



Baltimore City Workgroup on Nuisance Parking and Auto Businesses Final Report



Baltimore City Workgroup: Nuisance Parking and Auto Businesses

Workgroup Members:

Councilman Ryan Dorsey, 3rd District

Councilwoman Phylicia Porter, 10th District

Baltimore Police Department

Kevin Jones

Martin Bartness

Michelle Wirzberger

Shannon Conway

Department of Transportation

Marshall Goodwin

Tina Wilson

Liam Davis

Department of Housing and Community Development

Jason Hessler

Seth Greer

Stephanie Murdock

Michael Galdi

Department of Law

Elena DiPietro

Ashlea Brown

Department of Finance

Carla Nealy

Dorothy Reed

Samuel Johnson, **Office of Council Services**
Workgroup Staff

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Introduction

The use of public streets for storage of privately owned automobiles is a persistent source of a variety of concerns and challenges throughout Baltimore City. One area of concern is auto-related businesses who use public space as a parking lot for vehicles in disrepair, for sale, or in what seems to be an otherwise inappropriate manner. The frustrating inability to adequately respond to this abuse of public space is felt as much by City agencies and employees tasked with doing so as with adversely impacted residents and community members.

To better respond to constituent concerns, City Council ordinance 21-0003 was passed, creating the Workgroup on Nuisance Parking and Auto Businesses (The Workgroup), tasked with understanding operational, staffing, and legal limitations that keep the City from responding more effectively, and making recommendations for improvements. The workgroup consists of members of the Baltimore City Council and representatives from the City's Law Department, Department of Finance, Police Department, Department of Housing and Community Development, the Department of Transportation, and it is staffed by the Office of Council Services.

Neglected, abandoned, and imposing vehicles can be seen on main thoroughfares, in the middle of residential communities, at commercial properties, and in public parks. This issue is not segmented to one geographical area of the city or specific neighborhoods. It is widespread. And it should be noted that while the problem of vehicles being dumped or inappropriately stored on City streets is not new, it appears to have accelerated during the COVID-19 pandemic. Additionally, the underlying causes of heightened problems were largely outside the control of those most directly tasked with responding. This report is intended to review and respond to fundamental conditions and concerns, not the increase occurring throughout the pandemic.

Background and Findings

General Background

Attempting to address the problem of auto-related businesses abusing public space is not entirely straightforward. There is no legal definition of a nuisance auto business, nuisance parking, or nuisance auto business parking; no unique form of complaint in the City's 3-1-1 system to identify such things, and no specific system for responding to the problem in a prescribed manner. The tools at our disposal are not exactly matched to the problem and can be challenging to use in tandem with one another, but they can be effective to an extent if fully understood and utilized.

The task of responding to complaints and violations of parking in the City's right of way is primarily handled by the Safety Division of the Baltimore City Department of Transportation (DOT). The division is assisted by the Department's Towing Division, which manages the City's towing fleet and internal towing operations, and which is augmented by reliance on private towing contractors to the extent necessary to meet demand. The Safety Division's enforcement capacity is augmented by the Baltimore Police Department.

While direct concerns and responses tend to center around enforcement of on-street parking laws, related opportunities to enforce against improper and unpermitted private property use is handled by the Department of Housing and Community Development (DHCD). DHCD has two

branches of compliance: Code Enforcement and Special Investigations. Both of these enforcement divisions take action on a range of violations, including improper outdoor storage of vehicles, property use without required permits or to a degree beyond the permitted scope of use.

The agencies discussed above are guided and bound by State and local laws, which may be enforced on their own or in tandem. For background purposes its worth looking at a particularly relevant example.

Baltimore City Code Article 31 § 6-22 prohibits with certain exceptions that any vehicle “stand more than 48 hours continuously in the same location”, and § 6-26(b) generally prohibits overnight parking of commercial vehicles on City streets. Both are enforceable by citation, but not towing. The authority to tow is granted under the State law on vehicle abandonment. The Maryland Transportation Article Title 25 grants local jurisdictions the power to tow vehicles for abandonment as defined below.

