

**TOWN OF BROOKEVILLE TRAFFIC AND
PARKING ORDINANCE No. 2023-01
DRAFT ORDINANCE FOR PUBLIC COMMENT
(May 9, 2022)**

WHEREAS, the Town of Brookeville (hereinafter also referred as the “Town”) has the power to regulate traffic and parking within the Town under Title 26, Subtitle 3 of the Transportation Article of the Annotated Code of Maryland; and

WHEREAS, the Town of Brookeville has the power to enact and enforce ordinances to control vehicle parking within the Town under Section 13(B)(18)(19) and (26) of the Town Charter; and

WHEREAS, under §4-111 of the Local Government Article, the Town by ordinance may request and authorize the Montgomery County to administer or enforce any municipal legislation; 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, as amended; 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, Fines, 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 Commissioners of the Town of Brookeville desire to adopt Ordinance No. 2023-01 of the Town Ordinances to regulate traffic, and the parking, standing and stopping of motor vehicles and to permit the County to administer and enforce the Town of Brookeville’s parking ordinances in order to facilitate safe and appropriate use of public ways, pedestrian safety, and for other public purposes; and

WHEREAS, the Town is authorized under §5-217 of the Local Government Article, Annotated Code of Maryland to require the owners of property to keep the sidewalks on the property clean and free from snow, ice, or other obstructions; and

WHEREAS, the Town Commissioners have determined it is in the public interest to require owners to maintain adjacent sidewalks free and clear of snow, ice and other obstructions.

BE IT ORDAINED by the Commissioners of the Town of Brookeville in public meeting assembled on TBD that Ordinance No. 2023-01, an ordinance to regulate Traffic, and the Parking, Standing and Stopping of Vehicles upon Town streets and rights- of-way, to authorize Montgomery County to enforce the provisions of the ordinance, and to require property owners to maintain adjacent sidewalks in the rights of way is hereby adopted to read as follows: Ordinance to Regulate Traffic and the Parking, Standing and Stopping of Motor Vehicles and Requiring Owners to Maintain Adjacent Sidewalks.

Sec. 1. Scope and Intent of Ordinance.

This ordinance is designed to regulate motor vehicle traffic and parking as to preserve peace and good order in the Town of Brookeville and to protect the health and safety of its residents. It is intended to enforce and regulate the parking, standing or stopping of motor vehicles within Town limits regardless of whether the vehicle is attended or unattended. The provisions of this Ordinance are intended to be enacted in accordance with the provisions of the Transportation Article of the Annotated Code of Maryland and the authority specifically granted by such article and to permit the County to administer and enforce the Town of Brookeville's parking ordinances.

Section 1A. Terms and Definitions.

1. **ABUTTING ROADWAY:** Means that part of the roadway between the extension of the property lines of the abutting private property and on the same side of the street (except that, where parking is prohibited there, the roadway on the opposite side of the street shall also be included.)
2. **Not needed CODE ENFORCEMENT OFFICIAL.** The Town Commissioners or person appointed by the Town Commissioners, whose duty shall be to issue parking citations and municipal infractions, as provided in this ordinance, to any person or persons alleged to be committing a violation.
3. **COMMISSIONERS:** The words "*Town Commissioners,*" "*Commissioners,*" "*Brookeville Town Commissioners,*" and "*Commissioners,*" shall refer to the duly elected Council of the Town of Brookeville.
4. **COMPUTATION OF TIME:** The time within which an act is to be done shall be computed by excluding the first and including the last day; unless the last day is a Saturday, Sunday, or a legal holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday.
5. **COUNTY:** The words "the County" or "*this County*" shall refer to Montgomery County, Maryland.
6. **COUNTY COUNCIL:** Shall mean the County Council of Montgomery County, Maryland, or any body succeeding to the functions and duties of the County Council.
7. **DRIVEWAY:** Means every way or place in private ownership used for vehicular travel.
8. **FINE:** Means a monetary sum imposed for an offense or violation of this ordinance.
9. **FIRE LANE:** Means that area of a public or private roadway or parking facility designated by official signs or markings and intended for the exclusive use of emergency vehicles.
10. **HEAVY COMMERCIAL VEHICLE:** A vehicle with a gross vehicle weight of more than 10,000 pounds or a manufacturer's rated capacity of more than one ton; or one that is more

than 21 feet long (including any object loaded onto the vehicle); or more than eight feet high with properly inflated tires, measured from the ground to the highest part of the vehicle (including racks, but not antennas).

