

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 08-0107

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)
Introduced and read first time: April 28, 2008
Assigned to: Taxation, Finance and Economic Development Committee

Committee Report: Favorable
Council action: Adopted
Read second time: June 9, 2008

AN ORDINANCE CONCERNING

Immobilization of Vehicles – Booting Fee

FOR the purpose of accommodating new technology in the immobilization of vehicles by increasing the “booting fee” and modifying certain limiting references; correcting, clarifying, and conforming related language; and generally relating to vehicle immobilization and the rights of vehicle owners.

BY repealing and reordaining, with amendments
Article 31 - Transit and Traffic
Section(s) 31-25 and 31-26
Baltimore City Code
(Edition 2000)

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

Baltimore City Code

Article 31. Transit and Traffic

Subtitle 31. Clear Streets and Impoundment

Part 3. Impoundment or Immobilization for Outstanding Citations

§ 31-25. Immobilization - notice on vehicle.

(a) *Warning of potential damage.*

[In any case involving immobilization of] **WHENEVER** a vehicle **IS IMMOBILIZED** [pursuant to] **UNDER** this Part 3, the Commissioner shall cause to be placed on [such] **THE** vehicle, in a conspicuous manner, A notice sufficient to warn any individual [to the effect] that [such] **THE** vehicle has been immobilized and that any attempt to move [such] **THE** vehicle might result in damage to [such vehicle] **IT**.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

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1 (b) *Additional information to be given.*

2 [Said] THE notice shall also advise the owner or operator [that]:

3 (1) THAT the vehicle has been immobilized by the City [of Baltimore] for violations
4 of this article;

5 (2) THAT the owner of an immobilized vehicle has the right to contest the validity of
6 the immobilization at a hearing, TO BE CONVENED within 72 hours, excluding
7 Sundays and holidays, from the submission of [an] HEARING application [in the
8 manner hereinafter provided];

9 (3) [such] WHERE HEARING application forms [are available at a designated place]
10 CAN BE OBTAINED BY or [will be mailed to said owner upon request] REQUESTED
11 TO BE MAILED TO THE OWNER; [and]

12 (4) HOW release of the vehicle may be obtained [at a designated place: (i) upon] ON
13 payment of [a] THE booting fee and other charges specified in this Part 3 [prior to
14 the hearing to which said owner is entitled, as aforesaid; or (ii) upon payment of a
15 booting fee and other charges specified in this Part 3 and the execution of a
16 document in writing waiving the hearing to which said owner is otherwise
17 entitled]; AND

18 (5) THAT THIS PAYMENT DOES NOT AFFECT THE OWNER'S RIGHT TO A HEARING OR TO
19 CONTEST THE VALIDITY OF THE IMMOBILIZATION.

20 **§ 31-26. Immobilization - release on payment of booting fee, etc.**

21 (a) *In general.*

22 The owner of an immobilized vehicle [shall be permitted to] MAY secure release of the
23 vehicle [upon] ON payment of:

24 (1) a booting fee of [~~\$24~~] \$100; and

25 (2) all charges [which] THAT have accrued [thereon] ON THE VEHICLE [by virtue of its
26 immobilization], including collateral equivalent to the maximum fines and
27 penalties for ALL unsatisfied parking violation citations.

28 (b) *Owner's right to contest preserved.*

29 [Such] THIS payment [will] DOES not affect the owner's right to a hearing [prescribed in]
30 UNDER this Part 3 nor [will] DOES it [be deemed a waiver of] WAIVE the owner's right to
31 contest the validity of the immobilization [unless the owner elects to waive the hearing to
32 which said owner is otherwise entitled].

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1 [(c) *Notice to owner.*

2 Should the owner of an immobilized vehicle appear to secure release of the vehicle, as
3 heretofore provided, notification in writing shall be rendered to such owner stating the
4 owner's rights and obligations as provided for in this section.]

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

8 **SECTION 3. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the 30th day
9 after the date it is enacted.

Certified as duly passed this ____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this ____ day of _____, 20__

Chief Clerk

Approved this ____ day of _____, 20__

Mayor, Baltimore City