

Chapter 13 MOTOR VEHICLES AND TRAFFIC*

*Cross reference(s)--Permit parking, Ch. 14; bicycles, Ch. 15

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ARTICLE I. IN GENERAL

Sec. 13-1. Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them in the section:

- (a) *Abandoned vehicle*: Any vehicles that is inoperative or is otherwise left unattended for more than forty-eight (48) hours without the consent of the owner or person in charge of the property, or a vehicle that has remained illegally parked on public property for a period of more than forty-eight (48) hours, or any impounded vehicle being held in the custody of the County which is unclaimed after sixty (60) days.
- (b) *Alley*: A street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic.
- (c) *Bicycle*: A vehicle that is designed to be operated by human power or with assistance of a motor that has a capacity of less than fifty (50) cubic centimeters piston displacement or rated less than one brake horsepower, that has two (2) or three (3) wheels of which one is more than fourteen (14) inches in diameter, that have a rear drive, and with wheel configuration as follows:

- (1) Two (2) wheels, in tandem.
 - (2) Three (3) wheels, single front wheel with two (2) rear wheels on a horizontal axis perpendicular to the longitudinal plane of the front wheel and spaced substantially equidistant from the front wheel center line.
- (d) *Bus*: Every motor vehicle except school buses designed for carrying more than ten (10) passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.
 - (e) *Bus stop*: That portion of a public roadway edge designated by sign as a bus stop and intended for the safe loading or unloading of bus passengers from any motor vehicle operated with the approval of the state, county, or Village fixed routes and schedules.
 - (f) *Bus zone*: A bus stop used as a point of layover by buses for short periods of time, not to exceed thirty (30) minutes, for maintaining schedules.
 - (g) *Commercial vehicle*: Any motor vehicle and any trailer or semi-trailer designed and used for carrying freight or merchandise and every motor vehicle used in any way in the furtherance of any commercial enterprise. Such term does not include a motor vehicle owned by the Village, County or other Governmental agency and used primarily for carrying passengers or materials or other vehicle of a capacity of one ton or less.
 - (h) *Cost*: Expense incurred by County and/or Village as a result of any extraordinary method of collection of delinquent and past due fines and penalties for violations of the provisions of this Chapter and charged uniformly to such violators to offset or defer such expense.
 - (i) *Court*: When referred to in this Chapter means the District Court of Maryland for Montgomery County.
 - (j) *Crosswalk*:
 - (1) Any portion of a roadway distinctly indicated for pedestrian crossing by painted lines or other markings on the roadway surface.
 - (2) That portion of a roadway ordinarily included with the prolongation or connection of the lateral lines of sidewalks at intersections.
 - (k) *Driver or operator*: Any person who is in actual control or charged with the control of a vehicle.
 - (l) *Driveway or private road*: Every way or place in private ownership or otherwise and used for vehicular travel by the owner and those having expressed or implied permission from the owner.
 - (m) *Driving aisle*: Every way within a public parking facility intended to facilitate the circulation and movement of motor vehicles within the facility.
 - (n) *Enforcement officer*: Any person appointed under the regulations of the County personnel Board, and designated by the County Executive, or appointed by the Village to police and enforce the provisions of this Chapter.

- (o) *Fine*: A monetary sum imposed as a punishment for an offense or violation of this Chapter.
- (p) *Fire lane*: Area of a public or private roadway or parking facility designated by official signs or markings and intended for the exclusive use of emergency vehicles only.
- (q) *Gross weight*: The weight of a vehicle without load plus the weight of any load thereon.
- (r) *Highway or street*: The entire width between the property lines of every way or thoroughfare of any kind used by the public for purposes of vehicular travel, whether actually dedicated to the public and accepted by the proper authorities or otherwise.
- (s) *Immobilize*: To take a vehicle into the custody of the County and/or Village by restricting or otherwise impeding the movement of such vehicle from its parking place by use of a mechanical device affixed to said vehicle or otherwise and so holding it until all charges involving that vehicle are fully satisfied.
- (t) *Impound*: To take a vehicle or other property into the custody of the County and/or Village by seizing it and removing it to a place of safe storage and there holding it until all charges involving that vehicle or property are fully satisfied.
- (u) *Intersection*:
 - (1) The area embraced within the prolongation or connection of the lateral curb lines or if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at or approximately at right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.
 - (2) Where a highway includes two (2) roadways thirty (30) feet or more apart, every crossing of each roadway of the divided highway by an intersecting highway shall be regarded as a separate intersection. If the intersecting highway also includes two (2) roadways thirty (30) feet or more apart, every crossing of two (2) roadways of such highways shall be regarded as separate intersections.
- (v) *Motorcycle*: A motor vehicle that:
 - (1) Has two (2) or three (3) wheels.
 - (2) Has an engine or motor with a rating of more than one brake horsepower or a capacity of fifty (50) cubic centimeters or more piston displacement.
 - (3) Has a singular front steering road wheel mounted in a fork assembly that passes through a frame steering bearing and to which is attached a handlebar or other directly operated steering device.
 - (4) Except for a windshield or windscreen, does not have any enclosure or provision for an enclosure for the driver and/or passenger. A detachable sidecar is an accessory to and not a part of a motorcycle.
- (w) *Motor vehicle*: Any vehicle which is self-propelled by which any person or property is or may be transported upon a highway.

