

ARTICLE 10
HARBORS, DOCKS, AND WHARVES

(As Last Amended by Ord. 15-435)

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**SUBTITLE 1
ANCHORAGES**

§ 1-1. Establishment; regulation.

(a) *Anchorage established.*

- (1) There is hereby created in the Baltimore Harbor, which comprises the Patapsco River and its tributaries, a series of locations to be known as anchorage areas, designated A and C, and 1 to 9 inclusive.
- (2) Subject to Title 4 {"Administrative Procedure Act – Regulations"} of the City General Provisions Article, the Harbor Engineer shall have the authority to:
 - (i) designate such other emergency anchorage locations in the Baltimore Harbor as the needs may require; and
 - (ii) maintain and to patrol said locations until the emergency has ceased.

Editor’s Note: See Note to subsection (b)(1) below.

(b) *Use by vessels.*

- (1) Subject to Title 4 {"Administrative Procedure Act – Regulations"} of the City General Provisions Article, the Harbor Engineer shall adopt rules and regulations for the purpose of regulating the mooring, anchoring, and storing of vessels of all types in Baltimore Harbor.

Editor’s Note: By authority of Ordinance 20-431, Section 5, the Director of Legislative Reference, in consultation with the Law Department, has conformed the text of subsections (a)(2) and (b)(1) to refer expressly to the requirements of the recently-enacted Administrative Procedure Act that, effective January 15, 2021, governs the proposal, adoption, and publication of administrative rules and regulations.

- (2) All vessels anchoring in the harbor shall:
 - (i) anchor so as to keep within 1 of the said anchorages; and
 - (ii) be subject to all rules and regulations which the Harbor Engineer may adopt to make this section effective.
- (3) All vessels, when at anchor, between sunset and sunrise, shall comply with Federal regulations governing anchor lights.

(c) *Harbor Engineer to maintain and regulate.*

The Harbor Engineer is hereby vested with the authority of locating, maintaining, and patrolling these anchorages.

(City Code, 1927, art. 15, §4; 1950, art. 11, §1(a); 1966, art. 10, §1(a); 1976/83, art. 10, §1(a).) (Ord. 09-293; Ord. 48-477; Texts Conformed 02/18/21.)

§ 1-2. Anchorages described.

The anchorage locations as hereinafter described are laid down on a copy of the United States Coast and Geodetic Survey Chart No. 545, which is on file in the office of the Harbor Engineer and is dated September 14, 1948.

(City Code, 1950, art. 11, §2; 1966, art. 10, §2; 1976/83, art. 10, §2.) (Ord. 48-477.)

§ 1-3. Anchorage A.*(a) Location.*

Located in Canton Hollow in the Northwest Branch, Patapsco River, and bounded by lines drawn between points fixed as follows:

From Station 16 (U. S. Pierhead Line), 407 feet south, 37 feet east to Buoy No. 1.

From Station 17 (U. S. Pierhead Line), 139 feet south, 309 feet west to Buoy No. 2.

From Station 18 (U. S. Pierhead Line), 122 feet south, 307 feet west to Buoy No.3.

From Station 18 (U. S. Pierhead Line), 278 feet south, 770 feet west to Buoy No. 4.

From Station 14 (U. S. Pierhead Line), 270 feet south, 310 feet east to Buoy No. 5.

(b) Restrictions.

No vessel shall anchor within 300 feet of any pier or bulkhead fronting on this anchorage.

(City Code, 1927, art. 15, §6; 1950, art. 11, §3; 1966, art. 10, §3; 1976/83, art. 10, §3.) (Ord. 48-477; Ord. 50-1274.)

§ 1-4. Anchorage C.*(a) Location.*

Located east of Maryland Yacht Club and south of Ferry Bar and bounded as follows:

1. On the north by Ferry Bar Channel Range.
2. On the west by a line 225 feet from and parallel to pierhead line.
3. On the south by a line between Buoy S-2 and a point 900 feet 190° true from Ferry Bar Channel front range light.
4. On the east by a line between Buoy S-2 and a point 250 yards 270° true from Ferry Bar Channel front range light.

(b) Restrictions.

- (1) This anchorage shall be restricted to yachts.

(2) Vessels must anchor in such a way as not to block entrance to the slips of the nearby yacht clubs.

(City Code, 1950, art. 11, §4; 1966, art. 10, §4; 1976/83, art. 10, §4.) (Ord. 48-477.)

§ 1-5. Anchorage No. 1 (Fort McHenry).

(a) *Location.*

This anchorage is in the area bounded by lines drawn through the following points:

1. 3,300 feet, 164°-30' true from Lazaretto Point Light.
2. 3,500 feet, 170°-30' true from Lazaretto Point Light.
3. White Spar Buoy B — 5,900 feet, 158°-15' true from Lazaretto Point Light.
4. Buoy 17M — 6,800 feet, 152°-15' true from Lazaretto Point Light.

(b) *Restrictions.*

(1) This anchorage is to be used only as an overnight anchorage for vessels waiting to go to piers.

(2) No vessel may remain on this anchorage more than 12 hours without a permit from the Harbor Engineer.

(City Code, 1950, art. 11, §5; 1966, art. 10, §5; 1976/83, art. 10, §5.) (Ord. 48-477.)

§ 1-6. Anchorage No. 2 (General Anchorage).

(a) *Location.*

Located between Lazaretto Point and the Municipal Airport, bounded by lines drawn between the following points:

1. 6,080 feet, 115°-15' true from Lazaretto Point Light.
2. 8,150 feet, 126°-15' true from Lazaretto Point Light.
3. 7,925 feet, 135°-15' true from Lazaretto Point Light.
4. Spar W-S-C — 6,900 feet 134°-30' true from Lazaretto Point Light.
5. Main Channel Marker 18M — 6,900 feet, 146°-45' true from Lazaretto Point Light.
6. Private Channel Marker N2 — 4,800 feet, 149°-15' true from Lazaretto Point Light.
7. 4,650 feet, 123°-45' true from Lazaretto Point Light.

(b) *Restrictions.*

(1) This is to be a general anchorage for vessels with a draft of 24 feet and under.

(2) No vessel shall remain longer than 4 days without obtaining a permit from the Harbor Engineer.

(City Code, 1950, art. 11, §6; 1966, art. 10, §6; 1976/83, art. 10, §6.) (Ord. 48-477.)

§ 1-7. Anchorage No. 3 (Riverview, General Anchorage).**(a) Location.**

Located between Fort McHenry Channel and Municipal Airport, bounded by lines drawn between the following points:

1. White Spar Buoy A — 11,340 feet, 137°-15' true from Lazaretto Point Light.
2. White Spar Buoy C — 6,900 feet, 134°-30' true from Lazaretto Point Light.
3. Buoy 18M — 6,900 feet, 146°-45' true from Lazaretto Point Light.
4. Buoy 12M — 11,360 feet, 144°-45' true from Lazaretto Point Light.

(b) Restrictions.

(1) This anchorage shall be restricted to vessels of over 24 feet draft.

(2) No vessel shall remain on this anchorage longer than 4 days without obtaining a permit from the Harbor Engineer.

(City Code, 1950, art. 11, §7; 1966, art. 10, §7; 1976/83, art. 10, §7.) (Ord. 48-477.)

§ 1-8. Anchorage No. 4 (General Anchorage).**(a) Location.**

Located between Sollers Point and Municipal Airport, bounded by lines drawn between the following points:

1. 9,430 feet, 330°-20' true from Fort Carroll Light.
2. 9,310 feet, 315°-00' true from Fort Carroll Light.
3. Buoy 8M — 4,475 feet, 308°-45' true from Fort Carroll Light.
4. 4,610 feet, 339°-30' true from Fort Carroll Light.

(b) Restrictions.

(1) This is to be a general anchorage for vessels drawing 20 feet and under.

(2) No vessel shall remain longer than 4 days without obtaining a permit from the Harbor Engineer.

(City Code, 1950, art. 11, §8; 1966, art. 10, §8; 1976/83, art. 10, §8.) (Ord. 48-477.)

§ 1-9. Anchorage No. 5 (General Anchorage).**(a) Location.**

Located between Fort McHenry Channel and Curtis Bay Channel and bounded by lines drawn between the following points:

1. Buoy 11M — 7,800 feet, 60°-00' true from Brewerton Channel Back Range.
2. Buoy 9M — 5,650 feet, 44°-15' true from Brewerton Channel Back Range.

3. Buoy N2 — 5,000 feet, 48°-45' true from Brewerton Channel Back Range.
4. Bell Buoy 6 — 3,600 feet, 330°-20' true from Brewerton Channel Back Range.

(b) *Restrictions.*

(1) This is to be a general anchorage for vessels drawing 20 feet and under.

(2) No vessel shall remain longer than 4 days without obtaining a permit from the Harbor Engineer.

(City Code, 1950, art. 11, §9; 1966, art. 10, §9; 1976/83, art. 10, §9.) (Ord. 48-477.)

§ 1-10. Anchorage No. 6 (Explosives Anchorage).

(a) *Location.*

Located northeast of Fort McHenry Channel and just northwest of Fort Carroll, and bounded by lines drawn between the following points:

1. 4,610 feet, 339°-30' true from Fort Carroll Light.
2. Buoy 8M — 4,475 feet, 308°-45' true from Fort Carroll Light.
3. Buoy 6M — 1,310 feet, 275°-15' true from Fort Carroll Light.
4. W. Spar Buoy A — 1,000 feet, 346°-30' true from Fort Carroll Light.

(b) *Restrictions.*

(1) Vessels are to anchor here only for the loading and unloading of explosives.

(2) Vessels loading explosives are to leave the port immediately upon the completion of the transfer.

(City Code, 1950, art. 11, §10; 1966, art. 10, §10; 1976/83, art. 10, §10.) (Ord. 48-477.)

§ 1-11. Anchorage No. 7 (Quarantine Anchorage).

(a) *Location.*

Located in the area west of Fort McHenry Channel and south of Curtis Bay Channel, and bounded by the western and southern edges respectively of those channels and lines between the following points:

1. 4,775 feet, 302°-00' true from Fort Carroll Light.
2. Buoy C1 — 5,450 feet, 297°-15' true from Fort Carroll Light.
3. W. Spar Buoy A — 2,575 feet, 263°-30' true from Fort Carroll Light.
4. Buoy 5M — 1,730 feet, 258°-46' true from Fort Carroll Light.

(b) *Restrictions.*

(1) This anchorage is to be used only by vessels waiting quarantine inspection.

- (2) Special permits for use of the lower part of the anchorage for explosive loading of vessels exceeding 20 feet in draft may be issued in extraordinary cases.

(City Code, 1950, art. 11, §11; 1966, art. 10, §11; 1976/83, art. 10, §11.) (Ord. 48-477.)

§ 1-12. Anchorage No. 8 (Dead Anchorage).

(a) *Location.*

Located in Curtis Bay, south of Curtis Bay Channel, bounded by lines drawn between the following points:

1. Buoy C7 — 5,650 feet, 296°-30' true from Brewerton Channel Rear Range Light.
2. Buoy C5 — 2,775 feet, 345°-40' true from Brewerton Channel Rear Range Light.
3. 90° from these points south to the shore line between Sledds Point and Leading Point.

