

Introduced by: Councilmember Dorsey, ~~James~~ ~~Costello~~, Bullock, Burnett
Sikes, Cohen, Speed, Reisinger, Pericelli, Jeff
Prepared by: Department of Legislative Reference Date: July 23, 2018
Referred to: JUDICIARY AND LEGISLATIVE INVESTIGATIONS Committee
Schleifer
Henry
Middleton

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 18-0275

A BILL ENTITLED

AN ORDINANCE concerning

Unidentifiable Vehicles – Immediate Towing

FOR the purpose of prohibiting the parking of unidentifiable vehicles on City streets; authorizing the immediate removal of unidentifiable vehicles parked on City streets; setting a certain penalty; and generally relating to unidentifiable vehicles.

BY adding
Article 31 - Transit and Traffic
Section(s) 31-12
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments
Article 31 - Transit and Traffic
Section(s) 36-3
Baltimore City Code
(Edition 2000)

Bob Dorsey
E.T. East
James Dorsey
John Bullock
Burnett
Leo Sikes
Robert Sikes
Shirley

****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

NO. _____

Agencies

_____	_____	_____	_____
Department of Public Works	Baltimore City Public School System	_____	_____
Department of Real Estate	Baltimore Development Corporation	_____	_____
Department of Recreation and Parks	City Solicitor	_____	_____
Department of Transportation	Comptroller's Office	_____	_____
Fire Department	Department of Audits	_____	_____
Health Department	Department of Finance	_____	_____
Mayor's Office of Employment Development	Department of General Services	_____	_____
Mayor's Office of Human Services	Department of Housing and Community Development	_____	_____
Mayor's Office of Information Technology	Department of Human Resources	_____	_____
Office of the Mayor	Department of Planning	_____	_____
Police Department	Other: _____	_____	_____
Other: _____	Other: _____	_____	_____
Other: _____	Other: _____	_____	_____
Other: _____	Other: _____	_____	_____
Environmental Control Board	Board of Estimates	_____	_____
Fire & Police Employees' Retirement System	Board of Ethics	_____	_____
Labor Commissioner	Board of Municipal and Zoning Appeals	_____	_____
Parking Authority Board	Comm. for Historical and Architectural Preservation	_____	_____
Planning Commission	Commission on Sustainability	_____	_____
Wage Commission	Employees' Retirement System	_____	_____
Other: _____	Other: _____	_____	_____
Other: _____	Other: _____	_____	_____
Other: _____	Other: _____	_____	_____

Boards and Commissions

Council Bill 18-0275

1 **§ 6-22. Continuously parking in 1 spot.**

2 (a) *Prohibited conduct.*

3 No vehicle shall be permitted to stand more than 48 hours continuously in the same
4 location.

5 (b) *Exceptions.*

6 (1) Provided, however, that nothing herein contained shall be applicable to:

7 (i) vehicles of the Police Department or the Fire Department;

8 (ii) any emergency vehicle belonging to the City or to any public utility;

9 (iii) vehicles belonging to physicians or undertakers; or

10 (iv) vehicles with disabled person registration plates.

11 (2) And provided further that nothing herein contained shall be construed to modify
12 in any way the restrictions or provisions of any ordinance or regulation as to
13 parking of vehicles on any boulevard or through street, but such restrictions and
14 provisions shall continue in effect as if this section had not been passed.

15 [(c) *Violation not an abandonment.*

16 A vehicle that is in violation of subsection (a) of this section is not, solely because of that
17 violation, an "abandoned vehicle" under this article or the State Transportation Article.]

18 **Subtitle 31. Clear Streets and Impoundment**

19 **§ 31-1. Definitions.**

20 (a) *Abandoned vehicle.*

21 [(1) *In general.*]

22 "Abandoned vehicle" has the meaning stated in State Transportation Article
23 ("Maryland Vehicle Law") § 25-201], except as provided in paragraph (2) of this
24 subsection].

25 [(2) *Exception.*]

26 ["Abandoned vehicle" does not include a vehicle solely because it is in violation
27 of § 6-22 of this article.]

Council Bill 18-0275

1 § 31-12. UNIDENTIFIABLE VEHICLES.

2 (A) *PROHIBITED CONDUCT.*

3 IT IS UNLAWFUL FOR ANY PERSON TO PARK A VEHICLE OR PART OF A VEHICLE ON ANY
4 STREET, LANE, OR ALLEY IF THE VEHICLE:

5 (1) IS NOT DISPLAYING CURRENTLY VALID REGISTRATION PLATES; AND

6 (2) HAS ITS VIN OBSCURED SO THAT IT CANNOT BE READ FROM OUTSIDE THE VEHICLE.

