

RESOLUTION RS-2020-

WHEREAS, Annotated Code of Maryland, Local Government Article, § 12-504 provides that the Board of County Commissioners of Washington County, Maryland, may by Resolution regulate the parking of vehicles on the public highways provided appropriate notice thereof is given to the public, and further providing that any person violating any regulation adopted pursuant to the authority conferred in this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not exceeding One Hundred Dollars (\$100.00) for any such violation; and

WHEREAS, the Board of County Commissioners believe that in order to promote traffic safety and to prevent accidents caused by the indiscriminate stopping or parking of vehicles on or along the highways of Washington County, that it is necessary to pass a Resolution regulating parking on the public highways; and

WHEREAS, by Resolution dated August 21, 1984, the Board of County Commissioners adopted a Resolution regarding parking or stopping on the public highways, said Resolution having been filed September 26, 1984 among the Acts, Ordinances, and Resolutions of Washington County in Liber 3, folio 991, in the Office of the Clerk of the Circuit Court of Washington County, Maryland; and

WHEREAS, the Board of County Commissioners passed a further Resolution regulating parking in handicapped spaces, said Resolution having been passed February 6, 1990 and recorded on February 7, 1990, in Acts, Ordinances, and Resolutions for Washington County in Liber 4, folio 263, in the Office of the Clerk of the Circuit Court for Washington County, Maryland; and

WHEREAS, the Board of County Commissioners passed a further Resolution to incorporate the previous two Resolutions and to provide further for the impounding of vehicles registered in Maryland and other states for failure to satisfy outstanding County parking violations, the purpose of which was to ensure payment of fines for parking violations occurring in Washington County, Maryland, said Resolution having been passed December 15, 1992, and recorded in Liber 6, folio 98, in the Office of the Clerk of the Circuit Court for Washington County, Maryland;

WHEREAS, the Board of County Commissioners desires to enact this Resolution incorporating the previous three Resolutions and providing further for the increase in fines imposed for all parking violations occurring in Washington County, Maryland; and

WHEREAS, the Board of County Commissioners believes that in order to promote traffic safety and to prevent accidents caused by the indiscriminate parking of vehicles on or along the public highways of Washington County, and to assist the handicapped in parking, and furthermore to ensure payment of fines for a violation of this Resolution, it is necessary to pass and approve this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Washington County, Maryland, pursuant to the power and authority granted to the Board of County Commissioners of Washington County, by Annotated Code of Maryland, Local Government Article, § 12-504, that the parking of vehicles on the public highways will be restricted, limited, or prohibited on or along any road or highway or portion thereof in said County as provided hereinafter:

I. PARKING PROHIBITED.

A. The roads or sections thereof where parking or stopping is to be restricted, limited, or prohibited, shall be designated by appropriate signs.

B. A person may not park a motor vehicle in a space designated for the handicapped unless the vehicle bears a special registration, plate, or permit issued by the State of Maryland.

C. A person may not park a motor vehicle along any road in said county in which parking or stopping is restricted, limited, or prohibited as designated by the appropriate sign.

II. VIOLATIONS AND PENALTIES. Any person, corporation, or firm violating this Resolution by the Board of County Commissioners of Washington County, Maryland, relating to the parking or stopping of vehicles along roads in Washington County shall be guilty of a misdemeanor and shall be subject to a fine as provided below:

A. SCHEDULE OF FINES

Violation	Payment On or Before payment date	Payment After 10 days following payment date	Payment after 30 days following payment date	Additional fine for impoundment	Flagged
Handicapped parking	\$100.00	\$125.00	\$150.00	\$75.00	\$50.00
All other parking violations	\$50.00	\$65.00	\$75.00	\$75.00	\$50.00

B. Each day of violation of any provisions of this Resolution shall be considered a separate offense.

C. The penalties provided for in this provision shall be in addition to and not in derogation of any other penalties provided for, and all towing and/or storage charges as provided for in the Annotated Code of Maryland.

D. The roads or sections thereof where parking or stopping or handicapped parking is to be restricted, limited, or prohibited, shall be designated by appropriate signs. Any person who removes or defaces such signs shall be subject to criminal prosecution pursuant to Maryland law.

III. IMPOUNDMENT OF VEHICLE.

A. When any vehicle is found parking or moved at any time on any roadway of Washington County against which there are three (3) or more unsatisfied or unpaid County parking citations when at least thirty (3) days have elapsed since the issuance of the third unsatisfied County parking citation, the Washington County Sheriff's Department or any person, official or enforcement officer assigned to enforce this Resolution is hereby authorized and empowered to remove or cause to be removed said vehicle, either by towing, conveying or in any manner, and impound the same in a place designated by the Sheriff or as may be set forth in other provisions of this resolution.

B. Whenever a vehicle has been impounded pursuant to the provisions of this section, notice of the removal and storage of said vehicle shall be mailed within twenty-four (24) hours, Saturday, Sunday, and holidays excepted, by registered or certified mail to the last registered owner of the vehicle. The notice shall contain at least the following information:

1. The complete description of the vehicle, including the year, make, model and vehicle identification number.
2. A statement advising the vehicle has been impounded pursuant to the provisions of this section and the exact location where the vehicle is held.
3. The date the owner has the right to reclaim the vehicle. This date shall be thirty (30) days within receipt of the notice, upon payment of all fines, penalties, and towing, preservation and/or storage charges resulting from impounding the vehicle.
4. Notice that the failure of the owner to exercise his right in the time provided shall be considered a waiver of all rights, title and interest in the vehicle and be considered a consent to the sale of the vehicle at public auction.

