

ORDINANCE NO: 37

AN ORDINANCE RELATING TO DISMANTLED, WRECKED, INOPERATIVE AND ABANDONED VEHICLES: PROHIBITING THE KEEPING OF SUCH VEHICLES ON PRIVATE PROPERTY; DECLARING THE SAME TO BE A NUISANCE; PROVIDING FOR THE ABATEMENT OF SUCH NUISANCES AND FOR PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR A LIEN ON REAL ESTATE FOR EXPENSES OF REMOVAL.

WHEREAS, vehicles are or may in the future be dismantled, wrecked, left inoperative or abandoned in and about The Town of Mardela Springs, Maryland;

AND WHEREAS, such vehicles tend to interfere with the enjoyment of property, reduce the value of property, invite vandalism, create fire and safety hazards, extend and aggravate urban blight, and result in a serious hazard to the health, safety, comfort, convenience, welfare and happiness of the residents of the Town;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COMMISSIONERS OF MARDELA SPRINGS:

SECTION 1. Ordinance No. 13, also known as Chapter 3, Article 2, Sections 3-201 through 3-203, is hereby repealed.

SECTION 2. A. SHORT TITLE. This Ordinance shall be known and may be cited as the "Abandoned Vehicle Ordinance".

B. DEFINITIONS. For the purpose of this Ordinance, the following terms, phrases, and words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present include the future, words in the plural number include the singular, and words in the singular include the plural number. The word "shall" is always mandatory, not merely directory.

(1) "Town" means The Town of Mardela Springs.

(2) "Motor vehicle" means a vehicle that is self-propelled or propelled by electric power obtained from overhead electrical wires, and is not operated on rails; except that "motor vehicles" shall not include bicycle equipped with an assisting motor.

(3) "Vehicle" means any device in, on, or by which any individual or property is or might be transported or towed on a highway.

(4) "Trailer" means a vehicle that has no motive power, and is designed to carry people or property and to be towed by a motor vehicle.

(5) "Inoperative vehicle" means any motor vehicle or trailer, that is, (a) substantially dismantled or wrecked, (b) inoperative, (c) abandoned, or (d) unlicensed.

(6) "Person" means any person, firm, partnership, corporation, association, company, or organization of any kind.

C. STORING, PARKING, OR LEAVING INOPERATIVE VEHICLES PROHIBITED AND DECLARED A NUISANCE; EXCEPTIONS. No person shall park, store, or leave, or permit the parking, storing, or leaving of any inoperative vehicle or any parts thereof on private property within the Town for a period of time in excess of thirty days. The presence of an inoperative vehicle, or parts thereof, on private property is hereby declared a public nuisance which may be abated in accordance with the provisions of this Ordinance. This Ordinance shall not apply (1) to any inoperative vehicle, or parts thereof, enclosed within a building that substantially blocks access to and view of such vehicle or parts from adjoining property and from adjacent public streets, or (2) to any inoperative vehicle or parts thereof located on any private property ordinarily and regularly used as a commercial establishment for the storage or repair of inoperative vehicles or parts thereof, (3) to any vehicle, not to exceed two in number located in a side or back yard in compliance with zoning setback requirements, so long as said vehicles are under repair and the owner certifies said repairs will be completed within six (6) months or said vehicles are of a type which are classified as classic or antique vehicles (the burden of proving the classic or antique status is on the owner).

D. PROCEDURE FOR ABATEMENT OR REMOVAL. If a violation of Section 2.C. hereof shall be alleged to have occurred, the following procedure shall be followed:

(1) Written notice shall be delivered or mailed by registered mail, return receipt requested, to the owner of record of the property on which the vehicle is located, to repair, remove, license or enclose same within twenty (20) days of the date of the delivery of the notice. A copy of such notice shall be delivered or mailed by first-class mail, postage prepaid, to the owner of record of the vehicle, if known, and delivered to a person of suitable age and discretion occupying the premises.

(2) If the terms of the notice are not complied with within such twenty (20) day period, the Town, its agents or employees, shall have the power and authority to take the vehicle

into custody and remove it to a storage area maintained or designated by the Town, where the vehicle shall remain for at least thirty (30) days, or until it is reclaimed and all costs of towing, storage and preservation of the vehicle are paid, whichever occurs first.

