

CHAPTER 12

MOTOR VEHICLES, TRAFFIC CONTROL AND HIGHWAYS

Sec. 12.1 Scope

The provisions of this Article are intended to add to and supplement the provisions of Titles 11 through 27 of the Transportation Article of the Annotated Code of Maryland, Chapter 31, "Motor Vehicles and Traffic," of the Montgomery County Code.

Sec. 12.2 Applicability of Montgomery County Code

The Town of Poolesville adopts Chapter 31 of the Montgomery County Code in its entirety, both as currently enacted and as it may be modified in the future.

Sec. 12.3 Definitions.

- A. For the purposes of this Chapter, the following words and phrases shall have the meanings set forth below; all other terms are as defined by Maryland Vehicle Law.
1. *Abandoned vehicle*: Any vehicle that is inoperative or is otherwise left unattended on public or private property for more than forty-eight (48) hours without the consent of the owner or person in charge of the property, or a vehicle that has remained illegally parked on public property for a period of more than forty-eight (48) hours, or any impounded vehicle being held in the custody of the Town which is unclaimed after (60) days. Any vehicle not bearing current license plates shall be presumed to be abandoned.
 2. *Bus*: Every motor vehicle except school buses designed for carrying more than ten (10) passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.
 3. *Bus stop*: That portion of a public roadway edge designated by sign as a bus stop and intended for the safe loading or unloading of bus passengers from any motor vehicle operated with the approval of the State of Maryland or the County on fixed routes and schedules.
 4. *Code Enforcement Officer*: Any person duly designated by the Town Manager to enforce any of the provisions of this Ordinance.
 5. *Commercial vehicle*: Any motor vehicle and any trailer or semi-trailer designed and used for carrying freight or merchandise and every motor vehicle used in

any way in the furtherance of any commercial enterprise. Such term does not include a motor vehicle owned by the County or other governmental agency and used primarily for carrying passengers or materials or other vehicle of a capacity of one (1) ton or less.

6. *Fine*: A monetary sum imposed as a punishment for an offense or violation of this Chapter.
7. *Heavy Commercial Vehicle*: A motor vehicle or tandem axle trailer or semi-trailer designed for carrying freight or merchandise or used in furtherance of any commercial enterprise that has:
 - a. A gross vehicle weight (GVW) of more than 10,000 pounds;
 - b. A manufacturer's rated capacity or more than one (1) ton;
 - c. A length or more than twenty-one (21) feet measured from the extremes of the vehicle, including any object loaded on the vehicle; or
 - d. A height of more than eight (8) feet with properly inflated tires, measured from the ground to the highest part of the vehicle, including racks but not antennas.

A heavy commercial vehicle does not include a motor vehicle owned by the Town of Poolesville, a farm machine or vehicle used for agriculture. (Ord. No. 176, 10-05-09)

8. *Highway or street*: The entire width between the property lines of every way or thoroughfare of any kind used by the public for purposes of vehicular travel, whether actually dedicated to the public and accepted by the proper authorities or otherwise.
9. *Impound*: To take a vehicle or other property into the custody of the Town or its designee by seizing it and removing it to a place of safe storage and there holding it until all charges involving that vehicle or property are fully satisfied.
10. *Motor vehicle*: Any vehicle which is motorized by which any person or property is or may be transported upon a highway.
11. *Off-street parking*: The parking of motor vehicles in designated areas, whether public or private, and not upon a public street or highway.
12. *On-street parking*: The parking of motor vehicles on a public street or highway.

