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MAYOR

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SB 883

March 12, 2020

TO: Members of the Senate Finance Committee

FROM: Nicholas Blendy, Deputy Director of Government Relations

RE: Senate Bill 883 – Business Regulation – Security Systems – Battery–
Charged Fences

POSITION: OPPOSE

Chair Kelley, Vice Chair Feldman, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **opposes** Senate Bill (SB) 883.

SB 883, if enacted, would prohibit the BCA from protecting its citizens by preventing the installation of an electric shock fence around certain yards in Baltimore City that abut residential or low impact commercial properties in heavily populated neighborhood. While suitable for some, electric shock fences are not appropriate for all commercial properties and certainly not ones that abut residential neighborhoods and properties or that are near schools and high residential areas. The BCA believes that locally, we are the best decision makers when it comes to determining where and what types of fences should be permitted in the City of Baltimore.

When the BCA reviews a permit application for the construction of any fence, we review and apply our local building code requirements and zoning regulations for the protection of the public, health and safety. Oftentimes, we deny a fence permit because they propose using appropriate materials or the height violates our zoning code requirements, some of which can be overcome by the applicant seeking and receiving a variance. However, because each jurisdiction in Maryland is unique and the State has recognized this and delegated localities the ability to make their own decisions regarding zoning and building laws, SB 883 takes away local control in a way the BCA finds deeply concerning.

For example, currently, in Baltimore City, razor wire fences are prohibited and we allow barbed wire only on top of any fence that is more than 6 feet 9 inches in height, in order to protect the health, safety and welfare of our residents—in particular, our children. The BCA believes this local discretion is crucial for our local leaders to determine circumstances surrounding the construction and installation of the built environment in a manner that is harmonious with the expectations and safety considerations of our residents.

Lastly, the City of Baltimore has a rigorous and important Commission for Historical and Architectural Preservation (CHAP) law that proscribes certain types of construction from occurring in order to protect and preserve some of Maryland's oldest and most historic building stock. While SB 883 does not apply to residential properties, there are historical landmarks and other buildings that exist in certain zoning districts that are not presently designated residential, and because State law is supreme over local law, the BCA advises that this legislation could result in a situation where a historic property could suddenly have an electric shock fence constructed in a manner that would be intrusive and out of step with the settled that City residents have with these properties.

For the forgoing reasons, we request an **unfavorable** report on SB 883.