Maryland Code, Transportation, § 25-201

- (b) “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;
 - ...
 - (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;

According to the above State law, a vehicle that is identified as inoperable or not displaying valid registration plates can be towed after 48 hours. But vehicles that appear to be operable and have valid plates may need to rely on additional local laws to meet the definition of abandoned. A vehicle may sit for an extended period, after which a citizen complaint might prompt enforcement action, which would then require observation for another 48 hours to document a violation of the City Code as noted above. But then this process would require still another 48 hours before it is in violation of the State Code and eligible to be towed for abandonment. In proposing staffing and operational recommendations, one thing this report will consider is the challenges presented by this timeline for required action.



[Complaint and Response Process](#)

The lead agencies responding to nuisance parking and auto businesses, DOT and DHCD, receive complaints primarily through the City's 3-1-1 system, but also investigate complaints received from elected officials, other City employees, and community members.

DOT reports that they investigate complaints of possibly abandoned vehicles within 48 hours of the service request. DHCD's Code Enforcement section reports that inspection service requests are generally closed along a similar timeline. Service requests for zoning related complaints handled by the Special Investigations Unit are generally closed within 7 calendar days.

Particular emphasis is placed on understanding the procedure of getting from the reporting to towing phase of the process. In addressing this problem, we often overlook the fact that towing is perhaps the most effective tool available to remedy these actions.

[Zoning and Land Use Standards](#)

The Baltimore City Zoning Code defines uses which are permitted or conditional within various zoning districts. A number of defined uses are inherently auto oriented, including "motor vehicle dealership", "motor vehicle rental establishment", "motor vehicle service and repair: major", and "motor vehicle service and repair: minor", as well as parking lots.

Uses, whether permitted or conditional may be subject to certain site standards also put forth in the zoning code. For example, motor vehicle service and repair facilities are required to have a certain lot size, must conduct all repair operations in a fully enclosed area, may store only motor vehicles outdoors, none on site for longer than 30 days, and "wrecked or junked vehicles must be kept within an enclosed structure or otherwise screened from public view."

[Connecting Vehicles to Businesses](#)

While the Code sets certain site use requirements, including those related to on-site vehicle storage, it makes no specific prohibition on storing vehicles in the public right of way. Auto businesses often end up using City streets to store properly registered, fully operable vehicles in perfectly legal parking spaces, providing no basis for immediate enforcement action. While not illegal, this can nonetheless impose adverse community impacts, particularly as an ongoing practice. Even a hypothetical prohibition of this sort of pattern and practice might prove difficult to tie to a business if relying on traditional parking enforcement to establish a track record, as

most vehicles are not actually registered to the business that may have them in their possession for repair.

Used car dealers are often more blatant than repair shops are in their abuse of public space. It's not uncommon in certain locations to find 4 or 5 cars lining a block, each with price tags in the window. While the placement of this signage is in and of itself lawful, constitutionally protected speech, it's not hard to recognize a pattern of doing so as an abuse of public space. There is effectively no law against turning City streets into a used car dealership.

DOT's Abandoned Vehicle Enforcement Process

When a potentially abandoned vehicle is reported to 3-1-1 with missing tags, obvious signs of being inoperable, or parked in a prohibited location:

1. An agent responds within 48 hours to investigate the complaint, the vehicle is cited for any direct violations, and an orange sticker is placed on the vehicle indicating that the vehicle will be towed if not moved within 48 hours.
2. An agent returns after another 48 hours and if the vehicle remains as it had been, a towing dispatcher request to have the vehicle towed.

However, if a potentially abandoned vehicle reported to 3-1-1 is not missing tags or displays and obvious signs of being inoperable:

1. An agent responds within 48 hours to investigate the complaint, and the tires are chalked to mark the vehicle's location.
2. An agent returns after another 48 hours and if the vehicle remains in the same location where the tires were chalked, a citation is issued for continuously parking in one place for 48 hours or more, and an orange sticker is placed on the vehicle indicating that the vehicle will be towed if not moved within 48 hours.
3. An agent must then return a third time, 48 hours later, and if the vehicle remains in the same location, a towing dispatcher request to have the vehicle towed.

Related considerations:

- Baltimore Police (BPD) can perform these functions but does not by default. Typically, if a BPD officer observes a potentially abandoned vehicle, they report the vehicle through the 3-1-1 system just as a citizen would.
- BPD will take certain steps as listed above if their assistance is requested by DOT, but only does so ad-hoc. There are no formal systems in place for 311 complaints to be forwarded to BPD during the Safety Division's off hours.
- The initiation of the processes above are contingent on the 3-1-1 report specifically identifying a vehicle as potentially abandoned and DOT responding as such. For example, a vehicle being reported and cited for not having tags does not necessarily initiate the abandoned vehicle processes.
- The Maryland Transportation Title § 25-201(b)(7) defines one form of abandonment as a vehicle "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." In practice this is enforced only if tags are expired or missing entirely.

