

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, all words and phrases shall have the meanings respectively ascribed to them in Chapter 31 of the Montgomery County Code or the Transportation Article of the Maryland Code. In the event of a conflict between the Montgomery County Code and the Maryland Code, the definition in the Maryland Code shall apply. In addition, the following words and phrases shall have the meanings respectively ascribed to them in this section:

- (a) *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.
- (b) *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.

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

(No. 10-01-10, 04-09-12)

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 and devices.

Whenever the Board of Managers ("Board") determines that it is necessary for the safety or control of vehicular or pedestrian traffic, it shall authorize the Village Manager or the Village Manager's designee to erect 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.

(No. 10-01-10, 04-09-12)

Sec. 13-3. Restriction of traffic and parking.

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

- (1) Restricting and/or limiting the movement of automobiles or other vehicles on the streets and roads under the jurisdiction of the Village; and
- (2) Restricting and/or limiting the parking of automobiles or other vehicles on the streets under the jurisdiction of the Village.

(b) The Village Manager is authorized to erect signs to give the public notice of all ordinances adopted pursuant to this Chapter.

(c) The ordinances and resolutions adopted under the authority of this Section shall be recorded in a permanent file open to the public located in the Village Office.

(No. 10-01-10, 04-09-12)

Sec. 13-4. Snow emergency routes.

(a) The Board, is hereby authorized to designate, by resolution, important streets of the Village as snow emergency routes, which shall be marked by "snow emergency route" signs.

(b) Upon the declaration of a snow emergency by the County Executive or the Chair of the Village Board, the following traffic and parking regulations shall be in effect and shall continue in effect until the end of the emergency as determined by the County Executive or the Chair of the Village Board, respectively. 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 good condition. 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 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.

(c) 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 and impounding shall be charged to the owner of the vehicle. All such charges shall be paid to the Village or its duly authorized agent before the owner may reclaim the vehicle.

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

(No. 10-01-10, 04-09-12)

Sec. 13-5. Impounding illegally parked vehicles.

(a) Any vehicle parked in violation of this Chapter, or applicable State or County law; or otherwise parked so as to constitute a hazard to public safety; or parked, stopped or standing so as to impede or obstruct the normal movement of traffic or pedestrians, may be impounded by the Village Police Department, or other Police Departments authorized to enforce laws in the Village.

(b) In any case involving the impoundment of a vehicle pursuant to this section the owner of the vehicle shall pay all fines and penalties assessed for any violation of this Chapter plus any towing charges.

(No. 10-01-10, 04-09-12)

Sec. 13-6. Reserved.

ARTICLE III. STOPPING, STANDING AND PARKING

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

(a) Whenever the Chair of the Board or the Chair's designee determines that it is necessary for the safety or control of vehicular or pedestrian traffic, due to emergencies such as fires, riots, accidents, other events or conditions likely to attract large crowds, for the purposes of street maintenance or for any other public purpose, the Chair 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 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(b).

(No. 10-01-10, 04-09-12)

Sec. 13-8. 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 establishing time limits for 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. Any such order 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(c).

(No. 3-01-98, 3-9-98; No. 10-01-10, 04-09-12)

Sec. 13-9. Restrictions on parking near public buildings or facilities.

(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 restricting 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 use of on-street parking spaces to employees at, or visitors to, public buildings or facilities. 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 any restricted parking area during a period when such parking is prohibited to such vehicle.

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

(No. 02-01-10, 02-16-10; No. 10-01-10, 04-09-12)

Sec. 13-10. 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 abutting premises. 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(e)

(No. 10-01-10, 04-09-12)

Sec. 13-11. 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(f).

(No. 10-01-10, 04-09-12)

Sec. 13-12. Parking of vehicles during and following periods of snow and ice accumulation.

During and following periods of snow and/or ice accumulation, the Village Manager or the Manager's designee is authorized, to prohibit or restrict the parking of any vehicles on the streets of the Village for the purpose of facilitating snow and ice removal. The Village Manager or the Manager's designee shall post one or more signs on each affected block notifying the public that parking is prohibited or restricted.

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

(No. 10-01-10, 04-09-12)

Sec. 13-13. Parking by commercial vehicles and public service vehicles.

Nothing contained in this Chapter shall be construed to prohibit commercial or public utility vehicles from using or occupying on-street public parking spaces; 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 all other cases, such vehicles are subject to all of the provisions and regulations of this Chapter.

(No. 10-01-10, 04-09-12)

Sec. 13-14. Parking privileges to disabled drivers.

Any vehicle displaying a windshield placard or disability tags shall be privileged to park for unlimited periods in parking zones restricted as to the length of parking time permitted.

Parking of such vehicles is not permitted:

- (a) where stopping, standing, or parking is prohibited to all vehicles;
- (b) in zones that are reserved for special types of vehicles;
- (c) where parking during specific periods is prohibited; or
- (d) where parking clearly would present a traffic hazard.

(No. 10-01-10, 04-09-12)

Sec. 13-15 to 13-19 Reserved.

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 31-51, of the Montgomery Code (2004), as amended, the Village may request the County to administer and enforce Chapter 31 within the Village. The Village hereby requests that the County administer and enforce Chapter 31 of the Montgomery County Code and Chapter 13 of the Village Code and collect the fines, penalties, costs and other charges on behalf of the Village for such violations. The County is hereby authorized to deduct the cost of collection for each such violation collected after which the net revenues generated therefrom will be paid to the Village.

Chapter 31 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, Chapter 31 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. Wherever Chapter 31 refers to the Montgomery County Police Department, such reference shall, in addition, include the Village Police Department.

(No. 10-01-10, 04-09-12)

Sec. 13-21. 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) 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.

(No. 10-01-10, 04-09-12)

Sec. 13-22. 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 thirty dollars (\$30.00), 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, the County may impose a charge of thirty dollars (\$30.00), or such other amount 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 certified check, or money order.

(No. 10-01-10, 04-09-12)

Sec. 13-23. 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 a fine for violation within the time period specified by any provision of this Chapter.

(No. 10-01-10, 04-09-12)

Sec. 13-24. 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.

(No. 10-01-10, 04-09-12)

Sec. 13-25. 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, all costs and towing and storage charges shall be paid before the owner may reclaim or secure the release of the vehicle.

(No. 10-01-10, 04-09-12)

Sec. 13-26. Sale of abandoned vehicles--Procedure generally.

Whenever any motor vehicle or part thereof is in the custody of the Police Department 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 Department, 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 Motor Vehicle Administration, 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.

(No. 10-01-10, 04-09-12)

Sec. 13-27. 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.

(No. 10-01-10, 04-09-12)

Sec. 13-28. 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.

(No. 10-01-10, 04-09-12)

Sec. 13-29. 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.

(No. 10-01-10, 04-09-12)

Sec. 13-30. Penalties generally.

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 therefor.

(No. 10-01-10, 04-09-12)

Sec. 13-31. 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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