



**BALTIMORE CITY COUNCIL  
PUBLIC SAFETY AND  
GOVERNMENT OVERSIGHT  
COMMITTEE**

**Mission Statement**

*On behalf of the Citizens of Baltimore City, the Public Safety and Government Operations will be responsible for matters concerning public safety, including, but not limited to; emergency preparedness, police services, fire/EMS, and the executive, administrative, and operational functions of the city government and libraries.*

**The Honorable Mark Conway  
Chairman**

**PUBLIC HEARING**

**Wednesday, January 27, 2021  
1:00 PM**

**Council Bill: 21-0003  
Baltimore City Workgroup on  
Nuisance Parking and Auto Business**

## CITY COUNCIL COMMITTEES

### **ECONOMIC AND COMMUNITY DEVELOPMENT (ECD)**

Sharon Green Middleton, Chair  
John Bullock – Vice Chair  
Mark Conway  
Ryan Dorsey  
Antonio Glover  
Odette Ramos  
Robert Stokes  
*Staff: Jennifer Coates*

### **WAYS AND MEANS (W&M)**

Eric Costello, Chair  
Kristerfer Burnett  
Ryan Dorsey  
Danielle McCray  
Sharon Green Middleton  
Isaac “Yitzy” Schleifer  
Robert Stokes  
*Staff: Marguerite Currin*

### **PUBLIC SAFETY AND GOVERNMENT OPERATIONS (SGO)**

Mark Conway – Chair  
Kristerfer Burnett  
Zeke Cohen  
Erick Costello  
Antonio Glover  
Phylicia Porter  
Odette Ramos  
*Staff: Samuel Johnson*

### **EDUCATION, WORKFORCE, AND YOUTH (EWY)**

Robert Stokes – Chair  
John Bullock  
Zeke Cohen  
Antonio Glover  
Sharon Green Middleton  
Phylicia Porter  
James Torrence  
*Staff: Marguerite Currin*

### **HEALTH, ENVIRONMENT, AND TECHNOLOGY (HET)**

Danielle McCray – Chair  
John Bullock  
Mark Conway  
Ryan Dorsey  
Phylicia Porter  
James Torrence  
Isaac “Yitzy” Schleifer  
*Staff: Matthew Peters*

### **RULES AND LEGISLATIVE OVERSIGHT (OVERSIGHT)**

Isaac “Yitzy” Schleifer, Chair  
Kristerfer Burnett  
Mark Conway  
Eric Costello  
Sharon Green Middleton  
Odette Ramos  
James Torrence  
*Staff: Richard Krummerich*



## BILL SYNOPSIS

**Committee: Public Safety and Government Operations**

**Bill 21-0003**

---

### Baltimore City Workgroup on Nuisance and Auto Businesses

**Sponsor:** Councilmember Ryan Dorsey

**Introduced:** January 11, 2021

**Purpose:**

For the purpose of establishing the Baltimore City Workgroup on Nuisance Parking and Auto Businesses; providing for the composition, chair, and staffing of the Workgroup; requiring the Workgroup to study certain matters related to the illegal storage of motor vehicles in public rights-of-way by motor vehicle repair establishments and motor vehicle dealerships and make certain recommendations; requiring the Workgroup to report its findings and recommendations to the Mayor and City Council on or before a certain date; providing for a special effective date; providing for the termination of this Ordinance; and generally relating to the illegal practice of using the public right-of-way as surplus private motor vehicle storage.

**Effective:** Date of enactment

---

### Agency Reports

Law Department	Favorable
Dept. of Transportation	No Objection
Dept. of Housing and Community Development	No Objection
Baltimore Police Department	No Objection
Department of Finance	No Objection

---

## Analysis

### State Law

Transportation Article Title 25 – Vehicle Laws,  
Section 25-201. Definitions.

- Abandoned vehicle – Abandoned vehicle means any motor vehicle, trailer, or semitrailer:
  - That is inoperable and left unattended on public property for more than 48 hours;
  - That has remained illegally on public property for more than 48 hours;
  - That has remained on private property for more than 48 hours without the consent of the owner or person in control of the property...

