



**SALISBURY CITY COUNCIL
WORK SESSION AGENDA**

MAY 2, 2022

Government Office Building, Council Chambers, Salisbury, MD and Zoom Video Conferencing

4:30 p.m. **Proclamation-** National Small Business Week- presented by Mayor Jacob R. Day

Presentations

- National Small Business Week- presented by Vinessa Williams
- Criminal Justice Reform Task Force- presented by Chair Eileen Johnson

5:00 p.m. Ordinance to appropriate funds received from auction of vehicle- Deputy Fire Chief Chris O'Barsky

5:10 p.m. Ordinance to accept FY22 Community Mental Health Services (COVID Relief) Block Grant funds- Housing & Homelessness Manager Christine Chestnutt

5:20 p.m. Ordinance to accept CFES donation for water fountain at Bens Red Swings- Water Works Director Cori Cameron

5:30 p.m. Dirt Bike Ordinance- Council discussion

5:45 p.m. Administration and Council Remarks

6:00 p.m. Adjournment

6:00 p.m. **SPECIAL MEETING**- separate agenda

*Times shown are approximate. Council reserves the right to adjust the agenda as circumstances warrant.
The Council reserves the right to convene in Closed Session as permitted under the Annotated Code of Maryland 3-305(b).*

Join Zoom Meeting
<https://us02web.zoom.us/j/88186172560>
Meeting ID: 881 8617 2560
Phone: 1.301.715.8592

Posted 4-27-22

Rev. 5-2-22 (discussion of Ordinance No. 2719 removed from agenda and allotted times adjusted)



City of
Salisbury
Jacob R. Day, Mayor

MEMORANDUM

To: Julia Glanz,
From: Chris O'Barsky, Deputy Chief
Subject: Budget Amendment Request
Date: April 21, 2022

The Fire Department is requesting the approval of a budget amendment in the amount of \$20,350.93 for proceeds received from the auction sale of one (1) Fire Department vehicle listed below that were declared as surplus:

- 2012 International Terrastar Horton Ambulance

This vehicle was sold through auction in compliance with City code and policy.

Thank you in advance for your time and consideration on this request. If you should have any questions or need any additional information, please do not hesitate to contact me.

Attachment: Budget Amendment Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING A BUDGET AMENDMENT OF THE FY2022 GENERAL FUND BUDGET TO APPROPRIATE FUNDS TO THE SALISBURY FIRE DEPARTMENT'S OPERATING BUDGET.

WHEREAS, the City has declared a 2012 International Terrastar Horton Ambulance as surplus and the vehicle has been sold at auction: and

WHEREAS, this vehicle was operated by the Salisbury Fire Department; and

WHEREAS, the City has received a total of \$20,350.93 from the proceeds generated from the auction sale and placed the funds in the City General Fund; and

WHEREAS, the Fire Department has use for the funds received and requests that the funds of \$20,350.93 be reallocated to the Fire Department Operating Budget for FY2022; and

WHEREAS, the budget amendment as provided herein must be made upon the recommendation of the Mayor and the approval of four-fifths of the Council of the City of Salisbury.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 1. The City of Salisbury's Fiscal Year 2022 General Fund Budget be and is hereby amended as follows:

- (a) Increase the Sale of Fixed Assets Account (01000-469200) by \$20,350.93 and
- (b) Increase the Salisbury Fire Department's Vehicles Account (24035-534308) by \$18,350.93 and
- (c) Increase the Salisbury Fire Department's Building Account (24035-534301) by \$2,000.00

BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 2. It is the intention of the Mayor and Council of the City of Salisbury that each provision of this Ordinance shall be deemed independent of all other provisions herein.

Section 3. It is further the intention of the Mayor and Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and shall be deemed valid and enforceable.

Section 4. The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such recitals were specifically set forth at length in this Section 4.

Section 5. This Ordinance shall take effect from and after the date of its final passage.

THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the _____ day of _____, 2022 and thereafter, a statement of the substance of the Ordinance having been published as required by law, in the meantime, was finally passed by the Council of the City of Salisbury on the _____ day of _____, 2022.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

[SIGNATURES APPEAR ON THE PAGE THAT FOLLOWS]

ATTEST:

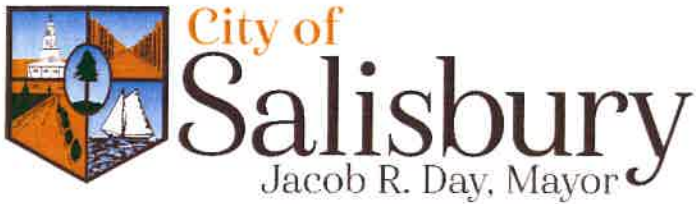
49
50
51
52
53
54
55
56
57
58
59
60
61
62

Kimberly R. Nichols, City Clerk

John R. Heath, City Council President

Approved by me, this _____ day of _____, 2022.

Jacob R. Day, Mayor



MEMO

To: Julia Glanz-City Administrator, Ron Strickler-Director HCDD
From: Christine Chestnutt-Housing & Homelessness Mgr.
Subject: Ordinance – Budget Amendment – Acceptance / Appropriation of
Community Mental Health Services Block Grant (CIT) Funding
Date: April 27, 2022

The City of Salisbury has received an award of FY22 Community Mental Health Services Block Grant Funds (Critical Time Intervention or CTI) funding from SAMSHA passed through the Wicomico County Local Behavioral Health Authority.

Attached is an Ordinance approving a budget amendment of the City's Grant Fund to appropriate \$12,562.00 in FY22 CTI funds that have been awarded to the City of Salisbury. These funds will be utilized to partially pay for the Homeless Services Case Specialist.

Please forward this information to the City Council to be placed on their agenda for the May 2, 2022 work session, the May 9, 2022 legislative meeting, and second reading / final passage at the May 23, 2022 legislative meeting. Thank you for your assistance.

Christine Chestnutt
Housing & Homelessness Manager
HCDD

Attachments
CC: Olga Butar
Kim Nichols

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SALISBURY AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE WICOMICO COUNTY LOCAL BEHAVIORAL HEALTH AUTHORITY FOR THE PURPOSE OF ACCEPTING COMMUNITY MENTAL HEALTH SERVICES (COVID RELIEF) BLOCK GRANT FUNDS IN THE AMOUNT OF \$12,562 AND TO APPROVE A BUDGET AMENDMENT TO THE GRANT FUND TO APPROPRIATE THESE FUNDS FOR THE HOMELESS SERVICES CASE SPECIALIST POSITION.

WHEREAS, Critical Time Intervention (“CTI”) is a time-limited evidence-based practice model designed to mobilize support for vulnerable individuals during periods of transition, including individuals transitioning from homelessness to permanent supportive housing; and

WHEREAS, the Wicomico County Health Department received funding from the Behavioral Health Administration for the Block Grants for Community Mental Health Services (COVID Relief) specific to the delivery of CTI services; and

WHEREAS, the Wicomico County Local Behavioral Health Authority (“Wicomico County LBHA”) has awarded the City of Salisbury (the “City”) a Block Grant for Community Mental Health Services in the amount of \$12,562 (the “CTI Funds”); and

WHEREAS, the City’s Homeless Services Case Specialist position will use CTI principles to assist individuals who are transitioning from homelessness to permanent supportive housing; and

WHEREAS, a permissible use of the CTI Funds is to (partially) cover the salary costs of the Homeless Services Case Specialist; and

WHEREAS, in order to accept the CTI Funds, the City must enter into a Memorandum of Understanding (“MOU”) with the Wicomico County LBHA to define the permitted expenditure, and conditions related thereto, of the CTI Funds; and

WHEREAS, § 7-29 of the Salisbury City Charter prohibits the City from entering into a contract that requires an expenditure not appropriated or authorized by the Council of the City of Salisbury; and

WHEREAS, appropriations necessary to execute the purpose of this grant must be made upon the recommendation of the Mayor and the approval of four-fifths of the Council of the City of Salisbury.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 1. Mayor Jacob R. Day is hereby authorized to enter into a MOU with the Wicomico County LBHA, on behalf of the City of Salisbury, for the City’s acceptance of grant funds in the amount of \$12,562.

BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 2. The City of Salisbury’s Grant Fund Budget be and hereby is amended as follows:

(a) Increase MHBG SAMSHA Revenue Account No. 10530-425XXX-XXXXX by \$12,562.

(b) Increase Salaries-Non-Clerical Expense Account No. 10530-501002-XXXXX by \$12,562.

