

CODE OF BALTIMORE REGULATIONS ANNOTATED

Regulations Effective as of January 15, 2021

Title 07 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

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Title 07 HOUSING AND COMMUNITY DEVELOPMENT

SUBTITLE 01 REMOVAL OF CITY SIGNS

SUBTITLE 02 APPLICATION OF A PENALTY SURCHARGE FOR WORK WITHOUT A PERMIT

SUBTITLE 03 NON-OWNER OCCUPIED DWELLINGS

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Subtitle 01 REMOVAL OF CITY SIGNS

Administrative History

Effective Date: September 25, 2008

Rule and Regulations Promulgated by the Department of Housing and Community Development

RULE AND REGULATION #2:

Pursuant to Baltimore City Code, Article 19 Subtitle 45, Police Ordinances, governing The Removal of Illegal Signs From City Property By Others

Pursuant to the power conferred upon the Commissioner of Housing and Community Development by Article 19 § 45-4(b)(1) of the Baltimore City Code the following rules and regulations are hereby adopted:

A. Definitions

1. In these rules and regulations, the following terms have the meanings indicated.

2. *City*

“City” means the Mayor and City Council of Baltimore.

3. *Department*

“Department” means the Department of Housing and Community Development.

4. *Designated entity*

“Designated entity “ means a non-profit community or neighborhood association that is a community-based organization in which membership is open to all residents of the community and whose objective is to support or engage in activities of public interest without any commercial or monetary profit. A “Non-profit community or neighborhood association” must be organized under the laws of the State of Maryland and listed with the Baltimore City Department of Planning.

5. *Director*

“Director” means the Deputy Commissioner of Code Enforcement for the Department of Housing and Community Development.

6. *Individual*

“Individual” means someone who is 18 years of age or older.

7. *Person*

“Person” means any individual, political candidate, political committee, firm, partnership, association, corporation, company, organization, or other entity of any kind.

7. *Sign*

“Sign” includes 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.

B. Scope

1. These rules and procedures apply to the removal by individuals (other than the City or its employees) of signs that are posted in violation of Article 19 §§45-2(1) through (6).
2. These rules and procedures do not apply to the removal of signs that are posted in violation of 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.

C. Removal of Illegal Signs By An Individual

1. If any sign is posted in violation of Article 19, §§ 45-2(1) through (6), an individual may remove the sign, except as provided in §C(2), and either:
 - a. Discard the sign; or
 - b. Submit it, together with an affidavit that meets the requirements of § D, to the Department.
2. If the sign is posted at a height that is unreachable by the unassisted individual, or in a manner that creates a hazardous situation, the individual should not remove the sign. Instead, the individual may report the sign to the City using 311 Services.

D. Requirements of the Affidavit

1. The affidavit must describe a single alleged violation. A separate affidavit should be submitted with each sign.
2. The affidavit must be made using the form that is attached to these rules and regulations.
3. The affidavit must be complete.
4. The affidavit must be accompanied by:
 - a. The sign that was removed from the location and is identified in the affidavit;
 - b. Two photographs of the sign before being removed from the City property. One photograph must be a close up of the sign sufficient to identify the sign as

posted and the immediate background. The second photograph should be a wider shot that includes the sign with a broader view of the background. Both photographs must be identified on the front of the photos with the address or description of where the sign was posted, the date and time the photograph was taken, the printed name and signature of the individual signing the affidavit;

- c. If the sign was posted on City property that has a proper address or block and lot identification the affidavit should be submitted with a print out from the Maryland Department of Assessment and Taxation showing the property is owned by the City;
 - d. If the sign was posted on City property that does not have a proper address or block lot identifier (as examples: a median, light pole, parking meter) the affidavit should be submitted with a map that identifies the location where the sign was posted.
5. The affidavit must be signed, under the penalty of perjury, by the individual who removed the sign.
 6. The affidavit must be notarized.
 7. Completed affidavits and signs must be submitted to the Department within ten (10) calendar days of removal. Affidavits may be dropped off at 417 E. Fayette Street, Room 128, Monday through Friday, 8:30 a.m. – 4:30 p.m.

E. Testimony of the Individual who Removed the Sign

1. In order 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.
2. 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 named non-profit community or neighborhood association.
3. 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.

F. Designation of an Entity To Share in any Collected Fines

1. The affidavit may designate an entity to share in any collected fines.
2. The designated entity must be a non-profit community or neighborhood association organized under the laws of the State of Maryland and listed with the Baltimore City Department of Planning.
3. 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. The IRS Form W – 9 is available online at www.irs.gov. Only one W-9 form is required per designated entity per year.

4. The designated entity must have a completed W-9 on file with the City at the time of submission of the affidavit.
5. The City may require that the designated entity provide proof of its non-profit status or its registration with the Department of Planning, as applicable. The City also may require that the entity provide additional information necessary to process payment.
6. 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 Subtitles 40 or 41 of Article 1 of the City Code.
7. 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.

G. Costs for Removal of Signs

The Department may charge the person responsible for posting the illegal sign on City property for the costs of removal of the illegal sign and the cost of repairing any damaged caused by placing or removing of the sign.

H. Report of the Director

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

I. Issuing Citation

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

J. Severability

The provisions of this regulation are hereby severable. 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.


K. Filing with Legislative Reference

The Department shall file these rules and procedures with the Department of Legislative Reference.

L. Effective Date

These rules and procedures take effect on 9/25/08.

Approved and Adopted:



Paul T. Graziano

Commissioner

Department of Housing and Community Development

9/25/08
Date

Affidavit Regarding the Removal of an Illegal Sign

For office use
Citation Number

My name is _____

My mailing address is _____

My telephone number is _____

My alternative telephone number is _____

In submitting this affidavit I agree to appear and testify at any court or administrative hearings regarding the alleged violation. I understand that the entity listed below will not share in any fines if I fail to appear and testify at any administrative or court hearings concerning the violation. _____ (initial)

I agree to supply any additional information that the City of Baltimore requests regarding my removal of the Sign. _____ (initial)

I designate the following non-profit community or neighborhood association (designated entity) to share in any fines that are collected in this matter (optional):

(state the designated entity's name, address, phone number and if available the City vendor identification number).

I understand that this entity will not share in any fines if none are collected in this matter. I understand that the entity might be required to provide additional information to the City of Baltimore before the entity may receive any payment. _____ (initial)

I, _____, solemnly affirm on this _____ day of _____, 20____, under the penalty of perjury that:

1. I am at least 18 years old;
2. I am not currently employed by the City of Baltimore;
3. At _____ a.m. / p.m. on _____ (date), I personally observed that the sign submitted with this affidavit (the "sign") was posted on _____ (describe the structure or area), which is located at _____

(state the street address and any additional description regarding the location of the sign).
The sign was posted using the following method: _____
_____ (for example, tape, staples).
4. True and accurate photographs (the "photographs") of the sign that I observed are submitted with this affidavit.
5. I have submitted with this affidavit the sign that I observed.

6. Select section a or select and complete section b, as applicable.

a. _____ I do not know who posted the sign; or

For office use only.
Citation Number: _____

b. _____ To the best of my information and belief, the following person(s) **posted the Sign:** _____. The address and telephone number of that person or persons is: _____. My information and belief is based on the following facts: _____

7. Select section a or select and complete section b, as applicable.

a. _____ I do not know who is responsible for the sign; or

b. _____ To the best of my information and belief, the following person(s) are **responsible for the Sign:** _____. The address and telephone number of that person or persons is: _____. My information and belief is based on the following facts: _____

I FURTHER AFFIRM under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true and accurate.

Print Name

Signature

Date

Notarization: State of Maryland, City/County of _____

I certify that on this _____ date of _____, 20__, before me, a Notary Public in and for the City/County of _____, personally appeared _____, who acknowledged that the preceding affidavit was his/her act. As witness, my hand and Notarized Seal:

Notary Public

My commission expires: _____

Submit the completed affidavit, together with the sign and photographs to: Baltimore Housing, Sanitation Enforcement, 417 E. Fayette Street, Room 128.

**Subtitle 02 APPLICATION OF A PENALTY SURCHARGE FOR WORK WITHOUT A
PERMIT**

Administrative History

Effective Date: August 10, 2009

Rule and Regulations Promulgated by the Department of Housing and Community Development

RULE AND REGULATION #3:

Pursuant to Baltimore City Building, Fire and Related Codes, Chapter 1, Section 108.5.10, governing the Application of a Penalty Surcharge for Work Without a Permit and the Standards and Criteria for a Reduction of a Penalty Surcharge

Pursuant to the power conferred upon the Commissioner of Housing and Community Development by Chapter 1, Section 104.1.1 of the Baltimore City Building, Fire and Related Codes the following rules and regulations are hereby adopted:

A. Definitions In these rules and procedures, the following terms have the meanings indicated.

- 1. Department.** "Department" means the Baltimore City Department of Housing and Community Development.
- 2. Major work.** The Building Official will determine what work is considered major work. As an exhaustive list is impractical to provide, the following list is provided as examples of some work that is considered major:
 - i. additions;
 - ii. decks;
 - iii. demolition (full or partial);
 - iv. electrical work;
 - v. excavation;
 - vi. framing;
 - vii. HVAC;
 - viii. mechanical work;
 - ix. new construction;
 - x. plumbing;
 - xi. pouring concrete for a foundation, footing or wall;
 - xii. structural work;
 - xiii. under pinning;
 - xiv. curbing;
 - xv. formstone removal, and
 - xvi. any work that requires a licensed professional.
- 3. Minor Work.** "Minor Work" means all work that is not determined by the Building Official to be major work. As an exhaustive list is impractical to provide, the following list is provided as examples of some work that is considered minor:
 - i. fences;
 - ii. security door on a vacant building;
 - iii. hanging drywall;
 - iv. concrete work not related to foundation or structure.

- 4. Out of scope (same as Beyond the scope).** “Out of scope” means work that:
- a. is done without a permit, or
 - b. work not covered by an existing permit or plan, or
 - c. work contrary to a permit or plan.

B. Scope

1. These rules and regulations provide for the assessment of a Penalty Surcharge when the Building Official finds work on a property is performed without a permit, outside the scope of a permit, or after the suspension of a permit.
2. These rules and regulations provide standards and criteria for the reduction of surcharges assessed for work performed without a permit, outside the scope of a permit, or after the suspension of a permit.

C. Assessing a Penalty Surcharge

A penalty surcharge will be assessed in the following circumstances for:

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

D. Application for Reduction of Surcharge

1. All applications for reduction of surcharge must be completed on the form provided by the Department.
2. All applications must be submitted to the Department within 30 days of the assessment of the surcharge.

E. Criteria for Reduction of Surcharge

A penalty surcharge may be reduced up to 100% in the following situations.

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;
 - 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 work was considered to be major but the applicant can establish to the satisfaction of the Building Official that the work should reasonably be considered minor work under the circumstances.
 - 5. The work was performed due to an emergency situation and permits were applied for within one business day of the work being initiated.
 - 6. The work was being performed under a permit that expired and an extension of that permit was issued.

F. Review of Request For Reduction of Surcharge

- 1. All complete and timely applications for reduction of a surcharge will be reviewed by the Building Official or the Building Official's designee.
- 2. Incomplete applications will be denied.
- 3. Late applications will be denied unless the applicant can demonstrate to the Building Official good cause for missing the application deadline.
- 4. The final decision of the Building Official will be made in writing and mailed to the applicant. Applications not containing an email address will be mailed by first class mail to the applicant at the address provided on the application; all other responses will be delivered electronically.
- 5. Any amount of the surcharge that is not reduced is due upon the mailing of the Building Official's final decision.

G. Severability

The provisions of this regulation are hereby severable. 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.

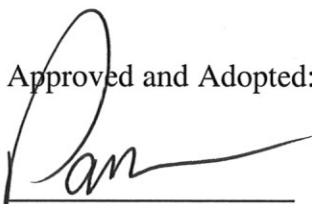
H. Filing with Legislative Reference

The Department shall file these rules and procedures with the Department of Legislative Reference.

I. Effective Date

These rules and procedures take effect on August 10, 2009.

Approved and Adopted:



Paul T. Graziano
Commissioner
Department of Housing and Community Development

8/10/09

Date

Baltimore City Construction Code Enforcement
Request for Reduction of Surcharge

INSTRUCTIONS: Complete all fields on this form; be specific in all responses. Incomplete applications will be denied. Return this form to the Building Official 417 E. Fayette Street, Room 202, Baltimore, MD 21202.

Applicant's Name: _____

Applicant's Home address: _____

Applicant's Phone Number: _____

Applicant's email address: _____

Address Subject to Surcharge: _____

Date Surcharge Applied (if known): _____

A reduction of the surcharge is being requested based on the following circumstances (select all that apply):

- ☐ A permit was not necessary for the work performed;
- ☐ A permit was issued for the work performed;
- ☐ the work was completed by the prior owner;
- ☐ the assessment of a surcharge is inconsistent with these rules and regulations.
- ☐ A Notice to Proceed was not required for the work and I reasonably believed a permit was not required.
- ☐ I contracted a licensed professional to perform the work. The terms of the written contract required that the professional obtain all necessary permits and I reasonably believed the permits were obtained.
- ☐ The work should be considered minor work.

Subtitle 03 NON-OWNER OCCUPIED DWELLINGS

Administrative History

Effective Date: October 29, 2009

**Rules and Regulations Promulgated by the
Department of Housing and Community Development**

RULE AND REGULATION #4:

Pursuant to Baltimore City Code,

Article 13, Subtitle 4, governing Non-Owner Occupied Dwellings

Pursuant to the power conferred upon the Commissioner of Housing and Community Development by Article 13, Subtitle 4-3 of the Baltimore City Code the following rules and regulations are hereby adopted:

A. Definitions. The following terms have the meanings indicated.

1. **Owner Occupied.** An "Owner Occupied" dwelling unit is both owner occupied in fact and designated by the Maryland State Department of Assessments and Taxation as the owner's principle residence. An owner may have only one owner-occupied dwelling unit in Baltimore City. A dwelling unit not owned by a natural person cannot be owner occupied.

B. Severability

The provisions of this regulation are hereby severable. 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.

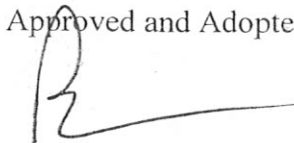
C. Filing with Legislative Reference

The Department shall file these rules and procedures with the Department of Legislative Reference.

D. Effective Date

These rules and procedures take effect on 10/27/09, 2009.

Approved and Adopted:



Paul T. Graziano
Commissioner

Department of Housing and Community Development

10/27/09
Date

Subtitle 04 BURGLAR ALARMS

Administrative History

Effective Date: March 31, 2014



BALTIMORE HOUSING

STEPHANIE RAWLINGS-BLAKE
Mayor

PAUL T. GRAZIANO
Executive Director, HABC
Commissioner, HCD

April 2, 2014

Avery Aisenstark, Director
Legislative Reference
City Hall
Room 626
Baltimore, MD 21202

Re: DHCD Rule and Regulation #6:
Burglar Alarms

Dear Avery:

Enclosed for filing with Legislative Reference is a copy of DHCD Rule and Regulation #6: Burglar Alarms. These rules are intended to replace any existing rules on burglar alarms.

DHCD has taken over management of the False Alarm Reduction program from BPD and their contractors.

Thank you.

Sincerely,

Jason Hessler
Assistant Commissioner
Permits & Code Enforcement, Legal Section

Enclosure



**Rule and Regulations Promulgated by the
Department of Housing and Community Development
RULE AND REGULATION #6: BURGLAR ALARMS**

Authority

These rules and regulations are issued pursuant to the authority granted the Commissioner of the Department of Housing and Community Development by Ordinance 12-0064, effective November 26, 2012.

Section 1. Definitions

All definitions relative to this regulation are to be found in Article 19 § 8-1 and 8-9(a) of the Baltimore City Code.

Section 2. Alarm Contractor Registration Requirements

2.1 Any person engaging in the business of alarm contractor in Baltimore City must apply to the Baltimore City Department of Housing and Community Development or designee to register to operate as an alarm business. Such application must be signed by either (1) the owner of the business for a sole proprietorship, (2) one partner for a partnership, or (3) a corporate officer for a corporation. The registration application must be completed on the electronic form provided by the Department of Housing and Community Development and include the following information:

(a) The name, address, fax number, telephone number, and email of the alarm business, the form of business entity (sole proprietorship, partnership, or corporation), the Employer ID number (EIN);

(b) The name, address, fax number telephone number, and email of the official responsible for the operation of the alarm business in Baltimore City.

2.2 Registration applications for alarm contractors must be accompanied by a registration fee of \$50.00. If the registration has been revoked or suspended, a reinstatement fee of \$50.00 must accompany a reinstatement application. In addition:

(a) An applicant may not conduct business in Baltimore City until the registration requirements are completed and the application has been approved by the Department of Housing and Community Development.

(b) 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.

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

2.3 (a) 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.

(b) Prior to completion of the sale of the alarm system, the contractor must provide the purchaser 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.

(c) 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. The report must be completed on the electronic form provided by the Department of Housing and Community Development and contain: the purchasers name; address; telephone number; email address; and make/model of the system.

Section 3. Monitor Registration Requirements

3.1 Any person engaging in the business of alarm monitoring in Baltimore City must register with the Baltimore City Department of Housing and Community Development or its designee to operate as an alarm business. Such application must be signed by either (1) the owner of the business for a sole proprietorship, (2) one partner for a partnership, or (3) a corporate officer for a corporation. The registration application must include both applicant information and list of Baltimore City customers.

3.2 Applicant information must be completed on the electronic form provided by the Baltimore City Department of Housing and Community Development and include the following information:

(a) The name, address, fax number, telephone number, and email address of the alarm business, the form of business entity (sole proprietorship, partnership, or corporation), the Employer ID number (EIN); and

(b) The name, address, fax number, telephone number and email of the official responsible for the operation of the alarm business in Baltimore City.

3.3 Baltimore City customer list must include a listing of the name, address, apartment or suite number, telephone number, activation date, customer account number (unique identifier) and registration number of all Baltimore City customers receiving service at the time of registration.

3.4 Registration applications for alarm monitors must be accompanied by a registration fee of \$50.00. If the registration has been revoked or suspended, a reinstatement fee of \$50.00 must accompany a reinstatement application. In addition:

(a) An applicant may not conduct business in Baltimore City until the registration requirements are completed and the application has been approved by the Department of Housing and Community Development.

(b) In the case of 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.

(c) This rule requires that monitors 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.

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

(e) Monitors must provide Department of Housing and Community Development with a monthly update of all Baltimore City customers receiving service at that time. This update must include a listing of the: name; address; telephone number; activation date; customer account number (unique identifier) and registration number. Updates must be submitted by the 5th of each month in the method determined by the Baltimore City Department of Housing and Community Development or its designee.

3.5 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 that the monitoring company is unable to request Baltimore City Police Department dispatch for the duration of the period of suspension, revocation, or refusal.

Section 4. Alarm Installation Standards

4.1 An alarm technician, licensed by the State of Maryland, must be onsite to supervise the installation of any alarm system.

4.2 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. The alarm business must certify that:

- (a) The alarm system has been installed in compliance with City law and regulations;
- (b) The person designated by the alarm user as responsible for alarm system operation has received training sufficient to prepare that alarm user to operate the system without false alarms caused by improper operation; and
- (c) 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.

Section 5. Alarm User Registration

5.1 Within 10 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.

5.2 Any change in the information provided on the registration application or deactivation must be reported to the Department of Housing and Community Development within 10 days of said change in the method determined by the Baltimore City Department of Housing and Community Development or its designee.

5.3 All outstanding registration and alarm fees must be paid in order to maintain a valid registration.

5.4 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. 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: the availability of police units, priority of calls, weather conditions and traffic conditions.

5.5 The registration form for the alarm user must be completed on the electronic form provided by the Department of Housing and Community Development and contain, but is not limited to, the following information:

RESIDENTIAL USER REGISTRATION

- Registration Number
- Street address where alarm system is located, including room or suite number.
- Name, address and telephone number of the alarm user for the alarmed location.
- Name, addresses and telephone number of at least one (1) person who is able to respond within an hour to an alarm site to deactivate the alarm.
- Dangerous or special conditions information at location.
- Type of alarm system: burglary, robbery, panic, a duress, medical alert, etc.
- Name, address, telephone number, and business license number(s) of the alarm business that installed and/or monitors the alarm system, if applicable.
- A statement as to whether the alarm user has ever previously registered an alarm system in Baltimore City.

COMMERCIAL USER REGISTRATION

- Registration Number
- Non- residential alarm user's name and trade name, if different.
- Name, addresses and telephone number of at least one (1) person who is able to respond within an hour to an alarm site to deactivate the alarm.
- Employer ID Number (EIN).
- Street address where alarm system is located, including room or suite number.
- Telephone number at the alarmed location.
- Type of business or activity conducted at an alarmed location.
- Type of alarm system: burglary, robbery, a duress, panic, etc.
- Dangerous or special conditions information at location
- Parent Company name, address and telephone number, and resident agent's name.
- Name and telephone number of person responsible at the parent company location for the alarm system at the alarmed location.
- Name, address, telephone number, and business license number(s) of the alarm business that installed and/or monitors the alarm system, if applicable.
- A statement as to whether the alarm user had ever previously registered an alarm system or been issued a permit in Baltimore City.

5.6 When a person or business listed on the registration or an amendment to the registration is unable or unwilling to perform required duties (such as provide one hour access to a particular

site to deactivate an alarm), the registrant must provide written notification to the Baltimore City Department of Housing and Community Development or designee within ten days. The notification must include the name of an alternate person or company that is able and willing to perform those duties.

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

5.8 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 information for inspection upon reasonable request by any Baltimore City police officer or special enforcement officer.

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

Section 6. Procedures to Request Police Response

6.1 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. Telephone verification shall require, as a minimum that a second call attempt be made to a different number if the first call fails to reach an alarm user who can properly identify themselves to determine whether an alarm signal is valid before requesting dispatch. 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.

6.2 An alarm monitor must provide the following information when contacting the Baltimore City Police Department, to report an activated alarm signal and to request a police response.

(a) Registration number issued to the alarm user.

(b) Name and registration number of the alarm monitor reporting the activated alarm, name or employee number of the alarm business employee making the report, and callback telephone number.

(c) Location of the activated alarm, including complete business or homeowner's name, street address, apartment or suite number and telephone number.

(d) Type of alarm (such as audible or silent, robbery, hold-up, a duress, panic, burglary). If the alarm system is zoned, give the specific location of the alarm activation (such as interior, perimeter, vault, motion detection).

(e) Any available information about the non-residential site, (such as if business is open or closed, guards on site, guard dogs, dangerous or special conditions within the location).

(f) Any available information about the residential site (such as: homeowner whereabouts; the presence of pets; handicapped individuals present).

(g) If a representative of the alarm user or alarm company is responding and their estimated time of arrival.

6.3 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.

6.4 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. The monitor must maintain a record of these notifications. The record must be made available for inspection upon request by any Baltimore City Police Officers, Special Enforcement Officers or designee.

6.5 An alarm monitor must cancel any request for police response immediately when the alarm monitor determines that the alarm signal is a false alarm.

Section 7. False Alarm Response Fees

7.1 Alarm users who are responsible for false alarms must either pay a false alarm fee as set forth in Article 19 § 8-8 (b) of the Baltimore City Code, or appeal the fee in writing to the Board of Municipal and Zoning Appeals.

7.2 If a false alarm fee is not paid within 30 days of the billing date, a late fee of \$25.00 will be assessed. 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. Subsequent failure to pay shall be grounds for revocation of the registration. The Baltimore 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.

Section 8. Conditions Under Which An Alarm Response Fee May Be Waived

8.1 A false alarm response fee may be waived if the alarm system was activated by an act of nature, such as a blizzard, earthquake, high winds, heavy thunderstorms, lightening, electrical surge, or other circumstances not reasonably subject to the control of the alarm business or alarm user. As a condition to waiving a fee, the Baltimore City Department of Housing and Community Development or designee may request a written statement from a licensed alarm company that details the reason for the false alarm.

8.2 Two or more false alarms that occur within the same 24-hour period and are the result of a single event will be considered to be one false alarm.

8.3 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. This waiver will only be valid for one fee. 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.

Section 9. False Alarm Appeals Process

9.1 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.

9.2 An alarm user may also appeal based on the fact that the alarm system was faulty and has since been inspected and repaired by a certified alarm technician.

9.3 An alarm user may appeal the decision of the Board of Municipal and Zoning Appeals to court, as provided in the Maryland Rules.

Section 10. Severability

10.1 The provisions of this regulation are hereby severable. 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.

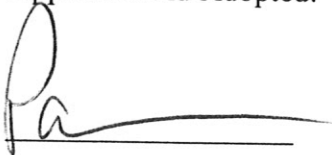
Section 11. Filing with Legislative Reference

11.1 The Department shall file these rules and procedures with the Department of Legislative Reference.

Section 12. Effective Date

12.1 These rules and procedures take effect on 3/31/14.

Approved and Adopted:



Paul T. Graziano
Commissioner
Department of Housing and Community Development

3/31/14

Date

Subtitle 05 MULTI-FAMILY DWELLING LICENSE REMOVAL

Administrative History

Effective Date: July 21, 2005

Baltimore Housing

Rule # 1 Pursuant to Article 13 Subtitle 5 of the Baltimore City Code

Rules and Procedures for Multi-Family Dwelling License Revocation Hearings

Pursuant to Article 13, Section 5-2 of the Housing and Urban Renewal Ordinance of the Baltimore City Code, the Commissioner of Baltimore Housing adopts the following Rules and Procedures governing Multi-Family Dwelling License Revocation Hearings:

General Provisions

- 1) The Hearing shall be presided over by the Baltimore Housing Commissioner known as the "Commissioner" or the Housing Commissioner's Designee known as the "Commissioner's Designee".
- 2) Any person(s) who is entitled to notice pursuant to Article 13 Sections 5-15 thru 5-18 of the Baltimore City Code and chooses to exercise their right to be heard shall be known as the "Respondent (s)".
- 3) Respondents may appear and be heard in person and may present, under oath, evidence relevant and material to the matter under consideration.
- 4) Respondent(s) may be represented by an attorney who is a member in good standing of the Bar of the State of Maryland.
- 5) 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 Bar of the State of Maryland.
- 6) A record of all proceedings shall be made by electronic recording device. Typewritten copies of the proceedings may be ordered by the Respondent(s) and/or Baltimore Housing for a fee. **The party requesting the transcription is responsible for payment of the fee.**
- 7) **The Housing Commissioner may designate an attorney from the Code Enforcement Legal Section of Baltimore Housing to present evidence and testimony to support revoking the Multi-Family Dwelling License.**

Presentation of Evidence and Argument

- 1) All parties shall have the right to call witnesses, to conduct direct and cross-examination, to present relevant evidence and to make objections and argument.
- 2) The Commissioner or the Commissioner's Designee may refuse to allow or may curtail the introduction of any evidence that is found to be irrelevant, cumulative, unduly prejudicial or outside the scope of the License Revocation Hearing.
- 3) 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.

- 4) Oral argument may only be made before the Commissioner or the Commissioner's Designee.
- 5) Oral argument may be curtailed or limited at the Commissioner or the Commissioner's Designee discretion.
- 6) The Maryland Rules of Evidence shall apply to the proceeding but according to the Commissioner or Commissioner's Designee discretion they may be relaxed.

Burden of Proof and Order of Proof

- 1) The Commissioner or Commissioner's Designee may revoke a license upon a finding by a **"preponderance of the evidence"** that;
 - 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; OR
 - b. The Owner, lessee or AGENT of a multi-family dwelling or rooming house has allowed the Property to be used for prostitution, drug activity or 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.
- 2) The order of proof shall be as follows:
 - a. Introduction and identification of all the parties present;
 - b. A brief statement by the Commissioner's designated attorney about the purpose of the hearing;
 - c. Testimony and presentation of evidence, by the Commissioner's designated attorney that:
 - i. 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; OR
 - ii. The Owner, lessee or AGENT of a multi-family dwelling or rooming house has allowed the Property to be used for prostitution, drug activity or any other activity that creates or constitutes a nuisance; OR
 - iii. 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.
 - d. Cross-examination of the witnesses at the conclusion of each direct examination by the Respondent;
 - e. Re-direct by the Commissioner's designated attorney;
 - f. Testimony and presentation of evidence may be presented by the Respondent(s);

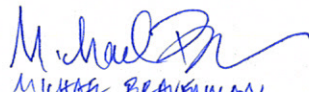
- g. Cross-examination of the Respondent(s) and their witnesses at the conclusion of each direct examination by the Commissioner's designated attorney;
- h. Re-direct by the Respondent(s);
- i. Closing statements (no longer than 10 minutes);

Revocation of the Multi-Family Dwelling License

- 1) 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".
- 2) A written License Revocation Order shall be issued within one (1) business day of the conclusion of the License Revocation Hearing or as soon practicable thereafter.
- 3) Upon agreement of the parties, the decision of the Housing Commissioner or the Commissioner's Designee may be postponed to any date certain.
- 4) The License Revocation Order shall state a brief summary of the facts and the specific section of Article 13 Section 5-15 that the Respondent(s) violated.
- 5) The License Revocation Order shall be sent by First Class Mail to all Respondent(s) within one (1) business day after the issuance of the License Revocation Order or as soon as practicable thereafter.

Postponements and Adjournments

- 1) A request for a Postponement of a License Revocation Hearing must be **received five (5) business days prior to the hearing**. The request shall be sent to the Code Enforcement Legal Section, 417 E. Fayette Street, Room 202, Baltimore, Md 21202 or by fax to (410) 385-8689. The postponement request shall state the reason(s) for the postponement request and shall be signed by the party requesting the postponement. The postponement request shall be granted or denied after review by the Commissioner or the Commissioner's Designee.
- 2) No application for adjournment, once a License Revocation Hearing has commenced, shall be granted except for good cause shown.

 Deputy Commissioner
 MICHAEL BRAVERMAN for Commissioner Paul T. Graziano
 Paul T. Graziano, Commissioner
 Baltimore Housing

Date adopted: 7/21/05

Date effective: 7/21/05