

**TOWN OF LAYTONSVILLE**  
**CORRECTED PARKING ORDINANCE (APRIL 6, 2004)**  
**AMENDED (SEPTEMBER 5, 2006)**  
**AMENDED BY ORDINANCE NO. 02-08 AUGUST 5, 2008**  
**AMENDED BY ORDINANCE NO. 02-09 MAY 5, 2009**

**WHEREAS**, the Town of Laytonsville has the power to regulate parking within the Town under § 26-301 of the Transportation Article of the Annotated Code of Maryland;

**WHEREAS**, the Town of Laytonsville has the power to enact and enforce ordinances to control vehicle parking within the Town under Sections 602 and 1002 of the Town Charter; and,

**WHEREAS**, Montgomery County, Maryland has enacted comprehensive legislation dealing with the regulation of motor vehicle parking, enforcement thereof, and the imposition of fines and collections for violations thereof codified in Chapter 31 of the Montgomery County Code (2004); and,

**WHEREAS**, Section 2-96(a) of the Montgomery County Code (2004) provides that any municipal corporation, by ordinance, may request and authorize the County to administer any municipal law including by agreement requesting the County to collect the fines, penalties, costs and other charges on behalf of the municipal corporation, subject, however, to a charge for the administrative costs of collection for each such violation; and

**WHEREAS**, the Town Council of the Town of Laytonsville desires to request and authorize the County to administer its parking ordinances by entering into an agreement requesting the County to collect the fines, penalties, costs and other charges on behalf of the Town, subject to a charge for the administrative costs of collection for each such violation; and,

**WHEREAS**, the Town Council and the Town of Laytonsville desires to revise Ordinance No. 01-04 of the Town Ordinances to permit the County to administer and enforce the Town of Laytonsville's parking ordinances in order to facilitate safe and appropriate use of public ways, pedestrian safety, and for other public purposes;

**BE IT ORDAINED** by the Mayor and Council of the Town of Laytonsville, Maryland in public meeting assembled that Ordinance No. 01-04 being an ordinance to establish regulations dealing with Parking, Standing and Stopping of Motor Vehicles upon public streets and rights-of-way is hereby amended to add new Section 1A, entitled "Applicability of Montgomery County Code" and amend Section 6, of said ordinance, all to read as follows:

## **Ordinance to Regulate Parking, Standing and Stopping**

### **Sec. 1. Scope and intent of Ordinance.**

The provisions of this Ordinance are intended to be in addition to and supplementary to the provisions of the Transportation Article of the Annotated Code of Maryland and in accordance with authority specifically granted by such article.

#### **Section 1A. Applicability of Montgomery County Code**

Except insofar as they conflict with other provisions of Ordinance No. 01-04, the Town of Laytonsville adopts and incorporates by reference Articles I, II, III and VII of Chapter 31 of the Montgomery County Code in their entirety both as currently enacted and as they may be modified in the future.

(i) County Council Resolutions and Executive Regulations. All Montgomery County Council Resolutions and Executive Regulations now adopted by the County Council or County Executive for Montgomery County pursuant to the authority contained in Chapter 31 of the Montgomery County Code (2004) are hereby incorporated by reference and adopted to be effective within the boundaries of the Town of Laytonsville.

(ii) Amendments to County Council Resolutions and Executive Regulations. All County Council Resolutions and Executive Regulations or amendments to either hereafter adopted by the County Council or County Executive for Montgomery County Pursuant to the authority contained in Chapter 31 of the Montgomery County Code (2003) become effective within the boundaries of the Town of Laytonsville upon the effective date thereof unless prior thereto a resolution shall have been adopted by the Town of Laytonsville Council disapproving such resolution or regulation.

(iii) This Ordinance shall become effective immediately upon its adoption.

(iv) The Mayor of the Town of Laytonsville is hereby authorized to enter into and execute on behalf of the Town of Laytonsville an agreement with the County Executive of Montgomery County for the enforcement of the Town of Laytonsville Traffic and Parking Ordinance hereby adopted in form and substance materially consistent with the attached Agreement. **(Section 1A - Added August 5, 2008 by Ordinance No. 02-08)**

### **Sec. 2. Authority of Mayor to erect signs regulating parking; approval by Town Council.**

Whenever, in the judgment of the Mayor of the Town of Laytonsville, it is necessary for the safety or control of vehicular or pedestrian traffic or for the regulation of the use of parking areas, the Mayor is authorized to provide for the erections of “stop,” “no parking,” “speed limit,” “one way,” and other traffic control and parking restriction signs designed to control, regulate, warn or guide traffic or limit parking on public streets, highways, or other public right-of-way areas in the Town, provided, that no such signs shall be erected for other than temporary and emergency purposes without the final approval of the Town Council.

Such final approval shall be constituted by the inclusion, by Mayor and Council resolution, of the above mentioned restrictions in the official parking rules and regulations of the Town. Such parking rules and regulations shall be available to the public at the Town Hall.