13. *Park or parking:* The standing of a vehicle on a public highway or public parking facility whether occupied or attended, except when standing in obedience of traffic regulations, a police officer, traffic signs and signals or temporarily stopped for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
14. *Pedestrian:* Any person afoot.
15. *Penalty:*
 - a. A monetary sum imposed in addition to the fine as forfeiture by any person in case of non-fulfillment of said fine within the time period stipulated by any provision of this Chapter; or
 - b. Punishment in general, inclusive of all fines, penalties, costs and other charges for violation of the provisions and regulations of this chapter.
16. *Public parking facility:* Any parking lot, garage or other such facility owned or leased by and operated by the Town for the purpose of providing public off-street parking space for motor vehicles.
17. *Public service vehicle:* Any vehicle owned and operated by a Municipal, County, State or Federal agency and used in the furtherance of public service; and any vehicle funded or provided by the Federal, State or Municipal Government and used for emergency or rescue purposes.
18. *Recreational vehicle:* A duly licensed and registered vehicle, with or without motor power, which is intended for the leisure use of the operator or guests. For the purpose of this Chapter, the following are recreational vehicles:
 - a. Motor homes;
 - b. Travel trailers;
 - c. Camper or camping trailer, including truck insert or collapsible unit;
 - d. A trailer shall be defined by the provisions of this Section. (Ord. 184, 7-11-11)
19. *Roadway:* That portion of a street or highway or public thoroughfare between the regularly established curb lines or shoulders or that part improved and intended to be used for vehicular traffic.
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. *Sign or official sign:* A sign posted by the authority of the Commissioners of Poolesville or their designated representative or other jurisdictional authority for the purpose of guiding, warning, regulating, limiting, or otherwise controlling the speed of movement or stopping, standing, and parking of motor vehicles upon the streets, roads, and highways within the Town or upon any public or private parking facility. Signs must conform in design, color, size, and placement to the standards established in the most recent edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways", and accompanied by a Traffic Order. Any handicap parking sign that conforms to the "Manual on Uniform Traffic Control Devices for Streets and Highways" is posted by authority of the Commissioners of Poolesville or their designated representative.
22. *Stand or standing:* The halting of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.
23. *Stop or stopping:* When prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control sign or signal.
24. *Street:* See *highway*.
25. *Traffic:* All vehicles, pedestrians, animals and any other conveyance of every description, using a highway for purposes of travel whether singly or together.
26. *Traffic-control devices:* All signs, signals, markings or other devices placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic, upon the streets, roads and highways within the Town or upon any public or private parking facility. Such traffic-control devices shall conform in design, color, size and placement to the standards established in the most recent edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways."
27. *Traffic Order:* An order issued by the Commissioners of Poolesville or their designated representative for the purpose of traffic and parking control through the use of traffic control signs and devices. Such orders may include, without limitation, "stop", "speed limit", "parking", "through street" and other traffic control signs and devices on public streets, highways or other areas in the Town; same may designate certain roads as truck routes for use by all trucks of a

specified weight and prohibit trucks of a specified weight on other roads; and may designate important streets and highways of the Town as snow emergency routes.

28. *Trailer*: "Trailer" means, a vehicle that:
 - a. Has no motive power and;
 - b. Is designed to carry people or property and to be towed by a motor vehicle. (Ord. 184, 7-11-11)
29. *Unregistered vehicle*: Any motor vehicle or trailer except those exempted from registration by State law, which is without registration plates, with expired registration plates or with fictitious registration plates attached thereto. (Ord. 184, 7-11-11)
30. *Vehicle*: Any appliance moved over a highway on wheels or traction tread, including streetcars, draft animals and beasts of burden, automobiles, motorcycles, motorbikes, motor propelled carts and wagons and every vehicle propelled by an internal combustion engine or any trailer. (Ord. 184, 7-11-11)

Sec. 12.4. Authority to erect traffic and parking signs.

- A. Whenever, in the judgment of the Commissioners of Poolesville, it is necessary for the safety or control of vehicular or pedestrian traffic, they are authorized to provide, by resolution, for the erection of "stop", "speed limit", "no stopping", "no standing", "no parking", and other traffic-control signs and devices on public streets, highways or other areas in the Town.
- B. The maximum speed limit of twenty-five (25) miles per hour is hereby adopted for all Town administered and maintained roads, unless otherwise posted on specific roads as provided in the preceding subsection. Any person violating any rule, regulation or ordinance adopted pursuant to this Chapter and related to the movement of vehicles may be guilty and punishable as provided for in applicable State, County and Town laws.
- C. No person or authority shall place or maintain any traffic control device upon any street or highway under the jurisdiction of the Town, except by permission of the Commissioners of Poolesville or the Town Manager.

