

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor

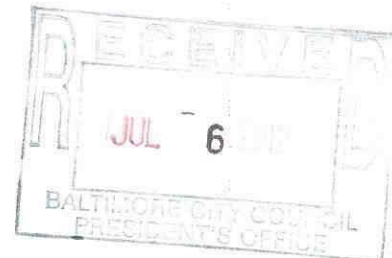


DEPARTMENT OF LAW

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

July 6, 2012

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 12-0081 – Valet Parking

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 12-0081 for form and legal sufficiency. The bill establishes a regulatory scheme for valet parking operations. It prohibits parking and stopping in valet parking zones, requires operators of valet parking services to obtain a license and requires all hosts of valet parking services to obtain a valet parking zone permit. The bill provides for the criteria that must be met to be approved for an operator's license or a valet parking zone permit. The bill also adds freight and passenger loading zones and valet parking zones to the list of impoundment areas, provides for enforcement by environmental citation and criminal penalties and requires operators of valet services to collect parking taxes.

The Law Department has the following comments on the bill.

1. On page 3 line 18, there is existing Code language referring to the Director of Public Works determining the location and hours of passenger and freight loading zones. If this function is currently performed by the Director of Transportation this would be a opportunity to clarify who performs that function.
2. On page 16, Sec. 14-20, no notice of the hearing is provided for to interested parties.
3. On page 17, line 16 strike "request a hearing" and substitute "appeal the denial of a permit".
4. Under 14-41, who has the authority to suspend, revoke or deny an operator's license? Under Sec. 14-7, the Parking Authority issues operators' licenses which is an acceptable delegation because the criteria require no exercise of discretion by the Authority. Section 14-41, however, does allow for the exercise of discretion in the decision to deny, suspend or revoke a license which would be an unauthorized grant of discretion if done by the Parking Authority.
5. Under 14-42, who has the authority to suspend, revoke or deny a valet parking zone permit or renewal? The Department of Transportation must approve parking zone permits. Assuming that it is approving the suspensions, denials and revocations, there is not a problem with delegation.

Comments



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6. In Sec. 16-46, no notice requirement is included for BMZA administrative appeals.

The concept of the bill is consistent with the authority of the City Council but the issues addressed above need to be resolved. At that time, The Law Department would approve Council Bill 12-0081 for form and legal sufficiency.

Sincerely,



Elena R. DiPietro
Chief Solicitor

cc: George Nilson, City Solicitor
Angela Gibson, Mayor's Legislative Liaison
Ashlea Brown, Assistant Solicitor
Hilary Ruley, Assistant Solicitor
Victor Tervalá, Assistant Solicitor