

Dep. Exh. C-4
(9-22-82-C.P.)

W/ Peace

TOWING ORDINANCE
FOR
TOWN OF UPPER MARLBORO

An act to enact a new Ordinance 77-1, providing for the enforcement procedure for protection of the public peace, safety and welfare and the prevention and removal of traffic hazards, prevention and abatement of public nuisances arising from traffic law violations and for the protection of the public rights of the use of the Town streets and thoroughfares.

SECTION I. BE IT ENACTED AND ORDAINED by the Board of Commissioners for the Town of Upper Marlboro, that a new Ordinance, Ordinance 77-1 be and is hereby enacted to read as follows:

SECTION 1-77. Intent and Purpose.

This Ordinance is enacted as an enforcement procedure for protection of the public peace, safety and welfare, and the safeguarding of property, and shall be used generally for the prevention and removal of traffic hazards, prevention and abatement of public nuisances arising from traffic law violations, and for the protection of the public rights in the use of town streets and thoroughfares.

SECTION 2-77. Removal and Impoundment.

A. Any vehicle not registered in the State of Maryland having against it three (3) or more unpaid summons or other process, issued within a eighteen (18) month period charging that such vehicle was parked, stopped or standing in violation of any law, ordinance, or local authority of the Town of Upper Marlboro, shall be deemed a public nuisance and the Department of Police or

any other agent of the Town assigned to traffic duty are hereby authorized to remove, or cause to, be removed, at the sole cost and expense of the habitual violator. Such police authority shall have the power and is hereby authorized to remove the vehicle by either private or governmental equipment to the pound or pounds or elsewhere as may be deemed advisable.

B. Any vehicle --

1. parked or disabled in a "no parking at any time, tow-away zone";
2. blocking a private driveway without the property owners permission;
3. parked in an area designated as a fire lane or within ten (10) feet of a fire hydrant;

Added by
ord 89-1

^{c.}
~~d.~~ shall be deemed a public nuisance and the Department of Police and any other agent of the Town assigned to traffic duty are hereby authorized to remove, or caused to be removed, at the sole cost and expense of the owner of such vehicle; such police authority shall have the power and is hereby authorized to remove the vehicle by either private or governmental equipment to the city pound or pounds or elsewhere as he may deem advisable.

SECTION 3-77. Notice to Owner.

Whenever the Department of Police has impounded a vehicle described above, a notice of such removal and the storage place of such vehicle shall be mailed to the last registered owner of such vehicle, if the name and address of such owner can be ascertained with reasonable diligence. Such notice shall state

that if the owner fails to reclaim such vehicle within sixty (60) days from the date of the mailing, title to such vehicle will vest in the Town of Upper Marlboro, and such vehicle will be sold at public auction to be held not sooner than thirty (30) days after the expiration of the sixty-day period contained in the notice.

SECTION 4-77. Owner Responsibility.

The registered owner of a vehicle having against it three (3) or more outstanding summons shall be presumed to be the owner at the time the summons were in fact issued and shall be severally responsible for the offenses and the impoundment, except where the use of the vehicle was secured by the operator without the owner's consent.

SECTION 5-77. Records.

It shall be the duty of the Department of Police to safely keep any impounded vehicle until such vehicle shall have been repossessed by the owner or person legally entitled to possession thereof or otherwise disposed of as provided in this Ordinance. The Department of Police shall cause to be kept an accurate record of the description of such vehicle, including the name of the officer from whom such a vehicle was received, the officer employed to tow or have delivered the same to said pound or authorized garage, the date and time when received, the place where found, seized or taken possession of, the make and color of car, style or body, kind of power, motor number, serial number, number of cylinders, year built, state license number, if any, equipment and general description of condition, the name and address of the person redeeming said vehicle, the date of redemption, and the manner and date of disposal of said vehicle in case the same shall

not be redeemed, together with cost of outstanding summons and the towing and storage charges. This record shall be in the form prescribed by the Commissioner of Police.

SECTION 6-77. Release of Vehicle.

Vehicles impounded pursuant to this Ordinance will be released to their lawful owner (or person entitled to possession) upon showing adequate evidence of a right to its possession and paying the payment of all accrued fines and costs for each outstanding unpaid summons, or depositing of the collateral required for his appearance in the District Court for Maryland to answer for each violation for which there is an outstanding or otherwise unsettled traffic violation notice or warrant and, in addition thereto, the charges for towing and storage. The release should be signed by an authorized officer.

SECTION 7-77. Sale of Vehicle.

Whenever any vehicle so impounded shall remain unclaimed by the owner or other person legally entitled to possession thereof for a period of sixty (60) days from the day notice to owner was mailed, it shall be the duty of the Department of Police to sell such vehicle at public auction to the highest bidder for cash, the time and place of such sale to be published at least once in a newspaper of general circulation in the Town, not less than ten (10) nor more than fifteen (15) days from expiration of said sixty (60) days. Said notice shall contain a full description of the vehicle to be sold and at the time and place of sale; provided, that any such vehicle not sold at the first sale may be offered for sale and sold at any subsequent sale without further notice or publication. The proceeds of such sale after paying all liens and deducting all reasonable charges and expenses incurred by such officer charged with the keeping of said pound,

including the fees and charges herein specified, in receiving, towing, keeping, preparing and giving notices, advertising for sale or selling or otherwise disposing of such vehicle shall be paid to the Town Clerk.

Whenever any such vehicle shall remain unsold for a period of 180 days from and including the day when the same shall have been delivered to any vehicle pound as in this Ordinance provided, any such vehicle may be given to the use of any department of the Town or other governmental agency desiring the same, or may be removed to the house of correction for dismantling.

No member of the Department of Police, nor any other employee of the Town, directly or indirectly, shall purchase or participate in the bidding for, or purchase of, any vehicle offered for sale as aforesaid.

If the vehicle shall be deemed by the Board of Commissioners of no value or of insufficient value to warrant storage and sale, and if no owner shall appear to redeem such valueless vehicle within sixty (60) days after the mailing of notice of its removal, which notice shall contain a statement that the vehicle is deemed to be of no value or of insufficient value to warrant storage and sale, and that it is the intention to dispose or destroy such vehicle, to any owner whose name and address can be ascertained with reasonable diligence, or by publishing such notice in the official newspaper once, at least five days before its destruction or other disposition. Such vehicle as above provided shall be conclusively deemed of no value and to be abandoned property, and there shall be no claim against the Town, Board of Commissioners, nor any of their agents, or employees by reason of any such destruction or disposition.

SECTION 8-77.. Rules and Regulations.

The Town Council is hereby authorized to adopt by resolution such rules and regulations as are necessary to carry out the provisions of this Ordinance.

SECTION 9-77. Separability.

If any section or provision of this Ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.