

Expedited Bill No. 16-04  
Concerning: Transportation - Fees -  
Council Resolution  
Revised: 6-24-04 Draft No. 3  
Introduced: May 27, 2004  
Enacted: July 13, 2004  
Executive: July 22, 2004  
Effective: July 22, 2004  
Sunset Date: None  
Ch. 16, Laws of Mont. Co. 2004

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Transportation and Environment Committee

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**AN EXPEDITED ACT to:**

- (1) require certain transportation-related fees, fares, and similar charges to be set by Council resolution subject to the approval of the County Executive; and
- (2) generally amend the law regarding transportation-related fees, fares, and charges.

By amending

Montgomery County Code  
Chapter 2, Administration  
Section 2-57

Chapter 31, Motor Vehicles and Traffic  
Sections 31-9, 31-21, 31-31, 31-33, 31-46, 31-48, 31-51, 31-57, and 31-62

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

1           **Sec. 1. Sections 2-57, 31-9, 31-21, 31-31, 31-33, 31-46, 31-48, 31-51, 31-57,**  
2 **and 31-62 are amended as follows:**

3                   **Division 10. Department of Public Works and Transportation.**

4 **2-57.           [Reserved] Fees and Charges.**

5                   All fees, charges, and fares for any transportation or transportation-related  
6 service or product provided by the Department must be set by Council resolution  
7 adopted after a public hearing and approved by the Executive, unless any law  
8 expressly requires a different process. If the Executive disapproves a resolution  
9 within 10 days after it is adopted and the Council readopts it by a vote of six  
10 Councilmembers, or if the Executive does not act within 10 days after the Council  
11 adopts it, the resolution takes effect.

12 **31-9.           Impounding illegally parked vehicles, impeding traffic[, etc]].**

- 13           (a) Any vehicle parked in violation of this article or otherwise parked so as  
14 to constitute a definite hazard to public safety or is so parked, stopped or  
15 standing so as to impede or obstruct the normal movement of traffic or  
16 pedestrians, may be impounded by members of the department of police  
17 or other authorized persons designated by the county executive.
- 18           (b) In any case involving the impoundment of a vehicle [pursuant to] under  
19 this Section, an administrative cost [not to exceed twenty-five dollars  
20 (\$25.00) or such lesser amount as established from time to time by the  
21 county executive by executive regulation adopted under method (3) of  
22 section 2A-15 of this Code, shall] set by Council resolution adopted  
23 [[after a public hearing]] as provided in Section 2-57 must be charged to  
24 the owner of the vehicle, in addition to all fines and penalties assessed  
25 pursuant to any violation of this chapter plus any towing or storage  
26 charges incurred. All such fines, penalties, costs and charges [shall]

27 must be paid to the County [or its agent] before the owner may reclaim  
 28 or secure the release of the vehicle.

29 **31-21. Impounding illegally parked vehicles.**

30 (a) Any vehicle parked in violation of this article or otherwise parked so as  
 31 to constitute a definite hazard to public safety or is so parked, stopped or  
 32 standing so as to impede or obstruct the normal movement of traffic or  
 33 pedestrians, may be impounded by members of the department of police  
 34 or other authorized persons designated by the county executive.

35 (b) In any case involving the impoundment of a vehicle [pursuant to] under  
 36 this section, an administrative cost [not to exceed twenty-five dollars  
 37 (\$25.00) or such lesser amount as established from time to time by the  
 38 county executive, by executive regulation adopted under method (3) of  
 39 section 2A-15 of this Code, shall] set by Council resolution adopted  
 40 [[after a public hearing]] as provided in Section 2-57 must be charged to  
 41 the owner of the vehicle, in addition to all outstanding fines and  
 42 penalties assessed pursuant to violations of this article plus any towing  
 43 or storage charges incurred.

44 (c) All such fines, penalties, costs and charges [shall] must be paid to the  
 45 County [or its agent] before the owner may reclaim or secure the release  
 46 of the vehicle.

47 **31-31. Impounding illegally parked vehicles.**

48 (a) Any vehicle parked in violation of this article or otherwise parked so as  
 49 to constitute a definite hazard to public safety or is so parked, stopped or  
 50 standing so as to impede or obstruct the normal movement of traffic or  
 51 pedestrians, may be impounded by members of the department of police  
 52 or other authorized persons designated by the county executive.

53 (b) In any case involving the impoundment of a vehicle pursuant to this  
 54 section, an administrative cost [not to exceed twenty-five dollars  
 55 (\$25.00), or such lesser amount as established from time to time by the  
 56 county executive by executive regulation adopted under method (3) of  
 57 section 2A-15 of this Code, shall] set by Council resolution adopted  
 58 [[after a public hearing]] as provided in Section 2-57 must be charged to  
 59 the owner of the vehicle, in addition to all outstanding fines and  
 60 penalties assessed pursuant to violations of this article plus any towing  
 61 or storage charges incurred.

62 (c) All such fines, penalties, costs and charges [shall] must be paid to the  
 63 County [or its agent] before the owner may reclaim or secure the release  
 64 of the vehicle.

65 **31-33. Authority of county executive to establish fees, time limits[, etc].**

66 (a) Parking meters.

