

**CHAPTER FIFTEEN**

**AN ORDINANCE REGULATING AND AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, MARYLAND TO ENFORCE CERTAIN PARKING REGULATIONS WITHIN THE CORPORATE LIMITS OF THE TOWN OF KEEDYSVILLE, MARYLAND**

**RECITAL**

The Mayor and Council of Keedysville, a municipal Corporation, existing under and by virtue of the Laws of the State of Maryland, through its Council as its duly authorized legislative body, have determined that it is in the best interests of the Town of Keedysville and the citizenry to authorize the Board of County Commissioners of Washington County, Maryland to regulate parking in the corporate limits under certain conditions.

The Board of County Commissioners of Washington County, Maryland, a body politic, wherein Keedysville is geographically located, has adopted a certain Resolution regulating parking of vehicles under certain conditions. Said Resolution was adopted and is recorded among the Acts, Ordinances and Resolutions in the office of the Clerk of the Circuit Court for Washington County, Maryland. A copy of same is attached, made a part hereof, and incorporated herein by reference.

Article 23A §(b) of the Annotated Code of Maryland provides that municipal corporations can and may adopt Ordinances and authorize the county wherein said municipality is located to administer and/or enforce said legislation on its behalf.

The Mayor and Council of Keedysville as the duly constituted legislative body of the Town, is desirous of having said County administer and enforce same pursuant to the provisions of the aforementioned Resolution.

**NOW, THEREFORE**, pursuant to the provisions of the Charter of the Town of Keedysville, and the Annotated Code of Maryland, the Mayor and Council of the Town of Keedysville enact the following ordinance:

**BE IT RESOLVED, ENACTED and ORDAINED as follows:**

1. The Mayor and Council of the Town of Keedysville do hereby adopt the Resolution adopted December 5, 1992 by the Board of County Commissioners of Washington County, Maryland, as attached and any amendments that have been or may be subsequently added thereto.
2. This Ordinance shall be and is hereby declared to be applicable and effective within the corporate limits of the Town. The Mayor and Council of the Town of Keedysville hereby requests and authorizes the Board of County Commissioners (Washington County) to implement, enforce and regulate said Ordinance in accordance with the provisions set forth therein.

**BE IT FURTHER RESOLVED, ENACTED and ORDAINED** that this Ordinance is effective as of the date of passage.

## RESOLUTION

**WHEREAS**, Article 25, §2 of the Annotated Code of Maryland provides that the Board of County Commissioners of Washington County, Maryland, may by Resolution regulate the parking of vehicles on the public highways provided appropriate notice thereof is given to the public by posting or otherwise, and further providing that any person violating any regulation adopted pursuant to the authority conferred in this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not exceeding One Hundred Dollars (\$100.00) for any such violation; and

**WHEREAS**, the Board of County Commissioners believe that in order to promote traffic safety and to prevent accidents caused by the indiscriminate stopping or parking of vehicles on or along the highways of Washington County, that it is necessary to pass a Resolution regulating parking on the public highways; and

**WHEREAS**, by Resolution dated August 21, 1984, the Board of County Commissioners adopted a Resolution regarding parking or stopping on the public highways, said Resolution having been filed September 26, 1984 among the Acts, Ordinances, and resolutions of Washington County in Liber 3, folio 991, in the Office of the Clerk of the Circuit Court of Washington County, Maryland; and

**WHEREAS**, the Board of County Commissioners passed a further Resolution regulating parking in handicapped spaces, said Resolution having been passed February 6, 1990 and recorded on February 7, 1990 in Acts, Ordinances, and resolutions for Washington County in Liber 4, folio 263, in the Office of the Clerk of the Circuit Court for Washington County, Maryland; and

**WHEREAS**, the Board of County Commissioners desires to pass a Resolution incorporating the previous two Resolutions and providing further for the impounding of vehicles registered in Maryland and other states for failure to satisfy outstanding County parking violations, the purpose of which is to ensure payment of fines for parking violations occurring in Washington County, Maryland; and

**WHEREAS**, the Board of County Commissioners believes that in order to promote traffic safety and to prevent accidents caused by the indiscriminate parking of vehicles on or along the public highways of Washington County, and to assist the handicapped in parking, and furthermore to ensure payment of fines for a violation of this Resolution, it is necessary to pass and approve this Resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Washington County, Maryland, pursuant to the power and authority granted to the Board of County Commissioners of Washington County, by Article 25, §2 of the Annotated Code of Maryland, that the parking of vehicles on the public highways will be restricted, limited, or prohibited on or along any road or highway or portion thereof in said County as provided hereinafter:

I. PARKING PROHIBITED.

A. The roads or sections thereof where parking or stopping is to be restricted, limited, or prohibited, shall be designated by appropriate signs.

