

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 21-0003

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

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: February 22, 2021

AN ORDINANCE CONCERNING

Baltimore City Workgroup on Nuisance Parking and Auto Businesses

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.

Recitals

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

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

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

Enforcement is labor-intensive, generally relying on repeat inspections and a citizen 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.
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.

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; and

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

30 (d) ~~(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 (e) ~~(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)~~ (g) of this Section, at least monthly thereafter.
- 31 (f) ~~(g)~~ The Workgroup shall submit a report to the Mayor and City Council with its
32 findings and recommendations no later than the first Tuesday after the 120th day from
33 the enactment of this Ordinance.
- 34 (g) ~~(h)~~ After the submission of the report required by subsection ~~(g)~~ (f) of this Section
35 and until the abrogation of this Ordinance, the Workgroup shall continue to meet at
36 least every 2 months to assess and review the implementation of the recommendations
37 set forth 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.

Council Bill 21-0003

Certified as duly passed this 8 day of March, 2021



President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this 8 day of March, 2021


Chief Clerk

Approved this _____ day of _____, 20____

Mayor, Baltimore City