

CHAPTER TWENTY-TWO

**AN ORDINANCE TO CONTROL AND REGULATE ABANDONED,
WRECKED, DISMANTLED, JUNKED OR INOPERATIVE VEHICLES**

SECTION 1: PURPOSE

The purpose of this Ordinance is to limit and restrict the outdoor storage, parking, repair or unreasonable accumulation of junk, unused, partially dismantled, or non-operating motor vehicles or new or used motor vehicle parts upon public and private premises within the Town limits to prevent degradation of the environment caused by such activities and to minimize the devaluation of property values and the psychological ill effects of the presence of such vehicles upon adjoining residents and property owners and the consistent maintaining of a nuisance.

SECTION 2: DEFINITIONS

As used in this Ordinance, the following terms shall have the following meanings unless the context clearly indicates that a different meaning is intended:

- (a) **Junk Yard** - Any area where waste, discarded or salvaged materials are bought, sold, exchanged, bailed, parked, stored, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and places for yards for storage of salvaged house wrecking and structural steel materials and equipment, either for profit or not for profit.
- (b) **Town** - The Town of Keedysville, Maryland.
- (c) **State** - The State of Maryland
- (d) **County** - Washington County, Maryland
- (e) **Junked Motor Vehicle** - Any motor vehicle which does not have lawfully affixed thereto both an unexpired license plate or plates and a current motor vehicle safety inspection certificate and the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded.
- (f) **Motor Vehicle** - Any self propelled land vehicle which can be used for towing or transporting people or materials, including but not limited to, automobiles, trucks, buses, motor homes, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, dune buggies, and other off the road vehicles.

(g) **Person** - Any person, firm, partnership, association, corporation, company, or organization of any kind. Clerk of the Circuit Court
Washington County

(h) **Private Property** - Any real property within the town which is privately owned and which is not public property as defined in this section.

(i) **Public Property** - Means any street or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility.

(j) **Removal** - The physical relocation of a motor vehicle or motor vehicle accessories to an authorized location.

(k) **Disabled** - Incapable of moving under its own power.

(l) **Unlicensed** - Not having the proper tag as required by the laws of the State of Maryland.

(m) **Wrecked** - The vehicle is damaged to the extent that the cost of repairing the vehicle would be more than the market value of the vehicle in its damaged condition.

SECTION 3: PROHIBITED STORAGE

It shall be unlawful for any person owning or having custody of any junked, rusted, wrecked, dismantled, partially dismantled, inoperative, or abandoned motor vehicle or motor vehicle accessories to store or permit any such vehicle or accessories to remain on any private property within the town for a period of more than thirty (30) days.

It shall further be unlawful for any person owning any private property in the Town to store or permit to remain any such vehicles or accessories on said property for more than a like period. Such storage is declared to be a public nuisance and may be abated or removed and penalties imposed as provided in this ordinance.

It shall be unlawful for any person, after notification to remove any junked, wrecked, dismantled, rusted, partially dismantled, inoperative or abandoned motor vehicle or motor vehicle accessories from any private property has been given, to move same to any other private property upon which storage is not permitted or onto any public highway or other public property for purposes of storage.

SECTION 4: JUNKYARDS

The maintenance of a junkyard is prohibited and shall be considered unlawful in the Town.

SECTION 5: PERMITTED STORAGE

This Ordinance shall not apply to any motor vehicle or motor vehicle accessory stored within an enclosed building, or on the premises of the business enterprise operated in a lawful place and manner when necessary for the operation of such business enterprise, in a storage place or a depository maintained in a lawful place and manner. If same are junked, wrecked, unlicensed or inoperable, then such storage of same is prohibited under the provisions of this ordinance.

SECTION 6: RESPONSIBLE PERSONS

The registered owner or actual owner of any such motor vehicle or motor vehicle accessories as herein defined, the owner of the private property or the lessee or other persons in the possession of any private property upon which motor vehicle and/or motor vehicle accessories are located shall be responsible for the removal of same from the private property or to have same completely housed within a building in accordance with this Ordinance.

SECTION 7: NOTICE OF REMOVAL

In the event of a violation of this Ordinance, the Mayor and Council through its duly authorized agent(s) shall give written notice of a violation of this Ordinance to the responsible person or persons found to be in violation of the provisions of this Ordinance. Said notice shall be in writing and demand that the violation be corrected and the motor vehicle and/or motor vehicle accessories be removed from said private property or properly housed within five (5) days of notification. The notice, if possible, shall be delivered to the responsible person(s) or sent by registered mail with return receipt requested. If the responsible person(s) cannot be located, notification under this section may be accomplished by posting the notice upon the premises and sending a copy of the notice to the responsible person(s) at the last known address of the responsible person (s).

