

## ARTICLE 19 VEHICLE CONTROL

### Section 19.1 Scope

The provisions of this Article supplement the vehicle control laws of Montgomery County and the State of Maryland.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

### Section 19.2 Definitions

The following terms shall ~~within the meaning of this Article~~ be defined as follows, when used in this Article:

*Official Sign:* A sign posted by authority of the Town Council for the purpose of guiding, warning, regulating, limiting or otherwise controlling the movement, stopping, standing, or parking of motor vehicles upon the streets and roadways of the Town.

*Recreational vehicle:* A duly registered vehicle, with or without motor power, which is solely intended for the leisure use of the operator and guests, including a (i) motor home; (ii) travel trailer; (iii) camper or camping trailer; or a (iv) non-freight trailer, as defined by the State Motor Vehicle Administration, used to transport other leisure equipment such as a boat, horse, motorcycle, show car, race car, snowmobile, or bicycle.

*Vehicle Control Officer:* A member of the Town Council duly and properly appointed by the Council to assist the Mayor and the Town Clerk in the enforcement of this Article.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

### Section 19.3 Authority for Establishing Traffic and Parking Control Measures

**A.** Whenever it is necessary in the judgment of the Town Council to ensure the public and pedestrian safety, control vehicular traffic, limit or channel vehicle movement or speed, or control parking on streets and other public space, that body is empowered to provide for the preparation and placement of appropriate signs, markings, speed bumps, speed humps, parking meters and other physical devices which limit access, channel vehicle movement, reduce vehicle speed, or otherwise divert, slow, regulate or control traffic or parking. The permanent removal of existing or erection of additional official signs, markings, or devices shall be authorized by the Town Council by resolution before such action is taken.

**B.** The Mayor, the Town Clerk and the Vehicle Control Officer shall all have authority to temporarily remove, cover or erect vehicle control signs in the event where such action is determined to be in the immediate public interest or safety. No such temporary measure shall

remain in effect for more than 30 days without official authorization by the Council. It shall be the duty of all persons to comply with all official signs, markings, or devices within the Town.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-01, effective 0/00/18)

#### **Section 19.4 Violations**

A. It shall be unlawful for any person to operate, drive, stop, stand, or park any vehicle within the Town in violation of any provision of this Article or any official sign, marking, or other traffic control device installed or maintained by the Town.

B. The fines for violations of this Article will be in such amounts as may be established from time to time by resolution of the Town Council.

C. Any person violating any of the provisions of this Article shall additionally be subject to the penalties and remedies stipulated under Article 21.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

#### **Section 19.5 Driving Over Curbs, Sidewalks or Drainage Structures**

It shall be unlawful for any person to drive or cause to be driven any motor vehicle on or over any curb, sidewalk or drainage structure without a special permit to do so from the Mayor or Town Clerk; provided, that this Section shall not apply to sidewalk that is part of a driveway or 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.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

#### **Section 19.6 Parking of Unregistered Motor Vehicles or Trailers**

It shall be unlawful to park any unregistered motor vehicle or trailer upon the streets and roadways of the Town at any time.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17)

#### **Section 19.7 Parking of Recreational Vehicles**

It shall be unlawful to park any recreational vehicle upon the streets and roadways of the Town at any time, except that the owner or operator of any recreational vehicle described in this Section may make an application to the Mayor, the Town Clerk or the Vehicle Control Officer to

park such recreational vehicle upon the streets and roadways of the Town for no more than seven (7) days, which application may be granted upon good cause shown.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

### **Section 19.8 Parking Vehicles; Impeding Traffic, Threatening Public Safety**

No vehicle shall stop, stand or park upon any street or roadway of the Town so as to impede the movement of traffic or constitute a threat to public safety.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17)

### **Section 19.9 Establishment of Emergency or Temporary No Parking Zones**

The Mayor, the Town Clerk and the Vehicle Control Officer are all authorized and empowered at any time to designate any street or roadway within the Town as an emergency or temporary no parking zone, or temporarily to prohibit vehicular and pedestrian traffic on such streets and roadways in the event of emergency 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. When and in the event such streets and roadways are so designated, parking of vehicles and vehicular and pedestrian traffic in such streets and roadways is prohibited.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-04, effective 6/3/18)

### **Section 19.10 Parking Over 15 Days Prohibited**

The continuous and uninterrupted parking of motor vehicles and trailers upon the streets and roadways of the Town for a period longer than fifteen (15) consecutive days is hereby prohibited. In those cases where it is necessary for the owner or operator of a vehicle to park for a longer period, he may make application to the Mayor, the Town Clerk or the Vehicle Control Officer for use of public space set aside for extended parking, which application may be granted upon good cause shown.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

### **Section 19.11 Parking within Twenty (20) Feet of Crosswalks, or within Fifteen (15) Feet of Fire Hydrants**

The parking of vehicles or trailers at any time on any street or roadway within a distance of less than fifteen (15) feet of a fire hydrant, or within a distance of less than twenty (20) feet from a marked crosswalk is prohibited.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17)

