

**CITY OF BALTIMORE
COUNCIL BILL 08-0047
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Law Department)
Introduced and read first time: February 25, 2008
Assigned to: Public Safety and Health Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Police Department, Mayor's Office of Criminal Justice

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **“Dirt Bikes” – Unregistered Motorcycles and Similar Vehicles – Forfeiture Proceeding**

3 FOR the purpose of requiring a person who owns, controls, possesses, or has custody of a dirt
4 bike or an unregistered motorcycle or similar vehicle to immobilize that vehicle while in
5 Baltimore City; modifying certain restrictive provisions relating to published notice of a
6 forfeiture petition; repealing certain provisions authorizing repossession of a vehicle pending
7 a decision on forfeiture; prohibiting a secured party from selling a forfeited vehicle to the
8 owner or other person from whom it was seized; correcting, clarifying, and conforming
9 related language; and generally relating to dirt bikes or unregistered motorcycles or similar
10 vehicles.

11 BY repealing and reordaining, without amendments

12 Article 19 - Police Ordinances
13 Section(s) 40-6, 40-14(a) and (c)(1), and 40-17(b) and (c)
14 Baltimore City Code
15 (Edition 2000)

16 BY repealing

17 Article 19 - Police Ordinances
18 Section(s) 40-16 and 40-17(d)
19 Baltimore City Code
20 (Edition 2000)

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

23 **Baltimore City Code**

24 **Article 19. Police Ordinances**

25 **Subtitle 40. Unregistered Motorcycles and Similar Vehicles**

26 ***Part 2. Prohibited Operations***

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

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§ 40-6. Driving or riding; LEAVING UNIMMOBILIZED.

(A) *DRIVING OR RIDING VEHICLE.*

No person may drive or ride any dirt bike or any unregistered motorcycle or similar vehicle on any public or private property that is located in Baltimore City or, wherever located, that is owned or regulated by the City.

(B) *POSSESSING UNIMMOBILIZED VEHICLE.*

NO PERSON MAY OWN, CONTROL, POSSESS, OR HAVE CUSTODY OF ANY DIRT BIKE OR ANY UNREGISTERED MOTORCYCLE OR SIMILAR VEHICLE IN BALTIMORE CITY UNLESS THE VEHICLE IS SECURELY LOCKED OR OTHERWISE IMMOBILIZED BY A WHEEL CLAMP OR OTHER OBJECT, DEVICE, METHOD, OR MECHANISM, WHETHER ATTACHED TO THE VEHICLE OR NOT, THAT:

(1) PREVENTS THE VEHICLE FROM BEING FREELY MOVED; AND

(2) CANNOT BE REMOVED OR DEACTIVATED WITHOUT THE ASSISTANCE OF THE VEHICLE'S OWNER.

Part 3. Seizure and Forfeiture

§ 40-14. Forfeiture petition; notice.

(a) *Filing; copies to parties in interest.*

If the Solicitor determines that the vehicle should be forfeited, the Solicitor shall, within 90 days after the seizure of the vehicle:

(1) FILE A FORFEITURE petition [the Circuit Court for Baltimore City] IN A COURT OF COMPETENT JURISDICTION, in the name of the City against the vehicle, as designated by make, model, year, and motor or serial number; and

(2) at the same time, send copies of the petition by registered or certified mail to the owner and any known secured party.

(c) *Publication of notice.*

(1) Within 7 days of the petition's filing, the Solicitor shall publish notice of the seizure and forfeiture proceeding in 1 or more newspapers [published] OF GENERAL CIRCULATION in the City.

[§ 40-16. Early retrieval by owner.

(a) *Appraisal of vehicle.*

(1) If the owner of the seized vehicle wants to repossess it before the petition is decided, the Clerk of the Circuit Court shall have an appraisal made.

(2) The appraisal shall be in writing, under oath, to the Clerk of the Circuit Court.

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1 (b) *Owner to submit bond.*

2 (1) When the appraisal is filed, the owner may post a bond, payable to the City,
3 in an amount equal to:

4 (i) all court costs that may accrue; plus

5 (ii) the greater of:

6 (A) the appraised value of the vehicle; or

7 (B) \$500.

8 (2) The bond shall have security approved by the Clerk and be conditioned for
9 performance on the final judgment of the Circuit Court.

10 (c) *Judgment on bond.*

11 If the court directs that the vehicle be forfeited, judgment may be entered against the
12 obligors on the bond, without further or other proceeding, to be discharged by the
13 payment of the appraised value of the vehicle and court costs, on which judgment
14 execution may be issued.]

15 **§ 40-17. Order of forfeiture.**

16 (b) *Disposition of vehicle subject to security interest.*

17 (1) The secured party:

18 (i) shall sell the vehicle in a commercially reasonable manner; AND

19 (ii) MAY NOT SELL THE VEHICLE TO THE OWNER OR OTHER PERSON FROM WHOM IT
20 WAS SEIZED.

21 (2) [Any sale ordered under this section must be made for cash and must vest in the
22 purchaser a clear and absolute title to the vehicle.

23 (3)] The proceeds of the sale shall be applied as follows:

24 (i) to the court costs of the forfeiture proceedings;

25 (ii) to the balance due to the secured party, including all reasonable costs incident
26 to the sale;

27 (iii) to payment of all other expenses of the proceedings for forfeiture, including
28 expenses of seizure, maintenance, or custody; and

29 (iv) to the general funds of the City.

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1 (c) *Disposition of forfeited vehicle.*

2 [Any] A vehicle that has been ordered forfeited to the City may be:

3 (1) sold as provided in City Code Article 31, Subtitle 31, Part 5;

4 (2) transferred to a charitable organization for export abroad, as provided in City
5 Code Article 31, § 31-58(c); or

6 (3) destroyed.

7 [(d) *Proceeds of bond.*

8 The proceeds of any bond posted to regain possession of the vehicle shall be applied as
9 provided for proceeds of sale under subsection (b)(3)(iv) of this section.]

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 30th day
14 after the date it is enacted.