

# **Title 07 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

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## **Subtitle 01 GENERAL PROVISIONS**

### **CHAPTER 01 THE REMOVAL OF ILLEGAL SIGNS FROM CITY PROPERTY BY OTHERS**

Authority: City Code Article 19, § 45-4(b)(1)

#### **07.01.01.01. Adoption and Scope of Regulations.**

##### **A. Adoption.**

- (1) The Baltimore City Department of Housing and Community Development adopts these rules and regulations under City Code Article 19, § 45 {“Signs-On or Affecting Public Property”}.

##### **B. Scope.**

- (1) These rules and procedures apply to the removal by parties (other than the City or its employees) of signs that are posted in violation of City Code Article 19, §§ 45-2(1) through 45-2(6).
- (2) These rules and procedures do not apply to the removal of signs that are posted in violation of City Code Article 19, § 45-2(7), which prohibits the placement of signs on any pole (electric pole), building or property that is owned, leased, or controlled by a public utility and located within or on any public street, alley, or other public property.

#### **07.01.01.02. Definitions.**

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

B. Terms Defined.

- (1) “City” means the Mayor and City Council of Baltimore.
- (2) “Department” means the Department of Housing and Community Development.
- (3) “Designated entity” means a non-profit community or neighborhood association that is a community-based organization whose:
  - (a) membership is open to all residents of the community; and
  - (b) objective is to support or engage in activities of public interest without any commercial or monetary profit.
- (4) “Director” means the Deputy Commissioner of Code Enforcement for the Department of Housing and Community Development.
- (5) “Individual” means someone who is 18 years of age or older.
- (6) “Person” means any individual, political candidate, political committee, firm, partnership, association, corporation, company, organization, or other entity of any kind.
- (7) “Sign” means any bill, poster, placard, handbill, flyer, painting, notice, advertisement, or other similar object or matter that contains printed or written matter in words, symbols, pictures, or any combination of them.

**07.01.01.03. Assessing a Penalty Surcharge.**

- A. If any sign is posted in violation of City Code Article 19, §§ 45-2(1) through 45-2(6), a person may remove the sign, except as provided in COBRA 07.01.01.03(B), and either:
  - (1) discard the sign; or
  - (2) submit the sign, together with an affidavit that meets the requirements of COBRA 07.01.04, to the Department.
- B. If the sign is posted at a height that is unreachable by an unassisted person or in a matter that creates a hazardous situation, rather than removing the sign, a person may report the sign to the City using 311 Services.

#### **07.01.01.04. Requirements of the Affidavit.**

- A. The affidavit must describe a single alleged violation.
- B. A separate affidavit must be submitted with each sign posted in violation of City Code Article 19, §§ 45-2(1) through 45-2(6).
- C. The affidavit must be created using a form approved by the Department.
- D. The affidavit must be complete.
- E. The affidavit must be accompanied by:
  - (1) the sign that was removed from the location and is identified in the affidavit;
  - (2) one photograph of the sign, with the address or description of the location of the sign, the date and time the photograph was taken, and the printed name and signature of the individual signing the affidavit written on the front of the photograph, that shows how the posting of the sign is in violation of City Code Article 19, §§ 45-2(1) through 45-2(6) and is a close-up picture of the sign that enables the viewer of the photograph to identify the sign as posted and the immediate background;
  - (3) one photograph of the sign, with the address or description of the location of the sign, the date and time the photograph was taken, and the printed name and signature of the individual signing the affidavit written on the front of the photograph, that is a wider-shot picture and includes a broader view of the background behind the sign; and
  - (4) a print-out from the Maryland Department of Assessment and Taxation showing the property is owned by the City, if the sign was posted on City property that has a proper address or block and lot identification; or
  - (5) a map that identifies the location where the sign was posted, if the sign was posted on City property that does not have a proper address or block and lot identifier, such as a median, light pole, or parking meter.
- F. The affidavit must be signed, under the penalty of perjury, by the individual who removed the sign.
- G. The affidavit must be notarized.
- H. Completed affidavits and signs:
  - (1) must be submitted to the Department within ten calendar days of removal; and
  - (2) may be dropped off at 417 E. Fayette Street, Monday through Friday, 8:30 a.m. – 4:30 p.m.

**07.01.01.05. Testimony of the Individual Who Removed the Sign.**

- A. For enforcement to proceed, the individual who supplied the affidavit must be willing and available to appear and testify at any administrative or court hearings concerning the violation.
- B. Any individual who fails to appear or testify at an administrative hearing or court when requested to do so forfeits the designation of fines to the name non-profit community or neighborhood association.
- C. Affidavits submitted by an individual who fails to appear or testify at an administrative hearing or court when requested to do so will not be considered for enforcement actions for a 12-month period following the failure to appear.

