AN 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

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. Sections 26-2, 26-9 and 48-24A are amended, and Section 26-17A is added, as follows:

26-2. Definitions.

In this Chapter, the following words and phrases have the following meanings unless the context clearly indicates otherwise:

Rubbish: All refuse, combustible or noncombustible, except garbage. Rubbish includes any debris from building construction or reconstruction, dead tree, uprooted tree stump, rubble, street refuse, [unused vehicle,] disabled machinery, bottle, can, waste paper, cardboard, sawdust pile, slash from sawmill operations, or other waste material.

Unused vehicle: A [device] motor vehicle or trailer in, on, or by which any person or property may be transported on a public street, [which] that is:

(a) inoperable or, if operable, not currently registered by a government agency which registers vehicles of that type in Maryland, and

(b) not completely enclosed in a garage or other building.


Unless otherwise stated, the owner of each dwelling or dwelling unit must assure compliance with the following standards at all times. All installation, repair, and replacement must be performed in a workmanlike manner and with materials having properties and qualities substantially equal to or better than the original materials.

(a) Basic requirements.
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 may include:

(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; or
(e) historic vehicle restoration if the owner can show that the project will be complete in a definite period of time.


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

(1) Means a vehicle that is:

[[a.]] (A) Not Inoperable or not currently registered by a government agency; and
[[b.]] (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.]] (A) Kept on properties consisting of [two (2)] 2 or more acres on which crops are being grown and harvested; and
Used for the purpose of growing and harvesting crops.

(b) A person must not store an unused [motor] vehicle on residential property in violation of Section 26-9(a)(13), [for more than ninety (90) days unless the unused motor vehicle:

(1) Is completely shielded from the view of individuals on adjoining property; for example, as by a six-foot solid wood fence or dense evergreen hedge; and

(2) Is stored within the building setback lines of the property; or

(3) Has a permit issued under this section.

(c) (1) A person living in the household may apply to the department for a permit to store an unused motor vehicle on residential property for more than ninety (90) days in cases of serious hardship.

(2) Serious hardship includes:

a. The owner of the vehicle recovering from an illness or accident;

b. The owner of the vehicle on a foreign assignment for the United States Government; or

c. Suspension of the driver's license of the owner of the vehicle.

(d) The department must issue a permit to store an unused motor vehicle on residential property if the application for the permit is complete and includes satisfactory documentation of eligibility for the permit.

(e) A permit issued under this section:

(1) May be issued for up to one (1) year; and

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

Sec. 2. Report.

The Director of Housing and Community Affairs must report to the Council on the number of waivers requested and granted under Section 26-17A for the first full year after this law takes effect.

Sec. 3. Effective Date.

This Act takes effect 180 days after it becomes law.

Approved:

Philip M. Andrews, President, County Council
Date

Isiah Leggett, County Executive
Date

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council
Date