It shall be the duty of all persons to observe such signs and it shall be unlawful for any person to fail to obey any such sign or violate any provision of this Ordinance or Traffic Rules adopted hereunder.

**Sec. 3. Obedience to police.**

It shall be the duty of all persons to comply with any lawful order or direction of a police officer.

**Sec. 4. Removal, impounding and disposition of unattended vehicles.**

If any vehicle is left unattended or otherwise parked, standing or stopped upon any public road, highway, alley or public right-of-way or property of the town in violation of any law, ordinance, order or traffic rule regarding the parking, standing or stopping of vehicles, or if any vehicle is left unattended upon any such road, highway, alley or parking lot for more than fourteen days so as to impede the movement of traffic or constitute a threat to public safety, the Mayor or the Mayor's authorized designee or any police officer or parking enforcement officer shall have authority to impound and remove such vehicle and charge to the owner thereof the costs of towing, storage and other charges incurred in connection therewith.

**Sec. 5. Parking enforcement officer; towing companies.**

The Mayor with the consent of the Town Council may appoint a parking enforcement officer to enforce the provisions of this ordinance or any parking rule adopted hereunder and designate towing companies to remove vehicles in violation of this ordinance or parking rules.

**Sec. 6. Notices of violations; payment of penalties.**

Every duly authorized police officer of the county or the state and any parking enforcement officer duly designated by the Mayor and Town Council pursuant to Section Five (5) of this ordinance may attach to any vehicle found to be in violation of any provision of this such ordinance or parking rule a notice to the owner thereof that such vehicles has been in violation of such provision and informing the owner of the penalty for such violation. Each such owner shall pay the penalty within the time and at the place set forth in the Notice. Failure to comply with the provisions of this Ordinance or any Traffic Rule may result in the denial of renewal of that owner's vehicle registration by the State Motor Vehicle Administration.

Violations of the provisions of this Ordinance No. 01-04, as amended, shall be subject to the penalties and enforcement procedures under Chapter 31, Sections 31-51, 31-57 and 31-67 of

the Montgomery County Code, as amended.

Any police officer of Montgomery County or State of Maryland or duly appointed parking enforcement officer shall have concurrent jurisdiction as to the enforcement of all parking ordinances, and traffic rules applicable to public streets and rights-of-way of the Town. Officers so designated shall have the following authority:

- (1) To issue a notice of violation to any motor vehicle or other vehicle owner or operator when such person's vehicle is found parked, stopped or standing in violation of any provision contained in this ordinance or any parking rules adopted by the Town and to issue summonses to appear before a judge of the district court to any person violating the provisions of this ordinance or any parking rules adopted hereunder.
- (2) To require any person found violating or suspected of violating any provision of ordinance or a parking rule to present personal identification in the form of a motor vehicle operator's permit, motor vehicle registration or proof of vehicle ownership when charging said person with a violation.
- (3) To notify a police officer or parking enforcement officer of the necessity to impound a motor vehicle.
- (4) To appear in district court to give evidence as to any parking citation issued.

Any judge of the District Court for Montgomery County, Maryland shall have the authority to enforce the provisions of this ordinance and any parking rules and impose appropriate penalties for violations not to exceed the penalties provided for such violation in Sections 31-51 and 31-57 of the Montgomery County Code. **(Amended August 5, 2008)**

#### **Sec. 7. Parking prohibited at specified places.**

Except as necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device, no person shall stop, stand or park any vehicle in any of the following places:

- a. On or over any curb or sidewalk.
- b. Within an intersection.
- c. Within twenty (20) feet of a crosswalk or on a crosswalk.
- d. Within thirty (30) feet of the approach to any flashing signal, stop sign, yield sign or traffic control signal located at the side of a roadway.
- e. Within fifteen (15) feet of a fire hydrant.
- f. Within twenty (20) feet of the driveway entrance to any fire station.
- g. At any place where stopping, standing or parking is prohibited by an official sign.

- h. At any place designated as a fire lane by an official sign or a curb that is painted yellow.
- i. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
- j. On any entrance or exit ramp of any highway.
- k. Upon any bridge or other elevated structure or within a highway tunnel.
- l. Within fifty (50) feet of the nearest rail of a railroad grade crossing.
- m. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the state highway administration or local authority indicates a different length by signs or markings.
- n. In a space or zone marked as restricted for the use of handicapped individuals unless the vehicle displays special registration plates for disabled or handicapped persons or a special permit for such person is by the county, the state, or any other state, county or city.
- o. On any property owned by the board of education of the county where parking is prohibited by an official sign.
- p. On any public property of the Town or unpaved public right-of-way or road shoulder where parking is prohibited or restricted by an official sign.