B. A person may not park a motor vehicle in a space designated for the handicapped unless the vehicle bears a special registration, plate, or permit issued by the State of Maryland.

C. A person may not park a motor vehicle along any road in said county in which parking or stopping is restricted, limited, or prohibited as designated by the appropriate sign.

II. VIOLATIONS AND PENALTIES. Any person, corporation, or firm violating this Resolution of the Board of County Commissioners of Washington County, Maryland, relating to the parking or stopping of vehicles along roads in Washington County shall be guilty of a misdemeanor and shall be subject to a fine as provided below:

A. SCHEDULE OF FINES

Violation	Payment On or Before Payment Date	Payment After 10 Days Following Payment Date	Payment After 30 Days Following Payment Date	Additional Fine for Impoundment	Flagged
Handicapped Parking	\$100.00	\$125.00	\$150.00	\$75.00	\$50.00
All other parking violations	\$ 24.00	\$ 30.00	\$ 35.00	\$65.00	\$40.00

B. Each day of violation of any of the provisions of this Resolution shall be considered a separate offense.

C. The penalties provided for in this provision shall be in addition to and not in derogation of any other penalties provided for, and all towing and/or storage charges as provided for in the Annotated Code of Maryland.

D. The roads or sections thereof where parking or stopping or handicapped parking is to be restricted, limited, or prohibited, shall be designated by appropriate signs.

### III. IMPOUNDMENT OF VEHICLE.

A. When any vehicle is found parked or moving at any time on any roadway of Washington County against which there are three (3) or more unsatisfied or unpaid County parking citations when at least thirty (30) days have elapsed since the issuance of the third unsatisfied County parking citation, the Washington County Sheriff's Department or any person, official or enforcement officer assigned to enforce this Resolution is hereby authorized and empowered to remove or cause to be removed said vehicle, either by towing, conveying or in any other manner, and impound the same in a place designated by the Sheriff or as may be set forth in other provisions of this Resolution.

B. Whenever a vehicle has been impounded pursuant to the provisions of this section, notice of the removal and storage of said vehicle shall be mailed within twenty-four (24) hours, Saturday and Sunday, and holidays excepted, by registered or certified mail to the last registered owner of the vehicle. The notice shall contain at least the following information:

1. The complete description of the vehicle, including the year, make, model and vehicle identification number.
2. A statement advising the vehicle has been impounded pursuant to the provisions of this section and the exact location where the vehicle is held.
3. The date the owner has the right to reclaim the vehicle. This date shall be thirty (30) days within receipt of the notice, upon payment of all fines, penalties, and towing, preservation and/or storage charges resulting from impounding the vehicle.
4. Notice that the failure of the owner to exercise his right in the time provided shall be considered a waiver of all rights, title and interest in the vehicle and be considered a consent to the sale of the vehicle at public auction.

C. The registered owner of a vehicle having against it three (3) or more violations as set forth herein shall be presumed to be the driver of the vehicle at the time the County Parking Citation was issued and shall be responsible for the offense(s) and the cost of the impoundment except where the use of the vehicle was obtained by the operator without the owner's consent.

D. The owner shall have a right to contest the impoundment of the vehicle by requesting a hearing. The request for a hearing shall be granted within forty-eight (48) hours, excluding Sundays and holidays, from the time the owner files the application for hearing before the hearing officer.

E. The hearing shall be held before a hearing officer consisting of the following: any shift supervisor, corporal or above of the Washington County Sheriff's Department.

