



Legislation Details (With Text)

File #: O-3-18 **Version:** 1 **Name:**

Type: Ordinance **Status:** Adopted

File created: 12/15/2017 **In control:** City Council

On agenda: 3/19/2018 **Final action:** 3/19/2018

Title: Abandoned Vehicles - For the purpose of permitting an authorized agent of the City of Annapolis to exercise limited enforcement authority in the impoundment of abandoned vehicles; establishing a fine for leaving wrecked or nonoperating/inoperable vehicles on public property, streets and highways; and matters generally relating to the abandonment of vehicles.

Sponsors: Elly Tierney

Indexes: Public Safety Committee, Transportation Board, Transportation Committee

Code sections:

Attachments: 1. O-3-18 Abandoned vehicles.pdf, 2. O-3-18 Staff Report.pdf, 3. O-3-18 Fiscal Impact.pdf, 4. O-3-18 Transportation Bd Findings.pdf, 5. O-3-18 Public Safety Cmte Proposed Amendments.pdf, 6. O-3-18 Transportation Cmte Proposed Amendments.pdf, 7. O-3-18 Rodriquez Proposed Amendment.pdf, 8. O-3-18 Tierney Proposed Amendment.pdf, 9. O-3-18 SIGNED.pdf

Date	Ver.	Action By	Action	Result
3/19/2018	1	City Council	adopt on second reader	Pass
3/19/2018	1	City Council	amendment(s) approved	Pass
3/19/2018	1	City Council	amendment(s) approved	Pass
3/19/2018	1	City Council	amendment(s) approved	Pass
3/19/2018	1	City Council	amended	Pass
3/19/2018	1	City Council	adopt on third reader	Pass
3/12/2018	1	City Council	postpone	Pass
3/8/2018	1	Transportation Committee	recommend favorably	Pass
3/8/2018	1	Transportation Committee	recommend favorably	Pass
3/8/2018	1	Transportation Committee	recommend with amendments	Pass
3/5/2018	1	Public Safety Committee	recommend with amendments	Pass
3/5/2018	1	Public Safety Committee	amendment(s) approved	Pass
3/5/2018	1	Public Safety Committee	approve	Pass
2/12/2018	1	City Council	declare the public hearing closed	Pass
1/22/2018	1	City Council	declare the public hearing left open	

Abandoned Vehicles - For the purpose of permitting an authorized agent of the City of Annapolis to exercise limited enforcement authority in the impoundment of abandoned vehicles; establishing a fine for leaving wrecked or ~~nonoperating/inoperable~~ vehicles on public property, streets and highways; and matters generally relating to the abandonment of vehicles.

**CITY COUNCIL OF THE
City of Annapolis**

Ordinance 3-18

Introduced by: Alderwoman Tierney

Referred to

Public Safety Committee
Transportation Committee
Transportation Board

AN ORDINANCE concerning

Abandoned Vehicles

FOR the purpose of permitting an authorized agent of the City of Annapolis to exercise limited enforcement authority in the impoundment of abandoned vehicles; establishing a fine for leaving wrecked or ~~nonoperating~~inoperable vehicles on public property, streets and highways; and matters generally relating to the abandonment of vehicles.

BY repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2018 Edition
12.44.010
12.44.020
12.44.030

SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the Code of the City of Annapolis shall be amended to read as follows:

TITLE 12 - VEHICLES AND TRAFFIC
Chapter 12.44 - ABANDONED VEHICLES

For enforcement purposes under this title, the Police Chief may delegate his authority to an authorized agent.

Section 12.44.010 - Definitions.

For the purposes of this chapter, the following words and phrases have the meanings indicated:

- A. "Authorized agent" means the company or legal entity, and its employees, agents and contractors, that has been designated by the city in writing to perform any duties or responsibilities related to enforcement purposes under this title.
- AB. "Property" means any real property which is not a street or highway.
- BC. "Street or highway" means the entire width between the boundary lines of every way publicly maintained.
- CD. "Vehicle" means a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides, and to transport persons or property or pull machinery and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor,

machinery, buggy and wagon.

E. “Inoperable” means any circumstance which causes the vehicle reasonably to appear to not operate.”

Section 12.44.020 - Abandonment Prohibited.

A. No person shall abandon any vehicle as defined by the Maryland Transportation Article, Section 25-201 or its successor on any public property, street or highway. ~~No person shall leave any vehicle at any place for a time and under circumstances which cause the vehicle reasonably to appear to have been abandoned.~~

B. An abandoned vehicle may be impounded by the Police Department or an authorized agent. The costs related to impoundment and recovery shall be borne by the owner of the vehicle and may constitute a lien against the vehicle.

C. Except as provided in Subsection D of this section, a vehicle that is impounded pursuant to this section may not be released until the Police Department or the authorized agent has verified that the vehicle is not stolen and, except as provided in Subsection D of this section, all outstanding municipal parking fines and applicable impoundment and storage charges have been paid. Any person whose vehicle has been impounded pursuant to this section shall be provided with written notice of the provisions of Subsection D of this section.

D. Appeal - Hearing.

1. Any owner who desires to contest the validity of the impoundment of a vehicle, or the amount of any fines, impoundment or storage charges may request a hearing to be held before the Chief of Police. A hearing shall be held by the Chief not later than forty-eight hours following receipt of the written request. The decision of the Chief shall be considered the final administrative remedy.

2. No fine, impoundment or storage charges imposed with respect to a vehicle impounded pursuant to this section may be returned or in any way refunded to the owner of the vehicle, except in accordance with the appeal procedures set forth in this subsection.

Section 12.44.030 - Wrecked or ~~nonoperating~~inoperable vehicles on public property.

A. No person shall leave unattended any partly dismantled, ~~nonoperating~~inoperable, wrecked or junked vehicle on any street or highway, or upon any public property.

B. In addition to paragraph C of this section, a partly dismantled, ~~nonoperating~~inoperable, wrecked or junked vehicle left on any public property, street or highway, may be impounded by the Police Department or an authorized agent. The costs related to impoundment and recovery shall be borne by the owner of the vehicle and may constitute a lien against the vehicle.

BC. Any person who violates this section, upon conviction, is guilty of a municipal infraction as defined by Chapter 1.20 and subject to a fine as established by resolution of the City Council.

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that this ordinance shall take effect 45 days from the date of its passage.

EXPLANATION

~~Strikethrough~~ indicates matter stricken from existing law.

Underlining indicates matter added to existing law.