**07.01.01.06. Designation of an Entity to Share in Any Collected Fines.**

- A. The affidavit may designate an entity to share in any collected fines.
- B. The designated entity must be a non-profit community or neighborhood association:
  - (1) organized under the laws of the State of Maryland; and
  - (2) listed with the Baltimore City Department of Planning.
- C. The designated entity must provide the City with a completed IRS Form W-9 (“Request for Taxpayer Identification Number and Certification”) in order to obtain a vendor identification number, and only one W-9 form is required per designated entity per year.
- D. The designated entity must have a completed W-9 on file with the City at the time of the submission of the affidavit.
- E. The City may require that the designated entity provide:
  - (1) proof of its non-profit status or its registration with the Department of Planning, as applicable; and
  - (2) additional information necessary to process payment.
- F. If the designated entity provides the information required by the City, the designated entity may receive 50% of any fine that is collected in the matter pursuant to City Code Article 1, § 40 or City Code Article 1, § 41.
- G. The designated entity may not share in any penalties or interest collected by the City as assessed by the Department of Finance, the Environmental Control Board, or their designated Administrative Judge.



**07.01.01.07. Costs for Removal of Signs.**

The Department may charge the person responsible for posting the illegal sign on City property for:

- (1) the costs of removal of the illegal sign; and
- (2) the cost of repairing any damaged caused by the placement or removal of the sign.

**07.01.01.08. Report of Director.**

- A. The Director of the Department must maintain a data system capable of reporting on:
  - (1) the name of the person represented on the material removed;
  - (2) the number of advertisements, notices, or other signs removed;
  - (3) the location of the material; and
  - (4) the type of structure from which the material was removed.
- B. The Director of the Division must report on the data collected to the Commissioner of Housing when requested.

**07.01.01.09. Issuing Citation.**

The determination to issue a citation is at the sole discretion of the Department.

**07.01.01.10. Severability.**

- A. The provisions of this regulation are hereby severable.
- B. If any word, phrase, clause, sentence, paragraph, section or part in or of this regulation or the application thereof to any person, circumstance or thing is declared invalid for any reason whatsoever, the remaining provisions and the application of such provisions to other persons, circumstances or things shall not be affected thereby but shall remain in full force and effect, the Commissioner hereby declaring that he would have ordained the remaining provisions of this regulation without the word, phrase, clause, sentence, paragraph, section or part, or the application thereof, so held invalid.

Administrative History

Effective Date: September 25, 2008

## CHAPTER 02 APPLICATION OF A PENALTY SURCHARGE FOR WORK WITHOUT A PERMIT AND THE STANDARDS AND CRITERIA FOR A REDUCTION OF A PENALTY SURCHARGE

Authority: City Building Code, §§ 104.1.1(2) and 109.5.9.3(2)

### **07.01.02.01. Adoption and Scope of Regulations.**

#### **A. Adoption.**

The Baltimore City Department of Housing and Community Development adopts these rules and regulations under the City Building Code, §§ 104 {“Duties and Powers of Building Official”} and 109.5.9 {Penalty Surcharge”}.

#### **B. Scope.**

- (1) These rules and regulations require the Building Official to assess a penalty surcharge when work on a property is performed:
  - (a) without a permit;
  - (b) outside the scope of a permit; or
  - (c) after the suspension of a permit.
- (2) These rules and regulations provide standards and criteria for the reduction of surcharges assessed for work performed:
  - (a) without a permit;
  - (b) outside the scope of a permit; or
  - (c) after the suspension of a permit.

#### **07.01.02.02. Definitions.**

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

B. Terms Defined.

- (1) “Department” means the Baltimore City Department of Housing and Community Development.
- (2) “Major work” means all work determined by the Building Official to be major work, including:
  - (a) additions;
  - (b) decks;
  - (c) demolition (full or partial);
  - (d) electrical work;
  - (e) excavation;
  - (f) framing;
  - (g) HVAC;
  - (h) mechanical work;
  - (i) new construction;
  - (j) plumbing;
  - (k) pouring concrete for a foundation, footing, or wall;
  - (l) structural work;
  - (m) under pinning;
  - (n) curbing;
  - (o) formstone removal; and
  - (p) any work that requires a licensed professional.
- (3) “Minor work” means all work that is not determined by the Building Official to be major work, including:
  - (a) fences;
  - (b) security door on a vacant building;
  - (c) hanging drywall; and
  - (d) concrete work not related to foundation or structure.

(4) “Out of scope” means work that is:

- (a) done without a permit;
- (b) not covered by an existing permit or plan; or
- (c) contrary to a permit or plan.