Sec. 12.5. Restriction of traffic, designation of truck routes, etc.

- (a) Whenever, it is necessary for the safety and control of vehicular pedestrian traffic, the Commissioners of Poolesville are hereby authorized to issue traffic orders restricting

and/or limiting the movement of automobiles or other vehicles on the streets and roads under the jurisdiction of the Town. The Commissioners are further authorized to designate certain roads as truck routes for use by all trucks of a specified weight and to prohibit trucks of a specified weight on other roads under the jurisdiction of the Town. The Commissioners shall provide for the erection of signs to give public notice of such traffic orders and any resolutions passed pursuant to this section shall not be effective until such signs have been erected. The resolution adopted hereunder shall be recorded in a permanent file open to the public.

- (b) Nothing contained in this section shall prohibit the use of Town streets or roads by emergency vehicles, delivery and service vehicles or other vehicles necessary for the protection of life and property

Sec. 12.6. Establishment of emergency or temporary no parking zones.

- A. The Commissioners of Poolesville or their designee, are hereby authorized and empowered at any time to designate any streets and areas owned by the Town as emergency or temporary no parking zones or temporarily to prohibit vehicular and pedestrian traffic on such streets and areas, in the event of public events or emergencies such as fires, riots, accidents, or other events likely to attract large crowds, for the purposes of street maintenance or for any other public purpose.
- B. When and in the event such streets and areas mentioned above are so designated, parking of vehicles and vehicular and pedestrian traffic in such streets and areas is prohibited; provided that any such designation shall be posted by temporary traffic control signs or devices as practical under the circumstances.

Sec. 12.7. Snow and ice emergency traffic control.

- (a) The Commissioners of Poolesville are hereby authorized from time to time to designate, by resolution, important streets in the Town as snow emergency routes, which shall be marked by snow emergency route signs.
- (b) Upon the declaration of a snow emergency by the Town Manager by press release and such other public notice, the following traffic and parking regulations shall be in effect and shall continue in effect until the end of the emergency as determined by the Town Manager. Such emergency may exist by reason of imminent or actual snow or ice conditions.
- (c) During the periods of snow accumulation, the Town Manager is authorized to order that owners and/or operators of automobiles park or not park in certain places for reasons of public safety or to facilitate snow removal. He may also order such other restrictions on movements on automobiles as he deems necessary or helpful for reasons of public safety or to facilitate snow removal. He shall give such notice, if any, to such owners

and/or operators as is reasonable under the circumstances.

- (d) Any unattended, parked vehicle in violation of the provisions of this section or on a snow emergency route in violation of this section may be impounded and removed by the Town or its designee, and all costs of towing, storage or impounding shall be charged to the owner of the vehicle. All such charges including any fine or penalty shall be paid to the Town or its designee before the owner may reclaim the vehicle.

Sec. 12.8. Parking of unregistered motor vehicles or trailers.

- A. It shall be unlawful to park or otherwise store any unregistered motor vehicle or trailer at any time upon the highways, roads, streets under the jurisdiction of the Town, or other public property in the Town.
- B. It shall be unlawful to park or otherwise store any unregistered motor vehicle or trailer outside a structure in all zones except for those businesses who are duly authorized and have received a use and occupancy permit to sell new or used vehicles or boats.
- C. It shall be unlawful to park or store any unregistered or inoperable vehicles or trailers in numbered or reserved parking spaces or in any spaces reserved for visitors in any multiple-family residential zone.
- D. It shall be unlawful to park or store outdoors any inoperable vehicle or any vehicle not bearing current license plates in any zone unless such vehicle is awaiting mechanical repairs at a duly authorized vehicle repair facility; in such case, such mechanical repairs shall be completed within thirty (30) days of notice from the Town or its designee. The Town Manager is authorized to grant extensions to this time limit for good cause shown.

Sec. 12.9. Threatening public safety and removal of visual obstructions.