- (x) *Offstreet parking*: The parking of motor vehicles in designated areas, whether public or private, and not upon a public street or highway.
- (y) *Official sign*: A sign posted by authority of the Board of managers for the purpose of guiding, warning, regulating, limiting or otherwise controlling the movement or stopping, standing and parking of motor vehicles upon the streets, roads and highways within the Village or upon any public or private parking facility.
- (z) *Official traffic-control devices*: All signs, signals, markings or other devices placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic or parking.
- (aa) *On-street parking*: The parking of motor vehicles on a public street or highway.
- (bb) *One-way street*: A public highway upon which vehicular traffic is permitted to move in one direction only.
- (cc) *Park or parking*: The standing of a vehicle on a public highway or public parking facility whether occupied or attended, except when standing in obedience of traffic regulations, a Police Officer, traffic signs and signals or temporarily stopped for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
- (dd) *Parking violation notice*: A form as prescribed by the county upon which a Police Officer or other authorized person cites a violation of the parking regulations and provisions of this Chapter. The form when properly completed and affixed to an unlawfully parked vehicle, or otherwise presented, serves as notice to the vehicle owner or operator of the violation and of the corresponding fine as penalty thereof.
- (ee) *Pedestrian*: Any person afoot.
- (ff) *Penalty*:
 - (1) A monetary sum imposed in addition to the fine as forfeiture by any person in case of nonfulfillment of said fine within the time period stipulated by any provision of this Chapter.
 - (2) Punishment in general, inclusive of all fines, penalties, costs and other charges for violation of the provisions and regulations of this Chapter.
- (gg) *Police Officer*: Any officer authorized to direct or regulate traffic or parking or to make arrests for violations of any provisions of law including other traffic and parking laws and regulations and so appointed by any jurisdictional authority.
- (hh) *Posted time limit*: The allowable time a vehicle may remain parked in any block, parking area or zone when such parking duration is indicated by signs. For the purpose of this definition, a block shall mean that part of a street or highway between two (2) intersections; and a parking area or zone shall mean any group of parking spaces of close proximity within the same parking facility and having the same allowable parking time limit.
- (ii) *Public contractor's vehicle*: Any commercial vehicle engaged in the performance of work within a street, highway or other public property when such work is contracted for by any State, County, or Municipal Agency or Public Utility.

- (jj) *Public driveway*: Every way or place of public ownership and used for vehicular travel by the general public as vehicular access to publicly owned property whether restricted or not.
- (kk) *Public service vehicle*: Any vehicle owned and operated by a Municipal, County, State or Federal Agency and used in the furtherance of public service; and any vehicle funded or provided by the Federal, State or Municipal Government and used for emergency or rescue purposes.
- (ll) *Public Utility vehicle*: Any vehicle owned and operated by a Public Utility commissioned by the State, including telephone, gas and electric power companies.
- (mm) *Roadway*: That portion of a street or highway or public thoroughfare between the regularly established curb lines or shoulders or that part improved and intended to be used for vehicular traffic.
- (nn) *Sidewalk*: That portion of a street between the curb lines, or the lateral lines of a roadway and the adjacent property lines, intended for or used by pedestrians; or designated ways or pavements within a public parking facility intended for or used by pedestrians.
- (oo) *Stand or standing*: The halting of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.
- (pp) *Stop or stopping*: Any halting of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the direction of a Police Officer or traffic control sign or signal.
- (qq) *Street*: See "Highway."
- (rr) *Taxicab*: Any motor vehicle for hire, designed to carry seven (7) passengers or less, including driver, operated upon any public street or highway, or, on call or demand, accepting or soliciting passengers, indiscriminately for transportation for hire between such points along public streets or highways, as may be directed by the passenger or passengers so being transported, provided that nothing in this Chapter shall be construed to include as a taxicab, a motor vehicle operated with the approval of the Public Service Commission on fixed routes and schedules.
- (ss) *Traffic*: All vehicles, pedestrians, animals and any other conveyance of every description, using a highway for purposes of travel whether singly or together.
- (tt) *Unregistered vehicle*: Any motor vehicle or trailer except those exempted from registration by state law, which is without registration plates, with expired registration plates, or with fictitious registration plates attached thereto.
- (uu) *Vehicle*: Any appliance moved over a highway on wheels or traction tread, including streetcars, automobiles, motorcycles, motorbikes, motor propelled carts and wagons and every vehicle propelled by an internal combustion engine or any trailer.