7 (B) *REMOVAL OF VEHICLES.*

8 THE COMMISSIONER IS AUTHORIZED TO CAUSE ANY VEHICLE IN VIOLATION OF
9 SUBSECTION (A) OF THIS SECTION TO BE IMMEDIATELY REMOVED AND IMPOUNDED AS
10 PROVIDED IN THIS SUBTITLE.

11 § 31-43. Notice and hearing – In general.

12 (a) Notice to owner and secured party.

13 (1) Within 2 full working days after the vehicle has been removed to the auto pound,
14 the Director of Transportation must post notice to the owner of the vehicle and,
15 within 7 full working days, must post notice to the secured party by certified mail,
16 return receipt requested, of the following:

17
18 (iv) that the owner of a vehicle impounded as [abandoned] AN “ABANDONED
19 VEHICLE” OR AS AN “UNIDENTIFIABLE VEHIGLE” may contest the validity of
20 the taking by application, on a form prescribed by the Director of
21 Transportation, to a hearing officer within 10 days from the date of such
22 application.

23 Subtitle 36. Parking, etc., Fines, Penalties, and Procedures

24 § 36-3. \$300 fines.

25 (1) Abandoning a vehicle in violation of § 31-8 {“Abandoned vehicles”} of this article is
26 punishable by a fine of \$300.

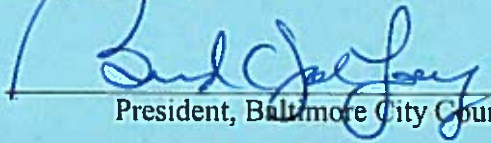
27 (2) PARKING AN UNIDENTIFIABLE VEHICLE IN VIOLATION OF § 31-12 {“UNIDENTIFIABLE
28 VEHICLES”} OF THIS ARTIGLE IS PUNISHABLE BY A FINE OF \$300.

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

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

Council Bill 18-0275

Certified as duly passed this _____ day of OCT 29 2018, 2018



President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this _____ day of OCT 29 2018

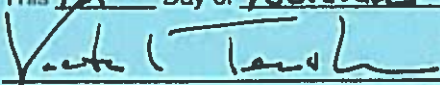


Chief Clerk

Approved this 9 day of November, 2018



Mayor, Baltimore City

Approved For Form and Legal Sufficiency
This 1st Day of November 2018


Chief Solicitor

09/28/18

AMENDMENTS TO COUNCIL BILL 18-275
(1st Reader Copy)

By: Judiciary Committee
{To be offered on Second Reading}

Amendment No. 1

On page 1, in line 5, after the semicolon, insert "correcting, conforming, and clarifying related provisions;"; and, on the same page, in line 13, before "36-3", insert "6-22, 31-1(a), 31-43(a)(1)(iv), and".

Amendment No. 2**ADOPTED**

On page 1, after line 19, insert:

"Subtitle 6. Parking, Standing, and Stopping Regulations**§ 6-22. Continuously parking in 1 spot.****(a) Prohibited conduct.**

No vehicle shall be permitted to stand more than 48 hours continuously in the same location.

(b) Exceptions.

(1) Provided, however, that nothing herein contained shall be applicable to:

(i) vehicles of the Police Department or the Fire Department;

(ii) any emergency vehicle belonging to the City or to any public utility;

(iii) vehicles belonging to physicians or undertakers; or

(iv) vehicles with disabled person registration plates.

(2) And provided further that nothing herein contained shall be construed to modify in any way the restrictions or provisions of any ordinance or regulation as to parking of vehicles on any boulevard or through street, but such restrictions and provisions shall continue in effect as if this section had not been passed.

[(c) Violation not an abandonment.

A vehicle that is in violation of subsection (a) of this section is not, solely because of that violation, an “abandoned vehicle” under this article or the State Transportation Article.]”.

Amendment No. 3

On page 1, after line 20, insert:

“§ 31-1. Definitions.

(a) Abandoned vehicle.

[(1) In general.]

“Abandoned vehicle” has the meaning stated in State Transportation Article (“Maryland Vehicle Law”) § 25-201[, except as provided in paragraph (2) of this subsection].

[(2) Exception.]

“Abandoned vehicle” does not include a vehicle solely because it is in violation of § 6-22 of this article.]”.

Amendment No. 4

On page 2, after line 6, insert:

“§ 31-43. Notice and hearing – In general.

(a) Notice to owner and secured party.

(1) Within 2 full working days after the vehicle has been removed to the auto pound, the Director of Transportation must post notice to the owner of the vehicle and, within 7 full working days, must post notice to the secured party by certified mail, return receipt requested, of the following:

(iv) that the owner of a vehicle impounded as [abandoned] AN “ABANDONED VEHICLE” OR AS AN “UNIDENTIFIABLE VEHICLE” may contest the validity of the taking by application, on a form prescribed by the Director of Transportation, to a hearing officer within 10 days from the date of such application.”.

