

**CITY OF BALTIMORE
COUNCIL BILL 05-0069
(First Reader)**

Introduced by: Councilmembers Harris, Clarke, Young, Branch, Holton, Curran, Kraft,
Conaway, Mitchell, Rawlings Blake, Reisinger, Welch, President Dixon, Councilmember
D'Adamo

Introduced and read first time: March 14, 2005

Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Health, Baltimore
Development Corporation, Department of Public Works, Fire Department, Police Department,
Department of Transportation, Department of Finance

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Hazardous Materials – Transporting**

3 FOR the purpose of regulating the transport of certain quantities of certain hazardous materials in
4 or through the City; requiring permits for certain activities and setting certain minimum
5 standards for their issuance; requiring the adoption of certain rules, regulations, and
6 standards; defining certain terms; imposing certain penalties; and generally relating to the
7 transport of hazardous materials.

8 BY renaming

9 Article 9 - Fire Suppression and Prevention
10 “Subtitle 9. Hazardous Materials”
11 to be “Subtitle 9. Hazardous Materials – Security and Safeguarding”
12 Baltimore City Code
13 (Edition 2000)

14 BY adding

15 Article 9 - Fire Suppression and Prevention
16 Section(s) 9A-1 to 9A-6, to be under the new subtitle,
17 “Subtitle 9A. Hazardous Materials – Transporting”
18 Baltimore City Code
19 (Edition 2000)

20 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
21 City Code Article 9, Subtitle 9, be renamed to be “Hazardous Materials – Security and
22 Safeguarding”.

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

25 **Baltimore City Code**

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

Article 9. Fire Suppression and Prevention

SUBTITLE 9A. HAZARDOUS MATERIALS – TRANSPORTING

§ 9A-1. DEFINITIONS.

(A) *IN GENERAL.*

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

(B) *DEPARTMENT.*

“DEPARTMENT” MEANS THE BALTIMORE CITY DEPARTMENT OF TRANSPORTATION.

(C) *EMERGENCY.*

“EMERGENCY” MEANS AN UNANTICIPATED, TEMPORARY SITUATION THAT THREATENS THE IMMEDIATE SAFETY OF INDIVIDUALS OR PROPERTY, AS DETERMINED BY THE DEPARTMENT.

(D) *HAZMAT EXCLUSION ZONE.*

“HAZMAT EXCLUSION ZONE” MEANS ALL POINTS WITHIN THE GEOGRAPHIC BOUNDARIES OF BALTIMORE CITY.

(E) *PERSON.*

“PERSON” MEANS ANY INDIVIDUAL OR ANY PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY KIND.

(F) *PRACTICAL ALTERNATIVE ROUTE.*

“PRACTICAL ALTERNATIVE ROUTE” MEANS A ROUTE THAT:

(1) LIES ENTIRELY OUTSIDE THE HAZMAT EXCLUSION ZONE; AND

(2) CAN BE USE WITHOUT MAKING SHIPMENT OF THE MATERIALS IN QUESTION COST-PROHIBITIVE.

§ 9A-2. RULES, REGULATIONS, AND STANDARDS.

(A) *ADOPTION.*

THE DEPARTMENT OF TRANSPORTATION, IN CONSULTATION WITH THE FIRE CHIEF AND THE POLICE COMMISSIONER, SHALL ADOPT RULES, REGULATIONS, AND STANDARDS TO CARRY OUT THIS SUBTITLE.

(B) *REQUIRED INCLUSIONS.*

THESE RULES, REGULATIONS, AND STANDARDS SHALL INCLUDE A SCHEDULE OF PERMIT FEES THAT DO NOT EXCEED THE COSTS OF IMPLEMENTING AND ENFORCING THIS SUBTITLE.

1 (C) *FILING.*

2 A COPY OF THE RULES, REGULATIONS, AND STANDARDS ADOPTED UNDER THIS SECTION
3 SHALL BE FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE.