**Sec. 8. Parking of trailers and unregistered motor vehicles prohibited.**

- a. No person shall park any trailer, camper trailer or boat trailer, or any unregistered motor vehicle, upon any highway, roads, streets, public right-of-way or other public property in the Town at any time without first obtaining a temporary parking permit from the Town Clerk. The temporary parking permit may be issued for a fifteen (15) day maximum with one (1) fifteen (15) day renewal. *Amended September 5, 2006.*
- b. No person shall park or leave unattended any unregistered motor vehicle or trailer upon private property in the Town. This subsection shall not apply to the following persons or circumstances.
  - 1) To any automobile dealer, service station or towing operator, or operator or owner of any junkyard, salvage yard or scrapper or shredder operations, or any other commercial enterprise holding a valid use and occupancy permit authorizing the storage of vehicles or trailers upon the

property upon which the vehicles are located.

- 2) To any governmental storage or impoundment yard.
- 3) Where not more than one (1) unregistered motor vehicle or trailer undergoing active repair or restoration is parked or stored in any open yard area of an individual one-family residential lot or parcel. ***Corrected April 6, 2004.***
- 4) To any vehicle or trailer which is undergoing active repair or restoration in a completely enclosed garage or building.
- 5) Vehicles or trailers registered in another state, to persons in the armed forces of the United States, diplomats of foreign nations, or to vehicles or trailers of nonresident students.

- c. For the purposes of this chapter, the following words shall have the meaning hereafter ascribed to them:

*Private property* means any lot, parcel or tract of land or improvements thereon, not in public ownership or control, and also shall include the parking areas of residential development and common element or limited common element areas of condominium regimes and homeowners associations.

*Storage Pods* means a fully enclosed structure or container used for the temporary storage of personal property or commercial goods or equipment which is leased or rented. **(Amended May 5, 2009 by Ordinance No. 02-09)**

*Unregistered motor vehicle* means any motor vehicle which, for more than a thirty-day period, is not registered with the appropriate motor vehicle agency of the State of Maryland and displaying evidence of such current registration.

*Unregistered trailer* means any trailer of any type or size designed for use upon a street, road or highway which, for more than a thirty-day period, is not registered with the appropriate motor vehicle agency of the State of Maryland, and displaying evidence of such current registration.

- d. For the purposes of this chapter, there shall be a rebuttable presumption that the owner of an unregistered vehicle or trailer is the owner of the private property or tenant or custodian of said property upon which the unregistered vehicle or trailer is parked or otherwise located.

**Sec. 9. Damage to Right-of-Way Areas.**

No person shall operate or park a vehicle or trailer on any unpaved right-of-way portion of any public street or road in such a manner as to cause or create holes, indentation or ruts in said unpaved right-of-way area. Failure to correct such condition after receipt of written notice from the Mayor or the Mayor's designee shall be a violation of this Ordinance. In the event that the owner or operator of the vehicle or trailer fails to comply with the written notice, the Mayor or the Mayor's designee shall have the authority to:

- a. Remedy or correct the damage to the right-of-way and charge the owner or operator of the vehicle or trailer with the costs of repairs and restoration and shall be a debt due to the Town and collected as are other debts and/or:
- b. Issue to the owner or operator of the vehicle or trailer a notice of municipal infraction including a penalty therefor and enforceable pursuant to the provisions of Article 23A, Section 3(b) of the Annotated Code of Maryland and any Court of competent jurisdiction shall have the authority to impose fines and enter judgment consistent with this State law and the provisions contained therein.

The owner or occupant of property abutting any unpaved right-of-way portion of any public street or road shall have the duty and responsibility to maintain the abutting unpaved right-of-way surface area in reasonable and safe condition free from obstruction, holes, indentations and ruts. Failure to correct such condition after receipt of written notice from the Mayor or the Mayor's designee shall be a violation of this Ordinance. In the event of the abutting property owner or occupants failure to comply with the written notice, the Mayor or the Mayor's designee shall have the authority to remedy or correct the offending condition and either:

- a. Charge the owner or occupant of the abutting property with the costs of correcting or remedying the offending condition and said costs shall be a debt due to the Town and collected as are other debts; or
- b. Charge the property owner the costs of correcting or remedying the offending condition and said cost shall become a lien upon the owners property and may be collected by the Town in the same manner as ad valorem taxes or delinquent taxes.

**Sec. 10. Storage Pods (Amended May 5, 2009 by Ordinance No. 02-09)**

- a. No storage pod shall be placed or maintained upon property without the owner, lessee or tenant of the property first obtaining a permit from the Town Clerk.

The permit issued shall not exceed a term of ninety (90) days from the date of issuance. The Town Clerk is authorized to issue a single extension for an additional ninety (90) day period. Each storage pod shall require a separate permit.

- b. No more than three (3) storage pods may be maintained upon a single lot or parcel of land regardless of zoning and the placement shall not infringe upon any yard setback area, conservation area or public easement or right-of-way.
- c. Any storage pod placed or maintained without a valid permit must immediately be removed by the Permittee or Property Owner. Failure to remove the Storage Pod shall be a municipal infraction and enforced as such and a Court of competent jurisdiction may further issue such orders requiring their removal.

Adopted: February 3, 2004

Corrected: April 6, 2004

Amended: September 5, 2006

Amended: by Ordinance No. 02-08 August 5, 2008

Amended by Ordinance No. 02-09 May 5, 2009