DOT agents do not have the capacity to verify the validity of tags from outside of Maryland, and do not check whether seemingly valid tags are registered to the vehicle on which they are displayed.

- A prevalent frustration within Safety Division is the cat-and-mouse game that ensues when chalked tires, citations, or abandoned stickers placed on vehicles serve as a notice of pending action. Bad actors will frequently relocate a vehicle to some nearby location, requiring a restart of the abandoned vehicle enforcement process. This can go on indefinitely.
- The workgroup can find no statutory requirement that tires be chalked, a citation be issued, or a sticker be placed on a vehicle in advance of it being towed.

DHCD Code Enforcement and Special Investigations

While DOT performs enforcement actions in the right of way, connecting persistent problems to a source such as a mechanic or used car dealer and holding them accountable requires DHCD to look into what's happening on private property. It could be that a property is being used without required permits, or even without the permission of a rightful owner. A property might be poorly maintained, storing vehicles, or other property and materials on it inappropriately.

Code Enforcement action regarding vehicles on private property is handled by Property Maintenance Inspectors. If a vehicle parked on private property meets the Code definition of unlicensed or derelict:

1. An area inspector issues an environmental citation to the property owner (who may or may not be the vehicle owner), ordering removal of the vehicle.
2. After 10 days the property can be re-inspected and if the vehicle remains in violation, a second citation is issued, and DOT is requested to have the vehicle towed at the earliest opportunity.

Note: If a vehicle is not accessible, the Property Maintenance Inspector will issue a notice (different from a citation) to correct the issue, which can then be followed by a \$250 failure to abate citation if unabated. If there is still no resolve to the issue, it is referred to DHCD's Legal Division for next steps.

Reports of illegal auto repair shops are investigated by the Special Investigations Unit – Zoning Investigators. Violations such as unpermitted uses are addressed by issuance of a notice, which is mailed to the property owner. Zoning Inspectors often take additional steps to directly contact a property owner by other means. They may also bring attention to any derelict or unlicensed vehicles that may be parked on the nearby right of way, contacting BPD or DOT to take appropriate action. Similar to Code Enforcement's process, persistent problems can result in an escalation to litigation. Zoning inspectors can enforce any of the zoning and land use standards referenced in the earlier section on that.

Business Licensing

The City does not require a business license to operate any of the types of auto-oriented businesses defined in the zoning code, other than commercial parking facilities.

Staffing, Duties and Daily Operations

The workgroup examined aspects of staffing and operations in DOT's Safety and Towing Divisions.

DOT Safety Division

Staffing

The FY 2022 budget funds 143 Safety Division positions, including 105 Traffic Enforcement Officer positions. This is a reduction from previous years, after FY 2021 eliminated 11 Transportation Enforcement Officer I positions and one Transportation Enforcement Officer II position, primarily due to contract negotiations to address COVID-19 revenue impacts. Additionally, a hiring freeze enacted for cost savings has resulted in a number of unfilled vacancies within Safety Division's 143 funded positions. Due to the above staffing decreases, additional daily staffing difficulties arising from the pandemic health response policy, and state of emergency orders to suspend certain enforcement actions, the Safety Division has made significant changes to its staffing assignments and shift schedule. It will take time for staffing and operations to return to what they had been pre-pandemic, which appears to have already been stretched thin.

During normal operations the Safety Division operates with thirteen (13) different squads. Daily assignments consist of teams scheduled between 4 a.m. to 11 p.m.:

- Scofflaw
 - 4 am to 12 pm (11 staff)
 - 11:00 am to 7:00 pm (3 staff to also support releases)
- Abandon
 - 6 am to 2 pm (10 staff)
 - 8 am to 4 pm (4 staff)
- Parking Enforcement
 - 6 am to 2 pm (20 staff)
 - 8 am to 4 pm (10 staff)
 - 10:30 am to 6:30 pm (20 staff)
 - 3:00 pm to 11:00 pm (6 staff)
- Parking Control (Traffic Direction)
 - 6 am to 2 pm (10 staff)
 - 10:30 am to 6:30 pm (8 staff)
- Valet Team
 - 11:00 to 7:00 pm (2)
- Street Cleaning – Parking Enforcement personnel support this department of Public Works operation.
- Peak Hours Impound (6:30–9:00a.m., 3:30–6:00 p.m.) – Parking Enforcement personnel support private towers contracted for this.
- Residential Parking Permit restricted parking – 47 Parking Enforcement personnel support this program administered by the Parking Authority of Baltimore City.