67 (1) The [county executive is hereby authorized to provide] County  
 68 Executive by executive order may authorize [for] the installation,  
 69 maintenance and operation of parking meters along, and limiting  
 70 the time motor vehicles may park on, [the streets, highways and  
 71 alleys] any street or road located [throughout] in the County and  
 72 on public parking facilities acquired by or leased to and operated  
 73 by the County, by use of parking meters or otherwise[; and,].

74 (2) The [county executive may adopt regulations under method (3) of  
 75 section 2A-15 of this Code to] Council by resolution adopted  
 76 [[after a public hearing]] as provided in Section 2-57 must  
 77 prescribe parking meter or other fees for parking [on such] at  
 78 parking facilities[, ] and on streets[, highways, alleys] and roads.

79 \* \* \*

80 **31-46. Impounding illegally parked vehicles.**

81 (a) Any vehicle unlawfully parked within any parking space as provided in  
 82 this article for a period in excess of [thirty (30)] 30 minutes may be  
 83 taken into possession by the police officers of the county or other  
 84 authorized person designated by the county executive, and towed to  
 85 some proper storage place.

86 (b) In any case involving the impoundment of a vehicle pursuant to this  
 87 section, an administrative cost [not to exceed twenty-five dollars  
 88 (\$25.00), or as shall be established from time to time by the county  
 89 executive by executive regulation adopted under method (3) of section  
 90 2A-15 of this Code, shall] set by Council resolution adopted [[after a  
 91 public hearing]] as provided in Section 2-57 must be charged to the  
 92 owner of the vehicle, in addition to all outstanding fines and penalties  
 93 assessed pursuant to violations of this article plus any towing and  
 94 storage charges incurred as a result of impoundment. All such fines,  
 95 penalties, costs and charges [shall] must be paid to the County [or its  
 96 agent] before the owner or operator may reclaim or secure the release of  
 97 the vehicle.

98 **31-48. Parking Permit Areas.**

99 \* \* \*

100 (h) The [Executive may adopt a regulation under method (3) to] Council by  
 101 resolution adopted [[after a public hearing]] as provided in Section 2-57  
 102 must establish fees in amounts sufficient to pay the costs incidental to  
 103 the issuance and renewal of permits under this Section.

104 \* \* \*

105 **31-51. Authority of county executive to administer and enforce chapter,**  
 106 **establish and collect fines; signs.**

- 107 (a) The [county executive] Council must:
- 108 (1) [establish by Executive regulation under method (3)] set by
- 109 Council resolution adopted [[after a public hearing]] as provided
- 110 in Section 2-57, after review by the district court of Maryland for
- 111 Montgomery County, a schedule of fines or other penalties for
- 112 violations of [the provisions or regulations of] this Chapter,
- 113 except that:
- 114 (A) the fine for parking in a fire lane must not be less than
- 115 \$250;
- 116 (B) the fine for violating restrictions on parking in a space
- 117 reserved for people with disabilities must not be less than
- 118 \$250; and
- 119 (C) other such fines and penalties must not exceed those
- 120 imposed for a class B violation;

**31-57.Failure to pay or comply; penalty in addition to fine.**

122 (a) [In the event said] If the owner or operator [fails to] does not comply

123 with the preceding sections and the instructions provided on a notice of

124 violation within the period prescribed by this Article, the fine for such

125 violation [shall] must be increased by an additional penalty [not to

126 exceed ten dollars (\$10.00), or as shall otherwise be established from

127 time to time by written regulation of the county executive adopted under

128 method (3) of section 2A-15 of this Code] set by Council resolution

129 adopted [[after a public hearing]] as provided in Section 2-57.

\* \* \*

**31-62. Impounding or immobilizing vehicles after enumerated violations generally.**

\* \* \*

134 (c) In any case involving the impoundment or immobilization of a vehicle  
 135 pursuant to this section, an administrative cost [not to exceed twenty-  
 136 five dollars (\$25.00), or such lesser amount as established from time to  
 137 time by the county executive by executive regulation adopted under  
 138 method (3) of section 2A-15 of this Code, shall] set by Council  
 139 resolution adopted [[after a public hearing]] as provided in Section 2-57  
 140 must be charged to the owner or operator of the vehicle, in addition to  
 141 all outstanding fines and penalties assessed pursuant to violations of this  
 142 chapter plus any towing and storage costs incurred. All such fines,  
 143 penalties, cost and charges [shall] must be paid to the County before the  
 144 owner may reclaim or secure the release of the vehicle.

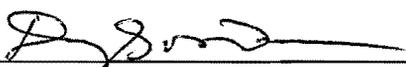
145 **Sec. 2. Expedited Effective Date; Prior Regulations.**

146 The Council declares that this legislation is necessary for the immediate  
 147 protection of the public interest. This Act takes effect on the date on which it  
 148 becomes law. Any fee, charge, or fare in effect when this Act takes effect must  
 149 remain in effect until amended by Council resolution as provided in Section 2-57, as  
 150 amended by Section 1 of this Act.

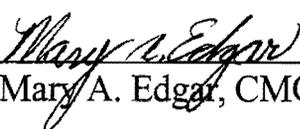
151 *Approved:*

152   
 \_\_\_\_\_ 7/19/04  
 Steven A. Silverman, President, County Council Date

153 *Approved:*

154   
 \_\_\_\_\_ 7/22/04  
 Douglas M. Duncan, County Executive Date

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

156   
 \_\_\_\_\_ 7/22/04  
 Mary A. Edgar, CMC, Clerk of the Council Date