F. The findings of the hearing officer shall be in writing. A copy of the same shall be furnished to the owners.

G. If it is determined by the hearing officer that the vehicle should not have been impounded, the owner shall not be required to pay the towing, storage and preservation charges provided for under this section to secure the release of said vehicle. If the charges were paid prior to the hearing, a refund shall be made to the owner who by providing proof they have paid said charges, in order to have the vehicle released.

H. The decision of the hearing officer shall not have any effect on or be considered a determination of the outstanding unsatisfied county Parking Citations against the impounded vehicle.

I. The owner is and shall be entitled to a hearing in the District Court on said parking charges.

J. A vehicle impounded pursuant to this Resolution will be released to its lawful owner (or person entitled to possession) upon a showing of adequate evidence of a right to its possession and upon payment of all accrued fines and cost for each outstanding unsatisfied County Parking citation against said vehicle or the depositing of the same pending the outcome of said hearing and trial in the District Court of Maryland on the outstanding citation(s). In addition thereto, the charges for impounding, as set forth herein, shall be paid or deposited prior to said hearing.

K. If, following a trial in the District Court of Maryland or other tribunal, a not guilty verdict is entered upon any of the violations charged against the stored vehicle, notwithstanding the ruling of the hearing officer with respect to the impounding of the vehicle, all charges advanced as having accrued upon the vehicle by virtue of its impounding, including the collateral advanced for the violation(s) upon which a non-guilty verdict was entered, shall be returned to the person who advanced such sums upon presentation of the official receipt issued at the time said vehicle was released.

L. It is provided that if, as a result of the Court's decision, the number of violations charged against the vehicle previously impounded is reduced to two (2) or fewer, and provided that no refund has previously been made, all fees and charges shall be returned to the person who advanced such fees upon presentation of the official receipt issued at the time said vehicle was released.

M. Whenever any vehicle impounded pursuant to the provisions of this Resolution shall remain unclaimed by the owner or other person legally entitled to possession thereof for a period of thirty (30) days from the date that a notice to the owner was received as set forth herein, the Washington County Sheriff's Department shall sell such vehicle at a public auction in accordance with the provisions of Title 23 of the Transportation Article of the Annotated Code of Maryland.

O. The proceeds of the sale shall be applied in the following order:

1. Satisfaction of all liens of record.
2. Payment of any expenses of giving notice and advertising and holding the same, including reasonable attorney's fees.
3. All storage, towing and preservation charges.

4. All fines and administrative charges outstanding against the owner of the vehicle impounded under this Resolution.
5. The balance to the registered owner of the vehicle and lienholder of record, if applicable.

## V. FLAGGING SYSTEM

A. The Washington County Sheriff's Office will "flag" Maryland vehicle registrations for non-payment of parking or impoundment fines through the Motor Vehicle Administration. Motor vehicle owners will be denied a registration renewal until the parking or other fines enumerated in this Resolution are paid.

B. The Records Coordinator of the Washington County Sheriff's Department will maintain a list using W.C.S.D. Form A-74, Flagging Request, indicating the registration number, month/year of expiration, of those vehicles for which the owner has failed to pay a parking citation within 35 days from issuance. Once notified of the request for flagging, the Motor Vehicle Administration will notify the owner by mail of the "flag" and the procedure to be followed before a removal is issued. The owner will be required to appear at the Sheriff's Department to pay the fine. The Records Coordinator will issue a receipt to be used at the Motor Vehicle Administration as proof of payment in acquiring the registration renewal. After the payment is received, the Records Coordinator will request the flagged registration be purged.

C. The flagging request prepared by the Records Coordinator will be forwarded to Data Processing, City Hall, Hagerstown, no later than the sixth of each month. In order for this procedure to be effective, it is essential the information entered on the Parking Citations be completely, accurate, and legible.

D. A separate fine for flagging will be imposed above and beyond the fine for the parking violation in the event flagging is necessary to obtain payment of the parking fine.

## VI. LEGAL STATUS

A. Validity. Should any paragraph, clause, or provision of this Resolution be declared, by a court of competent jurisdiction, to be invalid, such action shall not affect the validity of the Resolution as a whole or any part hereof other than the part so declared to be invalid, each paragraph, clause, and provision hereof being declared severable.

B. The previous Resolutions relating to parking on public roads passed August 21, 1984, and February 6, 1990, are hereby repealed.