



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: Councilmember Henry

A BILL ENTITLED

AN ORDINANCE concerning
Stopping, Standing, or Parking Citations - Request for Nolle Prosequi

FOR the purpose of modifying the local law governing the invalidation or cancellation of stopping, standing, or parking citations to conform to the requirements of State law; authorizing the Director of Transportation to request the State's Attorney to nolle prosequi stopping, standing, or parking citations under certain circumstances, subject to certain limitations and requirements; and generally relating to the administration of stopping, standing, and parking violations.

BY repealing and reordaining, with amendments
Article 31 - Transit and Traffic
Section(s) 2-7
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 2. General Administration

§ 27. Ticketfixing.

(A) ADMINISTRATIVE INVALIDATION, ETC., PROHIBITED.

ONCE ISSUED, A CITATION FOR A STOPPING, STANDING, OR PARKING VIOLATION MAY NOT BE INVALIDATED OR CANCELLED BY ANY OFFICIAL, EMPLOYEE, AGENCY, OR OTHER UNIT OF CITY GOVERNMENT.

(B) REQUEST FOR NOLLE PROS AUTHORIZED. [(a) In general.]

[The] SUBJECT TO THE LIMITATIONS AND REQUIREMENTS OF THIS SECTION, THE Director of [Public Works] TRANSPORTATION [is authorized to declare invalid and cancel any citations for] MAY REQUEST THE STATE'S ATTORNEY TO ENTER A NOLLE PROSEQUI FOR A stopping, standing, or parking [violations] VIOLATION:

- (1) [due to] RESULTING FROM a defect in the traffic control device regulating [stopping, standing, or parking] THE CONDUCT; [or]
- (2) [where] IF there has been insufficient or improper notice of [violation insofar as] THE stopping, standing, or parking [is concerned] REGULATION; OR
- (3) IF WRITTEN OR PHOTOGRAPHIC DOCUMENTATION HAS BEEN SUBMITTED TO THE DIRECTOR THAT CONCLUSIVELY DEMONSTRATES THAT, IN FACT, NO VIOLATION HAS OCCURRED.

(C) [(b)] Limitations.

The Director of [Public Works] TRANSPORTATION may not [authorize the cancellation of any citation] REQUEST A NOLLE PROSEQUI UNDER THIS SECTION [where] IF the [reasons] REASON for [said cancellation are] IT IS dependent [upon] ON the UNDOCUMENTED OR DISPUTED testimony of [the parties] ANY PERSON directly concerned.

(D) [(c) Reasons to be documented] REQUIRED DOCUMENTATION.

[In all cases where] WHENEVER the Director of [Public Works] TRANSPORTATION [authorized the cancellation of a citation] REQUESTS A NOLLE PROSEQUI FOR A STOPPING, STANDING, OR PARKING VIOLATION, the reasons for [said authorization] THAT REQUEST shall be fully documented.

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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