Cross reference(s)--Definitions generally, § 1-2; rules of construction generally, § 1-3.

ARTICLE II. TRAFFIC CONTROL GENERALLY*

*Cross reference(s)--Parking, stopping and standing fines, § 6-5; permit parking, Ch. 14; use of stands and parking of vehicles by peddlers, hawkers, etc., prohibited, § 19-10.

Sec. 13-2. Authority to erect traffic signs.

(a) Whenever the Board of Managers determine that it is necessary for the safety or control of vehicular or pedestrian traffic, they shall authorize the Chairman of the Board or his designee to provide by executive order for the erection of "stop," "speed limit" and other traffic-control signs and devices on public streets, highways or other areas in the Village, provided that no such sign or device shall be erected on State highways without the approval of the State Highway Administration, and provided that if the private owner of any land used by the general public shall cause to have erected "stop," "speed limit" or other traffic-control signs or devices upon streets, highways and other areas within such private property and the Chairman of the Board, with approval of the Board, finds that such signs conform to the regulations regarding signs posted on public streets, highways or other areas in the Village, the Chairman of the Board, with approval of the Board, is authorized to approve by executive order such traffic-control signs and devices, which shall then have the same effect as those public traffic-control signs and devices erected by the direction of the Chairman of the Board, with approval of the Board, provided that all such signs and devices on private property shall be constructed, erected and maintained at the cost of the owner of such land.

Sec. 13-3. Restriction of traffic, designation of truck routes, etc.

(a) Whenever the Board of Managers determines that it is necessary for the safety and control of vehicular or pedestrian traffic, the Chairman of the Board is hereby authorized to:

- (1) Issue executive orders restricting and/or limiting the movement of automobiles or other vehicles on the streets and roads under the jurisdiction of the Village.
- (2) Designate by executive order certain roads as truck routes and to prohibit trucks exceeding specified weight on other roads under the jurisdiction of the Village.
- (3) Provide by executive order for the erection of signs to give public notice of such orders and any order issued pursuant to this section shall not be effective until such signs have been erected.

(b) The orders issued hereunder shall be recorded in a permanent file open to the public located in the office of the Village.

Sec. 13-4. Driving over curbs, sidewalks or drainage structures.

(a) It shall be unlawful for any person to drive, or cause to be driven, any vehicle including a motor vehicle on or over any curb, sidewalk or drainage structure, except as provided in subsection (b) of this section and over driveways constructed for such purposes, provided that this section shall not apply in emergencies where suitable provision is made, by the laying of planking or otherwise, for the bridging of such curb, sidewalk or drainage structure in such a way that no damage will be done thereto.

(b) Bicycles, as defined in section 13-1 of this Chapter, may be operated upon sidewalk areas and appurtenant drainage structures designed for pedestrian use except where, in the judgment of the Board of Managers, it is necessary for the safety or control of vehicular and pedestrian traffic to prohibit riding of such vehicles. Whenever any person is riding upon a sidewalk, such person shall give an audible signal and yield the right-of-way to any pedestrian.

(c) The Chairman of the Board, with approval of the Board, is hereby authorized to designate, by executive order, important streets of the Village as snow emergency routes, which shall be marked by "snow emergency route" signs.

(d) Upon the declaration of a snow emergency by the County Executive by press release and such other public notices within the discretion of the County Executive as it is practical to give under the circumstances, the following traffic and parking regulation shall be in effect and shall continue in effect until the end of the emergency as determined by the County Executive. Such emergency may exist by reason of imminent or actual snow or ice conditions.

- (1) No person shall operate any vehicle upon emergency routes unless at least two (2) power wheels of such vehicle are equipped with snow tires or tire chains in a good state of repair. For the purpose of this section, snow tires and chains shall mean those tires and chains, which are designated and approved by the state. It shall be the duty of all persons within the Village to observe said snow emergency signs and order during periods of emergency declared under this section.
- (2) It shall be unlawful for any vehicle to be parked and left unattended within the right-of-way of any snow emergency route.

(e) Any vehicle parked and left unattended on a snow emergency route in violation of this section may be impounded and removed by the Village or its agents, and all costs of towing, storage or impounding shall be charged to the owner of the vehicle. All such charges including any fine or penalty shall be paid to the county or its duly authorized agent before the owner may reclaim the vehicle.

Cross reference(s)--Fine for violation of § 13-4(d), § 6-5(a).

Sec. 13-5. Parking of unregistered motor vehicles or trailers.

(a) It shall be unlawful to park any unregistered motor vehicle or trailer upon the highways, roads, streets or other public property in the Village at any time. No unregistered motor vehicle or trailer shall be parked in violation of this section.

(b) No vehicle shall be stopped, standing or parked upon any road, highway, alley or public parking facility of the Village so as to impede the movement of traffic or constitute a threat to public safety.

Cross reference(s)--Fine for violation of § 13-5(a), (b), § 6-5(b), (c).

