

Title 14: DEPARTMENT OF TRANSPORTATION

Subtitle 06: Right of Way | Chapter 04: Curbside Commercial Permits

Authority: Baltimore City Charter Art. 8, —§§ 1 and 2

14.06.04.01 Scope

This chapter establishes:

- A. A framework for the temporary private use of public space in order to promote an active, accessible, safe, and vibrant urban environment;
- B. Restrictions on the location, construction, and use of a curbside facility;
- C. Insurance requirements for curbside facility permit holders;
- D. The application process for a curbside facility permit, including obtaining a minor privilege to construct the curbside facility;
- E. Enforcement of the Curbside Permit Guidelines; and
- F. Rules regarding the revocation of a minor privilege.

14.06.04.02 Definitions

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

- (1) “ADA” means the federal Americans with Disabilities Act.
- (2) “Applicant” means the individual or entity pursuing a permit under this policy.
- (3) “BCDOT” means the Baltimore City Department of Transportation.
- (4) “Curbside Facility” means the commercial spaces permitted and regulated by this policy.
- (5) “Forbidden road space” means portions of the public right-of-way including:
 - (a) Crosswalks,
 - (b) Pedestrian ramps,
 - (c) Bike lanes,
 - (d) Transit lanes or facilities,
 - (e) Driving lanes,
 - (f) Intersection space,
 - (g) No-parking zones,
 - (h) Restricted parking zones,
 - (i) Handicapped parking spots,
 - (j) Garages or driveways, and
 - (k) Commercial truck bays.
- (6) “Indoor Area” means all space in a structure with a ceiling that is enclosed on all sides by
 - (a) any combination of permanent or temporary walls, windows, or doorways, whether open or closed, or
 - (b) other physical barriers extending from floor to the ceiling.
- (7) “Membrane Structure” means elements erected utilizing fabrics, foils, and other textiles with the support of tension cables.
- (8) “Minor Privilege Permit” has the same meaning as a “Temporary Minor Privilege” as defined by Baltimore City Charter, Article 8, § 9.

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- (9) “Parking Lane” refers to contiguous space abutting the curb that is designated for on-street public vehicle storage.
- (10) “Partner Agency” means the following Baltimore City agencies and entities:
 - (a) Fire Department,
 - (b) Police Department,
 - (c) Health Department,
 - (d) Planning Department,
 - (e) Department of Housing and Community Development,
 - (f) Baltimore Development Corporation,
 - (g) Liquor Board, and
 - (h) Environmental Control Board.
- (11) “Permit Holder” means a person or entity who has been issued a permit to operate a curbside facility.
- (12) “Stop Work Order” means a formal demand issued by the City that the permit holder removes their facility from the right-of-way.

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14.06.04.03 Restrictions

- A. Minor Privilege Permits may only be issued for facilities located on the parking lane.
- B. No part of any facility may be bolted down or permanently attached to sidewalks, roads or buildings, and doing so may result in automatic permit revocation.
- C. A facility may not incorporate or permit:
 - (1) amplified music,
 - (2) live entertainment, or
 - (3) open flames.
- D. Permit holders may not store combustible fuels in curbside facilities.

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14.06.04.04 Applicant and Permit Holder Responsibilities

- A. An applicant shall be responsible for obtaining all City permits required by their facility including approval of a temporary minor privilege from the Board of Estimates.
- B. An Applicant must obtain and maintain commercial general liability insurance which:
 - (1) Covers a total of at least two million dollars,
 - (2) Covers one million dollars per occurrence, and
 - (3) Names the Mayor & City Council of Baltimore as insured.
- C. An Applicant must obtain or modify the following insurance policies, as applicable, to cover curbside facilities:
 - (1) Commercial general liability
 - (2) Liquor liability,
 - (3) Umbrella insurance, and
 - (4) Worker's compensation.
- D. A permit holder is solely responsible for cleaning, maintaining, and managing their facility.

14.06.04.05 Design Standards

A. A permit holder shall adhere to the following fire safety guidelines:

- (1) A facility built primarily out of untreated wood or other flammable material shall be built a minimum distance of ten feet from a building; and
- (2) A facility built primarily out of fire-resistant material such as treated wood shall be built a minimum distance of five feet from a building.