BALTIMORE CITY COUNCIL
JUDICIARY AND LEGISLATIVE INVESTIGATIONS COMMITTEE
VOTING RECORD

BILL#: CC-18-0275

DATE: 9/18/18

TITLE: Unidentifiable Vehicles - Immediate Towing

MOTION BY: Clarke SECONDED BY: Bullock

FAVORABLE

FAVORABLE WITH AMENDMENTS

UNFAVORABLE

WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Costello, E., Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clarke, M., Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bullock, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pinkett, L.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reisinger, E.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott, B.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stokes, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOTALS	<u>7</u>	<u>0</u>	<u>0</u>	<u>0</u>

CHAIRPERSON: *E. D. Lewis*

COMMITTEE STAFF: Matthew L. Peters, Initials: *MLP*



Catherine Pugh
Mayor

BALTIMORE POLICE DEPARTMENT



Gary Tuggle
Interim
Police Commissioner

September 17, 2018

Honorable President and Members of the Baltimore City Council
Room 400, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Attention: Natawnia Austin, Executive Secretary

**Re: City Council Bill No. 18-0275
Unidentified Vehicles – Immediate Towing**

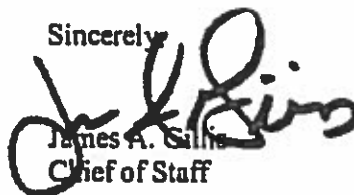
Dear Council President Young and Members of the City Council:

The Baltimore Police Department (BPD) has reviewed Council Bill 18-0275. This legislation is for the purpose of prohibiting the parking of unidentifiable vehicles on City streets; authorizing the immediate removal of unidentifiable vehicles parked on City streets; setting a certain penalty; and generally relating to unidentifiable vehicles. The BPD supports this bill.

Unidentifiable vehicles in Baltimore City invariably result in the police being called. Not only are they a nuisance for communities, they are a serious public safety threat because of their nexus to crime. For example, unidentifiable vehicles are prevalent near chop shops, but current City law does not allow for swift action to be taken to deter the abandoning of them. Due to the fact that vehicles are often stolen for their parts, the ability to take immediate action and remove them from city streets should cause a reduction in stolen autos.

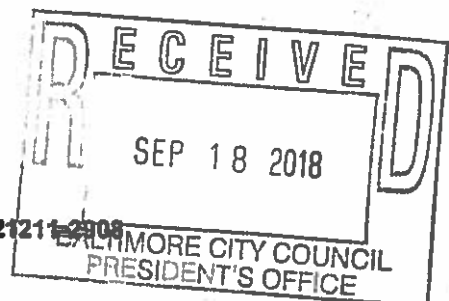
The BPD looks forward to working with the City Council on this important matter.

Sincerely,


James A. Gillis
Chief of Staff

F

c/o 242 West 29th Street • Baltimore, Maryland 21211-2908



CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor

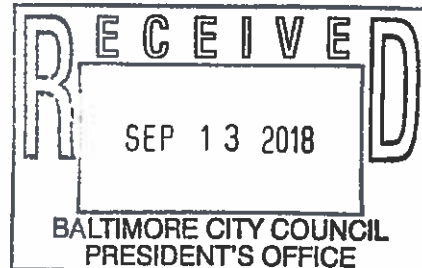


DEPARTMENT OF LAW

ANDRE M. DAVIS, City Solicitor
101 City Hall
Baltimore, Maryland 21202

September 13, 2018

The Honorable President and Members
of the Baltimore City Council
Attn: Natawna B. Austin, Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202



Re: City Council Bill 18-0275 – Unidentifiable Vehicles – Immediate Towing

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 18-0275 for form and legal sufficiency. The bill prohibits the parking of unidentifiable vehicles on City streets; authorizes the immediate removal of unidentifiable vehicles parked on City streets; and sets a certain penalty.

State law defines vehicles left on public property for more than 48 hours without valid registration plates as abandoned and subject to removal. Md. Code, Trans., §§ 25-201, 25-203. Therefore, state law authorizes removal of this type of abandoned vehicle only after a 48-hour period. Bill 18-0275 differs from state law because it only authorizes immediate removal of the vehicle if it lacks valid plates *and* has an obscured VIN that cannot be read from outside the vehicle, a matter not addressed in the state abandoned vehicle law. CCB 18-0275, p. 2, line 2. A vehicle without valid plates or a visible VIN is deemed by Bill 18-0275 as “unidentifiable” and is subject to immediate towing.