46 **BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF**
47 **SALISBURY, MARYLAND**, as follows:

48 **Section 3.** It is the intention of the Mayor and Council of the City of Salisbury that each provision of this
49 Ordinance shall be deemed independent of all other provisions herein.

50 **Section 4.** It is further the intention of the Mayor and Council of the City of Salisbury that if any section,
51 paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or
52 otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the
53 section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall
54 remain and shall be deemed valid and enforceable.

55 **Section 5.** The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such
56 recitals were specifically set forth at length in this Section 5.

57 **Section 6.** This Ordinance shall take effect from and after the date of its final passage.
58

59 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of
60 Salisbury held on the _____ day of _____, 2022 and thereafter, a statement of the substance of the
61 Ordinance having been published as required by law, in the meantime, was finally passed by the Council of the
62 City of Salisbury on the _____ day of _____, 2022.

63
64 **ATTEST:**
65
66
67

68 _____
69 **Kimberly R. Nichols, City Clerk**
70

_____ **John R. Heath, City Council President**

71
72 Approved by me, this _____ day of _____, 2022.
73
74
75
76
77 _____
78 **Jacob R. Day, Mayor**



City of
Salisbury
Jacob R. Day, Mayor

MEMORANDUM

To: Julia Glanz, City Administrator
From: Cori Cameron, Director of Water Works
Subject: Donation from CES
Date: April 27, 2022

A new blue fountain with a water bottle filling station was installed at Ben's Red Swings by the Department of Water Works in the spring of 2021. The fountain was requested by The Community Foundation of the Eastern Shore, Inc. and they promised to reimburse the city for a portion of the price of the fountain.

The Community Foundation of the Eastern Shore, Inc. sent a check for \$1000.00 to the City of Salisbury. An ordinance has been drafted to deposit these funds into the Playground Maintenance Account No. 10700-523628-76100.

Cori Cameron

Authorized By:

Cori Cameron, Director of Water Works

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SALISBURY AUTHORIZING THE MAYOR TO ACCEPT DONATED FUNDS IN THE AMOUNT OF \$1,000 FROM THE COMMUNITY FOUNDATION OF THE EASTERN SHORE, AND TO APPROVE AN AMENDMENT TO THE FY22 BUDGET TO APPROPRIATE THESE FUNDS TO PARTIALLY COVER COSTS OF THE PURCHASE AND INSTALLATION OF A NEW WATER FOUNTAIN AT BEN'S RED SWINGS PLAYGROUND.

WHEREAS, the Community Foundation of the Eastern Shore, Inc. (CFES) provides funding for projects that represent and serve the residents of Wicomico County, Maryland; and

WHEREAS, Ben's Red Swings is a playground located in the City of Salisbury that was created to honor the memory of Benjamin Layton, and was constructed by his family, friends and other members of the Salisbury community; and,

WHEREAS, the City has accepted donations from members of the community who are interested in contributing to the maintenance and upkeep of the Ben's Red Swings playground; and

WHEREAS, ~~the~~ CFES has awarded the City funds in the amount of \$1,000 to partially cover the costs of ~~the~~ purchase and installation of a new water fountain at Ben's Red Swings playground; and

WHEREAS, § 7-29 of the Salisbury City Charter prohibits the City from entering into a contract that requires an expenditure not appropriated or authorized by the Council of the City of Salisbury; and

WHEREAS, appropriations necessary to execute the purpose of this grant must be made upon the recommendation of the Mayor and the approval of four-fifths of the Council of the City of Salisbury.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 1. Mayor Jacob R. Day is hereby authorized to accept a donation from the Community Foundation of the Eastern Shore (CFES), on behalf of the City of Salisbury, for the City's acceptance of funds in the amount of \$1,000.

BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 2. The City of Salisbury's FY22 Budget be and hereby is amended as follows:

(a) Increase Donations—Other Revenue Account No. 10700–456415–76100 by \$1,000.

(b) Increase Playground Maintenance Expense Account No. 10700–523628–76100 by \$1,000.

BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 3. It is the intention of the Mayor and Council of the City of Salisbury that each provision of this Ordinance shall be deemed independent of all other provisions herein.

Section 4. It is further the intention of the Mayor and Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and shall be deemed valid and enforceable.

