

ORDINANCE O-3-17

Code of the Town of Cheverly

An Ordinance whereby the Mayor and Council modify the restrictions regarding Inoperative vehicles on private property.

WHEREAS, Article VII, Section C-23A(14) of the Charter of the Town of Cheverly grants to the Mayor and Town Council the power to prevent and remove nuisances from property adjoining the rights of way; and WHEREAS, the Mayor and Town Council deem it appropriate to amend the Town Code regarding abandoned vehicles to allow the Town to move vehicles on private property when the Town cannot determine the owner of such vehicle; and NOW, THEREFORE, BE IT ORDAINED by the Mayor and Town Council, in regular session assembled, that Section 18-4.2 (a) (3) (c) of the Cheverly Code be repealed and reenacted with amendments as follows:

Sec. 18-4.2. - Abandoned and inoperative vehicles.

(a) Definitions. The following terms shall have the meanings indicated in this Cheverly Code:

(1) Abandoned vehicle means any motor vehicle, trailer or semitrailer that is in violation of any of the restrictions in subsection (b)(1) below.

(2) Garage means any of the following, if operated for commercial purposes:

a. A parking place or establishment.

b. A vehicle storage facility.

c. An establishment for serving, repair or maintenance of vehicle.

(3) Inoperative vehicle means a motor vehicle, trailer or semitrailer which is missing any of the following: engine, tires, steering wheel, transmission, windows, valid license plate or cannot be legally driven upon the roads or highways of this state for any reason.

(b) Restrictions.

(1) No person or entity may allow or cause a vehicle to be:

a. On private or publicly owned property without the permission of the owner or person in control of the property.

b. On private property for more than thirty (30) FIFTEEN (15) days with the knowledge and consent of the owner or person in control of the property if it is an inoperative vehicle, unless:

1. The vehicle is totally housed within a building with walls and roof;

2. The vehicle is undergoing repairs and the custodian has obtained an exemption from the town administrator, who shall only grant such exemption for a fourteen (14) day period upon a showing of good cause and hardship to the applicant; or

3. The vehicle is not required to be registered under the Maryland Vehicle Law and is operable.

c. In a garage for more than twenty-one (21) days after the garage keeper has given notice to the owner of the vehicle by registered mail, return receipt requested, to remove the vehicle, or after the period when, by contract, the vehicle was to remain in the garage.

(2) No inoperative vehicle may be parked on the public right-of-way.

AND BE IT FURTHER ORDAINED that if any provision of this Ordinance or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other applications of the Ordinance which can be given effect without the invalid provision or applications, and to this end, all the provisions of this Ordinance are hereby declared to be severable.

AND BE IT FURTHER ORDAINED that this Ordinance shall take effect thirty (30) days from the date of its adoption; provided, however that a fair summary of the Ordinance is published at least once in a newspaper of general circulation in the Town of Cheverly.

INTRODUCED by the Mayor and Town Council of the Town of Cheverly, Maryland, at a regular meeting on August 10, 2017, at which meeting copies were available to the public for inspection.

ADOPTED by the Mayor and Town Council of the Town of Cheverly, Maryland, at a regular meeting on October 12, 2017, at which meeting copies were available to the public for inspection.