Bill 18-0275 would survive a preemption challenge because the City “may prohibit what the State has not expressly permitted.” *City of Baltimore v. Sitnick*, 254 Md. 303, 317 (1969). In other words, because the state law’s purpose is presumably to clear streets of illegally parked vehicles, and Bill 18-0275 “is in furtherance of the [state’s] function, then the local law is valid without regard to any verbal conflict.” J. Scott Smith, *State and Local Legislative Powers*, 8 U. Balt. L. Rev. at 308-09 (quoted in *Mayor and City Council of Baltimore v. Hart*, 385 Md. 394, 406 (2006) (upholding a City Police General Order imposing a higher standard for emergency vehicles than state law, state law requiring them to slow down at intersections while local law requiring them to stop)); *see also Sitnick*, 254 Md. at 317 (1969) (City law establishing a higher minimum wage than state law upheld on similar grounds).

Furthermore, Bill 18-0275 is not authorizing towing because the vehicle is abandoned, but rather, because it is unidentifiable. The removal of unidentifiable vehicles left on public streets is a valid exercise of the City’s police powers found in Article II, Section 27 of the City Charter.

Fav w/ Amends


The Law Department recommends adding "unidentifiable" to Section 31-43 (a)(1)(iv) to clarify that an owner whose vehicle is impounded as "unidentifiable" has a right to a hearing. *Assoc. Commercial Corp. v. Wood*, 22 F. Supp.2d 502, 506 (D. Md. 1998) (owners of abandoned or junked vehicles entitled to post-deprivation notice and hearing). Subject to the foregoing amendment, the Law Department can approve the bill for form and legal sufficiency.

Sincerely,



Ashlea Brown
Assistant Solicitor

cc: Andre M. Davis, City Solicitor
Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Victor Tervalá, Chief Solicitor

F R O M	NAME & TITLE	Michelle Pourciau, Director	CITY of BALTIMORE M E M O	
	AGENCY NAME & ADDRESS	Department of Transportation (BOT) 417 E Fayette Street, Room 527		
	SUBJECT	City Council Bill 18-0275		

TO Mayor Catherine E. Pugh

DATE: 8/20/2018

TO: Judiciary and Legislative Investigations Committee
 FROM: Department of Transportation
 POSITION: Support
 RE: Council Bill – 18-0275 Unidentifiable Vehicles – Immediate Towing

INTRODUCTION – This bill helps to remove unidentifiable vehicles from communities. It will remove the need for a traffic officer to mark the vehicle and then wait 48 hours before towing.

PURPOSE/PLANS – For the purpose of prohibiting the parking of unidentifiable vehicles on City streets; authorizing the immediate removal of unidentifiable vehicles parked on City streets; setting a certain penalty; and generally relating to unidentifiable vehicles.

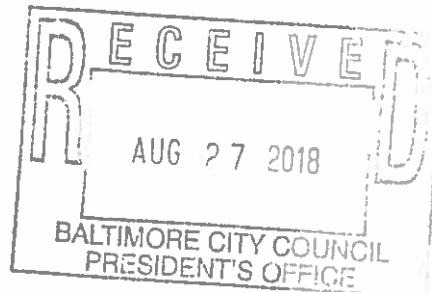
AGENCY/DEPARTMENT POSITION –
 The Department of Transportation supports City Council 18-0275.

If you have any questions, please do not hesitate to contact Josh Taylor at Josh.Taylor@baltimorecity.gov, 443-604-3352.

Sincerely,



Michelle Pourciau
 Director



F

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Minutes - Final

Judiciary and Legislative Investigations

Tuesday, September 18, 2018

12:00 PM

Du Burns Council Chamber, 4th floor, City Hall

18-0275

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

Present 7 - Member Eric T. Costello, Member Mary Pat Clarke, Member Leon F. Pinkett III, Member John T. Bullock, Member Edward Reisinger, Member Brandon M. Scott, and Member Robert Stokes Sr.

ITEMS SCHEDULED FOR PUBLIC HEARING

18-0275

Unidentifiable Vehicles - Immediate Towing

For the purpose of prohibiting the parking of unidentifiable vehicles on City streets; authorizing the immediate removal of unidentifiable vehicles parked on City streets; setting a certain penalty; and generally relating to unidentifiable vehicles.

Sponsors: Ryan Dorsey, President Young, Robert Stokes, Sr., Zeke Cohen, Eric T. Costello, John T. Bullock, Kristerfer Burnett, Shannon Sneed, Edward Reisinger, Leon F. Pinkett, III, Sharon Green Middleton, Bill Henry, Isaac "Yitzy" Schleifer, Brandon M. Scott

A motion was made by Member Clarke, seconded by Member Bullock, that this Ordinance be Recommended Favorably with Amendment. The motion carried by the following vote:

Yes: 7 - Member Costello, Member Clarke, Member Pinkett III, Member Bullock, Member Reisinger, Member Scott, and Member Stokes Sr.