Section 5. The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such recitals were specifically set forth at length in this Section 5.

Section 6. This Ordinance shall take effect from and after the date of its final passage.

THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the _____ day of _____, 2022 and thereafter, a statement of the substance of the Ordinance having been published as required by law, in the meantime, was finally passed by the Council of the City of Salisbury on the _____ day of _____, 2022.

ATTEST:

Kimberly R. Nichols, City Clerk

John R. Heath, City Council President

Approved by me, this _____ day of _____, 202~~2~~¹.

Jacob R. Day, Mayor

From: Muir Boda
Sent: Monday, April 25, 2022 3:58 PM
To: All City Council Members
Cc: Donna Haag; Andy Kitzrow; Julia Glanz; Barbara Duncan; Bosche@cbmlawfirm.com
Subject: Dirt Bike Ordinance
Attachments: Article19PoliceOrdinances-Subtitile40-DirtBikes Baltimore City.pdf

Good afternoon,

I would like to include at the next work session discussion on a proposed ordinance regarding Dirt Bikes. I have had numerous discussions with residents and neighbors in my district about the issue over the past few weeks.

This ordinance is from Baltimore City and is clear, concise, and has some teeth to it.

Muir W. Boda
Vice-President
Salisbury City Council

www.Salisbury.md

SUBTITLE 40
UNREGISTERED MOTORCYCLES AND SIMILAR VEHICLES

Part 1. Definitions; General Provisions

§ 40-1. Definitions.

(a) *In general.*

In this subtitle, the following words have the meaning indicated.

(b) *Department.*

“Department” means the Department of Transportation.

(c) *Dirt bike.*

(1) “Dirt bike” means, except as provided in paragraph (3) of this subsection, any motorcycle or similar vehicle that is not registered under the Maryland Vehicle Law.

(2) “Dirt bike” includes:

(i) a minibike;

(ii) an all-terrain vehicle of either the 3- or 4-wheel variety; and

(iii) except as provided in paragraph (3) of this subsection, any other motorcycle or similar vehicle that is not eligible for registration under the Maryland Vehicle Law.

(3) “Dirt bike” does not include:

(i) a moped, as defined in State Transportation Article § 11-134.1; or

(ii) a motor scooter, as defined in State Transportation Article § 11-134.5.

(d) *Minibike.*

(1) “Minibike” means, except as provided in paragraph (2) of this subsection, a motor vehicle that:

(i) has a saddle for the use of the rider;

(ii) is designed to travel on not more than 3 wheels in contact with the ground;

(iii) is not eligible for registration under the Maryland Vehicle Law; and

(iv) has:

A. a 10-inch (254 mm) or less nominal wheel-rim diameter;

B. 40 inches or less wheel base;

C. 25 inches or less seat height, measured at the lowest point on the top of the seat cushion without rider; or

D. a propelling engine with piston displacement of 50 cc or less.

(2) "Minibike" does not include:

(i) a moped, as defined in State Transportation Article § 11-134.1; or

(ii) a motor scooter, as defined in State Transportation Article § 11-134.4.

(e) *Motorcycle or similar vehicle.*

(1) "Motorcycle or similar vehicle" means any motor vehicle that is designed to travel on not more than 3 wheels in contact with ground.

(2) "Motorcycle or similar vehicle" includes a minibike.

(f) *Unregistered motorcycle or similar vehicle.*

"Unregistered motorcycle or similar vehicle" means a motorcycle or similar vehicle that:

(1) is eligible for registration under the Maryland Vehicle Law; but

(2) is not in fact registered.

(Ord. 00-040; Ord. 07-398; Ord. 07-504; Ord. 08-063; Ord. 09-217.)

§ 40-2. Exclusions from subtitle.

(a) *In general.*

This subtitle does not apply to any of the following while being used for their designed purposes:

(1) tractors;

(2) snowblowers;

(3) lawn mowers;

(4) wheel chairs; or

(5) golf carts.

(b) *Government vehicles.*

This subtitle does not apply to any vehicle owned and operated by an agency or instrumentality of Federal, State, City, or other local government.

(Ord. 00-040.)

§ 40-3. Rules and regulations.**(a) *Department may adopt.***

The Department of Transportation may adopt rules and regulations to carry out this subtitle.