(b) *Restrictions.*

- (1) Vessels shall anchor so as not to swing within 100 yards of the channel.

- (2) When the Harbor Engineer finds such action necessary to conserve space, he may require vessels in this anchorage to moor bow and stern or to one another.

(3) No vessels may occupy this anchorage without obtaining a permit from the Harbor Engineer.
City Code, 1950, art. 11, §12; 1966, art. 10, §12; 1976/83, art. 10, §12.) (Ord. 48-477.)

§ 1-13. Anchorage No. 9 (General Anchorage).

(a) *Location.*

Located north of Ferry Bar Channel and southwest of Fort McHenry Park, bounded by lines drawn between the following points:

1. 5,300 feet, 251°-30' true from Fort McHenry Channel Light.
2. Buoy — 5,665 feet, 241°-30' true from Fort McHenry Channel Light.
3. Buoy S14 — 4,500 feet, 228°-45' true from Fort McHenry Channel Light.
4. Buoy S10 — 3,165 feet, 201°-50' true from Fort McHenry Channel Light.
5. Buoy S8 — 2,560 feet, 182°-45' true from Fort McHenry Channel Light.
6. Buoy S — 1,675 feet, 187°-00' true from Fort McHenry Channel Light.

(b) *Restrictions.*

- (1) This anchorage is to be used only by vessels using nearby docks, while awaiting berths at piers.

- (2) No vessel may remain in this anchorage more than 12 hours without obtaining a permit from the Harbor Engineer.

(City Code, 1950, art. 11, §13; 1966, art. 10, §13; 1976/83, art. 10, §13.) (Ord. 48-477.)

§ 1-14. {Reserved}**§ 1-15. Obstructing access.**(a) *In general.*

- (1) The master or other person in charge of any vessel so anchored as to obstruct the free passage of any other vessel to or from an anchorage, wharf, or dock, or moored or anchored so that they will be or will swing beyond the boundary of said anchorage, shall, upon being notified, immediately correct the condition.
- (2) And if the condition continues beyond 6 hours from the time of notification, a penalty of \$25 for each and every hour beyond this time limit, or 30 days in the City Jail, or both, shall, upon conviction, be imposed upon the person responsible therefor.

(b) *Removal of vessel.*

If no person be on such vessel, upon whom said notice can be served, then the Harbor Engineer shall have such vessel removed and the expense for the same shall be paid to the Harbor Engineer by the master, owner, or agent of such vessel.

(*City Code, 1927, art. 15, §4; 1950, art. 11, §1(b); 1966, art. 10, §1(b); 1976/83, art. 10, §1(b).*) (*Ord. 09-293; Ord. 48-477.*)

SUBTITLE 2
INNER HARBOR

§ 2-1. Regulations.

Subject to Title 4 {“Administrative Procedure Act – Regulations”} of the City General Provisions Article, and notwithstanding any other provisions of this Article 10 to the contrary, the Commissioner of Housing and Community Development, or his designee, is hereby empowered, from time to time to promulgate:

- (1) such regulations as may be deemed necessary for the regulation of the speed of all vessels operating within the boundaries of those areas of Baltimore Harbor:
 - (i) designated as “Inner Harbor Project I” by Ordinance No. 1045, approved June 15, 1967, as amended from time to time; and
 - (ii) designated as “Inner Harbor East Project” by Ordinance No. 1188 approved November 19, 1971, as amended from time to time; and
- (2) such other regulations as may be deemed necessary and proper to the maintenance of the public health and safety.

Editor’s Note: By authority of Ordinance 20-431, Section 5, the Director of Legislative Reference, in consultation with the Law Department, has conformed the text of this section’s introductory language to refer expressly to the requirements of the recently-enacted Administrative Procedure Act that, effective January 15, 2021, governs the proposal, adoption, and publication of administrative rules and regulations.

(City Code, 1976/83, art. 10, §13A(1).) (Ord. 80-141; Text Conformed 02/18/21.)

§ 2-2. Anchorages.

The Commissioner of Housing and Community Development, or his designee, is further vested with the authority of locating, maintaining, regulating, and patrolling anchorages within the aforesaid areas of Baltimore Harbor designated as “Inner Harbor Project I” and “Inner Harbor East Project”.
(City Code, 1976/83, art. 10, §13A(2).) (Ord. 80-141.)

§ 2-3. {Reserved}**§ 2-4. Enforcement.**

The Commissioner of Housing and Community Development is further authorized to call upon such law enforcement agencies as he shall require to assist in the enforcement of the provisions of this subtitle.
(City Code, 1976/83, art. 10, §13A(3).) (Ord. 80-141.)

§ 2-5. Penalties.

- (a) *Misdemeanor.*

Any person violating any of the provisions of this subtitle, or the regulations authorized hereby, shall be guilty of a misdemeanor and shall be subject to a fine of not more than \$100.

(b) *Removal of vessel.*

In addition to such penalty, the Commissioner of Housing and Community Development, or his designee, is hereby authorized, when it shall be deemed necessary, to move or relocate at the risk and expense of the owner any vessel that may be docked in violation of any regulations that may have been promulgated pursuant to this subtitle.

(City Code, 1976/83, art. 10, §13A(4).) (Ord. 80-141.)

SUBTITLE 3
PIERHEAD LINES

§ 3-1. Limiting lines.

The pierhead lines established for the Patapsco River, by Acts of the Secretary of War, from time to time, and the lines inside the said pierhead lines in portions of the Harbor shown on plats numbered 1 to 5, signed by the Mayor and the Harbor Engineer under Ordinance No. 116 of 1894, and any other lines now or hereafter established by ordinance inside said United States Government pierhead lines, are hereby declared to be the limiting lines beyond which no structure shall extend.

(City Code, 1927, art. 15, §11; 1950, art. 11, §14; 1966, art. 10, §14; 1976/83, art. 10, §14.) (Ord. 09-293; Ord. 48-509.)

§ 3-2. Dock opposite Fifth Lane; dock out from old Port Warden's Line.

Ordinance No. 111, approved May 7, 1853, being entitled "Supplement to an Ordinance, entitled 'An ordinance to change in some particulars, the present Port Warden's Line'", is hereby repealed, in part, by eliminating the provisions for a dock opposite Fifth Lane, and the dock therein provided to be extended to be laid out from the old Port Warden's Line on the northernmost line of the property formerly belonging to Henry William Ellicott.

(City Code, 1927, art. 15, §12; 1950, art. 11, §15; 1966, art. 10, §15; 1976/83, art. 10, §15.) (Ord. 26-839.)

§ 3-3. Pier and Bulkhead Line modified.

The Pier or Bulkhead Line in the Harbor of Baltimore City as established by Ordinance No. 83 of the Mayor and City Council of Baltimore, approved May 17, 1881, shall be modified and extended:

- (1) so as to make the Pier and Bulkhead Lines coincide with the Pierhead Line of the United States Government between points marked LVI and LVII, as shown on the map of the War Department of the United States Government, approved September 29, 1917, by the Assistant Secretary of War;
- (2) so that a new Pier and Bulkhead Line be established coinciding with the Pier and Bulkhead Line of the United States Government, as shown on the map of the War Department of the United States Government, approved September 29, 1917, by the Assistant Secretary of War, from said point LVII southeasterly to a point on said line 170.34 feet distant from said point LVII, and running thence by a straight line, S. 7° 27' 00" E. 238.33 feet to a point where said new Pier and Bulkhead Line intersects the Port Warden's Line established under Ordinance No. 111, approved May 7, 1853, and running thence S. 65° 44' 30" E. 60.7 feet along and coincident with said Port Warden's Line to a point where said Port Warden's Line intersects a line determined by decision of the Superior Court of Baltimore City in the case of *St. Agnes' Hospital v. Mayor and City Council of Baltimore*, date March 14, 1877;
- (3) so that a new Pierhead Line be established from said last named point of intersection running N. 44° 40' 40" E. 217.98 feet to the Pier and Bulkhead Line of the United States Government as shown on the said map of the War Department of the United States Government; and

- (4) so that a new Bulkhead Line be established running S. 65° 44' 30" E. 177.37 feet in a straight line along and coinciding with said Port Warden's Line, established under said Ordinance No. 111, approved May 7, 1853, said new Bulkhead Line extending from a point where said Port Warden's Line intersects the said line determined by said decision of the Superior Court of Baltimore City, to the northwesterly boundary line, as extended into the water, of the property leased by the Mayor and City Council of Baltimore to Platt and Company by lease dated July 21, 1865, and continuing thence in a straight line S. 44° 40' 40" W. 193.72 feet more or less along and coinciding with the said northwesterly boundary line, as so extended, of the said property leased by the Mayor and City Council of Baltimore to said Platt and Company to a point where said new Bulkhead Line intersects the Bulkhead Line established under said Ordinance No. 83, approved May 17, 1881, as shown on plat referred to in said Ordinance No. 83 of the Mayor and City Council of Baltimore.

(City Code, 1927, art. 15, §13; 1950, art. 11, §16; 1966, art. 10, §16; 1976/83, art. 10, §16.) (Ord. 26-779; Ord. 40-240.)

§ 3-4. Pierhead Line and Port Warden Line modified.

(a) *In general.*

The existing City Pierhead Line and the existing City Port Warden Line, in the vicinity of Boston Street and Clinton Street, are hereby changed by:

- (1) abolishing the existing City Port Warden Line from a point designated "A" to a point designated "1" and from a point designated "13" to a point designated "H",
- (2) abolishing the existing City Pierhead Line from said point designated "A" to a point designated "H", and
- (3) establishing a new City Pierhead Line from said point designated "A" to a point designated "XXIIIA",

so as to make said new City Pierhead Line coincide with the proposed new modified Pierhead Line of the United States Government as approved conditionally by the Secretary of War on December 5, 1946, between a point designated "37" and said point designated "XXIIIA".

(b) *Plats.*

All of said existing and proposed Port Warden, Pier and Bulkhead Lines, and all of the points designated in this section, are shown on a plat entitled "City of Baltimore, Department of Public Works, Bureau of Plans and Surveys, Plat Showing Pierhead, Bulkhead and Port Warden Lines in the Vicinity of Boston St. and Clinton St. extending from Linwood Ave. Easterly and Southerly to U. S. Army Engineers Harbor Station XXIIA", numbered 263A-5 and dated March 20, 1947, attached hereto and made in all respects a part hereof.