ADJOURNMENT



HEARING NOTES

Bill: 18-0275

Unidentifiable Vehicles - Immediate Towing

Committee: Judiciary and Legislative Investigations

Chaired By: Councilmember Eric Costello

Hearing Date: September 18, 2018
Time: 12:00 PM to 12:10 PM
Location: Clarence "Du" Burns Chamber
Total Attendance: ~20

Committee Members in Attendance:

Eric Costello Edward Reisinger Brandon Scott
Leon Pinkett Robert Stokes John Bullock Mary Pat Clarke

Bill Synopsis in the file?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Attendance sheet in the file?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Agency reports read?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Hearing televised or audio-digitally recorded?	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no	<input type="checkbox"/> n/a
Certification of advertising/posting notices in the file?	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input checked="" type="checkbox"/> n/a
Evidence of notification to property owners?	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input checked="" type="checkbox"/> n/a
Final vote taken at this hearing?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Motioned by:	Councilmember Clarke		
Seconded by:	Councilmember Bullock		
Final Vote:	Favorable as Amended		

Major Speakers

(This is not an attendance record.)

- Josh Taylor, Department of Transportation
- Ashlea Brown, Department of Law
- Sergeant Kenneth DeLuca, Police Department

Major Issues Discussed

1. Chairman Costello opened the proceedings and introduced the committee members in attendance.
2. Councilman Dorsey explained the bill and why it is needed, including the need to deter unlicensed businesses and chop shops from intentionally obscuring the vehicle identification numbers of vehicles that they leave on the street.
3. Representatives from the Law Department, Police Department, and Department of Transportation confirmed the agencies' recommendations as stated in their respective written reports.
4. The Committee considered and adopted an amendment recommended by the Law Department (see report in file).
5. The Committee considered and adopted amendments proposed by Councilman Dorsey (attached), after the agency representatives confirmed that they had no objections.

Further Study

Was further study requested?

Yes No

If yes, describe.

N/A

Committee Vote

E. Costello: Yea
M. Clarke: Yea
J. Bullock: Yea
L. Pinkett: Yea
E. Reisinger: Yea
B. Scott: Yea
R. Stokes: Yea

Matthew Peters

Matthew L. Peters, Committee Staff

Date: September 18, 2018

cc: Bill File
OCS Chrono File

Amendment

Repeal a provision in Article 31 that is confusing and unnecessary.

Article 31

§ 6-22. Continuously parking in 1 spot.

(a) Prohibited conduct.

No vehicle shall be permitted to stand more than 48 hours continuously in the same location.

(b) Exceptions.

(1) Provided, however, that nothing herein contained shall be applicable to:

- (i) vehicles of the Police Department or the Fire Department;
- (ii) any emergency vehicle belonging to the City or to any public utility;
- (iii) vehicles belonging to physicians or undertakers; or
- (iv) vehicles with disabled person registration plates.

(2) And provided further that nothing herein contained shall be construed to modify in any way the restrictions or provisions of any ordinance or regulation as to parking of vehicles on any boulevard or through street, but such restrictions and provisions shall continue in effect as if this section had not been passed.

[(c) Violation not an abandonment.

A vehicle that is in violation of subsection (a) of this section is not, solely because of that violation, an "abandoned vehicle" under this article or the State Transportation Article.]

§ 31-1. Definitions.

(a) Abandoned vehicle.

(1) In general.

"Abandoned vehicle" has the meaning stated in State Transportation Article ("Maryland Vehicle Law") § 25-201, except as provided in paragraph (2) of this subsection.

[(2) Exception.

"Abandoned vehicle" does not include a vehicle solely because it is in violation of § 6-22 of this article.]

2010 Maryland Code

Transportation

Title 25

25-201

(b) Abandoned vehicle.- "Abandoned vehicle" means any motor vehicle, trailer, or semitrailer:

- (1) That is inoperable and left unattended on public property for more than 48 hours;
- (2) That has remained illegally on public property for more than 48 hours;
- (3) That has remained on private property for more than 48 hours without the consent of the owner or person in control of the property;
- (4) That has remained in a garage for more than 10 days after the garage keeper has given the owner of the vehicle notice by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to remove the vehicle;
- (5) That has remained in a garage for more than 10 days after the period when, by contract, the vehicle was to remain in the garage;
- (6) That was left for more than 10 days in a garage by:
 - (i) Someone other than its registered owner; or
 - (ii) A person authorized to have possession of the vehicle under a contract of use, service, storage, or repair;
- (7) That has remained on public property for more than 48 hours and:
 - (i) Is not displaying currently valid registration plates; or
 - (ii) Is displaying registration plates of another vehicle;
- (8) That has been left unattended on any portion of a "controlled access highway" as defined in § 8-101 (f) of this article for more than 24 hours;
- (9) That has been left unattended on any portion of a primary or secondary highway or controlled access highway, as defined in § 8-101 of this article, and is in violation of any of the provisions of § 22-408 of this article; or
- (10) That is not reclaimed as provided under § 27-111 of this article.