Sec. 13-6. Impounding illegally parked vehicles.

(a) Any vehicle parked in violation of this Chapter, or otherwise parked so as to constitute a hazard to public safety or is so parked, stopped or standing so as to impede or obstruct the normal movement of traffic or pedestrians, may be impounded by members of the Village Department of Police.

(b) In any case involving the impoundment of a vehicle pursuant to this section, an administrative cost not to exceed twenty-five dollars (\$25.00), or such amount as established from time to time by the County Executive, shall be charged to the owner of the vehicle in addition to all fines and penalties assessed for any violation of this Chapter plus any towing charges.

Cross reference(s)--Similar provisions, § 13-17.

ARTICLE III. STOPPING, STANDING AND PARKING

Sec. 13-7. Establishment of emergency or temporary no parking zones.

(a) Whenever the Chairman of the Board or his designee determines that it is necessary for the safety or control of vehicular or pedestrian traffic, due to emergencies such as fires, riots, accidents or other events likely to attract large crowds, for the purposes of street maintenance or for any other public purpose, he may designate any streets, or areas within the Village as emergency or temporary no parking zones or temporarily prohibit vehicular and pedestrian traffic on such streets and areas.

(b) When and in the event such streets and areas as hereinabove mentioned are so designated, parking of vehicles and vehicular and pedestrian traffic in such streets and areas is prohibited.

Cross reference(s)--Fine for violation of this section, § 6-5(d).

Sec. 13-8. Repairing or leaving vehicles on street for repairs.

It shall be unlawful for any person, business or corporation to perform service or repairs on a vehicle parked on a public street within the Village or to store or park on any public street, any motor vehicle left in the custody of any business; provided however, that this section shall not apply to emergency service or repairs; vehicle owners performing minor service or repairs on their respective vehicles otherwise legally parked and operative; or the accommodation for the immediate transfer, exchange or removal of a vehicle to or from a garage, repair shop, service or parking facility.

Cross reference(s)--Fine for violation of this section, § 6-5(e).

Sec. 13-9. Parking over twenty-four hours prohibited.

The parking of motor vehicles and trailers upon the highways, roads and streets in the Village for a period longer than twenty-four (24) hours is hereby prohibited.

Cross reference(s)--Fine for violation of this section, § 6-5(f).

Sec. 13-10. Parking within twenty-five feet of intersections.

The parking of vehicles and trailers at any time on any improved public street within a distance less than twenty-five (25) feet from the nearest curb line of an intersecting public street is prohibited, provided that the area in which parking is thus prohibited and the curb space so effected shall be so designated by an appropriate sign or by yellow paint; provided, further, that it is the purpose and intent of this section to prevent the obstruction of the vision of anyone approaching an intersection. The term "the nearest curb line of an intersecting public street," as used in this section, shall be construed so that measurements shall be made from either the point of intersection of the actual curb or curb lines, or in cases of rounded corners from the point at which a straight extension of the nearest intersecting curb line would meet a straight extension of the nearest curb line of an intersecting public street.

Cross reference(s)--Fine for violation of this section, § 6-5(g).

Sec. 13-11. Time limits on parking.

(a) Whenever the Board of Managers determines that it is necessary for the public health, safety or welfare, the Board is hereby authorized to issue orders prohibiting and/or restricting, as to time, the parking of motor vehicles on streets, or portions thereof, under the jurisdiction of the Village. Such restrictions may include, but are not limited to, restricting the hours of the day during which motor vehicles may be parked in specified locations and/or restricting the number of consecutive hours (or portions thereof) during which vehicles may be parked in a restricted parking area. The Board shall provide for the erection of signs to give public notice of such orders. Any order issued pursuant to this section shall not be effective until such signs have been erected. The orders issued hereunder shall be recorded in a permanent file, open to the public, located in the Village office.

(b) It shall be unlawful for any vehicle to remain parked in a restricted parking area during a period when such parking is prohibited or beyond the posted time limit of that area. The movement of any vehicle from one parking space to another within the same block, after such time has elapsed, does not extend the allowable time a vehicle may remain parked in that same block.

Cross reference(s)--Fine for violation of this section, § 6-5(h).

(No. 3-01-98, 3-9-98)

Sec. 13-12. Obstructing entrances to public or private driveways.

The parking of vehicles at any time on the public ways of the Village in such a manner that any part of the vehicle so parked is within five (5) feet of either curb edge of any existing opening or hereafter established entrance to any public or private driveway or shall overlap or obstruct any existing opening or hereafter established entrance to any public or private driveway is prohibited, except that an owner may obstruct his own private residence driveway.

Cross reference(s)--Fine for violation of this section, § 6-5(i).

Sec. 13-13. Commercial vehicle parking prohibited.

