

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 19-0366

Introduced by: Councilmembers Dorsey, Clarke, Scott, Costello, Cohen, Henry, Sneed, Schleifer,
Bullock, Ex Officio President Middleton, Councilmembers Pinkett, Reisinger, Stokes

Introduced and read first time: April 15, 2019

Assigned to: Land Use and Transportation Committee

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: May 13, 2019

AN ORDINANCE CONCERNING

Commercial Parking Facilities – Revisions

1
2 FOR the purpose of making certain revisions to the City’s ordinances regarding parking facilities;
3 requiring the Director of Finance to maintain a current list of licensed commercial parking
4 facilities on the Department of Finance’s website; clarifying the application of the subtitle as
5 it relates to commercial parking facilities; requiring that commercial parking facilities
6 provide customers with proof-of-payment; prohibiting certain commercial parking facilities
7 from removing motor vehicles without the owner’s consent; providing for the revocation of a
8 commercial parking facility license in certain circumstances; increasing certain fines;
9 conforming and clarifying related provisions; and generally related to the regulation of
10 commercial parking facilities.

11 BY repealing and reordaining, with amendments
12 Article 15 - Licensing and Regulation
13 Subtitle 12, to be under the amended subtitle designation
14 “Subtitle 12. Commercial Parking Facilities”
15 Baltimore City Code
16 (Edition 2000)

17 BY repealing and reordaining, with amendments
18 Article 1 - Mayor, City Council, and Municipal Agencies
19 Section(s) 40-14(e)(2)
20 Baltimore City Code
21 (Edition 2000)

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

<p>Explanation: CAPITALS indicate matter added to existing law. [Brackets] indicate matter deleted from existing law. <u>Underlining</u> 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.</p>
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Baltimore City Code

Article 15. Licensing and Regulation

Subtitle 12. COMMERCIAL Parking Facilities [– Generally]

§ 12-1. Definitions[; Scope].

[(a) *Definitions.*]

(A) [(1)] *In general.*

In this subtitle, the following terms have the meanings indicated.

(B) [(2)] [*Parking*] *COMMERCIAL PARKING facility.*

“[Parking] COMMERCIAL PARKING facility” means any:

(1) [(i)] garage, structure, or part of a structure for the parking, storage, housing, or keeping of 3 or more motor vehicles in exchange for a fee or other consideration; or

(2) [(ii)] parking lot or outdoor area or space for the parking, storage, housing, or keeping of 3 or more motor vehicles in exchange for a fee or other consideration.

(C) [(3)] *Person.*

“Person” means:

(1) [(i)] an individual;

(2) [(ii)] a partnership, firm, association, limited liability company, corporation, or other entity of any kind;

(3) [(iii)] a receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind; [and] OR

(4) [(iv)] a governmental entity or an instrumentality or unit of a governmental entity.

[(b) *Subtitle inapplicable to special-event parking.*]

§ 12-2. SCOPE.

This subtitle does not apply to special-event parking lots operating under and in compliance with Subtitle 13 {“Parking facilities – Special-Event Parking Lots”} of this article.

§ 12-3. {RESERVED}

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§ 12-4. [§ 12-2.] License required; fee.

(a) In general.

- (1) No person may operate a parking facility in the City of Baltimore unless the person has first obtained an annual license for the facility and has paid the annual fee for the license.
- (2) The term of a license is from May 1 of each year through April 30 of the next year.

(b) Fee.

- (1) The annual fee for a parking facility license is \$5.10 for every 100 square feet (or fraction of 100 square feet) of the gross area used for parking facility purposes, including all parking spaces, offices, ramps, driveways, aisles, toilets, car washing, greasing, or other facilities used in connection with the operation of the parking facility.
- (2) For a license issued after July 31 and before November 1, the fee is 75% of that prescribed for the entire year.
- (3) For a license issued after October 31 and before February 1, the fee is 50% of that prescribed for the entire year.
- (4) For a license issued after January 31, the fee is 24% of that prescribed for the entire year.