Section 25-202: Abandonment of vehicles prohibited; presumption of ownership. This section prohibits anyone from abandoning a vehicle on public property, or abandoning a vehicle on private property without the consent of the property owner or lessee of property.

### Background

During the current pandemic the number of complaints about abandoned vehicles has gone up tremendously. Many of these vehicles create eyesores in residential and commercial districts around the city, mostly around the facilities operated by auto businesses. Due to the pandemic the City of Baltimore temporarily suspended towing operations. The Department of Transportation reported in December of 2020 that they had resumed towing abandoned vehicles, and that 420 cars had been towed over the course of a month. The Department of Transportation didn't know exactly how much of a backlog they had but expressed that they are working daily to catch up on the complaints that have been reported.

### Current Processes

As stated in this legislation, enforcement of this problem has been fractured amongst various agencies and the responsibilities that each one has in quickly remedying this ongoing problem.

When a vehicle has been abandoned through obvious signs such as no tags, flat or no tires, and other disabling factors the police department follows this process:

- A resident or interested party in the neighborhood calls 3-1-1 to make a complaint about an abandoned or illegally parked vehicle;
- A police officer responds out and after viewing those obvious signs they determine that indeed the vehicle is abandoned, they place an orange abandoned sticker on the vehicle and a parking citation;
- The police officer then notifies police dispatch that the appropriate actions have been taken, and police dispatch sends over a request to the Department of Transportation for a tow truck to respond to the location and remove that vehicle.

When it is suspected that a vehicle has been abandoned, but there are no obvious signs the police department follows this process:

- A resident or interested party in the neighborhood calls 3-1-1 to make a complaint about an abandoned or illegally parked vehicle;
- A police officer responds out and properly identifies the vehicle and if there are tags on the car, then the police officer will make attempts to get in contact with the registered owner;
- If those attempts fail, then the police officer will chalk the tires/ground of the location where the vehicle is currently parked;
- The police officer will come back to that location in 48 hours to see if the vehicle has been moved, if it has not been moved then the police officer will chalk a different tire and issue a parking citation;
- The police officer will come back to the location a third time 48 hours later and if the vehicle has still not been moved then they will place an orange abandoned sticker on the vehicle;
- The police officer then notifies police dispatch that the appropriate actions have been taken and police dispatch sends over a request to the Department of Transportation for a tow truck to respond to the location and remove that vehicle.

---

### **Additional Information**

**Fiscal Note:** Not Available

**Information Source(s):** Maryland Transportation Article Title 25; Baltimore City Code, Article 15: Subtitle 22 – Trespass Towing, Article 31: Subtitle 22 Towing Services – Accident Towing, Baltimore Police Department Internal Practice

---

Analysis by: Samuel Johnson, Jr.  
Analysis Date: February 8, 2021

Direct Inquiries to: (410) 396-1091

**CITY OF BALTIMORE  
COUNCIL BILL 21-0003  
(First Reader)**

---

Introduced by: Councilmembers Dorsey, Burnett, Cohen, Glover, Middleton, Bullock, Schleifer,  
Porter, Torrence, Ramos

Introduced and read first time: January 11, 2021

Assigned to: Public Safety and Government Operations Committee

---

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Transportation,  
Department of Housing and Community Development, Police Department, Office of the Mayor,  
Department of Finance

---

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Baltimore City Workgroup on Nuisance Parking and Auto Businesses**

3 FOR the purpose of establishing the Baltimore City Workgroup on Nuisance Parking and Auto  
4 Businesses; providing for the composition, chair, and staffing of the Workgroup; requiring  
5 the Workgroup to study certain matters related to the illegal storage of motor vehicles in  
6 public rights-of-way by motor vehicle repair establishments and motor vehicle dealerships  
7 and make certain recommendations; requiring the Workgroup to report its findings and  
8 recommendations to the Mayor and City Council on or before a certain date; providing for a  
9 special effective date; providing for the termination of this Ordinance; and generally relating  
10 to the illegal practice of using the public right-of-way as surplus private motor vehicle  
11 storage.