It shall be unlawful to park any commercial vehicle or bus on that side of any public road abutting any private residence, church, school, or playground, except when such vehicle is actually engaged in loading or unloading passengers, merchandise or materials or when used by the owner or operator actively engaged in work on the premises of the church, school or playground. At authorized terminal stands of bus routes operating under a permit from the State Public Service Commission, stops may be made for a sufficient period of time, not to exceed thirty (30) minutes, for the purpose of maintaining schedules. This section shall not apply to a vehicle involuntarily parked because of mechanical failure or other emergency, provided such vehicle is removed within a reasonable period of time.

Cross reference(s)--Fine for violation of this section, § 6-5(j)

Sec. 13-14. Parking vehicles in violation of official signs.

No vehicle shall be parked in violation of any sign provided for in this Chapter or regulation issued pursuant thereto or other official sign and, both the owner or operator thereof shall be subject to the penalties provided for in this Chapter for any such violation.

Cross reference(s)--Fine for violation of this section, § 6-5(k).

Sec. 13-15. Parking of vehicles during periods of snow accumulation.

During periods of snow accumulation, the Chairman of the Board or his designee is authorized, upon meeting the notice requirement of the snow and ice emergency traffic-control provisions of this Chapter, to restrict as hereinafter provided the parking of any vehicles on the streets and highways of the Village for the purpose of facilitating snow removal. Commencing at 7:00 a.m. on the day following the giving of notice as provided for hereinabove, the following restrictions shall be in force, except on Sundays: No parking shall be permitted between the hours of 7:00 a.m. and 4:00 p.m., Monday through Saturday on the side of any street or highway so as to interfere with the removal of snow therefrom or with the free passage of snow removal equipment.

Cross reference(s)--Fine for violation of this section, § 6-5(l).

Sec. 13-16. Noncommercial vehicle prohibitions.

Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a Police Officer or official traffic-control device, no person shall:

- (a) Stop, stand or park a vehicle whether occupied or not:
 - (1) In any manner on a public highway which impedes the movement of traffic or constitutes a threat to public safety.
 - (2) On a sidewalk.
 - (3) Within an intersection.
 - (4) On a crosswalk.
 - (5) Alongside any street excavation, obstruction or barricade or opposite any street excavation, obstruction or barricade, when stopping, standing, or parking would obstruct traffic.
 - (6) In any place an official sign prohibits parking during specific a.m. or p.m. traffic periods.
 - (7) Between a sidewalk or roadway edge and the property edge of a public street, highway, or median strip dividing any public street or highway except in an emergency.
 - (8) In any reserved parking space reserved for the handicapped.

(b) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

- (1) Within fifteen (15) feet of a fire hydrant.
- (2) Within twenty (20) feet of any crosswalk whether at an intersection or not, when such crosswalk is marked off by painted lines.
- (3) Within thirty (30) feet upon the approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of a roadway.

- (4) At any place an official sign prohibits standing.
- (5) In any fire lane when posted by official sign or proper markings.
- (6) With one or more of the side wheels more than twelve (12) inches from the curb.
- (7) In a direction other than the flow of traffic.
- (8) So as to prevent another vehicle already stopped near the curb or otherwise legally parked, from moving away.
- (9) In a bus stop when properly posted.

Cross reference(s)—Fine for violation of § 13-16(a)(1)—(a)(8), § 6-5(m)—(t); fine for violation of § 16-5(b)(1)—(b)(8), § 6-5(u)—(bb).

Sec. 13-17. Impounding illegally parked vehicle.

(a) Any vehicle parked in violation of this Chapter or otherwise parked so as to constitute a definite hazard to public safety or is so parked, stopped or standing so as to impede or obstruct the normal movement of traffic or pedestrians, may be impounded by members of the Department of Police or other authorized persons designated by the County Executive or by the Village Manager.

(b) In any case involving the impoundment of a vehicle pursuant to this section, an administrative cost not to exceed twenty-five dollars (\$25.00) or such amount as established from time to time by the County Executive shall be charged to the owner of the vehicle in addition to all outstanding fines and penalties assessed pursuant to violations of this Chapter plus any towing or storage charges incurred.

(c) All such fines, penalties, costs and charges shall be paid to the County or its agent before the owner may reclaim or secure the release of the vehicle.

Cross reference(s)—Similar provisions, § 13-6.

Sec. 13-18. Use of parking spaces by commercial vehicles, public service vehicles generally.

Nothing contained in this Chapter shall be construed to prohibit commercial or public utility vehicles from using or occupying on-street public parking spaces as provided in this Chapter, when such vehicles are actually engaged in authorized construction, maintenance or service activities to the highway, highway equipment or public utilities and such work is totally within the right-of-way of said highway, and provided that such spaces are not otherwise lawfully occupied. In such case, said vehicles shall not be required to make any deposit of coins in such parking meters so long as such construction, maintenance and service work is actively and obviously in progress.

In all other cases, such vehicles are subject to all of the provisions and regulations of this Chapter.