**CITY OF BALTIMORE
CITY COUNCIL HEARING ATTENDANCE RECORD**

Committee: **Judiciary and Legislative Investigations** Chairperson: **Eri**
 Date: **September 18, 2018** Time: **12:00 PM** Place: **Clarence "Du" Burns Chambers**
 Subject: **Ordinance - Unidentifiable Vehicles - Immediate Towing**

PLEASE PRINT

IF YOU WANT TO TESTIFY PLEASE CHECK HERE

FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com
<i>TOPY</i>	<i>Green</i>	<i>210</i>	<i>Goldfords Ave</i>		
<i>Post</i>	<i>Taylor</i>		<i>DOT</i>		
<i>Sgt Kenneth</i>	<i>Deluca</i>	<i>601</i>	<i>E Foye He Street BPD</i>		

(*) NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY BOARD OF ETHICS. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730; FAX: 410-396-8483.

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Agenda - Final

Judiciary and Legislative Investigations

Tuesday, September 18, 2018

12:00 PM

Du Burns Council Chamber, 4th floor, City Hall

18-0275

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEMS SCHEDULED FOR PUBLIC HEARING

18-0275

Unidentifiable Vehicles - Immediate Towing

For the purpose of prohibiting the parking of unidentifiable vehicles on City streets; authorizing the immediate removal of unidentifiable vehicles parked on City streets; setting a certain penalty; and generally relating to unidentifiable vehicles.

Sponsors:

Ryan Dorsey, President Young, Robert Stokes, Sr., Zeke Cohen, Eric T. Costello, John T. Bullock, Kristerfer Burnett, Shannon Sneed, Edward Reisinger, Leon F. Pinkett, III, Sharon Green Middleton, Bill Henry, Isaac "Yitzy" Schleifer, Brandon M. Scott

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

BILL SYNOPSIS

Committee: Judiciary and Legislative Investigations

Bill 18-0275

Unidentifiable Vehicles - Immediate Towing

Sponsor: Councilmember Dorsey, et al

Introduced: August 6, 2018

Purpose:

For the purpose of prohibiting the parking of unidentifiable vehicles on City streets; authorizing the immediate removal of unidentifiable vehicles parked on City streets; setting a certain penalty; and generally relating to unidentifiable vehicles.

Effective: 30th day after the date it is enacted

Hearing Date/Time/Location: September 18, 2018/12:00 p.m./Clarence "Du" Burns Chamber

AGENCY REPORTS

Department of Transportation
City Solicitor
Police Department

Favorable
Favorable with Amendments

ANALYSIS

Current Law

Article 31, Subtitle 31 of the Baltimore City Code authorizes the Police Commissioner to remove and impound a vehicle in certain circumstances, including when the vehicle is abandoned on public property as defined by State law. Article 31, Subtitle 36 makes abandoning a vehicle punishable by a \$300 fine.

Section 25-201 of the Transportation Article of the Maryland Code defines "abandoned vehicles." The definition includes vehicles left on public property for more than 48 hours

without valid registration plates. Section 25-202 of the Transportation Article prohibits the abandonment of a vehicle, and authorizes the removal of any abandoned vehicle.

Bill Summary

The bill adds a new section to Article 31, Subtitle 31 of the Baltimore City Code prohibiting anyone from parking a vehicle on a street, lane, or alley, if the vehicle is (1) not displaying currently valid registration plates, and (2) has its vehicle identification number obscured so that it cannot be read from outside the vehicle (“unidentifiable vehicles”). The bill further authorizes the Police Commissioner to immediately remove and impound any unidentifiable vehicle found in violation of the new section, and provides for a \$300 fine.

ADDITIONAL INFORMATION

Fiscal Note: None

Information Source(s): Baltimore City Code, Maryland Code, Department of Transportation, Department of Law, Bill 18-0275.

