

**CITY OF BALTIMORE  
COUNCIL BILL 11-0715  
(First Reader)**

---

Introduced by: Councilmembers Henry, Clarke, Conaway, Stokes, Curran

Introduced and read first time: June 6, 2011

Assigned to: Judiciary and Legislative Investigations Committee

---

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Public Works, Baltimore City Parking Authority Board, Department of Finance, Department of Transportation, Police Commissioner, Board of Licenses for Towing Services

---

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Towing Service – Trespass Towing**

3 FOR the purpose of modifying the composition of the Board of Licenses for Towing Services;  
4 authorizing the Board to deny, suspend, revoke, or refuse to renew a license on receipt,  
5 within a certain period, of a certain number of valid complaints of unfair or improper  
6 business practices; and correcting, clarifying, and conforming related language.

7 BY repealing and reordaining, with amendments

8 Article 15 - Licensing and Regulation

9 Section(s) 22-2(b) and 22-14(b)

10 Baltimore City Code

11 (Edition 2000)

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

14 **Baltimore City Code**

15 **Article 15. Licensing and Regulation**

16 **Subtitle 22. Towing Services – Trespass Towing**

17 **§ 22-2. Board of Licenses for Towing Services.**

18 (b) *Composition.*

19 (1) The Board [shall be composed of] **COMPRISES:**

20 (i) the Director of Finance, **EX OFFICIO;**

21 (ii) the Director of [Public Works] **TRANSPORTATION, EX OFFICIO;**

22 (iii) the Police Commissioner, **EX OFFICIO;**

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

## Council Bill 11-0715

1 (IV) A MEMBER OF THE CITY COUNCIL, TO BE APPOINTED BY THE COUNCIL  
2 PRESIDENT; AND

3 (V) 3 MEMBERS APPOINTED BY THE MAYOR IN ACCORDANCE WITH ARTICLE IV, § 6  
4 OF THE CITY CHARTER, AS FOLLOWS:

5 (A) A REPRESENTATIVE OF THE PROPERTY MANAGEMENT INDUSTRY;

6 (B) [(iv)] a representative of the towing industry; and

7 (C) [(v)] a citizen at large.

8 (2) [The citizen and the representative of the towing industry shall be appointed by the  
9 Mayor and confirmed by a majority vote of the City Council, pursuant to Article IV,  
10 § 6 of the Baltimore City Charter.] The [terms of the] members shall [be] SERVE A  
11 TERM OF 4 years, [and shall coincide] CONCURRENT with the terms of the Mayor and  
12 City Council. The members shall be appointed without regard to political party  
13 affiliation.

14 (3) [In the event that any governmental agency] IF AN EX OFFICIO member of the Board  
15 cannot attend [any] A BOARD meeting [of the Board], [the governmental agency]  
16 THAT member may be represented by a designated subordinate to whom he OR SHE  
17 has delegated [his] THIS authority. [Such] THE DESIGNATED representative [shall  
18 have] HAS the power to act in the place of the absent member.

### 19 § 22-14. Denial, revocation, suspension, refusal to renew.

20 (b) *Grounds for sanctions.*

21 The Board is [hereby] authorized to deny, suspend, revoke, or refuse to renew any license  
22 under this subtitle if [the Board finds that]:

23 (1) the applicant or licensee furnished or made misleading or false statements on  
24 reports, certifications, or written documents required by this subtitle;

25 (2) DURING THE PRECEDING 3 YEARS, a court of competent jurisdiction has found an  
26 applicant for a license or a licensee guilty of criminal activity [during the  
27 preceding 3 years] directly relating to the operation of the business of towing;

28 (3) a court of competent jurisdiction has found a tow truck operator guilty of a  
29 criminal act THAT WAS authorized by the licensee;

30 (4) a motor vehicle has been towed by a towing service without the consent of the  
31 owner or operator of the motor vehicle, without the direction of the Police  
32 Department, or without complying with local, state, or federal law;

33 (5) a tow truck operator has failed to comply with any law regulating the towing of  
34 motor vehicles;

35 (6) the licensee has failed to make available for inspection by the Board or the Police  
36 Department the daily towing log [as] required by § 22-10(d) OF THIS SUBTITLE;

**Council Bill 11-0715**

1 (7) the licensee has failed to allow the Police Department reasonable access to inspect  
2 any motor vehicle listed in the licensee's records that is stored upon the storage  
3 facility of the towing service; [or]

4 (8) THE BOARD HAS RECEIVED 5 OR MORE VALID INDIVIDUAL COMPLAINTS OF UNFAIR  
5 OR IMPROPER BUSINESS PRACTICES AGAINST A GIVEN APPLICANT OR LICENSEE  
6 WITHIN A 6-MONTH PERIOD; OR

7 (9) [(8)] the applicant or licensee has failed to comply with or has violated the  
8 provisions of this subtitle, the rules or regulations adopted [pursuant to] UNDER  
9 this subtitle, or any applicable federal, state, or local law or rule.

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.