renewal Plans.

A. Parcel Development on Block 7611, Lots 8 and 9/10 may not proceed until all pertinent restrictions of the Middle Branch Urban Renewal Plan are either amended or repealed for Block 7611, Lots 8, 9, and 10, according to the recommendations of the Middle Branch Master Plan.

B. Parcel Development on Block 7612, Lots 8, 6/10, 5, 5A, 3, 1/2, and 20 may not proceed until all pertinent restrictions of the Carroll Camden Urban Renewal Plan are either amended or repealed for the Block and Lots, according to the recommendations of the Middle Branch Master Plan.

SECTION 4. AND BE IT FURTHER ORDAINED, That this Ordinance and its approvals of the Planned Unit Development and Development Plan are conditioned on compliance with the following Traffic Mitigation Agreement reached in accordance with the requirements of Zoning Code §§ 16-301(b) and 2-305 and Building Code § 105.3.2 {"Building and Zoning – Traffic Studies"}:

(a) Before the Planning Commission grants final design approval for a building parcel within the Planned Unit Development, the following traffic- mitigation fees shall be calculated, based on the development program for that parcel:

Residential (per dwelling unit):	$ 610.00
Office (per sq. ft. gross floor area):	$ 1.00
Retail/Restaurant (per sf gross floor area):	$ 0.38
Hotel (per room):	$1,250.00

(b) Subject to the creation of the Middle Branch Transportation Management District under Article II, Section 63 of the Baltimore City Charter and as recommended in the Middle Branch Master Plan (approved by the Baltimore City Planning Commission on September 20, 2007), developers of building parcels who seek a building permit or an Occupancy Permit, Certificate of Completion or Use Permit for multi-family, office, retail, hotel or restaurant uses are obligated to pay an additional transportation-demand-management fee in the amount of $1,000 for each off-street parking space in excess of the following:

Multi-family dwellings:
- 0.5 spaces / efficiency
- 1.0 space / 1-bedroom
- 1.5 spaces / 2-bedroom
- 2.0 spaces / 3 bedroom

Office:
- 1.75 spaces / 1,000 sf

Retail/Restaurant:
2 spaces / 1,000 sf

Hotel:
0.7 spaces / room

The ordinance creating the District, if authorized by the City Charter and any other enabling legislation, shall require that the transportation-demand-management fees be used to promote non-single occupant vehicle transportation options within the Middle Branch Transportation Management District, such as public transit, bicycling, walking and ridesharing. The Middle Branch Transportation Management District shall have a board of directors that shall be appointed as provided in an ordinance establishing the District as required by Article II, Section 63(c) of the Baltimore City Charter.

(c) (1) Subject to the approval of the Board of Estimates, traffic mitigation fees received under subsection (a) of this section shall be used for the sole purpose of constructing the capacity improvements identified in the Westport Waterfront Traffic Study, prepared by the Transportation Department pursuant to Baltimore City Building Code Section 105.3.2.

(2) Before any building permit may be issued for a particular building parcel within the Planned Unit Development, 50% of the applicable fees shall be paid to the City.

(3) Before any Occupancy Permit, Certificate of Completion, or Use Permit may be issued, the balance of the applicable fees shall be paid to the City.

(d) (1) Before any Occupancy Permit, Certificate of Completion, or Use Permit may be issued for any building that, individually or in the aggregate with other buildings, exceeds 750,000 square feet of office space north of Wenburn Street, construction shall be completed on:

(i) the proposed connection of Manokin Street to the site (as shown on the Development Plan), or

(ii) an alternative method of providing traffic mitigation that has been approved by the Transportation Department, including but not limited to the two alternatives that are set forth in the Westport Waterfront Traffic Study.

(2) The Transportation Department's approval of an alternative method under paragraph (1)(ii) of this subsection may not be unreasonably withheld.

(e) A parcel developer who has paid any portion of a traffic-mitigation fee under this Section 4 and subsequently discontinues development of the project before issuance of Use and Occupancy Permits, evidenced for example by cancellation or revocation of building permits, may apply for and receive a refund of the traffic- mitigation fees already paid.

(f) A parcel developer who pays the traffic-mitigation fees required by this Section 4 satisfies its obligations under Building Code § 105.3.2, and no developer of a parcel within the Planned Unit Development is required to conduct its own Traffic-Impact Study.

(g) At its own cost and expense, the Transportation Department shall conduct and prepare a new or updated Traffic-Impact Study:

(1) at the later of (i) 5 years from the date this Ordinance is enacted, or (ii) on issuance of Use and Occupancy Permits for 50% of the gross floor area permitted under this Ordinance; and

(2) 10 years from the date this Ordinance is enacted.

(h) On recommendation of the Transportation Department, the Board of Estimates may modify the traffic mitigation fees that are set forth in subsection (a) of this Section if, based on a Traffic-Impact Study conducted under subsection (g) of this Section, the modification is necessary to accommodate a justifiable and anticipated increase or decrease in the funding required to safely and adequately manage the vehicular traffic generated by the Planned Unit Development. The amount of any modified fees that are adopted pursuant to this subsection (h) may not exceed 110% of the fee amounts that are set forth in subsection (a) of this Section.

SECTION ~~4~~ 5. AND BE IT FURTHER ORDAINED, That all plans for the construction of permanent improvements on the property are subject to final design approval by the Planning Commission to insure that the plans are consistent with the Development Plan and this Ordinance.

SECTION ~~5~~ 6. AND BE IT FURTHER ORDAINED, That the Planning Commission may determine what constitutes minor or major modifications to the Plan. Minor modifications require approval by the Planning Commission. Major modifications require approval by Ordinance.

SECTION ~~6~~ 7. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying Development Plan and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the Development Plan; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION ~~7~~ 8. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on ~~the 30th day after~~ the date it is enacted.

Approved November 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-610
(Council Bill 07-830)

AN ORDINANCE CONCERNING

Fire and Police Employees' Retirement System –
Purchase of Prior HABC Police Service Credit

FOR the purpose of authorizing members of the Fire and Police Employees' Retirement System to purchase certain service previously earned in the HABC pension plan while working for the HABC Police; and providing for a special effective date.

BY adding
Article 22 - Retirement Systems
Section(s) 32(m)
Baltimore City Code
(Edition 2000)

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

Baltimore City Code

Article 22. Retirement Systems

Subtitle – Fire and Police Employees' Retirement System

§ 32. Service creditable.

(M) *PURCHASE OF SERVICE – FORMER HABC POLICEMEN BECOMING MEMBERS.*

(1) *DEFINITIONS.*

(I) *IN GENERAL.*

IN THIS SUBSECTION, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) *CIVILIAN POSITION.*

"CIVILIAN POSITION" MEANS A POSITION HELD BY A FORMER HABC EMPLOYEE THAT WAS NOT AN HABC POLICE POSITION.

(III) *HABC.*

"HABC" MEANS THE HOUSING AUTHORITY OF BALTIMORE CITY.

(IV) *HABC PENSION PLAN.*

"HABC PENSION PLAN" MEANS THE NON-ACTUARIALLY FUNDED PENSION PLAN COVERING THE FORMER HABC POLICE.

(V) *HABC POLICE POSITION.*

"HABC POLICE POSITION" MEANS A POSITION COVERED BY THE HABC PENSION PLAN HELD BY A FORMER HABC POLICE EMPLOYEE WHO WAS REGULARLY ENGAGED IN ENFORCING THE PUBLIC PEACE AND WHOSE DUTIES INCLUDED THE POWER OF ARREST.

(2) *PURCHASE AUTHORIZED.*

AN EMPLOYEE WHO BECOMES A MEMBER OF THIS SYSTEM MAY PURCHASE SERVICE PREVIOUSLY ACQUIRED IN THE HABC PENSION PLAN IF:

(I) THE MEMBER BEGINS EMPLOYMENT COVERED BY THIS SYSTEM WITHIN 30 DAYS OF TERMINATING HIS OR HER HABC POLICE POSITION;

(II) THE MEMBER FILES AN APPLICATION WITH THIS SYSTEM TO PURCHASE THAT SERVICE ON OR BEFORE JUNE 30, 2008;

(III) THE HABC PENSION PLAN PROVIDES VERIFICATION TO THIS SYSTEM OF THE MEMBER'S PURCHASEABLE SERVICE; AND

(IV) ON PURCHASING CREDIT EARNED IN THE HABC PENSION PLAN, THE MEMBER WOULD NO LONGER BE ELIGIBLE TO RECEIVE A PRESENT OR FUTURE BENEFIT FROM THE HABC PENSION PLAN FOR THE SERVICE PURCHASED.

(3) *LIMIT OF YEARS PURCHASEABLE*.

(I) IF THE SERVICE FROM THE HABC PENSION PLAN WAS EARNED ON ACCOUNT OF EMPLOYMENT IN AN HABC POLICE POSITION, THE MEMBER MAY PURCHASE UP TO 10 YEARS OF THAT SERVICE.

(II) THE MEMBER MAY NOT PURCHASE ANY SERVICE FROM THE HABC PENSION PLAN THAT WAS ACQUIRED OR EARNED ON ACCOUNT OF EMPLOYMENT IN A CIVILIAN POSITION.

(4) *PAYMENT AMOUNT*.

FOR SERVICE PURCHASED FROM THE HABC PENSION PLAN, THE MEMBER MUST PAY:

(I) AN AMOUNT EQUAL TO THE PRODUCT OF:

1. THE MEMBER'S ACTUAL EARNABLE COMPENSATION FOR THE POSITION COVERED BY THIS SYSTEM AT THE LATER OF:

A. THE MEMBER'S DATE OF ENTRY INTO THIS SYSTEM, OR

B. OCTOBER 31, 2004; MULTIPLIED BY

2. THE NUMBER OF YEARS OR PART OF A YEAR OF SERVICE TO BE ~~TRANSFERRED~~ PURCHASED; MULTIPLIED BY

3. 12%; PLUS

(II) INTEREST ON THAT PRODUCT, CALCULATED AT THIS SYSTEM'S CURRENT ANNUITY SAVINGS FUND RATE, FROM THE MEMBER'S DATE OF ENTRY INTO THIS SYSTEM TO THE DATE THE PAYMENT FOR THE PURCHASE OF SERVICE IS COMPLETED.

(5) *PAYMENT METHODS; DEADLINE*.

THE PAYMENT FOR PURCHASED SERVICE FROM THE HABC PENSION PLAN:

(I) MAY BE MADE BY A SINGLE PAYMENT OR AN INCREASED RATE OF CONTRIBUTION; BUT

(II) MUST BE COMPLETED BEFORE THE EARLIER OF:

1. 10 YEARS FROM THE DATE THIS SYSTEM RECEIVES THE MEMBER'S APPLICATION TO PURCHASE SERVICE; OR

2. THE MEMBER'S RETIREMENT DATE.

(6) *PRO RATA CREDIT*.

THE SERVICE PURCHASED FROM THE HABC PENSION PLAN SHALL BE CREDITED PRO RATA AT THE TIME EACH PAYMENT FOR THE SERVICE IS MADE.

(7) *PURCHASED SERVICE DEEMED EARNED IN THIS SYSTEM.*

FOR PURPOSES OF DETERMINING BENEFIT ELIGIBILITY AND CALCULATION OF BENEFITS, ON PAYMENT BY A MEMBER FOR THE SERVICE EARNED IN THE HABC PENSION PLAN AND THE CREDIT OF THAT SERVICE BY THIS SYSTEM, THE PURCHASED SERVICE MAY NOT BE TREATED AS "SERVICE AS A CONTRIBUTING MEMBER OF THIS SYSTEM" AS IS REQUIRED FOR ELIGIBILITY FOR NORMAL SERVICE RETIREMENT IN § 34(A)(1), ELIGIBILITY FOR THE DEFERRED RETIREMENT OPTION PLAN IN § 36B(A), OR OTHER APPLICABLE SECTIONS.

(8) *PRE-EXISTING CONDITIONS.*

A MEMBER IS NOT ENTITLED TO DISABILITY RETIREMENT FROM THIS SYSTEM ATTRIBUTABLE TO AN INJURY OR ILLNESS THAT OCCURRED PRIOR TO THE MEMBER'S DATE OF ENTRY IN THIS SYSTEM.

SECTION 2. 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 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved November 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-611
(Council Bill 07-831)

AN ORDINANCE CONCERNING

City Streets – Opening –
Milliman Street, a 10-Foot Alley and Portions of 2 Alleys

FOR the purpose of condemning and opening (1) Milliman Street, extending from Broadway westerly to its westernmost extremity thereof, (2) a 10- foot alley, laid out along the north outline of the property known as No. 722 N. Broadway and extending from Broadway westerly 80.0 feet, more or less, (3) a 1.5-foot portion of a varying in width alley laid out in the rear of the properties known as Nos. 724 through 730 N. Broadway and extending from Madison Street southerly 70.0 feet, more or less, and (4) a 7.5-foot portion of a varying in width alley laid out in the rear of the properties known as Nos. 718 and 720 N. Broadway and distant northerly 26.0 feet, more or less, measured along the east side of said varying in width alley from the north side of Milliman Street, as shown on Plat 314-A-15F in the Office of the Department of Public Works; and providing for a special effective date.

BY authority of
Article I - General Provisions
Section 4
and
Article II - General Powers
Sections 2, 34, and 35
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Department of Public Works shall proceed to condemn and open (1) Milliman Street, extending from Broadway westerly to its westernmost extremity thereof, (2) a 10- foot alley, laid out along the north outline of the property known as No. 722 N. Broadway and extending from Broadway westerly 80.0 feet, more or less, (3) a 1.5-foot portion of a varying in width alley laid out in the rear of the properties known as Nos. 724 through 730 N. Broadway and extending from Madison Street southerly 70.0 feet, more or less, and (4) a 7.5-foot portion of a varying in width alley laid out in the rear of the properties known as Nos. 718 and 720 N. Broadway and distant northerly 26.0 feet, more or less, measured along the east side of said varying in width alley from the north side of Milliman Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the north side of Milliman Street, 40 feet wide, and the west side of Broadway, 130.6 feet wide, and running thence binding on the west side of said Broadway, Southerly 40.0 feet to intersect the south side of said Milliman Street; thence binding on the south side of said Milliman Street, Westerly 100.0 feet, more or less, to the westernmost extremity of said Milliman Street; thence binding on the westernmost extremity of said Milliman Street, Northerly 40.0 feet to intersect the north side of said Milliman Street, and thence binding on the north side of said Milliman Street, Easterly 100.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the west side of Broadway, 130.6 feet wide, and the south side of a 10-foot alley, laid out along the north outline of the property known as No. 722 N. Broadway, said point of beginning being distant northerly 60.0 feet, more or less, measured along the west side of said Broadway from the north side of Milliman Street, 40 feet wide, and running thence binding on the south side of said 10-foot alley, Westerly 80.0 feet, more or less; thence by a straight line drawn at a right angle to the south side of said 10-foot alley, Northerly 10.0 feet to intersect the line of the north side of said 10-foot alley, if projected westerly; thence binding reversely on the line of the north side of said 10-foot alley, so projected, on the north side of said 10-foot alley, and in all, Easterly 80.0 feet, more or less, to intersect the west side of said Broadway, and thence binding on the west side of said Broadway, Southerly 10.0 feet to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the south side of Madison Street, 66 feet wide, and the east side of a varying in width alley laid out in the rear of the properties known as Nos. 724 through 730 N. Broadway, said point of beginning being distant westerly 72.5 feet, more or less, measured along the south side of said Madison Street from the west side of Broadway, 130.6 feet wide, and running thence binding on the east side of said varying in width alley, Southerly 70.0 feet, more or less, to intersect the north side of a 10-foot alley laid out along the north outline of the property known as No. 722 N. Broadway; thence binding on the north side of said 10-foot alley, Westerly 1.5 feet, to intersect a line drawn parallel with and distant 1.5 feet from the east side of said varying in width alley; thence binding on said line so drawn, Northerly 70.0 feet, more or less, to intersect the south side of said Madison Street, and thence binding on the south side of said Madison Street, Easterly 1.5 feet to the place of beginning.

Beginning for Parcel No. 4 at a point on the east side of a varying in width alley, laid out in the rear of the properties known as Nos. 718 and 720 N. Broadway, and distant northerly 26.0 feet, more or less, measured along the east side of said varying in width alley from the north side of Milliman Street, 40 feet wide, and running thence by a straight line, Northerly 19.0 feet, more or less, to intersect the north side of said varying in width alley, and thence binding on the north, east and south sides of said varying in width alley, the three following courses and distances; namely, Easterly 7.5 feet, Southerly 19.0 feet, more or less, and Westerly 7.5 feet to the place of beginning.

As delineated on Plat 314-A-15F, prepared by the Survey Control Section and filed on October 9, 2007, in the Office of the Department of Public Works.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and opening of the street, 10-foot alley, and portions of 2 alleys and the rights of all interested parties shall be regulated by and in

accordance with all applicable provisions of state and local law and with all applicable rules and regulations adopted by the Director of Public Works and filed with the Department of Legislative Reference.

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

Approved November 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-612
(Council Bill 07–832)

AN ORDINANCE CONCERNING

City Streets – Closing –
Milliman Street, a 10-Foot Alley, and Portions of 2 Alleys

FOR the purpose of condemning and closing (1) Milliman Street, extending from Broadway westerly to its westernmost extremity thereof, (2) a 10-foot alley, laid out along the north outline of the property known as No. 722 N. Broadway and extending from Broadway westerly 80.0 feet, more or less, (3) a 7.5-foot portion of a varying in width alley laid out in the rear of the properties known as Nos. 724 through 730 N. Broadway and extending from Madison Street southerly 70.0 feet, more or less, and (4) a 7.5-foot portion of a varying in width alley laid out in the rear of the properties known as Nos. 718 and 720 N. Broadway and distant northerly 26.0 feet, more or less, measured along the east side of said varying in width alley from the north side of Milliman Street, as shown on Plat 314-A-15G in the Office of the Department of Public Works; and providing for a special effective date.

BY authority of
Article I - General Provisions
Section 4
and
Article II - General Powers
Sections 2, 34, 35
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Department of Public Works shall proceed to condemn and close (1) Milliman Street, extending from Broadway westerly to its westernmost extremity thereof, (2) a 10-foot alley, laid out along the north outline of the property known as No. 722 N. Broadway and extending from Broadway westerly 80.0 feet, more or less, (3) a 7.5-foot portion of a varying in width alley laid out in the rear of the properties known as Nos. 724 through 730 N. Broadway and extending from Madison Street southerly 70.0 feet, more or less, and (4) a 7.5-foot portion of a varying in width alley laid out in the rear of the properties known as Nos. 718 and 720 N. Broadway and distant northerly 26.0 feet, more or less, measured along the east side of said varying in width alley from the north side of Milliman Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the north side of Milliman Street, 40 feet wide, and the west side of Broadway, 130.6 feet wide, and running thence binding on the west side of said Broadway, Southerly 40.0 feet to intersect the south side of said Milliman Street; thence binding on the south side of said Milliman Street, Westerly 100.0 feet, more or less, to the westernmost extremity of said Milliman

Street; thence binding on the westernmost extremity of said Milliman Street, Northerly 40.0 feet to intersect the north side of said Milliman Street, and thence binding on the north side of said Milliman Street, Easterly 100.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the west side of Broadway, 130.6 feet wide, and the south side of a 10-foot alley, laid out along the north outlineof the property known as No. 722 N. Broadway, said point of beginning being distant northerly 60.0 feet, more or less, measured along the west side of said Broadway from the north side of Milliman Street, 40 feet wide, and running thence binding on the south side of said 10 foot alley, Westerly 80.0 feet, more or less; thence by a straight line drawn at a right angle to the south side of said 10-foot alley, Northerly 10.0 feet to intersect the line of the north side of said 10-foot alley, if projected westerly; thence binding reversely on the line of the north side of said 10 foot alley, so projected, on the north side of said 10-foot alley, and in all, Easterly 80.0 feet to intersect the west side of said Broadway, and thence binding on the west side of said Broadway, Southerly 10.0 feet to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the south side of Madison Street, 66 feet wide, and the east side of a varying in width alley laid out in the rear of the properties known as Nos. 724 through 730 N. Broadway, said point of beginning being distant westerly 72.5 feet, more or less, measured along the south side of said Madison Street from the west side of Broadway, 130.6 feet wide, and running thence binding on the east side of said varying in width alley, Southerly 70.0 feet, more or less, to intersect the north side of a 10-foot alley laid out along the north outline of the property known as No. 722 N. Broadway; thence binding on the north side of said 10-foot alley, Westerly 7.5 feet, to intersect a line drawn parallel with and distant 7.5 feet from the east side of said varying in width alley; thence binding on said line so drawn, Northerly 70.0 feet, more or less, to intersect the south side of said Madison Street, and thence binding on the south side of said Madison Street, Easterly 7.5 feet to the place of beginning.