(c) *Description.*

Said new City Pierhead Line being particularly described as follows:

Beginning at a point "A" on the City's existing Pierhead and Port Warden Lines as established by Ordinance No. 83, approved May 17, 1881, where said combined line intersects the east building line of Linwood Avenue, if extended southerly, and running thence S. 15 degrees 24 minutes 00 second W. about 140 feet to point 29, thence S. 76 degrees 34 minutes 25.4 seconds E. 383.01 feet and coincident with United States Government's Pier and Bulkhead Line as established by the United States Army Engineers in 1917 to point 30, thence N. 32 degrees 23 minutes 20 seconds E. 26.94 feet to point 31, thence N. 87 degrees 08 minutes 20 seconds E. 433.88 feet to point 32, thence N. 32 degrees 23 minutes 20 seconds E. 432.292 feet to point 33 on the existing City Bulkhead Line, thence by the two following courses and distances and coincident with the said City Bulkhead Line S. 81 degrees 37 minutes 30 seconds E. 375.36 feet to point 7 and S. 04 degrees 30 minutes 10 seconds E. 60.64 feet to point 34, thence S. 87 degrees 00 minutes 20 seconds W. 265.29 feet to point 35, thence S. 32 degrees 23 minutes 20 seconds W. 482.53 feet to point 36, thence S. 87 degrees 08 minutes 20 seconds W. 121.22 feet to point 37 on the aforesaid proposed modified United States Government Pierhead Line, thence by the four following courses and distances and coincident with the said proposed new modified Government Pierhead Line, S. 02 degrees 36 minutes 29.6 seconds E. 3542.5 feet to point 21, S. 08 degrees 38 minutes 27.6 seconds E. 1243.26 feet to point 22, S. 15 degrees 23 minutes 21.6 seconds E. 554.83 feet to point 23, and S. 57 degrees 54 minutes 56.6 seconds E. 618.69 feet to point XXIII A.

(City Code, 1950, art. 11, §17; 1966, art. 10, §17; 1976/83, art. 10, §17.) (Ord. 47-878.)

SUBTITLE 4
MUNICIPAL AIRPORT

§ 4-1. Boundary lines.

The boundary or divisional lines for any and all improvements or extensions of whatever kind into the Patapsco River, between the properties bounding upon the northeast shore of the Patapsco River and lying southerly from the southernmost boundary line of the property now owned by the Mayor and City Council of Baltimore, and known as the Municipal Airport, which said southernmost boundary line was fixed by a decree of the District Court of the United States for the District of Maryland dated March 9th, 1942 and passed in a case entitled *Crown Cork & Seal Co., et al. v. Mayor and City Council, et al.*, Civil Docket No. 201, to Sollers Point shall be as shown on the four identical plats attached hereto and made a part hereof, said plats being signed by Edward Coonan & Co., surveyors and civil engineers, 231 St. Paul Place, Baltimore, Md., and dated October 3, 1940. (*City Code, 1950, art. 11, §18; 1966, art. 10, §18; 1976/83, art. 10, §18.*) (*Ord. 42-786.*)

§ 4-2. Riparian rights.

The exercise and enjoyment of all riparian rights mentioned in § 4-1 hereof appurtenant to each of the said properties shall be restricted and confined within the areas designated for each of said properties on said identical plats, but nothing herein shall be construed to restrict or prohibit any additions or changes of said divisional lines, which might occur through the establishment, in the manner provided by law, of bulkhead or pierhead lines at greater or lesser distances from the shore. (*City Code, 1950, art. 11, §19; 1966, art. 10, §19; 1976/83, art. 10, §19.*) (*Ord. 42-786.*)

§ 4-3. Plats.

Upon the passage of the ordinance establishing this subtitle by the City Council, the four plats attached to the ordinance, as evidence of the authenticity of the same, shall be signed by the President of the City Council and, upon approval of the ordinance, shall be signed by the Mayor of Baltimore City. 1 of said plats shall be permanently attached to the original ordinance, and reproductions thereof shall be printed with the bound copies of the ordinances. It shall be the duty of the City Solicitor to file another of said plats with the Harbor Engineer of Baltimore, and to record the other 2 of said plats, 1 among the Land Records of Baltimore City and the other among the Land Records of Baltimore County. (*City Code, 1950, art. 11, §20; 1966, art. 10, §20; 1976/83, art. 10, §20.*) (*Ord. 42-786.*)

SUBTITLE 5
MAINTENANCE OF PIERS, WHARVES, ETC.

§ 5-1. Public piers, etc.

Whenever the same may be proper and necessary, the Harbor Engineer shall cause public piers, wharves, and bulkheads to be built, rebuilt, and repaired at any water front property of the City. (*City Code, 1927, art. 15, §14(1st sen.); 1950, art. 11, §21(1st par.); 1966 art. 10, §21(1st par.); 1976/83, art. 10, §21(1st par.)*) (*Ord. 09-293; Ord. 48-509.*)

§ 5-2. Private piers, etc.

(a) *Notice to correct.*

The Harbor Engineer shall require all private piers, wharves, docks, and bulkheads (bordering on the Patapsco River or its tributaries) that are decayed or defective, or in need of cleaning, rebuilding, or repair, or likely to be injurious to navigation or to health or safety, to be cleaned, repaired, or rebuilt within a reasonable time to be prescribed in a written notice (not less than 30 days) to be served on the agent, owner, or occupier of such pier, wharf, dock, or bulkhead.

(b) *Owner to comply.*

The owners of any such water front property shall promptly cause to be done any and all such work as required by said notice from the Harbor Engineer.

(c) *Work by Harbor Engineer.*

If the owner is a minor, or under other legal disability, or cannot be found, or, being found, fails to comply with said notice, then the Harbor Engineer shall cause such work to be done, at the expense of such owner or owners, to be recovered by the Mayor and City Council in due course of law.

(d) *Penalties.*

Any such property owner or owners who fail to comply with the requirements of this section, or the aforesaid requirements of the Harbor Engineer, shall be guilty of a misdemeanor and, upon conviction thereof shall pay a fine of not less than \$10 and not more than \$50 for every day of noncompliance.

(*City Code, 1927, art. 15, §14(2nd sen.); 1950, art. 11, §21(2nd par.); 1966 art. 10, §21(2nd par.); 1976/83, art. 10, §21(2nd par.)*) (*Ord. 09-293; Ord. 48-509.*)

§ 5-3. Consent needed for work.

(a) *In general.*

No piles shall be driven and no platform erected, nor shall any filling in or construction, repairs, alterations, removals, dredging, demolitions, or work of any kind be made or done in the

Patapsco River or tributaries below mean high tide, or involving work below mean high tide, without the written consent of the Harbor Engineer.

(b) *Penalties.*

If any person shall violate the provisions of this section:

(1) he shall be deemed guilty of a misdemeanor and, upon conviction thereof, be subject to a fine not exceeding \$250; and

(2) the Harbor Engineer is hereby empowered to remove forthwith at the expense of the person violating this section the structure, obstruction, extension, or filling in complained of.

(*City Code, 1927, art. 15, §15; 1950, art. 11, §22; 1966, art. 10, §22; 1976/83, art. 10, §22.*) (*Ord. 09-293; Ord. 48-509.*)

§ 5-4. Permit needed for structures.

(a) *In general.*

No shed, building, office, tally-house, booth, or stand shall be erected, nor shall any derrick, hoisting mast, coal hopper, sign, or advertising device, or obstruction of any kind be placed or maintained on any pier, bulkhead, marginal street, quay, or wharf structure, nor upon any reclaimed land, without a written permit from the Harbor Engineer.

(b) *Penalties.*

If the owner, lessee, occupant, or agent of said wharf property or land, shall place or permit the erection, placing, or maintaining of any erection or any structure without such permit from the Harbor Engineer then for failure to remove same:

(1) said owner, lessee, occupant, or agent shall be subject to a fine not exceeding \$200, in addition to all damages for each and every violation of this section; and

(2) the Harbor Engineer is hereby empowered to remove forthwith, at the expense of the person violating this section, the structure or obstruction complained of.

(*City Code, 1927, art. 15, §16; 1950, art. 11, §23; 1966, art. 10, §23; 1976/83, art. 10, §23.*) (*Ord. 09-293.*)

§ 5-5. Pier endangered by additional cargo.

(a) *In general.*

No cargo shall be discharged from any vessel or other water craft upon any pier, bulkhead, or wharf structure, at which such vessel or other water craft is being unladen after notice signed and served by the Harbor Master or the Harbor Engineer upon the owner, or stevedore, consignee, master, or other officer of such vessel or other water craft, that such pier, bulkhead, or structure will be endangered by the placing of additional cargo thereon.

(b) *Penalties.*

If any person shall violate the provisions of this section he shall be subject to a fine not exceeding \$200, in addition to all damages caused thereby after the service of said notice. (City Code, 1927, art. 15, §17; 1950, art. 11, §24; 1966, art. 10, §24; 1976/83, art. 10, §24.) (Ord. 09-293.)

§ 5-6. Injury to wharf or dock.

(a) *In general.*

No vessel or other water craft shall load or discharge at any City wharf, pier, or dock, or adjoining same, in such manner as to injure or damage or unreasonably to interfere with the use of said structure.

(b) *Penalties.*

The owner or consignee of said vessel or other water craft who violates the provisions of this section shall be subject to a fine of \$20, in addition to all damages caused by such violation. (City Code, 1927, art. 15, §17; 1950, art. 11, §24; 1966, art. 10, §24; 1976/83, art. 10, §24.) (Ord. 09-293.)

§ 5-7. Bulk cargoes on piers.

(a) *In general.*

All lumber, brick, or other material in bulk, discharged on any pier or bulkhead must be placed at least 5 feet from the edge of the pier or bulkhead pending removal.

(b) *Penalties.*

The owner or consignee of such lumber, brick, or other material, or the person placing or causing the same to be placed on such prohibited space shall be subject to a fine of \$20 per day for each and every violation of this section. (City Code, 1927, art. 15, §19; 1950, art. 11, §26; 1966, art. 10, §26; 1976/83, art. 10, §26.) (Ord. 09-293.)

§ 5-8. Vehicles on piers.

(a) *In general.*

Except as otherwise provided by ordinance, no vehicle of any description shall be parked or stored at any time on any street, driveway, wharf, bridge, bulkhead, or land under the charge and control of the Harbor Engineer.

(b) *Penalties.*

If any person shall violate the provisions of this section,

(1) he shall be subject to a fine of \$10; and

(2) the Harbor Engineer is hereby empowered to remove forthwith such obstructing vehicle and hold same until said fine and all other charges shall have been paid.

(City Code, 1927, art. 16, §20; 1950, art. 11, §27; 1966, art. 10, §27; 1976/83, art. 10, §27.) (Ord. 09-293; Ord. 50-1240.)

§ 5-9. Work done under permit.

(a) *In general.*

All work under a permit issued by the Harbor Engineer shall be done:

- (1) in accordance with the rules and regulations of the Department;
- (2) in accordance with plans and specifications submitted by the permittee; and
- (3) wholly at the expense of the permittee.

(b) *Indemnification.*

The permittee shall indemnify and save harmless the Mayor and City Council of Baltimore, its officers, agents, and servants, against and from all damages, cost, and expense which they may suffer, or to which they may be put by reason of injury to the person or property of another resulting from carelessness or negligence on the part of the permittee.

(c) *Procedures.*

The procedure under the permit issued by the Harbor Engineer shall be in strict compliance with all applicable laws and ordinances and the rules and regulations of the city departments established for the purpose of enforcing them.