### **Section 19.12 Parking within Thirty (30) Feet of Intersections or Stop Signs**

The parking of vehicles or trailers at any time on any street or roadway within a distance of less than thirty (30) feet from the nearest curb line of an intersecting street or roadway is prohibited; provided, if there is a stop sign within the space where such parking is prohibited, then the prohibition shall extend to all space within thirty (30) feet of the stop sign.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17)

### **Section 19.13 Obstructing Entrances to Public or Private Driveways**

The parking of vehicles at any time on the streets and roadways of the Town in such a manner that any part of the vehicle is within five (5) feet of either curb edge of any opening to any public or private driveway or otherwise overlaps or obstructs such an opening is prohibited; except that an owner or occupant of a private residence may obstruct his own private residence driveway.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17)

### **Section 19.14 Repair of Vehicles in Public Space Prohibited**

It shall be unlawful for any person to perform service or repairs on a vehicle parked on a public street, roadway, parking lot, or other public property, within the Town, provided however, that this Section shall not apply to emergency service or repair, or to a vehicle owner performing minor service or repairs on their vehicle provided the vehicle is otherwise legally parked, registered, and operative.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

### **Section 19.15 Impounding Illegally Parked Vehicles**

**A.** Any vehicle parked in violation of this Article 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 a normal movement of traffic or pedestrians, may be impounded by the Mayor, the Town Clerk, the Vehicle Control Officer or their duly designated agents.

**B.** In any case involving the impoundment of a vehicle pursuant to this Section, an administrative cost shall be charged to the owner of the vehicle, in such amount as the Council may establish by resolution from time to time, in addition to all outstanding fines and penalties assessed pursuant to violations of this Article, plus any towing or storage charges incurred.

**C.** All such fines, penalties, cost and charges shall be paid to the Town or the towing operator before the owner may reclaim or secure the release of the vehicle.

**D.** A vehicle impounded under this Section for which the requisite fines, penalties costs and charges remain unpaid for more than thirty (30) days after impoundment may be disposed of in accordance with the abandoned vehicle procedures set forth in Section 19.17.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

### **Section 19.16 Non-Street Parking Restrictions**

It shall be unlawful to park, store, or leave any vehicle, whether attended or not; or for the owner of any vehicle to allow, permit, or suffer the same to be parked, stored, or left, whether attended or not, upon any public or private property in the Town, other than public streets and roadways, without the consent of the owner of such public or private property. The Mayor, the Town Clerk and the Vehicle Control Officer and their duly designated agents are all authorized to remove and impound any vehicle parked, stored, or left in violation of this Section and to keep the same impounded until the owner thereof, or other duly authorized person, shall deposit collateral in the amount and in the manner hereinafter provided for in the case of violations of this Article, and shall have paid to the Town Clerk or the towing operator, an amount equal to the towage and any and all reasonable storage charges incurred by the Town in impounding such vehicle. In any prosecution under this Section proof that a vehicle was parked, stored or left on public or private property shall be prima facie evidence that the vehicle was so parked, stored or left without the consent of the owner of such public or private property. A vehicle impounded under this Section and for which the requisite collateral has not been deposited within thirty (30) days of impoundment may be deemed an abandoned vehicle and disposed of in accordance with the abandoned vehicle procedures set forth in Section 19.17.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

### **Section 19.17 Unattended or Abandoned Vehicles**

**A.** Whenever any vehicle is left unattended upon any street or roadway, sidewalk or other public property for an unreasonable length of time so as to impede traffic flow, constitute a safety or health hazard, or impair the aesthetic values of the community, the Mayor, the Town Clerk and the Vehicle Control Officer and their duly designated agents are all authorized to impound and remove such vehicle and charge the owner thereof the costs of towing, storage, and any other charges incurred in connection therewith. If the owner fails to claim the vehicle for a period of thirty (30) days after it comes into the custody of the Town, it may be disposed of by the Town Council through its designated agent(s) at public sale, provided that an advertisement of the time, place and terms of sale, together with a description of the vehicle shall be published in at least one newspaper of general circulation in Montgomery County at least once each week for two 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, at the address in the records of the Maryland Motor Vehicle Administration.

**B.** The certificate of the Town Council or its agent(s) that it has sold any motor vehicle at public auction to a purchaser shall constitute sufficient evidence of title to any motor vehicle so sold in order to enable any such purchaser to obtain a title and registration from the Maryland Motor Vehicle Administration.

**C.** In the event that any vehicle is sold pursuant to the provisions of Sub-Section (A) of this Section, the payment of the expenses of any such sale, the amount of storage, charges for towing, and any repair charges incurred by the Town on account of the disposition of such vehicle shall be paid first from the proceeds of such sale. Any excess received as a result of such sale shall then be applied to the payment of all liens filed against the vehicle or part thereof and the balance, if any, received by the Town at any such sale shall be held by the Town Clerk for a period of one (1) year from the date of the sale. The Town Clerk shall pay such balance to any person who shall file a verified claim establishing the right thereto prior to the expiration of such year. If no such claim is filed within such period, the balance shall be transferred to the General Fund of the Town.