C. The registered owner of a vehicle having against it three (3) or more violations as set forth herein shall be presumed to be the driver of the vehicle at the time the County Parking Citation was issued and shall be responsible of the offense(s) and the cost of the impoundment.

D. The owner shall have a right to contest the impoundment of the vehicle by requesting a hearing. The request for a hearing shall be granted within forty-eight (48) hours, excluding Sundays and holidays, from the time the owner files the application for hearing before the hearing officer.

E. The hearing shall be held before a hearing officer consisting of the following: any shift supervisor, corporal or above of the Washington County Sheriff's Department.

F. The findings of the hearing officer shall be in writing. A copy of the same shall be furnished to the owner.

G. If it is determined by the hearing officer that the vehicle should not have been impounded, the owner shall not be required to pay the towing, storage and preservation charges provided for under this section to secure the release of said vehicle. If the charges were paid prior to the hearing, a refund shall be made to the owner who by providing proof they have paid said charges, in order to have the vehicle released.

H. The decision of the hearing officer shall not have any effect on or be considered a determination of the outstanding unsatisfied County Parking Citations against the impounded vehicle.

I. The owner is and shall be entitled to a hearing in the District Court on said parking charges.

J. A vehicle impounded pursuant to this Resolution will be released to its lawful owner (or person entitled to possession) upon a showing of adequate evidence of a right to its possession and upon payment of all accrued fines and cost for each outstanding unsatisfied County Parking Citation against said vehicle or the depositing of the same pending the outcome of said hearing and trial in the District Court of Maryland on the outstanding citation(s). In addition thereto, the charges for impounding, as set forth herein, shall be paid or deposited prior to said hearing.

K. If, following a trial in the District Court of Maryland or other tribunal, a not-guilty verdict is entered upon any of the violations charged against the stored vehicle, notwithstanding the ruling of the hearing officer with respect to the impounding of the vehicle, all charges advanced as having accrued upon the vehicle by virtue of its impounding, including the collateral advanced for the violation(s) upon which a not-guilty verdict was entered, shall be returned to the person who advanced such sums upon presentation of the official receipt issued at the time said vehicle was released.

L. It is provided that if, as a result of the Court's decision, the number of violations charged against the vehicle previously impounded is reduced to two (2) or fewer, and provided that no refund has previously been made, all fees and charges attributable to or resulting from the charge for which the Court has entered a not-guilty verdict shall be returned to the person who advanced such fees upon preservation of the official receipt issued at the time said vehicle was released.

M. Whenever any vehicle impounded pursuant to the provisions of this Resolution shall remain unclaimed by the owner or other person legally entitled to possession thereof for a period of thirty (30) days from the date that a notice to the owner was received as set forth herein, the Washington County Sheriff's Department shall sell such vehicle at a public auction in accordance with the provisions of Title 23 of the Transportation Article of the Annotated code of Maryland.

N. The proceeds of the sale shall be applied in the following order:

1. Satisfaction of any liens or record.
2. Payment of any expenses of giving notice and advertising and holding the same, including reasonable attorney's fees.
3. All storage, towing and preservation charges.
4. All fines and administrative charges outstanding against the owner of the vehicle impounded under this Resolution.
5. The balance to the registered owner of the vehicle and lienholder of record, if applicable.

V. FLAGGING SYSTEM.

A. The Washington County Sheriff's Office will "flag" Maryland vehicle registrations for non-payment of parking or impoundment fines through the Motor Vehicle Administration. Motor vehicle owners will be denied a registration renewal until the parking or other fines enumerated in this Resolution are paid.

B. The Records Coordinator of the Washington County Sheriff's Department will maintain a list of Flagging Requests, indicating the registration number, month/year of expiration, of those vehicles for which the owner has failed to pay a parking citation within 35 days from issuance, and shall, by electronic means report such vehicles to the Motor Vehicle Administration (MVA) for Parking/Toll/Traffic Control Violation Flags. Once notified of the request for flagging, the MVA will notify the owner by mail of the "flag" and the procedure to be followed before a removal is issued. The owner will be required to appear at the Sheriff's Department to pay the fine. The Records Coordinator will issue a receipt to be used at the MVA

as proof of payment in acquiring the registration renewal. After the payment is received, the Records Coordinator will request the flagged registration be purged by MVA.

C. A separate fine for flagging will be imposed above and beyond the fine for the parking violation in the event flagging is necessary to obtain payment of the parking fine.

V. LEGAL STATUS.

A. Validity. Should any paragraph, clause, or provision of this Resolution be declared, by a court of competent jurisdiction, to be invalid, such action shall not affect the validity of the Resolution as a whole or any part hereof other than the part so declared to be invalid, each paragraph, clause, and provision hereof being declared severable.

B. The previous Resolutions relating to parking on public roads passed August 21, 1984, February 6, 1990, and December 15, 1992, are hereby repealed.

BE IT FURTHER RESOLVED that the effective date of this Resolution shall be the date of adoption by the Board of County Commissioners of Washington County, Maryland.

ADOPTED this _____ day of _____, 2020.

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF
WASHINGTON COUNTY, MARYLAND

Krista L. Hart, Clerk

Jeffrey A. Cline, President

Approved as to form and legal
sufficiency for execution by the County:

Mail to:
Office of the County Attorney
100 W. Washington Street, Suite 1101
Hagerstown, Maryland 21740

B. Andrew Bright
Assistant County Attorney