- A. The Town or its designee may issue orders to owners or occupants of private property whose shrubs or other vegetative growth, fences or other visual barriers obstruct the view of vehicle operators such as to cause an unsafe condition to remove or otherwise abate the obstruction. Where such owner or occupant fails or refuses to abate the obstruction within the time given, the Town or its designee may enter upon the property and cause the obstruction to be abated and charge the owner or occupant the reasonable costs of such abatement. Such charges may be collected by the Town in the same manner as a tax, or by direct actions in a court of competent jurisdiction.

Sec. 12.10. Driving over curbs, sidewalks or drainage structures.

- A. It shall be unlawful for any person to drive, or cause to be driven, any vehicle, including a motor vehicle, on or over any curb, sidewalk or drainage structure, except over driveways constructed for such purposes; provided, that this section shall not apply in

emergencies where suitable provision is made, by the laying of planking or otherwise, for the bridging of such curb, sidewalk or drainage structure in such a way that no damage will be done thereto.

Sec. 12.11. Parking of commercial vehicles, recreational vehicle and buses.

- A. A person must not park any recreational vehicle on any public roadway or right-of-way for more than eighteen (18) hours unless it is involuntarily parked because of mechanical failure or other emergency for forty-eight (48) hours or less. (Ord. 184, 7-11-11)
- B. A person may park a heavy commercial vehicle or a bus on a public roadway where both sides of the street abut a property zoned for a commercial or industrial use, unless parking is otherwise prohibited by an official sign or other law applicable to all motor vehicles. A person must not park a heavy commercial vehicle or bus on any public roadway unless it is:
 - 1. a vehicle engaged in loading or unloading passengers, merchandise or materials;
 - 2. a heavy commercial vehicle used by the owner or operator when engaged in work on the property abutting the street;
 - 3. a bus that stops for a period of time, not to exceed thirty (30) minutes, to maintain a schedule at an authorized terminal stand for a bus route operating under a permit from the State Public Service Commission;
 - 4. a vehicle that is involuntarily parked because of mechanical failure or other emergency for forty-eight (48) hours or less; or
 - 5. a public contractor's vehicle.
- C. A person must not park a heavy commercial vehicle, or bus on residential property except occasional parking not to exceed three (3) consecutive days in relation to the resident's profession. (Ord. No. 176, 10-05-09)

Sec. 12.12. Repairing or leaving vehicles on streets for repairs.

It shall be unlawful for any person, business or corporation to perform service or repairs on a vehicle parked on a public street within the Town, or to store or park on any public street, any motor vehicle left in the custody of any business; provided however, that this section shall not apply to emergency service or repairs; vehicle owners performing minor service or repairs on their respective vehicles otherwise legally parked and operative; or the accommodation for the immediate transfer, exchange or removal of a vehicle to or from a garage, repair shop, service or parking facility.

Sec. 12.13. Parking Prohibited

- A. Park a vehicle or trailer with any of its tires resting off the pavement and in a storm water or drainage swale or ditch; or park a vehicle in any public right-of-way which creates ruts, gullies or the destruction of ground cover to cause erosion or tracking of mud, gravel and other materials onto the public roadway. Any damages to the ground cover caused by parking in violation of this Section shall be repaired by the responsible party. Failure to make such repairs shall subject the violator to fines pursuant to this Section for each day the property remains in its damaged state. Further, if the violator does not take action to repair the property within thirty (30) days or as extended by the Town Manager due to extenuating circumstances, the Town may take all legal action necessary to repair the property, the cost of which shall be borne by the violator. (Ord. No. 185, 8-8-11)
- B. Park a vehicle or trailer in a parking space in the townhouse parking lots marked specifically for another resident without permission from the property owner or tenant.

Sec. 12.14. Impounding illegally parked vehicles

- A. Any vehicle parked in violation of this chapter may be impounded by the Town or its designee. This action will be preceded by a warning notice of a Municipal Code Infraction citing the applicable code and the time limit that the owner has to alleviate the violation.
- B. In any case involving the impoundment of a vehicle pursuant to this Section, the cost of impoundment shall be charged to the owner of the vehicle in addition to all fines and penalties assessed pursuant to any violation of this chapter. All such fines, penalties, costs and charges shall be paid before the owner may reclaim or secure the release of the vehicle.