Analysis by:



Matthew L. Peters

Direct Inquiries to: (410) 396-1268

Analysis Date:

September 17, 2018

**CITY OF BALTIMORE
COUNCIL BILL 18-0275
(First Reader)**

Introduced by: Councilmember Dorsey, President Young, Councilmembers Costello, Bullock, Burnett, Stokes, Cohen, Sneed, Reisinger, Pinkett, Middleton, Schleifer, Scott, Henry
Introduced and read first time: August 6, 2018

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Transportation, Police Department

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Unidentifiable Vehicles – Immediate Towing**

3 FOR the purpose of prohibiting the parking of unidentifiable vehicles on City streets; authorizing
4 the immediate removal of unidentifiable vehicles parked on City streets; setting a certain
5 penalty; and generally relating to unidentifiable vehicles.

6 BY adding

7 Article 31 - Transit and Traffic
8 Section(s) 31-12
9 Baltimore City Code
10 (Edition 2000)

11 BY repealing and reordaining, with amendments

12 Article 31 - Transit and Traffic
13 Section(s) 36-3
14 Baltimore City Code
15 (Edition 2000)

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

18 **Baltimore City Code**

19 **Article 31. Transit and Traffic**

20 **Subtitle 31. Clear Streets and Impoundment**

21 **§ 31-12. UNIDENTIFIABLE VEHICLES.**

22 **(A) PROHIBITED CONDUCT.**

23 **IT IS UNLAWFUL FOR ANY PERSON TO PARK A VEHICLE OR PART OF A VEHICLE ON ANY**
24 **STREET, LANE, OR ALLEY IF THE VEHICLE:**

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

Council Bill 18-0275

1 (1) IS NOT DISPLAYING CURRENTLY VALID REGISTRATION PLATES; AND

2 (2) HAS ITS VIN OBSCURED SO THAT IT CANNOT BE READ FROM OUTSIDE THE VEHICLE.

3 (B) *REMOVAL OF VEHICLES.*

4 THE COMMISSIONER IS AUTHORIZED TO CAUSE ANY VEHICLE IN VIOLATION OF
5 SUBSECTION (A) OF THIS SECTION TO BE IMMEDIATELY REMOVED AND IMPOUNDED AS
6 PROVIDED IN THIS SUBTITLE.

7 **Subtitle 36. Parking, etc., Fines, Penalties, and Procedures**

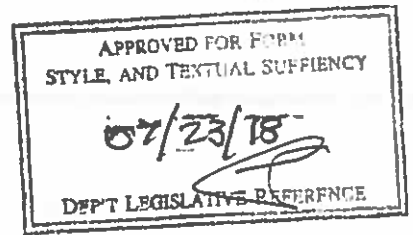
8 **§ 36-3. \$300 fines.**

9 (1) Abandoning a vehicle in violation of § 31-8 {"Abandoned vehicles"} of this article is
10 punishable by a fine of \$300.

11 (2) PARKING AN UNIDENTIFIABLE VEHICLE IN VIOLATION OF § 31-12 {"UNIDENTIFIABLE
12 VEHICLES"} OF THIS ARTICLE IS PUNISHABLE BY A FINE OF \$300.

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

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



INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____

Introduced by: Councilmember Dorsey

A BILL ENTITLED

AN ORDINANCE concerning

Unidentifiable Vehicles – Immediate Towing

FOR the purpose of prohibiting the parking of unidentifiable vehicles on City streets; authorizing the immediate removal of unidentifiable vehicles parked on City streets; setting a certain penalty; and generally relating to unidentifiable vehicles.

BY adding

Article 31 - Transit and Traffic
Section(s) 31-12
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 31 - Transit and Traffic
Section(s) 36-3
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

§ 31-12. UNIDENTIFIABLE VEHICLES.

(A) PROHIBITED CONDUCT.

IT IS UNLAWFUL FOR ANY PERSON TO PARK A VEHICLE OR PART OF A VEHICLE ON ANY STREET, LANE, OR ALLEY IF THE VEHICLE:

- (1) IS NOT DISPLAYING CURRENTLY VALID REGISTRATION PLATES; AND

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

* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

(2) HAS ITS VIN OBSCURED SO THAT IT CANNOT BE READ FROM OUTSIDE THE VEHICLE.

(B) REMOVAL OF VEHICLES.

THE COMMISSIONER IS AUTHORIZED TO CAUSE ANY VEHICLE IN VIOLATION OF SUBSECTION (A) OF THIS SECTION TO BE IMMEDIATELY REMOVED AND IMPOUNDED AS PROVIDED IN THIS SUBTITLE.