#### **07.01.02.03. Assessing a Penalty Surcharge.**

A penalty surcharge will be assessed for:

- (1) major work performed without a permit, outside the scope of a permit, or after the suspension of a permit;
- (2) work on a property that requires a Notice to Proceed from CHAP performed without a permit, outside the scope of a permit, or after the suspension of a permit; and
- (3) work that continues after the Department issues a Stop Work Order and:
  - (a) a permit has not been obtained for the work; or
  - (b) the work has not been removed.



**07.01.02.04. Application for Reduction of Surcharge.**

All applications for reduction of surcharge must be:

- (1) completed on the form provided by the Department; and
- (2) submitted to the Department within 30 days of the assessment of the surcharge.

#### **07.01.02.05. Criteria for Reduction of Surcharge.**

A penalty surcharge may be reduced up to 100% if:

- (1) the surcharge was issued in error because:
  - (a) a permit was not necessary for the work performed;
  - (b) a permit was issued for the work performed;
  - (c) the work was completed by the prior owner; or
  - (d) the assessment of a surcharge is inconsistent with these rules and regulations;
- (2) the applicant can establish to the Building Official's satisfaction that the applicant reasonably believed a permit was not required;
- (3) the owner hired a licensed professional to perform the work and the written contract with that professional required that the professional obtain all necessary permits and the owner can establish to the Building Official's satisfaction that the applicant reasonably believed the permits were obtained;
- (4) the Building Official originally considered the work major work, but the applicant can establish to the satisfaction of the Building Official that the work should be reasonably considered minor work under the circumstances;
- (5) the work was performed due to an emergency and permits were applied for within one business day of the start of the work; or
- (6) the work was initially performed under a permit that expired and the Department issued an extension of that permit.

**07.01.02.06. Review of Request for Reduction of Surcharge.**

- A. All complete and timely applications for reduction of a surcharge will be reviewed by the Building Official or the Building Official's designee.
- B. The Department will not accept incomplete applications for reduction of a surcharge.
- C. Late applications for reduction of a surcharge will be denied unless the applicant can demonstrate good cause for missing the application deadline to the Building Official.
- D. Final decision.
  - (1) The Building Official shall make the final decision regarding an application for reduction of a surcharge in writing.
  - (2) If an application for reduction of a surcharge contains an email address, the Building Official will email the final decision.
  - (3) If an application for reduction of a surcharge does not contain an email address, the Building Official will mail the final decision by first class mail to the address provided on the application.
- E. If the Building Official does not completely remove the full amount of surcharge, the remaining cost of the surcharge is due when the Building Official mails the final decision.

**07.01.02.07. Severability.**

- A. The provisions of this regulation are hereby severable.
- B. If any word, phrase, clause, sentence, paragraph, section or part in or of this regulation or the application thereof to any person, circumstance or thing is declared invalid for any reason whatsoever, the remaining provisions and the application of such provisions to other persons, circumstances or things shall not be affected thereby but shall remain in full force and effect, the Commissioner hereby declaring that he would have ordained the remaining provisions of this regulation without the word, phrase, clause, sentence, paragraph, section or part, or the application thereof, so held invalid.

Administrative History

Effective Date: August 10, 2009

## CHAPTER 03 REGULATIONS GOVERNING REGISTRATION OF NON-OWNER- OCCUPIED DWELLINGS

Authority: City Code Article 13, § 4-3

### **07.01.03.01. Authority.**

The Baltimore City Department of Housing and Community Development adopts these rules and regulations under City Code Article 13, § 4-3.

**07.01.03.02. “Owner-occupied” dwellings.**

- A. “Owner-occupied” means a dwelling unit that is both:
  - (1) owner-occupied in fact; and
  - (2) designated by the Maryland State Department of Assessments and Taxation as the owner’s principle residence.
- B. An owner may have only one owner-occupied dwelling unit in Baltimore City.
- C. A dwelling unit not owned by a natural person cannot be owner-occupied.

**07.01.03.03. Severability.**

- A. The provisions of this regulations are hereby severable.
- B. If any word, phrase, clause, sentence, paragraph, section or part in or of this regulation or the application thereof to any person, circumstance or thing is declared invalid for any reason whatsoever, the remaining provisions and the application of such provisions to other persons, circumstances or things shall not be affected thereby but shall remain in full force and effect, the Commissioner hereby declaring that he would have ordained the remaining provisions of this regulation without the word, phrase, clause, sentence, paragraph, section or part, or the application thereof, so held invalid.

Administrative History

Effective Date: October 29, 2009

## CHAPTER 04 REGULATIONS GOVERNING BURGLAR ALARMS

Authority: City Code Article 19, Subtitle 8

### **07.01.04.01. Authority.**

The Baltimore City Department of Housing and Community Development adopts these rules and regulations under City Code Article 19, Subtitle 8.