(d) *Revocation of permit.*

The Harbor Engineer shall have the right to revoke a permit at any time.

(City Code, 1927, art. 15, §21; 1950, art. 11, §28; 1966, art. 10, §28; 1976/83, art. 10, §28.) (Ord. 09-293.)

SUBTITLE 6
WHARFAGE AND OTHER REGULATIONS

§ 6-1. Charges.

(a) *Wharfage rates.*

- (1) The wharfage rates per calendar day, or for any fractional part thereof, for all goods, wares, merchandise, or other articles landed at or upon and shipped from any public wharf shall be the same as those which are in effect on June 12, 1950.
- (2) The rates on all goods shipped from one vessel to another shall be $\frac{1}{2}$ the rates above prescribed and shall be paid by the vessel shipping the goods.
- (3) The Harbor Master may require anything landed on any public wharf to be removed within 24 hours after landing the same, or subject the same to a daily penalty of 50¢ for each foot occupied of the length of the wharf.

(b) *Dockage rates.*

- (1) No dockage shall be collected on any barge or scow lying at any City wharf, dock, or bulkhead, upon which wharfage is collected in excess of \$2 per diem, or part thereof.
- (2) All vessels, including barges and scows lying at any City wharf, dock, or bulkhead that are allowed free wharfage, shall pay the dockage rates per calendar day, or part thereof, which are in effect on June 12, 1950.
- (3) Double said dockage rates shall be paid for all vessels for every day above 6 and treble for every day above 12 that they shall remain at any wharf, dock, or bulkhead aforesaid, unless allowed to remain longer by the Harbor Master, who is hereby authorized to extend the time for said vessels in all cases when he may think the public interest is promoted thereby, but no light-vessel, barge, or scow may remain at any public wharf, dock, or bulkhead.
- (4) If the Harbor Master serves notice on the captain, owner, consignee, or stevedore of any vessel, barge, or scow, to remove same from any City wharf, dock, or bulkhead, and the same is not removed within 2 hours after such notice has been served, the Harbor Master shall collect from the captain, owner, consignee, or stevedore, \$2 for the 1st day or part thereof, and \$2 additional for each and every day or part thereof, that such vessel, barge, or scow shall remain at any City wharf, dock, or bulkhead, 2 hours after notice to remove same has been issued by the Harbor Master.

(c) *Change in rates.*

The Board of Estimates shall have the power, from time to time, to increase, reduce, or eliminate any of the wharfage or dockage rates as herein provided for and may include and change, from time to time, rates for other articles not included in the above-mentioned schedules.

(d) *Posting and filing.*

The schedule of the above rates shall be posted in the office of the Harbor Master and a copy thereof filed with the Department of Legislative Reference within 1 week after June 12, 1950, and any changes or additions in said rates which shall be made by the Board of Estimates shall be filed with the Harbor Master and the Department of Legislative Reference on or before the time when such rates shall become effective.

(City Code, 1927, art. 15, §§24, 25; 1950, art. 11, §29; 1966, art. 10, §29; 1976/83, art. 10, §29.) (Ord. 09-293; Ord. 23-041; Ord. 48-472; Ord. 50-1246.)

§ 6-2. Inspection of license, bills of lading, etc.

(a) *In general.*

(1) The master of any vessel lying at any public wharf shall:

- (i) exhibit to the Harbor Master, upon request, the enrollment or license of such vessel showing her proper tonnage; and
- (ii) furnish to the Harbor Master the manifest or bills of lading of cargo landed or received at said wharf.

(2) The person who inspects lumber on any public wharf or the owner or agent of lumber landed at such wharf shall furnish to the Harbor Master a certified copy of the certificate of inspection or the tally sheets showing the number of feet in each pile of such lumber.

(b) *Penalties.*

The master of any vessel or other person who violates this section shall pay a fine of \$20.

(City Code, 1927, art. 15, §26; 1950, art. 11, §30; 1966, art. 10, §30; 1976/83, art. 10, §30.) (Ord. 09-293.)

§ 6-3. Permission to enter public dock.

(a) *In general.*

(1) No vessel shall enter any public dock without permission from the Harbor Master, who shall prescribe:

- (i) the manner in which all vessels shall lie at any public wharf, so that the facilities for discharging and receiving cargoes may be afforded as generally as possible and the public interest most promoted;
- (ii) the time vessels may occupy any public dock; and
- (iii) the terms and conditions upon which they may load and discharge cargoes therein.

(2) All anchorages shall be in charge of and subject to regulation by the Harbor Engineer.

(b) *Penalties.*

The master of any vessel who refuses to obey the regulations or requirements of the Harbor Master or of the Harbor Engineer, as the case may be, in carrying out this section shall be guilty of a misdemeanor and shall be subject to a fine of not more than \$50 for each and every hour the offense continues.

(*City Code, 1927, art. 15, §27; 1950, art. 11, §31; 1966, art. 10, §31; 1976/83, art. 10, §31.*) (*Ord. 09-293; Ord. 50-1223.*)

§ 6-4. Retailing goods at City wharf.(a) *In general.*

No vessel shall lie at any of the City wharves for the purpose of retailing any goods, wares, or merchandise, or produce, except the same has been brought into port by said vessel, nor shall any vehicle or booth or structure of any kind, stand on any City wharf for the purpose of retailing fruit or other articles therefrom.

(b) *Penalties.*

The master of a vessel or any other person violating this section shall pay a penalty of \$20, and a further penalty of \$5 for every hour the offense continues.

(*City Code, 1927, art. 15, §28; 1950, art. 11, §32; 1966, art. 10, §32; 1976/83, art. 10, §32.*) (*Ord. 09-293; Ord. 50-1239.*)

§ 6-5. Sale of seafood.(a) *In general.*

No vessel shall be permitted to lie at any of the City docks or wharves for the purpose of selling fish, either at wholesale or retail, or other seafood, except oysters, therefrom at any time.

(b) *Penalties.*

The master of any vessel violating this section shall pay a penalty of \$20 and a further penalty of \$5 for every hour the offense continues.

(*City Code, 1950, art. 11, §33; 1966, art. 10, §33; 1976/83, art. 10, §33.*) (*Ord. 31-032.*)

§ 6-6. Removal of unclaimed merchandise.

Whenever the owner or agent of any merchandise on any City wharf cannot be ascertained by the Harbor Master, after the same has been thereon 48 hours, the Harbor Master may remove and sell the same, upon giving at least 10 days' notice, but perishable articles may be sold at the discretion of the Harbor Master, and any owner or agent of said merchandise who shall claim the same before the sale thereof, may take the same upon paying the wharfage and all other expenses.

(*City Code, 1927, art. 15, §29; 1950, art. 11, §34; 1966, art. 10, §34; 1976/83, art. 10, §34.*) (*Ord. 09-293.*)

§ 6-7. Removal of nuisances.(a) *In general.*

The Harbor Master shall cause all watermelons and other fruit, fish, vegetables, and refuse to be removed from any wharf whenever they shall become a nuisance.

(b) *Penalties.*

The owner of any such watermelons or other fruit, fish, or vegetables, shall pay a penalty of \$10 for every day the same shall remain after notice to remove the same has been given to the owner by the Harbor Master.

(*City Code, 1927, art. 15, §30; 1950, art. 11, §35; 1966, art. 10, §35; 1976/83, art. 10, §35.*) (*Ord. 09-293.*)

§ 6-8. Removal of sunken vessels.(a) *Notice to remove.*

The Harbor Engineer shall cause to be removed, in such time as he may think reasonable, all vessels which may be sunk in the harbor or port of Baltimore.

(b) *Penalties.*

The owner or owners of such sunken vessels, who refuse or neglect to remove the same when directed to do so by the Harbor Engineer shall pay a fine of not less than \$10 nor more than \$100 per day for every day the said vessel shall remain after due notice as aforesaid.

(c) *Removal by Harbor Engineer.*

(1) In case the owner or agent of such sunken vessel cannot be found, then the Harbor Engineer shall proceed to remove said vessel and pay the cost thereof out of any appropriation to his Bureau or from any funds which the Board of Estimates may make available for such purpose.

(2) As soon as the owners or agents of such sunken vessel so removed shall be found, the Mayor shall proceed to recover by law the amount expended for the removal of said vessel and also such fine as may be recovered under this section.

(*City Code, 1927, art. 15, §31; 1950, art. 11, §36; 1966, art. 10, §36; 1976/83, art. 10, §36.*) (*Ord. 09-293; Ord. 50-1223.*)

§ 6-9. Removal of obstructions.(a) *In general.*

(1) The Harbor Engineer shall:

- (i) have secured or removed all obstructions to navigation that may be found drifting about, or otherwise obstructing navigation; and

- (ii) notify the owner or agent of same that the said obstruction has been so secured or removed and held at his expense.

(2) If not claimed within 10 days:

- (i) the Harbor Engineer shall sell the same; and
- (ii) any balance after the expense of securing or removing same has been paid, shall be held by the Director of Finance to be paid to the owner if claimed within 12 months.

(b) *Penalties.*

Any person who shall cast loose, set adrift or place any object likely to become a nuisance or an obstruction to navigation shall pay a fine not exceeding \$200.

(City Code, 1927, art. 15, §32; 1950, art. 11, §37; 1966, art. 10, §37; 1976/83, art. 10, §37.) (Ord. 09-293.)

§ 6-10. Removal of deposits.

The Harbor Engineer shall remove all deposits from the harbor and docks into which said deposits empty, whenever he may deem it right and proper to do so without serious interference with the main work of harbor improvement.

(City Code, 1927, art. 15, §33; 1950, art. 11, §38; 1966, art. 10, §38; 1976/83, art. 10, §38.) (Ord. 09-293.)

§ 6-11. Permission to put material in Patapsco River.

(a) *In general.*

- (1) No material, refuse, or matter of any kind shall be thrown into, deposited in, or placed where the same may fall or be washed into the Patapsco River, or any of its tributaries, without written permission from the Harbor Engineer, who is hereby authorized to employ supervisors to see that any material permitted to be deposited is placed where directed by said Engineer.
- (2) The person applying for or receiving said permission shall pay for the services of said supervisors such rates as the Harbor Engineer may deem proper.

(b) *Penalties.*

Any person violating this section shall pay a fine of not more than \$200 and the Harbor Engineer and the Harbor Masters are specially charged with the execution of this section.

(City Code, 1927, art. 16, §34; 1950, art. 11, §39; 1966, art. 10, §39; 1976/83, art. 10, §39.) (Ord. 09-293.)

§ 6-12. Gas tar, dregs, etc.

If any gas company, or any other company, or person shall discharge or cause any water to flow into the harbor or any stream or sewer running thereinto in which water there may be any gas tar, or other lees or dregs, the company or person so offending shall pay a fine of \$20 for each offense and a further fine of \$20 for every day the offense continues.

(City Code, 1927, art. 15, §35; 1950 art. 11, §40; 1966, art. 10, §40; 1976/83, art. 10, §40.) (Ord. 09-293.)