(b) *Filing with Legislative Reference.*

A copy of all rules and regulations must be filed with the Department of Legislative Reference before they take effect.
(Ord. 00-040; Ord. 07-398.)

§§ 40-4 to 40-5. {Reserved}***Part 2. Prohibited Operations*****§ 40-6. Driving or riding; leaving unimmobilized.****(a) *Driving or riding vehicle.***

No person may drive or ride any dirt bike or any unregistered motorcycle or similar vehicle on any public or private property that is located in Baltimore City or, wherever located, that is owned or regulated by the City.

(b) *Possessing unimmobilized vehicle.*

No person may own, control, possess, or have custody of any dirt bike or any unregistered motorcycle or similar vehicle in Baltimore City unless the vehicle is securely locked or otherwise immobilized by a wheel clamp or other object, device, method, or mechanism, whether attached to the vehicle or not, that:

(1) prevents the vehicle from being freely moved; and

(2) cannot be removed or deactivated without the assistance of the vehicle's owner.
(Ord. 00-040; Ord. 01-144; Ord. 08-060.)

§ 40-7. Permitting another to drive or ride.

No owner or other person in control or custody of a dirt bike or an unregistered motorcycle or similar vehicle may permit it to be driven or ridden by any other person on any public or private property that is located in Baltimore City or, wherever located, that is owned or regulated by the City.
(Ord. 00-040; Ord. 01-144.)

§ 40-8. Parents and guardians.

No parent or guardian of a minor may knowingly permit the minor to violate any provision of § 40-6 or § 40-7 of this subtitle.
(Ord. 00-040.)

§ 40-9. Motor fuel sales.**(a) *In general.***

No service station nor any other person may sell, transfer, or dispense motor fuel for delivery into any dirt bike or into any unregistered motorcycle or similar vehicle.

(b) *Enforcement by citation.*

- (1) In addition to any other civil or criminal remedy or enforcement procedure, this section may be enforced by issuance of a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.
- (2) The issuance of a civil citation to enforce this section does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

Editor's Note: Chapters 114 and 115, Acts of 2010, enacted state legislation that, among other things, imposes additional penalties on persons dispensing motor fuel into a dirt bike (State Transportation Article § 21-1128 and § 27-101(dd)) and requires service stations in Baltimore City to post signs of the State and City prohibitions relating to dispensing motor fuel for dirt bikes (State Business Regulation Article § 10-503).

(Ord. 00-130; Ord. 04-683.)

§ 40-10. {Reserved}***Part 3. Seizure and Forfeiture*****§ 40-11. When authorized.****(a) *Grounds for seizure.***

Except as provided in subsection (b) of this section, a dirt bike or unregistered motorcycle or similar vehicle is subject to seizure and forfeiture if it is used in violation of this subtitle.

(b) *Defense.*

A vehicle may not be forfeited under this subtitle solely because of an act or omission by a person other than the vehicle's owner committed or omitted while the vehicle was unlawfully in that other person's possession.

(Ord. 00-040; Ord. 07-398.)

§ 40-12. Seizure by police.**(a) *When warrant not needed.***

A police officer need not have a warrant to seize a vehicle if:

- (1) the police officer has probable cause to believe the vehicle has been used in violation of this subtitle; and
- (2) a warrant is not constitutionally required under the circumstances.

(b) *Removal of vehicle.*

Whenever a police officer seizes a vehicle under this subtitle, the police officer may cause it to be moved to a place designated by the Police Commissioner.

(c) *Vehicle not replevable.*

A vehicle seized under this subtitle is not replevable and remains in the custody of the Police Department, subject only to the orders and decrees of the court or official with jurisdiction over it.

(Ord. 00-040; Ord. 07-398.)

§ 40-13. Referral to Solicitor.

(a) *Police to refer case.*

Promptly after seizure, the Police Department shall notify the City Solicitor in writing of the facts and circumstances supporting the seizure.

(b) *Solicitor's review.*

(1) On receiving the report, the Solicitor shall conduct an independent review of the facts and circumstances surrounding the seizure.

(2) If the Solicitor finds sufficient evidence that the vehicle was used in violation of this subtitle, the Solicitor shall notify the vehicle's owner, by registered or certified mail, of the seizure and of the City's intent to institute forfeiture proceedings.

