

**CITY OF BALTIMORE  
COUNCIL BILL 19-0366  
(First Reader)**

---

Introduced by: Councilmembers Dorsey, Clarke, Scott, Costello, Cohen, Henry, Sneed,  
Schleifer, Bullock, Ex Officio President Middleton, Councilmembers Pinkett, Reisinger,  
Stokes

Introduced and read first time: April 15, 2019

Assigned to: Land Use and Transportation Committee

---

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Police Department, Department of  
Finance, Department of Transportation, Baltimore City Parking Authority Board

---

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Commercial Parking Facilities – Revisions**

3 FOR the purpose of making certain revisions to the City’s ordinances regarding parking facilities;  
4 clarifying the application of the subtitle as it relates to commercial parking facilities;  
5 requiring that commercial parking facilities provide customers with proof-of-payment;  
6 prohibiting certain commercial parking facilities from removing motor vehicles without the  
7 owner’s consent; increasing certain fines; conforming and clarifying related provisions; and  
8 generally related to the regulation of commercial parking facilities.

9 BY repealing and reordaining, with amendments

10 Article 15 - Licensing and Regulation  
11 Subtitle 12, to be under the amended subtitle designation  
12 “Subtitle 12. Commercial Parking Facilities”  
13 Baltimore City Code  
14 (Edition 2000)

15 BY repealing and reordaining, with amendments

16 Article 1 - Mayor, City Council, and Municipal Agencies  
17 Section(s) 40-14(e)(2)  
18 Baltimore City Code  
19 (Edition 2000)

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

22 **Baltimore City Code**

23 **Article 15. Licensing and Regulation**

24 **Subtitle 12. COMMERCIAL Parking Facilities [– Generally]**

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

**Council Bill 19-0366**

1 **§ 12-1. Definitions[; Scope].**

2 [(a) *Definitions.*]

3 (A) [(1)] *In general.*

4 In this subtitle, the following terms have the meanings indicated.

5 (B) [(2)] [*Parking*] *COMMERCIAL PARKING facility.*

6 “[Parking] COMMERCIAL PARKING facility” means any:

7 (1) [(i)] garage, structure, or part of a structure for the parking, storage, housing, or  
8 keeping of 3 or more motor vehicles in exchange for a fee or other  
9 consideration; or

10 (2) [(ii)] parking lot or outdoor area or space for the parking, storage,  
11 housing, or keeping of 3 or more motor vehicles in exchange for  
12 a fee or other consideration.

13 (C) [(3)] *Person.*

14 “Person” means:

15 (1) [(i)] an individual;

16 (2) [(ii)] a partnership, firm, association, limited liability company, corporation, or  
17 other entity of any kind;

18 (3) [(iii)] a receiver, trustee, guardian, personal representative, fiduciary, or  
19 representative of any kind; [and] OR

20 (4) [(iv)] a governmental entity or an instrumentality or unit of a governmental entity.

21 [(b) *Subtitle inapplicable to special-event parking.*]

22 **§ 12-2. SCOPE.**

23 This subtitle does not apply to special-event parking lots operating under and in compliance  
24 with Subtitle 13 {“Parking facilities – Special-Event Parking Lots”} of this article.

25 **§ 12-3. {RESERVED}**

26 **§ 12-4. [§ 12-2.] License required; fee.**

27 (a) *In general.*

28 (1) No person may operate a parking facility in the City of Baltimore unless the  
29 person has first obtained an annual license for the facility and has paid the  
30 annual fee for the license.

**Council Bill 19-0366**

1 (2) The term of a license is from May 1 of each year through April 30 of the next  
2 year.

3 (b) *Fee.*

4 (1) The annual fee for a parking facility license is \$5.10 for every 100 square feet (or  
5 fraction of 100 square feet) of the gross area used for parking facility purposes,  
6 including all parking spaces, offices, ramps, driveways, aisles, toilets, car  
7 washing, greasing, or other facilities used in connection with the operation of the  
8 parking facility.

9 (2) For a license issued after July 31 and before November 1, the fee is 75%  
10 of that prescribed for the entire year.

11 (3) For a license issued after October 31 and before February 1, the fee is 50% of that  
12 prescribed for the entire year.

13 (4) For a license issued after January 31, the fee is 25% of that prescribed for the entire  
14 year.

15 (c) *Partial-year license.*

16 (1) Any person desiring to operate a parking facility for an aggregate of no more than  
17 6 months in any 1 license year may obtain a special partial-year license.

18 (2) The fee for a partial-year license is 1/12 of the annual license fee for each month  
19 or fraction of a month that the parking facility is in operation.

20 **§ 12-5. [§ 12-3.] Transfer of licenses.**

21 Except as otherwise provided in this subtitle, a license issued under this subtitle is  
22 transferable during the license year.

23 **§ 12-6. [§ 12-4.] Tax arrearage bars renewal or transfer.**

24 A license may not be issued to, renewed by, or transferred from or to any person from whom  
25 taxes, interest, or penalties are due and unpaid under City Code Article 28, Subtitle 22.