11. **INFRACTION:** Means a violation of this Ordinance which shall constitute a civil offense.
12. **JUNK VEHICLE:** Any vehicle which meets any of the following conditions: (i) is in an abandoned condition; (ii) is in such a rusted, wrecked, dismantled, partly dismantled or deteriorated or decayed condition so as not to be lawfully operable on public roads.; (iii) is in such a rusted, wrecked, dismantled, partly dismantled or deteriorated or decayed condition, whether or not it is operable, so as to constitute a breeding ground for rats, mosquitoes or other vermin or insects.
13. **LONG-TERM PARKING:** Parking of a vehicle in one location for more than 72 hours.
14. Not needed. This is a given
15. **OFFICIAL OR TOWN OFFICIAL:** A person(s) designated by the Town Commissioners to enforce the provisions of this Ordinance No. **2023-01** to include the Code Enforcement Official, a Commissioner, and those persons designated by Montgomery County.
16. **PARK or PARKING:** “Park” means to halt a vehicle, whether or not it is occupied, other than temporarily:
 - (a) When necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic control device; or
 - (b) For the purpose of and while actually engaged in loading or unloading property or passengers.
17. **TIME LIMIT:** Means the allowable time a vehicle may remain parked where limited by restrictions of this ordinance.
18. **PRIVATE PROPERTY:** Any lot, parcel or tract of land or improvements thereon, not in public ownership or control.
19. **PROPERTY:** shall mean any real property located in the Town of Brookeville, Montgomery County, Maryland.
20. **PUBLIC PARKING:** Parking located on town property and maintained and/or accepted by the town for the primary use of the public.
21. **PUBLIC STREET:** Any public ways, roads, streets, highways, and avenues within and maintained by the Town of Brookeville.
22. **RECREATIONAL VEHICLE:** A vehicle defined as a motorhome or camper.
23. **PUBLIC RIGHT-OF-WAY:** Means the entire width between the boundary lines of every public way and thoroughfare of any kind intended for vehicular or pedestrian traffic whether actually dedicated to the public and accepted by the proper authorities or otherwise.
24. **ROADWAY:** Means the paved portion of the public right-of-way lying between the curb lines or the lateral lines of a paved area where there is no curb and intended primarily for vehicular traffic.
25. **SHORT-TERM PARKING:** Parking of a vehicle in one location for less than 72 hours.
26. **SIDEWALK:** That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for or used by pedestrians; or designated ways or pavements within a public parking facility intended for or used by pedestrians.
27. “Stand” means to halt a vehicle, whether or not it is occupied, other than temporarily:
 - (a) When necessary to avoid conflict with other traffic or in compliance with the directions

- of a police officer or a traffic control device; or
- (b) For the purpose of and while actually engaged in receiving or discharging passengers.
28. STATE: The words “the state” or “this state” shall be construed to mean the State of Maryland
29. STOP or STOPPING:
- (a) Where used in a mandatory sense, the complete cessation from movement; and occupied,
- (b) Where used in a prohibitory sense, to halt even momentarily a vehicle, whether or not it is occupied, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic control device.
30. STORAGE PODS/CONTAINER: A fully enclosed structure or container, used for the temporary storage of personal property or commercial goods or equipment, which is owned, borrowed, leased, or rented.
31. SUITABLE PARKING LOCATION: A location specifically intended, either public or private, for vehicle parking that is composed primarily of materials such as gravel, asphalt, pavement, concrete, and tar and chip, that would support vehicle loads and prevent the spread of fire. Grass/dirt are NOT considered a suitable parking location.
32. TOWN: The words “*the town*” or “*this town*” shall mean the Town of Brookeville, in the County of Montgomery and State of Maryland, except as otherwise provided.
33. TRAFFIC: Means all vehicles, pedestrians, animals and any other conveyance using a street for purposes of travel.
34. TRAILER:
- (a) “Trailer” means, except as provided in subsection (b) of this section, a vehicle that:
- (1) Has no motive power;
 - (2) Is designed to carry people or property and to be towed by a motor vehicle; and
 - (3) Is constructed so that no part of its weight rests on the towing vehicle.
- (b) “Trailer” does not include a pole trailer.
35. UNREGISTERED MOTOR VEHICLE: 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.
36. UNREGISTERED TRAILER: 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.
37. VEHICLE: Includes but not limited to any car, truck, bus, highway equipment, motorcycle, trailer, or any other vehicles defined as such.
38. WRITTEN NOTICE: Shall mean notice in writing including, but not limited to, publication in a newspaper, a newsletter, or other written material generally circulated throughout the Town of Brookeville and distributed via electronic or physical means. Unless otherwise provided, where notice to Property owners is required, such notice shall be sent by regular mail to the addresses listed on the property tax rolls maintained by the State of Maryland’s Department of Assessment and Taxation. posting

