



Legislation Text

File #: 11-0715, **Version:** 0

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
Towing Service - Trespass Towing

FOR the purpose of modifying the composition of the Board of Licenses for Towing Services; authorizing the Board to deny, suspend, revoke, or refuse to renew a license on receipt, within a certain period, of a certain number of valid complaints of unfair or improper business practices; and correcting, clarifying, and conforming related language.

BY repealing and reordaining, with amendments
Article 15 - Licensing and Regulation
Section(s) 22-2(b) and 22-14(b)
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 15. Licensing and Regulation

Subtitle 22. Towing Services - Trespass Towing

§ 222. Board of Licenses for Towing Services.

(b) Composition.

(1) The Board [shall be composed of] COMPRISES:

(i) the Director of Finance, EX OFFICIO;

(ii) the Director of [Public Works] TRANSPORTATION, EX OFFICIO;

(iii) the Police Commissioner, EX OFFICIO;

(IV) A MEMBER OF THE CITY COUNCIL, TO BE APPOINTED BY THE COUNCIL PRESIDENT; AND

(V) 3 MEMBERS APPOINTED BY THE MAYOR IN ACCORDANCE WITH ARTICLE IV, § 6 OF THE CITY CHARTER, AS FOLLOWS:

(A) A REPRESENTATIVE OF THE PROPERTY MANAGEMENT INDUSTRY;

(B) [(iv)] a representative of the towing industry; and

(C) [(v)] a citizen at large.

(2) [The citizen and the representative of the towing industry shall be appointed by the Mayor and confirmed by a majority vote of the City Council, pursuant to Article IV, § 6 of the Baltimore City Charter.] The [terms of the] members shall [be] SERVE A TERM OF 4 years, [and shall coincide] CONCURRENT with the terms of the Mayor and City Council. The members shall be appointed without regard to political party affiliation.

(3) [In the event that any governmental agency] IF AN EX OFFICIO member of the Board cannot attend [any] A BOARD meeting [of the Board], [the governmental agency] THAT member may be represented by a designated subordinate to whom he OR SHE has delegated [his] THIS authority. [Such] THE DESIGNATED representative [shall have] HAS the power to act in the place of the absent member.

§ 2214. Denial, revocation, suspension, refusal to renew.

(b) Grounds for sanctions.

The Board is [hereby] authorized to deny, suspend, revoke, or refuse to renew any license under this subtitle if [the Board finds that]:

(1) the applicant or licensee furnished or made misleading or false statements on reports, certifications, or written documents required by this subtitle;

(2) DURING THE PRECEDING 3 YEARS, a court of competent jurisdiction has found an applicant for a license or a licensee guilty of criminal activity [during the preceding 3 years] directly relating to the operation of the business of towing;

(3) a court of competent jurisdiction has found a tow truck operator guilty of a criminal act THAT WAS authorized by the licensee;

(4) a motor vehicle has been towed by a towing service without the consent of the owner or operator of the motor vehicle, without the direction of the Police Department, or without complying with local, state, or federal law;

(5) a tow truck operator has failed to comply with any law regulating the towing of motor vehicles;

(6) the licensee has failed to make available for inspection by the Board or the Police Department the daily

towing log [as] required by § 2210(d) OF THIS SUBTITLE;

(7) the licensee has failed to allow the Police Department reasonable access to inspect any motor vehicle listed in the licensee's records that is stored upon the storage facility of the towing service; [or]

(8) THE BOARD HAS RECEIVED 5 OR MORE VALID INDIVIDUAL COMPLAINTS OF UNFAIR OR IMPROPER BUSINESS PRACTICES AGAINST A GIVEN APPLICANT OR LICENSEE WITHIN A 6-MONTH PERIOD; OR

(9) [(8)] the applicant or licensee has failed to comply with or has violated the provisions of this subtitle, the rules or regulations adopted [pursuant to] UNDER this subtitle, or any applicable federal, state, or local law or rule.

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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