12 **Recitals**

13 Throughout the City, vehicles in the custody of auto shops and dealers are parked in the  
14 public right-of-way. Such misuse of public space for private enterprise is not merely  
15 objectionable in principle, but the misuse imposes on neighbors both practically, in obstructing  
16 space that should be accessible to others, and aesthetically, littering neighborhood streets with  
17 vehicles often in poor condition and for extended periods. Additionally, many such locations  
18 operate without proper zoning authorization or business registration.

19 Enforcement of this problem is challenging, and the ability to satisfactorily respond to  
20 community concerns is persistently elusive. The reasons for this difficulty are several.

21 Enforcement responsibilities are fractured among various agencies: the Department of  
22 Housing and Community Development for zoning and property maintenance violations, the  
23 Department of Transportation and Baltimore Police Department for parking violations, and  
24 others for the regulation of business.

25 Enforcement is labor-intensive, generally relying on repeat inspections and a citizen  
26 complaint-driven process. In many cases, enforcement relies on the issuance of notices or

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

## Council Bill 21-0003

1 citations to sometimes difficult-to-identify responsible parties. While theoretically capable of  
2 affecting change through long-term persistence, available enforcement actions are not  
3 particularly effective in producing change that is immediate or lasting enough to satisfy  
4 community concerns.

5 While the Zoning Code restricts the location of and places certain general constraints on  
6 auto-related businesses, the City of Baltimore does not require any specific license for the  
7 operation of such businesses. Indeed, the regulation and terms of licensing these businesses  
8 could prove useful in conducting types of enforcement that are yet unavailable.

9 None of the above is made any easier by staffing shortages and broader operational  
10 challenges, including those related to interagency collaboration. Additionally, cause for towing  
11 of vehicles is constrained by certain property rights, as well as State and local laws defining  
12 vehicle abandonment.

13 Accordingly, the Mayor and City Council find cause to study these issues in order to develop  
14 a cohesive solution for the future.

### 15 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That:**

16 (a) There is a Baltimore City Baltimore City Workgroup on Nuisance Parking and Auto  
17 Businesses.

18 (b) The Workgroup consists of the following members:

19 (1) the Director of the Department of Transportation or the Director's designee;

20 (2) the Commissioner of the Department of Housing and Community Development  
21 or the Commissioner's designee;

22 (3) the City Solicitor or the Solicitor's designee;

23 (4) the Director of Finance or the Director's designee;

24 (5) 2 Councilmembers as designated by the Council President; and

25 (6) the Commissioner of the Baltimore City Police Department or the  
26 Commissioner's designee.

27 (c) The Mayor shall designate one of the Councilmembers to be the Chair of the  
28 Workgroup.

29 (d) The Office of Council Services shall provide staff for the Workgroup.

30 (e) The Workgroup shall:

31 (1) examine and evaluate:

## Council Bill 21-0003

- 1 (i) the current response by various City agencies to motor vehicle repair  
2 establishments and motor vehicle dealerships illegally using public rights-of-  
3 way for surplus motor vehicle storage;
- 4 (ii) any shortcomings in the City response to motor vehicle repair establishments  
5 and motor vehicle dealerships illegally using public rights-of-way for surplus  
6 motor vehicle storage;
- 7 (iii) whether current City staffing levels are adequate for a short-term and long-  
8 term strategy to address motor vehicle repair establishments and motor vehicle  
9 dealerships illegally using public rights-of-way for surplus motor vehicle  
10 storage; and
- 11 (iv) the availability of data on motor vehicle repair establishments and motor  
12 vehicle dealerships illegally using public rights-of-way for surplus motor  
13 vehicle storage;

14 (2) in order to fully and effectively address the issue of motor vehicle repair  
15 establishments and motor vehicle dealerships illegally using public rights-of-way  
16 for surplus motor vehicle storage, analyze:

- 17 (i) whether changes are necessary to State law, such as a broader definition of  
18 “abandoned vehicle” in State Transportation Article, § 25-201 {“Definitions:  
19 Abandoned vehicle”}; and
- 20 (ii) whether alternative grounds for towing, other than motor vehicle  
21 abandonment, may exist at law and, if not, whether state or local legislative  
22 changes may be necessary to allow the City of Baltimore to be more flexible  
23 in its response;

24 (3) examine the legality and feasibility of creating a local licensing scheme for motor  
25 vehicle repair establishments and motor vehicle dealerships; and

26 (4) develop strategies for soliciting and engaging Baltimore residents in order to  
27 effectively address illegal motor vehicle storage in public rights-of-way.

