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CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG  
Mayor



DEPARTMENT OF LAW  
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October 9, 2020

The Honorable President and Members  
of the Baltimore City Council  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202

Re: City Council Bill 20-0612 – Explosive Material – Reporting

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 20-0612 for form and legal sufficiency. The bill would create a new Subtitle 18, titled "Explosives" in Article 19 of the City Code. The new subtitle would define explosives and require that any unattended or unsecured explosives be reported to the City's Office of emergency management or its successor. Failure to report is a misdemeanor punishable by the maximum fine of \$1,000 dollars and/or a year in jail.

The Mayor and City Council have the power to enact all laws that promote the general welfare of the public. City Charter, Art. II, § (47). The City has enacted laws on explosives and their placement in ships docked in the City. City Code, Art. 10, Subtitle 7. The City also has enacted an entire subtitle in Article 10 of the City Code dedicated to ammonium nitrate, a type of explosive. This is the kind of explosive that recently caused damage in the port city of Beirut, Lebanon. It permits the stowing and storage of certain products containing ammonium nitrate but prohibits others. City Code, Art. 10., § 8-6. The City Code even has provisions on disposal of explosives. City Code, Art. 25, § 2-4(b). The City's Fire and Building Codes also have provisions on explosives. City Building Code, § 3303.17; City Fire Code, ch. 56. In fact, Section 5601 of the International Fire Code already requires:

Whenever a new explosive material storage or manufacturing site is established, including a temporary job site, the local law enforcement agency, fire department and local emergency planning committee shall be notified 48 hours in advance, not including Saturdays, Sundays and holidays, of the type, quantity and location of explosive materials at the site.

Fire Code, § 5601.6.

This Fire Code provision applies to all explosive material. City Council Bill 20-0612 would apply only to a subset of those explosives; names ones unattended or unsupervised. It would be in addition to the existing local laws and does not conflict with them. Nor is there any state law that would preempt this enactment, although Title 11 of the Public Safety Article of the Maryland Code concerns statewide laws on explosives.

Therefore, the Law Department can approve the bill for form and legal sufficiency.

Very truly yours,



Hilary Ruley  
Chief Solicitor

cc: Dana P. Moore, Acting City Solicitor  
Matthew Stegman, Mayor's Office of Government Relations  
Elena DiPietro, Chief Solicitor, General Counsel Division  
Victor Tervalá, Chief Solicitor  
Ashlea Brown, Assistant Solicitor