**07.01.04.02. Definitions.**

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

B. Terms Defined.

- (1) “Alarm system” has the meaning stated in City Code Article 19, § 8-1.
- (2) “Commissioner” has the meaning stated in City Code Article 19, § 8-1.
- (3) “Contractor” has the meaning stated in City Code Article 19, § 8-1.
- (4) “False alarm” has the meaning stated in City Code Article 19, § 8-1.
- (5) “Hold-up alarm” has the meaning stated in City Code Article 19, § 8-1.
- (6) “Monitor” has the meaning stated in City Code Article 19, § 8-1.
- (7) “No-response status” has the meaning stated in City Code Article 19, § 8-9(a).
- (8) “Panic alarm” has the meaning stated in City Code Article 19, § 8-1.
- (9) “Person” has the meaning stated in City Code Article 19, § 8-1.
- (10) “User” has the meaning stated in City Code Article 19, § 8-1.

#### **07.01.04.03. Alarm Contractor Registration Requirements.**

A. Any alarm contractor in Baltimore City must apply to the Department of Housing and Community Development or designee to register to operate as an alarm business.

B. Registration specifications.

(1) An application to register as an alarm business must be signed by:

- (a) the owner of a sole proprietorship;
- (b) at least one partner of a partnership; or
- (c) a corporate officer of a corporation.

(2) The registration application must be completed on the electronic form provided by the Department of Housing and Community Development and include:

- (a) the name, address, fax number, telephone number, and email of the alarm business;
- (b) the type of business entity of the alarm business, such as whether the business is a sole proprietorship, partnership, or corporation
- (c) the Employer Identification Number (EIN); and
- (d) the name, address, fax number, telephone number, and email of the individual responsible for the operation of the alarm business in Baltimore City.

(3) The registration application for alarm contractors must be accompanied by a registration fee of \$50.00.

(4) If the registration has been revoked or suspended, a reinstatement fee of \$50.00 must accompany a reinstatement application.

(5) In the case of a change to the information submitted as part of the registration application, the alarm business must submit written notice to the Department of Housing and Community Development or designee within ten days of the change.

(6) Registration shall be valid for a period of one year. Registration must be renewed prior to the end of each one-year period.

C. Initiation of business.

An applicant may not conduct business in Baltimore City until:

- (1) the registration requirements are completed; and
- (2) the application has been approved by the Department of Housing and Community Development.

D. Posted notice.

- (1) An alarm contractor that sells or leases an alarm system or equipment to an alarm user in Baltimore City must post conspicuously at their place of business and on their website notice to alarm system purchasers of their obligation to register their alarm with the False Alarm Reduction Unit of the Baltimore Department of Housing and Community Development or its designee.
- (2) Prior to completion of the sale of the alarm system, an alarm contractor must provide the purchaser with printed notice of the user's obligation to register the alarm system with the False Alarm Reduction Unit of the Baltimore Department of Housing and Community Development or its designee.

E. Requirement to report transaction.

- (1) If the alarm business that sells or leases an alarm system is not under contract to monitor the system, the business must report the transaction to the Baltimore City Department of Housing and Community Development or designee within ten days of the sale or lease.
- (2) The report must be completed on the electronic form provided by the Department of Housing and Community Development and contain:
  - (a) the purchaser's name;
  - (b) address;
  - (c) telephone number;
  - (d) email address; and
  - (e) make/model of the system.

#### **07.01.04.04. Monitor Registration Requirements.**

- A. Any person engaging in the business of alarm monitoring in Baltimore City must register with the Department of Housing and Community Development or its designee to operate as an alarm business.
- B. Registration specifications.
  - (1) The registration application must be signed by:
    - (a) the owner of a sole proprietorship;
    - (b) at least one partner of a partnership; or
    - (c) a corporate officer of a corporation.
  - (2) The registration application must include both applicant information and a list of Baltimore City customers.
  - (3) Applicant information must be completed on the electronic form provided by the Baltimore City Department and include the following information:
    - (a) the name, address, fax number, telephone number, and email of the alarm business;
    - (b) the type of business entity of the alarm business, such as whether the business is a sole proprietorship, partnership, or corporation
    - (c) the Employer Identification Number (EIN); and
    - (d) the name, address, fax number, telephone number, and email of the individual responsible for the operation of the alarm business in Baltimore City.
  - (4) The Baltimore City customer list must include a list of the following information for all Baltimore City customers receiving service at the time of the applicant's registration:
    - (a) name of the customer;
    - (b) address of the customer, including apartment or suite number;
    - (c) telephone number of the customer;
    - (d) activation date of service for the customer;
    - (e) customer account number, meaning the unique identifier of the customer; and
    - (f) registration number of the customer.
  - (5) Registration applications for alarm monitors must be accompanied by a registration fee of \$50.00.
  - (6) If the registration has been revoked or suspended, a reinstatement fee of \$50.00 must accompany a reinstatement application.

