

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 12-0064

Introduced by: Councilmembers Clarke, Henry, Spector, Welch, Middleton, Holton, Reisinger
Introduced and read first time: April 16, 2012
Assigned to: Judiciary and Legislative Investigations Committee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: October 15, 2012

AN ORDINANCE CONCERNING

Burglar Alarms – No Fees For User Registrations

1
2 FOR the purpose of specifying that a burglar alarm user may not be charged a fee for registering
3 an alarm with the Police Commissioner, lowering the fines for burglar alarm violations,
4 redefining certain terms, moving legal responsibility for the burglar alarm registration
5 program from the Police Commissioner to the Housing Commissioner, requiring more
6 frequent reporting, requiring that notice of the burglar alarm registration requirements be
7 provided to consumers, clarifying and conforming related provisions, and generally relating
8 to the registration and regulation of burglar alarms.

9 BY adding

10 Article 19 - Police Ordinances
11 Section(s) 8-5(c)
12 Baltimore City Code
13 (Edition 2000)

14 BY repealing and reordaining, with amendments

15 Article 19 - Police Ordinances
16 Section(s) 8-1(c), 8-1(e), 8-1(j), 8-3, 8-4, 8-5(a), 8-6, 8-7(a), 8-8(b)
17 Baltimore City Code
18 (Edition 2000)

19 BY repealing and reordaining, with amendments

20 Article 1 - Mayor, City Council, and Municipal Agencies
21 Section(s) 40-14(e)(3) and 41-14(2)
22 Baltimore City Code
23 (Edition 2000)

24 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
25 Laws of Baltimore City read as follows:

Baltimore City Code

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by
amendment or deleted from existing law by amendment.

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Article 19. Police Ordinances

Subtitle 8. Burglar Alarms - Registration and Regulation

§ 8-1. Definitions.

(c) Commissioner.

“Commissioner” means the [Police Commissioner] HOUSING COMMISSIONER of Baltimore City or the Commissioner’s designee.

(e) False alarm.

(1) “False alarm” means any alarm system signal:

(i) that results in a police response to the user’s property; and

(ii) for which no evidence is found, after reasonable investigation, of any criminal activity, property damage, or medical emergency that would justify a police response.

(2) “False alarm” does not include:

(i) an alarm signal that is cancelled by the monitor before a responding police officer arrives at the alarm location; [or]

(ii) an alarm signal that occurs within 30 days of the original installation of the alarm system; OR

(iii) AN ALARM SIGNAL FROM A MEDICAL ALERT DEVICE.

(j) User.

(1) “User” means, except as specified in paragraph (2) of this subsection:

(i) the owner or lessee of any alarm system;

(ii) the owner or lessee of any dwelling unit, place of business, or other premises that has been equipped with an alarm system; or

(iii) any other person that uses an alarm system.

(2) “User” does not include:

(i) the owner or manager of a multi-tenant building with respect to any alarm system that is used solely by a tenant of that building; or

(ii) A GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR UNIT OF A GOVERNMENTAL ENTITY.

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§ 8-3. Registration — Contractors.

(a) Registration required.

An alarm system contractor must register with the Commissioner before undertaking to install, maintain, alter, inspect, administer, sell, or service any alarm system in Baltimore City.

(B) REGISTRATION UPDATES REQUIRED.

AN ALARM SYSTEM CONTRACTOR MUST KEEP ITS REGISTRATION WITH THE COMMISSIONER CURRENT BY, WITHIN 10 DAYS OF THE UNDERTAKING, REPORTING TO THE COMMISSIONER, ON A FORM APPROVED BY THE COMMISSIONER, WHENEVER IT UNDERTAKES TO INSTALL, MAINTAIN, ALTER, INSPECT, ADMINISTER, SELL, OR SERVICE ANY ALARM SYSTEM IN BALTIMORE CITY.

[(b)] (C) Violations.

For purposes of the penalties imposed by this subtitle, each event that violates this section constitutes a separate offense.

§ 8-4. Registration — Monitors.

(a) Registration required.

An alarm system monitor must register with the Commissioner before undertaking to monitor any alarm system in Baltimore City.

(B) REGISTRATION UPDATES REQUIRED.

AN ALARM SYSTEM MONITOR MUST KEEP ITS REGISTRATION WITH THE COMMISSIONER CURRENT BY, WITHIN 10 DAYS OF THE UNDERTAKING, REPORTING TO THE COMMISSIONER, ON A FORM APPROVED BY THE COMMISSIONER, WHENEVER IT UNDERTAKES TO MONITOR ANY ALARM SYSTEM IN BALTIMORE CITY.

[(b)] (C) Violations.

For purposes of the penalties imposed by this subtitle, each contract by an unregistered alarm system monitor on behalf of an alarm system user constitutes a separate offense.

§ 8-5. Registration — Users.

(a) Registration required.

An alarm system user must:

- (1) register with the Commissioner [before the user's alarm system causes contact with police or results in a police response at the user's property] WITHIN 10 DAYS OF ACTIVATING AN ALARM SYSTEM; AND

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1 (2) UPDATE THE REGISTRATION, WITHIN 10 DAYS OF ANY CHANGE, IF ANY
2 INFORMATION THE COMMISSIONER REQUIRES ON THE REGISTRATION FORM
3 CHANGES AFTER THE REGISTRATION IS FILED.