28 (f) The Workgroup shall convene:

- 29 (i) its first public meeting within 30 days of the enactment of this Ordinance; and  
30 (ii) except as provided in subsection (h) of this Section, at least monthly thereafter.

31 (g) The Workgroup shall submit a report to the Mayor and City Council with its findings  
32 and recommendations no later than the first Tuesday after the 120<sup>th</sup> day from the  
33 enactment of this Ordinance.

34 (h) After the submission of the report required by subsection (g) of this Section and until  
35 the abrogation of this Ordinance, the Workgroup shall continue to meet at least every  
36 2 months to assess and review the implementation of the recommendations set forth  
37 in the report.




**Council Bill 21-0003**

1       **SECTION 2. BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date that it is  
2 enacted. It shall remain effective until September 1, 2022; and, immediately after that date, with  
3 no further action by the Mayor and City Council, this Ordinance will be abrogated and of no  
4 further effect.

**PUBLIC SAFETY AND  
GOVERNMENT OPERATIONS  
COMMITTEE**

**AGENCY REPORTS**

<b>F R O M</b>	NAME & TITLE	Steve Sharkey, Director	CITY of BALTIMORE	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	City Council Bill 21-0003	M E M O	

TO: Mayor Brandon M. Scott  
TO: Public Safety & Government Operations Committee  
FROM: Department of Transportation  
POSITION: **No Objection**  
RE: Council Bill – 21-0003

DATE: 2/5/21

**INTRODUCTION** – Baltimore City Workgroup on Nuisance Parking and Auto Businesses

**PURPOSE/PLANS** – For the purpose of establishing the Baltimore City Workgroup on Nuisance Parking and Auto Businesses; providing for the composition, chair, and staffing of the Workgroup; requiring the Workgroup to study certain matters related to the illegal storage of motor vehicles in public rights-of-way by motor vehicle repair establishments and motor vehicle dealerships and make certain recommendations; requiring the Workgroup to report its findings and recommendations to the Mayor and City Council on or before a certain date; providing for a special effective date; providing for the termination of this Ordinance; and generally relating to the illegal practice of using the public right-of-way as surplus private motor vehicle storage.

**COMMENTS** – Council Bill 21-0003 looks to create a formal Baltimore City Workgroup on Nuisance Parking and Auto Businesses. The workgroup would be established to discuss the adverse impacts resulting from nuisance parking on public right-of-way. Additional focus of the workgroup would be focused on existing enforcement challenges related to nuisance parking. The ultimate goal of the workgroup would be to identify and eventually implement new policies aimed at reducing the prevalence of nuisance parking resulting from auto related businesses. Specific to Baltimore City Department of Transportation (DOT), the legislation identifies the DOT Director, or a designee, serve as a member of the proposed workgroup.

**AGENCY/DEPARTMENT POSITION** – The Department of Transportation foresees no immediate direct fiscal or operational impact resulting from the advancement of Council Bill 21-0003. The Department of Transportation has **no objection** to Council Bill 21-0003.

If you have any questions, please do not hesitate to contact Liam Davis at [Liam.Davis@baltimorecity.gov](mailto:Liam.Davis@baltimorecity.gov) or at 410-545-3207.

Sincerely,

Steve Sharkey  
Director



# BALTIMORE POLICE DEPARTMENT



**Brandon M. Scott**  
Mayor

**Michael S. Harrison**  
Police Commissioner

February 9, 2021

Honorable President and Members of the Baltimore City Council  
Room 400, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202

**RE: City Council Bill #21-0003  
Baltimore City Workgroup on Nuisance Parking and Auto Businesses**

Dear Council President Mosby and Members of the City Council:

The Baltimore Police Department (BPD) has reviewed Council Bill 21-0003 which is for the purpose of establishing the Baltimore City Workgroup on Nuisance Parking and Auto Businesses in consultation with the Department of Housing and Community Development to provide the composition, chair, and staffing of the Workgroup, to study certain matters related to the illegal storage of motor vehicles in public rights-of-way by motor vehicle repair establishments and motor vehicle dealerships and make certain recommendations.