- (7) In the case of a change to the applicant information submitted as part of the registration application, the alarm monitor must submit written notice to the Department of Housing and Community Development or designee within ten days of the change.
- (8) The alarm monitor must provide notification of changes to their Baltimore City customer list to the Baltimore City Department of Housing and Community Development or its designee within ten days of the change.
- (9) Registration shall be valid for a period of one year.
- (10) Registrations must be renewed prior to the end of each one-year period.
- (11) Should an alarm monitor's registration be suspended, revoked, or refused, the alarm monitor must notify its Baltimore City customers by first class mail within five days of the suspension, revocation, or refusal of the registration that the monitoring company is unable to request Baltimore City Police Department dispatch for the duration of the period of suspension, revocation, or refusal.

C. Initiation of business.

An applicant may not conduct business in Baltimore City until:

- (1) the registration requirements are completed; and
- (2) the application has been approved by the Department of Housing and Community Development.

D. Monthly update.

- (1) Alarm monitors must provide the Department of Housing and Community Development with a monthly update of all Baltimore City customers receiving service at that time.
- (2) The monthly updated must include a listing of the following for each customer:
  - (a) name of the customer;
  - (b) address of the customer, including apartment or suite number;
  - (c) telephone number of the customer;
  - (d) activation date of service for the customer;
  - (e) customer account number, meaning the unique identifier of the customer; and
  - (f) registration number of the customer.
- (3) Updates must be submitted by the fifth of each month in the method determined by the Baltimore City Department of Housing and Community Development or its designee.

**07.01.04.05. Alarm Installation Standards.**

- A. An alarm technician, licensed by the State of Maryland, must be onsite to supervise the installation of any alarm system.
- B. Any alarm contractor that installs an alarm system must provide the alarm user with a City of Baltimore Security Alarm Installation Certificate, a copy of which shall be retained by the contractor.
- C. The alarm business must certify that:
  - (1) the alarm system has been installed in compliance with City law and regulations;
  - (2) the person designated by the alarm user as responsible for alarm system operation has received enough training to prepare that alarm user to operate the system without false alarms caused by improper operation; and
  - (3) the alarm user has been informed of the requirement to register the system with the Baltimore City Department of Housing and Community Development or designee and has been provided with a printed notice of how to register the alarm with the City.

#### **07.01.04.06. Alarm User Registration.**

- A. Within ten days of activating an alarm system, the user must register the system with the Baltimore City Department of Housing and Community Development or its designee.
- B. Any change in the information provided on the registration application or deactivation must be reported to the Department of Housing and Community Development within ten days using the method determined by the Baltimore City Department of Housing and Community Development or its designee.
- C. All outstanding registration and alarm fees must be paid in order to maintain valid registration.
- D. Registration of an alarm system is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of police response nor is it a waiver of government immunity by the Baltimore Police Department, Department of Housing and Community Development or the Mayor and City Council of Baltimore.
- E. By registering an alarm system, the alarm user acknowledges that police response shall be based on normal and reasonable police procedures, and be affected by such factors as:
  - (1) the availability of police units;
  - (2) priority of calls;
  - (3) weather conditions; and
  - (4) traffic conditions.
- F. Residential User Registration.

If the alarm will be used at a residence, the registration form for the alarm must be completed on the electronic form provided by the Department of Housing and Community Development and the following information must be provided to the Department:

- (1) the registration number;
- (2) the street address at which the alarm system is located, including room or suite number;
- (3) the name, address, and telephone number of the alarm user for the alarmed location;
- (4) the name, address, and telephone number of at least one person who can respond within an hour to an alarm site to deactivate the alarm;
- (5) type of alarm system, such as:
  - (a) a burglary alarm system;
  - (b) a robbery alarm system;
  - (c) a panic alarm system;

- (d) a duress alarm system; or
- (e) a medical alert;
- (6) information regarding any dangerous or special conditions at the location;
- (7) the name, address, telephone number, and business license numbers of the alarm business that installed and/or monitors the alarm system, if applicable; and
- (8) a statement regarding whether the alarm user has ever previously registered an alarm system in Baltimore City.