§ 6-13. Ice boats.(a) *In general.*

Subject to the provisions of §§ 321 to 326 inclusive, of the City Charter (1949 Ed.) *{repealed by Chapter 29, Laws of Maryland 1969}* and such ordinances as may be ordained by the Mayor and City Council of Baltimore, the Harbor Engineer shall control and manage the iceboats and shall have no power to permit the use of said boats for any other purpose than to aid the commerce and navigation of the port and to keep the harbor and the approaches thereto free from obstruction by ice, in such manner as the Harbor Engineer may deem best.

(b) *Charges.*

In all cases of special use of the boats, in the way of relief or otherwise, the Harbor Engineer may make such charges for said use as he may deem proper, and apply the sum received for the same toward the expenses of the boats.

(City Code, 1927, art. 15, §39; 1950, art. 11, §41; 1966, art. 10, §41; 1976/83, art. 10, §41.) (Ord. 09-293.)

§ 6-14. Speed of vessels.(a) *In general.*

(1) No vessel shall move in the harbor at a greater rate of speed than:

(i) 7 nautical miles an hour westward of a line from Henderson's Wharf to the foot of Hull Street; and

(ii) 9 nautical miles an hour eastward of said line.

(2) No vessel shall move in the Patapsco River or tributaries within a distance of 300 feet from any pier or bulkhead at a greater rate of speed than 8 nautical miles an hour.

(b) *Penalties.*

The master of any vessel violating this section shall pay a fine of not exceeding \$100 for the 1st offense and not less than \$50 nor more than \$200 for each subsequent offense.

(City Code, 1927, art. 15, §40; 1950, art. 11, §42; 1966, art. 10, §42; 1976/83, art. 10, §42.) (Ord. 09-293.)

§ 6-15. Gang planks; hand rails.*(a) In general.*

- (1) All vessels (except tugs) carrying passengers shall be provided with a gang-plank at least 4 feet wide, with a hand rail on each side thereof 4 feet high.
- (2) The space between the hand rail and the gang-plank to be so enclosed so as to prevent any person passing over said gang-plank from falling overboard.
- (3) Said gang-plank to be used by said vessel at all times upon making fast to any wharf or pier in the City of Baltimore for the purpose of embarking or debarking passengers.

(b) Penalties.

The master of any vessel violating this section shall pay a fine of \$50.
(*City Code, 1927, art. 15, §41; 1950, art. 11, §43; 1966, art. 10, §43; 1976/83, art. 10, §43.*) (*Ord. 09-293.*)

§ 6-16. Yards, rig, anchor.*(a) In general.*

It shall be the duty of the person having in charge any vessel lying at any of the public wharves or docks to top the yards, rig in the jib-booms, and place the anchor or anchors on the deck of said vessel, whenever required so to do by the Harbor Master or the occupier of any wharf or his agent.

(b) Penalties.

Any person having charge of any vessel who shall neglect or refuse to obey directions as aforesaid shall pay a penalty of \$5.
(*City Code, 1927, art. 15, §42; 1950, art. 11, §44; 1966, art. 10, §44; 1976/83, art. 10, §44.*) (*Ord. 09-293.*)

§ 6-17. Smoking, etc., near explosives.*(a) In general.*

It shall be unlawful for any person to smoke, carry, or have any lighted match, pipe, cigar, or cigarette, or carry or use any portable open light in or upon any wharf, shed, pier, or warehouse on any wharf or pier, or on the deck of any vessel lying at or along side of any wharf or pier or on or near any vessel loading or unloading explosives lying at or along side of any wharf or pier.

(b) *Penalties.*

Any person violating the provisions of this section or of any other provisions of §§ 1-1 through 6-17, inclusive, of this article, for which no penalty is prescribed, shall, upon conviction thereof, be liable to a fine of not less than \$5 nor more than \$25.

(*City Code, 1927, art. 15, §44; 1950, art. 11, §45; 1966, art. 10, §45; 1976/83, art. 10, §45.*) (*Ord. 09-293; Ord. 41-594; Ord. 44-096; Ord. 44-140.*)

§ 6-18. Bridges.(a) *Harbor engineer to control and maintain.*

The Harbor Engineer shall control and maintain all bridges of the City over navigable waters in and adjacent to the City of Baltimore, subject to the provisions of Article 26, § 14-1 of the City Code.

(b) *Regulations.*

- (1) Subject to Title 4 {“Administrative Procedure Act – Regulations”} of the City General Provisions Article, the Harbor Engineer is hereby authorized and directed to make, and from time to time amend the same, rules as to the safe use of each of the bridges under his jurisdiction and control.

Editor’s Note: By authority of Ordinance 20-431, Section 5, the Director of Legislative Reference, in consultation with the Law Department, has conformed the text of this paragraph to refer expressly to the requirements of the recently-enacted Administrative Procedure Act that, effective January 15, 2021, governs the proposal, adoption, and publication of administrative rules and regulations.

- (2) Immediately after the adoption of such rules as to a particular bridge the same shall be posted in a conspicuous manner on said bridge so as to be easily seen by all persons using said bridge.

(c) *Penalties.*

Any person violating any rule of the Harbor Engineer as to the use of a bridge after said rules shall have been posted on said bridge as aforesaid, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not less than \$10 nor more than \$50 for each offense, said fine to be collected as other fines for violations of City ordinances are collected.

(*City Code, 1927, art. 15, §§45, 46; 1950, art. 11, §§46, 47; 1966, art. 10, §§46, 47; 1976/83, art. 10, §§46, 47.*) (*Ord. 22-715; Ord. 48-513; Texts Conformed 02/18/21.*)

§ 6-19. Discharge containing oil, etc.(a) *In general.*

The owner, master or person in charge of any boat, vessel, barge, or water craft in the harbor of Baltimore, and the owner, tenant, or occupant of any land, premises, pier, wharf, or warehouse on or adjacent to the harbor of Baltimore, or his agents, shall not allow to be pumped, discharged, flow into, or in any manner whatsoever escape into the water of the harbor of Baltimore from said boat, vessel, barge, or water craft, or from said land, premises, pier, wharf,

or warehouse, or on or upon any pier or wharf in said harbor any bilge water, waste water, or drainage in which there is oil, naphtha, benzine, or gasoline.

(b) *Penalties.*

Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and shall be subject to a fine of not less than \$50 nor more than \$500, ½ of said fine to go to the informer, or in the discretion of the Court, may be imprisoned in the Baltimore City Jail for 30 days, or may be subjected to both said fine and imprisonment.

(*City Code, 1927, art. 15, §48; 1950, art. 11, §49; 1966, art. 10, §49; 1976/83, art. 10, §49.*) (*Ord. 20-378; Ord. 21-644; Ord. 23-826.*)

§ 6-20. Inspection of vessels.

(a) *In general.*

The Harbor Engineer, or any assistant designated by him, shall have the authority and power to board and inspect vessels located in the Baltimore Harbor for the purpose of seeing whether the laws and ordinances of the City relative to the discharge of bilge water, oil, or other waste material in the Harbor and the requirements for fire protection and other safety provisions are being complied with.

(b) *Penalties.*

Any officer, agent, or employee of any vessel interfering with the inspection of vessels for the purposes of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a penalty of not more than \$100 for each and every such violation.

(*City Code, 1950, art. 11, §50; 1966, art. 10, §50; 1976/83, art. 10, §50.*) (*Ord. 48-476.*)

§§ 6-21 to 6-24. {Reserved}

§ 6-25. Obstructing Harbor Master or Harbor Engineer.

(a) *Penalties.*

Any person who shall obstruct the Harbor Engineer, Harbor Master, and/or their assistants, in the performance of his or their lawful duties shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of \$20 for each and every such offense.

(b) *Recovery of fines.*

All fines imposed for the violation of any of the provisions of this article shall be recovered as other fines imposed by ordinance are recoverable; all of said fines when collected to be paid to the Director of Finance.

(*City Code, 1927, art. 15, §47; 1950, art. 11, §48; 1966, art. 10, §48; 1976/83, art. 10, §48.*) (*Ord. 09-293; Ord. 48-513; Ord. 50-1244.*)

**SUBTITLE 7
EXPLOSIVES**

EDITOR’S NOTE: For general permitting and regulatory provisions governing the manufacture, storage, handling, sale or use of explosives, explosive materials, fireworks, and the like, *see* the International Fire Code § 105.6.14 {“Required operational permits: Explosives”} and Chapter 56 {“Explosives and Fireworks”}, as adopted by Part VIII of the City’s Building, Fire, and Related Codes Article.

§ 7-1. Definitions; classes.

(a) *In general.*

The following rules and regulations shall govern the handling of explosives in the Port of Baltimore.

(b) *“Explosives” defined.*

The word “explosives” as used in this subtitle shall mean any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion, namely, with substantially instantaneous release of gas and heat, unless such compound, mixture, or device is otherwise specifically designated as not being an explosive.

(c) *Classes of explosives.*

Classes of explosives designated in this subtitle shall be as defined in the Interstate Commerce Commission Regulations and the U. S. Coast Guard Rules for Explosives and Other Dangerous Articles on Board Vessels, and amendments thereto, that may be made from time to time.

*(City Code, 1927, art. 15, §49; 1950, art. 11, §51; 1966, art. 10, §51; 1976/83, art. 10, §51.)
(Ord. 13-336; Ord. 50-1322; Ord. 53-683; Ord. 58-1652.)*

§ 7-2. Transportation subject to laws.

All explosives to be transported from land by water, or from water by land, are to be subject to all of the City, state, and national laws in reference to the loading, unloading, and handling of explosives.

*(City Code, 1927, art. 15, §50; 1950, art. 11, §52; 1966, art. 10, §52; 1976/83, art. 10, §52.)
(Ord. 13-336.)*

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

(a) *Permit required.*

A permit for transporting explosives through City streets, lanes, or alleys must be secured from the City Fire Marshal, as provided for by Baltimore City Fire Code § 105.6.14.

(b) *Applications.*

All permit applications:

- (1) should be filed sufficiently in advance of proposed date of shipment to permit consideration and issue of permit before explosives may be brought onto the waterfront areas; and

(2) shall state:

- (i) the exact nature and quantity of named explosives;
- (ii) points of origin and destination;
- (iii) name of vessel and its owners or operators;
- (iv) date when and location where transshipment is proposed to be made; and
- (v) all other pertinent information.

(c) *Limitations.*

No permits shall be issued for shipments of explosives in excess of the maximum quantities specified in this subtitle, detailed herewith:

- (1) Class A Explosives, except as permitted under § 7-4, shall not be transshipped except at the designated anchorages, and not more than a total of 200 tons gross weight shall be permitted upon any ship or vessel in the Port of Baltimore, nor shall this total concentration be exceeded at any time through division between 2 or more ships or vessels. No vessel shall be berthed at any dock or pier when carrying Class A explosives, nor shall it enter the Port beyond the designated anchorages.
- (2) Class B and C Explosives, except smokeless powder, when permitted under Interstate Commerce Commission and U. S. Coast Guard regulations, and with approval of the Harbor Engineer, may be transshipped at dock side without quantity limitations.
- (3) Smokeless powder may be loaded or unloaded in an amount not to exceed 2,500 pounds while vessel is at dock side.