The above shift schedule applies to normal weekday operations. Weekends are covered by a 5-week rotation of staff, with two shifts per day, each staffed with 10 employees. There are no

overnight shifts, entirely barring enforcement of parking restrictions that only apply overnight. Additionally, there is no system for transferring overnight parking complaints to BPD officers who could conduct this enforcement.

To meet various priorities as efficiently as possible, much of the Safety Division staff performs multiple duties. For example, agents assigned to perform traffic control functions at downtown intersections during peak commuting hours also patrol parking meters in the area during off-peak hours. A notable takeaway for the workgroup, however, is that the broad range of duties given to the Safety Division, the above assignments and schedules, and the significant understaffing of the Division results in only 9 agents responding to all parking complaints citywide between 3 and 11 p.m. on weekdays. This severely limits the ability to either patrol specific areas or to respond to parking complaints as they are made, as agents are tasked with continuously clearing a daily backlog of service requests spread out over a broad area.

Data Analytics – Workflow Process—Safety Division

- Most abandoned vehicle complaints are generated through the City’s 3-1-1 system. The Division also receives complaints from community association leaders and City officials, which may or may not ever be entered into the 3-1-1 system.
- After a citizen makes an initial report of an abandoned vehicle via 3-1-1, the multi-step enforcement process is not tracked within the system in a way that can be tracked and analyzed for a comprehensive understanding of operations.
- Abandoned vehicle reports are investigated based on a daily print-out of requests made through 3-1-1. Daily print-outs are returned to office administrative staff at the end of a shift and placed in a system of bins for re-inspection after 48 hours.

Towing Division

Staffing

The fiscal 2022 budget includes 16 full-time CDL drivers within the Towing Division, only 8 of which are filled currently, with that number anticipated to be reduced to 6 in the Fall of 2021, due to retirements. Compensation likely plays a significant part in the positions going unfilled.

According to salary.com the median Tow Truck driver salary in Baltimore, Maryland is \$56,194 as of May 27, 2021, but the salary range typically falls between \$49,534 and \$64,320. The site further indicates that Tow Truck drivers in the 75th percentile earn approximately \$64,435, and those in the 90th percentile earn an estimated \$71,939.

Outside of City employment, tow truck drivers are not required to have a Commercial Driver’s License, generally. Conversely, CDL drivers are generally not trained or experienced in tow truck operations but command a similar salary as tow truck operators. The City, however, requires a tow truck operator to have a CDL, effectively having the qualifications of two occupations, but compensates below the market rate for either. This is because the City maintains a mixed fleet of tow trucks, half of which require a CDL to operate, any of which a driver must be capable of operating at any given time.

The City's current pay range for CDL drivers is:

- CDL Driver I - \$38,805.00 - \$42,455.00 annually
- CDL Driver II - \$42,607.00 - \$48,828.00 annually
- CDL Driver III - \$49,288.00 - \$57,438.00 annually

BPD relies on private towing companies for clearing vehicles from crash scenes, upon the request of a police officer. Towing Division staff are responsible for towing abandoned and illegally parked vehicles, staging vehicles for auctions, retrieving vehicles being claimed from impound, and a variety of other functions. But due to understaffing they frequently rely on additional contractual assistance from police towers in order to provide timely service.

Data Analytics – Workflow Process – Towing Division

- Safety Division requests towing through Towing Division via the 3-1-1 system. Supervisors retrieve the service requests from the system and individually assign them to tow truck drivers.
- Towing requests are closed with one of three actions: the vehicle is towed, it is gone on arrival, or moved by the owner.

Multi-Agency Coordination

The workgroup discussed coordination of resources to identify, investigate and enforce existing laws relating to nuisance parking and auto businesses. While certain types of complaints are transferred from one agency to another, agencies generally work independently of each other, with ad-hoc coordination occurring only when specific attention is requested by somebody such as an elected official. Continuous multi-agency efforts in the past were thought to have been effective when giving attention to this issue.