G. Commercial User Registration.

If the alarm will be used at a commercial establishment, the registration form for the alarm must be completed on the electronic form provided by the Department of Housing and Community Development and the following information must be provided to the Department:

- (1) the registration number;
- (2) the non-residential alarm user's name and trade name, if different;
- (3) the name, address, and telephone number of at least one person who can respond within an hour to an alarm site to deactivate the alarm;
- (4) Employer Identification Number (EIN);
- (5) the street address at which the alarm system is located, including room or suite number;
- (6) the telephone number at the alarmed location;
- (7) the type of business or activity conducted at an alarmed location;
- (8) type of alarm system: burglary, robbery, a duress, panic, etc;
- (9) information regarding any dangerous or special conditions at the location;
- (10) the parent company name, address, and telephone number, and the resident agent's name;
- (11) the name and telephone number of a person responsible at the parent company location for the alarm system at the alarmed location;
- (12) the name, address, telephone number, and business license numbers of the alarm business that installed and/or monitors the alarm system, if applicable; and
- (13) a statement regarding whether the alarm user had ever previously registered an alarm system or been issued a permit in Baltimore City.



H. In case of unavailable representative.

(1) When a person or business listed on the registration or an amendment to the registration is unable or unwilling to perform required duties, the registrant must provide written notification to the Baltimore City Department of Housing and Community Development or designee within ten days.

(2) The notification must include the name of an alternate person or company that is able and willing to perform those duties.

I. Registration is only valid for the premises registered and is not transferable to another alarm user or premises.

J. When a new owner takes control of a property, the former owner's registration becomes void, and the new owner must apply for a new registration.

K. All registered alarm users must keep a copy of the alarm registration form and installation certificate at the alarm site and must produce such registration for inspection upon reasonable request by any Baltimore City police officer or special enforcement officer.

L. Alarm registrations, amendments, and renewal forms that do not have complete or correct information are invalid and the alarm system will be deemed unregistered.

#### **07.01.04.07. Procedures to Request Police Response.**

##### **A. Required alarm monitor response.**

- (1) Before requesting a police response to an alarm signal, an alarm monitor must attempt to verify the need for a police response for every alarm signal, except a hold-up or panic alarm activation, by contacting the alarm system site.
- (2) In the case of a hold-up or panic alarm activation, the alarm monitor must attempt to verify the alarm signal only after requesting police dispatch.

##### **B. Telephone verification.**

During telephone verification, if the first call fails to reach an alarm user who can properly identify themselves, then the alarm monitor must at least make a second call to a different number to determine whether an alarm signal is valid before requesting dispatch.

##### **C. Required information to provide to police.**

An alarm monitor must provide the following information when reporting an activated alarm signal to the Baltimore City Police Department and requesting a police response:

- (1) the registration number issued to alarm user;
- (2) the name and registration number of the alarm monitor reporting on the activated alarm;
- (3) the name or employee number of the alarm monitor employee making the report;
- (4) a callback telephone number;
- (5) the location of the activated alarm, including the complete business or homeowner's:
  - (a) name;
  - (b) street address;
  - (c) apartment or suite number; and
  - (d) telephone number;

- (6) the type of alarm, such as:
    - (a) an audible alarm;
    - (b) a silent alarm;
    - (c) a robbery alarm;
    - (d) a hold-up alarm;
    - (e) a duress alarm;
    - (f) a panic alarm; or
    - (g) a burglary alarm;
  - (7) if the alarm system is zoned, the specific location of the alarm activation, such as:
    - (a) the interior;
    - (b) the perimeter;
    - (c) a vault; or
    - (d) motion detection;
  - (8) if it is a non-residential site, any available information about the non-residential site, such as:
    - (a) whether the business is open or closed;
    - (b) whether guards or guard dogs are on site, and
    - (c) what, if any, dangerous or special conditions are present at the site;
  - (9) if it is a residential site, any available information about the residential site, such as:
    - (a) the whereabouts of the homeowner;
    - (b) whether any pets are present, and if so, what types of pets; and
    - (c) whether handicapped individuals are at the residence; and
  - (10) whether a representative of the alarm user or alarm company is responding and, if so, the representative's estimated time of arrival.
- C. An alarm monitor detecting an alarm system activation from an unregistered user must report the activation of the alarm to the Baltimore City Police Department in the normal manner.

- D. Written notification of request for police response.
- (1) An alarm monitor must provide written notification to the alarm user or designee within 72 hours after the alarm monitor's request for police response.
  - (2) The monitor must maintain a record of these written notifications regarding requests for police responses.
  - (3) The record of written notifications regarding requests for police responses must be made available for inspection upon request by any Baltimore City Police Officers, Special Enforcement Officers, or designees.
- E. If an alarm monitor determines that an alarm signal is a false alarm, the alarm monitor must immediately cancel any request for police response.

