

CITY OF BALTIMORE

SHEILA DIXON, Mayor



DEPARTMENT OF LAW

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

May 15, 2008

The Honorable President and  
Members of the Baltimore  
City Council  
c/o Karen Randle, Executive Secretary  
409 City Hall  
Baltimore, MD 21202

RE: City Council Bill 08-0095 – Illegal Dumping-Forfeiture of Vehicle

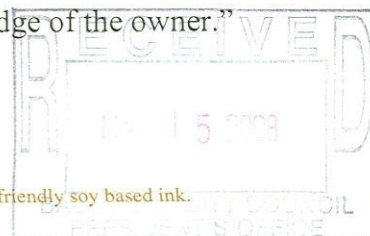
Dear President and Members

You have requested the advice of the Law Department regarding City Council Bill 08-0095. City Council Bill 95 authorizes the seizure and forfeiture of vehicles used for the illegal disposal of waste or other material

City Council Bill 08-0095 provides that if a police officer has probable cause to believe that a vehicle has been used to illegally dump waste in violation of the Health Article, Subtitle 6, the officer may seize the vehicle. The bill provides for the process for forfeiture of the vehicle which includes notice requirements, the filing of a petition with the Circuit Court, protection of secured parties and disposition upon order of forfeiture.

The City Council is authorized under Article II, Section 48 of the Baltimore City Charter to provide civil and criminal fines and penalties for the violation of any ordinance, rule or regulation established by the City under or in the execution of any power granted by Article II. City Council Bill 08-0095 is consistent with this authority. The Law Department proposes the following amendments to the bill to ensure protection for innocent parties and provide adequate notice of proceedings.

1. In Section 7-622 (B)(2), add "If a petition for forfeiture has been filed, bonds shall be filed in the Circuit Court for Baltimore City."
2. In section 7-622(B)(1), add "(B) the aggregate amount of the liens on the vehicle that are shown in the records required by law for the notice or perfection of liens or" and change (B) to (C).
3. In Section 7-617(B) add "or while the vehicle was lawfully in the possession of another person but the owner can establish by a preponderance of the evidence that the violation of Subtitle 6 was committed without the actual knowledge of the owner."



F/A



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4. In Section 7-620(B)(2), delete everything after "Party" to and including "City."
5. In Section 7-620 (A)(2), after "mail" add, "and by first class mail". After "party.", add "With the Petition, notice shall be provided of the time and place for a response to be filed."

Subject to the suggested amendments, the Law Department approves the City Council Bill 08-0095 for form and legal sufficiency.

Sincerely yours,



Elena R. DiPietro  
Assistant Solicitor

cc: Honorable Bernard "Jack" Young  
Angela Gibson, City Council Liaison  
George A. Nilson, City Solicitor  
Linda C. Barclay, Chief Solicitor  
Deepa Bhattacharyya, Assistant Solicitor  
Ashlea Brown, Assistant Solicitor