

MEMORANDUM

TO: County Council

FROM: Robert H. Drummer, Legislative Attorney 

SUBJECT: **Public Hearing:** Bill 23-09, Unused Vehicles - Storage

Bill 23-09, Unused Vehicles - Storage, sponsored by the Council President at the request of the County Executive, was introduced on May 5, 2009. A Planning, Housing and Economic Development Committee worksession is tentatively scheduled for July 13 at 2 p.m.

Bill 23-09 would amend Chapter 26 ("Housing and Building Maintenance Standards") and Chapter 48 ("Solid Waste") to (1) harmonize the treatment of "unused vehicles"; (2) authorize the Director of the Department of Housing and Community Affairs to grant an extension of time for storing an unused vehicle; and (3) shorten the permissible period for storing an unused vehicle from 90 to 30 days.

Under current law, an "unused vehicle" is categorized as "rubbish" in Code §26-2. Code §48-24 prohibits an owner of real property from leaving rubbish on the property outside of an approved container for more than 30 days. However, Code §48-24A prohibits the storage of an "unused motor vehicle" on residential property visible to an individual on adjoining property for more than 90 days without a permit. These two statutes provide conflicting time periods for the storage of an unused vehicle on residential property.

Bill 23-09 is based upon a recommendation from the Final Report of the Executive's Code Enforcement Work Group. The Bill would remove "unused vehicle" from the definition of rubbish in §26-2 and prohibit the storage of an "unused vehicle" on residential property for more than 30 days as a basic requirement for the maintenance of dwelling units in §26-9. The Bill would also create a new §26-17A that would authorize the Director of the Department of Housing and Community Affairs to extend the 30-day time period for good cause. Finally, the Bill would harmonize §48-24A (Storage of motor vehicles) of the Solid Waste Chapter with the revised provisions of Chapter 26, Housing and Building Maintenance Standards.

This packet contains:	<u>Circle #</u>
Bill 23-09	1
Legislative Request Report	6
Memo from County Executive	7
Fiscal Impact Statement	8

Bill No. 23-09
Concerning: Unused Vehicles - Storage
Revised: April 29, 2009 Draft No. 1
Introduced: May 5, 2009
Expires: November 5, 2010
Enacted: [date]
Executive: [date signed]
Sunset: None
Effective: [date takes effect]
Ch. [#] , Laws of Mont. Co. [year]

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

AN EXPEDITED ACT to:

- (1) amend the definition of rubbish in Chapter 26;
- (2) limit the storage of unused vehicles on residential property; and
- (3) generally amend County law governing the storage of unused vehicles.

By amending

Montgomery County Code
Chapter 26, Housing and Building Maintenance Standards
Sections 26-2 and 26-9
Chapter 48, Solid Waste
Section 48-24A

By adding

Montgomery County Code
Chapter 26, Housing and Building Maintenance Standards
Section 26-17A

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

* * *

(13) A person must not store any unused vehicle on residential property for more than 30 days unless a person living in the household has received an extension under Section 26-17A.

26-17A. Unused vehicle storage extensions.

The Director may grant an owner or occupant of a residential property an extension to store an unused vehicle on residential property for more than 30 days for good cause shown. Good cause includes:

- (a) the owner of the vehicle is recovering from an illness or accident;
- (b) the owner of the vehicle is on a foreign assignment for the United States Government;
- (c) the owner demonstrates extreme financial hardship; or
- (d) suspension of the driver’s license of the owner of the vehicle.

48-24A. Storage of [motor] vehicles.

(a) In this section, “unused [motor] vehicle:”

- (1) Means a vehicle that is:
 - a. [Not] Inoperable or not currently registered by a government agency; and
 - b. Not subject to section 48-24 of this Code;
- (2) Includes trailers; and
- (3) Does not include farm tractors or any farm equipment such as automobiles and trucks that are:
 - a. Kept on properties consisting of [two (2)] 2 or more acres on which crops are being grown and harvested; and
 - b. Used for the purpose of growing and harvesting crops.

- 51 (b) A person must not store an unused [motor] vehicle on residential
52 property in violation of Section 26-9(a)(13). [for more than ninety
53 (90) days unless the unused motor vehicle:
- 54 (1) Is completely shielded from the view of individuals on
55 adjoining property; for example, as by a six-foot solid wood
56 fence or dense evergreen hedge; and
 - 57 (2) Is stored within the building setback lines of the property; or
 - 58 (3) Has a permit issued under this section.
- 59 (c) (1) A person living in the household may apply to the department
60 for a permit to store an unused motor vehicle on residential
61 property for more than ninety (90) days in cases of serious
62 hardship.
- 63 (2) Serious hardship includes:
 - 64 a. The owner of the vehicle recovering from an illness or
65 accident;
 - 66 b. The owner of the vehicle on a foreign assignment for the
67 United States Government; or
 - 68 c. Suspension of the driver's license of the owner of the
69 vehicle.
- 70 (d) The department must issue a permit to store an unused motor vehicle
71 on residential property if the application for the permit is complete
72 and includes satisfactory documentation of eligibility for the permit.
- 73 (e) A permit issued under this section:
- 74 (1) May be issued for up to one (1) year; and
 - 75 (2) May be renewed.

76 (f) The county executive must adopt regulations under method (2) of
77 section 2A-15 of this Code to carry out this section.]