**07.01.04.08. False Alarms.**

A. Alarm users who are responsible for false alarms must either:

- (1) pay a false alarm fee as set forth in City Code Article 19, § 8-8(b); or
- (2) appeal the false alarm fee in writing to the Board of Municipal and Zoning Appeals.

B. Late fees.

- (1) If a false alarm fee is not paid within 30 days of the billing date, a late fee of \$25.00 will be assessed.
- (2) In the case of appeals, a late fee will not be charged unless the false alarm fee remains unpaid 30 days after an unsuccessful appeal.
- (3) Failure to pay the late fee after the due date shall be grounds for revocation of the registration.

C. The Baltimore City Department of Housing and Community Development or its designee may seek an injunction from the Circuit Court to prohibit the continued use of any revoked alarm system registration.

**07.01.04.09. Conditions Under Which an Alarm Response Fee May be Waived.**

- A. A false alarm response fee may be waived if the alarm system was activated by an act of nature, such as:
  - (1) a blizzard;
  - (2) an earthquake;
  - (3) high winds;
  - (4) heavy thunderstorms;
  - (5) lightning;
  - (6) electrical surge; or
  - (7) other circumstances not reasonably subject to the control of the alarm business or alarm user.
- B. As a condition to waiving a fee, the Baltimore City Department of Housing and Community Development or its designee may request a written statement from a licensed alarm company that details the reason for the false alarm.
- C. Two or more false alarms that occur within the same 24-hour period and are the result of a single event will be considered one false alarm.
- D. Waiver after inspection.
  - (1) One false alarm fee may be waived if the alarm contractor or a monitor certifies that the alarm system has been inspected and is functioning properly.
  - (2) If the user is assessed for a subsequent false alarm fee, then the fee will be assessed as if the previous fee had not been waived.

**07.01.04.10. False Alarm Appeals Process.**

- A. An alarm user may appeal a false alarm determination to the Board of Municipal and Zoning Appeals or its designee within 30 days after the date of the false alarm notice.
- B. An alarm user may also appeal;
  - (1) if the alarm system was faulty when the false alarm sounded; and
  - (2) the alarm system has since been inspected and repaired by a certified alarm technician.
- C. An alarm user may appeal the decision of the Board of Municipal and Zoning Appeals to the judicial system, per the Maryland Rules, Rule 7-201.

**07.01.04.11. Severability.**

- A. The provisions of this regulations are hereby severable.
- B. If any word, phrase, clause, sentence, paragraph, section or part in or of this regulation or the application thereof to any person, circumstance or thing is declared invalid for any reason whatsoever, the remaining provisions and the application of such provisions to other persons, circumstances or things shall not be affected thereby but shall remain in full force and effect, the Commissioner hereby declaring that he would have ordained the remaining provisions of this regulation without the word, phrase, clause, sentence, paragraph, section or part, or the application thereof, so held invalid.

Administrative History

Effective Date: March 31, 2014



## **SUBTITLE 02 – LICENSING OF RENTAL DWELLINGS**

### **CHAPTER 01 RULES AND PROCEDURES FOR MULTI-FAMILY DWELLING LICENSE REVOCATION HEARINGS**

Authority: City Code Article 13, § 5-2

#### **07.02.01.01. Adoption and Scope of Regulations.**

##### **A. Adoption.**

The Baltimore City Department of Housing and Community Development adopts these rules and regulations under the City Code Article 13, § 5 {“Licensing of Rental Dwellings”}.

##### **B. Scope.**

These rules and regulations provide for the rules and procedures governing multi-family dwelling license revocation hearings.

#### **07.02.01.02. General Provisions.**

- A. The Hearing shall be presided over by the Director of the Baltimore City Department of Housing and Community Development (“the Commissioner”) or the Commissioner’s designee.
- B. Any person who is entitled to notice pursuant to City Code Article 13, §§ 5-15 through 5-18 and chooses to exercise their right to be heard shall be known as the “Respondent” or “Respondents”.
- C. Respondents may appear and be heard in person and may present, under oath, evidence relevant and material to the matter under consideration.
- D. Respondents may be represented by an attorney who is a member in good standing of Maryland State Bar.
- E. A corporation may be represented by an officer or agent of the corporation or an attorney who is a member in good standing of the Maryland State Bar.
- F. Records of proceedings.
  - (1) A record of all proceedings shall be made by electronic recording device.
  - (2) Typewritten copies of the proceedings may be ordered by the Respondent(s) and/or the Baltimore City Department of Housing and Community Development for a fee.
  - (3) The party requesting the transcription is responsible for payment of the fee.
- G. The Housing Commissioner may designate an attorney from the Code Enforcement Legal Section of the Baltimore City Department of Housing and Community Development to present evidence and testimony to support revoking the Multi-Family Dwelling License.