SECTION 8: REMOVAL OF MOTOR VEHICLES OR MOTOR VEHICLE ACCESSORIES

If, after notification pursuant to this Ordinance, the responsible person(s) fails and/or refuses to remove the motor vehicles(s) or motor vehicle accessories from said private property and/or store same in accordance with this Ordinance, the Mayor and Council through its duly authorized agents may cause the motor vehicle(s) and/or motor vehicle accessories to be removed by a commercial tow truck to a commercial garage, auto wrecking yard or other suitable place for disposal at the sole cost and expense of the responsible person(s). In the event the Town is required to take such action, it may file a civil action, in addition to any other penalties or remedies provided herein, in the appropriate court against the responsible person(s) upon whom the notice was served to recover all costs related to the removal, storage and/or disposal of said motor vehicle(s) or motor vehicle accessories, together with court costs and reasonable attorneys fees.

SECTION 9: SALE OF UNCLAIMED VEHICLES/PROPERTY

(1) Whenever any vehicle impounded pursuant to the provisions of this section shall remain unclaimed by the owner or other persons legally entitled to possession or responsible for the vehicle for a period of thirty (30) days from the date that the notice to the owner was mailed set forth herein, the Town may sell such vehicle at a public auction in accordance with the provisions of Title 25 of the Transportation Article of the Annotated Code of Maryland.

(2) The proceeds of the sale shall be applied in the following order:

- (a) Satisfaction of any liens of record;
- (b) Payment of expenses of giving notice and advertising and holding same, including reasonable attorney's fees;
- (c) All storage, towing, impoundment, immobilization, and preservation charges;
- (d) All fines and administrative charges outstanding against the owner of the vehicle under this section; and
- (e) The balance to the registered owner of the vehicle and lien holder of record, if applicable.

SECTION 10: ABANDONED VEHICLES

The provisions of this Ordinance are in addition to and not in derogation of the provisions

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of the Transportation Article of the Annotated Code of Maryland applicable to abandoned vehicles, including but not limited to the provisions of Title 25 thereof. The procedures set forth therein shall be and are applicable and remain in full force and effect. If any provision of this Ordinance is in conflict with same, the most stringent is applicable.

SECTION 11: NUISANCE

Any activity in violation of the provisions of this Ordinance is hereby declared to be a public nuisance which may be enjoined by appropriate action by the municipality, or which in addition thereto may subject the violator to all other remedies, fines and penalties herein provided for in addition thereto.

SECTION 12: PENALTIES

If, following notification pursuant to this Ordinance, the responsible person(s) fails to comply with the notice and the provisions of this Ordinance, said responsible person(s) shall be deemed guilty of a misdemeanor and shall come upon conviction thereof be punished by a fine of Fifty (\$50.00) Dollars. Each day that the responsible person(s) fails and/or refuses to comply with the notice required herein after the expiration of the aforementioned seventy-two (72) hour period shall constitute a separate offense subject to a fine of Fifty (\$50.00) Dollars per day.

EFFECTIVE DATE: 15th day of December, 2003.

Record & return to: Ms. Amy Simmons, Clerk
Town of Keedysville
P. O. Box 359
Keedysville, MD 21756

Acts, Ordinances,
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Washington County

**RESOLUTION TO ENACT
AN ORDINANCE TO CONTROL AND REGULATE ABANDONED,
WRECKED, DISMANTLED, JUNKED OR INOPERATIVE VEHICLES**

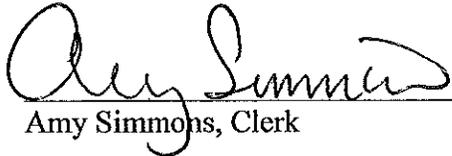
WHEREAS, the Mayor and Council of the Town of Keedysville, Maryland, a municipal corporation existing under and by virtue of the laws of the State of Maryland, deem it advisable and in the best interest of the citizenry of the Town of Keedysville to adopt and enact an ordinance controlling and regulating junk vehicles;

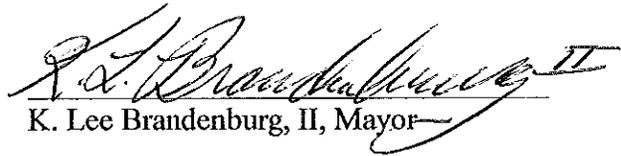
NOW THEREFORE, be it Enacted, Resolved and Ordained that Chapter 22, entitled Ordinance to Control and Regulate Abandoned, Wrecked, Dismantled, Junked or Inoperative Vehicles which is a is attached hereto as Exhibit A and incorporated herein by reference, be and is hereby approved and enacted; and be it further

RESOLVED, ENACTED and ORDAINED that the Mayor is hereby authorized to execute this Resolution and any other documents necessary to effectuate the purposes of this Ordinance.

**WITNESS AND ATTEST
AS TO CORPORATE SEAL**

TOWN OF KEEDYSVILLE


Amy Simmons, Clerk


K. Lee Brandenburg, II, Mayor

Introduced: November 3, 2003

Passed: November 10, 2003

Effective: December 1, 2003

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Dec 03, 2003 04:16 pm