

CITY OF BALTIMORE

SHEILA DIXON, Mayor



DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor
101 City Hall
Baltimore, Maryland 21202

May 29, 2009

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 09-0319 – Impound Towing – Fees

Dear Madame President and City Council Members:

You have asked the Law Department to review City Council Bill 09-0319. The bill would set maximum towing, storage, and related charges that may be imposed on the owners or operators of impounded vehicles; establish a period within which these charges may not be increased; and correct, clarify and conform related provisions.

Bill 09-0319 places a cap on the fees charged to the owner of a vehicle that has been impounded, regardless of whether a private or City tow truck is used. The owner of the vehicle cannot be charged “an amount that exceeds the amount authorized for the service by the 2009 Towing Rates Agreement, as proposed to the Board of Estimates on April 1, 2009.” § 31-42 (d) (4) (I). Furthermore, the Bill provides that the charges authorized by the Rates Agreement may not be increased “within 5 years from April 1, 2009.” § 31-42 (d) (4) (II).

The Bill also provides that the fees for storage of impounded vehicles found in section 31-47 may not be increased “within 3 years from April 1, 2009.” § 31-47 (D). Since the Towing Rates Agreement contains fees for both towing and storage, the bill should be amended to clarify that the 5 year freeze applies only to towing rates and not to storage rates (which are governed by section 31-47 for impound towing). This could be accomplished by deleting “or other service” in line 4 on page 2 of the bill.

Maryland law provides that “...any political subdivision of this State may adopt ordinances or regulations that ... (2) provide for the impounding of vehicles parked in violation of the ordinances or regulations; [and] (3) regulate the towing of vehicles from publicly owned and privately owned parking lots.” Md. Code Ann., Transp. §26-301 (b) (2009). The Baltimore City Charter provides for the exercise of this power in Art. II, Section 34 (d) which states that the Mayor and City Council have the authority by ordinance or such other method provided for by this Charter “to regulate the use of the streets and public ways by person, animals and vehicles; to

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prohibit the use of streets and public ways by any or all motor vehicles under such circumstances or upon such conditions as it may, from time to time, by ordinance, deem necessary or expedient in the interest of the public.”

Therefore, the Law Department approves Council Bill 09-0319 with the above mentioned amendment for form and legal sufficiency.

Very truly yours,



Ashlea H. Brown
Special Assistant Solicitor

cc: The Honorable Robert Curran
George Nilson, City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Elena R. DiPietro, Chief Solicitor
Deepa Bhattacharyya, Assistant Solicitor
Hilary Ruley, Assistant Solicitor
Avery Aisenstark, Legislative Reference