Sec. 13-18.1. Use of parking spaces by public service vehicles within the public right-of-way.

Nothing contained in this Chapter shall be construed to prohibit public service vehicles from using or occupying public parking spaces as provided in this Chapter, without charge, when the operators of such vehicles are actually engaged on official business and service of the municipality, county, state or

Federal agency which owns such vehicle, provided that such vehicles shall not remain parked beyond the posted time limit or parking meter duration of any such spaces unless such vehicle and operator is involved in the service and repair to the street, highway or public parking facility upon which such spaces are located, and provided further that, the Chairman of the Board or his designee may prohibit such parking without charge in certain parking facilities when the public demand for such spaces exceeds the vehicle capacity of the facility.

Sec. 13-19. Parking privileges to disabled drivers.

As provided for by agreement among Maryland, Virginia and the District of Columbia, any vehicle displaying a windshield placard or disability tags shall be privileged to park in certain prohibited areas as follows:

- (a) Parking for unlimited periods in parking zones restricted as to the length of parking time permitted.
- (b) Not required to pay any parking meter fees of this state or of any political subdivision of this state.
- (c) Parking is not permitted where stopping, standing, or parking is prohibited to all vehicles; in zones that are reserved for special types of vehicles; and where there is a local ordinance that prohibits parking during heavy traffic periods or where parking clearly would present a traffic hazard.

ARTICLE IV. ADMINISTRATION AND ENFORCEMENT

Sec. 13-20. Montgomery County, concurrent jurisdiction.

Pursuant to the provisions of Chapter 31, Title "Motor Vehicles and Traffic," Article VII, section 31-39, of the Montgomery Code 1972; the Village acting within its lawful authority may request the County to administer and enforce this Chapter within the Village. Furthermore, the Village may request the County to collect the fines, penalties, costs and other charges on behalf of the Village for such violations and the County is hereby authorized to deduct the cost of collection for each such violation collected and all other revenues generated therefrom will be returned to the Village.

The Chapter shall apply to the administration and enforcement of the provisions and regulations of this Chapter and to the assessment of penalties and the collection thereof by the County for violation of said provisions and regulations. Unless otherwise provided, the Chapter shall also apply to the collection by the County of any fines, penalties, costs or other charges, which may be assessed pursuant to any other provision or regulation contained elsewhere in this Code relative to the unlawful parking of a vehicle.

Sec. 13-21. Board of Managers to administer and enforce Chapter, establish and collect fines.

(a) Pursuant to the provisions of State law, the Board of Managers is hereby authorized and empowered to:

- (1) Establish by written regulation, after review by the District Court of Maryland for Montgomery County, a schedule of fines or other penalties for violations of the provisions or regulations of this Chapter, such fines not to exceed five hundred dollars (\$500.00).

- (2) Make, adopt and amend by written regulations such rules, regulations and procedures as they may deem necessary or proper for the collection by the Department of Finance of the County of all such fines, penalties, costs and other charges imposed by this violation issued.

(b) All fines, penalties, costs and other charges imposed by this Chapter for illegal parking violations shall be payable to the County and the Director of the Department of Finance shall administer and collect all such charges in accordance with the written agreement between the Village and the County.

(c) Upon receipt of notification that the recipient of a notice of violation intends to stand trial for said offense, the Director of Finance shall notify the Court and forward such records as necessary to conduct said trial. In addition, notice shall also be given to the officer who issued said notice of violation to advise said officer that his presence at the trial has been requested by the defendant.

(d) The Director of Finance may, in accordance with the procedures prescribed by the State Motor Vehicle Administration and State law, give or cause to be given notice to said administration of all vehicles registered by the State and the subject of any outstanding past due parking violation of this Code and request that the administration refuse registration or transfer of registration of the subject vehicle, until notified by the County that said violation has been satisfied.

In such cases, the Director of Finance may impose an additional cost of ten dollars (\$10.00), or as may be otherwise established from time to time by the County Executive, for each registration, withheld; and the owner of the vehicle shall be subject to payment of such costs and all other fines, penalties and charges before notice is given to the administration that the subject violation has been satisfied and the registration is released.

Sec. 13-22. Duty of Police Officer or other authorized persons.

(a) Any Police Officer, or other authorized person designated by the Village Manager, finding a vehicle parked in violation of this Chapter shall prepare a notice of violation to the owner or operator of said vehicle on a form prescribed by the County and shall attach said notice to the subject vehicle.

(b) Said notice of violation shall report:

- (1) The vehicle identification by registration state and number.
- (2) The section of this Code said vehicle was parked in violation of.
- (3) The date, time, and location of said violation.
- (4) The amount of fine charged for said violation.
- (5) The name of the officer reporting the violation.
- (6) Any other facts, knowledge of which is necessary to a thorough understanding of the circumstance attending such violation.
- (7) In any case involving a vehicle parked at a parking meter after parking time has expired, the parking meter number shall also be reported.