B. BCDOT may not approve a facility that:

- (1) Functions as an indoor area;
- (2) Is within 15 feet of a fire hydrant or a pull-in bus stop;
- (3) Is on a street with a running slope of five percent or more;
- (4) Is on a street with a posted speed limit above 30 miles per hour;
- (5) Is located in or interferes with the functions of forbidden road space;
- (6) Intrudes on the sidewalk;
- (7) Is not ADA compliant;
- (8) Blocks stormwater drainage; or
- (9) Permanently restricts access to utilities.

C. Curbside facilities shall:

- (1) Support a minimum of 100 pounds per square foot;
- (2) Fit within the width of the parking lane;
- (3) Use a protective railing or barrier which does not obstruct visibility above three feet, as determined by BCDOT;
- (4) Provide for a minimum of five feet of straight, unobstructed pathway on the sidewalk;
- (5) Provide for a minimum seven feet of clearance between the ground plane and overhead elements;
- (6) Have an entrance which:
 - a) Is at least 48 inches wide,
 - b) Is flush with the curb, and
 - c) Meets ADA compliance standards.

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- (7) Feature protective vertical elements such as barriers, bollards, or flex-posts within the parking lane which separate the curbside facility from forbidden road space;
- (8) Be free of any tripping or slipping hazards; and
- (9) Incorporate lighting and reflective elements.

D. A permit holder may incorporate the following weather mitigating elements:

- (1) Canopies;
- (2) Umbrellas;
- (3) Transparent igloos or bubbles; and
- (4) Other protective elements if approved by BCDOT.

14.06.04.06 Application Process

- (1) An applicant is required to submit a site plan during the application submission process.
- (2) A Site plan shall be drawn to scale, clearly labeled and include the following:
 - (a) Measurements or dimensions,
 - (b) Property limits,
 - (c) Site elements; and
 - (d) Existing objects.
- (3) Upon receipt of a permit application BCDOT shall review the application within 60 days.
- (4) BCDOT shall submit the application to partner agencies for review and comment during the 60 day review period.
- (5) Following the review period, BCDOT may:
 - (a) Approve the permit application,
 - (b) Request the applicant to revise the application, or
 - (c) Reject the application.
- (6) Upon BCDOT approval, the application is then submitted to the Board of Estimates for final review and approval.
- (7) Before the application can be heard by the Board of Estimates, the applicant shall notify abutting property owners and provide proof of this notification.
- (8) An applicant shall be responsible for Minor Privilege Fees assessed by the Board of Estimates upon the issuance of a Minor Privilege Permit.
- (9) Payment of Minor Privilege Fees shall be:
 - (a) By check or money order in the required amount, and
 - (b) Payable to the Director of Finance.
- (10) Calculation of the minor privilege fee is explained in the latest publication of the Minor Privilege Fee Schedule approved by the Board of Estimates in the “Cafes” section.
- (11) The final site plan and payment shall be submitted to BCDOT Special Events by:
 - (1) Mail addressed to BCDOT Special Events at the Harry S. Cummings Building on 401 East Fayette Street, Baltimore, MD 21202; or
 - (2) In person at the lobby of the Harry S. Cummings Building on 401 East Fayette Street, Baltimore, MD 21202.

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14.06.04.07 Enforcement of Regulation Guidelines

- A. A permit holder shall be subject to random inspections by BCDOT and partner agencies.
- B. BCDOT and partner agencies or their inspectors may enforce guidelines by:
 - (1) Investigating complaints,
 - (2) Issuing stop work orders,
 - (3) Issuing warnings,
 - (4) Confirming the validity of permits, and
 - (5) Recommending the revocation of permits.
- C. A curbside facility is not a permanent installation and may be removed at any time to accommodate maintenance and repair work in the right-of-way.
- D. The City and its agencies are not be liable for costs associated with the removal, restoration, or replacement of a facility.

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14.06.04.08 Revocation of Minor Privilege

- A. The City may revoke or refuse to renew a minor privilege at any time.
- B. BCDOT may issue a stop work order for facilities that fail to comply with the rules in this policy.
- C. The Board of Estimates may revoke a minor privilege permit for noncompliant facilities without a hearing.