

TOWN OF BROOKEVILLE
ORDINANCE No. 2023-02

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 of Brookeville by ordinance may request and authorize the Montgomery County to administer or enforce any municipal legislation; and

WHEREAS, the Commissioners of the Town of Brookeville desire to adopt Ordinance No. 2023-02 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 to facilitate safe and appropriate use of public ways, pedestrian safety, and for other public purposes; and

BE IT ORDAINED by the Commissioners of the Town of Brookeville in public meeting assembled on July 10, 2023, that Ordinance No. 2023-02, an ordinance to regulate Traffic, and the Parking, Standing and Stopping of Vehicles upon Town streets and rights- of-way, and to authorize Montgomery County to enforce the provisions of the ordinance, is hereby adopted to read as follows:

Ordinance to Regulate Traffic, and the Parking, Standing and Stopping of Motor Vehicles.

Section 1. Scope and Intent of Ordinance.

This ordinance is intended to maintain the spirit of Brookeville, foster a positive atmosphere that cherishes its rich history and preserve the town’s historic resources. Its primary goal is to provide and promote a safe and harmonious parking and driving environment for residents, guests, and the public. By regulating parking, this ordinance seeks to assure that all residents have adequate parking accommodation and to uphold peace and good order in the Town of Brookeville while prioritizing the health and safety of its residents. Another goal of this ordinance is to maintain continuous traffic flow on Town roads and assure emergency access is provided. It applies to all vehicles defined in this ordinance, whether attended or unattended, and is aligned with the Brookeville Comprehensive Plan, empowering the Commissioners to administer and enforce the parking ordinances of the Town of Brookeville. Through these measures, we aim to safeguard the town's unique character, honor its heritage, and create a welcoming community for everyone.

This ordinance is driven by a commitment to finding solutions for existing parking issues, especially for owners of legacy historic properties. The intent of this ordinance is not to enact excessive regulations and penalties but to provide a foundation to allow Commissioners to resolve any issues that affect the Town aesthetic, character, safety, and function. The Commissioners and other authorities are expected to prioritize alternative solutions before resorting to penalties, fines, or impoundment. For circumstances requiring approval from the Town, obtaining such approval shall not be arduous, lengthy, or withheld for reasonable requests. The approach should be centered on collaboration, understanding, and empathy, aiming to preserve the town's character while fostering a harmonious environment for all.

Amendments to parking rules and regulations shall be publicly announced to Town residents at least 30 days prior to enforcement, adopted in amended Ordinance No. 2023-02, and available to the public on the Town website.

Section 2. Terms and Definitions.

1. COMMISSIONERS: "Commissioners" shall refer to the duly elected Commissioners of Brookeville
2. 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.
3. COUNTY: "The County" shall refer to Montgomery County, Maryland.
4. COUNTY OFFICIAL: Montgomery County Police officers and any other persons designated by the County that are duly authorized to enforce the provisions of this Ordinance No. 2023-02.
5. DRIVEWAY: Every way or place in private ownership used for vehicular travel.
6. FINE: A monetary sum imposed for an offense or violation of this ordinance.
7. 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).
8. INFRACTION: A violation of this Ordinance which shall constitute a civil offense.
9. JUNK VEHICLE: Any vehicle which meets any of the following conditions: is in an abandoned condition; is in such a rusted, wrecked, dismantled, partly dismantled or deteriorated or decayed condition so as not to be lawfully operable on public roads; 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.
10. LONG-TERM PARKING: Parking of a vehicle in one location for more than 72 hours.
11. PARK or PARKING: 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 engaged in loading or unloading property or passengers.
12. PRIVATE PROPERTY: Any lot, parcel or tract of land or improvements thereon, not in public ownership or control.
13. PROPERTY: Any real property located in the Town of Brookeville, Montgomery County, Maryland.
14. PUBLIC PARKING: Parking located on public right-of-way, town owned property, or any property located in the Town of Brookeville for the primary use of the public.
15. PUBLIC STREET: Any public ways, roads, streets, highways, and avenues within the Town of Brookeville.
16. PUBLIC RIGHT-OF-WAY (ROW): The entire width between the boundary lines of every public way and thoroughfare of any kind intended for vehicular or pedestrian traffic whether dedicated to the public and accepted by the proper authorities or otherwise.
17. RECREATIONAL VEHICLE: A vehicle defined as a motorhome or camper.
18. ROADWAY: 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.
19. SHORT-TERM PARKING: Parking of a vehicle in one location for less than 72 hours.
20. 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.
21. STAND: 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 engaged in receiving or discharging passengers.
22. STATE: The words “the state” or “this state” shall be construed to mean the State of Maryland
23. STOP or STOPPING: Where used in a mandatory sense, the complete cessation from movement; and where used in a prohibitory sense, to halt even momentarily a vehicle, whether 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.
24. 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.
25. 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. Grass/dirt are NOT considered a suitable parking location.
26. TIME LIMIT: The allowable time a vehicle may remain parked where limited by restrictions of this ordinance.