Beginning for Parcel No. 4 at a point on the east side of a varying in width alley, laid out in the rear of the properties known as Nos. 718 and 720 N. Broadway, and distant northerly 26.0 feet, more or less, measured along the east side of said varying in width alley from the north side of Milliman Street, 40 feet wide, and running thence by a straight line, Northerly 19.0 feet, more or less, to intersect the north side of said varying in width alley, and thence binding on the north, east and south sides of said varying in width alley, the three following courses and distances; namely, Easterly 7.5 feet, Southerly 19.0 feet, more or less, and Westerly 7.5 feet to the place of beginning.

As delineated on Plat 314-A-15G, prepared by the Survey Control Section and filed on October 9, 2007, in the Office of the Department of Public Works.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and closing of the street and alleys and the rights of all interested parties shall be regulated by and in accordance with all applicable provisions of state and local law and with all applicable rules and regulations adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SECTION 3. AND BE IT FURTHER ORDAINED, That after the closing under this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore continue to be the property of the Mayor and City Council, in fee simple, until their use has been abandoned by the Mayor and City Council. If any person wants to remove, alter, or interfere with them, that person must first obtain permission from the Mayor and City Council and, in the application for this permission, must agree to pay all costs and expenses, of every kind, arising out of the removal, alteration, or interference.

SECTION 4. AND BE IT FURTHER ORDAINED, That no building or structure of any kind (including but not limited to railroad tracks) may be constructed or erected in or on any part of the street closed under this Ordinance until all subsurface structures and appurtenances owned by the Mayor and City Council of Baltimore have been abandoned by the Mayor and City Council or, at the expense of the person seeking to erect the building or

structure, have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City.

SECTION 5. AND BE IT FURTHER ORDAINED, That after the closing under this Ordinance, all subsurface structures and appurtenances owned by any person other than the Mayor and City Council of Baltimore shall be removed by and at the expense of their owners, promptly upon notice to do so from the Director of Public Works.

SECTION 6. AND BE IT FURTHER ORDAINED, That at all times after the closing under this Ordinance, the Mayor and City Council of Baltimore, acting by or through its authorized representatives, shall have access to the subject property and to all subsurface structures and appurtenances used by the Mayor and City Council, for the purpose of inspecting, maintaining, repairing, altering, relocating, or replacing any of them, without need to obtain permission from or pay compensation to the owner of the property.

SECTION 7. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved November 27, 2007

SHEILA DIXON. Mayor

CITY OF BALTIMORE
ORDINANCE 07-613
(Council Bill 07-833)

AN ORDINANCE CONCERNING

Sale of Property – The Former Beds of Milliman Street, a 10-Foot Alley, and Portions of 2 Alleys

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain parcels of land known as the former beds of (1) Milliman Street, extending from Broadway westerly 80.0 feet, more or less, (2) a 10- foot alley, laid out along the north outline of the property known as No. 722 N. Broadway and extending from Broadway westerly 80.0 feet, more or less, (3) a 7.5-foot portion of a varying in width alley laid out in the rear of the properties known as Nos. 724 through 730 N. Broadway and extending from Madison Street southerly 70.0 feet, more or less, and (4) a 7.5- foot portion of a varying in width alley laid out in the rear of the properties known as Nos. 718 and 720 N. Broadway, and distant northerly 26.0 feet, more or less, measured along the east side of said varying in width alley from the north side of Milliman Street and no longer needed for public use; and providing for a special effective date.

BY authority of
Article V - Comptroller
Section 5(b)
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That, in accordance with Article V, § 5(b) of the City Charter, the City Comptroller may sell, at either public or private sale, all the interest of the Mayor and City Council of Baltimore in certain parcels of land known as the former beds of (1) Milliman Street, extending from Broadway westerly 80.0 feet, more or less, (2) a 10- foot alley, laid out along the north outline of the property known as No. 722 N. Broadway and extending from Broadway westerly 80.0 feet, more or less, (3) a 7.5-foot portion of a varying in width alley laid out in the rear of the properties known as Nos. 724

through 730 N. Broadway and extending from Madison Street southerly 70.0 feet, more or less, and (4) a 7.5- foot portion of a varying in width alley laid out in the rear of the properties known as Nos. 718 and 720 N. Broadway, and distant northerly 26.0 feet, more or less, measured along the east side of said varying in width alley from the north side of Milliman Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the north side of the former bed of Milliman Street, 40 feet wide, and the west side of Broadway, 130.6 feet wide, and running thence binding on the west side of said Broadway, Southerly 40.0 feet to intersect the south side of the former bed of said Milliman Street; thence binding on the south side of the former bed of said Milliman Street, Westerly 80.0 feet, more or less, to the east side of a varying in width alley, laid out in the rear of the properties known as No. 700 through 730 N. Broadway; thence binding on the east side of said varying in width alley, Northerly 40.0 feet to intersect the north side of the former bed of said Milliman Street, and thence binding on the north side of the former bed of said Milliman Street, Easterly 80.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the west side of Broadway, 130.6 feet wide, and the south side of the former bed of a 10-foot alley, laid out along the north outline of the property known as No. 722 N. Broadway, said point of beginning being distant northerly 60.0 feet, more or less, measured along the west side of said Broadway from the north side of the former bed of Milliman Street, 40 feet wide, and running thence binding on the south side of the former bed of said 10-foot alley, Westerly 80.0 feet, more or less; thence by a straight line drawn at a right angle to the south side of the former bed of said 10-foot alley, Northerly 10.0 feet to intersect the line of the north side of the former bed of said 10-foot alley, if projected westerly; thence binding reversely on the line of the north side of the former bed of said 10-foot alley, so projected, on the north side of the former bed of said 10-foot alley, and in all, Easterly 80.0 feet, more or less, to intersect the west side of said Broadway, and thence binding on the west side of said Broadway, Southerly 10.0 feet to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the south side of Madison Street, 66 feet wide, and the east side of a varying in width alley laid out in the rear of the properties known as Nos. 724 through 730 N. Broadway, said point of beginning being distant westerly 72.5 feet, more or less, measured along the south side of said Madison Street from the west side of Broadway, 130.6 feet wide, and running thence binding on the east side of the former bed of said varying in width alley, Southerly 70.0 feet, more or less, to intersect the north side of the former bed of a 10-foot alley laid out along the north outline of the property known as No. 722 N. Broadway; thence binding on the north side of the former bed of said 10 foot alley, Westerly 7.5 feet to intersect a line drawn parallel with and distant 7.5 feet from the east side of the former bed of said varying in width alley; thence binding on said line so drawn, Northerly 70.0 feet, more or less, to intersect the south side of said Madison Street, and thence binding on the south side of said Madison Street, Easterly 7.5 feet to the place of beginning.

Beginning for Parcel No. 4 at a point on the east side of the former bed of a varying in width alley, laid out in the rear of the properties known as Nos. 718 and 720 N. Broadway, and distant northerly 26.0 feet, more or less, measured along the east side of the former bed of said varying in width alley from the north side of the former bed of Milliman Street, 40 feet wide, and running thence by a straight line, Northerly 19.0 feet, more or less, to intersect the north side of the former bed of said varying in width alley; thence binding on the north, east and south sides of the former bed of said varying in width alley, the three following courses and distances; namely, Easterly 7.5 feet, Southerly 19.0 feet, more or less, and Westerly 7.5 feet to the place of beginning.

Subject to a full width Perpetual Easement for all Municipal Utilities and Services, not to be abandoned, over the entire hereinabove described parcel of land.

This property being no longer needed for public use.

SECTION 2. AND BE IT FURTHER ORDAINED, That no deed may pass under this Ordinance unless the deed has been approved by the City Solicitor.

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

Approved November 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-614
(Council Bill 07-836)

AN ORDINANCE CONCERNING

Supplementary General Fund Capital Appropriation –
Department of Housing and Community Development – $3,000,000

FOR the purpose of providing a Supplementary General Fund Capital Appropriation in the amount of $3,000,000 to the Department of Housing and Community Development (Account #9910-600-878), to provide funding for the Howard Park Grocery Store Project; and providing for a special effective date.

BY authority of
Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Waterview Settlement Proceeds in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2008.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2008 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2008 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On October 24, 2007, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That $3,000,000 shall be made available to the Department of Housing and Community Development (Account #9910-600-878) as a Supplementary General Fund Capital Appropriation for Fiscal Year 2008, to provide funding for the Howard Park Grocery Store Project. The source of revenue for this appropriation is funds from the Waterview Settlement Proceeds in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2008.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved November 27, 2007 SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-615
(Council Bill 07-837)

AN ORDINANCE CONCERNING

Sale of Property – SWS Potee Street 35-11 FT SE of Bristol Avenue (Block 7027J, Lot 013)

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain property known as SWS Potee Street 35-11 FT SE of Bristol Avenue (Block 7027J, Lot 013) and no longer needed for public use; and providing for a special effective date.

BY authority of
Article V - Comptroller
Section 5(b)
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That, in accordance with Article V, § 5(b) of the City Charter, the City Comptroller may sell, at either public or private sale, all the interest of the Mayor and City Council of Baltimore in the property known as SWS Potee Street 35-11 FT SE of Bristol Avenue (Block 7027J, Lot 013), and more particularly described as follows:

The subject parcel (Block 7027J, Lot 013) is an unimproved lot,

containing approximately 1,458 square feet, more or less, this property being no longer needed for public use.

SECTION 2. AND BE IT FURTHER ORDAINED, That no deed may pass under this Ordinance unless the deed has been approved by the City Solicitor.

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

Approved November 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-616
(Council Bill 07-838)

AN ORDINANCE CONCERNING

Sale of Property – A Descriptive Property Located at Block 1265A Lot 007

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in a certain parcel of land known as a 20,473 square foot portion of land at the southeast corner of Hillen Street and Fallsway, Block 1265A Lot 007, in Ward 5, Section 4 and no longer needed for public use; and providing for a special effective date.

BY authority of
Article V - Comptroller
Section 5(b)
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That, in accordance with Article V, § 5(b) of the City Charter, the City Comptroller may sell, at either public or private sale, all the interest of the Mayor and City Council of Baltimore in a certain parcel of land known as a 20,473 square foot portion of land at the southeast corner of Hillen Street and Fallsway, Block 1265A Lot 007, in Ward 5, Section 4, and more particularly described as follows:

~~The subject property is legally known and identified as being in Ward 5, Section 4, Block 1265A Lot 7, lying within the boundaries of Baltimore City, State of Maryland, Zip 21202. More commonly known as Vacant Lot #7 at the Southeast corner of Hillen Street and Fallsway.~~

Beginning at the corner formed by the intersection of the southwest side of Front Street, 50 feet wide right-of-way, and the southeasterly side of Hillen Street, varying in width; said corner having a coordinate value of South 1265.036 and East 1798.026, referencing all coordinates and bearings to the Baltimore Survey Control System; thence running with and binding on the southwest side of said Front Street,

(1) South 37 degrees 03 minutes 22 seconds East 146.85 feet to a point; thence leaving the southwest side of said Front Street, for a new line of division and running parallel to and 5.10 feet northwesterly from an existing 1-story concrete building the two following courses and distances;

(2) South 52 degrees 56 minutes 31 seconds West 49.96 feet; thence continuing on from said building

(3) South 52 degrees 30 minutes 09 seconds West 80.74 feet to the northeast side of Fallsway, varying in width; thence running with and binding on the northeast side of said Fallsway, the four following courses and distances;

(4) North 43 degrees 08 minutes 27 seconds West 28.73 feet to a point; thence

(5) North 38 degrees 02 minutes 31 seconds West 32.10 feet to a point; thence

(6) North 36 degrees 11 minutes 35 seconds West 33.27 feet to a point; thence

(7) North 35 degrees 18 minutes 33 seconds West 61.59 feet to the corner formed by the intersection of the northeast side of said Fallsway and the southeast side of the aforementioned Hillen Street; thence running with and binding on the southeast side of said Hillen Street;

(8) North 56 degrees 25 minutes 18 seconds East 132.15 feet to the point of beginning.

Containing 20,130 square feet or 0.4621 acres of land, more or less.

Subject to a full width Perpetual Easement for all Municipal Utilities and Services, not to be abandoned, over the entire hereinabove described parcel of land.

This property being no longer needed for public use.

SECTION 2. AND BE IT FURTHER ORDAINED, That no deed may pass under this Ordinance unless the deed has been approved by the City Solicitor.

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

Approved November 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-617
(Council Bill 06-474)

AN ORDINANCE CONCERNING

Rezoning – 1425 Ostend Street

FOR the purpose of changing the zoning for the property known as 1425 Ostend Street, as outlined in red on the accompanying plat, from the M-2-2 Zoning District to the R-8 Zoning District.

BY amending
Article - Zoning
Zoning District Maps
Sheet(s) 64
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 64 of the Zoning District Maps is amended by changing from the M-2-2 Zoning District to the R-8 Zoning District the property known as 1425 Ostend Street, as outlined in red on the plat accompanying this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved December 3, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-618
(Council Bill 07-576)

AN ORDINANCE CONCERNING

Unsafe Vacant Structures – Posting Against Trespass

FOR the purpose of requiring unsafe vacant structures to be posted conspicuously against trespass; and generally relating to the required safeguarding of vacant structures.

BY repealing and reordaining, with amendments
Article - Building, Fire, and Related Codes
Section(s) 2-103 (IBC § 115.4.3)
Baltimore City Revised Code
(Edition 2000)

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

Baltimore City Revised Code

Article – Building, Fire, and Related Codes

Part II. International Building Code

§ 2-103. City modifications.

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

Chapter 1. Administration

Section 115 Unsafe Structures

115.4 Unsafe vacant structures. Every vacant structure, as defined in this § 115.4, is declared to be a fire hazard and a nuisance per se, and must be safeguarded and otherwise maintained as required in this § 115.4.

115.4.3 Required safeguarding. Every vacant structure must be cleaned, closed, and safeguarded as follows:

a. Before the structure is closed and secured, all litter, trash, and other debris must be removed from the premises.

b. All windows, doors, and other openings must be closed, securely locked, and, if within 20 feet of the ground or readily accessible, further protected by boarding up with substantial material, including masonry, approved by the Building Official. The Building Official may require windows facing streets to be boarded with lexan, vinyl, or similar material, protected by security grills, or both.

c. As long as the structure remains unrehabilitated[,]:

1. it must be kept boarded,

2. THE PREMISES MUST BE CONSPICUOUSLY POSTED AGAINST TRESPASS, and

3. the premises MUST BE kept free of litter, trash, debris, high grass, and weeds at all times.

D. Boarding, POSTING, and cleaning, however, [does] DO not relieve the owner of responsibility to demolish or to repair and maintain the property in conformity with this Code.

E. [d.] The structure may not be reoccupied until the Building Official has issued an occupancy permit.

SECTION 2. 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 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved December 3, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-619
(Council Bill 07-624)

AN ORDINANCE CONCERNING

Public Nuisance Premises – Extending Applicability

FOR the purpose of extending the provisions governing public nuisance premises to encompass certain additional offenses; providing for certain procedures; imposing certain penalties; defining and redefining certain terms; clarifying, conforming, and correcting certain language; and generally relating to abating public nuisance premises.

BY repealing and reordaining, with amendments
Article 19 - Police Ordinances
Section(s) 43-1~~, 43-2(a), and 43-3(a)~~ through 43-12
Baltimore City Code
(Edition 2000)

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

Baltimore City Code

Article 19. Police Ordinances

Subtitle 43. Public Nuisances

~~**§ 43-1. Definitions.**~~

~~(a) *In general.*~~

~~[As used in] IN this subtitle[:], THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.~~

~~(B) *ASSAULT.*~~

~~"ASSAULT" HAS THE MEANING STATED IN STATE CRIMINAL LAW ARTICLE § 3-201.~~

~~(C) [(b)] *Commissioner.*~~

~~"Commissioner" means the Police Commissioner of Baltimore City or the Commissioner's designee.~~

~~(D) [(c)] *Conviction.*~~

~~[For the purpose of this subtitle, "conviction" shall include] "CONVICTION" INCLUDES probation before judgment.~~

~~(E) [(d)] *Owner.*~~

~~"Owner" and "owner of record" mean the person in whose name a premises is recorded in the land records of Baltimore City.~~

~~(F) [(e)] *Person.*~~

~~"Person" means an individual, receiver, guardian, personal representative, fiduciary, or representative of any kind, and any corporation, partnership, firm, association, joint venture, or other legal entity.~~

~~(G) [(f)] *Premises.*~~

~~"Premises" means any land, building, or other structure, or ANY part [thereof] OF THEM.~~

~~(H) [(g)] *Public nuisance.*~~

~~(1) [A "public] "PUBLIC nuisance" [is] MEANS:~~

~~(I) any premises WHERE 2 OR MORE VIOLATIONS, LEADING TO 2 OR MORE CRIMINAL CONVICTIONS, OF ANY OF THE FOLLOWING OFFENSES HAVE OCCURRED ON 2 OR MORE OCCASIONS WITHIN A 24-MONTH PERIOD BEFORE THE START OF A PROCEEDING UNDER THIS SUBTITLE AND WHERE VIOLATIONS ARE STILL OCCURRING:~~

~~[(i) where violations of the law governing:]~~

~~(A) prostitution and lewdness;~~

~~(B) controlled dangerous substances;~~

~~(C) gambling; or~~

~~(D) criminal possession of stolen property[,]; AND~~

~~[are occurring; and]~~

~~[(ii) where 2 or more violations of such provisions, which have resulted in 2 or more criminal convictions, have occurred on 2 or more occasions within a 24-month period of time prior to the commencement of a proceeding pursuant to §§ 43-3 through 43-7 of this subtitle.]~~

~~(II) ANY PREMISES WHERE 2 OR MORE VIOLATIONS OF ANY OF THE FOLLOWING OFFENSES HAVE OCCURRED ON 2 OR MORE OCCASIONS WITHIN A 24-MONTH PERIOD BEFORE THE START OF A PROCEEDING UNDER THIS SUBTITLE:~~

~~(A) HOMICIDE;~~

~~(B) ASSAULT;~~

~~(C) FIREARMS;~~

~~(D) CRIMINAL GANGS; OR~~

~~(E) OFFENSES IN WHICH A SERIOUS PHYSICAL INJURY OCCURRED.~~

~~(2) [It shall be prima facie evidence that a public nuisance has occurred upon the] THE 2ND conviction for [a violation of] any of the [provisions of the law governing the enumerated] offenses ENUMERATED IN PARAGRAPH (1)(I) OF THIS SUBSECTION IS PRIMA FACIE EVIDENCE THAT A PUBLIC NUISANCE EXISTS.~~

~~(3) THE 2ND REPORT BY A POLICE OFFICER, WRITTEN IN THE NORMAL COURSE OF BUSINESS, OF A VIOLATION OF ANY OF THE OFFENSES ENUMERATED IN PARAGRAPH (1)(II) OF THIS SUBSECTION IS PRIMA FACIE EVIDENCE THAT A PUBLIC NUISANCE EXISTS.~~

~~(I) *"SERIOUS PHYSICAL INJURY".*~~

~~"SERIOUS PHYSICAL INJURY" HAS THE MEANING STATED IN STATE CRIMINAL LAW ARTICLE § 3-201.~~

~~§ 43-2. Legislative findings and declarations.~~

~~(a) *Existence of public nuisances.*~~

~~The Mayor and City Council finds and declares:~~

~~(1) that public nuisances exist in the City of Baltimore in the continuing and recurrent use of certain premises in violation of the laws relating to HOMICIDE, ASSAULT, FIREARMS, CRIMINAL GANGS, SERIOUS PHYSICAL INJURY, prostitution, gambling, controlled dangerous substances, and stolen property; and~~

~~(2) that these public nuisances are harmful to the safety, health, and general welfare of the citizens and businesses of, and visitors to, Baltimore City.~~

~~§ 43-3. Nuisance abatement authorized.~~

~~(a) *Commissioner's basic authority.*~~

~~After 2 convictions [under § 43-1(g)] OF THE TYPE DESCRIBED IN § 43-1(H)(1)(I) AND (2) of this subtitle OR 2 REPORTS OF VIOLATIONS OF THE TYPE DESCRIBED IN § 43-1(H)(1)(II) AND (3) OF THIS SUBTITLE, AS THE CASE MAY BE, and AFTER notice to the premises' owner and opportunity for a hearing, the Commissioner may:~~

~~(1) order the discontinuance of the public nuisance in the premises where the public nuisance exists; or~~

~~(2) order the closing of the premises to the extent necessary to abate the nuisance.~~

§ 43-1. Definitions.