(d) *Permits required for all classes.*

Permits shall be obtained from the Harbor Engineer for all classes of explosives.

*(City Code, 1927, art. 15, §51; 1950, art. 11, §55; 1966, art. 10, §53; 1976/83, art. 10, §53.)
(Ord. 13-336; Ord. 53-683; Ord. 15-435.)*

§ 7-4. Class A explosives 100 pounds or less.

(a) *Transfer permitted.*

Class A Explosives (excluding blasting caps) not exceeding 100 pounds net weight may be transferred to or from a ship or vessel within the boundary lines of Baltimore City after written application to, and the issuance by, the Director of Port Operations of the Maryland Port Authority for a permit to do so.

**SUBTITLE 7
EXPLOSIVES**

EDITOR’S NOTE: For general permitting and regulatory provisions governing the manufacture, storage, handling, sale or use of explosives, explosive materials, fireworks, and the like, *see* the International Fire Code § 105.6.14 {“Required operational permits: Explosives”} and Chapter 56 {“Explosives and Fireworks”}, as adopted by Part VIII of the City’s Building, Fire, and Related Codes Article.

§ 7-1. Definitions; classes.

(a) *In general.*

The following rules and regulations shall govern the handling of explosives in the Port of Baltimore.

(b) *“Explosives” defined.*

The word “explosives” as used in this subtitle shall mean any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion, namely, with substantially instantaneous release of gas and heat, unless such compound, mixture, or device is otherwise specifically designated as not being an explosive.

(c) *Classes of explosives.*

Classes of explosives designated in this subtitle shall be as defined in the Interstate Commerce Commission Regulations and the U. S. Coast Guard Rules for Explosives and Other Dangerous Articles on Board Vessels, and amendments thereto, that may be made from time to time.

*(City Code, 1927, art. 15, §49; 1950, art. 11, §51; 1966, art. 10, §51; 1976/83, art. 10, §51.)
(Ord. 13-336; Ord. 50-1322; Ord. 53-683; Ord. 58-1652.)*

§ 7-2. Transportation subject to laws.

All explosives to be transported from land by water, or from water by land, are to be subject to all of the City, state, and national laws in reference to the loading, unloading, and handling of explosives.

*(City Code, 1927, art. 15, §50; 1950, art. 11, §52; 1966, art. 10, §52; 1976/83, art. 10, §52.)
(Ord. 13-336.)*

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

(a) *Permit required.*

A permit for transporting explosives through City streets, lanes, or alleys must be secured from the City Fire Marshal, as provided for by Baltimore City Fire Code § 105.6.14.

(b) *Applications.*

All permit applications:

- (1) should be filed sufficiently in advance of proposed date of shipment to permit consideration and issue of permit before explosives may be brought onto the waterfront areas; and

(b) *Limitations.*

Provided that such permit shall be issued only when it appears to the aforesaid Director of Port Operations that necessity requires the issuance of such permit, and in all such cases the said Director of Port Operations shall designate the location or the limits within which the transfer of such explosives may be made.

(*City Code, 1927, art. 15, §53; 1950, art. 11, §56; 1966, art. 10, §54; 1976/83, art. 10, §54.*) (*Ord. 13-336; Ord. 58-1652.*)

§ 7-5. Inspection for permit.

(a) *Inspection required.*

An inspector of the Harbor Engineer will first inspect the vessel, to see that it is in condition to receive explosives, before the Harbor Engineer shall issue a permit.

(b) *Engineer may appoint inspectors.*

The Harbor Engineer is hereby authorized to appoint or designate, from time to time, some suitable person as such inspector and to fix a reasonable charge for such inspection.

(*City Code, 1927, art. 15, §54; 1950, art. 11, §56; 1966, art. 10, §55; 1976/83, art. 10, §55.*) (*Ord. 13-336.*)

§ 7-6. Vessels within Quarantine or Explosive Anchorage.

The vessel on which explosives are to be loaded, and which is not covered by §§ 7-1 and 7-3 shall be well within the designated Quarantine or Explosive Anchorage and shall not leave the permitted anchorage except for the purpose of leaving Port.

(*City Code, 1927, art. 15, §55; 1950, art. 11, §57; 1966, art. 10, §56; 1976/83, art. 10, §56.*) (*Ord. 13-336; Ord. 50-1322.*)

§ 7-7. Work to be done before loading.

(a) *In general.*

All the necessary work in construction of floors, partitions, etc., or for the removal of any other combustible from that part of the hold in which explosives are to be stored, shall be completed before loading of the explosives is commenced.

(b) *Decks, gangways, holds.*

All decks, gangways, and holds over which explosives must be passed in loading, must be freed from all loose metal or tools and should be carefully swept before loading is commenced and after loading has ceased.

(*City Code, 1927, art. 15, §§56, 57; 1950, art. 11, §§58, 59; 1966, art. 10, §§57, 58; 1976/83, art. 10, §§57, 58.*) (*Ord. 13-336.*)

§ 7-8. Red flags and lights.

The vessel into which explosives have been loaded, or are being loaded, shall conspicuously display a red flag from the forepeak, of the size prescribed by the Bureau of Navigation (16 sq. ft.), and at night a red light shall be conspicuously displayed.

(*City Code, 1927, art. 15, §58; 1950, art. 11, §60; 1966, art. 10, §59; 1976/83, art. 10, §59.*) (*Ord. 13-336.*)

§ 7-9. Artificial lights.

No artificial light shall be permitted in the hold of the vessel, except electric flash lights or electric lanterns or regular electric installation of the vessel.

(*City Code, 1927, art. 15, §59(1st sen.); 1950, art. 11, §61(1st sen.); 1966, art. 10, §60(1st sen.); 1976/83, art. 10, §60(1st sen.)*) (*Ord. 13-336.*)

§ 7-10. Notification of cargo.

Before vessels loaded with explosives of either Class A, B, or C may be allowed to enter or unload in the Port of Baltimore, the Fire Marshal must be notified of the nature and quantity of explosives on board and the time when and place where it is proposed to land these explosives.

(*City Code, 1927, art. 15, §60; 1950, art. 11, §62; 1966, art. 10, §61; 1976/83, art. 10, §61.*) (*Ord. 13-336; Ord. 53-683; Ord. .*)

§ 7-11. Inspection during operations.

(a) *Inspection required.*

After all proper permits have been secured, an inspector appointed by the Harbor Engineer shall be present on board the ship during the entire time when explosives are being loaded into, or are unloaded from the ship, and he shall be especially charged with the supervision of such loading and unloading.

(b) *Costs.*

The cost of such inspection to be borne by the agents, owners, consignees, or stevedores. A sufficient sum to cover such cost shall be deposited with the Harbor Engineer at the time of obtaining the permit.

(*City Code, 1927, art. 15, §62; 1950, art. 11, §64; 1966, art. 10, §63; 1976/83, art. 10, §63.*) (*Ord. 13-336.*)

§ 7-12. Explosives with inflammable articles.

Explosives shall not be loaded or carried on any vessels carrying inflammable liquids, inflammable solids, oxidizing materials, mineral acids, as defined in Federal regulations for transportation of these explosives, or articles liable to spontaneous ignition, or to give off inflammable gases, unless the explosive be stored in separate rooms or otherwise so separated as to effectually prevent danger to the explosive from any of these articles, or from the vapor thereof.

(*City Code, 1927, art. 15, §63; 1950, art. 11, §65; 1966, art. 10, §64; 1976/83, art. 10, §64.*) (*Ord. 13-336.*)

§ 7-13. Explosives with blasting caps.

Where blasting caps are loaded on the same vessel with high explosives, they must be put in a different compartment, the distance in a straight line from the compartment containing the blasting caps to the explosives to be not less than 25 feet whenever the quantity of the explosives exceeds 1,000 pounds, and not less than 15 feet in any case.

(City Code, 1927, art. 15, §64; 1950, art. 11, §66; 1966, art. 10, §65; 1976/83, art. 10, §65.) (Ord. 13-336.)

§ 7-14. Cars of explosives — on land.

Cars of explosives which are to be transshipped on to a vessel shall not be brought into the City limits except when they can be loaded directly on to car floats, and immediately thereafter conveyed to the vessel at anchorage.

(City Code, 1927, art. 15, §65; 1950, art. 11, §67; 1966, art. 10, §66; 1976/83, art. 10, §66.) (Ord. 13-336.)

§ 7-15. Cars of explosives — conveyance to vessel.

Cars containing explosives to be transshipped by water shall be conveyed on car floats to the vessel, on which explosives are to be loaded, between sunrise and sunset and when there is no dense fog.

(City Code, 1927, art. 15, §67; 1950, art. 11, §69; 1966, art. 10, §68; 1976/83, art. 10, §68.) (Ord. 13-336.)

§ 7-16. Cars of explosives — car floats or barges.

(a) *Immediate conveyance.*

Barges or floats on which there are cars carrying explosives shall be immediately conveyed to the vessel into which the explosives are to be loaded, and care must be taken that only as many cars as can ordinarily be transferred to the vessel during that day shall be placed on the car float or barge.

(b) *If not unloaded by sundown.*

(1) If, for any unexpected reason, it is seen to be impossible to transfer all of the explosives on the car float into the vessel before sundown, the car float or barge shall be withdrawn from the vessel to a safe anchorage and carefully made fast.

(2) If the car float is not properly equipped with anchors, hawsers, etc., and cannot be safely anchored, a tug shall remain in attendance and a watchman be kept on the car float or barge until the following morning or until unloading is resumed.

(c) *Red flags and lights.*

Car floats or barges having aboard cars containing explosives shall fly at each end of the float, not less than 15 feet above the deck, a red flag of not less than 20 square feet surface. Red lights shall be substituted for the flags if the barge or car float remains in the anchorage after sundown.

(City Code, 1927, art. 15, §§66, 68; 1950, art. 11, §§68, 70; 1966, art. 10, §§67, 69; 1976/83, art. 10, §§67, 69.) (Ord. 13-336.)

§ 7-17. Cars of explosives — seals to be unbroken.

Car seals on carload shipments of explosives for transshipment via float or barge in Baltimore must not be broken, except as authorized by the federal regulations, until car float is alongside of vessel on which explosives are to be loaded, and only then when it is necessary to begin unloading the car. (*City Code, 1927, art. 15, §70; 1950, art. 11, §72; 1966, art. 10, §71; 1976/83, art. 10, §71.*) (*Ord. 13-336.*)

§ 7-18. Tug boats.

Tug boats towing vessels, floats, or barges aboard of which there are explosives will display at all times a red flag of at least 16 square feet surface at the masthead. Tug boats without masts will display the flag at least 10 feet above the upper deck. (*City Code, 1927, art. 15, §69; 1950, art. 11, §71; 1966, art. 10, §70; 1976/83, art. 10, §70.*) (*Ord. 13-336.*)

§ 7-19. {Reserved}**§ 7-20. Tools.****(a) Metal tools prohibited.**

(1) No metal bale hooks or other metal tools shall be used in loading, unloading, or handling explosives.

