

Council Bill 08-0047

Part 2. Prohibited Operations

§ 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.

Council Bill 08-0047

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

2 (b) *Owner to submit bond.*

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

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

6 (ii) the greater of:

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

8 (B) \$500.

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

11 (c) *Judgment on bond.*

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

16 **§ 40-17. Order of forfeiture.**

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

18 (1) The secured party:

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

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

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

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

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

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

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

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

Council Bill 08-0047

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.

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