(a) *In general.*

[As used in] IN this subtitle[:], THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) *ASSIGNATION.*

"ASSIGNATION" MEANS AN APPOINTMENT OR ENGAGEMENT FOR PROSTITUTION OR ANY ACT IN FURTHERANCE OF THE APPOINTMENT OR ENGAGEMENT.

(C) [(b)] *Commissioner.*

"Commissioner" means the Police Commissioner of Baltimore City or the Commissioner's designee.

[(c) *Conviction.*

For the purpose of this subtitle, "conviction" shall include probation before judgment.]

(D) *CONTROLLED DANGEROUS SUBSTANCE.*

"CONTROLLED DANGEROUS SUBSTANCE" MEANS A SUBSTANCE LISTED IN SCHEDULE I OR SCHEDULE II UNDER STATE CRIMINAL LAW ARTICLE § 5-402 OR § 5-403.

(E) *CONTROLLED PARAPHERNALIA.*

"CONTROLLED PARAPHERNALIA" HAS THE MEANING STATED IN STATE CRIMINAL LAW ARTICLE § 5-101.

(F) *CRIME OF VIOLENCE AND OTHER CRIMES.*

"CRIME OF VIOLENCE" HAS THE MEANING STATED IN STATE CRIMINAL LAW ARTICLE § 14-101.

(G) *OPERATOR.*

"OPERATOR" MEANS ANY PERSON WHO HAS CHARGE, CARE, OR CONTROL OF A PREMISES OR STRUCTURE.

(H) [(d)] *Owner.*

"Owner" [and "owner of record" mean] MEANS the person in whose name a premises is recorded in the [land records] LAND RECORDS of Baltimore City.

(I) [(e)] *Person.*

["Person" means an individual, receiver, guardian, personal representative, fiduciary, or representative of any kind, and any corporation, partnership, firm, association, joint venture, or other legal entity.]

"PERSON" MEANS:

(1) AN INDIVIDUAL;

(2) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY KIND; AND

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

(J) [(f)] *Premises.*

"Premises" means ALL OR ANY PART OF any land, building, or other structure[, or part thereof].

(K) *PROSTITUTION.*

"PROSTITUTION" MEANS THE PERFORMANCE OF A SEXUAL ACT, SEXUAL CONTACT, OR VAGINAL INTERCOURSE, AS THESE TERMS ARE DEFINED IN STATE CRIMINAL LAW ARTICLE § 3-301, FOR HIRE.

(L) [(g)] *Public nuisance.*

[(1) A "public nuisance" is any premises:

(i) where violations of the law governing:

(A) prostitution and lewdness;

(B) controlled dangerous substances;

(C) gambling; or

(D) criminal possession of stolen property,

are occurring; and

(ii) where 2 or more violations of such provisions, which have resulted in 2 or more criminal convictions, have occurred on 2 or more occasions within a 24-month period of time prior to the commencement of a proceeding pursuant to §§ 43-3 through 43-7 of this subtitle.

(2) It shall be prima facie evidence that a public nuisance has occurred upon the 2nd conviction for a violation of any of the provisions of the law governing the enumerated offenses.]

"PUBLIC NUISANCE" MEANS ANY PREMISES THAT IS USED:

(1) FOR PROSTITUTION, LEWDNESS, OR ASSIGNATION;

(2) FOR ILLEGAL ADULT ENTERTAINMENT;

(3) BY PERSONS WHO ASSEMBLE FOR THE SPECIFIC PURPOSE OF ILLEGALLY ADMINISTERING A CONTROLLED DANGEROUS SUBSTANCE;

(4) FOR THE ILLEGAL MANUFACTURE OR DISTRIBUTION OF:

(I) A CONTROLLED DANGEROUS SUBSTANCE; OR

(II) CONTROLLED PARAPHERNALIA;

(5) FOR THE ILLEGAL STORAGE OR CONCEALMENT OF A CONTROLLED DANGEROUS SUBSTANCE OR CONTROLLED PARAPHERNALIA IN SUFFICIENT QUANTITY TO

REASONABLY INDICATE UNDER ALL THE CIRCUMSTANCES AN INTENT TO MANUFACTURE, DISTRIBUTE, OR DISPENSE:

(I) A CONTROLLED DANGEROUS SUBSTANCE; OR

(II) CONTROLLED PARAPHERNALIA;

(6) FOR GAMBLING;

(7) FOR STORAGE OR POSSESSION OF STOLEN PROPERTY;

(8) FOR STORAGE OR POSSESSION OF UNREGISTERED FIREARMS;

(9) FOR FURTHERANCE OF A CRIME OF VIOLENCE;

(10) BY PERSONS WHO ENGAGE IN A CRIME OF VIOLENCE ON OR NEAR THE PREMISES; OR

(11) FOR CRIMINAL GANG OFFENSES PROHIBITED UNDER STATE CRIMINAL LAW ARTICLE 9, SUBTITLE 8.

[**§ 43-2. Legislative findings and declarations.**

(a) *Existence of public nuisances.*

The Mayor and City Council finds and declares:

(1) that public nuisances exist in the City of Baltimore in the continuing and recurrent use of certain premises in violation of the laws relating to prostitution, gambling, controlled dangerous substances, and stolen property; and

(2) that these public nuisances are harmful to the safety, health, and general welfare of the citizens and businesses of, and visitors to, Baltimore City.

(b) *Subtitle to provide needed law enforcement tools.*

The enforcement of abatement procedures by the Commissioner and the penalties imposed pursuant to this subtitle:

(1) constitute an additional method of law enforcement in response to the proliferation of the above described public nuisances; and

(2) are an exercise of the City's police power that is reasonable and necessary in order to protect the health, safety, and general welfare of the people of Baltimore City.]

§ 43-2. *{RESERVED}*

§ 43-3. Nuisance abatement authorized.

(a) *Commissioner's basic authority.*

[After 2 convictions under § 43-1(g) of this subtitle and notice to the premises' owner and opportunity for a hearing] ON DETERMINING THAT A PUBLIC NUISANCE EXISTS, the Commissioner may:

(1) order the discontinuance of the public nuisance in the premises where the public nuisance exists; or

(2) order the closing of the premises to the extent necessary to abate the nuisance.

(b) *Limitations.*

(1) Except as specified in paragraph (2) of this subsection, if the premises consists entirely of residential units or mixed residential and other use units, and the public nuisance has occurred solely within 1 or more residential units, abatement authority is restricted to the residential units in which the public nuisance has occurred, and does not extend to any other unit in the premises.

(2) The restrictions of paragraph (1) of this subsection do not apply to a public nuisance occurring in any:

(i) motel;

(ii) hotel; or

(iii) rooming house or rooming unit, as those terms are defined in the Zoning Code of Baltimore City.

§ 43-4. Notice and opportunity for hearing.

(a) *In general.*

[Prior to the issuance of] BEFORE ISSUING an order [by the Commissioner] under this subtitle, the Commissioner shall give notice and an opportunity for a hearing [to determine whether a public nuisance exists in the premises] to the owner[, lessor, lessee, mortgagor, and mortgagee] AND ANY OPERATOR of the premises AND TO ANY COMMERCIAL TENANT OF THE PREMISES.

(b) *Contents of notice.*

The notice shall state:

(1) the date, place, and time of the hearing;

(2) the right of the [aforesaid] persons RECEIVING THE NOTICE to be heard and to be represented at the hearing; AND

(3) the possible consequences of failure to appear, INCLUDING THE POSSIBLE ISSUANCE OF A DEFAULT ORDER DIRECTING THE PREMISES TO BE CLOSED[; and

(4) such other particulars as may be appropriate].

(c) *Service and posting of notice.*

(1) The notice shall be given by personal service or by certified or registered mail to the owner, [lessor, lessee, mortgagor, and mortgagee, or their respective agents] OPERATOR, AND COMMERCIAL TENANT, as their names and addresses:

(i) are recorded in the [land records] LAND RECORDS of Baltimore City;

(ii) appear in the registration statement made under City Code Article 13, Subtitle 4 {"Registration of Residential Properties"}; or

(iii) are otherwise known or readily ascertainable.

(2) In addition, the notice shall be posted on the premises.

§ 43-5. [Lack of knowledge, etc., not a defense] APPLICABLE STANDARDS.

(A) *PROOF OF KNOWLEDGE NOT REQUIRED.*

[The lack of knowledge of, acquiescence or participation in, or responsibility for a public nuisance, on the part of any person who may be the owner, lessor, or lessee, mortgagor, mortgagee, or other interested person and all those persons in possession of or having charge of as agent or otherwise, or having any interest in the property, real or personal, used in conducting or maintaining the public nuisance, is not sufficient cause to set aside the Commissioner's order of abatement.]

THE COMMISSIONER MAY ORDER APPROPRIATE RELIEF UNDER § 43-3 OF THIS SUBTITLE WITHOUT PROOF THAT AN OWNER, OPERATOR, OR TENANT KNEW OF THE EXISTENCE OF THE PUBLIC NUISANCE.

(B) *DISCONTINUANCE NOT A BAR TO RELIEF.*

EVIDENCE THAT THE NUISANCE HAS BEEN DISCONTINUED AT THE TIME NOTICE WAS PROVIDED OR AT THE TIME OF THE HEARING DOES NOT BAR THE COMMISSIONER FROM IMPOSING APPROPRIATE RELIEF UNDER § 43-3 OF THIS SUBTITLE.

§ 43-6. Issuance and enforcement of order.

(A) *ISSUANCE OF ORDER OR FINDING.*

FOLLOWING THE HEARING PROCEDURE, THE COMMISSIONER SHALL:

(1) ON DETERMINING THAT A PUBLIC NUISANCE EXISTS, ISSUE A WRITTEN ORDER IN ACCORDANCE WITH § 43-3 OF THIS SUBTITLE; OR

(2) ON DETERMINING THAT A PUBLIC NUISANCE DOES NOT EXIST, ISSUE A WRITTEN FINDING TO THAT EFFECT.

(B) [(a)] *Posting and notice of order.*

Following the hearing procedure, an order [of the Commissioner] issued [pursuant to] UNDER this subtitle shall be posted on the premises and notice [thereof] OF THE ORDER shall be given to [those] THE persons and in the manner set forth in § 43-4 of this subtitle.

(C) [(b)] *Enforcement; period of closing.*

(1) [On and after the 10th business day following the posting] AFTER THE ORDER HAS BEEN POSTED, as set forth in subsection [(a)] (B) of this section, [and upon] THE ORDER MAY BE ENFORCED on [the] written directive of the Commissioner[, the order may be enforced].

(2) A closing shall be for [such] THE period [as] THAT the Commissioner reasonably may direct,. but in no event [shall] MAY the closing be for [a period of more] LONGER than 1 year [from the date of the closing].

(D) [(C)] *Nature of closing.*

A closing directed by the Commissioner [pursuant to] UNDER this subtitle is not an act of possession, ownership, or control by the City of Baltimore.

(E) *MODIFICATION.*

(1) THE COMMISSIONER MAY MODIFY OR RESCIND AN ORDER ISSUED UNDER THIS SUBTITLE:

(I) AN OWNER OR TENANT AFFECTED BY THE ORDER SUBMITS TO THE COMMISSIONER A WRITTEN REQUEST FOR MODIFICATION OR RESCISSION; AND

(II) A HEARING IS HELD ON THE REQUEST.

(2) AN OWNER OR TENANT SUBMITTING A REQUEST UNDER THIS SUBSECTION SHALL ATTACH TO THE REQUEST ANY DOCUMENTS OR OTHER EVIDENCE THAT THE OWNER OR TENANT WISHES THE COMMISSIONER TO CONSIDER IN RULING ON THE REQUEST.

(3) THE COMMISSIONER MAY GRANT THE REQUEST IF THE COMMISSIONER DETERMINES THAT THE NUISANCE HAS BEEN ABATED.

[**§ 43-7. Vacating order to close.**

The Commissioner shall vacate the provisions of the order to close if an interested person:

(1) posts a bond for the period of the ordered closing in an amount not exceeding the assessed value of the premises as shown in the tax assessment records of Baltimore City, prorated for the proportional assessment of units closed if less than all units therein are closed, but not to exceed $1,000,000 in any case; and

(2) submits reasonably adequate proof to the Commissioner that the nuisance has been abated and will not be maintained or permitted in any unit of the premises during the period of the ordered closing.]

[**§ 43-8. Termination of tenancy.**

Upon conviction pursuant to § 43-9 of this subtitle or issuance of a closing order:

(1) the owner, lessor, or agent may immediately terminate the tenancy; and

(2) if the lessee and any other occupants of the property fail to vacate the premises, the owner, lessor, or agent may use the conviction order in an action pursuant to the tenant-holding-over, breach-of-lease, or tenant-at-will provisions of law.]

§ 43-7. *{Reserved}*

§ 43-8. [§ 43-9.] Rules and regulations.

(A) *COMMISSIONER TO ADOPT.*

The Commissioner shall [promulgate] ADOPT rules, [and] regulations, AND HEARING PROCEDURES [that may be] AS necessary or proper to [effectuate the purpose and the provisions of] CARRY OUT this subtitle[, including advising the premises owner, or agent, of an arrest or conviction for the criminal conduct

defined in § 43-1 of this subtitle occurring in those premises which the Commissioner determines will be subject to this subtitle, and the procedure and terms of posting bonds].

(B) *FILING WITH LEGISLATIVE REFERENCE.*

A COPY OF ALL RULES, REGULATIONS, AND PROCEDURES MUST BE FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

§ 43-9. [**§ 43-10.**] **Judicial and appellate review.**

(a) *Judicial review.*

Any person aggrieved by any act of the Commissioner taken under this subtitle may seek judicial review of that act by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

(b) *Appellate review.*

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.

§ 43-10. [**§ 43-11.**] ***{Reserved}***

§ 43-11. [**§ 43-12.**] **Prohibited conduct**[**; penalties**]**.**

(a) *Destruction, etc., of posted order.*

[Any] NO person [who destroys, removes, or defaces] MAY DESTROY, REMOVE, OR DEFACE an order posted by the Commissioner UNDER THIS SUBTITLE [is guilty of a misdemeanor punishable by a fine of not more than $300 or imprisonment for not more than 30 days, or both].

(b) *Failure to obey order.*

[(1) Any] NO person MAY:

(1) [(i) who] intentionally [disobeys] DISOBEY any proper order issued by the Commissioner UNDER THIS SUBTITLE; or

(2) [(ii) who uses] USE or [occupies] OCCUPY or [permits] PERMIT any other person to use or occupy any premises ordered closed UNDER THIS SUBTITLE[,

is guilty of a misdemeanor punishable by a fine of $1,000 or imprisonment for not more than 1 year, or both].

(C) *LIABILITY FOR UNAUTHORIZED OCCUPANCY.*

IF ANY PERSON USES OR OCCUPIES OR PERMITS ANY OTHER PERSON TO USE OR OCCUPY ANY PREMISES ORDERED CLOSED BY THE COMMISSIONER:

(1) THE COMMISSIONER MAY EXECUTE THE TERMS OF THE ORDER TO CLOSE THE PREMISES; AND

(2) THE PERSON IS LIABLE FOR ALL COSTS INCURRED BY THE COMMISSIONER IN EXECUTING THE TERMS OF THE ORDER TO CLOSE THE PREMISES.

§ 43-12. PENALTIES.

(A) *IN GENERAL.*

ANY PERSON WHO VIOLATES A PROVISION OF § 43A-11 IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO THE FOLLOWING PENALTIES:

(1) FOR A VIOLATION OF § 43A-11(A) {"PROHIBITED CONDUCT: DESTRUCTION, ETC., OF POSTED ORDER"}, THE OFFENDER IS SUBJECT TO A FINE OF NOT MORE THAN $500; AND

(2) FOR A VIOLATION OF § 43A-11(B) {"PROHIBITED CONDUCT: FAILURE TO OBEY ORDER"}, THE OFFENDER IS SUBJECT TO A FINE OF NOT MORE THAN $500 OR TO IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR TO BOTH FINE AND IMPRISONMENT.

(B) *EACH DAY A SEPARATE OFFENSE.*

[(2)] Each day a violation [of this subsection] continues is a separate offense.

SECTION 2. 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 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved December 3, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-620
(Council Bill 07-739)

AN ORDINANCE CONCERNING

Baltimore City Hispanic Commission

FOR the purpose of establishing the Baltimore City Hispanic Commission; providing for the appointment, terms, powers, and duties of the Commission; providing for staff to the Commission; and generally relating to assisting the City's Hispanic population.

BY adding
Article 1 - Mayor, City Council, and Municipal Agencies
Section(s) 52-1 through ~~52-8~~ 52-9, inclusive, to be under the new subtitle, "Subtitle 52. Baltimore City Hispanic Commission"
Baltimore City Code
(Edition 2000)

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

Baltimore City Code

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 52. Baltimore City Hispanic Commission

§ 52-1. COMMISSION ESTABLISHED.

(A) *IN GENERAL.*

THERE IS A BALTIMORE CITY HISPANIC COMMISSION.

(B) *COMPOSITION – VOTING MEMBERS.*

(1) THE COMMISSION COMPRISES 9 VOTING MEMBERS~~;~~,

(2) OF THESE:

(I) 8 ~~TO~~ SHALL BE APPOINTED BY THE MAYOR IN ACCORDANCE WITH ARTICLE IV, § 6 OF THE CITY CHARTER; AND

(II) 1 SHALL BE A MEMBER OF THE CITY COUNCIL, APPOINTED BY THE CITY COUNCIL PRESIDENT.

(3) AT LEAST 5 OF THE VOTING MEMBERS SHALL BE REPRESENTATIVES OF THE HISPANIC COMMUNITY IN BALTIMORE CITY.

(C) *COMPOSITION – NON-VOTING MEMBERS.*

THE FOLLOWING NON-VOTING MEMBERS ALSO SERVE ON THE COMMISSION:

(1) A REPRESENTATIVE OF THE MAYOR'S OFFICE;

(2) THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS, OR THE DIRECTOR'S DESIGNEE;

(3) THE COMMISSIONER OF HOUSING AND COMMUNITY DEVELOPMENT, OR THE COMMISSIONER'S DESIGNEE;

(4) THE DIRECTOR OF THE DEPARTMENT OF HEALTH, OR THE DIRECTOR'S DESIGNEE; AND

(5) THE CEO OF THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM, OR THE CEO'S DESIGNEE.

§ 52-2. PURPOSE.

THE HISPANIC COMMISSION IS DEDICATED TO:

(1) IDENTIFYING AND DEFINING ISSUES CONCERNING THE RIGHTS AND NEEDS OF BALTIMORE'S HISPANIC COMMUNITY.

(2) ADVISING THE MAYOR AND CITY AGENCIES ON THE DEVELOPMENT OF RELEVANT POLICIES, PLANS, AND PROGRAMS THAT AFFECT HISPANICS.

(3) ADVISING THE CITY COUNCIL ON ISSUES OF CONCERN TO THE CITY'S HISPANIC COMMUNITY.

(4) ESTABLISHING AND MAINTAINING RELATIONSHIPS WITH CITY AGENCIES AND MEMBERS OF THE PRIVATE SECTOR.

(5) CREATING A CENTRAL SOURCE OF INFORMATION FOR BALTIMORE'S HISPANIC COMMUNITY.

(6) REVIEWING AND COMMENTING ON ANY PROPOSED LEGISLATION, REGULATION, POLICY, OR PROGRAM THAT AFFECTS THE HISPANIC POPULATION.

§ 52-3. TERMS, COMPENSATION, VACANCIES.

(A) *TERMS OF OFFICE.*

(1) COMMISSION MEMBERS APPOINTED BY THE MAYOR SERVE FOR A TERM OF 4 YEARS, CONCURRENT WITH THE ~~TERMS~~ TERM OF THE MAYOR ~~AND THE CITY COUNCIL~~. THE MEMBER APPOINTED FROM THE CITY COUNCIL SERVES FOR A TERM CONCURRENT WITH THAT MEMBER'S TERM ON THE CITY COUNCIL.

(2) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(B) *COMPENSATION; EXPENSES.*

MEMBERS OF THE COMMISSION:

(1) ARE NOT ENTITLED TO COMPENSATION FOR THEIR SERVICES; BUT

(2) ARE ENTITLED TO REIMBURSEMENT FOR EXPENSES INCURRED, AS PROVIDED IN THE ORDINANCE OF ESTIMATES.

(C) *VACANCIES.*

(1) A MEMBER APPOINTED TO FILL A VACANCY MUST MEET THE SAME QUALIFICATIONS FOR APPOINTMENT AS THE MEMBER BEING SUCCEEDED.

(2) A MEMBER APPOINTED TO FILL A VACANCY IN AN UNEXPIRED TERM OR TO SUCCEED A MEMBER WHO IS HOLDING OVER SERVES ONLY FOR THE REMAINDER OF THAT TERM.