4 (C) *NO REGISTRATION FEE FOR USERS.*

5 A USER MAY NOT BE CHARGED ANY FEES FOR REGISTRATIONS OR RENEWALS OF
6 REGISTRATIONS REQUIRED BY THIS SECTION.

7 **§ 8-6. Notices and reports.**

8 (a) *Notice to user.*

9 (1) Any person who sells or leases alarm systems must post conspicuously in that
10 person's place of business notice of a user's obligation to register under this subtitle.

11 (2) [If a sale or lease transaction occurs outside the person's place of business, or if the
12 person does not maintain a place of business in a commercial establishment, this
13 notice must be provided] ANY PERSON WHO SELLS OR LEASES ALARM SYSTEMS MUST
14 PROVIDE PRINTED NOTICE to the user, [in writing,] before the user takes possession of
15 the system, OF:

16 (I) THE USER'S OBLIGATION TO REGISTER UNDER THIS SUBTITLE, AND

17 (II) THE CONTACT INFORMATION PROVIDED BY THE COMMISSIONER FOR THE
18 OFFICE WHERE THE USER CAN REGISTER THE ALARM SYSTEM.

19 (3) The wording, size, and placement of the [notice] NOTICES REQUIRED BY THIS
20 SUBSECTION must comply with the rules and regulations adopted by the
21 Commissioner under this subtitle.

22 (b) *Reports to Commissioner — unmonitored systems.*

23 (1) If the person selling or leasing an alarm system is not under contract to monitor that
24 system, the person must report the transaction to the Commissioner.

25 (2) This report must:

26 (i) be made within 10 days of the sale or lease; and

27 (ii) contain:

28 (A) the user's name, address, and telephone number;

29 (B) the make and model of the system; and

30 (C) any other information that the Commissioner requires.

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1 (c) Reports to Commissioner — monitored systems.

2 (1) Each monitor doing business in the City must provide the Commissioner with [an
3 annual] A MONTHLY report of all users in the City to whom the monitor is then
4 providing services.

5 (2) EACH MONITOR DOING BUSINESS IN THE CITY MUST PROVIDE THE COMMISSIONER
6 WITH ADDITIONAL UPDATED REPORTS OF ALL USERS IN THE CITY TO WHOM THE
7 MONITOR IS THEN PROVIDING SERVICES UPON THE COMMISSIONER’S REQUEST.

8 [(2)] (3) [This report] THESE REPORTS must:

9 (i) be made at the time the Commissioner requires; and

10 (ii) [contain:

11 (A) each user’s name, address, and telephone number; and

12 (B) any other information that the Commissioner requires] BE IN THE
13 FORMAT, AND CONTAIN THE INFORMATION, THAT THE COMMISSIONER
14 REQUIRES.

15 **§ 8-7. Unregistered users.**

16 (a) Prohibited conduct.

17 (1) It is unlawful for AN ALARM SYSTEM TO BE UNREGISTERED.

18 (2) IT IS UNLAWFUL FOR the alarm system of any unregistered user to cause contact with
19 or summon City police.

20 [(2)] (3) For purposes of the penalties imposed by this subtitle, each event that causes
21 contact with or summons police constitutes a separate offense.

22 **§ 8-8. False alarm fees.**

23 (b) Fee Schedule.

24 After ~~2~~ 1 false alarms ALARM in any 12-month period, a false alarm fee is imposed for
25 each false alarm, based on the following schedule:

False alarms within 12-month period	Fee
<u>2ND OR 3RD</u>	\$ 50
<u>4th</u>	100
<u>5th</u>	150
<u>6th</u>	200
<u>7th</u>	250
<u>8th</u>	300

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1	9 th	[400] 350
2	10 th	[500] 400
3	11 th	[600] 450
4	12 th AND ABOVE, <u>FOR RESIDENTIAL USERS</u>	500
5	[Noncommercial users	700
6	Commercial users	2,000
7	13 th	
8	Noncommercial users	800
9	Commercial users	2,000
10	14 th and above	
11	Noncommercial users	1,000
12	Commercial users	2,000]
13	<u>12TH, 13TH, OR 14TH, FOR NON-RESIDENTIAL USERS</u>	<u>1,000</u>
14	<u>15TH AND ABOVE, FOR NON-RESIDENTIAL USERS</u>	<u>2,000</u>

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 40. Environmental Control Board

§ 40-14. Violations to which subtitle applies.

(e) *Provisions and penalties enumerated.*

(3) Article 19. Police Ordinances

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§ 8-18. Burglar alarms: Penalties

Users

~~1ST OFFENSE~~

~~2ND OFFENSE~~

~~3RD OR SUBSEQUENT OFFENSE~~

~~[\$250]~~ \$100

~~\$ 50~~

~~\$100~~

~~\$150~~

Contractors, Monitors, Others

\$500

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Subtitle 41. Civil Citations

§ 41-14. Offenses to which subtitle applies – Listing.

(2) Article 19. Police Ordinances

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§ 8-18. Burglar alarms: Penalties

Users

~~1ST OFFENSE~~

~~2ND OFFENSE~~

~~[\$250]~~ \$100

~~\$ 50~~

~~\$100~~

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1	3RD OR SUBSEQUENT OFFENSE	\$150
2	Contractors, Monitors, Others	\$500
3	

4 **SECTION 2. AND BE IT FURTHER ORDAINED**, That the catchlines contained in this Ordinance
5 are not law and may not be considered to have been enacted as a part of this or any prior
6 Ordinance.

7 **SECTION 3. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the 30th day
8 after the date it is enacted.

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City