78 **Sec. 2. Effective Date.**

79 This Act takes effect 180 days after it becomes law.

80 *Approved:*

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83 _____
Philip M. Andrews, President, County Council Date

84 *Approved:*

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Isiah Leggett, County Executive Date

88 *This is a correct copy of Council action.*

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Linda M. Lauer, Clerk of the Council Date

LEGISLATIVE REQUEST REPORT

Bill 23-09

Unused Vehicles - Storage

- DESCRIPTION:** This Bill amends Chapter 26 (“Housing and Building Maintenance Standards”) and Chapter 48 (“Solid Waste”) to (1) harmonize the treatment of “unused vehicle”; (2) authorize the Department of Housing and Community Affairs to grant an extension of time for storing an unused vehicle; and (3) shorten the permissible period for storing an unused vehicle from 90 to 30 days.
- PROBLEM:** Currently, Chapters 26 and 48 define “unused vehicle” and treat the storage of unused vehicles on residential properties differently. Chapter 26 defines unused vehicles differently than Chapter 48. Further, under Chapter 26, there is no permissible storage period for unused vehicles. By comparison, Chapter 48 permits the storage of unregistered vehicles for 30 days in some instances, and 90 days in others, and the storage period can be extended through obtaining a permit, the denial of which is susceptible to an appeal process.
- GOALS AND OBJECTIVES:** To ensure consistency throughout the Code in the definition of unused vehicles, and the treatment of the storage of unused vehicles, and to strengthen enforcement measures so that unused vehicles can be removed from the community in a timely manner.
- COORDINATION:** Department of Housing and Community Affairs and Department of Permitting Services.
- FISCAL IMPACT:** To be requested.
- ECONOMIC IMPACT:** To be requested.
- EVALUATION:** Subject to the general oversight of the County Executive and the County Council.
- EXPERIENCE ELSEWHERE:** N/A.
- SOURCE OF INFORMATION:** Nowelle A. Ghahhari, Assistant County Attorney, Division of Public Safety Litigation; Dan McHugh, Housing Code Enforcement Manager, Department of Housing and Community Affairs; and Reginald Jetter, Chief, Division of Work Management, Department of Permitting Services.
- APPLICATION WITHIN MUNICIPALITIES:** Amendments to Chapter 26: all but the City of Rockville and the City of Takoma Park.
Amendments to Chapter 48: Town of Brookville, Chevy Chase View, Town of Chevy Chase, Chevy Chase, Town of Kensington, Town of Laytonsville, Village of Chevy Chase, Town of Poolesville, and City of Takoma Park.
- PENALTIES:** Class A Violation.

BILL



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Isiah Leggett
County Executive

OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

MEMORANDUM

April 2, 2009

TO: Phil Andrews, President
Montgomery County Council

FROM: Isiah Leggett, County Executive 

SUBJECT: Proposed Legislation – Unused Vehicles - Storage

I am attaching for the Council's consideration a bill which amends the County Code to: (1) harmonize conflicting provisions relating to the treatment of an "unused vehicle"; (2) clarify that the permissible period for storing an unused vehicle on residential property is 30 days rather than 90 days; and (3) authorize the Department of Housing and Community Affairs to grant an extension of the time for storing an unused vehicle. I am also attaching a Legislative Request Report for the bill.

This bill is one of four legislative proposals that I am submitting to Council today to implement the recommendations included in the November 2008 final report of the Code Enforcement Work Group. Each of these proposals is intended to address code enforcement problems which erode the quality of life in the County. Chapter 26 (Housing and Building Maintenance Standards) and Chapter 48 (Solid Waste) of the County Code currently define "unused vehicle" differently and treat the storage of unused vehicles on residential property differently. This bill defines "unused vehicle" consistently throughout the Code and imposes consistent requirements governing the storage of unused vehicles.

Thank you for your prompt consideration of this legislation. I look forward to working with the Council as it considers this proposal.

Attachments (2)

cc: Thomas Street, ACAO
Marc Hansen, Deputy County Attorney
Carla Reid, Director, DPS
Robert Hoyt, Director, DEP
Richard Nelson, Director, DHCA

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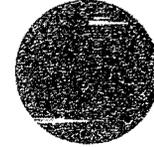
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OFFICE OF MANAGEMENT AND BUDGET

Isiah Leggett
County Executive

Joseph F. Beach
Director

MEMORANDUM



April 30, 2009

2009 MAY -1 PM 2:49
MONTGOMERY COUNTY
COUNCIL

TO: Phil Andrews, President, County Council
FROM: Joseph F. Beach, Director
SUBJECT: Council Bill - Unused Vehicles - Storage

The purpose of this memorandum is to transmit a fiscal impact statement to the Council on the subject legislation.

LEGISLATION SUMMARY

This Bill amends the definition of rubbish in Chapter 26; limits the storage of unused vehicles on residential properties and generally amends County law governing the storage of unused vehicles.

FISCAL AND ECONOMIC SUMMARY

This Bill clarifies Chapter's 26 and 48 of the County Code and does not have a fiscal impact to the County.

The Department of Finance confirms there is no economic impact.

The following contributed to and concurred with this analysis: Dan McHugh and Fred Wilcox, Department of Housing and Community Affairs, Jennifer Bryant, Office of Management and Budget; Mike Coveyou and David Platt, Department of Finance

JFB:jb

cc: Kathleen Boucher, Assistant Chief Administrative Officer
Jennifer Barrett, Department of Finance
Rick Nelson, Director, Department of Housing and Community Affairs
Fred Wilcox, Department of Housing and Community Affairs
Dee Gonzalez, Office of the County Executive

Office of the Director