§ 52-4. OFFICERS; COMMITTEES.

(A) *OFFICERS.*

(1) THE MAYOR SHALL DESIGNATE A VOTING MEMBER OF THE COMMISSION TO SERVE AS ~~ITS CHAIR~~ THE CHAIR OF THE COMMISSION.

(2) MEMBERS OF THE COMMISSION ~~MAY~~ SHALL BY MAJORITY VOTE SELECT ANY OTHER OFFICERS THEY CONSIDER NECESSARY OR APPROPRIATE.

(B) *COMMITTEES.*

THE CHAIR MAY APPOINT COMMITTEES TO ASSIST THE COMMISSION IN CARRYING OUT ITS FUNCTIONS AND DUTIES.

§ 52-5. MEETINGS; QUORUM.

(A) *IN GENERAL.*

(1) THE COMMISSION SHALL MEET AT THE CALL OF THE CHAIR AS FREQUENTLY AS REQUIRED TO PERFORM ITS DUTIES.

(2) A MAJORITY OF THE VOTING MEMBERS OF THE COMMISSION CONSTITUTES A QUORUM FOR THE TRANSACTION OF BUSINESS.

(3) AN AFFIRMATIVE VOTE BY THE MAJORITY OF A QUORUM IS NEEDED FOR ANY OFFICIAL ACTION.

(B) *RULES OF PROCEDURE.*

THE COMMISSION MAY ADOPT RULES OF PROCEDURE TO GOVERN ITS MEETINGS AND OPERATIONS.

(C) *FAILURE TO ATTEND MEETINGS.*

IF ANY MEMBER IS ABSENT FROM REGULARLY SCHEDULED MEETINGS MORE THAN 3 TIMES IN 1 YEAR, NOT COUNTING ABSENCES EXCUSED BY THE CHAIR:

(1) THE MEMBER IS CONSIDERED TO HAVE RESIGNED; AND

(2) THE CHAIR SHALL REQUEST THE MAYOR TO FILL THE RESULTANT VACANCY.

§ 52-6. PERSONNEL; BUDGET.

(A) *EXECUTIVE DIRECTOR.*

(1) THE COMMISSION MAY APPOINT A PROPERLY QUALIFIED PERSON AS ~~ITS EXECUTIVE DIRECTOR~~ THE EXECUTIVE DIRECTOR OF THE COMMISSION, TO SERVE FOR A TERM OF 4 YEARS CONCURRENT WITH THE TERM OF THE MAYOR.

(2) THE EXECUTIVE DIRECTOR IS ENTITLED TO A SALARY, AS PROVIDED IN THE ORDINANCE OF ESTIMATES.

(3) THE EXECUTIVE DIRECTOR SHALL PERFORM THE DUTIES THAT THE COMMISSION PRESCRIBES.

(B) *STAFF.*

(1) THE EXECUTIVE DIRECTOR MAY EMPLOY A STAFF AS PROVIDED IN THE ORDINANCE OF ESTIMATES.

(2) STAFF MEMBERS SHALL BE MEMBERS OF THE CLASSIFIED SERVICE.

(C) *VOLUNTEERS.*

THE COMMISSION MAY ENGAGE THE SERVICES OF VOLUNTEER WORKERS AND CONSULTANTS, WITHOUT SALARY, AS IT CONSIDERS NECESSARY FROM TIME TO TIME.

(D) *BUDGET.*

THE COMMISSION MAY EXPEND FUNDS AS AUTHORIZED IN THE ORDINANCE OF ESTIMATES.

§ 52-7. POWERS AND DUTIES.

(A) *ASSISTANCE TO HISPANIC POPULATION*.

THE COMMISSION SHALL ASSIST HISPANICS WHO RESIDE IN THE CITY IN MATTERS RELATING TO:

(1) EDUCATION OR WORKFORCE TRAINING;

(2) HEALTH AND MEDICAL SERVICES;

(3) SPECIAL RIGHTS AND PRIVILEGES PROVIDED BY FEDERAL, STATE, AND LOCAL LAWS AND REGULATIONS;

(4) EMPLOYMENT; AND

(5) ANY OTHER MATTERS.

(B) *INFORMATION RESOURCE*.

THE COMMISSION SHALL SERVE AS A RESOURCE FOR INFORMATION RELATING TO ISSUES AFFECTING BALTIMORE HISPANICS.

(C) *RESEARCH AND EDUCATION*.

THE COMMISSION SHALL:

(1) CONDUCT RESEARCH, POLICY ANALYSIS, AND PUBLIC INFORMATION AND EDUCATION PROGRAMS ON ISSUES AFFECTING HISPANICS; AND

(2) INSTITUTE AND CONDUCT OTHER PROGRAMS, MEETINGS, AND CONFERENCES TO PROMOTE EQUAL RIGHTS AND OPPORTUNITIES FOR HISPANICS

(D) *MONITOR WORKFORCE*.

THE COMMISSION SHALL:

(1) REVIEW AND MONITOR THE CONDITIONS OF HISPANICS IN THE WORKFORCE IN BALTIMORE CITY; AND

(2) DIRECT ATTENTION TO THE PROBLEMS FACING HISPANICS IN THE WORKFORCE.

(E) *ADVISE AND COUNSEL*.

THE COMMISSION SHALL:

(1) ADVISE AND COUNSEL THE MAYOR, THE CITY COUNCIL, AND THE VARIOUS DEPARTMENTS AND AGENCIES OF THE CITY ON ALL ISSUES OF CONCERN TO THE HISPANIC COMMUNITY; AND

(2) RECOMMEND PROGRAMS AND LEGISLATION IT CONSIDERS NECESSARY AND PROPER.

(F) *EVALUATE POLICIES AND PROGRAMS*.

THE COMMISSION SHALL REVIEW AND EVALUATE THE IMPACT OF EXISTING AND PROPOSED POLICIES, PROGRAMS, AND LEGISLATION AFFECTING HISPANICS.

(G) *REPRESENTING CITY*.

THE COMMISSION SHALL ACT AS A REPRESENTATIVE OF THE MAYOR AND CITY COUNCIL IN DEALING WITH THE PRIVATE SECTOR AND WITH OTHER GOVERNMENTS IN AN EFFORT TO DEVELOP ADDITIONAL PRIVATE AND PUBLIC RESOURCES TO PROVIDE BETTER PROGRAMS FOR THE HISPANIC COMMUNITY.

§ 52-8. AGENCY COOPERATION.

AT THE REQUEST OF THE COMMISSION, ALL CITY OFFICIALS AND AGENCIES SHALL COOPERATE WITH THE COMMISSION AND EXTEND THE SERVICES AND FACILITIES THAT THE COMMISSION REQUIRES, TO THE EXTENT THAT THE OFFICIALS AND AGENCIES ARE ABLE TO DO SO GIVEN THEIR PERSONNEL AND BUDGETS AS PROVIDED IN THE ORDINANCE OF ESTIMATES.

§ 58-9. ANNUAL REPORT.

THE COMMISSION SHALL SUBMIT TO THE MAYOR AN ANNUAL REPORT ON ITS ACTIVITIES.

SECTION 2. 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 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved December 3, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-621
(Council Bill 07-754)

AN ORDINANCE CONCERNING

City Property – Naming the Playground on Grove Road to be the Arthur F. Fedeli, Jr. Playground

FOR the purpose of naming the playground on Grove Road, located in Druid Hill Park, the Arthur F. Fedeli, Jr. Playground.

BY authority of
Article 5 - Finance, Property, and Procurement
Section 20-2
Baltimore City Code
(Edition 2000)

Recitals

The late Arthur F. Fedeli, Jr. devoted his life to the revival or construction of City of Baltimore playgrounds for many years. He was the contractor that developed the most playgrounds for the Department of Recreation and Parks. It was his passion, and it brought him great joy in seeing that the children of our City were benefitting from his work.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the playground on Grove Road, located in Druid Hill Park, is named the Arthur F. Fedeli, Jr. Playground.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved December 3, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-622
(Council Bill 07-755)

AN ORDINANCE CONCERNING

Signs on or Affecting Public Property –
Enforcement by Housing and Community Development

FOR the purpose of transferring from the Department of Public Works to the Department of Housing and Community Development the enforcement of the laws governing signs on or affecting public property; clarifying certain language; and clarifying, conforming, correcting, and broadening provisions governing the liabilities of certain responsible persons.

BY repealing and reordaining, with amendments
Article 19 - Police Ordinances
Section(s) 45-3 ~~and~~, 45-4, and 45-5
Baltimore City Code
(Edition 2000)

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

Baltimore City Code

Article 19. Police Ordinances

Subtitle 45. Signs - On or Affecting Public Property

§ 45-3. Removal of illegal signs.

(a) *From City property – by Department.*

For any sign posted in violation of § 45-2(1) through (6) of this subtitle, the Department of [Public Works] HOUSING AND COMMUNITY DEVELOPMENT may:

(1) summarily remove the sign OR MAKE THE APPROPRIATE REFERRAL TO HAVE THE SIGN REMOVED; or

(2) send written notice to the person responsible, as described in § 45-5 of this subtitle, ordering that person to remove the sign within the time specified in the notice.

(b) *From City property – by others*.

(1) For any sign posted in violation of § 45-2(1) through (6) of this subtitle, any individual may:

(i) summarily remove the sign; and

(ii) either:

(A) discard the sign in an appropriate manner; or

(B) submit the sign to the Department of [Public Works] HOUSING AND COMMUNITY DEVELOPMENT for further enforcement proceedings.

(2) A submission to the Department of [Public Works] HOUSING AND COMMUNITY DEVELOPMENT for further enforcement proceedings:

(i) must be accompanied by an affidavit, in the form and tenor required by the regulations adopted under § 45-4 of this subtitle, that describes the circumstances of the violation and removal; and

(ii) may designate a non-profit community or neighborhood association listed with the Department of Planning to share in any fines that might be collected in the matter.

(3) An association so designated is entitled to receive 50% of any fine collected under City Code Article 1, Subtitle 40 {"Environmental Control Board"} or Subtitle 41 {"Civil Citations"}.

(c) *From public utility property.*

For any sign posted in violation of § 45-2(7) of this subtitle:

(1) the public utility may summarily remove the sign; or

(2) the public utility or the Department [Public Works] HOUSING AND COMMUNITY DEVELOPMENT may send written notice to the person responsible, as described in § 45-5 of this subtitle, ordering that person to remove the sign within the time specified in the notice.

§ 45-4. Liability for costs and expenses.

(a) *In general.*

Any person who posts a sign in violation of this subtitle and any other person responsible for the sign, as described in § 45-5 of this subtitle, is liable to the City or to the public utility, as the case may be, for the costs of:

(1) removing the sign; and

(2) repairing any damage caused by the placement or removal of the sign.

(b) *Rules and regulations for City property*.

(1) The [Director of Public Works] COMMISSIONER OF HOUSING AND COMMUNITY DEVELOPMENT shall adopt regulations to provide for the removal of signs illegally placed on City property.

(2) The regulations shall include:

(i) charges to be assessed for the costs of removing illegal signs and repairing damages;

(ii) rules, procedures, and forms to carry out § 45-3(b) {"Removal of illegal signs: From City property – by others"} of this subtitle; and

(iii) provisions that require the Commissioner to report:

(A) the name of the person or entity represented on the material removed;

(B) the number of advertisements, notices, or other signs removed;

(C) the location of the material; and

(D) the type of structure from which the material was removed.

§ 45-5. Persons responsible.

(a) *Political campaigns.*

(1) In the case of a political campaign, a candidate for any office and the chairman and treasurer of any registered political committee [shall be] IS presumptively liable for the costs of sign removal imposed by § 45-4 of this subtitle, AS WELL AS FOR THE CIVIL AND CRIMINAL PENALTIES IMPOSED BY THIS SUBTITLE, [provided that] IF the candidate or the committee was responsible for [the] printing [of] the sign. If [such] THE liability is contested, the burden of overcoming the presumption is on the contesting party.

(2) A candidate for public office shall, at the time of filing with the Board of Supervisors of Elections for [such] THE candidacy, sign a written statement [which] THAT acknowledges the candidate's responsibilities under [the provisions of] this subtitle. Failure to sign [such a] THE statement [shall] DOES not affect the liability of the candidate for the penalties and costs provided for in this subtitle.

(b) *Other cases.*

In all other cases, [it shall be presumed that] the person whose name, event, business, location, or merchandise [which] is written on the sign [shall be] IS PRESUMPTIVELY liable [to the City or to the public utility] for the charges imposed by § 45-4 of this subtitle, AS WELL AS FOR THE CIVIL AND CRIMINAL PENALTIES IMPOSED BY THIS SUBTITLE[,]. [and the] THE burden of overcoming the presumption is on the contesting party.

SECTION 2. 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 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved December 3, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-623
(Council Bill 07-762)

AN ORDINANCE CONCERNING

Environmental Citations – Work Without Building Permit

FOR the purpose of adding certain Building Code violations to those subject to environmental citations.

BY adding
Article 1 - Mayor, City Council, and Municipal Agencies
Section(s) 40-14(e)(5a)
Baltimore City Code
(Edition 2000)

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

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***

§ 113.14. WORK WITHOUT PERMIT $500

SECTION 2. 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 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved December 3, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-624
(Council Bill 07-763)

AN ORDINANCE CONCERNING

City Property – Naming Squad 40 Truck 12 BC 5 ~~RA44~~ SQM40 Fire Station, located at 3906 Liberty Heights Avenue, the Marion C. Bascom Fire Station

FOR the purpose of naming Squad 40 Truck 12 BC 5 ~~RA44~~ SQM40 Fire Station, located at 3906 Liberty Heights Avenue, the Marion C. Bascom Fire Station.

BY authority of
Article 5 - Finance, Property, and Procurement
Section 20-2
Baltimore City Code
(Edition 2000)

Recitals

Reverend Dr. Marion C. Bascom was appointed Baltimore City's first African American Fire Commissioner, in 1968. In 1946, Reverend Bascom earned his college degree in English, from Florida Memorial College. He also served as pastor of Shiloh Baptist and First Baptist Church, both in Pensacola, Florida. In 1948, he earned his Bachelor's of Divinity degree from Howard University, and the following year he began his 46-year tenure at Douglas Memorial Community Church, in Baltimore.

While at Douglas, Reverend Bascom demonstrated his strong leadership skills in the pulpit, as well as in the community. In 1962, he created "Camp Farthest Out," an overnight summer camp for underprivileged children. In 1963, he participated in the Gwyn Oak Park Demonstration, a protest that led to the desegregation of Baltimore's amusement parks, and under his leadership and direction, calm was restored to the City after the disturbances that followed Martin Luther King's assassination. In 1970, he received an honorary Doctorate of Divinity degree from his alma mater, Florida Memorial College. Reverend Bascom also founded the Association of Black Charities, an umbrella organization of the United Way. His commitment to the community includes the development of Douglas Village, a 49-unit apartment complex, the Douglas Memorial Federal Credit Union, and a "Meals-on-Wheels" program for the sick and elderly.

After his retirement from Douglas Memorial, in 1995, Reverend Bascom served as the interim Director of Morgan University's Christian Center. He has received numerous awards for his civic and community leadership and is a member of the Interdenominational Ministerial Alliance, the National Council of Community Churches, and the Baltimore Hospitals Commission Board.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Squad 40 Truck 12 BC 5 ~~RA44~~ SQM40 Fire Station, located at 3906 Liberty Heights Avenue, is named the Marion C. Bascom Fire Station.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved December 3, 2007

SHEILA DIXON, Mayor

ENROLLED

CITY OF BALTIMORE
ORDINANCE 07-625
(Council Bill 07-764)

AN ORDINANCE CONCERNING

Planned Unit Development – Amendment – Harbor Point

FOR the purpose of approving certain amendments to the Development Plan of the Harbor Point Planned Unit Development.

BY authority of
Article - Zoning
Title 9, Subtitles 1 and 4
Baltimore City Revised Code
(Edition 2000)

Recitals

By Ordinance 04-682, the Mayor and City Council approved the application of Harbor Point Development, LLC, authorized by Honeywell International, Inc., to have certain property bounded generally by the Baltimore Harbor to the south and west, the Living Classroom's site to the north, and Caroline Street to the east, consisting of 26.8 acres, more or less, designated as a Business Planned Unit Development and approved the Development Plan submitted by the applicant.

Harbor Point Development, LLC, wishes to amend the Development Plan, as previously approved by the Mayor and City Council, to modify the allowable height of certain structures within the Planned Unit Development area, to clarify certain provisions pertaining to off-street parking, and to make other amendments or modifications as necessary to accommodate the proposed conditions on the Property.

On July 16, 2007, representatives of Harbor Point Development, LLC, met with the Department of Planning for a preliminary conference to explain the scope and nature of the proposed amendments to the Development Plan.

The representatives of Harbor Point Development, LLC, have now applied to the Baltimore City Council for approval of these amendments, and they have submitted amendments to the Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 4 of the Baltimore City Zoning Code.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council approves the amendments to the Development Plan for the Property submitted by Harbor Point Development, LLC, as attached to and made part of this Ordinance, consisting of PUD 4, "Heights Diagram,", dated July 19, 2007, which shall supersede PUD 4, "Height Diagram", dated April 2, 2004, of Ordinance 04-682.

~~**SECTION 2. AND BE IT FURTHER ORDAINED**, That Section 7 of Ordinance 04-682 is amended to read as follows:~~

~~SECTION 7. AND BE IT FURTHER ORDAINED, That the parking required for each respective use within the PUD area shall be provided in accordance with the requirements of Title 10 of the Baltimore City Zoning Code, as applicable to uses located in a B-2-2 Zoning District. The parking shall be accommodated by surface lots and/or structured off-street facilities located within the PUD area, and the parking shall not be required on a lot by lot basis but shall merely need to be provided within the boundaries of the PUD. Temporary parking shall be allowed on individual building sites, subject to Planning Commission approval. The Planning Commission has the discretion to permit the total count of parking spaces required for all uses within any one development lot or among multiple development lots on the property to be reduced to reflect a demonstrated reduction in the need for parking spaces due to shared use, public transportation, or other appropriate causes. NOT WITHSTANDING ANYTHING HEREIN TO THE CONTRARY, OPEN OFF-STREET PARKING SHALL BE PERMITTED ON THE OPEN SPACE AREAS AT ANY TIME PRIOR TO THE COMPLETED DEVELOPMENT OF THE OPEN SPACE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 9(6). AFTER FINAL COMPLETION OF THE OPEN SPACE, [Permanent] PERMANENT or temporary parking [is] SHALL not BE allowed on the Open Space areas, except in conjunction with the special event uses set forth in Section 4.~~

~~**SECTION 3. AND BE IT FURTHER ORDAINED**, That Section 9(3) of Ordinance 04-682 is deleted in its entirety.~~

***SECTION 2. AND BE IT FURTHER ORDAINED**, That Section 7 of Ordinance 04-682 is amended to read as follows:*

SECTION 7. AND BE IT FURTHER ORDAINED, That the parking required for each respective use within the PUD area shall be provided in accordance with the requirements of Title 10 of the Baltimore City Zoning Code, as applicable to uses located in a B-2-2 Zoning District. The parking shall be accommodated by surface lots and/or structured off-street facilities located within the PUD area, and the parking shall not be required on a lot by lot basis but shall merely need to be provided within the boundaries of the PUD. Temporary parking shall be allowed on individual building sites, subject to Planning Commission approval. The Planning Commission has the discretion to permit the total count of parking spaces required for all uses within any one development lot or among multiple development lots on the property to be reduced to reflect a demonstrated reduction in the need for parking spaces due to shared use, public transportation, or other appropriate causes. NOT WITHSTANDING ANYTHING HEREIN TO THE CONTRARY, OPEN OFF-STREET PARKING SHALL BE PERMITTED ON THE OPEN SPACE AREAS AT ANY TIME PRIOR TO THE COMPLETED DEVELOPMENT OF THE OPEN SPACE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 9(6). AFTER FINAL COMPLETION OF THE OPEN SPACE, [Permanent] PERMANENT or temporary parking [is] SHALL not BE allowed on the Open Space areas, except in conjunction with the special event uses set forth in Section 4.

***SECTION 3. AND BE IT FURTHER ORDAINED**, That Section 9(3) of Ordinance 04-682 is deleted in its entirety.*

SECTION ~~4~~ ~~2~~ *4*. AND BE IT FURTHER ORDAINED, That all plans for the construction of permanent improvements on the property are subject to final design approval by the Planning Commission to insure that the plans are consistent with the Development Plan and this Ordinance.

