



Legislation Text

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

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INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)

A BILL ENTITLED

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

§ 3125. 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.

(b) Additional information to be given.

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

- (1) THAT the vehicle has been immobilized by the City [of Baltimore] for violations of this article;
- (2) THAT the owner of an immobilized vehicle has the right to contest the validity of the immobilization at a hearing, TO BE CONVENED within 72 hours, excluding Sundays and holidays, from the submission of [an] HEARING application [in the manner hereinafter provided];
- (3) [such] WHERE HEARING application forms [are available at a designated place] CAN BE OBTAINED BY or [will be mailed to said owner upon request] REQUESTED TO BE MAILED TO THE OWNER; [and]
- (4) HOW release of the vehicle may be obtained [at a designated place: (i) upon] ON payment of [a] THE booting fee and other charges specified in this Part 3 [prior to the hearing to which said owner is entitled, as aforesaid; or (ii) upon payment of a booting fee and other charges specified in this Part 3 and the execution of a document in writing waiving the hearing to which said owner is otherwise entitled]; AND
- (5) THAT THIS PAYMENT DOES NOT AFFECT THE OWNER'S RIGHT TO A HEARING OR TO CONTEST THE VALIDITY OF THE IMMOBILIZATION.

§ 3126. Immobilization - release on payment of booting fee, etc.

(a) In general.

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

- (1) a booting fee of [24] \$100; and
- (2) all charges [which] THAT have accrued [thereon] ON THE VEHICLE [by virtue of its immobilization], including collateral equivalent to the maximum fines and penalties for ALL unsatisfied parking violation citations.

(b) Owner's right to contest preserved.

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

[(c) Notice to owner.

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

this section.]

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.

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