(c) Partial-year license.

- (1) Any person desiring to operate a parking facility for an aggregate of no more than 6 months in any 1 license year may obtain a special partial-year license.
- (2) The fee for a partial-year license is 1/12 of the annual license fee for each month or fraction of a month that the parking facility is in operation.

(D) ONLINE LICENSEE LIST.

THE DIRECTOR OF FINANCE SHALL MAINTAIN AND POST A CURRENT LIST OF ALL COMMERCIAL PARKING FACILITIES LICENSED UNDER THIS SUBTITLE ON THE DEPARTMENT OF FINANCE'S WEBSITE.

§ 12.5. [12-3.] Transfer of licenses.

Except as otherwise provided in this subtitle, a license issued under this subtitle is transferable during the license year.

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1 **§ 12-6. [§ 12-4.] Tax arrearage bars renewal or transfer.**

2 A license may not be issued to, renewed by, or transferred from or to any person from whom
3 taxes, interest, or penalties are due and unpaid under City Code Article 28, Subtitle 22.

4 **§ 12-7. [§ 12-5.] Refund on acquisition, etc., by City.**

5 If the City acquires title to or control of a COMMERCIAL parking facility or terminates an
6 existing lease covering any property used as a parking facility, and the owner, lessee, or
7 operator of the COMMERCIAL parking facility is thereby required to terminate the operation of
8 the facility, then the owner, lessee, or operator is entitled to a refund of that portion of the
9 license fee paid for the unexpired term of the license.

10 **§ 12-8. [§ 12-6.] Rules and regulations.**

11 (a) *Authorized.*

12 The Director of Finance may adopt rules and regulations for the administration and
13 enforcement of this subtitle.

14 (b) *Filing.*

15 A copy of all rules and regulations adopted under this subtitle must be filed with the
16 Department of Legislative Reference before they become effective.

17 **§ 12-9. [§ 12-7.] Cars left in street.**

18 (a) *Prohibited conduct.*

19 Except as specifically authorized in subsection (b) of this section, no person operating or
20 employed by a COMMERCIAL parking facility may store, park, or place a motor vehicle left
21 for storage or parking on any street, alley, or highway in the City.

22 (b) *Exception.*

23 (1) Subsection (a) of this section does not apply to the parking or placement of a vehicle
24 on a street, alley, or highway if it is parked or placed there only for a sufficient time to
25 permit the removal of another car from the COMMERCIAL parking facility.

26 (2) This exception does not apply between 7 a.m. and 10 a.m. or between 4 p.m. and 6
27 p.m.

28 **§ 12-10. PROOF-OF-PAYMENT REQUIRED.**

29 (A) *IN GENERAL.*

30 ~~A~~ AS A CONDITION OF LICENSURE, A COMMERCIAL PARKING FACILITY MUST PROVIDE
31 WRITTEN PROOF OF PAYMENT TO EACH CUSTOMER OF THE FACILITY AT THE TIME OF
32 PAYMENT.

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1 (B) FORM.

2 THE PROOF OF PAYMENT REQUIRED UNDER THIS SECTION MAY BE PROVIDED IN EITHER
3 PAPER OR ELECTRONIC FORM.

4 § 12-11. REMOVAL OF VEHICLES.

5 (A) SCOPE.

6 ~~THIS SECTION APPLIES ONLY TO A COMMERCIAL PARKING FACILITY THAT:~~

7 ~~(1) IS NOT COMPLIANCE WITH ANY PROVISION OF THIS SUBTITLE; AND~~

8 ~~(2) CONTINUES TO OPERATE AND HOLD ITSELF OUT AS A COMMERCIAL PARKING~~
9 ~~FACILITY.~~

10 (B) PROHIBITED CONDUCT.