SECTION ~~3~~ *5*. AND BE IT FURTHER ORDAINED, That before any building permit may be issued for any part of the Planned Unit Development, the applicant must comply with the requirements of Zoning Code § 2-305 and Building Code § 105.3.2 (as enacted by Ordinance 06-354 and notwithstanding Section 2 of that Ordinance) for a traffic-impact study of the overall Development and for the mitigation of adverse traffic impacts.

SECTION ~~5~~ ~~4~~ *6*. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying amended Development Plan and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the amended Development Plan; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the amended Development Plan; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the amended Development Plan to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION ~~6~~ ~~5~~ *7*. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved December 3, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-626
(Council Bill 07-806)

AN ORDINANCE CONCERNING

Zoning – Conditional Use Second-hand Store – 6643 Belair Road

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a second-hand store on the property known as 6643 Belair Road, as outlined in red on the accompanying plat.

BY authority of
Article - Zoning
Section(s) 6-309(12a) and 14-102
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of a second-hand store on the property known as 6643 Belair Road, as outlined in red on the plat accompanying this Ordinance, in accordance with Baltimore City Zoning Code §§ 6-309(12a) and 14-102, subject to the condition that the second-hand store complies with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved December 3, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-627
(Council Bill 07-807)

An Ordinance Concerning

Rezoning – 2595 Carroll Street

FOR the purpose of changing the zoning for the property known as 2595 Carroll Street, as outlined in red on the accompanying plat, from the M-1-1 Zoning District to the R-6 Zoning District.

BY amending
Article - Zoning
Zoning District Maps
Sheet(s) 74
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 74 of the Zoning District Maps is amended by changing from the M-1-1 Zoning District to the R-6 Zoning District the property known as 2595 Carroll Street, as outlined in red on the plat accompanying this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved December 3, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-628
(Council Bill 07-810)

AN ORDINANCE CONCERNING

Zoning – Conditional Use Convalescent, Nursing, and Rest Home (Assisted Living) – 4222 Penhurst Avenue

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a convalescent, nursing, and rest home (assisted living) on the property known as 4222 Penhurst Avenue, as outlined in red on the accompanying plat.

BY authority of
Article - Zoning
Section(s) 4-504(1) and 14-102
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of a convalescent, nursing, and rest home (assisted living) on the property known as 4222 Penhurst Avenue, as outlined in red on the plat accompanying this Ordinance, in accordance with Baltimore City Zoning Code §§ 4-501(1) and 14-102, subject to the ~~condition that the~~ following conditions:

1. The maximum number of resident clients is 8.

2. There may be no more than 2 persons per sleeping room.

3. Sleeping rooms for clients may not be in the basement.

4. 24-hour supervision must be provided.

5. There may be no exterior sign on the facility other than a nameplate no larger than 12 inches wide by 12 inches high.

6. The convalescent, nursing, and rest home (assisted living) ~~complies~~ must comply with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved December 3, 2007 SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-629
(Council Bill 07-813)

AN ORDINANCE CONCERNING

Planned Unit Development – Amendment 2 – North Charles Village

FOR the purpose of approving certain amendments to the Development Plan of the North Charles Village Planned Unit Development.

BY authority of
Article - Zoning
Title 9, Subtitles 1 and 4
Baltimore City Revised Code
(Edition 2000)

Recitals

By Ordinance 96-35, as amended by Ordinance 03-639, the Mayor and City Council approved the application of the owners of certain properties located generally within the area bounded by 33rd Street on the north, Hargrove Alley on the east, 30th Street on the south, and Charles Street on the west, consisting of 12 acres, more or less, designated as a Residential Planned Unit Development and approved the Development Plan submitted by the applicant.

CJUF Charles Village, LLC (the "Applicant"), owner of the property on the east and west sides of the 3200 block of Saint Paul Street, wishes to amend the Development Plan, as previously approved by the Mayor and City Council, to modify the allowable height of a certain structure within the Planned Unit Development area, to make technical corrections to the Illustrative Preliminary Build-Out Plan, and to make any other amendments or modifications as necessary to accommodate the proposed conditions on the property.

On August 30, 2007, representatives of the Applicant met with the Department of Planning for a preliminary conference to explain the scope and nature of the proposed amendments to the Development Plan.

The representatives of the Applicant have now applied to the Baltimore City Council for approval of these amendments, and they have submitted amendments to the Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 4 of the Baltimore City Zoning Code.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council approves the amendments to the Development Plan submitted by the Developer, as attached to and made part of this Ordinance, including Sheet 3, "Illustrative Preliminary Build-Out Plan", dated ~~August~~ October 2007, as revised), which shall supersede any previous version of Sheet 3, "Illustrative Preliminary Build-Out Plan", which was referenced in Section 1 of Ordinance 03-639.

SECTION 2. AND BE IT FURTHER ORDAINED, That all plans for the construction of permanent improvements on the property are subject to final design approval by the Planning Commission to insure that the plans are consistent with the Development Plan and this Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That before any building permit may be issued for any part of the Planned Unit Development, the applicant must comply with the requirements of Zoning Code § 2-305 and Building Code § 105.3.2 (as enacted by Ordinance 06-354 and notwithstanding Section 2 of that Ordinance) for a traffic-impact study of the overall Development and for the mitigation of adverse traffic impacts.

SECTION ~~3~~ 4. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying amended Development Plan and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the amended Development Plan; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the amended Development Plan; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the amended Development Plan to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION ~~4~~ 5. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved December 3, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-630
(Council Bill 07-827)

AN ORDINANCE CONCERNING

Rezoning – 107-115 West Heath Street~~,~~ and 1700 Clarkson Street~~, and 138 West Barney Street~~

FOR the purpose of changing the zoning for the properties known as 107-115 West Heath Street~~,~~ and 1700 Clarkson Street~~, and 138 West Barney Street~~, as outlined in red on the accompanying plat, from the R-8 Zoning District to the R-10 Zoning District.

BY amending
Article - Zoning
Zoning District Maps
Sheet(s) 65
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 65 of the Zoning District Maps is amended by changing from the R-8 Zoning District to the R-10 Zoning District the properties known as 107-115 West Heath Street~~,~~ and 1700 Clarkson Street~~, and 138 West Barney Street~~, as outlined in red on the plat accompanying this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved December 3, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-631
(Council Bill 07-828)

AN ORDINANCE CONCERNING

Zoning – Conditional Use Banquet Hall –
3333 Frederick Avenue

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a banquet hall on the property known as 3333 Frederick Avenue, as outlined in red on the accompanying plat.

BY authority of
Article - Zoning
Section(s) 6-409(1) and 14-102
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of a banquet hall on the property known as 3333 Frederick Avenue, as outlined in red on the plat accompanying this Ordinance, in accordance with Baltimore City Zoning Code §§ 6-409(1) and 14-102, subject to the condition that the banquet hall complies with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved December 3, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-632
(Council Bill 07-829)

AN ORDINANCE CONCERNING

Dangerous Animals – ~~Required Restraints~~ Vicious Dogs

FOR the purpose of strengthening the restraint requirements for dangerous animals; modifying the options available to the Vicious Dog Hearing Board; and generally relating to animal control and protection.

BY repealing and reordaining, without amendments
Article - Health
Section(s) 10-101(i) and (q)
Baltimore City Revised Code
(Edition 2000)

BY repealing and reordaining, with amendments
Article - Health
Section(s) 10-602, 10-702, and 10-714
Baltimore City Revised Code
(Edition 2000)

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

Baltimore City Revised Code

Article – Health

Title 10. Animal Control and Protection

Subtitle 1. Definitions; General Provisions

§ 10-101. Definitions.

(i) *Dangerous animal.*

"Dangerous animal" means any animal that:

(1) has bitten or attacked a human being or another animal without provocation; or

(2) presents a physical threat to human beings or to other animals due to a disposition or propensity to cause injury or to behave in a way that could reasonably be expected to cause injury, regardless of whether its behavior is hostile.

(q) *Vicious dog.*

(1) *In general.*

"Vicious dog" means any dog that:

(i) has bitten or attacked a human being or another animal; or

(ii) has attempted to bite or attack a human being or another animal and was prevented from doing so only because it was restrained by a leash, fence, or other means.

(2) *Exclusions – Instigation by other*.

"Vicious dog" does not include a dog that has bitten or attacked or has attempted to bite or attack if the injury, damage, or threat was sustained by one who:

(i) at the time was committing a willful trespass or other tort on the premises occupied by the owner or keeper of the dog;

(ii) was tormenting, abusing, or assaulting the dog;

(iii) in the past has been observed or reported to have tormented, abused, or assaulted the dog; or

(iv) was committing or attempting to commit a crime.

(3) *Exclusions – Dog protecting young or in pain.*

"Vicious dog" does not include a dog that has bitten or attacked or attempted to attack or bite if the dog was:

(i) protecting or defending itself, its young, or another animal; or

(ii) responding

Subtitle 6. Wild and Dangerous Animals

§ 10-602. Dangerous animals.

(a) *Restraints required – GENERALLY.*

~~(1)~~ Every dangerous animal must be:

(1) ~~(i)~~ [(1) confined] MAINTAINED in a [building or] secure enclosure ON THE PREMISES OF ITS OWNER OR KEEPER; and

(2) ~~(ii)~~ [(2)] whenever [off the premises of its owner or keeper] OUTSIDE OF THE BUILDING OR ENCLOSURE:

(i) securely caged; or

(ii) muzzled and leashed.

(B) *RESTRAINTS REQUIRED – DANGEROUS DOGS.*

(1) IN THIS SUBSECTION, "DANGEROUS DOG" MEANS A DOG THAT, UNDER SUBTITLE 7 {"VICIOUS DOGS"} OF THIS TITLE, THE VICIOUS DOG HEARING BOARD DETERMINES TO BE A DANGEROUS ANIMAL.

(2) EXCEPT AS OTHERWISE ORDERED BY THE VICIOUS DOG HEARING BOARD, EVERY DANGEROUS DOG MUST BE:

(1) MAINTAINED IN A BUILDING OR SECURE ENCLOSURE ON THE PREMISES OF ITS OWNER OR KEEPER; AND

(2) WHENEVER OUTSIDE OF THE BUILDING OR ENCLOSURE:

(I) SECURELY CAGED; OR

(II) MUZZLED AND LEASHED.

~~(2) THE ENCLOSURE REQUIRED BY PARAGRAPH (1)(I) OF THIS SUBSECTION MUST BE:~~

~~(I) AT LEAST 4' WIDE, 6' LONG, AND 4' TALL;~~

~~(II) CONSTRUCTED OF WIRE MESH FENCING ON A CONCRETE BASE;~~

~~(III) TOPPED WITH A ROOF THAT IS ANCHORED TO THE FRAME;~~

~~(IV) ATTACHED TO STEEL POLES ON ALL SIDES, INCLUDING THE ROOF; AND~~

~~(V) KEPT LOCKED AT ALL TIMES.~~

(C) ~~(b)~~ *Keeping for display prohibited.*

(1) Except as specified in paragraph (2) of this subsection, no person may keep or allow to be kept on that person's premises any dangerous animal for display or exhibition purposes, whether a fee is charged or not.

(2) This subsection does not apply to any animal show or zoological park licensed under this title.

Subtitle 7. Vicious Dogs

§ 10-702. Keeping vicious dog prohibited.

(a) *In general.*

[Except as specified in subsection (b) of this section, no] NO person may keep IN THE CITY any DOG THAT THE VICIOUS DOG HEARING BOARD DETERMINES UNDER THIS SUBTITLE TO BE A vicious dog [in the City].

(b) *Exception.*

This subtitle does not apply to a dog owned by and working for a law enforcement or other governmental agency.

§ 10-714. Decision.

(a) *In general.*

The decision of the Board must comply with the same requirements as those imposed by Title 2, Subtitle 3 {"Administrative Hearings"} of this article for hearings conducted by the Commissioner.

(b) *Options.*

BASED ON THE FACTS PRESENTED, THE BOARD MUST DETERMINE WHETHER THE DOG:

(1) IS A VICIOUS DOG;

(2) IS NOT A VICIOUS DOG, BUT IS A DANGEROUS ANIMAL; OR

(3) IS NEITHER A VICIOUS DOG NOR A DANGEROUS ANIMAL.

(C) *ACTIONS – DOG FOUND TO BE VICIOUS.*

If the Board [finds] DETERMINES that the dog is vicious, the Board [may issue an order for one or more of the following actions]:

(1) [authorizing] SHALL DIRECT the Commissioner to immediately kill the dog in the most humane way possible; AND

(2) MAY:

(I) [requiring] REQUIRE the owner or keeper to pay all costs of impoundment; AND

[(3) requiring the owner or keeper to undertake any other corrective action; and]

(II) [(4) referring] REFER the matter to the State's Attorney for prosecution.

(D) *ACTIONS – DOG FOUND TO BE DANGEROUS.*

IF THE BOARD DETERMINES THAT THE DOG IS DANGEROUS, BUT NOT VICIOUS, THE BOARD:

(1) SHALL REQUIRE THE OWNER OR KEEPER TO TAKE WHATEVER CORRECTIVE ACTIONS THE BOARD FINDS NECESSARY OR APPROPRIATE; AND

(2) MAY REQUIRE THE OWNER OR KEEPER TO PAY ALL COSTS OF IMPOUNDMENT.

SECTION 2. 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 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved December 3, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-633
(Council Bill 07-835)

AN ORDINANCE CONCERNING

Planned Unit Development – Amendment 4 – Canton Crossing

FOR the purpose of approving certain amendments to the Development Plan of the Canton Crossing Planned Unit Development.

BY authority of
Article - Zoning
Title 9, Subtitles 1 and 5
Baltimore City Revised Code
(Edition 2000)

Recitals

By Ordinance 01-192, as amended by Ordinance 02-369, Ordinance 03-641, and Ordinance 04-873, the Mayor and City Council approved the application of Canton Crossing, LLC, to have certain property located south of Boston Street, the western boundary being east of the Inner Harbor including the riparian rights, the eastern boundary being South Haven Street, and the southern boundary being the southern right-of-way of Danville Avenue extending from the water's edge a distance of 660 feet east of the eastern right-of-way line of Baylis Street, consisting of 67.52 acres, more or less, designated as an Industrial Planned Unit Development and approved the Development Plan submitted by the applicant.

Canton Crossing, LLC, wishes to amend the Development Plan, as previously approved by the Mayor and City Council, to modify the boundaries of the Industrial Planned Unit Development by decreasing the area of the property included within the Planned Unit Development.

On October 4, 2007, representatives of Canton Crossing, LLC, met with the Department of Planning for a preliminary conference to explain the scope and nature of the proposed amendments to the Development Plan.

The representatives of Canton Crossing, LLC, have now applied to the Baltimore City Council for approval of these amendments, and they have submitted amendments to the Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 5 of the Baltimore City Zoning Code.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council approves the amendments to the Development Plan submitted by the Developer, as attached to and made part of this Ordinance, including Exhibit A, "Existing Conditions Plan", dated September 2007, Exhibit B-1, "Master Plan", dated September 2007, Exhibit B-1A, "Enlarged Master Plan", dated September 2007, Exhibit B-2, "Land Use and Heights", dated September 2007, Exhibit B-3A, "Massing Plan", dated September 2007, Exhibit B-4A, "Project Overview & Architectural Order", dated September 2007, Exhibit B-4B, "Pedestrian & Vehicular Circulation Diagram", dated September 2007, Exhibit B-4C, "Site Street Sections", dated September 2007, and Exhibit B-4D, "Retail Area and Street Furniture", dated September 2007. As shown on Exhibits B-1, B-1A, B-2, B-3A, B-4A, B-4B, B-4C, and B-4D, the southern boundary of the Planned Unit Development has been modified by removing the portion of Danville Avenue from the eastern right-of-way line of South Highland Avenue to the western right-of-way line of Baylis Street from the Planned Unit Development, thereby decreasing the size of the property within the Planned Unit Development to approximately 67.19 acres.

SECTION 2. AND BE IT FURTHER ORDAINED, That all plans for the construction of permanent improvements on the property are subject to final design approval by the Planning Commission to insure that the plans are consistent with the Development Plan and this Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying amended Development Plan and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the amended Development Plan; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the amended Development Plan; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the amended Development Plan to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 4. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved December 3, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
ORDINANCE 07-634
(Council Bill 07-839)

AN ORDINANCE CONCERNING

City Property – Renaming the Old Town Fire Station to the Chief Thomas J. Burke Fire Station

FOR the purpose of changing the name of the Old Town Fire Station, located at 1100 Hillen Street, to the Chief Thomas J. Burke Fire Station.

BY authority of
Article 5 - Finance, Property, and Procurement
Section 20-2
Baltimore City Code
(Edition 2000)

Recitals

Thomas J. Burke, Chief of the Fire Department from 1972 until his retirement in 1980, served the City of Baltimore with distinction and honor. A native Baltimorean, in 1947, he was appointed to the Fire Department and assigned to Engine 46. He steadily rose through the ranks, earning promotions to Lieutenant, in 1954, to Captain, in 1956, to Battalion Chief, in 1967, and to Deputy Fire Chief, in 1971.

During his tenure with the Fire Department, he won plaudits from elected officials and community associations and won the respect and admiration of Department members. He worked hard to upgrade the Department's fleet of apparatus and protective equipment, to improve training, and to institute safety and health programs for fire fighters.

During his career, Chief Burke won 3 commendations for bravery. Considered a national expert on fire prevention and code enforcement, he re-wrote fire codes in the City and instituted early fire prevention programs that served as templates for similar efforts across the nation. His innovations and commitment to fire safety and prevention are an enduring legacy that continues to this day.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the name of the Old Town Fire Station, located at 1100 Hillen Street, is changed to the Chief Thomas J. Burke Fire Station.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved December 3, 2007

SHEILA DIXON, Mayor

RESOLUTIONS

PASSED AT THE ANNUAL SESSION

2006-2007

CITY OF BALTIMORE
RESOLUTION 06-020
(Council Bill 06-562)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

A Baltimore City Tribute to Maryland Attorney General J. Joseph Curran, Jr. – "The Conscience of Maryland"

FOR the purpose of paying tribute to a storied public servant who has graced the State of Maryland with nearly a half century of dedicated public service on behalf of those least able to help themselves, fighting tirelessly to empower those of unequal power, striving valiantly to protect the vulnerable young and the fragile aged, working courageously to achieve equality for those treated as less equal, battling to secure protection for consumers from exploitation by big business, and holding to account profiteers whose negligence harmed those dependent upon them for sustenance; and providing for a special effective date.

Recitals

The Honorable J. Joseph Curran, Jr. will retire after 5 terms as the longest-serving elected attorney general in the history of Maryland, having also served terms in the Maryland House of Delegates, the Maryland Senate, and as Lieutenant Governor where he earned the admiration of many and the rancor of some, as a champion of liberal causes.

With apologies to none, Curran has never shied from taking the unpopular stance against what he personally saw as detrimental to the dignity of the individual or society, speaking out for racial and gender equality, against the Vietnam War, and in opposition to capital punishment as "unworthy" of our system of criminal justice.

J. Joseph Curran Jr.'s career-long crusade against gun violence was tragically underscored when the anguish of victims' families was mirrored by that of his own after his father, Council Vice President J. Joseph Curran, Sr., died in the aftermath of the 1976 shootings at temporary City Hall, and he continued to seek legislative changes that would give law enforcement more tools to keep guns out of the hands of the wrong people.

In his unending battle to make Maryland a better place for all who have lacked a voice and needed a champion, Curran has made possible many important legal reforms that put the State at the forefront of national efforts to modernize many aspects of the legal system, lending his authority to bills that created Maryland's Court of Special Appeals and the District Court system and that reformed laws regard alimony and divorce, adoption and guardianship, and medical malpractice.

The premier consumer advocate, his decades-long crusade resulted in over $100 million in recoveries from those who engaged in deceptive and predatory practices of all kinds – he stopped companies from charging low-income Marylanders 700% interest on unconscionable loans, shut down businesses that peddled phony treatments to cancer patients, and cleaned up deceptive sales and repair schemes in the automobile industry.

Taking his advocacy skills to the Supreme Court, the Attorney General won cases that expanded the authority of law enforcement to order passengers out of a lawfully- stopped vehicle when necessary to protect the officer and

that upheld the State's law allowing child abuse victims to testify via one-way television so as not to have to face their abusers.

Curran has also been a leader in antitrust enforcement, recovering more than $5 million in multiple suits against Bristol-Myers Squibb and other pharmaceutical companies for keeping lower cost, generic competitors out of the market; millions more for consumers, charities, and the State's general fund for retail price-fixing against many manufacturers of electronics and other products; and won a multi-states' suit against insurance companies conspiring to keep liability insurance from local government and against contact lens manufacturers for conspiring to keep supply limited and prices high.