Section 1B. Applicability of Montgomery County Code

Except insofar as they conflict with the provisions of Ordinance No. **2023-01**, the Town of Brookeville adopts and incorporates by reference Chapter 31, as amended, 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, as amended, are hereby incorporated by reference and adopted to be effective within the boundaries of the Town of Brookeville.

(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, as amended, become effective within the boundaries of the Town of Brookeville upon the effective date thereof unless prior thereto a resolution shall have been adopted by the Town of Brookeville Council disapproving such resolution or regulation.

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

(iv) The Commissioners of the Town of Brookeville hereby adopt and are authorized to enter into and execute on behalf of the Town of Brookeville an agreement in substantially the form attached with the County Executive of Montgomery County for the enforcement of the Town of Brookeville Traffic and Parking Ordinance.

Sec. 2. Authority of the Commissioners of the Town of Brookeville to Erect Signs Regulating Parking.

Whenever, in the judgment of the Commissioners of the Town of Brookeville, it is necessary for the preservation of Town character, safety or control of vehicular or pedestrian traffic or for the regulation of the use of parking areas, the Commissioners are authorized to provide for the erections of “stop,” “no parking,” “speed limit,” “one way,” and other traffic control and parking restriction signs and devices 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.

Such approval shall be constituted by the Town Commissioners of the above-mentioned restrictions in the official parking rules and regulations of the Town. Such amendments to parking rules and regulations shall be publicly announced to Town residents at least 30 days prior to enforcement, documented in Ordinance No. **2023-01**, and available to the public on the Town website.

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, Code Enforcement Official or Town Commissioners.

39. It shall be the duty of all persons to comply with any lawful order or direction of Town Code Enforcement Official or the Town Commissioners and Montgomery County Police and any other persons designated by Montgomery County.

Sec. 4. Removal, Impounding and Disposition of Illegally Vehicles.

If any vehicle is left 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 upon any such public street, shoulder, or parking lot so as to impede the movement of traffic, restrict town access, or constitute a threat to public safety, the Town Commissioners or authorized designee and any sworn Montgomery County Police officer and other designee of the County, 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 in addition to any fines outlined in this Ordinance.

Sec. 5. Code Enforcement Official.

The Town Commissioners may appoint a Code Enforcement Official 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 Fines.

Every duly authorized sworn Montgomery County Police Officer of the County or other County designee, , Town Commissioners, and any Code Enforcement Official duly designated by the Town Commissioners pursuant to Section Five (5) of this ordinance may attach to any vehicle found to be in violation of any provision of this ordinance or parking rule a parking citation.

Violations of the provisions of this Ordinance No. **2023-01**, and any amendments, shall be subject to the Fines and enforcement procedures as described in Chapter 31, Motor Vehicles and Traffic Regulations of the Montgomery County Code, as amended. Each such owner shall pay the Fine within the time limits and payment locations/methods disclosed in the violation.

Any police officer of Montgomery County or other designated County official, duly appointed Town Commissioner, or Town Code Enforcement Official, 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. Officials so designated shall have the following authority:

- (1) To issue a notice of parking citation 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 Montgomery County 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 Town Commissioner of the necessity to impound a motor vehicle.
- (4) To appear in district court to give evidence as to any parking citation issued.

Fines

The Fines that may be imposed by the Town of Brookeville for failing to comply with the provisions of this ordinance follow:

Table 1: Parking Ordinance Fines

Violation	1 st Offense	2 nd Offense	3 rd or more Offenses
Sec. 8 - a., b., c., g., i., k.	\$35.00	\$50.00	\$75.00
Sec. 8 – d., e., f., h., j, l.	\$75.00	\$200.00	\$500.00
Sec. 9	\$35.00	\$50.00	\$75.00
Sec. 11	\$35.00	\$50.00	\$75.00
Sec. 13	\$35.00	\$50.00	\$75.00

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 Fines for violations not to exceed the Fines provided for such violation in Section 31.33.01, transportation fares, fees, and charges, of the Montgomery County Code, with the exception of Sec. 13 violations, which are governed by municipal infraction limits.