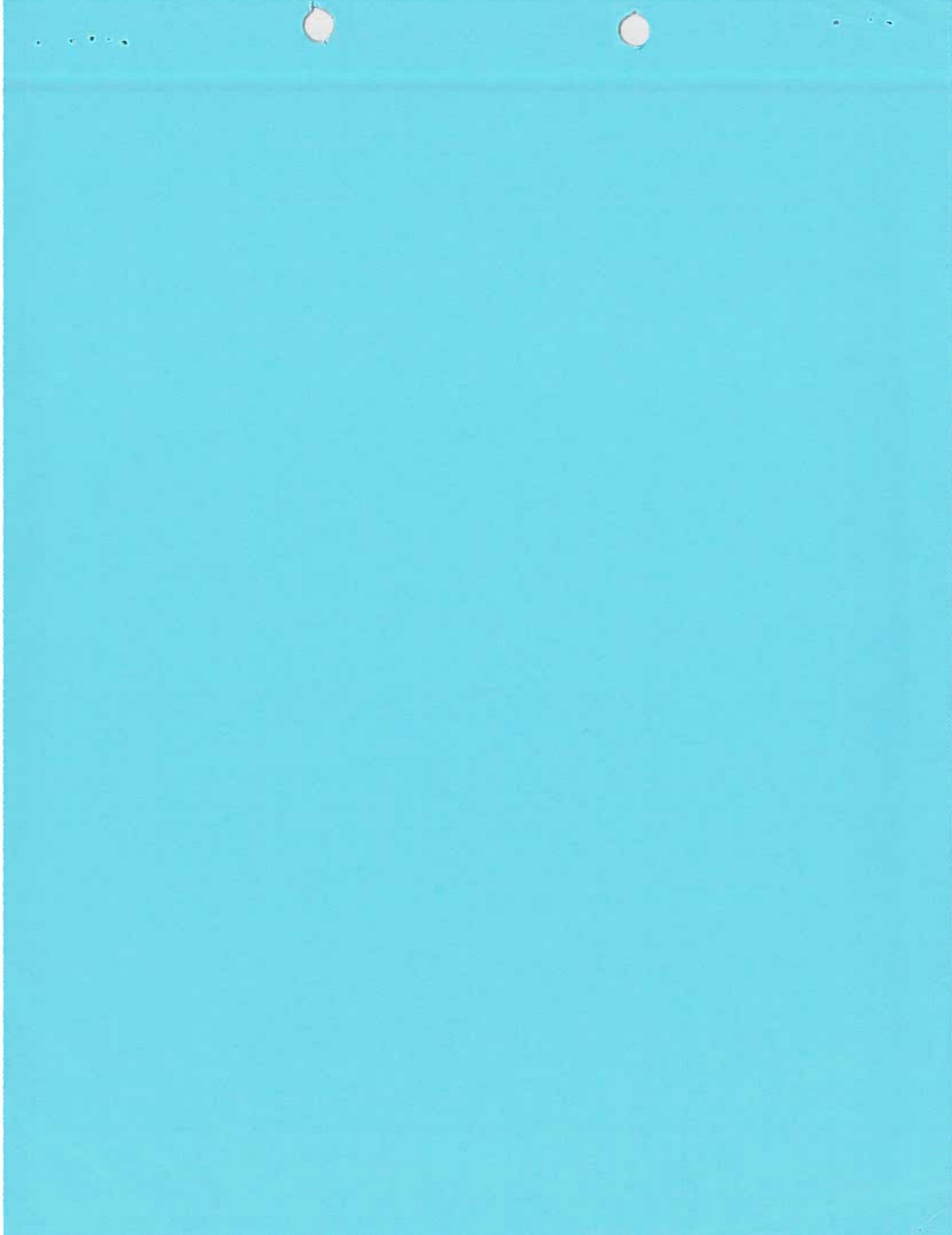
Subtitle 36. Parking, etc., Fines, Penalties, and Procedures

§ 36-3. \$300 fines.

- (1) Abandoning a vehicle in violation of § 31-8 {"Abandoned vehicles"} of this article is punishable by a fine of \$300.
- (2) PARKING AN UNIDENTIFIABLE VEHICLE IN VIOLATION OF § 31-12 {"UNIDENTIFIABLE VEHICLES"} OF THIS ARTICLE IS PUNISHABLE BY A FINE OF \$300.

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

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



ACTION BY THE CITY COUNCIL

AUG 06 2018
20

FIRST READING (INTRODUCTION) _____

PUBLIC HEARING HELD ON 9/18/18 _____ 20

COMMITTEE REPORT AS OF 10/15/18 _____ 20

_____ FAVORABLE _____ UNFAVORABLE FAVORABLE AS AMENDED _____ WITHOUT RECOMMENDATION

C. V. [Signature]
Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing. OCT 15 2018
20

THIRD READING _____ OCT 29 2018
20

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) _____ 20

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) _____ 20

WITHDRAWAL _____ 20

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

[Signature]
President

[Signature]
Chief Clerk