From his early support of divorce reform, civil protective orders, and other laws helping abused women, to his creation and stewardship of the Family Violence Council, Curran has been an outspoken and consistent advocate for better laws, innovative programs, and comprehensive training to help victims of domestic violence. He has also advanced legislative and educational outreach efforts to improve the protection of children and adults from sexual violence.

In the area of juvenile crime, the forward thinking Attorney General promoted over many years a variety of juvenile crime prevention programs, and soliciting the advice and cooperation of youth, he made a report, *In Their Own Words*, about how adults can improve their response to teens' problems. He also distributed 600,000 media violence diaries through the schools to help parents monitor their children's consumption of media violence. His focus on the problems faced by elderly Marylanders has been no less strident, as he worked especially to help them cope with health-related and end-of-life issues, as well as their vulnerability to abuse.

A protector of the environment, as well as the people, Curran has long championed the clean-up of the Chesapeake Bay and promoted cleaner air and water for Marylanders through vigorous enforcement of state and federal laws, putting environmental polluters in jail for the first time in Maryland history and recouping millions of dollars in damage coverage for oil spills and billions worth of improvements to the sewer systems of various municipalities.

The Honorable J. Joseph Curran, Jr. has led a professional life of selfless service to the people, the land, and the waters of the State of Maryland, and in return we wish for him, as in the words of the well known Irish toast:

May the wind be always at your back.
May the sun shine warm upon your face.
And rains fall soft upon your fields.
And until we meet again,
May God hold you in the hollow of His hand.

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That this Body offers tribute to a storied public servant who has graced the State of Maryland with nearly a half century of dedicated public service on behalf of those least able to help themselves, who has fought tirelessly to empower those of unequal power, striven valiantly to protect the vulnerable young and the fragile aged, worked courageously to achieve equality for those treated as less equal, battled to secure protection for consumers from exploitation by big business, and held to account profiteers whose negligence harmed those dependent upon them for sustenance.

SECTION 2. AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Honorable J. Joseph Curran, Jr. and Family.

SECTION 3. AND BE IT FURTHER RESOLVED, That this Resolution takes effect on the date it is enacted.

Approved December 13, 2006

MARTIN O'MALLEY, Mayor

CITY OF BALTIMORE
RESOLUTION 07-021
(Council Bill 06-529)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

The Comprehensive Water and Wastewater Plan for Baltimore City

FOR the purpose of adopting a Comprehensive Water and Wastewater Plan for Baltimore City; and providing for a special effective date.

Recitals

WHEREAS, The State of Maryland requires certain counties and the City of Baltimore to review once every 3 years a comprehensive water and wastewater plan and to adopt amendments or revisions thereof if such revisions or amendments are deemed necessary by the governing body of the county or the Maryland Department of the Environment; and

WHEREAS, Acting on behalf of the City of Baltimore, the Department of Public Works has prepared a plan as aforementioned; and

WHEREAS, The City's Capital Improvement Program shall automatically become part of the Comprehensive Water and Wastewater Plan upon approval of the annual Ordinance of Estimates; and

WHEREAS, As minor technical information is received that revises, but does not materially alter the Comprehensive Water and Wastewater Plan after it has been adopted, it may be added to the plan as appropriate replacement pages; and

WHEREAS, The Public Hearing as required by the State has been held.

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Comprehensive Water and Wastewater Plan for Baltimore City, dated 2006, is adopted.

SECTION 2. AND BE IT FURTHER RESOLVED, That in the event it is judicially determined that any word, phrase, clause, sentence, paragraph, section, or part in or of this plan, or the application thereof to any person or circumstance, is invalid, the remaining revisions and the application of such provisions to other persons or circumstances shall not be affected thereby. The Mayor and City Council hereby declaring that they would have ordained the remaining provisions of this plan without the word, phrase, clause, sentence, paragraph, section, or part, or the application thereof, so held invalid.

SECTION 3. AND BE IT FURTHER RESOLVED, That this Resolution takes effect on the date it is enacted.

Approved February 6, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
RESOLUTION 07-022
(Council Bill 06-553)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

Downtown Management District and
Downtown Management Authority

FOR the purpose of renewing and continuing the Downtown Management District and Downtown Management Authority, subject to certain conditions, for an additional 5 years; generally relating to the activities and authority of the Downtown Management District and Downtown Management Authority; and providing for a special effective date.

Recitals

Article 14, Subtitle 1 of the Baltimore City Code (the "Enabling Statute") authorizes the creation of the Downtown Management District (the "District") and the Downtown Management Authority (the "Authority"), subject to certain terms, conditions, and limitations.

Article 14, § 1-20 provides that, no sooner than 4 years and no later than 5 years from the passage of the Enabling Statute, and periodically after that, the City Council must hold a public hearing to evaluate the activities and undertakings of the Authority and the District.

Article 14, § 1-20 further provides that, at the conclusion of the hearing, the City Council must use the procedures described in § 1-19 ("Election Approval Process") to determine whether opposition to continuation of the District exists in excess of certain levels.

On December 10, 1996, Resolution 96-005 was approved to renew and continue the District and the Authority for another 5-year term, ending June 30, 2002. Subsequently, on March 20, 2002, Resolution 02-026 was approved to further renew and continue the District and the Authority for another 5-year term, ending June 30, 2007.

For purposes of determining whether to again renew and continue the District and the Authority, the City Council has held a hearing, as required by Article 14, § 1-20. The City Council finds that, since its establishment, the Authority has initiated and carried out numerous activities and undertakings in support of the objective of the Enabling Statute, including the implementation of public safety, clean-up, maintenance, streetscape improvements, beautification, and marketing activities and programs. These include:

(1) Safety Guides, who patrol the streets everyday and provide safety escorts to downtown employees;

(2) Safety Video Patrol, involving 80 cameras to monitor and prevent potential crimes from occurring;

(3) Clean Sweep Ambassadors, who remove graffiti, pick up trash, and ensure a clean downtown environment;

(4) Supervision of court-mandated community service workers;

(5) Maintenance Training Program, which provides jobs, training, and benefits to formerly homeless individuals;

(6) Homeless outreach in conjunction with the Baltimore Police Department and Baltimore Homeless Services, Inc.;

(7) Anti-panhandling initiatives, working to "take the money out of panhandling";

(8) Streetscape and beautification program, park and green-space maintenance, flower planting and maintenance;

(9) Special maintenance initiatives targeting downtown alleys and areas around hotels and encouraging smokers to dispose of cigarette butts properly;

(10) Comprehensive advertising and marketing campaign promoting Downtown Baltimore as the place to live, work, visit, and invest –

all of which activities and programs support the redevelopment of downtown and address problems facing the Central Business District.

Having evaluated the activities and undertakings of the Authority and the District, the City Council believes that further renewal and continuation of the District and the Authority is in the best interests of the City of Baltimore.

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That, subject to the Renewal Process described in Section 2 of this Resolution, the District and the Authority are renewed and continued for an additional 5 years, from July 1, 2007, through June 30, 2012. However, the Authority may not impose any taxes or charges, other than those in effect on the date of enactment of this Ordinance, until the Renewal Process is completed and certified by the Board of Estimates.

SECTION 2. AND BE IT FURTHER RESOLVED, That the Board of Estimates must use the procedures described in Article 14, § 1-19 to determine whether opposition to continuation of the District exists in excess of the Base Level Protests. If this excess opposition exists, the Board of Estimates must then conduct a referendum, comparable to that described in § 1-19, to determine whether the District should be renewed and continued for another 5 years.

SECTION 3. AND BE IT FURTHER RESOLVED, That this Resolution takes effect on the date it is enacted.

Approved March 19, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
RESOLUTION 07-023
(Council Bill 07-646)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

Murray A. Schmoke, Sr. – In Remembrance

FOR the purpose of honoring the life of Murray A. Schmoke, Sr., retired chemist, learned scholar, gifted musician, loving friend, dedicated family patriarch, and father of former Mayor Kurt L. Schmoke; and providing for a special effective date.

Recitals

On April 14, 2007, the many family, friends, loved ones, and admirers of Murray Schmoke attended a wake and memorial service for him at the Douglas Memorial Church where he worshiped for more than 5 decades and served as president of the choir that was anchored by his booming bass voice.

Mr. Schmoke, who passed away at the age of 79, was born in Raleigh, North Carolina, earned a bachelor's degree from Morehouse College in Atlanta, and moved to Baltimore, in 1949, to take a job as a chemical research scientist at Edgewood Arsenal, later transferring to Aberdeen Proving Ground, where he retired 15 years ago.

An avid reader, the senior Schmoke was known for his scholarly pursuits. He also loved sports and was a season ticket holder for Baltimore Colts games from the 1950's, rarely missing a game, and became a loyal fan of the Ravens, as well. But, as his son, the former Mayor of Baltimore, recalled: "He loved singing more than anything else."

Throughout his life, Murray actively pursued his love of music, starting from the day his mother "forced" him to join the young people's choir in his hometown church in Raleigh, through his membership in the Morehouse College Glee Club, his participation in the famed Great Hymns Choir, and direction of the Douglas Memorial Community Church Choir.

In loving remembrance of his late musical mentor, Mr. Schmoke quoted the words of a favorite hymn that his friend had recited just before he passed away that serve as a fitting tribute to Murray as well:

> *"I'll praise my Maker while I've breath and when my voice is lost in death, praise shall employ my nobler power. My days of praise will ne'er be passed while life and thought of being last or immortality endures."*

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That this Body hereby honors the life of Murray A. Schmoke, Sr., retired chemist, learned scholar, gifted musician, loving friend, dedicated family patriarch, and father of former Mayor Kurt L. Schmoke; and provides for a special effective date.

SECTION 2. AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Mayor, Mrs. Murray A. Schmoke, the Honorable Kurt L. Schmoke and family, and the Mayor's Legislative Liaison to he City Council.

SECTION 3. AND BE IT FURTHER RESOLVED, That this Resolution takes effect on the date it is enacted.

Approved April 25, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
RESOLUTION 07-024
(Council Bill 07-662)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

Operating Budget for the Baltimore City Board of School Commissioners for the Fiscal Year Ending June 30, 2008

FOR the purpose of approving the budget estimated to be needed for the Baltimore City Board of School Commissioners for operating programs during Fiscal 2008: providing for certification of the approved budget to the State Superintendent of Schools; and providing for a special effective date.

BY authority of
Article – Education
Section(s) 5-102
Annotated Code of Maryland
(1997 Replacement Volume and Supplement)

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the following amounts or so much thereof as shall be sufficient are hereby approved from the amounts estimated to be available in the designated funds during the fiscal year ending June 30, 2008.

Operating Budget

Baltimore City Public School System

Expense By Fund

Board of School Commissioners:

Board of School Commissioners		
Education	**$**	**1,847,074**
Restricted/Other Funds	**$**	**0**
Total	**$**	**1,847,074**
Chief Executive Officer:		
Chief Executive Officer - Administration		
Education	$	2,449,364
Restricted/Other Funds	$	0
Total	**$**	**2,449,364**
Office of Legal Counsel		
Education	$	2,648,158
Restricted/Other Funds	$	84,985
Total	**$**	**2,733,143**
Human Resources Officer		
Education	$	8,210,016
Restricted/Other Funds	$	0
Total	**$**	**8,210,016**
Research, Evaluation, Assessment, and Accountability Office		
Education	$	4,435,965
Restricted/Other Funds	$	0
Total	**$**	**4,435,965**

Office of Communications		
Education	$	858,406
Restricted/Other Funds	$	0
Total	**$**	**858,406**
Summary - Chief Executive Officer		
Education	**$**	**18,601,909**
Restricted/Other Funds	**$**	**84,985**
Total	**$**	**18,686,894**
Chief of Staff:		
Office of the Chief of Staff		
Education	**$**	**497,413**
Restricted/Other Funds	**$**	**0**
Total	**$**	**497,413**
Chief Academic Officer:		
Chief Academic Officer - Administration		
Education	**$**	**6,739,458**
Restricted/Other Funds	**$**	**2,610,521**
Total	**$**	**9,349,979**
Charter Schools		
Education	**$**	**34,000,000**
Restricted/Other Funds	**$**	**1,784,680**
Total	**$**	**35,784,680**
General Instruction: Schools		
Education	**$**	**335,510,705**
Restricted/Other Funds	**$**	**28,764,757**
Total	**$**	**364,275,462**
Academic Achievement Office Administration		
Education	$	744,501
Restricted/Other Funds	$	0
Total	**$**	**744,501**
Office of Early Learning		
Education	$	2,433,413
Restricted/Other Funds	$	80,000
Total	**$**	**2,513,413**
Literacy Office		
Education	$	1,253,665
Restricted/Other Funds	$	320,000
Total	**$**	**1,573,665**

Mathematics Office		
Education	$	1,869,479
Restricted/Other Funds	$	240,000
Total	**$**	**2,109,479**
Teacher and Principal Quality Office		
Education	$	5,322,995
Restricted/Other Funds	$	80,000
Total	**$**	**5,402,995**
Textbooks Replacement		
Education	$	11,445,000
Restricted/Other Funds	$	0
Total	**$**	**11,445,000**
Curriculum and Instruction – High School Assessment		
Education	$	5,544,943
Restricted/Other Funds	$	0
Total	**$**	**5,544,943**
Curriculum and Instruction – Multicultural Summary		
Education	$	1,254,637
Restricted/Other Funds	$	6,616,950
Total	**$**	**7,871,587**
Curriculum and Instruction – English Language Learners		
Education	$	557,264
Restricted/Other Funds	$	311,396
Total	**$**	**868,660**
Curriculum and Instruction – Gifted and Talented Education, Ingenuity, and Visual and Performing Arts		
Education	$	3,535,000
Restricted/Other Funds	$	0
Total	**$**	**3,535,000**
Career and Technology Education Program		
Education	$	498,812
Restricted/Other Funds	$	2,012,593
Total	**$**	**2,511,405**
Summary – Deputy Academic Achievement Officer		
Education	**$**	**34,459,709**
Restricted/Other Funds	**$**	**9,660,939**
Total	**$**	**44,120,648**
Special Education Officer Administration		
Education	$	3,855,089
Restricted/Other Funds	$	3,229,298
Total	**$**	**7,084,387**

Remedy Services		
Education	$	1,274,831
Restricted/Other Funds	$	705,934
Total	**$**	**1,980,765**
Administrative Policies, Procedures, and Support		
Education	$	64,129,924
Restricted/Other Fund	$	1,680,551
Total	**$**	**65,810,475**
Related Services		
Education	$	9,201,758
Restricted/Other Funds	$	2,836,284
Total	**$**	**12,038,042**
Individualized Education Plan (IEP) Team		
Education	$	1,421,388
Restricted/Other Funds	$	171,651
Total	**$**	**1,593,039**
Low Incidence and Inclusion Office		
Education	$	2,473,979
Restricted/Other Funds	$	1,171,115
Total	**$**	**3,645,094**
Office of Special Education Monitoring and Compliance		
Education	$	1,139,171
Restricted/Other Funds	$	236,360
Total	**$**	**1,375,531**
Schools – Psychological Services		
Education	$	7,566,651
Restricted/Other Funds	$	307,452
Total	**$**	**7,874,103**
Schools – Social Work Services		
Education	$	12,195,148
Restricted/Other Funds	$	802,077
Total	**$**	**12,997,225**
Schools – Special Education Instruction		
Education	$	89,646,247
Restricted/Other Funds	$	10,113,780
Total	**$**	**99,760,027**
Schools – Speech and Language Services		
Education	$	8,572,482
Restricted/Other Funds	$	2,032,949
Total	**$**	**10,605,431**

Summary – Deputy Special Education Officer		
Education	**$**	**201,476,668**
Restricted/Other Funds	**$**	**23,287,451**
Total	**$**	**224,764,119**
Summer Learning		
Education	$	4,375,000
Restricted/Other Funds	$	3,057,930
Total	**$**	**7,432,930**
Extended Learning		
Education	$	2,961,210
Restricted/Other Funds	$	0
Total	**$**	**2,961,210**
School Improvement		
Education	$	406,016
Restricted/Other Funds	$	0
Total	**$**	**406,016**
Student Support Services		
Education	$	5,729,299
Restricted/Other Funds	$	10,353,016
Total	**$**	**16,082,315**
Parent and Community Involvement		
Education	$	621,731
Restricted/Other Funds	$	536,699
Total	**$**	**1,158,430**
Academic Support Services Administration		
Education	$	45,000
Restricted/Other Funds	$	0
Total	**$**	**45,000**
Data Monitoring, Compliance, and Support		
Education	$	1,692,497
Restricted/Other Funds	$	156,000
Total	**$**	**1,848,497**
Student Placement and Records		
Education	$	765,012
Restricted/Other Funds	$	0
Total	**$**	**765,012**
Summary – Student Support Officer		
Education	**$**	**16,595,765**
Restricted/Other Funds	**$**	**14,103,645**
Total	**$**	**30,699,410**

Office of Federal Programs/Title I

Education	**$**	**257,895**
Restricted/Other Funds	**$**	**18,665,257**
Total	**$**	**18,923,152**

Learning Technology

Education	**$**	**647,780**
Restricted/Other Funds	**$**	**576,283**
Total	**$**	**1,224,063**

Cooperative Audit Resolution and Oversight Initiative

Education	**$**	**4,750,000**
Restricted/Other Funds	**$**	**0**
Total	**$**	**4,750,000**

Substitute Teachers

Education	**$**	**4,000,000**
Restricted/Other Funds	**$**	**0**
Total	**$**	**4,000,000**

Summary - Chief Academic Officer

Education	**$**	**638,437,980**
Restricted/Other Funds	**$**	**99,453,533**
Total	**$**	**737,891,513**

Chief Operating Officer:

Chief Operating Officer - Administration

Education	$	965,577
Restricted/Other Funds	$	0
Total	**$**	**965,577**

Student Transportation

Education	$	31,244,294
Restricted/Other Funds	$	680,000
Total	**$**	**31,924,294**

Mail Distribution

Education	$	630,914
Restricted/Other Funds	$	0
Total	**$**	**630,914**

School Police

Education	$	8,854,320
Restricted/Other Funds	$	0
Total	**$**	**8,854,320**

Facilities Design and Construction

Education	$	3,260,711
Restricted/Other Funds	$	0
Total	**$**	**3,260,711**

Facilities Maintenance – Trades and Inspections		
Education	$	84,618,152
Restricted/Other Funds	$	0
Total	**$**	**84,618,152**
Health and Safety		
Education	$	715,535
Restricted/Other Funds	$	0
Total	**$**	**715,535**
Food Services		
Education	$	0
Restricted/Other Funds	$	24,672,321
Total	**$**	**24,672,321**
Subtotal – Chief Operating Officer		
Education	**$**	**130,289,503**
Restricted/Other Funds	**$**	**25,352,321**
Total	**$**	**155,641,824**
Chief Financial Officer:		
Chief Financial Officer		
Education	$	5,700,353
Restricted/Other Funds	$	6,100,654
Total	**$**	**11,801,007**
Information Technology		
Education	$	34,622,690
Restricted/Other Funds	$	0
Total	**$**	**34,622,690**
Summary – Chief Financial Officer		
Education	**$**	**40,323,043**
Restricted/Other Funds	**$**	**6,100,654**
Total	**$**	**46,423,697**
Fringe Benefits:		
Education	**$**	**169,338,118**
Restricted/Other Funds	**$**	**12,297,786**
Total	**$**	**181,635,904**
Special Leave Situations:		
Education	**$**	**1,363,994**
Restricted/Other Funds	**$**	**0**
Total	**$**	**1,363,994**
Debt Service:		
Education	**$**	**17,833,867**
Restricted/Other Funds	**$**	**0**
Total	**$**	**17,833,867**

Contribution to Contingency Reserve:		
Education	**$**	**10,000,000**
Restricted/Other Funds	**$**	**0**
Total	**$**	**10,000,000**
Total Expenses		
Education	**$**	**1,028,532,901**
Restricted/Other Funds	**$**	**143,289,279**
Total	**$**	**1,171,822,180**

SECTION 2. AND BE IT FURTHER RESOLVED, The foregoing amounts in summary are funded from the following sources:

City of Baltimore	$	207,940,795
State of Maryland	$	818,369,173
Federal	$	138,314,766
Other	$	7,197,446
	$	**1,171,822,180**

SECTION 3. AND BE IT FURTHER RESOLVED, That the Capital Budget of Baltimore City Public School Systems consists of $45,694,000 for the fiscal year ending June 30, 2008. Sources of these funds are $18,000,000 from City of Baltimore General Obligation Bonds and $27,694,000 from the State of Maryland.