(c) The notice of violation shall instruct the owner or operator thereof, or either of them, to pay within fifteen (15) days to the department of finance as penalty and in full satisfaction for such violation,

the fine specified by the Chairman of the Board as provided for in this article, or to give written notice, within fifteen (15) days, to the department of finance, of the owner or operator's intention to stand trial for said violation in the district court.

(d) It shall be the duty of each Police Officer or other authorized person to report each such violation to the department of finance immediately or as soon thereafter as possible.

(e) The notice and report as provided in this section shall bear corresponding serial numbers. All notices assigned for issuance by Police Officers or other persons shall be reported and fully accounted for by the respective officer or person to whom the notices were assigned and any missing notices or reports shall be immediately reported to the department of finance and documented by such officer or person.

(f) It shall be the duty of each Police Officer of the Village or other authorized person so designated by the Village Manager to charge uniformly and consistently the official fine as established by written regulation and provided for in the preceding sections, for violation of each respective parking regulation and provision of this Chapter.

Sec. 13-23. Required payment of fines, dishonored checks; penalties.

(a) Each owner or operator notified under the provisions of the preceding section shall, within fifteen (15) days of time when such notice was issued, pay to the department of finance, as penalty and in full satisfaction of such violation, the sum amount of the fine as specified on such notice.

(b) Failure to pay or comply; penalty, in addition to fine:

- (1) In the event said owner or operator fails to comply with the preceding sections and the instructions provided on a notice of violation within the period prescribed by this article, the fine for such violation shall be increased by an additional penalty not to exceed ten dollars (\$10.00), or as shall otherwise be established from time to time pursuant to the provisions of this Chapter.
- (2) Whenever the department of finance or its agent is able to ascertain by reasonable access to state motor vehicle administration thereof, such department or agent shall immediately give or cause to be given a notice in writing to such owner that the violation is overdue and delinquent, but that the additional penalty has been added and that the failure of such owner to make such payment in full satisfaction of the violation fine and penalty, shall render such owner subject to the warrant and other penalties provided by this Chapter.
- (3) Whenever any check or draft tendered to the County in payment of any fine, penalty, cost or other charge as provided in this Chapter is dishonored by a bank or otherwise returned as uncollectible, a charge of ten dollars (\$10.00), or as may be otherwise established from time to time. In such cases, the County may require that the total amount due be paid in the form of a certified check, or money order.

Sec. 13-24. Failure to pay fine or stand trial.

It shall be unlawful for any owner or operator of a vehicle or any person to fail to satisfy a notice of violation or summons issued to such person or attached to a vehicle owned by such person, fail to stand trial, fail to appear upon receipt of a summons or other written notification directing said person to appear before a judge of the District Court; and fail or refuse to make payment of fine for notice of violation within the time period specified by any provision of this Chapter.

Sec. 13-25. Presumption in reference to illegal parking.

In any prosecution charging a violation of any provision of this Chapter governing the standing or parking of a vehicle or trailer, proof that the particular vehicle or trailer described in the notice of violation was parked in violation of such provision with proof that the defendant named in the notice of violation was at the time of such parking the registered owner of such vehicle or trailer shall constitute in evidence a prima facie presumption that the registered owner of such vehicle or trailer was the person who parked or placed such vehicle or trailer at the point where, and for the time during which, such violation occurred.

Sec. 13-26. Issuance of summons.

(a) Any Police Officer or other authorized person, designated by the Village Manager, having observed any person or having been furnished evidence that any person, business or corporation did violate any provision of this Chapter, shall prepare a summons to appear before the District Court on a form prescribed by the District Court and shall present said summons to the person or an officer of the business or corporation charged.

(b) The summons to appear shall cite the section of this Chapter that such person, business or corporation violated and instruct the person or representative to appear before the District Court on a specified date and time, or to pay, on or before the specified court date and time, as penalty and in full satisfaction for such violation, the fine as specified herein, or as shall otherwise be established from time to time by the District Court immediately or as soon thereafter as possible.

Sec. 13-27. Impounding or immobilizing vehicles for repeated violations.

(a) Members of the Village Department of Police, or any authorized designee of the Village Manager, are hereby authorized to remove a parked or unattended vehicle or trailer from a street, highway, public way, to the nearest police substation, garage or other place of safety designated by the Village Department of Police if such vehicle or trailer has been involved in or the subject of three (3) or more outstanding, past-due violations of this Chapter.

- (1) Whenever a vehicle or trailer is removed from a street, highway, public way as authorized in this Chapter and the officer or agent knows or is able to ascertain from the registration records in the vehicle or trailer or the records of the state motor vehicle administration the name and address of the owner thereof, such officer or agent shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefore, and the method by which release can be secured. A copy of the notice shall be sent to the Department of Finance and to the officer or proprietor in charge of the place where the vehicle is being held.
- (2) It shall be unlawful for any person to remove or permit the removal of a vehicle from the custody of the County without first obtaining authorization from the County, a court order or paying all fines, penalties, costs and other charges associated with the impoundment of said vehicle.