4 **§ 9A-3. TRANSPORTING MATERIALS.**

5 EXCEPT IN AN EMERGENCY, NO PERSON MAY TRANSPORT ANY OF THE FOLLOWING IN THE
6 HAZMAT EXCLUSION ZONE WITHOUT A PERMIT TO DO SO:

- 7 (1) EXPLOSIVES OF CLASS 1, DIVISION 1.1, OR CLASS 1, DIVISION 1.2, AS DESIGNATED IN
8 49 C.F.R. § 173.2, IN A QUANTITY GREATER THAN 500 KILOGRAMS;
- 9 (2) FLAMMABLE GASSES OF CLASS 2, DIVISION 2.1, AS DESIGNATED IN 49 C.F.R. § 173.2,
10 IN A QUANTITY GREATER THAN 10,000 LITERS;
- 11 (3) POISONOUS GASSES OF CLASS 2, DIVISION 2.3, AS DESIGNATED IN 49 C.F.R. § 173.2, IN
12 A QUANTITY GREATER THAN 500 LITERS, AND BELONGING TO HAZARD ZONES A OR B,
13 AS DEFINED IN 49 C.F.R. § 173.116; OR
- 14 (4) POISONOUS MATERIALS, OTHER THAN GASSES, OF CLASS 6, DIVISION 6.1, IN A
15 QUANTITY GREATER THAN 1,000 KILOGRAMS, AND BELONGING TO HAZARD ZONES A
16 OR B, AS DEFINED IN 49 C.F.R. § 173.133.

17 **§ 9A-4. OPERATING VEHICLES.**

18 EXCEPT IN AN EMERGENCY, NO PERSON MAY OPERATE A VEHICLE OR MOVE A RAIL CAR IN THE
19 HAZMAT EXCLUSION ZONE WITHOUT A PERMIT TO DO SO, IF THE VEHICLE OR RAIL CAR:

- 20 (1) IS CAPABLE OF CONTAINING EXPLOSIVES OF CLASS 1, DIVISION 1.1, OR CLASS 1,
21 DIVISION 1.2, AS DESIGNATED IN 49 C.F.R. § 173.2, IN A QUANTITY GREATER THAN
22 500 KILOGRAMS, AND HAS EXTERIOR MARKINGS INDICATING THAT IT CONTAINS SUCH
23 MATERIALS;
- 24 (2) IS CAPABLE OF CONTAINING FLAMMABLE GASSES OF CLASS 2, DIVISION 2.1, AS
25 DESIGNATED IN 49 C.F.R. § 173.2, IN A QUANTITY GREATER THAN 10,000 LITERS, AND
26 HAS EXTERIOR MARKINGS INDICATING THAT IT CONTAINS SUCH MATERIALS;
- 27 (3) IS CAPABLE OF CONTAINING POISONOUS GASSES OF CLASS 2, DIVISION 2.3, AS
28 DESIGNATED IN 49 C.F.R. § 173.2, IN A QUANTITY GREATER THAN 500 LITERS, AND
29 BELONGING TO HAZARD ZONES A OR B, AS DEFINED IN 49 C.F.R. § 173.116, AND HAS
30 EXTERIOR MARKINGS INDICATING THAT IT CONTAINS SUCH MATERIALS; OR
- 31 (4) IS CAPABLE OF CONTAINING POISONOUS MATERIALS, OTHER THAN GASSES, OF CLASS 6,
32 DIVISION 6.1, IN A QUANTITY GREATER THAN 1,000 KILOGRAMS., AND BELONGING TO
33 HAZARD ZONES A OR B, AS DEFINED IN 49 C.F.R. § 173.133, AND HAS EXTERIOR
34 MARKINGS INDICATING THAT IT CONTAINS SUCH MATERIALS.

1 **§ 9A-5. PERMITS.**

2 (A) *STANDARD FOR ISSUANCE.*

3 THE DEPARTMENT MAY ISSUE A PERMIT TO AUTHORIZE AN ACTIVITY DESCRIBED IN § 9A-3
4 OR § 9A-4 ONLY ON A DEMONSTRATION THAT THERE IS NO PRACTICAL ALTERNATIVE
5 ROUTE.

6 (B) *SAFETY MEASURES.*

7 THE DEPARTMENT MAY CONDITION A PERMIT ON THE ADOPTION OF SAFETY MEASURES,
8 INCLUDING TIME-OF-DAY RESTRICTIONS.

9 **§ 9A-6. PENALTIES.**

10 (A) *IN GENERAL.*

11 ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE OR OF A RULE,
12 REGULATION, OR STANDARD ADOPTED UNDER THIS SUBTITLE OR WHO VIOLATES A
13 CONDITION OF A PERMIT ISSUED UNDER THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND,
14 ON CONVICTION, SUBJECT TO A FINE OF UP TO \$1,000 OR IMPRISONMENT FOR UP TO 12
15 MONTHS OR BOTH FINE AND IMPRISONMENT FOR EACH OFFENSE.

16 (B) *EACH DAY A SEPARATE OFFENSE.*

17 EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

18 **SECTION 3. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
19 are not law and may not be considered to have been enacted as a part of this or any prior
20 Ordinance.

21 **SECTION 4. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th
22 day after the date it is enacted.