Although we defer to the law department as to whether or not this bill could legally apply to the Baltimore Police Department, we support the goals of City Council Bill 21-0003 and commit to participating in the Workgroup on Nuisance Parking and Auto Businesses to help develop an impactful and sustainable method of addressing the misuse of public spaces by private auto businesses.

Sincerely,

Michelle Wirzberger, Esq.  
Director of Government Affairs

cc: Natwana Austin, Executive Secretary of the Baltimore City Council  
Natasha Mehu, Director of Mayor's Office of Government Relations  
Nina Themelis, Special Assistant and Legislative Liaison, MOGR  
Brittany Lewis, Chief of Government Affairs, Office of the Council President  
Eric Melancon, BPD Chief of Staff  
Andrew Smullian, BPD Deputy Chief of Staff

c/o 242 West 29<sup>th</sup> Street • Baltimore, Maryland 21211-2908



## MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council  
c/o Natawna Austin, Executive Secretary

From: Alice Kennedy, Acting Housing Commissioner 

Date: February 3, 2021

### **Re: City Council Bill 21-0003 – Baltimore City Workgroup on Nuisance Parking and Auto Businesses**

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 21-0003 for the purpose of establishing the Baltimore City Workgroup on Nuisance Parking and Auto Businesses; providing for the composition, chair, and staffing of the Workgroup; requiring the Workgroup to study certain matters related to the illegal storage of motor vehicles in public rights-of-way by motor vehicle repair establishments and motor vehicle dealerships and make certain recommendations; requiring the Workgroup to report its findings and recommendations to the Mayor and City Council on or before a certain date; providing for a special effective date; providing for the termination of this Ordinance; and generally relating to the illegal practice of using the public right-of-way as surplus private motor vehicle storage.

If enacted, this bill would establish a work group to study the illegal storage of motor vehicles in the public right-of-way, adjacent to auto shops and dealerships, and requires the Commissioner of DHCD, or the Commissioner's designee, to be a member of the workgroup. Enforcement of nuisance parking is presently spread amongst various agencies depending on where the vehicle is located. The Department of Housing and Community Development's Code Enforcement Division is responsible for investigating vehicles illegally parked on private property. The workgroup would study current response to nuisance parking and shortcomings, solutions for enforcement of nuisance parking, and the legality and feasibility of local licensing specifically for motor vehicle establishments and motor vehicle dealerships.

The findings of the study will provide guidance to DHCD and the City in addressing these issues. DHCD **does not object** to the passage of City Council Bill 21-0003.

AK/sm

cc: Themelis, Nina, *Mayor's Office of Government Relations*

**Brandon M. Scott**, Mayor • **Alice Kennedy**, Acting Housing Commissioner

417 East Fayette Street • Baltimore, MD 21202 • 443-984-5757 • [dhcd.baltimorecity.gov](http://dhcd.baltimorecity.gov)

February 5, 2021

The Honorable President and Members  
of the Baltimore City Council  
Attn: Karen Randle, Executive Secretary  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202

Re: City Council Bill 21-0003 Baltimore City Workgroup on Nuisance Parking and  
Auto Businesses

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 21-0003 for form and legal sufficiency. The bill would create a Baltimore City Workgroup on nuisance parking and auto businesses and provide for the composition, chair and staffing of the workgroup, require it to study certain matters related to the illegal storage of motor vehicles in public rights-of-way by motor vehicle repair establishments and dealerships and make certain recommendations, require the workgroup to report its findings and recommendations to the Mayor and City Council on or before a certain date, provide for a special effective date and termination date.