11 ~~SUBJECT TO THE LIMITATIONS IN SUBSECTION (A) OF THIS SECTION, NO PERSON OPERATING~~
12 ~~OR EMPLOYED BY A COMMERCIAL PARKING FACILITY MAY TOW OR CONTRACT WITH~~
13 ~~ANOTHER PERSON TO TOW A MOTOR VEHICLE FROM THE FACILITY WITHOUT THE MOTOR~~
14 ~~VEHICLE OWNER'S OR AUTHORIZED REPRESENTATIVE'S AUTHORIZATION.~~

15 A COMMERCIAL PARKING FACILITY MAY NOT TOW OR CONTRACT WITH ANOTHER PERSON TO
16 TOW A MOTOR VEHICLE FROM A COMMERCIAL PARKING FACILITY WITHOUT THE MOTOR
17 VEHICLE OWNER'S OR AUTHORIZED REPRESENTATIVE'S AUTHORIZATION, UNLESS THE
18 FACILITY HOLDS A VALID LICENSE UNDER § 12-4 {"LICENSE REQUIRED; FEE."} OF THIS
19 SUBTITLE.

20 § 12-12. {RESERVED}

21 § 12-13. LICENSE REVOCATION.

22 (A) IN GENERAL.

23 AFTER A HEARING CONDUCTED IN ACCORDANCE WITH THE RULES AND REGULATIONS
24 ADOPTED UNDER THIS SUBTITLE AND WITH PROPER NOTICE TO THE LICENSE HOLDER, THE
25 DEPARTMENT OF FINANCE MAY REVOKE A LICENSE IF THE DEPARTMENT FINDS THAT THE
26 LICENSE HOLDER VIOLATED ANY PROVISION OF THIS SUBTITLE.

27 (B) FORM AND EFFECT OF REVOCATION.

28 ANY REVOCATION UNDER THIS SECTION MUST BE IN WRITING FROM THE DEPARTMENT OF
29 FINANCE AND SPECIFY THE REASONS FOR THE ACTION.

30 (C) ADMINISTRATIVE APPEALS.

31 (1) A LICENSE HOLDER AGGRIEVED BY A DECISION OF THE DEPARTMENT OF FINANCE MAY
32 APPEAL THAT DECISION TO THE DIRECTOR OF FINANCE IN WRITING WITHIN 10 DAYS OF

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THE DEPARTMENT'S DECISION.

(2) THE DIRECTOR OF FINANCE MUST ISSUE A WRITTEN DECISION WITHIN 30 DAYS OF RECEIPT OF THE LICENSE HOLDER'S APPEAL.

§ 12-14 ~~12-13~~. [§ 12-9.] Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"}.

(b) *Process not exclusive.*

The issuance of a citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(c) *EACH DAY A SEPARATE OFFENSE.*

EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

(d) *EACH VEHICLE TOWED A SEPARATE OFFENSE.*

EACH VEHICLE TOWED IN VIOLATION OF ~~§ 12-9(B) OF THIS SECTION~~ § 12-11 OF THIS SUBTITLE IS A SEPARATE OFFENSE.

§ 12-15 ~~12-14~~. [§ 12-10.] Criminal penalties.

(a) *In general.*

Any person who violates any provision of this subtitle or of a rule or regulation adopted under this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 or imprisonment for not more than 6 months or both fine and imprisonment for each offense.

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense.

(c) *EACH VEHICLE TOWED A SEPARATE OFFENSE.*

EACH VEHICLE TOWED IN VIOLATION OF ~~§ 12-9(B)~~ § 12-11 OF THIS SUBTITLE IS A SEPARATE OFFENSE.

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 40. Environmental Control Board

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1 **§ 40-14. Violations to which subtitle applies.**

2 (e) *Provisions and penalties enumerated.*

3 (2) *Article 15. Licensing and Regulation*

4 Subtitle 12. Commercial Parking Facilities [– Generally] [\$750] \$1000

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 his Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City