The uses of these capital funds are for the following projects:

Systemic Improvements	$	12,326,000
Carver High School #454	$	10,800,000
Paul Laurence Dunbar High School #414	$	16,666,000
Leith Walk Elementary School #245	$	425,000
Violetville K-8	$	1,000,000
Edgewood Elementary	$	856,000
Thomas G. Hayes Elementary	$	305,000
Dr. Samuel L. Banks High School #420	$	851,000
Dr. Martin Luther King Elementary/Middle	$	293,000
Claremont Special Education	$	449,000
Reginald S. Lewis High School #419	$	1,723,000
	$	45,694,000

SECTION 4. AND BE IT FURTHER RESOLVED, That when enacted, this Resolution shall be certified to the State Superintendent of Schools.

SECTION 5. AND BE IT FURTHER RESOLVED, That this Resolution takes effect July 1, 2007.

Approved June 11, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
RESOLUTION 07-025
(Council Bill 07-705)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

Congratulations to the Johns Hopkins Blue Jays Mens Lacrosse Team for Winning the 2007 NCAA National Lacrosse Championship

FOR the purpose of congratulating the Johns Hopkins Blue Jays on their record setting 9th national lacrosse championship, and their 2nd in the last 3 years, winning the 2007 NCAA Men's Lacrosse Championship in an extremely close 12-11 game in front of a record 48,443 fans in Baltimore's M&.T Bank Stadium; offering congratulations to Coach Dave Pietramala on another fine Blue Jays season; sending respect to Hopkins Goalie Jesse Schwartzman who made 15 saves in the final and was named the tournament's most valuable player; and wishing many more victorious seasons to the entire Johns Hopkins Lacrosse team, families, associates and fans; and providing for a special effective date.

Recitals

The Johns Hopkins Blue Jays, in a close 1-goal victory, defeated the top ranked Duke Blue Devils, 12-11 in the final tournament game of the NCAA Division I Men's Lacrosse Championship, this coming after decisive wins versus Georgetown and University of Delaware in the previous 2 rounds of play.

The Blue Jays brought their 9th championship, their 2nd in the past 3 seasons, back to Baltimore and completed an improbable season with a stunningly entertaining upset victory. With a never say die attitude, positive frame of mind, and a willingness to go the distance and overcome any obstacles in their path, the Johns Hopkins Blue Jays have once again earned our respect and admiration.

Baltimore owes the Johns Hopkins men's lacrosse team much thanks for reminding everyone why we are the epicenter of lacrosse in the nation, and for showing us that through hard work and determination, we can achieve our goals. Even in the path of great adversity, with the proper guidance and directed effort, the odds can be overcome, and we can all raise our arms in the joy of victory.

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That this Body congratulates the Johns Hopkins Blue Jays on their 9th national lacrosse championship, and their 2nd in the last 3 years, winning the 2007 NCAA Men's Lacrosse Championship in an extremely close 12-11 game in front of a record 48,443 fans in Baltimore's M&.T Bank Stadium; offering congratulations to Coach Dave Pietramala on another fine Blue Jays season; sending respect to Hopkins Goalie Jesse Schwartzman who made 15 saves in the final and was named the tournament's most valuable player; and wishing many more victorious seasons to the entire Johns Hopkins Lacrosse team, families, associates and fans.

SECTION 2. AND BE IT FURTHER RESOLVED, That this Resolution takes effect on the date it is enacted.

Approved June 13, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
RESOLUTION 07-026
(Council Bill 07-707)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

Parren J. Mitchell: 1922-2007 – A Champion of Social Justice

FOR the purpose of paying tribute to Parren J. Mitchell, Baltimore's native son, Maryland's 1st black Congressman, and America's social conscience, expressing appreciation for his many contributions to achieving a more equal and just society for all, and providing for a special effective date.

Recitals

Parren J. Mitchell, elected in 1970 to the first of 8 terms in Congress from the 7th district after holding positions in 2 Mayoral administrations and a founding member of the Congressional Black Caucus, worked dauntlessly throughout his 16 years of representing Baltimore to ensure that minority businesses received an equitable share of tax-funded public works projects and to bring attention to instances of job discrimination on Baltimore's waterfront and at the Social Security Administration headquarters, in Woodlawn.

The younger brother of Clarence J. Mitchell, Jr., the NAACP lobbyist and Civil Rights icon, committed his life to attaining racial equality upon hearing his elder brother's account of the lynching of a black man in the South, and he never wavered from that goal, serving as Executive Director of the Baltimore Community Action Agency for 2 administrations where he mediated relations between civil rights groups and local government and made a name for himself in Washington, D.C., as a most effective anti-poverty administrator.

Elected to Congress during times of social unrest caused by opposition to the Vietnam War and the assassinations of Dr. Martin Luther King and Senator Robert F. Kennedy, he and 12 black members of Congress boycotted President Nixon's State of the Union address, and shortly after, as a member of the newly-formed Congressional Black Congress, he was part of a historic meeting with the President.

A member of the Committee on the Budget and the Banking, Finance, and Urban Affairs Committee, Mitchell became chairman of the Committee on Small Business at the beginning of the 97th Congress, in 1981, and he used his position to advocate legislation that promoted minority-owned businesses. In order to provide these businesses with more opportunity to procure contracts awarded by the Defense Department, he successfully fought to remove departmental limits on the number of companies permitted to bid for spare parts contracts.

In 1996, a group of successful business owners, committed to cultivating future leaders in the minority community, formed the Parren J. Mitchell Foundation for Education and Talent Development. Members, many of whom were mentored by Parren J. Mitchell, set out to establish an organization that would "continue the Congressman's legacy of effective leadership that serves the greater good and ensures equality for all."

True to his own words, Parren J. Mitchell not only talked the talk, he walked the walk – "If you believe in fighting racism, you make a commitment for the rest of your life. There's no getting off the train."

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the City of Baltimore hereby pays tribute to Parren J. Mitchell, Baltimore's native son, Maryland's 1st black Congressman, and America's social conscience, and expresses our appreciation for his many contributions to achieving a more equal and just society for all.

SECTION 3. AND BE IT FURTHER RESOLVED, That this Resolution takes effect on the date it is enacted.

Approved June 13, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
RESOLUTION 07-027
(Council Bill 07-708)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

In Honor of Irma Johnson – the National Association of Elementary School Principals' 2007 Maryland Distinguished Principal of the Year

FOR the purpose of congratulating Irma Johnson, Principal, Dallas F. Nicholas Elementary School, on being named the 2007 Maryland Distinguished Principal of the Year by the National Association of Elementary School Principals and commending her 32 years of dedicated service to the Baltimore City Public School System; and providing for a special effective date.

Recitals

The National Association of Elementary School Principals, founded in 1921, by a group of 51 principals seeking to promote their profession and to provide a national forum for their ideas, today represents 30,000 elementary and middle school principals who are dedicated to ensuring that all children get the best education possible and has become the most powerful voice of Pre-K– 8 principals across the United States and around the world.

The National Distinguished Principals Program was established in 1984, as an annual event to honor exemplary elementary and middle school principals who set the pace, character, and quality of the education children receive during their early school years. One principal is chosen annually from each of the 50 states and the District of Columbia; principals representing private K-8 schools, Department of Defense Dependent's Schools, and the U.S. Department of State Overseas Schools are also eligible.

Public school principals are nominated by peers in their home states, and the final selection for each state's National Distinguished Principal is made by the organization's affiliates, while honorees from private schools and overseas schools are selected by special committees based on the following criteria that the selected principal:

- is an active principal of a school in which a commitment is clearly evident through programs designed to meet the academic and social needs of all students and through firmly established community ties with parents and local business organizations;
- has been an active principal for at least 5 years;
- will be an active principal during the year in which he/she will receive the award;
- shows a strong commitment to the principalship through active membership in professional organizations;
- is respected by students, colleagues, parents, and the community at large;

- assumes an active role in his/her community, distinguishing himself/herself as a leader in civic, religious, or humanitarian activities;
- shows strong educational leadership by setting high expectations for school staff and students;
- maintains an orderly, purposeful learning environment.

Ms. Irma Johnson began, in 1975, to demonstrate those qualities that ultimately led to her being honored with the Distinguished Principal Award, after receiving her undergraduate degree from the University of Maryland, College Park and beginning her teaching career as a primary special education teacher at George Street Elementary School. She continued her education with a Master's Degree from Coppin State University and is currently a Doctoral Candidate at Nova Southeastern University.

Ms. Johnson credits her life-long love of learning and educating others to a strong family background that emphasized the importance of education as personal wealth "that no one can take away".

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That this Body hereby congratulates Irma Johnson, Principal, Dallas F. Nicholas Elementary School, on being named the 2007 Maryland Distinguished Principal of the Year by the National Association of Elementary School Principals and commends her 32 years of dedicated service to the Baltimore City Public School System.

SECTION 2. AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to Ms. Irma, Johnson, Principal, Dallas F. Nicholas Elementary School, the CEO of the Baltimore City Public School System, the Secretary of the Maryland State Department of Education, and the President, National Association of Elementary School Principals.

SECTION 3. AND BE IT FURTHER RESOLVED, That this Resolution takes effect on the date it is enacted.

Approved June 13, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
RESOLUTION 07-028
(Council Bill 07-709)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

In Honor of Leah Waller – 2007 Baltimore City Public School System Teacher of the Year

FOR the purpose of congratulating Leah Waller, 1st Grade Teacher, Maree Garnett Farring Elementary School, on being named the Baltimore City Public School System's Teacher of the Year for 2007, expressing appreciation for her 8 years of dedicated service to the children of Baltimore, and supporting her candidacy for Maryland Teacher of the Year; and providing for a special effective date.

Recitals

In announcing that Leah Waller, a 1st grade teacher at Maree Garnett Farring Elementary School, #203, 300 Pontiac Avenue, had been named the Baltimore City Public School System's Teacher of the Year for 2007, the interim CEO aptly commented: "Ms. Waller represents the best and brightest of Baltimore's teacher workforce. Her achievements are especially notable because she is so early into her teaching career. I am especially excited to

have this opportunity to extend my personal thanks for her deep level of commitment to the children of Baltimore City."

Ms. Waller, an 8 year veteran of the Baltimore City Public School System, received a teaching degree in her native Ukraine and continued her education in this country, receiving a Bachelor of Arts and a Master of Education degree in Early Childhood Education from Towson University. She shares her knowledge with other education professionals as a "demonstration teacher" for the Children's Literacy Initiative and as a mentor to student teachers and new educators.

The Teacher of the Year is selected by a Blue Ribbon Committee made up of Baltimore City school officials and members of the Baltimore Teachers Union. As Baltimore City Teacher of the Year, Leah Waller will go on to compete for Maryland Teacher of the Year, the program that brings recognition to excellence in the classroom by educators throughout the State. All local Teachers of the Year are honored by the Maryland State Board of Education. The Teacher chosen as Maryland Teacher of the Year represents Maryland teachers on numerous State committees and advisory boards and addresses a variety of conferences and conventions throughout the 1 year reign. The Maryland Teacher of the Year will be announced at a gala awards dinner in the fall of 2007.

Ms. Waller, whose special areas of interest are technology integration into classroom instruction and parent involvement, is also active in her community. She tutors students at the Jemicy School, serves as a camp counselor, and teaches in after school and summer programs. She is a worthy role model not only in her school, but also in her community.

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, This Body hereby congratulates Leah Waller, 1st Grade Teacher, Maree Garnett Farring Elementary School, on being named the Baltimore City Public School System's Teacher of the Year for 2007, expresses appreciation for her 8 years of dedicated service to the children of Baltimore, and supports her candidacy for Maryland Teacher of the Year.

SECTION 2. AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to Ms. Leah Waller, the Principal of Maree Garnett Farring Elementary School, the CEO of the Baltimore City Public School System, and the Secretary of the Maryland State Department of Education.

SECTION 3. AND BE IT FURTHER RESOLVED, That this Resolution takes effect on the date it is enacted.

Approved June 13, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
RESOLUTION 07-029
(Council Bill 07-748)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

In Appreciation of Cardinal William H. Keeler

FOR the purpose of expressing appreciation to Cardinal Keeler for his 18 years of spiritual leadership to Baltimore's Catholic faithful, his untiring efforts to promote interfaith communication among Baltimoreans of divergent faiths, and his exemplary ministry of tending to the physical hunger, as well as to the spiritual needs, of the less fortunate among us; and providing for a special effective date.

Recitals

As the 14th archbishop in Baltimore City, Cardinal William H. Keeler will be remembered for leading the more than $32 million restoration of the Basilica of the Assumption, the 1st cathedral constructed within the United States, at the same time restoring recognition of the Archdiocese of Baltimore as the Premier See – the 1st American diocese.

As the spiritual leader of Baltimore's 500,000 Catholics and 151 parishes, he is loved as a leader who embraced diversity, making an effort to address his congregants in their native tongues. As a member of the larger faith community, he is recognized by Jews, Protestants, Muslims, and those of all faiths as a tireless champion of interfaith dialogue. And as an advocate for the poor, he is admired for expanding the services of Our Daily Bread soup kitchen.

Archbishop Keeler spent more than half of his career in the Diocese of Harrisburg – first as a parish priest, then becoming an auxiliary bishop in 1979, and becoming Bishop of Harrisburg in 1983. He served as Chairman of the Bishops' Committee for Ecumenical and Interreligious Affairs from 1984 to 1987, before being appointed Archbishop of Baltimore on April 11, 1989. After being elected President of the National Conference of Catholic Bishops and the U.S. Conference of Catholic Bishops in 1992, he was named a Cardinal on November 28, 1994, by Pope John Paul II.

By October 2005, the Archbishop had served as a priest for ½ century and celebrated this milestone during a special Mass at the Cathedral of Mary Our Queen, with hundreds of parishioners and well-wishers. On that occasion, the Archbishop said "These years have been years of blessings". The years that Cardinal William H. Keeler spends with us are, indeed, years of blessings to all the citizens of Baltimore City.

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That this Body and the citizens of Baltimore City express appreciation to Cardinal Keeler for his 18 years of spiritual leadership to Baltimore's Catholic faithful, his untiring efforts to promote interfaith communication among Baltimoreans of divergent faiths, and his exemplary ministry of tending to the physical hunger, as well as to the spiritual needs, of the less fortunate among us.

SECTION 2. AND BE IT FURTHER RESOLVED, That a copy of this Resolution be presented to Cardinal William H. Keeler.

SECTION 3. AND BE IT FURTHER RESOLVED, That this Resolution takes effect on date it is enacted.

Approved July 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
RESOLUTION 07-030
(Council Bill 07-749)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

Baltimore City Welcomes Archbishop Edwin F. O'Brien

FOR the purpose of welcoming Archbishop Edwin F. O'Brien to our City, expressing appreciation for his brave ministering to U.S. troops on the battlefield, recognizing his many years of dedicated service to the Archdiocese of New York and the North American College in Rome, and celebrating his installation as the 15th Bishop of this Premier See on October 1, 2007; and providing for a special effective date.

Recitals

The Archdiocese for the Military Services, USA resume of Archbishop O'Brien states that dining with devoted 17-year-old sailors on the aircraft carrier Theodore Roosevelt somewhere in the Gulf and waking up to the footsteps of young soldiers resolutely going about their duty in the dark, outside a tent in Kosovo, are the experiences that inspired the Archbishop in his ministry as shepherd to the U.S. servicemen and women, their families, and their chaplains.

Calling his ministry the greatest job in the world, the Archbishop, who has said: "Our men and women in uniform have already sacrificed so much, they shouldn't have to sacrifice their faith", began his service to the military in 1965, with his 1st assignment to West Point as a parish priest and civilian chaplain. Seeing that he was blessing new cadets in May and burying them in December, then Fr. O'Brien became a military chaplain.

The Archbishop served a "hands-on" tour of duty in Vietnam where he lived out of helicopters, trying to bring healing to troops tired of the fighting, demoralized by war protests at home, and tempted by easily available drugs. He left the military chaplaincy in 1973, for doctoral studies in Rome, but in the following 20 years of his service to the Archdiocese of New York and the North American College in Rome, he never forgot his experience as a military chaplain, nor the men and women who were willing to sacrifice their lives for freedom and for their country.

In 1997, Edwin O'Brien was named Archbishop for Military Services and returned to the service of the brave men, women, and families of the military. In 2007, we are proud to welcome this brave and dedicated man to our lovely City, the birthplace of American Catholicism, where he will take over an archdiocese of 500,000 Catholics and 151 parishes and become part of a huge faith community that attends to the spiritual needs of people from many faiths, ethnicities, and countries of origin.

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That this Body and the citizens of Baltimore welcome Archbishop Edwin F. O'Brien to our City, express appreciation for his brave ministering to U.S. troops on the battlefield, recognize his many years of dedicated service to the Archdiocese of New York and the North American College in Rome, and celebrate his installation as the 15th Bishop of this Premier See on October 1, 2007.

SECTION 2. AND BE IT FURTHER RESOLVED, That a copy of this Resolution be presented to Archbishop Edwin F. O'Brien.

SECTION 3. AND BE IT FURTHER RESOLVED, That this Resolution takes effect on the date it is enacted.
Approved July 27, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
RESOLUTION 07-031
(Council Bill 07-712)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

Charter Amendment – Procurement

FOR the purpose of ~~updating the rules governing the procurement of public works, supplies, materials, equipment, or services; authorizing the adjustment from time to time, by Ordinance, of certain threshold dollar amounts; modifying the advertising requirements;~~ authorizing certain performance bonds, letters of credit, or

certifications to be on an annual contract-price basis; correcting, clarifying, and conforming certain language; and submitting this amendment to the qualified voters of the City for adoption or rejection.

BY proposing an amendment to
Article VI - Board of Estimates
Section(s) ~~11~~ 11(g)
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the City Charter is proposed to be amended to read as follows:

Baltimore City Charter

Article VI. Board of Estimates

§ 11. Procurement.

~~(a) (1) The Board of Estimates [shall be] IS responsible for awarding contracts and supervising all purchasing by the City, as provided in this section and elsewhere in the Charter.~~

~~(2) BY ORDINANCE, THE MAYOR AND CITY COUNCIL MAY ADJUST ONE OR MORE OF THE DOLLAR AMOUNTS SPECIFIED IN THIS SECTION FOR DETERMINING WHICH CONTRACTS OR PURCHASES REQUIRE CERTAIN APPROVALS, PUBLISHED ADVERTISEMENTS, OR OTHER PROCEDURES.~~

~~(b) (1) [(i)] In contracting for any public work[,] or FOR the purchase of any supplies (unless otherwise provided by ordinance for foodstuffs and related perishables), materials, equipment, or services (other than professional services)[,] involving an expenditure of [twenty-five thousand dollars] $25,000 or more, for the City or by any municipal agency, [advertisements] REQUESTS for proposals shall [first] be [published] ADVERTISED, UNLESS OTHERWISE PROVIDED IN THIS CHARTER, at least [twice] ONCE in two or more daily newspapers [published] OF GENERAL CIRCULATION in Baltimore City[, unless otherwise provided by the Charter].~~

~~(2) The first [publication] ADVERTISEMENT shall be made not less than [ten] 10 nor more than [ninety] 90 days [prior to] the day set for opening [the] bids.~~

~~[(ii) The City Council, by ordinance adopted by a majority of the members, may increase or decrease the dollar amounts provided in this subsection (b) for contracts requiring published advertisements.]~~

~~(3) [(iii)] The contract for any public work or FOR the purchase of any supplies (unless otherwise provided by ordinance for foodstuffs and related perishables), materials, equipment, or services (other than professional services)[,] involving an expenditure of [five thousand dollars] $5,000 or more shall be made by the Board of Estimates in the manner provided in subsection (g).~~

~~(c) All professional services contracted for by the City shall be engaged in the manner prescribed by resolution of the Board of Estimates.~~

~~(d) (1) [(i)] When any supplies, materials, equipment, services, or public works are of [such] a nature that no advantage will result in seeking, or it is not practicable to obtain, competitive bids, or when the need for [such] THOSE supplies, materials, equipment, services, or public works is of an emergency nature, and the using agency certifies this in writing to the Board of Estimates, with written notice to the Department of Finance, the provisions of subsection (b) may be dispensed with, but [such] THE purchase [shall] MAY not be made, nor [shall] MAY the City incur any obligation [therefor] FOR THE PURCHASE, until approved by the Board of Estimates after considering the recommendation of the Department of Finance.~~

~~(2) [(ii)] In [the event of] an emergency of [such] a nature that the public welfare would be adversely affected by awaiting [the] approval of the Board of Estimates, the Department of Finance, [upon] ON application by the head of the municipal agency involved, may proceed to obtain the supplies, materials, equipment, services, or public works required without reference to the provisions of subsection (b)[;]. [a] A full report of [any such] THAT action shall be promptly submitted to the Board of Estimates.~~

~~(e) (1) All purchases of services (other than professional services), of property other than real estate or interests [therein] IN REAL ESTATE [(except as may be otherwise provided by ordinance for foodstuffs and related perishables),] and all other contracts (EXCEPT AS MAY BE OTHERWISE PROVIDED BY ORDINANCE FOR FOODSTUFFS AND RELATED PERISHABLES) involving an expenditure of more than $5,000 and less than $25,000, except those awarded by the Board of Estimates [pursuant to the provisions of] UNDER subsection (g), made by any municipal agency, in addition to compliance with other applicable provisions of the Charter, shall be submitted to the Board of Estimates for its approval and shall be binding [upon] ON the City only when so approved.~~

~~(2) The Board of Estimates may adopt rules and regulations governing the procedures and requirements to be followed by any municipal agency in making purchases or other contracts involving an expenditure of less than $25,000.~~

~~(f) In contracting for any public work or FOR the purchase of any supplies, materials, equipment, or services for the City or by any municipal agency, the Board of Estimates may establish, maintain, and modify rules, regulations, and standards for the prequalification of bidders.~~

(g) (1) (i) All bids made to the City in response to the formal advertising procedures contained in this section, for materials, supplies, equipment, services, or public works, or for any other purpose, unless otherwise provided in the Charter, shall be opened by the Board of Estimates.