(3) (a) Within seven (7) days after a vehicle is taken into custody, notice shall be sent by registered mail, return receipt requested, to:

(i) the last registered owner of the vehicle, if known; and

(ii) each secured party, as shown on the record of the State Motor Vehicle Administration, or otherwise known; and

(iii) the owner of record of the property from which the vehicle was removed.

(b) The notice shall:

(i) state that the vehicle has been taken into custody;

(ii) the last registration of the vehicle gives no address for the owner;

(iii) state the name and location of the facility where the vehicle is being held;

(iv) inform the owner and secured party of their rights to reclaim the vehicle within thirty (30) days after the date of the notice, upon payment of all costs of towing, storage and preservation of the vehicle; and

(v) state that the failure of the owner or secured party to exercise the right to reclaim the vehicle within the time provided shall be deemed a waiver by such party to all right, title and interest in the vehicle and consent to the sale or disposal of the vehicle as herein provided.

(4) (a) This subsection shall apply if:

(i) the identity of the last registered owner of the vehicle cannot be determined;

(ii) the last registration of the vehicle gives no address for the owner;

(iii) it is impossible to determine with reasonable certainty the identity and address of each secured party; or

(iv) the registered mail notice required by Section 2.D.(3)(a) herein is returned as undeliverable.

(b) Under any of the conditions described in Subsection D.(4)(a) above, the Town shall give the notice specified in Section 2.D.(3) above by publication in at least one newspaper of general circulation in the Town.

(c) The notice by publication:

(i) may contain multiple listings of abandoned vehicles;

(ii) shall contain the information required by Subsection D.(3)(b) of this Ordinance; and

(iii) shall be published within fifteen (15) days after taking into custody of the vehicles; or if the notice by publication is made because of the return as undeliverable of a prior notice by registered mail, within seven (7) days after the return of that notice.

(5) (a) If a vehicle is not reclaimed within thirty (30) days after notice is given hereunder, the owner or secured party is deemed to have waived all his right, title and interest in the vehicle and to have consented to the disposition of the vehicle by the Town, which may sell or dispose of the vehicle by any reasonable means which the Town may select.

(b) If a vehicle is disposed of by sale, proceeds of the sale shall be allocated as follows:

(i) all expenses for towing, storing, preserving and selling the vehicle, including all costs of notice and publication incurred under this Ordinance, shall be paid first;

(ii) any remaining proceeds shall be held for ninety (90) days for the owner of the vehicle and any secured party who may be entitled to the proceeds.

(iii) if no person entitled to receive any remaining proceeds shall claim them within such ninety (90) day period, the remaining proceeds shall revert to the Town.

E. OWNER OF VEHICLE. The last known registered owner of an inoperative vehicle is considered to be the prima facie owner of the vehicle at the time at which a violation of this Ordinance is alleged to have occurred.

F. LIABILTY FOR EXPENSES. In the event of removal of any inoperative vehicle by the Town, the owner of the vehicle, the occupant of the private property where the vehicle is located, and the owner of the private property where the vehicle is located shall be jointly and severally liable for all expenses of removal, towing, storing, preserving and selling the vehicle, including all costs of notice and publication.

G. REDEMPTION OF REMOVED VEHICLES. Any vehicle removed pursuant to this Ordinance may be redeemed at any time after its removal, but prior to the sale or disposal of the vehicle by the owner of the vehicle or by any secured party claiming a security interest in the vehicle, upon reasonable proof of ownership or of the existence of a security interest and upon payment of all expenses of removal, towing, storage, preservation and sale of the vehicle, including all costs of notice and publication. Such expenses shall be a lien on the real estate on which the vehicle was located in the same manner and to the same extent as an ad valorem tax.

H. PENALTY. Any person who shall violate any provisions of this Ordinance shall be guilty of a municipal infraction, and a charge therefore may be made in lieu of or in addition to taking any action under Section 2 of this Ordinance. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Ordinance is committed or continued. The penalty for a single violation shall be \$25.00, and the penalty for subsequent violations pertaining to a single vehicle shall be \$50.00.

SECTION 3. This Ordinance shall take effect from and after the date of its passage.

The above Ordinance was introduced and duly read at a regular meeting of the Commissioners of Mardela Springs on the 10<sup>th</sup> day of April, 1994, and having been published as required by law, was finally passed at its meeting held on the 16<sup>th</sup> day of May, 1994.

ATTESTED BY:

COMMISSIONERS OF MARDELA SPRINGS

Shirley M. Bailey  
Shirley Bailey, Town Clerk

By: Wallace J. Catlin  
Wallace Catlin, President