(3) If, on the other hand, the Solicitor finds that there is insufficient evidence to prove violation, the Solicitor shall surrender the vehicle to the owner on the owner's request.

(Ord. 00-040.)

§ 40-14. Forfeiture petition; notice.

(a) *Filing; copies to parties in interest.*

If the Solicitor determines that the vehicle should be forfeited, the Solicitor shall, within 90 days after the seizure of the vehicle:

(1) file a forfeiture petition in a court of competent jurisdiction, in the name of the City against the vehicle, as designated by make, model, year, and motor or serial number; and

(2) at the same time, send copies of the petition by registered or certified mail to the owner and any known secured party.

(b) *Contents.*

The petition for forfeiture shall contain:

- (1) the name of the registered owners of the vehicle;
- (2) the name of any secured party whose interest appears among the records maintained by the Clerk of the Circuit Court for Baltimore City;
- (3) a statement of the facts and circumstances surrounding the seizure of the vehicle;
- (4) a statement of the specific grounds for forfeiture; and
- (5) a request that the vehicle be forfeited to the City.

(c) *Publication of notice.*

- (1) Within 7 days of the petition's filing, the Solicitor shall publish notice of the seizure and forfeiture proceeding in 1 or more newspapers of general circulation in the City.

- (2) The notice shall:

- (i) state the substance and object of the forfeiture petition; and

- (ii) state that any person claiming an interest in the seized vehicle must file a defense to the petition within 15 days of the date of the notice.

(Ord. 00-040; Ord. 08-060.)

§ 40-15. Answer to petition.

(a) *When to be made.*

Any defense to the petition must be filed within 15 days after publication of the notice.

(b) *How to be made.*

- (1) All defenses to a petition for forfeiture must be made by answer.

- (2) The answer must:

- (i) comply with the Maryland Rules of Procedure as to form and contents;

- (ii) be divided into numbered paragraphs, each containing a separate and distinctive averment; and

- (iii) respond to each material allegation contained in the petition, specifically admitting, denying, or explaining the facts alleged, unless the respondent is without knowledge or an admission or explanation would tend to incriminate the respondent, in either of which events the respondent must so state and that statement will operate as a denial.

(c) *Effect.*

- (1) Every allegation in the petition that is not denied in the answer is considered admitted, except as to persons unknown.

(2) New or affirmative matter alleged in the answer is considered denied or avoided by the petitioner without the need of any replication, unless the court orders otherwise.
(Ord. 00-040.)

§ 40-16. {Repealed by Ord. 08-060.}

§ 40-17. Order of forfeiture.

(a) *In general.*

- (1) If the court determines that the vehicle should be forfeited, the court shall order the vehicle forfeited to the City.
- (2) If, however, the court determines that the vehicle is subject to a bona fide recorded security interest created without the knowledge that the vehicle was being or was to be used in violation of this subtitle, the court shall order that the vehicle be released within 5 days to the secured party of record.

(b) *Disposition of vehicle subject to security interest.*

(1) The secured party:

- (i) shall sell the vehicle in a commercially reasonable manner; and
- (ii) may not sell the vehicle to the owner or other person from whom it was seized.

(2) The proceeds of the sale shall be applied as follows:

- (i) to the court costs of the forfeiture proceedings;
- (ii) to the balance due to the secured party, including all reasonable costs incident to the sale;
- (iii) to payment of all other expenses of the proceedings for forfeiture, including expenses of seizure, maintenance, or custody; and
- (iv) to the general funds of the City.

(c) *Disposition of forfeited vehicle.*

A vehicle that has been ordered forfeited to the City may be:

- (1) sold as provided in City Code Article 31, Subtitle 31, Part 5;
- (2) transferred to a charitable organization for export abroad, as provided in City Code Article 31, § 31-58(c); or
- (3) destroyed.

(Ord. 00-040; Ord. 02-285; Ord. 08-060.)

§ 40-18. Order of release.

If, after a full hearing, the court determines that the vehicle should not be forfeited, the court shall order the vehicle released.
(Ord. 00-040.)

§§ 40-19 to 40-20. {Reserved}***Part 4. Penalties*****§ 40-21. Penalties.**

Any person who violates any provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 for each offense or to imprisonment for not more than 90 days, or both fine and imprisonment, for each offense.
(Ord. 00-040; Ord. 00-130; Ord. 07-398.)