(2) Men engaged in loading, unloading, or handling explosives must not carry metal bale hooks or other metal tools.

(b) Wooden tools required.

In loosening bracing in cars of explosives, only a wooden wedge and wooden mallet or mallet may be used.

(*City Code, 1927, art. 15, §§72, 73, 78; 1950, art. 11, §§74, 75, 80; 1966, art. 10, §§73, 74, 79; 1976/83, art. 10, §§73, 74, 79.*) (*Ord. 13-336.*)

§ 7-21. Handling containers.

Containers of either Class A, B, or C explosives shall not be thrown, dropped, or dragged along the decks of vessels, floors of cars, or over each other.

(*City Code, 1927, art. 15, §74; 1950, art. 11, §76; 1966, art. 10, §75; 1976/83, art. 10, §75.*) (*Ord. 13-336.*)

§ 7-22. Broken packages.**(a) Required protection.**

(1) Broken or seriously damaged packages of explosives may be recovered when it is practicable and not dangerous.

(2) A broken box of dynamite that cannot be recovered should be reinforced by stout wrapping paper and twine, placed in another strong box, and surrounded by dry, fine sawdust, or dry and clean cotton waste, or elastic wads made from dry newspaper.

(3) A ruptured can or keg should be inclosed in a grain bag of good quality and boxed or crated.

(b) *Disposition.*

(1) Injured packages thus protected and properly marked may be forwarded.

(2) Packages too seriously damaged to be recovered should not be forwarded, but set aside and the shipper notified to make disposition of them.

(c) *Loose particles.*

In removing broken cases or kegs of explosives from car or vessel, care must be taken to remove any particles of loose explosives.

(*City Code, 1927, art. 15, §§75, 76; 1950, art. 11, §§77, 78; 1966, art. 10, §§76, 77; 1976/83, art. 10, §§76, 77.*) (*Ord. 13-336.*)

§ 7-23. {Reserved}

§ 7-24. Fires.

(a) *Engine room fires.*

Engine room fires must be carefully banked during the time of receiving or delivering explosives.

(b) *Others.*

No unnecessary fires shall be permitted on vessels while receiving or delivering explosives, and those fires which are deemed necessary must be left in constant charge of some one individual during the entire period in which the explosives are being handled.

(*City Code, 1927, art. 15, §§59(2nd sen.), 61; 1950, art. 11, §§61(2nd sen.), 63; 1966, art. 10, §§60(2nd sen.), 62; 1976/83, art. 10, §§60(2nd sen.), 62.*) (*Ord. 13-336.*)

§ 7-25. Matches, firearms, etc.

Barge and vessel crews and persons engaged in loading, unloading, or handling explosives must not have or carry matches, firearms, or cartridges on their persons.

(*City Code, 1927, art. 15, §79; 1950, art. 11, §81; 1966, art. 10, §80; 1976/83, art. 10, §80.*) (*Ord. 13-336; Ord. 76-052.*)

§ 7-26. Smoking.

Smoking is prohibited in or on cars containing explosives, car floats having explosives aboard, or in the vicinity of explosives aboard vessels, cars, or barges.

(City Code, 1927, art. 15, §81; 1950, art. 11, §83; 1966, art. 10, §82; 1976/83, art. 10, §82.) (Ord. 13-336.)

§ 7-27. Shoes.

Persons engaged in loading or unloading explosives shall not wear boots or shoes with iron nails, or shod or strengthened with iron, unless such boots or shoes are covered with leather, felt, or some other such material.

(City Code, 1927, art. 15, §80(1st sen.); 1950, art. 11, §82(1st sen.); 1966, art. 10, §81(1st sen.); 1976/83, art. 10, §81(1st sen.)) (Ord. 13-336.)

§ 7-28. Persons under the influence.

No person under the influence of liquor shall be allowed on any vessel, barge, or scow on which explosives are being loaded or from which unloaded, nor will they be permitted to approach any vessel which is being loaded or unloaded.

(City Code, 1927, art. 15, §80(2nd sen.); 1950, art. 11, §82(2nd sen.); 1966, art. 10, §81(2nd sen.); 1976/83, art. 10, §81(2nd sen.)) (Ord. 13-336; Ord. 76-052.)

§ 7-29. Transferring explosives — in general.

(a) *Unto vessel — by hand or by chute and mattress.*

In transferring explosives from cars to vessel or one vessel to another, explosives must be handled by hand or regulation chute and mattress.

(b) *Unto vessel — hoist and crate.*

(1) If difference in elevation between vessel and car, or condition of weather, renders it impossible to transfer or load by hand or chute, mechanical hoists and a special crate or basket may be used and the explosives carefully lifted in this crate or basket from car float or deck of one vessel and carefully lowered on the mattress on the deck of the other.

(2) Explosives transferred in this manner must not be handled roughly. They should be hoisted and lowered carefully and only deposited or lowered on a mattress.

(c) *Into hold.*

Explosives must be transferred from a crate or basket into hold of boat by hand or regulation chute and mattress. The transfer of explosives by crate or basket into the hold of a vessel is prohibited.

(d) *Manner of handling.*

- (1) Careful men must be selected to handle explosives.
- (2) Packages of explosives must not be thrown, dropped, rolled, dragged, or slid over each other or over the decks of boats or floors of cars.
- (3) Dynamite boxes should be loaded with top side up. Powder kegs should be loaded with seams up.
- (4) All explosives must be handled carefully.

(City Code, 1927, art. 15, §82; 1950, art. 11, §84; 1966, art. 10, §83; 1976/83, art. 10, §83.) (Ord. 13-336.)

§ 7-30. Transferring explosives — inclined chutes.

(a) *Chute construction.*

- (1) When an inclined chute is employed, such chute shall be constructed of 1-inch planed boards with side guards, 4 inches high, extending 3 inches above top face of bottom of chute, and throughout its length fastened with brass screws.
- (2) “D” shaped strips or runners not more than 6 inches apart and running lengthwise of the chute must be fastened to the upper surface of the bottom part by means of glue and wooden pegs extending through the bottom part and runners.

(b) *Care of chute.*

Chutes must be occasionally wiped down with waste moistened with machine oil, when dynamite packages are being handled.

(c) *Mattress required.*

A stuffed mattress 4 feet wide by 6 feet long and not less than 4 inches thick, or a heavy jute or hemp mat of like dimensions must be placed under the discharging end of the chute.

(d) *Chute incline.*

The incline of the chute should be such that the velocity of the packages sliding will not be great enough to cause violent shock when coming in contact with other packages or when reaching bottom of slide, or men must be stationed alongside the chutes to retard the velocity of the packages and prevent violent shocks when packages come in contact with each other or reach bottom of chute.

(City Code, 1927, art. 15, §83; 1950, art. 11, §85; 1966, art. 10, §84; 1976/83, art. 10, §84.) (Ord. 13-336.)

§ 7-31. Explosives to be loaded last.

No explosives will be allowed to be placed aboard a vessel until the rest of the cargo has been placed aboard and the vessel trimmed. Immediately after the completion of the loading of explosives, the vessel shall weigh anchor and leave port, weather conditions permitting.

(*City Code, 1927, art. 15, §86; 1950, art. 11, §88; 1966, art. 10, §87; 1976/83, art. 10, §87.*) (Ord. 13-336.)

§§ 7-32 to 7-40. {Reserved}**§ 7-41. Compliance with regulations.**

The Chief Stevedore or person in charge of stevedores must fully understand and see that all persons under his supervision comply with these rules and regulations.

(*City Code, 1927, art. 15, §84; 1950, art. 11, §86; 1966, art. 10, §85; 1976/83, art. 10, §85.*) (Ord. 13-336.)

§ 7-42. Enforcement.**(a) Removing workers.**

The inspector appointed by the City shall have authority to remove any man or men disobeying or violating any of these rules or regulations, or whose condition of work in handling explosives is a menace to safety.

(b) Ordering work to stop.

The City Inspector shall have authority to stop the loading or unloading of the vessel if such loading or unloading is a menace to public safety.

(*City Code, 1927, art. 15, §85; 1950, art. 11, §87; 1966, art. 10, §86; 1976/83, art. 10, §86.*) (Ord. 13-336.)

§ 7-43. Penalties; civil liability.**(a) Penalties.**

Any person, firm, corporation, or other legal entity who commits a violation of any of the provisions of this subtitle shall be guilty of a misdemeanor and, upon conviction thereof in any court of competent jurisdiction, shall be fined not less than \$50 nor more than \$500, or sentenced to not more than 12 months in jail, or both, for each offense.

(b) Civil liability.

Nothing contained in this subtitle shall be taken or construed to impose any liability upon the Mayor and City Council of Baltimore or the Maryland Port Authority, or any of their agents or employees, for damages for loss of life or injuries to any person or property which may occur by reason of any explosion or fire resulting therefrom in the Patapsco River or any of its tributaries, or upon any wharf or landing connected therewith whether said explosion or fire shall occur by

reason of the failure to observe any or all of the requirements of this subtitle, or from whatever cause the same may occur; nor shall any such liability be imposed upon the Mayor and City Council of Baltimore or the Maryland Port Authority, or their agents or employees, by reason of anything that may be done or omitted to be done by any legal entity under or in pursuance of this subtitle or by reason of any failure on the part of the Harbor Engineer or the Director of Port Operations of the Maryland Port Authority or any inspector appointed pursuant to the provisions of this subtitle to enforce the rules and regulations prescribed in this subtitle.

(City Code, 1927, art. 15, §87; 1950, art. 11, §89; 1966, art. 10, §88; 1976/83, art. 10, §88.) (Ord. 13-336; Ord. 58-1652.)

SUBTITLE 8
AMMONIUM NITRATES

§ 8-1. Scope of subtitle.

Except as otherwise provided herein, the provisions of this subtitle shall apply to any and all shipments, whether in bulk or in packages or containers of any type or kind, and, among others, to all shipments that may be on board any ship or vessel prior to its arrival in the Patapsco River or any of its tributaries.

(City Code, 1966, art. 10, §90(e); 1976/83, art. 10, §90(e).) (Ord. 58-1651.)

§ 8-2. Handling must comply with all laws.

All ammonium nitrate, including ammonium nitrate of fertilizer grade, mixed fertilizers containing ammonium nitrate, or other materials or products containing ammonium nitrate, on any ship or vessel of any nationality, registry, or license, or while being loaded on, discharged from, or transferred from any ship or vessel of any nationality, registry, or license, in any part of the Patapsco River or any of its tributaries shall be loaded, discharged, transferred, stored, stowed, and handled in strict compliance with any and all applicable federal, state, and municipal laws, rules, and regulations.

(City Code, 1966, art. 10, §89; 1976/83, art. 10, §89.) (Ord. 58-1651.)

§ 8-3. Permits required.