The City Council has an inherent power to investigate “in furtherance of its legislative function.” 4 McQuillin Mun. Corp. § 13:7. The City Council may “exercise within the limits of Baltimore City all the power commonly known as the Police Power to the same extent as the State has or could exercise that power within the limits of Baltimore City,” and may “pass any ordinance, not inconsistent with the provisions of this Charter or the laws of the State, which it may deem proper in the exercise of any of the powers, either express or implied, enumerated in this Charter, as well as any ordinance as it may deem proper in maintaining the peace, good government, health and welfare of Baltimore City.” City Charter, Art. II, §§ (27), (47).

The City Council is therefore authorized to establish this workgroup to investigate nuisance parking and motor vehicle storage.

Since the workgroup is temporary and not a board or commission appointed pursuant to Article IV, Section 6 of the Charter, its members are not subject to the laws regarding boards and commissions and its recommendations are purely advisory.

It should be noted it should be noted that the City cannot compel the Police Commissioner or his designee to be in the workgroup. PLL § 16-2 (a) (“The Police Department of Baltimore City is hereby constituted and established as an agency and instrumentality of the State of Maryland”). As such, lines 25 and 26 of the bill should be amended to better reflect the relationship between the City and the Police Department.

Finally, the directive language with regard to the Mayor on page 2, line 27 (“The Mayor shall designate”) should be revised, as it poses a potential charter violation. City Charter, Art. VII, §§ 1(a), 2(a) (while City Council is authorized to give additional duties to “a department, officer, commission, board or other municipal agency” subject to the supervision of a superior municipal officer and consistent with the charter, this power to add duties cannot extend to the Mayor, as he is vested with the executive power of the City). The word “shall” could be replaced with “may” to alleviate this problem.

Subject to the above, the Law Department approves it for form and legal sufficiency.

Sincerely,


A handwritten signature in blue ink, appearing to read 'Ashlea Brown', with a stylized flourish at the end.

Ashlea Brown  
Assistant Solicitor

cc:

Nina Themelis, Mayor’s Office of Government Affairs  
Nikki A. Thompson, Director of Legislative Affairs  
Elena DiPietro, Chief Solicitor, General Counsel Division  
Hilary Ruley, Chief Solicitor  
Victor Tervalo, Chief Solicitor

*BaltAC*

FROM	NAME & TITLE	Robert Cename, Budget Director	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	Bureau of the Budget and Management Research Room 432, City Hall (410) 396-4774		
	SUBJECT	City Council Bill 21-0003 – Baltimore City Working Group on Nuisance Parking and Auto Businesses		

DATE:

TO

The Honorable President and  
Members of the City Council  
City Hall, Room 400

February 4, 2021

**Position: Does Not Oppose**

The Department of Finance is herein reporting on City Council Bill 21-0003, Baltimore City Working Group on Nuisance Parking and Auto Businesses, the purpose of which is to establish a workgroup to study certain matters related to the illegal storage of motor vehicles in public rights-of-way by motor vehicle establishments and dealerships and to make recommendations to the Mayor and City Council.

**Background**

Currently, parking enforcement and zoning responsibilities in Baltimore City are delegated to various agencies, including The Department of Transportation (DOT), Baltimore Police Department, and the Department of Housing and Community Development (DHCD). The proposed legislation would create a workgroup comprised of DOT, DHCD, the City Solicitor, the Director of Finance, two Members of City Council, and the Commissioner of the Police Department to evaluate nuisance parking and auto business regulation in the City of Baltimore. The workgroup is tasked with assessing the City's current practice, staffing levels, and accessible data, as well as providing recommendations for policy and process improvements.

**Fiscal Impact**

The legislation does not have a fiscal impact for the City. It is anticipated that staffing the workgroup, which is tasked to the Office of Council Services, can be absorbed within current resources.

**Conclusion**

The legislation seeks to establish a workgroup to study certain matters related to the illegal storage of motor vehicles in public rights-of-way by motor vehicle establishments and dealerships and to make recommendations to the Mayor and City Council. Any budget requests for additional funds to implement the findings of the workgroup will have to be submitted and reviewed through the annual budget process.

**For the reasons stated above, the Department of Finance does not oppose City Council Bill 21-0003.**

cc: Henry Raymond  
Natasha Mehu  
Nina Themelis