

AN ORDINANCE TO AMEND
TITLE 10
OF THE CODE OF EMMITSBURG
ENTITLED
VEHICLES AND TRAFFIC

BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 10, Sections 10.20.010, 10.20.050 and 10.20.070 of the Emmitsburg Municipal Code, be amended as follows:

New language is indicated by being in **BOLD, CAPITAL LETTERS**, and deleted language is designated by being in ~~[brackets and strike-out]~~.

Chapter 10.20 – Impounding of Vehicles

Sections:

10.20.010 - Authorization.

When any vehicle is found parked or moving at any time on any street in the town against which there are three or more unsatisfied or unpaid summonses, citations for parking violations, or any other legal processes, and when at least thirty (30) days have elapsed since the issuance of the third unsatisfied summons, citation for parking violations or any other legal process, the ~~[Emmitsburg department of]~~ police **OFFICER**, or ~~[any person, official, or]~~ **PARKING** enforcement officer assigned to enforce this chapter, is authorized and empowered to remove or cause to be removed said vehicle, either by towing, conveying, or in any other manner, and impound same in a place designated by the mayor or ~~[chief of police]~~ **TOWN MANAGER**, or as may be set forth in other provisions of this chapter.

10.20.020 - Responsibility of owner.

{Unchanged}

10.20.030 - Notice.

{Unchanged}

10.20.040 - Release of impounded vehicles prior to hearing or trial.

{Unchanged}

10.20.050 - Hearing rights.

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

1. The hearing shall be held before a hearing officer consisting of the following: mayor, one of the commissioners, police department representative or [~~town clerk~~] **TOWN MANAGER**.
2. Procedure.
 - a. The hearing shall be held in an informal manner. The findings of the hearing officer shall be in writing. A copy of same shall be furnished to the owner as prescribed by the department of police procedure.
 - b. 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 chapter 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 paid said charges in order to have the vehicle released.
 - c. The decision of the hearing officer shall not have any effect or be considered a determination of the outstanding unsatisfied summonses, citations or any other legal processes against the vehicle impounded.
 - d. The owner is and shall be entitled to a hearing in the district court on said charges.

10.20.060 - Refund of charges upon not guilty verdict.

{Unchanged}

10.20.070 - Sale of unclaimed vehicles.

- A. Whenever any vehicle **IS** impounded, [~~pur-suant~~] **PURSUANT** to the provisions of this chapter, shall remain unclaimed by the owner, or other person legally entitled to possession thereof for a period of thirty (30) days from the date of a notice to the owner was mailed as set forth herein, the town shall sell such vehicle at public auction in accordance with the provisions of Title 25 of the Transportation Article of the Annotated Code of Maryland.
- B. The proceeds of the sale shall be applied in the following order:
 1. Payment of expenses of giving notice and advertising and holding the same, including reasonable attorney's fees;
 2. All storage, towing and preservation charges;
 3. All fines and administrative charges outstanding against the owner of the vehicle impounded under this chapter;
 4. The balance, if not claimed within ninety (90) days from the date of the sale by the owner or secured party, to the treasury of the town.

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this Ordinance shall take effect on the 1st day of August, 2018 after the Mayor approves the Ordinance after passing by the Board of Commissioners or after the Board of Commissioners passes the Ordinance over the veto of the Mayor.

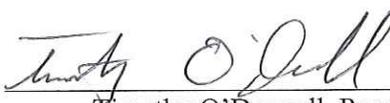
PASSED this 4th day of June, 2018
by a vote of 5 for, 0 against, 0 absent, and 0 abstain.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:



Madeline Shaw, Town Clerk



Timothy O'Donnell, President

MAYOR

APPROVED VETOED

this 4th day of June, 2018.



Donald N. Briggs, Mayor

I hereby certify that the foregoing Ordinance has been posted as required by Chapter 2.04 of the Emmitsburg Municipal Code.

Madeline Shaw, Town Clerk
Date: