

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor  
101 City Hall  
Baltimore, Maryland 21202

March 1, 2013

The Honorable President and  
Members of the Baltimore  
City Council  
c/o Karen Randle, Executive Secretary  
409 City Hall  
Baltimore, MD 21202

RE: City Council Bill No. 12-0171 – Environmental and Civil Citations –  
Burglar Alarms

Dear President and Members

You have requested the advice of the Law Department regarding City Council Bill 12-0171. City Council Bill 12-0171 proposes to set the amount of the fine collectable through environmental or civil citation for failure to pay a false alarm fee.

Article 19, Subtitle 8 of the Baltimore City Code regulates burglar alarms and false alarms. Section 8-8 provide for a fee schedule for false alarms but does not provide that it is a violation of the Code to fail to pay a false alarm fee. Article 1, Subtitle 40 of the code provides for environmental citations. Section 40-14 states that “the jurisdiction and authority of the Board extends to each of the provisions of the Baltimore City Code that are specified in subsection (e) of this section, as those provisions may be amended from time to time, including any rules and regulations adopted under them from time to time. Similarly, Section 41-13, dealing with civil citations, provides that a civil citation may be issued under this subtitle only for violation of a provision of the Baltimore City Code listed in § 41-14 of this subtitle. Since failure to pay the fee is not established as a violation of the Code under Art. 19, Sec.8-8, an environmental or civil citation is not authorized. The bill can be amended to provide for nonpayment of the fee as a violation and the problem will be remedied.

If the attached amendment is adopted, the Law Department can approve the bill for form and legal sufficiency.

Sincerely yours,

*Elena R. DiPietro*

Elena R. DiPietro  
Chief Solicitor



cc: George A. Nilson, City Solicitor  
Angela Gibson, City Council Liaison  
Hilary Ruley, Assistant Solicitor  
Victor Tervalá, Assistant Solicitor

**Amendment City Council Bill 12—0171**

On page 2 after line 22 insert :

Article 19 Police Ordinances  
Subtitle 8 Burglar Alarms – Registration etc.

Section 8-8

(b) *Fee schedule.*

- (1) After 1 false alarm in any 12-month period, a false alarm fee is imposed for each false alarm, based on the following schedule:

<b>False alarms within 12-month period</b>	<b>Fee</b>
2 <sup>nd</sup> or 3 <sup>rd</sup>	\$ 50
4 <sup>th</sup>	100
5 <sup>th</sup>	150
6 <sup>th</sup>	200
7 <sup>th</sup>	250
8 <sup>th</sup>	300
9 <sup>th</sup>	350
10 <sup>th</sup>	400
11 <sup>th</sup>	450
12th and above, for residential users	500
12th, 13th, or 14th, for non-residential users	1,000
15th and above, for non-residential users	2,000

- (2) **A PERSON MAY NOT FAIL TO PAY A FEE ASSESSED UNDER THIS SECTION.**