**D.** It shall be unlawful to park, store or leave any vehicle or part thereof in a wrecked, junked, unregistered, or abandoned condition, whether attended or not, upon any privately-owned property within the Town. The Mayor, the Town Clerk and the Vehicle Control Officer are all authorized to seize, remove and impound such vehicle or part thereof and charge the owner thereof the cost of towing, storage or any other charges incurred in connection therewith. If at the time of removal the owner fails to redeem the impounded property under the provisions of Sub-Section (E) of this Section, such vehicle or part thereof shall be disposed of by the Town Council through its designated agent(s) at public sale as set forth in Sub-Section (A) of this Section.

**E.** The Town Clerk shall keep a record of all vehicles or parts thereof which are impounded and shall be able at all times to furnish the owner with information as to the place of impoundment and the charges incurred, and shall be authorized to release such vehicle or part thereof to such owner upon payment of such charges and assurance to the Town that such vehicle or part thereof will not thereafter be left upon any public or private property within the Town in violation of any ordinance. Any impounded vehicle or part thereof shall remain impounded until disposition under this Section.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

### **Section 19.18 Speed Limit**

It shall be unlawful for any person to operate any vehicle upon the streets of the Town at a rate of speed in excess of twenty (20) miles per hour.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17)

### **Section 19.19 Throwing Objects at Vehicles Prohibited**

It shall be unlawful for any person to throw, propel or cause to be thrown any object, substance or missile at, against or into any vehicle within the Town; provided that the loading of vehicles is not prohibited.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17)

### **Section 19.20 Speed Humps and/or Raised Crosswalks**

The Town is authorized to construct and maintain speed humps and/or raised crosswalks in any location designated by the Town Council.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

### **Section 19.21 Bicycle Safety Regulations**

It shall be unlawful for any person to ride or operate a bicycle or similar vehicle upon any street or road within the Town after sunset unless such bicycle has a reflector on the rear and an operating light on the front thereof.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17)

### **Section 19.22 Stop Signs**

All motor vehicles on the following streets moving in the following directions shall come to a full stop before proceeding across an intersections where a stop sign has been installed or posted.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

### **Section 19.23 One-Way Streets**

Vehicle movement on Vassar Circle in a clockwise direction is prohibited. Appropriate official signs sufficient to implement this Section are authorized and shall be posted if not already in place.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17)

### **Section 19.24 No-Parking Zones**

Parking shall be prohibited at all times in any location designated by the Town Council, and as indicated where a no parking sign has been installed or posted.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

### **Section 19.25 Snow Emergency Traffic Control**

**A.** The Town Council hereby designates the following Town streets as snow emergency routes, which may be marked by snow emergency route signs:

1. Oxford Road between MacArthur Boulevard and University Avenue;
2. Wellesley Circle, except for the small dead end section above University Avenue;
3. Vassar Circle between upper Cornell and University Avenues; and
4. Cornell Avenue between MacArthur Boulevard and Vassar Circle.

**B.** Upon the declaration of a snow emergency by the Mayor or Town Clerk in Mayor's absence, by such public notice within the discretion of the Mayor or Town Clerk as it is practical to give under the circumstances, 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 Mayor or Town Clerk in Mayor's absence. Such emergency may exist by reason of imminent or actual snow or ice conditions.

1. No person shall operate any vehicle upon a snow emergency route unless at least two (2) power wheels of such vehicle are equipped with snow tires or tire chains in a good state of repair, or the vehicle is equipped with four-wheel or all-wheel drive. 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 Town to observe all snow emergency signs and orders during periods of emergency declared under this Section.

2. It shall be unlawful for any vehicle to be parked and left unattended during a snow emergency in any of the following locations:

- a. the north side of University Avenue;
- b. the east side of Oxford Road between MacArthur Boulevard and University Avenue;
- c. the inner side of Wellesley Circle, except for the small "dead-end" section above University Avenue;
- d. the inner side of Vassar Circle; or
- e. the west side of Cornell Avenue between MacArthur Boulevard and Vassar Circle.

3. The Mayor may further temporarily restrict or limit the parking of vehicles on Town streets for the purposes of facilitating snow and ice removal, providing such restrictions are declared and posted by suitable public notice on the day before they go into effect or earlier, and commence no earlier than 8:00 a.m. on the effective date.

C. Any vehicle parked and left unattended in violation of this Section may be impounded and removed by the Mayor, the Town Clerk, the Vehicle Control Officer or their duly authorized 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 Town before the owner may reclaim the vehicle.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

### **Section 19.26 Enforcement**

Violations of the provisions of this Article may be enforced by the Town or any law enforcement officer of the State of Maryland or Montgomery County.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

### **Section 19.27 (Reserved)**

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

(Note: Municipal infractions are processed according to the requirements of State law (MD Code Annotated, Local Government Article, Section 6-101))

### **Section 19.28 (Reserved)**

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

### **Section 19.29 Presumption Reference to Illegal Parking**

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

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17)

### **Section 19.30 Severability Clause**

If any word, phrase, clause, item, sentence, paragraph, section or part in or of this Article shall judicially be declared to be unconstitutional or the applicability thereof to any person or circumstances held invalid, the constitutionality of the remainder of this Article and the applicability thereof to other persons and circumstances shall not be affected thereby.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17)