(II) [The] AFTER OPENING THE BIDS, THE Board of Estimates[, after opening the bids,] shall award the contract, as an entirety to the lowest RESPONSIVE AND responsible bidder[,] or by items to the respective lowest RESPONSIVE AND responsible bidders, or shall reject all bids[;]. [provided, however, that] HOWEVER, whenever alternative bids are invited for two or more different things, then, after all bids have been opened, the Board may select the particular thing [which shall] THAT WILL be procured, and shall award the contract to the lowest RESPONSIVE AND responsible bidder for that particular thing.

(III) In the event of tie bids, the using agency, with written notice to the Department of Finance, shall make a written recommendation and report to the Board of Estimates setting forth all pertinent considerations and the reasons for its recommendation. The Board, after also considering the recommendation of the Department of Finance, may then award the contract in its discretion, [provided that] AS LONG AS the total cost to the City [shall] DOES not exceed the amount of the tie bid.

(IV) [Bids when] ONCE filed, [shall be] BIDS ARE irrevocable.

(V) Any recommendation [which may be] THAT IS made by any municipal agency to the Board of Estimates as to the appropriate award to be made by the Board [shall be] IS advisory only and not binding [upon] ON the Board.

(VI) Notwithstanding the competitive bid provisions of [the] THIS Charter, [after making appropriate findings,] the Board of Estimates[, by uniform rule or regulation,] may [provide] ADOPT RULES AND REGULATIONS THAT ESTABLISH UNIFORM PROCEDURES FOR PROVIDING, [a limited bid preference to a responsible bidder] on a neighborhood service, neighborhood public work, or neighborhood public improvement contract, LIMITED BID PREFERENCES TO RESPONSIVE AND RESPONSIBLE BIDDERS [if that responsible bidder is a resident] WHO ARE RESIDENTS of, or [has its] HAVE THEIR principal [place] PLACES of business in, that neighborhood.

(2) (I) [(ii)] All bids shall be accompanied by a check or a bid bond.

(II) [The] EXCEPT AS OTHERWISE PROVIDED IN THIS PARAGRAPH (2), THE check shall be a certified check of the bidder, a bank cashier's check, or a bank treasurer's check, drawn [upon] ON a clearing house bank. The check shall be in an amount provided by ordinance, by the bid specifications, or by an order or regulation of the using agency. In the case of bid checks of $5,000 or less, the check may be of any type drawn [upon] ON any banking institution of the United States.

(III) The bid bond shall be in the form and amount provided by THE rules and regulations [adopted by] OF the Board of Estimates, and shall be filed by the bidder with the Department of Finance.

(3) (I) [(iii)] The successful bidder promptly shall execute a formal contract, to be approved as to its form, terms, and conditions by the City Solicitor, and [such] THE bidder shall also execute and deliver to the Mayor[, in the amount of the contract price,] a good and sufficient performance bond, irrevocable letter of credit, or certification that the successful bidder meets the requirements under the City's self-insurance program for performance coverage.

(II) THE BOND, LETTER OF CREDIT, OR CERTIFICATION SHALL BE:

1. IN AN AMOUNT EQUAL TO THE FULL CONTRACT PRICE; OR

2. FOR EACH YEAR IN A MULTI-YEAR CONTRACT (OTHER THAN A CONSTRUCTION CONTRACT), IN AN AMOUNT EQUAL TO THE ESTIMATED CONTRACT PRICE FOR THAT YEAR, AS DETERMINED BY THE DIRECTOR OF FINANCE.

(III) Any successful bidder who fails to execute promptly and properly the required contract, performance bond, irrevocable letter of credit, or certification, as [is] applicable, shall forfeit the amount deposited, or an equivalent amount under the bid bond. This amount shall be taken and considered as liquidated damages and not as penalty for the BIDDER'S failure [of the bidder to execute the contract, and performance bond, irrevocable letter of credit, or certification, as is applicable].

(4) [Upon the] ON execution of the contract and bond by the successful bidder, the bid checks shall be returned to all bidders, or the equivalent amounts charged against their bid bond shall be released. If the City has deposited bid checks of $5,000 or less, the City shall reimburse these bidders in the amounts of the bid checks.

[If an exempted bidder fails to execute and perform any contract awarded to that bidder, the exempted bidder shall forfeit the right to bid on any future City contract for a period of time determined by the Board of Estimates, and shall be liable for any costs incurred by the City as a result of the default.]

(5) (I) [(iv)] The Director of Finance, with the approval of the Board of Estimates, may [declare] EXEMPT FROM THE BID BOND AND PERFORMANCE BOND REQUIREMENTS OF PARAGRAPHS (2) AND (3) OF THIS SUBSECTION the procurement of any standard items of commerce and services THAT ARE from standard trades and professions[, which are] AND not altered or customized to unique City specifications[, to be exempt from the bid bond and/or performance bond requirements of subsections (ii) and (iii)]. [This subsection is controlling with respect to bid and performance bonds for those items and services which are exempted under its provisions.]

(II) If ~~an~~ A [exempted] bidder EXEMPTED UNDER THIS PARAGRAPH fails to execute and perform any contract awarded to that bidder, the exempted bidder shall forfeit the right to bid on any future City contract for a period of time determined by the Board of Estimates, and shall be liable for any costs incurred by the City as a result of the default.

~~(h) (1) [(i)] Notwithstanding any other provision of this section, a bidder on a contract for any public work or FOR the purchase of any supplies, materials, equipment, or services for the City or by any municipal agency[,] is not required to post a bid bond if the bid is equal to or less than the amount authorized by ordinance.~~

~~(2) [(ii)] Notwithstanding any other provision of this section, a contractor on a contract for any public work or FOR the purchase of any supplies, materials, equipment, or services for the City or by any municipal agency[,] is not required to post a performance bond if [such] THE contract is for an amount equal to or less than the amount authorized by ordinance.~~

~~(3) [(iii)] At [such] ANY time [as] THAT the value of the contract, through amendment or adjustment, including changes in scope or in estimated quantities, exceeds the authorized amount, the contractor shall be required to post a performance bond in the amount of 100% of the value of the contract in excess of the authorized amount.~~

~~(4) (I) [(iv) Upon] ON a finding that one or more of the following conditions exist, the Board of Estimates may require bidders to post bid bonds with their bids and performance bonds with the execution of contracts otherwise exempt from [such] THESE requirements:~~

~~1. the contract is for the purchase of goods to be specially manufactured or assembled or [which are] otherwise not normally available in suppliers' inventories;~~

~~2. the contract involves services [which] THAT, if improperly or inadequately performed, pose a substantial risk of injury to persons or damage to property, with potential liability or loss in excess of $100,000;~~

~~3. the BIDDER OR contractor [and/or bidder] has no prior record of performance by which the Board of Estimates may use to determine the contractor's or bidder's ability to perform.~~

~~(II) [(v)] [Where any condition listed above] IF ONE OF THESE CONDITIONS is [found to exist prior to] DISCOVERED BEFORE advertising, the advertisements and specifications shall state the bond requirements.~~

~~(5) [(vi)] No payment or partial payment [shall] MAY be made to a contractor proceeding without a bond under this section unless and until evidence satisfactory to the Director of Finance is presented [showing] that:~~

~~1. the contractor has completed the contract or portion [thereof] OF THE CONTRACT for which payment or partial payment is sought, in accordance with the terms of the contract and satisfactory to the [Contract Compliance Officer] USING AGENCY and [either] the [Purchasing Agent or City Engineer] DIRECTOR OF FINANCE, and~~

~~2. [that] the contractor is entitled to the payment or partial payment.~~

SECTION 2. AND BE IT FURTHER RESOLVED, That this proposed amendment to the City Charter be submitted to the legal and qualified voters of Baltimore City, for adoption or rejection, in accordance with Article XI-A, § 5 of the Maryland Constitution, in the form specified by the City Solicitor.

Approved August 14, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
RESOLUTION 07-032
(Council Bill 07-700)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

Payments in Lieu of Taxes – Ward 03, Section 06
Block 1800, Lot #0001
"701 Aliceanna Street"

FOR the purpose of authorizing an economic development project to be known as "701 Aliceanna Street", in order that the Board of Estimates of Baltimore City (the "Board") may enter into a Payment in Lieu of Taxes Agreement with Harbor East Parcel D-Acquisition, LLC, its successors or assigns (the "Owner") covering a portion of the Owner's property, consisting of (i) office space consisting of approximately 500,000 rentable square feet, and (ii) a structured parking facility containing approximately 1,200 parking spaces and related improvements; generally relating to payments in lieu of taxes for the 701 Aliceanna Street development; and providing for a special effective date.

BY authority of
Article - Tax - Property
Section 7-504.3
Annotated Code of Maryland

Recitals

The Owner is the owner of Parcel D that is described on a Plat titled "Resubdivision of Parcels B, D, and P - Inner Harbor East II" recorded in the Land Records of Baltimore City in Plat Records F.M.C. No. 3718. The Owner intends to develop on Parcel D a mixed use development that will include a hotel, residential condominiums, office space, retail space, and a garage (the "Project"). The office portion of the Project will contain approximately 500,000 net rentable square feet (the "Office Space") in a single building (the "Office Building"), and the garage facility will contain approximately 1,200 parking spaces and related improvements (the "Garage").

Section 7-504.3 of the State Tax-Property Article, as enacted by Chapter 643, Acts of 1999, authorizes the Board, subject to certain findings by the Board and to the enactment of an authorizing Resolution of the Mayor and City Council, to negotiate a payment in lieu of taxes (a "PILOT") for major economic development projects that meet certain criteria.

It is understood that the PILOT Agreement will require compliance with the Minority and Women's Business Enterprises (MBE/WBE) Program in the Project.

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That, subject to the conditions specified in this Resolution, the Project is authorized for purposes of allowing the Board to enter into a PILOT Agreement with Harbor East Parcel D-Acquisition. LLC, its successors or assigns, for the Office Space and the Garage, in accordance with § 7.504.3 (b)(3) of the Tax-Property Article of the Annotated Code of Maryland.

SECTION 2. AND BE IT FURTHER RESOLVED, That this authorization is subject to the condition that the Project not house or otherwise involve (i) gambling activities beyond that allowed by law as of January 1, 1999, or (ii) activities related to any game not authorized by the Maryland State Lottery, and is further contingent on the Owner entering a lease with a single commercial office tenant for a minimum of 300,000 square feet, which tenant previously leased office space in the City.

SECTION 3. AND BE IT FURTHER RESOLVED, That this authorization is in the best interest of the City and will achieve significant public benefits and purposes, (i) including the encouragement of the economic development of the City, including the use of resources and entrepreneurial talents of the private sector to develop the Inner Harbor East Urban Renewal Area, of which Parcel D is a part, (ii) the creation of job opportunities, and (iii) the general promotion and improvement of the City and its facilities in order to foster and maintain the City and its image as a positive environment for the growth of business and industry and the continuing well-being of its residents, thereby further encouraging the health, welfare, and safety of the citizens of the City.

SECTION 4. AND BE IT FURTHER RESOLVED, That this authorization is subject to the following conditions:

(a) The PILOT Agreement for the Office Space shall be for a period of 15 years after the effective date specified in the PILOT Agreement.

(b) The PILOT Agreement for the Garage shall be for a period of 25 years after the effective date specified in the PILOT Agreement.

~~(c) The negotiated payment in lieu of taxes for the Office Space and the Garage shall include: (i) the amount of the existing taxes on the land comprising the Office Space and the Garage portions of Parcel D (as reasonably determined by the Owner and the State Department of Assessments based on a reasonable allocation method) as of the earlier of (A) July 1, 2008, or (B) July 1st of the tax year during which Parcel D is divided into separate tax parcels; plus (ii) 5% of the incremental taxes due resulting from the construction of the Office Building for the period of 15 years after the effective date as specified in the PILOT Agreement; plus (iii) 5% of the incremental taxes due resulting from the construction of the Garage improvements, for the period of 25 years after the effective date as specified in the PILOT Agreement.~~

(c) The negotiated payment in lieu of taxes for the Office Space shall include:

(i) the amount of the existing taxes on the land comprising the Office Space portion of Parcel D (as reasonably determined by the Owner and the State Department of Assessments based on a reasonable allocation method) as of the earlier of

(A) July 1, 2008, or

(B) July 1st of the tax year during which Parcel D is divided into separate tax parcels; plus

(ii) 5% of the incremental taxes due resulting from the construction of the Office Building, for the period of 15 years after the effective date as specified in the PILOT Agreement.

(d) The negotiated payment in lieu of taxes for the Garage shall include:

(i) the amount of the existing taxes on the land comprising the Garage portion of Parcel D (as reasonably determined by the Owner and the State Department of Assessments based on a reasonable allocation method) as of the earlier of

(A) July 1, 2008, or

(B) July 1st of the tax year during which Parcel D is divided into separate tax parcels; plus

(ii) 5% of the incremental taxes due resulting from the construction of the Garage improvements, for the period of 25 years after the effective date as specified in the PILOT Agreement.

(e) ~~(d)~~ The PILOT shall only be for the Office Space and the Garage and shall not apply to any other part of the development on Parcel D.

SECTION 5. AND BE IT FURTHER RESOLVED, That this Resolution takes effect on the date it is enacted.

Approved September 26, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
RESOLUTION 07-033
(Council Bill 07-834)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

Baltimore City's Membership in the International Council for Local Environmental Initiatives (ICLEI)'s Cities for Climate Protection Campaign

FOR the purpose of expressing approval for the City of Baltimore to join ICLEI as a full member, to participate in the Cities for Climate Protection Campaign, and, as a participant, to pledge to take a leadership role in promoting public awareness about the causes and impacts of climate change; and providing for a special effective date.

WHEREAS, Scientific consensus has developed that carbon dioxide (CO^2) and other greenhouse gases released into the atmosphere have a profound effect on the Earth's climate; and

WHEREAS, In 2006, the U.S. National Climatic Data Center confirmed clear evidence of human influences on climate, due to changes in greenhouse gases; and

WHEREAS, The U.S. Conference of Mayors endorsed the 2005 U.S. Mayors' Climate Protection Agreement signed by more than 700 mayors in the United States, including the City of Baltimore; and

WHEREAS, The Urban Environmental Accords adopted by local government delegates during UN World Environment Day 2005 call for reduced emissions through energy efficiency, land use and transportation planning, waste reduction, and wiser energy management; and

WHEREAS, The 2000 U.S. Global Change Research Program's (USGCRP) First National Assessment indicated that global warming has begun; and

WHEREAS, 162 countries, including the United States, pledged under the United Nations Framework Convention on Climate Change to reduce their greenhouse gas emissions; and

WHEREAS, Local government actions taken to reduce greenhouse gas emissions and increase energy efficiency provide multiple local benefits by decreasing air pollution, creating jobs, reducing energy expenditures, and saving money for the local government, its businesses, and its residents; and

WHEREAS, The City of Baltimore has initiated a process to complete a Sustainability Plan and implementation program, established an Office of Sustainability, Environmental Sub-Cabinet and Sustainability Advisory Commission; and

WHEREAS, The Cities for Climate Protection® Campaign sponsored by the International Council for Local Environmental Initiatives (ICLEI) - Local Governments for Sustainability has invited the City of Baltimore to join ICLEI and become a partner in the Cities for Climate Protection Campaign.

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council of Baltimore expresses approval for the City of Baltimore to join ICLEI as a full member, to participate in the Cities for Climate Protection Campaign, and, as a participant, to pledge to take a leadership role in promoting public awareness about the causes and impacts of climate change.

SECTION 2. AND BE IT FURTHER RESOLVED, That the City of Baltimore will undertake the Cities for Climate Protection Campaign's 5 milestones to reduce both greenhouse gas and air pollution emissions throughout the community, and specifically:

- Conduct a greenhouse gas emissions inventory and forecast to determine the source and quantity of greenhouse gas emissions in the jurisdiction;
- Establish a greenhouse gas emissions reduction target;
- Develop an action plan with both existing and future actions that when implemented will meet the local greenhouse gas reduction target;
- Implement the action plan; and
- Monitor and report progress.

SECTION 3. AND BE IT FURTHER RESOLVED, That the City of Baltimore requests assistance from ICLEI's Cities for Climate Protection Campaign as it progresses through the milestones.

SECTION 4. AND BE IT FURTHER RESOLVED, That this Resolution takes effect on the date it is enacted.

Approved October 24, 2007

SHEILA DIXON, Mayor

CITY OF BALTIMORE
RESOLUTION 07-034
(Council Bill 07-840)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

Baltimore City Congratulates George Washington Elementary School #022 – National Blue Ribbon School of Excellence

FOR the purpose of recognizing the accomplishments of the hardworking students, the devoted parents, the dedicated teachers, and the committed Principal and administrative staff of George Washington Elementary School in being named a *National Blue Ribbon School of Excellence* by the U.S. Department of Education, applauding the academic perseverance that led to School #022 becoming 1 of only 6 schools in Maryland to

be elevated to this status, encouraging them to keep up the good work, and exhorting schools throughout Baltimore City to follow George Washington Elementary School's example of excellence; and providing for a special effective date.

Recitals

According to the press release from the office of the CEO of the Baltimore City Public School System, George Washington Elementary School is a Title 1 school offering a pre-kindergarten through grade 5 education to 219 students. The percentage of students receiving free or reduced meals is 89.6%, and 14.7% of the school's population receives special education services. The school is located in South Baltimore in an area referred to as Washington Village/Pig Town.

The 2006 Maryland School Assessment data shows that 90% of all students scored at the proficient/advanced level in reading and that 92 % of all students scored at the proficient/advanced level in mathematics. On the Stanford 10, students in grades 1 and 2 scored above the national percentile in total reading and total mathematics. The students in grade 1 scored at the 81st percentile in total reading and at the 88th percentile in total math. In grade 2, the students scored at the 87th percentile in total reading and the 93rd percentile in total math.

The No Child Left Behind – Blue Ribbon Schools Program honors public and private elementary, middle, and high schools that are either academically superior or demonstrate dramatic gains in student achievement to high levels and are based on 1 of 2 criteria. Public schools must either have students who, regardless of background, achieve in the top 10% of their state on state tests or at least 40% of the school's students from disadvantaged backgrounds dramatically improve student performance to high levels on state tests.

Baltimore City is the proud home to 6 Maryland Blue Ribbon Schools of Excellence, and, with the addition of George Washington Elementary, 3 of these now hold the distinction of National Blue Ribbon Schools of Excellence. Baltimore City schools designated Maryland and/or National Schools of Excellence are:

- Baltimore City College #480
- Baltimore Polytechnic Institute #403
- Bentalou Elementary #150
- Patapsco Elementary #163
- Roland Park Elementary #233.

Baltimore City celebrates the outstanding accomplishments of the students in these award schools and applauds the efforts of all students throughout the Baltimore Public School System as they strive to excel in their academic endeavors.

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That this Body recognizes the accomplishments of the hardworking students, the devoted parents, the dedicated teachers, and the committed Principal and administrative staff of George Washington Elementary School in being named a *National Blue Ribbon School of Excellence* by the U.S. Department of Education, applauds the academic perseverance that led to School #022 becoming 1 of only 6 schools in Maryland to be elevated to this status, encourages them to keep up the good work, and exhorts schools throughout Baltimore City to follow George Washington Elementary School's example of excellence; and providing for a special effective date.

SECTION 2. AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Mayor, the CEO of Baltimore City Public Schools, the Principal, Administration, Students, and PTA of George Washington Elementary School #022, and the Mayor's Legislative Liaison to the City Council.

SECTION 3. AND BE IT FURTHER RESOLVED, That this Resolution takes effect on the date it is enacted.

Approved November 27, 2007

SHEILA DIXON, Mayor

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