No shipments of ammonium nitrate or materials or products containing ammonium nitrate in excess of 13% or which are otherwise classified as dangerous under Interstate Commerce Commission regulations, except ammonium nitrate materials or products specifically exempted under § 8-6 of this subtitle, shall be brought into any anchorage or into or onto any dock, wharf, pier, or other similar waterfront structure (hereinafter called "waterfront facility") in, on, or immediately adjacent to the Patapsco River or any of its tributaries by any means of water transportation, except in cases of continuous cross-harbor freight car shipments by car floats or freight car shipments by car floats from car float bridges to Anchorage No. 6 heretofore mentioned in this Article 10, unless and until after a permit to do so has first been obtained, upon proper written application, from the Harbor Engineer of the Mayor and City Council of Baltimore.

(City Code, 1966, art. 10, §90(a); 1976/83, art. 10, §90(a).) (Ord. 58-1651.)

§ 8-4. Application and issuance.

(a) *By whom made.*

Application for any such permit may be made by the owner of the material, the owner or operator of any transportation facility having an interest in the movement of the material, the owner, agent, charterer, master, or person in charge of a ship or vessel on which the material has been loaded, or on which the material is to be loaded, or from which the material is to be discharged, as the case may be.

(b) *Form and contents.*

- (1) The application for any such permit shall be in such form and contain such information as may be necessary or proper to enable the Harbor Engineer to determine whether or not the materials to be included in any particular proposed shipment are or are not dangerous.
- (2) Among other things, such application shall include the following:
 - (i) an informative statement showing the approximate composition of the material or product and which shall indicate the approximate percentage of ammonium nitrate;
 - (ii) the quantities involved;
 - (iii) points of origin and destination;
 - (iv) date when and location where transshipment is proposed to be made;
 - (v) whether in bulk or in containers and, if in containers, the type thereof;
 - (vi) if a ship or vessel is involved, the name of such ship or vessel and the name of its owner or operator; and
 - (vii) all other pertinent information.

(c) *When to be filed.*

Every application for any such permit, shall be filed with the Harbor Engineer prior to the proposed date of shipment at a time that will be reasonably sufficient to enable the Harbor Engineer to fully and properly consider the contents of the application and determine whether or not a permit should be issued.

(d) *Issuance on compliance with applicable laws.*

Before issuing any such permit, the Harbor Engineer shall satisfy himself that no applicable federal, state, or municipal laws, rules, or regulations will be violated.

(*City Code, 1966, art. 10, §90(b) - (d), (f); 1976/83, art. 10, §90(b) - (d), (f).*) (*Ord. 58-1651.*)

§ 8-5. Restricted materials.

(a) *In general.*

Inasmuch as there are no waterfront facilities located in or on the Patapsco River or any of its tributaries, which are so remotely situated from populous areas or high value high hazard industrial facilities, at which certain types or kinds of ammonium nitrate materials or products which are being or are to be moved by any means of water transportation can be loaded, discharged, transferred, stored, stowed, or otherwise handled without endangering lives and property by fire or explosion, the following ammonium nitrate materials or products shall not be loaded, discharged, transferred, stored, stowed, or otherwise handled on, in, or from any vessel

or ship or waterfront facility of any kind or description in or on the Patapsco River or any of its tributaries, except as specifically provided for or permitted hereunder.

(b) *Ammonium nitrate, etc., organic coated, in combustible containers, etc.*

- (1) Ammonium nitrate, including ammonium nitrate fertilizer, organic coated, packaged in paper bags or other combustible containers or in bulk.
- (2) Provided that such materials in amounts totaling not more than 200 tons at any one time may be loaded or discharged within the aforementioned Anchorage No. 6, and this total concentration shall not be exceeded at any one time through division of such materials between 2 or more ships or vessels, and such materials may be moved from dock side to said Anchorage No. 6 by means of freight cars on car floats or on lighters or scows.

(c) *Ammonium nitrate, etc., organic coated, in metal containers.*

- (1) Ammonium nitrate, including ammonium nitrate fertilizer, organic coated, packaged in substantial metal barrels or drums in amounts exceeding 1,000 pounds.
- (2) Provided that amounts of such materials totaling not more than 200 tons at any one time may be loaded or discharged within the aforementioned Anchorage No. 6, and this total concentration shall not be exceeded at any one time through division of such materials between 2 or more ships or vessels, and such material may be moved from dock side to said Anchorage No. 6 by means of freight cars on car floats or on lighters or scows.

(d) *Ammonium nitrate (prills, etc.), not organic coated, in combustible containers, etc.*

- (1) Ammonium nitrate (in the form of prills, crystals, grains, or flakes) dynamite grade, fertilizer grade, nitrous oxide grade, and technical grade, all without organic coating, packaged in paper bags or other combustible containers in amounts exceeding 1,000 pounds.
- (2) Provided that this material may be loaded or discharged within the aforementioned Anchorage No. 6, and such materials may be moved from dock side to said Anchorage No. 6 by means of freight cars on car floats or on lighters or scows.

(e) *Ammonium nitrate phosphate, etc., 60%, not organic coated, in combustible containers, etc.*

- (1) Ammonium nitrate phosphate materials or products containing 60% or more ammonium nitrate, without organic coating, packaged in paper bags or other combustible containers in amounts exceeding 1,000 pounds.
- (2) Provided that this material may be loaded or discharged within the aforementioned Anchorage No. 6, and such materials may be moved from dock side to said Anchorage No. 6 by means of freight cars on car floats or on lighters or scows.

(City Code, 1966, art. 10, §91(a); 1976/83, art. 10, §91(a).) (Ord. 58-1651.)

§ 8-6. Permitted materials.

The following ammonium nitrate materials or products may be loaded, discharged, transferred, stored, stowed, or otherwise handled on, in, or from any vessel or ship or waterfront facility of any kind or description in or on the Patapsco River or any of its tributaries:

- (1) Ammonium nitrate carbonate mixtures, composed of approximately 60% by weight of ammonium nitrate and 40% by weight of fine carbonate (precipitated calcium carbonate, chalk, ground limestone, or ground dolomite) and having approximately 20.5% available nitrogen.
- (2) Mixed fertilizers, containing up to 60% by weight of ammonium nitrate, and often other nitrogen compounds with either or both phosphate and potash compounds, without organic filler.
- (3) Nitrogen solutions of the types generally used in the manufacture of mixed fertilizers referred to in item (2) immediately above.
- (4) Ammonium nitrate-calcium nitrate mixtures composed of approximately 50% of ammonium nitrate and 50% of calcium nitrate.
- (5) Ammonium nitrate sulfate mixtures composed of not more than 40% of ammonium nitrate and 60% of ammonium sulfate.
- (6) Ammonium nitrate phosphate fertilizers, containing less than 60% ammonium nitrate, without organic fillers, and not otherwise classified as dangerous under Interstate Commerce Commission regulations.
- (7) Ammonium nitrate (in the form of prills, crystals, grains, or flakes) dynamite grade, fertilizer grade, nitrous oxide grade, and technical grade, all without organic coating, packaged in substantial metal barrels or drums.

(City Code, 1966, art. 10, §91(b); 1976/83, art. 10, §91(b).) (Ord. 58-1651.)

§ 8-7. Permit required for all other materials.

(a) *In general.*

Any person or other legal entity desiring to import or export ammonium nitrate materials and formulations not conforming to any of the classes listed in this subtitle shall make application to, and secure a permit from the Harbor Engineer to do so.

(b) *Submission of samples.*

- (1) If it is deemed necessary by the Harbor Engineer, a sample of not more than 1,000 pounds of the material in bags as prepared for shipment shall be furnished at least 60 days prior to the intended date of shipment.

(2) This sample shall be analyzed by a competent laboratory designated by the Harbor Engineer to determine whether the characteristics of the material require its classification as a dangerous article for purposes of transportation.

(3) All costs of such tests shall be borne by the person making application for such permit.
(City Code, 1966, art. 10, §91(c); 1976/83, art. 10, §91(c).) (Ord. 58-1651.)

§§ 8-8 to 8-10. {Reserved}

§ 8-11. Federal laws and regulations prevail.

Insofar as interstate or foreign commerce is involved or concerned, in the event that any provision of this subtitle hereinbefore set forth is inconsistent or in conflict with any applicable provision of any federal law, or any rule or regulation properly adopted and promulgated by any duly constituted agency of the federal government, then the provision of the federal law or rule or regulation shall be controlling.

(City Code, 1966, art. 10, §92; 1976/83, art. 10, §92.) (Ord. 58-1651.)

§ 8-12. Penalties.

Any person, firm, corporation, or other legal entity who violates any of the provisions of this subtitle shall be guilty of a misdemeanor and, upon conviction thereof in any court of competent jurisdiction, shall be fined not less than \$50 nor more than \$500, or sentenced to not more than 12 months in jail, or both, for each offense.

(City Code, 1966, art. 10, §93; 1976/83, art. 10, §93.) (Ord. 58-1651.)

SUBTITLE 9
STEAM-PROPELLED VESSELS

§ 9-1. Spark arresters.

It shall be the duty of every owner, agent, master, or captain of any vessel or craft propelled in whole or in part by steam or on which any steam engines, boilers, or stoves are used, to cover securely each funnel or smoke-stack on such vessel with an efficient metal spark arrester, the wire mesh of which shall not be less than 4 to the inch, when crossing the pierhead line in approaching any grain elevator, or any pier, in the Patapsco River or its tributaries, at which cotton or naval stores are being handled or are stored, and shall keep same covered the entire time while within said pierhead line.

(City Code, 1927, art. 15, §88; 1950, art. 11, §90; 1966, art. 10, §94; 1976/83, art. 10, §94.) (Ord. 17-280.)

§ 9-2. Hatch combing protection.

It shall be the duty of every agent, owner, master, or captain of any such vessel propelled in whole or in part by steam while loading or discharging cotton or naval stores into or from said vessel at any pier in the Patapsco River or its tributaries, to protect or have protected all hatch combings so that the cargo of cotton or naval stores so loaded or unloaded shall not come in contact with the combings.

(City Code, 1927, art. 15, §89; 1950, art. 11, §91; 1966, art. 10, §95; 1976/83, art. 10, §95.) (Ord. 17-280.)

§ 9-3. Fire hose and equipment.

It shall be the duty of every owner, agent, master, or captain of any vessel, or craft, propelled in whole or in part by steam, while in the Patapsco River or its tributaries, and while said vessel or craft is loading or discharging a cargo of cotton or naval stores, to couple its fire hose and keep the same ready for use at all times while so loading or discharging such cargo at said wharf or pier, and it shall keep sufficient steam while so loading or discharging, at all hours of the day, on the donkey or one of the main boilers, to enable a full stream of water to be turned on in case of fire occurring upon or alongside said vessel or craft; and to supply such vessel with sufficient fire hose to reach to each and every hatch of the said vessel or craft.

(City Code, 1927, art. 15, §90; 1950, art. 11, §92; 1966, art. 10, §96; 1976/83, art. 10, §96.) (Ord. 17-280.)

§ 9-4. Penalties.

Any person violating any of the provisions of this subtitle shall be guilty of a misdemeanor and shall be subject to a fine of not less than \$25 or more than \$100.

(City Code, 1927, art. 15, §91; 1950, art. 11, §93; 1966, art. 10, §97; 1976/83, art. 10, §97.) (Ord. 17-280.)