**07.02.01.03. Presentation of Evidence and Argument.**

- A. All parties shall have the right to:
  - (1) call witnesses;
  - (2) conduct direct and cross-examination;
  - (3) present relevant evidence, and
  - (4) to make objections and argument.
- B. The Commissioner or the Commissioner's designee may refuse to allow or may curtail the introduction of any evidence that is found to be:
  - (1) irrelevant
  - (2) cumulative;
  - (3) unduly prejudicial; or
  - (4) outside the scope of the License Revocation Hearing.
- C. Parties to the License Revocation Hearing may by agreement stipulate to any facts involved in the proceedings provided that each stipulation is duly-noted for the record.
- D. Oral argument may only be made before the Commissioner or the Commissioner's Designee.
- E. Oral argument may be curtailed or limited at the Commissioner or the Commissioner's Designee's discretion.
- F. The Maryland Rules of Evidence shall apply to the proceedings but the Commissioner or Commissioner's Designee discretion they may allow them to be relaxed.

#### **07.02.01.04. Burden of Proof and Order of Proof.**

- A. The Commissioner or the Commissioner's designee may revoke a license upon a finding by a preponderance of the evidence that:
  - (1) the Owner or lessee of a multi-family dwelling or rooming house has failed to comply with a lawful notice to correct a violation that affects the health, safety, morals, or general welfare of the occupants or general welfare;
  - (2) the Owner, lessee, or agent of a multi-family dwelling or rooming house has allowed the property to be used for:
    - (a) prostitution;
    - (b) drug activity; or
    - (c) any other activity that creates or constitutes a nuisance; or
  - (3) the owner or lessee should have known that the premises were being used for prostitution, drug activity or any other activity that creates or constitutes a nuisance and failed to prevent it.
- B. The order of proof shall be as follows:
  - (1) First, all parties present will be introduced and identified.
  - (2) Second, the Commissioner's designated attorney will make a brief statement about the purpose of the hearing.
  - (3) Third, the Commissioner's designated attorney will present testimony and evidence that shows:
    - (a) the Owner or lessee of a multi-family dwelling or rooming house has failed to comply with a lawful notice to correct a violation that affects the health, safety, morals, or general welfare of the occupants or general welfare;
    - (b) the Owner, lessee, or agent of a multi-family dwelling or rooming house has allowed the property to be used for:
      - (i) prostitution;
      - (ii) drug activity; or
      - (iii) any other activity that creates or constitutes a nuisance; or
    - (c) the owner or lessee should have known that these premises were being used for prostitution, drug activity, or any other activity that creates or constitutes a nuisance and failed to prevent it.
  - (4) Fourth, cross-examination of the witnesses at the conclusion of each direct examination by the Respondent.
  - (5) Fifth, re-direct by the Commissioner's designated attorney.

- (6) Sixth, testimony and presentation of evidence may be presented by the Respondent(s).
- (7) Seventh, cross-examination of the Respondent(s) and their witness at the conclusion of each direct examination by the Commissioner's designated attorney.
- (8) Eighth, re-direct examination by the Respondent(s).
- (9) Ninth, the presentation of closing statements, which shall not exceed ten minutes.

**07.02.01.05. Revocation of the Multi-Family Dwelling License.**

- A. The written decision of the Housing Commissioner or the Commissioner's Designee to revoke a Multi-Family Dwelling License shall be known as a "License Revocation Order".
- B. A written License Revocation Order shall be issued within one business day of the conclusion of the License Revocation Hearing or as soon as practicable thereafter.
- C. Upon agreement of the parties, the decision of the Housing Commissioner or the Commissioner's Designee may be postponed to any date certain.
- D. The License Revocation Order shall state a brief summary of the facts and the specific section of City Code Article 13, § 5-15 that the Respondent(s) violated.
- E. The License Revocation Order shall be sent by First Class Mail to all Respondent(s) within one business day after the issuance of the License Revocation Order or as soon as practicable thereafter.

#### **07.02.01.06. Postponements and Adjournments.**

##### **A. Postponement Request.**

- (1) A request for a Postponement of a License Revocation Hearing must be received within five business days prior to the hearing.
- (2) The request shall be sent via mail to the Code Enforcement Legal Section, 417 E. Fayette St., Baltimore, MD 21202 or via fax.
- (3) The postponement request shall:
  - (a) state the reason(s) for the postponement request; and
  - (b) be signed by the party requesting the postponement.
- (4) The postponement request shall be granted or denied after review by the Commissioner or the Commissioner's Designee.

##### **B. No application for adjournment, once a License Revocation Hearing has commenced, shall be granted except for good cause shown.**

Administrative History

Effective Date: July 21, 2005