Sec. 7. Permit Parking

Permits are not currently required to park a vehicle on Town property or public streets and rights of way.

Sec. 8. 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, Town Commissioners, or traffic control device, no person shall stop, stand, or park any vehicle in any of the following places:

- a. At any place where access to driveways, sidewalks, crosswalks, or town property, public streets or rights-of-way are restricted or blocked.
- b. On any location not defined as a *suitable parking location*. A Suitable Parking Location is a location specifically prepared, either public or private, for vehicle parking that is composed primarily of materials such as gravel, asphalt, pavement, concrete, and tar and chip that would support vehicle loads and prevent the spread of fire.
- c. On or over any curb or sidewalk.
- d. Within an intersection.
- e. Within twenty (20) feet of a marked crosswalk or on a marked crosswalk.
- f. Within fifteen (15) feet of a fire hydrant.
- g. At any place where stopping, standing, or parking would impede the smooth flow

- of traffic.
- 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. 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 a person is by the county, the state, or any other state, county, or city.
 - k. 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, or otherwise documented by the Town Commissioners.
 - l. On any specified areas of public streets during snow removal or maintenance operations in such a manner as to interfere, obstruct, or impede such operations when notice by the Town is provided. Violations of this section may result in a Fine and the cost incurred in removing any obstruction at the owner's expense. The fine is already set in the table above.

Sec. 9. Parking Restrictions.

Except for temporary (less than 24 hours) parking for the purposes of loading/unloading household goods, facilitating construction/maintenance activities, providing for temporary visitors, or as directed by the Town of Brookeville for extenuating circumstances (i.e., road maintenance), the following restrictions apply to parking in Town:

- a. Long-Term Parking on Town Property: The primary purpose of allowing long-term parking on Town property is to provide reasonable accommodations for Town residents without adequate space for privately-owned *suitable parking locations*. Long-Term parking is limited to two (2) vehicles properly registered with the Maryland Motor Vehicle Administration per household. For residences with more than two (2) licensed drivers living at the premises, additional long-term parking for the additional vehicles may be allowed with written approval by the Town of Brookeville (space limitations apply).
- b. Vehicle Condition: Any vehicle parked on Town Property or visible on Private Property must be properly registered, operational, and in good state of repair and not classified as a "junk vehicle." If a notice of violation is provided, the vehicle owner will have 30 days to get the vehicle registered, repaired, or removed.
- c. Heavy Commercial Vehicles: Heavy commercial vehicles are prohibited from long-term parking on Town maintained roads or parking areas.
- d. Recreational Vehicles: One recreational vehicle per household may be allowed with prior written approval by the Town of Brookeville (limitations apply).
- e. Trailers: See Sec. 10.
- f. Storage Pods/Containers: See Sec. 12.

Sec. 10. Parking of Trailers and Unregistered Vehicles Prohibited.

- a. No person shall park, on a *Long-Term* basis, any trailer, camper trailer or boat trailer, or any unregistered motor vehicle, upon any roads, streets, other public rights-of-way, or other public property in the Town.
- b. No vehicle shall be used for storage or for storing household or other items on public or private property in the Town unless parked in a completely enclosed garage or building.

Sec. 11. Damage to Public Right-of-Way Areas.

No person shall operate or park a vehicle or trailer on any unpaved portion of any public street or road in such a manner as to cause or create damage to grass/plantings, holes, indentation, or ruts in said unpaved area. Failure to correct such conditions after receipt of written notice from the Commissioners or the Commissioner's designee shall be a violation of this Ordinance. In the event the owner or operator of the vehicle or trailer fails to comply with the written notice, the Commissioners or the Commissioner'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, which costs 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 Fine therefor and enforceable pursuant to the provisions of the Local Government Article of the Annotated Code of Maryland (MD Local Government Code § 6-102 (2014)) 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.

Sec. 12. Storage Pods/Containers

No storage pod shall be placed or maintained upon public or private property within the Town of Brookeville without the owner, lessee or tenant of the property first obtaining written permission from the Town of Brookeville. The maximum allowable time for which storage pods/containers may be utilized is 90 days.

Sec. 13. Signatories

This ordinance shall be effective upon posting online to the town website, distribution to the town residents, and upon recording an attested copy of the same with the Town of Brookeville Clerk.

(As adopted by the Town of Brookeville Commissioners on, _____.
A signed copy of this policy is on file at the Brookeville Academy)

"Insert Commissioner"

"Insert Commissioner"

Adopted: Ordinance No. 2023-01, BD, 202