(b) Members of the Village Department of Police, or any authorized designee of the Village Manager, are hereby authorized to immobilize, in such a manner as to prevent its operation, a parked or unattended vehicle or trailer, if such vehicle or trailer has been involved in or the subject of three (3) or more outstanding, past-due violations of this Chapter, except that no such vehicle or trailer may be immobilized by any means other than the use of a device or mechanism that will cause no damage to such vehicle or trailer unless it is moved while such device or mechanism is in place.

- (1) In any case involving immobilization pursuant to this section, such officer or agent shall cause to be placed on such vehicle or trailer in a conspicuous manner notice sufficient to warn any individual to the effect that such vehicle has been immobilized and that any attempt to move such vehicle might result in damage to such vehicle. Such notice shall further instruct the owner or operator of the procedure to follow to secure release of the vehicle.
- (2) It shall be unlawful for any person to be found tampering with or removing or attempting to remove the immobilization device without authorization or found removing the warning notice.

(c) In any case involving the impoundment or immobilization of a vehicle pursuant to this section, an administrative cost not to exceed twenty-five dollars (\$25.00), or such amount as established from time to time, shall be charged to the owner or operator of the vehicle in addition to all outstanding fines and penalties assessed pursuant to violations of this Chapter plus any towing and storage costs incurred. All such fines, penalties, costs and charges shall be paid to the County before the owner may reclaim or secure the release of the vehicle.

Sec. 13-28. Sale of abandoned vehicles--Procedure generally.

Whenever any motor vehicle or part thereof is in the custody of the Department of Police and whenever the owner or person entitled to the possession thereof cannot be located and fails to claim such motor vehicle or part thereof for a period of sixty (60) days after such motor vehicle, or part thereof, came into the custody of the division, the same may be disposed of by the County at public sale at some time and place which shall be convenient and accessible to the public, provided that an advertisement of the time, place and terms of the sale, together with a full, detailed description of such motor vehicle, or part thereof, shall be inserted in at least one newspaper of general circulation in the County, at least once each week for two (2) successive weeks prior to the sale; provided, further, that a notice by registered mail shall be sent at least ten (10) days prior to the sale to the owner and lien holder, if any, shown on the records of the Commissioner of Motor Vehicles, or the person entitled to the possession of such motor vehicle or part thereof, if his address be known, or if it can be ascertained by the exercise of reasonable diligence. If such address cannot be ascertained then such notice shall not be required.

Sec. 13-29. Same--Evidence of title.

A sales receipt as prescribed or approved by the Motor Vehicle Administration of the State shall be issued to each purchaser of any such vehicle sold and said receipt shall constitute sufficient evidence of title to any motor vehicle so sold, in order to enable any such purchaser to obtain a certificate of title and registration from the Motor Vehicle Administration of the State.

Sec. 13-30. Same--Disposition of proceeds; payment of liens, etc.

After payment of the expenses of any sale held pursuant to the aforementioned requirements, including storage, transportation and other administrative costs incurred by the Village and the County on account of the motor vehicle or part thereof sold at such sale and after payment of any outstanding traffic or parking violations against such vehicle and all liens filed against the motor vehicle or part thereof, the balance, if any, received by the County at any such sale shall be held by the Director of Finance for a period of ninety (90) days from the date of such sale. The Director of Finance shall pay such balance to any person who shall file his verified claim prior to the expiration of such period establishing that he is the owner or person entitled to the possession of such motor vehicle. If no such claim is filed within such period, the balance shall be transferred to the Village.

Sec. 13-31. Receipts not required for payment received by mail.

The provisions of section 2-35 of the Montgomery County Code relative to the issuance of a

receipt to a person paying same shall not apply to the payment of parking violations and related charges by mail. The cancelled check of the owner or operator shall suffice as a receipt in all instances. Payment may be made in person or by mail to the Department of Finance.

Sec. 13-32. Penalties generally.

(a) No vehicle shall be parked in violation of the provisions of this Chapter or regulations issued thereunder, and the owner thereof shall be subject to the fines and penalties established under the provision of section 13-21 for such violation.

(b) Failure to comply with any of the provisions of this Chapter shall constitute a misdemeanor and any person, upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00) or sentenced to not more than sixty (60) days in jail or both. Each day that a violation continues shall be deemed as a separate offense.

Sec. 13-33. Severability.

The provisions of this Chapter are severable and if any provision, sentence, clause, section or part thereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of the Chapter or their application to any other persons or circumstances. It is hereby declared to be the legislative intent that this Chapter would have been adopted if such an illegal, invalid, or unconstitutional provision or, sentence, clause, section or part had not been included therein, and if the person or circumstances to which the Chapter or any part thereof is inapplicable had been specifically exempted therefrom.

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