26 **§ 12-7. [§ 12-5.] Refund on acquisition, etc., by City.**

27 If the City acquires title to or control of a COMMERCIAL parking facility or terminates an  
28 existing lease covering any property used as a parking facility, and the owner, lessee, or  
29 operator of the COMMERCIAL parking facility is thereby required to terminate the operation of  
30 the facility, then the owner, lessee, or operator is entitled to a refund of that portion of the  
31 license fee paid for the unexpired term of the license.

**Council Bill 19-0366**

1    **§ 12-8. [§ 12-6.] Rules and regulations.**

2       (a) *Authorized.*

3           The Director of Finance may adopt rules and regulations for the administration and  
4           enforcement of this subtitle.

5       (b) *Filing.*

6           A copy of all rules and regulations adopted under this subtitle must be filed with the  
7           Department of Legislative Reference before they become effective.

8    **§ 12-9. [§ 12-7.] Cars left in street.**

9       (a) *Prohibited conduct.*

10           Except as specifically authorized in subsection (b) of this section, no person operating or  
11           employed by a COMMERCIAL parking facility may store, park, or place a motor vehicle left  
12           for storage or parking on any street, alley, or highway in the City.

13      (b) *Exception.*

14           (1) Subsection (a) of this section does not apply to the parking or placement of a  
15           vehicle on a street, alley, or highway if it is parked or placed there only for a  
16           sufficient time to permit the removal of another car from the COMMERCIAL  
17           parking facility.

18           (2) This exception does not apply between 7 a.m. and 10 a.m. or between 4 p.m. and  
19           6 p.m.

20    **§ 12-10. PROOF-OF-PAYMENT REQUIRED.**

21      (A) *IN GENERAL.*

22           A COMMERCIAL PARKING FACILITY MUST PROVIDE WRITTEN PROOF OF PAYMENT TO EACH  
23           CUSTOMER OF THE FACILITY AT THE TIME OF PAYMENT.

24      (B) *FORM.*

25           THE PROOF OF PAYMENT REQUIRED UNDER THIS SECTION MAY BE PROVIDED IN EITHER  
26           PAPER OR ELECTRONIC FORM .

27    **§ 12-11. REMOVAL OF VEHICLES.**

28      (A) *SCOPE.*

29           THIS SECTION APPLIES ONLY TO A COMMERCIAL PARKING FACILITY THAT:

30           (1) IS NOT COMPLIANCE WITH ANY PROVISION OF THIS SUBTITLE; AND

**Council Bill 19-0366**

1 (2) CONTINUES TO OPERATE AND HOLD ITSELF OUT AS A COMMERCIAL PARKING  
2 FACILITY.

3 (B) *PROHIBITED CONDUCT.*

4 SUBJECT TO THE LIMITATIONS IN SUBSECTION (A) OF THIS SECTION, NO PERSON OPERATING  
5 OR EMPLOYED BY A COMMERCIAL PARKING FACILITY MAY TOW OR CONTRACT WITH  
6 ANOTHER PERSON TO TOW A MOTOR VEHICLE FROM THE FACILITY WITHOUT THE MOTOR  
7 VEHICLE OWNER’S OR AUTHORIZED REPRESENTATIVE’S AUTHORIZATION.

8 **§ 12-12. {RESERVED}**

9 **§ 12-13. [§ 12-9.] Enforcement by citation.**

10 (a) *In general.*

11 In addition to any other civil or criminal remedy or enforcement procedure, this subtitle  
12 may be enforced by issuance of an environmental citation under City Code Article 1,  
13 Subtitle 40 {“Environmental Control Board”}.

14 (b) *Process not exclusive.*

15 The issuance of a citation to enforce this subtitle does not preclude pursuing any other  
16 civil or criminal remedy or enforcement action authorized by law.

17 (C) *EACH DAY A SEPARATE OFFENSE.*

18 EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

19 (D) *EACH VEHICLE TOWED A SEPARATE OFFENSE.*

20 EACH VEHICLE TOWED IN VIOLATION OF §12-9(B) OF THIS SECTION IS A SEPARATE  
21 OFFENSE.

22 **§ 12-14. [§ 12-10.] Criminal penalties.**

23 (a) *In general.*

24 Any person who violates any provision of this subtitle or of a rule or regulation adopted  
25 under this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of  
26 not more than \$1,000 or imprisonment for not more than 6 months or both fine and  
27 imprisonment for each offense.

28 (b) *Each day a separate offense.*

29 Each day that a violation continues is a separate offense.

**Council Bill 19-0366**

1 (C) *EACH VEHICLE TOWED A SEPARATE OFFENSE.*

2 EACH VEHICLE TOWED IN VIOLATION OF §12-9(B) OF THIS SUBTITLE IS A SEPARATE  
3 OFFENSE.

4 **Article 1. Mayor, City Council, and Municipal Agencies**

5 **Subtitle 40. Environmental Control Board**

6 **§ 40-14. Violations to which subtitle applies.**

7 (e) *Provisions and penalties enumerated.*

8 (2) ***Article 15. Licensing and Regulation***

9 Subtitle 12. Commercial Parking Facilities [– Generally] [\$750] \$1000

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

13 **SECTION 3. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the 30<sup>th</sup> day  
14 after the date it is enacted.