27. 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.
28. TOWN OFFICIAL: A Town Commissioner or person designated by the Commissioners to enforce the provisions of this Ordinance No. 2023-02.
29. TRAFFIC: All vehicles, pedestrians, animals, and any other conveyance using a street for purposes of travel.
30. TRAILER: A vehicle that has no motive power; is designed to carry people or property and to be towed by a motor vehicle; and is constructed so that no part of its weight rests on the towing vehicle.
31. 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, or any other state, and displaying evidence of such current registration.
32. UNREGISTERED TRAILER: Any trailer (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.
33. VEHICLE: Includes but not limited to any car, truck, bus, highway equipment, motorcycle, trailer, or any other vehicles defined as such.
34. 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 individual 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.

Section 3. Authority of the Commissioners to Erect Signs Regulating Parking.

Whenever, in the judgment of the Commissioners 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 by means of an adopted motion 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.

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.

Section 4. Compliance with Official Order or Direction.

It shall be the duty of all persons to comply with any lawful order or direction of Town Officials and of County Officials.

Section 5. Removal, Impounding and Disposition of Illegally Parked 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 in excess of 72 hours, 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, a Town Official and County Official 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. Within 48 hours after impoundment of any vehicle pursuant to this section, the Town shall send, by certified mail, a notice to the last known registered owner of the vehicle and to each secured party as may be disclosed by the records of the Maryland Motor Vehicle Administration and to any other person who claims the right to possession of the vehicle, if such a claim is actually known to a Town Official who has knowledge of the impoundment.

Section 6. Notices of Violations; Payment of Fines.

Any Town Official and County Official may attach to any vehicle found to be in violation of any provision of this ordinance or parking rule a parking citation.

Any County Official, and Town 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. Town Officials and County Officials so designated shall have the following authority:

- a) 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.
- b) 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.
- c) To notify a police officer or Town Commissioner of the necessity to impound a motor vehicle.
- d) To appear in district court to give evidence as to any parking citation issued.

Section 7. Fines

The Commissioners' intent is to resolve parking issues prior to administering fines and penalties. When necessary, the Fines that may be imposed by the Town for failing to comply with the provisions of this ordinance follow:

Table 1: Parking Ordinance Fines

Violation	1st Offense	2nd Offense	3rd or more Offenses
Section 8	\$35.00	\$50.00	\$75.00
Section 9	\$35.00	\$50.00	\$75.00
Section 10	\$35.00	\$50.00	\$75.00

Section 8. Prohibited Parking.

Except as necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer, 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 would be restricted or blocked.
- b) On any location not defined as a suitable parking location.
- 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) Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.
- i) 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 issued by the county, the state, or any other state, county, or city.
- j) On any Town Right of Way, Town property or unpaved public right-of-way or road shoulder where parking is prohibited or restricted.
- k) 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.

Section 9. Parking Restrictions.

Except for short term 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 Right of Way: The primary purpose of allowing long-term parking on Town Right of Way is to provide reasonable accommodation 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 on the premises, additional long-term parking for the additional vehicles may be allowed with prior approval by the Town.

- b) Vehicle Condition: Any vehicle parked on Town Right of Way or visible on Private Property (either from ROW or public easement) 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 roads or parking areas within town.
- d) Recreational Vehicles: One recreational vehicle per household on public right of way may be allowed with prior written approval by the Town of Brookeville (limitations apply).
- e) No person shall park, on a Long-Term basis, any trailer, camper trailer or boat trailer, vehicle, upon any roads, streets, other public rights-of-way, or other public property in the Town.
- f) No vehicle shall be used for storage or for storing household or other items on Right of Way or private property in the Town unless parked in a completely enclosed garage or building.
- g) No storage pod or dumpster shall be placed or maintained upon Right of Way or private property within the Town 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.

Section 10. Damage to Public Right-of-Way Areas.

No person shall operate or park 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 a Town Official shall be a violation of this Ordinance. In the event the owner or operator of the vehicle fails to comply with the written notice within the time stated therein, the Town Official 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 a notice of municipal infraction including a Fine.

Section 11. Grace Period

For any existing conditions which violate this ordinance, written notice of the violation will be provided within (7) days of the adoption date. There will be a 30-day grace period prior to any

enforcement of this ordinance after such written notice is provided.

For any amendments resulting in new or changed violations of this ordinance, there will be a 30-day grace period prior to any enforcement.

Introduced and adopted by the Commissioners of Brookeville on July 17, 2023.
This Ordinance is effective on August 6, 2023.

ATTESTED:

TOWN OF BROOKEVILLE

Cate McDonald

Mark A. Davis

Cate McDonald
Town Clerk

Mark Davis
President of the Commissioners