

**CITY OF BALTIMORE  
COUNCIL BILL 09-0354  
(First Reader)**

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Introduced by: Councilmembers Henry, Kraft, Branch, Clarke, Curran, Welch

Introduced and read first time: June 15, 2009

Assigned to: Judiciary and Legislative Investigations Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Baltimore City Parking Authority Board, Police Department, Department of Transportation, State's Attorney's Office

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Stopping, Standing, or Parking Citations – Request for Nolle Prosequi**

3 FOR the purpose of modifying the local law governing the invalidation or cancellation of  
4 stopping, standing, or parking citations to conform to the requirements of State law;  
5 authorizing the Director of Transportation to request the State's Attorney to nolle prosequi  
6 stopping, standing, or parking citations under certain circumstances, subject to certain  
7 limitations and requirements; and generally relating to the administration of stopping,  
8 standing, and parking violations.

9 BY repealing and reordaining, with amendments

10 Article 31 - Transit and Traffic

11 Section(s) 2-7

12 Baltimore City Code

13 (Edition 2000)

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

16 **Baltimore City Code**

17 **Article 31. Transit and Traffic**

18 **Subtitle 2. General Administration**

19 **§ 2-7. Ticket-fixing.**

20 (A) *ADMINISTRATIVE INVALIDATION, ETC., PROHIBITED.*

21 ONCE ISSUED, A CITATION FOR A STOPPING, STANDING, OR PARKING VIOLATION MAY NOT  
22 BE INVALIDATED OR CANCELLED BY ANY OFFICIAL, EMPLOYEE, AGENCY, OR OTHER UNIT  
23 OF CITY GOVERNMENT.

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

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1 (B) *REQUEST FOR NOLLE PROS AUTHORIZED. [(a) In general.]*

2 [The] SUBJECT TO THE LIMITATIONS AND REQUIREMENTS OF THIS SECTION, THE Director  
3 of [Public Works] TRANSPORTATION [is authorized to declare invalid and cancel any  
4 citations for] MAY REQUEST THE STATE’S ATTORNEY TO ENTER A NOLLE PROSEQUI FOR A  
5 stopping, standing, or parking [violations] VIOLATION:

6 (1) [due to] RESULTING FROM a defect in the traffic control device regulating  
7 [stopping, standing, or parking] THE CONDUCT; [or]

8 (2) [where] IF there has been insufficient or improper notice of [violation insofar as]  
9 THE stopping, standing, or parking [is concerned] REGULATION; OR

10 (3) IF WRITTEN OR PHOTOGRAPHIC DOCUMENTATION HAS BEEN SUBMITTED TO THE  
11 DIRECTOR THAT CONCLUSIVELY DEMONSTRATES THAT, IN FACT, NO VIOLATION  
12 HAS OCCURRED.

13 (C) [(b)] *Limitations.*

14 The Director of [Public Works] TRANSPORTATION may not [authorize the cancellation of  
15 any citation] REQUEST A NOLLE PROSEQUI UNDER THIS SECTION [where] IF the [reasons]  
16 REASON for [said cancellation are] IT IS dependent [upon] ON the UNDOCUMENTED OR  
17 DISPUTED testimony of [the parties] ANY PERSON directly concerned.

18 (D) [(c)] *Reasons to be documented*] *REQUIRED DOCUMENTATION.*

19 [In all cases where] WHENEVER the Director of [Public Works] TRANSPORTATION  
20 [authorized the cancellation of a citation] REQUESTS A NOLLE PROSEQUI FOR A STOPPING,  
21 STANDING, OR PARKING VIOLATION, the reasons for [said authorization] THAT REQUEST  
22 shall be fully documented.

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

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