Sec. 12.15. Penalties, generally.

- A. No vehicle shall be parked in violation of the provisions of this Chapter or Regulations issued there under, and the owner thereof shall be subject to the fines and penalties established under the provisions of this Chapter for such violation.
- B. Any violation of any provisions of this Chapter or Regulations promulgated hereunder shall be punished as a municipal infraction as set forth in Chapter 1, Section 1.13.
- C. Each day that a violation continues shall be deemed as a separate offense. (Ord. No. 141, 1-8-98)

Sec. 12.16. Permits required for parades and other events.

- A. It is unlawful for any individual or group to conduct a parade, bicycle or pedestrian race, or any other event that interferes with the normal use by the general public of streets, sidewalks or other public ways or property without having first obtained a permit from the Town of Poolesville as provided in this Section.
- B. An application for a permit required by this Section shall be made at least forty five (45) days before the event on forms provided by the Town and shall contain the following information:
1. Name, address, telephone numbers and e-mail address of sponsoring individual or organization;
 2. Date of event;
 3. Event's start and stop times;
 4. Event's start and finish locations and sections of Town streets affected by the event;
 5. Approximate number of participants;
 6. Approximate number of staff and event officials who will assist in managing the event, including any arrangements for police involvement;
 7. Amount and proof of insurance that will apply to any liability arising from the event, and the insurance agent's name and phone number(s);
 8. Detail of the event's route drawn on Town Map (provided as part of application form);
 9. Description of efforts in the planning for the event to minimize traffic disruptions within Poolesville;
 10. Acknowledgement that the permittee will be responsible for any damage caused by its agents to Town or private property.
 11. Such non-refundable Application Fee to the Town of Poolesville as may be adopted by Resolution from time to time. Subject to further Resolution of the Commissioners, the initial Application fee shall be twenty-five (\$25.00) Dollars.
 12. Prior to the issuance of a parade/race permit a security deposit in the amount of Two Hundred Fifty Dollars (\$250.00) will be required. This security deposit will be

returned, less charges, if applicable, listed in 12.16F, upon satisfactory inspection of the parade/race route by Town personnel or it will be used to offset the Town's cost to remove markings and/or signage. The Town Manager, at his/her discretion, may waive the requirement for a deposit if he/she is satisfied that the deposit is not necessary to guarantee compliance. The Town Manager may consider, among other relevant factors, past history of compliance and evidence of financial responsibility. (Resolution No. 007-05)

- C. A notice shall be published, and verification of such publication provided to the Town, in at least one newspaper of general circulation within the Town of Poolesville at least one week but no more than four weeks before the event, stating the event's date, start and finish times and locations, and sections of Town streets affected by the event.
- D. Permittees shall be responsible for obtaining, coordinating and paying for additional police support and/or safety monitors needed for the event. If the applicant is not able to afford the necessary police protection for the event, then the applicant shall file with the application for a permit an addendum delineating the circumstances to be considered by the Town.
- E. The Town Manager, with recommendations from the Parks and Streets Board, shall grant, grant with conditions, or deny the permit and notify the applicant within thirty (30) days of receipt. The Town Manager may consult with the Town Commissioners concerning the application. After issuance, the permit may be revoked at any time before or during the event based on information that the permit is not in public health, safety, or welfare. The permit is not transferable to any other sponsoring individual or organization and cannot be used for any different event.
- F. All route markers shall be removable or water-soluble. In no case shall permanent markings be placed on streets, sidewalks, street signs, utility poles or any other public property. No signs or other markings shall be placed on private property without owner's permission. All route markers and other signs shall be removed within twenty-four (24) hours after the event, and any such markers or signs, which are not so removed will be removed by the Town at a charge of fifty dollars (\$50.00) for each marker or sign, which will be first deducted from the deposit, and if necessary additional charges will be assessed for each additional route marker or sign. The permittee shall be required to pay for any damage caused by its agents or employees to Town or private property.
(Ord. No. 141, 10-7-02)