Office of Performance and Innovation

- The Office of Performance and Innovation is not currently conducting parking- or towing-related CitiStat meetings, though metrics do exist for on-time performance.
- Responses to parking complaints are considered on time if conducted within 48 hours.
- Towing is considered on time if performed within 4 days of the towing request being made.

Workgroup Recommendations

Agency Coordination:

1. Effective reduction of nuisance auto business parking requires a coordinated multi-pronged approach and multiple follow-up actions. **Establish a Joint Task Force (DOT, BPD, DHCD) to concentrate attention on identified problem locations, establish minimum standards for the number of investigation actions and timeline for actions at locations, and determine benchmarks for measurable success in outcomes.**
2. Due to the understaffing of Safety Division, and the overlapping enforcement powers with BPD, enforcement efforts must not only be shared between the two, but also conducted uniformly and efficiently between them. **Review BPD and DOT policies and procedures**

to ensure a uniform approach regarding the 48-hour rule and the abandoned vehicle process, and develop communication standards to help collaboratively execute multi-staged processes.

Data Analysis:

3. While the Safety and Towing Divisions' standards for 48-hour and 4-day responses are routinely met, these standards may be insufficient to bring about overall improved conditions, and there are likely opportunities for improved operational efficiency. **Hold CitiStat meetings focused on nuisance auto business parking, parking and abandoned vehicle enforcement, and towing operations, with attention given to data correlations between longer response times and Gone On Arrival (GOA) dispositions.**

Financial Assessment:

4. Understaffing in-house towing operations reduces overall towing volume and forces reliance on private contractors, reducing gross and net revenues. A primary driver of understaffing is non-competitive pay for CDL drivers, required to operate DOT's heavy-duty fleet vehicles, which are only needed for heavy-duty towing, but which are commonly used for light-duty. **Conduct a cost/benefit assessment of the current conditions as compared to the alternatives of: 1. fully staffing towing positions without a CDL requirement, maintaining an exclusively light-duty fleet, and relying on contractors for all heavy-duty and significantly less light-duty towing; and 2. Fully staffing primarily light-duty towing positions without a CDL requirement, a few dedicated CDL heavy-duty positions (who can also perform light-duty as needed), and maintain a fleet accordingly**

Department of Transportation:

5. Reliance on chalking tires and placing paper citations and stickers on vehicles is not only outdated and inefficient in general, but it is clearly hindering efforts to address persistent problems. **Transition from chalking tires to time-stamped photo documentation, discontinue the use of abandoned stickers, and issue citations at the time of towing, not before, when addressing targeted problem locations.**
6. The Safety and Towing Division rely on manual and paper processes to manage time-sensitive, multi-part processes. These systems are not readily evaluated for optimal performance. **Evaluate and improve the use of technology and data in managing, monitoring, and seeking to improve multi-stage processes and outcomes in general.**
7. The current number of Safety Division positions is significantly below what is necessary to meet the public interest. **Seek funding and hire additional Safety Division personnel.**
8. The current level of vacancy in Towing is untenable. **Aggressively work to fill all current vacancies, and related to recommendation #4, increase CDL driver pay, or transition to an alternate fleet makeup to reduce or eliminate CDL requirements.**
9. City streets that are routinely or continuously utilized as de facto used car dealer lots are not serving the public interest. **Add and enforce parking restrictions in these areas, either prohibiting parking altogether, or limiting it to one hour.**

10. Currently the Safety Division does not have a night shift. The latest parking enforcement shift concludes at 11 p.m., and though the earliest shift begins at 6 a.m., agents are practically not able to perform enforcement duties during that first hour. Because of this, the Safety Division doesn't have the capacity to enforce laws such as City Code Article 31 § 6-26(b) which prohibits parking of commercial vehicles on streets between the hours 1 a.m. and 7 a.m. **The Safety Division should add an overnight parking enforcement shift.**

Licensing:

11. Requiring a license to operate a certain type of business is an opportunity to create checks against unwanted outcomes. **Establish a licensing requirement for all auto-oriented businesses, setting operational standards that safeguard against nuisance parking.**

Department of Housing and Community Development:

12. Mapping auto-related businesses can help both the public and City agencies to identify problem locations and operators, and aid in efforts to address them. **Create and maintain an Open Data map, identifying all auto-related businesses and nuisance parking reports.**